

Hornsea Offshore Wind Farm

Project Two

Summary of Oral Case – Compulsory Acquisition

Hearing 17 September 2015

Appendix K to the Response submitted for Deadline III

Application Reference: EN010053

24 September 2015

smartwind.co.uk

**SUMMARY OF COMPULSORY ACQUISITION HEARING HELD ON 17th SEPTEMBER 2015
SUBMITTED FOR DEADLINE III**

1.	Welcome
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- 1.1 Following an introduction from the Ex. A, the Applicant, along with other parties in attendance, introduced its representatives.
- 1.2 The Ex. A asked whether any party in the room wished to make oral representations. Mr Tony Dale confirmed to the Ex. A that he represented Mr Stuart H Somerscales Ltd and Mr Stuart H Somerscales Esq, Mrs Elizabeth Angela Greetham and Robert John Greetham and Messrs T & K Tomlinson, in respect of whose interests he had submitted three letters of objection dated 11 September 2015. Mr Dale confirmed to the Ex. A that agreement between the Applicant and all of those parties had now been reached and that he withdrew the objections previously made.

2.	The Applicant's Case for Compulsory Acquisition
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The Purpose of the Order land

- 2.1 The Applicant set out its case for the compulsory acquisition ("CA") of the Order land with reference to section 122 of the Planning Act 2008 ("PA 2008").
- 2.2 The Applicant submitted that the CA powers contained in the draft DCO are required for the development to which the DCO relates, or are required to facilitate or are incidental to that development. The Applicant confirmed that no replacement land was being sought under the draft DCO.
- 2.3 The Applicant made reference to the four main components of the Project and outlined the powers sought in respect of each:
 - 2.3.1 Cable landfall point, which is the junction between the offshore and onshore cable at the transition pit. The Applicant is seeking permanent rights and powers of temporary possession for these works as specified in Schedules E and G of the draft DCO. These powers are required for the Project's development;
 - 2.3.2 Onshore High Voltage Direct Current (HVDC) and/or High Voltage Alternating Current (HVAC) cable route which consists of underground HVDC and/or HVAC cables from the landfall to the onshore substation (which could comprise up to two electrical transmission stations). The Applicant is seeking permanent rights and powers of temporary possession for these works as specified in Schedules E and G of the draft DCO. These powers are required for the Project's development;
 - 2.3.3 Onshore substation which could comprise up to two electrical transmission stations on the substation site utilising HVDC and/or HVAC technology. The Applicant is seeking the powers of acquisition of land in respect of plots 500 and 506 for the construction of the electrical transmission stations, along with associated landscaping and the permanent diversion of a footpath. These powers are required for the Project's development; and
 - 2.3.4 Cables connecting the onshore substation to the existing National Grid substation. The Applicant is seeking permanent rights and powers of temporary possession for these works as specified in Schedules E and G of the draft DCO. These powers are required for the Project's development.
- 2.4 The Applicant also submitted that the compensation compounds and means of access to those compensation compounds which are included within the draft DCO for the benefit of Hornsea Project One are incidental to the development of the Project. The compensation compounds and means of access to those compensation compounds are required to compensate Project One and reduce the impacts of the Project on Project One in the event of

a simultaneous or overlapping construction programme, or in the event that Project Two construction has completed prior to the commencement of the Project One construction (all as more fully described in paragraphs 6.5 to 6.12 of the Statement of Reasons).

