

**From:** [REDACTED]  
**To:** [Sunnica Energy Farm](#)  
**Cc:** [REDACTED]  
**Subject:** CAH2 - HPUT A Limited and HPUT B Limited - PINS Reference: 20031202 [BCLP-LEGAL.FID2869086]  
**Date:** 13 February 2023 17:18:37  
**Attachments:** [Letter to PINS re CAH2.pdf](#)  
[FHPUT Draft Protective Provisions - BCLP comments 7 2 23 + PM comments January 2023\(221463796.1\).doc](#)  
[Sunnica - HPUT protective provisions plan - 27 January 2023\(137848235.1\).pdf](#)

---

Dear Sir/Madam,

We are solicitors acting on behalf of HPUT A Limited and HPUT B Limited as trustees of the Federated Hermes Property Unit Trust.

Please find attached a letter with an update on the progress of engagement between our clients and the applicant, Sunnica, in advance of the second compulsory acquisition hearing tomorrow. You will note from the letter that our clients are not proposing to participate tomorrow, and will keep the Examining Authority updated pending completion of the option agreement currently being negotiated and withdrawal of its objection to the application at that point.

Please could you confirm receipt of this email.

Yours sincerely,

Sheridan Treger



SHERIDAN TREGER  
Senior Associate

[REDACTED]

BRYAN CAVE LEIGHTON PAISNER LLP  
Governor's House, 5 Laurence Pountney Hill, London EC4R 0BR, United Kingdom

[REDACTED]  
[REDACTED]  
[REDACTED]

---

### Bryan Cave Leighton Paisner LLP

Governor's House, 5 Laurence Pountney Hill, London EC4R 0BR, UK  
DX 92 London/Chancery Lane  
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 [REDACTED]

This email is from a law firm. It is confidential and may be covered by legal privilege. If you have received this email in error, please notify us immediately and delete it (including any attachments). You should not disclose its contents to any other person. We may monitor and record electronic communications in accordance with applicable laws and regulations. Where appropriate, we may also share certain information you give us with our other offices (including in other countries) and select third parties. For further information ([including details of your privacy rights and how to exercise them](#)), see our updated Privacy Notice at [REDACTED]

Bryan Cave Leighton Paisner LLP is a limited liability partnership registered in England and Wales (registered number OC315919) and a member of the BCLP Group (a "BCLP Firm") authorised and regulated by the Solicitors Regulation Authority under number 426866. A list of partners is open to inspection at its registered office: Governor's House, 5 Laurence Pountney Hill, London EC4R 0BR, UK. Within the BCLP Group, 'partner' is used to refer to a member, or an employee or consultant with equivalent standing and/or qualifications as required, of the BCLP Firm in which they practise. In the US, all our partners are members. For further information, see our website legal notices [REDACTED]

Date: 13 February 2023  
Our ref: STRE/2029937.123  
Your ref: EN010106/Sunnica  
DDI: [REDACTED]  
e-mail: [REDACTED]@bcplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP  
Governor's House  
5 Laurence Pountney Hill  
London EC4R 0BR  
United Kingdom  
T: +44 (0)20 3400 1000  
F: +44 (0)20 3400 1111  
DX92 London  
[REDACTED]

National Infrastructure Planning  
Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**By email only to Sunnica@planninginspectorate.gov.uk**

Dear Sir/Madam,

**Sunnica Energy Farm**

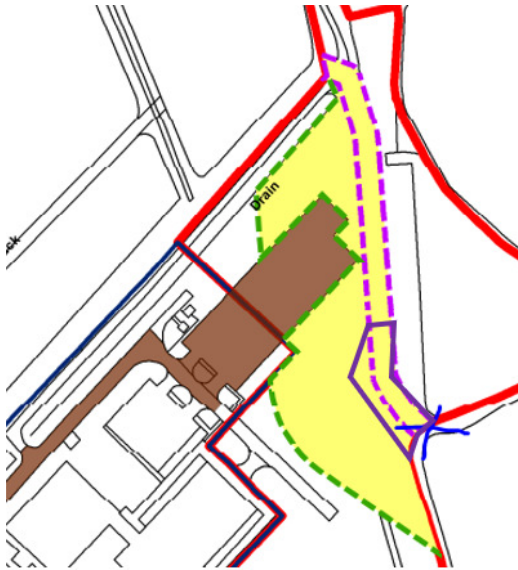
**FHPUT update relating to the Campus to the east of Newmarket Road**

**Compulsory Acquisition Hearing 2 ("CAH2")**

**PINS Reference: 20031202**

- 1 We act on behalf of HPUT A Limited and HPUT B Limited as trustees of the Federated Hermes Property Unit Trust ("**FHPUT**") in relation to Sunnica Energy Farm (the "**DCO Scheme**"). FHPUT are the freehold owners of the Campus site which lies to the east of Newmarket Road, as shown on sheet 16 of the land plans [REP2-003] and in figure 1 of FHPUT's Written Representation [REP2-144].
- 2 In advance of CAH2 tomorrow, we write to update the Planning Inspectorate on progress made with Sunnica to achieve protective provisions and negotiate an option agreement since we submitted Comments on Sunnica's Response to Written Representations on 13 January 2023.
- 3 Sunnica confirmed on 10 February 2023 that the form of protective provisions which accompanies this letter is now agreed, and both it and FHPUT would request that the Secretary of State include these on the face of the DCO. These include limited but important updates to the version included by Sunnica in its draft DCO submitted at Deadline 6.
- 4 FHPUT agreed on 10 February 2023 that the Campus Plan to which the protective provisions refer (also appended to this letter) could be amended to widen the Campus cable route corridor dashed blue as per the purple edged extent on the image below.

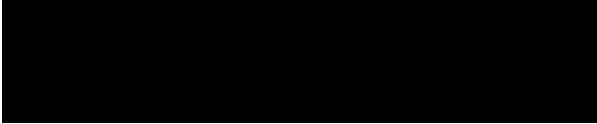
To: Planning Inspectorate  
Date: 13 February 2023  
Page: 2



- 5 Sunnica's solicitors, Pinsent Masons, provided us with a first draft option agreement and easement in respect of rights for the DCO Scheme over the yellow land above on 24 January 2023. We returned comments on these on 7 February 2023, with further appropriate measures to protect the Campus including a compensation mechanism and costs provision. The first draft option was a standard form document for a range of potential scenarios across this long linear scheme, so we also removed a number of provisions we considered inappropriate or unnecessary in the circumstances.
- 6 The option and easement are still being negotiated but Pinsent Masons has in correspondence with us today agreed key principles for the option, which we hope suggests it is capable of being agreed over coming weeks and completed in advance of the close of the Examination.
- 7 As the option has not actually yet been completed, **FHPUT must still prudently maintain its objection to the DCO Scheme.**
- 8 However, with the protective provisions now in agreed form and, we assume again, no particular obstacle to the option being completed before the Examination closing to the satisfaction of both parties, the aspiration is for FHPUT's objection being withdrawn as soon as that completion is achieved.
- 9 In those circumstances, FHPUT is content for Pinsent Masons and us to work towards the expeditious completion of the option and, in the interim, **does not propose participating in tomorrow's CAH2** or the Examination more widely. If any issues arise with negotiation of the option which alter this, we will inform the Examining Authority as soon as possible.
- 10 We hope this update assists the Examining Authority. If you have any queries for us please do not hesitate to respond to this letter, which we are copying to Pinsent Masons.

To: Planning Inspectorate  
Date: 13 February 2023  
Page: 3

Yours faithfully



**Bryan Cave Leighton Paisner**

LEGAL.221689819.1/STRE