



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Michael Mahony's Deadline 8 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited
Document Reference: ExA.AS-18.D9.V1
SPR Reference: EA1N_EA2-DWF-ENV-REP-IBR-001048

Date: 15th April 2021
Revision: Version 1
Author: ScottishPower Renewables

Applicable to East Anglia ONE North and East Anglia TWO



Revision Summary

Rev	Date	Prepared by	Checked by	Approved by
001	15/04/2021	Kieran Mirner	Lesley Jamieson	Rich Morris

Description of Revisions

Rev	Page	Section	Description
001	n/a	n/a	Final for Submission

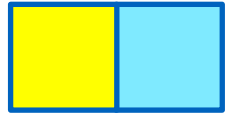
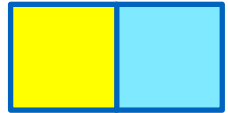


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1 Introduction

1. This document presents the Applicants' comments on Michael Mahony's Deadline 8 submission (REP8-201).
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North DCO applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23rd December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



2 Comments on Michael Mahony's Deadline 8 Submissions

ID	Michael Mahony's Comments	Applicants' Comments
1	<p>INTRODUCTION</p> <p>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.</p>	Noted
2	<p>THE EXTENT OF PLOT 116</p> <ol style="list-style-type: none"> 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 	<ol style="list-style-type: none"> 1. Neither National Grid nor the Applicants are seeking to rely upon the current easement. 2. The current easement demonstrates that the rights being sought are typical easement rights for the works proposed over this land and similar to the rights the land was subject to when the property was purchased. 3. The rights being sought, with the exception of the “small triangle”, relate to the agricultural land. 4. In post hearing submission by National Grid Electricity Transmission (NGET) [REP8-157] submitted at Deadline 8, further detail on the extent of land was provided.



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	<p>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.</p> <p>3. Furthermore there have been substantial changes to the condition and use of and the extent of the residential land since 1963 as follows.</p> <p>a) had been derelict for decades until the late 1980s (see image at Appendix 1) when it was restored and extended by ██████████, 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.</p> <p>b) was acquired by ██████████ who in November 2002 subsequently acquired the then agricultural land ("Additional Land") to the east of from ██████████ ██████████, the grantor of the 1963 Consent and the Grant. It is assumed that the new grant was entered into quickly by ██████████ to capitalise the payments due under the 1963 Consent prior to the sale of the Additional Land to ██████████</p> <p>c) Following the acquisition of the Additional Land in November 2002 ██████████ expanded the garden to the current boundary hedge and developed the current residential driveway</p>	<p>5. Again, in post hearing submission by NGET [REP8-157] submitted at Deadline 8, further detail on the extent of land was provided. Furthermore, it advises that the rights are entirely typical easement rights that NGET would seek, demonstrated by the existing easement over this land (which it is noted affects a wider area of land than that which is within the order limits).</p>



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	<p>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.</p> <p>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.</p> <p><i>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.</i></p> <p>6. Accordingly National Grid has still not justified why plot 116 is so extensive and in particular the need to encroach on residential property</p>	
3	<p>THE REQUIREMENT FOR PLOT 114</p> <p>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 <i>"rights to acquire this land are sought as this will be land utilised for operational</i></p>	<p>Please refer to the Applicants' Written Summary of Oral Case Compulsory Acquisition Hearing 3 [REP8-100] where it advises "Plot 114 is situated in land that is affected by both Work No. 33 and Work No. 34. Work No. 34 is the formation of a new operational access road to the onshore substations. Work No. 33 is landscaping works including bunding and planting together with drainage works, sustainable drainage system ponds, surface water management systems, formation of footpaths and access. As such the use of Plot 114 and the extent of the plot is appropriate".</p>



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	<p><i>access road to the [East Anglia ONE North/ East Anglia TWO] and National Grid infrastructure."</i></p>	
4	<p>PURPOSE/WORKS NUMBERS FOR WHICH TEMPORARY RIGHTS ARE SOUGHT – PLOTS 115 & 116</p> <p>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 <i>"temporary working areas for the purposes of construction work numbers 39 and 40 including access"</i>, 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</p> <p>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:</p> <p>a) for plot 116, work number 43, insofar as it relates to work number 40, and work number 40</p> <p>b) for plot 115, works numbers 43, 39 and 40.</p> <p>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</p>	<p>8. Work No. 39 shows the potential land subject to permanent realignment only. Plot 116 is required temporarily to support these works but there is no permanent realignment at this location and that is why Work No. 39 does not extend over plot 116.</p> <p>9. It is the view of the Applicants that Schedule 9 of the draft DCO aligns with the works required over this land.</p> <p>10. The Statement of Reasons [REP8-009] was updated at Deadline 8 to state that "the land will also be used temporarily for areas for works associated with temporary and permanent realignment of the overhead lines and for access to these works, including any ancillary works necessary to facilitate said access." It is the view of the Applicants that no further amendment to the Statement of Reasons and the draft DCO is required.</p>



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	<p>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)</p> <p>11. For the avoidance of doubt both the draft DCO and the Statement of Reasons require amendment.</p>	