

**RWE Renewables UK Dogger Bank
South (West) Limited**

**RWE Renewables UK Dogger Bank
South (East) Limited**

Dogger Bank South Offshore Wind Farms

**Statement of Reasons
Volume 4**

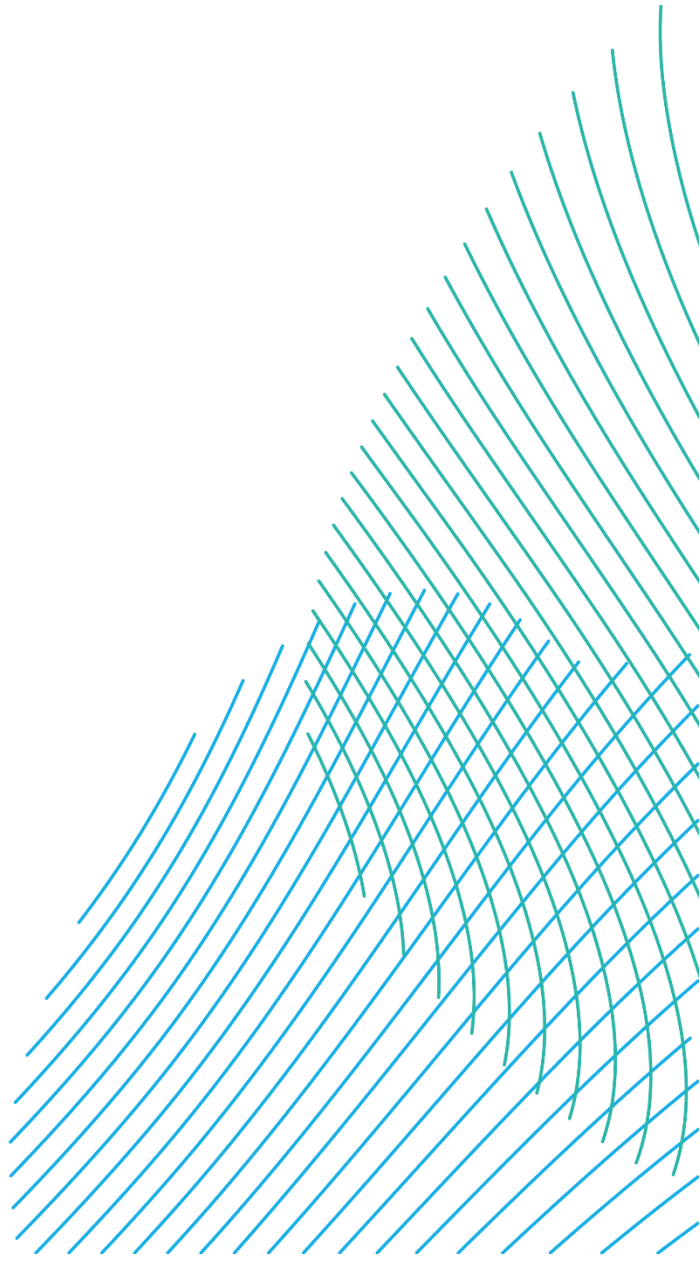
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CONTENTS

Clause	Heading	Page
1	SUMMARY	4
2	INTRODUCTION	6
3	BACKGROUND TO PROJECT	7
4	PROJECT DESCRIPTION	8
5	NEED FOR AND BENEFITS OF THE PROJECT	11
6	POWERS OF COMPULSORY ACQUISITION	17
7	SITE SELECTION	21
8	PLANNING POLICY POSITION.....	23
9	THE EXTENT OF THE LAND SUBJECT TO POWERS	29
10	IDENTIFYING PERSONS WITH AN INTEREST IN THE LAND	30
11	ENGAGEMENT WITH AFFECTED PARTIES	32
12	CASE FOR POWERS OF ACQUISITION SOUGHT	33
13	SPECIAL CONSIDERATIONS	51
14	HUMAN RIGHTS	56
15	COMPENSATION	58
16	ABSENCE OF IMPEDIMENTS	61
17	CONCLUSION	62
18	FURTHER INFORMATION	63

GLOSSARY

Term	Definition
Applicants	means RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited as the owners of DBS West and DBS East respectively.
Application	means the application for development consent made to the Secretary of State for Energy Security and Net Zero by the Applicants to construct and operate the proposed DBS West and DBS East Offshore Wind Farms and associated development.
Book of Reference	means the document produced in accordance with the provisions of Regulation 7 of the 2009 Regulations and given application document ref: 4.2.
Convention	means the European Convention on Human Rights.
Dogger Bank South Offshore Wind Farms	means the collective name for the two Projects, DBS East and DBS West.
EN-1	means the overarching National Policy Statement for Energy (EN-1) published by the Department for Energy Security and Net Zero on 22 November 2023 and designated on 17 January 2024.
EN-3	means the National Policy Statement for Renewable Energy, published by the Department for Energy Security and Net Zero on 22 November 2023 and designated on 17 January 2024.
EN-5	means the National Policy Statement for Electricity Networks Infrastructure, published by the Department for Energy Security and Net Zero on 22 November 2023 and designated on 17 January 2024.
ES	means the Environmental Statement forming part of the Application, which has document application reference numbers 7.0 (Non-Technical Summary, 7.1.0 – 7.30.0 (ES Chapters), 7.4.1 – 7.29.1 (ES Figures) and 7.4.4.1 to 7.30.30.3 (ES Appendices).
Guidance	means the “Planning Act, Guidance related to procedures for the compulsory acquisition of land” published by the Department for Communities and Local Government, September 2013 ¹ .

¹ Planning Act 2008: Guidance on associated development applications for major infrastructure projects (publishing.service.gov.uk)

Term	Definition
Jointing Bay	means underground structures located at regular intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried cable ducts.
Landfall	means the point on the coastline at which the Offshore Export Cables are brought onshore, connecting to the Onshore Export Cables at the Transition Joint Bay above Mean High Water Springs.
Mean High Water Springs (MHWS)	means the average of the heights of two successive high waters during a 24 hour period, when the range of the tide is at its greatest.
Mean Low Water Springs (MLWS)	means the average of the heights of two successive low waters during a 24 hour period, when the range of the tide is at its lowest.
National Grid	means National Grid Electricity Transmission Plc (company registration number 02366977), whose registered offices is at 1 to 3 Strand, London, WC2N 5EH.
Offshore Export Cables	means the cables which would bring electricity from the offshore platforms to the Transition Joint Bays.
Offshore Export Cable Corridor	means the area which will contain the Offshore Export Cables (and potentially the Electricity Switching Platform (ESP)) between the offshore substation/converter platforms and Transition Joint Bays at the landfall.
Onshore Converter Stations	means a compound containing electrical equipment required to transform HVDC and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network as HVAC. There will be one Onshore Converter Station for each Project.
Onshore Export Cables	means the cables taking the electric from the Transition Joint Bay to the Onshore Converter Stations.
Onshore Export Cable Corridor	means the area which includes cable trenches, haul roads, spoil storage areas, temporary construction compounds (for the cable route) and limits of deviation for micro-siting.
Onshore Substation Zone	means the parcel of land where the Onshore Converter Station infrastructure (including the haul roads, temporary construction compounds and associated cable routing) will be located.

Term	Definition
Order	means the Dogger Bank South East and West Offshore Wind Farms Order 202[].
Order Land	means the land shown on the Land Plans (Volume 2, application ref: 2.7) which is within the limits of land to be acquired or used and described in the Book of Reference.
Order Limits	means the limits shown on the Work Plans (Volume 2, application ref: 2.5 and 2.6) within which the Projects may be carried out.
Plot	means each piece or area of land identified individually in the Book of Reference and any reference to Plots or a numbered Plot shall be construed accordingly.
Projects	means DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).
Transition Joint Bay (TJB)	means an underground structure that houses the joints between the Offshore Export Cables and the Onshore Export Cables.
2008 Act	means the Planning Act 2008.
2009 Regulations	means the Infrastructure Planning (Applications; Prescribed Forms and Procedure) Regulations 2009 and “Regulation” shall be a reference to the appropriate part of those Regulations.
Statement	means this Statement of Reasons.

1 SUMMARY

- 1.1 This Statement of Reasons (“Statement”) is submitted by RWE Renewables UK Dogger Bank South (West) Limited (incorporated under company number 13656525) and RWE Renewables UK Dogger Bank South (East) Limited (incorporated under company number 13656240) who have their registered office at Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, United Kingdom, SN5 6PB (“the Applicants”) to set out the reasons and justification for seeking powers of compulsory acquisition in the application for a development consent order (“DCO”) under the Planning Act 2008 (“the 2008 Act”) for the construction and operation of offshore energy generating stations and electrical connections comprising of the Dogger Bank South East (“DBS East”) and Dogger Bank South West (“DBS West”) Offshore Wind Farms (together referred to as “Dogger Bank South Offshore Wind Farms” and “the Projects”).
- 1.2 The Projects would have a combined maximum number of 200 turbines. The offshore array areas for DBS West and DBS East are situated at a minimum of 100km and 122km from shore respectively.
- 1.3 The proposed onshore construction works consist of installation of buried Onshore Export Cables, from a landfall on the East Riding of Yorkshire coastline near Skipsea to (up to) two newly constructed Onshore Converter Stations before onward onshore cable routing to a proposed new National Grid substation close to the existing Creyke Beck substation known as Birkhill Wood to the south of Beverley (hereafter referred to as “the proposed Birkhill Wood National Grid Substation”).
- 1.4 A detailed description of the Projects is included in **Volume 7, Chapter 5 Project Description of the Environmental Statement (application ref: 7.5)**.
- 1.5 This Statement has been prepared in accordance with the provisions of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the 2009 Regulations”).
- 1.6 This Statement is required because the DCO, if made, would authorise the compulsory acquisition of interests or rights in land. The Order would also confer on the Applicants the additional powers below:
- (a) extinguishment of private rights over land;
 - (b) acquisition of subsoil only;
 - (c) rights under or over streets;
 - (d) imposition of restrictive covenants;
 - (e) temporary use of land for carrying out the Projects; and

(f) temporary use of land for maintaining the Projects.

1.7 This Statement forms part of the suite of documents submitted with the Application for a DCO. This Statement should be read in conjunction with the other DCO application documents that relate to the compulsory acquisition powers sought by the Applicants, including:

- (a) **Volume 3, Draft Development Consent Order (application ref: 3.1);**
- (b) **Volume 3, Explanatory Memorandum (application ref: 3.2);**
- (c) **Volume 2, Land Plans (including Crown and Special Category Land Plans) (application ref: 2.7, 2.8 and 2.9);**
- (d) **Volume 2, Works Plans (application ref: 2.5 and 2.6);**
- (e) **Volume 4, Funding Statement (application ref: 4.4);**
- (f) **Volume 8, Other Consents and Licences Statement (application ref: 8.3);**
- (g) **Volume 4, Book of Reference (application ref: 4.4);** and
- (h) **Volume 8, Planning Statement (application ref: 8.1).**

1.8 The Applicants' rationale and justification for seeking powers of compulsory acquisition are set out below. The Applicants considers that there is a clear and compelling case in the public interest for the inclusion of powers of compulsory acquisition within the Order to secure the land and interests which are required for the Projects. The public benefit of allowing the Projects to proceed outweighs the infringement of private rights which would occur should powers of compulsory acquisition be granted and exercised.

2 INTRODUCTION

2.1 This Statement:

- (a) sets out the background of the Order, and provides a description of the Projects;
- (b) explains the need for the Projects;
- (c) provides a statement of the statutory authority for the proposed acquisition of land and rights by the Applicants;
- (d) describes the Order Land;
- (e) sets out the policy background;
- (f) explains the relationship between the Order and the Human Rights Act 1998;
- (g) considers alternatives to compulsory acquisition and sets out the Applicants' justification for compulsorily acquiring land in the Order;
- (h) considers special categories of land;
- (i) describes the nature of related consent/applications which will be required for the Projects;
- (j) describes the case for acquisition of individual interests and rights and explains the Applicants' engagement with affected landowners and third parties; and
- (k) considers the funding and financial implications of the Projects.

2.2 The purpose of the Order is to authorise the construction and operation of offshore energy generating stations which will help to meet the identified national need for new renewable energy generating capacity.

2.3 The Order sought includes powers to compulsorily acquire land and rights in land onshore which are required for the works necessary to connect the generating stations to the National Grid. The Applicants has attempted to acquire the land and rights required voluntarily but has been unable to acquire all Plots and rights, and accordingly requires to seek powers of compulsory acquisition.

3 BACKGROUND TO PROJECT

- 3.1 The Applicants proposes to develop offshore energy generating stations and related electrical connections and infrastructure.
- 3.2 DBS East and DBS West would each have a capacity of over 100 megawatts and are therefore each above the threshold to be considered as Nationally Significant Infrastructure Projects (“NSIPs”) under sections 14(1)(a) and 15(3) of the 2008 Act.
- 3.3 As DBS East and DBS West would each be an NSIP, development consent must be obtained from the Secretary of State and an application for a development consent order must be made to the Secretary of State, care of the Planning Inspectorate, under section 37 of the 2008 Act.

Associated development

- 3.4 The Order specifically authorises development which is associated with the NSIP. The Secretary of State may, under the provisions of section 115 of the 2008 Act, grant consent for development that is associated with the NSIP (“associated development”).
- 3.5 Guidance on associated development has been issued by the Secretary of State. In this guidance associated development is described as being “*typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project*” (paragraph 6) and requiring “*a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development or help address its impacts. Associated development should not be an aim in itself but should be subordinate to the principal development*” (paragraph 5).
- 3.6 The works to create the electrical connections from the proposed offshore generating stations to the National Grid are associated development. This includes the offshore cables connecting to the onshore cables at the transition joint bays (TJBs), the onshore cables, the new electrical converter station(s) and associated works such as the creation of accesses, the improvement of junctions, landscaping, drainage works, diversion of utilities and environmental mitigation. A number of other works will also be required for construction and maintenance works including creating secure working areas and temporary construction compounds, creating entrance and exit pits for trenchless installation techniques and temporary drainage and environmental mitigation measures.
- 3.7 In some cases, there may be some overlap between associated development and works which form part of the NSIPs. All elements of the proposed development either constitute part of the NSIPs or are associated development within the meaning of section 115 of the 2008 Act, and so can properly be authorised by the Order.

