



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

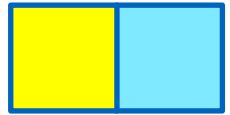
Written Summary of Oral Case

Compulsory Acquisition Hearing 3 on 18th March 2021: Remaining Matters Relating to Compulsory Acquisition and Temporary Possession

Applicants: East Anglia TWO Limited and East Anglia ONE North Limited
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Applicable to **East Anglia ONE North and **East Anglia TWO****



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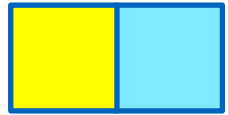
Glossary of Acronyms

AONB	Area of Outstanding Natural Beauty
CAH	Compulsary Acquisition Hearing
CfD	Contracts for Difference
DCO	Development Consent Order
ExA	Examining Authority
ISH	Issue Specific Hearing
HMLR	HM Land Registry
NE	Natural England
NGET	National Grid Electricity Transmission
NGV	National Grid Ventures
NSIP	Nationally Significant Infrastructure Project
SoCG	Statement of Common Ground
SSSI	Site of Special Scientific Interest



Glossary of Terminology

Applicants	East Anglia ONE North Limited and East Anglia TWO Limited
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.
National Grid infrastructure	A National Grid substation, cable sealing end compounds, cable sealing end (with circuit breaker) compound, underground cabling and National Grid overhead line realignment works to facilitate connection to the national electricity grid, all of which will be consented as part of the proposed East Anglia TWO project Development Consent Order but will be National Grid owned assets.
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 project Development Consent Order.
Projects	The East Anglia ONE North project and the East Anglia TWO project.



1 Introduction

1. This document is applicable to both the East Anglia ONE North and East Anglia TWO Development Consent Order (DCO) applications (the Applications), and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23 December 2019. Whilst for completeness of the record this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it again.
2. The Compulsory Acquisition Hearing 3 for the Applications were run jointly and took place virtually on 18th March 2021 at 10:00am (Hearings).
3. The Hearings ran through the items listed in the agendas published by the ExA on 9th March 2021. The Applicants gave substantive oral submissions at the Hearings and these submissions are set out within this note.
4. Speaking on behalf of the Applicants were:
 - Mr Colin Innes, partner at Shepherd and Wedderburn LLP;
 - Mr Stephen Hubner, partner at Shepherd and Wedderburn LLP;
 - Mr Harry Hyde, associate director at Dalcour Maclaren;
 - Mr Brian McGrellis, onshore consents manager at ScottishPower Renewables (SPR); and
 - Mr Kieran Mirner, senior project manager at SPR.



2 Agenda Item 3: The Book of Reference

2.1 Reduction of Order Limits at Work No. 6 (Landfall)

5. As detailed in the **Deadline 7 Project Update Note** (REP7-042), the Applicants have amended the Projects' Order limits at Work No. 6, removing plot 3 at the request of East Suffolk Council. Removal of plot 3 has removed approximately 75m² from the Projects' Order limits. The extent of this is shown in Figure 1 (Appendix 1) to **Deadline 7 Project Update Note** (REP7-042). The Applicants consider this to be a clear non-material change.

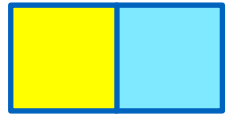
2.2 Hundred River Crossing

6. As detailed in the **Deadline 7 Project Update Note** (REP7-042), through further engagement with the Projects' engineering design team, the Applicants have further reduced the maximum working width of the onshore cable route at the Hundred River crossing to 34m width for a distance of 40m from the banks of the Hundred River. In doing so, the Applicants are seeking to further reduce the impact of the Projects at this location by reducing the area of vegetation / tree clearance required to accommodate the Projects. This refinement is not an amendment to the Order limits, it is merely a refinement within the Order limits which seeks to give further comfort and reduce the likely environmental impact at the Hundred River. The Applicants consider this to be a refinement to the Projects' parameters as opposed to a change to the Applications, however if it is considered to be a change, the Applicants consider this to be non-material.

2.3 Measures Taken to Ensure all Affected Persons are Included in the Book of Reference

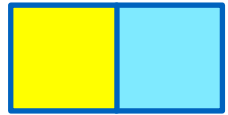
2.3.1 Measures Taken

7. The Book of Reference submitted as part of the Applications was compiled in September 2019 following a title refresh from the HM Land Registry (HMLR) in July 2019. Further refreshes of HMLR documents to identify any updates in the interests associated with a title within the boundary of the scheme were conducted post submission of the Applications on the following dates, 15th November 2019, 19th March 2020, 8th October 2020, 11th February 2021, 25th February 2021 and 18 March 2021.
8. A refresh entails ordering the Land Registry register edition dates (the date the title was amended last) from HMLR and comparing with the edition dates of the latest HMLR register already obtained. For any titles with a more recent edition date, the register would be ordered and the updated information identified and interrogated. Any new or superseded interests identified would then be reflected



within the appropriate parts of the Book of Reference based on the location and nature of their interest.

