



Hornsea Project Four: Compulsory Acquisition

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E1.2: Statement of Reasons

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Glossary

Term	Definition
Application	The DCO application for Hornsea Four.
Applicant	Orsted Hornsea Project Four Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Projects (NSIP).
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES).
Export Cable Corridor (ECC)	The specific corridor of seabed (seaward of Mean High Water Springs (MHWS)) and land (landward of MHWS) from the Hornsea Project Four array area to the Creyke Beck National Grid substation, within which the export cables will be located.
High Voltage Alternating Current (HVAC)	High voltage alternating current is the bulk transmission of electricity by alternating current (AC), whereby the flow of electric charge periodically reverses direction.
High Voltage Direct Current (HVDC)	High voltage direct current is the bulk transmission of electricity by direct current (DC), whereby the flow of electric charge is in one direction.
Hornsea Project Four Offshore Wind Farm	The term covers all elements of the project (i.e. both the offshore and onshore). Hornsea Four infrastructure will include offshore generating stations (wind turbines), electrical export cables to landfall, and connection to the electricity transmission network. Hereafter referred to as Hornsea Four.
Landfall	Where the offshore cables come ashore east of Fraisthorpe.
Onshore substation (OnSS)	Comprises a compound containing the electrical components for transforming the power supplied from Hornsea Four 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 the OnSS will also house equipment to convert the power from HVDC to HVAC.
Order Land	The spatial limits of all land over which compulsory acquisition or temporary use powers are applied for in the Application in order to develop, construct and operate the Hornsea Four project.
Order Limits	The limits within which Hornsea Four (the 'authorised project') may be carried out.
Planning Inspectorate (PINS)	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).

Term	Definition
Statement	This Statement of Reasons.

Acronyms

Acronym	Definition
AfL	Agreement for Lease
ALC	Agricultural Land Classification
BEIS	Business, Energy and Industrial Strategy
CCA2008	Climate Change Act 2008
CCC	Committee on Climate Change
CGS	Clean Growth Strategy
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
DNO	Distribution Network Operator
EBI	Energy Balancing Infrastructure
ECC	Export Cable Corridor
EHCR	European Convention on Human Rights
ERYC	East Riding of Yorkshire Council
EU	European Union
EIA	Environmental Impact Assessment
EISA	Electrical Infrastructure Study Area
GHG	Greenhouse Gas
HDD	Horizontal Directional Drilling
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
IEMA	Institute of Environmental Management and Assessment
IPCC	Intergovernmental Panel on Climate Change
LIQ	Land Interest Questionnaire
NGESO	National Grid Electricity System Operator
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OnSS	Onshore Substation
PA2008	Planning Act 2008
PEIR	Preliminary Environmental Information Report
PINS	The Planning Inspectorate
PRoW	Public Right of Way
SoS	Secretary of State
TCE	The Crown Estate

1. Summary

1.1 Introduction

1.1.1.1 This Statement of Reasons (the 'Statement') relates to an application (the 'Application') made by Orsted Hornsea Project Four Limited (Company Registration Number 08584182) (the 'Applicant') to the Secretary of State under the Planning Act 2008 ('PA 2008') for the Hornsea Four Offshore Wind Farm Order (the 'Order') ([Volume A1, Chapter 1: Introduction](#)). Further details about the Applicant can be found in the Funding Statement ([E1.1: Funding Statement](#)).

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').

1.2 Description of Hornsea Four

1.2.1.1 The Application seeks development consent for the Hornsea Project Four Offshore Windfarm ('Hornsea Four'), which will have up to 180 wind turbines; one offshore accommodation platform; up to six offshore transformer substations; up to three offshore High Voltage Direct Current ("HVDC") converter substations; up to three offshore High Voltage Alternating Current ("HVAC") booster stations; offshore export cables to transfer power to landfall located to the east of Fraisthorpe and onshore export cables for the connection from there to the National Grid substation at Creyke Beck.

1.2.1.2 The onshore infrastructure will consist of up to 18 onshore export cables buried in up to six trenches; joint bays; link boxes; Onshore Substation (OnSS) and Energy Balancing Infrastructure (EBI).

1.2.1.3 Hornsea Four may use HVAC or HVDC transmission or could use a combination of both technologies in separate electrical systems. The Applicant is applying for HVAC and HVDC transmission to allow for suitable flexibility to ensure a low cost of energy to the UK consumer and to facilitate successful completion of Hornsea Four in a competitive market.

1.2.1.4 Hornsea Four constitutes a Nationally Significant Infrastructure Project ('NSIP').

1.3 Powers sought in the Order

1.3.1.1 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 Four. As at the date of this Statement, the Applicant has entered into voluntary agreements for the OnSS, EBI and the landfall to east of Fraisthorpe. In addition, the Applicant has entered in to voluntary agreements, or documentation is in an agreed form and awaiting signature or completion, with 77.3% of landowners and 92.0% of occupiers for the onshore export cable route (representing 95.3% and 93.9% of the length of the onshore export cable route

respectively). The Applicant is continuing positive engagement and constructive commercial negotiations are ongoing with all remaining affected landowners and occupiers. Heads of terms have been entered in to in relation to a significant number of these transactions. The Applicant is confident it can secure the relevant land and/or rights in land by negotiation prior to the close of Examination.

- 1.3.1.2 The Applicant has therefore explored reasonable alternatives to compulsory acquisition and made reasonable attempts to acquire the land and rights over land by agreement. However, it has not yet been possible (at the time of writing this Statement) to acquire all of the land, the temporary use of land and the rights required by agreement, although negotiations are still ongoing.
- 1.3.1.3 The Application therefore includes a request for the compulsory acquisition of land to be authorised pursuant to s123 of the PA 2008. The powers authorising the acquisition of land, or of interests in and/or rights over land, are principally contained in Articles 18 and 21 of the Order.
- 1.3.1.4 These powers are being sought in order for the Applicant to be able to construct, operate and maintain Hornsea Four 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.
- 1.3.1.5 The land over which compulsory acquisition powers are sought in respect of the freehold is shown edged red and shaded pink on the Land Plan - Onshore ([Volume D1, Annex 3.1: Land Plan – Onshore](#)). This land is described in more detail in the Book of Reference ([E1.3: Book of Reference](#)).
- 1.3.1.6 The land over which only new rights (including the imposition of restrictions) are being compulsory sought is shown edged red and shaded blue on the Land Plans ([Volume D1, Annex 3.1: Land Plan – Onshore](#)) This land is described in more detail in the Book of Reference ([E1.3: Book of Reference](#)).
- 1.3.1.7 The land over which only temporary use is sought is shown edged red and shaded yellow on the Land Plans (Application Document Reference ([Volume D1, Annex 3.1: Land Plan – Onshore](#))). This land is described in more detail in the Book of Reference ([E1.3: Book of Reference](#)). Articles 28 and 29 of the Order are relied upon in respect of this land and, as such, no compulsory acquisition of land or rights is sought.
- 1.3.1.8 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 28 and 29 are also being sought.
- 1.3.1.9 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.
- 1.3.1.10 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.

1.4 The need for Hornsea Four

1.4.1.1 Decarbonisation is a UK legal requirement and offshore wind is an essential element of the UK Government's plan to achieve net zero by 2050. There is an urgent need for new, large scale, renewable electricity generation in order to meet the increasing demand for electricity and reduce carbon emissions. Further information on the need for Hornsea Four is set out in the Statement of Need ([F1.6: Statement of Need](#)) and the Planning Statement ([F1.1: Planning Statement](#)).

1.5 Special category land and Crown land

1.5.1.1 The only parts of the Order Land which are open space are parts of the foreshore, beach and public footpath to the east of Fraisthorpe (plots 1, 2, 2A, 3, 3A, 4, 4A, 5, 6 and 6A). These parts of the Order Land are shown on the Special Category Land – Onshore Plans ([Volume D1, Annex 12.2: Special Category Land - Onshore](#)) and identified in Part 5 of the Book of Reference ([E1.3: Book of Reference](#)).

1.5.1.2 Although there may 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 beach will be available.

1.5.1.3 Following completion of the construction of the onshore export cables, there may be occasional future maintenance activities associated with the onshore export cables. Any interference with public recreational use of the open space land as a result of such maintenance activities would be temporary in nature.

1.5.1.4 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.

1.5.1.5 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.

1.5.1.6 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 at the foreshore and beach to the east of Fraisthorpe (shown on the Crown Land – Onshore and Offshore Plans ([Volume D1, Annex 12.1: Crown Land – Onshore and Offshore](#)) and identified in Part 4 of the Book of Reference ([E1.3: Book of Reference](#)). The Applicant is in discussions with the Crown Estate Commissioners (being the appropriate Crown authority) in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.

1.6 Conclusion

1.6.1.1 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 Four 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 in order for the UK to meet its legal obligations to decarbonise, meet the increasing demand for low carbon electricity and achieve net zero by 2050.

2. Introduction

- 2.1.1.1 This Statement of Reasons (the 'Statement') relates to an application (the 'Application') made by Orsted Hornsea Project Four Limited (Company Registration Number 08584182) (the 'Applicant') to the Secretary of State under the Planning Act 2008 ('PA 2008') for the Hornsea Four Offshore Wind Farm Order (the 'Order') (**C1.1: Draft DCO including Draft DML**).
- 2.1.1.2 The Application seeks development consent for Hornsea Four which is the fourth project within the former Hornsea Round 4 Zone (the 'Former Hornsea Zone'). 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 substation at Creyke Beck.
- 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 Four, comprising an offshore electricity generating station with a capacity of more than 100 MW, falls within the definition of a "nationally significant infrastructure project" (NSIP) 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 Four 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 The Application includes a request for the compulsory acquisition of land to be authorised pursuant to s123 of the PA 2008. 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 Four, if necessary by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the Order (**Volume C1.1: Draft DCO including Draft DML**) 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 Four is referred to as the 'Order Land' and is described in more detail in section 5 of this Statement and shown edged red and shaded pink, blue and yellow on the Land Plan - Onshore (**Volume D1, Annex 3.1: Land**

Plan – Onshore) (the ‘Land Plans’). The Order Land only relates to the onshore elements of Hornsea Four and does not therefore include all of the Order Limits referred to the Order or shown on the Works Plans - Offshore (**Volume D1, Annex 4.1: Land Plan – Offshore**).

