

From: [REDACTED]
To: Immingham.CCGT
Cc: [REDACTED]
Subject: Response for Deadline 2 - Written Representations - on behalf of the Hornsea 2 Companies [S+W-LegalDiv.FID5120649]
Date: 12 September 2019 19:20:26
Attachments: [REDACTED]

Dear Sirs

Please find attached Written Representations on behalf of our client the Hornsea 2 Companies 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 2 Companies in respect of VPI Immingham OCGT

1. Introduction

- 1.1 This Written Representation (“WR”) is submitted by Optimus Wind Limited, Breesea Limited, Sonningmay Wind Limited and Soundmark Wind Limited (together the “Hornsea 2 Companies”) 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 The Hornsea 2 Companies submitted representations to the Planning Inspectorate on 20 June 2019. These representations are further expanded and explained in this WR.

2. About the Hornsea 2 Companies

- 2.1 The Hornsea 2 Companies hold generation licences under Section 6 of the Electricity Act 1989 and are statutory undertakers. The Hornsea 2 Companies are the developers of the Hornsea Two Offshore Windfarm and its associated onshore transmission infrastructure (“HOW02”). Following completion of construction, the Hornsea 2 Companies will have to divest their 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 Two (HOW02)

- 3.1 The Secretary of State, having been satisfied that there is a need for the Hornsea Two Offshore Windfarm (HOW02) and that the form of the Order proposed would be consistent with relevant Government policy objectives, decided to grant the Hornsea Two Offshore Wind Farm Order 2016 on 16 August 2016.
- 3.2 In particular HOW02 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 in the construction phase. It is intended that HOW02 will be completed and operational by 2022.

4. The Hornsea 2 Companies’ Interests

- 4.1 Construction works have commenced 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 HOW02 is in the process of completing these.
- 4.2 As acknowledged in the VPI Book of Reference HOW02 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 HOW02 also has development, access and compulsory acquisition rights within certain of these plots pursuant to the Hornsea Two Offshore Wind Farm Order 2016.

5. The Hornsea 2 Companies’ Principal Concerns

- 5.1 HOW02 is a Nationally Significant Infrastructure Project, authorised by the Hornsea Two Offshore Wind Farm Order 2016 (as amended). The Hornsea 2 Companies are undertakers authorised under that Order. A variety of other consents and commercial/property agreements and rights have also been obtained to deliver HOW02. Construction of the HOW02 onshore transmission infrastructure has commenced and works are in progress.

- 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 HOW02.
- 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 HOW02.
- 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 HOW02 apparatus and/or restricted access for construction and necessary maintenance/repairs. This puts in jeopardy the delivery and safe operation of HOW02.
- 5.5 The Hornsea 2 Companies require 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 HOW02. We would submit that such protections must include obligations on the Applicant (and successors) not to interfere with HOW02 property and development rights and powers and to ensure HOW02 assets are not damaged.

6. Ongoing Discussions

- 6.1 The Hornsea 2 Companies have had constructive discussions with the Applicant in advance of and following submission of the VPI DCO application. These discussions are ongoing and the Hornsea 2 Companies are 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 HOW02 and would allow this objection to be withdrawn.

7. Next Steps

- 7.1 As noted above, the Hornsea 2 Companies hope to reach agreement with the Applicant. In the event that this has not proven possible in advance of Examination hearings, the Hornsea Two Companies have 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.