

Application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd for an Order granting Development Consent for two Offshore Wind Farms

Written representations submitted on behalf of Network Rail Infrastructure Limited and Response to Action Points raised at the Compulsory Hearing on 14 January 2025

Planning Inspectorate Reference Number: EN010125

1. This written representation is submitted on behalf of Network Rail Infrastructure Limited (Network Rail) in response to the application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (RWE) ("the Applicants") for the Dogger Bank South East and West Offshore Wind Farms Development Consent Order (the DCO).
2. These representations also include a response to Action Point 10, raised at the Compulsory Acquisition Hearing on 14 January 2025, requesting Network Rail to provide an update on negotiations with the Applicants and an indication of whether agreement will be reached before the close of the Examination.

Protective Provisions & Framework Agreement

3. Network Rail's position remains the same as outlined in its relevant representations dated 6 September 2024.
4. Both parties are actively engaged in negotiations. The latest draft of documents was sent to the Applicant's solicitor on 8 January 2025 for review and comment. Without a property agreement (option for an easement) in place, the protective provisions and framework agreement cannot be finalised, as the Applicant needs the necessary rights to enter Network Rail Land to carry out the Work and Network Rail need to ensure the compulsory acquisition rights are not exercised without the requisite agreements in place.
5. It is expected that an agreement will be reached before the close of Examination, provided the Applicants adhere to Network Rail's Asset Protection procedures (see below for further details).

Property Agreement

6. Pursuant to the Framework Agreement, negotiations for the Property Agreement are ongoing. Although the latest draft agreement was circulated on 19 December 2024, and the Heads of Terms have been agreed upon, we have yet to receive a final marked-up version of the draft. If the Applicants can agree to use Network Rail's standard form of easement in line with the agreed Heads of Terms, it is anticipated that an agreement will be finalised by close of Examination, provided there is active engagement from the Applicants.

Asset Protection Agreements

7. Network Rail's Asset Protection team ("ASPRO") is currently waiting to be in contract with the Applicants for the UTX cables to be installed under Network Rail's land. Without payment and a Basic Asset Protection Agreement in place, Network Rail cannot complete their review of the scheme's impact on its assets. Consequently, Network Rail requires the Applicants to engage with Network Rail's ASPRO team, to progress the agreements.

Dentons UK and Middle East LLP

29 January 2025