9. A regular check of the HMLR for any pending applications whereby the edition date would not reflect any update to the title register has been conducted every two weeks since 19th February 2021. This is an ongoing process and involves identifying on the HMLR website those titles with pending applications. These titles are monitored and once there are no further pending applications on the title, the register is ordered and interrogated to confirm the detail of the change.
10. Outside of the formal land referencing process throughout the pre-application phase and during the period since submission, the Applicants' agents (Dalcour Maclaren) have been in discussion with affected parties regarding various matters pertaining to the Projects. During the course of these discussions, Dalcour Maclaren have been made aware of various changes to interests in land within the onshore study area and latterly within the Order limits. These changes have been logged and are reflected in the Book of Reference, where applicable.
11. The Applicants believe that the appropriate level of due diligence has been undertaken to ensure that the Book of Reference does accurately reflect the extent of land rights within the Order land at the point at which it was produced and subsequently updated. However, the process set out above relies on the accurate and timely documentation of rights or proprietorship at HMLR as well as the good will of the parties to whom requests for information have been sent or their appointed representatives to provide or confirm information relating to any private agreements that exist in relation to land.
12. Following the revisions by the Applicants to the Order limits which were submitted at Deadline 1 (***Application for the Inclusion of Additional Land*** (REP1-037)), Regulation 7 Notices were submitted to all interests in the Book of Reference including any additional affected parties identified as result of the changes to the DCO boundary. Any responses from affected parties were recorded. If any additional affected parties were identified as a result of issuing the Regulation 7 Notices, these were recorded and would form part of the Book of Reference submitted at subsequent deadlines. To date, no further affected parties have come forward following the Regulation 7 Notices being sent and erected on site in relation to the additional land included in the Order limits.
13. The Applicants' consultants undertook an initial utilities search within the onshore study area. This was followed up by a secondary search over the PEIR boundary in December 2018 which was undertaken by Dalcour Maclaren using Atkins Utility Solutions. A further search within the DCO boundary was undertaken by Arup during the course of the planning process for an intrusive survey campaign.



The results of the Arup and the Atkins searches were compared and confirmed as showing no discrepancies.

14. Dalcour Maclaren undertook highways searches with Suffolk County Council in June 2019 to confirm the extent of the adopted highway.
15. All land assumed to be adopted highway was subject to unknown owner noticing carried out pre-section 42. Therefore, any gaps that were identified between the extent of adopted highway and registered title through the georeferencing of the highways extent data had already been subject to a period of unknown owner noticing.

2.3.2 Crown Estate

16. Section 135 of the Planning Act 2008 states:

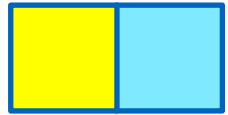
(1) An order granting development consent may include provision authorising the compulsory acquisition of an interest in Crown land only if—

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate Crown authority consents to the acquisition.

(2) An order granting development consent may include any other provision applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision.

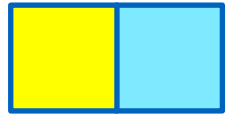
17. The Crown Estate does not own or have any interests in any land within the onshore Order limits. This was confirmed by the Applicants at Deadline 1 in **ExQ1.3.3: Crown Land and Consent** (REP1-123) and again at Deadline 3 in **Written Summary of Oral Case (CAH1)** (REP3-086).
18. The Applicants have sought to include in the draft DCOs provision authorising the compulsory acquisition of an interest in land only in respect of land that is onshore and as is shown on the land plans. As a result it is the view of the Applicants that if the Crown has no interest in the land within the onshore Order limits section 135 does not apply.
19. The Applicants' view is supported by the Crown Estate in a written submission made shortly before CAH3 - see **Correspondence Letter dated 17 March 2021** (AS-101).



3 Agenda Item 4: Remaining Objections from Affected Persons

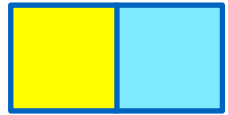
3.1 St Peter's Church Theberton

20. The Applicants' assessment of environmental impacts of the Projects identified that construction traffic associated with the Projects could result in potentially significant impacts upon amenity for residents walking within the village of Theberton.
21. Consequently, a review of the existing footway provision within the village was undertaken to understand if there were areas where permanent improvements could be made to the amenity for residents and which in turn will improve safety for pedestrian in the long term. This review identified a number of gaps in the existing footpath provision, and in response the Applicants have developed measures to improve this.
22. The proposed works address the following:
 - Whilst there is a footway through most of the village, there is a small break to the north west of Church Road. Pedestrians currently wishing to access the northern extents of the village and the Public Rights of Way from Pretty Road must therefore currently walk in the road, which is unsafe. To address this shortfall in existing provision, the Applicants' proposals seek to extend the existing footway on the southern side of the road to a point where pedestrians can safely cross the road and link up with the footway that continues on the northern side of the road. To facilitate this crossing, a small 'landing area' is proposed on the northern side of the road to allow pedestrians to cross perpendicularly.
 - The footway on the northern side of the B1122 currently terminates at Church Road and as such pedestrians must step out into the road to establish if it is safe to cross Church Road to access the Church or continue along Church Road. This is inherently unsafe. The proposals therefore include a small kerb buildout on the eastern side of Church Road to improve visibility and a small area of footway on the western side of Church Road to allow pedestrians to cross Church Road and access the Church without needing to walk in the road.
23. The above measures are not intended to introduce additional public rights of way through St Peters Church, rather are focused entirely on the permanent improvement of pedestrian safety in the village. As works are undertaken on the public highway, no works will be undertaken within the grounds of St Peters



Church, and all works will be subject to the approval of the relevant highway authority.

