



Great North Road Solar and Biodiversity Park

Statement of Common Ground with RWE Generation UK

Document Reference – EN010162/APP/8.8A8B

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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
Issue 3	15/1/26	ES	Head of Planning	Issue for comment
<u>Issue 4</u>	<u>18/02/26</u>	<u>ES</u>	<u>Head of Planning</u>	<u>Issue for comment</u>

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	<u>Applicant's RWE Generation UK plc's Position</u>	<u>RWE Generation UK plc's Applicant's Position</u>	Status
	Paragraph 10-11 RR / WR	Effect on existing generation apparatus and operations	<p><u>RWE holds an Electricity Generation License under Section 6(1)(a) of the Electricity Act 1989 and therefore satisfies the license requirement of this provision.</u></p> <p><u>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.</u></p> <p><u>RWE holds rights of this nature within the Order Limits and therefore is a statutory</u></p>	<p><u>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 precedented 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 might affect electricity</u></p>	Agreed



Ref	Relevant Document	Description of Matter	<u>Applicant's RWE Generation UK plc's Position</u>	<u>RWE Generation UK plc's Applicant's Position</u>	Status
			<p>undertaker for the purposes of Section 138 of the PA 2008.</p> <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 precedented 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 might affect electricity apparatus including provision for the electricity licence holder to require protective works to</p>	<p>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> <p>The Applicant has not seen a plan to confirm the precise location, nor what equipment RWE has at the National Grid substation. However, it is agreed that RWE does not have any apparatus within the Order Land.</p> <p>RWE holds an Electricity Generation License under Section 6(1)(a) of the Electricity Act 1989 and therefore satisfies the license 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)</p>	



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			<p>affected apparatus. The Applicant has communicated this to RWE and continues to engage with RWE. RWE does not own any land in the Order Land therefore section 127 of the Planning Act 2008 is not engaged. The Applicant has not seen a plan to confirm the precise location, nor what equipment RWE has at the National Grid substation. However, it is agreed that RWE does not have any apparatus within the Order Land.</p>	<p>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.</p>	
2.1.2	Paragraph 12-13 RR	Affected Land Plots	<p><u>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</u></p>	<p><u>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</u></p>	Ongoing discussion <u>Agreed</u>



Ref	Relevant Document	Description of Matter	<u>Applicant's RWE Generation UK plc's Position</u>	<u>RWE Generation UK plc's Applicant's Position</u>	Status
			<p><u>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.</u></p> <p><u>The Book of Reference does not note RWE's interests in or use of plots 1/12 and 1/23.</u></p> <p><u>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.</u></p> <p><u>WR - 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.</u></p> <p><u>RWE is listed in the Book of Reference (Part 1 of 2) [EN010162/APP/4.3A] [AS-014] as holding an interest in</u></p>	<p><u>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) [EN010162/APP/4.3A] [AS-014] to refer to these claimed rights.</u></p> <p><u>The power over those plots sought in the Draft Development Consent Order [EN010162/APP/3.1A] [AS-012] is as follows:</u></p> <p><u>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).</u></p> <p><u>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</u></p>	

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			<p>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) [EN010162/APP/4.3A] [AS-014] to refer to these claimed rights.</p> <p>The power over these plots sought in the Draft Development Consent Order [EN010162/APP/3.1A] [AS-012] is as follows:</p> <p>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).</p>	<p><u>easement for the 400kV underground cable connection to the NGET bay</u></p> <p><u>1/11 and 1/23 -Acquisition of rights by the Creation of new rights (Access Rights) in connection with Work no. 8 (Access).</u></p> <p><u>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/3.1D].</u></p> <p><u>Applicant has a connection agreement with National Grid in respect of this land for the purposes of Work no. 6 (National Grid Substation).</u></p> <p><u>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.</u></p>	

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			<p>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> <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</p>	<p><u>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/3.1D] will ensure appropriate protection.</u></p> <p><u>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.</u></p> <p><u>With regards Plot 1/11 and 1/23, the Applicant's proposed access rights over that land will not affect RWE's easement. The Book of Reference (Document Ref: APP/4.3) indicates that</u></p>	

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			<p>respect of this land for the purposes of Work no. 6 (National Grid Substation).</p> <p>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> <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/3.1C] will ensure appropriate protection.</p> <p>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</p>	<p>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.</p> <p>The Book of Reference does not note RWE's interests in or use of plots 1/12 and 1/23.</p> <p>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> <p>WR The Applicant has confirmed that the Book of Reference will be updated to note RWE's rights in plots 1/12</p>	

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			method statement for any such crossing. With regards Plot 1/11 and 1/23, the Applicant's proposed access rights over that land will not affect RWE's easement.	RWE Generation UK plc's Applicant's Position and 1/23. These plots are used to provide critical access to RWE's equipment and the power station.	

