

From: [REDACTED]
To: [East Anglia ONE North](#); [East Anglia Two](#)
Subject: Deadline 6 Action Point: Response to Norfolk Vanguard High Court Decision.
Date: 24 February 2021 16:57:48

To the Examining Authority.

My Reference: East Anglia One North : IP 2002 4031. / AFP. 132.
East Anglia Two: IP 2002 4032. / AFP 0134.

These remarks are in respect of both EA1N and EA2.

Response to Norfolk Vanguard High Court Decision. Action Point re Issue Specific Hearing 9.

At Issue Specific Hearing 9 Mr Smith acknowledged the 18 February decision of Mr Justice Holgate to overturn permission for the Norfolk Vanguard Windfarm to be substantial and important. He invited comments from IPs to assist the ExA's consideration of the judgement.

The significance of this ruling for the Applications currently under consideration in the present Examinations is immense.

To my limited understanding, the essential issue was that the rules had been unlawfully breached because of a failure to take into account the cumulative impact of Vattenfalls Vanguard and the Norfolk Boreas together.

The ruling throws emphasis on the relevance and application of Regulation 17 of the 2009 Regulations, and Rule 17 of the 2020 rules (Paragraphs 137 and 138 of the Ruling, Neutral Citation Number: [2021] EWHC 326.), and the significance of the term " limited " in respect of information considered to be available to inform judgement on cumulative impact. (Paragraph 176):

176: " First, part of the problem has been the failure of both the Examining Authority and the Defendant to explain in what respects the information on Boreas was thought to be "limited", so that the parties involved in either examination process could address that point. That calls for an explanation from the Defendant, including any implications for the operation of regulation 17 of the 2009 Regulations, before any representations could sensibly be made by interested parties on matters of either procedure or substance."

Further. Paragraph 135 states that:

" The Defendant's approach has had the effect, absent consideration of those cumulative effects, of making it easier to obtain consent for Vanguard, and providing a "foot in the door" making it easier to obtain consent for Boreas. Although there is no evidence that NVL sought those outcomes, the Vanguard DCO decision has had a "precedent effect" for decision-making in relation to Boreas. "

This is a live issue here, where we are looking at so many potential energy projects in addition to the already existing developments in this area; Nautilus, Eurolink, Galloper Extension, Greater Gabbard Extension, SCDI and SCD2 as well as the two projects currently before you, and of course Sizewell C.

I believe the Examination has been hampered by the Applicants' refusal to recognise this potential cumulative impact on this area in its representations to these Examinations, and ask if the ExA consider this to be a reasonable and responsible position, particularly in the light of this judgement. What light does this judgement throw on the Applicants' insistence that information relating to cumulative impact is limited, or not available?

The Panel will know from my Written representations, and those of [REDACTED], [REDACTED], and others, in respect of the significance of the cable corridor route bringing it in such close proximity to Wardens and Ness House Cottages, that we share the concerns of [REDACTED] as to the health impacts of living so close to a cable corridor route. The threat we anticipate is not only in the period of construction. The same will apply to some residents at Aldringham, and at other points along the cable corridor route.

There is of course also the consideration of the extensive aquifer underlying these projected works of which the ExA is aware, and its vulnerability to extended and potentially repeated drilling, boring, contamination, pollution, and indeed puncturing.

Our concern is heightened by the fact, to which your attention has been drawn on numerous occasions, that National Grid are seeking to make Landfall at Wardens for their Nautilus Interconnector. It is hard for us to consider cumulative impact negligible under these circumstances. Councillor [REDACTED] drew attention at ISH 9 to the latest information recently received by Aldeburgh Parish Council in which National Grid Interconnectors made clear its interest in Ness House Land, which, as you have seen, the present cable corridor route adjoins.

We are currently awaiting an update on National Grid Interconnector's Plans for this location following a Zoom meeting to which they have invited local parish councils, to take place on Monday 29th February 2020.

Part of the case upon which [REDACTED], Claimant, relied was environmental damage. I quote from an article in the Telegraph, found online, dated 20/02/2021.

“ This is about saving the environment. If you dug a 45 meter wide, 60 kilometer trench, 1.2 metres down, would that damage the environment?

“The loss of carbon absorption by all the plants and trees and everything that would be lost – the pouring of concrete, the smelting of copper to provide the cables, the cladding of the cables in UPVC, the ducting of the cables in UPVC. .

“This is all immediate release of carbon gases, which has an impact on the atmosphere, and it will take a wind farm a significant time to recover that release. It has to be looked at holistically. “

I respectfully suggest that this important and timely ruling can assist the ExA in their deliberations in respect of the Cumulative Impact effect, where the Applicants have not been helpful in their co- operation on recognising those factors to be within their responsibilities. I think that this is particularly important in that Consent to EA1N and EA2 onshore infrastructure itself implicitly gives the go ahead to the flood of other projects with plans in this fragile part of the world - the “ foot in the door” referred to in the Ruling. The risk, I believe, is perhaps greater here than in the Norfolk case.

The ruling further supports SEAS Deadline 5 submission on a Split decision, to grant consent to the wind turbines, and refuse the Onshore infrastructure, to which I give further support elsewhere in these Deadline 6 WRs. Therefore I urge the ExA to recognise the relevance of this judgement to the situation in front of them, and refuse Consent for the

Onshore infrastructure proposals at a site which would be so profoundly damaged by the cumulative Impact ensuing.

With thanks,

Tessa Wojtczak.

Sent from my iPad