

Hornsea Project Three
Offshore Wind Farm



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Statement of Reasons (Tracked Changes)
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Offshore Wind Farm



Compulsory Acquisition

Statement of Reasons

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Glossary

Term	Definition
Application	The DCO application for Hornsea Three
Applicant	Orsted Hornsea Project Three (UK) Limited
DONG Energy Hornsea Project Three (UK) Limited	Previous name of the Hornsea Three project company, now changed to Orsted Hornsea Project Three (UK) Limited
Onshore HVDC converter/HVAC substation	The substation that will convert and connect the export cables that originated from the landfall at Weybourne to the National Grid
Order Land	The spatial limits of all land applied for in the Application to develop, construct and operate the Hornsea Three project
Project	Orsted Hornsea Project Three
Statement	The Statement of Reasons

Acronyms

Acronym	Description
AfL	Agreement for Lease
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EHCR	European Convention on Human Rights
HDD	Horizontal Directional Drilling
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
JB	Joint Bay
LB	Link Box
LIQ	Land Interest Questionnaire
NPS	National Policy Statement
OFTO	Offshore Transmission Owner

1. Summary

- 1.1.1.1 This Statement of Reasons (the 'Statement') relates to an application (the 'Application') made by Orsted Hornsea Project Three (UK) Limited (Company Registration Number 08584210 and previously named DONG Energy Hornsea Project Three (UK) Limited) (the 'Applicant') to the Secretary of State under the Planning Act 2008 ('PA 2008') for the Hornsea Three Offshore Wind Farm Order (the 'Order') (Application Document Reference A3.1). Further details about the Applicant can be found in the Funding Statement (Application Document Reference A4.1).
- 1.1.1.2 This Statement has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('APFP Regulations'), The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and the Communities and Local Government Guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition' ('Compulsory Acquisition Guidance').

1.1.2 Scheme description

- 1.1.2.1 The Application seeks development consent for the Hornsea Project Three Offshore Windfarm ('Hornsea Three'), which will have up to 300 wind turbines; up to three offshore accommodation platforms; up to twelve offshore transformer substations; up to four offshore High Voltage Direct Current ("HVDC") converter substations; up to six subsea offshore High Voltage Alternating Current ("HVAC") booster stations; up to four surface offshore HVAC booster stations; subsea inter-array electrical circuits; a marine connection to shore; a foreshore connection and an onshore connection to an onshore substation (which could also include an onshore HVAC booster station sited along the route); and the connection from there to National Grid's existing Norwich Main substation. Hornsea Three will have a total installed capacity in excess of 100 megawatts ("MW") and anticipated to be approximately 2,400MW.
- 1.1.2.2 The onshore infrastructure will consist of up to 18 onshore export cables buried in up to six trenches. Hornsea Three may use HVAC or HVDC transmission, or could use a combination of both technologies in separate electrical systems. The Applicant is applying for both HVAC and HVDC transmission to achieve flexibility and to facilitate a low cost of energy to the UK consumer and successful completion of Hornsea Three in a competitive market.

- 1.1.2.3 Hornsea Three constitutes a Nationally Significant Infrastructure Project ('NSIP').

1.1.3 Powers sought in the Order

- 1.1.3.1 The Applicant has been seeking to acquire the land, rights (and restrictions) over land and temporary use of land by voluntary agreement, in order to ensure implementation of Hornsea Three. However, it has not yet been possible (at the time of writing) to acquire all of the land, the temporary use of land and the rights required by agreement, although negotiations are still ongoing.

- 1.1.3.2 The powers authorising the acquisition of land, or of interests in and/or rights over land, are principally contained in Articles 18 and 20 of the Order.
- 1.1.3.3 These powers are being sought in order for the Applicant to be able to construct, operate and maintain Hornsea Three without impediment. There are a number of other articles in the Order which grant the Applicant powers the exercise of which may result in interference with property rights and private interests in land.
- 1.1.3.4 The land over which compulsory acquisition powers are sought in respect of the freehold is shown edged red and shaded pink on the Land Plan - Onshore (Application Document Reference A2.3) ('Land Plans'). This land is described in more detail in the Book of Reference (Application Document Reference A4.3).
- 1.1.3.5 The land over which only new rights (including the imposition of restrictions) are being compulsory sought is shown edged red and shaded blue, green and brown on the Land Plans (Application Document Reference A2.3). This land is described in more detail in the Book of Reference (Application Document Reference A4.3).
- 1.1.3.6 The land over which only temporary use is sought is shown edged red and shaded yellow on the Land Plans (Application Document Reference A2.3). This land is described in more detail in the Book of Reference (Application Document Reference A4.3). Articles 26 and 27 of the Order are relied upon in respect of this land and, as such, no compulsory acquisition of land or rights is sought.
- 1.1.3.7 Where the Applicant is seeking to compulsory acquire either land or new rights over land, powers for temporary use of such land pursuant to Articles 26 and 27 are also being sought.
- 1.1.3.8 Where these powers of compulsory acquisition are exercised, owners of the relevant land or rights in land may be entitled to compensation under the Compensation Code, where a valid claim is made out. Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.
- 1.1.3.9 The Applicant has explored reasonable alternatives to compulsory acquisition and made reasonable attempts to acquire the land and rights over land by agreement.
- 1.1.3.10 Article 1 of the First Protocol to the European Convention on Human Rights ("ECHR") and Article 8 of the ECHR have been considered and the Applicant considers that the interference with rights is for a legitimate purpose, is necessary and is proportionate.

1.1.4 The need for the scheme

- 1.1.4.1 The government's policy on renewable energy is discussed in detail in section 8 of this Statement and demonstrates the public benefits of Hornsea Three. The UK Government has committed to source 15% of its total energy needs from renewable sources by 2020 under the Promotion of the Use of Energy from Renewable Sources Regulations 2011/243. In addition, under the Climate Change Act 2008 the UK is bound to cut greenhouse gas emissions by 80% by 2050 and by at least 34% by 2020.
- 1.1.4.2 The UK Renewable Energy Roadmap 2011 identified offshore wind as the technology capable of making the biggest contribution to providing renewable energy to meet the UK's 2020 target. The UK Renewable Energy Roadmap (Update 2013) referred to modelling that projected an increase in the existing target for 13 GW of offshore wind by 2020, to 16 GW by 2020, with an industry potential of 39 GW possible by 2030.
- 1.1.4.3 It is therefore evident that there is a great need for renewable energy in order to tackle climate change and secure energy supply and that this is high on the Government's agenda. Once installed, Hornsea Three is anticipated to have the capacity to generate approximately 2.4 GW of electricity which will make an important contribution towards the achievement of the UK's commitments to source its energy needs from renewable sources.

1.1.5 Special category land

- 1.1.5.1 The parts of the Order Land which are open space are shown on the Special Category Land – Onshore Plans (Application Document Reference A2.11.2) and identified in Part 5 of the Book of Reference (Application Document Reference A4.3). This comprises:
- Parts of the foreshore and beach north of Weybourne Military Camp (plots 1-001, 1-002, 1-003 and 1-004);
 - Part of a woodland known as Bodham Wood (plot 3-031); and
 - Parts of a heritage trail known as Marriott's Way (plots 16-016, 16-017, 16-018, 16-020 and 20-008).
- 1.1.5.2 Although there will be temporary interference with the use of the open space land during the construction period of the onshore cable route, access to the remainder of the open space in each location will be available.
- 1.1.5.3 Following completion of the construction of the onshore cable route, there may be occasional future maintenance activities associated with the onshore cable route. Any interference with public recreational use of the open space land as a result of such maintenance activities would be temporary in nature.
- 1.1.5.4 The Applicant therefore considers that the open space land when burdened with the rights sought in the Order will be no less advantageous to the public than it was before and therefore the test set out in s132(3) of the PA 2008 is satisfied.

1.1.5.5 The Order Land includes land, rights or other interests owned by Statutory Undertakers. Adequate protection for the statutory undertakers will be included within protective provisions in the Order and/or asset protection agreements between the parties. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of their undertakings as a result of the compulsory acquisition of land or rights over land or powers of temporary possession.

1.1.5.6 Section 135 of the PA 2008 provides protection for Crown Land against compulsory acquisition. The Order Land includes land owned by the Crown or subject to Crown Interests. The Applicant is in discussions with the Crown Estate Commissioners, the Ministry of Defence and the Forestry Commission (on behalf of the Secretary of State for Environment, Food and Rural Affairs) (being the appropriate Crown authorities) in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.

1.1.6 Conclusion

1.1.6.1 The Order Land or rights over the Order Land and the imposition of restrictions are required for the purposes of, to facilitate, or are incidental to, Hornsea Three and are no more than are reasonably necessary. Furthermore, there is a compelling case in the public interest for the land or rights over the land to be acquired given the positive benefits that the development will generate particularly in view of current UK policy in relation to renewable energy.

2. Introduction

- 2.1.1.1 This Statement of Reasons (the 'Statement') relates to an application (the 'Application') made by Orsted Hornsea Project Three (UK) Limited (Company Registration Number 08584210 and previously named DONG Energy Hornsea Project Three (UK) Limited) (the 'Applicant') to the Secretary of State under the Planning Act 2008 ('PA 2008') for the Hornsea Three Offshore Wind Farm Order (the 'Order') (Application Document Reference A3.1).
- 2.1.1.2 The Application seeks development consent for Hornsea Three which is the third project within the former Hornsea Round 3 Zone (the 'Former Hornsea Zone'). Hornsea Three constitutes a Nationally Significant Infrastructure Project ('NSIP'). The Order would authorise the construction, operation, maintenance and decommissioning of a generating station comprising wind turbines and electrical transmission infrastructure connecting the generating station to the National Grid's existing Norwich Main Substation. Hornsea Three is anticipated to have a total installed capacity of approximately 2,400 megawatts ('MW').
- 2.1.1.3 This Statement has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('APFP Regulations'), The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and the Communities and Local Government Guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition' ('Compulsory Acquisition Guidance').
- 2.1.1.4 Hornsea Three, comprising an offshore electricity generating station with a capacity of more than 100 MW, falls within the definition of a "nationally significant infrastructure project" under section 15(3) of the PA 2008. It is, therefore, necessary for the Applicant to apply to the Secretary of State for development consent to construct, operate, maintain and decommission Hornsea Three under Section 31 of PA 2008.
- 2.1.1.5 This Statement forms part of the suite of documents accompanying the Application submitted in accordance with Section 55 of the PA 2008 and Regulation 5 of the APFP Regulations, and should be read together with those documents.
- 2.1.1.6 This Statement explains why it is necessary to acquire land, acquire and/or create rights and impose restrictions over land, override, suspend or extinguish rights over land and to temporarily use land for the purposes of Hornsea Three, if necessary by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the Order (Application Document Reference A3.1) and sets out why there is a clear and compelling case in the public interest, in accordance with section 122 of PA 2008, for the Order to include such powers.

- 2.1.1.7 The land required for the purposes of Hornsea Three is referred to as the 'Order Land' and is described in more detail in section 5 of this Statement and shown outlined in red on the Land Plans (Application Document Reference A2.3). The Order Land only relates to the onshore elements of Hornsea Three and does not therefore include all of the Order Limits referred to the Order or shown on the Works Plans - Offshore (Application Document Reference A2.4.1).
- 2.1.1.8 Negotiations for the purchase of land, rights and interests are ongoing in respect of the land and new rights required for Hornsea Three. Nonetheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the Order, thereby ensuring that the Project can be constructed, operated, maintained and decommissioned.
- 2.1.1.9 The following documents have been submitted as part of the Application in order to meet the requirements of the APFP Regulations and the Compulsory Acquisition Guidance:
- This Statement;
 - A Funding Statement (Application Document Reference A4.1) which explains how the construction of Hornsea Three as well as the acquisition of land and interests is expected to be funded;
 - Land Plans showing the land over which it is intended to use the compulsory acquisition powers (Application Document Reference A2.3); and
 - Book of Reference (Application Document Reference A4.3) which identifies those persons with an interest in the Order Land.
- 2.1.1.10 This Statement explains and justifies the inclusion of the powers contained within the Order. The structure of this Statement is set out below and also addresses each of the requirements of the Compulsory Acquisition Guidance:
- An introduction to the Applicant is contained in section 3;
 - A summary of Hornsea Three is set out in section 4;
 - A brief description of the Order Land, its location, topographical features and present use is contained in section 5;
 - An outline of the need to compulsorily acquire land or rights over land, and the specific purpose for which the land and such rights are to be compulsorily acquired, is contained in section 6;
 - A statement of the justification for compulsory acquisition including reference to funding and how regard has been given to the provisions of Articles 1 and 8 of the First Protocol to the European Convention on Human Rights is included in section 7 and 8;
 - Any special considerations affecting the land to be compulsorily acquired, e.g. open space land, statutory undertaker land and Crown land, are included in section 9;
 - Details of the other consents needed before Hornsea Three can be implemented are included in section 10; and

- Any other information which would be of interest to someone affected by the Order, such as an address, telephone number and email address where further information on these matters can be obtained, is included in section 11.

3. The Applicant

- 3.1.1.1 The Applicant is registered in England and is a wholly owned subsidiary of Orsted Power (UK) Limited (a company incorporated in England and Wales with Company Registration Number 04984787). Orsted Power UK Limited is a wholly owned subsidiary of Ørsted A/S, a company incorporated in Denmark (Company Registration Number 36213728) which is majority owned by the Danish Government.
- 3.1.1.2 Ørsted is one of the leading energy businesses in Northern Europe and has its headquarters in Denmark. Its employees totalled 5638 at the end of 2017 and in that year it generated DKK 59.5 billion (£7 billion) in revenue. Ørsted's well established business is based on producing, distributing and trading in energy and related products in Northern Europe. Ørsted is the world leader in the development, construction and operation of offshore wind farms, with more than 25 years' experience and a strong track record of delivering successful projects, with approximately 4.4 GW of operational offshore wind worldwide, and a further 4.5 GW under construction in the lead up to 2022. Ørsted is committed to supplying clean and reliable energy and aims to produce 95% of all generated heat and power from renewable sources by 2023. Further investment in offshore wind energy will be crucial to delivering this ambition and Ørsted aims to have 11-12 GW of installed capacity by 2025.
- 3.1.1.3 Ørsted has over 20 years' experience in offshore wind farm development, and the company has built more offshore wind farms than any other company in the world to date.
- 3.1.1.4 Further details about the Applicant can be found in the Funding Statement (Application Document Reference A4.1).
- 3.1.1.5 Prior to operation, the onshore elements of Hornsea Three must be transferred to an Offshore Transmission Owner (OFTO). In order to ensure that the onshore elements of Hornsea Three can be easily transferred to the OFTO, all property documents are being entered into by the Applicant and Cerulea Limited (a company incorporated in England and Wales with Company Registration Number 08584174). Like the Applicant, Cerulea Limited is also a wholly owned subsidiary of Orsted Power (UK) Limited and an Ørsted A/S Group Company.

4. Hornsea Three

- 4.1.1.1 Hornsea Three will have up to 300 wind turbines; up to three offshore accommodation platforms; up to twelve offshore transformer substations; up to four offshore High Voltage Direct Current (“HVDC”) converter substations; up to six subsea offshore High Voltage Alternating Current (“HVAC”) booster stations; up to four surface offshore HVAC booster stations; subsea inter-array electrical circuits; a marine connection to shore; a foreshore connection and an onshore connection to an onshore substation (which could also include an onshore HVAC booster station sited along the route); and the connection from there to National Grid’s existing Norwich Main substation. Hornsea Three will have a total installed capacity in excess of 100 megawatts (“MW”) and anticipated to be approximately 2,400MW.
- 4.1.1.2 The onshore infrastructure will consist of up to 18 onshore export cables buried in up to six trenches. Hornsea Three may use HVAC or HVDC transmission, or could use a combination of both technologies in separate electrical systems. The Applicant is applying for both HVAC and HVDC transmission to achieve flexibility and to facilitate a low cost of energy to the UK consumer and successful completion of Hornsea Three in a competitive market.
- 4.1.1.3 Full details of Hornsea Three, including the proposed constructed methods and phasing, can be found in Volume 1, Chapter 3, Project Description, of the Environmental Statement (Application Document Reference A6.1.3) accompanying the Application.

5. Description of the Land Subject to Compulsory Acquisition

- 5.1.1.1 Hornsea Three is located approximately 121 km from the North Norfolk coast and approximately 10.1 kilometres west of the median line between UK and Netherlands waters. The offshore cable route extends from the proposed landfall in the vicinity of Weybourne in Norfolk in a north-easterly direction to the southern boundary of the wind farm array.
- 5.1.1.2 Hornsea Three is situated offshore and onshore. However, compulsory acquisition powers are only being sought over the Order Land shown on the Land Plans (Application Document Reference A2.3). This land is described in more detail in the Book of Reference (Application Document Reference A4.3).

5.2 Description of the land subject to compulsory acquisition

- 5.2.1.1 The Hornsea Three export cables will make landfall on the beach to the west of Weybourne, using either horizontal directional drilling ('HDD') or open-cut installation methods. Here the offshore cables will be jointed to the onshore cables in up to six transition joint bays. The onshore cable route continues generally southwards towards Little Barningham where an onshore HVAC booster station may be required nearby, depending upon the final system design. From the onshore HVAC booster station site, the cables travel on southwards to Swardeston where they will connect to the new, proposed onshore HVDC converter/HVAC substation. Up to four 400 kV circuits will then connect to the existing National Grid owned Norwich Main 400 kV substation nearby.
- 5.2.1.2 The overall onshore cable corridor is approximately 53 km long, consisting of up to 6 cable trenches. Typically, the cables will be installed underground within an 80 metre wide corridor, which will include both the permanent installation area (60 metres) and the temporary working area (20 metres). Each trench could be up to five metres wide and the circuits must be spaced out to minimise the mutual heating effect. This spacing enables the cables to effectively carry the large power volumes required without overheating and damaging the cables and it also allows for a working area either side of the cables so that they can be accessed without damaging or working above other cables. The onshore cable corridor also includes associated access points, construction and temporary storage compounds for equipment, materials and segregated soils.
- 5.2.1.3 Where it is necessary to cross existing assets, infrastructure or environmental features this may be via open cut or HDD methodologies and additional working areas may be necessary at these locations.

