



The Planning Act 2008

East Anglia One North (EA1N) and East Anglia Two (EA2) Offshore Windfarms

Planning Inspectorate Reference: EA1N – EN010077, EA2 – EN010078

Deadline 4 – 13 January 2021

**Comments by SCC on additional information/submissions received by
Deadline 3 on matters relating to Cumulative Impact Assessment**

**Responses by SCC to Further Information requested by the ExA for Deadline 3
on matters relating to Cumulative Impact Assessment**

1. This statement is made by Suffolk County Council (SCC) at Deadline 4 (13 January 2021). It addresses the topic of Cumulative Impact Assessment (CIA), which was discussed in some detail at ISH2. Specifically, it provides SCC's comments on the additional information and submissions by the Applicants and by National Grid Ventures (NGV) received at Deadline 3 on matters relation to CIA and SCC's responses to further information provided by National Grid Electricity System Operator (NGESO) and National Grid Electricity Transmission (NGET) which was requested by the ExA for Deadline 3 on matters relating to CIA.
2. Separate submissions are also made by SCC at Deadline 4 in relation to
 - Comments of SCC as Public Health Authority;
 - Comments of SCC as Archaeological Authority;
 - Comments of SCC as Lead Local Flood Authority;
 - Comments of SCC as Public Rights of Way Authority;
 - Comments of SCC as Local Highways Authority, and;
 - Updated attendance Gantt chart for scheduled ISH, ASI and CAH in 2021.

3. It is a key concern to SCC to ensure that there is an adequate and comprehensive assessment of the full effects of providing substations to serve the development of EA1N and EA2 at the Applicants' chosen location of Friston. SCC remains unconvinced that this has yet been done.
4. As the ExA will be well aware, the Applicants' proposals include two onshore substations to be operated by the Applicants (one to serve EA1N and one to serve EA2) and a third National Grid substation (to be operated by NGET) which will provide the connection to the National Grid transmission network. The three substations are to be co-located at Friston.
5. Notwithstanding some potential confusion in some of the documentation, the Applicants and NGET have confirmed that the substations are designed and sized to accommodate the proposals and nothing more, and this includes the National Grid substation (see in particular the Applicants' response to ExQ1.6.1 in REP1-111, and NGET's response to CAH1 Action 1 in REP3-111). Any additional connections to the National Grid network, if they take place at Friston, will require additional land and additional works and structures, even if they are integrated with the National Grid substation. Such connections will therefore have separate (additive) effects to those of the proposals. The critical question is, therefore, whether there is any need for the Applicants to assess those effects either as part of their obligations to undertake CIA or in order to demonstrate that the design of the substations is fit for purpose and policy compliant.
6. The Applicants' Submission of Oral Case (ISH2) (REP3-085) purports to address PINS Advice Note 17 at paras 13 to 18, but makes no mention of Footnote 10 of AN17 which is explicit that:

“For the purposes of this advice note, ‘other existing development and/or approved development’ is taken to include existing developments and existing plans and projects that are ‘reasonably foreseeable’”

7. Unless it is the Applicants' case that a departure from AN17 is warranted (and no such argument has been presented), it must be presumed to be the Applicants' case that none of the projects listed at para 15 of REP3-085 is "*reasonably foreseeable*". This is not tenable, based on what is currently known about the status of those projects.
8. It is certainly true that there is, as yet, no certainty that any of those projects will definitely entail the provision of a National Grid connection at Friston, but nor is it possible to rule that out as a reasonably foreseeable prospect, as matters stand. The precautionary principle, which is applicable to EIA of NSIPs (see for example para 3.2.1 of AN12), requires that the absence of certainty is not a reason for failing to assess likely significant environmental effects.
9. The Applicants seek to argue that any attempt to assess the projects they have not assessed would not be "*robust*" and would entail "*assessing or prejudging another developer's project*" (para 16 of REP3-085). As to the first, it is permissible in any EIA assessment to identify limitations to that assessment and where there is incomplete information and reasonable judgments are made to allow an assessment based on what is known, any necessary limitations can be expressed in the CIA. As to the second, the position is no different in this case to any other CIA where other projects are considered. The Applicants can (and in SCC's view should) use the best information that is currently available about those other projects and apply reasonable judgments in the light of that information.
10. The Applicants seek to illustrate the difficulties as they see them by reference to the differences between the project known as East Anglia FOUR and the project ultimately approved as Norfolk Vanguard East. However, all that this illustration does is show that at any given point of time the level of information about a project is limited by what is then known, and that infrastructure projects do commonly change as they evolve from first conception to ultimate construction. It is noted that the Applicants do not pursue the same argument in relation to Sizewell C (which the Applicants accept they need to assess as

part of the CIA), notwithstanding that that project too is continuing to evolve, and the information known about Sizewell C has changed since the time that the present Applications were submitted, and since the Sizewell C project was submitted (and accepted).