2.1.1.8 Voluntary agreements have been entered into with a significant number of landowners and occupiers. Negotiations for the purchase of the remaining land, rights and interests are ongoing in respect of the land and new rights required for Hornsea Four. 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 Hornsea Four can be constructed, operated, maintained and decommissioned without impediment.

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 (**E1.1: Funding Statement**) which explains how the construction of Hornsea Four 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 and temporary use powers (**Volume D1, Annex 3.1: Land Plan – Onshore**); and
- Book of Reference (**E1.3: Book of Reference**) which describes the Order Land and 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 Four 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, how regard has been given to the provisions of Articles 1 and 8 of the First Protocol to the European Convention on Human Rights and the need for Hornsea Four is included in **Sections 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 Four 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 averaged 6,429 over 2020 and in that year it generated DKK 52.6 billion (£6.2 billion) in revenue. Ørsted's well established business is based on procuring, producing, distributing and trading in energy and related products in Northern Europe. It has focused its strategy on developing, constructing and maintaining offshore wind projects throughout Northern Europe and has recently expanded into new markets in both North America and Asia. Ørsted is committed to supplying clean and reliable energy and aims to have 50 GW of installed capacity by 2030.
- 3.1.1.3 In the UK, Ørsted has 12 operational offshore wind farms that it either owns or partly owns, one wind farm under construction and a further three in its development pipeline. Ørsted's current installed capacity in the UK is 4,283MW which is enough green energy to power over 4.4 million UK homes a year. This will rise to over 5.6 million homes a year by 2022.
- 3.1.1.4 Further details about the Applicant can be found in the Funding Statement ([E1.1: Funding Statement](#)).

4. Hornsea Four

- 4.1.1.1 The Application seeks development consent for the Hornsea Project Four Offshore Windfarm ("Hornsea Four"), which will have up to 180 wind turbines; one offshore accommodation platform; up to six offshore transformer substations; up to three offshore High Voltage Direct Current ("HVDC") converter substations; up to three offshore High Voltage Alternating Current ("HVAC") booster stations; offshore export cables to transfer power to landfall located to the east of Fraisthorpe and onshore export cables for the connection from there to the National Grid substation at Creyke Beck.
- 4.1.1.2 The onshore infrastructure will consist of up to 18 onshore export cables buried in up to six trenches; joint bays; link boxes; Onshore Substation (OnSS) and Energy Balancing Infrastructure (EBI). The EBI provides valuable services to the whole energy system; such as importing, storing and exporting energy or converting to other energy sources to meet the grid needs, improve stability and reliability and support the UK's transition to NetZero. The EBI will comprise of any (or a combination of) the following: energy storage technology such as batteries or a more suitable alternative, energy conversion technology such as power converters, hydrogen electrolysis, plus associated pipework, storage vessels and control systems, balance of plant equipment such as transformers and switchgear and cables to connect it to the substation.

- 4.1.1.3 Hornsea Four may use HVAC or HVDC transmission or could use a combination of both technologies in separate electrical systems. The Applicant is applying for HVAC and HVDC transmission to allow for suitable flexibility to ensure a low cost of energy to the UK consumer and to facilitate successful completion of Hornsea Four in a competitive market.
- 4.1.1.4 Full details of Hornsea Four, including the proposed constructed methods and phasing, can be found in [\(Volume A1, Chapter 4: Project Description\)](#) accompanying the Application.

5. Description of the Land Subject to Compulsory Acquisition

- 5.1.1.1 The Hornsea Four wind farm array is located approximately 69km from Flamborough Head on the East Riding of Yorkshire coast. The offshore cable route extends from the south eastern boundary of the wind farm array in an westerly direction to the proposed landfall to the east of Fraisthorpe.
- 5.1.1.2 Hornsea Four is situated offshore and onshore. However, compulsory acquisition powers are only being sought over the Order Land shown on the Land Plans (**Volume D1, Annex 3.1: Land Plan – Onshore**). This land is described in more detail in the Book of Reference (**E1.3: Book of Reference**).

5.2 Description of the land subject to compulsory acquisition

- 5.2.1.1 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 (**Volume D1, Annex 3.1: Land Plan – Onshore**). This land is described in more detail in the Book of Reference (**E1.3: Book of Reference**). Article 18 of the Order is relied upon in respect of this land.
- 5.2.1.2 The land over which only new rights (including the imposition of restrictions) are being compulsorily sought is shown edged red and shaded blue on the Land Plans (**Volume D1, Annex 3.1: Land Plan – Onshore**). This land is described in more detail in the Book of Reference (**E1.3: Book of Reference**). Article 21 of the Order is relied upon in respect of these rights.
- 5.2.1.3 The land over which only temporary use powers are being sought is shown edged red and shaded yellow on the Land Plans (**Volume D1, Annex 3.1: Land Plan – Onshore**). This land is described in more detail in the Book of Reference (**E1.3: Book of Reference**). Articles 28 and 29 of the Order are relied upon in respect of this land and, as such, no compulsory acquisition of land or rights is sought.
- 5.2.1.4 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 28 and 29 are also being sought.

5.3 Existing land uses

- 5.3.1.1 The cable landfall is on the East Riding of Yorkshire coastline, east of Fraisthorpe. At the landfall, the offshore export cables will cross underneath the beach and terminate at the export cable transition joint bays. The transition joint bays are located within an agricultural field at Low Stonehills Farm, a privately owned farm. Low Stonehills Farm is not available for public access other than by foot using the public right of way located on plot 10 shown on the Land Plans (**Volume D1, Annex 3.1: Land Plan – Onshore**) and described in the Book of Reference (**E1.3: Book of Reference**).
- 5.3.1.2 The onshore export cable is approximately 39km in length travelling generally south westerly in proximity to Foston on the Wolds, Rotsea, Scarborough, Leconfield, Beverley and terminating north of Cottingham. The onshore export cable traverses primarily privately owned Grade 3 arable agricultural land with approximately 58%

of land being owner occupied and approximately 41% being tenanted. The arable land is predominantly used for the growing of cereal crops including wheat, barley and oilseed rape. There are also a number of areas with different land uses including grazing and mowing pasture, farm diversification activities and a disused WWII airfield. A large proportion of the onshore export cable route is artificially drained, and there are numerous ditches along the route to support the agricultural productivity of the land. The predominantly rural route crosses land owned by statutory undertakers including Network Rail, the Environment Agency and National Grid.

- 5.3.1.3 The onshore export cable route continues generally southwards towards Cottingham where the cables will connect to the new OnSS. Up to four 400 kV circuits will then connect to the existing National Grid 400 kV substation at Creyke Beck.
- 5.3.1.4 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 cable route include gas, electricity, water (foul and fresh), telecommunications and other infrastructure including an ethylene pipeline. The onshore export cable route also cross several ecological features including established woodlands (natural and managed), hedgerows, rivers, established drainage channels.
- 5.3.1.5 Further details of the existing land use for onshore export cable route can be found in [Volume A1, Chapter 4: Project Description](#) of the Environmental Statement accompanying the Application.

5.4 Anticipated future land uses

- 5.4.1.1 The A164/Jock's Lodge junction improvement scheme is a transport scheme being promoted by ERYC and includes a new roundabout on the A1079 with new link roads providing access to the A164 and Lincoln Way roundabout and the widening of the A164 to become a dual carriageway as far as Castle Hill Roundabout. The A164/Jock's Lodge scheme obtained planning permission in July 2020. Parts of the A164/Jock's Lodge scheme are located in proximity to the access road to the OnSS for Hornsea Four and the onshore export cable corridor where it crosses the A164.
- 5.4.1.2 A compulsory purchase order (CPO) and side roads order for the A164/Jock's Lodge scheme were made by ERYC in January 2021 are awaiting confirmation by the Secretary of State for Transport. The land included in the CPO and side roads order falls within the Order Limits for Hornsea Four. The Applicant and ERYC have been working together and it is agreed that the two projects can co-exist from a technical perspective. The Applicant and ERYC are currently in discussions regarding the overlap between the compulsory acquisition and other statutory powers for the A164/Jock's Lodge scheme and Hornsea Four with the view to entering into a cooperation agreement or agreeing protective provisions.
- 5.4.1.3 In June 2021, a planning application was submitted to ERYC for a 49.9MW solar farm at Cottingham including underground cabling, inverter substations, construction compounds, grid compound (consisting of substations, battery storage compound and associated grid infrastructure) and associated works. The planning application was validated in August 2021. The redline boundary for the proposed solar development

overlaps with the Order Limits for Hornsea Four, in particular the onshore export cable corridor to the west of the OnSS and the construction compound for the OnSS.

5.4.1.4 The Applicant has been in discussions with the landowner and promoter of the proposed solar development in relation to the interactions between the two projects. The Applicant is confident that the two projects can co-exist provided that sufficient safeguards and measures to protect the Hornsea Four apparatus are put in place and there is coordination of construction programmes.

5.4.1.5 In September 2021 an agreement was entered into between the Applicant and the landowner and promoter of the proposed solar development to govern the interactions between the two projects.

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 ([Volume D1, Annex 7.1: Public Rights of Way Plan](#)), the Land Use and Agriculture Chapter of the Environmental Statement ([Volume A3, Chapter 6 : Land Use and Agriculture](#)) and the outline Public Rights of Way Management Plan (which forms appendix C of [F2.2: Outline Code of Construction Practice](#)).

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 Four. 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 21 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 ([Volume D1, Annex 3.1: Land Plan – Onshore](#) and [E1.3: Book of Reference](#)).

6.1.1.4 Article 20 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 Hornsea Four, and at this stage, unknown contractor and supply chain availability.

