



**SCOTTISHPOWER  
RENEWABLES**

# **East Anglia ONE North and East Anglia TWO Offshore Windfarms**

## **Applicants' Responses to Hearings Action Points (CAH2, ISH7, ISH8, ISH9)**

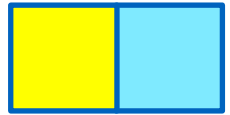
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**Applicable to East Anglia ONE North and East Anglia TWO**



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This document is supported by the following appendices:

Appendix number	Title
1	Communications with Mr Lewis Regarding CA Matters
2	Badger Method Statement
3	Actions Arising from ISH8



## Glossary of Acronyms

AONB	Area of Outstanding Natural Beauty
CAH	Compulsory Acquisition Hearing
DCO	Development Consent Order
DML	Deemd Marine Licence
ECoW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
ETG	Expert Topic Group
ISH	Issue Specific Hearing
LONI	Letter of No Impediment
MMO	Marine Management Organisation
NGET	National Grid Electricity Transmission
OFTO	Offshore Transmission Owners
OLCMS	Outline Landfall Construction Method Statement
OLEMS	Outline Landscape and Ecological Management Strategy
OLMP	Outline Landscape Management Plan
SASES	Substation Action Save East Suffolk
SPA	Special Protection Area
SoCG	Statement of Comment Ground
SZC	Sizewell C
UXO	Unexploded Ordnance



## Glossary of Terminology

Applicants	East Anglia TWO Limited / East Anglia ONE North Limited
The Councils	East Suffolk Council and Suffolk County Council
Development area	The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Jointing bay	Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Link boxes	Underground chambers within the onshore cable route housing electrical earthing links.
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO / East Anglia ONE North project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order.
National Grid substation location	The proposed location of the National Grid substation.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore cable route	This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.
Onshore cables	The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction



	facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.
Onshore infrastructure	The combined name for all of the onshore infrastructure associated with the proposed East Anglia TWO / East Anglia ONE North project from landfall to the connection to the national electricity grid.
Onshore preparation works	Activities to be undertaken prior to formal commencement of onshore construction such as pre-planting of landscaping works, archaeological investigations, environmental and engineering surveys, diversion and laying of services, and highway alterations.
Onshore substation	The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.
Onshore substation location	The proposed location of the onshore substation for the proposed East Anglia TWO / East Anglia ONE North project.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.

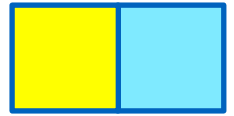


# 1 Applicants' Responses to Hearings Action Points

## 1.1 Introduction

1. This document has been prepared to address actions addressed to the Applicants arising from the Compulsory Acquisition Hearing (CAH) held virtually on Tuesday 16<sup>th</sup> February 2021 and the Issue Specific Hearings (ISHs) held virtually on Wednesday 17<sup>th</sup>, Thursday 18<sup>th</sup> and Friday 19<sup>th</sup> February 2021. These actions are detailed in Hearing Action Points from CAH2 (EV-100), Hearing Action Points from ISH7 (EV-107), Hearing Action Points from ISH8 (EV-114), and Hearing Action Points from ISH9 (EV-121), issued by the Examining Authority (ExA) on 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> of February 2021. Responses to actions addressed to the Applicants are provided in **sections 1.2 to 1.5** below.
2. This document is applicable to both the East Anglia ONE North and East Anglia TWO Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the ExA procedural decisions on document management of 23<sup>rd</sup> December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



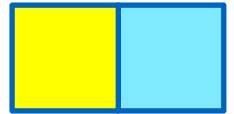


## 1.2 Applicants' Response to Compulsory Acquisition 2 Hearing

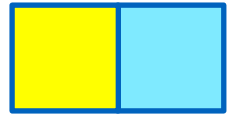
3. **Table 1** responds to actions addressed to the Applicants in CAH2.

**Table 1 Applicants' Response to CAH2 Actions**

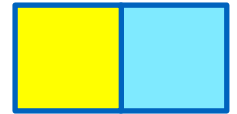
Number	Action	Applicants' Response
1	<p><b>Mr Michael Lewis' objection</b></p> <p>Applicants to provide a breakdown of communications that have taken place with Mr Lewis regarding CA matters</p>	<p>Please see <b>Appendix 1</b> for the communication log with Mr Lewis.</p>
3	<p><b>Dr Alexander Gimson's objections</b></p> <p>Applicants to respond to the concerns raised by Dr Gimson in both a personal capacity and on behalf of the Wardens Trust at D6. In relation to the Trust, following sight of relevant title information at D6, the Applicants are asked to form a clear and evidenced view at D7 as to whether or not the Trust is an Affected Person.</p>	<p>The Applicants have submitted a clarification note to address representations by Dr Gimson regarding the water supply at Ness House at Deadline 6 (<b>Landfall Hydrogeological Risk Assessment</b> (document reference ExA.AS-12.D6.V1). The Applicants thank Dr Gimson for providing further information swiftly following the hearing.</p> <p>The Applicants will submit a response to the complaint raised by SEAS and discussed by Dr Gimson at Deadline 7 however see section 2 of the Applicants' <b>Written Summary of Oral Case (ISH9)</b> (document reference ExA.SN4.D6.V1) for a summary of the factual material that was presented at ISH9 in respect of this matter.</p> <p>In relation to the area of trees in the south west extent of Dr Gimson's mother's property, the Applicants will consider what assurances or commitments and will provide an update at Deadline 7.</p>
5	<p><b>Mr Michael Mahony's Objection</b></p> <p>Applicants to respond to the matters raised on behalf of Mr Mahony, including providing confirmation of the nature of hedge works proposed for Plots 116, 117A, 117, 126, 127 and 128.</p>	<p>With respect to specific matters raised by Mr Mahony, please see <b>section 2.5</b> of the <b>Written Summary of Oral Case</b> (document reference ExA.SN1.D6.V1).</p> <p>With respect to hedge works proposed for the specified plots;</p> <ul style="list-style-type: none"> <li>Plot 116: There is no requirement to remove hedgerows along the eastern boundary of Plot 116, other than that necessary to access the triangular area to the south west of Plot 116. Sections of</li> </ul>



Number	Action	Applicants' Response
		<p>hedgerow may require removal along the southern boundary for access/visibility between plot 116 and 119. Sections of hedgerow may require removal along the north-eastern and northern boundary to facilitate the realignment and reconstruction of the overhead lines and for landscaping (i.e. strengthening or planting of hedgerow trees).</p> <ul style="list-style-type: none"> <li>Plot 117: Maintenance of the hedgerow to ensure clearance from the highway boundary.</li> <li>Plot 126: Maintenance of the hedgerow to ensure clearance from the highway boundary and potential visibility clearance for the permanent access road (it is noted that the latter is unlikely but it is subject to final design).</li> <li>Plot 127: Landscaping (i.e. strengthening or planting of hedgerow trees).</li> <li>Plot 128: Landscaping (i.e. strengthening or planting of hedgerow trees).</li> </ul> <p>Reinstatement would be in line with the final Landscape Management Plan.</p>
6	<p><b>Technical documentation</b></p> <p>Applicants to submit into the Examinations the technical document(s) regarding the minimum width and clearance requirements for the installation of relevant infrastructure including the replacement overhead lines at road crossings.</p>	<p>The Applicants understand that National Grid Electricity Transmission (NGET) are providing this information at Deadline 6.</p>
7	<p><b>Temporary Possession for alternative options on certain land plots</b></p> <p>Applicants to consider inserting a mechanism for relinquishing certain options sought for TP at the earliest opportunity should a particular option not need to be pursued, for example at Marlesford Bridge.</p>	<p>The Applicants will consider this further and provide a detailed written update at Deadline 7. However, even if it were possible to identify areas of land in respect of which rights could be relinquished it is unlikely that these could be confirmed until most construction work had been completed. On the specific case of land at Marlesford Bridge this may only be required if apparatus is delivered to site via that route, but this</p>



Number	Action	Applicants' Response
		has to be kept open as a possibility until the apparatus is in fact delivered
9	<p><b>Pre-consent access arrangements</b></p> <p>Applicants to respond to the matter raised by Dr Gimson and Mr Mahony concerning clause(s) requiring the signatory in preconsent access arrangements not to object to the proposals.</p>	The Applicants confirm there are no clauses that require parties to withdraw representations or to not object to the Projects' applications in any of the agreements for pre-consent surveys.
10	<p><b>Schedule of CA and TP Objections</b></p> <p>Applicants to submit updated Schedule of CA and TP Objections.</p>	The <b>Schedule of CA and TP Objections</b> has been updated and submitted at Deadline 6 (document reference ExQ1.3.2).
11	<p><b>Funding Statement</b></p> <p>Applicants to submit revised Funding Statement with updated information.</p>	This will be updated and submitted at Deadline 7.
12	<p><b>Statutory Undertakers</b></p> <p>Applicants to give a brief update on the current position in respect of s127 and s138, including representations made and whether there are any remaining which have not been withdrawn; and submit updated versions of Statutory Undertakers' Land or Rights and Statutory Undertakers' Extinguishment of Rights and Removal of Apparatus documents.</p>	Both the <b>PA2008 s127 Statutory Undertakers' Land or Rights</b> and <b>Statutory Undertakers Apparatus etc.</b> schedules have been updated and submitted at Deadline 6 (document references ExQ1.3.4 and ExQ1.3.5).

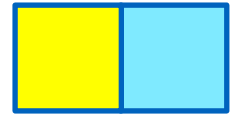


### 1.3 Applicants' Response to Issue Specific Hearing 7

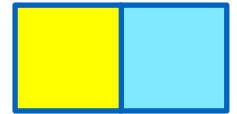
4. **Table 2** responds to actions addressed to the Applicants in ISH7.

**Table 2 Applicants' Response to ISH7 Actions**

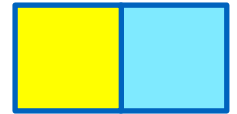
Number	Action	Applicants' Response
1	<p><b>Hundred Wood</b></p> <p>Applicants to submit updated habitat surveys of the woodland to the west of the Hundred River and the adjacent meadow, with relevant accompanying explanatory text, including an assessment of the potential for micro-siting to avoid features of importance.</p>	<p>As outlined in the Outline Landscape and Ecological Management Plan, a pre-construction walkover survey would be undertaken by the Arboricultural Clerk of Works and Ecological Clerk of Works and an engineer to assist in micro-siting along the onshore cable route to minimise woodland, tree and scrub loss where practicable. This will include (as an example) the micrositing of spoil storage or temporary lay down areas to allow the retention of trees where possible.</p>
2	<p><b>Watercourse crossing method statement</b></p> <p>Updated watercourse crossing method statement to be submitted by Applicants, to including a more detailed justification for the trenching methodology proposed.</p>	<p>The <b>Outline Water Course Crossing Method Statement</b> has been updated and submitted at Deadline 6 (document reference ExA.AS-5.D6.V2).</p>
3	<p><b>Bats</b></p> <p>Applicants to respond to concerns raised by ESC with regards to bats and noise impacts, including reference to modelling used by other NSIPs in the area.</p>	<p>The Applicants have noted East Suffolk Council (ESC) oral submissions made at ISH7 in relation to operational noise impacts upon ecological receptors (namely foraging and commuting bats) and have provided a response to the concerns raised by ESC at ID2 within <b>Section 2.3</b> of the <b>Applicants' Comments on East Suffolk Council's Deadline 5 Submissions</b> (document reference ExA.AS-19.D6.V1).</p> <p>The Applicants note that all statements in relation to the Assessment Methodology in the SoCG with the Councils have been agreed (see REP1-072), The assessment methodology adopted for the EIA was discussed and agreed with the Expert Topic Group (ETG), as confirmed within <b>Appendix 22.1</b> of the ES (APP-501). It is noted that this is the first time that ESC has raised the request for the Applicants to provide a</p>



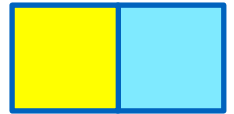
Number	Action	Applicants' Response
		comparable assessment for operational noise impacts upon foraging and commuting bats to that which has been undertaken by other NSIPs.
4	<p><b>Badgers</b></p> <p>Applicants to respond to submissions that have been made in respect of badgers.</p>	<p>The Applicants have submitted a Badger Method Statement in <b>Appendix 2</b> of this document which was prepared in support of the Applicants request for a (Badger) Letter of No Impediment (LONI) from Natural England. The Applicants have provided a confidential version (containing full details) and a redacted version (omitting the sensitive information) of the Badger Method Statement.</p> <p>The Badger Method Statement sets out the mitigation measures that will be implemented under a Badger Mitigation Licence for badgers potentially impacted by the Projects, together with the timeframe for the implementation of such mitigation measures. The Badger Method Statement is based upon the ecological surveys undertaken to date, as presented within the Projects' Development Consent Order (DCO) applications and will be updated prior to construction (as part of a full Badger Mitigation Licence application to Natural England) to reflect the results of preconstruction surveys and the detailed design of the Projects.</p> <p>The Applicants only submit the Badger Method Statement for East Anglia TWO, but confirm that the Badger Method Statement for East Anglia ONE North is materially identical to that submitted for East Anglia TWO in all but name.</p> <p>As noted in <b>section 10.2</b> of the <b>OLEMS</b> (an updated version has been submitted at Deadline 6, document reference 8.7), the Ecological Clerk of Works (ECoW) will have responsibility for ensuring that all surveys and mitigation measures in respect to badgers are adhered to during construction.</p>



Number	Action	Applicants' Response
		The Applicants acknowledge the mobility of badgers and therefore have committed to undertaking pre-construction surveys for badger post-consent. These will identify any changes since the surveys undertaken for the Applications and ensure mitigation measures reflect up to date data. Surveys will also inform a full mitigation badger licence application at that time.
5	<b>OLEMS</b> Applicants to submit updated OLEMS.	The <b><i>Outline Landscape and Ecological Management Strategy</i></b> has been updated and submitted at Deadline 6 (document reference 8.7).
6	<b>Harbour porpoise of the Southern North Sea SAC</b> Submission of wording for DML Condition(s) to secure the project commitments to mitigation for project alone effects (e.g. in relation to restrictions on concurrent piling and limits on piling / UXO events in a given 24-hour period). Also, submission of updated In Principle Site Integrity Plan for the mitigation of in-combination effects and updated draft MMMPs to reflect this and other updates since Deadline 3.	The Applicants have committed to include a condition that specifically restricts piling and Unexploded Ordnance (UXO) detonation to a single event in a 24-hour period during the winter season (October to March inclusive). The Applicants are engaging with the Marine Management Organisation (MMO) and Natural England on this condition to allow for its inclusion in the updated draft DCO submitted at Deadline 7.  The <b><i>In Principle Southern North Sea Special Area of Conservation Site Integrity Plan</i></b> and <b><i>Draft Marine Mammal Mitigation Protocol</i></b> will be updated and submitted at Deadline 7..
10	<b>SIP DML condition wording</b> Applicants to implement the MMO's revised DML condition wording that secures the SIP in light of Section 9.10 of the MMO's [REP5-075]	The Applicants have agreed to include updated SIP conditions within the DMLs at Deadline 7 in order to address concerns raised by the MMO in (REP5-075). The proposed text differs slightly from that proposed by the MMO within (REP5-075) but has been agreed in principle with the MMO.  The MMO has provided some minor comments to the Applicants on the proposed text which the Applicants will consider in finalising the conditions for inclusion in the updated draft DCO at Deadline 7.
11	<b>DML Co-operation Conditions</b>	Following ISH7, the Applicants considered the comments made by the ExA in relation to the DML co-operation condition and intend to update the conditions in the draft DCO submitted at Deadline 7. The Applicants

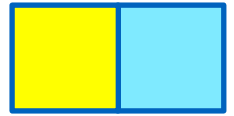


Number	Action	Applicants' Response
	<p>Applicants and MMO to revisit the wording of the 'co-operation conditions' that are set out in Condition 25 of Schedule 13 and Condition 21 of Schedule 14 of the dDMLs:</p> <ul style="list-style-type: none"> <li>The 'co-operation conditions' require co-operation on the MMMP and SIP for UXO clearance by MMP and not the SIP for piling (condition 17(2) (Sch 13) and 13(2) (Sch 14)) – what are the reasons for this difference in approach?</li> <li>What is the intended effect of the co-operation conditions/</li> <li>Does current drafting achieve that effect?</li> <li>Do the conditions require an implementation clause, to specify for example what the MMO must do with any comments received under sub-section (1)?</li> </ul>	<p>have engaged with the MMO on the revised wording and understand that the MMO are in general agreement on the text. The amendments are:</p> <ul style="list-style-type: none"> <li>inclusion of a cross reference to the SIP piling condition – this was an oversight in the previous version of the condition and will be rectified; and</li> <li>inclusion of a requirement for the undertaker to submit any comments received by the undertaker under the other DCO to the MMO when submitting the relevant plan or document for approval, or alternatively a statement from the undertaker confirming that no such comments were received.</li> </ul>
14	<p><b>Offshore In-Principle Monitoring Plan</b></p> <p>Applicants to submit updated offshore In-Principle Monitoring Plan to take account of NE [REP5-086] where possible.</p>	<p>The <b>Offshore In Principle Monitoring Plan</b> has been updated and submitted at Deadline 6 (document reference 8.13).</p>
17	<p><b>Fish and Shellfish: Outstanding NE concerns</b></p> <p>Applicants and NE to review the outstanding 'amber' matters that have been raised by NE in its Deadline 5 Risk and Issues Log [REP5-088]. These are (from page 49):</p> <ul style="list-style-type: none"> <li>Matter 33: fish spawning and larval abundance – specifically Herring. Impacts on prey availability for interest features of MPAs.</li> </ul>	<p>The Applicants noted that although there appear to be outstanding issues in the NE Risk and Issues Log (REP5-088), all issues regarding fish were closed out within the SoCG (REP1-056).</p> <ul style="list-style-type: none"> <li>Row 33 - Matters regarding fish and the Outer Thames Estuary SPA were covered in <b>Applicant's Comments on Relevant Representations - Appendix 5: Outer Thames Estuary Cabling Note</b> (AS-042). NE's response to this document (REP1-158) did not raise matters relating to fish. The Applicants' updated assessment of the SPA supporting habitats (REP3-059) considered prey species</li> </ul>



Number	Action	Applicants' Response
	<ul style="list-style-type: none"> <li>• Matter 34: tolerance to elevated suspended sediment concentrations during construction.</li> <li>• Matter 35: effects on sand eel.</li> <li>• Matter 36: cable burial to a minimum depth of 1.5m</li> </ul> <p>Please confirm whether these (as the Deadline 1 draft Statement of Common Ground between you suggests) are matters that are largely settled, or whether the amber status in the Risk and Issue Log indicates significant outstanding issues. If these issues are still outstanding, please record whether they are anticipated to be resolved by Deadline 8 or are matters that need to be decided by the ExAs.</p>	<p>(including fish species) and the NE Risk and Issues Log (REP5-088) shows all matters to be resolved (page 49, row 30).</p> <ul style="list-style-type: none"> <li>• Row 34 – the Applicants have used best available evidence. The fact that some of that evidence is old does not undermine its utility in the absence of more recent information.</li> <li>• Row 35 - Sandeel matters were deferred to Cefas and the Applicants consider that this is closed out through the commitment to undertake post-construction monitoring on the suitability of habitats for sandeel.</li> <li>• Row 36 – cable burial depth. The Applicants responded at Deadline 2 (REP2-004). The Applicants reiterate that a 1m minimum burial depth is in line with current best practice, recently consented projects (e.g. Norfolk Vanguard), and the engineering limitation based on the department for Business Enterprise and Regulatory Reform review of cabling techniques and environmental effects applicable to the offshore windfarm industry (BERR 2008).</li> </ul> <p>The Applicants will discuss these matters with NE to confirm the positions outlined above.</p>



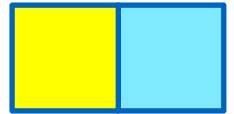


## 1.4 Applicants' Response to Issue Specific Hearing 8

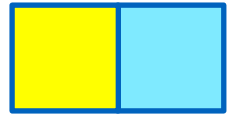
5. **Table 3** responds to actions addressed to the Applicants in ISH8.

**Table 3 Applicants' Response to ISH8 Actions**

Number	Action	Applicants' Response
2	<p><b>Applicant's 'think-piece'</b></p> <p>Applicants to set out their position in respect of action 1 as a 'think-piece' by D6, to enable NE to set out its position by D7 and enable further responses including from Las and AONB partnership by D8.</p>	<p>The Applicants' response can be found in <b>Appendix 3</b> of this document.</p>
3	<p><b>Final policy positions</b></p> <p>Parties to set out final positions in relation to policy considerations in relation to EA2 seascapes effects before the end of the examinations. If position have not changed it is sufficient to reference previous submissions and say that there has been no change.</p>	<p>The focus of ISH8 was the potential effects that EA2 would have on the special qualities of the Area of Outstanding Natural Beauty (AONB) .The key policy consideration is EN-1 paragraph 5.9.12. Consideration of this policy was covered in the Applicant's D5 submission. More general policy on seascapes is set out in EN-3 paragraphs 2.6.207-209. This cross references back to general policies in EN-1. Para 2.6.208 raises the issue of whether an alternative layout could reasonably be proposed. The Applicant has already significantly reduced the horizontal spread of the scheme through changes made after the PEIR layout consultation. Natural England have suggested that the turbine tip height should be reduced to 210m and the front row of wind turbines should be removed. This would not be economically viable or enable the Project to meet its target capacity. When considering the balancing exercise required by the second bullet of paragraph 2.6.208 or EN-3 it would be relevant to have regard to the magnitude of the change that has resulted in the significant effects identified. The effects do not derive from higher magnitudes of change. This strongly supports the conclusion that benefits of this project outweigh the harmful effects identified.</p>



Number	Action	Applicants' Response
		The Applicants will also conduct an updated review of more local policy and will submit an update if required.
5	<b>Visual impact</b>  The Applicants to address the suggestion in NPS-EN1 paragraph 5.9.19 that “applicants draw attention... to any examples of existing permitted infrastructure... with a similar magnitude of sensitive receptors”, in order to frame the ExAs consideration of effects on the AONB, by D6; and NE to respond by D7.	The Applicants' response can be found in <b>Appendix 3</b> of this document.

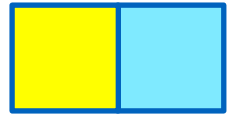


## 1.5 Applicants' Response to Issue Specific Hearing 9

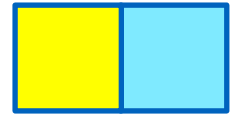
6. **Table 4** responds to actions addressed to the Applicants in ISH9.

