



SCOTTISHPOWER  
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# East Anglia ONE North Offshore Windfarm

## Statement of Reasons

Applicant: East Anglia ONE North Limited

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**Applicable to**  
**East Anglia ONE North**



## Glossary of Acronyms

CCC	Committee on Climate Change
CCS	Construction consolidation site
CfD	Contract for Difference
DBEIS	Department for Business, Energy and Industrial Strategy
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
EC	European Commission
HDD	Horizontal directional drilling
HGV	Heavy Goods Vehicle
NSIP	Nationally Significant Infrastructure Project
SCC	Suffolk County Council
SPA	Special Protection Areas
SPR	ScottishPower Renewables (UK) Limited
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage System
UNFCCC	United Nations Framework Convention on Climate Change
VWPL	Vattenfall Wind Power Limited



## Glossary of Terminology

Applicant	East Anglia ONE North Limited.
Cable sealing end compound	A compound which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Cable sealing end (with circuit breaker) compound	A compound (which includes a circuit breaker) which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Construction consolidation sites	Compounds associated with the onshore works which may include elements such as hard standings, lay down and storage areas for construction materials and equipment, areas for vehicular parking, welfare facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure.
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
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 ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Inter-array cables	Offshore cables which link the wind turbines to each other and the offshore electrical platforms, these cables will include fibre optic cables.



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.
Meteorological mast	An offshore structure which contains metrological instruments used for wind data acquisition.
Mitigation areas	Areas captured within the onshore development area specifically for mitigating expected or anticipated impacts.
Marking buoys	Buoys to delineate spatial features / restrictions within the offshore development area.
Monitoring buoys	Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.
National electricity grid	The high voltage electricity transmission network in England and Wales owned and maintained by National Grid Electricity Transmission
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 ONE North project Development Consent Order but will be National Grid owned assets.
National Grid overhead line realignment works	Works required to upgrade the existing electricity pylons and overhead lines (including cable sealing end compounds and cable sealing end (with circuit breaker) compound) to transport electricity from the National Grid substation to the national electricity grid.
National Grid overhead line realignment works area	The proposed area for National Grid overhead line realignment works.
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed 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 ONE North project Development Consent Order.
National Grid substation location	The proposed location of the National Grid substation.



Natura 2000 site	A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive.
Offshore cable corridor	This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.
Offshore development area	The East Anglia ONE North windfarm site and offshore cable corridor (up to Mean High Water Springs).
Offshore electrical infrastructure	The transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.
Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the offshore electrical platforms to the landfall. These cables will include fibre optic cables.
Offshore infrastructure	All of the offshore infrastructure including wind turbines, platforms, and cables.
Offshore platform	A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.
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 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 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 ONE North project.
Platform link cable	Electrical cable which links one or more offshore platforms. These cables will include fibre optic cables.
Safety zones	A marine area declared for the purposes of safety around a renewable energy installation or works / construction area under the Energy Act 2004.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.
Transition bay	Underground structures at the landfall that house the joints between the offshore export cables and the onshore cables.
Trenchless technique	A method of installation that allows ducts and cables to be installed under an obstruction without breaking open the ground and digging a trench (examples of such techniques include horizontal directional drilling, thrust boring, auger boring and pipe ramming).



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# Statement of Reasons

## 1 Introduction

1. This Statement of Reasons (this “Statement”) has been prepared in relation to an application (“the Application”) for development consent made by East Anglia ONE North Limited (“the Applicant”) to the Secretary of State under the Planning Act 2008 (“the 2008 Act”) for powers to construct and operate an offshore electricity generating station and associated development, known as the East Anglia ONE North Offshore Windfarm (“the Project”).
2. The Project is an offshore windfarm with a planned capacity of over 100MW and is therefore considered to be a Nationally Significant Infrastructure Project (“NSIP”) under the 2008 Act. The Project also comprises a second NSIP, namely, National Grid overhead line realignment works in order for electricity generated by the offshore windfarm to be connected to the national electricity grid.
3. It has therefore been necessary for the Applicant to apply to the Secretary of State for a development consent order (“the Order”) under the 2008 Act to construct, operate, maintain and decommission the Project.
4. The Project comprises an offshore generating station of up to 67 wind turbines together with associated development which includes up to four offshore electrical platforms, an offshore construction, operation and maintenance platform, a meteorological mast and offshore electrical infrastructure and onshore infrastructure connecting the offshore electrical platforms to a new onshore substation at Grove Wood, Friston, together with a new National Grid substation and National Grid overhead line realignment works.
5. The Application is seeking development consent for the Project, and is also seeking powers of compulsory acquisition of land and rights over land in order to develop the Project. This Statement has been prepared to accompany the Application in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Communities and Local Government Guidance ‘Planning Act 2008: Guidance related to procedures for compulsory acquisition’, September 2013 (“Compulsory Acquisition Guidance”) (DCLG, 2013a).
6. In order to deliver the Project, the Applicant is seeking the acquisition of a combination of freehold ownership and permanent rights, and the temporary use of land to the exclusion of other users. This Statement explains why the powers of compulsory acquisition sought in the draft Order are necessary and





justified and demonstrates that there is a compelling case in the public interest for the grant of compulsory acquisition powers.

~~7. This updated version of the Statement of Reasons is being submitted to reflect some clarifications to plot descriptions raised at Compulsory Acquisition Hearing 3.~~

7. This updated version of the Statement of Reasons is being submitted to support the Applicant's request to amend the Order limits over a short section of Work No. 9 within Plot 13 (**Change Request Amendments to Order Limits (Work No. 9)** (ExA-AS-1.D9.5.V1)). Through further engagement with the Project's design teams, the Wardens Trust, Natural England and other relevant stakeholders, the Applicant has been able to revise the alignment of the onshore cable corridor to provide an increased separation distance between the onshore cable corridor and the Wardens Trust property whilst maintaining an appropriate separation distance from the Sandlings Special Protection Area (SPA) and avoiding any additional interference with Eastern Power Networks' existing overhead lines in the vicinity. Whilst additional land is proposed to be included within the Order limits at Plot 13, there are no new affected persons as the affected landowner owns the land within existing Plot 13 forming part of the Order limits. Furthermore, the Applicant has consulted with the affected landowner and has obtained the landowner's consent to the inclusion in the Application of provisions authorising compulsory acquisition of the additional land. The Applicant has also obtained the consent of Eastern Power Networks who are an existing affected person and who have a right of access over the additional land.

8. This Statement should be read alongside the other documents accompanying the Application. In relation to the compulsory acquisition powers sought as part of the Application, this Statement should be considered together with the following documents:

- The Funding Statement (an updated version has been submitted at Deadline 7, document reference 4.2) which contains an explanation of how the proposals contained in the Order for compulsory acquisition will be funded;
- The Land Plans (an updated version has been submitted ~~at Deadline 7~~ alongside this updated Statement of Reasons, document reference 2.2) which shows the land over which it is intended to use the compulsory acquisition powers;
- The Book of Reference (an updated version has been submitted ~~at Deadline 7~~ alongside this updated Statement of Reasons, document reference 4.3)



containing details of all owners, lessees, tenants and occupiers, those with other interests in the land and those entitled to make relevant claims.

9. The land required for the purposes of the Project is referred to as the “Order Land” and is described in more detail in Section 3 of this Statement and shown outlined in red on the Land Plans.
10. The structure of this Statement is set out below:
  - A description of the Applicant and its purpose in seeking to acquire the Order Land for the Project including brief details of the wider project for which development consent is sought (Section 2);
  - A description of the Order Land (Section 3);
  - Ownership of the Order Land (Section 4);
  - Interaction with East Anglia TWO (Section 5);
  - Statutory authority for compulsory acquisition (Section 6);
  - The scope of the proposed compulsory acquisition and the Applicant’s justification for it (Section 7);
  - Human Rights considerations (Section 8);
  - Details of relevant policy in support of the Application (Section 9);
  - Any special considerations affecting the land to be compulsorily acquired (Section 10);
  - Other powers being sought under the Order which may interfere with property rights or interests (Section 11);
  - Details of other consents required for the implementation of the Project (Section 12);
  - Any other information of interest to someone affected by the Order (Section 13).
11. This Statement explains and justifies the inclusion of powers of compulsory acquisition in the Order.



## 2 The Applicant and the Project

12. The Applicant is a wholly owned subsidiary of ScottishPower Renewables (UK) Limited (“SPR”) and has been incorporated to develop the Project.
13. SPR is an indirect wholly owned subsidiary of Iberdrola, S.A., a Spanish public listed company (“Iberdrola”). Iberdrola Group is one of the world’s largest integrated utility companies and a world leader in wind energy.
14. SPR is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world’s largest integrated utility companies and a world leader in wind energy. ScottishPower now only produces 100% green electricity – focusing on wind energy, smart grids and committed to speeding up the transition to cleaner electric transport, improving air quality and over time, driving down bills to deliver a better future, quicker for everyone.
15. SPR is at the forefront of the development of the renewables industry through pioneering ideas, forward thinking and outstanding innovation. Its ambitious growth plans include expansion of its existing onshore wind portfolio, investment in new large scale solar deployment and innovative grid storage systems including batteries. With over 40 operational windfarms, SPR manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.
16. In 2010, The Crown Estate announced the successful bidders to the Round 3 offshore windfarm zones. A 50:50 joint venture between SPR and Vattenfall Wind Power Limited (VWPL) was successful in securing, what was later to be called, the East Anglia Zone. After successfully obtaining consent and a Contract for Difference (CfD) for East Anglia ONE, and successfully submitting the application for consent for East Anglia THREE (now consented), SPR and VWPL split the zone. SPR is now solely responsible for East Anglia THREE, the proposed East Anglia TWO project and the proposed East Anglia ONE North project. SPR also has a majority share in East Anglia ONE and is responsible for the construction, operation and maintenance of the project. The Zone is referred to as the former East Anglia Zone.
17. SPR has completed construction of the 714MW East Anglia ONE offshore windfarm approximately 43km off the coast of Suffolk. This £2.5 billion project is planned to deliver renewable energy to meet the equivalent annual demand of 630,000 homes<sup>1</sup> and is now fully operational. SPR has also invested £25 million in Associated British Ports’ Hamilton Dock, in Lowestoft, with the

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<sup>1</sup> Calculated taking the number of megawatts (714) multiplied by the number of hours in one year (8,766), multiplied by the average load factor for offshore wind (33.36 %, published by the Digest of United Kingdom Energy Statistics), divided by the average annual household energy consumption (3.781 MWh), giving an equivalent of powering 634,997 homes.



construction of a state-of-the-art operations and maintenance base which was completed at the end of 2019. Once operational, the hub will be a hive of activity with 100 full-time employees managing the day-to-day running and maintenance for East Anglia ONE.

18. This project will be followed by the 1,400MW East Anglia THREE offshore windfarm which received development consent in August 2017. Building on the first project within the East Anglia portfolio, SPR plans to bolster its long-term commitment to the East Anglia region by developing the East Anglia Hub which combines three offshore wind farm projects; East Anglia ONE North, East Anglia TWO and the already consented East Anglia THREE into a single procurement and delivery programme. SPR has set up special project companies; East Anglia TWO Limited and East Anglia ONE North Limited and these project companies are now formally progressing development of the proposed East Anglia TWO and proposed East Anglia ONE North projects.
19. East Anglia ONE North would be principally comprised of offshore wind turbines and their foundations and associated development including offshore electrical platforms and a construction, operation and maintenance platform, offshore export cables, onshore cables and an onshore substation, together with a National Grid substation and National Grid overhead line realignment works.
20. The East Anglia ONE North offshore windfarm site (within which the wind turbines and offshore platforms will be located) is located approximately 36km from the port of Lowestoft and 42km from Southwold and covers an area of approximately 203km<sup>2</sup>. Offshore export cables will bring electricity from offshore electrical platforms to landfall located north of Thorpeness in Suffolk. Onshore cables will bring electricity from landfall to a new onshore substation in the vicinity of Grove Wood, Friston and will then connect into National Grid infrastructure to include a new National Grid substation and National Grid overhead line realignment works.
21. A detailed description of the Project is provided in the Environmental Statement (APP-049 to APP-079) and in particular in Chapter 6 Project Description (APP-054).



### 3 Description of the Order Land

22. The Order Land represents the land required for the onshore infrastructure associated with the Project, which in summary comprises:
- Works at the landfall where the offshore cables are brought onshore and jointed to the onshore cables;
  - Onshore cables which will be located within an onshore cable corridor and which will bring electricity from landfall to a new onshore substation;
  - Onshore substation;
  - National Grid infrastructure which will include a National Grid substation and National Grid overhead line realignment works.
23. The onshore cable corridor is an approximately 70m wide swathe within which the onshore cable route working width of 32m will be located. The onshore cable corridor runs approximately 9km from landfall to the onshore substation.
24. The typical 32m working width would be reduced to 16.1m when crossing the woodland to the west of Aldeburgh Road, woodland to the east of Aldeburgh Road, the Leiston – Aldeburgh SSSI / Sandlings SPA (in the event that open trenching is used for this crossing) and when crossing important hedgerows specified in Part 2 of Schedule 11 of the Order. This would be achieved by applying a range of special engineering techniques.
25. The typical 32m working width would be widened to 34m to cross the Hundred River and to 90m if a trenchless technique is utilised to cross the Leiston – Aldeburgh SSSI / Sandlings SPA. Where the cables are within 418m of a transition bay, the working width of the onshore cable corridor will not exceed 190m. This will allow cables to converge from the two transition bay locations.
26. From the point of landfall to the onshore substation, the onshore cable corridor runs as follows:
27. Commencing at the transition bay north of Thorpeness, the onshore cable route runs in a northern direction for approximately 1.5km through agricultural land (comprising small irregular shaped fields) parallel to the edge of the Leiston – Aldeburgh SSSI / Sandlings SPA and coastline. Approximately 1.5km from the landfall, the onshore cable route turns in a western direction and crosses the Leiston – Aldeburgh SSSI / Sandlings SPA.
28. After crossing the SSSI / SPA, the route runs in a southwesterly direction for approximately 2km, through agricultural land.