4 PROJECT DESCRIPTION

4.1 The Projects comprise the construction and operation of offshore energy generating stations and electrical connections.

4.2 The key offshore components of the Projects comprise:

- (a) Wind turbines;
- (b) Offshore platforms, including offshore collector platforms and / or converter platforms, an Electrical Switching Platform and an Accommodation Platform;
- (c) Foundation structures for wind turbines and offshore platforms;
- (d) Array cables;
- (e) Inter-platform cables;
- (f) Offshore Export Cables from the DBS West and DBS East array areas to the landfall; and
- (g) Scour/cable protection (where required).

4.3 The key onshore components comprise:

- (a) Landfall, intertidal works between Mean High Water Springs and Mean Low Water Springs and associated TJBs;
- (b) Onshore Export Cables installed underground from the TJBs to the Onshore Converter Stations and associated jointing bays and link boxes;
- (c) Onshore Converter Stations;
- (d) Onward 400 kilovolt connection to the proposed Birkhill Wood National Grid Substation;
- (e) Trenchless crossing locations (e.g. Horizontal Directional Drilling (HDD));
- (f) Construction and operational accesses; and
- (g) Construction compounds.

4.4 A full description of the Projects is included in the Environmental Statement (“ES”), in particular **Volume 7, Chapter 5 Project Description (application ref: 7.5)**.

Development Scenarios

4.5 DBS East is owned by RWE Renewables UK Dogger Bank South (East) Limited, and DBS West is owned by RWE Renewables UK Dogger Bank South (West) Limited. Each Project

is an NSIP in its own right, but a single application allows for consistency across the Projects on the approach to assessments, consultation and examination.

- 4.6 In recognition of the fact that the DBS East Project and the DBS West Project are owned by separate companies, and in order to provide sufficient flexibility to the way in which the two Projects can be constructed, the draft DCO provides for the Projects to be delivered in any one of the following ways:
- (a) The construction of the DBS East Project only, where the DBS West Project does not proceed to construction;
 - (b) The construction of the DBS West Project only, where the DBS East Project does not proceed to construction;
 - (c) Sequential construction of the DBS East Project then the DBS West Project or vice versa (where construction on either Project could commence first, but with overlapping construction. The first Project would instal cable ducts for the second Project); or
 - (d) Concurrent construction of the two Projects.

Offshore infrastructure

- 4.7 No compulsory acquisition is proposed for the offshore wind farm array area and its associated offshore infrastructure. An agreement for lease for the array areas is already in place with The Crown Estate for the seabed area within which these works will be located.

Onshore infrastructure

- 4.8 The offshore cables come ashore near Skipsea, East Riding of Yorkshire. The cable corridor will pass under the beach before the Offshore Export Cables connect to the Onshore Export Cables via TJBs. In these locations the cables will be installed using trenchless installation techniques, minimising the disruption to the surface.
- 4.9 From the landfall, the Onshore Export Cable Corridor travels west, crossing Hornsea Road (B1242), and continuing to Dunnington Lane before turning and heading south past Dunnington, Nunkeeling, Catfoss, and across West Road (A1035) at Siggleshorne.
- 4.10 The Onshore Export Cable Corridor then turns southwest and continues passing the village of Riston Grange, crossing Whitecross Road (A165) and again crossing Hornsea Road (A1035) as it heads west north of Tickton. The route then crosses Driffield Road (A164) to the north of Beverley before turning south crossing Constitution Hill (A1035) to the west of Beverley, down across York Road, Newbald Road, and Broadgate (B1230), before reaching the Onshore Substation Zone located at Beverley Road along the A1079 and A164.

- 4.11 The Onshore Export Cables would either be pulled through the pre-installed ducts or directly laid in certain circumstances. Trenches would not need to be reopened, and the cable pull would take place from Jointing Bays located along the cable corridor.
- 4.12 The Onshore Substation Zone is of sufficient size to accommodate the maximum footprint required for both DBS East and DBS West converter stations. The Onshore Converter Stations would be constructed to accommodate the connection of both DBS East and DBS West to the transmission grid. The permanent footprint of one HVDC converter station would be up to 64,000m². The permanent footprint of two HVDC converter stations would be up to 129,000m².
- 4.13 A further section of buried Onshore Export Cable is required to connect the Projects' onshore cable from the Onshore Converter Stations to the proposed Birkhill Wood National Grid Substation. The HVDC export cables will enter the Onshore Substation Zone and connect to the Onshore Converter Station buildings. The electrical power will pass through the buildings and into the equipment in the yard, which will convert it from HVDC to HVAC. It will exit the site via underground 400 kV HVAC cables which will connect to the proposed Birkhill Wood National Grid Substation.
- 4.14 Temporary construction compounds are also required to support the onshore cable installation. This would include several satellite construction compounds and two main compounds per Project. In addition, there would be the TJB temporary construction compound and satellite temporary construction compound within the Landfall zone, and temporary construction compounds associated with the Onshore Substation Zone. Trenchless crossing construction compounds would be required at the entry and exit pit either side of the trenchless crossing.
- 4.15 Land is also required for construction accesses and a single temporary haul road to run alongside the Onshore Export Cable Corridor to allow access to the Onshore Export Cable Corridor, cable corridor construction compounds, the Landfall zone and the Onshore Substation Zones. There will also be woodland and hedgerow planning to screen key views, and to help to integrate the new development into the landscape.

5 NEED FOR AND BENEFITS OF THE PROJECT

Need:

- 5.1 The Projects would make a significant contribution in meeting United Kingdom (UK) policy commitments and legal decarbonisation targets for renewable energy and the wider policy objectives for future UK decarbonisation and energy security.
- 5.2 As discussed in **Volume 7, Chapter 2 Need for the Project (application ref: 7.2)**, the Projects would contribute towards:
- 5.3 Achieving Net Zero by 2050 and reducing emissions;
- (a) Increasing the security of energy supply;
 - (b) Lowering the cost and increasing the affordability of generated electricity; and
 - (c) Contributing to sustainable development and economic opportunities.
- 5.4 The Overarching NPS for Energy EN-1 ((DESNZ), 2023a) makes clear, through Section 4.2, that the *"Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions"*. In order to fully decarbonise the power system within such timeframes, the Government has concluded, through paragraph 4.2.4 of NPS EN-1, that *"there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure"*.
- 5.5 The Projects constitute low carbon infrastructure as they make provision for offshore electricity generation that does not involve fossil fuel combustion. Resultingly, the Projects constitute CNP infrastructure.
- 5.6 Paragraph 5.5.4 of the Overarching NPS for Energy EN-1 ((DESNZ), 2023a) explicitly recognises windfarms as being *"an integral part of our (The Government's) plan to achieve Net Zero, as well as delivering affordable clean energy to consumers"*. The paragraph goes on to state that:
- 5.7 *"The Government has an ambition to deliver up to 50GW of offshore wind by 2030 and the Committee on Climate Change's 6th Carbon Budget (CB6) views offshore wind as the backbone of electricity generation across all its scenarios"*.
- 5.8 At a local level, the East Riding of Yorkshire Council published its Climate Change Strategy in 2022 (East Riding of Yorkshire Council, 2022). The Strategy identifies the Humber region as *"a flagship region for wind power"* which *"will be key to achieving the Government's offshore wind power targets"*.
- 5.9 For a more detailed assessment of the needs case for the Projects, see **Volume 7, Chapter 2 Need for the Project (application ref: 7.2)**.

Benefits:

- 5.10 The Application's consistency with relevant planning policy, primarily NPS EN-1 and EN-3, and EN-5, is set out in detail in section 3.2 of **Volume 8, Planning Statement and Policy Compliance Assessment Tables (application ref: 8.1)** and is only summarised in this Statement.
- 5.11 In relation to the benefits of the Projects, NPS EN-1 paragraph 4.1.5 makes clear that in addition to any adverse impacts of a development the Secretary of State should take into account its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long term or wider benefits. Paragraph 4.1.6 makes clear that *"these may be identified in this NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports)"* and paragraph 4.3.4 gives the examples that *"this information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being"*. The NPS also requires, under individual topic areas, that potential benefits of a development in relation to those areas should be taken into account.
- 5.12 The proposed Projects include significant benefits both embedded within the Projects including its design, and to be applied through mitigation measures, plans and strategies established under the requirements of the DCO.
- 5.13 In addition to making a significant contribution to meeting policy commitments and legal decarbonisation targets for secure renewable energy, the Projects will deliver other benefits. Many of these benefits arise from the construction, operation and maintenance, and decommissioning of the Projects.
- 5.14 As outlined in **Volume 7, Chapter 28 Socio-Economics (application ref: 7.28)** of the ES, the development and construction of the Projects (in a worst-case in isolation scenario) is estimated to support 1,190 jobs across the UK, including 760 jobs supported across the Humber Region.
- 5.15 During the operational and maintenance phase, it is estimated that the Projects (in a worst-case in isolation scenario) would support the creation of 980 jobs across the UK and the Humber Region. This is under the assumption that all direct operations and maintenance employment would be directly employed by the Projects and based in the UK for the lifetime of the Projects
- 5.16 The Projects would result in significant expenditure in manufacturing, services, materials and equipment, as outlined in **Volume 7, Chapter 28 Socio-Economics (application ref: 7.28)**. If the Projects are built together, be it sequentially or concurrently, the Projects have an estimated overall construction cost of £7 Billion (in current pricing).

- 5.17 The expenditure during the operation and maintenance of the Projects together amounts to around £177 million per annum. In total, the Gross Added Value over the Projects' lifetime is expected to be £1 billion, thus making a significant contribution to the economy at both a local and national level.
- 5.18 A detailed Skills and Employment Strategy will be prepared prior to the commencement of pre-construction activities and secured by a draft DCO Requirement. This Strategy will set out measures that the Projects will implement to advertise and promote employment and training opportunities associated with the construction and operation and maintenance of the Projects locally. **Volume 8, Outline Skills and Employment Strategy (application ref: 8.5)** offers provides an outline version of this strategy commitment.
- 5.19 The Greenhouse Gas assessment, as contained within **Volume 7, Chapter 30 Climate Change (application ref: 7.30)**, estimates that the Projects would avoid 91.8 million and 183.4 million tonnes of CO₂e emissions for the In Isolation and Sequential Scenarios respectively.
- 5.20 The Projects will provide the following additional benefits:
- (a) contributing to meeting global, European and national targets on carbon dioxide reduction in line with the Climate Change Act 2008;
 - (b) biodiversity benefits: the contribution towards the UK's current cumulative electricity supply deployment target for 2030, and the displacement of an equivalent proportion of energy supply coming from fossil fuel burning sources is a demonstrable benefit for biodiversity. On-site avoidance measures, construction methods and habitat creation opportunities, in combination with off-site opportunities ensure a high degree of feasibility for delivering a no net loss outcome and a net gain, where possible, for the Projects (Please see **Volume 7, Environmental Statement Appendix 18-10 Biodiversity Net Gain Strategy (application ref: 7.18.18.10)**);
 - (c) transition to a low carbon economy: The generation of utility-scale quantities of electricity from renewable energy sources, such as the proposed Projects, will have a significant beneficial impact on meeting the policy objectives for the UK to transition to a lower carbon economy.

Legislation

- 5.21 The Climate Change Act 2008 commits the UK government to reducing greenhouse gas emissions by 100% of 1990 levels by 2050 and created a framework for setting a series of interim national carbon budgets and plans for national adaptation to climate risks. The 2011 Carbon Plan is the UK's national strategy under the Climate Change Act 2008 for

delivering emissions reductions through to the Fourth Carbon Budget period (2023-27) and preparing for further reductions to 2050.

International obligations: United Nations Convention on Climate Change

- 5.22 The Conference of Parties (COP) reviews the implementation of the Climate Change Convention. In 2021, the COP negotiated a global agreement with the key goal of limiting increases of global temperatures to “*well below 2°C compared to pre-industrial levels*”. The parties also agreed to “*pursue efforts to*” limit the temperature increase to 1.5°C. This was a development of the Paris Agreement and represents a binding and universal agreement on climate from all the parties. The agreement was reached by 196 parties, seeking to prevent a “*climate catastrophe*” by keeping temperature rises within 1.5°C.

National Policy Statements

- 5.23 Section 104 of the 2008 Act sets out that in determining an application for an NSIP the Secretary of State must take into account any relevant NPS, any appropriate Marine Policy Statement (MPS), any local impact report, any matters prescribed in relation to the development and any matters the Secretary of State considers important and relevant.

