



**EAST ANGLIA ONE NORTH OFFSHORE WINDFARM
EAST ANGLIA TWO OFFSHORE WINDFARM**





DEADLINE 8 - CAH3: WRITTEN SUMMARY SUBMISSIONS BY MICHAEL



INTRODUCTION

In this submission I have raised a number of specific points following submissions made by National Grid and the Applicants at CAH3. I have not sought to repeat the content of the submissions I made at deadlines 6 (REP6-190) and 7 (REP7-083), in addition to my original Written Representations submitted at Deadline 1, REP1-291-3. I maintain the position set out in such submissions. I wish to address three particular points arising from CAH3, namely the extent of plot 116, the need to compulsorily acquire plot 114 and purpose/works numbers for which temporary rights are sought – plots 115 & 116.

THE EXTENT OF PLOT 116

1. National Grid now seeks to rely upon the Grant of Right or Easement dated 16 August 2002 (“Grant”) between a predecessor in title, Charles Wentworth, and the National Grid Company plc. This replaced previous consents entered into in the early 1960s as set out in clause 6 and 7 of the Grant. Both the later of these consents dated 1 January 1963 (“1963 Consent”) and the Grant were by Charles Wentworth who was the local landowner at the time, the land being used for agricultural purposes alone.
2. Whilst the 1963 Consent and Grant may be of historical interest it is not relevant to the decision in front of the ExAs now, which is determine whether the new rights being sought by National Grid meet the requirements of Section 122 of the Planning Act 2008 and the guidance produced by MHCLG (Planning Act 2008: Guidance Relating To Procedures For The Compulsory Acquisition Of Land) - see section C of Written Representations on behalf of Michael Mahony REP1-291.
3. Furthermore there have been substantial changes to the condition and use of  and the extent of the residential land since 1963 as follows.
 - a)  had been derelict for decades until the late 1980s (see image at Appendix 1) when it was restored and extended by Mr and Mrs Thompson, predecessors in title, who acquired the land shown in the attached plan in 1987 (see Appendix 2). As can be seen from the plan the residential boundary was substantially further to the west.
 - b)  was acquired by Dr Cole who in November 2002 subsequently acquired the then agricultural land (“Additional Land”) to the east of  from Charles Wentworth, the grantor of the 1963 Consent and the Grant. It is assumed that the new grant was entered into quickly by Charles Wentworth to capitalise the payments due under the 1963 Consent prior to the sale of the Additional Land to Dr. Cole.

- c) Following the acquisition of the Additional Land in November 2002 Dr Cole expanded the garden to the current boundary hedge and developed the current residential driveway.
4. The decision which is required to be made now in the context of new rights/powers has to be judged by reference to the current condition and use of the land which is substantially different from the past.
 5. National Grid challenged the suggestion that the extent of the land they require is vague. This point is addressed in my deadline 7 submission (REP7-083) but a key paragraph is reproduced below.

NGET states that “the extent of land subject to work 43 and temporary possession powers is also wider than the OHL limits of deviation to allow for flexibility over access routes to NGET apparatus”. This imprecise statement does not provide an adequate basis for demanding temporary possession of such a wide swathe of land or encroaching on residential property.

6. Accordingly National Grid has still not justified why plot 116 is so extensive and in particular the need to encroach on residential property

THE REQUIRMENT FOR PLOT 114

7. The need to acquire this part of land is no longer justified since as previously stated the operational access road can be moved further to the east given the reduction in the size of the Scottish Power substations. The Applicants stated this land was needed for landscaping works but the Statement of Reasons at paragraph 111 does not support this. It states that “rights to acquire this land are sought as this will be land utilised for operational access road to the [East Anglia ONE North/ East Anglia TWO] and National Grid infrastructure.”

PURPOSE/WORKS NUMBERS FOR WHICH TEMPORARY RIGHTS ARE SOUGHT – PLOTS 115 & 116

8. The works plan onshore - sheet 7 of 12 shows that the works taking place on plots 115 and 116 are works number 43 which is described in the DCO as “temporary working areas for the purposes of construction work numbers 39 and 40 including access”, work number 39 being the pylon realignment works and work number 40 being the temporary pylon realignment works. However comparing the works plans to the land plans only works numbers 40 and 43 are shown to be taking place on plot 116 not work number 39.
9. However the works numbers listed in column (4) of Schedule 9 of the draft DCO are far broader than this and a multiplicity of works numbers are listed. Accordingly Schedule 9 should be amended to show that the purpose/works numbers for which temporary possession may be taken are as follows:
 - a) for plot 116, work number 43, insofar as it relates to work number 40, and work number 40
 - b) for plot 115, works numbers 43, 39 and 40.

