

Hornsea Offshore Wind Farm

Project Two

Status of agreement with Statutory Undertakers

Appendix U to the Response submitted for Deadline III

Application Reference: EN010053

24 September 2015

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UPDATE IN RESPECT OF STATUTORY UNDERTAKERS

Section 127 and s138 of the Planning Act 2008

Undertaker	Status on Protective Provisions
Anglian Water Services Limited	<ul style="list-style-type: none"> • Protective Provisions for the benefit of Anglian Water are at Part 6 of Schedule L of the DCO. • These Protective Provisions are agreed.
Associated British Ports	<ul style="list-style-type: none"> • Protective Provisions for the benefit of ABP are at Part 5 of Schedule L of the DCO. • These Protective Provisions are agreed.
Centrica PLC and Centrica KPS Limited	<ul style="list-style-type: none"> • Protective Provisions at Part 7 of Schedule L of the DCO are for the benefit of Centrica PLC and all of its subsidiaries and group companies including Centrica KPS Limited. • Centrica PLC does not have an interest in the Order land. Centrica KPS Limited has interests in the Order land. • The Protective Provisions are not yet agreed however the Applicant notes Centrica's email of 15 September 2015 to PINS confirming that Heads of Terms have been agreed and the parties anticipate entering into a land agreement pursuant to these. • In any case, the Applicant considers the form of Protective Provisions currently at Part 7 of the draft DCO are sufficient to enable the SoS to come to the conclusion that there would be no material detriment to the undertaking.
Hornsea Project One	<ul style="list-style-type: none"> • Protective Provisions have been agreed with the Hornsea Project One Companies and were submitted at Schedule 1 to the Statement of Common Ground between the parties on 10 September 2015. • The Applicant will include these

	<p>within the next iteration of the DCO at Deadline IV.</p>
E.ON Exploration and Production UK Limited	<ul style="list-style-type: none"> • The Applicant does not consider that s127 applies to E.ON Exploration and Production UK Ltd's interests. • S127 applies to <u>land</u> held by a statutory undertaker and concerns the CA of <u>land</u>. E.ON Exploration and Production UK Ltd's interests are offshore and therefore the CA provisions in the DCO (and by consequence s127) do not apply.
VPI Immingham CHP LLP	<ul style="list-style-type: none"> • Protective Provisions for the benefit of VPI are at Part 8 of Schedule L of the DCO. • By virtue of these Protective Provisions, the Applicant is prohibited from undertaking any works which would affect VPI's pipeline until plans and sections in respect of such works have been approved by VPI (such approval not to be unreasonably withheld/delayed). • The Protective Provisions are not yet agreed. • The Applicant is engaged with VPI to try and resolve any outstanding concerns; however, the Applicant considers that the PPs afforded to VPI in the draft DCO are sufficient to ensure no material detriment to VPI's statutory undertaking.
National Grid Electricity Transmission	<ul style="list-style-type: none"> • The Applicant is engaged with National Grid Electricity Transmission in respect of its interests. The Applicant notes National Grid's email of 16 September 2015 confirming that the parties are making good progress towards concluding a confidential commercial agreement, which will include an agreed form of protective provisions. • As set out in that email the Applicant and National Grid expect that agreement can be reached in

	<p>early course. The Applicant hopes to provide a further update in its response to Deadline IV.</p>
National Grid Gas Plc	As above for National Grid Electricity Transmission
Network Rail	<ul style="list-style-type: none"> • Protective Provisions for the benefit of Network Rail are at Part 2 of Schedule L of the DCO. • These Protective Provisions are agreed.
Northern Powergrid Yorkshire Plc	<ul style="list-style-type: none"> • There are currently no bespoke Protective Provisions for the benefit of Northern Powergrid Yorkshire Plc in the DCO. • The Applicant considers that the Utility Undertaker provisions at Part 4 of Schedule L of the DCO would apply as Northern Powergrid Yorkshire Plc hold a distribution licence under Part 1 of the EA 1989 and therefore fall within the definition of utility undertaker in Paragraph 36 of those provisions. • The Applicant considers the form of Protective Provisions currently at Part 4 of the draft DCO are sufficient to enable the SoS to come to the conclusion that there would be no material detriment to the undertaking. • Notwithstanding the Applicant is engaged with Northern Powergrid Yorkshire Plc to agree bespoke Protective Provisions and is currently awaiting receipt of a draft.