NPS EN-1: Overarching NPS for Energy

- 5.24 NPS EN-1 is the Overarching National Policy Statement for Energy. Part 3 of NPS EN-1 sets out the urgent need for new large-scale energy infrastructure to meet the UKs energy objectives. Paragraph 3.2.6 of NPS EN-1 states that “*The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent.*” Paragraph 3.2.8 of NPS EN-1 adds that “*The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.*”
- 5.25 Paragraphs 3.3.62 and 4.2.4 of NPS EN-1 confirms that the Government “*... has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.*”
- 5.26 Paragraph 4.2.5 of NPS EN-1 confirms that offshore wind constitutes low carbon CNP infrastructure. Therefore, as offshore wind generation projects, the Projects are considered by NPS EN-1 to be low carbon CNP infrastructure.
- 5.27 Paragraph 4.2.16 of NPS EN-1 states that the strengthened presumptions in favour of CNP infrastructure include that even “*where non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure*”. The paragraph then goes on to confirm that “*in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.*”

- 5.28 Paragraphs 3.3.57 – 3.3.61 of NPS EN-1 set out that there is an urgent need for new electricity infrastructure, including offshore wind. Paragraph 3.3.62 of NPS EN-1 states that *“Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.”* Paragraph 3.3.63 adds that *“Subject to any legal requirements, the urgent need for CNP infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP infrastructure and it should be progressed as quickly as possible.”*

NPS EN-3: National Policy Statement for Renewable Energy Infrastructure

- 5.29 NPS EN-3 is the National Policy Statement for Renewable Energy Infrastructure. Paragraph 2.8.1 sets out the Government’s ambition to deploy up to 50GW of offshore wind capacity by 2030, noting that there is an expectation that there will be a need for substantially more installed offshore capacity beyond this to achieve net zero carbon emissions by 2050. Paragraph 2.8.2 of NPS EN-3 adds that *“to meet its objectives Government considers that all offshore wind developments are likely to need to maximise their capacity within the technological, environmental, and other constraints of the development.”*
- 5.30 Paragraph 2.1.7 of NPS EN-3 also confirms that the Government has concluded that there is a critical national priority for the provision of nationally significant new offshore wind development and supporting onshore and offshore network infrastructure.
- 5.31 NPS EN-1 and EN-3 provide overriding policy support for the Projects. In order to meet the ambition to deploy 50GW of offshore wind by 2030, all currently proposed offshore wind projects are necessary, and will need to maximise their generating capacity within their constraints. A full explanation of the application of the relevant parts of the NPS is provided in **Volume 8, Planning Statement (application ref: 8.1)**. Relevant provisions of the NPS are also considered in each chapter of the Environmental Statement.

British Energy Security Strategy

- 5.32 In April 2022, the Government published the British Energy Security Strategy in which the UK wide target for installed offshore wind capacity increased further to 50GW by 2030. Advancing offshore wind electricity generation is the first point of the British Energy Security Strategy 10-point plan. The Projects are therefore in line with a fundamental part of British Energy Security Strategy to increase the independence and security of the UK’s energy supply.

The Clean Growth Strategy

- 5.33 The Clean Growth Strategy (HM Government, 2017) emphasised growing national income while cutting greenhouse gas emissions. It states that the aim to achieve clean growth, while ensuring an affordable energy supply for businesses and consumers, is at the heart of the UK's Industrial Strategy.
- 5.34 The UK's Ten Point Plan (HM Government, 2020c) intends to set the foundations for a Green Industrial Revolution, creating jobs through harnessing British science and technology to create and use clean energy. Point 1 of the Ten Point Plan is 'Advancing Offshore Wind'. The Plan notes that offshore wind is a critical source of renewable energy for our growing economy and that by 2030 the Government plans to quadruple our offshore wind capacity, backing new innovations to make the most of this proven technology and investing to bring new jobs and growth to our ports and coastal regions.
- 5.35 **Conclusion**
- 5.36 The Projects would make a significant contribution to meeting national need, in accordance with policy set out in NPS EN-1. 4.6.2 The Applicants accordingly submits that this Application should therefore be assessed on the basis that the Government has provided that there is a need for renewable energy infrastructure, that the scale of the need is significantly in excess of what is currently being promoted and that the need for renewable energy is urgent. In accordance with the NPS EN-1, substantial weight should be given to the contribution which the Projects would make towards satisfying this need. 4.6.3 The need for the Projects and offshore wind in general is supported by NPS EN-1, in addition to wider governmental obligations and objectives relating to low carbon electricity generation, climate change and the economy.
- 5.37 Furthermore, the need for and the benefits of the Projects demonstrate that there is a very strong and compelling case in the public interest for the Projects to be delivered. In order to ensure delivery of the Projects, powers of compulsory acquisition are required, and the powers sought are proportionate.

6 POWERS OF COMPULSORY ACQUISITION

- 6.1 The Application has been made under the 2008 Act for a DCO granting consent to construct and operate the Projects, including powers of compulsory acquisition for the land necessary to do that. The 2008 Act specifies in section 120 what may be included within a DCO and provides that such orders may include provisions on matters ancillary to the development consented. Those ancillary matters may include the acquisition of land and the creation, suspension and extinguishment of interests in or rights over land as set out in Schedule 5 to the 2008 Act.
- 6.2 Section 122(2) of the 2008 Act sets out the purposes for which compulsory acquisition may be authorised and lists the conditions which must be met. This provides that the Secretary of State must be satisfied that the land:
- (a) is required for the development to which the development consent relates, or
 - (b) is required to facilitate or is incidental to that development,
 - (c) and that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 6.3 Section 122(3) of the 2008 Act requires that there be a compelling case in the public interest for the land to be acquired. The Guidance states at paragraph 12 and 13 that the decision maker must be satisfied of this and that there is compelling evidence that the public benefits would outweigh the private loss that compulsory acquisition would entail.
- 6.4 As required by the Guidance, this Statement sets out the use to which each Plot subject to powers of compulsory acquisition would be put.
- 6.5 In addition to the statutory requirements above, paragraphs 8 to 10 of the Guidance provide general guidance that the developer must be able to demonstrate the following in order to justify the development:
- (a) that all reasonable alternatives to compulsory acquisition have been explored;
 - (b) that the interference with rights is for a legitimate purpose, is necessary and is proportionate;
 - (c) how the land will be used;
 - (d) that there is a reasonable prospect of the requisite funds becoming available; and
 - (e) that Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered.

- 6.6 At paragraph 11, the Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the Projects and that it is no more than is reasonably required for that project.
- 6.7 Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary, and it should be made clear to the decision maker that this is the case.
- 6.8 In addition, applicants will need to be able to demonstrate that (paragraph 19): any potential risks or impediments to the implementation of the Projects have been properly managed, and that they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent.
- 6.9 For the reasons set out in this Statement, the Applicants are satisfied that the conditions of section 122 of the 2008 Act have been met and that there is compelling case in the public interest for compulsory acquisition. The Applicants consider that the land subject to compulsory acquisition powers is either needed for the Projects, or is needed to facilitate the Projects, or incidental.
- 6.10 The need and benefits of the Projects are summarised in Section 5 of this Statement and in other application documents, including **Volume 8, Planning Statement (application ref: 8.1)**. Together they demonstrate that there is a compelling case in the public interest for compulsory acquisition.
- 6.11 A detailed Plot by Plot description of the purposes for which the Order Land is required and the types of powers sought can be found in tables at paragraph 12.16 and onwards of this Statement in relation to permanent acquisition of freehold, new rights and temporary possession.
- 6.12 The Applicants have sought to achieve a balance between minimising land-take and securing sufficient land to deliver the Projects, noting that the detailed design is yet to be developed. Land is required for the permanent works and environmental mitigation. Land is also required to enable the installation, operation and maintenance of utilities, and to create the temporary working space to construct the Projects.

Compulsory-acquisition related powers

6.13 The draft Order contains the following provisions in relation to compulsory acquisition of land and rights:

- Article 20 authorises the compulsory acquisition of any interest in land;
- Article 22 authorises the compulsory acquisition of rights over land, including by creation of rights;
- Article 23 provides for the extinguishment of private rights in land which is compulsorily acquired;
- Article 25 allows the Applicants to override easements and other rights; and
- Article 26 allows the Applicants to compulsorily acquire the airspace or subsoil of land only.

6.14 The exercise of compulsory acquisition powers is limited by Article 21 which provides that notices under such powers must be served within 7 years of the date of the Order being made. The draft Order also amends the compensation enactments to extend their provisions to cover acquisition of rights in land only as well as the land itself.

Temporary Possession

6.15 The Applicants further seeks, in the draft Order, powers to take temporary possession of land to carry out and thereafter maintain the Projects.

6.16 The draft Order contains the following provisions in relation to temporary possession:

- (a) Article 30 authorises the temporary use of land for carrying out the Projects; and
- (b) Article 31 authorises the temporary use of land for maintaining the Projects.

Crown Rights

6.17 The draft DCO includes, at Article 41, a provision that nothing in the Order can prejudice any interest held by the Crown without the consent of the Crown. This article confirms that the powers granted cannot be exercised in a manner which would adversely affect Crown interests, including that rights of the Crown cannot be extinguished.

Other rights and powers

6.18 In addition to powers of compulsory acquisition, if made, the draft Order would also confer the Applicants other rights and powers that may interfere with property rights and private interests. These additional powers are:

- (a) Article 10 authorises the temporary closure of streets;
- (b) Article 11 authorises the closure and diversion of public rights of way;
- (c) Article 15 authorises the use of private roads;
- (d) Article 18 authorises the Applicants to enter land within the order to conduct surveys or to investigate land onshore; and
- (e) Article 38 authorises the felling or lopping of trees and removal of hedgerows.

6.19 In each case (both principal powers and other rights and powers) the parties having an interest in the land, or the interest or right in the land, may be entitled to compensation. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

Consideration of alternatives to compulsory acquisition

6.20 The objective to avoid or minimise compulsory acquisition was an important factor in selecting the current location for the Projects. The site selection process is set out in Section 7. Landownership and land use were factors taken into account in refining the Projects location. Negotiations are ongoing with affected parties and are detailed in **Volume 4, Schedule of Progress for Voluntary Land Interest Agreements (application ref: 4.3)**.

6.21 In the absence of compulsory acquisition, all of the land and rights required to allow the Projects to be constructed and operated may not be secured and the Projects will therefore not proceed. The Applicants need to have certainty that the required rights and land can be obtained within a reasonable timeframe and to be able to evidence this certainty to its funders. Given the clear policy support for the development of projects of this type, the granting of powers of compulsory acquisition to the Projects represents a proportionate and legitimate interference with private rights and to be in the public benefit.

7 SITE SELECTION

- 7.1 In November 2017, The Crown Estate (“TCE”) announced a new round of offshore wind leasing. In September 2019, the final bidding areas were announced, and the Offshore Wind Leasing Round 4 was launched. As part of the Round 4 process, developers were able to identify preferred sites within bidding areas defined by TCE.
- 7.2 Applications were then submitted by developers under a competitive bidding process, culminating in an auction held in February 2021. RWE was successful in this auction process, securing preferred bidder status on two adjacent projects, DBS East and DBS West, collectively known as the Dogger Bank South Offshore Wind Farms.
- 7.3 TCE carried out a plan-level Habitats Regulations Assessment (HRA) for the Offshore Wind Leasing Round 4, which assessed the potential cumulative impacts of the six offshore wind projects identified through the Round 4 tender process. TCE gave notice to the UK and Welsh Government of its intent to proceed with the Round 4 Plan on the basis of a derogation in April 2022. The Secretary of State for Business, Energy and Industrial Strategy agreed that TCE can proceed with the Plan. The Applicants have signed an Agreement for Lease with TCE in respect of the array areas for the Projects.
- 7.4 The Round 4 criteria limit the level of flexibility the Applicants can have with regard to the spatial configuration of the Projects. The process, and how the Projects has sought to fulfil the TCE’s prescribed criteria, is presented in section 4.7 of Chapter 4 of the Environmental Statement “**Site Selection and Assessment of Alternatives**” (Volume 4, application ref: 7.4.).
- 7.5 The Offshore Export Cable Corridor and its associated construction buffer extends from the DBS West and DBS East array areas to landfall. The Offshore Export Cable Corridor is 1km wide (with a 500m temporary working area buffer either side) but funnels out to up to approximately 3km on approach to the landfall and the crossing of the existing Langed pipeline, and approximately 15km on the approach to the DBS West array area. The greater width of the corridor at these locations is designed to provide greater flexibility in the detailed routing of the export cables at the pre-construction stage.
- 7.6 The Onshore Export Cable Corridor extends from the landfall near Skipsea primarily through agricultural land to the Onshore Substation Zone to the south of Beverley before then connecting to the proposed Birkhill Wood National Grid Substation. A number of features including various highways, the River Hull and railway infrastructure require to be crossed on this route.
- 7.7 The Applicants have undertaken a logical, staged process to arrive at the Projects’ location and design. **Volume 7, Chapter 4 Site Selection and Assessment of Alternatives of the ES (application ref: 7.4)**, sets out in detail the approach to and

consideration of alternatives with further technical assessment in the associated annexes. All of the main alternatives are described and assessed and the ES Chapter identifies where alternatives are considered to either not be commercially viable or physically/technically unsuitable to the extent that they carry significant risk to the implementation of the Projects.

- 7.8 The site selection and consideration of alternatives has been a sequential process informed by an understanding the potential locations for infrastructure and the detail of those areas, and refining the location options. This has ensured that the findings of the environmental assessments have guided the evolution of the design of the Projects, and the onshore development areas have been modified to avoid, reduce or mitigate the potentially adverse impacts as far as reasonably practicable.
- 7.9 As set out in detail in ES Chapter 4, consultation informed the final choice of landfall, as was also the case for the Offshore Export Cable Route, Onshore Export Cable Route and the location of the Onshore Substation Zone. Meetings were held with the Site Selection Expert Topic Group (ETG) on 4 and 23 May 2022, and statutory consultation was held between 6 June 2023 to 17 July 2023, 4 August 2023 to 15 September 2023, and 13 November to 10 December 2023.
- 7.10 Cable installation methods have been considered and assessed as part of the EIA. Some flexibility has been retained for cable installation both offshore and in the intertidal zone due to uncertainties on ground conditions. Where optionality remains in the application, this has been fully assessed throughout the Environmental Statement.

8 PLANNING POLICY POSITION

- 8.1 The Applicants' assessment of planning policy is set out in detail in **Volume 8, Planning Statement (application ref: 8.1)** which should be read alongside the summary in this Statement.

National Policy Statements (NPS)

- 8.2 As previously stated, the statutory framework for determining applications for development consent is provided by section 104 of the 2008 Act which states that, in deciding a DCO application, the Secretary of State must have regard to any national policy statements. NPS EN-1 (para 4.1.15) identifies that, where there is a conflict between a development plan and the NPS, the NPS prevails for the purpose of decision making, given the national significance of the infrastructure.

