

Hornsea Offshore Wind Farm

Project Two

Update on Status of Land Agreements and Protective Provisions

Appendix O to the Response submitted for Deadline V

Application Reference: EN010053

12 November 2015

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SHEPHERD+ WEDDERBURN

Update on Status of Land Agreements and Protective Provisions

Status of Outstanding Land Agreements

<u>Landowner/Tenant</u>	<u>Status</u>	<u>Comment</u>	<u>Representation submitted?</u>	<u>Agreement before close of Examination?</u>
Associated British Ports	Draft documentation (land option) has been issued and commercial negotiations and discussions are continuing.	Plot numbers 1 – 15, 17, 19 – 20, 22 – 29 and 32. ABP holds a long leasehold interest from The Crown Estate comprising part of the Humber Estuary.	Yes. Withdrawn in part (in relation to disapplication of the Humber Conservancy Acts following agreement of protective provisions) on 14 th September 2015. The Applicant would refer to the “Statutory Undertakers Update” Table below, which confirms that protective provisions are agreed between the parties.	No - the Applicant will continue to seek to progress discussions on the draft documentation; however, the Applicant does not anticipate concluding the agreement prior to the close of the Examination.
Highways England	The freehold interest in these plots has now transferred from the Secretary of State for Transport to Highways	Plot numbers 272, 377, 378, 388, 437 and 441. Discussions centre on need for separate land	Yes. Withdrawn on 5 th November 2015 (see Appendix Q of the Applicant’s response to Deadline V).	No - the Applicant will continue to seek to progress discussions on the draft documentation; however, the Applicant does not anticipate concluding the agreement prior to the close of the Examination. In any event, the Applicant considers that protection for Highways England is already secured by the provisions of the draft DCO and the New Roads and Street Works Act 1991

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	England pursuant to the Infrastructure Act 2015. Highways England has previously mentioned that it is prepared to discuss separate land agreements in respect of these plots and the Applicant is engaging with Highways England to move matters forward.	agreement in respect of freehold land now vested in Highways England.		(the 1991 Act).
Able Humber Ports Limited	Draft documentation (land options) has been issued and constructive commercial negotiations and discussions are continuing.	Plot numbers 449, 451, 481, 486 – 487, 491 – 498 and 503 – 507. Able owns the freehold interest in various parcels of land through which the Project's onshore cable will	No	No - the Applicant will continue to seek to progress discussions on the draft documentation; however, the Applicant does not anticipate concluding the agreement prior to the close of the Examination.

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		pass.		
Total Lindsey Oil Refinery Limited	Draft documentation (land option) has been issued. Commercial negotiations and discussions are continuing	Plot numbers 460, 465 – 479 and 481 – 486. Total owns freehold land through which the Project's onshore cable will pass.	No	No - the Applicant will continue to seek to progress discussions on the draft documentation; however, the Applicant does not anticipate concluding the agreement prior to the close of the Examination.
Stuart Herbert Somerscales	Commercial terms have now been agreed and as a result the Applicant has updated and reissued the draft documentation (land option) with a view to moving to exchange as soon as possible.	Plot numbers 334 – 338 and 340. Mr Somerscales owns freehold land through which the Project's onshore cable will pass	Yes (withdrawn via oral submission at CA Hearing on 17 September 2015)	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of the Examination.
S H Somerscales Limited	Commercial terms have now been agreed and	Plot numbers 334 – 337. Tenant of Mr Somerscales	Yes (withdrawn via oral submission at CA Hearing on 17	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of the Examination.

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	as a result the Applicant has updated and reissued the draft documentation (land option) with a view to moving to exchange as soon as possible.	(see immediately above). Plot number 342 – cable corridor Plot number 343-346 – compounds. <i>NB Plot 344 is a compensation compound and SH Somerscales Limited has provided a side letter authorising use.</i>	September 2015)	
Terence Tomlinson	Commercial terms have now been agreed and as a result the Applicant has updated and reissued the draft documentation (deed of variation to existing land	Plot numbers 440 and 444 – 447. Mr Tomlinson owns freehold land through which the Project's onshore cable will pass	Yes (withdrawn via oral submission at CA Hearing on 17 September 2015)	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of the Examination