- 2.5 The Applicant referred to Section 7.2.1 of the Statement of Reasons (Doc ref No 6.1) which confirms that without the CA powers contained in the draft DCO it would be impossible to construct and operate the authorised Project. If compulsory powers were not granted there is a risk that the land interests could not be acquired and the delivery of the Project would be in jeopardy.
- 2.6 The Applicant confirmed that every measure has been taken to avoid taking unnecessary rights or interests and all reasonable alternatives to compulsory acquisition have been explored. There is a compelling case in the public interest for the CA powers sought to be granted. If authorised the Project will make a significant contribution towards the Government policies and legal commitments towards tackling climate change, all as more fully set out in section 8 of the Statement of Reasons. National Policy Statement EN-1 establishes that, given the level and urgency of the need for large scale energy infrastructure, the Secretary of State should start with a presumption in favour of granting a DCO for energy NSIPs unless more specific and relevant policies set out within the NPSs clearly indicate that consent should be refused (Paragraph 4.1.2 of EN-1).
- 2.7 The Applicant acknowledges that if the powers of compulsory acquisition contained in the draft DCO are authorised, the owners and occupiers of the Order land may be restricted in their use and enjoyment of their property. However, the Applicant submits the development of the Project is in the public interest (as more fully explained at 7.8 of the Statement of Reasons) and any interference with these property rights is legitimate as it is being made in accordance with section 122 of the Planning Act 2008 and under due statutory process.

3.	The CA powers sought in the draft DCO
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Article 26(10) and Schedule G of the draft DCO

- 3.1 The Ex. A queried the justification and proportionality of drafting of Article 26(10) of the draft DCO which currently permits the acquisition of permanent rights over land specified in Schedule G of the draft DCO (Land in which temporary possession may be taken).
- 3.2 The Applicant noted the drafting of Article 26(10) is standard and can be found in The Infrastructure Planning (Model Provisions) (England and Wales) draft DCO 2009 and in several consented offshore wind DCOs. Notwithstanding this precedent, the Applicant has considered the concerns of the Ex. A and in light of these concerns, the Applicant is prepared to restrict the compulsory acquisition powers that may be exercised in respect of land specified in Schedule G. In order to do this, the Applicant intends to amend Article 26(10) as follows:

(10) The undertaker may not compulsorily acquire under this draft DCO the land referred to in paragraphs (1)(a)(i), (1)(a)(ii), (2)(a) or (3)(a), ~~nor may it acquire rights in or impose restrictive covenants over that land unless that land is specified in Column (1) of Schedule E (land in which new rights etc., may be acquired) except that the undertaker is not precluded from—~~

~~(a) acquiring new rights or imposing restrictive covenants over any part of that land under article 19 (compulsory acquisition of rights); or~~

~~(b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 23 (acquisition of subsoil or airspace only).~~

- 3.3 The Applicant intends to make this amendment to the next iteration of the draft DCO for Deadline IV.

Definition of “completion”

- 3.4 The Ex. A reiterated its suggestion to include a definition of “completion” in the draft DCO, specifically in relation to Article 26(5). The Applicant has considered whether the wording in Article 26 could be amended to make it clear what “completion” means in that context.
- 3.5 The Applicant’s interpretation of Article 26(5) is that “completion” should mean “completion of construction” and so the Applicant is prepared to amend Article 26(5) as follows to clarify this point:

(5) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the construction, installation or implementation of the part of the authorised project specified in relation to that land in column (4) of Part 1 of Schedule G;*
- (b) in the case of land specified in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date in which the compensation compound is no longer required;*
- (c) in the case of land referred to in paragraph (1)(a)(iii), after the end of the period of one year beginning with the date of completion of the construction, installation or implementation of the work for which temporary possession of this land was taken unless the undertaker has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act.*
- 3.6 The Applicant notes however that in making this change, a consequential amendment is required to Article 27(11) to ensure there is no gap between the two provisions.
- 3.7 Article 27 of the DCO permits the undertaker to enter onto the land covered by Article 26 (with the exception of the compensation compounds) for maintenance purposes for a period of five years from the date of first energisation. Article 26(5) permits temporary possession to continue for 12 months following completion of the construction of the works. However, the Applicant notes that if the works are damaged more than twelve months after completion of construction but prior to energisation, the undertaker will not be permitted to take possession of the land in Schedule G to fix the works.
- 3.8 The Applicant therefore proposes to make a consequential amendment to Article 27(11) to ensure that possession can be taken in the event that a defect is detected 12 months after completion of construction but prior to first energisation. The knock on amendment proposed to Article 27 is as follows:

