

[REDACTED]  
Sizewell  
Leiston  
Suffolk [REDACTED]

Dear Sir,

Scottish Power Renewables

EA1N AFP – 042, EA2 AFP – 042 – Affected Person Mrs EP Gimson

Invitation from the Secretary of State to comment on EA1N/2 as per letter of 2 November 2021

I am writing on behalf of Mrs Elspeth Gimson, an Affected Person resident at [REDACTED] Leiston [REDACTED] for whom I hold Power of Attorney.

We continue to object very strongly to the Scottish Power Renewables' (SPR) current windfarm cable route application.

We are asking the Secretary of State to deliver a 'split decision' so that:

1. The offshore turbines are recommended for consent.
2. The onshore infrastructure is rejected in favour of full consideration of better locations for this infrastructure where the adverse impacts are minimised at a brownfield or industrialised site.

We are aware that this solution is supported by our local MP Dr Therese Coffey.

There are many arguments against the proposals in their current format as described by others including the [REDACTED] and the [REDACTED] all of which we support as they are directly relevant to the Ness House property and the impact of the proposals on residents and visitors at that site.

Notwithstanding the proposal to alter the order limits of the cable route so that the corridor will not cross any property owned by Mrs Gimson we continue to object to the applicants' proposals because of a failure to address a number of concerns.

**1. Failure to address concerns about the water supply at Ness House.**

- 1.1. We have consistently pointed out the potential risk of *Horizontal Directional Drilling* and boreholes to the aquifer beneath Ness House, from which water is drawn for the 5 properties on that site. There has been a well supplying water to these properties for over 100 years. The report supplied by SPR examining that risk cannot be considered an objective scientific assessment of risk.
- 1.2. We have previously submitted a 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.*"

- 1.3. The SPR 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 risk. It is scientifically inadequate to formally assess risk.
- 1.4. We note that SPR have now offered a temporary water bowser for the use of residents at the site. That offer, coming without any relevant information concerning where it will be sited, whether and where it will be connected into the main water supply; whether it will have a big enough volume to supply bathing/shower facilities to all properties (there are 9 baths and 7 showers in the different properties) and the duration and safety of such a connection. The offer has been rejected by the residents. The Trustees of Wardens Trust have also unanimously rejected the proposal as inadequate in supplying the water needs for the groups of up to 20 children who may come to the Wardens Hall.
- 1.5. To repeat our point, SPR have thus far not supplied an adequate hydro-geological risk assessment. The fact that they are offering a temporary water bowser indicates that SPR admit there is SOME risk. If there was NO risk there would be no need for a temporary water bowser. **So, the issue that the Examining Authority has to consider is what is the magnitude of that risk.** Is the risk 1 in 10 or is the risk 1 in 100,000, or is it impossible on the evidence currently available to make any assessment of that risk.
- 1.6. Nowhere in their assessments have SPR numerated that risk. That is clearly unacceptable. Vague comments about mechanisms to seal the drill channel without any assessment of the risk that those mechanisms might fail or be inadequate are not acceptable. **The users of the Ness House water supply require a numerated risk so they, and the Examiners at this enquiry, can understand and decide whether that risk is acceptable or not.**
- 1.7. Because of the inadequacy of any assessment of risk by SPR we have commissioned a further hydro-geological assessment by BA Hydro Solutions, enclosed with this submission. We specifically asked for this report to be objective. In contrast to SPR's reports it was not to be curated for the benefit of the commissioner of the report but to be, where possible, a formal rigorous and objective assessment, with the following objectives.
  - 1.7.1. Document field work and monitoring completed local to Ness House.
  - 1.7.2. Confirm the geological sequence.
  - 1.7.3. Define the hydrogeological setting.
  - 1.7.4. Consider where groundwater is present.
  - 1.7.5. Document current and historical groundwater abstractions from the same horizon the Ness House abstraction likely draws from.
  - 1.7.6. Develop a conceptual hydrogeological model of the Ness House site.
  - 1.7.7. Develop a basic groundwater flow model in order to test different scenarios.
  - 1.7.8. Discuss the risk posed to the private water supply from the proposed cable installation.
- 1.8. This report has made a number of recommendations which include;
  - 1.8.1. ***In the absence of reliable data and it only being possible to construct a limited hydrogeological conceptual model it is not possible to conclude there would be no impact from the proposal.***
  - 1.8.2. ***In the absence of a detailed design, it is not possible to accurately and reliably appraise the risk, to ascertain whether sufficient work has been done to ascertain the risk, to assess what else needs to be done and/or for permission to be granted for such a scheme.***

