



**SCOTTISHPOWER  
RENEWABLES**

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

## **Applicants Comments on Elspeth Gimson's Deadline 9 Submissions**

Applicant: East Anglia TWO and East Anglia ONE North Limited  
Document Reference: ExA.AS-11.D10.V1  
SPR Reference: EA1N\_EA2-DEF-ENV-REP-IBR-001061

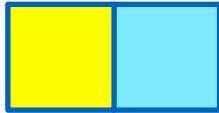
Date: 6<sup>th</sup> May 2021  
Revision: Version 01  
Author: ScottishPower Renewables

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



Revision Summary				
Rev	Date	Prepared by	Checked by	Approved by
01	06/05/2021	Brian McGrellis	Lesley Jamieson / Ian Mackay	Rich Morris

Description of Revisions			
Rev	Page	Section	Description
01	n/a	n/a	Final for Submission



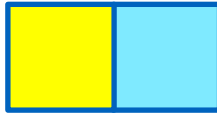
# Table of Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>Applicants Comments on Elspeth Gimson Deadline 9 Submissions</b>	<b>2</b>



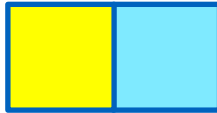
## Glossary of Acronyms

DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
GDPR	General Data Protection Regulation
HDD	Horizontal Directional Drilling
NGV	National Grid Ventures
SEAS	Suffolk Energy Action Solutions
SPR	ScottishPower Renewables
PD	Procedural Decisions



## Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
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.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.



## 1 Introduction

1. This document presents the Applicants Comments on Elspeth Gimson's Deadline 9 submissions.
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North DCO applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23<sup>rd</sup> December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



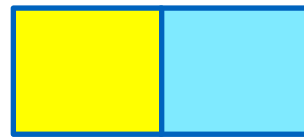
## 2 Applicants Comments on Elspeth Gimson's Deadline 9 Submissions

ID	Elspeth Gimson Submissions	Applicants' Comments
<b>Attempts to prevent objection to the application</b>		
1.1	<p>We have previously described to the Examining Authority clauses which were included in contracts to be signed and the associated remuneration. 1.1. We were offered a contract to sign which included; "The Grantor shall not make a representation regarding the EA1N DCO Application nor the EA2 DCO Application (and shall forthwith withdraw any representation made prior to the date of this Agreement and forthwith provide the Grantee with a copy of its withdrawal save as the Grantor shall have absolute discretion over the withdrawal of all comments pertaining to the impact of the Project(s) on ground source water aquifers only in document refs. REP1- with this contract we were offered a "gate opener 242, REP2-098, REP5-135 and REP5- 136) nor any other Permission associated with the EA1N Development or the EA2 Development and shall take reasonable steps (Provided That any assistance is kept confidential) to assist the Grantee to obtain all permissions and consents for the EA1N Works and the EA2 Works on the Option Area (the Grantee paying the reasonable and proper professional fees incurred by the Grantor in connection with the preparation and completion of such permissions and consents)." With this contract we were offered remuneration which included a "gate opener" and an "incentive payment – for entering into the options agreement".</p>	<p>The Applicants have set out the full factual background to this matter in their Deadline 7 (<b><i>Applicants' Response to Letters Submitted in relation to Suffolk Energy Action Solutions (SEAS) Complaint</i></b> (REP7-061)) and Deadline 9 (<b><i>Applicants' Comments on Suffolk Energy Action Solutions' Complaint</i></b> (REP9-010)) submissions. Again, Dr Gimson fails to record that the document he refers to was a generic draft which had been sent out to clients for comment. He commented in his capacity through his agents and the Applicants' agents offered revised terms.</p>