24. The Applicants have met with Mr Illet (representing St Peters Church) and understand that, based on the clarifications provided, Mr Illet's concerns have been addressed.



4 Agenda Item 5: Compulsory Acquisition and Related Provisions as Presented within the draft Development Consent Orders (dDCOs) and Land Plans

4.1 Extent of Acquisition Sought

4.1.1 The Need for a 70m Wide Cable Corridor for Each Project

25. In general, Applicants are seeking rights over the onshore cable corridor, the width of which is limited to a maximum of 70 metres, to encompass both Projects. The exceptions to this are:

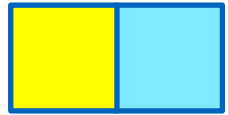
- where a trenchless technique is proposed at the Sandlings SPA;
- where the cables cross the Hundred River;
- areas identified with potential archaeological interests;
- where the onshore cable route starts at the transition bays as their locations are undefined; and
- where a CCS is to be located.

26. Within the onshore cable corridor, the area of land for the onshore cable route for each project will have a typical working width of 32m and this incorporates:

- sufficient spacing between cable trenches to ensure thermal independence;
- room for temporary construction works;
- storage space for excavated material;
- surface water management;
- Temporary PRow diversions; and
- haul road for the safe passage of construction personnel and machinery alongside the cable trench.



27. In relation on the need for 70m cable corridor, if the Projects are built concurrently, or sequentially (but with the ducting for the second project installed concurrently as the Applicants have committed to do (**Project Update Note** (REP2-007))), in order to ensure the Applicants can optimise the onshore cable route for both Projects, common Order limits for the onshore cable corridor have been established. This ensures that during detailed design, consideration can be given to the sharing of temporary works where feasible (such as haul roads, Construction Consolidation Sites (CCS) or drainage infrastructure) whilst retaining the flexibility to microsite each project's infrastructure to reflect ground conditions, ecological or archaeological constraints. The Applicants commitment under a sequential construction scenario to install the ducting for the second project during construction of the first project, reinforces the Applicants' efforts to co-ordinate and optimise the onshore cable construction works and requires both Projects to work together to ensure that they can both be successfully delivered within the onshore cable corridor.
28. Each project requires order limits for a 70m corridor (generally, but subject to variation as noted previously at specific points along the route) notwithstanding that each would carry out works within a 32m working area (other than where this varies as noted previously). If the order limits were reduced and only one project were to proceed this would restrict the ability of the relevant Applicant to site the working area (and eventual route of installed apparatus) to minimise environmental and land use impact. For example, if one project has only a corridor of 40m to the "southerly" boundary of the present order limits, this could mean that if only one project proceeds then the cable may be laid, and land use restricted, through a field rather than against a boundary, which would leave the owner farming a narrow strip of land that could otherwise be avoided. The Applicants have submitted an illustration to show this at Deadline 8 (**in Appendix 2 of the Applicants Responses to Hearings Action Points** (ExA.HA.D8.V1)).
29. Land will be taken on a temporary basis in the first instance, relying on the powers in Article 26 (temporary use of land for carrying out the authorised project) of the **draft DCO** (document reference 3.1). Exercise of powers of compulsory acquisition of land or rights over land will only take place if voluntary agreements have not been concluded and once it has been determined what land is required permanently within the onshore cable corridor and what land requires to be occupied only on a temporary basis.
30. Post construction the permanent rights required to retain and carry out future works to the cables will be restricted to approximately 20m in width. The exceptions to this are:
- where a trenchless technique is utilised; and



- where the maximum width of land required is reduced to 16.1m.

31. The requirement for permanent rights over land of approximately 20m in width for each project is justified on the basis that there would be up to six electrical cables, two fibre optic cables and two distributed temperature sensing cables per project, laid in two trenches within this permanent corridor with sufficient spacing between cable trenches to ensure thermal independence of the cable circuits, plus room for any maintenance or repair works. The width of the land over which permanent rights are sought is comparable with similar schemes.

4.1.2 The Extent of Rights Sought for Realignment of NGET Lines at Moor Farm

32. NGET confirmed that the extent of rights sought for realignment works at Moor Farm are justified as NGET need to ensure they have enough land and flexibility to design the works so that they can carry out works in an efficient manner and, critically, in line with safety practices for working on overhead lines.

33. Once the location of the temporary line is determined and all the locations of the required working areas confirmed, the Applicants can advise the landowner of the extent of temporary possession.

4.1.3 Operational Land at the Substations Site

34. The Applicants note that NGET made oral submissions at the Hearings as to why the Permitted Development rights given to them as a utility company by Parliament should not be removed and referred to their Deadline 6 submission on this point (**Response to ExA's Further Written Questions (ExQ2)** (REP6-110)). It was then agreed that this agenda item would be discussed further at ISH15 held on 19th March 2021. The Applicants have submitted their **Summary of Oral Case (ISH15)** (ExA.SN6.D8.V1) at Deadline 8.