2.2 PROTECTIVE PROVISIONS

Table 2-2 Protective Provisions

Ref	Relevant Document	Description of Matter	<u>Applicant's RWE Generation UK plc's Position</u>	<u>RWE Generation UK plc's Applicant's Position</u>	Status
2.2.1	Paragraph 14 RR /WR	DCO	It is acknowledged that Article 33(b) to the draft DCO permits interference with Currently, there is insufficient detail on how RWE's rights belonging to RWE in Plot 1/10. However, the operation of this article is subject to the Protective Provisions in Part 1 of Schedule 13 to the draft DCO which benefit RWE. The will be affected by the powers sought by the Applicant	It is acknowledged that Article 33(b) to the draft DCO permits interference with rights belonging to RWE in Plot 1/10. However, the operation of this article is subject to the Protective Provisions in Part 1 of Schedule 13 to the draft DCO which benefit RWE. The Applicant has explained to RWE that it will not prevent the exercise of RWE's existing rights of access over the Order	Ongoing discussion

Ref	Relevant Document	Description of Matter	<u>Applicant's RWE Generation UK plc's Position</u>	RWE Generation UK plc's <u>Applicant's Position</u>	Status
			<p>under the DCO. As drafted, the proposed DCO has explained to RWE that it will not prevent the exercise of ability to remove/alter RWE's existing rights of access over to the Order Land. Part 1 of Schedule 13 to the draft DCO provides protection for RWE to ensure that access/detriment to its apparatus is maintained at all times.</p> <p>The Applicant provided an undertaking on 6 January 2026 for costs/functions as requested by RWE a statutory undertaker and is engaging with RWE to resolve any concerns as regards its use of the land for the form of Protective Provisions contained in Part 1 of Schedule 13 to the draft DCO. To date, RWE has not identified what additional protection it requires over and above the Protective Provisions, nor explained why such additional protection is necessary purposes of its undertaking. This possibility is unacceptable to RWE.</p>	<p>Land. Part 1 of Schedule 13 to the draft DCO provides protection for RWE to ensure that access to its apparatus is maintained at all times.</p> <p>The Applicant provided an undertaking on 6 January 2026 for costs as requested by RWE and is engaging with RWE to resolve any concerns as regards the form of Protective Provisions contained in Part 1 of Schedule 13 to the draft DCO.</p> <p>RWE has explained that it has concerns surrounding the definition of "apparatus" as included in the Protective Provisions and the Applicant's solicitor has been engaging with RWE's solicitor to agree an appropriate way forwards.</p> <p>A Unilateral Undertaking was issued by the Applicant to RWE on 11/02/2026 to ensure that agreement is reached in relation to the definition of 'apparatus'</p>	

Ref	Relevant Document	Description of Matter	<u>Applicant's RWE Generation UK plc's Position</u>	RWE Generation UK plc's <u>Applicant's Position</u>	Status
			<p><u>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.</u></p> <p><u>Otherwise, such provision cannot be included in the DCO. It is not clear to RWE nor explained in the application for the Scheme why RWE's interests must be extinguished.</u></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 resolved before the end of the Examination.</p>	<p><u>and RWE's equipment would be protected by the Protective Provisions.</u></p> <p><u>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 resolved before the end of the Examination.</u> 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. 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</p>	



Ref	Relevant Document	Description of Matter	<u>Applicant's RWE Generation UK plc's Position</u>	RWE Generation UK plc's Applicant's Position	Status
				<p>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 explained in the application for the Scheme why RWE's interests must be extinguished.</p>	



3 SIGNATURES

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

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

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