ID	Elspeth Gimson Submissions	Applicants' Comments
1.2	If we had signed that agreement we would not have been able to make objections, would have had to withdraw previous objections and would have been required to assist SPR in all future applications in the Option Area. It is our opinion that this demonstrates that SPR is not a reasonable or responsible negotiating partner, which may be seeking to stifle all dissenting voices	The agreement was a draft and Dr Gimson raised concerns and revised terms were offered. The Applicants' agents have not received a response from Dr Gimson or his representatives.
1.3	Can the Examining Authority be sure that others who may have signed such a nondisclosure clause, would not be objecting to this proposal if they had earlier not signed such a clause? Even if no contract have yet been signed, these contracts have been 2 circulated to others Affected Persons. Can the Examining Authority be sure that they have not been frightened into staying silent or avoiding objections?	The Applicants have set out in the representations referred to in ID1.1 that Affected Persons have been supported by independent agents and solicitors in negotiations over the voluntary agreements. This ensures that they are given independent advice on their rights and the process.
1.4	We remain of the opinion that these non-disclosure terms represent a substantial risk to the validity and fully representational nature that is required of all strategic planning examinations.	As set out in the <b>Applicants' Response to Letters Submitted in relation to Suffolk Energy Action Solutions (SEAS) Complaint</b> (REP7-061) Dr Gimson expressed concern about wanting to make further representations. Prior to any "complaint" being submitted the Applicants' agents responded seeking to deal with his concerns by amending the terms to allow representations.
<b>Failure to address concerns about the water supply at Ness House</b>		
2.1	We have consistently pointed out the potential risk of directional drilling and boreholes on the aquifer beneath Ness House, from which it draws water for the 5 properties on that site. The report supplier by SPR examining that risk is partial, curated for the benefit of the applicant and cannot be considered an objective scientific assessment of risk	The <b>Landfall Hydrogeological Risk Assessment</b> (REP6-021) submitted at Deadline 6 was not curated for the benefit of the Applicants. REP6-021 was prepared by appropriately qualified independent specialists on behalf of the Applicants. It is very much within the interests of such specialists to discharge their responsibilities in strict accordance with their industry's best practice guidance and to provide impartial advice to developers, indeed it is essential for





ID	Elspeth Gimson Submissions	Applicants' Comments
		<p>the retention of the professional qualifications and memberships that enable them to operate.</p>
2.2	<p>We append with this letter an assessment of that report by BA Hydro Solutions Ltd in which it is stated; “The risk assessment should not be accepted as being complete or valid for the following reason. The risk assessment does not adequately characterise the hydrogeological setting in terms of groundwater levels (including season changes and responses to tide), groundwater quality, groundwater movement, groundwater recharge, groundwater abstractions and other receptors. The risk assessment does not define the route of the boring in any axis and does not start to consider the route or nature of other trenches/services that shall form part of the scheme. Without having adequately characterised the hydrogeology or defining the scheme, the potential impact on the different receptors cannot be risk assessed</p>	<p>The letter from B. A. Hydro Solutions (appended to (REP9-110)) dismisses the <b>Landfall Hydrogeological Risk Assessment</b> (REP6-021) on the premise that it is not possible to undertake a hydrogeological risk assessment without first implementing an extensive ground investigation and monitoring campaign. However, the Applicants would note that a tiered approach is typically used when undertaking hydrogeological risk assessments, and the initial Tier 1 assessment comprises a qualitative risk screening process that is focused on identifying the risks to groundwater and determining whether more a detailed assessment is required to prioritise and fully assess risks.</p> <p>REP6-021 is not intended as a detailed method statement; it presents a Tier 1 assessment of the information contained within the <b>HDD Verification Clarification Note</b> (REP6-024) and the <b>Landfall Construction Method Statement</b> (REP8-053) regarding the potential effects of drilling within the aquifer underlying the landfall location. Tier 1 assessments such as this are usually based on desk study information, supplemented with anecdotal evidence from site visits where necessary. The hydrogeological setting presented in <b>Section 4</b> of REP6-021 is based on a thorough review of the literature, including historical maps and plans, geological maps, cross-sections and schematic diagrams, available ground condition reports, hydrological and hydrogeological information from the British Geological Survey, and data on the location of Source Protection Zones, surface water features, groundwater vulnerability, aquifer type or any Safeguard Zones from the Department of Food and Rural Affairs (DEFRA) / Natural England websites.</p> <p>At this stage, such an assessment is sufficient to provide a robust appraisal of potential risks, noting that no potential impact pathways have been identified and as such the proposed activities are considered to be low risk. However,</p>



ID	Elspeth Gimson Submissions	Applicants' Comments
		<p>REP6-021 also states that although ground investigations are not typically undertaken pre-consent, they will be undertaken post-consent to inform a more detailed hydrogeological risk assessment (noting that the conceptual model of groundwater functionality and associated risk is iteratively refined within each level of risk assessment). Indeed, the monitoring proposed by B. A. Hydro Solutions is akin to that which would be undertaken during the construction phase of a project, and therefore is proposed in REP6-021.</p> <p>The Applicants would like to restate that the risk assessment will be revisited and refined post consent once ground investigations are completed as part of the horizontal directional drilling (HDD) design process. Detail on the ground investigations to be undertaken is provided in <b>Section 2</b> of the <b>Landfall Construction Method Statement</b> (REP8-053). The Landfall Construction Method Statement and a landfall monitoring plan are secured by Requirement 13 of the <b>draft DCO</b> (document reference 3.1); final versions of these documents must be approved by the relevant planning authority in consultation with the relevant statutory nature conservation body before construction of the landfall can commence.</p>
2.3	<p>This report does not set out the hydrogeological context, the exact nature of the drilling and its positioning or angle of route, without which any assessment is wholly inadequate. It does not quantify the risk, nor does it characterise what risks are acceptable versus those that are so high that they are unacceptable. It is scientifically totally inadequate to formally assess risk</p>	<p>See Applicants comments at ID2.2.</p>
2.4	<p>In asking BA Hydro Solutions to make this assessment we specifically asked for an objective assessment of the report; if it found the SPR report to be reasoned and sound then we could be assured and our concerns allayed. We specifically asked them not</p>	<p>See Applicants comments at ID2.2.</p>



