

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

Response submitted on behalf of Network Rail Infrastructure Limited to ExA written Question CA 1.17 and Response to attending the Compulsory Hearing on 7 April 2025

Planning Inspectorate Reference Number: EN010125

This response is in respect of written questions CA 1.17 ahead of deadline 3 on 19 March 2025. As well as NR response to the ExA's suggestion for Network Rail to attend the Compulsory Hearing on 7 April 2025.

1 Question CA 1.17

- 1.1 Question CA 1.17 has been directed to both the Applicant and Network Rail. Network Rail will be responding to the question to statutory undertakers.

Protective Provisions

- 1.2 As mentioned in our written representation Network Rail is liaising with the Applicant to agree the form of protective provisions. The last turn of drafts was sent to the Applicant's legal representatives on 8 January and there has been no engagement to progress the protective provisions since then. The position therefore remains the same as it did on 28 January 2025.
- 1.3 In respect of the Asset Protection Agreements, it was agreed between the parties that a Basic Asset Protection Agreement ("BAPA") was required. RWE Renewables originally asked that the BAPA be issued to them for review and signing with two named parties with each party being responsible for each half of the debt. This is not permissible for Network Rail and therefore the Applicant needs to confirm if it wishes to proceed with a Single Entity Agreement or enter into a BAPA where both companies within RWE Renewables share liability (where one is liable for all cost should the other default). We are yet to receive confirmation from the Asset Protection Team at Network Rail as to the Applicant's preference.
- 1.4 Network Rail reaffirms its position that it does not object to the project in principle. However, Network Rail is under a statutory duty to protect the operational railway and associated railway infrastructure. Network Rail wishes to continue to seek an agreement on the protections and agreements in a form that is well precedented and acceptable to Network Rail before the close of the examination.

2 Compulsory Acquisition Hearing 2 on 7 April 2025

Whilst we acknowledge the request for Network Rail to attend the hearing on 7 April 2025, Network Rail does not consider its attendance necessary, as its position remains unchanged since submission of its written representation (with the exception of the Property agreement being negotiated with a few points left to agree). Given the lack of progress, the cost of attending the hearing by Network Rail or its legal representative would not be justified. Network Rail therefore proposes to submit a written statement reaffirming its objection to the compulsory acquisition of its rights under the Order.

March 2025