

Hornsea Offshore Wind Farm

Project Two

Section 135 Consent from Secretary of State for Defence

**Appendix B to the Response submitted for Deadline II
Application Reference: EN010053**

10 August 2015

smartwind.co.uk



**Defence
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06 August 2015

Your Ref:
Our Ref: D/LA/PROP/10-2(22)/SR

Dear Sirs

**Hornsea Offshore Wind Farm Project Two Order (the "DCO")
Request for approval pursuant to Section 135 of the Planning Act 2008**

The Secretary of State for Defence holds certain interests within land included in the proposed DCO, specifically plots 34 to 44, as referenced within Part 4 of the Book of Reference. The Defence Infrastructure Organisation ("DIO") as part of the Ministry of Defence is the responsible authority for managing land held by the Secretary of State for Defence.

The DIO has received a request from SMart Wind Limited ("SMart Wind") for certain approvals under section 135 of the Planning Act 2008 (the "2008 Act") in relation to this land.

The DIO notes that Article 39 of the DCO, entitled "Crown Rights", contains wording which is protective to the interests of Crown authorities affected by the proposals in the DCO.

The DIO confirms that, on behalf of the Secretary of State for Defence, in accordance with section 135(2) of the 2008 Act it is satisfied with the wording contained in the DCO in respect of this land.

The DIO is aware that land in which the Crown has an interest cannot be compulsory acquired, and therefore the interests of the Secretary of State for Defence will be excluded from the scope of any compulsory acquisition powers sought under the DCO.

However, interests in Crown land proposed for compulsory acquisition which are not held by or on behalf of the Crown may be purchased compulsorily with the consent of the relevant crown authority.

In this regard, on behalf of the Secretary of State for Defence, the DIO confirms that consent is provided pursuant to section 135(1) of the 2008 Act to the proposed compulsory acquisition of interests other than those held by or on behalf of the Crown in the land referred to above (being the land included within the DCO within which the Secretary of State for Defence holds an interest).

Please note that this letter and consent relates only to this land, and does not tether the Ministry of Defence or operate as a consent to any other matter or proposal.

Yours faithfully



DIO Legal Team