- 1.9. SPR only acknowledged that there was a fresh water drinking supply at for 5 residencies at Ness House during 2020, more than a year after starting on the planning process. That we have now come to the end of the planning process without enough detail for residents to make an assessment of risk demonstrates an entirely cavalier, arrogant and seemingly incompetent approach to this planning process.
- 1.10. We do not see how the Examining Authority can give permission for HDD so close to a fresh water drinking supply when an objective assessment states that there is no or inadequate data available to assess the risk to that supply. Mitigation with a water bowser, the details of which and duration of which is unknown, is not an adequate solution to that unknown risk.
- 1.11. Since the end of the formal Examination process in July, SPR and their contractors have placed at least 5 boreholes into the aquifer and have tested them regularly. We have not been informed of any results. We suspect that SPR will place before the Secretary of State additional information from those bore-holes which residents will not have been able to interrogate or question with their own experts. That is a travesty of an Examination process, unfair to local residents and would bring the conclusions made by the Secretary of State into some controversy, and open to judicial review.

## **2. Threats to a fragile coastal environment**

- 2.1. The impact of *Horizontal Directional Drilling* (HDD) on the corraline crag and fragile coastal geology has been underestimated by SPR. During the examination they were unable to give examples of where HDD had previously been undertaken without causing damage.
- 2.2. The integrity of the corraline crag stretching out on the seabed from the Ness is fundamental to the continuing protection of properties in Thorpeness, to the south of the Ness (and the site of the proposed landfall). Fracturing that crag with HDD may have catastrophic effects on erosion risks in Thorpeness.
- 2.3. SPR have not scientifically addressed that risk in a manner that might reassure local residents.

## **3. Attempts to prevent objection to the application.**

- 3.1. Notwithstanding a proposal to move the cable corridor such that it would not cross Mrs Gimson's property, we continue to stand by a very important principle. Mrs Gimson was offered, in an email, an "incentive payment – for entering into the option agreement = £7000".
- 3.2. That option agreement included the statements; *"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-, 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. Some might consider an incentive payment to sign a contract which includes a non-disclosure agreement as a covert bribe.

- 3.3. If we had signed that agreement, we would not have been able to make objections, we would have had to withdraw previous objections and we would have been specifically required to assist SPR in all future applications in the Option Area.
- 3.4. It is our strong opinion, and that of other commentators on the planning process, that the use of Non-Disclosure Agreements, particularly when signed after the offer of an inducement to sign, is corrosive of trust in an open and fair planning process, which is fundamental to all National Infrastructure Planning.
- 3.5. We suspect that the cable corridor has now been routed away from Mrs Gimson’s property in order to try to neutralise our principled objections concerning incentives and Non-Disclosure Agreements.
- 3.6. It is fundamentally contrary to common law principles that the amount paid in compensation to owners of land over whose property a cable corridor shall run is far greater when linked to an inducement payment and a clause preventing public objection to an application, than if compulsory purchase is enacted after completion of a planning process.
- 3.7. We hope that the Secretary of State will appreciate that a decision in favour of applicants, when many landowners will have been prevented by non-disclosure agreements from objecting, will be perceived as partial, unfair and open to judicial review.

#### **4. Cumulative impacts**

- 4.1. 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.
- 4.2. We call upon the Examining Authority to take note of the impact over many years from two cable corridors which might be present until 2028. That impact will dramatically affect local residents, especially those at Ness House, local community facilities such as Wardens Trust, social resilience, social capital and local mental health.
- 4.3. Irrespective of whether the corridor for SPR crosses Mrs Gimson’s property, consent for a second additional NGV cable corridor would result in the properties at Ness House being enclosed by fencing to the south, west and north-west with a haul road and all attendant traffic, noise and dust until approximately 2028. That would be a devastating burden for those residents.

Yours sincerely



Dr Alexander Gimson FRCP  
On behalf of Mrs Elspeth Gimson

30/11/2021