

At CAH3 I provided an update on negotiations for mitigation, noting that despite recent engagement, there has been no agreement, and previous deadlines volunteered by the Applicant had been missed.

I noted (in common with the ExA) there was very little time left in the Examination, and proposed agreeing with the Applicant a timetable of engagement and a target date for agreeing Commitments. In their response, the Applicant agreed to a proposed schedule of engagement and to rapidly progress the advanced payment compensation mechanism by way of a side letter. This was appreciated.

Since CAH3 I have proposed Heads of Terms for the advanced compensation mechanism (by way of mitigation) and also proposed a timetable of engagement and target date for completion of an agreement to go on the Commitment Register (before the end of Examination).

Palmer & Klein now await the Applicant's substantive response, noting that while engagement is welcome, if it is not followed-up with decisions and action, it doesn't achieve anything (nor satisfies government policy in relation to a DCO developer's approach to the acquisition of land and rights).

We welcome the ExA's continued interest in progress, and together with the Applicant will keep you updated.