6.2 Acquisition of freehold

6.2.1.1 **Onshore substation (plot number 334)**

- 6.2.1.2 Depending on which transmission option is selected, the OnSS will either be an HVAC substation or a HVDC converter substation.
- 6.2.1.3 The OnSS 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.
- 6.2.1.4 The OnSS will consist of a range of equipment for delivery of the power to National Grid such as transformers, shunt reactors, dynamic reactive power compensation plant, harmonic filters and various switchgear. It will also include a range of auxiliary and supporting equipment for the running and control of the onshore substation. The main equipment will either be housed within a single or multiple building(s), 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.
- 6.2.1.5 The OnSS will require a maximum permanent land take of 164,000 m² in area and a maximum temporary land take of 130,000 m² in area. The main buildings will be up to 25 m high (excluding lightning protection). There will be up to 2 main buildings. A new access road will connect the OnSS to the A1079.
- 6.2.1.6 Further details of the OnSS and methods of construction can be found in [Volume A1, Chapter 4: Project Description](#) of the Environmental accompanying the Application.
- 6.2.1.7 **Energy Balancing Infrastructure (plot number 334)**
- 6.2.1.8 The EBI is constructed within the OnSS site. The EBI will be connected directly to the OnSS infrastructure or alternatively directly to the National Grid substation at Creyke Beck.
- 6.2.1.9 Hornsea Four includes up to two separate EBI plants. The EBI plant layout is common for both HVAC and HVDC transmission. Each plant consists of energy storage building(s); transformers and converter area; switchgear and control room building(s); energy balancing equipment building(s); connection of EBI Plant to the OnSS or alternatively directly to the National Grid substation at Creyke Beck; access (utilising the same access road off the A1079 as the OnSS) and internal roads, drainage systems, perimeter and internal fences; and external lighting and lightning pylons.
- 6.2.1.10 The EBI will require a maximum permanent area of 17,300 m² for total building footprint. The main buildings will be up to 15 m high (excluding lightning protection). There will be up to 4 main buildings. Secondary buildings will be up to 20 m high.
- 6.2.1.11 Further details of the EBI and methods of construction can be found in [Volume A1, Chapter 4: Project Description](#) of the Environmental Statement accompanying the Application.
- 6.2.1.12 **Diversion of public rights of way (plot numbers 320, 322 and 331)**

- 6.2.1.13 Two public rights of way in proximity to the OnSS and its access road (Skidby Footpath No. 16 and Rowley Bridleway No. 13) will need to be permanently diverted to facilitate the construction and operation of Hornsea Four.
- 6.2.1.14 In order to be able to dedicate the land as a new public right of way, it will be necessary for the Applicant to acquire the freehold of the land. Compulsory acquisition powers are therefore being sought in the event that agreement cannot be reached with the landowner to dedicate the land as a new public right of way.
- 6.2.1.15 Further details can be found on the Public Rights of Way Plan Plan ([Volume D1, Annex 7.1: Public Rights of Way Plan](#)) and the outline Public Rights of Way Management Plan (which forms appendix C of [F2.2: Outline Code of Construction Practice](#)).

6.3 Acquisition of new rights and imposition of restrictions

6.3.1 Landfall (plot numbers 1, 2, 2A, 3, 3A, 4, 4A, 10, 11, 12 and 13)

- 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 typically lined with concrete, in which the jointing of the offshore and onshore export cables takes place. 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. In certain locations these may need to be fenced to prevent damage.
- 6.3.1.3 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, 2, 2A, 3, 3A, 4, 4A, 10, 11, 12 and 13 (shown on the Land Plans and described in the Book of Reference ([Volume D1, Annex 3.1: Land Plan – Onshore](#) and [E1.3: Book of Reference](#))) include more space than will be permanently required for the TJBs to be constructed. In the event that compulsory acquisition powers need to be exercised, the Applicant will only exercise such powers in respect of the land actually utilised for the TJBs.
- 6.3.1.4 Full details of the landfall works and methods of construction can be found [Volume A1, Chapter 4: Project Description](#) of the Environmental accompanying the Application.

6.3.2 Onshore export cables

- 6.3.2.1 Up to six export cable circuits will be required with each circuit consisting of up to three single cables. The cables will be buried in multiple separate trenches (up to six

trenches, each containing one circuit), however, in some circumstances some trenches may be combined to aid installation. Onshore cable joint bays (JBs) will be required along the onshore export cable corridor, these are typically concrete lined pits, which provide a clean, dry and safe environment for jointing the sections of cable together. The JB's will be buried, with the land above reinstated. JB's will only require access in the event of a cable failure requiring replacement.

- 6.3.2.2 Link boxes (LBs) will also be required along the onshore export cable corridor. 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 LB's will also be reinstated, however, they may need manhole covers for access during the operational phase.
- 6.3.2.3 A further section of buried onshore export cabling is required to connect the OnSS and EBI 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.
- 6.3.2.4 Access points from the public highway to access the onshore export cable corridor, OnSS and EBI during construction and for maintenance during operation are also required.
- 6.3.2.5 Full details of the onshore cable route and methods of construction can be found in [Volume A1, Chapter 4: Project Description](#) of the Environmental Statement.
- 6.3.2.6 The Hornsea Four onshore export cable corridor consists of an 80 m onshore temporary easement (although a wider corridor of 120 m is provided for at the crossing of the National Rail Network at Beswick). The permanent easement width will typically be 60m except where obstacles are encountered such as the Network Rail Crossing near Beswick (where the permanent footprint is may be extended up to 120m to facilitate HDD of the railway line), and on the approach to the landfall and OnSS.
- 6.3.2.7 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 Four in the stated timeframe and with the minimum of disruption to landowners and the wider community. In some locations, an additional area is needed for temporary working space during the construction process.
- 6.3.2.8 The 60 metre permanent corridor is justified on the basis that the electrical cables may need to be suitably spaced out in order to minimise the potential heating effect of one cable circuit on another, this enables the cables to effectively carry the large power volumes required without overheating and damaging the cable.

6.3.2.9 Full details of the consideration of alternatives regarding Hornsea Four can be found in [Volume A1, Chapter 4: Project Description](#) of the Environmental Statement.

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 Four. This includes rights to construct, use and maintain the cables, rights of support, rights of access for the construction and maintenance of the onshore export cable (including rights to use and improve existing tracks), right to create, use and maintain a new access to the OnSS and EBI, rights for drainage, rights for services, rights of works in the water and rights for landscaping and ecological measures.

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 Four.

6.3.3.3 Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs (paragraphs 24.1-24.3) 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 the Silvertown Tunnel Order 2018 as an example. 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 a DCO 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 21 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 nature and extent of the restrictions to be imposed are consistent with the restrictions agreed with landowners and occupiers in the voluntary agreements. 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 Four.

6.3.3.7 The new rights and restrictive covenants being sought by the Applicant are set out in Table 1 and Schedule 6 of the Order.

Table 1: Land over which new rights will be acquired and restrictions imposed.

(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
1,2,2A,3,3A,4,4A,10,11,12,13,18,19,20,21,27,28,29,30,31,32,33,36,37,38,39,40,41,51,52,53,54,58,59,60,61,62,63,64,65,66,68,69,70,71,72,73,74,75,76,77,78,86,87,88,93,94,95,96,106,107,108,109,110,111,126,127,128,129,130,139,140,141,142,143,144,145,146,147,148,149,150,153,155,156,157,158,159,160,161,166,167,168,169,170,171,172,173,174,175,176,177,178,179,180,181,182,183,184,188,189,190,191,194,195,196,199,200,201,211,212,213,214,215,216,223,227,228,233,234,235,238,239,240,241,242,243,244,245,252,253,254,262,263,264,265,266,272,273,274,275,276,277,278,279,280,281,282,285,292,293,294,298,299,300,307,308,309,310,315,316,317,318,335,336,337,338,339,340,341,342,343,344,345,346,347,348,349,350,351,352,353,354,355 and 356	<p>Rights 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</p> <p>Rights to pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development</p> <p>Rights to continuous vertical and lateral support for the authorised development</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures 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</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>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</p>
1, 2, 2A, 3, 3A, 4 and 4A	Rights to ground and lay anchor for vessels within the Order Land
308,309,310,315,316,317,318,323,330,332,333,335,336,337,338,339,340,341,342,343,344,345,346,347,348,349,350,351,352,353,354,355 and 356	<p>Rights 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</p> <p>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</p>
14,17,25,26,35,45,46,47,56,57,80,84,92,99,100,104,113,114,117,123,134,	Rights to use, maintain and improve a permanent means of access including visibility splays and bridges

(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
135,151,163,165,186,187,192,203,206,209,230,237,250,255,258,268,269,290,296 and 305	<p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>Rights 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</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures 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</p> <p>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</p>
23,25,34,55,91,98,138,152,162,164,185,193,203,206,229,236,247,255,267,287,295 and 302	<p>Rights to pass and repass on foot, with or without vehicles, plant and machinery (including a rights to lay and use any temporary surface) for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures 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</p> <p>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</p>
323, 330, 332 and 333	<p>Rights to construct, use, maintain and improve a permanent means of access including visibility splays</p> <p>Rights to pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development</p> <p>Rights 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</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security</p>

(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
	<p>infrastructure including cameras, perimeter fencing, fencing, gates and any other security measures or ancillary apparatus required in order to ensure an appropriate level of security in respect of the authorised development</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures 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</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve any boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>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</p>
340,341,342,343,344,345,346,347,348,349,350,351,352,353,354,355 and 356	<p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve electricity poles, overhead electricity lines, underground electricity cables, 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</p> <p>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</p>

6.4 Temporary use of land

6.4.1.1 Temporary use of land pursuant to Articles 28 and 29 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 Four. The maintenance period is defined in Article 29 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 landscape management plan approved by relevant planning authority pursuant to Requirement 8 of Schedule 1 to the Order (**C1.1: Draft DCO including Draft DML**)). This approach is considered to be 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 28 and 29 of the Order is shown edged red and shaded yellow on the Land Plans (**Volume D1, Annex**

3.1: Land Plan – Onshore) and described in the Book of Reference (**E1.3: Book of Reference**). The purpose is set out in Schedule 8 to the Order and in Table 2 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 28 and 29 of the Order). These parcels are shown edged red and shaded pink or blue on the Land Plans (**Volume D1, Annex 3.1: Land Plan – Onshore**) but are also subject to Articles 28 and 29 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 be able to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain Hornsea Four.

Table 2: Land over which temporary use may be taken.

