

East Anglia ONE North Offshore Windfarm Development Consent Order and

East Anglia TWO Offshore Windfarm Development Consent Order

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National Grid Electricity Transmission PLC (NGET) response to ExA's dDCO Commentaries issued 12<sup>th</sup> February 2021

24<sup>th</sup> February 2021



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Qu. No.	Question	Response
Art 2	<p><b>Art 2(1) definitions: relevant to onshore substation design</b> References to the "outline national grid substation design principles statement" and the "outline onshore substation design principles statement" have been removed at Deadline 5. Reference to the "substations design principles statement" which is also to be a certified document have been added. a) Are parties content that this change is appropriate and has been appropriately reflected elsewhere in the dDCOs?</p>	<p>NGET accepts this change and falling within 1 set of "substations design principles statement". It is a matter for the Applicant to confirm that this change has been reflected elsewhere in the dDCO.</p>

<b>Point 1</b>	<b>Paras 1 &amp; 2 – formation of a new permanent access road</b> from the B1121 north of Kiln Lane to the onshore substation and national grid substation. Works Nos. 34 forms part of both the generating stations and electric lines NSIPs. The rationale for this approach is clear. However, in relation to matters raised in respect of R38 (Restriction on carrying out grid connection works where consented in another order), there is an argument that drafting should be included to ensure that this access road cannot be constructed a second time if already constructed under one DCO. Is any additional drafting required?	The overarching requirements for Work 34 are driven by the Applicant's needs. NGET anticipates that the Applicant will largely be responsible for delivery of these works. NGET therefore consider that this is a point for the Applicant.
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<p><b>Point 1</b></p>	<p><b>Para 2 – the electric lines (transmission) NSIP</b></p> <p>Is there an argument that the element of these developments relating to National Grid infrastructure is not only a separate NSIP but is potentially a separate project that should be the subject of a separate DCO? Such an approach might ensure that the effects of a range of potential grid connections were appropriately assessed and mitigations secured?</p>	<p>NGET acknowledges that the distance of the overhead lines to be developed in the DCO are over 2 km and are correctly identified in the DCO as an NSIP in their own right within Schedule 1 of the dDCO.</p> <p>NGET could promote the NSIP under the Planning Act 2008, however, it is for the Applicant to decide whether or not to include the NGET works within its DCO.</p> <p>This Applicant has adopted the approach advocated in NPS EN1 (para 4.9.2) and follows the Government’s desire for a holistic planning regime - containing everything in this application is in line with this policy.</p> <p>Many DCO applications have sought consent for NGET infrastructure, including new/extended substations and modified overhead lines (e.g. Sizewell C, Acquind, Neuconnect, Millbrook, Norfolk Vanguard and Boreas, Lower Thames Crossing (including NGET and NGG NSIPs for diverted apparatus but not yet submitted)).</p> <p>NGET has no issues with the Applicant’s approach and doesn’t consider the NGET infrastructure needs to be subject to a separate DCO. It is for the Applicant to ensure that the effects of the grid connections are appropriately assessed and mitigated against in the same way as a separate DCO would.</p> <p>The other projects requiring grid connections referred to are not NGET projects, they are either NGV projects (who are a separate legal entity with clear business separation and treated in the same way any other party seeking to connect would be) or are projects of other private promoters. Any future connections would have to be consented either as an NSIP or by an alternative consenting process and as such would be appropriately assessed and any mitigation secured on each individual consent. As SPR is the promoter for this DCO they will deliver the appropriate mitigation for the works delivered.</p>
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<p><b>Point 1</b></p>	<p><b>Para 2 – the electric lines (transmission) NSIP</b></p> <p>In order to adequately ensure that relevant design mitigations for the transmission connections substations are provided and endure, permitted development rights applicable to a National Grid substation might be withdrawn: ExQs2.0.1 and 2 refer, as does East Suffolk Council D5 submission on ISHs6 [REP5-047]. a) How might that be provided for in drafting terms in the dDCOs? b) Is the drafting proposed by East Suffolk Council appropriate?</p>	<p>(a) NGET do not think it is appropriate for the withdrawal of its PD rights to be provided for in drafting in the dDCO. In line with NGET’s response to ExA’s written questions issued 12th February 2021, NGET consider that the land within the CSECs and substation compound fence lines would be operational land. Whereas the land upon which the overhead line towers are sited, over which the overhead line oversails and under which the cables linking the CSECs and the substation run, would not be operational land, especially if that land is not owned by NGET.