**Table 4 Applicants' Response to ISH9 Actions**

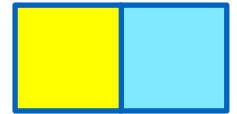
Number	Action	Applicants' Response
1	<p><b>Norfolk Vanguard High Court decision (18 February 2021)</b></p> <p>Applicants and IPs who wish to make initial observations regarding the recent decision to quash the SoS' decision on the above proposed development are invited to do so to assist the ExAs' consideration of the judgement.</p>	<p>The Applicants have considered the judgment of the Honourable Mr Justice Holgate. Mr Justice Holgate's decision to quash the decision to grant the Norfolk Vanguard Offshore Windfarm Order was based on a failure of the Secretary of State (and the Examining Authority) to take account of certain environmental information before them. In particular the Secretary of State (and the Examining Authority) considered that, despite information on the cumulative visual effect with the "linked" Boreas project having been put to them (within the Applicant's Environmental Statement), the information was limited and consideration of the cumulative effects should instead be deferred to consideration of the Boreas Development Consent Order.</p> <p>In the particular circumstances Mr Justice Holgate held that the decision to give no consideration to environmental information before them was a breach of the relevant Environmental Impact Assessment Regulations (in this case the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009) and was irrational.</p> <p>Mr Justice Holgate also found that the reasoning provided by the Secretary of State within his decision letter was legally inadequate. The effect of Mr Justice Holgate's decision to quash the Secretary of State's decision is that the application for development consent now returns to the Secretary of State for re-determination. It is, as yet, unclear what process the Secretary of State will implement in advance of taking a further consent decision.</p> <p>A key part of case interpretation is that you should not just take an outcome which is based on very specific facts and consider that it has</p>



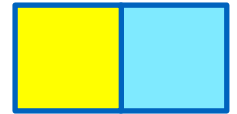
Number	Action	Applicants' Response
		wider application. The decision in this instance is very fact driven and is distinguished from these applications as neither the Examining Authority nor the Secretary of State have failed to take into account any information in the Applicants Environmental Statement.
2	<p><b>Changes to dDCOs currently under discussion/preparation</b></p> <p>The Applicants and Interested Parties intending to submit proposed revisions to the dDCOs are reminded to adopt the process and timings set out in the ExAs Commentaries on the dDCOs.</p> <p>Specific proposals raised in the hearing at Agenda Item 2 included the following:</p> <ul style="list-style-type: none"> <li>• A new requirement providing that the National Grid Substation cannot proceed if the Offshore Wind Farms are not implemented.</li> <li>• A new draft Outline Onshore Preparation Works Management Plan (OOPWMP) and a relevant requirement to secure it.</li> <li>• An appendix on detail to be included in the updated CoCP will be provided.</li> <li>• R12 to be restructured.</li> <li>• Coastal erosion monitoring – Outline Landfall Monitoring Plan (OLMP) and method statement with relevant requirement (R) to secure it.</li> <li>• Article 36 Certification – to be provided as a schedule in tabular form.</li> </ul>	<p>The Applicants can confirm that the following matters will be addressed in the draft DCO submitted at Deadline 7:</p> <ul style="list-style-type: none"> <li>• inclusion of a new requirement which prevents the National Grid infrastructure from going ahead without the offshore wind farm.</li> <li>• inclusion of a new requirement which requires the approval of an onshore preparation works management plan. An outline of the information that will be included within the onshore preparation works management plan has been included in Appendix 1 of the updated <b>Outline Code of Construction Practice</b> (document reference 8.1) submitted at Deadline 6.</li> <li>• requirement 12 will be restructured so that it is easier to follow.</li> <li>• requirement 13 will be amended to secure the Applicants' commitment to undertake periodic monitoring and/or reporting at the landfall. The Applicants have provided details of the proposed monitoring within an Outline Landfall Monitoring Plan which is included as an Appendix to the <b>Outline Landfall Construction Method Statement</b> (document reference ExA.AS-2.D6.V2) submitted at Deadline 6.</li> <li>• inclusion of a new Schedule which will list the documents to be certified in accordance with article 36 in a tabular form.</li> <li>• paragraph 7 (confidentiality) of Schedule 15 (Arbitration Rules) will be amended to provide for an open arbitration procedure that is accessible to the public, subject to certain exceptions such as</li> </ul>



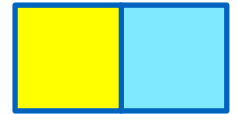
Number	Action	Applicants' Response
	<p>Arbitration clause to be amended to ensure public openness and transparency where possible.</p> <ul style="list-style-type: none"> <li>Article 38 and Schedule 16 (appeal mechanism) - extensions to timescales to be proposed.</li> <li>Definition of 'intrusive' to be provided</li> <li>Observations on SCC remarks in relation to Art 16.</li> </ul>	<p>where the arbitration relates to a dispute or difference under the protective provisions.</p> <ul style="list-style-type: none"> <li>amendments will be made to the timescales specified in Schedule 16 (Procedure for discharge of requirements).</li> <li>inclusion of a definition of 'intrusive'.</li> </ul> <p>The Applicants have provided a response to Suffolk County Council's comments on Article 16 in the <b>Applicants' Responses to Suffolk County Council's Deadline 5 Submissions</b> (document reference ExA.AS-18.D6.V1) at Deadline 6.</p>
3	<p><b>Sizewell B &amp; C Nuclear Operations and Development: Protective Provisions</b></p> <p>Following discussions, submissions on the following protective provisions are planned:</p> <ul style="list-style-type: none"> <li>Sizewell B and Sizewell C agreed protective provisions.</li> <li>Update on side agreement negotiations.</li> </ul>	<p>Protective provisions are substantially agreed with both Sizewell B and Sizewell C, subject to the conclusion of a side agreement which is currently being negotiated.</p> <p>The Applicants hope to be in a position to include a final agreed form of protective provisions in the draft DCO at Deadline 7 for both Sizewell B and Sizewell C.</p> <p>A further update will be provided to the examination at either ISH15 or Deadline 8 regarding the status of the side agreements.</p>
4	<p><b>Sizewell A Decommissioning: Possible Protective Provisions</b></p> <p>Applicants will engage with Magnox and Nuclear Decommissioning Authority to determine the need for Protective Provisions in relation to Sizewell A.</p>	<p>The Applicants have been engaging with Magnox/Nuclear Decommissioning Authority throughout Examination on the production of a Statement of Common Ground. All matters are agreed other than clarity over the <b>Outline Sizewell Gap Construction Method Statement</b> (REP1-041) which the Applicants consider to be close to being resolved. No protective provisions have been sought by Magnox/Nuclear Decommissioning Authority.</p>



Number	Action	Applicants' Response
	A SoCG will be submitted at D7 and be accompanied by draft dDCO text – if required.	
6	<p><b>Suffolk County Council: Highway matters security</b></p> <p>The Applicants are exploring how protection can be provided to SCC as highway authority via a proposed PPA and/ or Section 278 agreement or by other means. If these fail to achieve agreement by D7, the ExAs request SCC and the Applicants to provide draft protective provisions by D8, for comments on both sides at D9.</p>	Noted. The Applicants are currently engaging with Suffolk County Council in relation to updates to the Outline Construction Traffic Management Plan and Outline Access Management Plan that provide the necessary protections and comfort to Suffolk County Council.
7	<p><b>SASES: Adaptation provisions</b></p> <p>SASES will submit their proposed new article to require the SoS to reassess the desirability of implementing the transmission connection provided for in the current dDCOs in the light of changing policy and technology for consideration by the Applicants at D6. The Applicants will respond at D7.</p>	The Applicants will consider the submissions made by SASES at Deadline 6 and will respond at Deadline 7.
8	<p><b>HRA Compensation Measures</b></p> <p>Applicant to submit revised drafting in relation to without prejudice HRA compensation measures in the dDCOs, responding to the drafting employed for kittiwake in the made Hornsea Three Offshore Wind Farm Order 2020, Art 45 and Sch 14, at D6, to enable NE to comment on the drafting principles and effectiveness at D7.</p>	<p>See Section 6 of the <b>Applicants' Submission of Oral Case (ISH9)</b> (ExA.SN4.D6.V1) for the Applicants' comments on the matters raised at ISH9 in relation to the Hornsea Project Three compensation schedule.</p> <p>The Applicants are continuing to progress details of potential HRA compensation measures on a 'without prejudice' basis and will continue to engage with Natural England on this matter.</p> <p>The Applicants have provided further details on proposed compensation measures at Deadline 6 in the <b>Offshore Ornithology Without Prejudice Compensation Measures</b> (document reference ExA.AS-8.D6.V1). This document includes a series of compartmentalised plans</p>

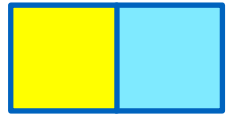


Number	Action	Applicants' Response
		<p>for the delivery of compensation for each potentially affected species should the Secretary of State reach a decision that this is necessary.</p> <p>It is proposed that the document would be certified by the Secretary of State for the purposes of the Development Consent Order. The Applicants also propose that, similar to the Hornsea Three Development Consent Order, a new Schedule be inserted into the Development Consent Orders. This schedule would be separated into different parts, with each part securing the submission and approval of a species specific compensation and monitoring plan (which plan will be in accordance with the relevant part of the In-principle Compensation Measures document as certified).</p> <p>The Applicants' position remains that there will be no adverse effect on the integrity of any European Site as a result of the Projects alone or in combination. And so the Applicants submit that this Schedule should be removed wholesale from the Development Consent Orders as made. However, if the Secretary of State takes a different view, the proposed structure of the schedule would allow the compensation measures for one species to be changed or removed without affecting the operation of compensation for other species.</p> <p>The Applicants intend to suggest drafting for the DCO Article incorporating the Schedule and the Schedule itself at Deadline 7.</p>
9	<p><b>East Suffolk Council: Other Agreements and Obligations</b></p> <ul style="list-style-type: none"> <li>• A proposed draft Section 111 Agreement to be submitted at D6. An executed agreement to be in place and presented to the examination by D8.</li> <li>• A Proposed MoU in relation to Environmental Exemplars to be submitted to the examination by D8.</li> </ul>	<p>The Section 111 Agreements are substantively agreed between the Applicants and East Suffolk Council and will shortly be signed by the parties. The signed Agreements will be submitted to the Examination by Deadline 8.</p>



Number	Action	Applicants' Response
10	<p><b>Grant of Crown consents under s135 of PA2008</b></p> <p>ExAs requested evidence in respect of the grant of Crown consent under PA2008 s135 in respect of the proposed development on the seabed. Applicants to respond in writing.</p>	<p>The Applicants have requested written confirmation from the Crown Estate of their consent under PA2008 s135 in respect of the proposed development on the seabed.</p>
11	<p><b>Other consents</b></p> <p>Interested Parties requested to inform the ExAs in the circumstances of any difficulties between parties in negotiating necessary licenses and agreements outside of the dDCO by D7.</p> <p>Applicants requested to submit a full and final list of 'other consents' marked with amendments in tracked changes at D8.</p>	<p>The Applicants will submit an updated <b>Consents and Licences required under other Legislation</b> (APP-048) at Deadline 8 as requested.</p>





# Appendix 1 Communications with Mr Lewis Regarding CA Matters



**DALCOUR  
MACLAREN**

# **Scottish Power Renewables**

## **East Anglia TWO Limited and East Anglia One North Limited**

**Consultation Documents**  
For Michael Anthony Lewis  
February 2021



## Project Details

<b>Project Name</b>	East Anglia TWO Limited and East Anglia ONE North Limited
<b>Scheme Number</b>	180476
<b>Report Number</b>	1

<b>Prepared by</b>	
<b>Name</b>	Harry Hyde

<b>Approved by</b>	
<b>Name</b>	Harry Hyde

## Contents

Document	Dated	Page No.
Telephone call with Mr Lewis	27/01/2020	1
EA1N - Covering letter for S56 notice, S56 notice and Proof of Delivery	19/03/2020	2-10
EA2 - Covering letter for S56 notice, S56 notice and Proof of Delivery	19/03/2020	11-19
Letter confirming Mr Lewis rights and the Applicants proposed rights over the land.	16/10/2020	20-21
Emailing copy of the Regulation 7 Notice for both EA1N and EA2.	07/12/2020	22-23
Letter sending out Regulation 7 Notice for both EA1N and EA2 and Proof of Delivery	10/12/2020	24-28
Telephone call with Mr Lewis	January 2021	29

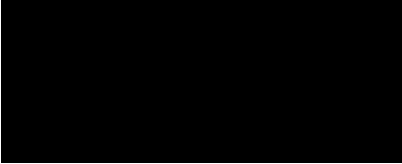
## **Telephone call with Mr Lewis on 27/01/2020**

Harry Hyde called Mr Lewis and had an interesting call on various topics most not related to the projects, Harry Hyde explained why his name appeared in the Book of Reference, namely that the adopted highways didn't abut his property, therefore it is assumed he would be the reputed owner of the unregistered land between his registered property and the highways boundary. Further to this, it would be assumed that he would be the owner of the subsoil under the highway to the middle of road under the ad medium filum. Mr Lewis didn't particularly care that he was included but thanked me for explaining.

He went on to mention that he had put in representations but about the need for a full hydrology investigation of the area "Water comes from all directions in Friston". Following recent rain fall the ditch which we are looking to release water into has been dry, (noted by Rob Lees and myself in December following flooding around the area that the ditch was in fact dry). According to Mr Lewis the ditch was originally a farm track. Mr Lewis didn't have any further comments when asked.

He explained he wasn't very interested overall in the projects or the protest groups. The call was perfectly pleasant and Harry Hyde said he would follow up with an email so that he was able to have my contact details should he wish to contact us again.

Mr M Lewis



25 November 2019

Dear Mr Lewis

**East Anglia ONE North Limited  
Planning Act 2008 – Acceptance of Application for Development Consent Order  
The Proposed East Anglia North ONE Offshore Windfarm Order**

The Planning Inspectorate (on behalf of the Secretary of State for Energy and Climate Change) has accepted an application made by East Anglia ONE North Limited (the **Applicant**) of 1 Tudor Street, London, EC4Y 0AH, a ScottishPower Renewables company, for a development consent order under the Planning Act 2008 (the **Application**). The Application was made on 25<sup>th</sup> October 2019 and accepted for examination on 22 November 2019 (reference: EN010077).

The Application is for development consent to construct and operate the proposed East Anglia ONE North Offshore Wind Farm, which comprises up to 67 wind turbine generators, overhead line realignment works and associated development. The wind turbine generators would be located in the southern North Sea approximately 36 km from the Suffolk coast at its nearest point. The offshore windfarm site occupies an area of up to 208 km<sup>2</sup>. The landfall connection works will be located north of Thorpeness in Suffolk, and the onshore substation and overhead line realignment works will be located in the vicinity of Grove Wood, Friston.

Further details about the proposed project can be found within the enclosures to this letter which include:

1. Notice of the accepted Application under Section 56 of the Planning Act 2008
2. A USB/s containing a copy of the Application including Environmental Statement (ES) and other supporting documentation.
3. Hard copies of maps showing the location of the proposed development both offshore (Figure 1 extracted from the Non-Technical Summary) and onshore (Figure 2 extracted from the Non-Technical Summary).

These documents can also be viewed on the East Anglia ONE North page of the Planning Inspectorate website at: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>

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**ScottishPower Renewables / 320 St Vincent Street, Glasgow, G2 5AD**



Take care of the environment.  
Printed in black and white and only if necessary.

Any representations (giving notice of any interest in or objection to the Application) must be made on the Planning Inspectorate's Registration and Relevant Representation Form which can be accessed and completed online at the East Anglia ONE North page of the Planning Inspectorate website as detailed above. If you would like to request a hard copy of the Planning Inspectorate's Registration and Relevant Representation Form, please telephone 0303 444 5000.

Please note that representations must be received by the Planning Inspectorate **by 27<sup>th</sup> January 2020 23:59**. Completed forms should be sent to: East Anglia ONE North Case Team, Planning Inspectorate, Temple Quay House, Temple Quay, Bristol. BS1 6PN. The Planning Inspectorate reference for the Application should be quoted in any correspondence, which is EN010077.

The Planning Inspectorate's Advice Notice 8.2: How to register to participate in an Examination, provides further guidance on how to register and make a relevant representation (December 2016) and can be accessed via the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

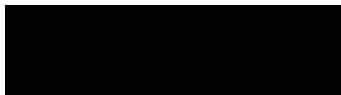
Please be aware that the Planning Inspectorate is required by law to make the information that you provide in any representation publicly available. Details published on Planning Inspectorate's website will be restricted to your name and the text of your representation. However, any copies made available for inspection at public locations will contain your contact details.

If you wish to discuss this or any other issues in connection with the Project, please contact us at East Anglia ONE North Project Manager, ScottishPower Renewables, 9<sup>th</sup> Floor, 320 St Vincent Street, Glasgow, G2 5AD or by email at [eastangliaonenorth@scottishpower.com](mailto:eastangliaonenorth@scottishpower.com).

#### The proposed East Anglia TWO project

The proposed East Anglia TWO project is being developed in parallel with the proposed East Anglia ONE North project. A separate application has been submitted for East Anglia TWO and we will provide a separate notice to consultees under Section 56 of the Planning Act 2008 and will invite relevant representations in respect of that application to be made. Separate relevant representations should be made in respect of each project.

Yours sincerely



East Anglia ONE North Limited  
Ian Mackay, East Anglia ONE North Project Manager

Encs.



**NOTICE OF ACCEPTANCE OF AN APPLICATION FOR A DEVELOPMENT CONSENT ORDER BY  
THE PLANNING INSPECTORATE UNDER SECTION 56 OF THE PLANNING ACT 2008**

**THE EAST ANGLIA ONE NORTH OFFSHORE WINDFARM DEVELOPMENT CONSENT ORDER  
(APPLICATION REFERENCE EN010077)**

**REGULATION 9 OF THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED  
FORMS AND PROCEDURE) REGULATIONS 2009**

**REGULATION 16 OF THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT  
ASSESSMENT) REGULATIONS 2017**

Notice is hereby given that the Planning Inspectorate (on behalf of the Secretary of State for Business, Energy and Industrial Strategy) has accepted an application made by East Anglia ONE North Limited of 3<sup>rd</sup> Floor, 1 Tudor Street, London, EC4Y 0AH for a Development Consent Order under the Planning Act 2008 (“the **Application**”). The Application was made on 25 October 2019 and accepted for examination on 22 November 2019 (Reference EN010077).

**SUMMARY OF THE PROJECT**

The Application is for development consent for the construction and operation of the East Anglia ONE North Offshore Windfarm (“**East Anglia ONE North**”). The offshore windfarm would be located in the southern North Sea approximately 36 km from the Suffolk coast at its nearest point and would occupy an area of up to 208 km<sup>2</sup>. The landfall connection works will be located north of Thorpeness in Suffolk, and the onshore substation and overhead line realignment works will be located in the vicinity of Grove Wood, Friston.

Development consent is required to the extent that the development is or forms part of a Nationally Significant Infrastructure Project (NSIP). The Project consists of two linked NSIPs, namely (i) an offshore generating station; and (ii) overhead line realignment works, together with associated development. As the proposed offshore generating station is expected to have a capacity of over 100 MW, it is an NSIP for the purposes of section 14(1)(a) and 15(3) of the 2008 Act. Pursuant to sections 14(1)(b) and 16 of the 2008 Act, the installation of an electric line above ground in England is an NSIP unless it falls within certain exclusions. It is not anticipated that any of the exclusions would apply to the overhead line realignment works, and as such these works form a second NSIP. It is for these reasons that the Project falls within the remit of the Secretary of State.

The Development Consent Order would, amongst other things, authorise:

1. Up to 67 offshore wind turbines and their foundations;
2. Up to one offshore meteorological mast and its foundations;
3. Subsea cables connecting the wind turbines and the offshore platforms;
4. Up to one offshore construction, operation and maintenance platform and its foundations;
5. Up to four offshore electrical platforms and their foundations;
6. A network of subsea platform link cables;
7. Up to two offshore subsea export cables to transmit electricity from the offshore electrical platforms to landfall located north of Thorpeness in Suffolk;
8. Landfall connection works north of Thorpeness in Suffolk;
9. Onshore cables commencing at landfall and running to the onshore substation in the vicinity of Grove Wood, Friston;
10. A new onshore substation in the vicinity of Grove Wood, Friston;
11. Accesses, ecological mitigation and landscaping;
12. Overhead line realignment works in proximity to Grove Wood, Friston including permanent realignment of a short section of the northern and southern overhead line circuits including the reconstruction and/or relocation of up to two pylons and construction of up to one additional pylon



- in order to realign the northern overhead lines and the reconstruction and/or relocation of up to one pylon in order to realign the southern overhead lines;
13. Temporary diversion of the northern and southern overhead line circuits;
  14. Construction of up to three permanent cable sealing end compounds (one of which may include circuit breakers) and underground connections;
  15. A new National Grid substation;
  16. Associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of East Anglia ONE North;
  17. Associated or ancillary works including improvements to highways, verges and private access roads, construction compounds, construction of a temporary haul road, landscaping and drainage works;
  18. The permanent and/or temporary compulsory acquisition (if required) of land and/or rights;
  19. Overriding of easements and other rights over or affecting land;
  20. If required, the temporary stopping up, alteration or diversion of streets;
  21. The application and/or disapplication of legislation including inter alia legislation relating to compulsory purchase; and
  22. Such ancillary, incidental and consequential provisions, permits or consents as are necessary and/or convenient.

## ENVIRONMENTAL IMPACT ASSESSMENT DEVELOPMENT

The proposed works are environmental impact assessment development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and accordingly an Environmental Statement accompanied the Application.

## APPLICATION FORM AND ACCOMPANYING DOCUMENTS

Copies of the Application form and accompanying plans, maps and other application documents may be inspected free of charge from **16 December 2019** until at least **27 January 2020** at the following locations and during the hours set out below:

Location	Address	Times	Notes
Suffolk County Council	Endeavour House 8 Russell Road Ipswich IP1 2BX	Monday to Friday: 9am to 5pm	Hard copy of the full suite of application documents
East Suffolk Council	Woodbridge Library New Street Woodbridge Suffolk IP12 1DT	Monday: 10am to 4pm  Tuesday and Friday: 9.30am to 7.30pm  Wednesday and Thursday: 9am to 5.30pm  Saturday: 9am to 5pm  Sunday: 10am to 4pm	Hard copy of the full suite of application documents
East Suffolk Council	Marina Centre Marina Lowestoft NR32 1HH	Monday to Wednesday: 8:45am to 5:00pm  Thursday: 9:30am to 5:00pm  Friday: 8:45am to 5:00pm	Digital copy of the full suite of application documents, together with hard copies of photomontages and DCO plans

Orbis Energy	Wilde Street Lowestoft NR32 1XH	Monday to Friday: 9am to 5pm	Digital copy only of the full suite of application documents
Leiston Town Council	Main Street Leiston IP16 4ER	Monday and Tuesday: 9am to 12.30pm and 2pm to 4.45pm  Thursday and Friday: 9am to 12.30pm  Alternatively contact 01728 830388 to make an appointment.	Hard copy of the full suite of application documents

Copies of the documents are also available online through the Planning Inspectorate's website at: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>.

Hard copies can be provided on request for a charge of £8900 plus VAT for the full suite of documents by e-mailing eastangliaonenorth@scottishpower.com or contacting East Anglia ONE North Project Manager, ScottishPower Renewables, 9th Floor, 320 St Vincent Street, Glasgow, G2 5AD. USB device copies can be provided free of charge upon request.

#### **REPRESENTATIONS:**

Any representations (giving notice of any interest in or objection to the Application) must be made on the Planning Inspectorate's Registration and Relevant Representation Form which can be accessed and completed online at <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/> or can be obtained from the Planning Inspectorate by telephoning 0303 444 5000.

Responses should be sent to the Planning Inspectorate (National Infrastructure Directorate), Temple Quay House, Temple Quay, Bristol, BS1 6PN. The Planning Inspectorate reference for East Anglia ONE North (EN010077) should be quoted in any correspondence.

