

From: [REDACTED]
To: [East Anglia ONE North](#); [East Anglia Two](#)
Subject: Deadline 6 Written Representation. Comments on Deadline 5 submissions and Issue Specific Hearings 7 and 8 and CAH 2.
Date: 24 February 2021 16:20:00

To The Planning Inspectorate.
East Anglia One North (ENO10077)
East Anglia Two. (ENO10078)

My ref: EA1N IP: 20024031/AFP 132.
EA2. IP: 20024032/AFP 0134.

Deadline 6 Written Representation. 24 February 2021.

1. Response to and support of SEAS Action Point 2, OFH 6, Split Decision.
2. Written Representation in response to matters raised at Compulsory Acquisition Hearing 2.
3. Comments in Support of Save Our Sandlings submissions at Deadline 5.
4. Comments on ISH 7 Biodiversity.
5. Concerns over the effects of National Lockdown on these Hearings.

Figure. Map EA1N-EA2-DEV-DRG- IBR-000487. Extract of East Anglia TWO and East Anglia One North Proposed Onshore Development Area . 11/02/19. Showing original cable corridor route at Ness House.

1. Response to Action Point 2, OFH6: The Planning Balance SEAS WR-A Split Decision.

I strongly support the position stated at paragraph 3. of SEAS Response to Action Point 2 of OFH 6:

Our case, from the very outset, has been that the adverse impacts of this particular onshore site location substantially outweigh the benefits of the Application taken as a whole.

I ask the Examining Authorities to recognise the strength of the detailed arguments in SEAS WR, and to recommend to the Secretary of State a “ split decision “.

Namely, the offshore turbines should be recommended for Consent (only, of course, if stakeholder concerns over the effects on the statutory purposes of the AONB of these installations be satisfied), but the Onshore infrastructure be rejected.

This step would allow timely progress with offshore construction, while providing vital time to consider a more appropriate brownfield site, or indeed existing cable corridor infrastructure, all fulfilling the range of government aspirations in respect of biodiversity **and** energy policy.

The ExA has seen a huge amount of informed evidence throughout this Examination revealing the serious adverse impacts of the Onshore site location, in respect of the

Landfall at Thorpeness, the Cable Corridor route through an AONB, and the proposed Substation location at Friston.

There will be unacceptable direct impacts upon the integrity of Suffolk Coastal Path, the Suffolk Sandlings, protected habitats at the River Hundred, wetlands, heathlands and meadows, and all contingent land subject to special protection. The ExA is also aware of the risk to the extensive aquifer underlying the range of works, which is a concern also to statutory undertakers such as Anglia Water.

In respect of traffic, the ExA will have seen that this region relies on a network of narrow country lanes. There are few arterial roads, the major A12 itself being single carriageway for a significant length, and the many estuaries at Orford, Aldeburgh and Southwold further complicate travel. The system cannot carry the heavy traffic required by these proposals.

The serious and disproportionate damage to local social, economic, and health interests will be commensurate and will not be mitigated by anything put forward by SPR during the course of this Examination. The ExA has seen, at Deadline 5, the evidence in SPRs latest Newsletter submitted by several IPs that EA1 brought no jobs to the local area affected. Any jobs afforded by the projects will not be lost if the infrastructure goes elsewhere.

In respect of Biodiversity, the effects will be in direct contravention of the desired outcome as stated in the Energy White Paper:

“We will safeguard our cherished landscapes, restore habitats for wildlife in order to combat biodiversity loss and adapt to climate change, all whilst creating green jobs. “

We know that the destructive effects of these projects on our landscape will be replicated and intensified by succeeding expansions to the cable trenches to accommodate Nautilus, Eurolink, Galloper Extension, Greater Gabbard Extension, SDC1 and SDC2. The time period involved is unthinkable.

I believe that the recent High Court Ruling of Mr Justice Holgate (to which I refer in a separate Deadline 6 submission) which overturned the decision to grant permission to the Norfolk Vanguard Windfarm on the basis that the cumulative impact of that project and the Norfolk Boreas Project had unlawfully not been taken into account, is key evidence to support a split decision. I urge the ExA to recognise its implications here. I know Mr Smith has recognised it as an important and substantial decision (iSH 9).