4.1.4 The Bend in the Cable Alignment near Wardens Trust

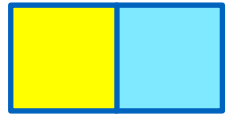
35. In considering the cable alignment to the north of the Landfall, consideration was given to both the Sandlings SPA, residential and sensitive receptors to the east and existing pole mounted overhead line in the area. The Applicants concluded that maintaining a 200m buffer from the Sandlings SPA was required in order to minimise impacts on this European protected site. It was also considered that appropriate mitigation measures could be deployed to minimise impact on residential and sensitive receptors to the east, as secured by the Code of Construction Practice (such as use of acoustic barriers/fencing, reduced speed limits on the haul road and reduction of the working width to 16.1m in the immediate vicinity of the Wardens Hall and amenity field). The alignment also allows the onshore cable route to pass under the existing pole mounted overhead lines perpendicularly (being the preferred mean to cross such infrastructure).



36. The Proposed Onshore Development Area was presented on plans produced as part of the Preliminary Environmental Information Report (PEIR) published for the Applicants' Section 42 consultations. Additionally, to assist consultation, an Indicative Cable Corridor Option was shown on the plan. The legend of this plan clearly advised that this was for illustration purposes only. It should be noted the consultation responses the Applicants received at Section 42 informed the decision to locate the onshore cable route to the west in this location.

4.1.5 Connection at Broom Covert

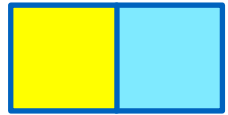
37. In July 2017, EDF Energy advised that the Broom Covert land (or any land associated with the Sizewell C New Nuclear Power Station development) was not available for voluntary acquisition as it was allocated to provide (and was being prepared for) ecological compensation and mitigation for reptiles associated with the Sizewell C New Nuclear Power Station development. The Applicants considered that compulsory acquisition of the land was not feasible given EDF Energy's statutory undertaker status; the importance of this land to the future development of the Sizewell C New Nuclear Power Station; and EDF Energy's position conveyed to the Applicants that it was unable to accept the imposition of compulsory acquisition powers over its land given EDF Energy's need to protect the safety and security of Sizewell B Nuclear Power Station.
38. Further consideration (Phase 3.5 consultation) was given to the Broom Covert site from September 2018 following a request from the Councils and EDF Energy's indication that they may be prepared to release a parcel of land at Broom Covert if suitable alternative mitigation land was identified and delivered by the Applicants and there was no additional risk, cost or programme implications to EDF Energy in the development of the Sizewell C New Nuclear Power Station.
39. This consultation for the Broom Covert site highlighted concerns regarding the likely impacts of the proposed onshore substations on the Suffolk Coast and Heaths AONB and therefore compliance with national policy. Recognising the sensitivity and importance of the Suffolk Coast and Heaths AONB, the Applicants updated **Appendix 4.3** of the Environmental Statement **Suffolk Coast and Heaths AONB Impact Appraisal** (APP-444) and engaged Mr Brian Denney of Pegasus Group as a second expert landscape advisor to audit the Applicants' AONB analysis and provide a further independent view on the AONB.
40. In parallel with Phase 3.5 consultation, the Applicants also considered land requirements; critical path programme; key policy; design / construction; operations; and commercial viability / cost in parallel with the Phase 3.5 consultation. Significant differences between the two substation sites were identified as:



- Presence of Broom Covert, Sizewell within the Suffolk Coast and Heaths AONB, contrary to NPS EN-1¹ and NPPF² policy, presenting a significant consenting risk to the Projects. A suitable alternative outside the Suffolk Coast and Heaths AONB exists (at Grove Wood, Friston) and therefore exceptional circumstances do not exist to site the substations within the AONB.
 - The Broom Covert, Sizewell site is located within the AONB (which is contrary to the NPS EN-1 policy) and siting in the Broom Covert, Sizewell site is likely to result in significant effects on some of the special qualities of the AONB (as set out in an updated **Appendix 4.3** of the Environmental Statement **Suffolk Coast and Heaths AONB Impact Appraisal** (APP-444). This work was also supported by further expert review by Brian Denny of the Pegasus group. The Applicants identified this as a critical issue in determining whether the site might be suitable from a consenting perspective.
 - Significant risk of compulsory acquisition powers not being available to the Applicants at the Broom Covert, Sizewell site (due to the proximity to Sizewell B Nuclear Power Station and Galloper Offshore Wind Farm statutory undertaker land, and the use of the site as reptile mitigation land for the proposed Sizewell C New Nuclear Power Station development).
 - The need to secure replacement reptile mitigation land for the Sizewell C New Nuclear Power Station development on a voluntary basis, without the ability to secure land by compulsory acquisition (as land would need to be secured prior to the Applicants' compulsory acquisition rights being made available to allow its use by EDF Energy).
 - Additional costs incurred in laying an additional 6km cable length to Grove Wood, Friston.
41. Given the need to secure replacement reptile mitigation land for the Sizewell C New Nuclear Power Station development on a voluntary basis only, without the ability to secure land by compulsory acquisition; the timeline that would be required to secure and prepare the land to be suitable for EDF Energy's purposes; the significant pre-consent expenditure required to secure the

¹ Department of Energy and Climate Change (2011), Overarching National Policy Statement for Energy (EN-1), available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

² Ministry of Housing, Communities and Local Government (2019), National Planning Policy Framework, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

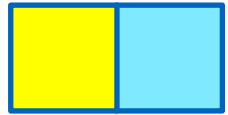


additional mitigation land; and the environmental and policy constraints identified during the Phase 3.5 consultation, the Applicants considered that the acquisition of additional ecological mitigation land was extremely challenging. This was acknowledged by all the parties involved.

