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**By Email Only**

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For the attention of:

Mr Rynd Smith & Ms K Mignano

Dear Mr Smith and Ms Mignano

### **SCOTTISH POWER & NATIONAL GRID – EAST ANGLIA ONE NORTH AND EAST ANGLIA TWO**

Thank you for your letter of 21 May providing an update on your latest position. It is understandable that the Examining Authorities are looking at ways to progress events virtually not least given the Ministerial Statement of 13 May 2020. However for the reasons set out below we believe that there are exceptional circumstances in respect of the two Scottish Power NSIPs and the National Grid NSIP and accordingly virtual events are not appropriate for these examinations. As you are aware the Ministerial Statement does contemplate such circumstances. We would also remind the Examining Authorities of our letter of 18 March 2020 in which we first addressed the question of meetings and hearings.

#### **LACK OF FAIRNESS AND OPENNESS TO DATE**

There is a very high level of opposition to the onshore aspects of these three NSIPs. They are also opposed by the local authorities and a number of other statutory consultees. That opposition has not arisen by accident and it is not only driven by the unsuitability of the Suffolk countryside and an Area of Outstanding Natural Beauty as the location for major industrial development. Opposition has also been driven by the manner in which Scottish Power and National Grid have conducted themselves. As a result the local community feels the DCO process to date has been far from open and fair. Some examples are set out below. Please note they also contain substantive issues for the examination but they have been included in this letter as examples of Scottish Power's and National Grid's conduct.

- 1. The consultation process** - this may (although this is not accepted) have met the statutory requirements but in substance it was poor. You have seen the substantial report this group drafted in respect of consultation which was attached to the local authorities' letter concerning

the adequacy of consultation. The consultation was in reality poorly conducted and a sham. Rather than the community feeling it was involved in the process it merely confirmed the fear that their views were of no account and that engagement was pointless.

**2. Mismanagement of the EA1 Project** - it is an undoubted fact that the reason these developments are coming to another part of East Suffolk and the AONB is because of Scottish Power's mismanagement of the EA1 project and the associated cable route further south. That cable route was intended to take the power from EA1N and EA2 using the existing substation location at Bramford, north of Ipswich. How it came to be that Scottish Power and National Grid chose to move away from a cable route that had the capacity for at least four windfarms with a potential capacity up to 7.2 GW to a cable route which will only support two windfarms generating 1.9 GW is both a mystery and a scandal. The Planning Inspectorate is not blameless in this and no doubt you are familiar with the correspondence we had with the Planning Inspectorate in January and February 2019 relating inter alia to a letter we had sent to the BEIS Select Committee dated 3 January 2019 concerning the EA1 project. It would appear those who were the "gatekeepers" of the DCO process and should have stopped the changes to the EA1 DCO may not necessarily have had all the information they should. This has brought the DCO process into disrepute.

**3. The Conduct of National Grid** – these DCO applications have been made by Scottish Power and yet in reality the Scottish Power projects are acting as a "Trojan Horse" for a new National Grid connection hub at Friston which will not only service the Scottish Power projects, but the National Grid Ventures Interconnector projects Nautilus and Eurolink (NGV have confirmed this) and almost certainly the large-scale expansions of the Galloper and Greater Gabbard windfarms. There are now yet two more Interconnector projects being proposed by National Grid and there is a strong possibility It will also be looking to make the necessary connections at Friston. As a result the National Grid NSIP at Friston, for which no DCO application has been made, will potentially be a connection hub for eight major energy infrastructure projects.

Further for over a year we have been seeking greater disclosure from National Grid concerning its connection decisions and CION process under The Environmental Information Regulations 2004. As a result of National Grid's failure to comply with the Regulations we have made a complaint to the Information Commissioner's Office which is currently investigating the matter.

These circumstances and others call into question the competence of Government, Scottish Power and National Grid and the openness, fairness and effectiveness of the DCO planning system. They have certainly resulted in the strong belief that the views of the community are irrelevant and that the environment onshore will be sacrificed to meet the financial objectives of the developers however this may be dressed up as being part of our green sustainable future.

#### THE INADEQUACY OF VIRTUAL EVENTS

We all understand the need for the planning system to keep operating and sustainable development to continue. However the move to virtual events, and the absence of meetings and hearings in the local area where the developments are proposed (and the potential lack of accompanied site visits – see appendix), will lead to the perception that the community's voice is being even further weakened in order to push through these unnecessary, unsustainable and deeply unpopular onshore developments.

Digital technology has been a great blessing in recent weeks but has proved yet again it is not always entirely reliable in rural areas and it is no substitute for interacting and communicating with somebody in the same physical space, particularly when there are complex and difficult issues to discuss. So however effective the technology being tested by the Planning Inspectorate may be it can never be a substitute for a truly public meeting. Please consider the following.