29. The onshore cable route crosses the B1353 Thorpeness Road and continues in a southwesterly direction to the crossing point of the Hundred River; and then turns immediately west to the crossing point of the B1122 Aldeburgh Road. This section of the onshore cable route crosses agricultural land, grazing land and a wooded area.
30. On crossing the B1122 Aldeburgh Road, the onshore cable route runs westward through woodland to the north of Fitches Lane for approximately 175m and through an agricultural smallholding for approximately 100m. It should be noted that the onshore development area has been narrowed at this point to minimise the interaction with woodland and potential environmental impacts.
31. After passing through the woodland belt the route continues in a westerly direction for approximately 1km passing through agricultural fields, travelling south of Coldfair Green until the crossing point of Sloe Lane and, further west, the crossing point of the B1069 Snape Road.
32. From the crossing of the B1069 Snape Road, the onshore cable route turns in a northwesterly direction for approximately 1.5km crossing more agricultural fields until the crossing point of Grove Road before turning immediately north for approximately 300m before reaching the proposed East Anglia ONE North substation location. During this final section, the route travels across agricultural land.
33. To facilitate construction, temporary vehicular access will be required at points along the onshore cable corridor. In addition, temporary construction consolidation sites will be required for the storage of materials and equipment and to house site administration and welfare facilities for the labour resources.
34. A new onshore substation will be constructed in the vicinity of Grove Wood, Friston to allow connection into the National Grid transmission network facilitated by new National Grid infrastructure including a new National Grid substation and National Grid overhead line realignment works to be owned and operated by National Grid which will also be located in the vicinity of Grove Wood, Friston.
35. The land that is to be subject to the powers of compulsory acquisition is shown on the Land Plans (an updated version has been submitted ~~at Deadline 7~~ [alongside this updated Statement of Reasons](#), document reference 2.2), with the proposed uses of the Order Land shown on the Works Plans (an updated version has been submitted ~~at Deadline 7~~ [alongside this updated Statement of Reasons](#), document reference 2.3.2).
36. The Order Land is predominately agricultural, the majority of which is arable and a small amount of grazing pastures. The landfall area and the land affected by



the onshore cable route consists of Agricultural Land Classifications Grade 2, Grade 3 and Grade 4. The onshore substations and National Grid infrastructure land consists of Agricultural Land Classifications Grade 2 and Grade 3. There are also areas of 'non-agricultural' land, comprised of woodland and small waterbodies. The largest urban areas within, or adjacent to, the onshore development area are Thorpeness, Leiston, Aldringham, Friston, Knodishall and Coldfair Green.



#### 4 Ownership of the Order Land

37. The Book of Reference identifies those persons with an interest in the Order Land. Land is held by a number of individuals, corporations and companies. For all plots the Applicant has sought to obtain details of the relevant interests in land and has served notices under Section 42 of the 2008 Act on owners, lessees, tenants and occupiers as well as those holders of rights over land it has identified.
38. Where the owner of interests in land or beneficiary of rights has not yet been ascertained after diligent inquiry, the Applicant will continue to seek details of the relevant party and will post site notices asking for details of the additional beneficiaries.
39. All known principal owners of the Order Land have been approached and engaged in dialogue to ascertain if they would be willing to reach agreement with the Applicant for the use of their land by way of negotiated easements for the construction and maintenance of the cable route (and in respect of the substation site, for freehold acquisition).





## 5 Interaction with East Anglia TWO

40. SPR, via its project companies, is currently developing the East Anglia ONE North project in parallel with another project in the former East Anglia Zone, the East Anglia TWO project. Separate DCO applications for the proposed East Anglia TWO and East Anglia ONE North projects are being submitted. The onshore development area, which includes landfall area, cable corridor and substation site, has been developed to allow for the construction of both the East Anglia TWO and East Anglia ONE North projects. At this stage it is not known whether both projects would be constructed simultaneously or sequentially.
41. Onshore it is proposed that both projects share the same order limits which are typically 70m in width and within these limits the typical 32m individual project working widths would be located. Consultation with key stakeholders has confirmed this is an appropriate approach. 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.
42. With regard to onshore transmission works, both East Anglia ONE North and East Anglia TWO will have its own dedicated onshore substation and cables, contained within a discrete, typically 32m, working width. The substations will be located adjacent to one another, as would the working width (subject to micrositing within limits of deviation which may cause minor divergences of the working width within the order limits).
43. Where a sequential construction scenario is implemented, the first project will effectively define the route for the second project within the 70m order limits. In this scenario pre construction surveys will determine the route for both projects, with each project taking its own easement within the 70m order limits. As a result of this approach SPR require rights over the 70m order limits for both projects in order that neither project or landowners are prejudiced. This demonstrates a combined approach to developing in Suffolk, where commercially appropriate, given the projects are co-located yet distinct and separate projects.



44. At Deadline 2 (**Project Update Note** (REP2-007)), the Applicant committed that should both East Anglia ONE North and East Anglia TWO be consented and then built sequentially, when the first project goes into construction, the ducting for the second project will be installed along the whole of the onshore cable route in parallel with the installation of the onshore cables for the first project. This will include installing ducting using HDD at the landfall for both projects at the same time.
45. Both projects require the National Grid connection works (i.e. the National Grid substation, overhead line realignment works and sealing end compounds etc.) in order to connect to the grid. The National Grid connection works included within the applications are of a size and scale that is necessary to enable the connection of the East Anglia TWO project and/or the East Anglia One North project only. It is anticipated that this infrastructure will ultimately be owned and operated by National Grid however the intention is that such works are consented under both DCOs but will only be built out under one.
46. This approach is necessary as the National Grid works are integral to both projects in order to allow the projects to export the electricity generated to the grid. If such works are only included within the DCO for one project and that project fails to obtain consent then the other project would not be able to connect to the grid without obtaining further consents. Similarly, if the National Grid connection works are only included in one DCO and the project comprised within that DCO is unsuccessful in the CfD process but the other project is successful, then that will also cause issues for the project without the consented National Grid works.
47. The interaction between the projects will be governed by protective provisions.



## 6 Relevant Statutory Authority

### 6.1 Statutory Authority for Compulsory Acquisition

48. Section 120 of the 2008 Act prescribes those matters which may be provided for in an order granting development consent (a “DCO”). In particular, a DCO may impose requirements in connection with the development for which consent is granted. Section 120(3) and 120(4) go on to provide that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. The matters in respect of which provision may be made include (but are not expressly limited to) the matters listed in Schedule 5 to the 2008 Act, which include:

- The acquisition of land, compulsorily or by agreement;
- The creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement; and
- The payment of compensation.

49. Section 122 of the 2008 Act provides that a DCO may include provision authorising compulsory acquisition of land, only if the Secretary of State is satisfied that:

- The land is required for the development to which the development consent relates;
- The land is required to facilitate or is incidental to that development; or
- The land is replacement land which is to be given in exchange for commons, open spaces etc. forming part of the Order Land.

50. Section 122(3) states that it is also necessary for the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily.

51. In addition to the statutory requirements above, the Compulsory Acquisition Guidance details some general considerations for the justification of compulsory acquisition powers within a DCO. An applicant for compulsory acquisition powers should be able to demonstrate:

- That all reasonable alternatives to compulsory acquisition have been explored.
- That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and is necessary and proportionate.



- That it has a clear idea of how the land is intended to be used;
  - That there is a reasonable prospect of the requisite funds for acquisition becoming available.
52. The Compulsory Acquisition Guidance provides that the Secretary of State must ultimately be persuaded that the purposes for which a DCO authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and Article 8 of the Convention in respect of residential properties.
53. The Compulsory Acquisition Guidance also makes specific provision in respect of the application of Section 122 of the 2008 Act. It provides that:
- In the case of land required for a project to which the development consent relates, the applicant must be able to demonstrate that the land is needed for the development and the Secretary of State must be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development; and
  - In the case of land required to facilitate or land incidental to the proposed development, the land to be taken should be no more than is reasonably necessary for that purpose and that it is proportionate.

## 6.2 Approach to Associated Development

54. Section 115 of the 2008 Act enables development consent to be granted not only for an NSIP, but also for “associated development”. In determining what comprises associated development, the Secretary of State will have regard to the Department for Communities and Local Government ‘Planning Act 2008: Guidance on associated development applications for major infrastructure projects’, April 2013 (“Associated Development Guidance”) (DCLG, 2013b).
55. The Associated Development Guidance provides that it is for the Secretary of State to decide on a case by case basis whether or not development should be treated as associated development. In making this decision, the Secretary of State will take into account the following core principles:
- “(i) *The definition of associated development, as set out in paragraph 3 above, requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts;*



- (ii) *Associated development should not be an aim in itself but should be subordinate to the principal development.*
- (iii) *Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. This does not mean that the applicant cannot cross-subsidise, but if part of a proposal is only necessary as a means of cross-subsidising the principal development then that part should not be treated as associated development.*
- (iv) *Associated development should be proportionate to the nature and scale of the principal development. However, this core principle should not be read as excluding associated infrastructure development (such as a network connection) that is on a larger scale than is necessary to serve the principal development if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project. When deciding whether it is appropriate for infrastructure which is on a larger scale than is necessary to serve a project to be treated as associated development, each application will have to be assessed on its own merits. For example, the Secretary of State will have regard to all relevant matters including whether a future application is proposed to be made by the same or related developer as the current application, the degree of physical proximity of the proposed application to the current application, and the time period in which a future application is proposed to be submitted.”*

56. The Associated Development Guidance states that it is expected that associated development will, in most cases, be typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support it, for example a grid connection for a commercial power station. The Associated Development Guidance goes on to list examples of associated development specific to offshore generating stations and includes onshore substations, harmonic filter compounds, overhead/underground lines, jointing pits, sealing end compounds, sea/land cable interface buildings and structures, converter stations and associated storage, facilities for additional sub-sea cables to offshore platforms and additional circuit breakers or circuit breaker bays on offshore platforms.
57. The associated development for which the Order seeks authorisation includes up to four offshore electrical platforms, an offshore construction, operation and maintenance platform, a meteorological mast, offshore export cables, onshore cables and associated infrastructure such as transition bays and jointing bays, and a new onshore substation at Grove Wood, Friston as well as works



associated with the National Grid overhead line realignment works, such as the new National Grid substation.



## 7 Justification for the use of Compulsory Acquisition

58. This section sets out the factors that the Applicant seeks to rely on to demonstrate that the conditions in section 122 of the 2008 Act and the Compulsory Acquisition Guidance are satisfied. It also explains the purpose for acquisition of the relevant plots.

### 7.1 Requirement for the Order Land (section 122(2) and (3))

59. The Order Land shown on the Land Plans and described in the Book of Reference is required either for the purposes of the Project, or to facilitate the same, or for purposes incidental thereto. In order to deliver the Project, the Applicant is seeking the acquisition of a combination of freehold ownership and permanent rights.

60. The nature of land interests required for the Project are as follows:

### 7.2 Freehold title

61. Freehold title is sought where permanent control of the land is required by the Applicant or the interference with the interests of the existing owners is such that acquisition of a lesser interest in land would not be appropriate. This applies in the location of the onshore substation, the National Grid substation and landscaping associated with the substations. It also applies in certain areas required for permanent ecological mitigation.

### 7.3 Permanent rights and restrictive covenants to construct and maintain cables

62. Permanent rights are sought to permit the Applicant to install, maintain, repair and remove cables and associated jointing installations for East Anglia ONE North and to facilitate access for installation and for maintenance of the onshore infrastructure and associated works (described and identified in Schedule 7 to the Order). This is the principal type of acquisition proposed for the majority of the Order Land, comprising the onshore cable route and associated rights of access for construction and maintenance purposes. It is anticipated that the process to secure permanent rights compulsorily will commence only after temporary possession has first been taken of the relevant Order Land.

63. Restrictive covenants are also sought for the plots that will accommodate the cables or which provide access to the same in order to protect the cables and associated jointing installations from becoming exposed or damaged, or built over. This is necessary over the onshore cable route to ensure the cables are not damaged by construction or excavation works or made materially harder to access in case of emergency or routine works to the cables being necessary. It is submitted that this is a justifiable use of compulsory acquisition powers to



protect the NSIP and to give the applicant and its successors (including any successor offshore transmission network operator) the comfort that the cables are appropriately protected and the transmission of electricity will not be interrupted by such excavation.