(1) Area	(2) Number of land shown on land plan	(3) Purpose for which temporary possession may be taken
East Riding of Yorkshire	5, 6, 6A, 7, 8, 9, 15, 16	Temporary use for access to facilitate construction for Work No. 5 and 6
East Riding of Yorkshire	42, 43, 44, 48, 49, 67, 79, 81, 82, 83, 85, 90, 97, 101, 102, 103, 105, 112, 115, 116, 118, 119, 120, 131, 132, 133, 136, 137, 198, 202, 204, 205, 207, 208, 210, 217, 218, 219, 220, 221, 224, 225, 226, 231, 232, 246, 248, 249, 251, 256, 257, 259, 260, 270, 271, 286, 288, 289, 291, 301, 303, 304, 306, 311, 312, 313, 314	Temporary use for access to facilitate construction for Work No. 6
East Riding of Yorkshire	22, 24, 50, 89, 197, 222	Temporary use (including for access and logistics compound) to facilitate construction for Work No. 6
East Riding of Yorkshire	121, 122, 124, 125	Temporary use (including access and bridge inspection, monitoring, maintenance and improvements) to facilitate construction for Work No. 6
East Riding of Yorkshire	154, 261, 297	Temporary use (including for logistics compound) to facilitate construction for Work No. 6
East Riding of Yorkshire	319	Temporary use (including for access and logistics compound) to facilitate construction for Work No. 6, 7, 8 and 10
East Riding of Yorkshire	321, 324, 325	Temporary use for access to facilitate construction for Work No. 6, 7, 8 and 10

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 Four. A list of the adopted highways and other streets is included in Onshore Crossing Schedule (**Volume A4, Annex 4.2: Onshore Crossing Schedule**) and shown on the Streets Plan (**Volume D1, Annex 6.1: Streets Plan**).

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 rights, restrictions etc. over the Order Land which may be interfered with by 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 ([E1.3: Book of Reference](#)).

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 Four.

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 ([E1.3 : Book of Reference](#)):

- 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 Four. 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 OnSS and onshore export 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 Four 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 Four, its construction, operation, maintenance and decommissioning.

7.2.1.4 As Hornsea Four 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 Four and is therefore proportionate and necessary. Compensation is payable to all affected landowners and occupiers.

7.2.1.5 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. As at the date of this Statement, the Applicant has entered into voluntary agreements for the OnSS, EBI and the landfall to east of Fraisthorpe. In addition, the Applicant has entered in to voluntary agreements, or documentation is in an agreed form and awaiting signature or completion, with 77.3% of landowners and 92.0% of occupiers for the onshore export cable route (representing 95.3% and 93.9% of the length of the onshore export cable route respectively). The Applicant is continuing positive engagement and constructive commercial negotiations are ongoing with all remaining affected landowners and occupiers. Heads of terms have been entered in to in relation to a significant number of these transactions. The Applicant is confident it can secure the relevant land and/or rights in land by negotiation prior to the close of Examination.

7.2.1.6 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.

7.3 Power to override rights and easements

7.3.1.1 Article 22 (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 Four. 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 21 (Compulsory acquisition of rights) can be exercised without interruption, making extinguishment or suspension unnecessary.

7.3.1.2 In addition, Article 30 (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 (as set out in Appendix A of this Statement) are detailed in Part 3 of the Book of Reference (**E1.3: Book of Reference**). Unknown interests which were not identified through such measures are still subject to the provisions of the Order, including Article 22, to enable Hornsea Four to be delivered without impediment.

7.3.1.4 As Hornsea Four 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 Four 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 Four and included in the consultation process. Each landowner and occupier has been contacted with a view to entering into negotiations to acquire land or rights over the Order Land as necessary. Heads of Terms have been agreed with the majority of private landowners for the onshore export cable corridor. A summary of the approach taken is provided at Appendix A to this Statement.
- 7.4.1.2 The Applicant has successfully concluded the commercial negotiations and entered into an Option Agreement in respect of the land required for the OnSS and EBI. However, the Applicant is including the power to acquire the freehold of 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 Four without hindrance.
- 7.4.1.3 The Applicant has successfully concluded the commercial negotiations and entered into an Option Agreement in respect of the rights required for Landfall. However, the Applicant is including the power to acquire the rights over 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 Four without hindrance.
- 7.4.1.4 The Applicant has successfully concluded the commercial negotiations and entered into Option Agreements in respect of the rights required for 55.9% of the onshore export cable route. However, the Applicant is including the power to acquire the rights over 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 Four without hindrance.
- 7.4.1.5 The Option Agreements that have been entered into by the landowners and occupiers provide 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.
- 7.4.1.6 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.

- 7.4.1.7 In accordance with the Compulsory Acquisition Guidance, the Applicant will continue to seek 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 practicable.
- 7.4.1.8 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 Four 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.
- 7.4.1.9 The current position in respect of negotiations with the outstanding landowners and/or tenants is provided at Appendix B to this Statement 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 ([E1.3: 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.
- 7.5.1.2 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 ([E1.3: Book of Reference](#)).

7.6 Funding and compensation

- 7.6.1.1 The Funding Statement ([E1.1: Funding Statement](#)) that accompanies this Statement explains how it is expected that the construction of Hornsea Four, as well as the acquisition of land and interests, will be funded.
- 7.6.1.2 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 compensation code 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.
- 7.6.1.3 The Funding Statement ([E1.1: Funding Statement](#)) confirms that the Applicant has the ability to procure the financial resources required for Hornsea Four, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

7.6.1.4 The Applicant has included Article 45 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 45 of the Order therefore ensures that adequate funding is in place before any compulsory acquisition compensation liability arises.

7.6.1.5 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.

7.7 Human rights

7.7.1.1 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.

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

7.7.1.3 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."

7.7.1.4 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."

7.7.1.5 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."

7.7.1.6 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.

7.7.1.7 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.

- 7.7.1.8 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.
- 7.7.1.9 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, lessees and occupiers of land within the Order Land and those who may be able to make claims either under section 10 of the Compulsory Purchase Act 1965 in respect of injurious affection, under Part 1 of the Land Compensation Act 1973 or section 152 of the PA 2008. Also, the beneficiaries of rights overridden by the exercise of powers in the Order may be entitled to make a claim under Section 10 of the Compulsory Purchase Act 1965.
- 7.7.1.10 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.
- 7.7.1.11 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.
- 7.7.1.12 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.
- 7.7.1.13 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.
- 7.7.1.14 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 need for, and public benefit of, Hornsea Four is set out in detail in the Statement of Need (**E1.1: Funding Statement**) and the Planning Statement (**F1.1: Planning Statement**).
- 8.1.1.2 The Climate Change Act 2008 (CCA 2008) forms the basis of the UK's approach to tackling and responding to climate change. The CCA 2008 sets out a legal obligation that the UK net carbon account in the year 2050 must be at least 100% lower than the 1990 baseline (in accordance with the Climate Change Act 2008) (known as "net zero").
- 8.1.1.3 The national planning policy for renewable energy developments is set out in National Policy Statements ("NPS") EN-1, EN-3 and EN-5. NPS EN-1 recognises that the UK needs to reduce its reliance on a high carbon energy mix to reduce GHG emissions and improve the security, availability and affordability of energy through diversification. Electricity generation from renewable sources of energy is an important element in the Government's development of a low-carbon economy. NPS EN-3 recognises that offshore windfarms are expected to make up a significant proportion of the UK's renewable energy generation capacity. There is a large amount of policy support for offshore windfarms in NPSs EN-1 and EN-3 and also the East Inshore and East Offshore Marine Plan.
- 8.1.1.4 A recent consultation on updated draft energy NPSs is ongoing. The draft NPSs refer to the Government's target of 40GW of offshore wind by 2030 and the expectation that there will be a need for substantially more installed offshore capacity beyond 2030 to achieve net zero by 2050. Further details on the emerging Government policy in draft NPSs EN-1 and EN-3 for the delivery of major energy infrastructure, including offshore renewable electricity generation is set out in the Statement of Need (**F1.6: Statement of Need**).
- 8.1.1.5 The need for new renewable electricity generation projects is urgent. Hornsea Four will support the UK in its transition to a low carbon economy, helping achieve the Government's target of 40GW of offshore wind by 2030 and net zero by 2050.
- 8.1.1.6 An increase in the amount of renewable energy generated by offshore wind will contribute to better energy security and the resilient network required to meet future demand. With the energy sector contributing approximately 24% of all GHG emissions in the UK and the urgent need to replace polluting generating stations such as coal, Hornsea Four will play a critical role in helping to reduce carbon emissions.
- 8.1.1.7 Alongside the overall environmental benefits, further development in the offshore wind sector can contribute to a skilled, diverse workforce and strengthen the existing manufacturing base. Offshore wind is a highly-skilled industry, which is well placed to create jobs and boost earning power in regions across the UK which require economic growth.
- 8.1.1.8 The NPSs provide the basis against which the DCO should be assessed against as stated by Section 104 (2) of the PA2008. NPS EN-1 sets out that given the level and urgency of need for energy infrastructure, the decision maker should start with a

presumption in favour of granting consent to applications for energy NSIPs unless more specific policies set out in relevant NPSs clearly indicate that consent should be refused. Hornsea Four has been developed to limit any adverse impacts in line with the NPSs as demonstrated in the policy analysis set out in the Planning Statement ([F1.1: Planning Statement](#)).

8.1.1.9 It is not considered that there are any adverse environmental impacts that cannot be mitigated that outweigh the benefits associated with Hornsea Four. Hornsea Four is in accordance with both national and local planning policy.

8.1.1.10 In conclusion, there is a clear need for Hornsea Four and a compelling case in the public interest for compulsory acquisition powers to be granted in order for the UK to meet its legal obligations to decarbonise, meet the increasing demand for low carbon electricity and achieve net zero by 2050.

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 only parts of the Order Land that are open space comprise parts of the foreshore, beach and public footpath at Fraisthorpe Sands (plots 1, 2, 2A, 3, 3A, 4, 4A, 5, 6 and 6A). The parts of the Order Land which are open space are shown on the Special Category Land – Onshore Plans ([Volume D1, Annex 12.2 : Special Category Land – Onshore](#)) and identified in Part 5 of the Book of Reference ([E1.3: Book of Reference](#)).

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, horse riding and 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. No permanent above ground infrastructure for Hornsea Four will be constructed on the beach.

