



## **Great North Road Solar and Biodiversity Park**

Statement of Common Ground with Cadent Gas Ltd

Document Reference – EN010162/APP/8.9A

Revision number 2

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

The Infrastructure Planning (Examination Procedure) Rules 2010



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## Revision History

<b>Revision</b>	<b>Revision Date</b>	<b>Authorised By</b>	<b>Position</b>	<b>Comment</b>
Issue 1	25/11/25	ES	Head of Planning	Draft for comment
	5/12/25	RG	Solicitor (Partner) CMS on behalf of Cadent Gas	Comments on Issue 1
Issue 2	16/01/26	ES	Head of Planning	D2 Updates

## **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) Cadent Gas Ltd (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 Cadent Gas Ltd 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.

## 1.4 RECORD OF RELEVANT CORRESPONDENCE

- 1.4.1 The Applicant has undertaken consultation and engagement with Cadent Gas Ltd throughout the development of the Application. The Applicant consulted Cadent Gas Ltd in accordance with Section 42 of the PA 2008, about the Development and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded Cadent Gas Ltd the opportunity to provide responses to the information provided at various stages of the pre-application process.
- 1.4.2 Table 1-1 identifies the discussions and correspondence that has taken place between the Parties to date.

**Table 1-1 Record of Correspondence**

Date	Type (meeting, etc.)	Topic
07/07/2025	Email	The Applicant reached out to Cadent Gas Ltd regarding the agreement of Protective Provisions
10/07/2025	Email	Cadent Gas Ltd confirmed receipt of request. EG's solicitors details shared to Cadent Gas Ltd to continue correspondence.
06/08/2025	Email	Cadent Gas Ltd's solicitors reached out to the Applicant's solicitors in respect of Protective Provisions
24/09/2025	Email	Cadent Gas Ltd provides the applicant with marked up Protective Provisions for the applicant to review.
01/10/2025	Email	The applicant returns the Protective Provisions to Cadent Gas Ltd with comments and an explanation of proposed changes.
03/10/2025	Email	Cadent Gas Ltd's solicitors return the Protective Provisions with comments and an explanation as to why the Applicant's proposed changes are not acceptable
09/10/2025	Email	The Applicant's solicitor provides comments on the Protective Provisions and an explanation of proposed changes.
28/10/2025	Email	A Technical Note outlining the proposed interaction between the two parties assets is provided by the applicant to Cadent Gas Ltd ahead of the meeting on the 10.11.2025.
10/11/2025	Meeting with legal teams to discuss	Meeting to discuss the impact of proposed works and Protective Provisions.

	Protective Provisions	
13/01/2026	Email	The Applicant's solicitors provides updated drafts of the Protective Provisions to Cadent Gas Ltd.

- 1.4.3 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.

## 2 CURRENT POSITION OF THE APPLICANT AND CADENT GAS LTD

### 2.1 EFFECT ON EXISTING GAS APPARATUS AND OPERATIONS

Table 2-1 Effect on existing gas apparatus and operations

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
2.1.1	Paragraph 1 RR	Effect on existing gas apparatus and operations	<p>Cadent Gas Limited (CGL) does not own any land within the Order Land which is proposed to be compulsorily acquired . Accordingly, section 127 of the Planning Act 2008 is not engaged insofar as the DCO does not seek power to compulsorily acquire any operational land in Cadent ownership.</p>	<p>Section 127 of the Planning Act is engaged as land includes an interest in land (by virtue of section 159 of the Planning Act 2008) and Cadent has an interest in land as noted in the Book of Reference.</p> <p>Cadent has gas pipelines and associated apparatus located within the order limits which are affected by works proposed, the extent to which is still being assessed and which may require diversions subject to the impact. Any proposed diversions have not yet reached detailed design stage and so the positioning, land rights and consents required for these gas diversions are not confirmed.</p>	Under Discussion

## 2.2 PROTECTIVE PROVISIONS

Table 2-2 Protective Provisions

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
2.2.1	Paragraph 4 RR Paragraph 2.3 WR	DCO	<p>CGL is listed in the <b>Book of Reference [EN010162/APP/4.3B]</b> as having a Category 2 Interest in Plot 2/2 in respect of apparatus over which the <b>Draft Development Consent Order [EN010162/APP/3.1B]</b> seeks the power to acquire rights in land by the creation of new rights (Cable Rights) and/ or the imposition of restrictive covenants (Cable Restrictive Covenant) in connection with Work no. 2 (Cable).</p> <p>Cadent is seeking Protective Provisions to restrict the Applicant's compulsory acquisition powers in respect of Cadent's land or land interests. However, such provisions are not necessary in circumstances where Cadent does not own nor have a land interest in the Order Land. Nor does it own a relevant right. The Applicant has invited</p>	<p>The rights and restrictive covenants which the Applicant seeks to impose over Plot 2/2 are broad rights which if uncontrolled could lead to a significant impact on Cadent's relevant apparatus and could extend to the removal of apparatus if unfettered and so without appropriate control section 138 of the Planning Act 2008 is engaged.</p> <p>Cadent's protective provisions include a paragraph (included in all DCOs which interact with Cadent) which regulates this compulsory acquisition process and which is required. The removal of this will not be agreed.</p> <p>Whilst the Applicant may not intend for the diversion of Cadent's apparatus, the</p>	Under Discussion