64. Most plots will fall within the category of rights described at paragraph 68 below which applies to the onshore cable corridor and provides rights and restrictive covenants for the permanent retention and use of cables and associated jointing installations, together with a surface right of access for occasional maintenance. This allows for the installation, maintenance, repair and removal of the relevant part of the authorised project. That part of the Order Land which constitutes the landfall will benefit from a category of rights and restrictive covenants in the same terms as those set out in paragraph 68 save that the benefit of such rights and restrictive covenants will extend to the transition bay infrastructure unique to the landfall.
65. Other parts of the Order Land are subject to permanent rights of underground cable installation and maintenance where the cable route will be installed by way of horizontal directional drilling (HDD) or other forms of trenchless technique only, these are described at paragraphs 70 to 71 below.
66. References to cables include underground electricity cables and ducts and such telemetry and fibre optics lines, ducting and other apparatus, protection and safety measures and equipment which are ancillary to the purposes of transmitting electricity along such electrical cables.
67. References to jointing installations include jointing bays, cross bonding leads, cross bonding pits, link boxes, inspection chambers, covers for pits, link boxes and chambers, and marker posts.
68. Generally, unless stated below, permanent rights and restrictive covenants are sought:
  - a) to enter onto, pass and repass and remain on the plot with or without all necessary plant, vehicles, machinery, materials, apparatus, temporary structures and equipment for the purpose of constructing, installing, maintaining, repairing, replacing, upgrading and removing the cables and jointing installations;
  - b) to install the cables by way of drilling or other similar trenchless technique and/or trenching;
  - c) to install, alter, connect into, use and remove public and private drains, watercourses, sewers, ponds and culverts and manage waterflows in the same,





- to ensure existing drainage and water systems are maintained and provide for the installation and use of any new drainage and water systems required;
- d) to install, construct and remove temporary welfare facilities, both during construction and any periods of maintenance, repair and removal of the cables and jointing installations;
  - e) to install and maintain marker posts to identify the cables and jointing installations for the purposes of safe operations and maintenance and landowner and tenant safety;
  - f) to lay down, construct, alter, amend, protect, replace or remove any conduits, service media or apparatus (including those of any other statutory undertaker) in order to facilitate the installation, maintenance and repair of the cables and jointing installations whilst maintaining third party services;
  - g) to lay down, maintain, repair and remove hard standing and other surface materials for the storage of plant and materials and to facilitate construction, maintenance, repair and removal of the cables and jointing installations;
  - h) to lay down, maintain, repair and remove temporary paths and bridleways for public use in order to maintain public use and access to land in a safe manner;
  - i) to lay down, maintain, repair and remove temporary access roads and temporary haul roads to facilitate vehicular access required for construction, maintenance, repair and removal of the cables and jointing installations;
  - j) to lay down, maintain, repair and remove temporary fencing, gates, walls, barriers or other means of enclosure for the purposes of general safety and security;
  - k) to lay down, maintain, repair and remove temporary noise alleviation measures to mitigate and reduce noise on receptors resulting from works to the cables and jointing installations;
  - l) to lay down, maintain, repair and remove supporting or protective structures (including the bridging over of or protection of the apparatus of the statutory undertakers) in order to maintain the integrity and continuity of services provided by other statutory undertakers;
  - m) to lay down, maintain, repair and remove temporary barriers for the protection of fauna;
  - n) to retain and use the cables and jointing installations for the purposes of the transmission of electricity and telecommunications;



- o) to pass and repass with or without plant, vehicles, machinery, materials, apparatus and equipment to access adjoining land and highway in order to facilitate vehicle movements from the public road network for the construction, installation, maintenance and removal of the cables and jointing installations;
- p) to place and use plant, vehicles, machinery, materials, apparatus, equipment and temporary structures on and within the plot in order to construct, install, maintain and remove the cables and jointing installations;
- q) to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges for the purpose of enabling rights to pass and repass and for the purposes of constructing, installing, maintaining and removing the cables and jointing installations;
- r) to remove and discharge water from the plot to facilitate the construction, installation, maintenance and removal of the cables and jointing installations;
- s) to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping, in order to restore or compensate for any habitats that may be impacted by the authorised project and to create and maintain landscaping areas to mitigate effects of the authorised project;
- t) to benefit from continuous vertical and lateral support for the cables, and jointing installations in order to protect the integrity of the cables and jointing installations;
- u) to erect temporary signage and provide measures for the benefit of public and personnel safety;
- v) to retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the plot, adjoining land and highway;
- w) to remove fences, hedges, gates or other barriers during any period during which any construction, installation, maintenance or decommissioning works in relation to the cables and jointing installations is to occur and the replacement, replanting or re-instatement of fences, hedges or other barriers, in order to facilitate such works;
- x) to remove, store and stockpile materials (including excavated material) within the plot to facilitate excavation works associated with the construction, installation, maintenance and decommissioning of the cables and jointing installations;



- y) to remove archaeological artefacts where they would prevent or cause it to be materially more difficult to or where leaving such archaeological artefacts in situ would materially increase the cost of constructing, installing, operating, maintaining and decommissioning the authorised project, to allow works to proceed whilst protecting archaeological artefacts;
  - z) to protect the integrity of the cables and jointing installations and to facilitate access, restrictive covenants over the plot to prevent:
    - (i) the erection of any buildings or construction works of any kind (including foundations or footings);
    - (ii) anything to be done by way of hard surfacing of the plot with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the Applicant (such consent not to be unreasonably withheld or delayed);
    - (iii) anything to be done by way of excavation of any kind in the plot or any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the Applicant save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the plot; and
    - (iv) the planting or growing within the plot of any trees, shrubs or underwood without the consent in writing of the Applicant (such consent not to be unreasonably withheld or delayed); and
    - (v) anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables and jointing installations.
69. The categories of permanent rights and restrictive covenants that are listed in Schedule 7 which differ from the standard rights and restrictive covenants set out in paragraph 68 above relate to the intertidal area and the area of land connecting the intertidal area and the landfall.
70. For the purposes of installing, maintaining, repairing and removing cables within the intertidal area (Plots 1 and 2) the following permanent rights and restrictive covenants only are sought:
- a) to install, maintain, repair and remove the cables by way of drilling or other trenchless technique only;
  - b) to retain and use the cables for the purposes of the transmission of electricity and telecommunications;



- c) to benefit from continuous vertical and lateral support for the cables in order to protect the integrity of the cables;
  - d) to protect the integrity of the cables, restrictive covenants over the plot to prevent:
    - (i) the erection of any buildings or construction works of any kind (including foundations or footings);
    - (ii) anything to be done by way of hard surfacing of the plot with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the Applicant (such consent not to be unreasonably withheld or delayed);
    - (iii) anything to be done by way of excavation of any kind in the plot nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the Applicant save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the plot; and
    - (iv) anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables.
71. For the purposes of installing, maintaining, repairing and removing the cables within those plots which form the area of land connecting the intertidal area and the landfall (Plots 4, 5 and 6) the following permanent rights and restrictive covenants only are sought:
- a) to enter onto, pass and repass and remain on the plot with or without all necessary plant, vehicles, machinery, materials, apparatus, temporary structures and equipment;
  - b) to install, maintain, repair and remove the cables by way of drilling or other trenchless technique only;
  - c) to lay down, construct, alter, amend, protect, replace or remove any conduits, service media or apparatus (including those of any other statutory undertaker) in order to facilitate the installation, operation, maintenance and repair of the cables and jointing installations whilst maintaining third party services;
  - d) to retain and use the cables for the purposes of the transmission of electricity and telecommunications;



- e) the right to benefit from continuous vertical and lateral support for the cables and jointing installations;
- f) to remove and discharge water from the plot to facilitate the installation, maintenance repair and removal of the cables;
- g) to protect the integrity of the cables and to facilitate access, restrictive covenants over the plot to prevent:
  - (i) anything to be done in or upon the plot or any part thereof for the purpose of the erection of any buildings or construction works of any kind;
  - (ii) anything to be done by way of hard surfacing of the plot with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the Applicant (such consent not to be unreasonably withheld or delayed);
  - (iii) anything to be done by way of excavation of any kind in the plot nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the Applicant save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the plot; and
  - (iv) anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables.

#### 7.4 Temporary possession

- 72. Powers of temporary possession of land are sought for a number of purposes. In land where activities will only be carried out during construction, or where construction plant, equipment and other apparatus will need to be laid down but no cables or other apparatus are proposed to be installed, the Order permits that possession of this land can be taken temporarily, without the requirement to exercise permanent powers of compulsory acquisition.
- 73. A second use of powers of temporary possession of land is to allow construction activities on the land where cables are to be installed, prior to any permanent rights to retain, operate, and maintain those cables being acquired compulsorily (or by agreement). The purpose of this second use is to allow cable installation works to be completed, including any micro-siting of cables within the land, before committing to acquiring permanent rights. This is intended to reduce the amount of land affected by permanent rights, and reduce the impact on landowners accordingly.



74. A third use of powers of temporary possession of land is to allow construction activities on land utilised for East Anglia ONE North and National Grid permanent infrastructure (e.g. the onshore substation and the National Grid substation), prior to the freehold for this infrastructure being acquired compulsorily (or by agreement). The purpose of this third use is to allow construction activities for the East Anglia ONE North and National Grid permanent infrastructure to be completed, including any micro-siting of this infrastructure within the land, before committing to acquiring the freehold. This is intended to reduce the amount of land affected by freehold acquisition, and reduce the impact on landowners accordingly.
75. A fourth use of powers of temporary possession of land is to allow planned or unplanned maintenance of operational cables following the Project being commissioned. This work is not anticipated to be undertaken on a regular basis so the purpose of these rights is to minimise ongoing or permanent disruption to landowners.

## 7.5 Onshore works

76. Powers to enter land with a width of 70m will be sought, except in certain circumstances where the onshore cable corridor will extend beyond the 70m width (i.e. where a trenchless technique is proposed, where the cables cross the Hundred River, where areas of archaeological interests have been identified, and where the location of the transition bays requires a larger onshore cable corridor width).
77. Within the onshore cable corridor, the area of land comprising the onshore cable route (i.e. the land required for the construction and installation of the onshore cables) will have a typical working width of 32m. This incorporates sufficient spacing between cable trenches to prevent cable overheating, plus room for temporary construction works. The room for temporary construction works incorporates storage space for excavated material and a haul road for the safe passage of construction personnel and machinery alongside the cable trench. The typical 32m working width would be widened to a maximum of 34m to cross the Hundred River, 190m where the cables are within 418m of a transition bay, and 90m if a trenchless technique is utilised to cross the Leiston – Aldeburgh SSSI / Sandlings SPA. The typical 32m working width would be reduced to a maximum of 16.1m when crossing important hedgerows specified in Part 2 of Schedule 11 to the Order, when going through the woodland to the west of Aldeburgh Road, the woodland to the east of Aldeburgh Road and if open cut trenching is used to cross the Leiston – Aldeburgh SSSI / Sandlings SPA.
78. As it cannot yet be confirmed exactly where within the onshore cable corridor the cable route will be located and it will only be determined once detailed



surveys have been carried out, possession of the relevant Order Land will be taken on a temporary basis in the first instance, relying on the powers in Article 26 of the Order (temporary use of land for carrying out the authorised project). Exercise of powers of compulsory acquisition of land or rights over land will only take place 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.

79. Post construction permanent rights will be required to retain and carry out future works to the cables over land of up to approximately 20m in width. This would alter where construction processes or other reasons necessitate permanent rights being required over a wider area (i.e. where a trenchless technique is utilised or unexpected engineering difficulties occur) or, as mentioned, where the maximum width of land required is reduced to 16.1m.
80. The requirement for permanent rights over land of approximately 20m in width is justified on the basis that there would be up to six electrical cables, two fibre optic cables and two distributed temperature sensing cables, laid in two trenches within this permanent corridor with sufficient spacing between cable trenches to prevent cable overheating, plus room for any operation and maintenance works. The width of the land over which permanent rights are sought is comparable with similar schemes.
81. Overall, the 70m width of the onshore cable corridor other than in the exceptional circumstances mentioned above and in individual plot descriptions below, with a typical working width of the onshore cable route being 32m and permanent rights being sought over land of approximately 20m in width represents a clear, justifiable, proportionate and reasonable approach to compulsory acquisition whilst allowing for delivery of the Project in a timely manner.
82. Rights are being sought as described in paragraph 68 above. The Land Plans show the individual plots of land affected and whether rights sought are permanent or temporary (or both). The Land Plans also show plots of land where a freehold acquisition is required. The exact extent of land affected by the authorised project will be determined by further surveys, ground investigations and engineering considerations. It is the intention that private agreements be entered into with all affected landowners and occupiers. However, should this not prove possible, powers of compulsory acquisition will only be exercised in respect of the area of land determined as required for the carrying out of works for, and subsequent operation of, the authorised project. The nature of the onshore works, described with reference to the nature of the proposed acquisition of rights, and running from the landfall to the substations, from East to West, is as follows:



## 7.6 Landfall (Work Nos. 6 to 8, Plots 1 to 9)

83. Plots 1 and 2 of the Order Land form part of the foreshore, beach and cliffs of the Suffolk coastline to the north of Thorpeness. The offshore export cables will come ashore here and will be installed by way of trenchless technique below the surface. The permanent rights sought by way of compulsory acquisition will be limited to the offshore cable corridor below the surface. The final location of cables and width of the offshore cable corridor will be determined by the final location of the transition bays (where the joints between the offshore export cables and the onshore cables are made) and by the appropriate offshore cable corridor route to avoid the Coralline Crag (a large seabed geological feature).
84. Plot 3 has been removed from the Order Land at the request of East Suffolk Council and no rights are sought over this land.
85. Plots 4 to 6 are located to the west of the cliffs, and the cables will be installed by way of trenchless technique below the surface. Permanent rights are sought for the cable route below the surface, to facilitate rights of access to the cable route and to divert services or utilities apparatus. In addition, temporary possession of the land will be taken to carry out surveys to facilitate the detailed design of the works.
86. Plot 7 is an agricultural field to the west of the cliffs where two transition bays will be located. The transition bays provide housing for the joints between the offshore export cables and the onshore cables. Each transition bay would be buried underground and the land would be fully reinstated following construction. Permanent rights of access are being sought in respect of each transition bay for routine maintenance, non-scheduled maintenance to address faults, and, if required by general UK practice, for decommissioning. Routine maintenance is anticipated to consist of one annual visit (to carry out integrity testing) to each transition bay, which would be accessed via man-hole covers, and possible checking of the cable (to be carried out without breaking the surface of the land). Permanent rights are sought to install, maintain, repair and remove the cables by way of drilling or other trenchless technique. Temporary possession of the land will be required for the creation and use of a working area to support the construction of the transition bays and for trenchless technique operations needed to install the ducts required to accommodate the offshore export cables. This requires a fenced temporary construction compound for the trenchless technique operations and entry pits. Temporary possession is also required for an underground water supply to facilitate construction at the landfall site.
87. Plot 8 consists of an agricultural field to the west of Thorpeness Common within which a temporary Construction Consolidation Site (CCS) will be located to





serve the landfall trenchless technique working area and for temporary underground water supply to facilitate the trenchless technique works at the landfall site. Permanent rights are not being sought over this plot.

