



Department for  
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30 January 2017

Dear Mr Morris

**The East Anglia ONE Offshore Wind Farm Order 2014 (as amended) (“the Order”)**

**Application by East Anglia ONE Limited in Respect of Compliance with Requirement 29 of the Order**

1. I am directed by the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) to refer to the letter of 27 June 2016 from Bond Dickinson on behalf of East Anglia ONE Limited (“the Applicant”) in respect of Requirement 29 in Part 3 of Schedule 1 to the Order for confirmation under Requirement 29(2) of the Order that there is no requirement to install all of the cable ducts referred to in Requirement 29(1) of the Order.

2. Requirement 29 of the Order (“Requirement 29”) states:

*“29.—(1) Save in relation to plots 448 to 450, 453 to 454 and 457 to 471 in the book of reference—*

*(a) all cable ducts forming part of the onshore connection works must be installed simultaneously together with the onshore cables for the authorised project forming part of the onshore connection works unless sub-paragraph (2) applies; and*

*(b) no stage of the connection works shall commence until a written method statement showing the programme for laying the onshore cables for the authorised project and all cable ducts as part of a single cable laying operation has for that stage been submitted to and approved in writing by the relevant planning authority. The method statement must*



*include an implementation timetable for laying the cables for the authorised project and all ducts and must be carried out as approved.*

*(2) If the Secretary of State, on an application to him from the undertaker shall confirm in writing that other generation projects which would otherwise use the ducts to connect to the National Grid have been abandoned or will not come forward within a reasonable timeframe there shall be no requirement to install the ducts pursuant to sub-paragraph (1).*

*(3) In considering any application to him under sub-paragraph (2) the Secretary of State shall have regard to—*

*(a) the status of any consent process for those other generation projects;*

*(b) the status of any agreement for lease for the offshore location of these other generation projects;*

*(c) the status of any connection agreement to the National Grid;*

*(d) any confirmation from The Crown Estate or National Grid with regard to (b) and (c) respectively;*

*(e) any statements from the relevant planning authorities and any other interested party in relation to those other generation projects.”*

3. Requirement 29 was included in the Order following consideration of the ‘Report and Recommendation’ submitted by the Examining Authority which examined the application for development consent for the East Anglia ONE offshore wind farm. The Examining Authority recommended the inclusion of the Requirement in any Development Consent Order that the Secretary of State might make to ensure that the associated development of ducting for the proposed East Anglia THREE and East Anglia FOUR offshore wind farm projects would be installed at the same time as the cabling for the East Anglia ONE project (except in specified circumstances) in order to minimise disruption to residents along the cable route (see paragraphs 2.16, 4.529 – 4.531 and 5.43 of the Examining Authority’s Report). The Secretary of State agreed with the Examining Authority’s consideration of this matter and its recommendation.

4. Your request to the Secretary of State under Requirement 29(2) of the Order was made on the basis that the East Anglia FOUR project had been abandoned in the form that was considered during the examination of the East Anglia ONE application and that its agreement for lease with The Crown Estate had been terminated. The proposed ‘Norfolk Vanguard’ offshore wind farm, which includes the former East Anglia FOUR area with a slightly revised boundary, is now being taken forward by Vattenfall Wind Power Limited (“Vattenfall”) and has been offered a grid connection by National Grid at a site



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at Necton in Norfolk, and not at the Bramford substation in Suffolk at which East Anglia ONE and East Anglia THREE are proposed to connect (see paragraph 9(iii) below). The East Anglia THREE project is currently the subject of an application for development consent under the Planning Act 2008 which includes, in the form submitted to the Examining Authority by the Applicant, provision for the project's cables to be laid in 'existing ducts' (that is, those to be installed as part of the East Anglia ONE works).

5. In order to consider your request that not all the ducting permitted by the Order is required to be installed, in compliance with the requirements of Requirement 29(2) and (3), the Secretary of State sought the views of The Crown Estate, National Grid, relevant planning authorities and other interested parties. (The interested parties were defined in terms of all those with an interest in the cable corridor land. Each received a letter from the Secretary of State seeking views on the Applicant's request.)