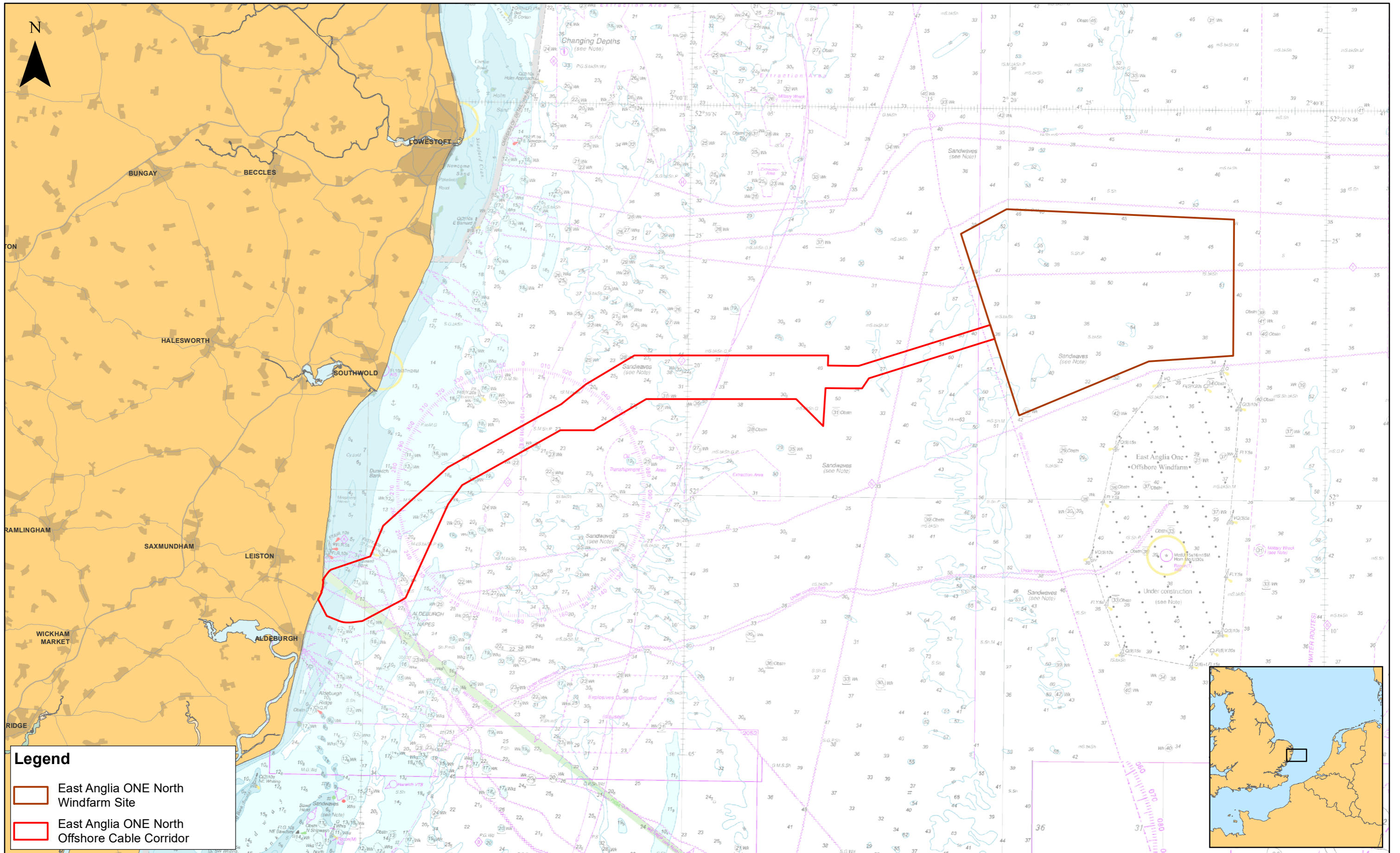
The Planning Inspectorate's Advice Notice 8.2: How to register to participate in an Examination (December 2016) provides further guidance on how to register and make a relevant representation and can be accessed via the following link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

If you are not an affected landowner please note that if you want to remain informed of the examination process and entitled to make representations you must fill in a Registration and Relevant Representation Form to register as an interested party even if you do not wish to make a substantive representation at this point.

**Any representation or response must be received by the Planning Inspectorate by 27 January 2020.**

Please be aware that the Planning Inspectorate is required by law to make the information that you provide in any representation publicly available. Details published on the Planning Inspectorate's website will be restricted to your name and the text of your representation. However any copies made available for inspection at public locations will contain your contact details.





**Legend**

- East Anglia ONE North Windfarm Site
- East Anglia ONE North Offshore Cable Corridor

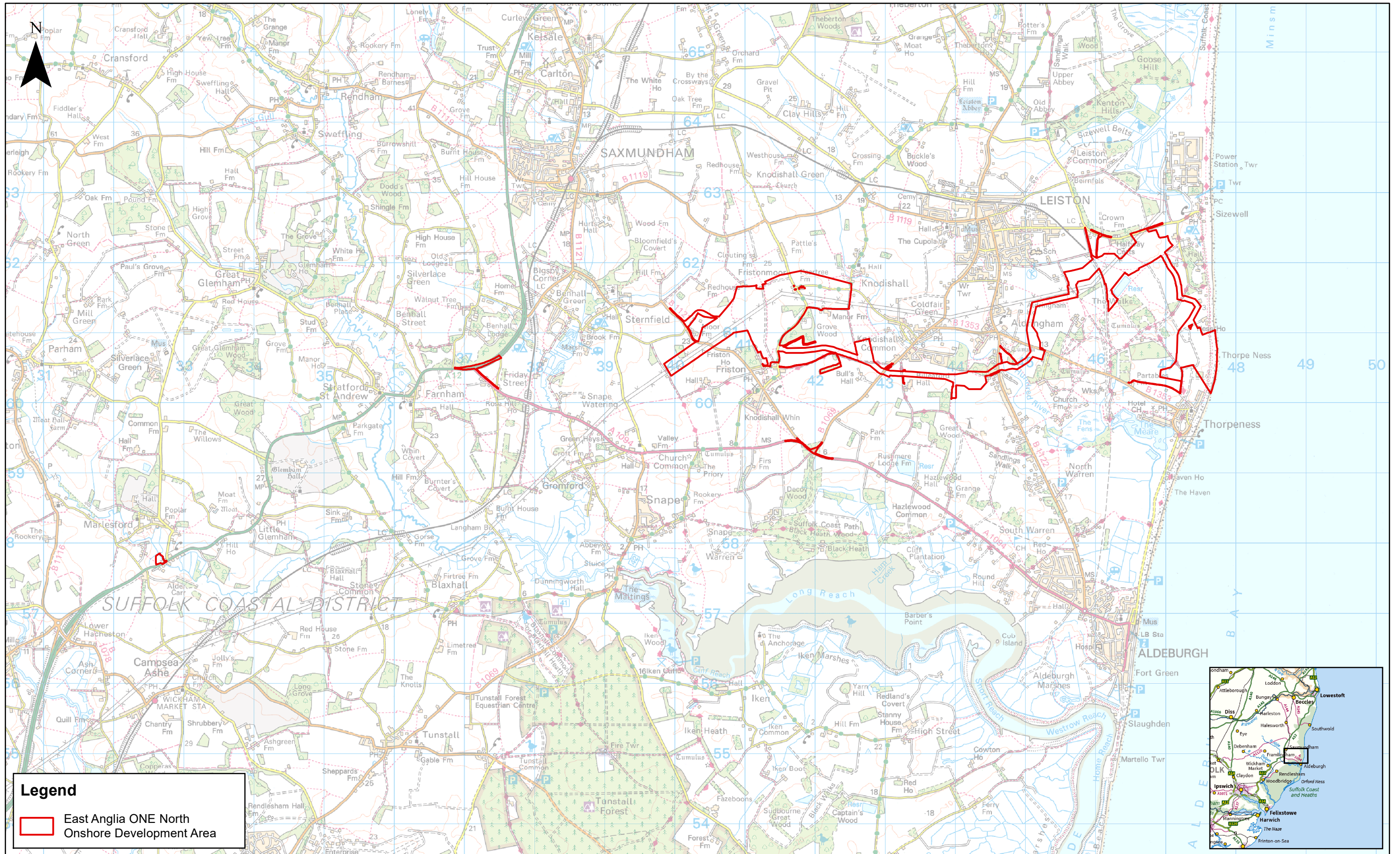


1	19/07/2019	FC	First Issue.
Rev	Date	By	Comment

Prepared:	FC	1:250,000
Checked:	PM	Scale @ A3
Approved:	PP	0 2.5 5 10 Km

**East Anglia ONE North**  
 East Anglia ONE North Offshore Development Area

Drg No	EA1N-DEV-DRG-IBR-000983	
Rev	1	Datum: WGS 1984
Date	19/07/19	Projection: Zone 31N
Figure	1	



**Legend**

East Anglia ONE North Onshore Development Area



Rev	Date	By	Comment	Approved:
2	18/09/2019	FC	Second Issue.	FC
1	19/07/2019	FC	First Issue.	PW

1:50,000  
Scale @ A3

0 1 2 Km

Source: © Crown copyright and database rights 2019. Ordnance Survey 010003 1673.  
This map has been produced to the latest known information at the time of issue, and has been produced for your information only. Please consult with the SPR Onshore GIS team to ensure the content is still current before using the information contained on this map. To the fullest extent permitted by law, we accept no responsibility or liability (whether in contract, tort (including negligence) or otherwise in respect of any errors or omissions in the information contained in the map and shall not be liable for any loss, damage or expense caused by such errors or omissions.

## East Anglia ONE North

### East Anglia ONE North Onshore Development Area

<b>Drg No</b>	EA1N-DEV-DRG-IBR-000984	
<b>Rev</b>	2	Coordinate System: BNG
<b>Date</b>	18/09/19	Datum: OSG36
<b>Figure</b>	2	



# Track your Item

## Proof of Delivery

Tracking no. KS112874304GB

Your item was delivered on **\*\*26-11-2019\*\***.

Signed for by: LEWIS

Service used: Royal Mail Signed For™

Delivered: 1:17pm

Mr M Lewis



25 November 2019

Dear Mr Lewis

**East Anglia TWO Limited  
Planning Act 2008 - Acceptance of Application for Development Consent Order  
The Proposed East Anglia TWO Offshore Windfarm Order**

The Planning Inspectorate (on behalf of the Secretary of State for Energy and Climate Change) has accepted an application made by East Anglia TWO Limited (the **Applicant**) of 1 Tudor Street, London, EC4Y 0AH, a ScottishPower Renewables company, for a development consent order under the Planning Act 2008 (the **Application**). The Application was made on 25<sup>th</sup> October 2019 and accepted for examination on 22 November 2019 (reference: EN010078).

The Application is for development consent to construct and operate the proposed East Anglia TWO Offshore Wind Farm, which comprises up to 75 wind turbine generators, overhead line realignment works and associated development. The wind turbine generators would be located in the southern North Sea approximately 32.6 km from the Suffolk coast at its nearest point. The offshore windfarm site occupies an area of up to 218.4 km<sup>2</sup>. The landfall connection works will be located north of Thorpeness in Suffolk, and the onshore substation and overhead line realignment works will be located in the vicinity of Grove Wood, Friston.

Further details about the proposed project can be found within the enclosures to this letter which include:

1. Notice of the accepted Application under Section 56 of the Planning Act 2008.
2. A USB/s containing a copy of the Application documents including the Environmental Statement (ES) and other supporting documentation.
3. Hard copies of maps showing the location of the proposed development both offshore (Figure 1 extracted from the Non-Technical Summary) and onshore (Figure 2 extracted from the Non-Technical Summary).

These documents can also be viewed on the East Anglia TWO page of the Planning Inspectorate website at: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>

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**ScottishPower Renewables** / 320 St Vincent Street, Glasgow, G2 5AD



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Any representations (giving notice of any interest in or objection to the Application) must be made on the Planning Inspectorate's Registration and Relevant Representation Form which can be accessed and completed online at the East Anglia TWO page of the Planning Inspectorate website as detailed above. If you would like to request a hard copy of the Planning Inspectorate's Registration and Relevant Representation Form, please telephone 0303 444 5000.

Please note that representations must be received by the Planning Inspectorate **by 27<sup>th</sup> January 2020 23:59**. Completed forms should be sent to: East Anglia TWO Case Team, Planning Inspectorate, Temple Quay House, Temple Quay, Bristol. BS1 6PN. The Planning Inspectorate reference for the Application should be quoted in any correspondence, which is EN010078.

The Planning Inspectorate's Advice Notice 8.2: How to register to participate in an Examination, provides further guidance on how to register and make a relevant representation (December 2016) and can be accessed via the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

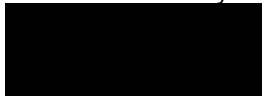
Please be aware that the Planning Inspectorate is required by law to make the information that you provide in any representation publicly available. Details published on Planning Inspectorate's website will be restricted to your name and the text of your representation. However, any copies made available for inspection at public locations will contain your contact details.

If you wish to discuss this or any other issues in connection with the Project, please contact us at East Anglia TWO Project Manager, ScottishPower Renewables, 9<sup>th</sup> Floor, 320 St Vincent Street, Glasgow, G2 5AD or by email at [eastangliatwo@scottishpower.com](mailto:eastangliatwo@scottishpower.com).

#### The proposed East Anglia ONE North project

The proposed East Anglia ONE North project is being developed in parallel with the proposed East Anglia TWO project. A separate application has been submitted for East Anglia ONE North and we will provide a separate notice to consultees under Section 56 of the Planning Act 2008 and will invite relevant representations in respect of that application to be made. Separate relevant representations should be made in respect of each project.

Yours sincerely



East Anglia TWO Limited  
Julia Bolton, East Anglia TWO Project Manager

Encs.





**NOTICE OF ACCEPTANCE OF AN APPLICATION FOR A DEVELOPMENT CONSENT ORDER BY  
THE PLANNING INSPECTORATE UNDER SECTION 56 OF THE PLANNING ACT 2008**

**THE EAST ANGLIA TWO OFFSHORE WINDFARM DEVELOPMENT CONSENT ORDER  
(APPLICATION REFERENCE EN010078)**

**REGULATION 9 OF THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED  
FORMS AND PROCEDURE) REGULATIONS 2009**

**REGULATION 16 OF THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT  
ASSESSMENT) REGULATIONS 2017**

Notice is hereby given that the Planning Inspectorate (on behalf of the Secretary of State for Business, Energy and Industrial Strategy) has accepted an application made by East Anglia TWO Limited of 3<sup>rd</sup> Floor, 1 Tudor Street, London, EC4Y 0AH for a Development Consent Order under the Planning Act 2008 (“the **Application**”). The Application was made on 25 October 2019 and accepted for examination on 22 November 2019 (Reference EN010078).

**SUMMARY OF THE PROJECT**

The Application is for development consent for the construction and operation of the East Anglia TWO Offshore Windfarm (“**East Anglia TWO**”). The offshore windfarm would be located in the southern North Sea approximately 32.6 km from the Suffolk coast at its nearest point and would occupy an area of up to 218.4 km<sup>2</sup>. The landfall connection works will be located north of Thorpeness in Suffolk, and the onshore substation and overhead line realignment works will be located in the vicinity of Grove Wood, Friston.

Development consent is required to the extent that the development is or forms part of a Nationally Significant Infrastructure Project (NSIP). The Project consists of two linked NSIPs, namely (i) an offshore generating station; and (ii) overhead line realignment works, together with associated development. As the proposed offshore generating station is expected to have a capacity of over 100 MW, it is an NSIP for the purposes of section 14(1)(a) and 15(3) of the 2008 Act. Pursuant to sections 14(1)(b) and 16 of the 2008 Act, the installation of an electric line above ground in England is an NSIP unless it falls within certain exclusions. It is not anticipated that any of the exclusions would apply to the overhead line realignment works, and as such these works form a second NSIP. It is for these reasons that the Project falls within the remit of the Secretary of State.

The Development Consent Order would, amongst other things, authorise:

1. Up to 75 offshore wind turbines and their foundations;
2. Up to one offshore meteorological mast and its foundations;
3. Subsea cables connecting the wind turbines and the offshore platforms;
4. Up to one offshore construction, operation and maintenance platform and its foundations;
5. Up to four offshore electrical platforms and their foundations;
6. A network of subsea platform link cables;
7. Up to two offshore subsea export cables to transmit electricity from the offshore electrical platforms to landfall located north of Thorpeness in Suffolk;
8. Landfall connection works north of Thorpeness in Suffolk;
9. Onshore cables commencing at landfall and running to the onshore substation in the vicinity of Grove Wood, Friston;
10. A new onshore substation in the vicinity of Grove Wood, Friston;
11. Accesses, ecological mitigation and landscaping;
12. Overhead line realignment works in proximity to Grove Wood, Friston including permanent realignment of a short section of the northern and southern overhead line circuits including the reconstruction and/or relocation of up to two pylons and construction of up to one additional pylon

- in order to realign the northern overhead lines and the reconstruction and/or relocation of up to one pylon in order to realign the southern overhead lines;
13. Temporary diversion of the northern and southern overhead line circuits;
  14. Construction of up to three permanent cable sealing end compounds (one of which may include circuit breakers) and underground connections;
  15. A new National Grid substation;
  16. Associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of East Anglia TWO;
  17. Associated or ancillary works including improvements to highways, verges and private access roads, construction compounds, construction of a temporary haul road, landscaping and drainage works;
  18. The permanent and/or temporary compulsory acquisition (if required) of land and/or rights;
  19. Overriding of easements and other rights over or affecting land;
  20. If required, the temporary stopping up, alteration or diversion of streets;
  21. The application and/or disapplication of legislation including inter alia legislation relating to compulsory purchase; and
  22. Such ancillary, incidental and consequential provisions, permits or consents as are necessary and/or convenient.

## ENVIRONMENTAL IMPACT ASSESSMENT DEVELOPMENT

The proposed works are environmental impact assessment development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and accordingly an Environmental Statement accompanied the Application.

## APPLICATION FORM AND ACCOMPANYING DOCUMENTS

Copies of the Application form and accompanying plans, maps and other application documents may be inspected free of charge from **16 December 2019** until at least **27 January 2020** at the following locations and during the hours set out below:

Location	Address	Times	Notes
Suffolk County Council	Endeavour House 8 Russell Road Ipswich IP1 2BX	Monday to Friday: 9am to 5pm	Hard copy of the full suite of application documents
East Suffolk Council	Woodbridge Library New Street Woodbridge Suffolk IP12 1DT	Monday: 10am to 4pm  Tuesday and Friday: 9.30am to 7.30pm  Wednesday and Thursday: 9am to 5.30pm  Saturday: 9am to 5pm  Sunday: 10am to 4pm	Hard copy of the full suite of application documents
East Suffolk Council	Marina Centre Marina Lowestoft NR32 1HH	Monday to Wednesday: 8:45am to 5:00pm  Thursday: 9:30am to 5:00pm  Friday: 8:45am to 5:00pm	Digital copy of the full suite of application documents, together with hard copies of photomontages and DCO plans

Orbis Energy	Wilde Street Lowestoft NR32 1XH	Monday to Friday: 9am to 5pm	Digital copy only of the full suite of application documents
Leiston Town Council	Main Street Leiston IP16 4ER	Monday and Tuesday: 9am to 12.30pm and 2pm to 4.45pm  Thursday and Friday: 9am to 12.30pm  Alternatively contact 01728 830388 to make an appointment.	Hard copy of the full suite of application documents

Copies of the documents are also available online through the Planning Inspectorate's website at: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>.

Hard copies can be provided on request for a charge of £8900 plus VAT for the full suite of documents by e-mailing eastangliatwo@scottishpower.com or contacting East Anglia TWO Project Manager, ScottishPower Renewables, 9th Floor, 320 St Vincent Street, Glasgow, G2 5AD. USB device copies can be provided free of charge upon request.

## REPRESENTATIONS

Any representations (giving notice of any interest in or objection to the Application) must be made on the Planning Inspectorate's Registration and Relevant Representation Form which can be accessed and completed online at <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/> or can be obtained from the Planning Inspectorate by telephoning 0303 444 5000.

Responses should be sent to the Planning Inspectorate (National Infrastructure Directorate), Temple Quay House, Temple Quay, Bristol, BS1 6PN. The Planning Inspectorate reference for East Anglia Two (EN010078) should be quoted in any correspondence.

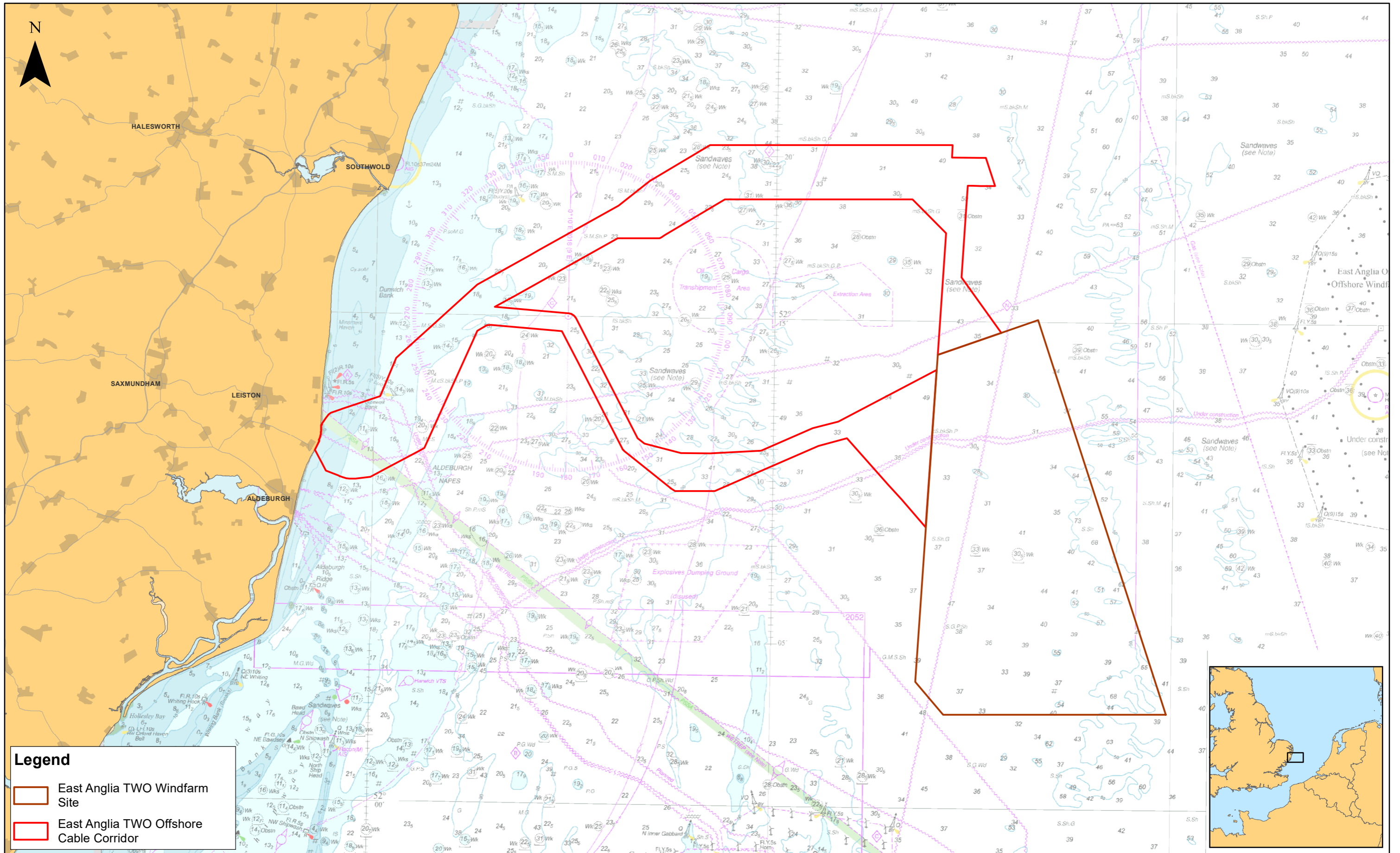
The Planning Inspectorate's Advice Notice 8.2: How to register to participate in an Examination (December 2016) provides further guidance on how to register and make a relevant representation and can be accessed via the following link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

If you are not an affected landowner please note that if you want to remain informed of the examination process and entitled to make representations you must fill in a Registration and Relevant Representation Form to register as an interested party even if you do not wish to make a substantive representation at this point.