1. **Mismatch in resources** - A key aspect of the lack of fairness is the complete mismatch in resources between (i) two multi billion pound corporations (Scottish Power/Iberdrola and National Grid) on the one hand and (ii) underfunded local authorities (currently also having to deal with the COVID-19 pandemic) and local residents with limited resources on the other. Many residents feel that the only way the community's voice will be truly heard, and Scottish Power and National Grid held to account, is through the dynamic of a truly public physical meeting with all parties present in person. The mismatch in resources is equally applicable when it comes to digital technology. Scottish Power and National Grid are much better equipped to deal with the technical needs of virtual meetings and hearings with their organisations, personnel and legions of advisers supported by large and well-resourced IT departments with high quality computers and networks. In contrast the local rural communities and residents have no technical support and rely upon equipment of varying vintages and quality. By moving to virtual events you will further entrench the mismatch in resources, the unfairness and the lack of openness.
2. **Deficiencies in rural broadband/internet connectivity** - Rural internet/broadband in Suffolk can be unreliable and/or slow. Many of us have experienced this for years. Recent events and the need to communicate remotely with family and friends are a daily reminder of this. Therefore the quality of engagement with a virtual event particularly for long periods is unlikely to be good and will bear no comparison to participation in a real meeting/hearing. Also it is unknown how local internet services will perform with potentially many hundreds of people trying to participate in the same virtual event,
3. **Difficulties in interaction** - Aside from engaging with the virtual event directly, there will also be the need for participants to communicate between themselves and their advisers. Digital technology will inhibit easy interaction. It will also require a means of communication separate from the service used for the virtual event to ensure confidentiality and will almost certainly require further IT equipment and place yet more demand on rural internet services.
4. **Lack of confidence/familiarity with digital technology** - This community has varying degrees of familiarity and confidence in using digital technology. This will act to exclude people from full participation in the examination process. Your questionnaire, which even you admit is rather long, may well prove intimidating to a number of people and as a result it is possible, they will not complete it. Please note the absence of a response to your questionnaire should not be taken as agreement to virtual events.
5. **An examination is not a business meeting or a court hearing** - You give examples in your letter that video conferencing has been in use for business meetings and court hearings. However they are poor comparisons in the context of public meetings where it can be anticipated that hundreds of people will want not merely to attend but to speak. Many of us have used video conferencing in a business context for years. We know from experience it is better than a telephone call, however it is still no substitute for being in the same place and that is why people will still travel internationally to meet people in person, particularly where difficult or sensitive

matters have to be addressed. In terms of court hearings virtual hearings can work but in complex matters they almost entirely involve people who are professional advisers and business clients (with high quality technology at their disposal) who are familiar with the process and involve a relatively small number of parties. The circumstances of the examinations are very different.

Given the above we do not believe that it is possible to guarantee that the examination process will be open and fair if meetings and hearings are held virtually. In fact they will be less open and fair.

#### LEGAL ANALYSIS

Apart from the technical constraints on virtual events you have provided no legal analysis as to why virtual events (including preliminary meetings) are permitted under the Planning Act 2008 and related legislation. Could this be provided please.

#### SIZEWELL C

As you are no doubt aware the DCO application for Sizewell C was submitted on 27 May 2020. We are aware that the Planning Inspectorate is concerned about how to manage this DCO process alongside the DCO processes for EA1N and EA2. However the real issue is not about multiple DCO processes but the fact that through a lack of strategic planning and mismanagement nine major energy projects are being proposed for the same small rural area of East Suffolk. The difficulty of managing multiple DCO processes is merely one of the consequences of this failure.

Perhaps rather than trying to force through these applications at a time when people are more concerned about their health and that of their family and friends and the survival of their businesses, now might be the time to reflect and engage in some proper master planning of the role of East Suffolk, its rural landscapes and the AONB in meeting national energy needs. The current pandemic should not be viewed as a cause of delay but as an opportunity to develop a rational approach to the development of energy infrastructure for the long term.

#### CONCLUSION

In closing and by way of reminder we are supportive of the need to develop offshore wind, with the Southern North Sea having great potential as source of renewable power not just for decades but for centuries. The development of the transmission infrastructure for that resource has been and is being mismanaged for the long term. Protected landscapes, rural communities and tourism led economies should not have to suffer the cost of short termism and mismanagement. People hope that during the examinations sense will prevail which will finally make Scottish Power and National Grid invest (having failed to do so for over 10 years) in a proper solution to the onshore needs of offshore wind in a truly sustainable way for the long term.

If, however, sense does not prevail then the lack of fairness and openness, actual or perceived, in the examinations will bear part of the blame. It will compound the view that the DCO planning process is a sham, biased against local communities and rewards mismanagement. This is why having a demonstrably open and fair examination process with real public meetings in the local area is vital even if that results in delay.

Yours sincerely

Michael Mahony

cc

Dr Therese Coffey MP  
Andrew Reid - Suffolk County Council  
Russ Rainger - Suffolk County Council  
Richard Rout - Suffolk County Council  
Craig Rivett - East Suffolk Council  
James Mallinder - East Suffolk Council  
Jocelyn Bond - East Suffolk Council  
Terry-Jill Haworth-Culf - East Suffolk Council  
Tony Cooper - East Suffolk Council  
Graham Gunby - Suffolk County Council  
Naomi Goold - East Suffolk Council

#### APPENDIX – ACCOMPANIED SITE VISITS – PART OF AN OPEN AND FAIR PROCESS

As well as your consideration of virtual meetings/hearings it would be helpful to understand the Examining Authorities' views on accompanied site visits particularly in view of the Ministerial Statement on this subject. We believe the unaccompanied site visit which took place some months ago omitted a number of locations which are necessary for the Examining Authorities to visit. Further we are of the view that site visits which involve members of the community are essential to the Examining Authorities' understanding on the damaging impact on the environment of Scottish Power's and National Grid's proposals. The reasons for this are self-evident. First it is the people that live and work in this area who are most familiar with it and second they are the people who will be most impacted by the development for the rest of their lives. Accordingly we would expect the Examining Authorities to make every effort to facilitate site visits accompanied by members of the community subject to complying with Government guidance at the time of the visit.