88. Plot 8A forms part of the agricultural field north of Thorpeness Road and will be used temporarily to create an underground water supply from an underground water supply at Thorpeness Road to facilitate trenchless technique works at the landfall site.
89. Plot 9 and part of plot 8 form the existing farm track and a track that runs along the edge of an agricultural field to the north of Thorpeness Road. Temporary use will be made of these tracks by non-Heavy Goods Vehicles (HGVs) for onshore preparation works.

### 7.7 Cable corridor (Work Nos. 9 to 29, Plots 10 to 97)

90. The permanent rights sought are the standard rights necessary to install onshore cables, together with a right of access to the cables for maintenance, as well as the permanent rights to carry out mitigation measures that may be required during construction, maintenance, repair and removal of the cables. In addition restrictive covenants are sought to protect the cables from damage. Rights to remove vegetation to facilitate access to works are also included. Where land neighbours public highway, rights are also sought to effect access to the public highway, and where public rights of way are to be diverted for the period of carrying out works, rights are sought to lay temporary permissive paths for public use. The land will also be used for temporary welfare facilities and carrying out surveys.
91. Plots 10 to 13 of the Order Land are where the onshore cable corridor commences at the transition bays and travels north through agricultural fields. Standard rights to install, maintain and access cables are sought.
92. At Plots 10 to 13 the onshore cable corridor extends beyond the standard 70m width to allow the cables to converge from the two transition bay locations. The width of the onshore cable corridor within these plots will be determined by the final locations of the transition bays. As the onshore cable corridor continues north through Plot ~~14~~13 the onshore cable corridor reduces to the standard 70m width.
93. Plot 14 is where the onshore cable corridor crosses the byway between agricultural fields. Standard rights to install, maintain and access cables are sought and the onshore cable corridor reduces to less than 70m width to protect existing hedgerows.



94. At Plot 15 the onshore cable corridor resumes the standard 70m width as the onshore cable corridor continues north through agricultural fields and the standard rights to install, maintain and access cables are sought.
95. Plot 16 makes up the agricultural field just south of the Sizewell Gap Road, where the cable route turns in a western direction and the standard rights to install, maintain and access the cables will be sought. It is possible that a trenchless technique will be used to cross the Leiston – Aldeburgh SSSI / Sandlings SPA, and if this is the case the onshore cable corridor will extend beyond the standard 70m width. If a trenchless technique is used, temporary possession of land will be taken for a trenchless technique entry or exit pit working area. The land will also be used temporarily for a CCS to service construction activities. To facilitate construction activities and access from Sizewell Gap Road, a temporary access from the public highway will be installed for HGV construction traffic.
96. Plots 17 to 21 form part of the adopted highway along Sizewell Gap Road. This land will be used temporarily to form the new access from Sizewell Gap Road for HGV construction traffic and to clear vegetation to increase the visibility swathes on approach to the new access.
97. Plots 22 and 23 form part of the Leiston – Aldeburgh SSSI / Sandlings SPA. If a trenchless technique is utilised the onshore cable corridor will extend beyond the standard 70m width, albeit below the surface. If a trenchless technique is not utilised then the standard rights to install, maintain and access cables will be sought but the onshore cable route working width would be reduced to 16.1m.
98. Plot 24 forms part of the Leiston – Aldeburgh SSSI / Sandlings SPA. If a trenchless technique is utilised the onshore cable corridor will extend beyond the standard 70m width, albeit below the surface. If a trenchless technique is not utilised then the standard rights to install, maintain and access cables will be sought but the onshore cable route working width would be reduced to 16.1m. The southern part of this plot may also be used for temporary ecological mitigation works in accordance with the ecological management plan and associated access.
99. Plots 25, 27, 28 and 30 are agricultural fields to the west of the Leiston – Aldeburgh SSSI / Sandlings SPA where the standard rights to install, maintain and access cables will be sought. If a trenchless technique is utilised the working width and the onshore cable corridor will extend beyond the standard 70m width, albeit below the surface and temporary use of the land will be made for the trenchless technique entry or exit pit working area.



100. Plot 26 is a small agricultural field adjacent to the Leiston – Aldeburgh SSSI / Sandlings SPA, and will be used temporarily to create an ecological mitigation area for bird species.
101. Plot 31 comprises two agricultural fields to the south of Sizewell Gap Road, where, to facilitate construction activities and access from Sizewell Gap Road, a temporary access track will be created to and from the public highway for HGV construction traffic. Part of this plot will also be used temporarily to divert the public right of way to enable continued use of the public right of way during construction.
102. Plots 32 and 33 are the adopted highway along Sizewell Gap Road between Crown Farm and Halfway Cottages, and will be used temporarily to form the new access from Sizewell Gap Road for HGV construction traffic and to clear vegetation to increase the visibility swathes on approach to the new access.
103. Plots 29 and 34 to 38 form the farm track south of Kings George's Avenue past Crown Farm. Temporary use will be made of the track with non-HGVs for onshore preparation works.
104. Plot 39 is located across the two agricultural fields south of Grimsey's Lane where standard rights to install, maintain and access cables are sought. The land will also be used temporarily for a CCS to serve construction activities.
105. Plots 40 to 42 are located across four agricultural fields as the onshore cable corridor initially heads in a westerly direction and then heads south to cross the Thorpeness Road. Standard rights to install, maintain and access cables are sought.
106. In Plot 40 the onshore cable corridor extends initially beyond the standard 70m width as the locations of the CCS in Plot 39 and the location of the crossing underneath the overhead lines will determine the final cable route and the land required.
107. In Plot 42, the onshore cable corridor extends beyond the standard 70m width as surveys to date indicate this is an area of archaeological interest, and the final cable route and land required will be determined upon more detailed investigation of the area.
108. Plot 43 forms part of the unadopted highway along Thorpeness Road to the north where standard rights to install, maintain and access cables are sought.
109. Plots 44 and 45 form the existing field entrance and the unadopted highway along Thorpeness Road to the north and the track at the boundary of the field.



- Temporary use will be made of the track with non-HGVs for onshore preparation works.
110. Plot 46 is the adopted highway along Thorpeness Road where standard rights to install, maintain and access cables are sought.
  111. Plot 47 is an agricultural field to the south of Thorpeness Road where standard rights to install, maintain and access cables are sought. The land will also be used temporarily for a CCS to serve construction activities.
  112. Plot 48 forms the existing field entrance from Thorpeness Road to the south. Temporary use will be made of this entrance with non-HGVs for onshore preparation works.
  113. Plot 49 is where the onshore cable corridor continues through the agricultural field to the south of Thorpeness Road and the standard rights to install, maintain and access cables are sought.
  114. Plots 50, 55 and 56 are where the cable route heads in an easterly direction through a small agricultural field and crosses the Hundred River, through the woodland area to the east of Aldeburgh Road. Standard rights to install, maintain and access cables are sought. The onshore cable corridor extends beyond the standard 70m width at this location due to the cable route crossing the Hundred River. The exact methodology for doing so and the temporary bridge arrangements will be determined at detailed design stage and in consultation with, and with the approval of, the Environment Agency.
  115. Plots 51 and 52 form the existing farm track off Aldeburgh Road and run along the northern edge of the small agricultural field. Temporary use will be made of the track with non-HGVs for onshore preparation works.
  116. Plot 53 is located in the agricultural field immediately east of Aldeburgh Road and is the existing access from the road and follows the boundaries of the paddocks. Temporary use will be made of the track with non-HGVs for onshore preparation works.
  117. Plot 54 forms part of a small agricultural field to the east of Aldeburgh Road where there are small agricultural sheds and field shelters. Standard rights to install, maintain and access cables are sought. The onshore cable corridor extends beyond the standard 70m Order limit width at this location due to the cable route crossing the Hundred River and the associated micro-siting that will be required. The onshore cable route width at this location has reduced from 50m to 34m. The exact methodology for crossing the Hundred River will be determined at detailed design stage and in consultation with, and with the approval of, the Environment Agency.



118. Plot 57 is the adopted highway along Aldeburgh Road where standard rights to install, maintain and access cables are sought.
119. Plots 58 to 61 form the woodland west of Aldeburgh Road where standard rights to install, maintain and access cables are sought but the typical working width and permanent easement width would be reduced to 16.1m.
120. Plot 62 is the existing track at Fitches Lane off Aldeburgh Road. Temporary use will be made of the track with non-HGVs for onshore preparation works.
121. Plot 63 is an agricultural holding with a mixture of paddocks, out buildings and woodland. Standard rights to install, maintain and access cables are sought.
122. Plot 64 is the footpath that continues in a westerly direction from Fitches Lane. Standard rights to install, maintain and access cables are sought.
123. Plots 65 and 66 are located in the agricultural field south of the Fitches Lane footpath. Standard rights to install, maintain and access cables are sought. The onshore cable corridor extends beyond the standard 70m width as surveys to date indicate this is an area of archaeological interest and the final cable route and land required will be determined upon more detailed investigation of the area. The land will also be used for a CCS to serve construction activities.
124. Plot 67 is located across two agricultural fields south of Knodishall and the Fitches Lane footpath. Standard rights to install, maintain and access cables are sought. Initially the onshore cable corridor extends beyond the standard 70m width as this is also an area of archaeological interest and the final onshore cable corridor here will be determined upon a more detailed investigation of the area. As the onshore cable corridor heads in a westerly direction the onshore cable corridor reduces to the standard 70m width. Permanent rights of access will also be sought in order to access the compensatory planting within plot 68.
125. Plot 68 forms a small agricultural field to the east of the Crackland's Covert woodland. Rights to acquire this land are sought as this will be an area of compensatory planting to mitigate the permanent loss of trees as a result of installing the cables at the woodland area either side of Aldeburgh Road.
126. Plots 69 and 70 are located in the agricultural field south of Knodishall. Standard rights to install, maintain and access cables are sought as well as permanent rights of access in order to access the compensatory planting within plot 68.
127. Plot 71 is also in the agricultural field south of Knodishall, to the east of Sloe Lane and is the existing access from the road and follows the track on the



- boundary of the field. Temporary use will be made of the track with non-HGVs for onshore preparation works.
128. Plot 72 is the adopted highway at Sloe Lane. Standard rights to install, maintain and access cables are sought.
  129. Plot 73 is located in the agricultural field to the east of Sloe Lane and is formed of the existing access from the road and follows the track on the boundary of the field. Temporary use will be made of the track with non-HGVs for onshore preparation works
  130. Plot 74 is located in the agricultural field that is between Sloe Lane to the east and Snape Road to the west. Standard rights to install, maintain and access cables are sought.
  131. Plot 75 is also located in the agricultural field that is between Sloe Lane to the east and Snape Road to the west. This land is to be used temporarily to form a laydown area required for safe vehicle marshalling.
  132. Plot 76 is located in the agricultural field that is between Sloe Lane to the east and Snape Road to the west. Temporary rights are sought to clear vegetation to increase the visibility swathes on approach to the new access formed off Snape Road.
  133. Plot 77 is the adopted highway at Snape Road. Standard rights to install, maintain and access cables are sought.
  134. Plots 78, 79 and 81 are located in the agricultural field to the west to Snape Road. A public footpath will be temporarily diverted through this land.
  135. Plot 80 is also located in the agricultural field to the west to Snape Road. Standard rights to install, maintain and access cables are sought as well as permanent rights of access in order to access the area of permanent ecological mitigation within plot 87. A public footpath will be temporarily diverted through this land.
  136. Plot 82 is part of the bridleway off Snape Road. Standard rights to install, maintain and access cables are sought as well as permanent rights of access in order to access the area of permanent ecological mitigation within plot 87.
  137. Plot 83 is located in the agricultural field north of the bridleway off Snape Road. Standard rights to install, maintain and access cables are sought as well as permanent rights of access in order to access the area of permanent ecological mitigation within plot 87.



138. Plot 84 forms the rest of the agricultural field north of the bridleway off Snape Road. This land will be used temporarily for a CCS to serve construction activities.
139. Plot 85 is located in an agricultural field north of the bridleway off Snape Road. Standard rights to install, maintain and access cables are sought as well as permanent rights of access in order to access the area of permanent ecological mitigation within plot 87.
140. Plots 86 and 88 form the track at the edge of an agricultural field to the Long Covert Woodland where permanent rights of access are sought.
141. Plot 87 forms the Long Covert Woodland. Permanent rights are sought to carry out ecological mitigation measures.
142. Plots 89 to 91 form the bridleway off Grove Road. Temporary use of the bridleway will be made with non-HGVs for onshore preparation works.
143. Plot 92 is located in the agricultural fields south of Grove Wood. Standard rights to install, maintain and access cables are sought.
144. Plot 93 is located in the agricultural field south of Grove Wood. Standard rights to install, maintain and access cables are sought as well as permanent rights of access in order to access the area of permanent ecological mitigation within plot 94.
145. Plot 94 is a parcel of land in the agricultural field south of Grove Wood that follows the woodland edge. Rights to acquire this land are sought for permanent ecological mitigation measures.
146. Plots 95 and 96 form part of the unadopted highway along Grove Road. Standard rights to install, maintain and access cables are sought.
147. Plot 97 is part of the adopted highway at Grove Road. Standard rights to install, maintain and access cables are sought.

## **7.8 Onshore substation and National Grid infrastructure (Work Nos. 30 to 34 and 38 to 43, Plots 98 to 147)**

148. Plots 98, 99 and 105 to 107, comprise a number of the small agricultural fields between the west of Grove Road and the public footpath off Church Lane. Rights to acquire this land are sought for planting and bunding works for landscaping and the maintenance of the landscaping, to install a Sustainable Drainage System (SuDS) and associated pipes to connect into the local drainage network, and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority.



