



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Tessa Wojtczak's 11 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited
Document Reference: ExA.AS-28.D12.V1
SPR Reference: EA1N_EA2-DWF-ENV-REP-IBR-001127

Date: 28th June 2021
Revision: Version 1
Author: Royal HaskoningDHV

Applicable to East Anglia ONE North and East Anglia TWO



Revision Summary

Rev	Date	Prepared by	Checked by	Approved by
001	28/06/2021	Paolo Pizzolla	Lesley Jamieson / Ian MacKay	Rich Morris

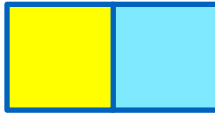
Description of Revisions

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



Table of Contents

1	Introduction	1
2	Applicants' Comments on Tessa Wojtczak's Deadline 11 Submission – Comments on any Additional Information / Submissions Received at Deadline 10 (REP11-188)	2



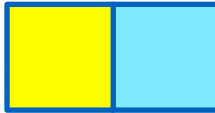
Glossary of Acronyms

CoCP	Code of Construction Practice
DCO	Development Consent Order
ECOW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examination Authority
OLEMS	Outline Landscape and Ecological Management Strategy
PD	Procedural Decision
SPA	Special Protection Area



Glossary of Terminology

Applicant	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.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore cable route	This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.
Onshore cables	The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.



1 Introduction

1. This document presents the Applicants' comments on Tessa Wojtczak's Deadline 11 submission - Comments on any additional information / submissions received at Deadline 10 (REP11-188).
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North Development Consent Order (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 (ExA'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 Applicants' Comments on Tessa Wojtczak's Deadline 11 Submission – Comments on any Additional Information / Submissions Received at Deadline 10 (REP11-188)

ID	Tessa Wojtczak's Comment	Applicants' Comments
Change Request: Amendment to Order Limits at Work no 9 (Plot 13)		
1	<p>At Point 7 of the Introduction to The Change Request, Amendment to Order Limits at Work No. 9 (Plot 13), The Applicants state: “ <i>the change is a minor re-alignment of a short section of the Onshore cable corridor within one plot.</i>”</p> <p>If this change is regarded by The Applicants as so minor and limited in significance, I would be interested to know why as late as CAH 3 robust representations were continuing to be made by them as to the impossibility of changing the cable corridor route, and the Applicants' powerlessness to do anything about it. The failure to do so earlier within the Examination seems to indicate their awareness of good reason not to make such a change.</p> <p>It was made clear by the remarks of Louise Burton for Natural England in an email read out at Compulsory Acquisition Hearing 3 that there could in fact be scope for discussion in relation to the necessary buffer zone from the SPA, that their reliance on the need to observe that buffer as their reason for resisting change was not valid. The Applicants have often reminded us of their experience in this field of development; it is surprising, then, that previous experience had not made them aware at an earlier stage of the potential for flexibility and discussion in such a matter.</p>	<p>The reasons and background for making the change are set out in the Applicants' Change Request: Amendment to Order Limits at Work No. 9 (Plot 13) (AS-104) where it also advises refinement of the design of the Projects is a continuous process.</p>



ID	Tessa Wojtczak's Comment	Applicants' Comments
2	<p>At 2.2.1.11, The Applicants state: “ <i>the increased separation will reduce the (actual and perceived) disturbance experienced by users of the Wardens Trust Property</i>”</p> <p>Unfortunately, it is unlikely that this minor re-alignment of a short section of the Onshore Cable Corridor will reduce disturbance, either actual or “perceived”, to any degree to the highly vulnerable and sensitive users of Wardens Trust. It has been apparent throughout the ground investigation works so far how the presence of numbers of contractors, vehicles and working machinery, associated noise and perpetually flashing lights in the vicinity of the Trust and Ness House affect the character and peacefulness of the location, and how intrusive is the noise and activity in such an inappropriate setting. When scaled up, that effect will be dramatically increased.</p> <p>There will of course be no difference to the significant limitations on access and enjoyment of the vicinity, to noise, light and other pollution. Despite the Applicants’ repeated insistence that Cable Corridor Work is temporary, we know that this term could intermittently extend for up to 10 years, and possibly more in terms of further projects indicated to be headed for the location</p>	<p>The Applicants disagree that the re-alignment will not reduce disturbance to the users of the Wardens Trust and at the second compulsory acquisition hearing, Dr Gimson in his capacity as a Trustee of the Wardens Trust advised “our perspective, if the cable corridor was moved, not a long distance, a short distance, then we think that many of our concerns could be met.”</p>
3	<p>At 2.2.3, 15, The Applicants refer to: “ <i>provision of a solid boundary fence along the Western boundary of the newly aligned Onshore cable corridor for the duration of the temporary haul road’s presence</i>”</p> <p>Would the Examiners please consider the implications of this solid boundary fence to be erected for long distances between Margaret</p>	<p>The Applicants confirm that no stage of the onshore works may commence until for that stage written details of all proposed permanent and temporary fences, walls or other means of enclosure of the onshore works have been submitted to and approved by the relevant planning authority. This is secured through requirement 17 of the draft Development Consent Order (document reference 3.1). The type of fence to be installed has yet to be determined and would take</p>