Another important factor which supports a split decision is the timing, in respect of recent government recognition of the need to stop the devastatingly detrimental impacts of radial connections such as have being rushed through in these Applications, and the encouragement of offshore transmission solutions.

Again , I support paragraph 32 of SEAS Deadline 5 WR, where they quote page 4 of the OCP Phase 1 Final Report:

“ Adopting an integrated approach for all offshore projects to be delivered from 2025 has the potential to save consumers approximately £6 billion, or 18% in capital and operating expenditure between now and 2050”.

Footnote 5 of the Report states:

“ This means applying an integrated approach to all offshore projects that have not yet received consent.”

This, crucially, does not exclude EA1N and EA2. Your recommendations, ExA, are of such critical importance in this respect.

Please also note [REDACTED] support of a Split Decision at ISH 9, and her re- iteration of Bradwell as an appropriate site. I believe SPR claimed at ISH9 that they had considered Bradwell, but I don't remember any detailed explanation of reasons for its rejection within the earlier round of ISHs when addressing the issue of site selection, or indeed anywhere else in this Examination.

Finally, as the ExA will be aware, the SOS BEIS has the power to approve wind farm applications without approving any radial transmission system or site location. A well documented precedent is Triton Knoll. Again, this is critical at a time when projects are being urged to be truly innovative and take advantage of the new technologies that can meet targets while maintaining transparently green credentials. You have repeatedly urged the Applicants to show flex and agility within this process. This provides them with an opportunity to demonstrate those qualities.

I echo SEAS in highlighting the following statement from the Energy White Paper:

“ To minimise the impact on local communities, we will implement a more efficient approach to connecting offshore generation to the mainland Grid. “

With SEAS, I urge the ExA to reject part of this DCO, that part which proposes such needlessly destructive and inappropriately sited Onshore infrastructure.

2. Written Representation in response to matters raised in Compulsory Acquisition Hearing 2.

At 34.02 in Session I of CAH 2, it was stated, by the ExA, in relation to land sought to be acquired by the Applicants,

“The Applicants should be able to show that... the public benefit outweighs the private loss.”

And that:

“...the proposed interference with the rights of those with an interest in the land is for legitimate purpose, necessary, and proportionate...
.....also, the purposes must be sufficient to justify interference with the human rights of this with an interest in the land affected, with particular reference to Article One of the first protocol of the European Convention on Human Rights.”

Reference was made to:

“ the degree of importance to be attributed to the existing uses of the land which is to be acquired, the weighing of any potential loss of such rights against the public benefits if either or both DCOs are made. And finally, the public sector Equality duty, which is under Section 149 of the Equality Act, 2010.....”

In the light of these remarks I'd like to address the issue of Wardens Charitable Trust, the aquifer supplying water to visitors at the Trust and the residents at the site, and the proposed route of the cable corridor at Plot 13, and access rights in Plots 12 and 14 as recognised, or not, by the Applicants

I am aware in making these remarks that only a small part of the land sought to be acquired, or rights to which are sought, at the Cable Corridor route in question here, and at Landfall, is in the possession of Ness House. However, I'd argue that the effects of the use to which that acquired land is to be put, and the threat to the water supply in particular, qualifies in that sense in Rights in that land.

I support [REDACTED] in his remark that the Applicants failure to take the aquifer into account :

“ falls under the category of an impact on my mother and the other residents' human rights to access to a safe water supply, which it seems to me they are putting out significant threats.”

The ExA is now aware of the extent of Wardens range as an important resource, recognised locally and nationally. I would say that the loss of rights, and amenities, to be suffered by Wardens is not simply private, but public, and it cannot be fairly argued that it is in the public interest for this important amenity to be lost or unable properly to function.

[REDACTED] states that Wardens had direct contact from SPR only on February 3rd of this year, and that SPR recognises” slightly late in the day” that they are a very significant community resource. I find it hard to take this belated recognition in good faith for the following reasons.

As the ExA knows, I and others have referred to Wardens Trust throughout this examination, with emphasis upon the threat posed to the work it does on multiple fronts. At no point has the Applicant responded to any of those remarks at any previous Deadline, except to refer me to material relating to boreholes, an inconclusive paper trail which I described in my Deadline 3 submission at point 1.