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	option) with a view to moving to exchange as soon as possible.			
Elizabeth Greetham Angela	Commercial terms have now been agreed and as a result the Applicant has updated and reissued the draft documentation (deed of variation to existing land option) with a view to moving to exchange as soon as possible.	Plot numbers 411 – 428 and 452 – 453. Mrs Greetham owns freehold land through which the Project's onshore cable will pass	Yes (withdrawn via oral submission at CA Hearing on 17 September 2015)	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of the Examination
Robert Greetham John	Commercial terms have now been agreed and as a result the Applicant has updated and reissued the	Plot numbers 411 – 416, 419 – 423, 426 – 428 and 453. Tenant of Mrs	Yes (withdrawn via oral submission at CA Hearing on 17 September 2015)	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of the Examination

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	draft documentation (deed of variation to existing land option) with a view to moving to exchange as soon as possible.	Greetham (see immediately above).		
John Spilman Ellerker	Documentation (option for grant of lease of rights for pedestrian and vehicular access) and commercial terms have been agreed. The Applicant is looking to exchange the agreed form of option as soon as possible.	Plot numbers 305 and 306. Mr Spilman owns freehold land (existing access) over which the Project is requesting pedestrian and vehicular rights of way for construction and maintenance of the Project's onshore cable.	No	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of the Examination. Previously, Mr Spilman's position was that he was also in discussions with Hornsea Project One and wished to conclude arrangements with Hornsea Project One and the Applicant at the same time. However, Mr Spilman has now confirmed that he is willing to proceed to exchange of the Project Two option independently of Project One.
Aylesby Manor Farms Limited	Documentation (option for grant	Plot number 305.	No	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of

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	of lease of rights for pedestrian and vehicular access) and commercial terms have been agreed. The Applicant is looking to exchange the agreed form of option as soon as possible.	Tenant of Mr Spilman (position is as stated immediately above).		the Examination
Gradebrook Filling Stations Limited	HOTs are agreed and draft documentation (option for grant of short term lease for temporary working area/compound) has been updated and reissued to landowner with a view to moving to exchange as soon as	Plot number 392. Gradebrook own freehold land which the Applicant wishes to use for the purposes of a temporary compound/working area during initial construction.	Yes. The Applicant notes representatives of Gradebrook confirmed their intention to withdraw the representation at the CA Hearing on 29 October 2015 following clarification provided by the Applicant (see Appendix I of the Applicant's response to Deadline V for additional clarification on this point).	Yes – the Applicant is making good progress and is hopeful of concluding the agreement prior to the close of the Examination

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	possible.			
Darrington Quarries Limited	Draft documentation has been issued (option for grant of short term lease for temporary working area/compound). The Applicant is endeavouring to progress commercial negotiations.	Plot number 458. Darrington Quarries Limited owns freehold land which the Applicant wishes to use for the purposes of a temporary compound/working area during initial construction	No	No - the Applicant will continue to seek to progress discussions on the draft documentation; however, the Applicant does not anticipate concluding the agreement prior to the close of the Examination.
E.ON UK Plc	HOTs have been agreed and draft documentation (land options) have been issued. Constructive commercial negotiations and discussions are continuing	Plot numbers 488 – 490, 499 – 502 and 508 – 511. E.ON owns the freehold interest in various parcels of land through which the Project's onshore cable will pass. E.ON is also the freehold owner of certain parcels	No	No - the Applicant will continue to seek to progress discussions on the draft documentation; however, the Applicant does not anticipate concluding the agreement prior to the close of the Examination.

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		of land identified by the Applicant as required for the Project's onshore substation and for temporary work compounds. In addition, agreement will be required for access to the National Grid substation over E.ON private land (via an access road already serving the substation).		
William Arthur and James Arthur Fussey	HOTs have been agreed and draft documentation (option for deed of surrender) issued. Discussions are continuing.	Plot numbers 489 and 499 – 502. Tenant of E.ON (see immediately above).	No	Possibly - the Applicant will continue to seek to progress discussions on the draft documentation with a view to concluding the agreement prior to the close of the Examination.
Centrica Limited	KPS Commercial terms have now been agreed and	Plot numbers 512 – 522.	Yes	Possibly - the Applicant will continue to seek to progress discussions on the draft documentation with a view to concluding the agreement prior to the close of the

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	the Applicant is seeking to agree the previously issued draft documentation and move to exchange as soon as possible.	Use of the access road is a legal right benefitting the Project's substation site. Discussions centre on separate rights to upgrade/enhance the access road; for the Project's onshore cable to cross an electricity cable owned/operated by Centrica; use of Centrica land for temporary working areas/compounds and acquisition of permanent rights in land owned by Centrica.		Examination.