**Any representation or response must be received by the Planning Inspectorate by 27 January 2020.**

Please be aware that the Planning Inspectorate is required by law to make the information that you provide in any representation publicly available. Details published on the Planning Inspectorate's website will be restricted to your name and the text of your representation. However any copies made available for inspection at public locations will contain your contact details.





**Legend**

- East Anglia TWO Windfarm Site
- East Anglia TWO Offshore Cable Corridor



1	05/07/2019	FC	First Issue.
Rev	Date	By	Comment

1:200,000  
Scale @ A3

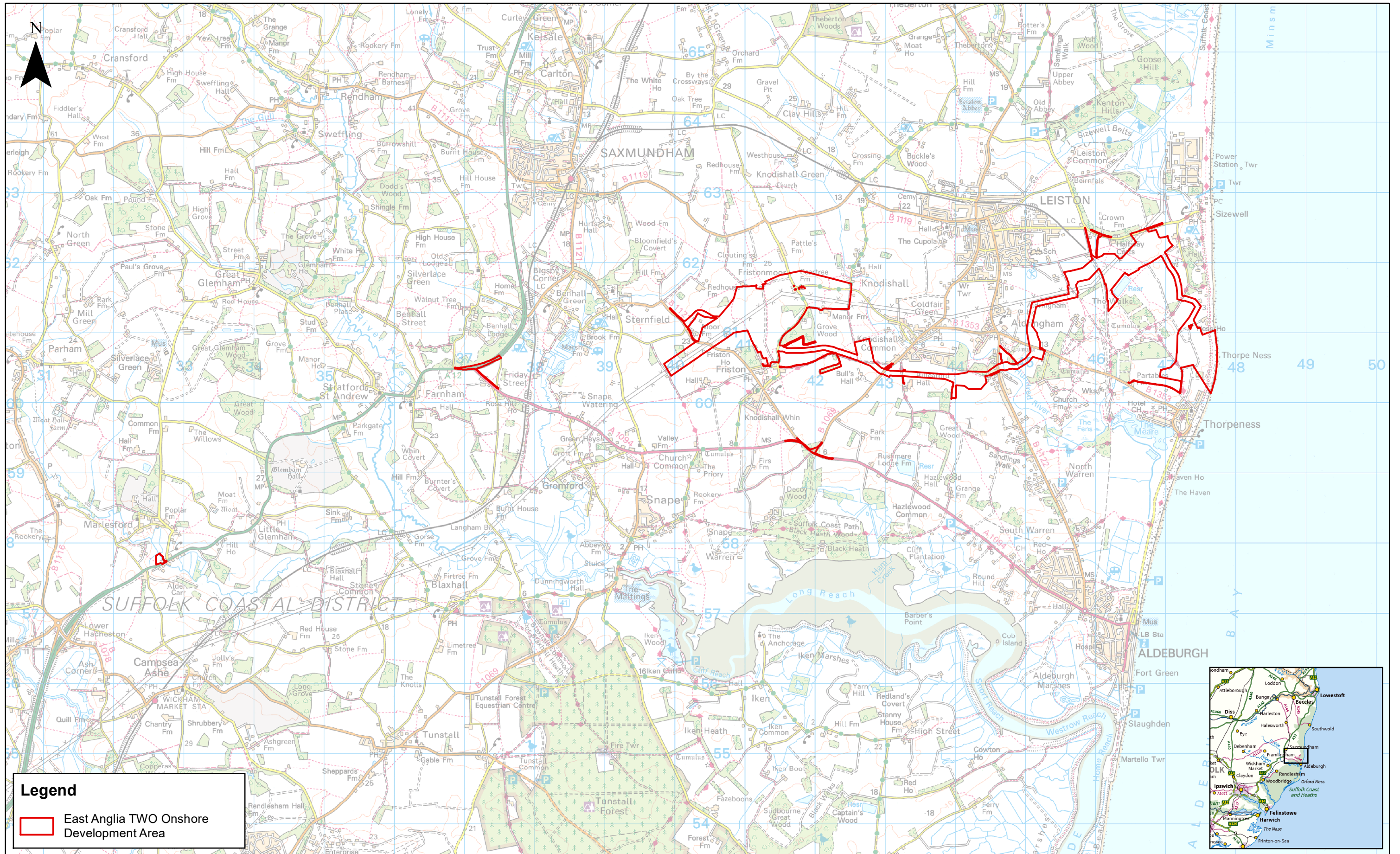
Prepared: FC  
Checked: PM  
Approved: PP

Source: © Contains OS data © Crown copyright and database right, 2019. © British Crown and OceanWise, 2019. All rights reserved. License No. EMS-EX001-648150. Not to be used for navigation.  
This map has been produced to the latest known information at the time of issue, and has been produced for your information only. Please consult with the SPR Offshore GIS team to ensure the content is still current before using the information contained on this map. To the fullest extent permitted by law, we accept no responsibility or liability (whether in contract, tort (including negligence) or otherwise) in respect of any errors or omissions in the information contained in the map and shall not be liable for any loss, damage or expense caused by such errors or omissions.

## East Anglia TWO

### East Anglia TWO Offshore Development Area

Drg No	EA2-DEV-DRG-IBR-000795	
Rev	1	Datum: WGS 1984
Date	05/07/19	Projection: Zone 31N
Figure	1	



**Legend**

East Anglia TWO Onshore Development Area



3	16/09/2019	FC	Third Issue.		
2	07/08/2019	FC	Second Issue.	Prepared:	FC
1	05/07/2019	FC	First Issue.	Checked:	PW
<b>Rev</b>	<b>Date</b>	<b>By</b>	<b>Comment</b>	<b>Approved:</b>	<b>AH</b>

1:50,000  
Scale @ A3

0 1 2 Km

Source: © Crown copyright and database rights 2019. Ordnance Survey 010003 1673.  
This map has been produced to the latest known information at the time of issue, and has been produced for your information only. Please consult with the SPR Onshore GIS team to ensure the content is still current before using the information contained on this map. To the fullest extent permitted by law, we accept no responsibility or liability (whether in contract, tort (including negligence) or otherwise in respect of any errors or omissions in the information contained in the map and shall not be liable for any loss, damage or expense caused by such errors or omissions.

## East Anglia TWO

### East Anglia TWO Onshore Development Area

<b>Drg No</b>	EA2-DEV-DRG-IBR-000796	
<b>Rev</b>	3	Coordinate System: BNG
<b>Date</b>	16/09/19	Datum: OSG36
<b>Figure</b>	2	



# Track your Item

## Proof of Delivery

Tracking no. NL232596616GB

Your item was delivered on **\*\*26-11-2019\*\***.

Signed for by: LEWIS

Service used: Royal Mail Signed For™

Delivered: 1:17pm

Our Ref: 180476/109021  
Your Ref:

Michael Anthony Lewis



Dear Mr Lewis,

**East Anglia ONE North and East Anglia TWO Offshore Windfarm Projects – Examination Update**

Further to my letter dated 29<sup>th</sup> June 2020 and to your comments during the Open Floor hearing on Friday 9<sup>th</sup> October 2020 I would like to take this opportunity to reaffirm SPR's intentions for land within which you hold an interest.

Plots 100 and 103 within which you are listed as having assumed ownership form part of the adopted highway and unadopted highway verge respectively along Church Lane. With regards to plot 100, the rule of 'ad medium filum' has been applied in respect of a boundary presumption that an owner of land which abuts either a public or private road (to the extent not otherwise recorded within separate ownership) also owns the subsoil of the road, up to the mid or centre point. Suffolk County Council as highway authority retain ultimate control over the road surface and any works thereto. The rights afforded to you through the aforementioned ad medium filum rule do not provide you with the ability to close or alter the road in any way.

Your interest in plot 103 comes by virtue of being an assumed owner of a slither of unregistered land between the extent of the adopted highway and the boundary of property according to HM Land Registry. In instances such as and in the absence of any claims of ownership coming forward as part of our due diligence process, it is commonplace and pragmatic to assign an adjoining landowner as a reputed owner. In order to exercise your rights as owner, you would first be required to prove title to the property through some form of legal record.

As you mentioned in your Open Floor Hearing statement, permanent rights are sought over plots 100 and 103 and these rights are in relation to the drainage water outfall pipe which is proposed to be laid along Church Lane. In the event that this pipe is laid SPR, will remain beholden to Suffolk County Council as the highway authority on the detail of these works and any future maintenance.

If you have any further queries, please do not hesitate to contact me or our appointed land agents Dalcour Maclaren (DM) to discuss in further detail. I believe you have previously spoken with Harry Hyde from DM and he can be reached using the following details:

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**ScottishPower Renewables / 320 St Vincent Street, Glasgow, G2 5AD**



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- Harry Hyde
  - Email – [REDACTED] [Dalcourmaclaren.com](mailto:[REDACTED]@Dalcourmaclaren.com)
  - Tel – [REDACTED]

Yours sincerely,

Kieran Mirner  
East Anglia TWO and East Anglia ONE North Project Manager (Land)

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**ScottishPower Renewables** / 320 St Vincent Street, Glasgow, G2 5AD

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**From:** [eaonenorthandtwo](#)  
**To:** [REDACTED]  
**Subject:** East Anglia TWO Limited and East Anglia ONE North Limited - Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulation 7 Notice  
**Date:** 07 December 2020 15:31:00  
**Attachments:** [EA1N - Regulation 7 Notice.pdf](#)  
[EA1N & EA2 Regulation 7 Cover Letter.pdf](#)  
[EA2 - Regulation 7 Notice.pdf](#)  
[ExA.AS-18.D1.V1 EA1N Application for the Inclusion of Additional Land Figures.pdf](#)  
[ExA.AS-18.D1.V1 EA2 Application for the Inclusion of Additional Land Figures.pdf](#)

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**This Email is sent on behalf of East Anglia TWO Limited and East Anglia ONE North Limited**

**FOLLOW UP OF NOTICE OF ACCEPTANCE OF A COMPULSORY ACQUISITION REQUEST IN RESPECT OF ADDITIONAL LAND  
THE EAST ANGLIA ONE NORTH OFFSHORE WINDFARM DEVELOPMENT CONSENT ORDER (APPLICATION REFERENCE EN010077)  
THE EAST ANGLIA TWO OFFSHORE WINDFARM DEVELOPMENT CONSENT ORDER (APPLICATION REFERENCE EN010078)  
REGULATION 7 OF THE INFRASTRUCTURE PLANNING (COMPULSORY ACQUISITION) REGULATIONS 2010**

Dear Mr Lewis

On 2<sup>nd</sup> November 2020 the Applicant submitted to the Secretary of State a request for the DCO to include authorisation for the compulsory acquisition of interests in and rights over additional land for East Anglia ONE North and East Anglia TWO (“the Proposed Provisions”). The Examining Authority accepted the Proposed Provision for Examination on 19 November 2020 pursuant to regulation 6 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

You are receiving this correspondence pursuant to recent issue of Notice under regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 on behalf of East Anglia ONE North Limited and East Anglia TWO Limited (“The Applicants”). Notice was submitted in hard copy to a known address for your attention. The Applicants are aware that due to the ongoing COVID-19 pandemic, travel (including to places of work) may be interrupted so the Applicants have followed up on this hard copy consultation through email wherever possible.

Please therefore find the following documents attached to this email:

1. Regulation 7 Covering Letter for both East Anglia ONE North and East Anglia TWO.
2. East Anglia TWO Notice of the Proposed Provisions under regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010;
3. Maps showing the location of the additional land for East Anglia TWO, comprising:
  - a. Figure 1: Expansion of Order Limits at Work No. 7
  - b. Figure 2: Expansion of Order Limits at Work No. 15
  - c. Figure 3: Expansion of Order Limits at Work No 33 (High House Farm)
  - d. Figure 4: Expansion of Order Limits at Work No 33 (Woodside Barn Cottages);
4. East Anglia ONE North Notice of the Proposed Provisions under regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010; and
5. Maps showing the location of the additional land for East Anglia ONE North, comprising:
  - a. Figure 1: Expansion of Order Limits at Work No. 7
  - b. Figure 2: Expansion of Order Limits at Work No. 15
  - c. Figure 3: Expansion of Order Limits at Work No 33 (High House Farm)
  - d. Figure 4: Expansion of Order Limits at Work No 33 (Woodside Barn Cottages);

You are encouraged to review the attached documentation which provides additional information including notice of the Consultation Period during which you will have opportunity

to submit Relevant Representation giving notice of any interest in or objection to the Proposed Provisions. Any representations (giving notice of any interest in or objection to the Proposed Provisions) should be made on the Planning Inspectorate's Registration and Relevant Representation Form which can be accessed and completed online at the East Anglia TWO and East Anglia ONE North pages of the Planning Inspectorate website using the links listed below:

- <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>
- <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>

This Consultation Period runs until the 13th January 2021 23:59.

In accordance with regulation 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, notice will also be published in in The Gazette and The Times on 7 December 2020 and in the East Anglian Daily Times on 7 December 2020 and 14 December 2020.

Yours sincerely

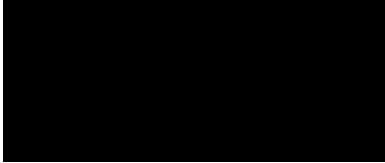


Richard Morris, Senior Project Manager  
East Anglia TWO Limited and East Anglia ONE North Limited

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Before printing, think about the environment.

Mr M Lewis



Dear Mr Lewis

**East Anglia TWO Limited and East Anglia ONE North Limited  
Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulation 7 Notice  
The Proposed East Anglia TWO Offshore Windfarm Order and The Proposed East Anglia  
ONE North Offshore Windfarm Order**

The Planning Inspectorate (on behalf of the Secretary of State for Energy and Climate Change) has accepted separate applications made by East Anglia TWO Limited and East Anglia ONE North Limited (the **Applicants**) both of 1 Tudor Street, London, EC4Y 0AH, ScottishPower Renewables companies, for separate development consent orders under the Planning Act 2008 (the **Application**). The Applications were made on 25<sup>th</sup> October 2019 and accepted for examination on 22 November 2019 and the Examinations commenced on 6 October 2020 and are ongoing (East Anglia TWO Limited reference: EN010078) (East Anglia ONE North Limited reference: EN010077).

The East Anglia TWO application is for development consent to construct and operate the proposed East Anglia TWO Offshore Windfarm, which comprises up to 75 wind turbine generators, overhead line realignment works and associated development. The wind turbine generators would be located in the southern North Sea approximately 32.6 km from the Suffolk coast at its nearest point. The offshore windfarm site occupies an area of up to 218.4 km<sup>2</sup>. The landfall connection works will be located north of Thorpeness in Suffolk, and the onshore substation and overhead line realignment works will be located in the vicinity of Grove Wood, Friston.

The East Anglia ONE application is for development consent to construct and operate the proposed East Anglia ONE North Offshore Windfarm, which comprises up to 67 wind turbine generators, overhead line realignment works and associated development. The wind turbine generators would be located in the southern North Sea approximately 36 km from the Suffolk coast at its nearest point. The offshore windfarm site occupies an area of up to 208 km<sup>2</sup>. The landfall connection works will be located north of Thorpeness in Suffolk, and the onshore substation and overhead line realignment works will be located in the vicinity of Grove Wood, Friston.

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**ScottishPower Renewables / 320 St Vincent Street, Glasgow, G2 5AD**



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On 2 November 2020 the Applicants submitted to the Secretary of State requests for the Development Consent Orders to include authorisation for the compulsory acquisition of interests in and rights over additional land for East Anglia TWO and East Anglia ONE North (“the **Proposed Provisions**”). The Examining Authority accepted the Proposed Provisions for Examination on 19 November 2020 pursuant to regulation 6 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

This letter encloses notices under regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 for both Applications. Please therefore find the following documents enclosed with this letter:

1. East Anglia TWO Notice of the Proposed Provisions under regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010;
2. Maps showing the location of the additional land for East Anglia TWO, comprising:
  - a. Figure 1: Expansion of Order Limits at Work No. 7
  - b. Figure 2: Expansion of Order Limits at Work No. 15
  - c. Figure 3: Expansion of Order Limits at Work No 33 (High House Farm)
  - d. Figure 4: Expansion of Order Limits at Work No 33 (Woodside Barn Cottages);
3. East Anglia ONE North Notice of the Proposed Provisions under regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010; and
4. Maps showing the location of the additional land for East Anglia ONE North, comprising:
  - a. Figure 1: Expansion of Order Limits at Work No. 7
  - b. Figure 2: Expansion of Order Limits at Work No. 15
  - c. Figure 3: Expansion of Order Limits at Work No 33 (High House Farm)
  - d. Figure 4: Expansion of Order Limits at Work No 33 (Woodside Barn Cottages)

You are encouraged to view copies of the application for the inclusion of additional land (which includes maps showing the location of the Additional Land) (REP1-037) together with the Statement of Reasons (REP1-006), Book of Reference (REP1-015), Schedule of Changes to the Book of Reference (REP1-016), Funding Statement (REP1-008, REP1-010, REP1-012 and REP1-013), revised land plans (onshore) (REP1-004), revised works plans (onshore) (REP1-005) and the revised draft DCO (“the **Additional Documents**”) for each proposed development free of charge on the following project webpages on the National Infrastructure Planning website under the ‘Documents’ tab:

East Anglia TWO: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>

East Anglia ONE North: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>

The Additional Documents will also be available for inspection free of charge as set out below, but in light of the current public health situation surrounding COVID-19, if you are planning to attend to inspect the Additional Documents, this will be by appointment only. Opening times and visiting arrangements are subject to change and will be explained when making an appointment.

---

**ScottishPower Renewables / 320 St Vincent Street, Glasgow, G2 5AD**



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Inspection Location	Opening Times	Visiting Arrangements (Overview)
Leiston-cum-Sizewell Town Council, Council Offices, Main Street, Leiston, Suffolk, IP16 4ER Telephone: 01728830388 Email: <a href="mailto:townclerk@leistoncouncil.gov.uk">townclerk@leistoncouncil.gov.uk</a>	By appointment only Monday, Tuesday, Thursday and Friday 9am – 12:30pm	Inspection of the Additional Documents will be by appointment only by telephoning or emailing in advance. Arrangements relating to COVID-19 measures will be communicated by the venue in advance of the appointment.

In accordance with regulation 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, notice will also be published in The Gazette and The Times on 7 December 2020 and in the East Anglian Daily Times on 7 December 2020 and 14 December 2020.

Any representations (giving notice of any interest in or objection to the Proposed Provisions) should be made on the Planning Inspectorate's Registration and Relevant Representation Form which can be accessed and completed online at the East Anglia TWO and East Anglia ONE North pages of the Planning Inspectorate website as detailed above. If you would like to request a hard copy of the Planning Inspectorate's Registration and Relevant Representation Form, please telephone the Planning Inspectorate on 0303 444 5000. Hard copy completed forms should be sent to: Planning Inspectorate (National Infrastructure Directorate), Temple Quay House, Temple Quay, Bristol, BS1 6PN. The Planning Inspectorate reference for the Application should be quoted in any correspondence, which is EN010078.

Please note that representations must be received by the Planning Inspectorate **by 13 January 2021 23:59**. If you wish to make a representation on both East Anglia TWO and East Anglia ONE North you should submit a representation in respect of each application.

The Planning Inspectorate's Advice Notice 8.2: How to register to participate in an Examination, provides further guidance on how to register and make a relevant representation (December 2016) and can be accessed via the following link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

Please be aware that the Planning Inspectorate is required by law to make the information that you provide in any representation publicly available. Details published on Planning Inspectorate's website will be restricted to your name and the text of your representation. However, any copies made available for inspection at public locations will contain your contact details.

If you wish to discuss this or any other issues in connection with the Projects, please contact us by email at [eastangliatwo@scottishpower.com](mailto:eastangliatwo@scottishpower.com) and [eastangliaonenorth@scottishpower.com](mailto:eastangliaonenorth@scottishpower.com).

Yours sincerely



Richard Morris, Senior Project Manager  
East Anglia TWO Limited and East Anglia ONE North Limited

Encs.

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## **Telephone call with Mr Lewis on 27/01/2021**

Harry Hyde called Mr Lewis following his Deadline 3 submission aiming to clear up confusion as to why his objection had arisen over the additional land. Harry Hyde enquired why he thought the additional land, namely that the part heading up to Woodside Cottages was affecting his property and if he had an interest in it. Harry Hyde believed Mr Lewis was confused slightly about the additional land and the land that was already included in the application at submission. Harry Hyde tried to assure him that the land outside his property which he has been named as having an interest in wouldn't be blocked and access would be maintained to the church and other properties including his own.

When explaining the purpose of the land included in the application was in effect adopted highways and unregistered highways verge and therefore it is assumed, he would be the reputed owner of the registered land between. Mr Lewis felt this was blighting his property and that should he wish to sell it he couldn't because of works SPR are proposing to carry out.

Harry Hyde explained that an installation of pipe in the highways under the New Road and Street Works Act would have no impact on his ability to sell the property as this would be like any other utility installation in the highway. Mr Lewis was not convinced and would like his opportunity to air his view to the inspectors.

Mr Lewis explained further that he had written to SPR at some London address requesting a meeting to discuss his inclusion some time ago, Harry Hyde confirmed to date that no such letter had been received and that if he would like to resend the letter to Dalcour Maclaren we could action a meeting COVID 19 allowing. Mr Lewis didn't have a copy of the letter or the address it was sent to. Harry Hyde confirmed should Mr Lewis want a meeting this could be accommodated. No request was made.



**DALCOUR  
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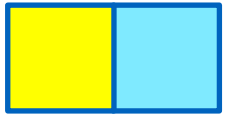
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## Appendix 2 Badger Method Statement



**SCOTTISHPOWER  
RENEWABLES**

# **East Anglia TWO Offshore Windfarm**

## **Badger Licence (A24) Application - Method Statement**

Applicant: East Anglia TWO Limited  
Document Reference: ExA.HA.D6.V1\_02  
SPR Reference: EA1N\_EA2-DWF-ENV-REP-IBR-001237\_02

Date: 24<sup>TH</sup> February 2021  
Revision: Version 001  
Author: Royal HaskoningDHV

**Applicable to East Anglia TWO**



**Revision Summary**

<b>Rev</b>	<b>Date</b>	<b>Prepared by</b>	<b>Checked by</b>	<b>Approved by</b>
01	11/02/2021	Gordon Campbell	Claire Smith	Brian McGrellis

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01	n/a	n/a	Draft issued to Natural England Wildlife Licensing Team



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## Glossary of Acronyms

DCO	Development Consent Order
ECoW	Ecological Clerk of Works
EMP	Ecological Management Plan



## Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited
Development area	The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO / East Anglia ONE North project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order.
National Grid substation location	The proposed location of the National Grid substation.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore cable route	This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.
Onshore cables	The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.
Onshore substation	The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.