Further, on the 26th March 2019 , in my response to SPRs Stage 4 Consultation, I referred to Wardens, its work with vulnerable children and adults, their particular sensitivity to the effect of noise and 24 hour lighting, the importance of access to the tracks and lanes, the need for emergency access with vulnerable people on site, and our dependence on the aquifer . The email was received and electronically acknowledged on 27 March 2019.

In order to rebut any suspicion of failure in due diligence, in respect of Wardens personnel non-appearance in the BoR, SPR argue that Wardens does not have an interest in Order Land. Are they arguing that Wardens has no right to be visited, as a community resource? This isn't logical or reasonable.

I would remind the ExA that it is only due to their own welcome intervention that I and other residents here are recognised in the BoR. I cannot understand why the onus has appeared to be on us, and Wardens Trust, to have our existence and rights recognised in this process, particularly as I have had personal interaction with land agents acting for SPR since summer 2018, and identified my interests then. I see no justification for the Applicants having failed to:

a) Include Wardens in the map showing community resources

- b) Make any provision for any person visiting or associated with Wardens to have access at all, by omitting them entirely from the BoR, ensuring that any access is appropriate for Disabled or vulnerable children and adults.
- c) Recognise Wardens personnel as AFP status.
- d) Show consideration for the issue of protection of water supply throughout the Examination up to a very recent point, despite repeatedly being asked to do so.
- e) Plan a cable corridor route that respects the land use and interests of the Charity.

For these reasons I support [REDACTED] in his statement at 1. 24.16,

“We are not persuaded that SPR have taken a statutory duty to consider the impact of their proposal on people, our clients who have protected characteristics.

We do think that should have been taken into account and it hasn't been. So I think under that title as well, public sector equality duty we also have great concerns about this proposal....

The importance of planning applications taking account of social capital, social resilience.

With reference to point e) above, I am grateful to Mr Smith for the questions he put concerning the U curve in the cable corridor routing at Plot 13.

I do not consider the Applicants responses here to fully justify the rationale for this route.

At session 2, 40.54, the representative for SPR states:

“ We were keen to maintain a 200 metre separation distance from the southern(?) SPA.”

The ExA, on their site visit, has seen that the route taken is in excess of 200 metres from woodland to the west. In an email of 13 November 2020 to Louise Burton of Natural England, I did ask whether in the view of Natural England it was justifiable that, in seeking to maintain a correct distance from protected ecological receptors, construction should be brought so close to essentially a protected category of human receptors, but have not received an answer, understandably given the burden of work NE has before them.

Mr Smith asked if the pond at Plot 13 was relevant in considerations of cable routing, and received the answer that it was not.

I have referred at an earlier deadline to a map showing the Cable Corridor route, which proceeded on a more gradual angle west rather than east of that pond. What were the reasons for the change? (Image attached below.)

I still do not consider that this question of the cable route being brought into such intrusive proximity to Wardens and dwellings has been adequately answered. Is there not a statutory buffer zone from dwellings and gardens?

Further, at 10.00 in Session 2, [REDACTED] for SPR argues that, in respect of negotiations between SPR (Dalcour Maclaren) and [REDACTED] of Strutt and Parker for [REDACTED] over land rights at Plot 10 for geophysical and archaeological work:

“ Insofar as the matters are raised, it is therefore clear that the particular land interest has been in negotiation has in principle agreed to the routing of the cabling.”

Please note that the land interests under negotiation are at Plot 10, which does not form part of the U curve to which [REDACTED] objects. That is at Plot 13. Therefore it does not follow that any negotiation on one plot of land implies consent to the cable corridor route at any other significant location.

I do not understand the reason behind the Applicants assertion to [REDACTED] that the cutoff point for objection was at Deadline 4, prior to their making any contact at all with him as Chairman of Wardens. In any case, that objection has been made throughout the Examination by myself and other parties, on behalf of Wardens; it is difficult to see how the Applicants could have been unaware of it.

At 45.15 in Session 2, Mr. Smith asks

“ Whether specific consideration in terms of siting and routing here has been given to the nature of the use to which Wardens Trust is put. And then specifically in relation to the public sector equality duty, whether or not there is a view formed about the potential effect of the works on persons with potentially protected characteristics?...”

I look forward to the Applicants considered response to that question at Deadline 6.