(11) In this article “the maintenance period”, in relation to any part of the authorised project, means –

- (a) the period of five years beginning with the date on which that part of the authorised project is first energised; and*
- (b) any period falling between the date at which temporary possession is no longer permitted under Article 26(5)(a) or (c) and the date on which that part of the authorised project is first energised.*
- 3.9 The Applicant notes that paragraph (4) of Article 27 states that the undertaker may only remain in possession of land under Article 27 for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken and therefore the undertaker would need to have a valid reason for occupying the land for such purposes. The effect of the amended wording is therefore limited by paragraph (4) and in light of this it is the Applicant’s view that the extension of the “maintenance period” is justified.
- 3.10 The Applicant intends to make this amendment to the next iteration of the draft DCO for Deadline IV.

Plot-by-Plot Analysis

- 3.11 The Applicant referred the Ex. A to the Plot-by-Plot Analysis of the Order land which it had provided to the Ex. A at the Issue Specific Hearing on 16 September 2015. A copy of this document has been provided at Appendix R of the response to Deadline III. The Applicant explained the purpose of the information contained therein and how it related to the various Application documents including the draft DCO, the Book of Reference and the Land Plans.
- 3.12 The Applicant intends this document to be a working document to assist with the Examination of the Application. The Applicant intends to submit an updated version of the Plot-by-Plot Analysis along with the next iteration of the Book of Reference at Deadline IV.

4.	Update on Status of Land Agreements
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- 4.1 The Applicant provided the Ex. A with an update on the status of those land agreements which remain outstanding. A table providing the most recent update has been provided at Appendix S to the response to Deadline III.
- 4.2 To date voluntary land agreements have been secured with 82% of the landowners along the route of the Project's onshore works and 97% of the occupiers.

5.	Land Plans
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Land Plans in the Intertidal Area

- 5.1 The Ex. A queried the depicting of the boundaries of the Land Plan Intertidal Plans. The Applicant provided clarity on these boundaries at the Hearing. The Applicant confirmed that the boundary between Plots 1 and 20 on the Land Plan Intertidal Plans was Mean Low Water Springs.
- 5.2 The Ex. A raised a further query in respect of plot 226 of the Order land, in respect of which the Applicant sought a reduction in the draft DCO limits in its submission of 27 April 2015. The Ex. A queried whether this reduction had been carried across to the Crossing Schedule and the Compensation Compounds Plan. The Applicant has checked these documents and can confirm that the correct reduction to the Order limits in relation to plot 226 was reflected in the updated Onshore Crossing Schedule and Compensation Compounds Plan submitted as Appendices M and O respectively to the Applicant's submission of 27 April 2015

Sheet 27 of the Land Plans

- 5.3 The Applicant provided the Ex. A with an overview of the various powers sought in relation to the land depicted on Sheet 27 of 27 of the Land Plans.
- 5.4 The Applicant confirmed its intention to make a formal request to remove the right to permanently acquire the northern portion of plot 506 which overlaps with the consented Hornsea Project One DCO. That request has been made in the Applicant's response to Deadline III.
- 5.5 The Ex. A requested that the Applicant provides indicative scenarios (including on a worst case basis) outlining how the Project would be carried out in the event that Project One construction at the substation site was underway or had completed at the commencement of the construction of the Project. The Applicant intends to submit a method statement outlining these scenarios at Deadline IV.

