



## Connah's Quay Low Carbon Power

# Final Statement of Common Ground between Uniper UK Limited and Network Rail Infrastructure Limited (Tracked)

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# 1. Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application (the Application) for the Connah's Quay Low Carbon Power Project (the Proposed Development) made by Uniper UK Limited (the Applicant). The Application was submitted to the Secretary of State for a Development Consent Order (DCO) (the Order) under section 37 of the Planning Act 2008 in July 2025.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents.
- 1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties and where matters are under discussion or where agreement has not been reached. ~~The SoCG will be progressed during the pre-examination and examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines. This is the final version of the SoCG between the parties and has been signed by both the Applicant and Network Rail.~~
- ~~1.1.4 Whilst a version of this SoCG was shared with Network Rail ahead of Deadline 5, Network Rail has not provided its input on the updated Network Rail position recorded below since Deadline 1. However, the SoCG will be updated throughout the Examination as discussions progress between the Parties and agreement is reached on matters.~~

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Network Rail Infrastructure Limited (Network Rail) (jointly referred to as the Parties).

### The Applicant:

- 1.2.2 The Applicant is a UK-based company, wholly owned by Uniper SE (Uniper) through Uniper Holding GmbH. Uniper is a European energy company with global reach and activities in more than 40 countries. With around 7,500 employees, the company makes an important contribution to security of supply in Europe, particularly in its core markets of Germany, the UK, Sweden, and the Netherlands. In the UK, Uniper owns and operates a flexible generation portfolio of power stations, a fast-cycle gas storage facility and two high pressure gas pipelines, from Theddlethorpe to Killingholme and from Blyborough to Cottam.

Uniper is committed to investing around €8 billion (~£6.9 billion) in growth and transformation projects by the early 2030s and aims to be carbon-neutral by 2040. To achieve this, the company is transforming its power plants and facilities and investing in flexible, dispatchable power generation units. Uniper is one of Europe's largest operators of hydropower plants and

is helping further expand solar and wind power, which are essential for a more sustainable and secure future. Uniper is gradually adding renewable and low-carbon gases such as biomethane to its gas portfolio and is developing a hydrogen portfolio with the aim of a long-term transition. The company plans to offset any remaining CO<sub>2</sub> emissions by high-quality CO<sub>2</sub>-offsets.

#### Network Rail:

- 1.2.3 Network Rail is the owner and operator of Great Britain's railway infrastructure. Network Rail is a statutory undertaker in respect of its railway undertaking, with statutory and regulatory obligations in respect of it.
- 1.2.4 The Application includes provisions which would, if granted, authorise the Applicant to carry out works in and in close proximity to operational railway land belonging to Network Rail and to use such land temporarily and to acquire permanent interests in such land.

## 1.3 The Proposed Development

- 1.3.1 The Applicant is seeking a DCO for the construction, operation (including maintenance) and decommissioning of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Station fitted with Carbon Capture Plant (CCP) (the 'Connah's Quay Low Carbon Power (CQLCP) Abated Generating Station') and supporting infrastructure (collectively 'the Proposed Development').
- 1.3.2 The CQLCP Abated Generating Station would comprise up to two CCGT with CCP units (and supporting infrastructure) achieving a net electrical output capacity of more than 350 megawatts (MW; referred to as MWe for electrical output) and up to a likely maximum of 1,380 MWe (with CCP operational) onto the national electricity transmission network.
- 1.3.3 Through a carbon dioxide (CO<sub>2</sub>) pipeline, comprising existing and new elements, the Proposed Development would make use of CO<sub>2</sub> transport and storage networks owned and operated by Liverpool Bay CCS Limited, currently under development as part of the HyNet Carbon Dioxide Pipeline project (referred to as the 'HyNet CO<sub>2</sub> Pipeline Project'), that will transport CO<sub>2</sub> captured from existing and new industries in North Wales and North-West England, for offshore storage. The captured CO<sub>2</sub> will be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.
- 1.3.4 For the purposes of the electrical connection, National Grid Electricity Transmission plc (NGET), which builds and maintains the electricity transmission networks, is responsible for the operation and maintenance of the existing 400 kV NGET Substation.
- 1.3.5 A description of the Proposed Development, including details of maximum parameters, is set out in **Chapter 4: The Proposed Development** of the **Environmental Statement (ES) (EN010166/APP/6.2.4)**. At this stage in the development, the design of the Proposed Development incorporates a necessary degree of flexibility to allow for ongoing design development.

## 1.4 Terminology

- 1.4.1 Section 3 summarises the issues that are 'agreed', 'not agreed' or

are 'under discussion'.

1.4.2 These terms are used as follows:

- "Agreed" indicates where the issue has been resolved;
- "Under discussion" indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties; and
- "Not Agreed" indicates a final position where the Parties have agreed to disagree.