- 5.2.1.4 The width of the permanent and/or temporary areas may change where obstacles are encountered, for example an ecological constraint such as a wood or major crossing under obstacles such as rivers or larger roads. The width required accommodates space for cable trenches, temporary haul roads, temporary topsoil and subsoil storage and any associated compounds required to support horizontal directional drilling works.
- 5.2.1.5 The land over which compulsory acquisition powers are sought in respect of the freehold is shown edged red and shaded pink on the Land Plans (Application Document Reference A2.3). This land is described in more detail in the Book of Reference (Application Document Reference A4.3). Article 18 of the Order is relied upon in respect of this land.
- 5.2.1.6 The land over which only new rights (including the imposition of restrictions) are being compulsory sought is shown edged red and shaded blue, green and brown on the Land Plans (Application Document Reference A2.3). This land is described in more detail in the Book of Reference (Application Document Reference A4.3). Article 20 of the Order is relied upon in respect of these rights.
- 5.2.1.7 The land over which only temporary use is sought is shown edged red and shaded yellow on the Land Plans (Application Document Reference A2.3). This land is described in more detail in the Book of Reference (Application Document Reference A4.3). Articles 26 and 27 of the Order are relied upon in respect of this land and, as such, no compulsory acquisition of land or rights is sought.
- 5.2.1.8 Where the Applicant is seeking to compulsory acquire either land or new rights over land, powers for temporary use of such land pursuant to Articles 26 and 27 are also being sought.

5.2.2 Alternative cable corridor routing options - East Option and West Option at Moor Farm

- 5.2.2.1 Two routing options ~~have been~~were considered in relation to the routing of the onshore cable corridor on land at Moor Farm (south of Marriott's Way). The West Option (plots 16-024, 16-025, 16-026, 16-027, 16-028 and 16-029) was consulted on as part of the statutory consultation undertaken in July to September 2017.
- 5.2.2.2 In response to comments from the landowner, the East Option plots 16-021A, 16-022A, 16-023A, 16-024A, 16-025A) was designed, assessed and consulted on.
- ~~5.2.2.3 The landowner's agent confirmed at Deadline 6 (Paragraph 4.0 of REP6-079) that the West Option is preferred and the Applicant has therefore removed the East Option (plot numbers 16-021A, 16-022A, 16-023A, 16-024A and 16-025A) from the Order Limits. subsequently suggested that the West Option is their preferred route. However, at the time of writing the landowner is not prepared to enter into a voluntary agreement for the West Option. The landowner now prefers a third alternative option, which the Applicant does not consider acceptable due to the potential impact on residential receptors, including listed buildings.~~

~~5.2.2.4~~ The Applicant considers that both the West Option and the East Option are acceptable from an engineering and environmental perspective. Overall, the construction costs for an onshore cable route including the East Option are less expensive than the West Option.

~~5.2.2.5~~5.2.2.3 The Applicant is only seeking compulsory acquisition powers over either the East Option or the West Option. In the event that the Applicant and the landowner cannot agree on a route by the end of the Examination, the Applicant requests that the Secretary of State determines where compulsory acquisition powers are to be granted: over the East Option or the West Option.

5.2.3 Alternative access options – East Option and West Option on land north of Norwich Road

5.2.3.1 Two routing options have been considered in relation to access to the onshore cable corridor on land north of Norwich Road. The West Option (plots 30-001 and 30-002) was consulted on as part of the statutory consultation undertaken in July to September 2017, but the relevant landowner did not respond. However, the landowner did respond to the statutory consultation undertaken in November 2017 asserting that the West Option was not suitable and proposed the East Option (plots 30-003, 30-004 and 30-005).

~~5.2.3.2~~ At the time of writing ~~I~~ the Applicant has not been ~~was~~ granted access by the landowner to survey and assess the East Option on 7 March 2019. The landowner's agent confirmed at Deadline 6 (REP6- 069) that the shorter option (the East Option) is preferred. The Applicant is now able to confirm that the East Option is feasible and has therefore removed plots 30-001 and 30-002 from the Order Limits. ~~The Applicant will continue negotiations and hopes to obtain access before or during the examination period, in order to survey and assess the land.~~

~~5.2.3.3~~ In principle, and subject to further assessment, the Applicant considers that both the West Option and the East Option are acceptable from an engineering and environmental perspective.

~~5.2.3.4~~5.2.3.2 The Applicant is only seeking compulsory acquisition powers over either the East Option or the West Option. In the event that the Applicant and the landowner cannot agree on a route by the end of the Examination, the Applicant requests that the Secretary of State determines where compulsory acquisition powers are to be granted: over the East Option or the West Option.

5.3 Existing land uses

- 5.3.1.1 The cable landfall is on the North Norfolk coastline, west of Weybourne. At the landfall, the subsea export cables will cross underneath the beach and terminate at the onshore electrical cable transmission joint bays. The onshore electrical cable transition joint bays are located within the Muckleburgh Military Collection, a former Royal Artillery Anti-Aircraft training camp. The Muckleburgh Military Collection is not available for public access other than by visitors to the museum who, amongst other things, can drive tracked vehicles (tanks) on plots 1-005, 1-006, 1-007, 1-008, 1-009, 1-010, 1-011, 1-012, 1-013 and 1-014 shown on the Land Plans and described in the Book or Reference (Application Document References: A2.3 and A4.3).
- 5.3.1.2 The route of the onshore export cables area is predominantly agricultural land. There are crossing points with existing infrastructure including roads, railway lines and public rights of way (including bridleways) and utilities. Utilities crossed by the onshore export cables include gas, electricity, water (foul and fresh), telecommunications and other infrastructure including a disused Ministry of Defence pipeline. The onshore export cables also cross several ecological features including established woodlands (natural and managed), hedgerows, rivers, established drainage channels and meadows and special uses include a private airfield.
- 5.3.1.3 A section of the route of the onshore export cables is located within land forming part of the John Innes Centre (a research centre specialising in plant science and research) (plots 27-012 and 27-013) shown on the Land Plans and described in the Book or Reference (Application Document References: A2.3 and A4.3). The Applicant has liaised with the John Innes Centre to ensure that the route avoids any sensitive areas and minimises any disruption so far as is practicable. Following submission of the Application, the John Innes Centre informed the Applicant that works proposed in part of plot 27-012 may affect the integrity of scientific studies being undertaken in the field to the north-east of plot 27-012. As a result of discussions with the John Innes Centre, the Applicant has applied for a non-material amendment to relocate the onshore export cables to the south west so as to ensure that the integrity of the scientific studies is maintained. This non-material amendment has resulted in a minor change to the Order limits and the inclusion of additional land as defined in Regulation 2(1) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. Minor amendments have also been made to the plots to the north of plot 27-012 (plots 27-009, 27-010 and 27-011) as a consequence of the relocation of plot 27-012. [The non-material amendment application including additional land was accepted into Examination on 24 January 2019.](#)
- 5.3.1.4 Depending on the mode of transmission a HVAC booster station may be required onshore and/or offshore to ensure that the cables are able to carry all the power from the offshore wind turbine generating station over the long distances and to mitigate against power losses between the offshore wind farm itself and connection point. The proposed HVAC booster station is located to the west of Little Barningham, north of Corpusty and Saxthorpe. This land is currently in agricultural use. Strategic landscaping will be located around the HVAC booster station and this land is also currently in agricultural use.

- 5.3.1.5 A new onshore substation (onshore HVDC converter/HVAC substation) will be required near to the existing Norwich Main National Grid substation (Dunston / Mangreen). This substation will convert and connect the export cables that originated from the landfall at Weybourne to the National Grid connection point for distribution amongst the broader National Grid network. This land is currently in agricultural use. Strategic landscaping will also be located around the onshore HVDC converter/HVAC substation also currently in agricultural use.
- 5.3.1.6 To support the construction works, a main construction compound is proposed on a former airfield base; Oulton Airfield. The land is already hardstanding (being the former runways) and currently accommodates a wide range of temporary uses. Secondary construction compounds and storage areas are located along the onshore export cable route. These are all predominantly in agricultural use.
- 5.3.1.7 In some locations, access tracks (either existing or new tracks) will be required to serve the construction works, the transition joint bays and the permanent above ground infrastructure (HVAC booster station and onshore HVDC converter/HVAC substation).

5.4 Anticipated future land uses

5.4.1 Crossing of the proposed Norfolk Vanguard Offshore Wind Farm DCO (plots 16-001, 16-002, 16-003 and 16-004)

- 5.4.1.1 Norfolk Vanguard is an offshore wind farm proposal off the coast of Norfolk that is being promoted by Vattenfall Wind Power Limited. The DCO application for this project was submitted in June 2018.
- 5.4.1.2 The onshore cable route for Hornsea Three will cross the proposed onshore cable route for Norfolk Vanguard at plots 16-001, 16-002, 16-003 and 16-004 (shown on the Land Plans and described in the Book of Reference (Application Document References: A2.3 and A4.3).
- 5.4.1.3 The Applicant is in discussions with Vattenfall Wind Power Limited relating to the interaction between Hornsea Three and Norfolk Vanguard. The Applicant's position is the onshore cables for Hornsea Three can co-exist with the proposed onshore cables for Norfolk Vanguard.

5.4.2 Crossing of the proposed A47 North Tuddenham to Easton DCO (plots 25-006, 25-007, 25-008, 25-009, 25-010, 25-011 and 25-012)

- 5.4.2.1 Highways England is proposing to carry out the dualling of the single carriageway section of the A47 between Norwich and Dereham, linking together two existing sections of dual carriageway. The Applicant understands that a DCO application for this Project will be submitted in [Q1](#) 2019.

- 5.4.2.2 Based on the information available, the Applicant understands that the onshore cable route will cross beneath the proposed highways project at plots 25-006, 25-007, 25-008, 25-009, 25-010, 25-011 and 25-012 (shown on the Land Plans and described in the Book of Reference (Application Document References: A2.3 and A4.3)).
- 5.4.2.3 The Applicant is in discussions with Highways England relating to the interaction between the proposed highways project and Hornsea Three. The Applicant's position is that the proposed highways project and Hornsea Three can co-exist.

5.5 Public rights of way

- 5.5.1.1 There are a number of public rights of way that are crossed by the onshore cable corridor which are set out in further detail on the Public Rights of Way Plan (Document Application Reference A2.7) and the Land Use and Recreation Chapter of the Environmental Statement, Volume 3, Chapter 6 (Document Application Reference A6.3.6).

6. Need for Compulsory Acquisition Powers

6.1 Purpose of seeking compulsory acquisition powers

- 6.1.1.1 The Order contains powers to enable the acquisition of the land, new rights over land and the imposition of restrictions that are required to construct and operate Hornsea Three. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the Order enables the land and rights over land to be acquired compulsorily.
- 6.1.1.2 The principal compulsory acquisition powers are set out in Articles 18 and 20 of the Order.
- 6.1.1.3 The purpose for which the Order Land is required is set out below. The descriptions reflect those works descriptions in Schedule 1 of the Order and reference is made to plot numbers detailed on the Land Plans and described in the Book of Reference (Application Document References: A2.3 and A4.3).
- 6.1.1.4 Article 19 of the Order states that the compulsory acquisition powers must be exercised within 7 years of the making of the Order, owing to the complexity and scale of the Project, and at this stage, unknown contractor and supply chain availability.

6.2 Acquisition of freehold

6.2.1 HVAC booster station (plot 9-012)

- 6.2.1.1 Long distance, large capacity HVAC cable transmission systems require reactive compensation equipment to maximise power transmission, reduce losses and ensure stable operation and compliance with grid technical codes and standards.
- 6.2.1.2 The onshore HVAC booster station is primarily composed of high voltage electrical reactors to correct the power factor of the transmitted electricity, as well as switchgear that connect the reactors into the export cable circuits. The onshore HVAC booster station would also contain auxiliary equipment for running and controlling the onshore HVAC booster station as well as structures to support and house the equipment. The equipment will either be housed within a single building or in multiple buildings, in an open yard or a combination of the above. There may also be some smaller buildings required to house components such as smaller equipment and control rooms. An underground area providing access for the export cables to enter the HVAC booster station is also included in the design.
- 6.2.1.3 An onshore HVAC booster station is required for the HVAC transmission option only; it is not required for HVDC transmission.

6.2.1.4 Full details of the HVAC booster station and methods of construction can be found in Volume 1, Chapter 3, Project Description, of the Environmental Statement (Application Document Reference A6.1.3) accompanying the Application.

6.2.1.5 The onshore HVAC booster station will require a maximum permanent land take of 30,407 m² in area and a maximum temporary land take of 25,000 m² in area. The main building will be up to 12.5 m high (excluding lightning protection) and include a maximum of 6 buildings within the total land take.

6.2.2 Onshore HVDC converter station/HVAC substation (plot 33-014)

6.2.2.1 Depending on which transmission option is selected, the “onshore HVDC converter/HVAC substation” will either be an HVAC substation or a HVDC converter substation.

6.2.2.2 The onshore HVDC converter/HVAC substation contains the electrical components for transforming the power supplied from the offshore wind farm to 400 kV and to adjust the power quality and power factor, as required to meet the UK Grid Code for supply to the National Grid. If a HVDC system is used it will also house equipment to convert the power from HVDC to HVAC.

6.2.2.3 The onshore HVDC converter/HVAC substation will consist of a range of equipment for delivery of the power to National Grid such as transformers, reactors, dynamic reactive power compensation plant, filters and switchgear. It will also include a range of auxiliary and supporting equipment for the running and control of the substation. The main equipment will either be housed within a single building or multiple buildings, in an open yard or a combination of the above. If multiple buildings are used the length and width of these buildings would be reduced proportionally to the number of buildings, e.g. if two buildings were used they would each cover half of the area required for the single larger building. There may also be some smaller buildings required to house components such as smaller equipment and control rooms.

6.2.2.4 Full details of the onshore HVDC converter/HVAC substation and methods of construction can be found in Volume 1, Chapter 3, Project Description, of the Environmental Statement (Application Document Reference A6.1.3) accompanying the Application.

6.2.2.5 The onshore HVDC converter/HVAC substation will require a maximum permanent land take of 149,302 m² in area and a maximum temporary land take of 91,000 m² in area. The main building will be up to 25 m high (excluding lightning protection). If the substation uses HVAC technology there will be up to three main buildings. If the substation uses HVDC technology there will be up to two main buildings.

6.3 Acquisition of new rights and imposition of restrictions

6.3.1 Landfall (plots 1-006 and 1-008)

- 6.3.1.1 The works at the landfall comprise the works required to bring the offshore export cables through the intertidal area to a location where they can be connected to the onshore export cables. The offshore cables are connected to the onshore cables at the Transition Joint Bays ('TJB's). The works at the landfall would primarily be the same irrespective of whether HVAC or HVDC transmission is selected.
- 6.3.1.2 TJBs are pits dug and lined with concrete, in which the jointing of the offshore and onshore export cables takes place. One TJB is required per export cable circuit and therefore up to six TJBs are required in total. Each TJB is up to 25 x 10 metres in size.
- 6.3.1.3 The TJBs are constructed to ensure that the jointing can take place in a clean, dry environment, and to protect the joints once completed. Once the joint is completed the TJBs are covered and the land above reinstated. It is not expected that the TJBs will need to be accessed during the operation of the wind farm, however link boxes need to be located nearby that do require access during the operational phase, these will also be reinstated but may have manhole covers for access.
- 6.3.1.4 Full details of the landfall works and methods of construction can be found in Volume 1, Chapter 3, Project Description, of the Environmental Statement (Application Document Reference A6.3.1) accompanying the Application.
- 6.3.1.5 The exact location of each TJB will not be known until the detailed design stage and will be dependent upon the results of additional surveys and ground investigations. To allow for flexibility during the construction process (for example, in case a HDD attempt is unsuccessful), plots 1-006 and 1-008 (shown on the Land Plans and described in the Book of Reference (Application Document References A2.3 and A4.3)) include more space than will be permanently required for the six TJBs to be constructed. However, the Applicant will only exercise powers of compulsory acquisition in respect of the land actually utilised for the TJBs.

6.3.2 Onshore export cables

- 6.3.2.1 Up to six export cable circuits will be required with each circuit consisting of three single cables. The cables will be buried in multiple separate trenches (up to six trenches, each containing one circuit). Onshore cable joint bays (JBs) will be required along the onshore cable route, these are typically concrete lined pits, that provide a clean and dry environment for jointing the sections of cable together. The JB's will be buried, with the land above reinstated. Link boxes (LBs) will also be required along the onshore route. These are smaller pits compared to JB's which house connections between the cable shielding, joints for fibre optic cables and other auxiliary equipment. Land above the LBs will also be reinstated, however, they may need manhole covers for access during the operational phase.

- 6.3.2.2 A further section of buried onshore export cabling is required to connect the onshore HVDC converter/HVAC substation with the National Grid substation. This section of cabling will be similar in design to the onshore export cabling, but must be HVAC at 400 kV, and will have a maximum of four circuits, with a total of 12 export cables, installed within a 60 metre permanent cable corridor.
- 6.3.2.3 Full details of the onshore cable route and methods of construction can be found in Volume 1, Chapter 3, Project Description, of the Environmental Statement (Application Document Reference A6.1.3) accompanying the Application.
- 6.3.2.4 The onshore cable route corridor is generally 80 metres in width. In some locations the width is narrower or wider due to ground conditions, method of construction or environmental and engineering constraints. The permanent cable easement is anticipated in most cases to be approximately 60 metres in width.
- 6.3.2.5 It cannot yet be confirmed exactly where within the 80 metre corridor the cable circuits will be laid, or where only temporary possession would be sufficient, as the detailed alignment will be determined following ground investigations along the route. The exact location of the cables will be the subject of further discussion with affected landowners and following additional surveys and ground investigations prior to the commencement of the laying of the cables. The additional width sought is to enable the Applicant to carry out the cable installation works with the minimum of inconvenience to affected landowners, and to allow for minor variances to the cable route corridor to avoid potential engineering difficulties, or otherwise, to enable the construction of Hornsea Three in the stated timeframe and with the minimum of disruption to landowners and the wider community.
- 6.3.2.6 The 60 metre permanent corridor is justified on the basis that all cables will be laid within this permanent corridor with thermal separation between circuits (to ensure that the maximum power levels can be achieved without overheating), as well as enabling a wide mouthed 'V' shaped trench for safety reasons (minimising risk of trench collapse) and construction site access via a central haul road.
- 6.3.2.7 In some locations, an additional area is needed for temporary working space during the construction process.
- 6.3.2.8 Every measure has been taken to avoid taking unnecessary rights or interests and all reasonable alternatives to compulsory acquisition have been explored, including modifications to the scheme following consultation events, stakeholder responses, and negotiations with landowners and occupiers.
- 6.3.2.9 Full details of the consideration of alternatives regarding Hornsea Three can be found in Volume 1, Chapter 4, Site Selection and Alternatives, of the Environmental Statement (Application Document Reference A6.1.4) accompanying the Application. In addition, the onshore cable route has also been modified pursuant to archaeological discovery following a number of archaeological investigations and in response to comments from landowners.