Access track

- 5.6 The Ex. A queried the use of the word access “track” in relation to the plots of land required at the Centrica access road. The Applicant has reviewed the relevant wording in the draft DCO and intends to amend the reference to “access track” in relation to the Centrica access road (i.e. plots 512 and 521) in Schedule E to “access road”. The Applicant intends to make this amendment in the next iteration of the draft DCO for Deadline IV.
- 5.7 The Ex. A also queried the powers sought in relation to this access road. The Applicant is satisfied that it has the benefit of existing property rights over this land by virtue of a Transfer of land dated 10 February 2000 to sufficiently use and enjoy the Centrica access road and the land adjoining it, albeit only in conjunction with those rights it seeks compulsorily and/or by agreement with Centrica KPS Limited. The Applicant therefore does not intend to apply for any further rights, nor amend those already sought, in the draft DCO.

6.	Crown Land
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Article 39 of the draft DCO

- 6.1 The Applicant confirmed that it does not propose or intend to exercise CA powers against interests in the draft DCO land held by the Crown. The Applicant is seeking powers of CA in relation to interests in Crown land held otherwise than on behalf of the Crown (subject to the consent of the Crown as required by s135 of the PA 2008 and Article 39 of the draft DCO).
- 6.2 The Book of Reference does not and is not intended to list those interests in respect of which CA powers are being sought. Regulation 7 of the Infrastructure Planning (Applications Prescribed Forms and Procedure) Regulations 2009 defines “book of reference” and prescribes that in Part 1 of the Book of Reference the Applicant is required to list all of the parties with Category 1 and 2 interests (owners, lessees, tenants and occupiers) in the land subject to compulsory acquisition. The Applicant interprets this provision as requiring the interests of the Crown to be listed in Part 1 of the Book of Reference regardless of whether powers of compulsory acquisition are being sought in respect of those interests.
- 6.3 The Applicant submitted that Article 39 of the draft DCO is sufficiently clear to ensure that CA powers are not granted in respect of interests held by the Crown. The Applicant further notes that the drafting of Article 39 within the draft DCO is consistent with the equivalent provision in numerous other Development Consent Orders.
- 6.4 Article 39(1) makes as the primary provision the prohibition on the interference with Crown rights and states that nothing in the draft DCO affects prejudicially any right of the Crown. Article 39(1) goes on to provide that in particular nothing authorises the undertaker:
- (a) *to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—*
- (i) *belonging to Her Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;*
- 6.5 Article 39(1)(a)(ii) and (iii) then mirror these provisions for other government departments. Article 39(1)(a) therefore provides that the Applicant can only take land or rights belonging to the Crown with the consent of the relevant Crown body.
- 6.6 The Applicant submits that taking land or rights over land with consent by its very nature cannot be taking land or rights by compulsion. On that basis the Applicant submits that it is clear that the drafting of Article 39, with its primary prohibition on interference with Crown rights, and then the clear statement that land and rights can only be taken with the Crown’s consent, prevents the CA of Crown interests under the powers of the Order.
- 6.7 The Applicant notes that the Crown Estate Commissioners responded to Deadline I to confirm to the Ex. A The Crown Estate’s agreement to the wording of Article 39 of the draft DCO.

Update on Crown consents

- 6.8 An Update on Crown consents sought under s135 of the PA 2008 has been provided at Appendix T of the response to Deadline III. As requested by the Ex. A Appendix T also includes a table showing the plots to which these Crown consents relate and the details of other parties with an interest in those plots