## 2. Record of Engagement

2.1.1 A summary of all meetings and correspondence that has taken place between the Parties in relation to the Application is outlined in **Table 1**. This includes email correspondence between the Parties to discuss sharing of information, arrangement of meetings and where appropriate to comment on draft documentation. **Table 1** reflects the key meetings and emails of note.

**Table 1: Record of Engagement**

Date	Form of Correspondence and Attendees	Key Topics Discussed and Key Outcomes
7 January 2025	Email from the Applicant to Network Rail	Request for a copy of Network Rail's preferred form bespoke protective provisions.
16 January 2025	Email from Network Rail to the Applicant	Request for clarity as to whether the railway will be used for the transport of carbon dioxide as part of the Proposed Development.
16 January 2025	Email from the Applicant to Network Rail	Confirmation that the Proposed Development will not use the railway network to transport carbon dioxide.
21 January 2025	Email from Network Rail to the Applicant	Confirmation that response has previously been provided by Network Rail to the Statutory Consultation and that a copy of preferred protective provisions will be provided by a colleague under separate cover.
13 February 2025	Email from Network Rail to the Applicant	A request for plans to be provided by the Applicant before a meeting is arranged to discuss the interface between the Proposed Development and Network Rail's infrastructure.
10 April 2025	Email from AECOM (acting for the Applicant) to Network Rail	Requesting a catch-up call to discuss the protective provisions
16 April 2025	Email from Network Rail to AECOM	Network Rail confirming receipt of AECOM email

		and request for a meeting.
9 May 2025	Email from AECOM to Network Rail	Chasing for a meeting date to discuss the protective provisions/plans.
19 May 2025	Email from Uthe Applicant to Network Rail	Chasing for a meeting date to discuss the protective provisions/plans.
19 May 2025	Email from Network Rail to the Applicant	Confirming receipt of email and availability for a call to discuss the protective provisions/plans.
21 May 2025	Email from the Applicant to Network Rail and AECOM	Meeting set up with AECOM, the Applicant and Network Rail to discuss the protective provisions & interface between Network Rail and Order limits.
23 May 2025	Meeting & follow up email from the Applicant to Network Rail	Meeting held with the Applicant, AECOM and Network Rail to discuss protective provisions and interface between Network Rail and Order limits. Uniper solicitor details shared and request for Network Rail's solicitor details. Details of individuals working on a separate BAPA agreement shared with Network Rail.
27 May 2025	Email from AECOM to Network Rail	Shapefile data shared showing current Order limits.
30 May 2025	Email from Network Rail to AECOM	Plans shared from the Lands Information team showing Network Rail's freehold ownership compared with the Order limits.
2 June 2025	Email from the Applicant to Network Rail	Requesting solicitor details to engage on the protective provisions.

5 June 2025	Email from the Applicant's solicitors to Network Rail's solicitors	Seeking a copy of Network Rail's preferred version of protective provisions.
6 June 2025	Email from Network Rail's Solicitors to the Applicant's solicitors	Confirming instructed by Network Rail and requesting undertaking.
13 June 2025	Email from the Applicant's solicitors to Network Rail's solicitors	Providing the requested undertaking.
23 June 2025	Email from Network Rail's Solicitors to the Applicant's solicitors	Providing copy of Network Rail's Standard Protective Provisions.
24 June 2025	Email from Network Rail to Applicant	Network Rail shared Asset Protection details to contact
23 July 2025	Email from Applicant to Network Rail	Inserted clause from the Protective Provisions requesting clarification on the replacement cost of the gate
1 August 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Attaching a proposed mark-up of protective provisions, reflecting what is to be placed on the submission version Draft DCO.
14 August 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Following-up to check whether Network Rail have any comments on the updated Protective Provisions shared and requesting a copy of the Framework Agreement.
15 August 2025	Email from Network Rail's Solicitors to the Applicant's Solicitors	Confirming instructions still awaited.
26 August 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Following-up to check whether Network Rail have any comments on the updated Protective Provisions shared and requesting a copy of the Framework Agreement.
4 September 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Following-up to check whether Network Rail have any comments on the updated Protective Provisions shared and requesting a copy of the