6.3.2.10 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, the anticipated market regime, and the minimisation of environmental and visual impacts and land take.

6.3.3 Nature of new rights and imposition of restrictions

6.3.3.1 A number of rights are sought to facilitate the Applicant and all persons authorised on its behalf to construct, use and maintain the onshore elements of Hornsea Three. This includes rights to construct, use and maintain the cables, rights of support, rights of access, rights for drainage, rights for services, rights of works in the water and rights for landscaping and ecological measures. Rights to divert an existing overhead line owned and operated by Eastern Power Networks have also been included.

6.3.3.2 There is also a need to impose restrictive covenants in relation to new rights required in connection with the construction, use and maintenance of the onshore elements of Hornsea Three.

6.3.3.3 Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs (paragraphs 26.1-26.3) advises that it may be appropriate to include a power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under the DCO. The guidance states that before deciding whether or not such a power is justified the Secretary of State will need to consider issues such as proportionality; the risk that use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants; or whether there is for example a policy of establishing a continuous protection zone for the infrastructure network which could be secured more efficiently with the benefit of this power.

6.3.3.4 The guidance states that the power to impose restrictive covenants over land above a buried cable or pipe, or where a slope contains artificial reinforcement has been granted in DCOs, and cites article 20 of the M1 Junction 10A (Grade Separation) Order 2013 and article 22 of the Network Rail (Norton Bridge Area Improvements) Order 2014 as examples. The guidance advises that in order to enable the Secretary of State to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing an NSIP and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.

6.3.3.5 The Applicant has had regard to this guidance in preparing its Order. Article 20 includes a power to impose restrictive covenants in relation to land over which new rights are acquired. These proposed restrictions are required to protect the apparatus from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with apparatus and the exercise of new rights required; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible.

- 6.3.3.6 The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the onshore elements of Hornsea Three.
- 6.3.3.7 The rights and restrictive covenants being sought by the Applicant are set out in Table 1. The specific rights and restrictions that are being sought over each plot are set out in the Book of Reference (Application Document Reference A4.3).

Table 1: Land over which new rights will be acquired

Rights Classes Compulsory acquisition and the creation of rights, and the imposition of restrictions, for the installation and use of the authorised development	Means all rights and restrictions necessary for the undertaker and / or those authorised by the undertaker:
New Connection Works Rights Classes:	
(a)	to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve underground electricity cables, jointing bays, ducting, telecommunications and other ancillary apparatus (including but not limited to access chambers, manholes and marker posts) and any other works as necessary together with the right to fell, trim or lop trees and bushes which may obstruct or interfere with the said cables, telecommunications and other ancillary apparatus;
(b)	to pass and repass on foot, with or without vehicles, plant and machinery (including any temporary surface) for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development;
(c)	to continuous vertical and lateral support for the authorised development;
(d)	to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts;
(e)	to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping and the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works;
(f)	Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development;
(g)	to ground and lay anchor for vessels within the Order Land in respect of plots 1-001, 1-002, 1-003 and 1-004 only;
(h)	to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve pipes, ducts, mains, wires, cables, conduits, flues, fibre optic cables and other conducting media of whatsoever nature in respect of plots 9-001, 9-003, 9-005, 9-006, 9-007, 9-008, 9-009, 9-010, 9-013, 9-014, 9-015, 9-016, 9-019, 9-021, 9-022, 9-026, 10-002, 33-005, 33-006, 33-007, 33-008, 33-009, 33-010, 33-011,

Rights Classes Compulsory acquisition and the creation of rights, and the imposition of restrictions, for the installation and use of the authorised development	Means all rights and restrictions necessary for the undertaker and / or those authorised by the undertaker:
	33-015, 33-016, 33-018, 33-019, 33-021, 33-023 only;
(i)	to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve electricity poles, overhead electricity lines, telecommunications and all equipment and other ancillary apparatus (including but not limited to the use of scaffolding) and any other works as necessary together with the right to fell, trim or lop trees and bushes which may obstruct or interfere with the said poles, lines, telecommunications and other equipment and ancillary apparatus in respect of plots 33-015, 33-016, 33-018, 33-019, 33-021 and 33-023 only
New Construction and Operation Access Rights Classes:	
(a)	to construct, use, maintain and improve a permanent means of access including visibility splays
(b)	to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development
(c)	Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights;
(d)	to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, wires, cables, conduits, flues, fibre optic cables and other conducting media of whatsoever nature and to drain into and manage waterflows in any drains, watercourses and culverts
(e)	to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping and the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works
(f)	to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security infrastructure including cameras, perimeter fencing, fencing, gates and any other security measures required in order to ensure an appropriate level of security in respect of the authorised development in respect of plots 9-015, 9-017, 9-024 and 9-025 only
New Construction and Maintenance Access Rights Classes:	
(a)	to pass and repass on foot, with or without vehicles, plant and machinery (including any temporary surface) for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development;
(b)	Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights;
New Landscaping Rights	

Rights Classes Compulsory acquisition and the creation of rights, and the imposition of restrictions, for the installation and use of the authorised development	Means all rights and restrictions necessary for the undertaker and / or those authorised by the undertaker:
Classes:	
(a)	to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping and the right to pass and repass on foot, with or without vehicles, plant and machinery (including any temporary surface) for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works
(b)	to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts;
(c)	Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights;

6.3.3.8 Two different rights of access are being sought. "New Construction and Operation Access Rights" includes the rights to construct, use, maintain and improve a permanent means of access, including visibility splays. This right relates to the new and existing accesses to the transition joint bays at landfall, the onshore HVAC booster station and the onshore HVDC converter/HVAC substation. As a result of discussions with Norfolk County Council relating to highway safety, the Applicant has applied for a non-material amendment to increase the area of land over which new rights and restrictions are required for a visibility splay for the access to the onshore HVAC booster station. [The non-material amendment application including additional land was accepted into Examination on 24 January 2019.](#)

6.3.3.9 The "New Construction and Maintenance Access Rights" only provide a right of access on foot or with vehicles. This right ensures that otherwise inaccessible sections of the onshore cable route can be accessed for maintenance purposes.

6.3.3.10 The land over which the new rights set out in Table 1 will be acquired, and restrictions set out in Table 1 will be imposed, is shown edged red and shaded blue, green and brown on the Land Plans. The relevant plot numbers and the purpose are set out in Table 2 below.

Table 2: Land over which new rights will be acquired and restrictions imposed

Plot number(s) shown on Land Plans	Purpose for which rights may be acquired
1-001, 1-002, 1-003, 1-004, 1-006, 1-008, 1-017, 1-018, 1-019, 1-022, 1-026, 2-004, 3-001,	New Connection Works Rights (shown edged red and shaded blue on the Land Plans) required for the

<p>3-002, 3-003, 3-004, 3-005, 3-006, 3-011, 3-012, 3-016, 3-017, 3-018, 3-019, 3-022, 3-023, 3-030, 3-031, 4-002, 4-003, 4-004, 4-006, 4-007, 4-009, 4-010, 5-001, 5-002, 5-003, 5-004, 5-006, 5-007, 6-001, 6-002, 6-004, 6-005, 6-006, 7-001A, 7-003, 7-004, 7-005, 7-006, 7-007, 7-009, 8-001, 8-003, 8-005, 8-006, 9-001, 9-005, 9-006, 9-013, 9-016, 9-019, 9-022, 9-026, 10-002, 10-003, 10-005, 10-006, 10-008, 10-009, 11-004, 11-005, 11-006, 11-009, 11-011, 11-013, 11-014, 12-001, 12-004, 12-005, 12-006, 13-001, 13-002, 13-004, 13-006, 14-002, 14-005, 14-006, 14-007, 15-002, 15-006, 15-007, 15-008, 15-009, 15-011, 16-001, 16-002, 16-003, 16-004, 16-005, 16-006, 16-007, 16-012, 16-020, 16-021, 16-022, 16-025, 16-026, 16-027, 16-028, 16-029, 16-030, 16-021A, 16-022A, 16-024A, 16-025A, 17-002, 17-003, 17-004, 17-006, 17-007, 18-001, 18-002, 18-003, 18-004, 18-005, 18-006, 18-007, 19-001, 19-005, 19-006, 19-007, 19-009, 19-011, 19-012, 19-014, 20-005, 20-008, 20-009, 21-001, 21-002, 21-003, 21-005, 21-006, 21-007, 21-008, 21-010, 21-011, 21-014, 21-015, 21-017, 21-018, 23-001, 23-003, 23-004, 23-009, 23-010, 23-011, 23-012, 23-016, 23-017, 24-003, 24-004, 24-011, 24-012, 25-006, 25-007, 25-008, 25-009, 25-010, 25-011, 25-012, 25-013, 25-015, 25-016, 26-001, 26-005, 26-007, 26-010, 26-011, 26-012, 26-013, 26-014, 26-015, 27-001, 27-002, 27-003, 27-004, 27-008, 27-009, 27-011, 27-012, 28-001, 28-002, 28-003, 28-006, 28-007, 28-009, 28-011, 28-013, 29-003, 29-004, 29-005, 29-006, 29-009, 29-012, 29-013, 29-015, 29-016, 29-017, 30-009, 30-010, 30-011, 30-012, 30-013, 30-014, 30-017, 30-018, 30-023, 30-024, 30-027, 30-028, 30-029, 31-001, 31-002, 31-004, 32-002, 32-003, 32-004, 32-006, 32-007, 32-008, 32-009, 32-010, 33-005, 33-006, 33-016, 33-023, 33-024, 34-001, 34-002, 34-003, 34-004, 34-005, 34-006, 34-007, 34-008, 34-010</p>	<p>construction, operation and maintenance of numbered works 6, 7, 8 and 11</p>
<p>1-007, 9-015, 33-007, 33-008, 33-009, 33-010</p>	<p>New Connection Works Rights and New Construction and Operation Access Rights (shown edged red, shaded blue and hatched brown on the Land Plans) required for the construction, operation and maintenance of numbered works 6, 7, 8 and 11 and access to numbered works 6, 7, 8, 9 and 10</p>
<p>34-011</p>	<p>New Connection Works Rights and New Construction and Maintenance Access Rights (shown edged red, shaded blue and hatched brown on the Land Plans) required for the construction, operation and maintenance of and access to numbered works 11 and 12</p>
<p>9-003, 9-007, 9-008, 9-009, 9-010, 9-014, 9-021, 33-011, 33-015, 33-018, 33-019, 33-021</p>	<p>New Connection Works Rights and New Landscaping Rights (shown edged red, shaded blue and hatched green on the Land Plans) required for the construction, operation and maintenance of numbered works 8 and for landscaping</p>

	works relating to numbered works 9 and 10
1-014, 1-016, 9-017, 9-024, 9-025, 10-004, 33-004	New Construction and Operation Access Rights (edged red and shaded brown on the Land Plans) required for access to numbered works 6, 7, 9 and 10
3-024, 3-025, 3-026, 3-027, 3-028, 16-023, 20-006, 20-007, 20-010, 20-011, 21-012, 21-013, 25-003, 25-004, 25-005, 26-002, 26-003, 26-004, 26-016, 26-017, 28-004, 28-005, 30-001, 30-002 , 30-003, 30-004, 30-005, 30-015, 30-016, 30-021, 30-022, 30-025, 30-026, 34-009, 34-012	New Construction and Maintenance Access Rights (shown edged red and shaded brown on the Land Plans) required for access to numbered works 8, 11 and 12
9-002, 9-004, 9-011, 9-020, 9-023, 33-012, 33-013, 33-020, 33-022	New Landscaping Rights (shown edged red and shaded green on the Land Plans) required for landscaping works relating to numbered works 9 and 10

6.4 Temporary use of land

- 6.4.1.1 Temporary use of land pursuant to Articles 26 and 27 is required in order to facilitate the use of land by the Applicant and all persons authorised on its behalf during the construction period and maintenance period of Hornsea Three. The maintenance period is defined in Article 27 of the Order and is five years from the date of final commissioning (except in relation to landscaping and hedgerows where a longer period may be required pursuant to the landscaping management scheme and associated work programme approved by relevant planning authority pursuant to Requirement 7 of Schedule 2 to the Order). This approach is considered reasonable and proportionate as it means that permanent landscaping rights only need to be obtained over the permanent easement strip (typically 60 metres) as opposed to the entire working width (typically 80 metres).
- 6.4.1.2 Land over which only temporary use is sought pursuant to Articles 26 and 27 of the Order is shown edged red and shaded yellow on the Land Plans (Application Document Reference A2.3) and described in the Book of Reference (Application Document Reference A4.3). The purpose is set out in Schedule 8 to the Order and in Table 3 below.
- 6.4.1.3 Where the Applicant is seeking either land or new rights over land, then temporary use of such land is also sought (this is provided for in Articles 26 and 27 of the Order). These parcels are shown shaded pink, blue, green or brown on the Land Plans (Application Document Reference A2.3) but are also subject to Articles 26 and 27 of the Order, in the same way as for "yellow" land. The reason for seeking temporary use powers over this land as well, is that it allows the Applicant to enter on to land for particular construction and maintenance purposes (including site preparation works) in advance of the vesting of the relevant land/rights. This enables the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain Hornsea Three.

Table 3: Land over which temporary use may be taken

Area	Number of land shown on land plans	Purpose for which temporary use may be taken	Works number in Schedule 1 to the Order
North Norfolk District	1-005	Temporary use for the passing and re-passing of users of public footpaths to facilitate construction for numbered works 5, 6 and 7	14
North Norfolk District	1-009	Temporary use for access and for the passing and re-passing of users of public footpaths to facilitate construction for numbered works 5, 6, 7 and 8	14
North Norfolk District	1-010	Temporary use for the passing and re-passing of users of public footpaths to facilitate construction for numbered works 5, 6 and 7	14
North Norfolk District	1-011	Temporary use for the passing and re-passing of users of public footpaths to facilitate construction for numbered works 5, 6 and 7	14
North Norfolk District	1-012	Temporary use for access to facilitate construction for numbered works 5, 6, 7 and 8	14
North Norfolk District	1-013	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	1-015	Temporary use (including for access and vehicle holding area) to facilitate construction for numbered works 5, 6, 7 and 8	14
North Norfolk District	1-020	Temporary use (including for access and storage) to facilitate construction for numbered works 8	14 & 15
North Norfolk District	1-021	Temporary use (including for access and storage) to facilitate construction for numbered works 8	14 & 15
North Norfolk District	1-023	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	1-024	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	1-025	Temporary use (including for access and storage) to facilitate construction for numbered works 8	14 & 15
North Norfolk District	2-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	2-002	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	2-003	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	2-005	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	3-007	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	3-008	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	3-009	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	3-010	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	3-013	Temporary use for access to facilitate construction for numbered works 8	14

North Norfolk District	3-014	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	3-015	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	3-020	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	3-021	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	3-029	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	4-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	4-005	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	4-008	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	5-005	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	6-003	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	7-001	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	7-002	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	7-008	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	8-002	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	8-004	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	9-018	Temporary use (including for storage and access) to facilitate construction for numbered works 8 and 9	9
North Norfolk District	10-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	10-007	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	10-010	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	11-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	11-002	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	11-003	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	11-007	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	11-008	Temporary use for access to facilitate construction for numbered works 8	14
North Norfolk District	11-010	Temporary use (including for storage) to facilitate construction for numbered works 8	15
North Norfolk District	11-012	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	12-002	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	12-003	Temporary use (including for storage) to facilitate construction for numbered works 8	15

Broadland District	13-003	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	13-005	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	14-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	14-003	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	14-004	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	14-008	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	14-009	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	15-001	Temporary use (including for access and storage) to facilitate construction for numbered works 8	14 & 15
Broadland District	15-003	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	15-004	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	15-005	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	15-010	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	16-008	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-009	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-010	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-011	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-013	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-014	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-015	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-016	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-017	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-018	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	16-019	Temporary use for access to facilitate construction for numbered works 8	14
<u>Broadland District</u>	<u>16-022</u>	<u>Temporary use for access to facilitate construction for numbered works 8</u>	<u>14</u>
Broadland District	16-023A	<u>Temporary use for access to facilitate construction for numbered works 8</u> Temporary use (including for storage) to facilitate construction for numbered works 8	<u>14</u> 5
Broadland District	16-024	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	17-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	17-005	Temporary use (including for storage) to facilitate	15

		construction for numbered works 8	
Broadland District	19-002	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	19-003	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	19-004	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	19-008	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	19-010	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	19-013	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	19-015	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	19-016	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	20-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	20-002	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	20-003	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	20-004	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	21-004	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	21-009	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	21-016	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	21-019	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	22-001	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	22-002	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	22-003	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	23-002	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	23-005	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	23-006	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	23-007	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	23-008	Temporary use (including for storage) to facilitate construction for numbered works 8	15
Broadland District	23-013	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	23-014	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	23-015	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	24-001	Temporary use for access to facilitate construction for	14

		numbered works 8	
Broadland District	24-002	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	24-005	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	24-006	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	24-007	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	24-008	Temporary use for access to facilitate construction for numbered works 8	14
Broadland District	24-009	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	24-010	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	24-013	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	25-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	25-002	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	25-014	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	26-006	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	26-008	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	26-009	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	27-005	Temporary use (including for access and storage) to facilitate construction for numbered works 8	14 & 15
South Norfolk	27-006	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	27-007	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	27-010A	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	27-013	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	28-008	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	28-010	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	28-012	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	28-014	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	29-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	29-002	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	29-007	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	29-008	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	29-010	Temporary use for access to facilitate construction for	14

		numbered works 8	
South Norfolk	29-011	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	29-014	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	30-006	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	30-007	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	30-008	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	30-019	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	30-020	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	30-030	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	31-003	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	32-001	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	32-005	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	32-011	Temporary use (including for storage) to facilitate construction for numbered works 8	15
South Norfolk	33-001	Temporary use (including for access and storage) to facilitate construction for numbered works 8	14 & 15
South Norfolk	33-002	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	33-003	Temporary use for access to facilitate construction for numbered works 8	14
South Norfolk	33-017	Temporary use (including for storage) to facilitate construction for numbered works 10	10
Broadland District	35-001	Temporary use (including for storage) to facilitate construction for numbered works 6, 7, 8, 9 10, 11, and 12	13
Broadland District	35-002	Temporary use for access to facilitate construction for numbered works 6, 7, 8, 9 10, 11, and 12	14
Broadland District	35-003	Temporary use (including for storage, access and vehicle holding area) to facilitate construction for numbered works 6, 7, 8, 9 10, 11, and 12	14
Broadland District	35-004	Temporary use for access to facilitate construction for numbered works 6, 7, 8, 9 10, 11, and 12	14

6.5 Additional powers within the Order

6.5.1.1 Within the Order Land, there are a number of adopted highways which will be affected by Hornsea Three. A list of the adopted highways and other streets is included in Onshore Crossing Schedule (Application Document Reference A6.4.3.5) and shown on the Streets Plan (Application Document Reference A2.6).

