

**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on William Halford's and Jane Rossin's Deadline 10 Submission (REP10- 074)

Applicant: East Anglia TWO and East Anglia ONE North Limited
Document Reference: ExA.AS-18.D11.V1
SPR Reference: EA1N_EA2-DWF-ENV-REP-IBR-001087

Date: 7th June 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	07/06/2021	Alianis Sloan	Lesley Jamieson	Rich Morris

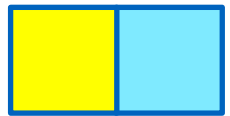
Description of Revisions

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



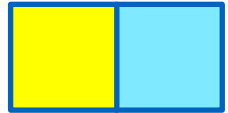
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Glossary of Acronyms

DCO	Development Consent Order
IP	Interested Party
PD	Procedural Decision
PEIR	Preliminary Environmental Impact Report



Glossary of Terminology

Applicants	East Anglia TWO Limited / East Anglia ONE North Limited
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.



1 Introduction

1. This document presents the Applicants' comments on William Halford and Jane Rossin's Deadline 10 submission (REP10-074).
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 William Halford's Jane Rossin's Deadline 10 Submissions

2.1 Applicants' Comments on William Halford's and Jane Rossin's Deadline 10 Submissions

ID	William Halford/ Jane Rossin comments at Deadline 8	Applicants' Comments at Deadline 9	WRH / JRR Comment at Deadline 10	Applicants' Comments at Deadline 11
1	<p>1. In this submission we ask that the Applicants and ExA consider the following evidence relevant to ExA's request that the Applicants "clarify their reasoning in respect of the potential exclusion as a Category 3 Party of parties whose land, while not directly affected by the authorised project, may be entitled to claim compensation for loss resulting from the implementation of either or both of the Orders and use of either or both of the authorised projects". We believe that we should have qualified as a potential Category 3 Claimant for the reasons described below.</p> <p>2. We are joint owners of [text redacted] in Gipsy Lane, Aldringham [text redacted] which is situated close to the proposed Cable Corridor Order limits at Works No 19.</p>	<p>In relation to points 1 to 4 and 6, please refer to Appendix 2 of the Applicants' Responses to Hearings Action Points [REP8-093] submitted at Deadline 8 which sets out the Applicants approach to identifying potential Category 3 claimants and advises a precautionary approach was followed.</p>	<p>We refer to Applicants' Responses to Hearings Action Points (CAH3, ISH10, ISH11, ISH12, ISH13, CAH3) [REP8-093] ; Section 1.7 (CAH3 Action 1 – Book of Reference)</p> <p>We believe the Approach to Potential Cat 3 Claimants process described in REP8-093 is flawed in the following respects:</p> <ul style="list-style-type: none"> • These processes are carried out by the Applicants own representatives to the exclusion of those potential Cat 3 claimants whose land is not subject to Compulsory Acquisition or with an established legal interest in a plot of land within the order limits. They would not have been informed about the selection process and we believe they and 	<p>The Applicants are required to identify potential Category 3 claimants as part of the preparation of the Book of Reference (Document Reference 4.3). However, that is not to say that any person who believes that they are entitled to make a claim is precluded from doing so by virtue of their exclusion from Part 2 of the Book of Reference (Document Reference 4.3). Through refinement of the Projects' design between Preliminary Environmental Impact Report (PEIR) and submission, the Applicants were able to make further assessments on the potential claims while maintaining a cautionary approach to the identification of possible claimants. The Applicants maintain that the methodology for identifying Category 3 claimants as set out in Appendix 2 of the Applicants' Responses to Hearings Action Points [REP8-093] provides a suitable rationale for the</p>



