

East Anglia THREE  
Offshore Windfarm

East Anglia THREE

# Written Response to Deadline I

(13 July 2016)

East Anglia THREE Offshore Wind Farm  
East Anglia THREE Limited

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## 1.1 Summary

1. In its letter of 6 July 2016 (the **Rule 8 Letter**), the Examining Authority (**ExA**) requested that the following submissions be made by 13 July 2016 (**Deadline I**):
  - Post-hearing documents, including any written summary of an oral case put at the first Issue Specific Hearing (**ISH**) held on 29 June 2016 to consider the definition of the project and the draft Development Consent Order (**DCO**) and any documents/amendments requested by the Examining Authority (**ExA**); and
  - The Applicant's revised draft DCO.

## 1.2 Oral case at the ISH on the definition of the project and the draft DCO

2. During the ISH held on 29 June 2016 (**DCO hearing**) the ExA reviewed its Schedule of Issues and the Applicant, represented by John Houghton and Victoria Redman, both of Bond Dickinson LLP, made oral representations in relation to the matters raised. These oral representations have been reduced to writing in the **Applicant's Response to the Schedule of Issues**, as submitted by the Applicant with this document.
3. The ExA in its Schedule of Issues and at the DCO hearing also requested that consideration be given to the approach to drafting of other relevant made DCOs, and the extent to which the draft Order for the project has (or has not) followed that approach. The Applicant has identified a number of relevant offshore wind farm DCOs which have been made by the Secretary of State, and has considered their approach to drafting in line with the points raised in the ExA's Schedule of Issues. In addition to comments included in the Applicant's Response to the Schedule of Issues, the Applicant has prepared a document which compares specific articles of relevant made DCOs against the draft Order. This can be found in the document entitled, **'Comparison of Offshore DCO Drafting'**, as submitted by the Applicant with this document.
4. The ExA's Schedule of Issues and the ExA's agenda for the DCO hearing also requested comments on how the Applicant has responded to guidance in PINS' Advice Notes, particularly AN13 and AN15. The Applicant has prepared a document which summarises the advice contained in AN13 and AN15, and sets out how the Applicant has sought to comply with the relevant guidance. This can be found in the document entitled, **'Applicant's response to compliance with PINS' Advice Notes (AN13 and AN15)'**, as submitted by the Applicant with this document.

### 1.3 Presentation by Captain Richard Britton on the interactions between East Anglia ONE and East Anglia THREE

5. During the DCO hearing a presentation was made by Captain Richard Britton on the interactions between the offshore wind farm authorised by the East Anglia ONE Offshore Wind Farm Order 2014 (as amended) (**East Anglia ONE**) and the East Anglia THREE project (**East Anglia THREE**) which would be authorised by the draft Order. A copy of the PowerPoint presentation, **Presentation on East Anglia THREE and East Anglia ONE interaction**, is submitted by the Applicant with this document.
6. During the presentation the following points were addressed:
7. The history of the East Anglia zone, for which ScottishPower Renewables (SPR), in a Joint Venture with Vattenfall Wind Power Limited (VWPL), was awarded rights in 2009 to develop offshore capacity as part of the Crown Estate's Round Three programme. That in February 2016 the Joint Venture was dissolved and since that time both companies have been taking forward separate projects, with SPR taking forward projects in the south, including the East Anglia ONE and East Anglia THREE projects, and VWPL taking forward separate projects in the north.
8. That East Anglia THREE would share the same cable route, landfall and substation location as East Anglia ONE. That the East Anglia ONE Order consents ducts for the East Anglia THREE project, through which the East Anglia THREE cables (to be consented by the East Anglia THREE DCO) would be pulled. That along the cable corridor (save at the substation) powers are sought only to pull cables through the ducts and not for the direct lay of cables in trenches. For this reason, East Anglia THREE will not be constructed unless East Anglia ONE is first constructed, and that it is not envisaged that the construction of East Anglia ONE and East Anglia THREE will overlap. That the rationale for consenting the ducting under the East Anglia ONE Order was to reduce the onshore construction impacts of East Anglia THREE.
9. That the East Anglia ONE and East Anglia THREE projects have been developed strategically and cohesively, for example, with landscaping planted by East Anglia ONE having been designed so that it also screens and mitigates impacts from East Anglia THREE; the East Anglia ONE skills strategy having been designed as a strategic response to all SPR East Anglia projects; and the potential to consider the re-use of East Anglia ONE's temporary infrastructure for the construction of East Anglia THREE.
10. That, unlike the East Anglia ONE project, East Anglia THREE may need to be constructed in phases; with the requirement for phasing being primarily a response to the recently introduced Contracts for Difference regime. That phasing construction will allow the project to be built in accordance with any award(s) made under the Contracts for Difference regime. That the draft Order allows for up to two construction phases, with each phase consisting of up to 600MW.