</p> <p>The Permitted Development rights in the Town and Country Planning (General Permitted Development) (England) Order 2015 have been granted by Parliament. Accordingly these rights should not be taken away unless there is specific and relevant justification for such an approach. NGET have statutory duties set out in the Electricity Act 1989 and licence conditions to develop and maintain an efficient, economic and co-ordinated system of electricity transmission for the benefit of electricity consumers and the PD rights granted by parliament are required to enable NGET to comply with these duties to develop and maintain the network.</p> <p>The operational boundary of the substation will be drawn around the fence line. NGET require these PD rights within the compound fenceline to maintain safe operation within a substation. Any extension of the NGET substation would require significant additional land beyond the substation boundary. NGET will not own any land beyond their substation fenceline and accordingly such land would not be operational land and would not in any event benefit from PD rights. It is not therefore reasonable or proportionate to take away PD rights within the proposed substation boundary or generally, which would unnecessarily constrain NGET’s ability to fulfil it’s statutory functions without repeated applications to the LPA.</p>
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<p><b>Point 1</b></p>	<p><b>Para 2 – the electric lines (transmission) NSIPs – landscape and drainage and other shared works</b></p> <p>Works Nos. 34 (an access road) is shared between the generating stations (para 1) NSIPs and the electric lines (transmission) (para 2) NSIP. On the same principle are elements of other Works also shared and if so should relevant drafting provision be made? Works Nos. 33 appears to be of particular relevance as a candidate for inclusion as shared Works, as Works Nos. 38 (sealing end compounds), 41 (a new National Grid substation) and 34 itself (the access road) require to be landscaped and drained during the operation phase? a) Should there be other shared Works? b) How might these be provided for in drafting terms?</p>	<p>a) NGET understands that Works Nos. 33 and 34 will be undertaken by the Applicant and NGET will be granted the necessary rights once the works are complete. Co-operation and co-ordination between the Applicant and NGET will be dealt with by the side agreement to be agreed between the parties and the DCO drafting will not need to reflect this. It is anticipated that the Applicant will undertake all landscaping and maintenance but the SUDs drainage will link to NGET's substation and therefore may need to be shared. Any works which NGET need to carry out under Works Nos. 33 and 34 (as opposed to requiring the rights to use/maintain) could be dealt with by way of the transfer of benefit for Works Nos. 33 and 34, if necessary. Accordingly NGET do not consider there are any other shared works required in the dDCO.</p> <p>(b) Any drafting changes are for the Applicant, although NGET is happy to review and comment on these.</p>
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<p><b>Pt 3</b> <b>R12</b></p>	<p><b>R12: Detailed design parameters onshore</b></p> <p>Please comment on the following matters: a) The Applicants are asked to produce a form of drafting requiring the details of the layout, scale and external appearance of the onshore substations (for works relating to (1), (2) and the National Grid substation works) submitted to East Suffolk Council for approval to be in accordance with the Substations Design Principles Statement [REP4-029]. b) The installation of cables comprised within Works Nos.6 is subject to a provision that they must be installed using horizontal directional drilling. Should that provision refer to 'cables and ducts'? c) Can greater clarity around the operation of this requirement be delivered through its subdivision into two or more requirements?</p>	<p>a) Not for NGET to produce such drafting (see answer above on Article 2 concerning the Substations Design Principles Statement being an Applicant document).</p> <p>b) not for NGET to comment</p> <p>c) not for NGET to comment</p>
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<p><b>Pt 3</b> <b>R26</b></p>	<p><b>R26: Control of Noise during Operational Phase R27: Control of noise during operational phase cumulatively with (1) and (2)</b></p> <p>The Applicants are requested to clarify whether drafting securing an additional monitoring location is proposed to be added to R26 [REP4-026][REP4-043], or whether the Deadline 5 changes are viewed as sufficient. East Suffolk Council has suggested a 'considerably lower' operational noise rating level (LAr) should be secured in both of these requirements [REP5-047]. What do they consider the value(s) should be and why? Is it appropriate and if so, how might the National Grid infrastructure be included within the final agreed cumulative operational noise rating level in R27?</p>	<p>NGET considers the additional monitoring location proposed to be added to R26 is acceptable.</p> <p>In relation to the operational noise rating level NGET can accept lower operational noise rating levels in principle, on the basis that under normal operating conditions equipment on the NGET site would be passive in operation.</p> <p>NGET believes a cumulative operational noise rating level can be included as a requirement and will work with SPR to agree how this is met and monitored between the parties to NGET's satisfaction before the hearing on the 11<sup>th</sup> March 2021, when an update can be provided.</p>
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