



Prof John Glasson  
Lead Member of the Panel of Examining Inspectors  
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**Our ref: LEG/PS/SG**

20 October 2015

Dear Professor Glasson,

**Response to Second Written Questions and Notice to speak at Issue Specific Hearing**

Further to the publication of the Examining Authority for Hornsea Project Two's Second Written Questions on 28 September (as amended on 29 September), please find below E.ON E&P UK Limited's ('E.ON') response to the two questions directed to it.

***CS20: Please provide an update on a SoCG between the applicant and E.ON E&P UK Ltd to develop a co-existence agreement, possibly also with Protective Provisions.***

Following E.ON's submissions at the Issue Specific Hearing on 15 September and the written confirmation of its oral evidence submitted on 24 September, E.ON and Dong Energy have held meetings on 1, 6 and 14 October to discuss the overlap between the interests of the two parties. Another meeting is scheduled for 23 October 2015. Meetings have previously been held on 12 May and 3 September.

These discussions are seeking to agree a commercial agreement which would, among other things, set out an agreed position regarding each party's activities within and around the area in which their interests overlap. Those discussions have been constructive, however at the time of writing the principles of a formal arrangement have yet to be agreed.

For the time being, then, E.ON's position on the application remains as set out in its previous submissions to the examination.

As made clear in our 15 and 24 September submission, if it becomes clear that it will not be possible to reach agreement, it will be necessary for E.ON to make further submissions on co-existence (including responses to the Applicant's response to E.ON's written representation) to allow full scrutiny by the Examining Authority in accordance with the relevant provisions of the National Policy Statement on Renewable Energy.

E.ON received a draft Statement of Common Ground for review from the Applicant yesterday. Given the limited time available, it has not been possible to review the document in advance of the deadline for submissions today. As matters stand, the

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outstanding points between the parties remain as set out in E.ON's previous submissions.

E.ON will be able to provide any further update on matters at the issue specific hearing scheduled for 27th October 2015. Please take this letter as notice of E.ON's intention to speak at this Hearing.

***CA28: It is the applicant's opinion (applicant's Statement of Agreement with Statutory Undertakers submitted at Deadline 3, Appendix U) (REP3-025) that (i) s.127 does not apply to E.ON E&P UK Ltd's interests, and (ii) s127 applies to land held by a statutory undertaker and concerns the CA of land. E.ON E&P UK Ltd's interests are offshore and therefore the CA provisions in the DCO (and by consequence s.127) do not apply. Does E.ON E&P UK Ltd wish to comment?***

For the avoidance of doubt, if section 127 was to apply to E.ON, as matters stand, E.ON's position would be that the Application would result in serious detriment to the carrying on of its undertaking. E.ON is not aware of any proposal to compulsorily acquire E.ON's interests but would welcome confirmation and explanation of this from the Applicant. If that is correct, then s127 would not apply.

If you have any questions relating to the content of this letter, please do not hesitate to contact me.

Yours sincerely



*PP* Peter Stuckey  
Legal Counsel

On behalf of EON E&P UK Limited