- 6.5.1.2 In respect of these public highways and streets, the Applicant is also relying on Articles 8, 9, 10, 11, 12, 14 and 25 of the Order in relation to street works (to enter onto them and to lay and maintain apparatus in them), to construct means of access and to create temporary prohibitions and restrictions of the use of such streets.
- 6.5.1.3 Any interference with rights, restrictions etc. over the Order Land arising from the exercise of any Articles in the Order which provide statutory access and/or use of land within the Order Land are captured in Part 3 of the Book of Reference (Application Document Reference A4.3).
- 6.5.1.4 Access to all premises adjoining public highways affected by Hornsea Three will be maintained at all times during the execution and operation of the works and will not be materially affected by the operation of Hornsea Three.
- 6.5.1.5 The Order contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in Part 3 of the Book of Reference (Application Document Reference A4.3):
- Article 15 – Discharge of water;
 - Article 16 – Protective works to buildings;
 - Article 17 – Authority to survey and investigate the land;
 - Article 34 – Felling or lopping of trees and removal of hedgerows; and
 - Article 35 – Trees subject to Tree Preservation Orders.

7. Justification for the Use of Powers of Compulsory Acquisition

7.1 Statutory authority and compulsory acquisition guidance

- 7.1.1.1 Section 120 and Part 1 of Schedule 5 of the PA 2008 make provision for a DCO to grant powers for the acquisition of land and for the creation, suspension and extinguishment of interests or rights over land.
- 7.1.1.2 Section 122(2) of the PA 2008 provides that an order granting development consent may only include provision authorising the compulsory acquisition of land where:
- The land is required for the development;
 - The land is required to facilitate or is incidental to the development; or
 - The land is replacement land for commons, open spaces etc.
- 7.1.1.3 Section 122(3) of the PA 2008 requires that there be a compelling case in the public interest for the land to be acquired. The Compulsory Acquisition Guidance states at paragraph 12 and 13 that the decision maker must be satisfied of this and that there is compelling evidence that the public benefits would outweigh the private loss that compulsory acquisition would entail.
- 7.1.1.4 In addition to the statutory requirements above, paragraphs 8 to 10 of the Compulsory Acquisition Guidance provide general guidance that the developer must be able to demonstrate the following in order to justify the development:
- That all reasonable alternatives to compulsory acquisition have been explored;
 - That the interference with rights is for a legitimate purpose, is necessary and is proportionate;
 - How the land will be used;
 - That there is a reasonable prospect of the requisite funds becoming available; and
 - That Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered.
- 7.1.1.5 At paragraph 11, the Compulsory Acquisition Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised project and that it is no more than is reasonably required for that project.
- 7.1.1.6 Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary and it should be made clear to the decision maker that this is the case.

7.1.1.7 For the reasons set out in this Statement, the Applicant considers that the conditions of section 122 of the PA 2008 have been met.

7.2 Requirement for the Order Land

7.2.1.1 The land or rights over land or imposition of restrictions are required for the construction, operation, maintenance and decommissioning of Hornsea Three. The power to compulsorily acquire such land and rights over land is required to ensure there is no impediment to the delivery of this NSIP.

7.2.1.2 Feasibility studies, environmental appraisals and engineering appraisals were conducted to determine the most suitable location for landfall, the HVAC booster station, the onshore HVDC converter/HVAC substation and onshore cable route. The locations and extent of land has been carefully considered and designed in order to take the minimum amount of land possible.

7.2.1.3 The Applicant's justification for seeking compulsory acquisition powers, in accordance with the provisions of the PA 2008, is to secure land, new rights over land, the imposition of restrictions and the temporary use of land required to enable the Applicant to construct, operate and maintain Hornsea Three within a reasonable commercial timeframe. The inclusion of powers of compulsory acquisition in the Order is sought in order to ensure that this can be achieved. The land and rights (including the imposition of restrictions), together with the land required for temporary use, is no more than is required to facilitate Hornsea Three, its construction, operation, maintenance and decommissioning.

7.2.1.4 As Hornsea Three is a NSIP, the Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. The extent of the Order Land is no more than is reasonably necessary for the construction and operation of Hornsea Three and is therefore proportionate and necessary. Compensation is payable to all affected landowners and occupiers.

7.3 Power to override rights and easements

7.3.1.1 Article 21 (Private Rights) ensures that any existing private rights within the Order Land are not to have effect to the extent that they interfere with the construction and operation of Hornsea Three. However, existing private rights will continue if the Applicant decides that the compulsory purchase of new rights sought in Articles 18 (Compulsory acquisition of land) and 20 (Compulsory acquisition of rights) can be exercised without interruption, making extinguishment or suspension unnecessary.

- 7.3.1.2 In addition, Article 28 (Statutory undertakers) authorises the undertaker to acquire land and new rights in land belonging to statutory undertakers within the Order Land. It further provides for the extinguishment of rights and the removal or relocation of apparatus belonging to statutory undertakers over or within the Order Land. The exercise of this power is subject to the protective provisions set out in Schedule 9 of the Order.
- 7.3.1.3 All third-party rights which are proposed to be extinguished, suspended or interfered with in the Order Land and which were identified through diligent enquiry are detailed in Part 3 of the Book of Reference (Application Document Reference A4.3). Unknown interests which were not identified through such measures are still subject to the provisions of the Order, including Article 21, to enable Hornsea Three to be delivered without impediment.
- 7.3.1.4 As Hornsea Three is a NSIP, the Applicant considers that there is a compelling case in the public interest for this power to be included in the Order. The extent of the Order Land is no more than is reasonably necessary for the construction and operation of Hornsea Three and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

7.4 Summary of negotiations with landowners

- 7.4.1.1 All relevant landowners, lessees, tenants and occupiers identified by diligent enquiry have been notified of Hornsea Three and included in the consultation process. Each landowner has been contacted with a view to entering into negotiations to acquire land or rights over the Order Land as necessary. A summary of the approach taken is provided at Appendix A.
- 7.4.1.2 The Applicant has successfully concluded the commercial negotiation and entered into an Option for Purchase in respect of the land required for the onshore HVDC converter/HVAC substation. However, the Applicant is including this land within the Order Land in order to ensure that land assembly and title to it can be secured with certainty. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be overridden, removed and/or extinguished in order to facilitate the construction and operation of Hornsea Three without hindrance.
- 7.4.1.3 The Option for Purchase that has been entered into by the landowners and occupiers provides an acknowledgement from the landowners and occupiers that rights of compulsory acquisition may be sought over their land to the extent that such rights will be necessary for the installation, operation and maintenance of the Project.

- 7.4.1.4 The Applicant has been seeking to acquire the remaining land, rights (and restriction) over land and temporary use of land by voluntary agreement, in order to ensure implementation of the Project, however, it has not yet been possible to acquire all of the land, the temporary use of land and the rights required by agreement at the point of application. In addition, the Applicant requires certain rights to be suspended, overridden or extinguished within the Order Land so as to ensure there are no impediments to the construction, operation and maintenance of the Project.
- 7.4.1.5 The Applicant will continue to endeavour to acquire the land, the rights and other interests and the temporary use of land, as well as secure the removal of rights affecting the Order Land that may impede the Project, by agreement wherever possible.
- 7.4.1.6 The Compulsory Acquisition Guidance acknowledges that, where a scheme entails the compulsory acquisition of many separate plots of land; and gives the example of a long, linear scheme, as Hornsea Three is, it may not always be practicable to acquire land and/or rights over land by agreement. The Compulsory Acquisition Guidance states that it is reasonable to include provision authorising compulsory acquisition covering all the land at the outset and negotiate with landowners in parallel to acquire land by agreement.
- 7.4.1.7 The current position in respect of negotiations with the outstanding landowners and/or tenants is provided at Appendix B and will be updated during the examination of the Application.

7.5 Unknown interests

- 7.5.1.1 There are a number of interests identified in the Book of Reference where it has not been possible to identify ownership. The statement “Unknown” is given in the Book of Reference when diligent enquiry has been carried out and it has still not been possible to obtain information. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been and will be erected on site to seek to identify unknown landowners or persons with an interest in the land. No responses to notices were received where the land or interests are still identified as unknown. Where responses were received, due diligence has been carried out and the details of the owners/occupiers noted in the Book of Reference (Application Document Reference A4.3).

7.6 Compelling case in the public interest

- 7.6.1.1 The government’s policy on renewable energy is discussed in detail below in section 8 of this Statement and demonstrates the public benefits of Hornsea Three. The UK Government has committed to source 15% of its total energy needs from renewable sources by 2020 under the Promotion of the Use of Energy from Renewable Sources Regulations 2011/243. In addition, the UK is bound to cut greenhouse gas emissions by 80% by 2050 and by at least 34% by 2020 under the Climate Change Act 2008.

- 7.6.1.2 The UK Renewable Energy Roadmap 2011 identified offshore wind as the technology capable of making the biggest contribution to providing renewable energy to meet the UK's 2020 target. The UK Renewable Energy Roadmap (Update 2013) referred to modelling that projected an increase in the existing target for 13 GW of offshore wind by 2020, to 16 GW by 2020, with an industry potential of 39 GW possible by 2030.
- 7.6.1.3 It is therefore evident that there is a great need for renewable energy in order to tackle climate change and secure energy supply and that this is high on the Government's agenda. Once installed, Hornsea Three is anticipated to have the capacity to generate approximately 2.4 GW of electricity which will make an important contribution towards the achievement of the UK's commitments to source its energy needs from renewable sources.

7.7 Funding and compensation

- 7.7.1.1 The Funding Statement (Application Document Reference A4.1) that accompanies this Statement explains how it is expected that the construction of Hornsea Three, as well as the acquisition of land and interests, will be funded. As is set out in the Funding Statement and in section 3 of this Statement, the parties who are involved in Hornsea Three and who will be responsible for the funding, or securing the funding, of the land acquisition and the compensation payments, have worldwide recognition and experience in delivering renewable energy projects.
- 7.7.1.2 Where the powers of compulsory acquisition and other powers included in the Order are exercised, owners of the relevant land or rights in land may be entitled to compensation. The statutory procedure that will be followed in relation to compulsory acquisition compensation claims ensures that land will be compensated at open market value. Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.
- 7.7.1.3 The Funding Statement (Application Document Reference A4.1) confirms that the Applicant has the ability to procure the financial resources required for Hornsea Three, including the cost of acquiring any land and rights and the payment of compensation, as applicable.
- 7.7.1.4 The Applicant has included Article 43 in the Order which provides that compulsory powers contained in the Order must not 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 for that purpose is in place. Article 43 of the Order therefore ensures that adequate funding is in place before any compulsory acquisition compensation liability arises.
- 7.7.1.5 The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

7.8 Human rights

7.8.1.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (the 'ECHR'). The ECHR includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

7.8.1.2 The following Articles of the ECHR are relevant to the Secretary of State's decision as to whether the Order should be made so as to include powers of compulsory acquisition:

7.8.1.3 Article 1 of the First Protocol to the ECHR states that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

7.8.1.4 Article 6 of the ECHR states:

"In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

7.8.1.5 Article 8 of the ECHR states:

"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

7.8.1.6 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the ECHR.

7.8.1.7 The Order has the potential to infringe the rights of persons who hold interests in land within the Order Land under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:

- the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
- the interference with the convention right is proportionate.

- 7.8.1.8 In preparing the Application, the Applicant has considered the potential infringement of the ECHR rights in consequence of the inclusion of compulsory acquisition powers within the Order and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. The Applicant considers that there would be a very significant public benefit arising from the grant of the Order. The benefit is only realised if the Order is accompanied by the grant of powers of compulsory acquisition. The Applicant has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order Land. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code.
- 7.8.1.9 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners of land within the Order Land and those who may be able to make claims either under Sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. Also, the beneficiaries of rights overridden by the exercise of powers in the Order would be capable of making claims under Section 10 of the Compulsory Purchase Act 1965.
- 7.8.1.10 Furthermore, representations can also be made in response to any notice given under Section 56 of the PA 2008 for consideration at examination of the Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the PA 2008.
- 7.8.1.11 Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the PA 2008.
- 7.8.1.12 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body to determine the compensation payable.
- 7.8.1.13 For the above reasons, any infringement of the ECHR rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Sections 7 and 8 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 7.8.1.14 The Applicant considers that the Order strikes a fair balance between the public interest in the development going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Order, including the grant of compulsory acquisition powers.

8. Need for the Project

8.1.1.1 The policies summarised below and amplified in the Planning Statement (Document Application Number A8.3) together provide further justification of the need for, and public benefit of, Hornsea Three.

8.2 International obligations on climate change

8.2.1.1 In 2008 the European Parliament and Council agreed a climate and energy package known as the '20-20-20' targets package in order to comply with the Kyoto Protocol to the United Nations Framework Convention on Climate Change and further European Community and international greenhouse gas (GHG) reduction commitments beyond 2012. The targets are to be achieved by 2020 and are:

- A reduction in EU greenhouse gas emissions of at least 20% below 1990 levels;
- 20% of EU energy consumption to come from renewable resources; and
- A 20% reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency.

8.2.1.2 Directive 2009/28/EC on the promotion of the use of energy from renewable sources (Renewable Energy Directive) was adopted to ensure the achievement of the 2020 renewable energy targets. The Renewable Energy Directive consolidates the previously separate Directives on renewable electricity (Directive 2001/77/EC) and transport fuels (Directive 2003/30/EC) and sets mandatory national targets to be met by 2020. The mandatory national targets are consistent with a target of at least a 20% share of energy from renewable sources in the European Community's gross final consumption of energy in 2020. The mandatory national targets are set out in Article 3 and Annex I of the Renewable Energy Directive.

8.2.1.3 The United Kingdom is subject to a mandatory national target of 15% share of energy from renewable sources in gross final consumption of energy by 2020. Article 4 of the Renewable Energy Directive requires Member States to adopt a national renewable energy action plan setting out Member States' national targets for the share of energy from renewable sources consumed in transport, electricity and heating and cooling in 2020 and to notify the Commission of the plan.

8.2.1.4 The climate change and energy package also includes legislation and policies on emissions trading (Directive 2009/29/EC), effort sharing on GHG emissions (Decision No. 406/2009/EC) and the taxation of energy products and electricity (Directive 2003/96/EC).

8.3 National climate change and energy legislation

8.3.1 Climate Change Act 2008

- 8.3.1.1 The Climate Change Act 2008 commits the UK to a net reduction in GHG emissions (against the 1990 baseline) of 80% by 2050 through a system of carbon budgets. Each carbon budget is set by the Government and is for a period of 5 years.
- 8.3.1.2 The UK Government has legislated for the first four carbon budgets to cut emissions by 23% below base year levels by 2012, 29% by 2017, 35% by 2022 and 50% by 2027 from 1990 levels (The Carbon Budget Order 2009 and The Carbon Budget Order 2011).
- 8.3.1.3 The Committee on Climate Change was established under the Climate Change Act 2008 to advise the UK and devolved administration governments on setting and meeting the carbon budgets, and preparing for climate change. In May 2011 the Committee published the Renewable Energy Review which sets out a detailed vision of the role of renewable energy in meeting longer term emissions targets. The Review concludes that renewables is a promising option for delivering decarbonisation of the power sector by 2030 at reasonable cost and that firm commitments on support for offshore wind and marine generation through the 2020s should be made now (Committee on Climate Change, 2011).

8.3.2 Energy Act 2013

- 8.3.2.1 The Energy Act 2013 received Royal Assent on 18 December 2013. The Energy Act makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emission reduction and renewables targets. In particular the Energy Act contains provisions from the Department of Energy and Climate Change ('DECC') (now BEIS) for Electricity Market Reform ('EMR').
- 8.3.2.2 The EMR set out the framework for replacing Renewables Obligation Certificates ('ROCs'), granted under the Renewables Obligation ('RO'), with Contracts for Difference ('CfDs') to provide stable financial incentives to encourage investment in low carbon electricity generation. The RO closed to new projects on 1 April 2017.
- 8.3.2.3 A contract for difference is described by the UK Government as:
- "a private law contract between a low carbon electricity generator and the Low Carbon Contracts Company ('LCCC'), a government-owned company. A generator party to a CfD is paid the difference between the 'strike price' – a price for electricity reflecting the cost of investing in a particular low carbon technology – and the 'reference price' – a measure of the average market price for electricity in the GB market. It gives greater certainty and stability of revenues to electricity generators by reducing their exposure to volatile wholesale prices, whilst protecting consumers from paying for higher support costs when electricity prices are high."* (Department for Business, Energy and Industrial Strategy, 2015)

- 8.3.2.4 Initially CfDs were provided through a bilateral Final Investment Decision Enabling Scheme ('FID Enabling Scheme') with the UK Government, which provided certainty to eligible developers on strike prices (and therefore revenue streams) agreed under the contract. Under the FID Enabling Scheme, Ørsted was awarded FID enabling contracts for three projects: Hornsea 1, Burbo Bank Extension and Walney Extension.
- 8.3.2.5 Following the FID enabling process, CfD allocation moved to a competitive tender mechanism in which projects must submit bids in an auction for a fixed quantity of funding. The move to a competitive auction mechanism was one of the key drivers in the significant cost of energy reduction in the UK offshore wind industry, as evidenced by the success of Ørsted's Hornsea 2 project in the most recent CfD allocation round. Compared with the £140/MWh strike price obtained by Hornsea 1 in the FID Enabling Scheme in 2014, Hornsea 2 obtained a strike price of £57.50/MWh in 2017. This not only demonstrates the dramatic fall in the cost of offshore wind but also the industry's decreasing reliance on Government funding to support revenue streams.
- 8.3.2.6 Ørsted has also taken steps to reduce the cost of energy through both technological innovation and procurement strategy. One example of this is through its use of a Multi-Contract Procurement Strategy ('MCPS'), which is considered to be the most cost effective and efficient procurement mechanism for a large, capital intensive project and involves splitting contracts into key component areas in order to obtain the best price for each given component. Ørsted will work closely with key existing suppliers as well as facilitating the entrance of new suppliers into the market, with a view to encouraging competition and promoting supplier diversity. This process is heavily driven by Ørsted's own internal Product Line organisation, which is comprised of various members from across Ørsted's Engineering, Procurement and HSE departments.
- 8.3.2.7 The Product Line department was established in 2014 with the purpose of reducing the cost of energy through the development of standardised technology concepts and platforms across key components of offshore wind, including but not limited to: turbines, foundations, cables and substations. Dedicated procurement teams focus on a component in order to research and secure the most cost-effective solutions in the market. By combining the in-depth expertise of the Product Line teams and the MCPS approach, Ørsted will aim to secure the most competitive price possible for key supply chain items, thereby driving down the overall cost of energy for future windfarm developments.
- 8.3.2.8 One recent success was the introduction of a new Wind Turbine Generator ('WTG') supplier (in the form of MHI Vestas Offshore Wind) in addition to Siemens Wind Power, which has traditionally supplied WTGs for Ørsted projects. WTGs from MHI Vestas Offshore Wind were successfully deployed on the recently commissioned Burbo Bank Extension project and helped introduce further competition into the turbine supply chain.