		Framework Agreement.
16 September 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Following-up to check whether Network Rail have any comments on the updated Protective Provisions shared and requesting a copy of the Framework Agreement.
19 September 2025	Email from Network Rail's Solicitors to the Applicant's Solicitors	Confirming instructions still awaited and noting acceptance of application and when the close of the relevant representation period is.
3 October 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Following-up to check whether Network Rail have any comments on the updated Protective Provisions shared and requesting a copy of the Framework Agreement.
23 October 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Following-up to check whether Network Rail have any comments on the updated Protective Provisions shared and requesting a copy of the Framework Agreement.
12 November 2025	Email from Applicant's Solicitors to Network Rail's Solicitors	Following-up to check whether Network Rail have any comments on the updated Protective Provisions shared and requesting a copy of the Framework Agreement.
14 November 2025	Email from Network Rail's Solicitors to the Applicant's Solicitors	Reverting with comments on Protective Provisions.
21 November 2025	Email from the Applicant to Network Rail	Confirming application made through the ACE portal and sharing application reference. Suggesting teams meeting to catch up on matters
21 November 2025	Email from Network Rail to Applicant	Network Rail confirmed date to have a teams meeting

28 November 2025	Teams meeting and follow up email from Applicant to Network Rail	Setting out the actions from the teams meeting
10 December 2025	Email from Applicant to Network Rail	Link shared to the Traffic Management, Access & Rights of Way Plans as requested
18 December 2025	Email from Applicant to Network Rail	Shared a breakdown of the rights we are seeking over Network Rail's assets with Plans which can be shared as requested. Also shared Plans in dwg. Format as requested.
23 December 2025	Email from the Applicant to Network Rail	Issuing the updated Statement of Common Ground for approval.
21 January 2026	Email from the Applicant to Network Rail	Requesting confirmation on whether the Statement of Common Ground has been accepted or changes required.
23 January 2026	Email from the Applicant to Network Rail	Chasing a response to the Statement of Common Ground to be received by close of play.
23 January 2026	Email from Network Rail to Applicant	Response that solicitors are reviewing and will mark not yet agreed.
26 January 2026	Email from Network Rail's Solicitors to the Applicant	Providing updated version of the Statement of Common Ground with inputs added for submission at Deadline 1.
5 February 2026	Email from the Applicant's solicitors to Network Rail's solicitors	Providing an updated version of the protective provisions.
10 February 2026	Email from Network Rail's solicitors to the Applicant's solicitors	Providing an initial draft copy of the Framework Agreement.
11 February 2026	Email from Applicant to Network Rail	Confirming the next steps to progress an agreement based on the information provided.

12 February 2026	Email from Network Rail to Applicant	Confirming meeting with engineer scheduled and requesting a summary of proposed works.
13-17 February 2026	Emails between Network Rail's solicitors and the Applicant's solicitors	Confirming details related to the change application to enable Network Rail further to the consultation material provided.
20 February 2026	Email from the Applicant's solicitors to Network Rail's solicitors	Providing a copy of the land interests table requested.
25 March 2026	Email from Network Rail's solicitors to the Applicant's solicitors	Providing updated copy of the protective provisions.
27 March – 8 April 2026	Emails between Network Rail and the Applicant	Correspondence confirming shapefile data for the Order Limits and plans supplied by Network Rail
2 April 2026	Email from the Applicant's solicitors to Network Rail's solicitors	Providing an updated version of the protective provisions and Framework Agreement.
8 April 2026	Email from the Applicant to Network Rail	Requesting confirmation of next steps to progress an agreement in respect of the Network Rail crossing
16 April 2026	Email from the Applicant's solicitors to Network Rail's solicitors	Following up on the protective provisions and Framework Agreement.
<u>20<sup>th</sup> April 2026</u>	<u>Email from the Applicant to Network Rail</u>	<u>Deadline 5 version of the Statement of Common Ground issued to Network Rail</u>
<u>29<sup>th</sup> April 2026</u>	<u>Email from Network Rail to the Applicant</u>	<u>Email received from Network Rail requesting DCO brochure for internal circulation</u>
<u>12<sup>th</sup> May 2026</u>	<u>Email from the Applicant to Network Rail</u>	<u>Providing copy of the consultation brochure from 2024</u>
<u>13<sup>th</sup> May 2026</u>	<u>Email from the Applicant to Network Rail</u>	<u>Requesting solicitor engagement on the Protective Provisions</u>
<u>28 April 2026</u>	<u>Email from the Applicant's solicitors to Network Rail's solicitors</u>	<u>Confirming the Applicant's position regarding certain points within the protective provisions and requesting</u>

		<u>a draft be returned by Network Rail's solicitors as soon as possible.</u>
<u>12 May 2026</u>	<u>Email from Network Rail's solicitors to the Applicant's solicitors</u>	<u>Providing an updated version of the protective provisions.</u>
<u>20 May 2026</u>	<u>Email from the Applicant's solicitors to Network Rail's solicitors</u>	<u>Reverting with an updated version of the protective provisions.</u>
<u>21 May 2026</u>	<u>Email from the Applicant's solicitors to Network Rail's solicitors</u>	<u>Reverting with an updated version of the Framework Agreement.</u>

