

Application reference: EN010115

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Reference: 005301179-01

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Five Estuaries Offshore Wind Farm Project

Dear Mr Johansson,

Further to the letter received from the Examining Authority (ExA) on 23 July 2024 [PD-005] and the Procedural Decisions made by the ExA on 8 August 2024 [PD-006] in response to the Applicant's submitted 10.2.1 Draft Land Rights Tracker Template [PD1-003], the Applicant has produced and submitted the requested document: **10.2 Land Rights Trackers**.

Below is a table setting out the comments made by the ExA with regards to the draft template and the Applicant's response.

Comment from ExA	Applicant response
1) In section B [Examination Library references] the layout should take the form of a single column rather than multiple columns to avoid the tracker becoming unduly wide and difficult to follow on screen. The Examination Library references for Relevant Representations should be cited first followed by each relevant deadline submission listed in chronological order.	Noted and template updated.
2) Given the intention for the tracker to be divided into two parts, one for Category 1 persons and one for Category 2 persons there will be no need for the first column in	The Applicant has retained these columns as there is a potential for Category 1 occupiers to raise relevant

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<p>section D (draft DCO information). That first column in section D should therefore be deleted.</p>	<p>reps who would sit under the second tab (now renamed "All other interests"). The intention is for tab 1 (now renamed "CAT 1 owners") to be for landowners we are seeking voluntary agreements with.</p>
<p>3) With respect to Temporary Possession, while the ExA notes the Applicant's commentary on this aspect of the trackers, the ExA nevertheless considers that worst case estimates for the duration of the possessions should be included. The Applicant should populate the tracker on that basis.</p>	<p>Please see section 2 of this document for the Applicant's response.</p>
<p>4) In [PD-005] the ExA omitted to request that for each Land Plot the relevant Work Number(s) should be identified together with a summary descriptor for the proposed acquisition of a freehold or the acquisition for a right(s). The ExA considers that information should be included in the trackers. For example, in the case of Land Plot 17-024 (onshore substation site) the Works Number column should cite the relevant substation zone works (Work Number 15, 15A, 15B etc) and provide a summary descriptor.</p> <p>In adding this column to the trackers and populating it the Applicant should ensure the information presented is accurate. In that regard the Schedule of Negotiations [APP-027] appears to be subject to some inaccuracy. For example, in [APP-027] the entry for June Hilda Varley refers to the affected Land Plot as being 04-001, while the relevant works package is identified as being 12/12A. For that entry in [APP-027] there appears to be an inconsistency between the works being referred to and relevant Land Plan given that Work Numbers 12 and 12A concern Land Plot 14-004, while Work Numbers 7/7A relate to Land Plot 04-001.</p>	<p>Noted and template updated.</p>
<p>5) The ExA agrees with the Applicant that the submission of the LR tracker would make it unnecessary for the Schedule of Negotiations [APP-027] submitted with the Application to be updated and resubmitted during the Examination. Accordingly, the Applicant need not resubmit [APP-027] during the Examination.</p>	<p>Noted and agreed. In addition, the information recorded in the Statutory Undertakers Position Statement [APP-028] is now also recorded in this document 10.2 Land Rights Trackers, therefore the Applicant proposes that the</p>

	Statutory Undertakers Position Statement [APP-028] also need not be updated and resubmitted during the Examination.
6) For consistency with [PD-005] can the final version be titled 'Land Rights Trackers' and where appropriate this term be used in all correspondence and documentation for the duration of the Examination.	Noted and updated.

Note regarding period for temporary possession

As set out above, the ExA made the following comment with regards to the 10.2.1 Draft Land Rights Tracker Template [PD1-003]:

“With respect to Temporary Possession, while the ExA notes the Applicant’s commentary on this aspect of the trackers, the ExA nevertheless considers that worst case estimates for the duration of the possessions should be included. The Applicant should populate the tracker on that basis.”

The Applicant has not incorporated this change into the template for the following reasons. The Applicant is seeking to temporarily occupy land required during the construction of the project over which rights are not required once construction has been completed. The use of temporary possession acts to minimise the areas over which compulsory acquisition is sought by identifying areas only needed during the construction phase and using temporary possession to occupy that land rather than acquiring permanent rights.

The Applicant cannot define specific periods for which temporary possession will be taken on individual plots as this will depend partly on the build scenario adopted, partly on the final construction programme (which will be finalised after consent is granted) and partly on –site-specific issues such as ground conditions or the details of the construction methodology or trenchless crossing technique to be used in a particular location.

The build scenarios are described in the 9.30 Co-ordination Document [APP-263] at section 3 and allow for potential to co-ordinate closely with the North Falls offshore windfarm project, thereby seeking to minimise the overall impacts on landowners of the construction of the two projects. Scenario 1 allows for the project to install additional ducts while it is carrying out its own construction works as part of one works programme. Scenario 2 allows for the reuse by the second project of temporary works carried out by the first, such as construction compounds and accesses. The use of co-ordinated build scenarios may increase the length of temporary possession by the first project where it is undertaking all of the duct works, but would reduce the overall impact on the affected landowners. By using one set of temporary works for both projects (scenario 2) with no need for the first project to reinstate, hand back to landowner, the second then to take possession, create a working area, carry out their works, reinstate and hand back, the overall impacts could also be reduced. Under scenario 2, projects in effect would ‘handover’ a site such as an access or construction compound from the first to the second project without intervening restoration and recreation of that. Where an area is handed over, the projects will co-ordinate the issue

of notices so that the first project's temporary possession ends on the date the second project takes possession, to ensure that landowners have clarity and certainty.

As described in the 6.3.1 Onshore Project Description – Revision B [AS-004] at section 1.11 Project Programme, the overall onshore construction and commissioning for the project is expected to take around five years to fully complete. This is for all of the onshore works and not all sections will be developed concurrently.

The onshore cable route construction period has been assessed as a total length of 18 to 27 months in its entirety. The cable route would be constructed in sections, and the individual sections of the cable route are anticipated to require up to 18 months for construction.

The Applicant has to make allowance within the Environmental Impact Assessment for some unexpected elements to arise in creating the Rochdale Envelope for the build period, and retain flexibility in the use of temporary possession to address uncertainty. These could include finding unexpected contamination or an archaeological find which needs to be properly managed under the Written Scheme of Investigation before construction can progress, both of which may mean that works take longer to complete than would otherwise have been anticipated. In many areas, it is likely that land will be able to be restored and handed back earlier than the conclusion of the full construction programme or the maximum assessed period for that work. The timing of this will however depend on site specific conditions, the use of the land, the works it is being used for and the build scenarios. For example, some construction compounds may be able to be reinstated and temporary possession ended once the main construction for which they are required is complete, but temporary accesses to cables may continue to be needed for testing and commissioning and restored later.

The worst case estimate for temporary possession is accordingly the full construction period for the relevant work(s) plus the time needed to reinstate the land to a suitable condition to be returned. What reinstatement work is required will be site specific and may be partly seasonally dependent, for example where planting is required. In line with the standard drafting, the Development Consent Order therefore allows for temporary possession to be retained for a period of up to year post completion of the relevant works, however the Applicant will seek to return land held under temporary possession as soon as practical, and will not hold it for unnecessarily long periods.

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If you have any questions about our response or the submitted document, or if there is anything further we can provide, please do not hesitate to contact the team.

Yours sincerely,



Diane Mailer

Project Lead

Five Estuaries Offshore Wind Farm Ltd