SPR EA1N and EA2 PROJECTS

DEADLINE 3 – COMMENTS ON APPLICANTS DEADLINE 2 SUBMISSIONS

Interested Party: SASES **IP Reference Nos.** 20024106 and 20024110

Date: 15 December 2020 **Issue:** 1

Introduction

1. This document sets out a number of comments on a variety of the submissions made by the Applicants at Deadline 2. They are as follows:

    a. Applicant's Comments on Written Representations in respect of the SASES Written Representations at Section 2.15[1]

    b. Project Update Note

    c. Noise and Vibration Clarification Note

    d. SuDS Infiltration Note

    e. Regulatory Context Note

2. In addition in relation to flood risk matters including the SuDS Infiltration Note, GWP Consultants have made a number of comments including on other parties' submissions at Deadline 2. Its report is set out at Appendix 4.

3. For the avoidance of doubt the fact that no comment is made on a submission made by any party does not indicate that SASES agrees with the submission.

Applicant's Comments on Written Representations in respect of the SASES Written Representations at Section 2.15

4. The Applicants state at paragraph 6 that:

    "SASES have chosen not to engage in the SoCG process until after Deadline 1. The SASES submission at Deadline 1 therefore represents the first opportunity the Applicants have had to consider their detailed comments. Since submission of the Applications in October 2019, the Applicants have progressed discussions with other stakeholders and statutory bodies through the SoCG process and a number of matters have been

[1] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-002981-ExA.WR%202.D2.V1%20EA1N&EA2%20Applicants'%20Comments%20on%20Written%20Representations%20Volume%202%20Technical%20Stakeholders.pdf

progressed through the production of further clarification notes submitted at Deadline 1 and Deadline 2."

5. The facts are rather different. The reality is that the Applicants have failed to meaningfully engage with SASES until they were compelled to do so by the procedural decision of the Examining Authorities. There were at least five occasions going back to March 2019 which should have prompted Scottish Power to meaningfully engage with Friston Parish Council and SASES, yet on every one of those occasions it failed to do so - more details are set out in Appendix 1.

6. In any event the Applicants' failure to respond to SASES' written representations at Deadline 2 is unacceptable given the substantial resources at their disposal and given that the nature and detail of SASES' written representations was clearly flagged by its previous submissions. It is yet another example of Scottish Power's inability to properly engage with the local community which is clearly a deep seated cultural issue within Scottish Power. This raises serious concerns about the Applicants' genuine willingness to involve the local community should the DCOs be granted and more importantly listen to it, which Scottish Power has conspicuously failed to do for almost 2 years.

7. SASES sent draft Statements of Common Ground to Scottish Power on 26 November 2020.

8. Written representation 01 site selection – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. However site selection was discussed at ISH2 and the Applicants' comments here need to be viewed in the context of the submissions made at ISH2. See further SASES' post hearing submissions on site selection. With regard to the quotation of Natural England this needs to be considered in the context of Natural England's responsibility in respect of Areas of Outstanding Natural Beauty. From Natural England's limited remit a good result was achieved as permanent development is now proposed to take place outside the AONB notwithstanding the unsuitability of the selected site with which Natural England were not concerned.

9. Written representation 02 cumulative impact – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. Cumulative impact was discussed at ISH2 and the Applicants' comments here need to be viewed in the context of the submissions made at ISH2. See further SASES' post hearing submissions on cumulative impact. With regard to the quotation from the SoCG with NGET this is a self-serving statement since NGET is also interested in ensuring a proper cumulative impact assessment is not conducted in respect of the new National Grid connection hub.

10. Written representation 03 landscape and visual – as the Applicants will not respond in detail until Deadline 4 no detailed comment can be made at this time. Landscape and visual matters were discussed at ISH2 and the Applicant comments here need to be viewed in the context of the submissions made at ISH2. See further SASES' post hearing submissions on landscape.

11. Written representation 04 flood risk - as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. The statement concerning the Environment Agency is misleading since it only deals with fluvial flood risk not pluvial flood risk - see SASES comments made at Deadline 2 on the SoCG with the Environment Agency. See also the report of GWP Consultants at Appendix 4.

12. Written representation 05 cultural heritage – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. Cultural heritage matters

were discussed at ISH2 and the Applicants' comments here need to be viewed in the context of the submissions made at ISH2.

13. Written representation 06 noise – as the Applicants will not respond in detail until Deadline 4 no detailed comment can be made at this time. With regard to the Noise and Vibration Clarification Note see comments below.

14. Written representation 07 land use – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. Comments were made by SASES on the Applicants' Land Use Clarification Note at Deadline 2.

15. Written representation 08 substation design and Rochdale envelope – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. Design matters were discussed at ISH2 and the Applicants' comments need to be viewed in the context of the submissions made at ISH2. See further SASES' post hearing submissions on this topic. With regard to the quotation from the SoCG with NGET this is a self-serving statement since NGET wishes to avoid a cumulative impact assessment being carried out in respect of the National Grid connection hub.

16. Written representation 09 footpaths – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. With regard to the Public Rights of Way Clarification Note please see SASES' comments on this document submitted at Deadline 2. With regard to the Archaeology and Cultural Heritage Clarification Note please see SASES' comments on this document submitted at Deadline 2.

17. Written representation 10 human health – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. With regard to the statement "*the Applicants have therefore sought to engage with local communities as effectively as possible since the project inception*" this is not an accurate representation of reality. SASES submitted to the Planning Inspectorate an Adequacy of Consultation report dated 5 September 2019, outlining the serious deficiencies Scottish Power's engagement. All the Applicants' deficient engagement has achieved is greater anxiety and stress and engendered deep distrust of Scottish Power and National Grid.

