ADDLESHAW GODDARD

Your reference EN010169
Our reference CLARMA/43283-5527

27 October 2026

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sirs

DCO Scheme: Meridian Solar
Our client: Network Rail Infrastructure Limited
Subject: Response to Examiners Questions dated 13 October 2026
Deadline: 3
Unique Reference Number: F52DB1C9A

This Firm is instructed by Network Rail Infrastructure Limited (**NR**) in relation to the application by Meridian Solar Limited (**Applicant**) in connection with the DCO Scheme.

Q to Statutory Undertakers 6.1 - Planning Act 2008

Please set out your position with regards to the tests under s127 and s138 of the Planning Act 2008 (PA2008) as applicable to your respective interests.

NR Response

Network Rail continues to rely on its submissions concerning the s.127 and s.138 Planning Act tests, as set out in its Written Representations [REP1-118].

In respect of s.138 of the Planning Act, Network Rail is still reviewing the extent to which the draft Order would authorise the extinguishment, suspension or overriding of rights enjoyed for the purposes of its undertaking.

Pending completion of that review, Network Rail continues to reserve its position as to whether the requirements of section 138 of the Planning Act 2008 are satisfied, including whether the Secretary of State could properly be satisfied that any such extinguishment, suspension or overriding would not cause serious detriment to the carrying on of Network Rail's undertaking.

Based on the impacts identified to date, Network Rail is concerned that rights of access and other rights enjoyed for the purposes of its undertaking could be extinguished, suspended or overridden without the railway-specific controls and protections necessary to avoid serious detriment.

Network Rail reserves the right to make further representations during the examination process once its review is complete and will continue to liaise with the Applicant in this regard.

Q to Statutory Undertakers 7.1.16 - Part 5 Article 33 (Statutory undertakers)

Please confirm whether statutory undertakers are content with the drafting of article 33. Where any statutory undertaker is not content with the wording, please identify the specific provisions of concern and explain the reasons

NR Response

As current drafted, Network Rail is not content with the drafting of article 33. The draft Order (Document 3.1) does not include bespoke protective provisions for railway interests and/or Network Rail's land, property, rights, interests, apparatus and railway assets.

In the absence of such provisions, article 33 would confer broad powers capable of affecting Network Rail's land, interests, rights, apparatus and railway assets without the benefit of railway-specific protections. In particular, Network Rail is concerned by the extent to which article 33 could permit the acquisition of rights over railway property, the temporary use of such property, interference with existing rights, and works affecting railway land or apparatus, without appropriate controls.

Unless the exercise of those powers is subject to Network Rail's prior consent and other appropriate railway-specific controls, there would be a significant and unacceptable risk that powers affecting railway property could be exercised without the approvals, conditions, limitations and restrictions required to protect the safe and efficient operation of the railway. Those requirements may include matters identified through Network Rail's business and technical clearance processes.

Network Rail continues to rely on its submissions concerning the risks and impacts of the proposed compulsory acquisition powers over railway property, assets and land in which Network Rail has rights or interests, as set out in its Written Representations [REP1-118].

If Network Rail's preferred protective provisions, as set out in its Relevant Representations [RR-142], were incorporated into the Order, this would address their concerns regarding the drafting of Article 33 as they stand. Those provisions would regulate the exercise of the Applicant's powers by, among other things, requiring Network Rail's consent or approval before specified powers are exercised and enabling Network Rail to protect its operations, property, apparatus and safety requirements.

Until those protective provisions are included, Network Rail cannot confirm that it is content with the drafting of article 33.

Q to Statutory Undertakers 7.4.1 - Disapplication of legislative provisions

Article 7, together with schedule 3, of the dDCO [REP1-006] relate to the disapplication of legislative provisions. Set out whether there are any anomalies on the list, whether there is any disagreement in respect of any provision being disapplied and set out any reasons behind this disagreement, if any exist.

NR Response

Network Rail is still reviewing the extent to which the draft Order's proposed disapplication of legislative provisions would impact Network Rail's interests and statutory undertaking.

Pending completion of that review, Network Rail continues to reserve its position on this point and reserves the right to make further representations during the examination process once its review is complete and will continue to liaise with the Applicant in this regard.

Q to Network Rail 7.7.1 - Acquisition of Statutory Undertakers' Land

Paragraph 6.3.6 of the SoR [APP-032] states that adequate protection for statutory undertakers will be included within protective provisions in the dDCO [REP1-006]. Meridian Solar Farm Limited therefore considers that statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition of land or rights over land or powers of temporary possession.

For those statutory undertakers who have been sent the draft protective provisions but have not confirmed agreement, please explain why these protective provisions are not considered to provide adequate protection and why Meridian Solar Farm Limited considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking.

NR Response

The draft Order (document 3.1 submitted on 24 September 2026) does not contain any bespoke protective provisions for the benefit of Network Rail or railway interests.

In respect of why this absence of protective provisions poses an unacceptable risk to Network Rail's statutory undertaking, Network Rail seeks to rely on the submissions raised in our Written Representations [REP1-118] and Relevant Representations [RR-142].

Yours faithfully

Addleshaw Goddard LLP

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Direct line [redacted]
Email