

Ofgem  
9 Millbank  
London  
SW1P 3GE

By email only: [wholesale.markets@ofgem.gov.uk](mailto:wholesale.markets@ofgem.gov.uk)

## Offshore Development

Your ref:  
Our ref:



28 February 2014

Dear Sir,

## Application for Consent to Access Third Party Land under Electricity Generation Licence and Electricity Act 1989

### Introduction

1. Triton Knoll Offshore Wind Farm Limited ("TKOWFL") was granted an electricity generation licence under section 6 of the Electricity Act 1989 on 24 July 2013. TKOWFL is a subsidiary company of RWE Innogy UK Limited.

2. TKOWFL intend to apply for various consents, licences and permits to construct a new offshore wind farm off the east coast of England, approximately 20 miles off the coast of Lincolnshire and 28 miles from the coast of North Norfolk (the "Project").

3. The Project is being developed as two separate packages:

(a) Package 1: The offshore array. This comprises all the parts within the offshore site boundary, including wind turbines, meteorological masts, offshore substations and intra-array cables linking the wind turbines with the offshore substation. The centre of the offshore wind farm is at grid reference Easting 588354 Northing 401763. In January 2012, TKOWFL submitted a planning application to the Infrastructure Planning Commission (whose functions have now been transferred to the Planning Inspectorate) for development consent for nationally significant infrastructure under the Planning Act 2008 for the offshore wind farm. The Planning Inspectorate approved this application 11 July 2013.

(b) Package 2: The onshore electrical system. This includes the onshore substation, onshore underground cables, the offshore export cables and an electrical compound along the onshore cable route. TKOWFL intend to apply for development consent under the Planning Act 2008 for the onshore electrical system.

### RWE Innogy UK

Auckland House  
Lydiard Fields  
Great Western Way  
Swindon  
Wiltshire SN5 8ZT

T +44 (0)8456 720 090  
F +44 (0)8456 720 050  
I [www.rweinnogy.com/uk](http://www.rweinnogy.com/uk)

Registered office:  
RWE Innogy UK Limited  
Auckland House  
Lydiard Fields  
Great Western Way  
Swindon SN5 8ZT

Registered in England and  
Wales no. 2550622

4. The Project forms part of the wider seabed leasing process by The Crown Estate, known as 'Round 2', under which areas of the seabed have been made available for the development of offshore wind farms.

5. TKOWFL has a grid connection offer from National Grid for first generation in 1st April 2018 for the Project.

6. In order to be able to develop our proposals for the Project, submit our applications and consult on the Project, we need to survey a large area of land, including that belonging to third parties in order to establish whether or not the land is suitable for the construction of the Project.

7. We need access to such land urgently in order that we have time to carry out the surveys, some of which have seasonal constraints in time, to be able to include it in our statutory consultations. Despite requesting access with landowners and occupiers we have not been able to secure agreement to access their land. Therefore we are seeking consent from the Gas and Electricity Markets Authority to use the powers granted under Schedule 4, paragraph 10 of the Electricity Act 1989 and would ask that this application is dealt with promptly.

#### Application

8. We are submitting an application for consent to enter upon the land identified at Schedule 1, (the "Land") being land in which we do not have an interest and have not been able to gain access through agreement with the owner and/ or occupier.

9. Standard condition 15 of our generation licence requires that we obtain consent from the Gas and Electricity Markets Authority to exercise the power granted to generation licence holders under paragraph 10 of Schedule 4 of the Electricity Act 1989.

10. We set out the information requested in your Guidance below and in the Enclosures.

11. Plans of the Land (see Enclosure 1) to be surveyed as part of the Project are included with this application.

12. If we have not provided everything you need or you have any questions please do not hesitate to contact us.

Schedule 1

Ref No.	Salutation	Owner name	Owner address	Contact details	Contact email	Title number	Contact record	2014 Access granted	
								Yes/No	Date
91							02/08/2013 - AK had meeting with [REDACTED] access for surveys refused. 06/02/2013 - PG phoned, access for surveys refused. 10/02/14 - Questionnaire pack sent with request to respond within 2 weeks for survey access. 27/02/14 - PG phoned as [REDACTED] had left voicemail. Hasn't changed stance on surveys.	No	06 February 2014
P95				Unknown			10/02/14 - Questionnaire pack sent with request to respond within 2 weeks for survey access. 26/02/2014 - No response received to date.		
P93		Unregistered	Unknown	Unknown			08/01/2014 - Title search submitted to HM Land Registry. 15/01/2014 - Results from HM Land Registry show land is unregistered.		

