

East Anglia ONE North Offshore Windfarm Development Consent Order and

East Anglia TWO Offshore Windfarm Development Consent Order

National Grid Electricity Transmission PLC (NGET) response to ExA's dDCO commentaries

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Qu. No.	Question	Response
<p>Pt3</p> <p>R12</p>	<p>R12: Defining onshore operational land for purposes of the 1990 Act</p> <p>Concerns have been expressed about the extent of operational land that would benefit from substation permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 15, Class B (a), (d) or (f).</p> <p>ESC has submitted that the potential adverse effects of permitted development could be such that removal of those rights would be justified. The Applicants in turn have submitted that removal of operationally normal permitted development rights for a substation would unduly burden the proposed substation facilities once operational and would not be justified.</p> <p>In this context, a possible alternative mechanism is to provide that the extent of onshore operational land benefiting from substation permitted development rights is reduced to the minimum necessary and clearly defined. An 'onshore operational land plan' is a potential mechanism whereby that could be achieved.</p> <p>The Applicants responded to the February 2021 Commentaries [PD-031] highlighting their view that it was not possible to submit an onshore operational land plan during the Examinations but set out its view that the operational land could be limited in extent and identifying that R12 could be amended to ensure that such a plan could be provided after the relevant operational areas had been commissioned.</p> <p>On that basis, the ExAs have proposed amendments to R12 to secure the production of an onshore operational land plan after commissioning and a new R44 providing that permitted development rights can only be exercised within the land defined as operational land on the plan.</p>	<p>(a) Operational land is defined by law by virtue of section 263 and 264 of the Town and Country Planning Act 1990. NGET therefore do not feel that it is necessary to define operational land for the purposes of the DCO. If ExA feel differently, NGET feel that the proposed approach to identification of the extent of Operation Land post commissioning of the substation is appropriate, given that this cannot be ascertained at this stage prior to construction,</p> <p>(b) Yes if this approach is taken, the scope of the works are correct subject to our response to R44 below,</p> <p>(c) N/A</p>

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	<p>a) Does the proposed amendment set out below and at R44 add sufficient certainty about the extent of onshore operational land and clarify that the exercise of permitted development rights on that land would be appropriate?</p> <p>b) Are the correct Works within scope?</p> <p>c) If not, what alternative measures should be provided for?</p> <p>Add the following paragraphs to R12 after current paragraph (21)</p> <p>(22)The undertaker must submit a plan for approval by the relevant planning authority showing the extent of the completed works that comprises operational land onshore for the purposes of the 1990 Act ('the onshore operational land plan') no later than three months from the completion and commissioning of {Work No. 30, Work No. 38 or Work No. 41.</p> <p>(23) The extent of the operational land shown on the onshore operational land plan provided by the undertaker pursuant to paragraph (22) must accord with the substations design principles statement and be within the Order limits.</p> <p>It should be noted that the timescale for approval and circumstances where the relevant planning authority did not approve a submitted onshore operational land plan would be matters addressed or capable of being resolved under Schs 16.</p> <p>See also R44 (proposed)</p>	

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Pt 3 None – additional requirement R44	<p>Additional Requirement (R44) – Onshore Operational Land Plan See R12 above. The Commentary on R12 above proposes the preparation of and provides security for an onshore operational land plan. One of the purposes of that plan is to clarify where substation permitted development rights might be enjoyed. Please comment on the ExAs’ proposed drafting below:</p> <p>44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no development shall be carried out under Schedule 2, Part 15, Class B (a), (d) or (f) other than on land shown as onshore operational land on the onshore operational land plan.</p>	<p>Class B(a)</p> <p>NGET do not think that Class B (a) should be included in the wording proposed. Class B (a) relates to</p> <p><i>(a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line</i></p> <p>Class B (a) is not a Permitted Development right that is linked in legislation to being exercised on operational land, unlike Class B (d) and (f) which are limited to being carried out on operational land, as set out below:</p> <p><i>(d) the extension or alteration of buildings <u>on operational land</u>; and</i></p> <p><i>(f) any other development carried out in, <u>on, over or under the operational land of the undertaking</u></i></p> <p>It is NGET’s understanding that the main concern was to control use of PD rights to extend the NGET sub station. The inclusion of Class B(a) would unduly and unreasonably limit NGETs PD rights.</p> <p>Requirement 44 is also not drafted sufficiently precisely. It is not clear to which area the removal of pd rights applies.</p>

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		If ExA however feels that Requirement 44 is appropriate, it should as a minimum be limited to for instance the Order Lands or Order Limits and as above, reference to Class B(a) should be removed.