149. Plot 100 is the adopted highway along Church Lane. Permanent rights to install and maintain pipes to connect into the local drainage network are sought.
150. Plots 101, 102 and 103 form part of unadopted highway along Church Lane. Permanent rights to install and maintain pipes to connect into the local drainage network are sought.
151. Plots 104, 104A, 104B and 104C form part of the public footpath and verge off Church Lane and land to the north and adjacent to Friston House Wood. Permanent rights to install and maintain pipes to connect the Project's surface water drainage into the local drainage network are sought.
152. Plots 108 and 110 are located across two agricultural fields to the west of Laurel Covert. Rights to acquire this land are sought for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network, and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority. This land will also be utilised for the East Anglia ONE North onshore substation as well as providing operational access for the National Grid infrastructure and East Anglia ONE North onshore substation. The land will also be used temporarily for CCSs to serve construction activities.
153. Plots 109 and 114 are part of the public footpath off Church Lane as it travels in a northerly direction. Rights to acquire this land are sought as this will be land utilised for operational access road to the East Anglia ONE North and National Grid infrastructure.
154. Plot 111 is a small agricultural field adjacent to Grove Wood. Rights to acquire this land are sought for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network, and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority. The land will also be used temporarily for CCSs to serve construction activities.
155. Plot 112 forms the woodland known as Laurel Covert and the paddocks to the south of the woodland. Rights to acquire this land are sought to maintain the woodland and for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network, and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority.





156. Plot 113 is located across a number of fields to the west of Grove Road where rights to acquire this land are sought as this land will be utilised for East Anglia ONE North and National Grid permanent infrastructure. This permanent infrastructure includes the East Anglia ONE North substation, National Grid substation, one additional pylon, three cable sealing ends, together with cables connecting the National Grid substation to the cable sealing ends, one circuit breaker, and operational access roads to the substations and sealing ends. The land will also be used for the construction, operation and maintenance of new overhead lines and the construction, operation and maintenance of temporary overhead lines and to create CCSs to facilitate construction of the new and temporary overhead lines. Furthermore, this land will be used for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority.
157. Plot 115 is located in the agricultural field north of Saxmundham Road. Permanent rights are sought for the construction, operation and maintenance of new overhead lines including the removal of tower 4ZX20 and its relocation just outside plot 115 on the same general alignment. The land will also be used for the construction, operation and maintenance of temporary overhead lines and will be used temporarily for areas for works associated with the temporary and permanent realignment of the overhead lines and for access to these works, including any ancillary works necessary to facilitate said access.
158. Plot 116 comprises the remainder of the agricultural field north of Saxmundham Road. The land will be used for the construction, operation and maintenance of temporary overhead lines and for works connected to the re-stringing of conductors including the provision of temporary netted scaffolds to protect the B1121 road during these works. The land will also be used temporarily for areas for works associated with the temporary and permanent realignment of the overhead lines and for access to these works, including any ancillary works necessary to facilitate said access.
159. Plots 117A, 118 and 122A are located on the adopted highway and highway verges on Saxmundham Road. The land will be used temporarily for areas for works associated with the temporary and permanent realignment of the overhead lines including provision of temporary netted scaffolds to protect the B1121 highway during the re-stringing works, necessary road signage and for access to these works, including any ancillary works necessary to facilitate said access. Residential accesses will not be obstructed by scaffolding but such areas may be required to comply with road signage requirements.



160. Plots 119 to 121 are located across the agricultural fields and the woodland New Covert to the south west of Saxmundham Road. The land will be used temporarily for areas for works associated with the temporary and permanent realignment of the overhead lines and for access to these works, including any ancillary works necessary to facilitate said access.
161. Plots 117 and 123 are located on the adopted highway and highway verges on Saxmundham Road. Temporary rights are sought to clear vegetation to increase the visibility swathes on the approach to the new operational access to the East Anglia ONE North substation and the National Grid infrastructure. The land will be used temporarily to form the new operational access from the highway.
162. Plots 122 and 124 to 126 are located on the adopted highway and highway verges on Saxmundham Road. Temporary rights are sought to clear vegetation to increase the visibility swathes on the approach to the new operational access to the East Anglia ONE North substation and the National Grid infrastructure.
163. Plot 127 is located in the agricultural field north of Saxmundham Road. Rights to acquire this land are sought as this land will be utilised to form a new access from the adopted highway and for the operational access to the East Anglia ONE North substation and the National Grid infrastructure. The land will also be used for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network, and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority.
164. Plots 128 and 129 are located across two agricultural fields further north of Saxmundham Road. Rights to acquire this land are sought as this land will be utilised for the operational access to the East Anglia ONE North substation and the National Grid infrastructure. The land will also be used for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network, and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority.
165. Plots 130 and 131 are located across two agricultural fields south of Moor Farm. Rights to acquire this land are sought as this land will be utilised for National Grid permanent infrastructure including one additional pylon, three cable sealing end compounds, together with cables connecting the National Grid substation to the cable sealing ends and one circuit breaker. Furthermore, this land will be used for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network, and to divert and create new public rights of way, including



the reintroduction of a historic right of way within Plot 130. The extent and final location of all these works will be approved by the Local Planning Authority.

166. Plot 132 has been removed from the Order Land and no rights are sought over this land.
167. Plots 133 and 135 are across the two agricultural fields between Little Moor Farm and Grove Wood. Rights to acquire this land are sought so that it can be utilised for planting and bunding works for landscaping and the maintenance of the landscaping, to install a SuDS and associated pipes to connect into the local drainage network, and to divert and create new public footpaths. The extent and final location of all these works will be approved by the Local Planning Authority.
168. Plot 134 comprises the campsite off Grove Road. The land will be used temporarily for areas for works associated with National Grid infrastructure and for access to these works, including any ancillary works necessary to facilitate said access.
169. Plot 136 is located on the adopted highway at Grove Road and School Road. The land will be used temporarily for areas for works associated with National Grid infrastructure and for access to these works, including any ancillary works necessary to facilitate said access.
170. Plots 137 to 143 and 145 have been removed from the Order Land and no rights are sought over this land.
171. Plots 144, 146 and 147 are located across the agricultural fields to the east of Grove Road. The land will be used temporarily for areas of works associated with National Grid infrastructure and for access to these works, including any ancillary works necessary to facilitate said access.

## **7.9 Highway alterations (Work Nos. 35 to 37, Plots 148 to 182)**

172. Plots 148 to 151 and 154 to 158 comprise the adopted highway at the junction between Aldeburgh Road (A1094) and Snape Road (B1069) and the junction between Aldeburgh Road (B1121) and Farnham Road (A1094). The land will be used temporarily to clear vegetation, widen the roadway and move or socket street signs and street furniture.
173. Plots 152 and 153 are located in the agricultural fields either side of Snape Road at the junction between Aldeburgh Road (A1094) and Snape Road (B1069). The land will be used temporarily to clear vegetation, widen the roadway and move or socket street signs and street furniture.
174. Plots 163 and 168 to 176 comprise the adopted highway at the junction between the A1094 and the A12 at Friday Street. The land will be used temporarily to



- clear vegetation, widen the roadway and move or socket street signs and street furniture.
175. Plots 160 and 164 to 167 comprise land adjacent to the adopted highway at the junction between the A1094 and the A12 at Friday Street. The land will be used temporarily to clear vegetation, widen the roadway and move or socket street signs and street furniture.
176. Plots 159, 161 and 162 have been removed from the Order Land and no rights are sought over this land.
177. Plots 177 to 180 comprise the adopted highway of the A12 at Marlesford Bridge. The land will be used temporarily to clear vegetation, widen the roadway and move or socket street signs and street furniture. Works will also be carried out to form an access from the A12 and for highway alterations works that include reinforcement of the bridge.
178. Plot 181 forms part of the River Ore at Marlesford Bridge. The land will be used temporarily for highway alterations works that include reinforcement of the bridge.
179. Plot 182 is located in the agricultural field to the north of the A12 at Marlesford Bridge. The land will be used temporarily for highway alterations works that include reinforcement of the bridge and working areas to support such works.
180. Plots 177 to 182 solely relate to the transportation of Abnormal Indivisible Loads (AILs) and would only be required if the reception port is to the south of the onshore development area (i.e. Felixstowe). If the reception port is to the north (i.e. Lowestoft) then these plots and the rights sought over them are no longer required. It is not possible at this stage to confirm which reception port will be utilised.

### 7.10 Negotiations with affected parties

181. The Applicant will continue to seek to acquire rights and interests by agreement where possible on appropriate commercial terms. Seeking compulsory acquisition powers whilst negotiations to acquire interests continue in parallel is in accordance with both general practice and paragraph 25 of the Compulsory Acquisition Guidance.
182. Details of the negotiations to date with the affected landowners are set out in the table below with some landowners appearing in more than one section of the table:

Onshore cable corridor	
Type of agreement offered	Option Agreement and Deeds of Grant of Easement



No. of landowners	18
Status of negotiations	<p>Agreement of Heads of Terms is outstanding with only two landowners. These landowners are in effect the same party with the land currently going through probate. It is hoped that Heads of Terms will be agreed on the grant of probate.</p> <p>The Applicant is aware of comments made in public by Mrs Gimson's attorney (but not through appointed agents and lawyers) that one provision of the approved form agreement is not accepted by that attorney. Discussions are ongoing with the party's appointed agent in respect of an agreed position on this matter.</p> <p>Where Heads of Terms have been agreed, Option agreements are in standard agreed position requiring completion of land enquiries to engross and exchange.</p>

<b>Onshore substation, National Grid infrastructure and surrounding areas of landscaping</b>	
Type of agreement offered	Option Agreement and Freehold Acquisition
No. of landowners	8
Status of negotiations	<p>Of the eight Landowners, five are now agreed and are with solicitors to complete the Options. Option agreements are almost in standard agreed position requiring completion of land enquiries to engross and exchange. These landowners own the majority of the property identified for freehold acquisition.</p>

<b>Construction consolidation sites on land not being acquired freehold</b>	
Type of agreement offered	Option Agreement and Lease
No. of landowners	6
Status of negotiations	<p>Heads of Terms are agreed between the Applicant and all of the affected landowners. The landowners and the Applicant have instructed their respective solicitors to negotiate and settle formal agreements accordingly. Option agreements are almost in standard agreed position requiring completion of land enquiries to engross and exchange.</p>

<b>Areas of permanent ecological mitigation</b>	
Type of agreement offered	Option Agreement and Freehold Acquisition
No. of landowners	3



Status of negotiations	<p>Of the three landowners, terms are agreed between the Applicant and two of the affected landowners. The landowners and the Applicant have instructed their respective solicitors to negotiate and settle formal agreements accordingly. The remaining landowner has indicated that terms for purchase of the Freehold interest would not be suitable and terms have been tabled by the Applicant to take a permanent right over the property whilst the Landowner retains the freehold. This is under consideration between the two parties and the Applicant is confident that the necessary land rights can be acquired by voluntary agreement.</p> <p>Where Heads of Terms have been agreed, Option agreements are almost in standard agreed position requiring completion of land enquiries to engross and exchange.</p>
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Areas of temporary ecological mitigation	
Type of agreement offered	Option Agreement and Lease
No. of landowners	1
Status of negotiations	<p>The terms are agreed between the Applicant and the affected landowner. The landowner and the Applicant have instructed their respective solicitors to negotiate and settle formal agreements accordingly. Following consultation with Natural England and as identified at Deadline 3, one additional land agreement is required with the same landowner for the purposes of mitigation in relation to the SPA. Initial discussions have been held with the landowner and Heads of Terms are in a draft form for further detailed discussion with the landowner.</p> <p>Where Heads of Terms have been agreed, Option agreements are almost in standard agreed position requiring completion of land enquiries to engross and exchange.</p>

National Grid works	
Type of agreement offered	Option Agreement and Lease of Easement or Deed of Variation
No. of landowners	1
Status of negotiations	<p>Following the reduction in the Order limits submitted at Deadline 1 the number of new agreements required by the Applicant for the grant of permanent rights has reduced to one. The Applicant and NGET are preparing to undertake detailed analysis of the proposed works and will be looking to submit detailed terms to the landowner for these works in due course. Meanwhile, the landowner has been supplied with generic terms by the Applicant's appointed Land Agent Dalcour Maclaren. Of the four remaining landowners affected by potential temporary works, in each case rights for carrying out of the temporary works are contained within existing agreements.</p> <p>The Applicant is expecting to be supplied indicative drawings by NGET showing the proposed temporary and permanent changes to the overhead lines. The Applicant is hopeful to provide this information to the landowner to enable further discussions on generic terms previously supplied to the</p>



	landowner by the Applicant's appointed Land Agent Dalcour Maclaren. Any other works proposed by National Grid do not require any legal agreements.
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Outfall drainage pipe	
Type of agreement offered	Option Agreement and Deeds of Grant of Easement
No. of landowners	2
Status of negotiations	Of the two landowners, Heads of Terms are agreed between the Applicant and one of the affected landowners. This landowner and the Applicant have instructed their respective solicitors to negotiate and settle formal agreements accordingly. Where terms have been agreed, Option agreements are almost in standard agreed position requiring completion of land enquiries to engross and exchange.  The remaining landowner has instructed their appointed Land Agent not to engage with the Applicant and its appointed Land Agent Dalcour Maclaren. The remaining Landowner has still not engaged with the Applicant's appointed agents Dalcour Maclaren.

Offsite highways works	
Type of agreement offered	Licence Agreement
No. of landowners	7
Status of negotiations	The Applicant has written to the seven landowners who have been identified whose land is outwith the adopted highway and may be required for offsite highway works advising of the requirement to enter into a licence agreement in due course. To date no additional information is available to secure any rights that may be required for temporary works.

183. The Applicant's purpose in acquiring the Order Land compulsorily, if required, in accordance with the provisions of the 2008 Act, is to secure the land and rights required to construct and then operate East Anglia ONE North within a reasonable commercial timeframe.
184. The interests in land affected are described in the Book of Reference and Land Plans. The numbers and letters indicated on the Land Plans are cross-referred to the Book of Reference.
185. Land has been included in the Order as being scheduled in the Book of Reference even where agreement has been reached. This is to ensure that, if any minor interests such as easements, rights of way, restrictive covenants or similar interests are discovered that have not previously been negotiated away, powers are available to override those interests. It also reflects that minor interests may still be outstanding and not waived and therefore have to be extinguished or overridden by statutory process. In such circumstances a



relevant claim may be made and accordingly scheduling of the interests in land is necessary. As a result of the application of the Applicant's statutory powers the beneficiary of an interest will be entitled only to a right to compensation and not to prevent the scheme from proceeding. Including land within the Book of Reference where agreement has been reached will also assist in the event that a negotiated agreement proves difficult to enforce for any reason, for example where there has been a change of ownership or where there are disputed terms within the agreement.

