



**Triton Knoll Offshore Wind Farm Limited
Triton Knoll Electrical System**

.....

Joint Statement between Triton Knoll Offshore Wind Farm Limited and the Environment Agency

Date: 24th February 2016

Appendix 46 of the Applicant's Response to Deadline 7

Triton Knoll Offshore Wind Farm Limited

Triton Knoll Electrical System

Appendix 46: Joint Statement between Triton Knoll Offshore Wind Farm Limited and the Environment Agency

Appendix 46 of the Applicant's Response to Deadline 7

Date: 24th February 2016

Triton Knoll
Offshore Wind Farm Limited
4th Floor One Kingdom Street
Paddington Central
London
W2 6BD

T: 0845 026 0562
Email: info@tritonknoll.co.uk

www.rweinnogy.com/tritonknoll

Drafted By:	TKOWFL
Approved By:	EA / TKOWFL
Date of Approval:	24 th February 2016
Revision:	1.0

Triton Knoll
Offshore Wind Farm Limited
Copyright © 2015 RWE
Innogy UK Ltd
All pre-existing rights reserved

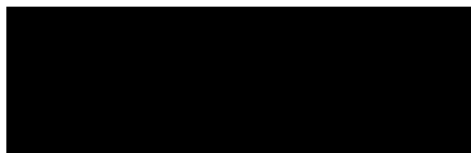
Table of Contents

1. Confirmation of agreement	4
2. Introduction	5
3. Disapplication of Legislative Provisions and Protective Provisions	6
4. Restrictive covenants	6
5. Land negotiations	7

1. Confirmation of agreement

Confirmation of Agreement with the Environment Agency

Signed:



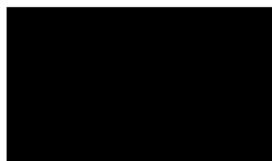
For: Triton Knoll Offshore Wind Farm Limited

Name: Paul Carter

Title: Offshore Consent Manager

Date: 24th February 2016

Signed:



For: The Environment Agency

Name: Annette Hewitson

Title: Principal Planning Adviser

Date: 24th February 2016

2. Introduction

- 2.1 Triton Knoll Offshore Wind Farm Limited (the Applicant) and the Environment Agency (EA) have been in consultation since the submission of the Application for a Development Consent Order (DCO) for the Triton Knoll Electrical System (TKES) (the Application). The objective of this consultation has been to agree a Statement of Common Ground (SoCG) reflecting the discussions and agreements reached between the two parties through the EIA Evidence Plan process and other statutory and non-statutory pre-application consultation (document reference 8.16), as well as the TKES examination.
- 2.2 The following joint submissions have been made by the Applicant and the EA during the examination:
- Deadline 1 – SoCG (Version 1.0) between the Applicant and the EA setting out initial agreements carried over from the EIA Evidence Plan process and other pre-application consultation, and detailing areas of outstanding discussion – submitted as Appendix 29 of the Applicant’s response to Deadline 1 [REP1-078]; and
 - Deadline 5 – SoCG (Version 2.0) between the Applicant and the EA providing an update on the matters which had been further discussed and resolved through the examination – submitted as Appendix 30 of the Applicant’s response to Deadline 5 [REP5-043].

Purpose of this document

- 2.3 The SoCG (version 2.0) submitted at Deadline 5 documented matters remaining to be agreed as follows:

“The matters remaining under discussion relate to the EA’s land interests and the form of Restrictive Covenants. An update on the status of these issues will be provided to the ExA in a Joint Statement at Deadline 7.”

- 2.4 The purpose of this agreed joint statement is to confirm the final position on any outstanding matters between the Applicant and the EA. It should be read alongside the SoCG submitted at Deadline 5 to reflect the parties’ final positions at the close of the examination.

3. Disapplication of Legislative Provisions and Protective Provisions

- 3.1 Article 6 *Application and modification of legislative provisions* of the draft DCO (Revision F) [REP5-035], provides for the disapplication of legislation under the Water Resources Act 1991 and the Land Drainage Act 1991. The EA has now confirmed that there is no objection to the inclusion of Article 6 in the draft DCO, and thereby agree to the disapplication of the relevant legislative provisions.
- 3.2 The EA has submitted a letter to the examination confirming its agreement to the disapplication of these legislative provisions on 18th February 2016 [REP6-040].
- 3.3 The Applicant and the EA have reached agreement on suitable drafting for the Protective Provisions within Schedule 8, Part 1 of the draft DCO, which was included in the draft DCO (Revision F) submitted as Appendix 22 of the Applicant's response to Deadline 7 [REP5-035]. This was agreed and recorded in paragraph 4.84 of the SoCG (version 2.0) between the Applicant and the EA [REP5-043].

4. Restrictive covenants

- 4.1 The Applicant has confirmed to the EA that where it (the EA) does not have an interest in the land (where it is not the landowner, tenant or occupier), it is not bound by the restrictive covenants and that its statutory duties will not be impeded by the imposition of the restrictive covenants on other land. This clarification was detailed in the Applicant's *'Response to the Environment Agency representations on the form of Restrictive Covenants'*, submitted at Appendix 32 of the Applicant's response to Deadline 4 [REP4-062].
- 4.2 The EA confirmed in its submission to Deadline 5 [REP5-003] that "*the EA and the applicant were however in agreement that the covenants could not bind the EA in the exercise of its statutory powers*".
- 4.3 The Applicant has since sought the EA's agreement to the proposed form of restrictive covenant.
- 4.4 It is now agreed that the EA has no objection to the form of the restrictive covenant included in Schedule 5 of the Applicant's final draft DCO (Revision G) submitted as Appendix 9 of the Applicant's response to Deadline 7.

5. Land negotiations

- 5.1 The EA is a statutory undertaker for the purposes of section 127 of the Planning Act 2008. The EA holds interests in the following plots of land which are within the Order limits in the draft DCO: 18/16, 18/17, 18/18, 29/06, 29/07, 29/08, 30/02, 30/04, 30/05, 30/06, 30/07, 30/08, 30/09, 30/10, 30/12, 37/22, 42/02, 42/03, 42/04, 42/05, 42/06, 43/13, 43/14, 43/15, 45/18, 45/19, 45/20 and 45/22.
- 5.2 In relation to the EA's land interests, the Applicant and the EA have made significant progress on discussing appropriate Heads of Terms for private treaty agreements with a view to agreeing them.
- 5.3 For those land plots which the Applicant wishes to acquire the freehold in connection with the substation access road, Heads of Terms for the grant of an option to purchase are agreed in principle between the Applicant and the EA.
- 5.4 For those land plots in which the Applicant wishes to acquire rights over, the last remaining outstanding matter in the Heads of Terms has now been resolved and these Heads of Terms for the grant of an option to acquire easements are also agreed in principle between the Applicant and the EA.
- 5.5 The EA does not consider there to be any impediments to concluding these agreements and will update the Secretary of State once these have been completed.