

Hornsea Offshore Wind Farm

Project Two

Comparison of the Applicant's proposed E.ON E&P Protective Provisions against those submitted by E.ON E&P at Deadline V

Appendix J to the Response submitted for Deadline VI
Application Reference: EN010053

26 November 2015

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PART X
FOR THE PROTECTION OF SEAWARD PRODUCTION LICENSEES

1. For the protection of E.ON E&P and BEL, unless otherwise agreed in writing between the undertaker, E.ON E&P and BEL the provisions of this part of this Schedule have effect.

2. In this part of this Schedule-

"apparatus" means the infrastructure owned, occupied or maintained by E.ON E&P or BEL or which will be owned, occupied or maintained by E.ON E&P or BEL and which is located or which will be located within the area coloured green on the Protective Provisions Plan and for which E.ON E&P and/or BEL have all necessary consents authorising the construction, operation and/or maintenance;

"BEL" means Bayerngas Europe Limited (company number 05735294) and includes its successors to the seaward production licence;

"DECC guidance" means the 'Oil and gas clause in Crown Estate leases, Guidance on procedures for independent valuation where necessary' published by the Department of Energy and Climate Change in June 2014, or any similar supplementary or replacement policy;

"E.ON E&P" means E.ON E&P UK Limited (company number 02761032) and includes its successors to the seaward production licence;

"the licence holders" means E.ON E&P and BEL;

"the marine licence works" means any works authorised by the marine licences contained in Schedules H to K to this Order deemed to be granted by article 36;

"Ministerial statement" means the written statement given by the then Secretary of State for Energy and Climate Change to the UK Parliament regarding Crown Estate Leases for Offshore Renewables Project on 12 July 2011, or any similar supplementary or replacement policy;

"plans of the proposed works" includes sections, drawings, specifications and method statements and any other details as reasonably required by the licence holders;

"the Protected Area" means any area within the area coloured green on the Protective Provisions Plan within which E.ON E&P and/or BEL have, at the relevant time, apparatus;

"the Protective Provisions Plan" means the plan entitled Protective Provisions Plan (with plan number [XXX]) and certified as the Protective Provisions Plan by the Secretary of State under article [x] for the purposes of this Part of this Schedule; and

"the seaward production licence" means the licence granted to E.ON E&P and BEL under the Petroleum Act 1998 by the Secretary of State for Energy and Climate Change licence bearing the reference P2290.

3.- (1) Subject to sub-paragraph (3), the undertaker must not construct any of the authorised project or the marine licence works (including the placing of any anchor or the laying of any chains or cables) within the ~~area coloured green on the Protective Provisions Plan~~ Protected Area without having first submitted to, and obtained approval from the licence holders in respect of, plans of the proposed works within that area, such approval not to be unreasonably withheld or delayed and which approval can only be withheld or delayed where necessary for the protection of apparatus but which may be granted subject to reasonable conditions.

(2) The undertaker must construct the authorised project and the marine licence works in accordance with the plans approved by the licence holders under sub-paragraph (1) and any terms and conditions reasonably specified by the licence holders when approving those plans.

(3) Sub-paragraph (1) only applies to the extent that the seaward production licence extends to the area coloured green on the Protective Provisions Plan.

~~(4) No compensation is payable from E.ON E&P or BEL to the undertaker or any other person. Nothing in this Part of this Schedule shall affect any assessment of compensation in accordance with the Ministerial statement and the DECC guidance.~~
~~by virtue of the provisions of this paragraph or their implementation.~~