# 1 Introduction

1. This Method Statement supports a draft application for a licence to interfere with badger (*Meles meles*) setts for the purpose of development, to enable the construction of the East Anglia TWO Offshore Windfarm project (herein 'the Project') without contravention of the Protection of Badgers Act 1992.

## 1.1 Project Background

2. The Project is an offshore windfarm to be located in the North Sea approximately 32.6km from its nearest point to the Suffolk coast (at Southwold). The onshore development area associated with the Project comprises a landfall, located to the north of Thorpeness, an onshore cable route approximately 9km in length, an onshore substation and associated National Grid substation and overhead line realignment works to the north of the village of Friston.

## 1.2 East Anglia TWO and East Anglia ONE North

3. The Project is being developed in parallel with the East Anglia ONE North Offshore Windfarm project (herein 'East Anglia ONE North'). The onshore development area (as shown in **Figure 1, Appendix A**) is the same for both the Project and East Anglia ONE North (referred to together as 'the Projects') and has been developed to allow for the construction of the Projects simultaneously or sequentially.
4. As a separate Development Consent Order (DCO) application is being submitted for each project, a separate Method Statement, containing identical mitigation, has also been submitted separately for each project. Whilst the content of this document is materially identical to the equivalent document produced for East Anglia ONE North, this Method Statement is only applicable to East Anglia TWO and is therefore endorsed with a blue icon used to identify documentation in accordance with the Examining Authority's procedural decisions on document management of 23<sup>rd</sup> December 2019 (PD-004).
5. The design envelope detailed within the DCO applications cover two different construction scenarios for the Projects:
  - Scenario 1 - the Project and East Anglia ONE North are built simultaneously; and
  - Scenario 2 - the Project and East Anglia ONE North are built sequentially but, subject to obtaining consent, the ducting for the second project is installed in parallel with installation of the onshore cables for the first project.



6. Scenario 2 assumes construction of the first project (including installation of ducts for the second project), and full re-instatement of the onshore construction works, followed by the construction of the second project. As both Scenarios are included within the envelope, the mitigation presented within this application covers both Scenario 1 and Scenario 2. Separate sections are provided within **Section 0** and **Section 6** of this Method Statement for each Scenario.

### **1.3 Purpose of this Method Statement**

7. This Method Statement has been produced as part of a draft badger mitigation licence application, in order to obtain a 'Letter of No Impediment' for the Project from Natural England in advance of consent. The purpose of the application is to allow the Project to undertake activities which may give rise to disturbance of badgers occupying five setts located within 30m of the onshore development area, including sett closure using one-way gates, subsequent sett destruction and the possible need for live digs. These activities are proposed to be undertaken to ensure that in the long term, badgers are not disturbed whilst occupying a sett or their setts interfered with during construction of the Project.

### **1.4 Structure of this Method Statement**

8. This Method Statement contains the following information in support of this application:
- Details of the site for which the application relates, including a site location map (**Figure 1, Appendix A**);
  - Details of the works proposed at the site, and how these works will result in an impact on known badger setts which have been identified during surveys to date;
  - Details of the survey effort undertaken to inform this application, and the outcomes of these surveys;
  - An assessment of the impacts the development may have on badgers, and a description of the mitigation that will be put in place to ensure any negative impact is mitigated;
  - Details of the maintenance and monitoring required as part of the mitigation; and
  - A works schedule including development, mitigation and monitoring timescales.
9. This Method Statement is supported by the following appendices:
- Appendix A: Figures
    - Figure 1: Site location plan



- Figure 2: Location of badger setts (confidential)
- Figure 3a: Location of proposed mitigation – avoidance for Sett 33b (confidential)
- Figure 3b: Location of proposed mitigation – sett closure for Sett 33b (confidential)
- Figure 4: Habitat creation
- Appendix B: **Appendix 22.3 Extended Phase 1 Habitat Survey Report** of the Environmental Statement (APP-503 and APP-504) (see Annex 3 for Badger Survey Report)



## 2 Development Site

10. The full postal address of the onshore development area (i.e. the development site) is as follows:

East Anglia TWO Onshore Substation  
Saxmundham Road  
Friston  
Suffolk

11. The full name and address of the developer is as follows:

East Anglia TWO Limited  
c/o ScottishPower Renewables  
ScottishPower House  
320 St Vincent St  
Glasgow  
G2 5AD

## 3 Map and Site Details

12. The onshore development area is located between National Grid Reference TM477606, north of the village of Thorpeness on the Suffolk coast, and TM401611, north of the village of Friston. The onshore development area is linear in nature, comprising the footprint of the landfall, onshore cable route, onshore substation, National Grid substation and National Grid overhead line modification works associated with the Project. Habitats within the onshore development area consist of predominantly arable fields separated by a network of hedgerows and small isolated parcels of broadleaved woodland. The onshore development area is illustrated in **Figure 1, Appendix A**.



## 4 Survey Information

13. An Extended Phase 1 Habitat Survey was undertaken by four Royal HaskoningDHV ecologists in April 2019, and a detailed report of this survey with respect to badgers is provided in **Appendix 22.3** of the Environmental Statement (APP-503 and APP-504).
14. This draft mitigation licence application is based upon the information presented within the Environmental Statement. The Applicant is aware of reports of two additional setts [REDACTED] not recorded at the time of preparing the Application. These setts appear to be disused (based on evidence of collapsed holes, old spoil piles and cluttered, overgrown sett entrances) but as with the entire onshore development area, the Applicant will undertake pre-construction surveys for badger post-consent, which will inform the full mitigation licence application at that time. The purpose of the pre-construction survey will be to identify any changes since the surveys undertaken to inform the Environmental Statement and Application and ensure that any mitigation measures adopted reflect the up to date conditions within the onshore development area.

### 4.1 Methodology

15. The Extended Phase 1 Habitat Survey comprised three components:
  - A desktop review that summarises information on existing protected species records and statutory and non-statutory nature conservation designations within and up to 2km of the 'indicative' onshore development area (see below for a definition of the 'indicative onshore development area');
  - The recording of the habitats within the indicative onshore development area obtained from the field survey; and
  - An assessment of the indicative onshore development area for its likelihood of supporting legally protected species or species of conservation concern.
16. For the desktop review, a biological data request from the Suffolk Biodiversity Information Service was undertaken in November 2017 and updated in April 2018. This request included all records of badgers within 2km of the indicative onshore development area.
17. As part of the Extended Phase 1 Habitat Survey, a search for signs of badger activity within the indicative onshore development area (as outlined in Harris et al, 1989) was undertaken. Signs such as setts, tracks, hairs, bedding and spoil heaps, snuffle holes and latrines, were checked for.



18. Where active setts were found, they were classified into the following categories using the nationally recognised sett classification criteria (Cresswell *et al.*, 1990):
- **Main sett** (Several holes with large spoil heaps and obvious paths emanating from and between sett entrances);
  - **Annexe sett** (Normally less than 150m from main sett, comprising several holes. May not be in use all the time, even if main sett is very active);
  - **Subsidiary sett** (Usually at least 50m from main sett with no obvious paths connecting to other setts. May only be used intermittently); and
  - **Outlier sett** (Little spoil outside holes. No obvious paths connecting to other setts and only used sporadically. May be used by foxes and rabbits).
19. No bait marking was undertaken as part of the survey.
20. At the time of undertaking the Extended Phase 1 Habitat Survey, the onshore development area was yet to be finalised, and therefore the Extended Phase 1 Habitat Survey and reporting was completed on the larger ‘indicative onshore development area’. A copy of the full badger survey report is provided within **Appendix 22.3** of the Environmental Statement (APP-503 and APP-504). It should be noted that the badger survey was undertaken of the area within the indicative onshore development area plus a standard 50m buffer (‘the survey area’). For completeness, the badger field signs recorded within the survey area are summarised below.

## 4.2 Results

### 4.2.1 Setts

21. A number of setts were identified with the potential to be used by badgers within the survey area. The results of the survey are described in **Table 1** and presented in **Figure 2, Appendix A (Confidential)**.

**Table 1: Badger setts recorded during Extended Phase 1 Habitat Survey (see Appendix B)**

Sett ID	Central Grid Reference	Distance from onshore development area	Category	Status (Active / disused)	Number of entrances
33b	██████	██████	Main	Active	(At least) 10
313a	██████	██████	Outlier	Disused	2
362	██████	██████	Outlier	Active	1
363	██████	██████	Outlier	Active	1
364	██████	██████	Outlier	Active	1



Sett ID	Central Grid Reference	Distance from onshore development area	Category	Status (Active / disused)	Number of entrances
365	████████	████████	Outlier	Active	1

#### 4.2.2 Other Field Signs Recorded

22. In addition to the setts listed in **Table 1**, the following badger field signs were noted within the survey area:

- isolated snuffles holes, tracks and a latrine located ██████████, not clearly associated with any of the setts recorded;
- two latrines and four sets of snuffle holes ██████████ associated with setts 362-365;
- three sets of snuffle holes ██████████ approximately 400m east of setts 362-265.

#### 4.3 Survey Limitations

23. The survey team covered all land to which landowner access permission was granted at the time of the Extended Phase 1 Habitat Survey. Where access was not granted, the habitats were surveyed from public access routes. The total area surveyed during the Extended Phase 1 Habitat Survey equates to approximately 85% of the onshore development area, with the remaining 15% being surveyed from public access routes and/or aerial photography.

24. Some habitats could not be fully accessed during the Extended Phase 1 Habitat Survey, due to physical barriers preventing entry, for example dense scrub. However, these areas were encountered infrequently and where they were, they were recorded as potentially providing field signs which could not be picked up during the Extended Phase 1 Habitat Survey.

25. The results gathered during the survey are considered to provide a robust description of the badger setts present within and up to 50m of the onshore development area.



## 5 Potential Impacts and Mitigation, Maintenance and Monitoring Measures

26. A total of five active badger setts identified during the Extended Phase 1 Habitat Survey, comprising one main sett and four outlier setts [REDACTED]
27. In the absence of any mitigation, there is a risk of killing or injuring badgers at the badger setts within the onshore development area during the construction of the Project. In addition, this work will directly result in interference with a badger sett, in contravention of the Protection of Badgers Act 1992.
28. To mitigate this risk, the following measures are proposed to apply to the badger setts shown in **Figures 3a/3b, Appendix A (Confidential)**.

### 5.1 Construction Scenario 1

#### 5.1.1 Sett 33b (Main Sett)

29. At the time of preparing this draft licence mitigation, the detailed design of the onshore cable route has not yet been established at this location, therefore it is not possible to establish at this stage whether sett 33b can be avoided with the application of an appropriate buffer (typically 30m) to avoid disturbance to the sett. The ability to avoid this sett is dependent upon the bend radii of the onshore cables [REDACTED]. For this reason, the Applicant has included measures for the exclusion and closure of this sett (see **paragraph 30**) as a worst case scenario within this draft licence application, should avoidance not be possible.
30. During the detailed design stage post-consent, should further refinement and design detail enable sett 33b (plus an appropriate buffer) to be avoided, as is the preference in order to minimise the disturbance to badgers where possible, the following mitigation is anticipated to be applied:
  - **Avoidance:** [REDACTED] The least impactful mitigation option for badgers in this location is to undertake no works within an appropriate buffer around the sett, as illustrated on **Figure 3a, Appendix A (Confidential)**. The Applicant may have the flexibility to microsite works in this location, so as to avoid undertaking works within an appropriate buffer (i.e. 30m) of the sett and avoid the need for mitigation. Under this scenario sett 33b will be avoided and as such no mitigation under licence would be required for this sett.
  - **Monitoring:** The appropriate non-working buffer would be demarcated on site by the Project's Ecological Clerk of Works (ECoW), and all staff would be advised of the obligations in terms of avoiding undertaking any works in this





area. The sett would continue to be monitored at monthly intervals for the duration of construction. If the sett subsequently extends towards the working area, then works would need to be reviewed to ensure that they remain outside of the appropriate buffer around the sett. This monitoring would be undertaken by the Project's ECoW, and this would not form part of the responsibilities of the named ecologist under the licence.

31. If, during detailed design post-consent, it is identified that sett 33b (plus an appropriate buffer) is unable to be avoided, the sett must be closed under licence. As sett 33b has been classified as a main sett, the creation of an artificial sett will be required, and the following activities will be undertaken to enable its construction:

- **Bait-marking survey:** Sett 33b, recorded as an active main sett, will be subject to a bait-marking survey following Natural England's Standing Advice on *Badgers: surveys and mitigation for development projects* (Natural England, 2015) in order to identify the extent of local badger territories surrounding the sett, and to identify any suitable disused setts which the badgers could be relocated to.
- **Alternative sett identification:** Following the completion of a bait-marking survey, a suitable alternative existing, disused sett will be identified within the territory of the badger clan occupying sett 33b. If no suitable disused sett exists, an artificial sett will be constructed as a replacement for sett 33b within a suitable location within the badgers' territory. This artificial sett would be created within an area of suitable habitat within the onshore development area within a 1km radius of the existing sett. The Applicant has identified an area within the Order limits, [REDACTED] and therefore it is proposed that the artificial badger sett, if required, is located within this area. An example location for the artificial sett within Work No. 14 is shown on **Figure 3b, Appendix A (Confidential)** (NB: this indicative location is based on a review of the surrounding habitats only and therefore may be subject to review following completion of the bait-marking survey as this has not yet been undertaken).
- **Artificial sett construction (if required):** The artificial sett will be replacing a medium-sized main sett, with at least 10 entrances. As such, the new sett should be of a similar scale i.e. consisting of a minimum of 10 chambers and 10 entrances. Artificial sett construction will follow Scottish Natural Heritage (SNH)'s *Guidance for the Creation of Artificial Setts* (undated) when designing the sett. Sett design would include chambers, pipe runs and blind tunnels within the design. Any construction materials can be used to construct the sett, providing they are in line with the guidance note. Chambers and pipe runs would be buried at a depth of at least 1.25m. Tunnels will be positioned



to minimise flooding risk and there will be suitable “soakaways” at low points in the tunnels system, and beneath pipe joints. All chambers would be filled generously with dry hay or straw prior to closure and backfilling. The sett would be covered and the ground reinstated following completion of construction. Once an artificial sett has been built, soil from the entrances of the existing setts will be translocated to the entrances of the artificial sett to encourage badgers to use the sett. Construction of the artificial sett must be completed in advance of the closure of sett 33b.

- **Exclusion and sett closure:** badgers must be subject to a programme of temporary exclusion from sett 33b. This will be undertaken between 1<sup>st</sup> July and 31<sup>st</sup> November (outside of the badger breeding season) and will be undertaken by the named ecologist or one of their named agents. Exclusion will involve the installation of one-way gates on all entrances of the sett, therefore a total of at least 10 one-way gates. These must remain in place for a minimum of 21 days following the last sign indicating possible access by badgers to the sett, before any interference to or works within the appropriate buffer around the sett can commence. The ground surface surrounding the sett entrance will be covered with a strong steel mesh that will be fixed to the ground using short wooden or steel stakes at the same time that the one-way gates are installed. This will prevent badgers gaining access to the sett by excavation of new tunnels. During this time, the gates will be monitored for activity on a daily basis by the named ecologist or one of their named agents. Natural England’s *Technical Information Note TIN025: Using one-way gates on badger sett entrances* (Natural England, 2011) should be adhered to when constructing one-way exclusion gates.
- **Sett destruction:** once 21 days following the last sign indicating possible access by badgers to the sett has elapsed, the sett will be destroyed immediately, providing the named ecologist or one of their named agents have established the sett is not in current use. The tunnel system of the sett shall be carefully dug out by hand or an excavator, under supervision by named ecologist or one of their named agents. This will be undertaken outside of the badger breeding season (i.e. works undertaken between July and November inclusive).

### **5.1.2 Setts 362, 363, 364 and 365 (Outlier Setts)**

- **Exclusion and sett closure:** setts 362-365, recorded as active outlier setts, will be subject to a programme of temporary exclusion. This will be undertaken between 1<sup>st</sup> July and 30<sup>th</sup> November (outside of the badger breeding season) and will be undertaken by the named ecologist or one of their named agents. Exclusion of badgers from these setts will involve the installation of one-way gates on all entrances of each sett, therefore a total



of four one-way gates (one per sett). These must remain in place for a minimum of 21 days following the last sign indicating possible access by badgers to the sett, before any interference to or works within an appropriate buffer around the sett can commence. The ground surface surrounding the sett entrance will be covered with a strong steel mesh that will be fixed to the ground using short wooden or steel stakes at the same time that the one-way gates are installed. This will prevent badgers gaining access to the sett by excavation of new tunnels. During this time, the gates will be monitored for activity on a daily basis by the named ecologist or one of their named agents. Natural England's *Technical Information Note TIN025: Using one-way gates on badger sett entrances* (Natural England, 2011) will be adhered to when installing one-way exclusion gates.

- **Sett destruction:** once 21 days following the last sign indicating possible access by badgers to the sett has elapsed, that sett will be destroyed immediately, providing the named ecologist or one of their named agents have established the sett is not in current use. The tunnel system of the sett shall be carefully dug out by hand or an excavator, under supervision by named ecologist or one of their named agents. This will be undertaken outside of the badger breeding season (i.e. works undertaken between July and November inclusive).

### 5.1.3 Additional Measures

32. The following additional measures are anticipated to be employed to mitigate the potential impacts to badgers within the wider area during construction:

- Two-way badger gates installed within site boundary fencing along the proposed onshore cable route and onshore substation where well-used badger paths are severed such that access by badgers is prevented, in order to avoid fragmentation of the badger clan's home range. The location of these gates will be advised by the Project's ECoW on site.
- Egress ramps provided within trenches or excavations near badger setts .
- Excavated soil stored in an area agreed with the Projects' ECoW where it will not obstruct existing badger paths or interfere with any active setts where possible.
- Habitat creation within the vicinity of setts 362, 363, 364 and 365 as part of the Project's landscape and ecological enhancement proposals (see **Figure 4, Appendix A (Confidential)**). This planting will serve to create a series of corridors linking woodland parcels in the local area, and expanding the woodland provision provided by the site. Once matured, this will provide both good foraging habitat and habitat connectivity for the badger clan associated with these outlier setts.



33. Badgers are an active species and will excavate new setts and disperse into new territories. Consequentially, a re-survey will be undertaken prior to construction works commencing to check for the excavation of new setts within a survey area comprising the onshore development area plus a 50m buffer. This monitoring will continue during the lifetime of construction on the site and will be incorporated into the ECoW role for the Projects to ensure that all licence conditions are met.
34. Prior to construction works commencing, all contractors and site personnel will be briefed on the presence of badgers at the site and will be briefed that no works, movements of machinery, storage of equipment or other activities shall be undertaken if a suspected badger sett is found. This mitigation will be incorporated into the Projects' Ecological Management Plan (EMP) which will contain all mitigation to be undertaken prior to and during construction.

## 5.2 Construction Scenario 2

35. Under Scenario 2, all site construction infrastructure is removed following the completion of the first project, before construction of the second project commences. Therefore, the following additional mitigation measures are proposed to be in place under Scenario 2:
  - A pre-construction check of the survey area by the Projects' ECoW in advance of construction of the second project to ensure that those setts identified as disused during the Extended Phase 1 Habitat Survey have not now become active. This survey would also ascertain whether any new setts have been created within 50m of the onshore development area. If any new setts have been created, mitigation for these will be required under a modification to this licence. This licence modification will need to be applied for and approved by Natural England through the wildlife licensing team procedure. This survey will be undertaken sufficiently far in advance of the works to ensure that any appropriate mitigation can be undertaken in advance of works.
  - Installation of two-way badger gates within site boundary fencing along the proposed onshore cable route and onshore substation at locations where well-used badger paths are severed such that access to badgers is prevented, in order to avoid fragmentation of the badger clan's home range. The location of these gates will be advised by the Projects' ECoW on site. The other 'additional measures' outlined in **Section 5.1.3** above will also apply during construction of East Anglia ONE North.



## 6 Work Schedule

### 6.1 Scenario 1

36. The indicative work schedule for the temporary closure of the badger setts under Scenario 1 is described in **Table 2**.

**Table 2: Indicative work schedule for badger mitigation (Scenario 1)**

	Scheme element	Start date <sup>1</sup>	End date	Notes
1	Bait-marking survey to establish territories / locations of suitable alternative setts surrounding sett 33b	February 2022	February 2022	Undertaken by named ecologist / additional authorised individuals.
2	Creation of an artificial sett for badger clan occupying sett 33b (if required)	May 2022	May 2022	Undertaken close to the sett closure to ensure the sett is not occupied by unwanted species (e.g. red fox <i>Vulpes vulpes</i> ).
3	Installation of one-way gates on setts and 362-365 (and sett 33b where required)	July 2022	July 2022	None
4	Destruction of setts and 362-365 (and sett 33b where required)	August 2022	August 2022	Undertaken immediately following 21 continuous days without evidence of badger presence have been found.
5	Pre-works check of all destroyed setts	2023	2023	Undertaken as part of works by ECoW.
6	Installation of two-way badger gates of site boundary fences	2023	2023	Undertaken as part of works by ECoW.
7	Construction of onshore cable route, onshore substations, National Grid substation and overhead line modification works	2023	2026	None
8	Ongoing activity monitoring during construction	2023	2026	Undertaken as part of works by ECoW.

<sup>1</sup> Due to the draft nature of this application, and the current consenting stage of the project, all dates provided are indicative only at this stage.



## 6.2 Scenario 2

37. The indicative work schedule for the temporary closure of the badger setts under Scenario 2 follows the same steps as Scenario 1, followed by the following additional steps described in **Table 3**.

**Table 3: Indicative work schedule for badger mitigation (Scenario 2)**

	Scheme element	Start date <sup>2</sup>	End date	Notes
<i>Steps 1-8 as per Scenario 1</i>				
<b>9</b>	Pre-construction survey for the second project to determine whether any new setts have been created within 50m of the onshore development area	2025	2025	None
<b>10</b>	Application for badger licence modification for additional sett closures (if required)	2025	2025	None
<b>11</b>	Undertake additional sett closures (if required)	2025	2025	None
<b>12</b>	Installation of two-way badger gates of site boundary fences	2025	2025	Undertaken as part of works by ECoW.
<b>13</b>	Construction of onshore cable route, onshore substations, National Grid substation and overhead line modification works for East Anglia ONE North	2026	2029	None
<b>14</b>	Ongoing activity monitoring during construction	2026	2029	Undertaken as part of works by ECoW.

<sup>2</sup> Due to the draft nature of this application, and the current consenting stage of the project, all dates provided are indicative only at this stage.