- 9.1.1.7 It is anticipated that the onshore export cables 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 restrictions on the availability of the open space for use by members of the public (save for any temporary closure for health and safety reasons during drilling operations).
- 9.1.1.8 Although there may be temporary interference with the use of the open space land within the Order Limits during the construction period of the onshore export cables, access to the remainder of the open space at Fraisthorpe beach will be available.
- 9.1.1.9 Following completion of the construction of the onshore export cables, there may be occasional future maintenance activities associated with the onshore export cables. Any interference with public recreational use of the open space land as a result of such maintenance activities would be temporary in nature.
- 9.1.1.10 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.
- 9.1.1.11 In respect of plots 5, 6 and 6A, 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 Electricity Transmission plc (NGET);
 - National Grid Gas plc;
 - Network Rail Infrastructure Limited;
 - Northern Gas Networks Limited;
 - Northern Powergrid (Yorkshire) plc;
 - UK Power Distribution Limited;
 - Yorkshire Water Services Limited; and
 - Doggerbank Offshore Wind Farm Project 1 Projco Limited and Doggerbank Offshore Wind Farm Project 2 Projco Limited.
- 9.1.2.2 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 ([E1.3: Book of Reference](#)).
- 9.1.2.3 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.

- 9.1.2.4 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.
- 9.1.2.5 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.
- 9.1.2.6 The Onshore Crossing Schedule ([Volume A4, Chapter 4.2: Onshore Crossing Schedule](#)) 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.
- 9.1.2.7 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 of this Statement.
- 9.1.2.8 Section 138 of the PA 2008 is engaged by Article 30 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.
- 9.1.2.9 The construction of Hornsea Four 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 at the foreshore and beach to the east of Fraisthorpe. This land is described in Part 4 of the Book of Reference ([E1.3: Book of Reference](#)) and shown on the Crown Land – Onshore and Offshore plan (Volume [D1, Annex 12.1: Crown Land – Onshore and Offshore](#)). 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 (being the appropriate Crown authority) in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.

10. Other Consents

10.1.1.1 The Order will grant consent for the construction, operation and maintenance of Hornsea Four 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 ([F1.5: Consents Management Plan](#)).

10.1.1.3 The additional consents and licences include:

- European Protected Species ('EPS') licences under the Conservation of Habitats and Species Regulations 2017; 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 ([F1.5: Consents Management Plan](#)) 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 Four who wish to negotiate a sale or discuss matters of compensation should contact the Applicant by email to contact@hornseaprojectfour.co.uk or by telephone on 0808 139 3030 or by post to Hornsea Project Four, Ørsted, 5 Howick Place, Victoria, London SW1P 1WG.

11.2 Compensation

11.2.1.1 Provision is made by statute for 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 to Business Owners and Occupiers;

- Booklet No. 3 – Compensation to Agricultural Owners and Occupiers;
- Booklet No. 4 – Compensation to Residential Owners and Occupiers; and
- Booklet No. 5 – Reducing the Adverse Effects of Public Development

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 The Application includes a request for the compulsory acquisition of land to be authorised. 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 Four 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 compulsorily acquired and restrictions imposed in order for the UK to meet its legal obligations to decarbonise, meet the increasing demand for low carbon electricity and achieve net zero by 2050.

12.1.1.3 In addition:

- Reasonable alternatives to compulsory acquisition have been explored and the Applicant has been able to secure the majority of land and rights required for Hornsea Four by agreement;
- 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;
- An explanation has been provided as to how it is expected that the construction of Hornsea Four 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 the 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 HM Land Registry (HMLR), for a 700m wide corridor within the 5 km wide scoping boundary. This was then extended and varied in certain areas where route amendments were required.
- A.1.1.2 Basic Land Interest Questionnaires ('LIQ') were populated based on the HMLR data for the purpose of contact referencing. In June 2018, the Applicant and its land agents and land referencers, Dalcour Maclaren, proceeded to engage with the identified land interests for Phase 1 survey access, undertake informal discussions on the proposals for Hornsea Four 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 Hornsea Four and survey access requirements that may affect them.
- A.1.1.5 Further detailed land referencing was undertaken by Dalcour Maclaren 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 persons with an interest in the land being Category 1, 2 and 3 interests as specified in section 44 of the PA 2008 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 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, with access conditions required by landowners and occupiers being 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 commenced informal consultation with landowners on the proposed onshore export cable route in June 2018.
- A.3.1.2 Informal consultation continued with landowners throughout the formal consultation period. This consisted of individual letters, quarterly newsletters with Hornsea Four 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 targeted 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) Statutory Consultation on PEIR Boundary: 13 August 2019 to 23 September 2019;
 - (b) Targeted Consultation 1: 17 February 2020 to 18 March 2020;
 - (c) Targeted Consultation 2: 4 August 2020 to 8 September 2020; and
 - (d) Targeted Consultation 3: 30 June 2021 to 30 July 2021.
- 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 ([B1.1 : Consultation Report](#)).

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 landowners and occupiers in March 2020 with land agents having had sight of the draft Heads of Terms in February 2020.
- A.5.1.2 Negotiations are currently ongoing for the acquisition of the rights to construct, operate and maintain the cables on a voluntary basis. A summary of the current status of negotiations is set out in Appendix B.

A.5.2 Onshore Substation and Energy Balancing Infrastructure

- A.5.2.1 An option to enter into a lease for the land rights necessary for the OnSS and EBI site was entered into with the landowner in September 2021.

A.6 Methods of communication

- A.6.1.1 Multiple methods of communication have been utilised to ensure all land interests receive Hornsea Four information and to maintain an ongoing dialogue where possible via the land interests chosen preferred method of communication. These methods include face to face meetings, virtual meetings, a landowner specific Hornsea Four phone line, a dedicated landowner and occupier email account, letters and Hornsea Four updates to relay Hornsea Four information and the utilisation of text marketer to provide survey notifications.
- A.6.1.2 Individual emails have been used to deal with land interest specific communication between the Applicant, Dalcour Maclaren and landowners and land agents.
- A.6.1.3 In addition, further information on the Hornsea Four website (<https://hornseaprojects.co.uk/hornsea-project-four>) has been made available including specific Landowner FAQs.
- A.6.1.4 All feedback and correspondence with all impacted parties has been recorded and logged alongside a record of responses on the Hornsea Four database.
- A.6.1.5 In March 2019, Dalcour Maclaren were advised that a working group of local agents, representing landowners and occupiers, had been formed to deal with matters arising from the Hornsea Four.
- A.6.1.6 Initially, the principal dealings with the working group, subsequently known as the "Land Interest Group" (LIG), related to the drafting and implementation of licences for environmental surveys scheduled for 2019. These particular negotiations with the LIG continued until late May/early June 2019.
- A.6.1.7 At an early stage, draft template Heads of Terms based on those agreed for Hornsea Project Three, were made available to the LIG and, as a result of ongoing discussions in relation to these Heads of Terms and the Option and Lease, it was agreed that an "Agents' Information Session" would be held to provide further information to LIG members and to answer any queries. Invitations were extended to all agents with known landowner and occupier representation, irrespective of their membership or otherwise of the LIG, and the meeting was held at Yorkshire Auction Centre, Murton, York on 13th August 2019.
- A.6.1.8 The meeting was attended by 10 local agents and a representative from the Country Land and Business Association (CLA) together with representatives from the Applicant and Dalcour Maclaren. A presentation was given on the consenting process, with particular reference to the forthcoming Section 42 Consultation, Consultation Events, Heads of Terms, and practical construction issues. The discussions were continued at further meetings held at Ørsted's offices in London on 4th September 2019 and 24th September 2019; the meetings were attended by a spokesperson from the LIG, with the latter meeting also being attended by a representative of the National Farmers Union (NFU).

- A.6.1.9 Much of what was being discussed at these latter meetings was incorporated in the response to the Section 42 Consultation which was submitted by the LIG/NFU on 23rd September 2019. The response was made on behalf of approximately 38 landowners and occupiers affected by Hornsea Four and was submitted jointly by the NFU and members of the LIG namely, Savills plc, Dee Atkinson and Harrison, Cranswicks, Frank Hill & Son, Hornseys, Stephenson & Son, Leonards of Hull, Cundalls, Clubleys, Brockthorpe Consultancy Limited, Michael Glover LLP and Brown & Co. The response indicated that the LIG represented nearly all of the farming interests along the proposed route of the export cables.
- A.6.1.10 At an early stage, it was recognised that 7 local agents did not wish to be part of the wider LIG negotiations. Negotiations with these agents were conducted in parallel with the LIG discussions.
- A.6.1.11 Dalcour Maclaren sent emails to LIG and non-LIG agents on an individual client basis in mid-December 2019, advising them of any changes to the proposed Order Limits. This also included an explanation of the decision taken by the Applicant to extend the date for submission of the DCO Application. Draft template Heads of Terms documentation was also included with the email.
- A.6.1.12 In early February 2020, the full suite of updated template Heads of Terms documentation, including the draft Option and Lease, was sent by email to all LIG agents. A draft FAQs document was also included with the email. Copies of the populated Heads of Terms for each landowner or occupier were sent to LIG and non-LIG agents individually on 2nd March 2020.
- A.6.1.13 A further meeting, attended by LIG and NFU representatives, was held at Ørsted's offices in London on the 2nd March 2020 to discuss the Heads of Terms documentation. Heads of Terms template documentation including the Option, Lease, Occupier's Consent and the final FAQs document were circulated to LIG members on 10th March 2020.
- A.6.1.14 Throughout the course of 2020, the Applicant and Dalcour Maclaren held meetings with LIG and NFU representatives on 20 occasions to progress Heads of Terms negotiations for the Option Agreement/Lease and for Occupier's Consents.
- A.6.1.15 In October 2020, a number of virtual Technical and Drainage Workshops were delivered to landowners, occupiers, and their agents, to provide context to the practical elements of construction and to provide the opportunity for questions to be asked.
- A.6.1.16 Separate specific negotiations were also held with the LIG in late 2020 to agree Non-Intrusive Survey Licences for 2021.
- A.6.1.17 The impact of COVID-19 initially impacted on the ability to negotiate matters during the first national lockdown in 2020. Notwithstanding, it was possible to continue negotiations with the LIG by means of remote conferencing facilities. With relaxations in lockdown at various stages during 2020, it was possible to meet LIG members in person at a venue in Hull which provided suitably distanced facilities. These relaxations also allowed Dalcour Maclaren to hold on site meetings with agents and their clients.

