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Status of Negotiations on Protective Provisions

February 2025

Helios Renewable Energy Project

Status of Negotiations on Protective Provisions

Planning Inspectorate Reference: EN010140

February 2025

Prepared on behalf of Enso Green Holdings D Limited

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Date:	February 2025	February 2025
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1. Introduction

1.1. Overview

- 1.1.1. This document has been prepared on behalf of Enso Green Holdings D Limited ('the Applicant') to update the Examining Authority (the 'ExA') on the status of negotiations on protective provisions in respect of the Helios Renewable Energy Project Development Consent Order (the 'Proposed Development').
- 1.1.2. The Rule 6 letter issued 1 November 2024, ExA provided a list of documents to be submitted at each Examination Deadline (as appropriate) at Annex F Section 6. The ExA has requested that the Applicant submits a 'Status of Negotiations with Statutory Undertakers' (Point G, Annex F Section 6).
- 1.1.3. This Status of Negotiations on Protective Provisions provides the requested updates on the status of negotiations with statutory undertakers as well as any further updates on negotiations on protective provisions with other bodies. The Applicant will update this document to provide an update on negotiations at the following deadlines at which progress has been made.
- 1.1.4. In respect of each relevant party, Table 1.1 of this document summarises the asset / interaction type, the location and relevance of the interaction to the Proposed Development, and the status of negotiations between the parties.

2. Record of Engagement

2.1. Summary of consultation and engagement

- 2.1.1. The Consultation Report **[APP-181]** sets out the consultation between the Applicant and interested parties/stakeholders prior to the submission of the Application. This document focuses on further engagement with the stakeholders detailed below since the submission of the application for the Proposed Development.

3. Status of Negotiations on Protective Provisions

Table 1.1 Status of Negotiations on Protective Provisions

Party	Asset / Crossing Type / Responsibilities	Location and Relevance to Proposed Development	Status of Negotiations at Deadline 4
The Environment Agency (“EA”)	Responsible for water quality and resources and the management of risk of flooding from main rivers, reservoirs, estuaries and the sea	The majority of the Site falls within Flood Zone 3a. The River Ouse to the north and River Aire to the south converge to the east of the Site. There are areas of elevated risk (‘high’ – ‘medium’) associated with the combined risk of flooding from watercourse and tidal sources due to the proximity of the Site to the River Aire and River Ouse	<p>Protective Provisions for the EA are included in Part 4 of Schedule 9 of the draft DCO (“dDCO”) [AS-007].</p> <p>The Applicant has been in contact with the EA since October 2024 and is continuing its discussions with the EA’s legal advisors.</p> <p>The EA submitted a written representation [REP-027] further to their relevant representation [EA-04] in respect of the negotiation of protective provisions. In [REP-027] the EA reiterated that it is in direct conversation with the application regarding the use of the EA’s most up to date protective provision wording which has been shared and is being negotiated between the parties.</p> <p>The Applicant is continuing to engage with the EA in relation to the most up to date protective provisions and it is considered that agreement on PPs will be reached before the end of the Examination.</p>
National Gas Transmission (“NGT”)	National Gas Transmission Pipeline	The pipeline runs east – west across the Site as shown on the Utilities Plan [APP-038]	Protective provisions for gas undertakers are included in Part 1 of Schedule 9 of the dDCO [AS-007] .

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		<p>attached at Appendix 1.</p> <p>The pipeline runs through the proposed panel areas. The pipeline has the benefit of an easement which ensures a protective buffer either side of the pipeline. The easement has been built into the design with the perimeter fence line and PV modules remaining outside of the protective area. Road crossings will be required.</p>	<p>NGT submitted a relevant representation [RR-123] in respect of NGT's land, assets and undertaking and requested bespoke protective provisions to be included in the dDCO [AS-007] to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.</p> <p>Engagement between the parties' legal advisors commenced in August 2024 and is ongoing to negotiate bespoke protective provisions for NGET together with any side agreement as necessary.</p> <p>NGT submitted a written representation [REP2-029] in respect of its land and assets and reiterated its position in relation to the request for protective provisions.</p> <p>The Applicant is continuing to engage with NGT and considers that it will be able to come to an agreement with NGT by the close of the examination. In the event that protective provisions are not agreed, the Applicant reserves the right to make a detailed representation in response to the comments raised in the written representation [REP2-029].</p> <p>Further to discussions between the NGT and the Applicant, the Applicant has amended sheet 4 of the Land Plans in relation to NGT's interests in plot 45 which was mislabeled as plot 47 [APP-014].</p>
<p>National Grid Electricity Transmission Plc ("NGET")</p>	<p>Land interests</p>	<p>National Grid Electricity Transmission plc is noted as having multiple Category 1 interests in the Book of Reference [AS-010] as Occupier of land parcels 11, 12, 14, 19, 62, 68 and 69</p>	<p>Protective provisions for electricity undertakers are included in Part 1 of Schedule 9 of the dDCO.</p> <p>NGET submitted a relevant representation [RR-266] in respect of NGET's existing and future assets and requested bespoke protective provisions to be included in the dDCO [AS-007] to ensure that its interests are adequately protected and to ensure compliance with</p>