Highways England

- 6.9 As previously submitted to the Ex. A the Applicant was aware that a transfer scheme made by the Secretary of State was entered into on the 30 March 2015 transferring certain property, rights and liabilities from the Secretary of State to Highways England Company Limited. Following this transfer, Highways England indicated to the Applicant that ownership of certain plots of the draft DCO land had now passed to it. Until such date as that transfer was registered at the Land Registry, however, the Applicant considered that legal title to those plots remained vested in the Secretary of State for Transport.
- 6.10 The Applicant made further diligent inquiry at the Land Registry and the results of searches dated 16 September 2015 confirm that legal title to title numbers HS352088, HS107710 and HS349933 which comprise plots 272, 377, 378, 388, 437 and 441 of the Order land passed from the Secretary of State for Transport to Highways England Company Limited on 20 August 2015.
- 6.11 By virtue of these completed registrations it is also the Applicant's presumption that the Category 2 rights previously noted in favour of the Secretary of State for Transport in plots 392, 393, 394, 395 to 399, 404 to 409 of the Order land will now benefit Highways England Company Limited as they are rights in relation to drains and culverts and embankments for the benefit of the adjoining A180 (i.e. the land in plots 377, 378, 388, 437 and 441).
- 6.12 The Applicant will record this change of ownership of land and benefit of rights in the next iteration of the Book of Reference, at which time the Applicant will also provide an updated Plot-by-Plot Analysis. The Applicant is currently engaged in discussions with Highways England in respect of its interests.
- 6.13 The Applicant had sought s135 consent from the Secretary of State for Transport in respect of its Category 2 historical interests in plots 175, 176, 178, 179, 181 to 187; however, the Secretary of State for Transport has since confirmed to the Applicant that title to those plots, whilst not registered at the Land Registry, has also passed to Highways England. The Secretary of State for Transport has offered to provide a certificate confirming that this transfer has taken place and the Applicant is continuing to liaise with the Secretary of State in respect of this. The Applicant hopes that a further update can be provided for Deadline IV.

7.	Section 127 and Section 138 of the Planning Act 2008
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- 7.1 An Update in respect of s127 and s138 Statutory Undertakers has been provided at Appendix U to Deadline III.
- 7.2 The Applicant also provided the Ex. A with an update in respect of British Telecommunications Plc (BT) and Virgin Media Limited (Virgin). BT and Virgin have an interest in the Order land however neither party has made a representation or objection in respect of the Application. Protective Provisions for the benefit of Electronic Communications Code Operators are at Part 6 of Schedule L of the draft DCO. BT has confirmed its agreement that the Protective Provisions are sufficient and a copy of this letter has been provided at Appendix V of the Applicant's response to Deadline III. The Applicant is engaged with Virgin Media to confirm its agreement with the protective provisions and is hopeful that a further update can be provided at Deadline IV.
- 7.3 The Ex. A queried the statutory undertaker status of ConocoPhillips (U.K) Limited and Phillips 66 Limited. The Applicant has reviewed s127 and s138 of the PA 2008 and has concluded

that neither party falls within the definition of statutory undertaker for the purposes of either of those sections.

- 7.4 S127 of the PA 2008 defines statutory undertaker with reference to s8 of the Acquisition of Land Act 1981 and also includes any person deemed to be a statutory undertaker for the purposes of that Act, or who fall within the definition of statutory undertaker for the purposes of section 16(1) and (2) of that Act.
- 7.5 S138 of the PA 2008 defines statutory undertaker with reference to Part 11 of the Town and Country Planning Act 1990, or any person deemed to be a statutory undertaker for the purpose of that Part of that Act.
- 7.6 In respect of ConocoPhillips (U.K) Limited, from the information available on Ofgem's public register that company holds a gas shipper licence dated 28 September 2011. The holder of a gas shipping licence does not fall within either definition of statutory undertaker for the purposes of s127 or s138 of the PA 2008. The Gas Act 1995 Schedule 4 paragraph 2(1)(xxxi) deems a public gas transporter to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981. Section 262(3) of Part 11 of the Town and Country Planning Act 1990 similarly deems a gas transporter to be a statutory undertaker for the purposes of that Act.
- 7.7 On this basis, ConocoPhillips (U.K) Limited, not being a holder of a gas transporter licence, does not fall within any of the relevant definitions for the purposes of s127 or s138 of the PA 2008. For the avoidance of doubt the Applicant does not consider ConocoPhillips (U.K) Limited to fall within any other heads of statutory undertaker as set out in those acts. The Applicant notes that the Annex to Planning Inspectorate Advice Note 3 "EIA Notification and Consultation" (most recently updated in June 2015) sets out a helpful outline of which categories of persons fall within the definition of statutory undertaker for the purposes of s127 of the PA 2008.
- 7.8 In relation to Phillips 66 Limited, the Applicant notes that Phillips 66 Limited does not hold either an electricity or a gas licence and therefore the Applicant's primary submission is that s127 or s138 of the PA 2008 cannot be engaged as those sections deal with statutory undertakers who have an interest in the land and Phillips 66 Limited is not a statutory undertaker. It is noted that Phillips 66 Trading Limited does hold a gas shipper licence dated 17 February 2012 however the submissions made in respect of ConocoPhillips (U.K) Limited above would similarly apply and a gas shipper does not fall to be deemed to be a statutory undertaker for the purposes of either s127 or s138 of the PA 2008.
- 7.9 In any event, both Phillips 66 Limited and ConocoPhillips (U.K) Limited are protected by specific protective provisions within the draft DCO (Schedule L, Parts 9 and 10 respectively) which protect any assets they have that may be affected by the Project.