- 8.3.2.9 Ørsted still aims to secure a CfD for Hornsea Three as part of the UK Government's continued support for offshore wind. The total funding available to projects eligible for a CfD is controlled through the Levy Control Framework ('LCF'). The LCF sets an annual budget for the projected costs of all BEIS' low carbon development schemes that are funded through the RO, Feed in Tariff Scheme ('FiTs') and CfD mechanism.
- 8.3.2.10 In the Chancellor's 2017 Autumn statement, a commitment was made to maintain the remaining funding allocated for CfD eligible schemes, which currently stands at up to £557m. The UK Government has also committed to a further CfD auction in 2019 and stated that:
- "the significant cost reductions that were achieved in the last CfD auction indicate this support could secure far more low carbon electricity than originally anticipated"* (HM Treasury, 2017).
- 8.3.2.11 The UK Government has also maintained that it will not rule out future support for any technology, and so the Applicant is confident that there will be sufficient funding opportunities for the Project. There may also be alternative routes to market available for offshore wind developments in future in the form of corporate Power Purchase Agreements ('PPAs'), although this has yet to be tested for large scale offshore wind projects in the UK.

8.4 National climate change and energy policy

- 8.4.1.1 The central objective of Government energy policy is to ensure the security of energy supply whilst responding to the challenge of climate change by reducing carbon emissions. To meet these objectives, more energy infrastructure is needed with an increased emphasis on energy generation from renewable and low carbon sources. The need for this infrastructure is fully recognised in many areas of Government policy. The need to reduce carbon emissions is enshrined in European law and international obligations and has been transposed into a range of UK legislation. Hornsea Three will accord with these policies and comply with the relevant legislation and so will assist the Government in meeting its energy policy obligations.

8.4.2 Energy policy

- 8.4.2.1 Following the agreement of the Kyoto Protocol and the adoption of Directive 2001/77/EC on the promotion of electricity from renewable energy sources in the internal electricity market, the previous Government undertook a review of the challenges presented by energy policy. The review emphasised the need to update much of the UK's energy infrastructure, the need to secure reliable supplies of energy for the future, and the need to reduce carbon emissions (Cabinet Office, 2002).
- 8.4.2.2 White Papers dated 2003 and 2007 reasserted the importance of renewable energy in reducing carbon emissions and commenced the formulation of carbon reduction goals which were later set at 80% by 2050 in the Climate Change Act 2008 (DTI and Defra, 2003; DTI, 2007).

- 8.4.2.3 In response to the requirement in Article 4 of the Renewable Energy Directive, DECC published the National Renewable Energy Action Plan for the UK in July 2010 (DECC, 2010). This plan sets out a 'lead scenario' to achieve the 15% renewable energy target for 2020. The lead scenario suggests that the UK could see around 30% of electricity, 12% heat and 10% transport energy come from renewable sources by 2020.
- 8.4.2.4 Specific measures for renewables were set out in the UK Renewable Energy Strategy ('RES') which was published alongside, and in parallel with, the UK Low Carbon Transition Plan in July 2009 (DECC, 2009a; 2009c). Those parts of the RES which are summarised and included in the Low Carbon Transition Plan were the measures to:
- Ensure that investment in renewables continues through support schemes, principally by extending and targeting the Renewable Obligation mechanism;
 - Improve grid connections;
 - Ensure the planning system supports the deployment of renewable energy;
 - Develop the renewables supply chain; and
 - Explore untapped renewable energy sources such as the Severn Estuary.
- 8.4.2.5 The RES also confirms that renewable energy developments play a key role in supporting energy security in the UK.
- 8.4.2.6 The RES sets out the path by which the UK can meet the legally-binding target of 15% energy consumption from renewable sources by 2020. It states that the UK has a capacity to source 30% of its electricity from renewable sources, with two thirds of this from wind power (DECC, 2009). The RES identified the need to drive energy markets through policy and illustrated the many ways in which the renewable energy market can be incentivised. The two most specific incentives include the European Union Emissions Trading Scheme and the Renewables Obligation scheme (which places a regulatory obligation on energy suppliers to source a certain percentage of their energy from renewable sources).
- 8.4.2.7 The UK Renewable Energy Roadmap 2011 identified offshore wind as the technology capable of making the biggest contribution to providing renewable energy to meet the UK's 2020 target. The UK Renewable Energy Roadmap (2013 Update) referred to modelling that projected an increase in the existing target for 13 GW of offshore wind by 2020, to 16 GW by 2020, with an industry potential of 39 GW possible by 2030.
- 8.4.2.8 In December 2011, the Government published its Carbon Plan (DECC, 2011). This document sets out the policies for meeting the commitment of an 80% reduction in greenhouse gas emissions made under the Climate Change Act. It also describes the measures proposed to meet the first four carbon budgets (from 2008 to 2027).
- 8.4.2.9 In October 2017, BEIS published "The Clean Growth Strategy: Leading the way to a low carbon future". This strategy sets out the Government's policies and proposals for a low carbon future including a commitment to:

“Improve the route to market for renewable technologies such as offshore wind through:

- *Up to £557 million for further Pot 2 Contract for Difference auctions, with the next one planned for spring 2019*
- *Working with industry as they develop an ambitious Sector Deal for offshore wind, which could result in 10 gigawatts of new capacity, with the opportunity for additional deployment if this is cost effective, built in the 2020s.”*

8.4.2.10 The strategy also proposes £177 million of public funds for innovation to further reduce the cost of renewables, including innovation in offshore wind turbine blade technology and foundations.

8.4.2.11 In November 2017, the Government published a white paper entitled “Industrial Strategy: Building a Britain fit for the future”. The strategy states that the:

“move to cleaner economic growth – through low carbon technologies and the efficient use of resources is one of the greatest industrial opportunities of our time”.

8.4.3 National Policy Statements (‘NPS’)

8.4.3.1 NPS define the national need for certain types of infrastructure development, as well as the issues to be considered by the examining body when assessing whether a location is acceptable for the type and scale of development proposed in an application for development consent.

8.4.3.2 Section 104(2) of the PA 2008 provides that, in deciding applications for NSIPs, the Secretary of State must have regard to any NPS which has effect in relation to development of the description to which the application relates. Section 104(3) establishes the primacy of the NPSs in determining DCO applications. It requires applications to be decided “in accordance with any relevant national policy statement” subject to a number of exceptions such as breach of international obligations, breach of statutory duty and illegality.

8.4.3.3 The NPS of relevance to the application for consent for Hornsea Three are:

- Overarching National Policy Statement for Energy (EN-1);
- National Policy Statement for Renewable Energy Infrastructure (EN- 3); and
- National Policy Statement for Electricity Networks Infrastructure (EN-5).

Overarching National Policy Statement for Energy (EN-1)

8.4.3.4 The overarching NPS for Energy (NPS EN-1) sets out the Government’s policy for the delivery of major energy infrastructure (DECC, 2011).

8.4.3.5 NPS EN-1 supports the requirements of the Renewable Energy Directive. The policy states that new projects are urgently needed in order to ensure that this target is met (Paragraph 3.4.1). Offshore wind is expected to provide the largest single contribution towards the 2020 renewable energy generation targets (Paragraph 3.4.3).

8.4.3.6 NPS EN-1 confirms that the UK needs the different types of energy infrastructure that are set out in the NPS, and these include offshore wind generation (Paragraph 3.1.10). The NPS further states that the Secretary of State should assess all applications for development consent for energy infrastructure covered by NPS EN-1 on the basis that the Government has shown there is a need for those types of projects (Paragraph 3.1.3).

Government policy on energy and energy infrastructure development

8.4.3.7 Part 2 of NPS EN-1 confirms that the Government is committed to meeting its legally binding target to cut GHG emissions by at least 80% by 2050.

8.4.3.8 NPS EN-1 identifies that about a quarter of the UK's generating capacity is due to close by 2018 and new low carbon generation is required which is reliable, secure and affordable (Paragraph 2.2.16). It confirms that it is critical that the UK continues to have secure and reliable supplies of electricity as it makes the transition to a low carbon economy (Paragraph 2.2.20).

Assessment principles

8.4.3.9 NPS 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).

8.4.3.10 In considering proposals, and particularly when weighing its adverse impacts and its benefits, the Secretary of State should take into account (Paragraph 4.1.3) the proposal's:

- Potential benefits including its contribution to meeting the need for energy infrastructure, job creation and long term or wider benefits; and
- Potential adverse impacts, including any long term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

8.4.3.11 In the event of a conflict between development plan documents, other documents and an NPS, the NPS must prevail for the purposes of Secretary of State decision making, given the national significance of the infrastructure (Paragraph 4.1.5).

National Policy Statement for Renewable Energy Infrastructure (EN-3)

8.4.3.12 NPS EN-3 (DECC, 2011) states the need for 25 GW of new offshore wind derived generating capacity in the UK Renewable Energy Zone ('REZ') and the territorial waters of England and Wales (Paragraph 2.6.15). It also refers to the Offshore Energy Strategic Environmental Assessment (SEA) which concludes that there are no overriding environmental considerations preventing the plans for 33 GW of new offshore wind capacity, if mitigation measures are implemented (Paragraph 2.6.15).

National Policy Statement for Electricity Networks Infrastructure (EN-5)

8.4.3.13 NPS EN-3 sets out that the onshore element of the grid connection including electricity lines for transmission and substations should be determined in accordance with NPS EN-5 (NPS EN-3, Paragraph 2.6.41).

8.4.3.14 NPS EN-5 (DECC, 2011), together with NPS EN-1, provides the primary basis for decisions on applications for electricity networks infrastructure development.

8.4.4 Offshore wind policy

8.4.4.1 A Strategic Environmental Assessment ('SEA') was carried out by DECC in 2008/2009 to identify the environmental effects of further rounds of offshore wind farm leasing in the UK REZ and the territorial waters of England and Wales. This was undertaken in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The Regulations apply Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment (the SEA Directive). The SEA Post Consultation Report, published in June 2009 (DECC, 2009) recommended the adoption of a plan/programme for an additional 25 GW of offshore wind farm generation capacity.

8.4.4.2 In 2010, DECC undertook an exercise to update and extend the scope of the previous SEA Environmental Report and concluded (as acknowledged in Paragraph 2.6.15 of NPS EN-3) that up to 33 GW of offshore wind energy could, with appropriate mitigation, be deployed without giving rise to adverse environmental effects.

8.4.5 Marine policy

8.4.5.1 A UK-wide Marine Policy Statement ('MPS') was published in March 2011 under the Marine and Coastal Access Act 2009 ('MCAA') to provide a framework for marine spatial planning, specifically for the preparation of Marine Plans and taking decisions that affect the marine environment (Defra, 2011). It is currently the only statutory marine policy document.

8.4.5.2 The MCAA requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the MPS and the relevant Marine Plans.

8.4.5.3 The MPS provides that the following issues should be taken into account by decision makers when examining and determining applications for energy infrastructure:

"The national level of need for energy infrastructure, as set out in the Overarching National Policy Statement for Energy (EN-1);"

"The positive wider environmental, societal and economic benefits of low carbon electricity generation and carbon capture and storage as key technologies for reducing carbon dioxide emissions;"

“The potential impact of inward investment in offshore wind, wave, tidal stream and tidal range energy related manufacturing and deployment activity; as well as the impact of associated employment opportunities on the regeneration of local and national economies. All of these activities support the objective of developing the UK’s low carbon manufacturing capability;” (Paragraph 3.3.4).

8.4.5.4 The MPS goes on to state that:

“[t]he UK has some of the best wind resources in the world and offshore wind will play an important and growing part in meeting our renewable energy and carbon emission targets and improving energy security by 2020, and afterwards towards 2050” and that offshore wind “has the potential to have the biggest impact in the medium-term on security of energy supply and carbon emission reductions through its commercial scale output” (Paragraph 3.3.19).

8.4.5.5 Hornsea Three is in line with the vision and objectives of the MPS by virtue of its substantial contribution to renewable energy targets, thereby helping in the development of a low carbon economy and as a sustainable economic development.

9. Special Considerations

9.1 Special Category Land

9.1.1 Open Space

- 9.1.1.1 Section 132 of the PA 2008 applies to the compulsory acquisition of new rights over land forming part of a common, open space or fuel or field garden allotment.
- 9.1.1.2 For the purposes of section 132 of the PA 2008, “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.
- 9.1.1.3 The parts of the Order Land which are open space are shown on the Special Category Land – Onshore Plans (Application Document Reference A2.11.2) and identified in Part 5 of the Book of Reference (Application Document Reference A4.3). This comprises:
- Parts of the foreshore and beach north of Weybourne Military Camp (plots 1-001, 1-002, 1-003 and 1-004);
 - Part of a woodland known as Bodham Wood (plot 3-031); and
 - Parts of a heritage trail known as Marriotts Way (plots 16-016, 16-017, 16-018, 16-020 and 20-008).
- 9.1.1.4 The Applicant considers that the land referred to in paragraph 9.1.1.3 (“the open space land”) constitutes open space as it is used for the purpose of public recreation including walking, dog walking, bird watching, jogging, cycling and (in respect of the foreshore and beach) fishing.
- 9.1.1.5 Section 132(2) states that the Order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that the land, when burdened with the rights, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before and that fact is recorded in the DCO.
- 9.1.1.6 No works are proposed which will permanently affect the public recreational use of the open space land or its physical appearance. The cables will be located underground and the open space land will be reinstated after construction of the onshore cable route. The only above ground infrastructure remaining in the open space land after construction (if any) will be marker posts. No permanent above ground infrastructure will be located on the beach.
- 9.1.1.7 It is anticipated that the onshore cable route located on the open space land will be constructed using horizontal directional drilling, auger boring or another form of trenchless technology and therefore there will be no impact on the use of the open space by members of the public.

- 9.1.1.8 In the event that the construction is carried out using the open cut technique at landfall, the works to construct the onshore cable route to be undertaken on the open space land will take place over a 3 month period for each phase (excluding pre-construction surveys).
- 9.1.1.9 Although there will be temporary interference with the use of the open space land during the construction period of the onshore cable route, access to the remainder of the open space in each location will be available.
- 9.1.1.10 Following completion of the construction of the onshore cable route, there may be occasional future maintenance activities associated with the onshore cable route. Any interference with public recreational use of the open space land as a result of such maintenance activities would be temporary in nature.
- 9.1.1.11 The Applicant therefore considers that the open space land when burdened with the rights sought in the Order will be no less advantageous to the public than it was before for the reasons set out above and therefore the test set out in section 132(3) is satisfied.
- 9.1.1.12 In respect of plots 16-016, 16-017 and 16-018, the Applicant is seeking only powers of temporary use, this is not compulsory acquisition, and as such does not trigger the requirements of section 131 or 132 of the Planning Act 2008.

9.1.2 Statutory Undertaker's Land

- 9.1.2.1 The Order Land includes land, rights or other interests owned by the following Statutory Undertakers:
- National Grid Gas plc;
 - National Grid Electricity Transmission plc;
 - Cadent Gas Limited;
 - Eastern Power Networks plc;
 - Anglian Water Services Limited;
 - Network Rail Infrastructure Limited;
 - Blue Transmission Sheringham Shoal Limited; and
 - Dudgeon Offshore Wind Limited
- 9.1.2.2 The Applicant understands that the Environment Agency and the Norfolk Rivers Internal Drainage Board do not own any land or hold any proprietary rights or other interests in the Order Land.
- 9.1.2.3 The land, rights and interests held by each statutory undertaker within the Order Land are identified in Part 2 and Part 3 of the Book of Reference (Application Document Reference A4.3).
- 9.1.2.4 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that:

- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.

9.1.2.5 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that:

- the right can be purchased without serious detriment to the carrying on of the undertaking; or
- any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.

9.1.2.6 Adequate protection for the statutory undertakers will be included within protective provisions in Schedule 9 of the Order and/or asset protection agreements between the parties. The Applicant considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition of land or rights over land or powers of temporary possession. The tests set out in section 127(6)(a) of the PA 2008 are therefore satisfied.

9.1.2.7 The Onshore Crossing Schedule (Application Document Reference A6.4.3.5) shows apparatus and infrastructure, identified through property and utility searches and consultation by the Applicant, as being owned by statutory undertakers and non-statutory undertakers, which are crossed by the cable route.

9.1.2.8 A summary of the current status of negotiations with each statutory undertaker and other licence holders and apparatus owners is set out in Appendices C and D of this Statement.

9.1.2.9 Section 138 of the PA 2008 is engaged by Article 28 of the Order. This Article will permit the undertaker to extinguish or relocate the rights or apparatus of Statutory Undertakers and electronic communications apparatus. Such power may only be included in the Order if the Secretary of State is satisfied the extinguishment or removal is necessary for the authorised development. The construction of Hornsea Three will require interference with Statutory Undertakers' land and the possible relocation of their apparatus and electronic communications apparatus. However, the exercise of such powers will be carried out in accordance with the protective provisions which set out constraints on their exercise with a view to safeguarding the Statutory Undertakers' and electronic communications apparatus owners' interests. The Applicant therefore considers that the test set out section 138 of the PA 2008 is satisfied.

9.2 Crown Land

- 9.2.1.1 Section 135 of the PA 2008 provides protection for Crown Land against compulsory acquisition. The Order Land includes land owned by the Crown or subject to Crown Interests. This land is described in Part 4 of the Book of Reference (Application Document Reference A4.3) and shown on the Crown Land – Onshore and Offshore (Application Document Reference A2.11.1). The Book of Reference clearly states that any interests owned by the Crown are excluded from the ambit of the compulsory acquisition powers contained in Part 5 of the Order.
- 9.2.1.2 Section 135 of the PA 2008 provides that a DCO may include provisions authorising the compulsory acquisition of an interest in Crown Land or any other provisions relating to the Crown Land only if the Crown consents to the inclusion of the provisions.
- 9.2.1.3 The Applicant is in discussions with the Crown Estate Commissioners, the Ministry of Defence and the Forestry Commission (on behalf of the Secretary of State for Environment, Food and Rural Affairs) (being the appropriate Crown authorities) in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.