Applicants' Comments on Tessa Wojtczak's Deadline 11 Submission
28th June 2021

ID	Tessa Wojtczak's Comment	Applicants' Comments
	<p>Wood and the SPA and the fields at work 9 on the deer whose regular roaming pathway this is?</p> <p>If unable to pass to or through plots 11, 13, 4, 6 and 7 they will have no access to their regular foraging and be confined to the wood area, increasing the danger of straying on to roads. At present we are all seeing the deer moving in herds and small groups multiple times a day across the entire area of the Landfall and adjoining cable corridor. (Photos attached). This is, it has been stated many times, an important wildlife corridor where there is a sort of geographical bottle neck effect. The destructive effect of its being severed by cable corridor work is highly significant for the local deer population</p>	<p>into account the environmental and ecological receptors to reduce the risk to disruption of commuting routes of various species.</p>
4	<p>At 2.2.3, 15, Objective C, The Applicants refer to <i>Measures to Discourage Birds from Breeding on those Areas of the site to be worked during construction.</i></p> <p>I believe herbicide to be one of these measures. This, with its disproportionately destructive effect on the overall biodiversity of this area, is entirely inappropriate in such close proximity to a SPA and within an AONB. The local farmer has always allowed wild flower growth on verges and margins. The effect of destroying this ecological richness will be extensive.</p>	<p>The Applicants state within the <i>Outline Landscape and Ecological Management Strategy (OLEMS)</i> (AS-127) that in the first instance, a mechanism to allow micro-siting of infrastructure and construction locations will take place in combination with on site bird monitoring to minimise the risks of development to breeding birds. As a secondary form of mitigation, deterrent measures to prevent birds from nesting in known construction locations will be implemented. Deterrent measures will be considered with reference to relevant guidance (SNH, 2016)¹ which advises against physical removal or alteration of habitat because of possible direct and indirect adverse impacts on other environmental interests, and so this option will be avoided if possible.</p>
5	<p>At 2.2.3 17, in relation to the removal of the proposed reduction in the working width of the cable corridor, The Applicants refer to the</p>	<p>The use of subsoil and topsoil stockpiles to aid noise attenuation efforts is common practice for construction projects. Excavation materials will need to be stored at locations along the onshore cable route regardless of what they may</p>

¹ Dealing with Construction and Birds, Scottish Natural Heritage, 2016 - <https://www.nature.scot/sites/default/files/2017-09/Guidance%20note%20-%20Dealing%20with%20construction%20and%20birds.pdf>