ID	Elspeth Gimson Submissions	Applicants' Comments
	to give a prejudiced assessment just because we commissioned the report, but to be scientifically unbiased.	
2.5	To repeat that point, if a scientific and objective report quantifies the risk and that risk is appropriately low, we shall be reassured. The current SPR report is unscientific, without any measurement and wholly inadequate for making any assessment of the risk of directional drilling to an aquifer 11 metres below ground level.	See Applicants comments at ID2.2.
<b>Cumulative impacts</b>		
3.1	It is now clear that National Grid Ventures intend to use the Friston substation to connect into the national grid. The cumulative impact of another cable corridor – in NGV's case being even wider than that for SPR – will have a devastating impact on the local environment, on tourism, on the value of local properties and the social fabric of the community	<p>It is incorrect to state that National Grid Ventures (NGV) intend to use the Friston substation to connect into the national grid. As stated by NGV in their <b>Written Response to East Anglia One North and East Anglia Two Examinations Deadline 3</b> (REP3-112), while NGV have engaged in early discussions with stakeholders and maintained a dialogue with NGESO, at no point has this translated into a confirmed connection at Friston.</p> <p>The Applicants submitted the <b>Extension of National Grid Substation Appraisal</b> (REP8-074) at Deadline 8 which presents an appraisal of the potential additional effects of the potential future expansion of the National Grid substation necessary to accommodate both of the proposed NGV projects should they connect at the Grove Wood, Friston location. It is recognised that this represents only a partial assessment of those projects given the NGV projects lack the detail necessary to undertake a full CIA (i.e. convertor station locations, cable routings, landfall locations and grid connection locations are yet to be established).</p>
3.2	We call upon the Examining Authority to take note of the impact over many years from two cable corridors. That impact will dramatically affect local residents especially those 3 at Ness	NGV have yet to select a landfall location or cable corridor. The Applicants maintain that little to none of the information specified in The Planning Inspectorate Advice Note 17 (Cumulative effects assessment relevant to



ID	Elspeth Gimson Submissions	Applicants' Comments
	House, local community facilities such as Wardens Trust, social resilience, social capital and local mental health.	nationally significant infrastructure projects) is available and therefore the projects cannot be cumulatively assessed with the Projects.
3.3	If a second further cable corridor was consented the properties at Ness House would be enclosed by fencing to the south, west and north-west with a haul road and all attendant traffic, noise and dust over a 5 year period. That would be a devastating burden for those residents	<p>Should a sequential construction strategy be adopted by the Applicants, the Applicants have committed to installing the ducting for the second project at the same time as the onshore cables are installed for the first project (subject to consent). This will significantly reduce the construction works associated with the second project at the time of its construction.</p> <p>The Projects do not interact with access to the Wardens Trust property and no Public Right of Way will be closed without a suitable diversion first being put in place, such diversion likely to last only a few weeks during installation and removal of the temporary haul road and the onshore cables. As noted in ID6, NGVs landfall and onshore cable route remain unknown. The Applicants have amended the onshore cable corridor to provide an 80m separation from the Wardens Trust property and will implement mitigation measures during the construction phase as set out in the <b>OCoCP</b> (REF) to minimise disruption the users of the Wardens Trust.</p>
<b>Recent ground works starting 8<sup>th</sup> April 2021</b>		
4.1	<p>On Thursday 8th April we noticed substantial activity in fields surrounding the Ness House property, with more than 10 vans, low-loaders and diggers. These were from Structural Soils Ltd and others, contracted by SPR.</p> <p><b>No notice was given to Affected Persons or Interested Parties that these works were about to start.</b></p>	<p>The Applicants refer to the Onshore Site Investigation Works Update (ExA.AS-9.D10.V1) submitted at Deadline 10 which provides further information on engagement that the Applicants undertook in advance of the onshore site investigation works, including e-mail notifications advising of the onshore site investigation works being to over 1,250 recipients on 17<sup>th</sup> March 2021, three weeks before the onshore site investigations commenced.</p> <p>All relevant Affected Persons were notified and indeed permission was sought from relevant Affected Persons with land ownership interests. The Applicants have no access to the Examining Authority's Interested Persons database</p>