10. Other Consents

10.1 Introduction

- 10.1.1.1 The Order will grant consent for the construction, operation and maintenance of Hornsea Three however there are a number of additional consents and licences that may be required from bodies such as Natural England, the Environment Agency and the Marine Management Organisation.
- 10.1.1.2 These additional consents and licences are listed in the Consents Management Plan (Application Document Reference A7.4).
- 10.1.1.3 The additional consents and licences include:
- European Protected Species ('EPS') licences under the Conservation of Habitats and Species Regulations 2010; and
 - Environmental permits under the Environmental Permitting (England & Wales) Regulations 2016.
- 10.1.1.4 The Applicant is not aware of any reason why the other consents and licences listed in the Consents Management Plan (Application Document Reference A7.4) will not be granted.

11. Further Information

11.1 Negotiation of Sale

11.1.1.1 Owners and occupiers of property located within the Order Land and affected by Hornsea Three who wish to negotiate a sale or discuss matters of compensation should contact Hornsea Three by email to Contact@hornsea-project-three.co.uk or by telephone on 0800 0288 466 or by post to Hornsea Project Three Offshore Wind Farm, Ørsted, 5 Howick Place, London SW1P 1WG.

11.2 Compensation

11.2.1.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and rights over land and the depreciation in value of properties. More information is given in the series of booklets published by the Department of Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:

- Booklet No. 1 – Compulsory Purchase Procedure;
- Booklet No. 2 – Compensation of Business Owners and Occupiers;
- Booklet No. 4 – Compensation to Residential Owners and Occupiers; and
- Booklet No. 5 – Reducing the Adverse Effects of Public Development: Mitigation Works

11.2.1.2 The booklets are available to download for free online at:
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

12. Conclusions

- 12.1.1.1 This Statement demonstrates that the inclusion of compulsory acquisition powers within the Order meets the requirements of Section 122 of the PA 2008 and the Compulsory Acquisition Guidance.
- 12.1.1.2 In summary, the Order Land or rights over the Order Land and the imposition of restrictions are required for the purposes of, to facilitate, or are incidental to, Hornsea Three and are no more than are reasonably necessary. Furthermore, there is a compelling case in the public interest for the land or rights over the land to be acquired given the positive benefits that the development will generate particularly in view of current UK policy in relation to renewable energy.
- 12.1.1.3 In addition:
- Reasonable alternatives to compulsory acquisition have been explored;
 - It has been demonstrated that the interference with rights is for a legitimate purpose, is necessary and is proportionate;
 - A description of the intended use of the land or rights to be acquired compulsorily has been provided;
 - Commercial negotiations have been successfully concluded and an Option for Purchase exchanged with landowners and tenants for the land required for the onshore HVDC converter station/HVAC substation site;
 - An explanation has been provided as to how it is expected that the construction of Hornsea Three and the acquisition of the land or rights over the land will be funded, as well as compensation in respect of the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available; and
 - Article 1 of the First Protocol to the ECHR and Article 8 of the ECHR have been considered.
- 12.1.1.4 It is therefore submitted that the Order be made and any compulsory acquisition powers and powers of temporary possession sought within the Order be granted.

Appendix A Summary of Negotiations with Landowners

A.1 Land referencing

- A.1.1.1 To identify relevant land interests a Polygon Plus search was undertaken of Her Majesty's Land Register (HMLR), for a 1 km wide corridor within the 5 km wide scoping boundary. This was then extended and varied in certain areas where route amendments were required or additional options for routing or the location of the onshore HVDC converter station/HVAC substation and the HVAC Booster Station.
- A.1.1.2 Basic Land Interest Questionnaires ('LIQ') were populated based on the HMLR data for the purpose of contact referencing. In July 2016, the Applicant and its land agents, Dalcour Maclaren, proceeded to engage with the identified land interests for Phase 1 survey access, undertake informal discussions on the Project proposals at that time, to assess landownership boundaries, to assess if additional land interests were present and to help identify any areas of unregistered land.
- A.1.1.3 Unregistered land interests were identified where possible by utilising public sources of information including Trace IQ, site visits, site noticing and discussions with neighbouring land interests.
- A.1.1.4 Additional or new land interests were identified via contact referencing, correspondence with landowners and basic title interrogation. All identified interests were then issued with a LIQ and where possible meetings were offered to discuss the Project proposals and survey access requirements that may affect them.
- A.1.1.5 Further detailed land referencing was undertaken by WSP as specialist land referencing consultants to Hornsea Three to ensure a process of diligent enquiry was undertaken and to allow all persons with an interest in land to be appropriately consulted. This process was undertaken in conjunction with the contact referencing carried out by Dalcour Maclaren to identify all Category 1, 2 and 3 interests as well as Special Category Land and Crown Land for the purpose of creation of a Book of Reference and Land Plans as part of the DCO application.

A.2 Surveys and access

- A.2.1.1 There has been an ongoing requirement for non-intrusive surveys to be undertaken along the proposed onshore cable route corridor including Phase 1 & 2 ecology surveys, drone flyover surveys, wintering bird surveys, hydrology surveys, engineering walkovers, geophysical and ground investigation works at the landfall. All access for surveys has been undertaken via voluntary agreement with affected parties and where required formal access licences have been entered into and access conditions required by landowners adopted by survey teams.

A.3 Informal consultation

- A.3.1.1 Prior to statutory consultation under Section 42 of the PA 2008, Dalcour Maclaren informally consulted landowners on the proposed 200 metre wide onshore cable corridor between December 2016 and June 2017. During the consultation period, landowners were also invited to two rounds of Community Consultation Events where the Site and Land Rights Manager and Dalcour Maclaren were present to answer questions and record feedback to help inform the Project decision making process.
- A.3.1.2 Informal consultation continued with landowners throughout the consultation period. This consisted of individual letters, quarterly newsletters with Project updates, phone calls, emails and face-to-face meetings.

A.4 Statutory consultation

- A.4.1.1 The statutory Section 42 consultation initially took place on the Preliminary Environmental Information Report Boundary with additional consultations also taking place on alternative route option corridors and access routes. The consultation dates for each stage of the consultations are outlined below:
- (a) PEIR Boundary: 27/07/2017 to 20/09/2017;
 - (b) Access, Compound & Alternative Route Options: 25/11/2017 to 22/12/2017; and
 - (c) Additional Alternative Access & Route Options: 27/02/2018 to 30/03/2018.
- A.4.1.2 All parties identified as requiring consultation under Section 42 were notified of these consultations via written correspondence and site notices were also placed at strategic locations along the route including on any parcels of unregistered land. Where required, checks were made that correct documentation relating to the consultation were publicly available at pre-determined locations.
- A.4.1.3 Details of how the responses to the consultation have been taken into account are set out in the Consultation Report (Application Document Reference A5.1).

A.5 Negotiation of voluntary agreements

A.5.1 Onshore Cable Route

A.5.1.1 Draft heads of terms for an option to acquire a lease to construct, use and maintain the cables were issued to all land agents that had been identified as representatives of landowners along the cable route on 12 February 2018 for comment and to allow them to provide feedback prior to issuing to landowners. The feedback was received on 11 April 2018 and a further version of the heads of terms, including payment breakdowns, was issued to all landowners (other than those on non-agricultural land) on 23 April 2018. A further meeting was held with land agents on the 3rd May 2018.

A.5.1.1A.5.1.2 Since submission of the Application, the Applicant has been in discussions with the land agents who represent a significant proportion of the landowners (consisting of Bidwells, Brown & Co, Cruso and Wilkin, Irelands Arnold Keys and Savills (UK) Ltd and Strutt & Parker and known as the "Land Interest Group") to agree the heads of terms for an option to acquire a lease to construct, use and maintain the cables.

A.5.1.2A.5.1.3 Contact with members of the Land Interest Group has consisted of a meeting on 3 May 2018, phone calls on 10 dates between 22 May 2018 and 2 November 2018 and in the same period 42 emails between the parties, leading up to agreement of the generic Heads of Terms. There has been minor contact directly with landowners during this period, as the contact has been focussed through the Land Interest Group. Generic Heads of Terms were agreed with the Land Interest Group on 2 November 2018. Updated and improved heads of terms were therefore issued to the majority of the landowners represented by the Land Interest Group in the week commencing 5 November 2018. Since the agreement of the generic heads of terms various individuals have been sent bespoke Heads of Terms where non-generic terms are required. There have also been numerous emails, drafts and discussions regarding the generic option and lease between the Applicant, the Land Interest Group and their respective solicitors. This includes a joint meetings held on 19 December 2018, 16 January 2019, 6 February 2019, 22 March 2019 and the next joint meeting is due on 28 March 2019.

A.5.1.4 Negotiations are currently ongoing for the acquisition of the rights to construct, operate and maintain the cables on a voluntary basis and an update on the status of negotiations with individual landowners is set out in Appendix B. Solicitors have been instructed by 57-78 out of 88 landowners along the route as at the date of this submission.

A.5.1.5 The outstanding matters that have not yet been agreed with the NFU/LIG relate to:

- Compensation issues (although not a matter for the Examination to consider);
- Phasing of the project;
- Transmission system (AC or DC); and

- Soil Management, in respect of which the Applicant maintains that the soil management measures set out in the Outline Code of Construction Practice submitted at Deadline 9 are sufficient.

A.5.2 Onshore HVDC Converter or HVAC substation

- A.5.2.1 Negotiations to acquire an option to purchase the freehold for the onshore HVDC converter/HVAC substation site commenced in November 2016.
- A.5.2.2 An option to purchase the freehold was entered into with the landowners in April 2018.

A.5.3 Onshore HVAC Booster Station

- A.5.3.1 Negotiations to acquire an option for freehold rights to the onshore HVAC Booster Station site commenced in November 2016.
- A.5.3.2 These negotiations are ongoing and the principal terms for freehold acquisition have been agreed and the landowner has instructed solicitors in respect of the final option and lease.

A.6 Wider stakeholder engagement

- A.6.1.1 Since November 2016 ongoing dialogue and consultation has taken place with multiple bodies representing landowners and occupiers including the Country, Land and Business Association (CLA), National Farmers Union (NFU) and the Norfolk Association of Agricultural Valuers.
- A.6.1.2 Discussions have taken place regarding routing, survey requirements, and consultation on Project proposals, land rights proposals and compensation & re-instatement matters.

A.7 Methods of communication

- A.7.1.1 Multiple methods of communication have been utilised to ensure all land interests receive Project information and to maintain an ongoing dialogue where possible via the land interests chosen preferred method of communication. These methods include a landowner specific Project phone line, a dedicated landowner email account, letters and Project updates to relay Project information and the utilisation of text marketer to provide survey notifications.
- A.7.1.2 Individual emails have been used to deal with land interest specific communication between the Project, Dalcour Maclaren and landowners and land agents.
- A.7.1.3 In addition, further information on the Project website www.hornseaproject3.co.uk has been made available including specific Landowner FAQs.
- A.7.1.4 All feedback and correspondence with all impacted parties has been recorded and logged alongside a record of responses on the Project database.

Appendix B Current status of negotiations with landowners and occupiers

Table 4: Summary of landowner negotiations

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
1-001, 1-002, 1-003	The Queens Most Excellent Majesty In Right Of Her Crown	New Connection Works Rights	Discussions are ongoing with the Crown Estate regarding the cable corridor AfL, which can cover these plots of land close to/at the foreshore. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement and <u>negotiations suggest that this will be the case soon. The Applicant notes that compulsory acquisition powers cannot be used in respect of Crown interests and anticipates that a s135 consent will shortly be received from the Crown Estate.</u>
1-003, 1-004, 1-005, 1-006, 1-007, 1-008, 1-009, 1-010, 1-011, 1-012, 1-013, 1-014, 1-015, 1-017, 1-018	Louise Anne Savory (c/o Michael Savory)	New Connection Works Rights New Construction and Operation Access Rights Temporary use for access and the diversion of public footpaths	The Option and Lease drafts are in an <u>was agreed form and are likely to be completed before the end of January in February 2019.</u>
1-019, 1-020, 1-021, 1-024, 1-025, 1-026, 2-001, 2-002, 2-003, 2-004, 2-005, 3-013, 3-019, 3-020, 3-021, 3-022, 3-023, 3-024, 3-025, 3-026, 3-027, 3-029, 3-030	Kelling Estate LLP	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the onshore cable route (including access)	Revised heads of terms were sent to the landowner on 20 December 2018 following extensive liaison with the Land Interest Group and the individual agent <u>and were agreed on 23 February 2019.</u> The landowner has instructed their solicitor to commence legal work. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
3-002, 3-008, 3-	Joseph Cook	New Connection	Revised heads of terms were sent to the landowner on 15 January 2019 with improved

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
013		Works Rights Temporary use for access for the construction of the onshore cable route	terms. Although currently the landowner is opposed to the Applicant's proposals, the Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
3-003	David John Borrett	New Connection Works Rights	Revised heads of terms were sent to the landowner on 15 January 2019 with improved terms. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
3-009, 3-011, 3-013	Tony Gladwish (previously owned by his father, Victor Edmond Richard Gladwish)	New Connection Works Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowners on 15 January 2019 with improved terms over those already agreed. The landowner has instructed their solicitor to agree the option and lease.
3-010, 3-012, 3-013	Gerald Frank Bullimore, Sherrill Catherine Bullimore	New Connection Works Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowners on 15 January 2019 with improved terms. Although currently the landowner is opposed to the Applicant's proposals, the Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
3-004	Simon Anthony Cooper	New Connection Works Rights	Revised heads of terms were sent to the landowner on 15 January 2019 with improved terms over those already agreed. The landowner has <u>agreed the Heads of Terms and</u> instructed their solicitor to commence legal work.
3-005, 3-013, 3-014	John Matthews, Robert Matthews	New Connection Works Rights Temporary use for access for	Revised heads of terms were sent to the landowners on 15 January 2019 with improved terms. The Applicant is hopeful that the necessary

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
		construction of the onshore cable route	land and rights can be acquired by voluntary agreement.
3-006, 3-013	June Bailey, Richard Bailey	New Connection Works Rights	Revised heads of terms were sent to the landowners on 15 January 2019 with improved terms over those already agreed. The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to agree the option and lease.
3-013, 3-015, 3-016	Alan Robert Kemp	New Connection Works Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowners on 15 January 2019 with improved terms over those already agreed. The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to agree the option and lease.
3-017	John Matthews	New Connection Works Rights	Revised heads of terms were sent to the landowner on 15 January 2019 with improved terms. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
3-018	North Norfolk Railway PLC	New Connection Works Rights	The landowner has provided the Applicant with its standard engineering terms. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement, which will incorporate the standard engineering terms.
3-030	Robert & Sarah Linge	New Connection Works Rights	The Applicant has not been able to identify the owner of the land despite carrying out diligent inquiries. Discussions are ongoing with the occupiers, Mr and Mrs Linge.
3-031	Secretary of State For Environment Food And Rural Affairs (c/o Forestry Commission)	New Connection Works Rights	Discussions are ongoing with the Forestry Commission. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement and notes that

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			<p>compulsory acquisition powers cannot be used in respect of Crown interests. <u>A s135 consent has been received from the Forestry Commission and was submitted at Deadline 8 (REP8-006).</u></p> <p>A meeting was held with an internal agent for the Forestry Commission on 5 September 2018 and revised heads of terms were sent to the landowner on 19 December 2018.</p> <p><u>The Forestry Commission is continuing to engage with the Applicant and terms are agreed in principle.</u></p>
4-001, 4-002	Christine Wright	<p>New Connection Works Rights</p> <p>Temporary use for construction of the onshore cable route</p>	<p>Revised heads of terms were sent to the landowner on 6 November 2018.</p> <p>The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to agree the option and lease.</p>
4-003, 4-010	C J C Lee Saxthorpe Ltd	New Connection Works Rights	See summary for plot 9-012 (HVAC booster station)
4-005, 4-006	W J F Ross Ltd	<p>New Connection Works Rights</p> <p>Temporary use for construction of the onshore cable route</p>	<p>Revised heads of terms were sent to the landowner on 6 November 2018.</p> <p>The landowner has <u>agreed Heads of Terms and on 14 February 2019 and</u> instructed their solicitor to commence legal work</p>
4-007, 4-008	Andrew Alston, Christine Wright (RE Dana Wright)	<p>New Connection Works Rights</p> <p>Temporary use for construction of the onshore cable route</p>	<p>Revised heads of terms were sent to the landowner on 6 November 2018.</p> <p>The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to agree the option and lease.</p>
5-001, 5-004, 5-005, 5-006	William Edwards, Emma Suffield (RE Thomas Courtauld) - Trustees of Sir Charles Mott Will	<p>New Connection Works Rights</p> <p>Temporary use for</p>	Revised heads of terms were sent to the landowner on 6 November 2018 and were agreed on 8 February 2019.

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
	Trust	access for construction of the onshore cable route	The landowner has instructed their solicitor to commence legal work.
5-002	William Partridge Cubitt	New Connection Works Rights	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to agree the option and lease.
5-007, 6-001	Alistair Fish, Richard Seaman, Thomas Seaman	New Connection Works Rights	Revised heads of terms were sent to the landowners on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
6-001, 6-002, 6-003, 6-005, 6-006, 7-001, 7-001A 7-004	Richard Youngs and AV Youngs (Farms) Ltd	New Connection Works Rights Temporary use for construction of the onshore cable route (including access)	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to agree the option and lease. Upon legal instruction for Richard Youngs the solicitors pointed out that this plot of land is owned by the company AV Youngs Ltd. The same Heads of Terms and legal agreement will apply as per Richard Youngs.
7-005, 7-007, 7-008, 7-009	Airlie Anne Inglis	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 4 January 2019.</u> The landowner has instructed their solicitor to agree the option and lease.
8-001, 8-002, 8-	William Edwards, Emma Suffield (RE Thomas	New Connection	Revised heads of terms were sent to the landowners on 6 November 2018 <u>and were</u>

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
004, 8-005	Courtauld) - Trustees of J S Mott Will Trust	Works Rights Temporary use for construction of the onshore cable route	<u>agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
8-006	William Edwards, Emma Suffield (RE Thomas Courtauld) - Trustees of J S Mott Will Trust	New Connection Works Rights	Revised heads of terms were sent to the landowners on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
9-002, 9-003, 9-004, 9-005, 9-007, 9-008, 9-010, 9-011, 9-013, 9-014, 9-015, 9-016, 9-017, 9-019, 9-020, 9-021, 9-022, 9-023, 9-024	C J C Lee Saxthorpe Ltd	New Connection Works Rights New Landscaping Rights New Construction and Operation Access Rights	See summary for plot 9-012 (HVAC booster station)
9-006, 9-009, 9-025, 9-026, 10-001, 10-005, 10-006, 10-007, 10-009, 10-010, 11-001, 11-002, 11-004	Peter John George Seaman	New Connection Works Rights New Construction and Operation Access Rights Temporary use for construction of the onshore cable route (including access)	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 14 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
10-003	Penny Jane Oakes, Sharon Harrold, Melton Harrold	New Connection Works Rights	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 5 February 2019.</u> The landowner has instructed their solicitor to commence legal work.