186. As is noted above negotiations are underway with each of the affected parties at the landfall, along the cable route and at the substation(s) site, and the Applicant continues to seek agreement with all relevant parties. It cannot yet be anticipated that all of the interests in the Order Land will be acquired within a reasonable commercial timeframe and as a result the compelling case in the public interest for the promotion of the Order, so as to permit the Project to proceed is, it is submitted, in existence and the private interests of the relevant landowners should not take precedence over the compelling public interest.

### **7.11 Highways subsoil**

187. For all highways subsoil, the interest of the presumed owners has been scheduled in the Book of Reference. The interest of Suffolk County Council as highway authority is also scheduled, but the interest of the highway authority excluded from compulsory acquisition. The Applicant may also seek to rely on its powers contained in Article 24 of the Order to use the land under the subsoil only and not to acquire any greater interest in that land.

### **7.12 Land in unknown ownership**

188. There are a number of plots identified in the Book of Reference where it has not been possible to identify ownership. Accordingly notices were posted on site seeking information from the landowner prior to the commencement of the last round of consultation pursuant to Section 42 of the 2008 Act. Notices as required under Section 48 of the 2008 Act were also posted on site to invite consultation responses from the landowner at the same time as notices were served on known landowners under Section 42.
189. Despite diligent inquiry, it has not been possible to identify all of the beneficiaries of the third party interests in the Order Land but the Applicant will continue to attempt to identify the relevant interests where possible.

### **7.13 Need for power to suspend, extinguish or override rights and easements**

190. Numerous rights in the Order Land have been identified and are scheduled in the Book of Reference.





191. Whilst it is not anticipated that any beneficiaries of these rights will have a relevant claim leading to the payment of compensation it remains possible that the beneficiaries may seek to enforce rights, potentially even by applying to injunct the Project.
192. The Applicant believes it is both necessary and proportionate for the Order to include provisions allowing for the suspension, extinguishment and overriding of rights and covenants over the Order Land. It is submitted that this power is in the public interest. Without the ability to suspend, extinguish or override such rights the Project may be delayed or prevented. Compensation for any loss that can be demonstrated will be available in accordance with the Statutory Compensation Code. In any event the Applicant will seek to agree with each of the benefitting parties it can identify, details of how access can be maintained or substitute access provided during the short time that construction impacts upon the relevant access where such rights are affected.
193. Whilst the powers in Article 21 of the Order allow for the suspension or extinguishment of such rights, the Applicant anticipates that it will be able to serve a notice on the majority of the relevant beneficiaries of rights to confirm that, subject to the Applicant having the necessary protections to enable it to construct the works, the rights will not be extinguished. If agreement cannot be reached and extinguishment of rights is necessary the Applicant will offer to re-grant rights on similar terms wherever possible to minimise disruption to the beneficiaries concerned.
194. At Deadline 7, the Applicants submitted a Schedule of Private Rights or Restrictive Covenants (~~document reference ExA.AS-4.D7.V1~~[REP7-038](#)) that could potentially be suspended, over-ridden or extinguished.

#### 7.14 Alternatives to compulsory acquisition

195. A robust site selection process has been undertaken and details of the selection of the landfall, onshore cable corridor, onshore substation, mitigation areas and National Grid infrastructure locations and consideration of alternatives are set out in Chapter 4 Site Selection and Assessment of Alternatives of the Environmental Statement (APP-052).
196. The land scheduled in the Book of Reference is considered to be both necessary and proportionate; there are no other suitable alternatives.
197. The Applicant has sought, and continues to seek, a negotiated solution to each of the identified required interests. It is the Applicant's preference to secure negotiated agreements with all identified required interests and the Applicant has made representations to each of the relevant owners on this basis. In each



case the Applicant has chosen to secure land or rights in a way that minimises disruption to the relevant owners.

198. Where land is in unknown ownership and so scheduled in the Book of Reference, the Applicant has not been able to identify the relevant holder of that interest following diligent inquiry. All identified owners of interests have been approached and where possible agreement will be reached. Negotiations will continue, but the Applicant believes compulsory acquisition powers are justified to ensure that the Project can be developed on reasonable commercial terms within an appropriate timescale.

### **7.15 Availability of funds for compensation**

199. As noted in Section 2, the Applicant is a subsidiary of SPR and SPR is an indirect wholly owned subsidiary of Iberdrola, a Spanish public listed company.
200. Details of the proposed funding for the implementation of the Project and the acquisition of land and rights are contained in the Funding Statement (an updated version has been submitted at Deadline 7, document reference 4.2) which accompanies the Application.
201. In brief, the Applicant will have the ability to finance or procure the financial resources to fund the works to be authorised by the Order, subject to final Board authority.
202. SPR has substantial net assets, as well as positive track records in the field of renewable energy development (including offshore wind). SPR could, by itself, secure the required funding for the Project. This would include all likely compensation liabilities resulting from the exercise of compulsory acquisition powers.
203. The Applicant and SPR intend to shortly enter into an Agreement in substantially the same form as that attached to the Funding Statement at Annex 1, under which SPR undertakes to put the Applicant in funds for the payments of legitimately claimed compensation by a class of persons listed in the Agreement, or to pay the agreed or awarded funds direct to the relevant claimant if the Applicant has not done so. Affected parties will be able to rely upon the Contracts (Rights of Third Parties) Act 1999 to enforce payment obligations directly if necessary.
204. As a result of this mechanism, the Secretary of State can be assured that sufficient funding for payment of compensation will be available to the Applicant if compulsory acquisition powers are provided in the Order now being sought.



## 7.16 Compelling case in the public interest (section 122(3))

205. The need for the Project can be traced directly back to both national and international policies to meet the need for energy generation and combat anthropogenic climate change. On 11 December 2012, the Department for Environment, Food & Rural Affairs published the Habitats and wild birds directives: guidance on the application of article 6(4) (DEFRA, 2012) which notes that projects which enact or are consistent with national strategic plans or policies (e.g. covered by or consistent with a NPS or identified within the National Infrastructure Plan) are more likely to show a high level of public interest. Established policy is clear that in the context of the imperative need in each of the objectives of combatting anthropogenic climate change by meeting 2030 targets, delivering low cost energy and ensuring security of supply, offshore wind has a critical role to play. The Project would make a significant contribution both to the achievement of UK decarbonisation targets and to global commitments in mitigating climate change. The Project will have a direct positive impact of delivering renewable energy to meet the equivalent annual demand of approximately 800,000 UK homes.
206. The Project is a strategic development which will make a significant contribution to the Government's energy targets of 40GW of offshore wind by 2030 (HM Government, 2020). The case for the Project is made out in government policy as demonstrated in Section 9 of this Statement.
207. On 7 March 2019 (updated on 4 March 2020), the Department for Environment, Food & Rural Affairs published the Offshore Wind: Sector Deal (DEFRA, 2019) ("the Sector Deal") which estimates that building up to 30GW of offshore wind by 2030 could account for over £40bn of infrastructure spending in the next decade and could support 27,000 jobs. This is then extended by the Ten Point Plan for a 'Green Industrial Revolution' as announced by the Government in November 2020 which committed to 40GW of offshore wind by 2030 and states that up to 60,000 jobs are to be supported in the offshore wind industry. In response to the Sector Deal, the offshore wind sector has set a target of 60% lifetime UK content in domestic projects and targeting increasing UK content in the capital expenditure phase.
208. On 27 November 2017 (updated 28 June 2018), the Department for Business, Energy & Industrial Strategy published the Industrial Strategy: building a Britain fit for the future (DBEIS, 2017) which set out the goal of helping UK communities prosper and thrive. The offshore wind sector presents opportunities to create growth and economic benefits, particularly in coastal areas adapting to economic change. Regional clusters are already emerging, generally located close to windfarms or areas with an oil and gas presence, such as East Anglia. Linking the clusters with educational institutions, centres for innovation or



manufacturing bases can provide the conditions for innovation, drive competitiveness, increase economies of scale and productivity. The Sector Deal proposes capitalising on naturally existing clusters and providing sector leadership to create more opportunities for investment and growth in local economies. The Project will provide substantial benefits to the UK economy facilitating confidence in the UK supply chain and growing a skilled workforce as well as providing more local benefits through job opportunities and skills improvements.

209. The Project's socio-economic contribution is set out in detail in Chapter 30 Tourism, Recreation and Socio-Economics of the Environmental Statement (APP-078).
210. The Government has declared that it is imperative in the aftermath of the coronavirus pandemic to "*build back better*", highlighting the fight against climate change and supporting green jobs (HM Government 2020). As previously discussed, the Project would form a significant part of the 2030 plans and is perfectly aligned with this goal.
211. The Applicant considers that the Order Land, which comprises the landfall, onshore cable corridor, onshore substation, mitigation areas and National Grid infrastructure locations, and the rights identified in this Statement and set out in the Book of Reference are all necessary, appropriate and proportionate for the construction and operation of the Project and that no suitable alternatives exist.
212. The Applicant has sought, and will continue to seek, to negotiate acquisition of interests where possible by voluntary agreement and is seeking appropriate powers to ensure that the Project can be brought forward on reasonable commercial terms within an appropriate timescale.
213. The Applicant has considered the scheme in detail and has demonstrated in the Funding Statement that it has funding sufficient to take the Project forward.
214. The environmental and social benefits to the UK from increasing the generation of low carbon energy are clear, with the Project forming a key part. The Project contributes to the UK's legally binding climate change targets by helping to decarbonise the UK's energy supply, whilst contributing to the essential tasks of ensuring security of supply and providing low cost energy for consumers in line with the UK Government's national policies.
215. The environmental benefits that the project provides are long term, with local benefits, reducing local air pollution and wider benefits such as helping to meet government renewable targets to tackle climate change.



216. The Applicant considers that there is a compelling case in the public interest for powers of compulsory acquisition to be granted to ensure that the necessary rights can be obtained in a commercially reasonable and timely manner to enable this nationally significant infrastructure project to go ahead which is required to meet a pressing national need for electricity generating capacity.



## 8 Human Rights

217. The European Convention on Human Rights (“the Convention”) was incorporated into domestic law by the Human Rights Act 1998. The Convention contains Articles aimed to protect the rights of the individual (referred to as Convention Rights).
218. The provisions of particular relevance to the determination as to whether the Order should include compulsory acquisition powers are:
- Article 1 of the First Protocol to the Convention  
  
This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws and principles.
  - Article 6  
  
This entitles those affected by powers sought for the Project to a fair, public hearing.
  - Article 8  
  
This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
219. The decision maker, as a public body, is under a duty to consider whether the exercise of its powers engages Convention Rights. The approach to be taken to give effect to rights under the Convention is reflected in the advice in the Compulsory Acquisition Guidance.
220. The Order has the potential to infringe the human rights of persons who hold interests in the Order Land. Such infringement can be authorised by law provided the appropriate statutory procedures for making the Order are followed and there is made out a compelling case in the public interest for the compulsory acquisition and the interference with the Convention Right is proportionate. On the basis of decisions of the courts, the test of proportionality is satisfied if the Order strikes a fair balance between the public benefit sought and the interference with the rights in question.
221. The Applicant has weighed the potential infringement of Convention Rights in consequence of the inclusion of compulsory powers within the Order with the potential public benefits if the Order is made.



222. The Applicant considers that there would be significant public benefit arising from the grant of development consent resulting from the generation of much needed renewable electricity. That benefit is only likely to be realised if the Order includes powers of compulsory acquisition. The significant public benefits on balance outweigh the effects upon persons who own property and rights within the Order Land.
223. Those affected by compulsory acquisition may claim compensation in accordance with the Statutory Compensation Code. Through its parent company, the Applicant has the resources to provide such compensation.
224. In accordance with Part 5 of the 2008 Act, the Applicant has consulted persons set out in the categories contained in section 44 of the 2008 Act, which include owners of the Order Land and those who may be able to make claims either under section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 and section 152(3) of the 2008 Act. All scheduled interests are able to make representations to the Examining Authority and therefore the requirements of Article 6 are met.
225. Representations can be made in response to any notice given under section 56 of the 2008 Act (notifying persons of accepted application).
226. Should the Order be made, a person aggrieved may also challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the 2008 Act. Affected persons have the right to apply to the Upper Tribunal (Lands Chamber) if compensation is disputed.
227. For the above reasons, the Applicant considers that the inclusion of powers of compulsory acquisition in the Order would not constitute any unlawful interference with Convention Rights and further that it would be appropriate and proportionate to make the Order, including the grant of powers of compulsory acquisition.



## 9 Policy support for the Application

228. Climate change is a global issue which is caused by the increase of carbon emissions into the atmosphere. The Project would make a significant contribution both to the achievement of UK decarbonisation targets and to global commitments in mitigating climate change. By generating low carbon, renewable electricity in the UK, the Project will also help to reduce the UK's reliance on imported energy and will increase energy supply security.
229. Relevant national and international obligations and policies are summarised below. Further detail is provided in Chapter 2 Need for the Project (APP-050) and Chapter 3 Policy and Legislative Context (APP-051) of the Environmental Statement and the Development Consent and Planning Statement (APP-579).