42. In conclusion, the Broom Covert, Sizewell site presents policy challenges for consenting which outweigh the increased cost of further cabling to the Grove Wood, Friston site. Specifically, the Broom Covert, Sizewell site is within an AONB and at a sensitive location due to the AONB being both narrow in width and having already had its landscape character influenced and adversely affected by the development of large-scale energy generation and transmission infrastructure in the immediate vicinity. Development, including screening and mitigation, at Broom Covert, Sizewell, is likely to have a significant effect on openness, tranquillity, views and character of the AONB. This erosion of the special qualities and the small scale of this part of the AONB increases its sensitivity to further effects. The Grove Wood, Friston, site lies outside the AONB and is not in a locally designated landscape.
43. It is the Applicants' position, in accordance with policies set out in NPS EN-1 and based on extensive advice and stakeholder engagement that the Grove Wood, Friston site offers the most appropriate option for the siting of the Projects' onshore substations.
44. In the DCO application for SZC, the extent of land use for Receptor Sites at Broom Covert is shown as part for the Reptile Mitigation Strategy. When the Applicants were trying to find a replacement reptile mitigation site, through discussions with SZC, the requirement was 'like for like' in terms of area of land. This is also demonstrated by reference to the final DCO application for SZC and the extent of land required for receptor sites (see for example document SZC APP-255).
45. Document 6.2.4.16 Environmental Statement - Figure 4.16 - East Anglia TWO and East Anglia ONE North Onshore Substation Arrangement within Broom Covert, Sizewell (including NG substation) shows an indicative layout for the onshore substations arrangements at Broom Covert. Notwithstanding the need for temporary working areas to support the construction of the substations in this area, clearly the two plans show there is no opportunity for the co-location of the reptile receptor sites and the onshore substations.

4.1.6 Works Accesses at Aldringham

46. The three options to access onshore cable section 3b are:
 - Direct access off the B1122 Aldeburgh Road at access 5 and 6 (shown on Figure 26.2 - Access Locations and Associated Onshore Infrastructure



(APP-307)), which is estimated to comprise up to 10 two way HGV vehicle movements per day (5 in and 5 out).

- Direct access from Snape Road at access 9 (shown on Figure 26.2 - Access Locations and Associated Onshore Infrastructure (APP-307)); or
- Direct access from Snape Road at access 2 (shown on Figure 26.2 - Access Locations and Associated Onshore Infrastructure (APP-307)).

47. The Applicants have minimised the use of Aldeburgh Road for HGV movements during construction of cable section 3b. As a consequence, in order to ensure the required HGVs and workforce continue to have safe and efficient access to cable section 3b, the Applicants require the above accesses to be available. It is noted that HGVs accessing cable section 3b via access 2 cannot cross the Hundred River as the temporary haul road does not span the river. However, vehicles accessing via access 9 would access the area to the west and east of the Aldeburgh Road.
48. No construction traffic would be permitted to access or egress from access 5 and 6 onto the Aldeburgh Road when the temporary haul road from access 9 is available.
49. Appropriate traffic management measures will be in place to facilitate the use of the accesses (as described within the **Outline Access Management Plan** (document reference 8.10)) and will require approval from the relevant highway authority for the siting, design, layout and any access management measures (including temporary traffic signals) to be utilised to ensure the safety of road users and construction personnel.
50. The Applicants confirmed that as a result of further engagement with potential suppliers and the transport and traffic specialists, the access required at access 5 and 6 (document reference 8.10) can be narrowed to reduce the extent of vegetation to be removed. This is achieved through the primary use of access 9 at Snape Road and the temporary haul road to access the wooded area to the west of Aldeburgh Road and to access the wooded area between Aldeburgh Road and the Hundred River; and the use of temporary traffic signals to manage traffic at this interface with the Aldeburgh Road.
51. The Applicants can confirm that plots 51, 52 and 53 will be used on a temporary basis by non-HGVs for onshore preparation works only.

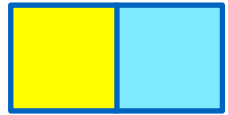
4.1.7 Works at Marlesford

52. Work No. 37 is approximately 12,500m² in size (excluding the highway). Discussions with a potential AIL hauler has indicated that approximately 50% of this area could be utilised to accommodate a storage of a temporary bridge



assembly and associated safe vehicle access, parking and welfare facilities. Micrositing of the temporary facilities will be influenced by ground conditions and flood risk management considerations and the detailed design of the works may allow for further reduction in the land required. The extent of Work No. 37 is required to accommodate the micrositing of the temporary laydown area associated with works at Marlesford Bridge. For instance, the Applicants note that Work No. 37 is within Flood Zone 3a and 3b and is a functional floodplain. The positioning of the temporary laydown area will therefore be influenced by the timing, duration and nature of the works. Ground conditions may also affect the positioning of the temporary laydown area, as could access constraints from the A12.

