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To all Interested Parties, Affected
Persons and Other Persons

Your Ref:

Our Ref: EN020019

Date: 23 February 2016

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended) Rule 17, Rule 8 (3)**

**Application by Triton Knoll Offshore Wind Farm Limited for an Order Granting
Development Consent for the Triton Knoll Electrical System**

Requests for further information

After reviewing responses submitted for Deadline 6, 17 February 2016, the Examining Authority (ExA) consider that parties' responses to the third round of questions provided at Deadline 6 (17 February 2016) have raised issues that are important and relevant. Specific queries have been set out in **Annex A** to this letter. A revised examination timetable is set out in **Annex B** to this letter.

Furthermore, the ExA has decided, that it would be potentially valuable to afford all parties a final opportunity to comment on matters raised in the Deadline 6 responses and the material that was provided for Deadline 6 as well as that due to be submitted for Deadline 7, 24 February 2016.

Any party responding to the questions set out below or wishing to comment on responses received for Deadline 6 and Deadline 7 (24 February 2016) must do so by 23.59 on **Monday 29th February 2016**.

The Examination must close by 3 March 2016, this means that Deadline 8, 29 February 2016 is the last deadline for representations.

Parties are requested that, should they respond to this invitation to comment, they should not repeat material submitted for previous deadlines in this Examination and should be specific as to which sections of Deadline 6 and Deadline 7 material they are commenting on.

The Inspectorate requests that interested parties send, where practicable, electronic copies of their submissions as email attachments to tkes@pins.gsi.gov.uk.

Most people engage with our process via our website, where all submissions are published. Parties are therefore asked to consider this when formatting the electronic copies of their submissions and to avoid submissions made up of large numbers of small files, or excessively large files, or which are otherwise not optimised or unnecessarily difficult to navigate.

Electronic attachments should be clearly labelled with a subject title and not exceed 12MB for each email. Timely submissions in advance of the deadlines set in the timetable are encouraged. Where an electronic submission exceeds 12MB, we will accept the postal submission of an electronic document on portable media (such as a CD or USB flash drive). Providing links to websites where your submissions can be viewed is not normally acceptable, because it does not amount to submitting them. Parties who are not comfortable with making submissions electronically are welcome to make their submission by post.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Kelvin MacDonald

Kelvin MacDonald
Lead member of the Panel of Examining Inspectors

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

Annex A: Requests for further information

Gen	General	
Gen 1.1	Interested Parties, Affected Persons and Other Persons	Provide comment on matters raised in the Deadline 6 responses and the material that was provided for Deadline 6 as well as that due to be submitted for Deadline 7, 24 February 2016.
DCO	Draft Development Consent Order	
DCO 4.1 <i>Article 12</i>	The Applicant Anglian Water	<p>The SoCG [REP6-022] between the Applicant and Anglian Water states that:</p> <p><i>'the parties do not expect their positions in respect of the drafting of Article 12 to change during the examination.'</i></p> <p>The ExA note that Article 12 in the draft Development Consent Order (DCO) draws upon Article 14 in The Infrastructure Planning (Model Provisions (England and Wales) Order 2009.</p> <p>a) State whether discussions are continuing on this issue and, if so, comment on the prospect of any agreement before the close of the Examination on 3 March 2016;</p> <p>b) The ExA invites both parties to make any final submissions on the reasoning behind their respective positions on this Article.</p>
DCO 4.2 <i>Article 5</i>	The Applicant	<p>The ExA consider that the Applicant has failed to explain why it is necessary or permissible to permit the transfer without consent of the offshore works and the Deemed Marine Licences (DMLs) to any person after the time limits for compensation claims have passed.</p> <p>The ExA recognise that onshore this is required because after the liability for compensation has ceased there is no need for the Secretary of State (SoS) to be satisfied that the transferee has the requisite financial standing to pay the claims.</p> <p>Given this, the ExA consider it would be possible to limit the power to transfer without consent in 5 (7)(b) to the works to which compulsory acquisition applies.</p> <p>If the applicant does not agree, explain why this provision should apply to transfer of offshore works and DMLs which are not subject to compulsory acquisition.</p>