### 9.1 International Policy

230. In 2017 the UK triggered article 50 of the Treaty on European Union and commenced the negotiation of a withdrawal agreement for the UK to leave the EU. In its white paper<sup>2</sup> considering the form and function of the then EU (Withdrawal) Bill<sup>3</sup>, there is a general commitment by the UK Government to maintain the body of environmental commitments and legislation already made following the departure of the UK from the EU. The European Union (Withdrawal) Act 2018 makes savings for EU-derived domestic legislation and the incorporation of direct EU legislation (however not all of the provisions of the Act are yet in force). The vast majority of European environmental commitments have already been adopted by successive UK Governments and transposed into UK legislation.
231. There are 109 statutory instruments relating to the environment made under EU (Withdrawal) Act 2018<sup>4</sup>. These statutory instruments, under the EU (Withdrawal) Act, will mean the existing EU environmental laws will continue to operate in domestic law.
232. Furthermore, as was required under section 16 of EU (Withdrawal) Act 2018, the UK Government introduced the Environmental (Principles and Governance) Bill in December 2018, which sets out their plans to establish The Office for Environmental Protection (OEP).<sup>5</sup> The OEP will be responsible for ensuring UK

<sup>2</sup> <https://www.gov.uk/government/publications/the-repeal-bill-white-paper>

<sup>3</sup> Previously referred to as the Great Repeal Bill, The EU (Withdrawal) Act received royal assent on 26<sup>th</sup> June 2018 and is available online at

[https://www.legislation.gov.uk/ukpga/2018/16/pdfs/ukpga\\_20180016\\_en.pdf](https://www.legislation.gov.uk/ukpga/2018/16/pdfs/ukpga_20180016_en.pdf)

<sup>4</sup> The list of these can be found online at <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments?page=2&subject%5B%5D=environment>

<sup>5</sup> The Draft Environment (Principles and Governance) Bill was published in December 2018 and is available online at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/766849/draft-environment-bill-governance-principles.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766849/draft-environment-bill-governance-principles.pdf)





compliance with international and domestic environmental law and obligations. The OEP and has the ability to bring legal proceedings against public bodies. The draft Environmental Bill also aims to enshrine in law a set of environmental principles which the UK will maintain after the end of the transition period.

233. On 13 October 2020, the Department for Environment, Food & Rural Affairs (DEFRA) published the Upholding Environmental Standards from 1 January 2021 Guidance (DEFRA, 2020). It reiterates the UK Government's commitment to preserve the environmental standards and international obligations once the transition period comes to an end.

## 9.2 United Nations Framework Convention on Climate Change

234. The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change (UNFCCC), which commits its parties to setting internationally binding greenhouse gas emission reduction targets as well as monitoring and reporting such emissions. The Protocol was agreed in 1997 and was ratified by the UK in 2002.
235. A regular series of international meetings of the UNFCCC, called the Conference of the Parties (COP), have taken place since 1997 resulting in a number of important and binding agreements: the Copenhagen Accord (2009); the Doha Amendment (2012); and the Paris Agreement (2015). At the 22nd Climate Change Conference of the Parties in Marrakech in November 2016, the UK ratified the Paris Agreement to enable the UK to "help to accelerate global action on climate change and deliver on our commitments to create a safer, more prosperous future" (Department for Business, Energy and Industrial Strategy (DBEIS), 2016).
236. During the COP in Paris in 2015 the following were key areas of agreement (UNFCCC, 2015):
- Limit global temperature increase to below 2°C, while pursuing efforts to limit the increase to 1.5°C above the pre-industrial average temperature;
  - Parties aim to reach global peaking of greenhouse gas emissions as soon as possible in order to achieve the temperature goal;
  - Commitments by all Parties to prepare, communicate and maintain a Nationally Determined Contribution;
  - Contribute to the mitigation of greenhouse gas emissions and support of sustainable development;
  - Enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change;



- Help vulnerable countries cope with the adverse effects of climate change, including extreme weather events and slow-onset events such as sea-level rise;
- Support the efforts of developing countries to build clean, climate-resilient futures;
- Transparent reporting of information on mitigation, adaptation and support which undergoes international review; and
- In 2023 and every 5 years thereafter, a global stocktake will assess collective progress toward meeting the purpose of the Agreement.

237. The UK is currently covered by the EU pledge to reduce emissions by at least 40% across all Member States by 2030. It is currently unclear whether the UK will submit its own pledge after it leaves the EU.

### 9.3 Renewable Energy Directive

238. In September 2001, the EU adopted its first renewable energy Directive (2001/77/EC) on the 'Promotion of Electricity Produced from Renewable Energy Sources in the Internal Electricity Market'.

239. In April 2009, this was revoked and replaced with the Renewables Directive (2009/28/EC). The two key targets that this Directive sought to achieve were:

- A reduction of 20% in greenhouse gases by 2020 (below 1990 levels); and
- 20% of the total EU energy (electricity, heat and fuel) consumption to come from renewable sources by 2020.

240. In 2007, the European Commission (EC) proposed an 'Energy Policy for Europe' (EC, 2007) as a first step towards becoming a low carbon economy. This policy recognises that the use of renewable energy contributes significantly to limiting climate change, and plays a part in securing energy supply and creating employment in Europe.

241. In October 2014, the EC proposed new climate and energy targets up to 2030. These targets build on the experience of, and lessons learnt from, the 2020 climate and energy framework (EC, 2015). These targets include:

- A 40% cut in greenhouse gas emissions compared to 1990 levels;
- At least a 27% share of renewable energy consumption within the EU; and
- A 27% improvement in energy efficiency (compared to projections, to be reviewed by 2020, having in mind an EU level of 30%).



242. In November 2016 (with amendments in February 2017), the EC published a Proposal for a Directive of the European Parliament and of the Council on the Promotion of the Use of Energy from Renewable Sources (EC, 2017) with the aim of making the EU a global leader in renewable energy and to ensure that the target of at least a 27% share of renewable energy consumption in the EU by 2030 is met.
243. Furthermore, the revised European Renewable Energy Directive (2018/2001/EU) adjusts the target to 32% of renewables by 2030, with a possibility of upwards revision by 2030 retained.
244. Despite the UK's decision to leave the EU following the EU Referendum in June 2016 (Brexit), the understanding is that most EU law is expected to continue to be in place following Brexit; however it is difficult to make assumptions regarding the longer term continuation or enforcement of EU legislation.

#### 9.4 UK Climate Change and Renewable Energy Policy

245. The Renewable Energy Directive and associated targets have primarily been transposed into UK law through The Promotion of the Use of Energy from Renewable Sources Regulations 2011.
246. There are a number of overarching UK environmental targets/goals, which set the national framework for tackling climate change and renewable energy production. The most relevant of these is the legally binding target (implemented through the Climate Change Act 2008) to cut carbon and greenhouse gas emissions by 80% by 2050, compared to 1990 levels, as laid down in the Carbon Budget Orders (HM Government, 2011). The targets for 2018-2022 are laid out in the Carbon Budget Order 2016 and the Climate Change Act 2008 (Credit Limit) Order 2016.
247. In order for the UK to achieve the reduction in emissions required by the EU the UK Government set a target to produce 15% of UK energy from renewable sources by 2020 (Department for Energy and Climate Change (DECC)<sup>6</sup>, 2011). This includes a sub-target of 30% of electricity from renewable sources. For offshore wind, the UK is world leading with 9.7GW of operational capacity as at December 2019 (The Crown Estate, 2020) and projected generating capacity growing to between 18GW (under the low capacity scenario) and 30GW (under the high capacity scenario) by 2030 (Wind Europe, 2017).
248. In the Queen's speech of 19<sup>th</sup> December 2019, the UK Government stated the Government would be increasing the 30GW target to an "ambition on offshore wind to 40GW by 2030." In October 2020, the Government reiterated this

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<sup>6</sup> DECC became part of Department for Business, Energy & Industrial Strategy (DBEIS) in 2016



commitment and confirmed by 2030, offshore wind should produce enough electricity to power every home across the UK. The confirmation of the target coincided with a suite of investments designed to increase the UK's offshore wind capacity to contribute to the UK Government's plans to Build Back Greener (HM Government, 2020). This was followed by the UK Government's "Ten Point Plan for a Green Industrial Revolution", published on 18 November 2020 it states the intention for the UK to "lead the world into a new Green Industrial Revolution" by investing in clean technologies including wind energy. It also restates the UK's legally binding obligation to reach net zero greenhouse gas emissions by 2050.

249. The first point in the Ten Point Plan relates to "advancing offshore wind". It states: *"Offshore wind is a critical source of renewable energy for our growing economy, with the UK already leading the world. By 2030 we plan to quadruple our offshore wind capacity so as to generate more power than all our homes use today, backing new innovations to make the most of this proven technology and investing to bring new jobs and growth to our ports and coastal regions."* The Ten Point Plan emphasises the key role of offshore wind in meeting targets and states that *"To offer further commitment to the industry and help further reduce costs, next year, we will aim to deliver up to double the amount of renewables we procure through our next Contract for Difference auction. And by 2030, we aim to produce 40GW of offshore wind"*.
250. The UK Government also published the "Energy White Paper: Powering our Net Zero Future" on 14 December 2020 which builds on the previous policy announcements. Through the Energy White Paper the Government commits to *"accelerate the deployment of clean electricity generation through the 2020s"* and *"ensure that the transformation of the electricity system supports UK jobs and new business opportunities, at home and abroad"*.
251. Additionally, the UK Government is continuing with CfD allocation round 4 to support low-carbon electricity generation. In particular, the UK Government has pledged to double the eligible capacity for the CfD auction scheme (HM Government, 2020). The importance of the forthcoming CfD auction rounds in 2021 and beyond is highlighted in the Energy White Paper. The critical issue for those rounds is having sufficient consented generation to ensure competition within those auction rounds.

## 9.5 Climate Change Act 2008

252. The Climate Change Act 2008 sets the framework for the UK to transition to a low-carbon economy and exceeds the targets set out in the Renewables Directives with the following objectives:
- A reduction of 34% in greenhouse gases (below 1990 levels) by 2020; and



- A reduction of 80% in greenhouse gases (below 1990 levels) by 2050.
253. The UK's fifth carbon budget was approved by the UK Government in July 2016. This provides a commitment to reducing emissions by 57% by 2030 and to work towards achieving the 80% target by 2050, as detailed in the Climate Change Act 2008. Offshore wind represents an important contribution to these targets by providing low-carbon energy generation (Committee on Climate Change (CCC), 2015).
254. Furthermore, the CCC recommended to the UK Government that greenhouse gas emissions should be reduced to zero by 2050 (CCC, 2019). Achieving this ambitious target would require 75GW of offshore wind by 2050, compared to the currently deployed 8GW and 30GW targeted by the UK Government's sector deal by 2030 (CCC, 2019).
255. In May 2019, the UK Parliament declared a 'climate change emergency'. On 27 June 2019, the UK Government's Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force. This amended the Climate Change Act 2008 to adopt the CCC's recommendation and meant the UK became the first major economy in the world to commit to net-zero by 2050.
256. The CCC produced a Progress Report in June 2020 that stated whilst it is clear net-zero is a Government priority, the steps taken thus far do not equate to 'adequate progress.' The report states there is potential for more than 75 GW of offshore wind farms to be operational by 2050 and reiterates the aim should be for 40GW of offshore wind by 2050 (CCC, 2020).

## 9.6 National Policy Statements ("NPS")

257. The 2008 Act makes provision for NPS. NPS are designed to set the policy framework for determination of NSIP applications. They integrate the UK Government's objectives for infrastructure capacity and development with its wider economic, environmental and social policy objectives, including climate change goals and targets, in order to deliver sustainable development.
258. NPS are produced by the UK Government and set out national policy against which proposals for major infrastructure projects will be assessed against and decided on. Planning decisions will be taken within the clear policy framework set out in the NPS, thus the decision making process is transparent. The Planning Inspectorate will have regard to NPS in its examination of applications for development consent, and Ministers will also have regard to them when making decisions.
259. The Overarching National Policy Statement for Energy (EN-1) states at paragraph 3.3.15: "*In order to secure energy supplies that enable us to meet*



*our obligations for 2050, there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector.”*

260. Paragraph 3.7.1 of EN-1 explains that much of the new electricity infrastructure that is needed will be located in places where there is no existing network infrastructure (DECC, 2011a). It acknowledges that this is likely to be the case for many windfarms, or where there may be technical reasons why existing network infrastructure is not suitable for connecting the new generation infrastructure.
261. In paragraph 3.7.10 of EN-1, UK Government explains that in the light of the urgent need for new electricity transmission and distribution infrastructure, the Infrastructure Planning Commission (now the Planning Inspectorate) should consider that the need for any given proposed new connection has been demonstrated to represent an efficient and economical means of connecting new generation to the transmission or distribution network. Paragraph 3.3.23 of EN-1 also concludes that the UK will require 59GW of new electricity generation by 2025 to ensure energy security and resilience.
262. Paragraph 2.6.15 of National Policy Statement for Renewable Energy Infrastructure (EN-3) recognises the need for 25GW of new offshore wind-derived generating capacity in the UK Renewable Energy Zone and the territorial waters of England and Wales (DECC, 2011b). It also refers to the Offshore Energy Strategic Environmental Assessment (SEA) which concluded that there are no overriding environmental considerations preventing the plans for 33GW of offshore wind capacity, if mitigation measures are implemented.
263. Paragraph 1.8.2 of National Policy Statement for Electricity Networks (EN-5) explains that subsea cables and underground cables, as well as associated infrastructure may be subject to the 2008 Act (DECC, 2011c). In England this infrastructure can constitute associated development for which consent is sought through a DCO along with the main NSIP infrastructure, such as a generating station.

## 9.7 Offshore Wind Sector Deal

264. On the 7 March 2019, Energy and Clean Growth Minister, Claire Perry announced the launch of the new joint government-industry Offshore Wind Sector Deal. This is the tenth Sector Deal to be announced overall and the first to be focussed purely on a truly renewable energy source. This represents a significant commitment and partnership between Government and Industry to shift the energy sector in the UK towards clean growth.