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	<p>3. Prior to observing the video recording of CAH3 and as lay persons, we had not appreciated the importance of an entry in Part 2 of an NSIP Book of Reference.</p> <p>4. We are surprised and concerned that the Applicant has not listed our names as a potential Category 3 Claimant who may have "reasonable potential for a claim on a precautionary basis" in EA1N or EA2 Books of Reference Part 2</p>		<p>their interests would not have been represented in it.</p> <ul style="list-style-type: none"> Although PA2008 requires the Applicants to list in the Book of Reference Part II those persons who would or might be entitled to make a relevant claim, the process as described in para 17 has the objective of "<i>determining if any potential claimants could be removed</i>". This is contrary to the 'cautionary' principle that the Applicants state has been adopted. The assessment of each potential claimant is subjective and not based upon clear predetermined criteria. The adverse effects of construction work are deemed temporary / limited in duration. There is no definition of what 'temporary' means and if EA1N and EA2 are built sequentially, overall duration of construction blight may extend as long as 8 or more years. Section 152 of PA2008 is mentioned but the Approach to potential Cat 3 claimants does not take into account the 	<p>inclusion or exclusion of Category 3 claimants.</p> <p>Category 3 claimants listed in Part 2 of the Book of Reference would have received notification of their inclusion in the Book of Reference in accordance with s.56 of the Planning Act 2008. Those interests who were part of the initial assessment of potential claimants received s.42 consultation material.</p> <p>It is hard to envisage circumstances whereby the provisions of part 1 of the Land Compensation Act 1973 would apply in the context of the use of cables. The comments made by the Interested Party (IP) appears to be restricted to the construction phase of the Projects. In terms of the construction phase section 10 of the Compulsory Purchase Act 1965 would apply and therefore the McCarthy rules would also apply to any such claim. The threshold for any such claim is set at a high level and apart from the statutory authority would have to have given rise to a cause for action. In assessing the likelihood of such a claim, the Applicants have had regard to the nature and duration of the works and the extent to which standard</p>



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			<p>potentially serious consequences of exclusion, given that Article 7 in Part 2 of the Development Consent Orders would defend the Applicants from proceedings in respect of statutory nuisance.</p> <ul style="list-style-type: none"> • There appears to have been a complete absence of process transparency, in that the Assessment results and the factors taken into consideration were not communicated to those potential claimants who have been excluded. • There has been no opportunity for potential claimants to be aware of or to appeal a decision. 	<p>mitigation is available to manage the works. The Applicants' parent company has direct recent experience in constructing similar infrastructure in environments that are similar to the current projects. Their evaluation of the potential for any such claim is founded on practical experience in managing those works.</p>
2	<p>5. We duly returned completed a Land Interest Questionnaire to Dalcour Maclaren in 2018 and the Applicants are fully aware of us (the owners) and the property.</p>	<p>The Applicants would like to thank you for the information provided and can confirm they are fully aware of the property and its proximity to the Order Limits.</p>		



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3	<p>6. The Applicants stated at CAH3 that the criteria used to assess whether a party might potentially be in Category 3 have been:</p> <ul style="list-style-type: none"> distance from order limits (unfortunately not quantified at CAH3) work activities anticipated to be taking place at that distance whether the Applicants 'felt' they might contribute to a loss of value that might qualify for compensation 	Included in ID 1 Comment 1 above	The assessment of each potential claimant has been subjective and not based upon published criteria.	The Applicant maintains that the methodology for identifying Category 3 claimants as set out in Appendix 2 of the Applicants' Responses to Hearings Action Points [REP8-093] provides a suitable rationale for the inclusion or exclusion of Category 3 claimants.
4	<p>7. Proximity to Order Limits</p> <ul style="list-style-type: none"> The distance of the house from Cable Corridors Order Limit, according to 2.2 EA1N Land Plans (Onshore) - Rev 04, Sheet 5 are 71m at closest point. The rear garden is only 26m away from Order Limit at its boundary with Hundred River. <p>Land Plan Rev 04 does not illustrate our main living area at the rear of the</p>	In relation to points 7 to 9, it should be noted that this location on the onshore cable route is identified as one of the areas that are subject to additional construction phase controls in the Outline Code of Construction Practice [REP8-017] submitted at Deadline 8. Please refer to the Project Update Note [REP2-007] submitted at Deadline 2 where if the Projects were to be built	Additional construction phase measures such as referred to in the Outline Code of Construction Practice are welcome and should reduce the risk of a claim arising, but do not address all of the issues at this receptor and do not justify the removal of a potential Cat 3 claimant from the Book of Reference.	The Applicant maintains that the methodology for identifying Category 3 claimants as set out in Appendix 2 of the Applicants' Responses to Hearings Action Points [REP8-093] provides a suitable rationale for the inclusion or exclusion of Category 3 claimants.



