SPR EA1N and EA2 PROJECTS

DEADLINE 11 – RESPONSES TO DDCOS COMMENTARIES

Interested Party: SASES **PINS Refs:** 20024106 & 20024110

Date: 7 June 2021 **Issue:** 1

INTRODUCTION

The following responses are made to the examining authorities' commentaries on the draft Development Consent Orders (dDCOs) (May Version) issued on 20 May 2021.

SCHEDULE 1

Part 3 R12 – overall design and layout plans. This comment was not directed to SASES but its opinion was sought at ISH17. Accordingly SASES provides the following response.

There is an overall concern that the use of the drawings submitted by the applicants in response to EXA's R17QE might indicate some agreement that such plans are acceptable. As the ExAs are aware there are many concerns with the footprint and height of the Applicants' substations, the National Grid substation and the National Grid cable sealing ends. In relation to the latter there is the question as to whether three are necessary and whether the largest cable sealing end (containing a circuit breaker breaking the connection between Sizewell and Bramford) is required for these projects.

Provided these issues are addressed by including:

- a design principle that the works are to be designed only to meet the requirements of the EA1N and EA2 projects; and

- a requirement (as previously requested by SASES) that works 38, 41 and 34 can only be used in connection with the EA1N and EA2 projects,

and if the plans were expressed to be both indicative and not to be considered in any way as fettering the ability of the relevant planning authority to ensure that the design of all the relevant works is as "low-impact" as possible then,

- in relation to (a) the plans could be submitted into the examinations and form part of the substations design principles statement, the outline landscape and ecological management strategy and the outline operational drainage management plan given the presence of the SuDS basins

- in relation to (b) one would expect that in seeking approval that the Applicants would submit updated plans but it might be helpful to include an express reference to this in Requirement 12(5) including a statement that such plans would form part of the SDPS, the OLEMS and the OODMP

- in relation to (c) such a provision would be helpful. In relation to the works listed, work number 34, the operational access road, should also be included as should work number 39 given the impact of the four new larger pylons (including one additional pylon) on the landscape.

Part 3 R12 – Defining onshore operational land - see SASES' ISH 17 Post Hearing Submission at paragraphs 16, 17 and 18. For ease of reference these are reproduced below.

> *Whilst the ExAs' suggested amendments to requirement 12 would be an improvement, they do not address SASES's concerns in full. The proposal is that the undertaker would define the extent of operational land in making submissions for detailed approval of the substation infrastructure, and that permitted development rights would otherwise be removed by requirement 44. This proposal would provide some further clarity and is an improvement on the present position in the dDCOs.*
>
> *Whilst these changes would provide some clarity, they would remain problematic:*
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> a. *The extent of operational land would be in the gift of undertaker submitting the plan and it is unclear on what basis such a submission could be refused by the approving planning authority;*
>
> b. *It would not prevent the identification of operational land beyond the fence line of the proposed compounds. SASES can see no justification for any land outside the compounds having the benefit of permitted development rights;*
>
> c. *It is unclear why the proposed requirement refers to the SDPS, which does not grapple with this issue.*
>
> *Accordingly, SASES considers that the proposed approach should be further modified to ensure that only land within the proposed compounds is included on the suggested onshore operational land plan, and that the land shown should be "reasonably required to be operational land for the purposes of the undertaking", to ensure that the approving authority could refuse to approve the plan in the event that the land included was excessive.*

SCHEDULE 15

Paragraph 6 Costs – as any arbitration will be in a planning context it is appropriate that the usual planning approach to costs should apply, namely each party bears its own costs. The argument made by the Applicants is more usual in commercial arbitration but this is a planning matter not a commercial dispute. The reality of the Applicants' position is that they want to reduce the risk of challenge on the basis of the "chilling effect" of adverse costs on a party with limited resources.