DCO 4.3 <i>Article 5</i>	The Marine Management Organisation	<p>Your response [REP6-009] to ExA’s question DCO 3.9 states that:</p> <p><i>‘Due to amending of other parts of Article 5 which ensures that Art 5(4) applies to all transfers it was agreed that the additional wording referenced in DCO 3.9 was not required.’</i></p> <p>Should the reference to Art 5(4) be a reference to Art 5(7)?</p>
DCO 4.4 <i>Article 5</i>	The Applicant	<p>Article 5 (6) of the Applicant’s revised draft DCO (Revision F) [REP5-035] states that:</p> <p><i>‘(6) The consent of the Secretary of State is not required for a transfer or grant of the benefit of any of the provisions (and any statutory rights) where—</i></p> <p><i>(a) the transfer or grant is to another body licenced under Section 6 of the 1989 Act; or</i></p> <p><i>(b) the time limits for claims for compensation in respect of the acquisition of land or effects on land under this Order have elapsed and either no such claim has been made or, if such a claim has been made—</i></p> <p><i>(i) the claim has been comprised or withdrawn;</i></p> <p><i>(ii) compensation has been paid in final settlement of the claim;</i></p> <p><i>(iii) payment of compensation into court has taken place in lieu of settlement of the claim; or</i></p> <p><i>(iv) a tribunal or court of competent jurisdiction has determined that no compensation is payable in respect of the claim.’</i></p> <p>The ExA consider that the use of ‘or’ at the end of Article 5(6)(a) allows the transfer of benefit to another body which is not licenced under Section 6 of the 1989 Act should the provisions in Article 5(6)(b) apply.</p> <p>a) Comment on this interpretation and,</p> <p>b) for the Marine Management Organisation (MMO), signify the acceptability or otherwise of this Article should this interpretation be correct.</p>
CA	Compulsory Acquisition	
CA 4.1	The Applicant	<p>The Book of Reference (BoR) – Revision B Comparison document (Appendix 4) provided for Deadline 6 [REP6-020] shows a number of changes to details of Affected Persons. It appears to include</p>

		<p>a number of additional persons, including, for example, John Holden's Charity Church Farm, Michael Bennett and Robert Collin Limited.</p> <p>The ExA notes that none of the above Affected Persons are listed in the Updated Schedule of Compulsory Acquisition (Appendix 2) [REP6-019] .</p> <p>For each of the additional Affected Persons listed in the Book of Reference (BoR) – Revision B:</p> <ol style="list-style-type: none"> a) State the reasons for the introduction of additional persons in the BoR b) State when these Affected Persons were i) identified and ii) contacted. c) State the current position in negotiations with such additional persons using the framework provided in the Updated Schedule of Compulsory Acquisition [REP6-019]. d) Provide copies of any letters to additional Affected Persons which state the nature of the Application, how they may be affected by it, the stage reached in the Examination, how they can get involved and how they can request status in the Examination under s102A of the 2008 Planning Act. <p>If no letters have been sent according to d) above, then the ExA requests that the Applicant do so and the Applicant is requested to provide proof that such a letter has been sent.</p>
CA 4.2	The Applicant	Justify the change for Plot 45/15 from 'All interests in' to 'New rights over' as shown in <i>The Book of Reference (BoR) – Revision B Comparison document</i> (Appendix 4) provided for Deadline 6 [REP6-020].
CA 4.3	The Applicant	<p>The representation from Mr Graham Hand on behalf of Hand Bros. [REP6-005] sets out a suggestion for re-routing the cable over a section of his land.</p> <ol style="list-style-type: none"> a) State whether the re-routing suggested would fall within the Order Limits; b) Set out your position on such a re-routing; c) State whether this position has been communicated to Mr Hand and if so the outcome of such communication.
CA 4.4	The Applicant and Witham Fourth	The representation from Witham Fourth District Internal Drainage Board [REP-013] (the Applicant to note the spelling of 'Fourth' in respect of the BoR)

	<p>District Internal Drainage Board</p>	<p>states that:</p> <p><i>'the Book of Reference incorrectly identified 4 parcels of land (or parts thereof) that belong to Board as belonging to other parties (Number on Plan 26/09, 30/15, 32/03, 32/09). The Board is endeavouring to resolve these discrepancies but is unlikely to have all issues resolved by Deadline 7 due to the complexities of working with the other parties and the Land Registry.'</i></p> <p>The ExA notes that Witham Fourth District Internal Drainage Board has been added to the identified parties with a Category 1 interest in respect of plots 26/09, 30/15, 32/03 32/09.</p> <p>a) Is this action sufficient to satisfy Witham Fourth District Internal Drainage Board?</p> <p>b) If not, what is the expected timescale for resolving this issue?</p>
<p>SE</p>	<p>Socio-Economic Issues</p>	
<p>SE 4.1</p>	<p>National Farmers Union and Lincolnshire Association of Agricultural Valuers</p>	<p>In your response to question SE 3.1 [REP6-010] on crop loss, you make reference to two examples with figures.</p> <p>Provide the two examples with figures and an explanation of how they are arrived at.</p>

Annex B: Amended Examination Timetable

Item	Matters	Due Dates
1.	Deadline 7 Deadline for receipt by ExA of: <ul style="list-style-type: none">• Comments on RIES• Applicant's final draft DCO• Final updated Statements of Common Ground• Any further information required by the ExA	Wednesday 24 February 2016
2.	Deadline 8 <ul style="list-style-type: none">• Response to Rule 17 issued 23 February 2015• Comments on documents received for Deadline 6 and 7	Monday 29 February 2016
3.	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	Thursday 3 March 2016