NPS EN-1: Overarching NPS for Energy

- 8.3 Paragraph 4.1.3 of NPS EN-1 states that *"the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused."* There are no specific or relevant policies which clearly indicate that consent should be refused, and therefore the Projects should benefit from this presumption in favour of consent.
- 8.4 As set out above, NPS EN-1 establishes the urgent need for new large-scale energy infrastructure to meet the UK's energy objectives, and states that *"The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS."*
- 8.5 The Projects will be low carbon CNP Infrastructure for the purposes of NPS EN-1. NPS EN-1 sets out the approach the Secretary of State must take to decision making in relation to CNP Infrastructure. Paragraph 4.2.14 states that *"The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above [the Applicant's Assessment] have been met. Where the Secretary of State is satisfied that they have been met the CNP presumptions set out below apply."*
- 8.6 Paragraph 4.2.15 states that *"Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human*

health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.”

- 8.7 None of the above exceptions apply to the Projects and the Projects have evolved to ensure that the mitigation hierarchy has been met in relation to potential effects identified throughout the application preparation process such that there are no effects of the Projects that are considered to affect the strong presumption in favour of granting consent.
- 8.8 NPS EN-1 sets out what must be included in applications for CNP Infrastructure for them to benefit from the presumption in favour of consent. Paragraph 4.2.10 of NPS EN-1 states that *“Applicants for CNP Infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.”* Paragraph 4.2.11 of NPS EN-1 states that applicants *“Should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.”* Paragraph 4.2.12 states that *“Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.”*
- 8.9 These requirements of the Applicants’ Assessment have been fully complied with by the Applicants. Every chapter of the Environment Statement sets out in detail the legal and national policy requirements relevant to the chapter and explains where each requirement is addressed in the application. Every chapter of the Environmental Statement applies the mitigation hierarchy as explained in detail in **Volume 7, Chapter 6 EIA Methodology (application ref: 7.6)**. The Applicants has sought to minimise significant adverse impacts on the environment wherever possible in the design of the Projects. Where residual impacts are identified, chapters of the Environmental Statement justify the conclusion that they cannot be avoided, reduced or mitigated, and explain how these impacts will be compensated for as far as possible. Proposals for minimising the effects on landscape and visual amenity from the onshore infrastructure are set out in **Volume 8, Outline Landscape Management Plan (application ref: 8.11)**.
- 8.10 The advice of appropriate SNCBs and relevant statutory bodies has been sought throughout the process. Details of SNCB’s and statutory bodies’ recommendations are included in every relevant Environmental Statement Chapter alongside an explanation of how they have been incorporated into the Application.

- 8.11 Finally, every chapter of the Environmental Statement considers the cumulative impacts of the Projects and other developments and considers where necessary residual impacts.
- 8.12 The Applicants considers that the Applicants Assessment requirements of NPS EN-1 have been met, and that no unacceptable risk is presented in relation to any of the considerations listed, and therefore that the presumption in favour of consent should apply.
- 8.13 Paragraph 4.6.16 of NPS EN-1 confirms that the starting point for decision making is that CNP infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality, or very special circumstances. This includes development within Green Belts, development affecting SSSIs, development in nationally designated landscapes and where there is substantial harm to or loss of significance to heritage assets.
- 8.14 The Applicants therefore also considers that the Secretary of State should take as the starting point in considering the Projects that it has met any tests set out within the NPSs, and any other planning policy which requires a clear outweighing of harm, exceptionality or very special circumstances.

NPS EN-3: National Policy Statement for Renewable Energy Infrastructure

- 8.15 EN-3 covers technology specific matters including offshore wind.
- 8.16 Paragraph 2.5.2 states that *“Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage”*.
- 8.17 The Applicants has sought to demonstrate good design throughout the development of the Projects. Careful consideration has been given to representations made during the consultation under s42 of the 2008 Act, and this has informed the iterative refinement of the proposed design. For the onshore infrastructure, a key design decision was to install cables underground rather than seek to use overhead lines. Landscape and visual amenity has informed the design process, including at the site selection and consideration of alternatives stage. As previously stated, a thorough Environmental Assessment has been undertaken to identify potential impacts on ecology and heritage and mitigate them as far as possible.
- 8.18 At this stage in the Projects’ development process, decisions on exact locations of infrastructure and the precise technologies and construction methods that will be employed have not been made. This includes the exact layout, equipment and technology of the Onshore Converter Stations. These details will be determined during the detailed

design that would take place between a decision on the Application and the start of construction. Such details would be provided to the local planning authority for approval prior to the commencement of construction works. The engineering / building design and landscape and mitigation that the Applicants proposes to apply to the Onshore Converter Station when undertaking detailed design are set out in **Volume 8, Design and Access Statement (application ref: 8.8)**.

NPS EN-5: National Policy Statement for Renewable Energy Infrastructure

- 8.19 NPS EN-5 contains guidance on assessing applications for new electricity transmission lines as well as associated infrastructure. The Applicants has considered this NPS as new electricity infrastructure forms part of the Projects. The Applicants has an agreement with National Grid for a grid connection at the proposed Birkhill Wood National Grid Substation.
- 8.20 NPS EN-5 states at paragraph 2.1.5 that *“To support the urgent need for new low carbon infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations, are considered to be CNP infrastructure.”*
- 8.21 The onshore cables will be installed underground, thereby minimising landscape and visual effects as required by paragraph 2.9.14 of EN-5. Archaeology is considered in NPS EN-5 where the potential effects to below ground archaeological remains are balanced against the visual effects of using overhead lines. An **Outline Onshore Written Scheme of Investigation** has been produced to minimise and mitigate any effects on onshore archaeology as a result of the onshore cables (**Volume 8, application ref: 8.14**).
- 8.22 NPS EN-5 considers the potential for Electro-Magnetic Fields (EMF) to arise as a result of new power transmission projects, and suggests an approach to mitigation for EMF effects, where they might occur. The Applicants has considered the potential for the generation of EMFs as a result of the onshore components of the project. **Volume 7, Chapter 27 Human Health (application ref: 7.27)** and **Volume 7, Appendix 27-1 Human Health Consultation Responses (application ref: 7.27.27.1)** sets out that EMF effects have been scoped out, on the basis that the Projects would adopt the International Commission on Non-ionizing Radiation Protection (ICNIRP) guidelines (ICNIRP, 1998) and Government voluntary Code of Practice on EMF public exposure (Department for Energy Security & Net Zero, 2012).
- 8.23 Section 2.6 of NPS EN-5 recognises that ownership or rights in land are required to install and maintain electricity lines. Where it is not possible to reach agreement to secure such land or rights a provision may be included in the DCO allowing an applicant to do so by compulsion. Where use of land is required to facilitate development by providing for mitigation and landscape enhancement, an applicant may seek compulsory acquisition

rights through its DCO application. The Secretary of State will consider such an application in accordance with the 2008 Act and any associated guidance (paragraph 2.6.6).

Local Planning Policy

East Riding Local Plan 2012 – 2029 (adopted April 2016)

- 8.24 In deciding applications for development consent, section 104(d) of the 2008 Act requires the Secretary of State to have regard to other matters which the Secretary of State thinks are both important and relevant to the decision. In this regard, NPS EN-1 at paragraph 4.1.12 states *“other matters that the Secretary of State may consider both important and relevant to their decision-making may include Development Plan documents or other documents in the Local Development Framework”*.
- 8.25 There is however no legal requirement to determine the Application in accordance with the provisions of the development plan documents, as section 38(6) of the Planning and Compulsory Purchase Act 2004 is not applicable to applications for development consent.
- 8.26 The East Riding Local Plan’s key objectives include ensuring that East Riding of Yorkshire makes a significant contribution to reducing greenhouse gases through both supporting the principle of large wind farm development within identified zones and other suitable renewable energy technologies.

Conclusion on planning policy

- 8.27 The key test to be applied in the decision-making process is whether, on balance, the Projects are in accordance with the relevant NPSs (except to the extent that one or more of the matters set out in Section 104(4) to 104(8) applies). The Planning Statement sets out the Projects, the background and context of the development, and the legal and policy context within which it will be examined and decided. It explains that the Projects are low carbon CNP Infrastructure and should benefit from the presumption in favour of consent accordingly.
- 8.28 The Planning Statement establishes the accordance of the proposed Projects with NPS policy in all respects. Where minor adverse or similar impacts are identified in the Application, these are in no cases significant enough to constitute a conflict with such policy. Any predicted significant effects have been mitigated as far as practicable, and when considering the Projects as a whole, however, it is not considered that there are any adverse effects, individually or cumulatively, that would be sufficient to outweigh the substantial benefits and need case of the Projects.
- 8.29 The Projects should be considered urgent and would make a significant contribution to the achievement of the UK’s renewable energy targets, and to the UK’s contribution to global efforts to reduce the effects of climate change. The proposed Projects have the potential to make a substantial contribution to UK 2030 energy targets. Moreover, the

Projects would have a direct positive benefit by providing a secure renewable energy supply for over 3 million typical UK households per year². The Projects would reduce carbon emissions and contribute to the economy by providing socio-economic and other benefits that should be taken into account under NPS and other Government policies and legislation. The Projects will also make an important contribution to energy security, seen as a critical driver for UK renewable energy.

- 8.30 For all of the above reasons, the Projects would bring significant benefits under a range of national, international and local policy considerations, would be in accordance with relevant NPSs and legislation and therefore consent should be granted.

² Calculation based on 2021 generation, and assuming average (mean) annual household consumption of 3,509 kWh, based on latest statistics from Department of Energy Security and Net Zero (Subnational Electricity and Gas Consumption Statistics Regional and Local Authority, Great Britain, 2021, Mean domestic electricity consumption (kWh per meter) by country/region, Great Britain, 2021

9 THE EXTENT OF THE LAND SUBJECT TO POWERS

- 9.1 The full extent of the land subject to powers of compulsory acquisition and required in order to enable the Applicants to construct the Projects as described in Section 4 of this Statement is shown on **Volume 2, Land Plans and the Works Plans (application ref: 2.6 and 2.7)**. It is further described in **Volume 4, Book of Reference (application ref: 4.2)**.
- 9.2 Under the 2008 Act, diligent inquiry must be undertaken to identify the categories of persons set out in sections 44 and 57 as Categories 1, 2 and 3.
- (a) Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the land.
 - (b) Category 2 comprises persons who are interested in the land or have the power to sell and convey, or to release, the land.
 - (c) Category 3, as prescribed by sections 44 and 57 of the 2008 Act, comprises persons who the Applicant thinks would or might be entitled to make a "relevant claim" for compensation, if the order sought by the application were to be made and fully implemented.

10 IDENTIFYING PERSONS WITH AN INTEREST IN THE LAND

- 10.1 The Applicants' appointed Land Agents, Dalcour Maclaren (DM), provided their benchmark methodology for undertaking diligent enquiry of persons with an interest in land to the Applicants; this methodology is included as an appendix to the Consultation Report (application document number 5.]). Dalcour Maclaren have confirmed to the Applicants that the methodology was followed, which is summarised below. DM are expert chartered surveyors with experience of offshore windfarm development.
- 10.2 All persons with an interest in the Order land are listed in **Volume 4, Book of Reference (application ref: 4.2)** and have been consulted about the DCO application in accordance with section 42 of the 2008 Act and described in **Volume 5, Consultation Report (application ref: 5.1)**.
- 10.3 Diligent inquiry to identify affected landowners, those with interests in land, and those with a potential claim was undertaken by DM. The categories of persons identified, and the methods used to identify them are described below.
- 10.4 Land referencing has been undertaken throughout the pre-application period to ensure any changes in interest or new interests have been identified, consulted and subject to engagement. Land referencing will continue to be undertaken throughout the making of the DCO to ensure that any changes in ownership are identified and to ensure that any new owners will be consulted and engaged with. Any changes will also be recorded and updated in the Book of Reference.

Category 1 and 2 persons

- 10.5 Identification of Category 1 and 2 persons, as defined in section 44 of the 2008 Act, was undertaken at the early stages of development of the Projects in order to inform the preparation of the DCO Application.
- 10.6 All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenants information was extracted and stored in a land referencing database, routinely updated during preparation of the DCO Application. All parties identified through the Land Registry searches were contacted by the land referencing supplier through the land referencing process. This included initial engagement with landowners through Landowner Questionnaires (LOQs) and subsequently Land Interest Questionnaires (LIQs) which were issued to all parties identified during the LOQ process, through HMLR title interrogation and desktop research; further questionnaires were issued to any new parties identified through returns. Where questionnaires were not returned, further follow up letters or emails were issued or phone calls were made to verify information. The questionnaires have been supported by a number of emails, telephone calls and landowner engagement meetings to verify and confirm information. This process is ongoing. Finally, Confirmation Schedules were issued to all parties to re-confirm or update data previously provided prior to the creation of the Book of Reference.

10.7 On completion of the above initial desk-based exercise, the extent of unregistered land interests became known. In order to establish ownership of unregistered land that falls within the proposed land requirements, public sources of information were used, including site visits, the Planning Portal, Companies House website, the relevant Highway Authority, records held by Statutory Undertakers, electoral registers and online resources (such as Experian and TracelQ). In addition, LIQs were issued to landowners who owned land adjacent to unregistered land and unknown owner site notices were erected during the LOQ, LIQ and consultation phases.

10.8 The information obtained from the above exercises was used to populate Part 1, Part 2 and Part 3 of **Volume 8, Book of Reference (application ref: 4.2)**.

Category 3 persons who may fall under section 10 of the Compulsory Purchase Act 1965 (CPA 1965) and/or section 152(3) of the 2008 Act

10.9 In assessing potential claimants under Part I of the Land Compensation Act 1973 (“the LCA 1973”), physical factors and the impact of the Projects were considered, including:

- (a) Properties closest to the Order Limits; and
- (b) Properties identified as a receptor as a consequence of the property being located outside the Order Limits but in close proximity.

10.10 Professional judgement was used to ascertain whether a person may have a relevant claim for compensation as a result of a reduction in value of their property as a result of the use of the proposed scheme caused by physical factors under section 57(4) of the 2008 Act, based on a worst-case assessment.