Schedule 1

Ref No.	Salutation	Owner name	Owner address	Contact details	Contact email	Title number	Contact record	2014 Access granted	
								Yes/No	Date
P25							10/02/14 - Questionnaire pack sent with request to respond within 2 weeks for survey access. 21/02/14 - Phoned [REDACTED] informed by receptionist he is on holiday. Back in the office middle of next week.		
P135		Unregistered	Unknown	Unknown			08/01/2014 - Title search submitted to HM Land Registry. 15/01/2014 - Results from HM Land Registry show land is unregistered.		
P293 P294				Unknown			10/02/2014 - Questionnaire pack sent with request to respond within 2 weeks for survey access. 26/02/2014 - Visited on site, no one at home 26/02/2014 - No response received to date.		

Schedule 1

Ref No.	Salutation	Owner name	Owner address	Contact details	Contact email	Title number	Contact record	2014 Access granted	
								Yes/No	Date
P155 P156							10/02/2014 - Questionnaire pack sent 17/02/2014 - <span style="background-color: black; color: black;">[REDACTED]</span> called, will send questions through before granting access. 26/02/2014 - Visited on site, no one at home 26/02/2014 - No correspondence received to date.		
P19							10/02/14 - Questionnaire pack sent 18/02/14 - Questionnaire returned, access refused.	No	18 February 2014

Information on the purpose of the access

13. As mentioned above, we are intending to apply for various permissions to construct the Project, including development consent under the Planning Act 2008.

14. In order to do so we intend to survey the Land for the purpose of establishing whether it is suitable for the construction of the Project, in particular the following:

- (a) for the installation of underground cables;
- (b) to facilitate access for installation and maintenance;
- (c) as an electrical substation;
- (d) as a construction and laydown area;
- (e) for landscaping to reduce the visual impact of the Project on the local community.

15. The proposed surveys would include the following:

- (a) non-intrusive geophysical surveys to ascertain whether any archaeological features are likely to be present, further details of which are presented in Enclosure 2;
- (b) intrusive geotechnical surveys of the topsoil and subsoil, only where non-intrusive surveys have indicated the likely presence of subsurface archaeological deposits, the methodology of which is described in Enclosure 3;
- (c) non-intrusive ecological surveys to collect information for our statutory consultations and our Environmental Statement for the Project, further details of which are presented in Enclosure 4.

16. In particular it is necessary for us to fulfil our duties under Schedule 9 of the Electricity Act 1989 and to provide the information required under various Acts and Regulations relevant to the construction of the Project, in particular the Planning Act 2008.

17. Details of our attempts to contact the occupiers of the Land to gain access are provided at Schedule 1. We have also included all of the contact information that we have been able to ascertain for the occupiers of the Land at Schedule 1.

18. We would propose providing a notice with the following information to the relevant landowner/ occupier 14 days in advance of us intending to enter the relevant land:



- [insert details of the relevant landowner/ occupier]
- We hold a generation licence under section 6 of the Electricity Act 1989 and are authorised by the Gas and Electricity Markets Authority ("GEMA") under Schedule 4, paragraph 10 of the Electricity Act 1989 to enter the land [you own/occupy] identified on the attached plan (the "Land") to carry out a number of surveying activities.
- [insert list of activities, including whether any exploration of the subsoil is required; when they will take place; and mark the areas where these will occur on the plan, see Enclosure 5 as an example]
- We are required to give you 14 days notice before entering the Land and we intend to access the Land accordingly 14 days after the date of this notice on [insert date]
- We will make good and damage done to the Land in accordance with the requirements of the Electricity Act 1989 and therefore we would like to assess and agree the existing condition of the site with you or your land agent on the first day we are entitled to gain access to the Land.
- The authorisation from GEMA enabling us to survey the Land is attached to this notice.

#### Duration of the Exploration processes

19. The duration of the proposed surveys would be as follows:

- (a) the non-intrusive geophysical surveys would be expected to be completed within 2 weeks;
- (b) the intrusive geotechnical surveys would be expected to be completed within 6 weeks;
- (c) the non-intrusive ecological surveys would be completed within the timeframes presented in Enclosure 4.

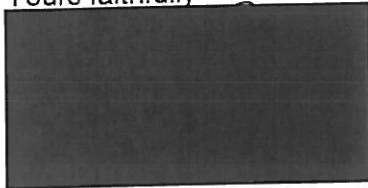
#### Agreements with Landowners

20. Upon obtaining the consent to enter upon the land and in conjunction with the serving of the notice we will endeavour to agree with the landowners the specific details of the access required in order to accommodate any concerns they may have.

Repair of any damage

21. TKOWFL will make every effort to minimise any disruption to the landowner or damage to the land. If any damage does occur then TKOWFL will fully make good any damage in accordance with the requirements of the Electricity Act 1989 (Schedule 4, paragraph 10(5)).

Yours faithfully



For and on behalf of Triton Knoll Offshore Wind Farm Limited

- Enc.      Enclosure 1 – Plans of the Land  
            Enclosure 2 - Details of non-intrusive geophysical surveys  
            Enclosure 3 – Details of intrusive geotechnical surveys  
            Enclosure 4 – Details of non-intrusive ecological surveys  
            Enclosure 5 – Example plan to accompany landowner/ occupier notice