

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

Appendix 46 to Deadline 3 Submission: ExQ 1.3.7  
- PA2008 s127 Statutory Undertakers Land/  
Rights

Relevant Examination Deadline: 3

Submitted by Vattenfall Wind Power Ltd

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Revision C

Drafted By:	Blackhall and Powis
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Revision:	C

Revision A	Original Document submitted to the Examining Authority
Revision B	Revised Document submitted to the Examining Authority
Revision C	Revised Document submitted to the Examining Authority
N/A	

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a) Statutory Undertaker	b) Nature of their undertaking	c) The land or rights affected	d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met	e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met	f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so <sup>1</sup> :	g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached <sup>2</sup> :
National Grid Electricity Transmission (NGET)	Electricity Transmission owner and operator	<p>Rights of access, maintenance and other rights shown by sheet 2 of the land plans and by plots 02/120, 02/121, 02/122, 02/123 and 02/130 of the BoR.</p> <p>A leasehold interest at Plot 02/130.</p>	The Applicant is not seeking to acquire freehold land from NGET.	<p>The Applicant seeks to acquire rights (through the creation of new rights) over land in which NGET is the beneficiary of rights to install the Applicant's cables over land in which NGET, and, in Plot 02/130, where NGET owns a leasehold interest to connect into cable sealing ends and the NGET substation.</p> <p>The effect of these crossings referred to above do not require NGET's rights to be extinguished or modified in a way that will detrimentally affect its undertaking. Subject to protective provisions and a satisfactory property</p>	<p>i) Protective provisions are in negotiation between the parties.</p> <p>ii) N/A.</p> <p>iii) Further work is required before these can be documented in final form.</p>	<p>i) No, but discussions are advanced and it is anticipated that discussions will conclude in advance of the close of examination which would result in the removal of objection.</p> <p>ii) Further work is required before these can be documented in final form.</p>

<sup>1</sup> i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required before they can be documented;

<sup>2</sup> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.

a) Statutory Undertaker	b) Nature of their undertaking	c) The land or rights affected	d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met	e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met	f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so <sup>1</sup> :	g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached <sup>2</sup> :
				<p>agreement being completed in due course, the Applicant considers that its requirements can coexist with NGET's interests.</p> <p>Accordingly, the Applicant considers that the test in S127(6)a can be met.</p>		
NEMO	Electricity interconnector	<p>Rights of access, maintenance and other rights shown by sheets 0, 1 and 2 of the land plans and by plots 00/01, 01/15, 01/20, 01/25, 01/35, 01/60, 01/80, 01/85, 01/125, 02/120, 02/121, 02/122, 02/123 and 02/130 of the BoR</p> <p>Rights of access shown by sheets 0 and 1 of the land</p>	N/A	<p>The Applicant is, in the main, crossing land in which NEMO is a beneficiary of rights, for example rights of access.</p> <p>The Applicant's scheme may cross NEMO's cable at Plot 02/121, but this final decision is subject to further technical investigation [is that because we may not use</p>	<p>i) A separate proximity and crossing agreement is being negotiated between the parties</p> <p>ii) N/A</p> <p>iii) Further work is required before these can</p>	<p>i) No, but discussions are advanced and it is anticipated that discussions will conclude in advance of the close of examination which would result in the removal of objection.</p>

<sup>1</sup> i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required before they can be documented;

<sup>2</sup> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.

a) Statutory Undertaker	b) Nature of their undertaking	c) The land or rights affected	d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met	e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met	f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so <sup>1</sup> :	g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached <sup>2</sup> :
		<p>plans and by plots 00/05, 00/10, 01/01, 01/02, 01/05, 01/06, 01/10, 01/11, 01/30, 01/40, 01/50, 01/65, 01/75 of the BoR</p> <p>Rights shown by sheet 1 of the land plans and by plot 01/70 of the BoR</p> <p>Rights of access, maintenance, unilateral notice and other rights shown by sheet 1 of the land plans and by plots 01/90, 01/105 of the BoR</p> <p>Rights of access and unilateral notice shown by sheets 1 and 2 of the land plans and by plots 01/110, 02/05, 02/10, 02/15, 02/20, 02/25 of the BoR</p>		<p>that plot or we don't know if their cable is within it?].</p> <p>The Applicant's new rights and proposed apparatus do not require NEMO's rights to be extinguished or modified in a way that will detrimentally affect its undertaking. The Applicant considers that its requirements can coexist with NEMO's interests and the interaction between the two schemes will be governed by a separate proximity agreement.</p>	<p>be documented in final form.</p>	<p>ii) Further work is required before these can be documented in final form.</p>

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<sup>2</sup> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.