53. There was discussion at the hearing as how long the rights would be needed for. The rights would be required until the second transformer for the particular project had been delivered to the site and commissioned. The Applicants need the potential delivery route in from the South as a contingency for any availability or technical issues with ports to the North or any issues that might arise in respect of the northern route to site.
54. Mr and Mrs Kenyon were contacted as part of an initial land referencing exercise over land at Marlesford Bridge that fell within the Onshore Study Area which later became the PEIR boundary. In January 2019, Land Interest Questionnaires were issued to both Mr and Mrs Kenyon in relation to their respective land interests and responses provided to the Applicants' appointed agent. During this initial referencing, process separate telephone conversations took place between Mr and Mrs Kenyon and the Applicants' appointed agent. During the course of these conversations the rationale for sending the LIQs was provided as well as background information as to the reason why the Applicants had included land at Marlesford Bridge.
55. Ahead of DCO submission, a letter dated 21st October 2019 was written to Mr Kenyon confirming why the land (now labelled plot 182) was being included in the application. This letter made it clear that once the requirement for the land was confirmed, the Applicants' appointed agents would be in contact to negotiate the required temporary rights to occupy the land. The Applicants' agents later engaged in communication with Mr and Mrs Kenyon's appointed land agent in January 2020 who confirmed that his clients would be willing to enter into negotiations in respect of temporary rights of occupation in due course. Further correspondence with Mr and Mrs Kenyon's appointed agent in relation to non-intrusive surveys has been undertaken during 2020 and the Applicants have agreed a non-intrusive survey licence with Mr Kenyon. With regards to formal consultation, Mr and Mrs Kenyon have received s.42, s.56 and Reg.7 notices.



4.1.8 Justification of Costs to Ofgem as Part of the Evaluation Process

56. Throughout the development and construction of the grid connection elements of the Projects the Applicants have to ensure the design and costs incurred are economic and efficient. This is subject to overview and scrutiny by OFGEM in a process managed by OFGEM (not the Applicants) through the Offshore Transmission process and the ultimate transfer to an OFTO (which is a legal requirement for the Projects). This comprises a staged analysis of the costs. The process starts with an Initial Transfer Value. At this stage a basic review is conducted. The Applicants then have to be able to demonstrate the detail of Indicative Transfer Value. At this stage OFGEM and its advisors conduct a forensic accounting review. This data is used for the initial tender process. The final part of the process is the Final Transfer Value. This provides a further check on the costs incurred. The process is rigorous. Land costs are a component part of the process. All decisions have to be accounted for and documented. This ensures that all cost have to be justified and acts as incentive to minimise the land and compensation costs incurred. The process identified above is designed to ensure compliance with The Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2015 and the identification of the economic and efficient costs in developing and constructing the transmission assets.

4.1.9 Falling Away Provisions

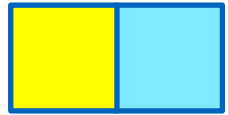
57. The Applicants do not consider it necessary to include “falling away” provisions within the draft DCO. It is not standard to include such provisions within DCOs and the compulsory acquisition provisions within the draft DCO (which are based on the Model Provisions and existing precedent) are limited in terms of the land and rights that can be acquired. The final engineering solutions will be determined post-consent during the detailed design phase, and flexibility is required to ensure the most appropriate solution can be taken forward at that time. In the event that land is found not to be required, compulsory acquisition powers will not be exercised in respect of that land as the compulsory acquisition powers contained within Part 5 of the draft DCO only extend to land or rights that are required for the project. The standard order limits primarily traverse large scale arable fields. The making of the order will not in itself have an impact on the use until required. No landowners have expressed concerns regarding this at any of the compulsory acquisition hearings. The Applicants are at an advanced stage of negotiation with the affected parties and this has not been an issue of concern to them.

58. In addition, powers of compulsory acquisition will subsist for a limited period of time. Once the final optimal engineering solutions and micro-siting of installed apparatus have been determined, and appropriate rights acquired (which the Applicants expect in most cases to be by voluntary agreement), the powers will fall away through expiration of time and the land that is not required will not be burdened or further affected.



4.2 Time Limit for Exercise of Compulsory Acquisition Powers

59. If the Projects commence construction within the five year period, it is still considered necessary for the time limit for the compulsory acquisition powers to be seven years in light of the two stage approach proposed in respect of obtaining cable rights, for example, by taking temporary possession first (to facilitate construction) and then acquiring permanent rights later when there is certainty as to the final location of infrastructure (to facilitate operation). This approach minimises the land over which the permanent rights would be sought as it will enable the Applicants to complete construction works and then acquire permanent rights for a 20m strip of land in which the apparatus is installed rather than potentially having to exercise powers to acquire permanent rights over a 32m strip to carry out such work.
60. The seven year period will also provide additional time to settle private agreements that properly take account of any micro-siting and other issues identified once the full pre-construction investigation programme has concluded, and works have been carried out, thereby potentially reducing the need to exercise the compulsory acquisition powers.