11. SCC therefore maintains its view that the Applicants' CIA needs to include the additive effects of the four projects identified in its earlier submissions (Nautilus, Eurolink, North Falls and Five Estuaries) which may entail a grid connection at Friston.
12. If anything, the latest information provided (or more accurately not provided) by NGESO, NGET, and NGV reinforces the need for there to be adequate consideration of these other projects in the CIA for EA1N and EA2.
13. The Applicants have confirmed that in relation to both Nautilus and Eurolink NGV *"wish to retain the ability to potentially connect at Friston"* (para 20 of REP3-085. NGV itself states that *"the proposed NGET substation at Friston...is a potential connection point"* and *"NGV are concerned to ensure that the proposals for the EA2 and EA1N projects do not unnecessarily limit or restrict the potential for the Nautilus and Eurolink projects to connect to the proposed NGET substation at Friston"* (page 2 of REP3-112).
14. In other words, NGV absolutely wants the flexibility to be able to connect at Friston if it so chooses and does not want anything to be done that might curtail that option.
15. NGESO states that it has no strategic approach to the provision of connection offers and that *"Under the current regulatory framework system reinforcements are generally identified by NGESO and transmission owners in an incremental manner as are offers made, taking opportunity for efficiencies where practical, rather than on an anticipatory basis of future need"* and *"Each application is assessed on its own merits and where applicable NGESO will aim to coordinate network development across various parties"* (NGESO response to ISH2 Action 8 in REP3-110).

16. NGESO and NGET also, somewhat unhelpfully, display their regulatory independence from each other by engaging in a game of ‘pass the parcel’ in relation to providing responses. Thus, in response to the ExA’s straightforward request to be informed whether references to a connection point “*at Leiston*” was one and the same as the Applicants’ proposed connection point at Friston (ISH2 Action 9 (iv)), NGESO responds that “*NGESO refers this question to NGET*” (in REP3-110) and NGET responds that “*this question is more appropriately answered by NGESO*” (in REP3-111). Neither body therefore provides the answer to a simple question (and common sense suggests that the answer is ‘in all probability, yes’).
17. In other words, there is an absence of joined up thinking in the approach taken to additional connections by NGESO, NGET, and NGV. There is no strategic approach but simply an ad hoc response to whatever applications come forward, looking at them on their own merits, as and when they come forward, but “*incrementally*” and looking for efficiency and co-ordination where practicable.
18. It is therefore eminently reasonably foreseeable that, with such a laissez faire approach, decisions are likely to be made by reference to what has gone before. Thus, if there is a NGET substation approved at Friston for the EA1N and EA2 connections, that approval will be part of the factual context in which NGESO, NGET, NGV and other developers will consider the suitability of sites or locations for other connections. Both reasons of efficiency and reasons of coordination would mean that the Friston substation will become an inevitable and wholly foreseeable candidate as the location for additional connections, whether by NGV for Nautilus and Eurolink or by the promoters of North Falls and Five Estuaries. That outcome is certainly reasonably foreseeable, looking at matters now in January 2021.
19. In addition, and as a separate point, the ExA should note that as part of the BEIS OTNR workstreams, AECOM was commissioned to undertake the East Coast Grid Spatial Study in July 2020 and its draft report has been submitted

to The Crown Estate, and is being considered in conjunction with the OTNR Expert Group with a view to publication of the Study in “early 2021” (see the OTNR Webinar presentation published by BEIS on 17 December 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946574/presentation-17-10-20.pdf). Emerging conclusions (as set out in the presentation) include that *“Existing offshore wind projects have a significant spatial influence on future development, having likely taken optimal routeing options”* and that *“Some areas within study area more or less constrained than others, former would benefit from a coordinated approach earlier.”*

20. Whilst that Study has not yet been published, it seems likely that it will emerge during the currency of the Examinations and, if so, regard should be had to any findings and recommendations made, especially as regards co-ordination. The emerging conclusions are making the common-sense point that projects, once approved, limit the opportunities available for later projects, and in a constrained environment the early adoption of a co-ordinated approach has benefits. These emerging conclusions have an obvious resonance at Friston and underscore the need for a comprehensive approach to be taken.