

Written Representation by Network Rail Infrastructure Limited in relation to The Helios Renewable Energy Project Order 202[]

Planning Inspectorate Reference Number: EN010140

Unique Identification Number:

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 27 September 2024 (**Relevant Representation**), Network Rail wishes to make this written representation in relation to Enso Green Holdings D Limited's (the **Promoter**) application (**Application**) for The Helios Renewable Energy Project Order 202[] (**DCO**).

The draft DCO submitted with the Application includes provisions which would, if granted, authorise the Promoter to exercise powers to compulsorily extinguish the following rights held for the benefit of Network Rail (as set out in the Relevant Representation (Document Reference: RR-272)):

1. Right of entry relating to maintaining works and fences as contained in a Conveyance dated 27 June 1969 for the benefit of unknown land (plot 55);
2. Right of entry relating to maintaining works and fences as contained in a Conveyance dated 27 June 1969 for the benefit of unknown land (plot 56);
3. Right of entry relating to maintaining works and fences as contained in a Conveyance dated 27 June 1969 for the benefit of unknown land (plot 57);
4. Restrictive covenant to not interfere with or damage electric lines and to not place or deposit anything and restrictive covenants relating to construction, earthworks, laying of concrete and planting of vegetation as contained in a Deed dated 4 February 2010 and varied in a Deed of Rectification dated 15 April 2010 (plot 59);
5. Personal covenant to maintain culverts, level crossings, lineside fences and other works as contained in a Conveyance dated 23 June 1969 (plot 61);
6. Right of entry relating to inspecting, maintaining and repairing works and fences as contained in a Conveyance dated 27 June 1969 (plot 61).
7. Network Rail has also identified the following further right in the Book of Reference which is not referenced in the Relevant Representation and may, through the exercise of powers in the draft DCO, be extinguished by the Promoter:

"Right of entry relating to maintaining works and fences as contained in a Conveyance dated 27 June 1969 for the benefit of unknown land" (plot 59),

(together the **Rights**).

Network Rail is in discussions with the Promoter as to the preservation of the Rights and the Promoter has confirmed that it does not intend to extinguish any of the Rights. In order to be in a position to withdraw its objection, Network Rail will require:

- suitable protective provisions to be included within the DCO to ensure that the Promoter is obliged to preserve the Rights and is restricted from exercising compulsory acquisition powers under the DCO which would have the effect of extinguishing the Rights;
- a private agreement to be entered into with the Promoter obliging the Promoter to preserve the Rights.

Network Rail and the Promoter are in discussions as to the requirements set out above and hope to reach agreement in order to facilitate the withdrawal of Network Rail's objection.

As the current draft DCO does not contain any restriction on the Promoter from extinguishing the Rights as at the date of this Written Representation Network Rail continues to object to the making of the Order on the ground that the extinguishment of the Rights may compromise Network Rail's ability to maintain the safe and efficient operation of the railway network.

Network Rail is hopeful that the parties will have reached agreement by Deadline 6 (9 April 2025) on these matters.