

National Infrastructure Planning
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

By Email: HornseaProjectFour@planninginspectorate.gov.uk

16 August 2022

Dear Sirs

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Ørsted Hornsea Project Four Limited ("the Applicant") for an Order granting Development
Consent for the proposed Hornsea Project Four Offshore Wind Farm ("HOW4")**

We refer to our letters dated 16 June 2022 and 25 July 2022, in relation to the proposal by BP Exploration Operating Company Limited (bp) to include protective provisions in the Order that would have the effect of disapplying the Interface Agreement, to which The Crown Estate is party.

We have now reviewed bp's response to Deadline 6 and in particular, the draft wording which gives effect to bp's revised approach to the protective provisions. We note that bp is now proposing the disapplication of only part of the Interface Agreement namely, bp's liability to the Applicant for compensation. In place of this, bp has made provision for the Secretary of State to determine an appropriate level of compensation which would be payable to the Applicant as a result of the exclusion of HOW4 from the overlap zone.

We have also seen the Applicant's response to bp's Deadline 6 submission dated 10 August 2022.

The Crown Estate remains concerned about the setting aside of any provision of the Interface Agreement in circumstances where all parties - including bp - freely agreed to the rights and obligations under that Agreement. The Crown Estate maintains the position set out in the letter dated 16 June 2022, which was briefly as follows:

- The disapplication of the Interface Agreement – and any part of it - would be unreasonable and disproportionate.
- The scope of the Secretary of State's power under Section 120(3) Planning Act 2008 is not sufficient to give effect to the disapplication of the Interface Agreement, as proposed by bp.
- The inclusion in the Order of any provision which has the effect of disapplying the Interface Agreement (or any part of it) will also require the consent of The Crown Estate under Section 135(2) Planning Act 2008. As indicated in the letter of 25 July 2022, this remains the case even assuming the rights of The Crown Estate are not directly affected because the Interface Agreement relates to Crown land (i.e., the seabed in the overlap zone).

On the issue of consent under Section 135(2), currently The Crown Estate is not minded to agree to bp's protective provisions and the disapplication of any part of the Interface Agreement. However, we are willing to review our position once we have an understanding of the recommendations of the Examining Authority, the position of the Secretary of State and the progress of discussions between bp and the Applicant between now and then.

Yours faithfully



Simon Goodwin

Head of Marine Delivery