

**GREAT NORTH ROAD SOLAR AND BIODIVERSITY PARK
WRITTEN REPRESENTATION
DEADLINE 1 (10 DECEMBER 2025)
CADENT GAS LIMITED**

1. INTRODUCTION

- 1.1 Cadent Gas Limited (“**Cadent**”) is a statutory undertaker for the purposes of the Planning Act 2008 and is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central and North West England. Cadent’s primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way.
- 1.2 Cadent has an interest in land as noted in the Book of Reference (see plot 2/2).
- 1.3 Cadent submitted a relevant representation (RR-024) which sets out Cadent’s position on the Project and the application of the tests pursuant to the Planning Act 2008.
- 1.4 Cadent does not object in principle to the development proposed by the Applicant.

2. THE DRAFT DCO

- 2.1 Cadent require protective provisions to be included within the Development Consent Order (“**DCO**”) to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. The Applicant has included draft protective provisions for the benefit of Cadent at Part 7 of Schedule 13 to the draft DCO, however the draft DCO was submitted before there had been any engagement with Cadent on the protective provisions (as noted on the draft statement of common ground to be submitted by the Applicant at this Deadline 1) and it is not clear what the protective provisions included in the draft DCO were based on. As a result, the protective provisions are not sufficient.
- 2.2 Protective provisions for the benefit of Cadent’s statutory undertakings have been included in a number of recently made DCOs, including The Viking CCS Carbon Dioxide Pipeline Order 2025 which came into force on 1 May 2025 and The Oaklands Farm Solar Park Order 2025 which came into force on 11 July 2025, Cadent’s preferred form of protective provisions for inclusion within the DCO were included at Appendix 1 of Cadent’s Relevant Representation. Cadent requests that these are included at Part 7 of Schedule 13 to the DCO. A comparison document was submitted with Cadent’s Relevant Representation (RR-024 Appendix 2) which showed the departure from Cadent’s standard terms. The protective provisions in the draft DCO do not include a number of the provisions that Cadent requires in order to ensure adequate protection of its apparatus, and these provisions have not been agreed by Cadent. The explanatory memorandum does not explain the genesis of this draft or the departure from Cadent’s preferred form of protective provisions. The Applicant’s approach is not consistent with section 3.1.4 of the Guidance on Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders updated 24 March 2025 (Advice Note Fifteen).

- 2.3 At this stage, Cadent is not satisfied that the tests under section 127 of the Planning Act 2008 can be met. Section 127 of the Planning Act 2008 is engaged as land includes an interest in land (by virtue of section 159 of the Planning Act 2008) and Cadent has an interest in land as noted in the Book of Reference at Plot 2/2.
- 2.4 In particular, the rights and restrictive covenants which the Applicant seeks to impose over Plot 2/2 are broad rights which if uncontrolled could lead to a significant impact on Cadent's relevant apparatus which could extend to the removal of apparatus if unfettered, and so without appropriate control, section 138 of the Planning Act 2008 is engaged.
- 2.5 Cadent's protective provisions include a paragraph (included in all DCOs which interact with Cadent) which regulates this compulsory acquisition process, and which is required. **The removal of this will not be agreed.**
- 2.6 Whilst the Applicant may not intend for the diversion of Cadent's apparatus, the protective provisions included in the draft DCO submitted by the Applicant (and those submitted by Cadent alongside its Relevant Representation (RR-024 Appendix 1)) allow for this and provide for a process to facilitate this, and so **this must be regulated.**
- 2.7 Whilst Cadent has sought to engage with the Applicant on the form of the protective provisions there has not been an appropriate level of engagement.
- 3. NEXT STEPS**
- 3.1 Cadent is liaising with the Applicant in relation to bespoke protective provisions in respect of Cadent's assets but these are not yet agreed. Cadent will continue to engage with the Applicant as regards the form of protective provisions and expects that the issues will be resolved before the end of the examination. Cadent will keep the Examining Authority updated in this regard.
- 3.2 Cadent reserves its right to make further submissions and to respond to any comments submitted by the Applicant at Deadline 1 and further deadlines.

CMS CAMERON MCKENNA NABARRO OLSWANG LLP
10 DECEMBER 2025