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		<p>National Grid Electricity Transmission plc is noted as having a Category 1 interest as owner in land parcel 62, 68 and 69</p> <p>National Grid Electricity Transmission plc is noted as having a Category 2 interest in land parcels 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 65, 66, 67, 68 and 69</p>	<p>relevant safety standards. Engagement between the parties' legal advisors commenced in November 2024 and is ongoing to negotiate bespoke protective provisions.</p> <p>NGET submitted a written representation [REP2-030] in respect of its land and assets and reiterated its position in relation to the request for protective provisions.</p> <p>The Applicant is continuing to engage with NGET and considers that it will be able to come to an agreement with NGET by the close of the examination. In the event that protective provisions are not agreed, the Applicant reserves the right to make a detailed representation in response to the comments raised in the written representation.</p> <p>In recent communications between NGET and the Applicant, NGET has confirmed that interaction with NGET's future development such as EGL2 (NGET-04 in [REP3-009]) will not be impacted by the Proposed Development and the PPs have been amended accordingly. Discussions continue in relation to the other protective provision clauses and it is expected that agreement will be reached by the end of the examination.</p>
Network Rail Infrastructure Limited ("NR")	Land interests	<p>The Book of Reference [AS-010] identifies Network Rail Infrastructure Limited as having a Category 2 interest in respect of land parcels 55, 56, 57, 59 and 61.</p>	<p>NR submitted a relevant representation [RR-272] in respect of their existing rights and noted that they wish to ensure that the scheme does not have detrimental effect on the operation of the railway and that the safety of the railway is maintained during the construction, operation and ongoing maintenance requirements of the scheme. NR accordingly requested bespoke protective provisions.</p> <p>It should be noted that the Proposed Development does not affect any of Network Rail's rail infrastructure.</p>

