



# Hornsea Project Four

## Applicant's response to Rule 17 letter Deadline 6

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## Revision Summary

<i>Rev</i>	<i>Date</i>	<i>Prepared by</i>	<i>Checked by</i>	<i>Approved</i>
01	27/07/2022	Helen Gray, Orsted	Pinsent Masons LLP	John Galloway, Orsted

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## Revision Change Log

<i>Rev</i>	<i>Page</i>	<i>Section</i>	<i>Description</i>
01	N/A	N/A	Submitted at Deadline 6.

## 1 Annex A: Request for updates in relation to Compulsory Acquisition (CA) and Temporary Possession (TP)

PINS Request	Applicant's Response
<p>At CAH1 [EV-009] the Applicant advised that the owners of Throstle Nest Farm [RR-023] had sold their property to the East Riding of Yorkshire Council (ERYC) and, as a consequence, their objection to CA had fallen away. No correspondence from either the owners of Throstle Note Farm or ERYC confirming this has been submitted into the Examination. As such, the objection to CA remains outstanding. Can either the owners of Throstle Nest Farm confirm that they have sold the property and ERYC confirm that they have purchased the property and no longer object to the CA of land?</p>	<p>The Applicant has been made aware by Mr and Mrs Goatley's agents that, following receipt of the Rule 17 letter, Mr and Mrs Goatley have emailed the ExA directly to withdraw their representation.</p> <p>The Applicant received confirmation from ERYC by email on 12 April 2022 that ERYC had completed the purchase of Throstle Nest Farm from Mr and Mrs Goatley on 8 April 2022. This was confirmed to the ExA by the Applicant and by the representatives for ERYC at CAH1 on 13 April 2022. The Applicant will update <a href="#">E1.3: Book of Reference (REP2-024)</a> accordingly at Deadline 7.</p>
<p>Can the Applicant provide an update on the progress of negotiations for Crown consent and whether this will be obtained before the close of the Examination? If Crown consent is unlikely to be obtained by the close of the Examination, the Applicant will need to provide an explanation at Deadline 7, Wednesday 10 August 2022, outlining how the Proposed Development could proceed if all the Crown land has to be removed from the Order land.</p>	<p>The Applicant continues to chase the Crown Estate Commissioners for a response. Following CAH1, the Crown Estate Commissioner appointed external solicitors, Town Legal LLP, to deal with the matter on 16 June 2022. The Applicant's solicitors have been chasing the Crown Estate Commissioner's solicitors on a regular basis with the most recent chaser sent on 26 July 2022. The Applicant is hopeful that consent pursuant to s135 of the PA 2008 will be obtained prior to the close of the Examination. The Applicant notes the ExA's request for a submission at Deadline 7 on this matter.</p> <p>As stated at CAH1 (<a href="#">REP3-044</a>), if Crown Consent was not issued for any reason, it would not be possible for the Applicant to be granted compulsory acquisition powers over any Crown land in respect of interests held by other persons. However, as these plots only cover the foreshore any other interests in the land are limited. Where such interests have been identified, the Applicant has entered into a voluntary agreement with the relevant landowners and occupiers (see <a href="#">REP5-041</a>).</p> <p>Whilst it is appreciated that the ExA needs to make a recommendation based on the status of the s135 consent at the close of Examination, the Applicant reiterates its position that section 135 of the PA 2008 only requires the Crown Estate Commissioners to provide their consent prior to a decision being issued by the Secretary of State. The Applicant is aware that it is fairly typical, albeit not ideal, for such consent to be provided during the determination period.</p>

PINS Request	Applicant's Response
<p>For Deadline 7, Wednesday 10 August 2022, can the Applicant undertake a review of the Book of Reference [REP2-024] to ensure that it is up to date, free from inaccuracies and accurately reflects any changes to ownership of affected land that may have arisen during the course of the Examination.</p>	<p>The Applicant will review <b>E1.3: Book of Reference (REP2-024)</b> in accordance with its duty to conduct diligent inquiries and an updated version of the document will be submitted at Deadline 7.</p>