8.	Required Documentation
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Book of Reference

- 8.1 The Applicant confirmed to the Ex. A that all parts of the Book of Reference are included within the Application.
- 8.2 It is the Applicant's intention to submit the next iteration (Version 3) of the Book of Reference at Deadline IV and in that Version the Applicant intends to:
- 8.2.1 Make updates to reflect changes the Applicant has become aware of through its diligent inquiry, including those changes already reflected on the Schedule of Changes to Version 2 of the Book of Reference (Appendix C to the response to Deadline II) and the transfer from the Secretary of State for Transport to Highways England;
- 8.2.2 Re-format the Book of Reference to make clearer the link between its contents and the rights sought under Schedule E of the draft DCO;

- 8.2.3 Make updates to reflect the reduction in size of plot 506 and the proportionate increase in size of plot 505 of the Order land as sought in the response to Deadline III (if that reduction is accepted by the Ex. A); and
- 8.2.4 Any other changes which the Applicant considers appropriate.
- 8.3 As noted above the Applicant will also provide an updated version of the Plot-by-Plot Analysis (Appendix R of the Applicant's response to Deadline III) to reflect those changes where appropriate.

Statement of Reasons

- 8.4 The Applicant submitted a Statement of Reasons (Doc ref No 6.1) along with the Application on 30 January 2015. On 21 August 2015 DONG Energy Power (UK) Limited acquired the entire share capital of SMart Wind Limited, Optimus Wind Limited and Breesea Limited. Thereafter the Applicant considered it necessary to provide an Update to the Statement of Reasons to the Planning Inspectorate to explain this new ownership and the new parent companies of the Applicant. An Update to the Statement of Reasons was submitted to the Planning Inspectorate on 10 September 2015.
- 8.5 The Applicant intends to submit a composite update to the Statement of Reasons at Deadline IV and which it intends will incorporate:
 - 8.5.1 The changes in company ownership set out in the Update to the Statement of Reasons submitted on 10 September 2015;
 - 8.5.2 Any changes required in light of the Applicant's restriction of the CA powers that may be exercised in respect of land specified in Schedule G;
 - 8.5.3 Any changes required to reflect the reduction in the draft DCO powers sought in relation to a part of plot 506 as sought in the response to Deadline III (if that reduction is accepted by the Ex. A); and
 - 8.5.4 Any other changes which the Applicant considers appropriate.

