



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Responses to Hearing Action Point 5 (CAH1)

Applicants: East Anglia TWO Limited and East Anglia ONE North Limited
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Applicable to East Anglia ONE North and East Anglia TWO



Revision Summary

Rev	Date	Prepared by	Checked by	Approved by
001	13/01/2021	Shepherd and Wedderburn LLP	Brian McGrellis	Rich Morris

Description of Revisions

Rev	Page	Section	Description
001	n/a	n/a	Final for submission at Deadline 4

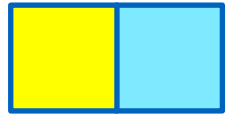


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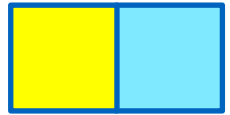
Glossary of Acronyms

CAH	Compulsory Acquisition Hearings
DCO	Development Consent Order
ExA	Examining Authority



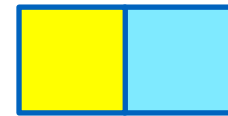
Glossary of Terminology

Applicants	East Anglia TWO Limited / East Anglia ONE North Limited
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 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.



1 Introduction

1. This document has been prepared to address action point 5 arising from the Compulsory Acquisition Hearings (CAH) held virtually on Tuesday 1st December 2020. This action is detailed in CAHs1: Hearings Action Points (EV-040) issued by the Examining Authority (ExA) on 4th December 2020. A response to action point 5 which was addressed to the Applicants is provided in **section 2** below.
2. This document is applicable to both the East Anglia ONE North and East Anglia TWO Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the ExA procedural decisions on document management of 23rd 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' Response to Hearing Action Point 5 (CAH1)

Table 1 Applicants' Response to CAH1 Action Point 5

Number	Action	Applicants' Response
5	<p>'Falling away' provisions for alternatives that require land</p> <p>The Applicants are asked to respond in writing to the question of the need for 'falling away provisions' for unused alternatives in the Development Consent Orders, in circumstances where, following a decision not to use or construct an alternative/ option, some land is no longer required.</p>	<p>The Applicants do not consider it necessary to include "falling away" provisions within the draft DCO. It is not standard to include such provisions within DCOs and the compulsory acquisition provisions within the draft DCO (which are based on the Model Provisions and existing precedent) are limited in terms of the land and rights that can be acquired. The final engineering solutions will be determined post-consent during the detailed design phase, and flexibility is required to ensure the most appropriate solution can be taken forward at that time. In the event that land is found not to be required, compulsory acquisition powers will not be exercised in respect of that land as the compulsory acquisition powers contained within Part 5 of the draft DCO only extend to land or rights that are required for the project.</p> <p>The key alternative relates to drainage provision for the substations. In this context the original applications intended that the connection would be on agricultural land to the east of Woodside Barn Cottages. After further work an alternative route and location has been identified to the west of Woodside Barn Cottages which, subject to detailed design, may result in reduced impacts during construction and may have a wider community benefit through the control of an existing surface water overflow which currently flows uncontrolled, over Church Road into the Friston Watercourse.</p> <p>This option was included in the Applications at Deadline 1 and has been the subject of consultation. The period for representations to be made in respect of the consultation ends on 13th January 2021 and the Applicants</p>



Number	Action	Applicants' Response
		<p>will consider any representations made. The inclusion of this alternative option within the draft DCO and the exercise of powers in respect of this option would not impact on the existing use or likely future use of the land (i.e. plots 100, 101, 103, 104). A falling away provision is more appropriate in circumstances where the acquisition of land or a right is likely to impinge on the existing or future use of land (for example, where the exercise of the right would harm the ability to carry out development or other land management activity). The option to the east is within land required for landscaping and the alternative to the west is underneath an access track and a road. In neither case is the right impinging on the existing or anticipated future use of the land. It is therefore not appropriate to have a falling away provision in respect of this.</p> <p>In addition, powers of compulsory acquisition will subsist for a limited period of time. Once the final optimal engineering solutions and micro-siting of installed apparatus have been determined, and appropriate rights acquired (which the Applicants expect in most cases to be by voluntary agreement), the powers will fall away through expiration of time and the land that is not required will not be burdened or further affected.</p>