## 7 References

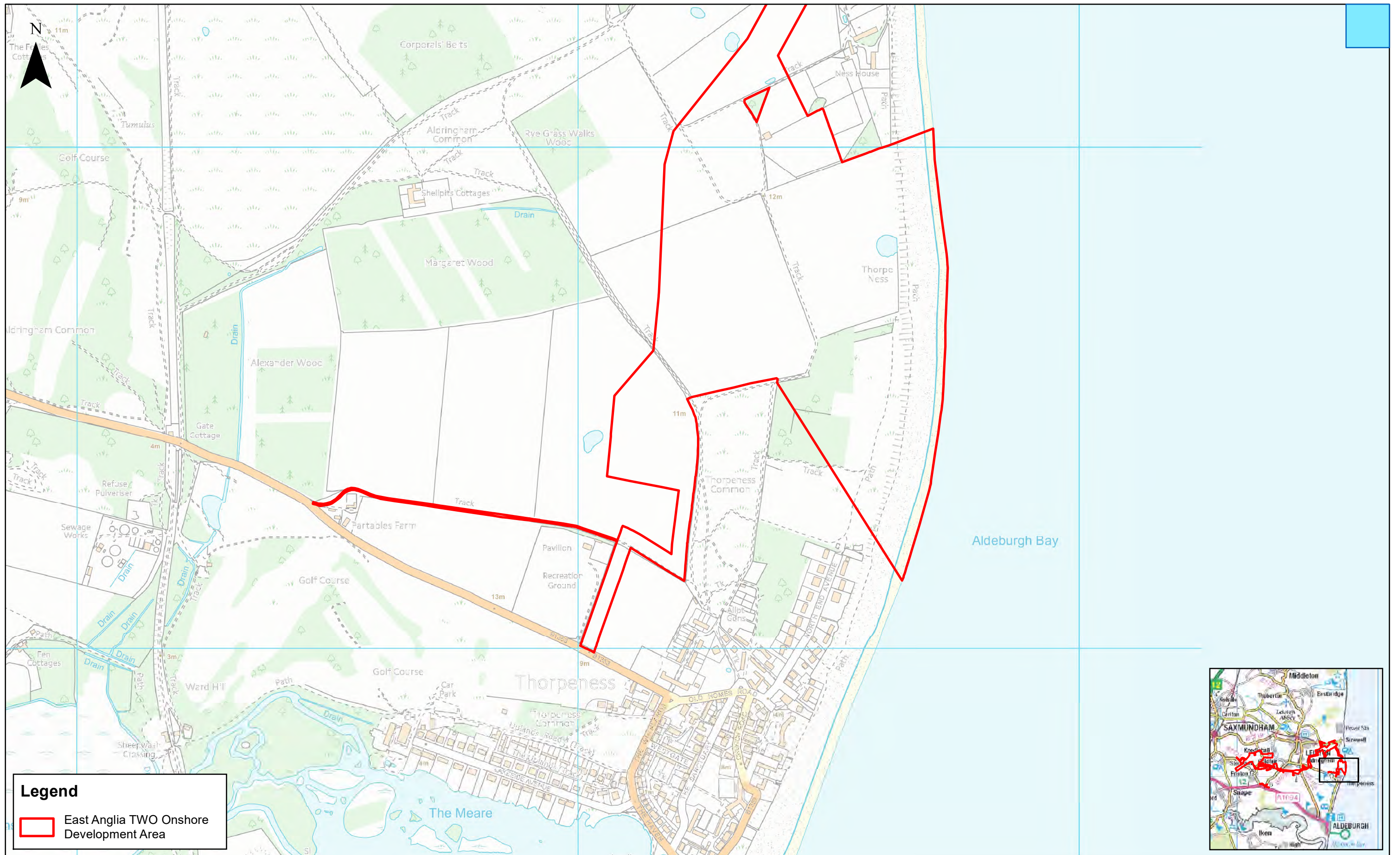
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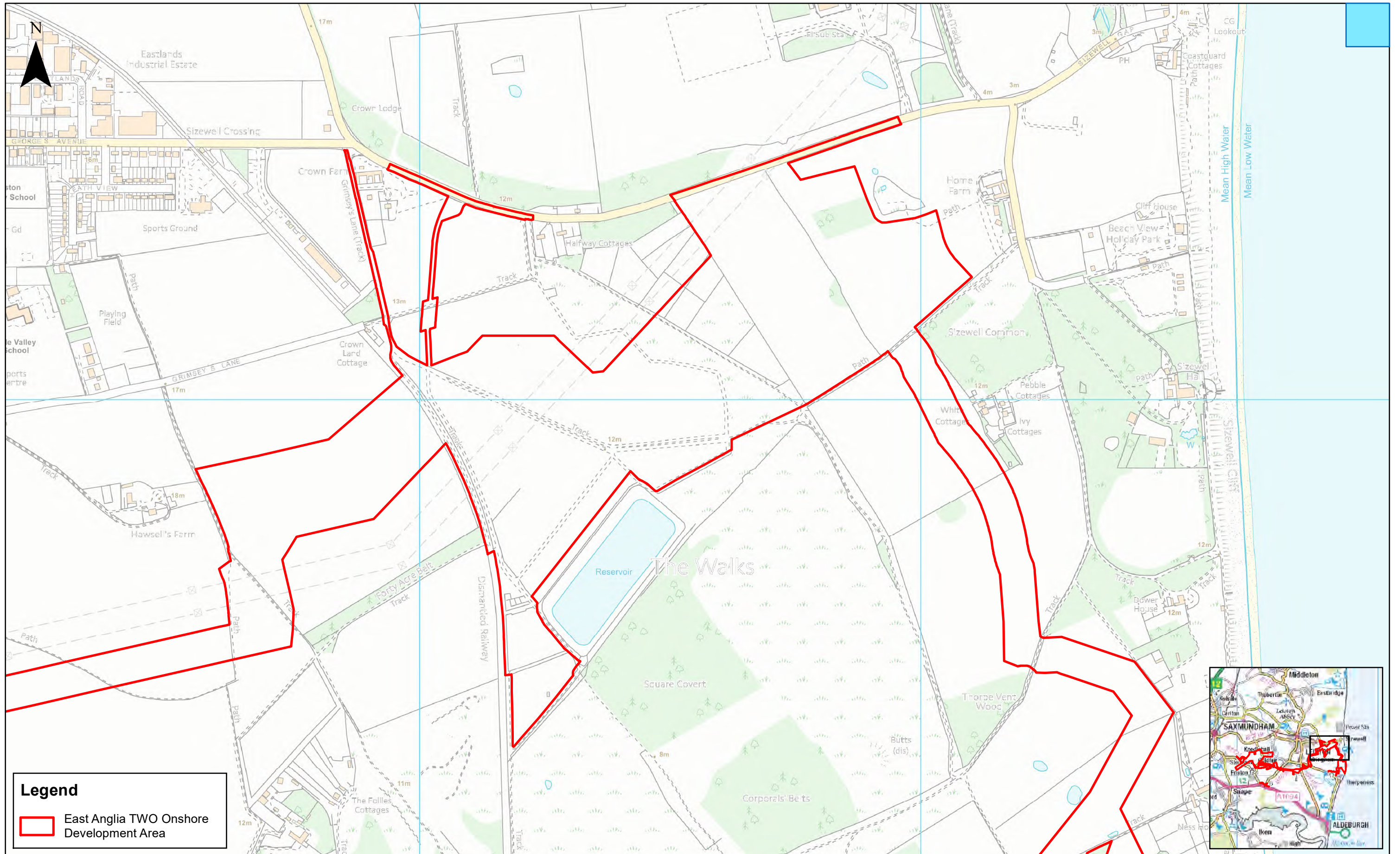
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 Site Location Plan  
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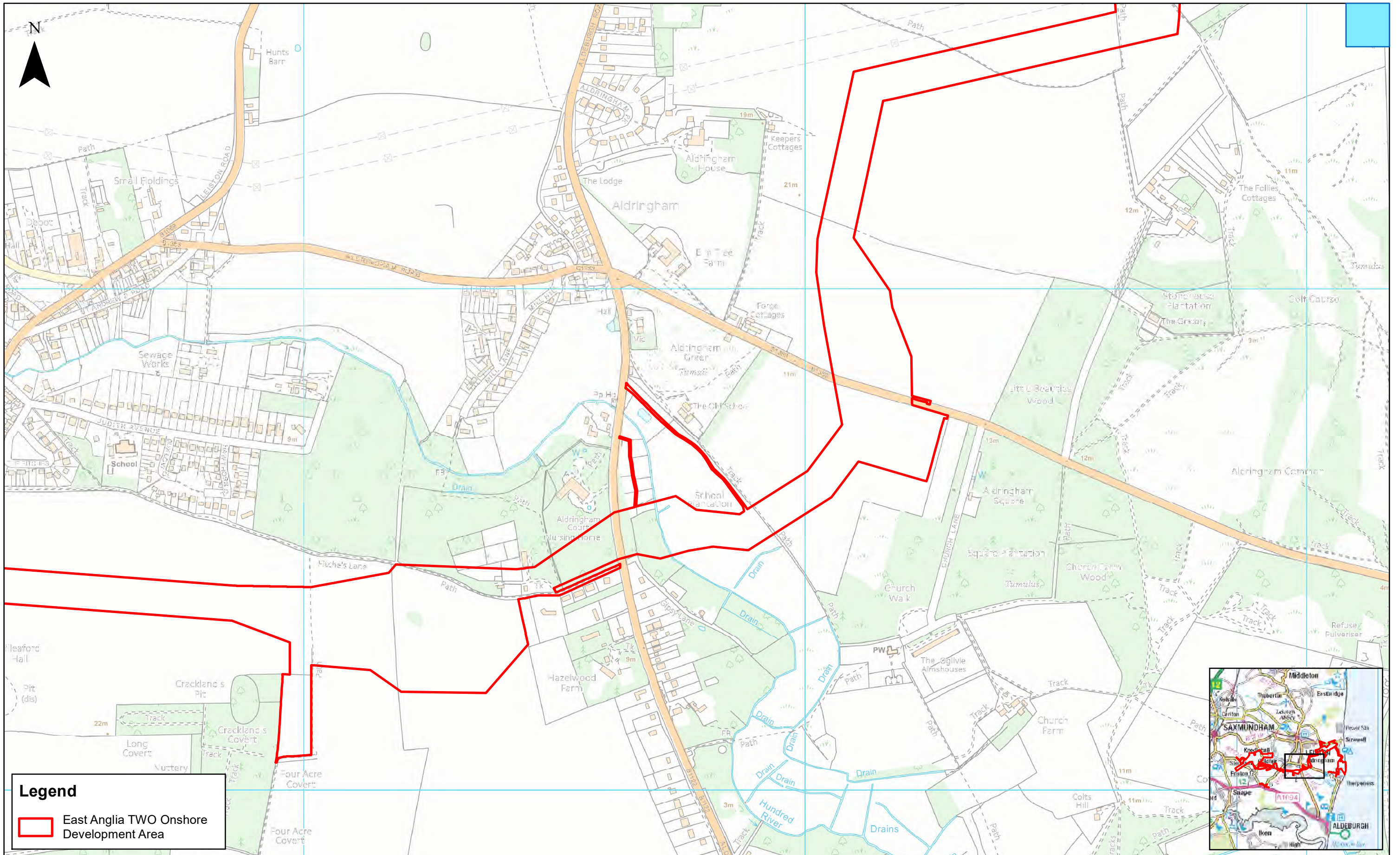
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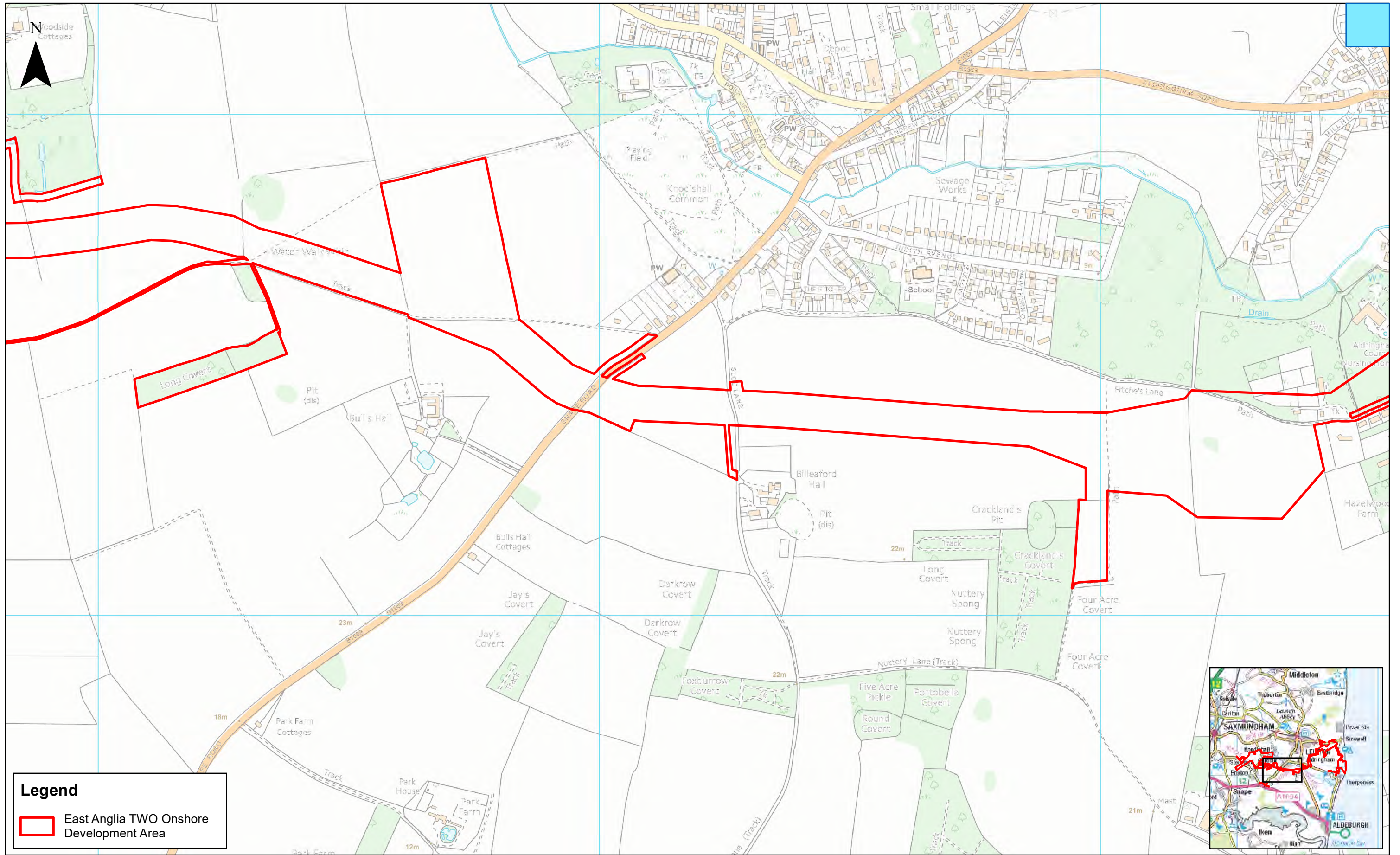
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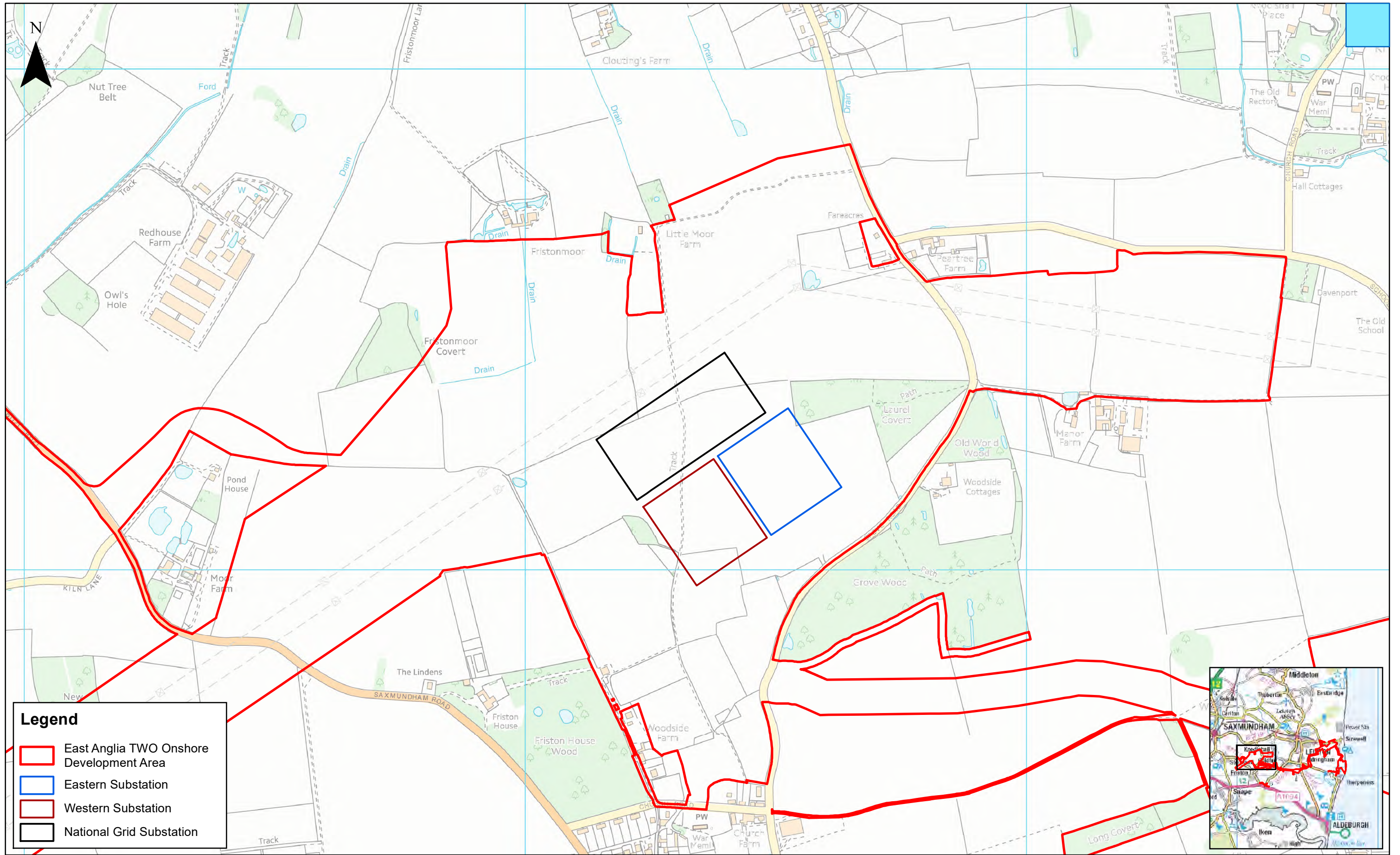
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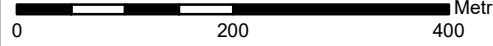


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	Eastern Substation		
	Western Substation		
	National Grid Substation		



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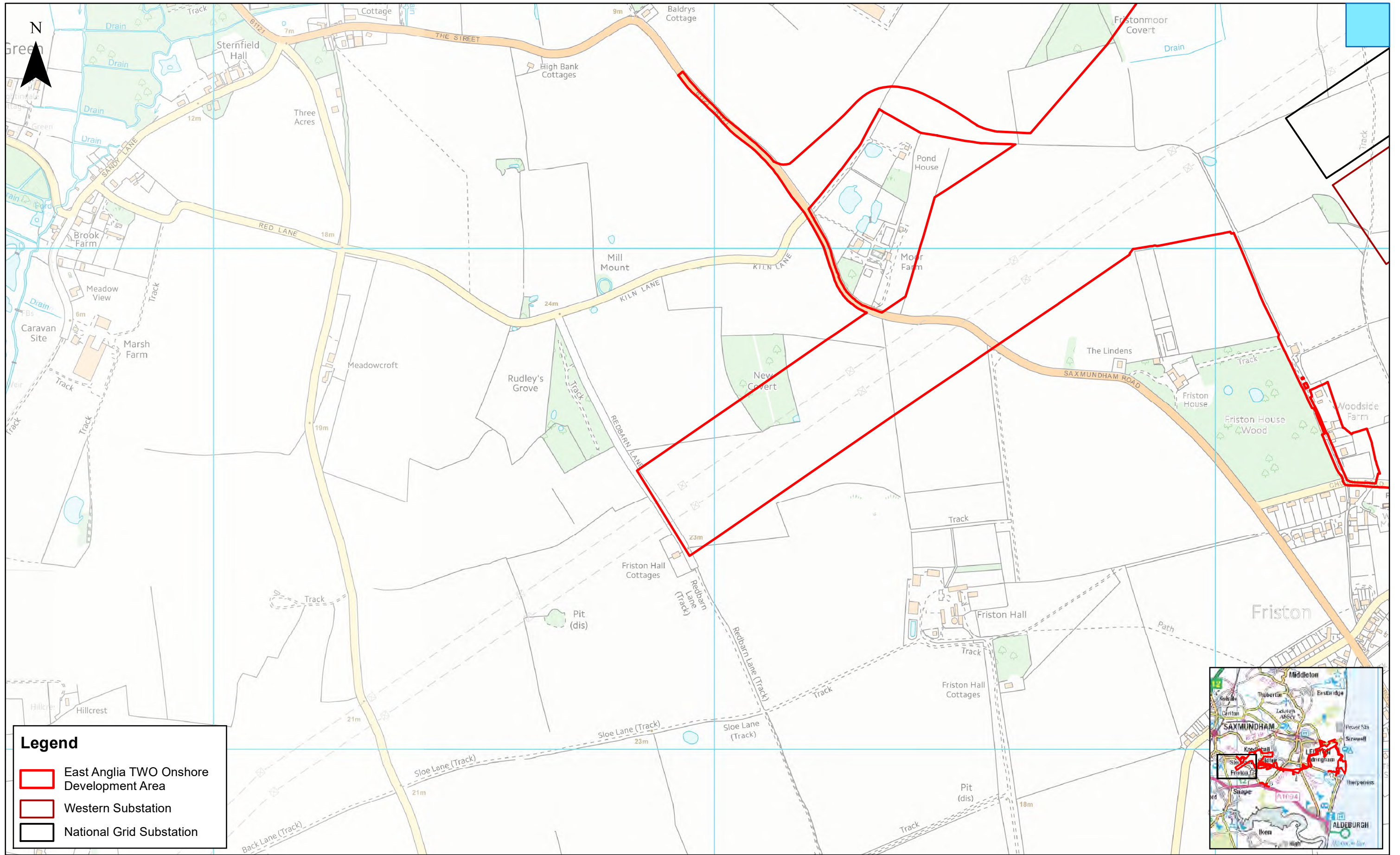


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- East Anglia TWO Onshore Development Area
- Western Substation
- National Grid Substation