Funding Statement

- 8.6 The Applicant submitted a Funding Statement (Doc ref No 6.2) along with the Application on 30 January 2015. The Applicant submitted an Updated Funding Statement on 14 September 2015 to reflect the change in company ownership as outlined above.
- 8.7 Along with the Updated Funding Statement the Applicant provided (at Schedule 1) a signed letter from the Applicant's shareholders regarding the availability of a security facility to procure the financial resources necessary to fund the land acquisition to be authorised by the draft DCO, and the cost of compensation otherwise payable in accordance with the draft DCO.
- 8.8 Article 4 of the draft DCO provides the primary mechanism for security for compensation for the exercise of the CA powers authorised by the Order. Article 4 provides that CA powers must not begin to be exercised unless a guarantee in respect of the liabilities of the undertaker to pay compensation in respect of the exercise of the relevant powers or an alternative form of security has been approved by the Secretary of State. That guarantee must be enforceable against the grantor by any person able to claim compensation and it must be in place for up to 20 years from the date the CA powers are exercised. It will therefore be for the Secretary of State to satisfy herself as to the adequacy of the security provided prior to the CA powers being exercised.
- 8.9 The Ex. A queried the form that this alternative security may take. It is not presently possible for the Applicant to confirm the exact form of security however the Shareholder letter (Schedule 1 of the Updated Funding Statement) provides examples such as bond guarantee agreement or escrow arrangement.
- 8.10 The Ex. A also queried how the cost of the capital expenditure of the Project would be met and whether funding for this cost would be sourced internally or externally of the Project

Companies and their shareholders. The Applicant confirmed that it is not possible to confirm this at this stage but that internal funding, external borrowing or a mixture of both sources of funds was possible.

- 8.11 DONG Energy has an established record of bringing projects forward to delivery as set out in the table below. As indicative examples that table also sets out how these projects have been funded:

Project	Location	Delivery Date	Funding Mechanism
West of Duddon Sands	East Irish Sea	October 2014	Internal/External
Walney	East Irish Sea	June 2012	Internal/External
Burbo Bank	East Irish Sea	October 2007	Internal

Land Plans

- 8.12 The Applicant submitted Land Plans (Doc ref No 5.1) along with the Application on 30 January 2015. The Applicant thereafter sought some minor reductions in the Order limits and the current version of the Land Plans reflecting those reductions was submitted at Appendix F of the Applicant's submission of 27 April 2015.
- 8.13 The Applicant has submitted a further iteration of the Land Plans to reflect the reduction in size of plot 506 and proportionate increase to plot 505 on sheet 27 of 27 as sought in the response to Deadline III (if that reduction is accepted by the Ex. A). The updates to the Land Plans have been provided at Appendix A of the Applicant's response to Deadline III.
- 8.14 The Ex. A also requested that the Applicant provide a composite table outlining all of the updates to the various plans submitted into the Examination. This table has been provided at Appendix W of the response to Deadline III.
- 8.15 In its submissions the Applicant flagged to the Ex. A that it had become aware of two discrepancies between the Land Plans and the draft DCO. These are as follows:
- 8.15.1 Plot 353 is currently listed in Part 1(b) of Schedule G of the draft DCO as a compensation compound in respect of worksite and access. This is incorrect and the purpose of plot 353 is as a worksite and access for the Project and so should be included in Part 1(a) of Schedule G instead;
- 8.15.2 Plot 517 is currently listed in Part 2(a) of Schedule G of the draft DCO as land which is subject to temporary occupation in common with others (shown purple on the Land Plans) however the correct power sought in respect of this plot is land subject to temporary occupation (correctly shown pink on the Land Plans) and so should be included in Part 1(a) of Schedule G instead.
- 8.16 The Applicant intends to update the next iteration of the draft DCO to correct these discrepancies at Deadline IV.

9.	Alternatives
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- 9.1 The Ex. A invited the Applicant to set out in summary form the process of site selection.
- 9.2 The Applicant explained that the process and the high level description of the alternative routes and changes are in Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (Doc ref No. 7.1.4) of the ES, which sets out the process by which the Project's location developed. The site selection was arrived at through a staged process as set out in Sections 4.5 to 4.20 of Volume 1, Chapter 4 of the ES. Volume 4, Annex 4.4.1: Offshore Export Cable Route Selection of the ES (Doc ref No. 7.4.4.1) describes the offshore cable route selection in detail. Volume 4, Annex 4.4.2: Landfall, Onshore Cable Route and

Converter/Substation Location Selection of the ES (Doc ref No. 7.4.4.2) describes the landfall, onshore cable route and onshore HVDC converter/HVAC substation in detail.