265. The Sector Deal strives towards delivery of at least one-third of the country's electricity from offshore wind by 2030. This is an increase from 9.7GW as at December 2019 (The Crown Estate, 2020), to 30GW in 2030. The Deal states that the "government will work collaboratively with the sector and wider stakeholders to ensure that up to 30GW of offshore wind can be delivered by 2030" indicating government support for offshore wind (DBEIS, 2019). This is then extended to 40GW of offshore wind by 2030 by the Ten Point Plan for a 'Green Industrial Revolution' (HM Government, 2020).
266. The Sector Deal assures certainty and stability within the industry which will deliver £48 billion of investment in UK infrastructure between now and the end of the next decade, by which time the offshore wind industry will employ 27,000 people including manufacturing. Many of these jobs are highly skilled, and will be in coastal communities, where economic regeneration is most needed. This too has been extended by the Government's Ten Point Plan for a 'Green Industrial Revolution' which states that up to 60,000 jobs are to be supported in the offshore wind industry.

## 9.8 Regional and Local Context

267. Suffolk County Council's Priorities for 2017 – 2021 (SCC, 2017) which are relevant to the proposed East Anglia ONE North project include:
- Champion the protection and enhancement of Suffolk's natural and historic environment and adaption to climate change, to ensure benefits the environment will deliver are maximised, to economic growth and health and wellbeing now and for future generation; and
  - Build on relationships with the Local Enterprise Partnership, to support business growth and unlock potential for greater growth in Suffolk.
268. East Suffolk Council, through the Waveney Local Plan, which was adopted on 20 March 2019 has the following key priorities and objectives (East Suffolk Council, 2019):
- Reduce contributions to climate change and mitigate the effects and conserve natural resources;
  - Achieve sustained and resilient economic growth in towns and rural areas in order to support, 5,000 new jobs in the District; and
  - Improve the quality and provision of all types of infrastructure.



## 10 Special Considerations

### 10.1 Crown Land

269. Section 135 of the 2008 Act provides protection for Crown Land against compulsory acquisition. The Crown's interest cannot be acquired compulsorily, but an interest in land held otherwise than by or on behalf of the Crown may be acquired with the agreement of the appropriate Crown authority.
270. No Crown Land has been identified as forming part of the Order Land and the Applicant does not intend to compulsorily acquire any interests in Crown Land within the Order.
271. Agreements have been entered into with The Crown Estate in relation to Crown Land offshore.

### 10.2 Special Category Land

272. Sections 130, 131 and 132 of the 2008 Act provide protection for certain special categories of land, namely:
- land belonging to the National Trust which is held by the Trust inalienably; and
  - land forming part of a common, open space or fuel or field garden allotment.
273. No land comprising any of these special categories of land has been identified as forming part of the Order Land and no rights of compulsory acquisition are sought in respect of any such land and therefore Sections 130, 131 and 132 of the 2008 Act are not engaged by the Order.

### 10.3 Statutory Undertakers

274. Special procedures in the 2008 Act apply to statutory undertakers' operational land. Section 127 of the 2008 Act applies to statutory undertakers' land held for the purposes of the undertaking if a representation has been made about the proposed development consent order application before the completion of the Examining Authority's examination of the application. If that representation has not been withdrawn, and if, as a result of the representation the Secretary of State is satisfied that the land is used for the purposes of carrying on the statutory undertaker's undertaking or an interest in the land is held for those purposes, then that statutory undertaker's land may only be included for acquisition in a development consent order if the Secretary of State is satisfied that the land may be purchased and not replaced without serious detriment to the carrying on of the undertaking or it can be replaced with other land belonging to or available for acquisition by the undertaker without serious detriment to the





carrying on of the undertaking. A similar provision applies to the acquisition of new rights over statutory undertakers' operational land.

275. Section 138 of the 2008 Act is engaged by Article 28 (Statutory undertakers) of the Order. This Article will permit the compulsory acquisition of land or rights of undertakers or enable the Applicant to extinguish or relocate the rights or apparatus of statutory undertakers. Such power may only be included in the Order if the Secretary of State is satisfied the extinguishment or removal is necessary for the Project.
276. Article 28 of the Order is subject to protective provisions agreed between the Applicant and relevant undertakers. Proposed protective provisions form Schedule 10 to the Order, to the extent they are required. The Applicant is seeking to agree these provisions in good time before the close of the examination. Details of the negotiations to date with the affected statutory undertakers to which Section 127 and/or Section 138 of the 2008 Act may apply are set out in the table below:

Statutory undertaker	Status of negotiations
Anglian Water Group Limited	Protective provisions are agreed.
British Telecommunications PLC	Draft protective provisions have been issued and no response has been received.
Cadent Gas Limited	A Crossing Agreement has been agreed and Cadent Gas Limited has withdrawn its representations.
Essex and Suffolk Water Limited	Although the undertaker did provide some standard guidance, thus far, the Applicant has not received any comments on the proposed protective provisions.
Interoute Communications Limited	<del>Commercial discussions are ongoing.</del> <a href="#">Draft protective provisions have been issued and no response has been received.</a>
National Grid Electricity Transmission plc	The protective provisions are agreed and the side agreement is substantially agreed.
NNB Generation Co (SZC) Ltd	The protective provisions are agreed but are subject to the conclusion of a side agreement which is in negotiation.
EDF Energy Nuclear Generation Limited (SZB)	The protective provisions <del>contained within the draft DCO submitted at Deadline 8</del> are agreed <a href="#">but are</a> subject to the conclusion of a side agreement which is in an agreed form and is in the process of being signed.



<del>UK</del> Eastern Power Networks ( <del>Operations</del> ) <del>Limited</del> PLC	Negotiations are ongoing with regards to compromise and asset protection agreements.
Virgin Media Limited	Draft protective provisions have been issued and no response has been received.
Vodafone Limited	After undertaking commercial discussions, the parties have reached an agreed position.



## 11 Other powers sought in the Order

277. Although Regulation 5(2)(h) of the APFP Regulations does not on the face of it extend beyond the outright acquisition of land or interests in, or rights over, land, the Applicant is seeking other powers in the Order which will or may interfere with property rights and interests and a summary of these powers is set out below.

### 11.1 Article 8 (Street works)

278. This article would allow the Applicant to carry out certain specified kinds of works in specified streets.

279. The exercise of the powers in Article 8 could potentially interfere with private rights (i.e. rights vested in a person rather than the public at large). The rights in question could be suspended, extinguished or otherwise interfered with. A person suffering loss from this would be entitled to claim compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### 11.2 Article 10 (Public rights of way)

280. This article would enable the Applicant to extinguish the public rights of way identified in the Order, subject to the provision of alternative public rights of way being created. The exercise of this article could potentially interfere with private rights. In that event the right in question would be extinguished. A person suffering loss due to such extinguishment would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### 11.3 Article 11 (Temporary stopping up of public rights of way)

281. This article would enable the Applicant to temporarily stop up, alter or divert public rights of way identified in the Order. The exercise of Article 11 could potentially interfere with private rights. In that event the right in question would be suspended. A person suffering loss due to such suspension would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### 11.4 Article 12 (Temporary stopping up of streets)

282. This article would enable the Applicant to temporarily stop up, alter or divert streets. Any stopping up or other interference could not be for longer than a reasonable time. During that time the Applicant could divert traffic from the street and prevent pedestrian access along it.

283. The general power to prevent pedestrian access would be subject to the obligation to provide reasonable access for pedestrians going to or from



premises abutting a street affected by the temporary stopping up, alteration or diversion if there would otherwise be no such access.

284. Powers in Article 12 would be exercisable in respect of the streets or parts of streets specified in Schedule 5 to the Order. With the consent of the street authority the power could also be exercised in respect of any other street.
285. The exercise of Article 12 could potentially interfere with private rights. In that event the right in question would be suspended. A person suffering loss due to such suspension would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### **11.5 Article 16 (Discharge of water)**

286. This article would enable the discharge of water into watercourses or sewers or drains, with the consent of the person to whom it belongs, and further allows the laying or removal or alteration of pipes to do so. The purpose of this power is to enable the proper drainage of the land comprised within the authorised project.

### **11.6 Article 17 (Authority to survey and investigate the land onshore)**

287. This article would enable the Applicant, for the purposes of the Order, to enter onto any land shown within the order limits to survey and investigate the land. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### **11.7 Article 21 (Private rights)**

288. Article 21 provides for the extinguishment of private rights over land subject to compulsory acquisition. The exercise of those powers amounts to an interference with property rights. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition. The Applicant will take particular regard to those rights of access over which the Order Land crosses and where possible will maintain access at all reasonable times. Where possible the Applicant will reach agreement with the relevant beneficiary of the right or if appropriate serve a prior notice under Article 21(6) of the Order to preserve the right of access. If a right of access is extinguished or overridden, the Applicant will seek to offer a re-grant of that right on similar terms to the affected party following the works being completed, with an appropriate licence for access during the time the works are carried out.



### **11.8 Article 25 (Rights under or over streets)**

289. Article 25 would enable the Applicant, where required for the purposes of the Project, to use the subsoil of, or airspace over, any highway (i.e. a way of any sort over which the public have a right to pass). The powers would not extend to a subway or underground building or to cellars or similar structures forming part of a building fronting the street, but would nonetheless interfere with property rights. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### **11.9 Article 26 (Temporary use of land for carrying out the authorised project)**

290. Article 26 would enable the Applicant, for the purpose of constructing the Project to take temporary possession of certain land. "Possession" means that the Applicant could occupy and control the land to the exclusion of everyone else.

291. The land to which the article applies is the land specified in column (2) of Schedule 9 to the Order and any other land within the limits of land to be acquired or used (as shown on the Land Plans) so long as the Applicant has not made a declaration to vest the land in itself or entered the land following a notice of entry in advance of acquisition. The Applicant would have the power to remove buildings and vegetation from the land and construct temporary works (including accesses) and buildings on the land.

292. Before giving up possession of any land the Applicant would be obliged to remove all temporary works and restore the land to its condition immediately before entry, or otherwise to the owner's reasonable satisfaction, but would not be required to restore land on which mitigation works have been constructed.

293. The exercise of these powers would interfere with the property rights of owners and occupiers of the land. An owner or occupier suffering loss or damage would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### **11.10 Article 27 (Temporary use of land for maintaining the authorised project)**

294. Article 27 would enable the Applicant to take temporary possession of certain land at any time during the maintenance period i.e. in relation to any part of the Project, five years from the date on which the Project first exports electricity to the national electricity transmission network.

295. The land to which Article 27 applies is any land within the order limits in which possession is reasonably required for the purpose of maintaining the Project.



296. The exercise of the powers would interfere with the property rights of owners and occupiers of the land. An owner or occupier suffering loss or damage would be entitled to claim compensation. The amount of compensation, if not agreed, would be subject to determination in the same way as compensation for outright acquisition.

#### **11.11 Article 34 (Felling or lopping of trees and removal of hedgerows)**

297. This article would enable the Applicant to fell or lop any trees or shrubs near any part of the Project so as to prevent the trees or shrubs from obstructing or interfering with the construction, maintenance or operation of the development or which may constitute a danger. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

#### **11.12 Article 35 (Trees subject to tree preservation orders)**

298. This article would enable the Applicant to fell or lop any tree described within Schedule 12 (trees subject to tree preservation orders) to the Order or any tree within or overhanging land within the order limits that is subject to a tree preservation order made after a specified date so as to prevent the trees from obstructing or interfering with the construction, maintenance or operation of the development or which may constitute a danger. The exercise of this power may interfere with individual rights. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.



## 12 Other Consents Required

299. The Order will grant consent for the construction, operation and maintenance of the Project however there are a number of additional consents that may be required from bodies such as Natural England and the Marine Management Organisation. These additional consents are listed in the Consents and Licences required under other legislation (APP-048).
300. It is not envisaged that there will be any obvious reason why the consents listed within the Consents and Licences required under other legislation will not be forthcoming.



## 13 Further Information

### 13.1 Funding

301. As outlined in Section 7 of this Statement, the Application is also accompanied by a Funding Statement to explain how the proposed compulsory acquisition for which it seeks authorisation in the Order is proposed to be funded.
302. For the reasons set out above and in the Funding Statement, the availability of funding is not an impediment to the implementation of the Project or any part of it.

### 13.2 Negotiations with the Applicant

303. Owners and occupiers of property affected by the Project who wish to negotiate or discuss matters of compensation should contact:

Dalcour Maclaren, 1 Staplehurst Farm, Weston on the Green, Oxfordshire,  
OX25 3QU

Tel No: 0800 3317190

Email: [eaonenorthandtwo@dalcourmaclaren.com](mailto:eaonenorthandtwo@dalcourmaclaren.com)

### 13.3 Compensation

304. Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:
- Booklet No. 1 - Compulsory Purchase Procedure.
  - Booklet No. 2 - Compensation to Business Owners and Occupiers.
  - Booklet No. 3 - Compensation to Agricultural Owners and Occupiers.
  - Booklet No. 4 - Compensation for Residential Owners and Occupiers.
  - Booklet No. 5 - Reducing the Adverse Effects of Public Development: Mitigation Works.
305. These booklets are available to download for free online at:
- <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>





## 14 Conclusions

306. The Applicant believes the inclusion of powers of compulsory acquisition in the Order for the purposes of the Project meets the requirements of section 122 of the 2008 Act and the Compulsory Acquisition Guidance.
307. The need for the Project and the support for such projects in the relevant NPS demonstrates a compelling case in the public interest for the required interests to be acquired compulsorily.
308. All reasonable alternatives to compulsory acquisition have been explored.
309. The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose and is necessary and proportionate to that purpose. The interests sought are no more than are reasonably required.
310. The Applicant has set out clear and specific proposals of how the Order Land will be used.
311. The requisite funds are available to meet any costs of land acquisition or amount of compensation payable as a result of the use of powers of compulsory acquisition.
312. The purpose of powers of compulsory acquisition to be included in the Order justifies interfering with the human rights of those persons with an interest in the land proposed to be acquired.
313. It is therefore submitted that the Order be made and the compulsory acquisition powers and powers of temporary possession sought within the Order be granted.



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