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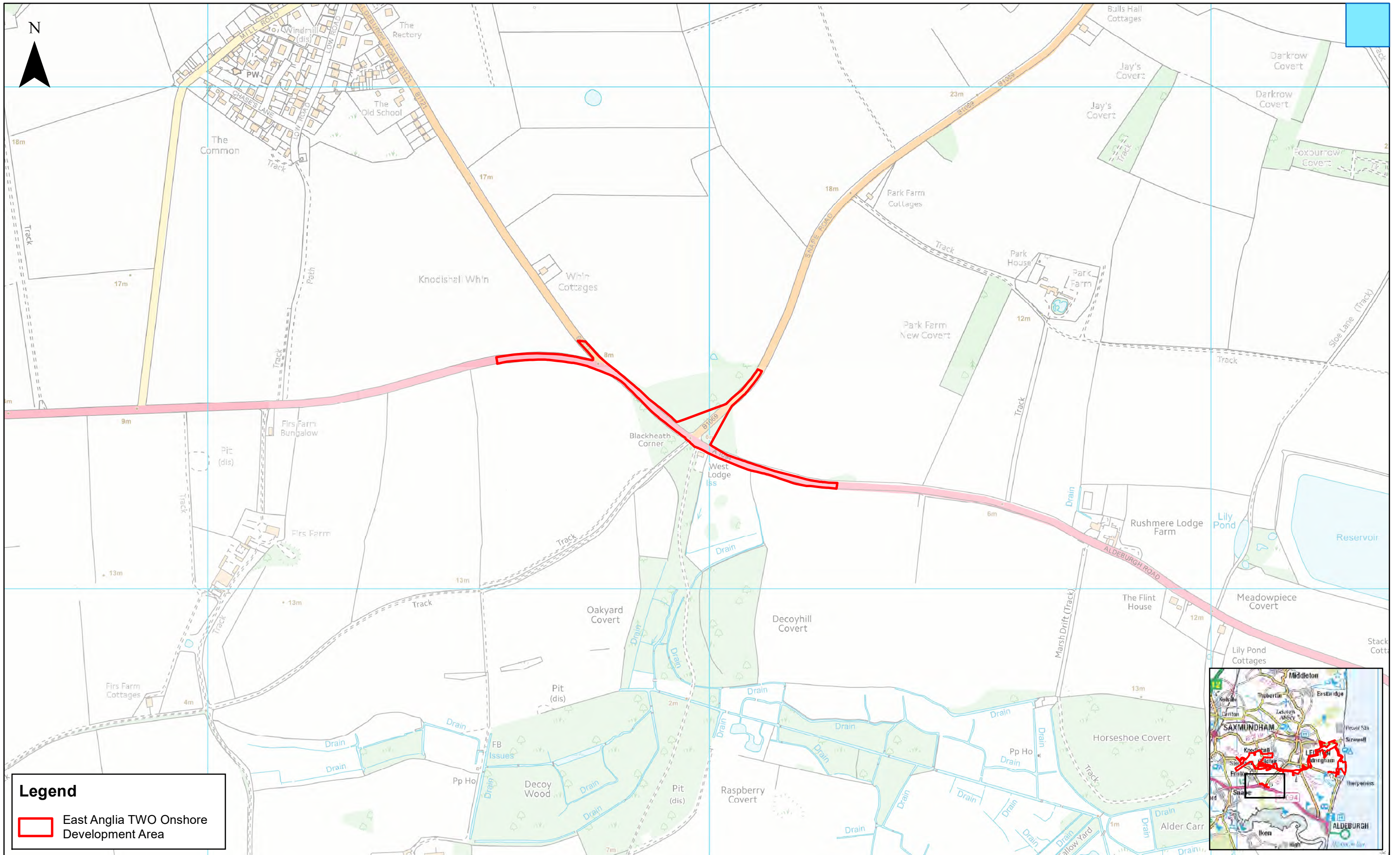
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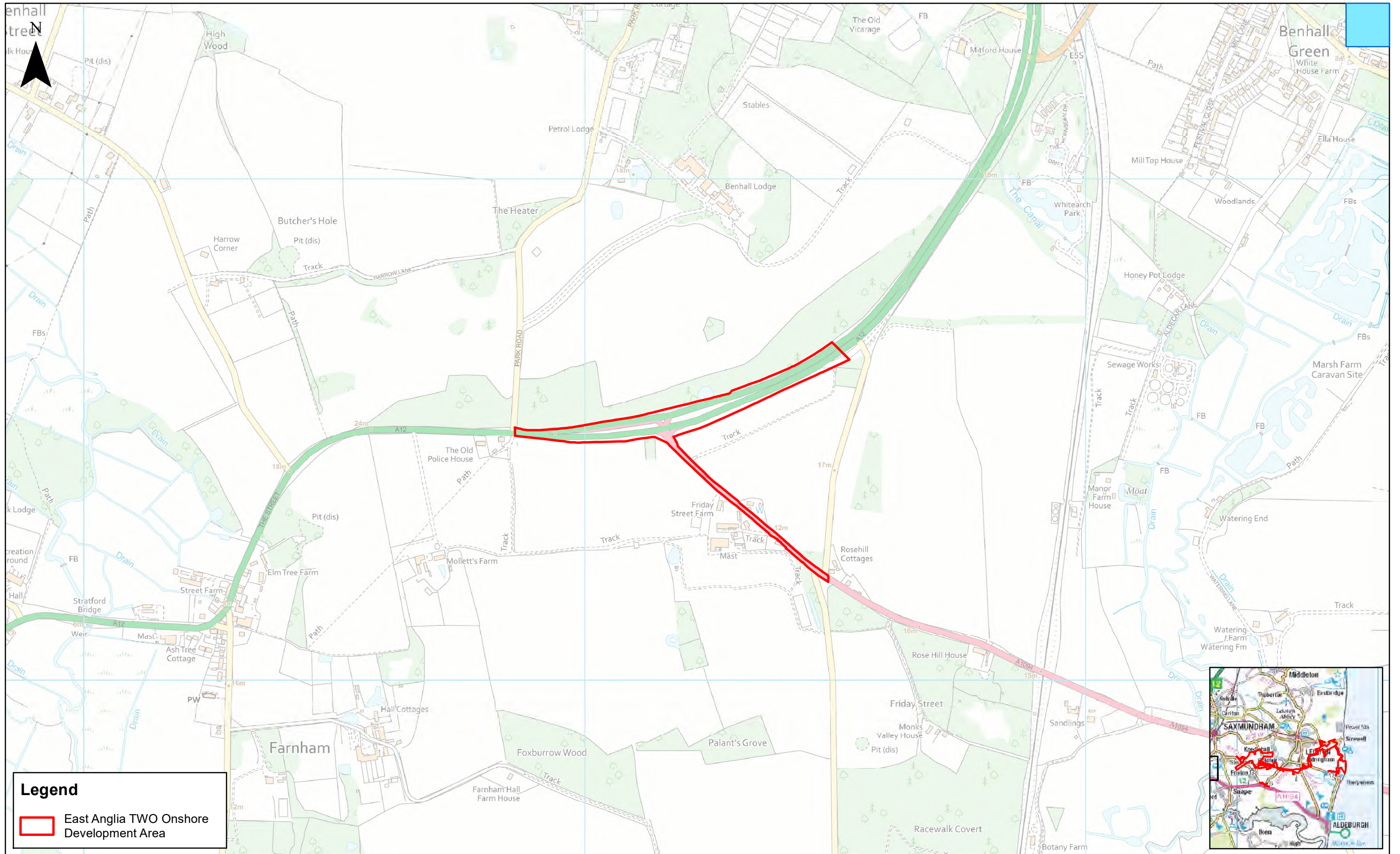
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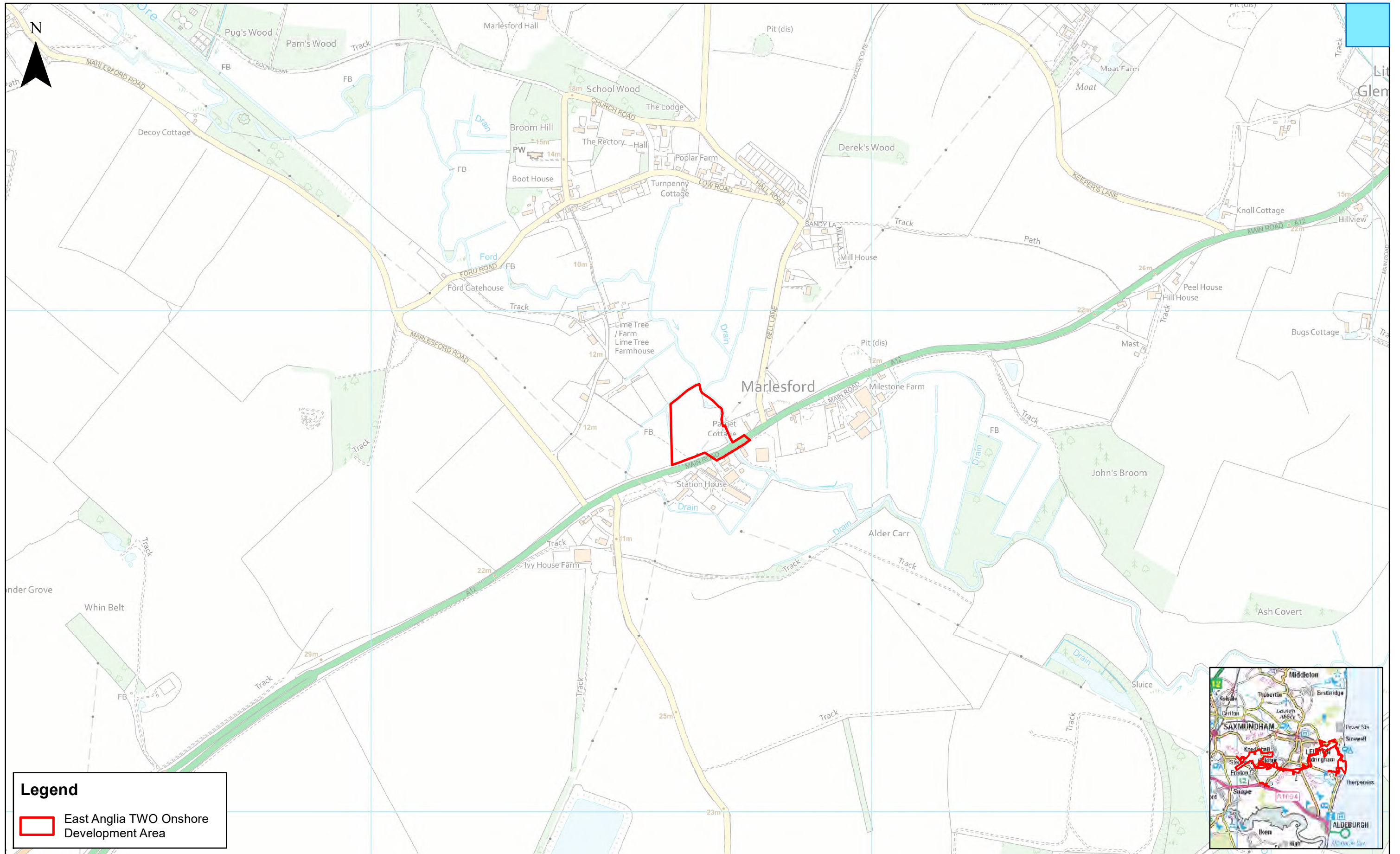
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**East Anglia TWO**  
Badger Licence Application - Location of Proposed Mitigation (including avoidance of Sett 33b)  
Sheet 1 of 9 **(Confidential)**

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**East Anglia TWO**  
Badger Licence Application - Location of Proposed Mitigation (including exclusion and closure of Sett 33b)  
Sheet 1 of 9 **(Confidential)**

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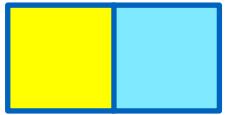
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Sheet 1 of 1

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## Appendix 3 Actions Arising from ISH8



**SCOTTISHPOWER  
RENEWABLES**

# **East Anglia TWO Offshore Windfarm**

## **Actions arising from Issue Specific Hearings 8 (ISH8)**

**Thursday 18th February 2021**

Applicants: East Anglia TWO Limited  
Document Reference: ExA.HA.D6.V1\_03  
SPR Reference: EA1N\_EA2-DWF-ENV-REP-IBR-001237\_03

Date: 24<sup>th</sup> February 2021  
Revision: Version 001  
Author: Optimised Environments Ltd

**Applicable to East Anglia TWO**



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# 1 Introduction

1. The actions arising from the Issue Specific Hearings 8 (ISHs8) held virtually on Thursday 18<sup>th</sup> February 2021 included that the Applicant provide information regarding the Rampion Offshore Windfarm and Navitus Bay Offshore Windfarm.

2. Action 1 is set out as follows and was requested of Natural England:

**Action 1 - ‘Effects of Rampion Off-shore Windfarm on South Downs National Park and potential effects of Navitus Bay Off-shore Windfarm on the heritage coast** Assess and compare to the EA2 ES the dimensions of effects of the Rampion and Navitus Bay offshore windfarm proposals in respect of:

- *their proximity to shore within the National Park (NP) and Heritage Coast (HC);*
- *their extent along shore within the NP and HC;*
- *their effects on the landscape character of the NP/HC onshore; and*
- *their effects on seaward views from NP/HC landscapes.*

*To enable an understanding of the range of parameters to which the ExA should give consideration’.*

3. The Applicants have been asked to refer to the Action 2 as a precursor to this action:

**Action 2 - Applicant’s ‘think-piece’.** Applicants to set out their position in respect of action 1 as a ‘think-piece’ by Deadline 6, to enable Natural England to set out its position by Deadline 7 and enable further responses including from Local Authorities and AONB Partnership by Deadline 8.

4. This document also encompasses the Applicants response to Action 5:

**Action 5 - The Applicants to address the suggestion in NPS-EN1 paragraph 5.9.19 that “applicants draw attention... to any examples of existing permitted infrastructure... with a similar magnitude of sensitive receptors”, in order to frame the ExAs consideration of effects on the AONB, by D6; and NE to respond by D7.**

5. This document provides the Applicants ‘think piece’ to set out their position regarding the effects of Rampion Offshore Windfarm on the South Downs National Park (SDNP) and Sussex Heritage Coast and potential effects of Navitus Bay Offshore Windfarm on the Dorset AONB, Isle of Wight AONB and Purbeck and Tennyson Heritage Coasts.





## 2 Summary of East Anglia TWO, Rampion and Navitus Bay Effects

6. This section of the report provides a summary of the decisions made for Rampion and Navitus Bay. **Table 1** provides a summary of the relevant parameters side by side. More detail is provided in Sections 3 (Rampion) and 4 (Navitus Bay).

### 2.1 Rampion

7. The Examining Authority found that Rampion would give rise to significant effects on the South Downs National Park (SDNP) and Sussex Heritage Coast, and that no measures were available to completely mitigate these significant effects on the SDNP and Sussex Heritage Coast.
8. As such the Examining Authority recognised that *‘there would be some change to the special qualities of the SDNP’*, in particular *‘diverse, inspirational landscapes and breathtaking views would be changed in parts of the National Park’*.
9. The Examining Authority considered that sufficient mitigation had nonetheless been provided, that the structures exclusion zone would provide some level of mitigation of these effects, and that Rampion was, at around 14km away, ‘remote’ (paragraph 4.383) from the SDNP/Heritage Coast. The Panel was also of the view that the introduction of design principles, secured by the DCO, would add to the mitigation package proposed.
10. Ultimately, it was determined at paragraph 4.385 that the level of benefit of energy generation outweighed the potential damage to the setting of the nationally designated SDNP (and Sussex Heritage Coast) and its long-distance views.
11. Rampion therefore provides a clear example of where consent has been granted to an offshore wind farm, notwithstanding effects on the special qualities of a National Park, which has a higher level of protection than AONBs, but which also requires appropriate weight should be given to conserving and enhancing the landscape and scenic beauty, on the basis that any such effect had been mitigated to an acceptable degree.
12. Furthermore, Rampion was located only 14.4km from the SDNP when compared to East Anglia ONE North and East Anglia TWO (at a distance of 37.7km and 32.6km from the AONB respectively).
13. Due to the heights of turbines and their respective distances offshore, the Applicant considers that the apparent height of the Rampion turbines in views



from the closest parts of the coast is likely to be highly comparable to those proposed for East Anglia TWO.

14. It is however, also the case that due to its considerable additional distance, the frequency and duration of effects arising from the East Anglia TWO windfarm site will be further reduced compared to Rampion, by the prevailing weather and visibility conditions with a continuum of gradually decreasing effects with increasing distance.

## 2.2 Navitus Bay

15. The Navitus Bay development proposed comprised up to 194 wind turbines and associated onshore and offshore infrastructure, with an installed capacity of 970MW. A Turbine Area Mitigation Option (the TAMO) proposed during the examination comprised up to 105 wind turbine generators and associated onshore and offshore infrastructure, with an installed capacity of up to 630 MW. The TAMO was to have been located on the bed of the English Channel approximately 21.6km off Scratchell's Bay (south of the Needles on the Isle of Wight) and 18.8km from Durlston Head (on the Isle of Purbeck). The TAMO turbine area comprises an area of 79km<sup>2</sup>

16. The Examining Authority Report set out the following with regard to their overall findings in relation to the impact to the special qualities of the two AONBs.

17. ***The Dorset AONB and Purbeck Heritage Coast***

*Paragraph 7.3.138 – ‘The extent of the AONB likely to be affected in this way by the Project may amount to only a proportion of the AONB as whole but the coastal stretch is an exemplary and widely recognised part of it. The scale of visual harm on a core section of the AONB would be damaging to the AONB as a whole’*

18. ***Isle of Wight AONB and Tennyson Heritage Coast***

*Paragraph 7.3.209 – ‘The fact that the level of significant harm perceived would be largely confined to the areas A1 and A2 assessed in the AONB, and therefore also the Tennyson Heritage Coast, is immaterial as we do not support the applicant's quantitative approach to assessments of impact on AONBs. The sectors affected display core qualities of the AONB and contain iconic features such as the Needles and Tennyson's Monument. The Panel concludes that the implications for the Isle of Wight AONB would be significant’.*

19. In turn for the TAMO, with regard to both AONB's:

*Paragraph 7.5.5 - ‘The turbines would nevertheless maintain a continuous and intrusive presence over wide stretches of locations sensitive to the type and scale of project proposed. The TAMO would amount to an incursion in views alongside*



*features symbolic of the Dorset and Isle of AONBs, the Heritage Coasts and the NFNP; the Needles, Old Harry Rocks, Durlston Head, St Aldhelm's Head, Hurst Point and Tennyson Down, for instance. The Panel is inclined to agree with NE's conclusions that the TAMO would amount to a major development which would lead to significant impacts on nationally designated landscapes and would be contrary to their purpose'.*

20. In turn, with regard to all landscape designations:

*Paragraph 7.3.270 – 'Our conclusions earlier confirm that presence of the Application Project in this environment would lead to significant impacts. It is not just the fact of visibility that is of concern, but the effect of such visibility on the defining characteristics of extensive stretches of renowned landscapes and seascapes of the Dorset and Isle of Wight AONBs. The same concerns apply to the coastal portion of the NFNP. The scale and location of the Project would affect important special qualities of the AONBs over a widespread coastal area of exceptional quality and sensitivity. Similarly, the defining qualities of the Heritage Coasts would be significantly harmed'.*

21. These findings were then taken forward into the Secretary of State's Decision Letter for the Application as follows:

*Paragraph 18 – 'The ExA considered that both the Application Development and the TAMO would produce significant and relatively long term (25 years) impacts on sites designated as Areas of Outstanding Natural Beauty (AONB) and on Heritage Coasts during the operation of the project. In particular, the ExA concluded that the scale and location of the project would affect important special qualities of the AONBs over a widespread area of coastline and that this carried significant weight against the grant of consent for the project in both Application Development and TAMO formats'.*

## 2.3 Summary

22. The Navitus Bay decision was made after the Rampion wind farm decision and both the Examining Authority Report and the Secretary of State's Decision Letter specifically reference the earlier scheme as follows:

Paragraph 7.3.11 - *'The context and circumstances of the Navitus Bay project are very different to the Rampion wind farm'.*

Paragraph 18 – *'The ExA decided that the two wind farms were not comparable as Rampion's location was set against a section of the coast which, while under a national landscape designation, ran parallel to the wind farm and not, as at Navitus, at the apex of a sector which had as its circumference the Dorset and*



*Isle of Wight coastlines. The Secretary of State agrees with the ExA's conclusion in this matter for both the Application development and the TAMO'.*

23. **Table 1** provides a summary of the relevant parameters and effects for Navitus Bay, Rampion and East Anglia TWO.

**Table 1 Summary of East Anglia TWO, Rampion and Navitus Bay Effects**

Parameter	Project		
	Navitus Bay	Rampion	East Anglia TWO
<b>Distance from AONB and Heritage Coast</b>	Navitus Bay: 17.3km (Isle of Wight) and 14.4km (Dorset)  Navitus Bay (TAMO): 21.6km (Isle of Wight) and 18.8km (Dorset)	Operational windfarm: 14.4km SDNP  22.1km Sussex Heritage Coast	32.6km (Suffolk Coast and Heaths)
<b>Turbine Height</b>	Navitus Bay / MAMO: Maximum 200m blade tip	Maximum proposed: 210m blade tip  Operational windfarm: 140m blade tip	Maximum: 282m blade tip
<b>Maximum number of turbines</b>	Maximum: 194  TAMO maximum: 105	Maximum proposed: 175  Operational windfarm: 116	Maximum: 75
<b>Geographical Relationship with Designated Landscapes</b>	<i>'Apex of a sector which had as its circumference the Dorset and Isle of Wight coastlines'</i> (as described by the Secretary of State)	Parallel to the coast (as confirmed by the Secretary of State) but within Sussex Bay between Selsey Bill and Beachy Head.	Parallel to the coast
<b>Identified Effects on Designated Landscapes</b>	<i>'Major to major-moderate'</i> Significant effects on the special qualities of 2 AONBs [Dorset and Isle of Wight], <i>'over a widespread area of exceptional quality and sensitivity'</i> .  <i>'the defining qualities of the Heritage Coasts [Purbeck and Tennyson] would be significantly harmed'</i> .  <i>'The same concerns apply to the coastal portion of the New Forest National Park'</i> ;	Magnitude of change to the character and setting of the SDNP and Sussex Heritage Coast assessed as <i>medium</i> magnitude and the level of effect as <i>major/moderate</i> and <i>significant</i> . Some change to the special qualities of the SDNP, in particular special quality 1 - <i>'Diverse, inspirational landscapes and breathtaking views'</i> would be changed in parts of the SDNP.	Some significant effects on certain 'indicators' of special qualities of the Suffolk Coast and Heaths AONB relating to long distance, panoramic offshore views and open vistas out to sea, with impacts of medium magnitude.



Parameter	Project		
	Navitus Bay	Rampion	East Anglia TWO
<b>Geographic Extent of Significant Effects on AONB Special Qualities</b>	<p>Dorset AONB - significant effects on special qualities from a number of locations or sections of the coast between Poole Harbour and Worbarrow Tout [Areas A – C], collectively totaling approximately 37.5km, plus locations or sections of the inland Purbeck Ridgeway [Area E], extending across 20km.</p> <p>Isle of Wight AONB - significant effects on special qualities extending from the Needles to Freshwater, and continuing along the coast southwards [across Areas A1 and A2 to St Catherine’s Point] up to approximately 25km.</p>	<p>The elevated extents of the south facing South Downs dip slope. The most prominent association relates to the coastal cliff top extents between Seaford and Beachy Head approximately 12km in length between Beachy Head and Seaford Head; and 2.7km length between Brighton and Rottingdean.</p> <p>Large magnitude of change and major (significant) effect also assessed on the wider South Downs within the range of both inland and coastal vantage points where the sea is a key component. There are approximately 50km of open south facing downs of the SDNP that extend across the inland backdrop between Seaford, Brighton and Arundel.</p>	<p>Suffolk Coast and Heaths AONB - Significant effects on the perceived character of a narrow strip of coastal landscape between Southwold and the north side of Orford Ness – consisting specific coastal edge sections between Walberswick, Dunwich and Minsmere (approx. 10km); to the south of Sizewell to Thorpeness (approx. 2.5km); between Thorpeness to the north of Aldeburgh (approx. 2km); between Slaughden to Sudbourne Beach/Orford Ness (approx. 5km); and Covehithe (approx. 5km) and Dunwich Heath (approx. 3km).</p>



## 3 Rampion

### 3.1 Context

24. The application for 'Rampion Offshore Wind Farm and connected works' was submitted in March 2013. **The proposed development comprised up to 175 wind turbines with a 210m maximum tip height**, with an installed capacity of up to 700MW and an array area of 139km<sup>2</sup>.
25. Following discussions with Natural England, the Rampion applicant proposed that an area to the eastern edge of the development boundary be designated as a 'structures exclusion zone' within the Order. This alteration to the proposed layout parameters was intended to mitigate the effect of Rampion on the Sussex Heritage Coast and SDNP by increasing the distance between the nearest potential turbine location and reducing the extent of the horizon occupied by the wind farm.
26. In its Recommendation Report to the Secretary of State<sup>1</sup> in 2014 (the Recommendation Report), the Examining Authority recommended that the Secretary of State should make the Development Consent Order.
27. Rampion Offshore Wind Farm (Rampion) is now fully operational. **The operational wind farm comprises 116 wind turbines with 140m tip height turbines** (112m rotor diameter) between 13 and 25km from the Sussex coast. The operational project occupies some 78km<sup>2</sup> with an installed capacity of 400 megawatts (MW).
28. Rampion is located approximately **14.4km from the South Downs National Park** (at its closest point).
29. The onshore cable route is approximately 26.8km long, extending in a predominantly northerly direction from Worthing, passing through mainly agricultural land and part of the South Downs National Park (SDNP).

