# Hannigan, Georgiana

From: Sent: To: Subject:	Kathryn Nolin @cms-cmno.com> 13 May 2024 19:08 Gate Burton Solar Project EN010131 - Gate Burton Energy Park - Response from EDF Energy (Thermal
Attachments:	Generation) Limited EN010131 - EDF Energy (Thermal Generation) Limited - Response to Request for Information.pdf
Categories:	SoS Consultation Response, EO

Dear Recipient,

Further to the letter issued by the Head of Energy Infrastructure Planning Delivery on behalf of the Secretary of State for Energy Security & Net Zero on 29 April 2024, we attach a response submitted on behalf of EDF Energy (Thermal Generation) Limited.

Kind regards,

Katy

### Kathryn Nolin Associate



CMS Cameron McKenna Nabarro Olswang LLP | Saltire Court, 20 Castle Terrace | Edinburgh EH1 2EN | United Kingdom

<u>cms.law</u> <u>cms-lawnow.com</u>

#### 

CMS can work for you from over 70 cities around the world: Aberdeen, Abu Dhabi, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Bergen, Berlin, Bogotá, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Cúcuta, Dubai, Dublin, Duesseldorf, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Hamburg, Hong Kong, Istanbul, Johannesburg, Kyiv, Leipzig, Lima, Lisbon, Liverpool, Ljubljana, London, Luanda, Luxembourg, Lyon, Madrid, Manchester, Mexico City, Milan, Mombasa, Monaco, Munich, Muscat, Nairobi, Oslo, Paris, Podgorica, Poznan, Prague, Reading, Rio de Janeiro, Riyadh, Rome, Santiago de Chile, Sarajevo, Shanghai, Sheffield, Singapore, Skopje, Sofia, Stavanger, Strasbourg, Stuttgart, Tel Aviv, Tirana, Vienna, Warsaw, Zagreb and Zurich.

CMS Cameron McKenna Nabarro Olswang LLP is a member of CMS Legal Services EEIG (CMS EEIG), a European Economic Interest Grouping that coordinates an organisation of independent law firms. CMS EEIG provides no client services. Such services are solely provided by CMS EEIG's member firms in their respective jurisdictions. CMS EEIG and each of its member firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS EEIG and each member firm are liable only for their own acts or omissions and not those of each other. The brand name "CMS" and the term "firm" are used to refer to some or all of the member firms or their offices. Further information can be found at cms.law

CMS Cameron McKenna Nabarro Olswang LLP is a limited liability partnership registered in England and Wales with registration number OC310335. It is a body corporate which uses the word "partner" to refer to a member, or an employee or consultant with equivalent standing and qualifications. It is authorised and regulated by the Solicitors Regulation Authority of England and Wales with SRA number 423370 and by the Law Society of Scotland with registered number 47313. A list of members and their professional qualifications is open to inspection at the

registered office, Cannon Place, 78 Cannon Street, London EC4N 6AF. Members are either solicitors, registered foreign lawyers, patent attorneys or otherwise legally qualified. VAT registration number: 974 899 925. Further information about the firm can be found at cms.law

The contents of this e-mail (including any attachments) are confidential and may be legally privileged. If you are not the intended recipient of this e-mail, any disclosure, copying, distribution or use of its contents is strictly prohibited, and you should please notify the sender immediately and then delete it (including any attachments) from your system. Notice: the firm does not accept service by e-mail of court proceedings, other processes or formal notices of any kind without specific prior written agreement.

Information on how we use personal data and about how data subject rights can be exercised is available on our website <u>here</u>. As a controller of personal data, we take great care over how we collect, use and protect that information. If you have any queries in relation to our processing of personal data you can contact us at privacy@cms-cmno.com



John Wheadon Head of Energy Infrastructure Planning Delivery Energy Infrastructure Planning Department for Energy Security & Net Zero 3-8 Whitehall Place London SW1A 2AW

By email only: gateburtonsolar@planninginspectorate.gov.uk

Our ref KANX/EDN/100738.00009 Your ref EN010131

CMS Cameron McKenna Nabarro	
Olswang LLP	
Saltire Court	
20 Castle Terrace	
Edinburgh EH1 2EN	

DX 553001, Edinburgh 18 Legal Post LP-2, Edinburgh 6

**T** +44 131 228 8000 **F** +44 131 228 8888

cms.law



13 May 2024

Dear Sir

## Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

# Application by Gate Burton Energy Park Limited ("the Applicant") for an Order granting Development Consent for the proposed Gate Burton Energy Park ("the Application")

We act on behalf of EDF Energy (Thermal Generation) Limited who are registered as an interested party (interested party number GABE-IP192) in respect of the Application. We write in response to your request for information dated 29 April 2024.

EDF continues to negotiate with the Applicant; however, as of 13 May 2024, no Voluntary Land Agreement has been agreed, and the Applicant has not yet been able to provide the reassurance that EDF requires to ensure there will be no serious detriment to its undertaking in lieu of such Agreement.

It therefore remains EDF's position that its preferred protective provisions submitted at Deadline 7 (REP7-004), which restrict the usage of compulsory acquisition powers without an agreement, must be included in the DCO. Accordingly, EDF maintains its objection.

Yours faithfully

CMS Cameron McKenna Nabarro Olswang LLP

Notice: the firm does not accept service by e-mail of court proceedings, other processes or formal notices of any kind without specific prior written agreement.

CMS Cameron McKenna Nabarro Olswang LLP is a limited liability partnership registered in England and Wales with registration number OC310335. It is a body corporate which uses the word "partner" to refer to a member, or an employee or consultant with equivalent standing and qualifications. It is authorised and regulated by the Solicitors Regulation Authority of England and Wales with SRA number 423370 and by the Law Society of Soctland with registered number 47313. A list of members and their professional qualifications is open to inspection at the registered office, Cannon Place, 78 Cannon Street, London EC4N 6AF. Members are either solicitors, registered foreign lawyers, patent attorneys or otherwise legally qualified. VAT registration number: 974 899 925. Further information about the firm can be found at cms.law

CMS Cameron McKenna Nabarro Olswang LLP is a member of CMS Legal Services EEIG (CMS EEIG), a European Economic Interest Grouping that coordinates an organisation of independent law firms. CMS EEIG provides no client services. Such services are solely provided by CMS EEIG's member firms in their respective jurisdictions. CMS EEIG and each of its member firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS EEIG and each member firm are liable only for their own acts or omissions and not those of each other. The brand name "CMS" and the term "firm" are used to refer to some or all of the member firms or their offices. Further information can be found at cms.law