11 ENGAGEMENT WITH AFFECTED PARTIES

- 11.1 As well as consulting all persons with an interest in the Order Land about the Projects in accordance with section 42 of the 2008 Act, the Applicants have had regard to the requirement under paragraph 25 of the Guidance to seek to acquire land by negotiation wherever practicable.
- 11.2 The Applicants have entered into discussions with the relevant landowners and occupiers to secure the necessary interests over the land required for the Projects by agreement rather than seek powers of compulsory acquisition under the Order. Negotiations have taken place through letters, emails, phone calls and face to face meetings. Whilst negotiations with landowners have continued over a number of months, agreement for the acquisition of many of the rights over or under certain Plots of land have yet to be secured.
- 11.3 In order to provide certainty for the Projects and ensure funding can be achieved, powers of compulsory acquisition are sought over the Order Land which is required for the delivery of the Projects. This parallel approach of making the Application (including powers of compulsory acquisition in the Order) and conducting negotiations to acquire land by agreement is in accordance with paragraph 25 of the Guidance.
- 11.4 Further detail of the discussions that the Applicants have had with landowners and occupiers to acquire the Order Land by agreement, as well negotiations with statutory undertakers and the Crown, are set out in **Volume 4, Schedule of Progress for Voluntary Land Interest Agreements (application ref: 4.3)** (which will be updated as appropriate throughout Examination). Some landowners who have protected status are considered below.
- 11.5 All impacted parties have appointed Land Agents to act on their behalf, the majority of these agents have come together to form a Land Interest Group (LIG) where they are negotiating as a single entity. Whilst specific terms have yet to be agreed progress on the generic Heads of Terms document has been made through several round table discussions, which has led to an agreed position on the generic terms. The Applicants will continue to negotiate with the appointed agents to agreed specific rights within a voluntary agreement during the course of examination.
- 11.6 Where the impacted party is represented by a non LIG agent, the Applicants have been negotiating terms for a voluntary agreement. The Applicants have issued the updated position on the generic terms to these agents providing an updated offer on the voluntary terms. The Applicants will continue to negotiate with the appointed agents to agreed specific rights within a voluntary agreement during the course of examination.

12 CASE FOR POWERS OF ACQUISITION SOUGHT

- 12.1 This section sets out the Applicants' proposals and justification for each class of acquisition. This includes explaining where the Applicants are seeking necessary flexibility for the detailed design stage and it may be that the final land take is less than identified.
- 12.2 Each plot of land described in **Volume 4, Book of Reference (application ref: 4.2)** and shown on **Volume 2, Land Plans (application ref: 2.7)** is required either for the purposes of the Projects, or is needed to facilitate, or is incidental to the Projects.
- 12.3 The Applicants are in continuing discussions with the landowners with the intention of reaching a voluntary agreement for land rights required. Powers of compulsory acquisition are therefore sought on a precautionary basis to ensure that the Projects can be delivered should the landowner default on that agreement or where unknown interests in the land emerge. While the Applicants have undertaken a thorough and diligent land referencing and investigatory exercise, this possibility cannot be excluded and the Applicants require to be able to acquire such interests where they emerge.
- 12.4 There are further parcels of land in unknown ownership for which despite diligent inquiry, the Applicants have not been able to identify an owner. As a result, these cannot be acquired by agreement.
- 12.5 Diligent inquiry included review of Land Registry records, physical inspection and posting of site notices seeking information from the landowner of the relevant land.
- 12.6 The Applicants have undertaken further enquires with the adjacent landowners in a bid to ascertain ownership of these unknown parcels through the use of Landowner Interest Questionnaires (LIQ's)
- 12.7 Therefore, the Applicants have concluded that the Projects are unlikely to be capable of being delivered without compulsory acquisition powers.

Compulsory acquisition of land and rights

- 12.8 The main powers authorising the compulsory acquisition of land, or interests in, or rights over land, are contained in Articles 20 (compulsory acquisition of land) and 22 (compulsory acquisition of rights and restrictive covenants) of the Draft DCO and this Statement provides a description of the land which is subject to powers of outright acquisition in terms of Article 20 of the draft Order. The purpose for acquiring this land is to enable the Applicants to construct the permanent works on the land and other elements.

Article 23: Private rights over land

- 12.9 Article 23 of the draft Order provides for the extinguishment of all existing private rights over land from the earlier of the date of acquisition of the land or the date on which the Applicants enter the land.
- 12.10 The Article further provides that, where new rights are being compulsorily acquired or restrictive covenants are being imposed on land then any existing private rights or restrictive covenants which that land is subject to shall be extinguished to the extent that continuing those private rights or restrictive covenants would be inconsistent with the new right acquired or restrictive covenant imposed.
- 12.11 With regard to land that the Applicants may take temporary possession of under the draft order, Article 23 provides that all private rights over that land will be suspended and unenforceable for as long as the Applicants are in lawful possession of the land.
- 12.12 The power to extinguish existing rights is required to ensure that such rights do not interfere with the construction and operation of the Projects.
- 12.13 The Article provides that any person who suffers loss caused by the extinguishment or suspension of rights (pursuant to the exercise of the power in Article 23) is entitled to reasonable compensation.

Article 25: Statutory authority to override easements and other rights

- 12.14 Article 25 of the draft provides and additional statutory authority for the Applicants to override existing easements and other rights for its statutory purposes and to allow this overriding to benefit successors in title also. This power may be used where the relevant land is not subject to compulsory acquisition because either the land is already held by the Applicant or because of agreements reached with other parties, but a power to override existing interests such as easements in land is still required to be available to the Applicants.

Article 26: Acquisition of subsoil or airspace only

- 12.15 Where the Applicant has, in respect of any land, powers of compulsory acquisition under Articles 20 and 23 above then it may, for the same purposes for which it is authorised to acquire the whole of the land, choose instead to acquire only the subsoil underneath or the airspace over the land with consequentially less impacts on affected landowners. This power is included for flexibility as it would allow the Applicants to minimise its costs and/ or impact to land interests by acquiring subsoil or airspace only where it is possible to do so and still deliver the Projects, leaving land interests in possession of the valuable part of the land. This allows the acquisition of the minimum interests to deliver the Projects.

12.16 The table below sets out the plots the Applicants seek to acquire the freehold compulsorily and the works proposed to be carried out in these plots:

Plot	Works Number	Works Description
18-006	21 A/B	Permanent Access from Public Highway
18-008	22 A/B,	Permanent Access Zone and Main Temporary Construction Compound
	20 A/B	Main Temporary Construction Compound
	21 A/B	Permanent Access from Public Highway
18-010	20 A/B	Main Temporary Construction Compound
	22 A/B	Permanent Access Zone
	27 A/B	Permanent Landscaping
	29 A/B	Permanent Landscaping
	24 A/B	Converter Station Zone
	26 A/B	Eastern Converter Station Footprint
	31 A/B	Onshore Cable Corridor to National Grid Connection
	28 A/B	Utility Connection Works
18-014	24 A/B	Converter Station Zone
	25 A/B	Western Converter Station Footprint
18-015	24 A/B	Converter Station Zone
	26 A/B	Eastern Converter Station Footprint
	29 A/B	Permanent Landscaping
	28 A/B	Utility Connection Works
18-021	28 A/B	Utility Connection Works
18-022	27 A/B	Permanent Landscaping
18-025	28 A/B	Utility Connection Works
	27 A/B	Permanent Landscaping
18-028	29 A/B	Permanent Landscaping
18-030	29 A/B	Permanent Landscaping
18-031	29 A/B	Permanent Landscaping
18-035	29 A/B	Permanent Landscaping

Acquisition of rights and imposition of restrictive covenants

(a) Cable rights and restrictive covenants

Plot number	Works Number	Works Description
02-001	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-002	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-003	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-004	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-005	Works No. 12A/B	Landfall Works Between MHWS and Top of Cliff

Plot number	Works Number	Works Description
02-006	Works No. 12A/B	Landfall Works Between MHWS and Top of Cliff
02-007	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-008	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-009	Works No. 12A/B	Landfall Works Between MHWS and Top of Cliff
02-010	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-011	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-012	Works No. 8A/B	Landfall Works Between MLWS to MHWS
02-013	Works No. 12A/B	Landfall Works Between MHWS and Top of Cliff
02-014	Works No. 12A/B	Landfall Works Between MHWS and Top of Cliff
02-015	Works No. 12A/B	Landfall Works Between MHWS and Top of Cliff
02-017	Works No. 12A/B	Landfall Works Between MHWS and Top of Cliff
02-021	Works No. 14A/B	Onshore cable Corridor
02-022	Works No. 14A/B	Onshore cable Corridor
02-024	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
02-024	Works No. 14A/B	Onshore cable Corridor
02-026	Works No. 13A/B	Landfall Operations and TJB Compound
02-030	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
02-030	Works No. 14A/B	Onshore cable Corridor
02-031	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
02-031	Works No. 14A/B	Onshore cable Corridor
02-034	Works No. 17A/B	Construction Vehicle Access from Public Highway
02-034	Works No. 14A/B	Onshore cable Corridor
02-038	Works No. 17A/B	Construction Vehicle Access from Public Highway
02-038	Works No. 14A/B	Onshore cable Corridor
03-001	Works No. 14A/B	Onshore cable Corridor
03-002	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-002	Works No. 14A/B	Onshore cable Corridor
03-010	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-010	Works No. 14A/B	Onshore cable Corridor
03-011	Works No. 14A/B	Onshore cable Corridor
03-012	Works No. 14A/B	Onshore cable Corridor
03-013	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-013	Works No. 14A/B	Onshore cable Corridor

Plot number	Works Number	Works Description
04-008	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
04-008	Works No. 14A/B	Onshore cable Corridor
04-009	Works No. 14A/B	Onshore cable Corridor
04-010	Works No. 14A/B	Onshore cable Corridor
04-014	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
04-014	Works No. 14A/B	Onshore cable Corridor
04-018	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
04-018	Works No. 14A/B	Onshore cable Corridor
04-021	Works No. 14A/B	Onshore cable Corridor
04-022	Works No. 14A/B	Onshore cable Corridor
04-023	Works No. 14A/B	Onshore cable Corridor
04-024	Works No. 14A/B	Onshore cable Corridor
05-001	Works No. 14A/B	Onshore cable Corridor
05-003	Works No. 14A/B	Onshore cable Corridor
05-004	Works No. 14A/B	Onshore cable Corridor
05-005	Works No. 14A/B	Onshore cable Corridor
06-001	Works No. 14A/B	Onshore cable Corridor
06-002	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
06-002	Works No. 14A/B	Onshore cable Corridor
06-007	Works No. 17A/B	Construction Vehicle Access from <u>Public Highway</u>
06-007	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
06-007	Works No. 14A/B	Onshore cable Corridor
06-017	Works No. 17A/B	Construction Vehicle Access from <u>Public Highway</u>
06-017	Works No. 14A/B	Onshore cable Corridor
06-018	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
06-018	Works No. 14A/B	Onshore cable Corridor
06-025	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
06-025	Works No. 14A/B	Onshore cable Corridor
07-001	Works No. 14A/B	Onshore cable Corridor
07-002	Works No. 14A/B	Onshore cable Corridor
07-003	Works No. 14A/B	Onshore cable Corridor
07-004	Works No. 14A/B	Onshore cable Corridor
07-005	Works No. 14A/B	Onshore cable Corridor
08-008	Works No. 17A/B	Construction Vehicle Access from <u>Public Highway</u>
08-008	Works No. 14A/B	Onshore cable Corridor
08-009	Works No. 15A/B	Construction Vehicle Crossing of <u>Public Highway</u>
08-009	Works No. 14A/B	Onshore cable Corridor
08-013	Works No. 14A/B	Onshore cable Corridor
08-015	Works No. 14A/B	Onshore cable Corridor

Plot number	Works Number	Works Description
08-016	Works No. 14A/B	Onshore cable Corridor
08-017	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-017	Works No. 14A/B	Onshore cable Corridor
08-025	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-025	Works No. 14A/B	Onshore cable Corridor
08-026	Works No. 14A/B	Onshore cable Corridor
09-001	Works No. 14A/B	Onshore cable Corridor
09-002	Works No. 14A/B	Onshore cable Corridor
09-003	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
09-003	Works No. 14A/B	Onshore cable Corridor
09-008	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
09-008	Works No. 14A/B	Onshore cable Corridor
09-009	Works No. 14A/B	Onshore cable Corridor
09-010	Works No. 14A/B	Onshore cable Corridor
09-013	Works No. 14A/B	Onshore cable Corridor
10-005	Works No. 17A/B	Construction Vehicle Access from Public Highway
10-005	Works No. 14A/B	Onshore cable Corridor
10-006	Works No. 14A/B	Onshore cable Corridor
10-007	Works No. 14A/B	Onshore cable Corridor
10-008	Works No. 14A/B	Onshore cable Corridor
10-009	Works No. 14A/B	Onshore cable Corridor
10-010	Works No. 14A/B	Onshore cable Corridor
10-011	Works No. 14A/B	Onshore cable Corridor
10-012	Works No. 14A/B	Onshore cable Corridor
10-013	Works No. 14A/B	Onshore cable Corridor
10-014	Works No. 14A/B	Onshore cable Corridor
10-019	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
10-019	Works No. 14A/B	Onshore cable Corridor
11-008	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-008	Works No. 14A/B	Onshore cable Corridor
11-018	Works No. 17A/B	Construction Vehicle Access from Public Highway
11-018	Works No. 14A/B	Onshore cable Corridor
12-004	Works No. 17A/B	Construction Vehicle Access from Public Highway
12-004	Works No. 14A/B	Onshore cable Corridor
12-011	Works No. 17A/B	Construction Vehicle Access from Public Highway
12-011	Works No. 14A/B	Onshore cable Corridor
12-012	Works No. 14A/B	Onshore cable Corridor
12-013	Works No. 14A/B	Onshore cable Corridor
12-014	Works No. 14A/B	Onshore cable Corridor