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
11-004, 11-005, 11-007	Sandra Dawn Carman, Stephen Carman	New Connection Works Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowners on 15 January 2019 as an improvement to terms already offered <u>and were agreed on 7 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
11-009	Lisa Lambert, Michael Adams	New Connection Works Rights	Revised heads of terms were sent to the landowners on 15 January 2019 as an improvement to terms already offered. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
11-010, 11-011, 11-012, 11-014, 12-001, 12-002	Graham Harrold	New Connection Works Rights Temporary use for construction of the onshore cable route	Upon issue of Heads of Terms in November 2018 the agent explained that these plots of land are owned by Graham Harrold, not Rory. The same Heads of Terms and legal agreement will apply as per Rory Harrold (below). The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to commence legal work.
12-003, 12-005	Rory Harrold	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to commence legal work.
12-006, 13-002, 13-003, 13-005, 13-006, 14-001	Charles Edward Clark, Edith Clark, Barry Clark	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 14 March 2019.</u> The landowner has instructed their solicitor to commence legal work.

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
14-002, 14-003	Alexander Lane, Benjamin Bulwer Long (deceased c/o Rhona Bulwer-Long), Mills and Reeve Trust Corporation	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
14-004, 14-005, 14-007, 14-008, 15-001, 15-002, 15-003, 15-008, 15-010, 15-011, 16-001, 16-002, 16-003, 16-004, 16-005, 16-006, 16-007, 16-008, 16-012, 16-013, 16-014, 16-015	Michael Alan Dewing, Daivd Macgowan Chapman, William Edwards, Grant Pilcher	New Connection Works Rights Temporary use for construction of the onshore cable route (including access)	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
15-002, 15-003, 15-005, 15-006, 16-009	John Woolmer White	New Connection Works Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
16-010	Kyle Dymoke Wilfrid White	Temporary use for access for construction of the onshore cable route	A meeting was held with the estate on 30 November 2019 and revised Heads of Terms were submitted on 7 December 2018 <u>and 7 January 2019 and a further revision was submitted on 25 March 2019</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
16-016, 16-017, 16-018, 16-020, 18-003, , 21-008, 30-004, 30-007, 30-009, 30-011, 33-004, 33-005,	Norfolk County Council	New Connection Works Rights Temporary use for access for construction of the	Discussions with the council have been ongoing for some time, in respect of Public Rights of Way and Highways Land. Revised heads of terms were sent to the

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
33-007		onshore cable route	landowner on 26 November 2018. The landowner has instructed their solicitor to commence legal work.
16-019, 16-021, 16-021A , 16-022, 16-022A , 16-023, 16-023A , 16-024, 16-024A , 16-025, 16-025A , 16-027, 16-028, 16-029, 16-030, 17-001, 17-003	Caroline Barratt	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the onshore cable route (including access)	Discussions with the landowner and her husband commenced in January 2017. An alternative route was suggested to minimise the impact to the land. This alternative route was incorporate into the cable design. However, the landowner subsequently informed the Applicant that the alternative route was not acceptable and requested that initial route be used — both routes are proposed in the DCO application. <u>Two route options were included in the DCO application, however, the East Option has now been removed as the landowner has expressed a preference for the West Option.</u> Revised heads of terms were sent to the landowner on 10 January 2019 <u>and a further set was issued on 27 February 2019.</u> The Applicant continues to liaise with the landowner in an attempt to overcome and allay concerns and is hopeful that the necessary land and rights can be acquired by voluntary agreement.
17-004, 17-005, 17-007	Elizabeth Anne Gaymer, Wendy Gaymer	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and agreed on 14 March 2019.</u> The landowner has instructed their solicitor to commence legal work.
18-001, 18-004, 19-001 , 19-002 , 19-004 , 19-007 , 19-008 , 19-013, 19-014, 19-015, 20-001, 20-002	Edward Harold Jones	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
		(including access)	
18-005, 18-006, 18-007	The Trustees Of The Educational Foundation Of Alderman John Norman	New Connection Works Rights	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has instructed their solicitor to commence legal work.
<u>19-001, 19-002, 19-004, 19-007, 19-008,</u>	<u>Harold Jones Farms Limited</u>	<u>New Connection Works Rights</u> <u>Temporary use for construction of the onshore cable route (including access)</u>	<u>Upon legal instruction the solicitors informed the Applicant that these plots are owned by the company Harold Jones Farms Ltd.</u> <u>The same Heads of Terms and legal agreement will apply as per Edward Harold Jones.</u>
19-006, 19-009, 19-010	Edward Harold Jones, Harold Jones Farms Limited	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.-</u> The landowner has instructed their solicitor to commence legal work.
19-011	D N Gray & Co (c/o Susannah Lloyd). (Previous owner now deceased)	New Connection Works Rights	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.-</u> The landowner has instructed their solicitor to commence legal work.
20-004, 20-005, 20-006, 20-009, 20-010, 21-001, 21-002, 21-003, 21-004, 21-005	Julia Dacre	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has instructed their solicitor to commence legal work.

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
		onshore cable route	
20-008	Broadland District Council	New Connection Works Rights	<p>This landowner was not included in the original Appendix B in error (the plot in question was assigned to Norfolk County Council). Norfolk County Council advised that this plot of land belongs to Broadland DC.</p> <p>Revised heads of terms were sent to the landowner on 26 November 2018.</p> <p>The landowner has instructed their solicitor to commence legal work.</p>
21-007	Margaret Carter	New Connection Works Rights	<p>Revised heads of terms were sent to the landowner on 15 January 2019 to improve on terms already offered.</p> <p>The landowner has instructed their solicitor to commence legal work.</p>
21-009, 21-010, 21-011, 21-012, 21-015, 21-016, 21-018, 21-019, 22-001, 22-003	Margaret Ann Prince-Smith	<p>New Connection Works Rights</p> <p>New Construction and Maintenance Access Rights</p> <p>Temporary use for construction of the onshore cable route</p>	<p>Revised heads of terms were sent to the landowner on 6 November 2018 following extensive liaison with the Land Interest Group.</p> <p>The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.</p>
<u>21-015, 21-016, 21-018, 21-019, 22-001, 22-003</u>	Margaret Ann Prince-Smith <u>and Elizabeth Earl</u>	New Connection Works Rights	<p><u>Upon legal instruction the solicitors informed the Applicant that these plots are also owned by Elizabeth Earl.</u></p> <p><u>The same Heads of Terms and legal agreement will apply as per Margaret Ann Prince-Smith.</u></p>
23-001, 23-002, 23-003, 23-004, 23-005, 23-007, 23-008, 23-010, 23-011, 23-012, 23-013, 23-015,	Ebony Holdings Ltd	<p>New Connection Works Rights</p> <p>Temporary use for construction of the onshore cable route</p>	<p>Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 14 February 2019.</u></p> <p>The landowner has instructed their solicitor to commence legal work.</p>

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
23-017, 24-001, 24-002, 24-003		(including access)	
24-003, 24-004, 24-005, 24-006, 24-009, 24-010, 24-012, 24-013, 25-001, 25-002, 25-003, 25-006, 25-007	Honingham Aktieselskab	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the onshore cable route (including access)	Revised heads of terms were sent to the landowner on 20 December 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
25-005, 25-008, 25-009, 25-011, 25-012, 30-024	Highways England Company Ltd	New Connection Works Rights New Construction and Maintenance Access Rights	Discussions between the Applicant and Highways England have been ongoing for some time and the latest meetings were held on 24 October, and 20 December 2018 <u>and 25 January 2019.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
25-010, 25-011	Matthew John Rampton, Albert Papworth, Matthew Rampton	New Connection Works Rights	Revised heads of terms were sent to the landowners on 6 November 2018 following extensive liaison with the Land Interest Group <u>and were agreed on 8 February 2019.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
25-013, 25-014	Food Enterprise Park Limited (c/o Ian Alston) (previously owned by William Young Dereham Ltd)	New Connection Works Rights Temporary use for construction of the onshore cable route	Formal heads of terms were sent to the landowner on 23 April 2018. The landowner has raised concerns regarding the potential impact of Hornsea Three on the future development of the land. However, the Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement. A meeting was held on 10 December 2018 to discuss the landowner's concerns and the Applicant is awaiting further submissions from

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			the landowner.
25-016, 26-001, 26-002, 26-003, 26-004, 26-005, 26-006	Easton And Otley College	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
26-009, 26-010	Ann Marie Knights	New Connection Works Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 following extensive liaison with the Land Interest Group <u>and were agreed on 12 March 2019.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
26-011, 26-012, 26-013, 26-015, 26-016, 27-001, 27-003, 27-004, 27-005, 27-007, 27-009, 27-010A, 28-002	Edward Christopher Evans-Lombe, Felicity Whitley, Henrietta Katherine Norman	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the onshore cable route (including access)	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 5 Marchy 2019.</u> The landowner has instructed their solicitor to commence legal work.
27-001, 27,002, 27-006, 27-008, 28-003, 28-004, 28-007, 28-008	Nicholas Edward Evans-Lombe	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the onshore cable route (including access)	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has instructed their solicitor to commence legal work. The landowners have concerns regarding development land and discussions in that respect are ongoing.

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
27-012, 27-013	John Innes Centre	New Connection Works Rights Temporary use for construction of the onshore cable route	Discussions with the landowner commenced in detail in February 2017. A further meeting was held in March 2017. The initial proposed route would have resulted in adverse impacts on both the scientific crop trials currently undertaken on the land and future plans in respect of the development of a new research centre on the adjacent site. An alternative route has been designed, in line with discussions with the John Innes Centre, to minimise any impacts on their projects and has been submitted as a minor amendment to the DCO application. Revised heads of terms were sent to the landowner on 8 January 2019 <u>and were agreed on 18 February 2019 and the landowner has instructed their solicitor to agree the formal documentation.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
28-009, 28-013, 28-014, 29-002, 29-004	Carl Andrew Soames Baker, David Baker	New Connection Works Rights Temporary use for construction of the onshore cable route	Formal heads of terms were sent to the landowners on 23 April 2018. The landowners have concerns regarding development land and discussions in that respect are ongoing, <u>however they have instructed their solicitor.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
28-011, 29-001	Little Melton Parochial Charity	New Connection Work Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 following extensive liaison with the Land Interest Group <u>and were agreed on 6 February 2019.</u> <u>The landowner has instructed their solicitor to commence legal work.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			agreement.
29-006, 29-007	Beckhithe Farms Ltd	New Connection Works Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018- The landowner has <u>agreed Heads of Terms and</u> — instructed their solicitor to agree the option and lease.
29-009	Marie Susan Lofty	New Connection Works Rights	Revised heads of terms were sent to the landowner on 15 January 2019. <u>A further meeting was held between the Applicant and the landowner on 7 March 2019 and revised heads of terms are being considered.</u> The landowner has instructed their solicitor to commence legal work.
29-010, 29-012	Simon Henry Back	New Connection Works Rights Temporary use for access for construction of the onshore cable route	An alternative route requested by the landowner has been incorporated into the cable design. Formal heads of terms were sent to the landowner on 23 April 2018. The landowners have concerns regarding development land and discussions in that respect are ongoing. <u>The landowner has instructed their solicitor to commence legal work.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
29-013, 29-014	William David Winslow Barr, Kate Paul, David Brown (Gurloque Settlement Trust)	New Connection Works Rights Temporary use for construction of the onshore cable route	An alternative route requested by the landowners has been incorporated into the cable design. Formal heads of terms were sent to the landowners on 23 April 2018. The landowners have concerns regarding development land and discussions in that

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			<p>respect are ongoing.</p> <p><u>The landowner has instructed their solicitor to commence legal work.</u></p> <p>The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.</p>
29-015	Taylor Wimpey UK Limited	New Connection Works Rights	<p>Revised heads of terms were sent to the landowner on 6 November 2018 following extensive liaison with the Land Interest Group.</p> <p><u>The landowner's agent has indicated that the proposed terms are acceptable.</u></p> <p>The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.</p>
29-017, 30-001, 30-003	Martin Paul Kemp	<p>New Connection Works Rights</p> <p>New Construction and Maintenance Access Rights</p>	<p><u>A meeting was held between the Applicant and the landowner on 7 March 2019 and revised heads of terms are being considered.</u>The landowner has not engaged with the Project at all, however a request to amend the access route onto the land has been accepted by the Project. <u>Two access route options were included in the DCO Application however, the West Option has been removed as the landowner has expressed a preference for the East Option.</u></p> <p>Revised heads of terms were sent to the landowner on 6 November 2018 following extensive liaison with the Land Interest Group.</p> <p>The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.</p>
30-013, 30-017, 30-020, 30-023	Susan Mary Shenkman, Charles Watt	<p>New Connection Works Rights</p> <p>Temporary use for construction of the onshore cable route</p>	<p>Revised heads of terms were sent to the landowner on 6 November 2018.</p> <p>The landowner has instructed their solicitor to commence legal work.</p> <p>The landowners have concerns regarding development land and discussions in that</p>

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			respect are ongoing.
30-008, 30-012, 30-025, 30-027	Susan Mary Shenkman, Charles Watt, John Clive, Graham Mackintosh	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for access for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has instructed their solicitor to commence legal work. The landowners have concerns regarding development land and discussions in that respect are ongoing.
30-014, 30-015, 30-018, 30-019, 30-021	Philip Day, Robert Goodfellow (Trustees of the H G Back Settlement)	New Connection Works Rights New Construction and Maintenance Access Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has instructed their solicitor to commence legal work. The landowners have concerns regarding development land and discussions in that respect are ongoing.
30-028	Network Rail Infrastructure Ltd	New Connection Works Rights	A meeting was first held between the Applicant and Network Rail on 28 March 2018 to discuss the heads of terms. Detailed discussions are ongoing between solicitors at present. <u>Following recent written and verbal negotiations revised Heads of Terms were issued by Network Rail on 26 March 2019 but these are not in an acceptable form included terms that are not acceptable to the Applicant.</u> <u>Detailed discussions are ongoing between solicitors at present, however, it has not yet been possible to reach agreement on the heads of terms as at the date of this submission.</u> The Applicant is hopeful that the necessary

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			land and rights can be acquired by voluntary agreement.
30-029, 30-030	Norwich Diocesan Board of Finance Ltd	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
31-002, 31-003	Simon Moores	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 8 February 2019.-</u> The landowner has instructed their solicitor to commence legal work.
31-004, 32-001, 32-002, 32-004, 32-005, 32-007	Rosemary Angela Frances Darling, Nigel Darling	New Connection Works Rights Temporary use for construction of the onshore cable route	Revised heads of terms were sent to the landowners on 6 November 2018 <u>and were agreed on 8 February 2019.-</u> The landowner has instructed their solicitor to commence legal work.
32-006	Henry Thomas Unthank Darling	New Connection Works Rights	Revised heads of terms were sent to the landowner on 6 November 2018 following extensive liaison with the Land Interest Group <u>and were agreed on 24 January 2019.-</u> <u>The landowner has instructed their solicitor to commence legal work.</u> The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
32-009	Richard David Gordon	New Connection Works Rights	Formal heads of terms were sent to the landowner on 23 April 2018. The landowner has raised concerns regarding the potential impact of Hornsea Three on the future development of the land and discussions

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			are ongoing in that respect. However, the Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
32-010, 32-011, 33-001,	David Quintin Gurney, Francis Richard Dannatt, William Wayne	New Connection Works Rights	Revised heads of terms were sent to the landowner on 6 November 2018. The landowner has <u>agreed Heads of Terms and</u> instructed their solicitor to agree the option and lease.
33-002	Christopher Futter, David Sharp, John Pidgen, John Copeman, Michael Preston (CEYMS)	Temporary use for access for construction of the onshore cable route	Revised Heads of Terms were submitted on 18 December 2018. The landowner has instructed their solicitor to commence legal work.
34-003, 34-004, 34-005, 34-008, 34-009, 34-010, 34-011, 34-012	National Grid Electricity Transmission PLC	New Connection Works Rights New Construction and Maintenance Access Rights	Formal heads of terms were sent to <u>agreed with</u> the landowner on 18 January 2019 <u>April 2018</u> . <u>The agreed legal documents have been signed by both parties and are awaiting completion.</u> Discussions between the parties are ongoing, in particular relating to the cable route corridors into the substation. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement soon.
34-006	Robin Anthony Buxton, Nicholas Southward (J G Steward Trust)	New Connection Works Rights	Formal heads of terms were sent to the landowners on 6 November 2018. The landowner has instructed their solicitor to commence legal work. The landowner has a mines and minerals interest in the land and discussions regarding that are ongoing. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
			agreement.
34-007	Rosemary Margaret Watkinson, Felicity Whitley	New Connection Works Rights	Revised heads of terms were sent to the landowner on 6 November 2018 <u>and were agreed on 1 February 2019.</u> The landowner has instructed their solicitor to commence legal work.
35-001, 35-002, 35-003	Saltcarr Farms Limited	Temporary use for construction compound	Negotiations with the landowner for Heads of Terms for an Option to Licence commenced in December 2017. These negotiations are ongoing. The landowner has a concern over the level of compensation, but all other terms are agreed in principle. The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.
9-012	C J C Lee Saxthorpe Ltd	Acquisition of freehold for onshore HVAC booster station	Terms for the freehold acquisition of the booster station have been agreed in principle and the landowner has instructed their solicitor to commence legal work.
9-018	C J C Lee Saxthorpe Ltd	Temporary use for construction of onshore HVAC booster station	See summary for plot 9-012
33-009, 33-011, 33-012, 33-013, 33-014, 33-015, 33-018	David Quintin Gurney, Francis Richard Dannatt, William Wayne	Acquisition of freehold for onshore HVDC converter/HVAC substation New Connection Works Rights New Landscaping Rights New Construction and Operation Access	An option agreement dated 04/04/2018 was entered into between the landowners and the Applicant.