5 Agenda Item 6: Statutory Conditions and General Principles

5.1 Reasonable Alternatives to Compulsory Acquisition and Temporary Possession

5.1.1 Bramford

61. The land at Bramford is owned by ScottishPower Renewables (SPR), although it was initially expected to accommodate three substations and there is an insufficient amount of land for the siting of a fourth substation. At the time of the original grid connections there was no identified grid capacity in the Leiston area. The fact that connection capacity became available resulted in the review of connection options.
62. There are a number of constraints that the land owned by SPR is subject to, including overhead lines, other undertakers' apparatus and areas required for planting for East Anglia ONE and East Anglia THREE projects.
63. When SPR investigated the Bramford substation site, due to the constraints on site, it was identified that there would have been a need to incorporate land not in the ownership of SPR and where compulsory acquisition powers would be needed and would have to be applied for.
64. A new 37km cable route for the Projects, outwith the Order limits or easement corridor of EA1/3 was investigated. The cable route was to run primarily in parallel to East Anglia ONE and East Anglia THREE although several pinch points had been identified, making necessary long deviations for the East Anglia ONE and East Anglia THREE route necessary.
65. This 37km cable route passes through three statutory designated sites, the Bawdsey Cliff SSSI, the Deben Estuary SPA/RAMSAR/SSSI (required to be crossed at two points) and approximately 6km through the Suffolk Coast and Heaths AONB.
66. As Mr Green advised earlier in the examination a key cost issue for HVAC technology is the length of the cable routes. The Bramford connection is four times as long and involves a number of complex crossings. In contrast to the Bramford Connection, the Leiston Connection is the most economic and efficient connection option. Cost is a key issue and this is reflected in the Energy White Paper at page 45. The Strike price for projects becoming operational in 2017 was £150/MWh and by the time of the 2019 auction this had dropped to £40/MWh. This is only achievable by driving every efficiency. The Government want to



deliver decarbonisation at as low a cost as possible. See page 46 for confirmation of that.

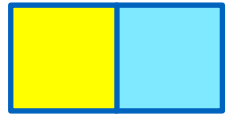
67. SASES have suggested the Projects connect to Bramford using a single, 1700MW bipole HVDC connection.
68. Currently, maximum capacity for an HVDC link is 1320MW and this has been confirmed through extensive discussions with the supply chain in relation to the East Anglia THREE project. The Applicants have direct experience of engaging with the HVDC supply chain and their information is therefore up to date.
69. As the combined capacity of the Projects is 1700MW, in order to connect the Projects via an HVDC connection, two circuits would be required – that means two offshore substations, two sets of export cables and two onshore convertor stations – one per project.
70. The bipole HVDC technology suggested by SASES therefore doesn't work as a 1700MW connection requires two circuits, regardless of HVAC or HVDC technology as the current limit is 1320MW. The Applicants do not accept that stepping up of capacity is minor technology development. It is not available.

5.1.2 Bradwell

71. The 'initial options appraisal' considered the potential connection locations, with Bradwell being one, this involved on a high-level assessment of programme, construction complexity, land availability, environmental / consenting issues and cost. Bradwell was considered unviable and discontinued as it requires extension of an overhead line which would result in significant consenting and environmental challenges. The connection would not be available in the Applicants' required timescale.

5.1.3 Old Leiston Airfield and Harrow Lane, Theberton

72. The Applicants' site selection study area extended 1km either side of the overhead line route in Sizewell. The both of these sites proposed by SASES are both over 3km from the overhead line. The "alternatives" are not really alternatives as no landfall locations have been identified and as outlined below no cable routes have been identified.
73. The requirement to be close to the overhead line comes from the National Grid substation which needs to be very close to it for its T-in substation. This a key difference between these Projects and NGV.
74. The East Anglia ONE North and East Anglia TWO substations are looking to be located as close to the National Grid substation (a few hundred meters) as the 400kV interconnecting cables are proportionally more expensive than the 220/275kV cables.



1. From the Theberton site, connection to the existing 400kV lines would require routeing of 400kV overhead lines or a significantly wider underground cable corridor than currently proposed (to accommodate the 400kV cabling) to the north through the EDF mitigation land at Broom Covert, Leiston Common, Sizewell Marshes SSSI and several woodlands (as there would be a need to avoid the wetland created as SZC mitigation at Aldhurst Farm), routeing to the north of Leiston Abbey to the site and then from the substation south to the overhead lines crossing multiple roads and the railway. Alternatively, using the Projects cable route and doubling back to the existing overhead lines to connect in (adding a likely further 4-5km of cable route, crossing multiple roads, the railway and needing to avoid multiple properties).
75. Running extra cables to and from a location this far from the connection to the overhead line requires more onshore construction works, costs, system losses and impacts transmission capacity.
76. Key issues identified with Leiston Airfield include:
 - proximity of residential properties and proximity of caravan park (both within 250m);
 - proximity of Leiston Abbey (Grade I listed);
 - the openness of the landscape and views in/across it from surrounding country roads
 - general absence of existing and well established screening with just some smaller strips of shelterbelt on site.
 - Theberton village is also within 1km to the north-east.