- A.6.1.18 Further more intensive negotiations continued in early 2021 with an additional 20 meetings being held to narrow down the positions of the respective parties. Particular emphasis was placed on occupiers and the mechanism by which agreements would be completed without prejudicing the terms of agricultural tenancies.
- A.6.1.19 Further concessions were offered by the Applicant together with a substantially enhanced financial package. The revised and final financial terms were tabled in late March 2021. This offer reflected the full and final position which the Applicant was willing to take to conclude Heads of Terms and Legal Agreements with landowners and occupiers. It was also confirmed that no further LIG meetings with the Applicant or Dalcour Maclaren would be required, the LIG having served its purpose, and that LIG related costs would not be covered after 31st March 2021.
- A.6.1.20 Final Heads of Terms were issued in late March 2021 with an extended period for return which the LIG had sought in order to allow landowners and occupiers to qualify for the Incentive Payment. In order for landowners and occupiers to be eligible for the Incentive Payments, Heads of Terms were to be in a final form and signed by 30th April 2021 and Legal Agreements to be completed no later than 30th July 2021..
- A.6.1.21 Meetings were held with landowners, occupiers, and their agents throughout April to deal with any queries and to agree any landowner/occupier specific matters. By the deadline of 30th April 2021, all 61 of the 61 Heads of Terms documents issued were returned signed.
- A.6.1.22 In addition to those agents sitting on the LIG, there are 7 agents who sit outside the LIG, and with whom the Applicant and Dalcour Maclaren have liaised on an individual basis to progress Heads of Terms negotiations for the Option and Lease and for Occupier's Consents. Any concessions agreed with the LIG, including financial terms, have been reflected in the Heads of Terms for the non-LIG agents.
- A.6.1.23 The Applicant and Dalcour Maclaren have continued to engage with agents and their clients up to the Incentive Payment deadline of 30th July 2021 with a view to converting as many signed Heads of Terms as possible into completed legal agreements.
- A.6.1.24 During the weeks up to the Incentive Payment deadline, an offer was made to meet individual agents and solicitors with the view to resolving any outstanding queries. Representatives from the Applicant and Dalcour Maclaren made themselves available on site and held a number of face-to-face meetings.
- A.6.1.25 A final meeting was held with two members of the LIG (Sam Mellor of Dee Atkinson & Harrison and Martin Swann of Hornseys) on 22nd July 2021 to provide reassurance on a number of final outstanding points which were understood to be of concern to LIG members and their solicitors. It was confirmed subsequently that the matters had been resolved to their satisfaction.
- A.6.1.26 Throughout, the Applicant and Dalcour Maclaren have made every effort to facilitate discussion and to provide the opportunity for agents, LIG and non-LIG, and NFU representatives to reach agreement.

Appendix B Current status of negotiations with landowners and occupiers

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31	Glendon Estates (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route (including access).	The Applicant has concluded a Voluntary Agreement with the Glendon Estates.
2, 3, 9, 10, 12, 14, 15, 19	Geoffrey Riby (Occupier)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route (including access).	The Applicant has concluded a Voluntary Agreement with Mr Riby.
4, 6, 7, 8, 11, 13, 18, 21, 22, 23, 24, 25, 27, 29	Clifford Warkup (Occupier)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for access for construction of the	The Applicant has concluded a Voluntary Agreement with Mr Warkup.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
		onshore export cable route.	
4, 6, 7, 8, 11, 13, 18, 21, 22, 23, 24, 25, 27, 29	Graham Warkup (Occupier)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Mr Warkup.
4, 6, 7, 8, 11, 13, 18, 21, 22, 23, 24, 25, 27, 29	Martin Warkup (Occupier)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Mr Warkup.
4, 6, 7, 8, 11, 13, 18, 21, 22, 23, 24, 25, 27, 29	Neil Warkup (Occupier)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Mr Warkup.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
29, 30, 31	Christopher Riby (Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Mr Riby.
2, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52	James Tennant (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for access for construction of the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Mr Tennant.
2, 28, 30, 40, 43, 46, 58, 61	James H. Tennant Limited (Formerly known as J. H. Tennant Limited (Occupier))	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with James H. Tennant Limited.
53, 54, 55, 56, 57, 58, 72	C. C. Reed & Company Limited (Landowner/Occupier)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with C.C Reed & Company Limited both in their Landowner and Occupier capacity.
59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69	Ian Gilliat and Fenella Gilliat (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Mr and Ms Gilliat.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
		Temporary use for construction of the onshore export cable route.	
70, 71, 72, 73, 74	David Nicholas and Diana Blanchard (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Messrs and Ms Blanchard.
70, 71, 72, 73, 74	The Sanhouse Pensioner Trustee Company Limited (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with The Sanhouse Pensioner Trustee Company Limited.
75, 76, 78, 79, 80, 81, 82, 83, 84, 85	Carr House Farm Limited (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Carr House Farm Limited.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
77	Hannah Robinson (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Ms Robinson
86	Julie Morris (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Ms Morris.
87, 88, 89, 90, 91, 92	Jessie Morris and Rachel Norman (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for access for construction of the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Ms Morris and Ms Norman.
86, 87, 88, 90	Samuel Morris and James Morris (Occupier)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for access for construction of the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Messrs Morris.
93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106	Christopher Foreman and Christine Foreman (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has agreed principal Head of Terms and legal agreements are in negotiation by both parties legal representatives.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
		<p>Temporary use for construction of the onshore export cable route (including access).</p>	<p>The Applicant has been in discussions with Mr and Ms Foreman since June 2018. The outstanding point of concern for the Foreman's is the impact Hornsea Four may have on their dairy farming business.</p> <p>The Applicant is in consultation and negotiations with the Foreman's and their advisors in relation to a dairy report, which they have commissioned, and the Applicant is awaiting sight of.</p> <p>The Applicant remains willing to discuss individual matters in order to reach agreement. The Applicant is confident that there are appropriate construction and engineering measures, which are used routinely in the industry, which can be used to minimise disruption and mitigate losses. In addition, compensation for any loss or damage will be paid by the Applicant.</p> <p>The Applicant is confident that a voluntary agreement will be entered into prior to the close of the Examination.</p>
101, 107, 108, 110, 111, 112, 113, 116, 117, 118, 119, 125	WAA Wind Limited (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with WAA Wind Limited.
109, 110, 111, 112, 113, 118, 119, 121, 125	Christopher Branston Foster (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Foster.
86, 87, 88, 90, 109, 110, 111, 112, 113, 118, 119, 121, 125	Richard Edward Foster (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for</p>	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Foster.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
		access for construction of the onshore export cable route.	
109, 110, 111, 112, 113, 118, 119, 121, 125	Susan Verena Foster (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Ms Foster.
110, 112, 113, 114, 115, 116, 117	Peter, Paul, Patrick and Morean Plewes (Landowner)	Temporary use for access for construction of the onshore export cable route	<p>The Applicant has been in liaison with Mrs Morean and Messrs Peter, Patrick, and Paul Plewes on an individual basis since June 2018. The Applicant has continued to communicate with the landowners and their representatives in order to agree a voluntary access only agreement.</p> <p>Negotiations are ongoing with the landowners and their representative, Mr Tom Julian of Ulyyotts (Rural) Limited, in relation to Access Only Heads of Terms with a view to finalising the terms and concluding a Voluntary Agreement in the coming months.</p> <p>Numerous meetings and discussions around the Access Only Heads of Terms have taken place. Mr Julian, on behalf of the landowners, has two main concerns regarding the use of the access, which are:</p> <ol style="list-style-type: none"> 1) The possibility of restricted access and use of Brigham Bridge. 2) The ongoing maintenance of the access and Brigham Bridge. <p>The Applicant considers that these concerns can be addressed using appropriate construction and engineering measures, which are used routinely in the industry. Such measures can minimise disruption and mitigate losses. In addition, compensation for any loss or damage will be paid by the Applicant.</p> <p>The Applicant remains willing to discuss these matters in order to reach agreement. The Applicant is confident that a voluntary agreement will be entered into prior to the close of the Examination.</p>

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
106, 107, 120, 121, 122, 123, 124	The Driffield Navigation Trust (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	<p>The Applicant has been in discussions with The Driffield Navigation Trust since June 2018. The Project has continued to communicate with the landowner and their representatives in order to agree a voluntary access only agreement.</p> <p>Negotiations are ongoing with the landowner and their representative, Mr Tom Julian of Ulyyotts (Rural) Limited, in relation to Access Only Heads of Terms with a view to finalising the terms and concluding a Voluntary Agreement in the coming months.</p> <p>Numerous meetings and discussions around the Access Only Heads of Terms have taken place. Mr Julian, on behalf of the landowners, has one main concern regarding the suitability, use and maintenance of the Brigham Bridge. The Applicant considers that this concern can be addressed using appropriate construction and engineering measures, which are used routinely in the industry. Such measures can minimise disruption and mitigate losses. In addition, compensation for any loss or damage will be paid by the Applicant.</p> <p>The Applicant remains willing to discuss these matters in order to reach agreement. The Applicant is confident that a voluntary agreement will be entered into prior to the close of the Examination.</p>
126, 127, 128, 129, 130, 131, 138	Michael Braim (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Mr Braim.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
132, 133, 134, 135, 136, 137, 139, 140, 141	David Lovel and Suzanne Lovel (Landowner)	<p>New rights and the imposition of restrictions for the New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Mr and Ms Lovel.
143	David Watson (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Mr Watson.
142, 143, 144, 145, 146	Ian Thompson, Keith Thompson and Roy Thompson (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Messrs Thompson.
147, 151, 152, 153, 154	Andrew Thompson, John Thompson and Pamela Thompson (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Messrs and Ms Thompson.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
147, 148, 149, 150	Janet Goatley and Philip Goatley (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	<p>The Applicant has been in discussions with Mr and Ms Goatley since June 2018. The Applicant has continued to communicate with the landowners and their representatives in order to agree a voluntary agreement.</p> <p>The Applicant has agreed principal Head of Terms with Mr & Mrs Goatley however the Applicant has yet to conclude a voluntary agreement with them-</p> <p>The land through which the cables are proposed to be laid is a section of publicly adopted highway which abuts their house and is in their ownership.</p> <p>Negotiations are ongoing and the Applicant remains willing to discuss these matters in order to reach agreement.</p>
155, 156, 158	Bridge House Farm Watton Limited (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for construction of the onshore export cable route.</p>	<p>The Applicant has agreed principal Head of Terms and legal agreements are in negotiation by both parties legal representatives.</p> <p>The Applicant has been in discussions with Bridge House Farm Watton Limited and their predecessor in title since June 2018. The Applicant has continued to communicate with the landowner and their representatives in order to agree a voluntary agreement.</p> <p>The main outstanding point which has prevented the conclusion of a voluntary agreement with Bridge House Watton Limited relates to the structure of the documentation, as the structure of the land occupation is complex and there is a tenant, underlease and sub underlease. Both the freehold and various leasehold parties are connected.</p> <p>The Applicant remains engaged with Bridge House Watton Limited's appointed legal team and land agent in order to develop a mechanism through which an appropriate Occupier's Consent can be agreed. The Applicant is confident that a voluntary agreement can be entered into prior to the close of the Examination.</p>