Plot number	Works Number	Works Description
13-001	Works No. 14A/B	Onshore cable Corridor
13-002	Works No. 14A/B	Onshore cable Corridor
13-003	Works No. 14A/B	Onshore cable Corridor
13-004	Works No. 14A/B	Onshore cable Corridor
13-005	Works No. 14A/B	Onshore cable Corridor
13-009	Works No. 14A/B	Onshore cable Corridor
13-014	Works No. 14A/B	Onshore cable Corridor
13-015	Works No. 14A/B	Onshore cable Corridor
13-016	Works No. 14A/B	Onshore cable Corridor
13-017	Works No. 14A/B	Onshore cable Corridor
14-005	Works No. 14A/B	Onshore cable Corridor
14-006	Works No. 14A/B	Onshore cable Corridor
14-007	Works No. 14A/B	Onshore cable Corridor
14-008	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-008	Works No. 14A/B	Onshore cable Corridor
14-013	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-013	Works No. 14A/B	Onshore cable Corridor
14-014	Works No. 14A/B	Onshore cable Corridor
15-006	Works No. 14A/B	Onshore cable Corridor
15-007	Works No. 14A/B	Onshore cable Corridor
15-008	Works No. 14A/B	Onshore cable Corridor
16-001	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-001	Works No. 14A/B	Onshore cable Corridor
16-002	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-002	Works No. 14A/B	Onshore cable Corridor
16-003	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-003	Works No. 14A/B	Onshore cable Corridor
16-004	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-004	Works No. 14A/B	Onshore cable Corridor
16-008	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-008	Works No. 14A/B	Onshore cable Corridor
16-009	Works No. 14A/B	Onshore cable Corridor
17-002	Works No. 17A/B	Construction Vehicle Access from Public Highway
17-002	Works No. 14A/B	Onshore cable Corridor
17-008	Works No. 14A/B	Onshore cable Corridor
17-009	Works No. 17A/B	Construction Vehicle Access from Public Highway
17-009	Works No. 14A/B	Onshore cable Corridor
17-010	Works No. 17A/B	Construction Vehicle Access from Public Highway
17-010	Works No. 14A/B	Onshore cable Corridor

Plot number	Works Number	Works Description
17-011	Works No. 14A/B	Onshore cable Corridor
18-001	Works No. 14A/B	Onshore cable Corridor
18-002	Works No. 14A/B	Onshore cable Corridor
18-007	Works No. 14A/B	Onshore cable Corridor
18-009	Works No. 14A/B	Onshore cable Corridor
18-012	Works No. 14A/B	Onshore cable Corridor
18-038	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
18-039	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
18-043	Works No. 17A/B	Construction Vehicle Access from Public Highway
18-043	Works No. 32B	Onshore Cable Corridor to National Grid Connection
18-043	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
18-050	Works No. 32B	Onshore Cable Corridor to National Grid Connection
18-052	Works No. 32B	Onshore Cable Corridor to National Grid Connection
18-054	Works No. 33A/B	Construction Vehicle Access from Public Highway
18-054	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
19-003	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
19-004	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
19-005	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
19-007	Works No. 32B	Onshore Cable Corridor to National Grid Connection
20-002	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection

12.17 Rights are sought for the installation, retention, operation, maintenance and decommissioning of underground cables and ancillary infrastructure in these Plots. The rights include those necessary to carry out the works, including occupying the land to carry out works, using the land as a temporary working area, storing or stockpiling materials on the land, taking access over and across the land, breaking open the land to install or reach cables and using trenchless installation techniques. In order to carry out works safely, rights are also sought to erect fencing or other means of enclosure and signage, to drain the land, to clear obstacles including fences, woods, hedges, tree or shrubs, to divert or alter apparatus and to create access and haul routes.

12.18 The imposition of restrictive covenants necessary to protect the cables once installed is sought. The restrictive covenants would prevent building or construction over the cables, blasting, hard surfacing over the cables, changing the levels of the land, excavation (excluding normal ploughing), and planting of trees or shrubs which may interfere with or

prevent access to the cables. A restrictive covenant is also sought to protect any habitat creation or enhancement carried out on the land as part of the Projects in order that the Applicants can demonstrate that any mitigation or compensation to be provided can be retained and maintained for the required period.

(b) Cable rights, transition joint bay rights and restrictive covenants

Plot Number	Works Number	Works Descriptions
02-016	Works No. 13A/B	Landfall Operations and TJB Compound
02-018	Works No. 13A/B	Landfall Operations and TJB Compound
02-019	Works No. 13A/B	Landfall Operations and TJB Compound
02-020	Works No. 13A/B	Landfall Operations and TJB Compound
02-023	Works No. 13A/B	Landfall Operations and TJB Compound
02-025	Works No. 13A/B	Landfall Operations and TJB Compound

12.19 This category is the same as (a) but with the addition of rights to install and retain in the land transition joint bays (Work Nos. 13A and 13B). These are the only Plots in which it is sought to site transition joint bays.

(c) Cable rights and restrictive covenants under existing infrastructure

Plot Number	Works Number	Works Description
02-027	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
02-027	Works No. 14A/B	Onshore cable Corridor
02-033	Works No. 14A/B	Onshore cable Corridor
03-006	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-006	Works No. 14A/B	Onshore cable Corridor
04-004	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-004	Works No. 14A/B	Onshore cable Corridor
04-013	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-013	Works No. 14A/B	Onshore cable Corridor
06-004	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
06-004	Works No. 14A/B	Onshore cable Corridor
06-012	Works No. 19A/B	Improvements to Public Highway
06-012	Works No. 17A/B	Construction Vehicle Access from Public Highway
06-012	Works No. 14A/B	Onshore cable Corridor
06-021	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
06-021	Works No. 14A/B	Onshore cable Corridor
08-005	Works No. 17A/B	Construction Vehicle Access from Public Highway
08-005	Works No. 14A/B	Onshore cable Corridor
08-014	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-014	Works No. 14A/B	Onshore cable Corridor
08-021	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-021	Works No. 14A/B	Onshore cable Corridor

Plot Number	Works Number	Works Description
09-006	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
09-006	Works No. 14A/B	Onshore cable Corridor
10-002	Works No. 17A/B	Construction Vehicle Access from Public Highway
10-002	Works No. 14A/B	Onshore cable Corridor
11-004	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-004	Works No. 14A/B	Onshore cable Corridor
11-010	Works No. 14A/B	Onshore cable Corridor
11-011	Works No. 14A/B	Onshore cable Corridor
11-012	Works No. 14A/B	Onshore cable Corridor
12-005	Works No. 19A/B	Improvements to Public Highway
12-005	Works No. 17A/B	Construction Vehicle Access from Public Highway
12-005	Works No. 14A/B	Onshore cable Corridor
14-011	Works No. 17A/B	Construction Vehicle Access From Public Highway
14-011	Works No. 14A/B	Onshore cable Corridor
15-004	Works No. 14A/B	Onshore cable Corridor
16-007	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-007	Works No. 14A/B	Onshore cable Corridor
17-001	Works No. 14A/B	Onshore cable Corridor
17-005	Works No. 17A/B	Construction Vehicle Access From Public Highway
17-005	Works No. 14A/B	Onshore cable Corridor
18-003	Works No. 14A/B	Onshore cable Corridor
18-004	Works No. 21A/B	Permanent Access From Public Highway
18-004	Works No. 22A/B	Permanent Access Zone
18-004	Works No. 14A/B	Onshore cable Corridor
18-026	Works No. 28A/B	Utility Connection Works
18-027	Works No. 18A/B	Haul Road
18-027	Works No. 28A/B	Utility Connection Works
18-027	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
18-029	Works No. 28A/B	Utility Connection Works
18-029	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
18-032	Works No. 28A/B	Utility Connection Works
18-032	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection
18-033	Works No. 28A/B	Utility Connection Works
18-034	Works No. 28A/B	Utility Connection Works
18-036	Works No. 28A/B	Utility Connection Works
18-037	Works No. 28A/B	Utility Connection Works
18-040	Works No. 17A/B	Construction Vehicle Access From Public Highway
18-040	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection

12.20 The rights sought in this category are the same as for (a) but these plots will contain crossings of infrastructure where the restrictive covenants sought under (a) would be incompatible with the existing surface use. It is not considered reasonable to seek to control hard surfacing on the public highway for example as the highway authority must be able to maintain their highway as they consider appropriate.

- 12.21 Trenchless installation techniques are proposed on crossing of the railway line and main rivers and most public highways and ordinary watercourses / drains, to prevent any interference with the existing use or damage to that infrastructure. Where infrastructure is crossed by trenchless installation techniques the right to break open the surface will be limited by the effect of protective provisions, but is retained for where it is necessary to effectively carry out trenchless installation (subject to any controls on the exercise of that agreed with the asset owner).
- 12.22 For all three forms of cable rights sought ((a), (b) and (c)), the rights sought are the minimum necessary to allow the construction and safe operation and maintenance of the Projects. The Applicants are seeking to acquire rights in the land and not ownership of it as the buried cables can co-exist with the existing land uses. Once the cables are installed the current use of the cable corridor plots can resume, resulting in minimal interference to the owners and occupiers.
- 12.23 The cables are intended to coexist with other infrastructure while causing the minimum interference, for example by limiting the impact to sub-surface under existing rail lines and highways and micro-siting the cables to avoid needing to alter water apparatus. Other undertakers' apparatus will only be altered where necessary and there are no proposals to remove any apparatus without a diversion being put in place. The rights sought are accordingly proportionate.

(f) Mitigation work areas access rights, mitigation rights and restrictive covenants

Plot Number	Works Number	Works Description
18-016	Works No. 30A/B	Haul Road
18-017	Works No. 28A/B	Utility Connection Works
18-017	Works No. 30A/B	Haul Road
18-019	Works No. 30A/B	Haul Road
18-020	Works No. 28A/B	Utility Connection Works
18-020	Works No. 30A/B	Haul Road
18-023	Works No. 30A/B	Haul Road
18-024	Works No. 28A/B	Utility Connection Works

18-024 · Works No. 30A/B · Haul Road

- 12.24 In category (f), the mitigation rights are co-located with access rights to access the cable corridor; accordingly both forms of rights are sought under this heading. This co-location reduces the impact on landowners by minimising the number of Plots required while allowing mitigation use to be undertaken and connectivity between areas to be maintained. In such cases, access will be over an unsurfaced route and managed to avoid adverse impact on the mitigation works. The need for a separate access route or hard

surfaced route is accordingly removed, resulting in the in the minimum interference to the landowner.

- 12.25 It is intended that the exercise of mitigation rights and effect of restrictive covenants will be time limited to the period required to deliver the mitigation secured in the Order, after which only access rights will be exercised.

(g) National Grid substation works area rights

Plot Number	Works Number	Works Description
20-004	Works No. 34A/B	National Grid Substation Connection Works
20-004	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
20-004	Works No. 32B	Onshore Cable Corridor to National Grid Connection
20-004	Works No. 31A/B	Onshore Cable Corridor to National Grid Connection

- 12.26 In this area rights are required to allow the installation, retention, operation and maintenance of the cables and to carry out works to connect the cables to the National Grid substation. The details of the works to connect to the substation will require to be approved by National Grid, who are currently in the process of obtaining consent to construct a new substation. National Grid will affect the final connections to their infrastructure. The Applicants are not seeking any consent to interfere with or remove any National Grid apparatus or to undertake any works within the existing substation without National Grid's consent. The acquisition proposed seeks to ensure that the necessary land rights are available to the Applicants to carry out the works.

(i) Temporary Access

Plot Number	Works Number	Works Description
01-001	Works No. 10A/B	Emergency Beach Access Above MHWS
01-002	Works No. 10A/B	Emergency Beach Access Above MHWS
01-003	Works No. 10A/B	Emergency Beach Access Above MHWS
01-004	Works No. 10A/B	Emergency Beach Access Above MHWS
01-005	Works No. 10A/B	Emergency Beach Access Above MHWS
01-007	Works No. 10A/B	Emergency Beach Access Above MHWS
01-008	Works No. 10A/B	Emergency Beach Access Above MHWS
01-009	Works No. 10A/B	Emergency Beach Access Above MHWS
01-010	Works No. 9A/B	Emergency Beach Access Below MHWS
01-011	Works No. 9A/B	Emergency Beach Access Below MHWS
01-012	Works No. 9A/B	Emergency Beach Access Below MHWS
01-013	Works No. 9A/B	Emergency Beach Access Below MHWS
01-014	Works No. 9A/B	Emergency Beach Access Below MHWS

Plot Number	Works Number	Works Description
01-015	Works No. 9A/B	Emergency Beach Access Below MHWS
02-028	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
02-029	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
02-035	Works No. 17A/B	Construction Vehicle Access From Public Highway
02-036	Works No. 17A/B	Construction Vehicle Access From Public Highway
02-037	Works No. 18A/B	Haul Road
02-037	Works No. 17A/B	Construction Vehicle Access From Public Highway
03-003	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-004	Works No. 15A/B	
03-005	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-007	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-008	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
03-009	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-001	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-002	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-003	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-005	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-006	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-007	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-011	Works No. 18A/B	Haul Road
04-011	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-012	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-015	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-016	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-016	Works No. 18A/B	Haul Road
04-017	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
04-017	Works No. 18A/B	Haul Road
04-020	Works No. 19A/B	Improvements to Public Highway
04-020	Works No. 17A/B	Construction Vehicle Access From Public Highway
05-002	Works No. 18A/B	Haul Road
06-003	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
06-005	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
06-006	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
06-008	Works No. 18A/B	Haul Road
06-008	Works No. 17A/B	Construction Vehicle Access From Public Highway
06-009	Works No. 17A/B	Construction Vehicle Access From Public Highway
06-010	Works No. 19A/B	Improvements to Public Highway
06-010	Works No. 17A/B	Construction Vehicle Access From Public Highway
06-011	Works No. 16A/B	Satellite Temporary Construction Compound
06-011	Works No. 17A/B	Construction Vehicle Access From Public Highway
06-013	Works No. 17A/B	Construction Vehicle Access From Public Highway
06-014	Works No. 19A/B	Improvements to Public Highway
06-014	Works No. 17A/B	Construction Vehicle Access From Public Highway
06-019	Works No. 15A/B	Construction Vehicle Crossing of Public Highway