3. Comments in support of Save Our Sandlings representations at Deadline 5.

In the Save Our Sandlings submission printed at Deadline 5, “ images to accompany Unaccompanied Site Visit 27 January 2021, “ there is an image headed Day 2 Item 7 showing the footpath between Works 11, 12, 12a and 13.

I support the position stated there that the Applicants should undertake cable routing work by HDD in order to avoid the destruction of richly populated hedgerows, and the disturbance of resident nightingale and turtle dove.

I support also the remark appended to the 2 images labelled “Day 2 Item 8, “ showing access between Works 7 and 8, and arguing that access should be maintained via the established track and field opening. This would protect the integrity of the hedgerows of the Holloway, and keep that path open without need for diversion. This Holloway is exceptionally rich and diverse in vegetation and a thing of utter beauty in Spring when it is a tunnel of blossom.

I also support Save Our Sandlings Deadline 5 submission regarding ISH 4 Agenda Item 5 , Traffic and Transport.

4. Comments on ISH 7, Biodiversity.

At 1.45.08 at ISH ..., [REDACTED] of Save Our Sandlings asked, re: pre- construction surveys:

“ What happens if they reveal a result that can’t be mitigated against, because you’ve already committed to the cable trenching? “

In response, [REDACTED] of Royal Haskoning for the Applicant said, in relation to badger setts:

“ If in the instance for ..example that active badger sett is found slap bang in the middle for want of a better expression of where proposed cable works..then we would be looking to seek for the destruction of said sett”

This is a disappointing instance of disregard for communities and the environment, hinting again at box-ticking exercises.

In discussions focusing on bats, East Suffolk Council raised concerns about construction impacts on hedgerows used by foraging competing bats. At the same hearing [REDACTED] (1.24.26) drew attention to Important Hedgerows 1 and 3 (also 4 and 6) which are to be removed in the vicinity of Ness House, ideal habitats for the many species of bat present in the environs of Ness House. I don't believe any bat survey work at been conducted at this site which might have had an impact on the decision to remove these hedgerows.

E SC also raised the issue of noise levels, and the fact that some of the more vulnerable species.. susceptible to noise impacts weren't recorded in any of SPRs survey work. I have mentioned before that no such surveys have been done at the Landfall location, although with HDD the noise (and light) impacts on bats will be devastating.

In response to comments of ESC and [REDACTED], [REDACTED] cited:

“ A suite of surveys....kind of concentrating really on the comments around the substation.”

My point here is to emphasise that appropriate surveys, for bats and in respect of noise, are missing at the Landfall and Cable Corridor end of these projects within the Applicants Environmental Statements. All responses concern the substation location only. These are significant omissions.

5. Concerns over the effects of National Lockdown on these Hearings.

At Deadline 5, as invited, I submitted reasons for my concerns that this Examination was being severely negatively impacted and hampered by the results of lockdown policy due to Covid 19.

Since then, I have noted both [REDACTED] Deadline 5 Representation for East Suffolk Council, and remarks made by [REDACTED] of Natural England at ISH Seascapes and ISH Biodiversity in respect of the difficulties and timings of providing actions or information requested by the ExA , due to the pressures of COVID.

In her Deadline 5 submission for East Suffolk Council, [REDACTED] begins with the remarks:

“ As with all other stakeholders and interested parties, ESC is also experiencing difficulties with resourcing the examination and hearings. This is specifically as a result of national lockdown and school closures. This has meant a number of offices are juggling home – schooling, childcare, Wi-Fi and Internet capacity in some areas of the district, in addition to the pressures of the examinations. It is understood that the panel are also experiencing similar pressures.”

I have noted too the Panel's concerns that the releasing of information is becoming very end-heavy, as it were, and that there simply may not be time for relevant information to be made available and responded to, as the matters under Examination here become more complex. The recent Vanguard Ruling can only increase the weight of work to which all significant parties are subject.

At recent ISHs, I noted that [REDACTED] for Natural England, asked for information in respect of Common Ground, and other factual matters requested by the ExA was unable to

guarantee that it would be possible to provide such information, as a result of the pressures to which the organisation and its personnel were already subjected by lockdown restrictions.

I can see that all parties are doing their utmost to contend with this situation, but have grave fears that it may not be possible to address all the implications of these Applications as they would be addressed under normal circumstances, and I ask the Panel to give that fact their consideration.