a) Statutory Undertaker	b) Nature of their undertaking	c) The land or rights affected	d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met	e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met	f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so <sup>1</sup> :	g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached <sup>2</sup> :
		Caution against freehold shown by sheet 2 of the land plans and by plots 01/115				
Thanet OFTO	Offshore electricity transmission owner	Rights of access, maintenance and other rights shown by sheets 0 and 2 of the land plans and by plots 00/01, 02/100, 02/115 and 02/130 of the BoR  Rights of access, maintenance, unilateral notice and other rights shown by sheet 2 of the land plans and by plots 02/120, 02/121, 02/122, 02/123 of the BoR	N/A	The Applicant is crossing land in which Thanet OFTO is the beneficiary of rights, and may cross the cable itself at Plot 02/120.  The Applicant's new rights and proposed apparatus do not require Thanet OFTO's rights to be extinguished or modified in a way that will detrimentally affect its undertaking. The Applicant considers that its requirements can coexist with Thanet OFTO's interests and the interaction between the	i) A separate proximity and crossing agreement is being negotiated between the parties to govern the relationship between Thanet OFTO's and the Applicant's interests.  ii) N/A iii) N/A	i) ii)

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<sup>2</sup> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.

a) Statutory Undertaker	b) Nature of their undertaking	c) The land or rights affected	d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met	e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met	f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so <sup>1</sup> :	g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached <sup>2</sup> :
				two schemes will be governed by a separate proximity agreement.		
Southern Water Limited	Water supply and waste water treatment	Rights of access, maintenance and other rights shown by sheets 1 and 2 of the land plans and by plots 01/40, 01/50, 02/120, 02/121, 02/122, 02/123 and 02/130 of the BoR	N/A	<p>The Applicant is crossing Southern Water Limited water pipelines at various points in the Order.</p> <p>The Applicant's new rights and proposed apparatus do not require Southern Water Limited's rights to be extinguished or modified in a way that will detrimentally affect its undertaking. Subject to the protective provisions in the Order, the Applicant considers that its requirements can coexist with Southern Water Limited's interests.</p>	<p>i) Southern Water will rely on the generic protective provisions at Part 1 of Schedule 8 to the dDCO.</p> <p>ii) N/A</p> <p>iii) N/A</p>	<p>i)</p> <p>ii)</p>

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a) Statutory Undertaker	b) Nature of their undertaking	c) The land or rights affected	d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met	e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met	f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so <sup>1</sup> :	g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached <sup>2</sup> :
UK Power Networks (UKPN)	Electricity Distribution owner and operator	Rights of access, maintenance and other rights shown by sheets 1 and 2 of the land plans and by plots 01/40, 01/50, 01/115, 01/120, 02/20, 02/35, 02/40, 02/75, 02/80, 02/95, 02/100, 02/105, 02/110, 02/115, 02/120, 02/121, 02/122, 02/123 and 02/130 of the BoR  Rights shown by sheet 2 of the land plans and by plots 02/30, 02/50, 02/90 of the BoR.	N/A	UKPN have a number of low voltage overhead lines and underground cables.  The Applicant is negotiating protective provisions with UKPN. The Applicant's new rights and proposed apparatus do not require UKPN's rights to be extinguished or modified in a way that will detrimentally affect its undertaking. Subject to protective provisions, the Applicant considers that its requirements can coexist with UKPN's interests.	i) Protective provisions are in negotiation between the parties.  ii) N/A  iii) Further work is required before these can be documented in final form.	(i) No, but discussions are advanced and it is anticipated that discussions will conclude in advance of the close of examination which would result in the removal of objection. ii) Further work is required before these can be documented in final form.
British Telecommunications	Telecommunications	Rights of access, maintenance and other rights shown by sheets 1 and 2 of the land plans and by plots 01/80, 01/85,		The Applicant is crossing BT apparatus in a number of locations. The Applicant will rely on the telecommunications code	i) BT will rely on Schedule 8 Part 3 of the dDCO.  ii) N/A	

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<sup>2</sup> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.



a) Statutory Undertaker	b) Nature of their undertaking	c) The land or rights affected	d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met	e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met	f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so <sup>1</sup> :	g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached <sup>2</sup> :
		01/105, 02/120, 02/121, 02/122, 02/123 and 02/130 of the BoR		as applied by Schedule 8 Part 3 of the dDCO.	iii) N/A	
Scotia Gas Networks		Rights of access, maintenance and other rights shown by sheet 1 of the land plans and by plots 01/45 and 01/55 of the BoR	N/A	The Applicant may cross a physical pipeline in Sandwich Road. [copy in same wording as in Southern Water?]	i) Scotia Gas will rely on the generic protective provisions at Part 1 of Schedule 8 to the dDCO.  ii) N/A  iii) N/A	

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<sup>2</sup> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.