

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) Post Hearing Submissions

CA3 – 18<sup>th</sup> March 2021



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Plot	Agenda Item/Issue	Response
	<p><b>Agenda Item 5 a(ii)</b></p> <p>The extent of rights sought for realignment of NGET Lines at Moor Farm General/Opening Comments</p>	<p><b>Michael Humphries QC:</b></p> <p>NGET has made oral submissions at CA2 and followed this up by Post Hearing Submissions <a href="#">REP6-108</a>. NGET does not accept that its explanation of requirements for the land take in this area is vague and unclear but has appeared at CA3 again to assist by providing any further necessary clarification. As a general point, with works on or near to 400Kv lines, safety matters are of a key concern and sufficient areas for compounds, for safe vehicular movements and other works outside of working widths are important to ensure that the NSIP works can be safely constructed without being unduly constrained. Counsel felt it would be helpful to ask Mr Marawanyika to clarify NGET’s proposed works in relation to two key points raised by Mr Mahony’s Deadline 7 Submission <a href="#">REP7-083</a> (i) Plot 117A and the corner of 116 – the Crossing of the Saxmundham Road, and (ii) the extent of land required within Plot 116 north of the crossing of Saxmundham Road. These points are addressed below:</p>
117A/116	<p><b>Agenda Item 5 a(ii)</b></p> <p>Crossing of Saxmundham Road (including the triangle of land now in Mr Mahony’s curtilage)</p>	<p><b>Michael Humphries QC:</b></p> <p>Attention was drawn to the existing easement as referred to in Mr Mahony’s deadline 1 Submission <a href="#">REP1-291</a> which shows at page 19 onwards of the numbered appendices bundle and, in particular at page 21 to 22 the extent of existing rights to go onto Mr Mahony’s land and property within Plot 116, to undertake actions including to fell and lop trees and carryout maintenance works which could include those currently proposed, and take access with or without vehicles. These are, in effect, wider rights over plot 116 than those that are being asked for in the dDCO. Counsel re-iterated the reasons given previously as to why it is not appropriate to rely on the easement here i.e. because the works arise from the EA1N/EA2 project not NGET routine works and because the Promoter does not want to end up in a position where there are arguments about whether all necessary Temporary Possession powers</p>

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		<p>exist to construct the scheme. However the existence of the current easement does illustrate that similar works to those proposed could already be undertaken on Mr Mahony's land thus the NGET works in this area are not having a significantly new and/or different impact on his land than the one that Mr Mahony accepted when he purchased the property subject to these extensive, but entirely typical, NGET easement rights.</p> <p><b>Kudzie Marawanyika:</b></p> <p><b>Plot 116 (corner of Mr Mahony's residential property)</b></p> <p>Mr Marawanyika confirmed that the extent of Temporary Possession powers in this area is driven by:</p> <ul style="list-style-type: none"> <li>• The Lateral limit of deviation Corridor of 60m extending 30m either side of the route centre line of <u>each of 4ZX and 4ZW</u> alignment to allow for re-stringing works and working areas to the OHL during construction works. This requirement is based on safety clearances calculated in connection with the swing of the lines, it is therefore not appropriate for all construction related activity and vehicular movements to be carried out within this zone,</li> <li>• The need to Scaffold over the road during the re-stringing to protect the road/users public from a safety perspective during these works. Scaffold areas are required to be 20m deep by at <u>least 40m in length along the road frontage</u>. The length will vary depending on the angle of the crossing and will extend where the crossing is at an oblique angle (which is the case here) as opposed to a perpendicular crossing.</li> <li>• The land required for scaffolding protection is dictated by the angle at which the overhead line crosses the road which it is protecting. A very acute crossing would require a long scaffold structure to ensure that the</li> </ul>