Statutory Undertakers Update

Outstanding

Undertaker	Protective Provisions Agreed	Any Commentary	Representation submitted?	Agreement before close of Examination?
Northern Powergrid (Yorkshire) plc	No	<p>There are currently no bespoke Protective Provisions for the benefit of Northern Powergrid Yorkshire Plc in the DCO.</p> <p>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.</p> <p>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</p>	Yes	Yes - the Applicant is making good progress and is hopeful of agreeing protective provisions prior to the close of the Examination

		<p>the undertaking.</p> <p>Notwithstanding, the Applicant is engaged with Northern Powergrid Yorkshire Plc to discuss a form of bespoke protective provisions for the benefit of Northern Powergrid and is hopeful of reaching agreement on their terms prior to the close of Examination.</p>		
VPI Immingham LLP	No	<p>Protective Provisions for the benefit of VPI are at Part 8 of Schedule L of the DCO.</p> <p>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 or delayed).</p> <p>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</p>	Yes	Yes - the Applicant is making good progress and is hopeful of agreeing protective provisions prior to the close of the Examination

		<p>DCO are sufficient to ensure no material detriment to VPI's statutory undertaking.</p> <p>Further, notwithstanding that P2 detailed design has not yet been finalised, VPI is seeking to agree the terms of a crossing agreement now. The Applicant has provided VPI with a draft crossing agreement for consideration and discussions in respect of this document are continuing.</p>		
Centrica KPS Limited	Centrica has requested some amendments to the form of protective provisions which have been agreed by the applicant. It is anticipated that Centrica will shortly write to PINS confirming withdrawal of all Centrica representations.	Protective Provisions at Part 7 of Schedule L of the DCO for the benefit of Centrica PLC and all of its subsidiaries and group companies including Centrica KPS Limited.	Yes	Yes - it is anticipated that Centrica will shortly write to PINS confirming withdrawal of all Centrica representations.

Note: Able Humber Ports Limited, E.ON UK plc, Great Northern and East Lincolnshire Railway Ltd and Yorkshire Electricity Group plc all are statutory undertakers with an interest in the Order land. None of these parties have made a representation into the examination however and so no commentary on PPs required.

Agreed

Undertaker	Protective Provisions Agreed	Any Commentary
Network Rail Infrastructure Limited	Yes Email of no objection sent to PINS by Network Rail and published 2 June 2015	Protective Provisions for the benefit of Network Rail are at Part 2 of Schedule L of the draft DCO.
Associated British Ports	Yes Confirmation of agreed PPs sent by ABP to PINS on 14 September 2015	Protective Provisions for the benefit of ABP are at Part 5 of Schedule L of the draft DCO.
Environment Agency	Yes Annex 2 of the CMP (most recently updated for Deadline IV) contains a letter from the EA to P2 dated 10 July 2015 requesting the form of PPs to be included within the draft DCO.	Protective Provisions for the benefit of the Environment Agency and drainage authorities are at Part 1 of Schedule L of the draft DCO.
Anglian Water Services Limited	Yes Email to PINS dated 29 July 2015 confirms that protective provisions normally requested by Anglian Water have been included within the draft DCO.	Protective Provisions for the benefit of Anglian Water are at Part 6 of Schedule L of the draft DCO.
National Grid Gas plc	Yes Email confirming agreement and withdrawing objection from National Grid Gas submitted to PINS on 20 October 2015.	Protective Provisions for the benefit of National Grid Gas are contained in a confidential commercial side agreement.

National Grid Electricity Transmission plc	Yes Email confirming agreement and withdrawing objection from National Grid Electricity Transmission submitted to PINS on 20 October 2015.	Protective Provisions for the benefit of National Grid Gas are contained in a confidential commercial side agreement.
Heron Wind Limited (Project One)	Yes Summary of case submitted by the Project One Companies on 24 September 2015 confirms protective provisions are agreed and all representations withdrawn.	Protective Provisions for the benefit of Hornsea One Companies are at Part 12 of Schedule L of the draft DCO.