ID	Elspeth Gimson Submissions	Applicants' Comments
4.2	<p>At the same time vans came onto the Wardens site and started to unload equipment onto our property. These vans were also from those contractors. These vans were trespassing on the Wardens Trust site without permission.</p>	<p>The Applicants can confirm that one van stopped in error, off Sizewell Hall Road at the entrance to Wardens Trust for a short period. Once made aware of the error the van relocated.</p>
4.3	<p>I obtained the mobile number of the site manager who stated that his team were undertaking soil surveys and borehole drilling to 40 metres. I informed him that there was an aquifer at 11 metres below ground level, which he did not seem aware of. We made numerous phone calls but were unable to make contact with any EA1N/EA2 liaison personnel. We spoke with and an EA1 phone number. We received an email responses at 15.11 and again at 22.08 The latter stated ".....The matter was immediately escalated to the Senior Managers and works have been stopped and a meeting called with the Contractor to discuss. Further details of the outcome of these discussions and associated next steps will be available following this meeting. I can only apologise for the concern this has caused you and I will follow up in early course with further details once I have them to hand."</p> <p><b>No further contact was received from SPR before the works restarted on 12th and 13th April. No attempt was made to allay any concerns about borehole drilling breaching the aquifer. No attempt has been made to "follow up in early course with further details.."</b></p>	<p>The Applicants contractors have been aware of the aquifer, and other sensitivities and constraints, from the outset.</p> <p>Contact was made with Dr. Gimson on 8<sup>th</sup> April, shortly after he had made contact with the stakeholder team.</p> <p>The Applicants have made numerous submissions during Examination regarding intrusive drilling (in the form of HDD) which demonstrate the integrity of such works.</p> <p>Some site set-up works, a small number of trial pits and some mag cone tests were undertaken on the 13<sup>th</sup> and 14<sup>th</sup> of April, but no borehole drilling works.</p> <p>Dr. Gimson was contacted by e-mail on 14<sup>th</sup> April to explain the nature of the works (trial pits and boreholes) being undertaken and that the potential risk to drinking water is exceptionally low. However, the Applicants offered to undertake water sampling of the well at Ness House. No response was received.</p> <p>A further email was sent to Dr. Gimson on the 18<sup>th</sup> April confirming the borehole works would be starting that week and again reiterated the offer of water sampling of the well at Ness House. Borehole drilling works then commenced on the 20<sup>th</sup> April 2021.</p> <p>The Applicants and Dr Gimson have discussed the water sampling from the well. Dr Gimson confirmed on the 5<sup>th</sup> May that water sampling of the well commenced on 20<sup>th</sup> April and an accredited laboratory chosen to analyse the results, noting all samples are taken in special containers.</p>

**Applicants Comments on Elspeth Gimson's Deadline 9 Submissions**  
6<sup>th</sup> May 2021



ID	Elspeth Gimson Submissions	Applicants' Comments
4.4	<p>When works restarted on 12th and 13th April, again without prior warning, it did so in fields immediately adjacent to where horses and ponies are stabled and grazing. That caused enormous alarm to the animals and substantial distress to their owners No prior discussions were had to or attempts to allay concerns or mitigate impacts on animals.</p>	<p>No onsite observations were made regarding 'enormous alarm to the animals'. It is noted that the fields in this area are intensively farmed and the movement of vehicles or excavators is not dissimilar to what is experienced during farming operations.</p>
4.5	<p>On 13th April after works at the site had resumed we received an email asking for permission to use our email addresses to keep us informed for GDPR purposes. The absence of that prior permission cannot be used as a reason for not contacting us, as SRP personal had contacted me by email on 22 occasions between 26/1/21 to 8/4/21 and that of Wardens Trust on 9/4/21 without such permission. That evening we did receive an email from SPR explaining what had been happening. <b>Why was that after the works had started?</b></p>	<p>Data handling by SPR is regulated under the General Data Protection Regulation (GDPR). The notifications issued on 17<sup>th</sup> March advising of the works were to those individuals who have registered for project updates since the system was established during the pre-application stage of the Projects.</p> <p>The Applicants confirm that Dr. Gimson has now registered for updates on the Project and will receive such updates going forward.</p> <p>The Applicants refer to the <b><i>Onshore Site Investigation Works Update</i></b> (ExA.AS-9.D10.V1) submitted at Deadline 10 which provides further information on the onshore ground investigation undertaken at the landfill.</p>