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		<p>area beneath the conductors is protected. The exact requirement for the scaffolding widths comes from the scaffold contractor based on site specific imposed design loading calculations and the final design will be established by the contractor once appointed. It is likely that this will extend beyond the 60m corridor and into the triangle of Mr Mahony's land in the corner of Plot 116.</p> <ul style="list-style-type: none"> <li>• In this case the scaffolding footings would need to be placed within the Triangle of Land. There would be no need for wholesale clearance of any area of vegetation or hedgerow but some lopping or removal of vegetation may be required in the triangle part of plot 116. The extent of any vegetation removal would depend what was in the way of the footings or structure of the scaffold, guy ropes for anchorage or temporary concrete anchors. (NB NGET already has rights to lop trees etc on this land in its existing easement.)</li> <li>• Access to a larger area than the 60m strip is to be taken as for our proposed purposes access cannot be taken under lines. The larger area allows for options for access to be taken along tramlines in crops or (in case where there are no tramlines e.g. maize, fully grown oilseed rape) a route of our/Grantor's choosing. Access to be taken in a way that minimise disturbance;</li> </ul> <p><b>Plot 117A</b></p> <p>Kudzie Marawanyika also explained that:</p>

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		<ul style="list-style-type: none"> <li>• That part of Plot 117A comprising Mr Mahony's access/driveway at the very western end of Plot 117A, will not be required for scaffolding. Accordingly no Scaffolding will be erected in front of or over Mr Mahony's drive. NGET will not require any closure of the existing access or obstruction of the access.</li> <li>• NGET may need to utilise this area within Plot 117A to erect traffic management signage in connection with the scaffolds whilst they are in place but will not block Mr Mahony's access.</li> <li>• Scaffolding will be required to be erected in other parts of Plot 117A.</li> </ul> <p><i>The lead inspector questioned Mr Marawanyika as to whether if conductors were replaced as a result of routine maintenance rather than this project, the works proposed to protect the road would be of the same extent as those discussed today.</i></p> <p><i>Mr Marawanyika confirmed that the works would be the same for routine re-stringing necessitated as a result of maintenance of the NGET asset. The Road would still need to be protected by netting which would be of the same dimensions as are currently proposed in relation to the works to the OHL's arising from the Project.</i></p>
116	Plot 116 after the crossing of Saxmundham Road	<p><b>Kudzie Marawanyika:</b></p> <p><b>Plot 116 (agricultural land)</b></p> <p>The extent of temporary possession powers in this wider area of plot 116, after the crossing of Saxmundham Road, is led by:</p>

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		<ul style="list-style-type: none"> <li>• Lateral limit of deviation corridor of 60m extending 30m either side of the route centre line of <u>each</u> of 4ZX and 4ZW alignment to allow for re-stringing works and working areas to the OHL during construction works, The overall width (30m either side of the route centre line) is derived from a calculation of the maximum sag of the lowest conductors in a standard span length, swung at 45 degrees to represent the high wind loading condition. The lateral limit of deviation is calculated and derived from: <ul style="list-style-type: none"> <li>• The geometry of the structure;</li> <li>• The maximum lateral movement of the route centre line;</li> <li>• The span length (or distance between each pylon) and maximum saga of the conductors (normally at or near the middle of the span) at their maximum design operating temperature, and</li> <li>• The lateral swing of conductors and insulators from their attachment point on the structure under high wind conditions.</li> </ul> <p>The overall width (30m either side of the route centre line) is derived from a calculation of the maximum sag of the lowest conductors in a standard span length, swung at 45 degrees to represent the high wind loading condition in order to establish the working area and within that to ensure safety clearances either side of the OHL's are maintained during the works.</p> </li> <li>• The area required for Work 40 (temporary diversion of Overhead Power Lines), the extent of which is shown on Work Plan 7(i) to allow for the temporary diversion of the 4ZX line from tower 4ZX22 given the re-location of tower 4ZX21 and a working area beyond of up to 30m each side of the temporary line,</li> </ul>

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		<ul style="list-style-type: none"> <li>• The contractor has not yet been appointed nor carried out the detailed design of the NGET works, accordingly NGET do not have full details of the approach to construction and the construction working areas that the contractor will require. The contractor is likely to require areas within Work 43, beyond the working corridors already identify, as temporary working areas for construction of Works 39 and 40 because compounds cannot be located within the working areas themselves and this would including for instance areas for delivery of steelwork for constructing the temporary towers, storage of plant, equipment, conductor drums and appropriate welfare facilities etc</li> <li>• Access to a larger area is to be taken as for our proposed purposes access cannot be taken under lines whilst maintaining statutory clearances. The wider area within plot 116 allows for options for access to be taken along tram lines in crops or (in cases where there are no tramlines e.g. maize, fully grown oilseed rape) along a route of our/Grantor's choosing. Access to be taken in a way that minimises disturbance;</li> <li>• In the circumstance the approach to access widths is less than the usual approach taken in NGET easement which allows access over all of the land parcel to which the easement is attached.</li> </ul> <p>In relation to access it can be confirmed that no access is taken to Plot 116 or Plot 115 from Saxmundham Road (B1121), save for Scaffolding Works. HGV access will be taken via the construction haul road from Snape Road.</p>
113, 130, 131	<b>Agenda Item 5 a (iii)</b> Operational Land and	In accordance with its written response at Deadline 3 <a href="#">REP3-111</a> (CA Hearing Agenda item 4 bullet 4) and CA2 Post Hearing Submissions <a href="#">REP6-108</a> , NGET confirms that in relation to the main construction site it requires the following land or rights to deliver its assets under the DCO:

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	Landscaping at NGET and EA Substations site - Permitted Development Rights	<ul style="list-style-type: none"> <li>• the freehold title of the land required for the sub-station and cable sealing end compounds (including reservations for drainage and access);</li> <li>• permanent rights/easements for the overhead line works and underground cables (between substation and sealing end compounds);</li> <li>• permanent rights/easements of access to all operational assets (substation, sealing end compound's, OHL's and Towers and cables);</li> <li>• a power of Temporary Possession for construction for all NGET temporary and permanent works, including Temporary possession for construction and use etc. of diverted masts, stays and conductors with working areas; and</li> <li>• a power of Temporary Possession for on-going maintenance of all assets.</li> </ul> <p><b>Michael Humphries QC:</b></p> <p>As identified above and set out at CA2 and in NGET's post Hearing submission for CA2 <a href="#">REP6-108</a>, NGET only requires the transfer of land necessary for its own substation boundary and Sealing End Compounds. Permitted Development Rights are very important to NGET, particularly in respect of an important NSIP such as this and its relationship with the national electrical transmission system. Should any works require replacement at the NGET substation, electricity users including the public would expect NGET to be able to undertake any necessary works promptly and without the delay of making planning applications to the district council. Parliament granted NGET permitted development rights and those permitted development rights considered appropriate by Parliament should not be curtailed here unless a very clear justification had been provided and none exists in this case. It is important</p>



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		<p>that the operational capability of important national infrastructure should not be compromised given the potential impact on electricity supply.</p> <p>NGET will not hold any additional land beyond it's own substation footprint and sealing end compound boundaries, all other land being acquired is a matter for SPR. Accordingly, there is no proper justification to curtail or remove NGET's Permitted Development rights.</p> <p>NGET has also made submission in relation to this point within the NGET Deadline 6 response to ExA's Further Written Questions (ExQ2) <a href="#">REP6-110</a>. NGET re-iterates the following points:</p> <p>NGET will not own any land beyond their substation fence line (or CSEC fence line) and accordingly that any such land beyond these fence lines would not be NGET operational land and would not in any event benefit from PD rights. Within the fenceline of the substation boundary it is not reasonable or necessary to take away PD rights as withdrawing PD rights would inhibit NGET's ability to deliver its transmission licence conditions, statutory duties and maintain key national infrastructure.</p> <p>Any additional land beyond the fenced operational land (which is constrained both by Requirement 12 and Requirement 17(4)) that may be required for any future extension of the NGET substation, would not be land held for the purposes of carrying out the NGET undertaking. It would not meet this test for two reasons, firstly because no such land beyond fenced areas is to be transferred to NGET and secondly because any such land would not be</p>

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		held for the purposes of the NGET undertaking. Accordingly land beyond the fence lines would not benefit from PD rights in any event meaning that there is no justification for the removal of PD rights in this instance contrary to Parliamentary intention. Should any extensions be required to the substation in future the appropriate consents would need to be sought at that time.
	<p data-bbox="383 571 633 655"><b>Agenda Item 5 d</b> Protective Provisions</p>	<p data-bbox="656 563 972 592"><b>Michael Humphries QC:</b></p> <p data-bbox="656 611 1901 687">The protective provision in latest version of draft DCO (Deadline 7) are now agreed. NGET supports these provisions and asks the ExA authority include these protective provisions for their benefit in the DCO.</p> <p data-bbox="656 759 2018 879">NGET and the promoter are very close to finalising a side-agreement. Once this is concluded NGET will write to ExA to confirm that it has no objections remaining on PA 2008, s127/138 matters relating to stat undertakers land and apparatus.</p>