### 3. Areas of Discussion between the Parties

3.1.1 Table 2 below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

**Table 2: Areas of discussion between the Parties**

Ref.	Subject	Relevant Application Document	Applicant Position	Network Rail Position	Status	Likelihood of resolution
1	Protective Provisions	<b>Draft DCO (EN010166/APP/3.1)</b>	The Draft DCO should include specific provisions for the protection of Network Rail.	The Draft DCO should include specific provisions for the protection of Network Rail.	Agreed	N/A
2	Protective Provisions	<b>Draft DCO (EN010166/APP/3.1)</b>	<p>The drafting of the protective provisions on the face of the <b>Draft DCO (EN010166/APP/3.1) as at deadline 6</b> are <del>to be</del> largely agreed with Network Rail, <u>save for the indemnity drafting. The Applicant has provided an indemnity up to £50m for Network Rail's benefit within the protective provisions.</u></p> <p><u>The Applicant continues to engage with Network Rail regarding the form of protective provisions, including regarding the indemnity wording which is not currently agreed by Network Rail.</u></p>	<p>Network Rail recognises the form of protective provisions for the protection of Network Rail's operations which are included on the face of the <b>draft DCO (EN010166/APP/3.1)</b> (Part 3 of Schedule 13). However, the current protective provisions do not at present contain the robust protections that Network Rail requires and accordingly the current form of protective provisions require amending in order for Network Rail to be able to withdraw its objection. - Network Rail issued a draft to the Applicant on 14 November 2025 and is currently awaiting comments.</p> <p><u>Network Rail is currently reviewing the latest version of the Protective Provisions issued on 21 May and continues to engage with the Applicant in respect of the protective provisions, and will provide updates to the ExA as appropriate.</u></p>	<del>Under discussion</del> Not agreed	High Low
3	Agreements	N/A	<p><del>The Applicant is open to engagement same points outstanding with Network Rail on respect the agreements it may require and awaits a copy of</del> <u>protective provisions remain outstanding between the parties with respect the Framework Agreement from Network Rail propose.</u></p>	Network Rail requires that in addition to the Protective Provisions, the Applicant enters into a Framework Agreement to manage the direct interface that the Project has with the operational railway. Network Rail is currently preparing this and intends to issue a first draft of the Framework Agreement to the Applicant in late January/early February. Network Rail will also require an Asset Protection Agreement and possibly a Structures Agreement to ensure the appropriate and necessary technical, engineering and safety requirements for working on, over or near Network Rail's operational railway are applied to the Project. Due to the location of the Applicant's proposed works, Network Rail requires an Asset Protection Agreement and possibly a Structures Agreement in order to carry out its statutory duty. Network Rail and the Applicant are in very early discussions in relation to such a Framework Agreement and related agreements.	<del>Under discussion</del> Not agreed	High Low

4	Compulsory Acquisition	<b>Book of Reference (EN010166/APP/4.1), Land Plans (EN010166/APP/2.2), Draft DCO (EN010166/APP/3.1).</b>	<p>The Applicant has identified the land interests required for the delivery of the Proposed Development within the <b>Book of Reference (EN010166/APP/4.1), Land Plans (EN010166/APP/2.2), and Draft DCO (EN010166/APP/3.1).</b></p> <p><u>Protections are included in the Draft DCO (EN010166/APP/3.1) submitted at deadline 6 to ensure that temporary possession of, or acquisition of permanent rights over Network Rail's interests would be subject to Network Rail's consent.</u></p>	<p>Network's position is that any temporary possession of, or acquisition of permanent rights should only be granted with Network Rail's consent and would require a deed of easement agreed with Network Rail. It would also need to go through Network Rail's land clearance process as required by Network Rail's Network Licence. Any existing rights which Network Rail have over the land would need to be retained and cannot be subject to extinguishment under the Order.</p> <p>Network Rail requires robust protection from compulsory acquisition of Network Rail's land and interests and such protection must therefore explicitly be included in the Protective Provisions to the continued safe, economic and efficient operation of the railway.</p>	<del>Under discussion</del> Agreed	High N/A
5	<del>Further representations</del>	N/A	<del>The Applicant anticipates future ongoing engagement with Network Rail.</del>	<del>Network Rail reserves its position with regard to this Statement of Common Ground, and the right to make representations on additional issues once the examination period begins and as the examination progresses.</del>	<del>Under discussion</del>	High
65	DCO Articles and Requirements	<b>Draft DCO (EN010166/APP/3.1)</b>	The Draft DCO includes articles and requirements which are appropriate for the Proposed Development.	Subject to row 4 above, Network Rail has no objection to the drafting of the articles and requirements in the Draft DCO.	Agreed	N/A

# 4. Approvals

## 4.1 The Applicant

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

## 4.2 Network Rail

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