- 9.3 The Applicant summarised the process and explained that Stages 1 to 5 (Section 4.5 to 4.9 of Volume 1, Chapter 4 of the ES) of the site selection and consideration of alternatives process, relate to the Hornsea Offshore wind farm Zone and Project Two Subzone and cable route. Stage 6 (Section 4.10 of Volume 1, Chapter 4 of the ES) describes the choice of the landfall. The early design of onshore and offshore cable route options were developed further and consulted upon through stages 7 to 11 (Sections 4.11 to 4.15 of Volume 1, Chapter 4) leading to a refinement of onshore and offshore cable corridors through constraints analysis and identification of candidate converter station sites (at stage 9, Volume 1, Chapter 4 of the ES, Section 4.13). HVAC technology was assessed at stage 12 (Section 4.16 of Volume 1, Chapter 4 of the ES), with further consultation and EIA studies taking place with regard to that option. At stages 13 to 16 (Sections 4.17 to 4.20 of Volume 1, Chapter 4 of the ES) further rounds of stakeholder consultation took place and adjustments to the onshore cable routeing were made in response to specific stakeholder and landowner feedback.
- 9.4 The Applicant explained that the Consultation Report (Doc ref No. 2.1) sets out the consultation undertaken by the Applicant to inform the site selection of the Project and the subsequent changes that were made to the Project design. The Consultation Report summarises at Section 8 the matters raised by stakeholders during the pre-application process and subsequent consideration of the matters raised.
- 9.5 The Ex. A queried how many changes were made to the Project design as a result of consultation. The Applicant explained that there were a number of generic changes, but also individual changes. Some changes were considered but rejected, others were considered and after a process of consultation with stakeholders and topic specialists were included in the Project's Application. The Applicant can confirm that individual changes were considered prior to submission of the application in January 2015 and further changes were considered post application.
- 9.6 Examples of changes as a result of consultation are:
- 9.6.1 The re-route of the cable route adjacent to the A160/A180 highways improvements (Ulceby Road change) – The topic authors were asked to consider the possible adjustments to the route at the A160, to take into account the proposed highway improvements, i.e. how it would affect their assessments and were any new surveys required. This change was picked up in the cumulative impact assessment (CIA) sections within each chapter (under A160/A180 Highways Improvements) prior to submission of the Application.
- 9.6.2 A re-route of the cable route at a property, Woodview, on the Keelby Road. This was initially as a result of comments from Anglian Water. The Applicant incorporated this realignment of the cable route, which improved the crossing angle of Anglian Water infrastructure, the trenchless crossing site at North Beck Drain and moved the cable route further away from the property. It also reduced the number of bends in the cable.
- 9.7 In particular, examples of changes to the Project as a result of consultation with residents are:
- 9.7.1 Pre-submission – a proposed construction access route change to the landfall construction compounds through New Tribes Mission. The route was proposed to reduce potential overlap with Project One access routes. Following consultation this was withdrawn at the landowner's request (New Tribes Mission).
- 9.7.2 Pre-submission changes to temporary construction compounds were also made in the proximity of North Coates Airfield, which resulted in the removal of a temporary construction compound and the rotation of a trenchless crossing compound.
- 9.7.3 Post application – removal of side access to HDD compound adjacent to Team Gate Drain, from the Bradley Road, west of Waltham. This was removed at the request of the Waltham Parish Council. The Applicant confirms that all reasonable alternatives to the Project have been explored.

10.	Commons and Open Space
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10.1 The Applicant confirmed that it was not aware of any commons or open space comprised in the Order land.

11.	Human Rights
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11.1 The Applicant set out the justification for the grant of the CA powers sought in the draft DCO with reference to the European Convention of Human Rights and the Human Rights Act 1998, all as more fully described in section 7.8 of the Statement of Reasons.