18. Written representation 11 ecology – as the Applicants will not respond in detail until Deadline 3 no detailed can be made at this time. SASES commented on the Ecological Enhancement Clarification Note at Deadline 2. As previously noted the reduction in the footprint of each substation has no effect and no reduction has been proposed in the scale of the National Grid connection hub.

19. Written representation 12 transport and traffic – as the Applicants will not respond in detail until Deadline 4 no detailed comment can be made at this time. Comments were made on the Transport and Traffic Clarification Note at Deadline 2.

20. Written representation 13 light pollution – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time.

21. Written representation 14 safety – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time.

22. Written representation 15 tourism and socio-economics – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. It is not for SASES to speak for the Destination Management Organisation but it is aware that the DMO has serious concerns given the findings of its report. Comments were made on the Socio-economic and Tourism Clarification Note at Deadline 2.

23. Written representation 16 construction - substation site – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time. The minor reduction in substation footprint is irrelevant in the context of the uncertainty of the construction period. Likewise the cable proposals are equally irrelevant at the substation site. It is of concern that the Applicants think that its comments address the issues of construction disruption at the substation site given the uncertainty of its construction programme. The Applicants' objective is solely about maintaining flexibility without regard to the impact on the Friston community.

24. Written representation 17 onshore cable corridor – as the Applicants will not respond in detail until Deadline 3 no detailed comment can be made at this time.

25. Written representation 18 development consent order – as the Applicant will not respond in detail until Deadline 3 no comment can be made at this time.

Project Update Note

26. The Applicants proposals to reduce the footprint by the small amount of 10% will have no effect on the impacts on the landscape or heritage. See at Appendix 2 Landscape Briefing Note 4 from Michelle Bolger, Expert Landscape Architect.

Noise and Vibration Clarification Note

27. See supplemental report from Rupert Taylor at Appendix 3.

SuDS Infiltration Note

28. See supplemental report from GWP Consultants at Appendix 4.

Regulatory Context Note

29. The Applicants' analysis is revealing particularly in the context of environmental considerations. Despite setting out details of the obligations under the Electricity Act 1989. at no point is there any reference to Schedule 9 of the Act which requires environmental considerations to be taken into account. See further SASES post hearing submissions on Ste Selection.

APPENDIX 1

Scottish Power's History of Engagement (or lack thereof)

1. Friston Parish Council and SASES engaged seriously in the Phase 4 consultation and produced a detailed response which ran to 33 pages. This was submitted on **25th March 2019**. Many of the issues which now fall to be considered by the examining authorities were raised in that consultation response. Despite that detailed response to the Phase 4 consultation and SASES's obvious local knowledge, Scottish Power did not invite SASES and Friston Parish Council to engage in preparing SoCGs or participate in any other form of meaningful engagement.
2. On **19th July 2019** Friston Parish Council and SASES met with David Walker, then development of Scottish Power, to discuss the projects. It was a deeply unsatisfactory meeting as David Walker was not in a position to address meaningfully any of the issues which SASES had raised in its consultation response. SASES followed that meeting with a detailed letter expressing its concerns. Yet again despite that detailed response Scottish Power did not invite SASES and Friston Parish Council to engage in preparing a SoCGs or participate in any other form of meaningful engagement.
3. On **5th September 2019** Friston Parish Council and SASES submitted a detailed report on the inadequacy of Scottish Power's consultation with the community. Despite the detailed concerns expressed and the obvious local knowledge of SASES, Scottish Power did not invite SASES to engage in preparing a SoCGs of common ground.
4. On **24th January 2020** Friston Parish Council and SASES submitted its relevant representations in respect of the applications again within the confines of relevant representations. It was clear SASES had detailed knowledge and concerns. Those relevant representations reflected many of the issues which had been raised with Scottish Power prior to that date. Those representations covered all 18 topics which were then the subject of SASES Written Representations. Therefore those 18 topics should have come as no surprise to the Scottish Power. Further despite the content of Friston Parish Council's and SASES' relevant representations, Scottish Power did not invite SASES and Friston Parish Council to engage in preparing SoCGs.
5. On **9th March 2020**, prior to the COVID lockdown, SASES wrote to the Planning Inspectorate in the context of the original preliminary meeting advising the Planning Inspectorate that SASES had instructed experts in the areas of landscape, heritage, noise and flooding. At that point given the complete lack of meaningful engagement by Scottish Power, SASES suggested that its experts might participate in the preparation of SoCGs. Scottish Power chose not to take note of that suggestion and did not invite SASES and Friston Parish Council to engage in preparing SoCGs.
6. As stated above it was only when the Examining Authorities intervened by means of procedural decision that Scottish Power contacted SASES to engage in agreeing SoCGs. However it did so in a way which meant that SASES were unable to meaningfully engage until after Deadline 1 which SASES has now done by completing a SoCG template provided by Scottish Power with the benefit of its experts' input.
7. Accordingly despite there being at least five earlier occasions during this process where Scottish Power could have engaged with SASES and Friston Parish Council, it chose not to do so.
8. The Applicant then chose to conduct that process by requesting all SASES experts reports by a letter dated **28 August 2020**. Obviously at that time and given its limited resources SASES were working on preparing those reports with a view to finalising them for submission at Deadline 1. For obvious reasons SASES did not want to submit reports which were not complete and which had not been reviewed by its counsel.
9. Scottish Power's approach and attitude towards Friston Parish Council and the local community is of grave concern should the DCOs be granted, despite SASES and Friston Parish Council's strong objections.

APPENDIX 2

Michelle Bolger – Landscape Briefing Note 4

See attached

APPENDIX 3

Rupert Taylor – Supplementary Submission on Applicants' Clarification Note – Noise and Vibration

See attached

APPENDIX 4

GWP Consultants - Flood Risk related Comments on Deadline 2 Submissions

See attached