Plots Nos.	Landowner or Occupier	Reason for acquisition of temporary use	Status of negotiation
		<p>Rights</p> <p>Temporary use of land for the construction of the onshore cable route (including access)</p>	
<p>33-016, 33-019, 33-020, 33-021, 33-022, 33-024, 34-001, 34-002</p> <p>33-017</p>	<p>Kerry Ann Gray, Sarah Haistead</p>	<p>New Connection Works Rights</p> <p>New Landscaping Rights</p> <p>Temporary use for onshore construction of onshore HVDC converter/HVAC substation</p>	<p>Discussions with the landowners relating to the temporary use of land commenced in November 2017. Further discussions took place at a meeting with the landowners' agent in March 2018. No objections have been raised in respect of the proposed temporary use.</p> <p>Updated Heads of Terms were issued on 17 December.</p> <p>The landowner has a mines and minerals interest in the land and discussions regarding that are ongoing.</p> <p><u>The landowner has instructed their solicitor to commence legal work.</u></p> <p>The Applicant is hopeful that the necessary land and rights can be acquired by voluntary agreement.</p>

Appendix C Summary of Negotiations with Statutory Undertakers

Table 5: Summary of negotiations with statutory undertakers

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
1-008, 1-016, 1-019, 1-020, 1-021, 1-022, 1-023, 1-024, 3-006, 3-013, 3-016, 3-017, 3-025, 3-026, 3-028, 4-003, 4-010, 5-002, 6-004, 6-005, 7-005, 7-006, 9-004, 11-005, 11-007, 12-004, 12-005, 13-002, 13-003, 13-004, 15-009, 15-010, 15-011, 16-023, 16-025, 16-026, 16-027, 16-030, 17-002, 19-011, 19-012, 19-013, 19-014, 19-015, 20-002, 21-006, 21-007, 21-012, 23-005, 23-006, 23-010, 24-010, 24-011, 25-009, 25-011, 25-012, 25-013, 26-015, 26-016, 26-017, 27-003, 28-002, 28-003, 28-007, 28-008, 28-011, 28-012, 29-001, 29-003, 29-004, 29-016, 29-017, 30-016, 30-022, 31-001, 31-002	7, 8, 9, 14, 15	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Anglian Water's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Anglian Water's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Anglian Water's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>The Applicant is not intending to extinguish any rights belonging to Anglian Water.</p>	<p>Anglian Water Services Limited:</p> <p>Anglian Water has apparatus within the Order Land. The Applicant and Anglian Water are currently negotiating the protective provisions to be included in the Order for the protection of Anglian Water's apparatus and access to apparatus.</p> <p>The Applicant has included the agreed protective provisions for the benefit of Anglian Water in Part 6 of Schedule 9 of the Applicant's Revised draft DCO [APP-027] (submitted for Deadline 1).</p>

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
1-009	14	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Blue Transmission's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Blue Transmission's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Blue Transmission's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>The Applicant is not intending to extinguish any rights belonging to Blue Transmission.</p>	<p>Blue Transmission Sheringham Shoal Limited:</p> <p>Blue Transmission has apparatus within the Order Land. The Applicant has contacted Blue Transmission to consult with and agree protective provisions.</p> <p>The Applicant has included draft protective provisions in Part 1 of Schedule 9 of the Order for the benefit of a licence holder under the Electricity Act 1989 which the Applicant considers provides adequate protection for Blue Transmission's interests and apparatus.</p> <p>Blue Transmission has not requested any amendments or comments to the protective provisions.</p>
4-001, 4-002, 4-003, 4-005, 4-006, 10-005, 10-006, 11-009, 12-006, 13-003, 13-005, 14-001, 21-009, 21-010, 21-011, 21-012, 29-014, 29-017, 30-001, 30-002 , 30-003, 30-005, 30-009, 30-010, 30-017, 30-018, 30-020, 30-021, 30-023, 31-002, 31-003, 32-002, 32-007, 32-010, 33-001, 33-012, 33-013, 34-002, 34-003, 34-011	8, 10, 11, 12, 14, 15	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Cadent Gas's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Cadent Gas's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Cadent Gas's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>The Applicant is not intending to extinguish any rights belonging to Cadent Gas.</p>	<p>Cadent Gas Limited:</p> <p>Cadent Gas has apparatus within the Order Land. The Applicant and Cadent Gas are currently negotiating the protective provisions to be included in the Order and a side agreement for the protection of Cadent Gas's apparatus and access to apparatus.</p> <p>The Applicant has included draft protective provisions for the benefit of Cadent Gas in Part 3 of Schedule 9 of the Order.</p> <p><u>A side agreement between Cadent Gas and the Applicant has been entered into. Cadent Gas has confirmed to the ExA that they have withdrawn their objection to the Order (REP7-098). Negotiations are ongoing and there are a few matters outstanding in respect of the protective provisions and the side agreement relating to the process for the reimbursement of costs and expenses and the extent of the</u></p>

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
			indemnity-
1-003, 1-004, 1-005, 1-006, 1-007, 1-008, 1-009, 1-010, 1-011, 1-012, 1-013, 1-014, 1-015, 1-018, 1-019, 1-020, 1-021, 1-025, 1-026, 2-001, 2-002, 2-003, 2-004, 2-005,	5, 6, 7, 8, 14, 15	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Dudgeon Offshore Wind's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Dudgeon Offshore Wind's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Dudgeon Offshore Wind's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>The Applicant is not intending to extinguish any rights belonging to Dudgeon Offshore Wind.</p>	<p>Dudgeon Offshore Wind Limited:</p> <p>Dudgeon Offshore Wind has apparatus within the Order Land, including in particular electricity cables. The Applicant has contacted Dudgeon Offshore Wind to consult with and agree protective provisions.</p> <p>The Applicant has included draft protective provisions in Part 1 of Schedule 9 of the Order for the benefit of a licence holder under the Electricity Act 1989 which the Applicant considers provides adequate protection of Dudgeon Offshore Wind interests. Dudgeon Offshore Wind has not requested any amendments or comments to the protective provisions.</p>
29-009, 29-012, 32-010, 33-012, 34-002, 34-003, 34-004, 34-005, 34-006, 34-008, 34-009, 34-010, 34-011, 34-012	8, 10, 11, 12, 14.	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of NGET's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that NGET's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without NGET's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>The Applicant is not intending to</p>	<p>National Grid Electricity Transmission plc (NGET):</p> <p>NGET has apparatus and land within the Order Limits. The Applicant and NGET are currently negotiating the protective provisions to be included in the Order and a side agreement for the protection of NGET's apparatus and access to apparatus.</p> <p>The Applicant has included draft protective provisions for the benefit of NGET in Part 2 of Schedule 9 of the Order.</p> <p><u>The side agreement between NGET and the Applicant has been signed by both parties and is due to complete in the next few days.</u> The Applicant</p>

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
		<p>extinguish any rights belonging to NGET.</p> <p>No compulsory acquisition powers are being sought over land within the existing operational boundary of Norwich Main Substation.</p>	<p><u>expects NGET to withdraw their objection imminently and certainly before the end of the examination.</u> Negotiations are ongoing and there are a few matters outstanding in respect of the protective provisions and the side agreement relating to the process for the reimbursement of costs and expenses and powers to compulsorily acquire new rights over non-operational land..</p>
11-002, 11-011, 12-006, 13-002, 13-003, 13-005, 13-006, 23-001, 23-003, 23-004, 23-008, 23-012	8, 14, 15.	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of NGG's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that NGG's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without NGG's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>The Applicant is not intending to extinguish any rights belonging to NGG.</p>	<p>National Grid Gas plc (NGG):</p> <p>NGG has apparatus within the Order Land. The Applicant and NGG are currently negotiating the protective provisions to be included in the Order and a side agreement for the protection of NGG's apparatus and access to apparatus.</p> <p>The Applicant has included draft protective provisions for the benefit of NGG in Part 2 of Schedule 9 of the Order.</p> <p><u>A side agreement between NGG and the Applicant has been entered into.</u> NGG has withdrawn their objection to the Order (REP7-096). Negotiations are ongoing and there are a few matters outstanding in respect of the protective provisions and the side agreement relating to the process for the reimbursement of costs and expenses.</p>
1-005, 1-006, 1-008, 1-013, 1-014, 1-016, 1-017, 1-018, 3-019, 3-021, 3-023, 3-024, 3-029, 3-030, 4-006, 5-004, 5-007, 6-005, 9-004, 10-009, 11-011, 12-005, 12-006, 13-002, 15-008, 15-011, 16-001, 16-002, 16-008, 16-019, 16-021, 16-021A, 16-023, 16-025A, 16-027,	6, 7, 8, 9, 10, 13, 14, 15	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of EPN's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that EPN's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure</p>	<p>Eastern Power Networks plc (EPN):</p> <p>EPN has apparatus within the Order Limits, including in particular electricity cables (overground and underground). The Applicant has contacted EPN to consult with & agree protective provisions and will continue to discuss this following submission of the Application.</p>

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
16-028, 16-029, 16-030, 17-003, 17-004, 18-005, 18-006, 18-007, 19-001, 19-011, 19-012, 19-014, 21-005, 21-006, 21-017, 25-009, 25-011, 27-004, 30-002 , 30-009, 30-010, 30-011, 30-014, 30-029, 30-030, 31-002, 31-004, 32-001, 32-002, 32-007, 32-010, 33-001, 33-003, 33-004, 33-005, 33-006, 33-007, 33-008, 33-011, 33-012, 33-013, 33-014, 33-015, 33-016, 33-018, 33-019, 33-020, 34-001, 34-002, 34-003, 34-006, 34-008, 34-009, 34-010, 35-001, 35-002, 35-004		that (if necessary) no rights will be extinguished without EPN's agreement and no apparatus removed until alternative apparatus has been constructed.	<p>The Applicant has included draft protective provisions in Part 1 of Schedule 9 of the DCO for the benefit of a licence holder under the Electricity Act 1989 which the Applicant considers provides adequate protection of EPN's interests.</p> <p>However, the Applicant is also in discussions with EPN in respect of a side agreement to regulate the interaction between Hornsea Three and EPN's apparatus, including the diversion of EPN's apparatus at the onshore HVDC converter/HVAC substation site.</p> <p><u>A side agreement between EPN and the Applicant has been entered into. EPN has confirmed to the ExA that they have withdrawn their objection to the Order (REP7-099). The form of the side agreement has now been agreed and engrossments are being prepared.</u></p> <p>The Applicant is hopeful that the side agreement will be signed prior to the close of the Examination.</p>
3-018, 30-028	8, 14	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Network Rail's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Network Rail's apparatus will be protected and access maintained during construction.</p> <p>The Applicant is not intending to extinguish any rights belonging to Network Rail.</p>	<p>Network Rail Infrastructure Limited:</p> <p>Network Rail has apparatus and land within the Order Land. The Applicant and Network Rail are currently negotiating the protective provisions to be included in the Order.</p> <p>The Applicant has included draft protective provisions for the benefit of Network Rail in Part 5 of Schedule 9 of the Order.</p> <p>Negotiations are ongoing in respect of the protective provisions and<u>As referred to in the Compulsory Acquisition Hearing on 31 January 2019 (and set out in the Written Summary of the Applicant's Oral Case</u></p>

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
			<p><u>(REP6-012)), the only outstanding matters relating to compulsory acquisition, arbitration and the indemnity are outstanding. The removal of Network Rail's position is that the Applicant should only be able to exercise its compulsory acquisition powers over railway property with the consent of Network Rail. As at the date of this submission, the Applicant cannot agree to this requirement compulsory acquisition rights from the protective provisions cannot be agreed because the Applicant is not confident that a voluntary agreement can be reached with Network Rail. In order to ensure the deliverability of Hornsea Three, the Applicant therefore requires compulsory acquisition powers for new rights over Network Rail's land. The Applicant's position is that this will not cause serious detriment to Network Rail's undertaking as all physical works must be approved by Network Rail pursuant to the terms of the protective provisions. The Applicant therefore considers that the test set out in s127(6)(a) of the PA 2008 is satisfied.</u></p> <p><u>Negotiations are continuing and the Applicant will submit its final position on the protective provisions and s127 of the PA 2008 at Deadline 10.</u></p>
N/A	8	<p>The Applicant understands that the Environment Agency does not own any land or hold any proprietary rights or other interests in the Order Land.</p> <p>Nevertheless, the Protective Provisions and requirements in the draft Order, supported the by outline management plans submitted with the Application, ensure that main rivers or any sea defence work will be protected during construction.</p>	<p>Environment Agency:</p> <p>Ongoing-engagement (statutory and non-statutory) has been undertaken with the Environment Agency (EA) in respect of the watercourses that they control and general interest along the onshore cable corridor. This has included general discussions about the Project, discussions as to crossing methodologies applied at watercourses, details to be developed in any management plans including the Outline Code of Construction Practice</p>

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
			<p>and Outline Ecological Management Plan and Outline Landscape Management Plans.</p> <p>Protective provisions for the EA's benefit provide that the EA's approval of works affecting its undertaking is required before the works are undertaken.</p> <p>The Applicant has included draft protective provisions for the benefit of the EA in Part 7 of Schedule 9 of the Order.</p> <p>The Applicant has entered into a Statement of Common Ground with the Environment Agency at Deadline 1 <u>as a statutory undertaker, rather than as an asset owner</u>. This includes agreement on the commitment to producing a cable specification and installation plan as part of the dDCO.</p>
N/A	8	<p>The Applicant understands that the Norfolk Rivers Internal Drainage Board (IDB) does not own any land or hold any proprietary rights or other interests in the Order Land.</p> <p>Nevertheless, the Protective Provisions and requirements in the draft Order, supported the by outline management plans submitted with the application, ensure that any ordinary watercourse will be protected during construction.</p>	<p>Norfolk Rivers Internal Drainage Board (IDB):</p> <p>The onshore cable corridor crosses a number of IDB assets and passes through areas where the IDB has a wider interest.</p> <p>Ongoing-engagement (statutory and non-statutory) has been undertaken with the IDB in respect of the watercourses that they control or have general interest along the onshore cable corridor. This has included general discussions about the Project, discussions as to crossing methodologies applied at watercourses, details to be developed in any management plans including the Outline Code of Construction Practice and Outline Ecological Management Plan and Outline Landscape Management Plans.</p> <p>Protective provisions for the IDB's benefit provide that the IDB's approval of works affecting its undertaking is required before the works are</p>

Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
			<p>undertaken.</p> <p>The Applicant has included draft protective provisions for the benefit of the IDB in Part 7 of Schedule 9 of the Order. <u>The IDB has not requested any amendments or comments to the protective provisions</u></p>

Appendix D Summary of negotiations with other apparatus owners

Table 6: Summary of negotiations with other apparatus owners

Plot Nos.	Work Nos.	Apparatus owner and status of negotiation
1-006, 1-012, 1-014, 1-016, 1-021, 1-022, 1-023, 3-017, 3-018, 3-022, 3-025, 3-026, 4-003, 4-004, 4-007, 4-008, 4-009, 5-003, 5-004, 6-004, 7-006, 7-007, 10-002, 10-004, 10-006, 10-007, 10-008, 11-006, 11-009, 13-004, 13-005, 13-006, 15-008, 15-009, 16-023, 16-026, 16-027, 18-001, 18-002, 18-006, 18-007, 19-012, 19-013, 19-014, 19-016, 20-003, 20-006, 20-007, 20-011, 21-006, 21-008, 21-010, 21-014, 21-017, 21-018, 21-019, 22-002, 25-008, 25-010, 25-011, 25-013, 26-006, 26-007, 26-016, 28-001, 28-002, 28-007, 28-010, 29-003, 29-004, 29-005, 29-006, 29-017, 30-004, 30-005, 30-006, 30-007, 30-009, 30-010, 30-011, 30-016, 30-024, 30-025, 30-027, 33-002, 33-003, 33-005, 33-006, 33-017, 33-022, 33-023, 33-024, 34-008, 34-009, 34-010, 34-011, 34-012, 35-004,	6, 7, 8, 10, 11, 12, 14, 15	<p>BT:</p> <p>BT has apparatus within the Order Land, including in particular telecommunications equipment. The Applicant has contacted BT to consult with and agree protective provisions.</p> <p>The Applicant has included draft protective provisions in Part 4 of Schedule 9 of the DCO for the benefit of operators of electronic communications code networks which the Applicant considers provides adequate protection of BT's interests and apparatus.</p> <p>BT has not requested any amendments or comments to the protective provisions.</p>

Plot Nos.	Work Nos.	Apparatus owner and status of negotiation
21-008	8	<p>Sky plc:</p> <p>Sky has apparatus within the Order Land, including in particular telecommunications equipment. The Applicant has contacted Sky to consult with and agree protective provisions.</p> <p>The Applicant has included draft protective provisions in Part 4 of Schedule 9 of the DCO for the benefit of operators of electronic communications code networks which the Applicant considers provides adequate protection of Sky's interests and apparatus.</p> <p>Sky has not requested any amendments or comments to the protective provisions.</p>
21-008, 33-015, 33-017, 34-012	8, 10, 14	<p>Virgin Media Limited:</p> <p>Virgin Media has apparatus within the Order Land, including in particular telecommunications equipment. The Applicant has contacted Virgin Media to consult with and agree protective provisions.</p> <p>The Applicant has included draft protective provisions in Part 4 of Schedule 9 of the DCO for the benefit of operators of electronic communications code networks which the Applicant considers provides adequate protection of Virgin Media's interests and apparatus.</p> <p>Virgin Media has not requested any amendments or comments to the protective provisions.</p>

Plot Nos.	Work Nos.	Apparatus owner and status of negotiation
29-016, 30-006, 30-010, 30-011, 32-010, 33-012, 34-003, 34-006, 34-008, 34-010, 34-011, 34-012	8, 10, 11, 12, 14	<p>Vodafone Limited:</p> <p>Vodafone has apparatus within the Order Land, including in particular telecommunications equipment. The Applicant has contacted Vodafone to consult with and agree protective provisions.</p> <p>The Applicant has included draft protective provisions in Part 4 of Schedule 9 of the DCO for the benefit of operators of electronic communications code networks which the Applicant considers provides adequate protection of Vodafone's interests and apparatus.</p> <p>Vodafone has confirmed that it does not require any amendments to the protective provisions included in the DCO and the Applicant has provided Vodafone with a letter of commitment regarding access.</p>
29-013, 29-014, 30-025, 33-009, 33-011, 33-012, 33-013, 33-014, 33-015, 33-018, 34-006	8, 10, 14, 15	<p>Energis Communications Limited:</p> <p>Energis has apparatus within the Order Land, including in particular telecommunications equipment. The Applicant has contacted Energis to consult with and agree protective provisions.</p> <p>The Applicant has included draft protective provisions in Part 4 of Schedule 9 of the DCO for the benefit of operators of electronic communications code networks which the Applicant considers provides adequate protection of Energis' interests and apparatus.</p> <p>Energis has not requested any amendments or comments to the protective provisions.</p>