

From: [REDACTED]
To: Immingham.CCGT
Cc: [REDACTED]
Subject: Response for Deadline 2 - Written Representations - on behalf of Hornsea 1 Limited [S+W-
LegalDiv.FID5120649]
Date: 12 September 2019 19:31:35
Attachments: [REDACTED]

Dear Sirs

Please find attached Written Representations on behalf of our client Hornsea 1 Limited in relation to Deadline 2.

Please contact me if you require any further information.

I would be grateful if you confirm receipt of this email.

Kind Regards

Kenna

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Written Representation of Hornsea 1 Limited in respect of VPI Immingham OCGT

1. Introduction

- 1.1 This Written Representation (“WR”) is submitted by Hornsea 1 Limited (“Hornsea 1”) in pursuance of Rule 10 of the Infrastructure Planning (Examination Procedure) Rules 2010 in relation to an application under the Planning Act 2008 for a Development Consent Order (“DCO”) for the VPI Immingham OCGT submitted by VPI Immingham B Ltd (“the Applicant”).
- 1.2 Hornsea 1 submitted representations to the Planning Inspectorate on 20 June 2019.

2. About Hornsea 1

- 2.1 Hornsea 1 holds a generation licence under Section 6 of the Electricity Act 1989 and is a statutory undertaker. Hornsea 1 is the developer of the Hornsea One Offshore Windfarm and its associated onshore transmission infrastructure (“HOW01”). Following completion of construction, Hornsea 1 will have to divest its interest in the transmission infrastructure to an Offshore Transmission Owner (“OFTO”) who will be appointed through the statutory process contained within the Electricity (Competitive Tender for Offshore Transmission Licences) Regulations 2015. The chosen OFTO will hold a transmission licence under Section 6 of the Electricity Act 1989 and will also be a statutory undertaker.

3. About Hornsea Project One (HOW01)

- 3.1 The Secretary of State, having been satisfied that there is a need for the Hornsea One Offshore Windfarm (“HOW01”) and that the form of the Order proposed would be consistent with relevant Government policy objectives, decided to grant the Hornsea One Offshore Wind Farm Order 2014 on 10 December 2014.
- 3.2 In particular HOW01 will play a key part in achieving the UK’s renewable energy targets, helping in the development of a low carbon economy. It has, and will continue, to create jobs and local business opportunities and is an important part of the development of the UK renewables sector.
- 3.3 The project is now operational and is entering the final stages of its construction phase. It is intended that HOW01 will be completed and fully operational in Q2 2020.

4. Hornsea 1’s Interests

- 4.1 The majority of construction works have been completed under option agreements with landowners along the approximately 40km onshore cable route. In addition the options with landowners and occupiers have now been exercised and Hornsea 1 is in the process of completing these.
- 4.2 As acknowledged in the VPI Book of Reference HOW01 has procured property interests in the below proposed VPI DCO plots:
 - 4.2.1 59, 60, 61, 62, 63, 64, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 90, 91, and 92.
- 4.3 In addition, within certain plots listed above, Hornsea 1 has installed and is now operating infrastructure including underground cables and associated apparatus. HOW01 also has development, access and compulsory acquisition rights within certain of these plots pursuant to the Hornsea One Offshore Wind Farm Order 2014.

5. Hornsea 1’s Principal Concerns

- 5.1 HOW01 is a Nationally Significant Infrastructure Project, authorised by the Hornsea One Offshore Wind Farm Order 2014 (as amended). Hornsea 1 is an undertaker authorised under that Order. A variety of other consents and commercial/property agreements and rights have also been obtained to deliver HOW01. Construction of the HOW01 onshore transmission infrastructure has commenced and is in the final stages.

- 5.2 If the VPI DCO is granted in its current form there will be a number of areas of interface between the VPI Immingham OCGT Project and HOW01.
- 5.3 In terms of property rights there is the potential for the compulsory acquisition powers sought by the Applicant within the VPI DCO to extinguish, override or otherwise interfere with rights and powers necessary for the construction, operation and maintenance of HOW01.
- 5.4 In the event that the Applicant's exercise of powers to use and in particular maintain the existing pipeline is not controlled, there is also the potential for damage to HOW01 apparatus and/or restricted access for construction and necessary maintenance/repairs. This puts in jeopardy the delivery and safe operation of HOW01.
- 5.5 Hornsea 1 requires protections within the VPI Order, or some other form of suitable protection, to ensure that they and any future OFTO/transmission company can deliver and thereafter properly maintain/operate the transmission infrastructure necessary for HOW01. We would submit that such protections must include obligations on the Applicant (and successors) not to interfere with HOW01 property and development rights and powers and to ensure HOW01 assets are not damaged.

6. Ongoing Discussions

- 6.1 Hornsea 1 has had constructive discussions with the Applicant in advance of and following submission of the VPI DCO application. These discussions are ongoing and Hornsea 1 is happy to continue discussions with the Applicant to seek to agree the form and content of protective provisions in the DCO or other appropriate restrictions and protections that are necessary to protect HOW01 and would allow this objection to be withdrawn.

7. Next Steps

- 7.1 As noted above, Hornsea 1 hopes to reach agreement with the Applicant. In the event that this has not proven possible in advance of Examination hearings, Hornsea 1 has intimated a request to take part in the Issue Specific Hearing on the draft Development Consent Order and Compulsory Acquisition Hearing due to be held on 2 October 2019.