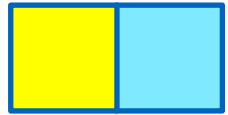
5.2 Whether Rights to be Acquired are Necessary and Proportionate

77. Under this agenda item, Mr Mahony queried the use of Plot 114 and whether it is necessary. Plot 114 is situated in land that is affected by both Work No. 33 and Work No. 34. Work No. 34 is the formation of a new operational access road to the onshore substations. Work No. 33 is landscaping works including bunding and planting together with drainage works, sustainable drainage system ponds, surface water management systems, formation of footpaths and access. As such the use of Plot 114 and the extent of the plot is appropriate



6 Agenda Item 7: Review of the CA Schedule and Related Matters

No. CA and TP Objections	Split	Breakdown	CAH Speaking note
46	20 affected parties where agreement in respect of land rights is being sought by the Applicant.	12	Agreement has been reached on Heads of Terms and template option agreements. Option agreements remain subject to legal completion
		6	Heads of Terms are actively being negotiated and it is hoped that these discussions will result in agreement and the instruction of solicitors to progress towards legal completion. 2 of these agreements are being prevented from progressing as a result of the land being in probate.
		2	Attempts to engage in negotiations have been made by the Applicant but not reciprocated.
	26 affected parties where agreement in respect of land rights is not being sought by the Applicant,	26	No agreement in respect of land rights is being sought by the Applicant from these parties. These parties largely fall into Category 2, being beneficiaries of rights over land within the Order Limits. The Applicant proposes to use all reasonable endeavours to cause as little disturbance to these rights as possible. With regards to matters pertaining to private tenancies or grazing agreements these will be resolved through agreement with the land owner as landlord.



7 Agenda Item 8: Funding

7.1 Funding Options

78. The Applicants have not determined how the Projects would be financed. This is a decision which would not be taken until the Final Investment Decision.
79. In that context the full range of options remain potentially available. This could include power purchase agreements bidding into future CfD rounds or other financial arrangements.
80. The Applicants welcome the recent announcements made by BEIS regarding the future Allocation Round 4 (AR4) to take place towards the end of 2021 and in particular the commitment to double the capacity supported. The Energy White Paper³ confirms that this would subject to sufficient projects coming forward. The Applicants intention would be for the Projects to bid into AR4. This is reflected in the Applicants engagement with the supply chain and also bringing forward the grid connection dates.

7.2 Updates to the Funding Statement

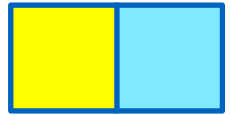
81. The initial estimate was done in May 2019 and at the time the relationship with the landowners and their representatives was at an early stage and multiple assumptions had to be made.
82. At the time, there was a reluctance to divulge commercially sensitive information such as the detail of contracts, cropping rotations and gross margins.
83. Since then, by working with the landowners and occupiers of a range of matters and through detailed discussions, the Applicants have an improved understanding of the farming operations and commercially sensitive information has been shared.
84. To ensure robust applications, the estimates for the Funding Agreements for the Projects were reassessed and an updated **Funding Statement** (REP7-015) was submitted at Deadline 7.

³ Secretary of State for Business, Energy and Industrial Strategy (2020), The Energy White Paper – Powering our Net Zero Future, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf



8 Agenda Item 9: Statutory Undertakers

85. As general overview, in relation to any representations made by statutory undertakers with land or rights to which section 127 of the Planning Act 2008 applies:
- Cadent Gas Limited. Agreement has been reached and their representation has been withdrawn.
 - Anglian Water Group Limited We have agreed protective provisions. A draft SoCG was submitted at either deadline 6. A final SoCG will be submitted at deadline 8.
 - Network Rail Infrastructure Limited. Draft agreements are in a final form. The Applicants just need to sign and complete these and Network Rail have advised they will withdraw their representation at that point.
 - Eastern Power Networks PLC. Although their representation was received later in the process, the Applicants are progressing with the negotiations for compromise and asset protection agreements.
 - National Grid Electricity Transmission plc. The protective provisions are in final form. The side agreement is substantially agreed and is pending completion.
86. Of the statutory undertakers identified to which section 138 applies, in respect of National Grid Electricity Transmission plc and Eastern Power Networks PLC the update is above. The other statutory undertakers identified have not made representations or responded to the Applicants' endeavours to engage.
87. Protective provisions are included for the protection of EDF Energy Nuclear Generation Limited in Part 7 of the **draft DCO**.
88. The protective provisions contained within the draft DCO submitted at Deadline 8 are agreed subject to the conclusion of a side agreement which is in an agreed form and is in the process of being signed. .
89. The Applicants expect to be able to conclude the side agreement before the close of the Examination.
90. Protective provisions have been included for the protection of NNB Generation Company (SZC) Limited in Part 8 of the **draft DCO**.



91. The protective provisions are in an agreed form but are subject to the conclusion of a side agreement which is currently being negotiated.
92. The Applicants expect to be able to conclude the side agreement before the close of the Examination.



9 Agenda Item 10: Human Rights and the Public Sector Equality Duty (PSED)

93. The Applicants note that this agenda item was predominantly dealt with alongside other agenda items in the Hearings.
94. The Applicants have responded to the matters raised in oral submissions at the Hearings by Ms Tessa Wojtczak at CAH3 Action Point 13 of their ***Response to Hearing Action Points (ISH14, CAH3 and ISH15)*** (ExA.HA.D8.V1) and the ***Applicants' Comments on Written Representations Regarding the Landfall Hydrogeological Risk Assessment*** (ExA.AS-26.D8.V1).