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
156	Warrendale Farms Limited and Wot-A-Pullet Limited and Wot-An-Egg Limited (Occupier)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for construction of the onshore export cable route.</p>	<p>The Applicant has agreed principal Head of Terms and legal agreements are in negotiation by the parties legal representatives.</p> <p>The Applicant has been in discussions with Warrendale Farms Limited since June 2018. The Applicant has continued to communicate with the occupier and their representatives in order to agree a voluntary agreement.</p> <p>The main outstanding point which has prevented the conclusion of a voluntary agreement with Warrendale Farms Limited relates to the structure of the documentation, as the structure of the land occupation is complex and there is a tenant, underlease and sub underlease.</p> <p>The Applicant remains engaged with Warrendale Farms Limited in order to develop a mechanism through which an appropriate Occupier's Consent can be agreed. The Applicant is confident that a voluntary agreement can be entered into prior to the close of the Examination.</p>
158, 160, 161, 162, 163, 164, 165	Paul Walker and Penny Anne Walker (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Mr Walker.
166, 167, 168, 169, 174	Nicholas and Robin Sinkler (Landowner/Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Messrs Sinkler as a landowner and has concluded negotiations of a Voluntary Agreement and is awaiting completion with them in an occupier capacity.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
170, 171, 172, 173, 174, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222	Henry Hotham, David Brotherton, Henry Trotter (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route (including access).	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion the Dalton Estate.
170, 171, 173	John Duggleby (Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Duggleby.
176	Samuel Beachell (Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Beachell.
177, 179	Malcolm Bayes (Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Bayes.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
178, 180, 181, 182, 183, 184, 187, 188, 189, 190, 191, 192, 193, 195, 196, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216	Anthony Ireland (Occupier)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route (including access).	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Ireland.
193, 195, 196, 197, 192, 200	Alistair Grant (Occupier)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route (including access).	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Grant.
222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233	J.S.R Farms Limited (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for access for construction of the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with J.S.R Farms Limited.
224, 225, 226, 227, 228, 232, 233, 234,	Christopher Lount and Michael Lount (Landowner)	New rights and the imposition of restrictions	The Applicant has concluded a Voluntary Agreement with Messrs Lount.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
235, 236, 237, 238, 239, 240, 241, 242		<p>for the onshore export cable route.</p> <p>Temporary use for construction of the onshore export cable route (including access)</p>	
243, 244, 245, 246	Martin Webb and William Goddard (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Messrs Webb and Goddard.
247, 317	East Riding of Yorkshire Council (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	<p>Discussions are ongoing between the Applicant and ERYC in relation to individual matters arising from the Heads of Terms for Option Agreement and a cooperation agreement or protective provisions for the overlap of statutory powers in the Order and the compulsory purchase order and side roads order for the A164/Jock's Lodge Improvement Scheme.</p> <p>The Council has not raised objections to the scheme.</p> <p>The Applicant remains willing to discuss matters with ERYC and is confident that a voluntary agreement will be entered into prior to the close of the Examination.</p>
248, 249, 251	Andrew Soanes (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Mr Soanes.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260	Molescroft Farms Limited (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Molescroft Farms Limited.
254, 255, 256, 257, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272	Andrew Cooke and Nicholas Cooke (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for construction of the onshore export cable route (including access).</p>	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Messrs Cooke.
273, 274, 275, 276, 277, 278, 279, 280, 281, 282	Andrew Oxtoby (Landowner)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	The Applicant has concluded a Voluntary Agreement with Mr Oxtoby.
203, 284, 285, 286, 287	Margaret Soanes (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Ms Soanes.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 306, 308, 309, 310, 311, 312, 316, 317, 340, 346, 348, 349, 351	Albanwise Limited (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route (including access).	The Applicant has concluded a Voluntary Agreement with Albanwise Limited.
305, 307, 313, 314, 315, 318, 319, 320, 321, 322, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 345	Albanwise Synergy Limited (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for construction of the onshore export cable route (including access).	The Applicant has concluded a Voluntary Agreements with Albanwise Synergy Limited in relation to the OnSS, EBI and onshore export cable route.
290	Pamela and Oliver White (Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr and Ms White.
294, 295, 296, 297	Robert Elvidge (Occupier)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for access for construction of the	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Elvidge.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
		onshore export cable route.	
303, 304, 306	John Clappison (Occupier)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for construction of the onshore export cable route (including access).</p>	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Clappison.
309, 310, 311, 312, 319, 320, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 339, 340, 345 346	Andrew Woodmansey (Occupier)	<p>New rights and the imposition of restrictions for the onshore export cable route.</p> <p>Temporary use for access for construction of the onshore export cable route.</p>	<p>The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Andrew Woodmansey in relation to the onshore export cable route.</p> <p>The Applicant has yet to have concluded a voluntary agreement with Mr Woodmansey for the permanent access track due to the Project only recently concluding an agreement with his landlord in relation the same.</p> <p>Mr Woodmansey raised an objection at Targeted Statutory S.42 Consultation in relation to concerns over the proposed route of an access road through the land they tenant. Mr Woodmansey raised further concerns regarding access during construction and the impact on his drainage.</p> <p>Discussions remain ongoing and Project representatives are engaging with the respective land agents and solicitors in order to reach a voluntary agreement. The Applicant is confident that a voluntary agreement will be entered into prior to the close of the Examination.</p>
323, 324	Mary Welbourn (Landowner)	New rights and the imposition of restrictions	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Ms Welbourn.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
		for the onshore export cable route.	
324, 325	Paul Haskins and Gilda Haskins and Kate Campbell (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Mr and Ms Haskins and Ms Campbell.
324, 325	Quarryside Farms Limited (Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Quarryside Farms Limited.
341, 343, 344	Christopher Freear (Landowner)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has concluded negotiations and a Voluntary Agreement is in an agreed form awaiting completion with Mr Freear.
342, 344, 349, 350	Edward Brown and Sean Brown (Landowner)	New rights and the imposition of restrictions for the onshore export cable route. Temporary use for access for construction of the onshore export cable route.	The Applicant has concluded a Voluntary Agreement with Messrs Brown.
347, 348, 349, 351	Eric Roustoby (Occupier)	New rights and the imposition of restrictions for the onshore export cable route.	The Applicant has been in liaison with Mr Eric Roustoby on an individual basis since October 2018. The Applicant has continued to communicate with the occupier and their representatives in order to agree a voluntary agreement.- The Applicant has concluded and agree heads of terms in relation to the land, but further consultation and negotiations are required in relation to the land.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of Negotiations
			<p>The Applicant has yet to conclude a legal agreement with Mr Roustoby with the principal reason being that the negotiations with their landlord (National Grid) are still ongoing.</p> <p>The Applicant remains engaged with Ralph Ward in order to reach agreement following conclusion of the Option Agreement with National Grid.</p>
318, 334	Malcom Peter Taylor and Jane Barbara Taylor (Beneficiaries of Rights)	Category 3 Interest	<p>The Applicant has entered into a Voluntary Agreement with the Taylors' landlord which includes additional measures in relation to their Property.</p> <p>The Applicant has been in liaison with Mr and Ms Taylor (Category 2 Interests) since July 2018. Mr and Ms Taylor's property is adjacent to the proposed onshore export cable route and in proximity to the OnSS and EBI. Several meetings have been held with Project representatives in order to minimise the impact Hornsea Four may have on their property.</p> <p>The Applicant has agreed to additional planting around the property which is expected to happen in 2021. Further measures may be agreed after the detailed design stage has been completed.</p> <p>Discussions are ongoing with Mr and Ms Taylor who remain engaged with Project representatives.</p>

Appendix C Summary of Negotiations with Statutory Undertakers and other Utilities

Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127	Statutory undertaker and status of negotiation
340, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356	National Grid Electricity Transmission plc (NGET)	<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. 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. The Applicant is not intending to extinguish any rights belonging to NGET.</p>	<p>NGET owns land and has apparatus within the Order Limits. The Applicant commenced discussions relating to protective provisions in May 2019. The Applicant and NGET are currently negotiating Heads of Terms in respect of a Lease of Easement.</p> <p>The Applicant has included Protective Provisions for the benefit of NGET in Part 3 of Schedule 9 of the draft Order.</p> <p>The Applicant's solicitors are currently negotiating the protective provisions and a side agreement with NGET's solicitors.</p> <p>An undertaking for NGET's costs was provided on 10 August 2021.</p>
39, 40, 282	National Grid Gas plc	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of National Grid Gas's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that National Grid Gas's apparatus will be protected and access maintained during construction. The Protective Provisions also ensure that (if necessary) no rights will be extinguished without National Grid Gas's agreement and no apparatus removed until</p>	<p>National Grid Gas has apparatus within the Order Limits. The Applicant commenced discussions jointly with NGET relating to protective provisions May 2019.</p> <p>The Applicant has included Protective Provisions for the benefit of National Grid Gas in Part 3 of Schedule 9 of the draft Order. The Applicant's solicitors are currently negotiating the protective provisions and a side agreement with National Grid Gas' solicitors.</p>

