

**FIVE ESTUARIES OFFSHORE WIND FARM PROJECT
DEADLINE 4 (3 DECEMBER 2024)
CADENT GAS LIMITED**

1. Cadent Gas Limited (“**Cadent**”) is a statutory undertaker for the purposes of the Planning Act 2008. Cadent submitted a relevant representation (Document Reference RR-012) which sets out Cadent’s position on the Project and the application of the tests pursuant to the Planning Act 2008.
2. Cadent also set out its requirement for protective provisions position in its written representation submitted at Deadline 2 (Document Reference REP2-049), which appended the protective provisions that it requires are included in the DCO.

Cadent’s Requirements

3. Cadent will require protective provisions to be included within Schedule 9 to the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. The form of protective provisions is included at Appendix 1.
4. Despite being provided with Cadent’s preferred protective provisions in advance of the Application, the Applicant did not include those protective provisions in the draft DCO.
5. Cadent set out its position in its written representation submitted at Deadline 2 (Document Reference REP2-049). Cadent’s written representation identified that its protective provisions include a number of additional protections which are necessary for the protection of its undertaking beyond those contained at Part 2 of Schedule 9 to the draft DCO, including in relation to matters such as the requirement for an indemnity (similar to that in favour of other statutory undertakers such as Network Rail in the draft DCO) and insurance and security which are necessary in this case (and which are reflective of the requirement for a guarantee as included in Article 35 of the draft DCO).
6. In response, the Applicant submitted a short response (at Section CG.01) in the Applicant's Comments on Deadline 2 Submissions (Document Reference Rep 3-024). In this document, the Applicant states: “*The Applicant does not accept that all of the ‘standard’ protective provisions are necessary and justified in the particular circumstances of this development*”. This does not address Cadent’s comments, identify which element of Cadent’s protective provisions it considers are unnecessary or allow the Examining Authority or Cadent to understand which elements of Cadent’s protective provisions are not agreed.
7. The Applicant has not included Cadent’s protective provisions in the draft DCO submitted at Deadline 3 (Document Reference Rep 3-005) and has not adequately justified this omission.

Engagement to Date

8. Cadent set out its position on engagement to date in its written representation submitted at Deadline 2 (Document Reference REP2-049). The Applicant has not addressed Cadent’s comments on engagement to date in the Applicant's Comments on Deadline 2 Submissions (Document Reference Rep 3-024).
9. Following Cadent’s submission at Deadline 2, the Applicant has provided comments on Cadent’s protective provisions. Cadent and the Applicant are making positive progress in discussions.

Next Steps

10. Cadent will require its form of protective provisions to be included in the DCO in its standard form as submitted at Deadline 2 and without amendment.
11. Cadent will continue to seek to liaise with the Applicant in relation to protective provisions in respect of Cadent's assets.
12. Cadent will continue to seek to liaise with the Applicant with a view to concluding matters as soon as possible during the DCO Examination, keeping the Examining Authority updated.
13. Cadent reserves its right to make further submissions, and to respond to any comments submitted by the Applicant at Deadline 4 or made by the Applicant in response to this submission.

CMS CAMERON MCKENNA NABARRO OLSWANG LLP

3 DECEMBER 2024