6. The Secretary of State has considered the comments that were received in response to his consultation and the comments that were subsequently provided by the Applicant. He notes that The Crown Estate and National Grid have confirmed the information provided by the Applicant in relation to the status of the lease and grid connection agreements for the other generation projects which are the subject of Requirement 29. He further notes that Suffolk County Council, on behalf of Suffolk Coastal District Council and Mid-Suffolk District Council, raised no objection to the proposal.

7. A summary of the key matters raised by other interested parties is set out below. (Items (i) - (iii) were raised by a member of the public who had no objection 'in principle' to the proposal, while items (iv) - (v) were raised by Anglian Water Services.)

- (i) A separate legally binding agreement should be entered into with the Applicant confirming that it would not apply for permission to apply for additional ducting at a later date (in order to ensure that the original principles of Requirement 29 are upheld).
- (ii) Public Health England should confirm that the new transmission technology to be used (for the East Anglia ONE project) is safe.
- (iii) The Applicant should confirm that the transmission technology to be used would have no electromagnetic, telecommunication or environmental impacts during its operation, on adjoining land uses.
- (iv) The ducting for East Anglia THREE would be installed at a different time to the cabling for East Anglia ONE and this would create disruption to the business activities of Anglian Water Services.



- (v) A decision by the Secretary of State to agree to the Applicant's request that the ducting for the East Anglia FOUR project would not need to be installed could have implications for the business activities of Anglian Water Services.

8. The Secretary of State notes that the Applicant responded to an invitation to comment on the points raised by the consultees as follows (in summary):

- (i) Requirement 29 is included in the Order to minimise the environmental impact of separate and successive installations of ducts for future projects along the same cable corridor. East Anglia THREE and East Anglia FOUR were specifically referred to in the Examining Authority's report to the Secretary of State in this regard.

The Applicant still proposed to install the ducting for East Anglia THREE at the same time as the ducting for East Anglia ONE to minimise impacts in accordance with the purpose of Requirement 29. The Applicant also stated that it was not necessary for an agreement of the sort suggested to be entered into as any future projects which might seek to install ducting along the East Anglia ONE corridor would need to obtain separate consent to do so and that any application for consent would be determined with due regard to all relevant considerations (and might be refused or granted).

- (ii) In respect of the consultee's comment about the need for Public Health England's confirmation that the technology to be used for the East Anglia ONE cabling was safe and that the installed cables would have no impact on adjoining land uses, the Applicant considered that the transmission technology to be used within the ducts was immaterial to the question of whether ducts for future projects should be installed as part of the East Anglia ONE works. The Applicant also stated that the Secretary of State had considered the potential impacts of the transmission technology to be used when determining the request for a Non-Material Change to the Order in March 2016 and determined that there would be no significant impacts.
- (iii) In response to a comment from a consultee that the cabling for East Anglia ONE would be installed at a different time to the ducting for East Anglia THREE, the Applicant confirmed that it would be installing both cabling and ducting at the same time. The request being made under Requirement 29(2) sought to exclude cabling for other projects from the requirement to install ducting simultaneously.



- (iv) In response to a consultee comment that, in the event the Secretary of State agreed to the Applicant's request to be given permission to not install all of the ducting specified in Requirement 29, there would be an adverse impact on the interests of Anglian Water Services, the Applicant stressed that it would still lay the ducting for East Anglia THREE at the same time as East Anglia ONE is installed but not for other future wind farm projects.

9. In response to the Secretary of State's questions about the status of other offshore wind farm projects from within the East Anglia offshore wind farm development zone which might need to connect to the National Grid transmission system, the Applicant made the following points:

- (i) Applications for development consent for the East Anglia TWO and East Anglia ONE North offshore wind farms were not expected to be submitted to the Planning Inspectorate until 2019 and 2020 respectively. The Applicant also states that neither of the two projects has yet entered into an Agreement for Lease with The Crown Estate in respect of cable corridors for the projects. In addition, while both projects have grid connection offers to connect to the transmission system at the Bramford sub-station, those offers will need to be revised to reflect the current development programmes for the projects which may result in alternative grid connection points being offered;