Plot Number	Works Number	Works Description
06-020	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
06-022	Works No. 15A/B	Emergency Beach Access Below MHWS
06-023	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
06-024	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-001	Works No. 18A/B	Haul Road
08-001	Works No. 17A/B	Construction Vehicle Access From Public Highway
08-002	Works No. 19A/B	Improvements to Public Highway
08-002	Works No. 17A/B	Construction Vehicle Access from Public Highway
08-003	Works No. 19A/B	Improvements to Public Highway
08-004	Works No. 19A/B	Improvements to Public Highway
08-006	Works No. 16A/B	Satellite Temporary Construction Compound
08-006	Works No. 17A/B	Construction Vehicle Access from Public Highway
08-010	Works No. 18A/B	Haul Road
08-010	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-011	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-012	Works No. 18A/B	Haul Road
08-012	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-018	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-019	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-020	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-022	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-023	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
08-024	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
09-004	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
09-005	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
09-007	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
09-011	Works No. 18A/B	Haul Road
09-012	Works No. 18A/B	Haul Road
10-001	Works No. 18A/B	Haul Road
10-001	Works No. 17A/B	Construction Vehicle Access From Public Highway
10-003	Works No. 17A/B	Construction Vehicle Access From Public Highway
10-003	Works No. 17A/B	Construction Vehicle Access From Public Highway
10-016	Works No. 18A/B	Haul Road
10-016	Works No. 17A/B	Construction Vehicle Access From Public Highway
10-017	Works No. 18A/B	Haul Road
10-017	Works No. 17A/B	Construction Vehicle Access From Public Highway
10-018	Works No. 17A/B	Construction Vehicle Access from Public Highway
11-001	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-002	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-003	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-005	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-006	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-007	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
11-013	Works No. 18A/B	Haul Road

Plot Number	Works Number	Works Description
11-013	Works No. 17A/B	Construction Vehicle Access from Public Highway
11-014	Works No. 17A/B	Construction Vehicle Access from Public Highway
11-015	Works No. 17A/B	Construction Vehicle Access from Public Highway
11-016	Works No. 17A/B	Construction Vehicle Access from Public Highway
11-016	Works No. 18A/B	Haul Road
11-017	Works No. 18A/B	Haul Road
12-002	Works No. 17A/B	Construction Vehicle Access from Public Highway
12-002	Works No. 16A/B	Satellite Temporary Construction Compound
12-003	Works No. 19A/B	Improvements to Public Highway
12-003	Works No. 17A/B	Construction Vehicle Access from Public Highway
12-006	Works No. 19A/B	Improvements to Public Highway
12-007	Works No. 19A/B	Improvements to Public Highway
12-008	Works No. 19A/B	Improvements to Public Highway
12-009	Works No. 19A/B	Improvements to Public Highway
12-010	Works No. 18A/B	Haul Road
12-010	Works No. 17A/B	Construction Vehicle Access from Public Highway
13-006	Works No. 18A/B	Haul Road
13-007	Works No. 18A/B	Haul Road
13-008	Works No. 18A/B	Haul Road
13-011	Works No. 18A/B	Haul Road
13-012	Works No. 17A/B	Construction Vehicle Access from Public Highway
13-013	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-002	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-003	Works No. 19A/B	Improvements to Public Highway
14-003	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-004	Works No. 19A/B	Improvements to Public Highway
14-009	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-010	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-012	Works No. 17A/B	Construction Vehicle Access from Public Highway
15-002	Works No. 17A/B	Construction Vehicle Access from Public Highway
15-003	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-005	Works No. 17A/B	Construction Vehicle Access from Public Highway
16-006	Works No. 17A/B	Construction Vehicle Access from Public Highway
17-004	Works No. 16A/B	Satellite Temporary Construction Compound
17-004	Works No. 17A/B	Construction Vehicle Access from Public Highway
17-006	Works No. 17A/B	Construction Vehicle Access from Public Highway
17-007	Works No. 18A/B	Haul Road
17-007	Works No. 17A/B	Construction Vehicle Access from Public Highway
18-005	Works No. 21A/B	Permanent Access from Public Highway
18-005	Works No. 22A/B	Permanent Access Zone
18-041	Works No. 17A/B	Construction Vehicle Access from Public Highway
18-042	Works No. 17A/B	Construction Vehicle Access from Public Highway
18-045	Works No. 18A/B	Haul Road
18-046	Works No. 18A/B	Haul Road

Plot Number	Works Number	Works Description
18-047	Works No. 18A/B	Haul Road
18-047	Works No. 17A/B	Construction Vehicle Access from Public Highway
18-048	Works No. 18A/B	Haul Road
18-048	Works No. 17A/B	Construction Vehicle Access from Public Highway
18-049	Works No. 18A/B	Haul Road
18-051	Works No. 18A/B	Haul Road
18-053	Works No. 18A/B	Haul Road
18-055	Works No. 18A/B	Haul Road
18-055	Works No. 33A/B	Construction Vehicle Access from Public Highway
19-001	Works No. 33A/B	Construction Vehicle Access from Public Highway
19-002	Works No. 33A/B	Construction Vehicle Access from Public Highway
19-006	Works No. 18A/B	Haul Road
20-001	Works No. 18A/B	Haul Road
20-003	Works No. 18A/B	Haul Road
20-003	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
20-005	Works No. 15A/B	Construction Vehicle Crossing of Public Highway

12.27 Temporary possession of land is sought to provide the Applicants with necessary access to construct the cables and associated infrastructure. Some of the plots for which access rights are sought are located outside of the cable corridor, and it would not be necessary or proportionate to seek the same rights as for the cable corridor, or to seek to impose restrictive covenants over these Plots. Securing temporary possession during the construction period allows the applicant to exercise access over the land for construction without needing to acquire rights over it permanently. This minimises interference with the rights of landowners and occupiers.

12.28 The rights sought are accordingly the minimum necessary to ensure that the Projects can be accessed during construction minimising the impacts of doing so by avoiding the need to create new accesses through hedgerows on multiple occasions.

(a) Temporary possession

12.29 Although not strictly a form of compulsory acquisition, temporary possession powers are sought in the Order to reduce the land within which the Applicants require to seek permanent rights and to minimise the interference with landowners' and occupiers' rights (Articles 29 and 30 of the draft Order). The Applicants are seeking to temporarily occupy land required during the construction of the Projects over which rights may not be required once construction has been completed. This minimises interference by allowing the Applicants to access the land needed for construction without requiring the permanent acquisition of that land.

12.30 Temporary possession powers apply to all of the Order Land, and powers may be used before permanent rights are acquired. However, the Plots listed in Schedule 9 of the

Order will only be subject to temporary possession and will not be subject to powers of compulsory acquisition. Those Plots are:

Plot Number	Works Number	Works Description
01-006	Works No. 11A/B	Emergency Beach Access TCC
02-032	Works No. 15A/B	Construction Vehicle Crossing of Public Highway
02-032	Works No. 17A/B	Construction Vehicle Access from Public Highway
02-032	Works No. 16A/B	Satellite Temporary Construction Compound
04-019	Works No. 17A/B	Construction Vehicle Access from Public Highway
04-019	Works No. 16A/B	Satellite Temporary Construction Compound
06-015	Works No. 16A/B	Satellite Temporary Construction Compound
06-015	Works No. 17A/B	Construction Vehicle Access from Public Highway
06-016	Works No. 16A/B	Satellite Temporary Construction Compound
06-016	Works No. 17A/B	Construction Vehicle Access from Public Highway
08-007	Works No. 16A/B	Satellite Temporary Construction Compound
08-007	Works No. 17A/B	Construction Vehicle Access from Public Highway
10-004	Works No. 20A/B	Main Temporary Construction Compound
10-004	Works No. 17A/B	Construction Vehicle Access from Public Highway
10-015	Works No. 18A/B	Haul Road
10-015	Works No. 16A/B	Satellite Temporary Construction Compound
11-009	Works No. 16A/B	Satellite Temporary Construction Compound
12-001	Works No. 17A/B	Construction Vehicle Access from Public Highway
12-001	Works No. 16A/B	Satellite Temporary Construction Compound
13-010	Works No. 18A/B	Haul Road
13-010	Works No. 16A/B	Satellite Temporary Construction Compound
13-010	Works No. 17A/B	Construction Vehicle Access from Public Highway
14-001	Works No. 16A/B	Satellite Temporary Construction Compound
14-001	Works No. 17A/B	Construction Vehicle Access from Public Highway
15-001	Works No. 20A/B	Main Temporary Construction Compound
15-001	Works No. 17A/B	Construction Vehicle Access From Public Highway
15-005	Works No. 20A/B	Main Temporary Construction Compound
15-005	Works No. 17A/B	Construction Vehicle Access From Public Highway
17-003	Works No. 16A/B	Satellite Temporary Construction Compound
17-003	Works No. 17A/B	Construction Vehicle Access From Public Highway
18-011	Works No. 23A/B	Converter Station Temporary Construction Compound
18-013	Works No. 23A/B	Converter Station Temporary Construction Compound
18-044	Works No. 16A/B	Satellite Temporary Construction Compound

Temporary use of land for maintaining the authorised development

12.31 Article 31 of the DCO would allow the Applicants to construct temporary works and buildings on the land, so far as reasonably necessary for the purpose of maintaining the Projects during the maintenance period. The Applicants would not be able to take

temporary possession of a house, or a garden belonging to a house, or any other occupied building under this Article.

- 12.32 The Applicants would only be able to remain in possession of land under this Article for so long as may be reasonably necessary to carry out the maintenance of the part of the Project for which possession was taken. Before giving up possession of the land, the Applicants would be required to remove all temporary works and restore the land to the owner's reasonable satisfaction.

13 SPECIAL CONSIDERATIONS

Crown Land

- 13.1 The DBS West and DBS East array areas and offshore cabling will be situated within seabed/land owned and managed by The Crown Estate, and no compulsory acquisition is proposed in this area. An agreement for lease for the array areas is already in place with The Crown Estate for the seabed area within which these works will be located. The Applicants have submitted the proposed Offshore Export Cable Corridors together with relevant supporting information to The Crown Estate as two applications for consideration through The Crown Estate's Cable Route Identification and Approval (CRIA) process. This has commenced the process for entering into the Agreements for Lease for the Offshore Export Cable Corridors for the Projects.
- 13.2 Within the intertidal and foreshore area a number of Plots have been included within **Volume 4, Book of Reference (application ref: 4.2)** and scope of compulsory acquisition which are Crown land. There are also Plots relating to the River Hull, which are Crown land. As set out in Article 40 of the draft DCO and noted in these entries in the Book of Reference, there is no intention to seek to compulsorily acquire or interfere with the rights of the Crown. These Plots have been included as a purely precautionary measure to address any unknown interests which may arise. Negotiations with the Crown Estate for appropriate leases and licences for these areas are ongoing and are progressing well.
- 13.3 Section 135 of the 2008 Act provides that a development consent order may authorise, with consent of the Crown, the compulsory acquisition of an interest in Crown land which, for the time being, is held otherwise than by or on behalf of the Crown.
- 13.4 As set out above 13.2, the Applicants have made provisions in the DCO for the acquisition of those land interests in Crown land comprising the plots listed in table below, and as shown on Part 4 of **Volume 4, Book of Reference (application ref: 4.2)** and on **Volume 2, Crown Land Plans (application ref: 2.9)**. The consent of the Ministry of Defence, Secretary of State for Defence, Secretary of State for Transport and The King's Most Excellent Majesty in Right of His Crown c/o The Crown Estate Commissioners respectively to the compulsory acquisition of these land interests is required.

- 13.5 Table showing Crown land required for the Projects:

Interest	Nature of Interest	Plots
Ministry of Defence	Category 2	13-004; 13-006

Interest	Nature of Interest	Plots
Secretary Of State for Defence	Category 2	05-004; 06-018; 06-019; 06-020; 06-021; 06-022; 06-023; 06-024; 06-025
Secretary Of State for Transport	Category 1	16-004; 16-005; 18-003; 18-004; 18-005; 18-006; 16-006; 16-007
The King's Most Excellent Majesty In Right Of His Crown c/o The Crown Estate Commissioners	Category 1 Category 2	02-004; 02-008; 02-002; 01-009 ; 02-005; 02-014; 02-016 ; 12-014; 01-011; 01-012; 01-013; 01-014; 01-015; 02-001; 02-003; 02-007; 02-010; 02-011; 02-012; 02-013; 01-010

Open space

- 13.6 The Order Land includes a number of Plots which fall within a definition of open space within the 2008 Act. There are no rights of common over any of the open space within the Order Land.
- 13.7 Rights to temporary possess open space land are sought over plots; 01-010, 01-011, 01-012, 01-013, 01-014, 01-015. The temporary rights sought are for access over foreshore and beach area in the event of a health and safety or environmental emergency.
- 13.8 Section 132 of the 2008 Act applies to the compulsory acquisition of rights over land forming part open space. It makes provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of rights over such land. This means that the Order will be subject to SPP unless the Secretary of State is satisfied that section 132(3) or (4) applies.
- 13.9 Section 132(3) applies if the Order Land, when burdened with the order right, will be no less advantageous that it was before to the persons in whom it is vested, other person, if any, entitled to rights of common or other rights and the public. It is considered that subsection (3) of 132 applies, and that the Order Land when burdened with the order rights will be no less advantageous to the persons to whom it is vested and the public that it currently is.
- 13.10 The Applicants are seeking rights to install cables under open space land. In order to protect these cables a number of restrictive covenants are sought to be imposed over the

surface of the land. The purpose of these restrictive covenants is to prevent activities on the surface which would endanger the cables. The restricted activities include construction, planting of trees over the cable area and alteration of the level of the land to such an extent that the cables would be endangered.

