



Hornsea Project Four

Applicant's comments on the Crown Estate's Deadline 5 submission

Deadline: Additional Submission

Date: 28 June 2022

Document Reference: G5.37

Revision: 01

Prepared Hannah Towner-Roethe, Orsted, 28 June 2022
Checked Pinsent Masons, 28 June 2022
Accepted Francesca De Vita, Orsted, 28 June 2022
Approved Aparna Majmudar, Orsted, 28 June 2022

G5.37
Ver.. A

Revision Summary

<i>Rev</i>	<i>Date</i>	<i>Prepared by</i>	<i>Checked by</i>	<i>Approved</i>
01	28 June 2022	Hannah Towner-Roethe	Pinsent Masons	Aparna Majmudar

Revision Change Log

<i>Rev</i>	<i>Page</i>	<i>Section</i>	<i>Description</i>
01	NA	NA	Submitted into Examination ahead of Deadline 5A

Table of Contents

1.1 Comment on The Crown Estate’s deadline 5 submission (REP 5-123).....4

1.1 Comment on The Crown Estate's deadline 5 submission (REP 5-123)

- 1.1.1.1 In light of TCE's letter dated 14 June 2022 (**REP5-123**), as matter of law, the disapplication of the Interface Agreement should now be a closed point in this examination. Regardless, of the opinions expressed for, and against, disapplication, the parties are in agreement that such a provision would require the consent of TCE under s.135(2). It is clear from TCE's letter that it does not support disapplication and would not give consent pursuant to s.135(2). Accordingly, that should be the end of the matter. For the Applicant and TCE to incur further time or cost on this in the examination would be unreasonable.
- 1.1.1.2 Furthermore, it will have been clear from submissions made by bp on behalf of the Northern Endurance Partnership to date in this examination, that the underlying purpose has been a commercial one, designed to improve NEP's position over that in the Interface Agreement. TCE's letter makes clear that the overlap of the CCUS and wind farm projects has been contemplated for a number of years and the IA put in place, before the seabed interest was granted in respect of the CCUS project, precisely to manage that potential conflict. The DCO applied for by Orsted, is not the place to do that, which in effect, is what the protective provisions sought by NEP, which demand exclusivity in the overlap zone for the CCUS project, aim to achieve.
- 1.1.1.3 The Applicant accepts the value of the CCUS project to the UK's decarbonisation objectives and, as a matter of principle, supports the project. The Applicant's commitment to that was clear from the outset by the inclusion of protective provisions for the benefit of the CCUS in the DCO application – the Applicant is committed to making coexistence in the overlap zone achievable. It believes that's the right position to take mindful of its role in decarbonisation, and it's what policy expects. The focus of the examination should now be on the detail of the protective provisions offered by the Applicant at Deadline 5 and ensuring that the mechanism offered enables consent to be granted (should the Secretary of State be minded to do so) confident that there is a way forward, through the protective provisions and the IA, for the NEP, the Applicant and TCE to realise both projects in the overlap zone.