

From: Johnson, Melissa [mailto:Melissa.Johnson@addleshawgoddard.com]
Sent: 30 January 2019 10:08
To: Hornsea Project Three
Cc: Elsenaar, Marnix
Subject: Orsted Hornsea Project Three (UK) Ltd application for a DCO: Compulsory Acquisition Hearing - Network Rail's update in advance of the Hearing [ADDGDD-Live.FID2857045]

Dear Madam or Sir

We act on behalf of Network Rail in relation to this DCO.

Network Rail has been invited to attend tomorrow's Compulsory Acquisition Hearing.

Network Rail is unfortunately unable to attend the hearing but is able to update the ExA in relation to item 11(c) of the Agenda as follows:

Item 11(c) of the Agenda

Network Rail's objection to the DCO is not withdrawn but Network Rail hopes that it will be able to withdraw its objection during the course of the Examination, subject to the agreement with the applicant of:

1. the protective provisions for the benefit of Network Rail; and
2. the property and asset protection agreements referred to in its Written Representations [**REP1 - 251**].

1. Protective provisions

With regards to the protective provisions, there are still some points of disagreement with the applicant, which Network Rail hopes will be resolved in the coming weeks, in particular:

- paragraph 15 of the protective provisions: regarding the extent of the indemnity that the applicant is willing to give Network Rail (as a publicly funded statutory undertaker Network Rail cannot be liable for losses arising from the scheme); and
- paragraph 21 of the protective provisions: Network Rail cannot be bound to the timing constraints in the Arbitration Rules as it cannot control all aspects of the consents process, for example in the event that objections are made by technical engineers and which necessitate further assessment before Network Rail is able to give a view on a proposal.

2. Property and asset protection agreements

With regards to the property and asset protection agreements, Network Rail is in the process of negotiating with the applicant and is hopeful that agreement will be reached before the close of the examination.

Network Rail will update the ExA at the next appropriate deadline regarding these negotiations.

We would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Addleshaw Goddard LLP

Melissa Johnson

Consultant

for Addleshaw Goddard LLP

DDI: +44 (0)161 934 6272

Fax: +44 (0)20 7606 4390

Office Locations: <http://www.addleshawgoddard.com/contactus>

This e-mail (including any attachments) is confidential to the intended addressee, may be subject to copyright, and may also be privileged. If you are not the intended addressee, please do not read, print, re-transmit, copy, store, alter or otherwise disclose it or any of its attachments to anyone; nor should you act in reliance on it or any of its attachments. Instead, please notify the error to the sender by e-mail and immediately permanently delete this email and any of its attachments from your system.

Please see the [Privacy Notice](#) published on our website for information about what we do with your personal data, and your rights in relation to the same.

E-mails sent to and from Addleshaw Goddard LLP may be monitored and read for legitimate business purposes, notably to ensure compliance with the law and our regulatory obligations. Emails cannot be guaranteed to be secure or error-free, and you should protect your systems. Addleshaw Goddard LLP does not accept any liability arising from interception, corruption, loss or destruction of this e-mail, or if it arrives late or incomplete or with viruses.

Addleshaw Goddard LLP is a limited liability partnership registered in England and Wales (with registered number OC318149) and is authorised and regulated by the Solicitors Regulation Authority and the Law Society of Scotland.

A list of members is open to inspection at our registered office, Milton Gate, 60 Chiswell Street, London EC1Y 4AG.

The term partner refers to any individual who is a member of any Addleshaw Goddard entity or association or an employee or consultant with equivalent standing and qualifications.

For further information please consult our website, www.addleshawgoddard.com.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>