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	house, added in 2014. This extended the house 5m nearer to Works No 19 than the Land Plan shows.	sequentially, the Applicants have committed to installing the ducting for the second project when the first project goes into construction.		
5	<p>8. EA1N/EA2 works activities anticipated to take place in proximity to the home</p> <ul style="list-style-type: none"> • Construction of one or two haul roads between Works Access 4 at B1353 and River Hundred Trenching and laying of cable duct / cables along Cable Corridors • Construction of an Open Cut Watercourse crossing of the Hundred River and over pumping of river water during that process • Repeated turnings of HGV and other construction 			



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	vehicles on East side of Hundred River			
6	<p>9. Other factors</p> <ul style="list-style-type: none"> A major contributor to the market value of this house has been its quiet, rural wooded location alongside the Hundred River and with views across attractive meadows of the Aldringham River Hundred SLA. The only separation of the rear wooded garden from the meadow on the East side of the river at Works 19 is the river itself. The width of the river varies according to season and rainfall. The land is designated by Environment Agency as Flood Zone 3 and is highly prone to fluvial flood. Consequently, it has not been practicable or desirable for the owners to build a visual/ noise barrier such as 		<p>There can be little doubt that Riverwood's market value will be seriously depreciated for the duration of the probably many years overall duration of construction and landscape / land reinstatement during which the owners or their executors may be forced to sell at a much reduced price.</p> <p>NB According to the Applicants' Onshore Cable Route Works Programme Clarification Note [REP3-056] reinstatement would take place at the earliest 2 years 6 months following each project's commencement.</p>	<p>The Applicant notes these comments.</p>



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	<p>a boundary fence at the rear garden boundary.</p> <ul style="list-style-type: none"> [Text redacted], our days are largely spent in the garden and in the house according to season. Construction noise, dust and visual intrusion on this residence from construction works and vehicles will inevitably blight our lives during construction. 			
7	<p>10. ExA Accompanied Site Visit ASI2</p> <ul style="list-style-type: none"> The ExA Panel visited Riverwood on 27 January 2021 in order to observe the close proximity of the home to the Cable Corridor and may well have noted issues such as mentioned above. It is unfortunate that representatives of the Applicants and Local Authorities were not able to attend. 	<p>Under normal circumstances the Applicants would have been in attendance however due to health regulations and guidance were not permitted to attend on this occasion.</p>	<p>The Assessment as described has been carried out remotely and largely desk based.</p> <p>In our view, it could not have been possible to make an assessment of the likelihood of an injurious affection claim without ever visiting the property.</p>	<p>The Applicant maintains that the methodology for identifying Category 3 claimants as set out in Appendix 2 of the Applicants' Responses to Hearings Action Points [REP8-093] provides a suitable rationale for the inclusion or exclusion of Category 3 claimants.</p>



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8	<p>11. An Anomaly?</p> <ul style="list-style-type: none"> I have examined the Books of Reference, Part 2 for examples of other potential claimants at a similar or greater distance from the Order limits. The owner of [text redacted] illustrated on Sheet 4 of 2.2 EA1N Land Plans (Onshore) - Rev 04 is prominent in this respect. Although that house is situated at least 102m to the west of the cable corridors order limit, its owner is listed in Book of Reference Part 2 without reference to any particular plot of land. That house is very considerably further away from the Order Limits than is Riverwood It would appear the Applicants have not been consistent in applying a 'Distance from Order Limits' criterion. 	<p>The Book of Reference (Document Reference 4.3) gives addresses for owners of individual plots of land identified within the Book of Reference as being affected by the Projects. The Applicants have included those addresses only for this reason.</p>	<p>The Applicants' reply is misleading. Books of Reference version 8 also contain the names and addresses of nineteen Cat 3 Claimants for whom 'N/A' has been entered in the 'Number on Land Plans' column.</p> <p>Among these are persons with addresses at the Leiston farmhouse mentioned in our previous submission and which lies at least 102 metres distance from the cable corridors and also several other persons at cottages in Sizewell and elsewhere that are in close proximity to the cable corridor order limits as is Riverwood.</p> <p>The Applicants have not provided a satisfactory explanation as to why Riverwood has been excluded from Part 2 of the Book of Reference.</p>	<p>The 19 parties and their associated registered addresses are listed against an N/A plot reference because the property to which a potential claim may relate is outside of the Order Limits. It is not uncommon for the registered addresses for proprietors of land and property to be different to the address of the property which the interest owns and therefore it cannot be assumed that the registered address of an interest is the property to which the Category 3 claim may relate.</p>