### 3.2 Nature of Impacts Identified

#### 3.2.1 SDNP and Sussex Heritage Coast

30. In its Recommendation Report, the Examining Authority was clear that Seascape, Landscape and Visual effects were a principal issue in the Examination, in particular due to the location of the array off the Sussex coast and therefore its exposure to and visibility from settlements along the coast; the SDNP and the Sussex Heritage Coast.

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<sup>1</sup> Rampion Offshore Wind Farm and connection works. Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy and Climate Change



### 3.2.1.1 Proximity and extent of the SDNP and Sussex Heritage Coast along the shore

31. The SDNP is located inland to the north of the major settlements along the coastal plain forming a prominent ridge, but also extends to the coastline at places in the east between Brighton and Rottingdean, Saltdean and Peacehaven and Newhaven and Seaford.
32. The main coastal section of the SDNP is within the Sussex Heritage Coast and is approximately 14km in length between Eastbourne and Seaford Head, including the white cliffs of Beachy Head and the 'Seven Sisters'. Rampion is located approximately 23.3km from this section of the SDNP. The Sussex Heritage Coast is slightly closer (22.1km) as it covers part of the nearshore sea.
33. A further coastal section of the SDNP extends between Brighton and Rottingdean and is approximately 2.7km in length. Rampion is located closest to this part of the SDNP, approximately 14.4km from the SDNP at its closest point.
34. There are two further short coastal sections of the SDNP, one of 600m length between Saltdean and Peacehaven, and another 800m length between Newhaven and Seaford.
35. The total coastline extent along the shore within the SDNP is therefore approximately 18.1km.
36. The remainder of the SDNP extends inland to the north of the major settlements along the coastal plain and extends inland at greater distances to the north-west.
37. There is however, approximately 50km of open south facing downs of the SDNP that extend across the inland backdrop between Seaford, Brighton and Arundel of which the closest edges are generally between 15-25km from Rampion and afford open views across the coastal plain to Rampion and its associative seascape setting.

### 3.2.1.2 Effects on the landscape character of the SDNP and Sussex Heritage Coast

38. The landscape/seascape characterisation and impact assessment in the Rampion ES is based on the assumption that viewing Rampion over greater distances than 35km will *'be unlikely to result in perceptible changes to seascape or landscape character'*.
39. For the purposes of the assessment of the seascape, landscape and visual impacts of Rampion, the Examining Authority accepted Natural England's proposed definition of 'remote' as a location over 20km away from the viewing point.
40. During operation, the ES assessed that Rampion would have a significant adverse effect on the landscape character of the SDNP and Sussex Heritage



Coast and upon visual receptors in these areas. The SLVIA assesses the magnitude of change to the character and setting of the SDNP and the Sussex Heritage Coast as **medium** and the level of effect as **major/moderate**.

41. Table 12.11 of the Rampion ES summarises the seascape and landscape effects on designated assets as follows:
42. **South Downs National Park** (14 km at nearest point at Seaford cliffs). '**Medium magnitude of change and major/moderate effect**'.
43. '*The South Downs National Park landscape is a distinctive and defining characteristic of the area. The elevated extents of the south facing South Downs dip slope, typically coincident with open grassland, affords extensive seaward visual associations. The most prominent association with the proposed development relates to the coastal cliff top extents between Seaford and Beachy Head. Whilst open views of the Offshore Project site will be possible, the relative distance of the National Park from the proposed development will limit the prominence of proposals within the extent of view.*
44. **Sussex Heritage Coast** (22.1 km at nearest point at Seaford cliffs). **Medium magnitude of change and major/moderate effect**'.  
*'The Sussex Heritage Coast is defined by a distinctive cliff faced coastline. The elevated cliff tops (which are also coincident with the extents of the South Downs National Park) afford extensive seaward views. Whilst the proposed development will feature within the extent of view, the seaward outlook will be inclusive of a wider panorama of open sea.'*
45. The seascape and landscape assessment undertaken in the Rampion ES indicates that Rampion would result in **major** and **major/moderate** adverse effects on landscape character areas within the SDNP and Sussex Heritage Coast. These would arise given the visual relationship and associations between the seascape character areas and the landscape character areas coincident with the extents of the ZTV and study area.
46. Table 12.13 of the Rampion ES sets out the findings on seascape and landscape character areas further, as follows:
47. **South Coast Plain Coastal Waters: Large magnitude of change and Major/Moderate effect**'. *The development will form a prominent seascape element within the existing open and undeveloped seascape context. Although the proposed development lies outside the character area, the appearance and extent of turbines will directly associate with the area within the sense of continuity afforded by open water.*





48. **South Downs Coastal Waters: Large magnitude of change and Major effect’.** *The development will form a prominent seascape element within the existing open and undeveloped seascape context. Although the proposed development lies outside the character area, the appearance and extent of turbines will directly associate with the area within the sense of continuity afforded by open water.*
49. **South Downs: Large magnitude of change and Major effect’.** *Within the range of both inland and coastal vantage points where the sea is a key component, the proposed development will form a prominent seascape element. Inland views typically experience the sea within a remote context setting beyond intervening landscape influences. Coastal cliff top views offer a direct visual outlook towards the proposed development, set within an expansive seascape context. Although the proposed development lies outside the character area, the strong inter-visibility associations between land and sea will prompt a perceptible change in the outlook setting of the character area.*
50. In its conclusions, the Rampion ES found:
51. Para 12.10.3 ‘*The proposed development will have a major visual effect on the character context of the elevated and coastline extents of the designated assets of the SDNP and Sussex Heritage Coast where views of the sea are a defining feature.*
52. Para 12.10.4 ‘Major to moderate effects on landscape character will occur where visual associations with the sea are most apparent, along the coastal edges of the South Coast Plain and within the elevated extents of the South Downs character areas. The Beachy Head to Selsey Bill Offshore Waters, South Coast Plain Coastal Waters and South Downs Coastal Waters seascape character areas will experience major to major/moderate effects where proximity to the development will result in a prominent or conspicuous presence or where landward context associations will be affected by the wind farm.
- 3.2.1.3 Effects on seaward views from SDNP/Sussex Heritage Coast landscapes
53. The ES explains that the focus of the visual assessment, identification of key receptors and the selection of illustrative viewpoints concentrate on the coastline or immediate hinterland and to elevated viewpoints in the SDNP. These areas, the Rampion applicant suggested, ‘*offered the greatest scope for inter-visibility and represent the focus of potential visual effects.*’
54. Of the 31 viewpoints assessed in the Rampion applicant’s SLVIA, 17 are assessed to have an ‘associative relationship’ with the SDNP or Sussex Heritage Coast. The predicted effects (all of which are adverse) at 10 of the 17 viewpoints



would be **major**; effects at 4 viewpoints would be **major/ moderate**; at 2 they would be **moderate** and at one the effects would be **minor / negligible**.

55. Para 12.10.5 of the Rampion ES identified '**Major to major/moderate effects on the visual amenity of recreational receptors will associate with views from the elevated South Downs and coastal cliff tops (including the South Downs Way) and 'Whilst the proposed offshore wind farm would form a conspicuous element within the extent of view from the Heritage Coast, the relative angle of view occupied by the proposed development would be limited to between 11 and 31 degrees'**.
56. Para 12.5.82 identified that '**The greatest prediction of visual effects will associate with the coastal and elevated inland vantage points in closest proximity to the northern boundary of the Offshore Project site, but inclusive of more dispersed views from sea based recreational users'**.
57. The ES assessment (para 12.5.83) identified that the principal visual effects include:
- **The experience of land to sea views from the elevated South Downs and coastal cliff top extents of the South Downs Way and other Public Rights Of Way;**
  - **The experience of land to sea views from the SDNP between Worthing in the west and Beachy Head in the east;**
  - **The experience of land to sea views from the (Sussex) Heritage Coast;**
  - **The experience of land to sea views from cliff top vantage points east of Brighton (within the SDNP).**
58. The seascape and landscape assessment concluded that there will be **major** and **major/moderate** levels of effect on the visual experience of receptors within the extent of the study area and that '**certain visual receptors will experience adverse effects from the development, relating primarily to the introduction of a development feature into an open seaward view**'.

#### 3.2.1.4 Impacts on Special Qualities

59. There was no specific assessment of the SDNP special qualities in the Rampion ES.
60. Reference to special qualities is made in the Recommendation Report, which notes at para 4.313 '**We note the statutory purposes of National Parks to 'conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of their special qualities by the public.'** Furthermore the statutory duty on the Panel as a 'relevant



authority,’ to have regard to these purposes when coming to decisions relating to, or affecting land within these areas as provided for in Section 11A(2) of the National Parks and Access to the Countryside Act 1949 The statutory purposes of the SDNPA, as a national park authority, are specified by the Environment Act 1995; these are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area
- To promote opportunities for the understanding and enjoyment of the Park’s special qualities by the public.’

61. The special qualities identified by the SDNPA (as a result of stakeholder engagement since designation) were set out in the Recommendation Report in the excerpt below:

<p><b>1</b> Diverse, inspirational landscapes and breathtaking views</p>		<p><b>4</b> An environment shaped by centuries of farming and embracing new enterprise</p>	
<p><b>2</b> A rich variety of wildlife and habitats including rare and internationally important species</p>		<p><b>5</b> Great opportunities for recreational activities and learning experiences</p>	
<p><b>3</b> Tranquil and unspoilt places</p>		<p><b>6</b> Well-conserved historical features and a rich cultural heritage</p>	
		<p><b>7</b> Distinctive towns and villages, and communities with real pride in their area</p>	

62. The Panel recognised that there would be some change to the special qualities of the SDNP in particular special quality 1 - ‘Diverse, inspirational landscapes and breathtaking views’ would be changed in parts of the SDNP.

### 3.3 Design Mitigation

#### 3.3.1 Structures Exclusion Zone

63. It was against this background and the potential effects of Rampion on SDNP special quality 1 - ‘Diverse, inspirational landscapes and breathtaking views’ that the Rampion applicant proposed, by way of mitigation, the introduction of a reduced array area.

64. The mechanism proposed by the Rampion applicant to secure this reduced array area involved a ‘structures exclusion zone’ at the eastern end of the Order Limits, secured through a requirement in the Order. The practical result would be that the area to be occupied by wind turbines would be located further away from the SDNP and Sussex Heritage Coast than proposed by the application DCO.



65. The Examining Authority considered that the structures exclusion zone would have a positive effect on mitigating the impact of Rampion on the SDNP and Sussex Heritage Coast, by increasing its distance away from these sensitive receptors and by reducing the horizontal spread, decreasing the extent to which the wind farm would be visible in views out to sea.
66. The Examining Authority further noted that the increase in distance would mean that the proposed array would be regarded as 'remote' (as defined by NE and discussed earlier) from a number of viewpoint locations to the eastern end of the SDNP and the Sussex Heritage Coast.
67. As such, when considered as part of wider package of the mitigation measures, the Panel concluded that the structures exclusion zone would provide an important contribution to reducing the visual effect of the offshore wind farm on the SDNP and Sussex Heritage Coast.

### 3.3.2 Design Plan

68. Towards the end of the Rampion examination, Natural England put forward a proposal to include within the Order's Array DML a set of design principles to guide the layout of the offshore wind farm.
69. The Examining Authority considered that the 'design principles' approach was relevant and important to ensure compliance with Government policy on good design.
70. On this basis, the Examining Authority considered that the introduction of a set of design principles that address the designation objectives of the SDNP, would be necessary to work towards mitigating impacts on the SDNP and would be practicable and enforceable.
71. A 'Design Plan' was required to be produced and approved as part of the DCO conditions, having regard to the need to minimise seascape, landscape and visual effects.
72. Within the Order, the issue of design principles with regards to Landscape and Visual Impact was included at Condition 11 of Schedule 13 of the Order as follows:

*Preconstruction Plans and Documentation*

*11 (3) The design plan required to be approved under paragraph 1(a) must-*

*(a) be prepared having regard to the need to: -*



*(i) limit as far as possible the horizontal degree of view of wind turbine generators from the South Downs National Park and the Sussex Heritage Coast;*

*(ii) increase as far as possible the distance of the wind turbine generators from the South Downs National Park and the Sussex Heritage Coast;*

*(iii) locate the largest turbines, in any hybrid scheme, to the south-western portion of the Order limits; and*

*(iv) provide clear sight lines through the wind turbine layout in order that the regular geometric pattern of the array is apparent in views from the South Downs National Park and Sussex Heritage Coast.*

73. A final optimised site layout for Rampion was produced, following feedback from consultees and taking into account technical constraints.
74. Not only was the structures exclusion zone applied, but further measures were incorporated in the final site layout which provided further mitigation of seascape, landscape and visual effects in line with the design plan.
75. The Rampion applicant took account of the principles set out in condition 11(3)(a) above, which relate specifically to the SLVIA aspects of the design, as follows:
- Turbines were located in a more compact layout to the north and west of the site in order reduce the horizontal field of view of the turbines from key viewpoints within the SDNP/Sussex Heritage Coast (from approximately 16-20° to 10-11°).
  - Turbines were located in a more compact layout to the north and west of the site in order increase the separation distance of the turbines from the SDNP/Sussex Heritage Coast (by approximately 7.5km – 10km further away, up to distances of between 23km (Seaford Head) to 32km (Beachy Head) from key viewpoints.
  - The 'hybrid' turbine scheme option was discounted in favour of a single turbine type Vestas 3.45MW across the array at 140m tip height (compared to 210m assessed in the Rampion ES).
  - The array is laid out orthogonally with straight lines along a number of axes, which were intended to provide clear lines of sight through the wind farm in key viewpoints from the SDNP/Sussex Heritage Coast, however this varies along the coastline depending on the location of the visual receptor.



## 4 Navitus Bay

### 4.1 Context

76. The application for 'Navitus Bay Wind Park and Connection Works' was submitted in April 2014. The development proposed comprised up to 194 wind turbines and associated onshore and offshore infrastructure, with an installed capacity of 970MW.
77. The project was located on the bed of the English Channel approximately **17.3km** off Scratchell's Bay (south of the Needles on the Isle of Wight) and **14.4km** from Durlston Head (on the Isle of Purbeck). The Turbine Area was proposed to occupy an area of 153km<sup>2</sup>.
78. A Turbine Area Mitigation Option (the TAMO) proposed during the examination comprised up to 105 wind turbine and associated onshore and offshore infrastructure, with an installed capacity of up to 630MW. The TAMO was to have been located on the bed of the English Channel approximately **21.6km** off Scratchell's Bay (south of the Needles on the Isle of Wight) and **18.8km** from Durlston Head (on the Isle of Purbeck). The TAMO turbine area comprises an area of 79 km<sup>2</sup>. This was submitted within the context of the original application primarily to propose the reduction of the significant impacts identified in the Seascape, Landscape and Visual Impact Assessment (SLVIA).
79. The Examining Authority Report identified the following in relation to the visibility of the Proposed Navitus Bay Development from designated landscapes:
- Paragraph 7.3.1 - 'The turbine array would be exposed to and visible from the mainland and the Isle of Wight, including a number of nationally designated locations and the Dorset and East Devon Coast World Heritage Site (WHS) international designation'.
- Paragraph 7.3.2 - 'National designations included in the SLVIA comprise: the New Forest National Park (NFNP), the Isle of Wight Area of Outstanding Natural Beauty (AONB), the Dorset AONB and the Cranborne Chase and West Wiltshire Downs AONB. The Purbeck Heritage Coast and the Tennyson Heritage Coast were also assessed individually in the SLVIA'.
80. Of these designated landscapes, the Examining Authority Report identified there would be a significant effect on the special qualities of both the Dorset AONB and the Isle of Wight AONB. The relationship between these two AONBs and Navitus Bay is summarised below:
81. The Dorset AONB extends from Lyme Regis in the west, along the coast to Poole Harbour in the east. The AONB also extends to 22km inland. The closest point



to the turbine area in the AONB was **14.4km**, from Durlston Head (on the Isle of Purbeck). This distance increased to **18.8km** from Durlston Head for the TAMO. The Purbeck Heritage Coast occupies a very similar geographical extent to the Dorset AONB.

82. Isle of Wight AONB covers an area of 191km<sup>2</sup> or approximately half the land mass of the island and is made up of five distinct land parcels. At its closest it is approximately **17.3km** from the turbine array, from Scratchell's Bay (south of the Needles). The TAMO was to have been located on the bed of the English Channel approximately **21.6km** off Scratchell's Bay. The Tennyson Heritage Coast lies within the AONB and follows the western edge of the Island from Totland to the west of Ventnor.

## 4.2 Nature of Impacts Identified

### 4.2.1 The Dorset AONB and Purbeck Heritage Coast

83. The following extracts from the Examining Authority Report summarise the position regarding the effects on the Dorset AONB and Purbeck Heritage Coast set out by the applicant:

Paragraph 7.3.18 – ‘The bareground ZTV (Figure 13.2 of the SLVIA) established that the Project would be visible from approximately 37% of the section of coastline within the study area, which includes some elevated coastal fringe areas such as the Purbeck Hills’.

Paragraph 7.3.19 – ‘The eastern part of the AONB within the study area was subdivided into six separate sub-areas or land parcels (A-F) (SLVIA paragraph 13.5.809). The SLVIA did not assess land parcel F, due to limited, if any, visibility of the turbines from that area’.

Paragraph 7.3.20 – ‘Sub-areas A-E comprise:

- A. Coast and coastal fringe from Old Harry Rocks to St Aldhelm's Head
- B. Poole Harbour and Studland
- C. Coast and coastal fringe from St Aldhelm's Head to Worbarrow Tout
- D. Coast and coastal fringe from Worbarrow Tout to White Horse Hill
- E. Inland on the Purbeck Ridgeway’

Paragraph 7.3.21 – ‘The conclusions in the SLVIA on the individual sub-areas were based on assessments of alterations to the AONB's special qualities and impact on the baseline situation. The findings were as follows’:



Sub-Area	Scale of Effect	Extent	Magnitude	Significance of impact	Significant under EIA Regs
A	Medium	Wide	Medium	Major-moderate	Significant
B	Small	Intermediate	Low	Moderate	Not significant
C	Small	Wide	Low	Moderate	Not significant
D	Small-negligible	Wide	Low-very low	Minor	Not significant
E	Small	Localised	Low	Moderate	Not significant

*Paragraph 7.3.22 – ‘Parcel F occupies a large proportion of the AONB within the study area, and the SLVIA stated that had the effect of moderating impact on the designation as a whole. Taking account of variations in visibility from the parcels of land, the SLVIA concluded as follows on the entirety of the Dorset AONB:’*

	Scale of Effect	Extent	Magnitude	Significance of impact	Significant under EIA Regs
Dorset AONB	Small-negligible	Localised	Low-very low	Minor	Not significant

*Paragraph 7.3.24 – ‘The SLVIA divided the Heritage Coast into four land parcels which correspond with the AONB sub-areas A-D. Conclusions on the individual areas of Heritage Coast were the same for the corresponding areas of the AONB’.*

84. However, the Examining Authority Report identified that the Panel were not in agreement with the position set out by the applicant. The following extracts from the Examining Authority Report summarise the position of the Panel regarding the effects on the Dorset AONB:

*Paragraph 7.3.138 - ‘Our conclusions of major to major-moderate significance of effect on sub-areas A, B, C and E and a moderate significance of effect on D, leads the Panel to conclude that, in the round, the Application Project would have significant consequences for the ‘sensory perceptions’ of the natural beauty of the Dorset AONB.’*

85. In turn for the TAMO:

*Paragraph 7.4.38 - ‘Our conclusions in terms of the individual sub-areas of the Dorset AONB considered by the Panel reveal a lessening of impacts when compared to the Application Project. The scale of effects would vary within the sub-areas as reflected in our findings. However, a number of key features of the*





*AONB would continue to be harmfully affected. We have predicted levels of impact that would be significant across important sections of the AONB, marked by well-known and notable features. The TAMO would be an imposing feature affecting key qualities of tranquillity, remoteness, uninterrupted panoramic views. It would maintain a continuous presence in views along the exceptional undeveloped coastline and cause significant harm to the core qualities of the AONB, the NFNP and the way they are experienced’.*

86. In turn for the Purbeck Heritage Coast:

Paragraph 7.3.129 - *‘In its written representation NE stated that significant effects on the Purbeck Heritage Coast will extend from Studland through to the area west of St. Aldhelm’s Head to at least Worbarrow Tout, with moderate visual effects extending further westwards [REP-2900]’.*

Paragraph 7.3.130 - *‘For reasons similar to those applying to the AONB sub-areas A-D, the Panel agrees with NE’s conclusions’.*

#### **4.2.2 Isle of Wight AONB and Tennyson Heritage Coast**

87. With regard to the extent and nature of the impacts to the Isle of Wight AONB, the Examining Authority Report identified that the Panel were not in agreement with the position set out by the applicant. The following extracts from the Examining Authority Report summarise the position of the Panel regarding the effects on the Isle of Wight AONB:

Paragraph 7.3.207 – *‘The applicant claimed [REP-3227] that the Project would "...create some potentially minor alterations" to the three special qualities identified but "only within the views to and from the majestic sea cliffs and sweeping beaches" and "only create minimal effects on the dark skies."’*

Paragraph 7.3.208 – *‘The Panel’s findings are less favourable. While visual changes resulting from the Project would be less apparent from inland portions of the AONB, it would have significant implications on the experience and appreciation of coastal views extending from the Needles to Freshwater, and continuing along the coast southwards. The turbine array would impact in ways that would interfere with views of the chalk cliffs, the long distance views and dark lit skies’.*

88. In turn for the TAMO:

Paragraph 7.4.49 – *‘The Panel’s conclusions are that significant harm would arise from the TAMO’s presence but it would be largely confined to sub-area A1 of the Isle of Wight AONB. Because of the relative proximity to distinctive features such as the Needles and Tennyson Monument and Down and the role they play in the*



*wider visual experience of the AONB, the qualities of the Isle of Wight AONB and Tennyson Heritage Coast would be unacceptably and significantly harmed’.*