10. The statement of reasons, at paragraph 115 relating to plot 115 and at paragraph 116 relating to plot 116, should be similarly amended and in particular to delete the generalised reference to “*works associated with National Grid infrastructure*”. As submitted at the hearing the current drafting is too wide and would allow the land to be used for example for the National Grid substation and cable sealing ends. This is a material difference since the Project Description states (see paragraph 554 of Chapter 6 Project Description of the Environmental Statement) that the construction period for the National Grid substation is expected to be up to 48 months whereas the overhead line realignment works (which includes both temporary and permanent realignment) is expected to be up to 12 months within a window period of 36 months (see paragraph 555 of Chapter 6 Project Description of the Environmental Statement).
11. For the avoidance of doubt both the draft DCO and the Statement of Reasons require amendment.

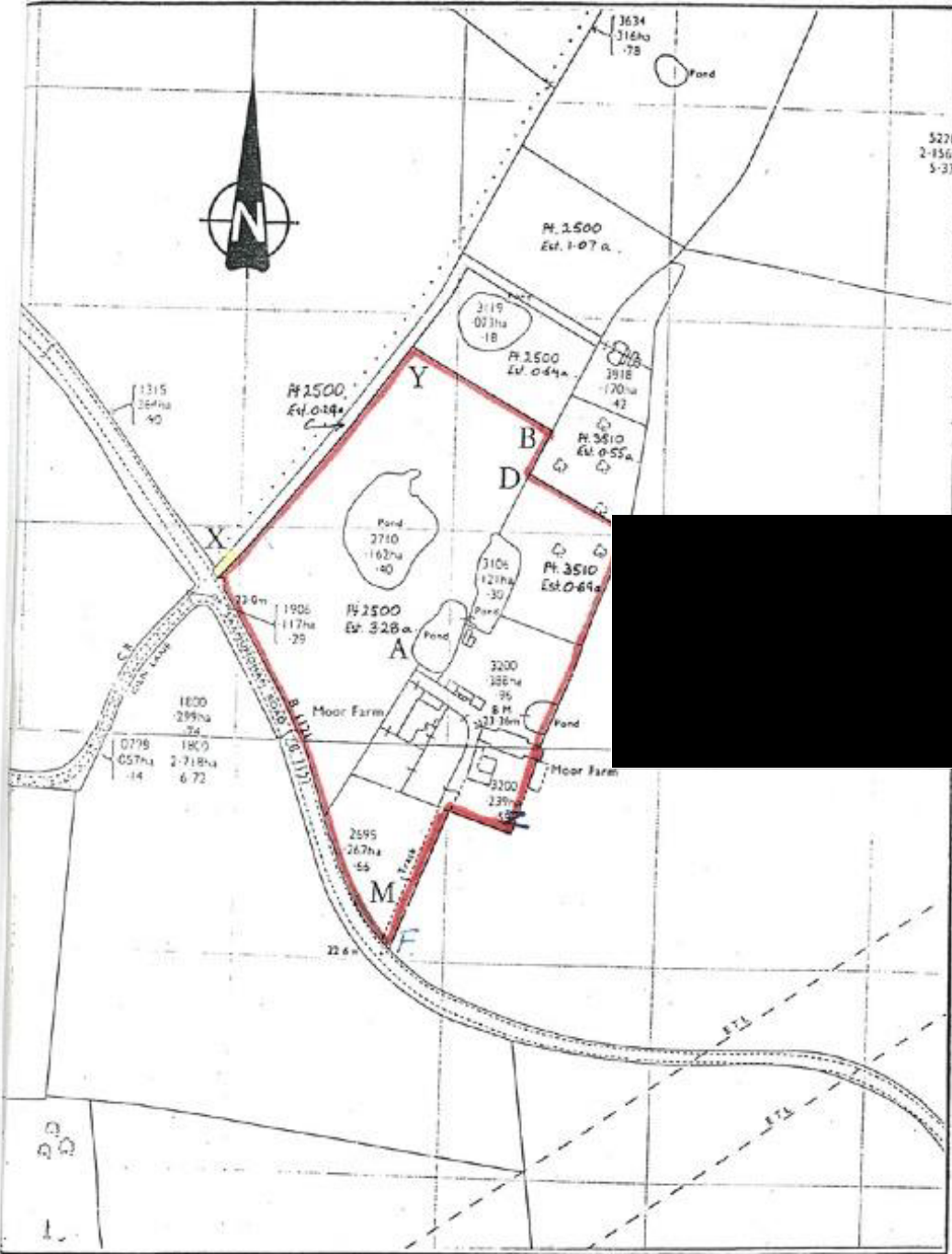
APPENDIX 1



APPENDIX 2

SAVILLS

AGRICULTURAL RESIDENTIAL & COMMERCIAL SURVEYORS
AND FARM CONSULTANTS



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Scale 1:2500

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