	<p>alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to National Grid Gas.</p>	<p>An undertaking for National Grid Gas' costs was provided on 10 August 2021.</p>
<p>176</p>	<p>Network Rail Infrastructure Limited</p> <p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Network Rail's undertaking. 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. However, the Applicant cannot agree not to utilise its compulsory acquisition powers until a voluntary agreement for the necessary property rights has been entered into.</p>	<p>Network Rail has apparatus and owns land within the Order Limits. The Applicant commenced discussions relating to protective provisions April 2019. The Applicant and Network Rail are currently negotiating an Option Agreement and a Lease of Easement over the land having verbally agreed heads of terms in July 2021.</p> <p>The Applicant has included Protective Provisions for the benefit of Network Rail in Part 4 of Schedule 9 of the draft Order.</p> <p>The Applicant's solicitors are currently negotiating the protective provisions and a framework agreement with Network Rail's solicitors.</p> <p>An undertaking for Network Rail's costs was provided on 6 July 2021.</p> <p>The Applicant has secured both Technical and Business Clearance from Network Rail and has applied for a Basic Asset Protection Agreement.</p>

<p>66, 225, 228, 242, 252, 257, 258, 259, 269, 315, 320, 321, 322, 324, 325</p>	<p>Northern Gas Networks Limited</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Northern Gas's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Northern Gas's apparatus will be protected and access maintained during construction. The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Northern Gas's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Northern Gas.</p>	<p>Northern Gas has apparatus within the Order Limits. The Applicant commenced discussions relating to protective provisions August 2019.</p> <p>The Applicant has provided Northern Gas with an Asset Protection Deed and is awaiting approval from Northern Gas of the document. The Applicant has chased for a response on 13/01/2021, 27/05/2021 and 16/07/2021 and subsequently provided further drawings to assist Northern Gas Networks.</p> <p>The Applicant has included Protective Provisions for the benefit of Northern Gas in Part 1 of Schedule 9 of the draft Order.</p>
<p>18, 37, 39, 62, 63, 72, 74, 75, 78, 79, 80, 82, 86, 87, 88, 90, 92,93,106, 109, 110, 130, 145, 147, 148, 164, 165, 166, 169, 181, 182, 215,</p>	<p>Northern Powergrid (Yorkshire) plc</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Northern Powergrid's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Northern Powergrid's apparatus will be protected and access maintained during construction. The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Northern Powergrid's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Northern Powergrid.</p>	<p>Northern Powergrid has apparatus within the Order Limits, including electricity cables (overground and underground). The Applicant commenced discussions with Northern Powergrid relating to protective provisions in April 2019. The Applicant's solicitors are currently negotiating a side agreement with Northern Powergrid's solicitors.</p> <p>An undertaking for Northern Powergrid's costs was provided on 15 December 2020. The Applicant's solicitors sent comments on a draft agreement to Northern Powergrid's solicitors on 10 July 2021. The Applicant's solicitors are awaiting a response from Northern Powergrid's solicitors.</p> <p>The Applicant has included Protective Provisions in Part 3 of Schedule 9 of the draft Order for the benefit of Northern Powergrid.</p>

<p>216, 228, 233, 234, 235, 236, 237, 238, 239, 244, 252, 279, 280, 282, 294, 310, 314, 315, 318, 319, 320, 321, 322, 323, 324, 325, 330, 331, 332, 333, 334, 340, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 355, 356</p>		
<p>343, 344, 345, 346, 347, 348, 349, 350. 351 352, 353,354 355, 356</p>	<p>UK Power Distribution Limited</p> <p>The Applicant considers that if needed the rights can be acquired without serious detriment to the carrying on of UK Power Distribution’s undertaking.</p> <p>The Protective Provisions in the draft Order ensure that UK Power Distribution’s apparatus will be protected and access maintained during construction. The Protective Provisions also</p>	<p>UK Power Distribution have Apparatus within the Order Limits including underground cables and a right of access over the road to Creyke Beck Substation.</p> <p>The Applicant has contacted UK Power Distribution to discuss routing. It is unlikely that UK Power Distribution cables will be crossed by the Hornsea Four.</p>

		ensure that (if necessary) no rights will be extinguished without UK Power Distribution's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to UK Power Distribution.	In any event, the Applicant has included Protective Provisions in Part 1 of Schedule 9 of the draft Order for the benefit of UK Power Distribution.
20, 36, 66, 69, 74, 90, 92, 93, 186, 187, 191, 195, 198, 221, 225, 227, 242, 243, 278, 279, 280, 294, 309, 310, 311, 312	Yorkshire Water Services Limited	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Yorkshire Water's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Yorkshire Water's apparatus will be protected and access maintained during construction. The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Yorkshire Water's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Yorkshire Water.</p>	<p>Yorkshire Water have Apparatus within the Order Limits.</p> <p>The Applicant has been in contact with Yorkshire Water to discuss Protective Provisions and in July 2021 Yorkshire Water accepted the Protective Provisions as drafted.</p> <p>The Applicant has included the agreed Protective Provisions in Part 1 of Schedule 9 of the draft Order for the Benefit of Yorkshire Water.</p>
342, 343, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356	Doggerbank Offshore Wind Farm Project 1 Projco Limited and Doggerbank Offshore Wind Farm Project 2 Projco Limited	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Doggerbank's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Doggerbank's apparatus will be protected and access maintained during construction. The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Doggerbank's agreement and no apparatus removed until alternative apparatus has been constructed.</p>	<p>Doggerbank has development consent to construct apparatus within the Order Limits, including electricity cables.</p> <p>Although the Order Limits for both projects overlap it is unlikely that the apparatus will physically cross.</p> <p>The Applicant and Dogger Bank continue to liaise to document their onshore coexistence. The Applicant has included Protective Provisions in Part 7 of Schedule 9 of the draft Order for the benefit of Doggerbank.</p> <p>The Applicant is also proposing to amend the Dogger Bank Offshore Wind Farm Order 2015 to include protective provisions for the benefit of Hornsea Four.</p>

196, 199, 200, 346	Environment Agency	The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the EA's undertaking. The Protective Provisions in the draft Order ensure that Environment Agency watercourse will be protected and access maintained during construction. The Applicant is not intending to extinguish any rights belonging to the Environment Agency.	Discussions are ongoing between Hornsea Project Four and the Environment Agency in relation to individual matters arising from the Heads of Terms for an Option Agreement. The Environment Agency have not raised objection to Hornsea Four. Project representatives have made attempts to negotiate with the Environment Agency, since the issue of Heads of Terms in March 2020. Meetings were held on the 29 th January 2021 and 7 th September 2021. The Applicant is confident that a voluntary agreement can be entered into prior to the close of the Examination. Protective Provisions for the benefit of the Environment Agency are included in Part 5 of Schedule 9 of the draft Order.
2A, 3A	The Beverley and Holderness Internal Drainage Board	The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the IDB's undertaking. The Protective Provisions in the draft Order ensure that IDB watercourses will be protected and access maintained during construction. The Applicant is not intending to extinguish any rights belonging to the IDB.	The Applicant commenced discussions relating to land rights in August 2021 and negotiations are ongoing. Protective Provisions for the benefit of the IDB are included in Part 6 of Schedule 9 of the draft Order.
107, 108, 121, 122, 123, 124, 125	Driffield Navigation Trust	N/A	The Driffield Navigational Trust has land and water courses within the Order Limits. The Applicant and the Trust are currently negotiating an Option Agreement and a Lease of Easement over the land.
20, 24, 36, 41, 43, 45, 48, 50, 70, 74, 75, 78,	British Telecommunications PLC	N/A	BT has apparatus within the Order Limits including in particular telecommunications equipment. The Applicant provided draft Protective Provisions to BT in August 2019. The Applicant has included Protective Provisions within Part 2 of Schedule 9 of the Draft DCO. The Applicant

<p>79, 80, 83, 84, 85, 133, 134, 140, 150, 152, 155, 167, 168, 185, 190, 191, 195, 197, 198, 205, 206, 207, 215, 216, 218, 220, 225, 228, 230, 232, 233, 237, 239, 253</p>		<p>consulted BT on Hornsea Four and BT confirmed that it had no objection to Hornsea Four.</p> <p>The Applicant has also received confirmation from BT that the Protective Provisions are acceptable.</p>
<p>338</p>	<p>Cornerstone Telecommunications Infrastructure Limited N/A</p>	<p>Cornerstone has rights for apparatus within the Order Limits. The Applicant provided draft Protective Provisions to Cornerstone in January 2020.</p> <p>The Applicant has included Protective Provisions within Part 2 of Schedule 9 of the draft Order.</p> <p>The Applicant has received confirmation from Cornerstone that the Protective Provisions are acceptable.</p>

195, 242, 253, 278, 312, 314, 318, 344	198, 274, 309, 313, 315, 343,	KCOM Group Limited	N/A	<p>KCOM has apparatus within the Order Limits. The Applicant provided draft Protective Provisions to KCOM in August 2019. The Applicant has included Protective Provisions within Part 2 of Schedule 9 and the draft Order.</p> <p>The Applicant has received confirmation from KCOM that the Protective Provisions are acceptable.</p>
346, 348, 350,	347, 352	Vodafone Limited	N/A	<p>Vodafone has Apparatus within the Order Limits. The Applicant provided draft Protective Provision to Vodafone in September 2020. The Applicant has included Protective Provisions within Part 2 of Schedule 9 of the draft Order.</p> <p>The Applicant has received confirmation from Vodafone that the Protective Provisions are acceptable.</p>
282, 325	323,	Ineos Manufacturing (Hull) Limited	N/A	<p>Ineos has leasehold interests and rights within the Order Limits.</p> <p>The Applicant's solicitors are negotiating a Crossing Agreement with Ineos.</p> <p>An undertaking for Ineos' costs was provided 30th November 2020. The Applicant's solicitors sent comments on a draft agreement to Ineos' solicitors on 10 July 2021. The Applicant' solicitors are awaiting a response from Ineos' solicitors.</p>