Further, the order limits for the East Anglia ONE project are considered to be insufficient to accommodate the installation of ducts for East Anglia ONE North and East Anglia TWO, and given the early stage of development of those projects in the planning process, it is not feasible to install ducts for the projects due to the uncertainty of the technology to be used and, therefore, the type of ducting required;

- (ii) In respect of the East Anglia THREE project, the Applicant confirmed that the development consent application was being considered by the Planning Inspectorate and that the application made provision for the onshore cables for that project to be pulled through the ducts laid by East Anglia ONE;
- (iii) The Applicant explained that the proposed Norfolk Vanguard offshore wind farm project was being taken forward by Vattenfall and that part of the project area included the former East Anglia FOUR area with a slightly revised boundary. The Vanguard project has been offered a grid connection at Necton in Norfolk (and will not, therefore, be connecting at the Bramford sub-station). The details provided by the Applicant have been confirmed by Vattenfall



(which indicated that it had no objection to the Applicant's request to the Secretary of State under Requirement 29(2)).

#### The Secretary of State's Consideration of the Applicant's Request

10. The Secretary of State has considered the application submitted by the Applicant and representations submitted to him by the Applicant and other parties and concludes as follows:

- (i) He is satisfied that the East Anglia FOUR project has been abandoned in the form that was considered during the examination of the East Anglia ONE application and that the proposed Norfolk Vanguard offshore wind farm would, if consented in its current form, connect into the National Grid transmission system at Necton in Norfolk and would, therefore, not use the ducts which are the subject of Requirement 29;
- (ii) he is satisfied that the Applicant still intends to install the ducting for the proposed East Anglia THREE project consented by the Order at the same time as the cabling for East Anglia ONE. He notes that the development consent application for the East Anglia THREE project is with the Planning Inspectorate for its consideration and that he is likely to be asked to determine the application in due course;
- (iii) He is satisfied that the proposals for the East Anglia TWO and East Anglia ONE North wind farms will not be progressed in a reasonable timescale that would allow them to be taken forward (in the event consent was granted) alongside the East Anglia ONE works and that, in any event, these projects were not considered by the Examining Authority when it recommended the inclusion of Requirement 29 in the Order;
- (iv) He does not consider it necessary or appropriate to require the Applicant to enter into any further agreement that they will not apply for permission to lay additional ducting at a later date, given that any future proposals for cabling to be laid in the vicinity of the East Anglia ONE cable corridor would be subject to a separate planning consenting process which would include due consideration of their impacts. It would not be appropriate to prevent or prejudice the outcome of such applications at this stage; and
- (v) He considers that the issue of the safety of the transmission technology to be installed in the cable ducting was fully considered by the Secretary of State when deciding to grant the East Anglia ONE (Corrections and Amendments) Order 2016 and that it is not



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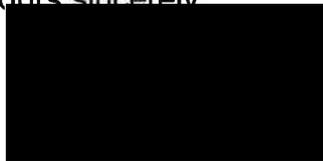
necessary to consider this issue further in relation to the application under Requirement 29(2).

11. In conclusion, the Secretary of State, having considered the matters set out in Requirement 29(3) and all other relevant considerations, **confirms that there shall be no requirement to install simultaneously the cable ducts forming part of the onshore connection works for the East Anglia FOUR project.**

12. For the avoidance of doubt, the Secretary of State confirms that the ducting for the cabling from the proposed East Anglia THREE project must be installed at the same time as the cabling for the East Anglia ONE project in accordance with Requirement 29(1). The Secretary of State's decision on this is without prejudice to the decision on whether to grant or refuse development consent under the Planning Act 2008 for the development consent application submitted in respect of the East Anglia THREE project.

13. Finally, the Secretary of State notes that pursuant to Requirement 29(1)(b) (set out above), it will be for the relevant planning authority to approve a written method statement showing the programme for laying the onshore cables for the authorised project and all cable ducts as part of a single cable laying operation prior to the commencement of any stage of the connection works. A copy of this decision should be included with any application for approval under that provision.

Yours sincerely



GILES SCOTT  
Head of Energy Infrastructure Planning and Coal Liabilities