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
			<p>Cadent to substantiate that it has a land interest in the Order Land to which compulsory acquisition powers could apply.</p> <p>The Applicant is keen to agree a negotiated settlement with CGL regarding its 'relevant rights and/or relevant apparatus' (as defined in section 138 of the Planning Act 2008). However, to ensure project delivery the use of compulsory powers is being retained until such time as agreement is settled. The nature of the proposed works in Plot. 2/2 comprise the laying of the 400kV GNR cable connection from the GNR Substation (Work No. 5b) to the point of connection either at the Consented Staythorpe BESS (Work No. 7) or directly into National Grid (Work No. 6). The interface is at a single location, under the A617 at a point where a Cadent owned medium pressure gas pipeline runs alongside the A617. The cabling</p>	<p>protective provisions allow for this and provide for a process and to facilitate this and so this must be regulated.</p> <p>At this stage, Cadent is not satisfied that the DCO includes all land and rights required to accommodate such diversions as design studies will need to influence these requirements. Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety.</p>	

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
			<p>works will include a short run crossing of the Cadent gas line. As has been explained in a technical note sent by the Applicant to CGL on 30<sup>th</sup> October 2025, the connection will be by an underground cable system which will be fully hand excavated at the crossing position and laid in an emtelle ducted cable system that fully spans the gas pipeline. The ducts are anticipated to be 160 internal diameter. A fibre notification board will form a protective barrier approx. 50mm above the ducts. All work will be undertaken under the direct guidance of HDG 47 and the following working methods of installation:</p> <ul style="list-style-type: none"> <li>• Full Ground Penetration Radar of the full cable route.</li> <li>• Full statutory undertaker searches to cover other utilities information.</li> </ul>		

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
			<ul style="list-style-type: none"> <li>• Hand or Vacuum excavation across the CGL avoiding any unnecessary vibration.</li> <li>• Hand installation of the emtelle duct.</li> <li>• Full reinstatement of the top soil.</li> <li>• All work to be undertaken in normal working hours.</li> <li>• Work to last 5 days.</li> <li>• All works will be undertaken following ENATS TS09-02.</li> </ul> <p>The Development will not require the diversion of the Cadent gas pipeline therefore the Applicant will not need to re-grant any rights to CGL. Nor will CGL's right in respect of that apparatus be extinguished pursuant to Article 33 of the <b>Draft Development Consent Order [EN010162/APP/3.1B]</b> . The powers sought over plot 2/2 do not therefore engage s. 138 of the Planning Act 2008.</p>		

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
2.2.2	Paragraphs 6-7 RR WR	Protective Provision	<p>The Applicant acknowledges and accepts that Article 33(b) of the draft DCO permits the removal, relocation or repositioning of Cadent's apparatus, but this is subject to the operation of the Protective Provisions in Part 7 of Schedule 13 to the <b>Draft Development Consent Order [EN010162/APP/3.1B]</b>. The Applicant submits that these provisions fully protect Cadent apparatus and that no further provisions are required. In any event, as explained above, the works will be designed and undertaken so as not to impact upon Cadent's apparatus.</p> <p>The Applicant will continue to engage with CGL as regards the form of protective provisions and is confident that the issues raised will be resolved before the end of the Examination.</p>	<p>WR - The Applicant has included draft protective provisions for the benefit of Cadent at Part 7 of Schedule 13 to the draft DCO, however the draft DCO was submitted before there had been any engagement with Cadent on the protective provisions (as noted on the draft statement of common ground to be submitted by the Applicant at this Deadline 1) and it is not clear what the protective provisions included in the draft DCO were based on.. As a result, the protective provisions are not sufficient.</p> <p>Protective provisions for the benefit of Cadent's statutory undertakings have been included in a number of recently made DCOs, including The Viking CCS Carbon Dioxide Pipeline Order 2025 which came into force on 1 May 2025 and The Oaklands Farm Solar Park Order 2025 which</p>	Under Discussion

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
				<p>came into force on 11 July 2025, and Cadent's preferred form of protective provisions for inclusion within the DCO are included at Appendix 1. Cadent requests that these are included at Part 7 of Schedule 13 to the DCO.</p> <p>The Applicant had included draft protective provisions for the benefit of Cadent at Part 7 of Schedule 13 to the draft DCO. However, these protective provisions not been agreed by Cadent and these protective provisions do not include a number of the provisions that Cadent requires in order to ensure adequate protection of its apparatus. The explanatory memorandum does not explain the genesis of this draft or the departure from Cadent's preferred form of protective provisions. The Applicant's approach is not consistent with section 3.1.4 of the Guidance Nationally</p>	

Ref	Relevant Document	Description of Matter	Applicant's Position	Cadent Gas Ltd's Position	Status
				<p>Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders Updated 24 March 2025 (Advice Note Fifteen).</p> <p>Whilst Cadent has sought to engage with the Applicant on the form of the protective provisions there has not been an appropriate level of engagement.</p>	

### 3 SIGNATURES

3.1.1 The above SoCG is agreed between the Applicant and Cadent Gas Ltd, as specified below.

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

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Duly authorised for and on behalf of <b>Cadent Gas Ltd</b>	Name
	Job Title
	Date
	Signature

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