11. That the application is for a single Nationally Significant Infrastructure Project (NSIP) with East Anglia THREE Limited (EATL) as the appointed undertaker, but that this single NSIP may be constructed in a single phase or two phases, and may be transferred in whole, or in part, in accordance with the transfer provisions contained at Article 5 of the draft Order.
12. That the onshore and offshore export cables are proposed to be constructed in a single cable laying operation (i.e. a single phase), although the wind farm and onshore substation may potentially be constructed in two phases. That there will be no requirement to retain temporary infrastructure between the onshore phases of the East Anglia THREE project, save in relation to the laydown area at the substation location.
13. That the baseline position in relation to East Anglia ONE temporary infrastructure is that this will be removed following completion of East Anglia ONE construction works, with East Anglia THREE then constructing its own temporary infrastructure. If re-use of the East Anglia ONE temporary infrastructure is considered appropriate in due course, this will be a matter for East Anglia ONE to agree with the relevant planning authorities, as well as landowners. At that time, matters including ownership of the temporary works, and maintenance and monitoring of the temporary works in any intervening period, would be considered. That no extension to East Anglia ONE's compulsory acquisition powers is sought under the draft Order.
14. That, following construction of East Anglia ONE, the offshore transmission assets will be divested to an offshore transmission owner (OFTO). That SPR are currently discussing with OFGEM how the OFTO divestment for East Anglia ONE will be undertaken, and whether this should include divestment of the ducts to be used by the East Anglia THREE project. It is envisaged that the ducts to be used by East Anglia THREE may be divested either to the East Anglia ONE OFTO or will be held by SPR, but in either case SPR will ensure that suitable arrangements are put in place to enable the future use of the ducts by the East Anglia THREE project. Following the construction of East Anglia THREE, the offshore transmission assets for that project, including the ducts which the East Anglia THREE cables utilise, would be divested to the East Anglia THREE OFTO.
15. At the landfall, East Anglia THREE works will involve a pull through of the cables in ducting already installed by East Anglia ONE. That the East Anglia ONE Order contains a requirement for assessment of the ducts at the landfall. That the obligations in relation to assessment of the East Anglia ONE ducts will transfer to the owner of the ducts, whether that is the East Anglia ONE OFTO, SPR, the East Anglia THREE OFTO, or a combination of them.
16. That at the time of submission of the East Anglia THREE application, the amendment to the East Anglia ONE Order had not been made, and that the assessment of landscape and visual impact was undertaken on the basis of the East Anglia ONE

project as consented at that time. Following the amendment of the East Anglia ONE Order and the further design work undertaken in relation to landscaping of the East Anglia ONE project, that it was proposed to update the landscape and visual assessment work, and that it was anticipated that this would be submitted on 27 July 2016 (Deadline 2).