- 13.11 The restrictive covenants are intended to prevent construction on the land which is entirely compatible with its designation as open space. Once the cables are installed under this land there will be no interference with the current uses.
- 13.12 Outside the cable corridor, the Applicants are seeking temporary rights of access over open space land. This includes temporary rights of access over existing tracks and roadways as well as over the foreshore and beach area. The granting of temporary rights or access over these areas would not interfere with the current open space use. The granting of rights of access over existing track roads and a beach would not interfere with any other party's rights as there is no proposal to extinguish any other party's right to use such accesses or the beach. The Applicants would take access only when required for inspection and maintenance, and would share the access with other users.
- 13.13 Given all of the above the Applicants consider that while there will be some temporary disruption to the use of open space during construction, once the cables have been installed there will be no ongoing impact and the acquisition of the rights sought will not render the open space no less advantageous than it is at present to its owner or the public.

National Trust land

- 13.14 No National Trust land is included in or affected by the Order Land.

Statutory Undertakers' Land and Apparatus

- 13.15 The Order, if made, will authorise the compulsory acquisition of statutory undertaker's rights in land. The land rights are held by statutory undertakers for the purposes of carrying out their statutory undertaking.
- 13.16 Section 138 of the 2008 Act provides that a DCO may include provision for the extinguishment of a relevant right or removal of relevant apparatus only if the Secretary of State is satisfied that this is necessary for the purpose of carrying out the development to which the order relates.
- 13.17 The Applicants have, during preparation of the Application, been in discussions with all relevant undertakers about the proposed permanent compulsory acquisition and compulsory acquisition of rights. The Applicants have identified statutory undertakers or utility providers that may have land or apparatus belonging to them within the Order Limits and have been in contact with them.

13.18 **Volume 3, Draft Development Consent Order (application ref: 3.1)** includes draft protective provisions in respect of statutory undertakers which are under negotiation. The Applicants are currently seeking to agree the form of protective provisions with the affected undertakers.

Permanent works on highway land

13.19 In relation to plot 18-006, the Applicants propose to acquire the freehold over this land which the Applicants understand is currently a highway adopted by East Riding of Yorkshire Council by way of a de-trunking order³ made by the Secretary of State for Transport (“SoST”) which came into force in April 2003. However, the freehold of the land is currently owned by the Secretary of State for Transport.

13.20 The Applicants propose to carry out Works 22 A/B and 21 A/B in plot 18-006 for the purpose of creating a permanent access to the Onshore Substation Zone, as well as drainage works including permanent drainage works connecting to existing drainage and new sustainable drainage system together with utilities connections.

13.21 Given the permanent nature of the underground drainage works comprised within Works No. 21 A/B and 22 A/B, the Applicants propose to acquire the freehold of Plot 18-006.

13.22 In relation to works to be carried out over the public highway, these will be of a temporary nature and the Applicants intend to rely on Articles 12 and 14 of the draft DCO and seek agreement with the street or highway authority.

13.23 The Applicants are not proposing to interfere in any way with the adopted highway beyond the construction period and the topsoil of Plot 18-006 will remain as an adopted highway. ensuring that any alterations are carried out to an adoptable standard with agreement with the highways authority.

13.24 The approach adopted by the Applicants takes precedence in the A303 Sparkford to Ilchester Dualling DCO, taking into account the SoST comments in its Decision Letter. In paragraph 54, the SoST notes the discussion between the applicant and the highways authority during examination in relation to the rights sought by the applicant to deliver turning heads from an adopted highway. In this case, the applicant sought temporary possession in order to deliver permanent works on land that would be designated as a public highway. Both the Examining Authority and the SoST concluded that the use of temporary possession rights to deliver permanent works would be inappropriate, lacking in transparency and procedural fairness and that there was a genuine possibility that affected persons may be unaware that they are effectively disposed of their land.

³ The A1079 Trunk Road (County Boundary to Dunswell Drain) (Detrunking) Order 2003

- 13.25 In the precedent case of the A303 Sparkford to Ilchester Dualling DCO, the SoST concluded that the full acquisition of land would have been the preferable and more appropriate approach.
- 13.26 The Applicants are aware that Crown Consent will be required to acquire the freehold of the land within plot 18-006 and have listed this plot in the section above dealing with Crown Land.

14 HUMAN RIGHTS

- 14.1 The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provision in the form of Articles, the aim of which is to protect the right of the individual.
- 14.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the Convention and in exercising its powers of compulsory acquisition the Applicants are acting as a public authority for the purpose of the Human Rights Act 1998 so must be conscious of the need to strike a balance between the rights of the individual and the interests of the public.
- 14.3 Various Convention rights may be engaged in the process of making and considering compulsory acquisition, notably Article 1 which protects the right of everyone to the peaceful enjoyment of possessions. No-one can be deprived of possessions except if it is in the public interest and subject to relevant national and international laws. Further, in relation to Article 8 (right to respect for private and family life and home) rights may only be restricted if the infringement is for a legitimate purpose and is fair and proportionate in the public interest.
- 14.4 The Order has the potential to infringe the rights of the affected parties. Such infringement has to be weighed against the public benefit in allowing the Order. There would be significant public benefit brought about by the Projects. As demonstrated by **Volume 8, Planning Statement (application ref: 8.1)** there is a clear public interest in granting the Order. The public benefit should be weighed against the limited land take, and as set out in section 11 of this Statement, the Applicants are seeking the minimum rights necessary to allow the Projects to succeed.
- 14.5 The rights of owners of interests in the Order Land under the Human Rights Act 1998 have been taken into account by the Applicants when considering whether to apply for the Order and in considering the extent of the interests to be comprised in the Order. The Applicants consider that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interest. The Applicants have had due regard to the requirement to minimise interference wherever possible and is only seeking to acquire the minimum land take reasonably necessary to allow the Projects to proceed.
- 14.6 The Applicants recognise that the Projects may have an impact on individuals but consider that the significant public benefits that will arise from the Projects as set out in this Statement and in other Application documents including **Volume 8, Planning Statement (application ref: 8.1)** outweigh any harm to those individuals. The draft Order strikes a fair balance between the public interest in seeing the Projects proceed (which would not happen in the absence of the Order) and the private rights which will be affected by the

compulsory acquisition in relation to both Article 1 and 8 of the Convention. The compelling case in the public interest for the compulsory acquisition powers included within the Order has been demonstrated in the **Volume 8, Planning Statement (application ref:8.1)**. The land over which compulsory acquisition powers are sought as set out in the draft Order is the minimum necessary to ensure the delivery of the Projects. The Projects have been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.

- 14.7 It is also a right to have a fair and public hearing. As explained above, appropriate consultation took place and is taking place with an opportunity given for interested parties to make representations and the Applicants remain committed to pursuing active engagement with landowners with regard to compulsory acquisition. Those directly affected by the Order will be entitled to statutory compensation.

15 COMPENSATION

- 15.1 The Applicants have sufficient funding to compensate those with an interest in the Order Land. Further detail of this is included in **Volume 4, Funding Statement (application ref: 4.4)**. Funding for any use of compulsory powers is also secured by article 44 of the DCO which requires that the Secretary of State be satisfied that a suitable guarantee that any compensation which may be come payable will be met is in place before any powers are exercised.

Corporate structure

- 15.2 The Projects are being jointly developed by RWE Renewables UK Swindon Limited (“RWE”) and the Abu Dhabi Future Energy Company PJSC (“Masdar”), with RWE Renewables UK Swindon Ltd leading the project development, construction and operation on behalf of the partners.
- 15.3 **RWE (51% project share)** is one of the world’s leading renewable energy companies and one of the largest renewable generators in the UK. RWE supplies around 15% of the UK electricity using a vast range of technologies. RWE continues to grow its offshore portfolio in the UK, with 10 operational wind farms and one of the largest offshore wind development pipelines in the country.
- 15.4 RWE renewables UK Swindon limited has substantial financial resources in its own right, plus, as a wholly owned subsidiary, it has the financial backing of RWE AG. RWE AG is one of Europe’s five leading electricity and gas companies, with significant expertise in oil, gas and lignite production, in electricity generation from gas, coal, nuclear and renewables, and in energy trading as well as electricity and gas distribution and supply. Moody’s and Fitch rated RWE AG as BAA2 and BBB+ respectively as of October 2023, with a stable outlook across both ratings agencies. RWE AG’s annual report for 2022 declared earnings before interest, taxes, depreciation and amortization of €6.3billion.
- 15.5 **Masdar (49% project share)** is a pioneer in advancing the clean energy sector and a global leader in sustainability and climate action. Masdar has developed and partnered in projects in over 40 countries across six continents and has invested, or committed to invest, in worldwide projects with a combined value of more than US\$30 billion.
- 15.6 In 2006, the UAE government established Abu Dhabi Future Energy Company PJSC (Masdar) to leverage and build on the UAE’s expertise and leadership in the global energy sector, while supporting the diversification of its economy and energy sources for the benefit of future generations. Masdar unites the UAE’s three energy champions – Mubadala, ADNOC and TAQA – and will utilise their combined expertise to fulfil its purpose as a global clean energy pioneer across renewables and green hydrogen.

- 15.7 Promoting innovation in solar, wind, energy storage, waste-to-energy, and geothermal energy, Masdar has a proven record of advancing the commercialisation and deployment of renewable energy and clean technologies to address the world's sustainability challenges.
- 15.8 Moody's and Fitch rate Masdar as A2 and A+ respectively, with a stable outlook across both ratings agencies.

Project funding

- 15.9 The Applicants have taken professional advice regarding the estimated cost of acquiring the land and interests required to deliver the Projects, and are satisfied that the requisite amount of funding is available to meet this cost.
- 15.10 The funding required in relation to land assembly will be provided by the Applicants. It will not be necessary to obtain any third party funding in respect of the land assembly requirements of the Projects. This is because RWE Renewables UK Swindon Limited and [Masdar] have made allowances for these costs, as they would with any large infrastructure project they undertake, and will ensure that the necessary funds will be available when they are due.
- 15.11 As such, no funding shortfalls are anticipated. The possibility of either RWE Renewables UK Swindon Limited or [Masdar] being unable to meet its financial commitments in respect of land assembly is extremely remote as demonstrated by the sound credit ratings of the companies.
- 15.12 The Applicants have included in Article 44 of the DCO a provision which prevents the Applicants exercising the powers of compulsory acquisition granted by the DCO until guarantees or alternative forms of security in respect of the liability of the undertakers to pay compensation are in place. The form of guarantee or security and the amount of these must be approved by the Secretary of State.

Property Cost Estimate

- 15.13 The current cost estimate for the Projects is approximately £7bn (seven billion pounds). This includes the costs of construction, development, project management, financing, land acquisition and operation. The Applicants are confident that the Projects will be commercially viable based on the assessments it has undertaken, and on the reasonable assumption that it receives the key consents it requires, including the DCO, and that a Final Investment Decision is taken, indicating the final unconditional decision of the shareholders to invest in the construction of the Projects.
- 15.14 The Applicants have taken professional advice from DM who are expert chartered surveyors with experience of offshore windfarm development, in relation to the estimated

compensation liability that could arise from compulsory acquisition. DM have provided possible heads of liability for:

- compulsory acquisition of land and rights;
- compensation arising out of temporary works;
- blight;
- severance;
- injurious affection;
- claims arising under Part 1 of the Land Compensation Act 1973;
- business loss claims;
- Part 1 claims; and
- third party professional fees.

15.15 A blight claim allows a qualifying interest to be called for their land to be acquired early i.e. before the qualifying authority would otherwise take it. Any claim notice submitted must be supported by evidence that the Claimant has made reasonable endeavours to sell the land or property in question, and that the claimant has been unable to do so only at a price lower than that it might have reasonably been expected to sell. The Applicants believe that the likelihood of blight claims is minimal as a result of the implementation of the Projects. At the date of this document the Applicants have not received a blight notice.

15.16 Article 44 of the draft DCO provides that the Applicants may not exercise a number of powers until it has put in place a guarantee or security equal to its potential liability to compensation payable under the DCO.

16 **ABSENCE OF IMPEDIMENTS**

Other consents and licences

- 16.1 All of the other consents and licences required to construct and operate the Projects and an explanation of how the Applicants propose to deal with each is set out in **Volume 8, Other Consents and Licences Statement (application ref: 8.3)**. None of these other consents or licences represents an impediment to the delivery of the Projects.

17 CONCLUSION

- 17.1 The land, and other interests required to be subject to compulsory acquisition represents the minimum level of interference reasonably required to facilitate the Projects. The purpose of the powers of compulsory acquisition are to enable the delivery of the Projects which are needed both locally and nationally, have numerous benefits and have substantial policy support. This justifies the interference with the rights of those persons with an interest in the land proposed to be acquired.
- 17.2 The land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is therefore proportionate.
- 17.3 The need for the Projects, suitability of the Order Land and the support for such projects in the National Policy Statements demonstrates that there is a compelling case in the public interest for the land to be acquired compulsorily. All reasonable alternatives to compulsory acquisition have been explored. The Applicants have clearly set out what each Plot of the Order Land will be used for and why it is required. Given the national and local need for the Projects and the support for it in policy, as well as the suitability of the Order Land, compulsory acquisition of the land, other interests together with the suspension and extinguishment of matters affecting the Order Land identified by the Applicants for the Projects is justified.
- 17.4 The funding needed to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition is available to the Applicants.
- 17.5 The Applicants therefore respectfully submit, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Projects meets the conditions of section 122 of the Act. For the reasons summarised in this Statement, the Applicants consider the Order to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making of the Order.

18 FURTHER INFORMATION

18.1 Electronic copies may be inspected at:

The National Infrastructure Planning website:
<https://infrastructure.planninginspectorate.gov.uk/>

Compensation

18.2 Compensation for the compulsory acquisition of land is governed by statute. The Department for Levelling Up, Housing and Communities has a series of booklets on compensation which may be of interest to affected persons:

- Booklet No. 1 - Compulsory Purchase Procedure;
- Booklet No. 2 - Compensation to Business Owners and Occupiers;
- Booklet No. 3 - Compensation to Agricultural Owners and Occupiers; and
- Booklet No.4 - Compensation for Residential Owners and Occupiers.

18.3 Copies of these booklets are obtainable, free of charge, from www.gov.uk/government/collections/compulsory-purchase-system-guidance.

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