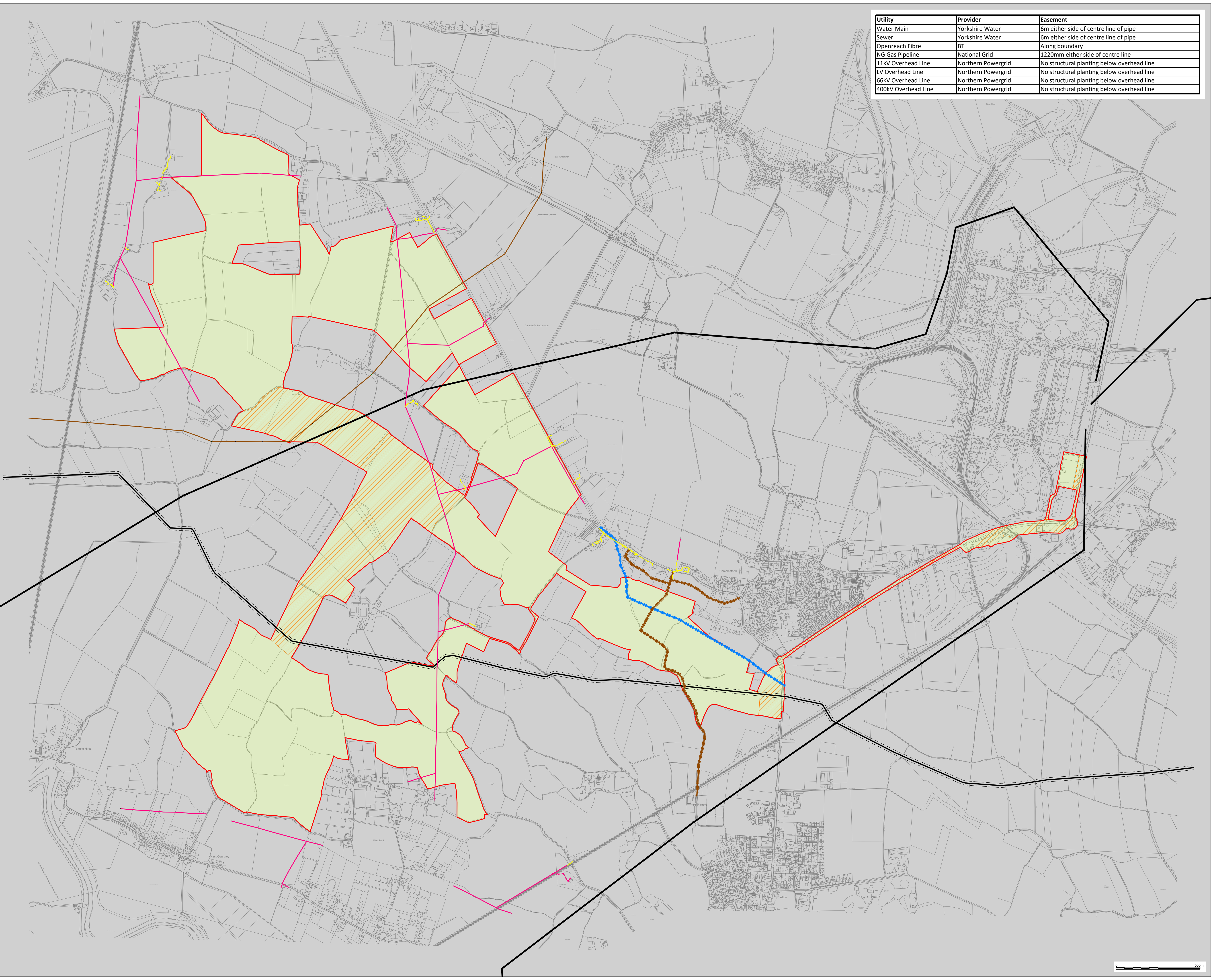
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			<p>The railway to be crossed by the Proposed Development is a private railway owned by Drax Power Limited. On this basis the Applicant considers that protective provisions are not required with NR.</p> <p>Engagement between the parties' legal advisors commenced in November 2024 with a view to satisfactorily resolving NR's concerns before the end of the examination.</p> <p>NR submitted a written representation [REP2-033] in respect of its land and assets and reiterated its position in relation to the request for protective provisions.</p> <p>The Applicant does not dispute the existence of the rights as set out by Network Rail within the Order Limits but has confirmed to NR that it has no intention of extinguishing these rights and is in discussion with Network Rail in respect of resolving this concern.</p> <p>The Applicant is in discussions with Network Rail regarding the appropriate mechanism(s) to resolve their concerns. The Applicant is also hopeful that matters will be resolved by Deadline 6.</p>
<p>Northern Powergrid (Yorkshire) LLP ("NPG")</p>	<p>11kV Overhead Line</p> <p>LV Overhead Line</p> <p>66kV Overhead Line</p> <p>400kV Overhead Line</p> <p>Land interests</p>	<p>The overhead lines cross the Site at various points – as shown on the Utilities Plan [APP-038] attached at Appendix 1.</p> <p>Northern Powergrid are noted as having multiple Category 1 interests in the Book of Reference [AS-010] as Occupier of land parcels 1, 2, 6, 11, 13, 14, 16, 19, 22, 24, 32, 39, 40, 41, 45, 46, 48, 49,</p>	<p>Protective provisions for electricity undertakers are included in Part 1 of Schedule 9 of the dDCO.</p> <p>NPG submitted a relevant representation [RR-280] in respect of its existing apparatus and has requested bespoke protective provisions to protect its apparatus</p> <p>Engagement between the parties' legal advisors commenced in November 2024 and is ongoing to negotiate bespoke protective provisions for NPG.</p> <p>The Applicant considers that it will be able to come to an agreement with NPG by the close of the</p>

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		<p>50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 68, 69</p> <p>Northern Powergrid are noted as having a Category 1 interest as lessee/tenant in land parcel 56</p> <p>Northern Power Grid are noted as having a Category 2 interest in land parcels 52, 53, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69.</p>	<p>examination.</p>
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Appendix 1: Utilities Plan



Utility	Provider	Easement
Water Main	Yorkshire Water	6m either side of centre line of pipe
Sewer	Yorkshire Water	6m either side of centre line of pipe
Openreach Fibre	BT	Along boundary
NG Gas Pipeline	National Grid	1220mm either side of centre line
11kV Overhead Line	Northern Powergrid	No structural planting below overhead line
LV Overhead Line	Northern Powergrid	No structural planting below overhead line
66kV Overhead Line	Northern Powergrid	No structural planting below overhead line
400kV Overhead Line	Northern Powergrid	No structural planting below overhead line

- KEY
- Site Boundary
- Cable Corridor
- LV Overhead Line
- LV Underground Cable
- LV Pole
- 11kV Overhead Line
- 66kV Overhead Line
- 400kV Overhead Line
- 400kV Pylon
- NG Gas Pipeline
- Sewage Pipe
- Water Main

Revisions:
First Issue- 27/06/2022 JS
01 - (24/07/2023 JS) Revised boundary and landowners removed
02 - (04/08/2023 AD) Key and graphical changes
03 - (31/08/2023 JS) Revised cable corridor
04 - (15/04/2024 AH) Revised boundary

ALL DIMENSIONS TO BE CHECKED ON SITE WORK
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Project Title:
Helios Renewable Energy Project

Drawing Title:
**Figure 2.1
Utilities Plan**

DRWG No: DX-01-P45	Rev: 04	Sht no: -
Drawn by : AH	Checked by: KL	
Scale: 1:10,000 @ A1	Date: 15/04/2024	