17. That East Anglia ONE will undertake landscaping works which will mitigate the impact of both the East Anglia ONE and East Anglia THREE projects, and that East Anglia THREE will undertake additional landscape mitigation works to mitigate the East Anglia THREE project. In relation to maintenance of the landscaping, that it is envisaged that SPR will acquire the freehold of the substation site and will enter into commercial arrangements with each of the OFTOs to ensure that responsibilities for maintaining the landscaping at the substation are established for the lifetime of all projects.
18. That the East Anglia ONE and East Anglia THREE wind farms are independent of each other, but that there is the potential to lay interconnecting cables between the two wind farms. That the interconnector has been designed to allow transmission of electricity between East Anglia ONE and East Anglia THREE. That the interconnector may be developed as a low voltage back feed or to enable export of electricity through the wind farms. That the interconnector may need to be divested to an OFTO in due course.
19. That a skills strategy is required by DECC as part of the Contracts for Difference award. That the socio-economic assessment for East Anglia THREE did not conclude that a separate skills strategy was required to mitigate any impacts of the East Anglia THREE project. However, that in the **East Anglia ONE Skills Strategy**, as submitted by the Applicant with this document, SPR commits to the East Anglia THREE project evolving and supporting the East Anglia ONE skills strategy. In addition, that any application for a Contract for Difference for the East Anglia THREE project would require a skills plan to be included within the supply chain plan which would be submitted as part of that Contracts for Difference application.

#### 1.4 Development Consent Order

20. The Applicant has amended the draft Order in response to the ExA's Schedule of Issues as well as in response to comments made during the DCO hearing. A clean version of the revised **draft Order** is submitted with this document, together with a **comparison document**, also submitted, which highlights the changes made between the original draft submitted in November 2015 and the latest version submitted for Deadline I. In addition, a document has been produced which records the changes made to the draft Order and explains the rationale for including those changes. This can be found in the document '**Schedule of Changes to the DCO**', as submitted by the Applicant with this document.
  21. In summary, the following changes have been made to the draft Order:
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- Amendments relating to the approach of installing the export cable in a single cable laying operation, whilst retaining the option to phase the other offshore works and the onshore substation works;
- Amendments as a result of comments from the ExA and requests of interested parties as noted in the Applicant's Response to the Schedule of Issues (including changes resulting from the Applicant's review of previous made offshore wind farm DCOs as well as AN13 and AN15);
- Amendments as a result of ongoing discussions with statutory consultees including relevant planning authorities; and
- The addition of Protective Provisions for the benefit of East Anglia ONE.

22. The Applicant does not propose to submit a revised Explanatory Memorandum at this stage but, if it would assist the ExA, is content to do so during the course of the Examination.

### 1.5 Hedgerow Plans

23. At the DCO hearing the Applicant confirmed it proposed to amend the draft Order to schedule all hedgerows within the Order Limits. These amendments have been made to the draft Order and, to correspond with these changes, the Hedgerow Plans have been revised to show all hedgerows contained within the Order Limits. Copies of the **revised Hedgerow Plans** have been submitted with this document.

### 1.6 The Crown Estate

24. As stated during the DCO hearing, the Applicant has received confirmation from the Crown Estate that, in accordance with section 135(2) of the Planning Act 2008, the Commissioners consent to the inclusion within Article 37 of rights to compulsorily acquire interests held in Crown land, subject to those rights being exercised only on receipt of the Crown's further written consent. The commissioners have also confirmed that they are satisfied with the form and content of Article 37 as contained within the draft Order. A copy of the **letter received from the Crown Estate**, dated 22 June 2016, which confirms their consent is submitted with this document.

### 1.7 Network Rail Infrastructure Limited (NRIL)

25. The Applicant, as requested by the ExA during the DCO hearing, has sought confirmation from Network Rail Infrastructure Limited (**NRIL**) that the form and content of the Protective Provisions included in Part 3, of Schedule 8 are acceptable. NRIL has confirmed that the Protective Provisions included in the East Anglia ONE Order are also acceptable to NRIL for the East Anglia THREE project. Copy correspondence confirming this is submitted with this document (**NRIL Comments on Protective Provisions**). The Applicant can confirm that, save for the minor changes to drafting

style as shown in the comparison of the revised draft Order, the Protective Provisions included in Part 3 of Schedule 8 to the draft Order follow those contained in the East Anglia ONE Order.



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