Figure. Map EA1N-EA2-DEV-DRG- IBR-000487. Extract of East Anglia TWO and East Anglia One North Proposed Onshore Development Area . 11/02/19. Showing original cable corridor route at Ness House.

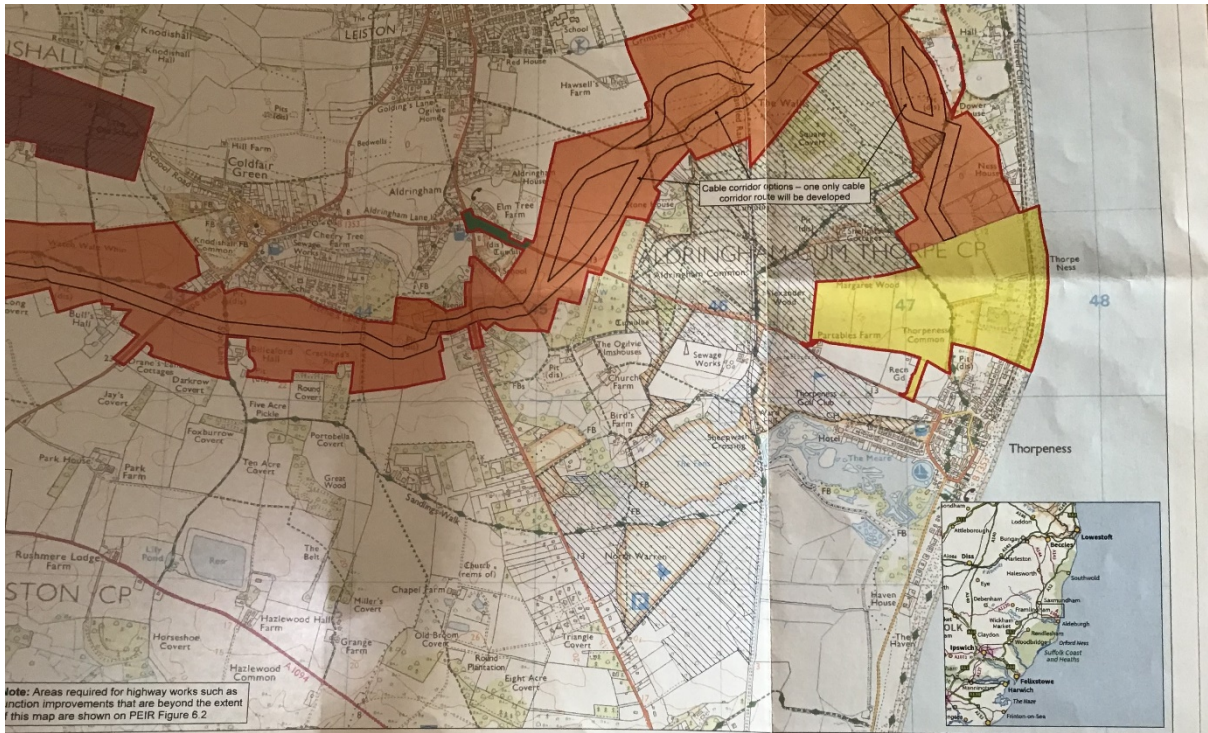
END.

With thanks,

Tessa Wojtczak.

<https://www.mirror.co.uk/news/uk-news/huge-landslide-cliff-edge-near-23403633>

Sent from my iPad



Prepared:	AB	1:8,000 Scale @ A0	
Checked:	BH	<small>Source: © Natural England, 2016. © Crown copyright and database rights 2016. Ordnance Survey 100031873. This map has been produced to the best known information at the time of issue, and has been produced for your information only. Please consult with the EPR Offshore GIS team to ensure the correct and full extent of the information contained on the map. No liability is accepted for any errors or omissions in the information contained in the map and shall not be held liable for any loss, damage or expense caused by such errors or omissions.</small>	
Approved:	AH		

Extract of East Anglia TWO and
East Anglia ONE North Proposed
Onshore Development Area

Drq No	EA1N-EA2.DEV-DRG-4BR-000487
Rev	1
Date	11/02/19
Figure	

Coordinate
System:
SNG
Datum:
OSGB36