ID	Tessa Wojtczak's Comment	Applicants' Comments
	<p>stockpiles of subsoil and topsoil which will be accrued as a “ benefit’ to Wardens Trust users in respect of noise attenuation</p> <p>In aesthetic and environmental terms these stockpiles will be a significant disbenefit.</p>	<p>temporarily be used for, and this is allowed for within the Order limits. The Applicants do not consider that the temporary presence of subsoil and topsoil stockpiles on intensively farmed arable land will result in significant aesthetic and environmental disbenefits.</p>
6	<p>Table 4.1 Environmental Appraisal Regarding Amendment to Order Limits Additionally, in respect of Ground Conditions and Contamination, The Applicants make Reference to Section 18.5.1.1 of Chapter 18 of the ES (APP-066) which states:</p> <p><i>“ Section 18.5.1.1 of Chapter 18 of the ES (APP-066) explains that the excavation of the cable trench, earthworks, and the movement and stockpiling of soils have the potential to mobilise existing ground contamination (where present), which could result in impacts on human health through dermal contact, inhalation and ingestion. In addition, the disturbance of potential contamination could result in pollution of controlled waters if unmitigated</i></p> <p><i>“The desk-based assessment of land quality (Appendix 18.3 (APP-489)) shows that the majority of the onshore development area crosses agricultural land where areas of significant contamination are not anticipated. However, a potential source of contamination within the vicinity of the realigned onshore cable corridor is identified as a disused, possibly infilled old pit (647380E, 261280N</i></p> <p><i>“The sensitivity of all human health receptors is considered to be high. The magnitude of effect from exposure to contamination would vary depending on the exposure scenario (e.g. duration of exposure, proximity to contamination). Best practice would control the majority of impacts associated with ground contamination. The magnitude of effect has been assessed as low for construction</i></p>	<p>Table 4.1 within Change Request: Amendment to Order Limits at Work No. 9 (Plot 13) (AS-104) presents summaries of the each of the technical assessments presented within the Environmental Statement (ES). To understand how <i>“best practice would control the majority of impacts associated with ground contamination”</i>, and to review what the best practice measures are, it is necessary to review Chapter 18 Ground Conditions and Contamination of the ES (APP-066) and the supporting Appendix 18.1 (APP-487), Appendix 18.2 (APP-487) and Appendix 18.3 (APP-487). For ease of reference, some of the pertinent sections of these documents are set out in the text reproduced by Ms Wojtczak.</p> <p>The Applicants also note Section 6 of the Outline Code of Construction Practice (CoCP) (document reference 8.1) which summarises proposed control measures regarding ground contamination and the water environment. These measures are well established UK wide and have proved effective on numerous other renewable energy construction projects.</p> <p>To note, assessments regarding contamination consider humans as the end user / receptor; human receptors are assigned the highest level of sensitivity in such matters regardless of their needs.</p>



ID	Tessa Wojtczak's Comment	Applicants' Comments
	<p><i>workers and low for the public. It is anticipated that after adopting embedded mitigation measures as outlined in section 18.3.3 of Chapter 18, the magnitude of effect would become negligible and therefore the potential impact on human health would be of minor adverse significance.”</i></p> <p><u>Tessa Wojtczak's comments:</u></p> <p>I understand that the cable corridor route change does not affect this assessment. I include it here as I do not consider the desk based work, with its imprecise conclusion that “best practice would control the majority of impacts associated with ground contamination “ adequate, and do not see how the conclusions as to negligible magnitude of effect and the potential impact on (highly vulnerable) human health of minor adverse significance, have been reached</p> <p>I'd point out again that for such particularly sensitive human receptors, any adverse effect is significant and is a risk that cannot be reasonably taken.</p> <p>I refer the Panel to all 5 impacts in this assessment, and ask that they give serious consideration to the adequacy of the conclusions reached, irrespective of the relative position of the cable corridor.</p>	
Remarks on surveys		
7	<p>To continue in this vein would constitute a retrospective criticism of Chapters 18 to 30 of the ES, which is perhaps not appropriate at this stage</p>	<p>As noted by the Applicants in several submissions to the Examinations, the surveys and technical assessments that support the Applications have been undertaken by appropriately qualified and highly experienced independent specialists. It is very much within the interests of such specialists to discharge their responsibilities in strict accordance with their industry's best practice guidance and to provide impartial advice to developers, indeed it is essential for</p>



ID	Tessa Wojtczak's Comment	Applicants' Comments
	<p>However. I note yet again that many of the conclusions reached based on The Applicants' surveys simply do not tally with the reality at this actual location.</p>	<p>the retention of the professional qualifications and memberships that enable them to operate.</p>
Onshore Ecology		
8	<p>Impact 7 States that watercourses and ponds are not present at this location, and yet the Applicants own maps refer to the declivity at Plot 13 which is frequently filled with water and used by migrating birds as POND</p>	<p>Change Request: Amendment to Order Limits at Work No. 9 (Plot 13) (AS-104) reviews the impact assessment conclusions presented in the ES to determine if they accommodate realignment of the Order limits within Plot 13, or if further assessment work is required. The focus is whether a change to the footprint of the works will result in new impacts not already identified in the ES (the technical assessments of which already consider various study areas that reach beyond the Order limits).</p> <p>In its entirety, the area of land brought into the Order limits by the realignment holds a central position within an intensively farmed arable field. As such, the impact assessment conclusions within the ES remain valid, as do the various habitat and species specific mitigation measures secured within the OLEMS (document reference 8.7), including pre-construction surveys to account for the passing of time and ensure the design of construction works is based on the most up to date information.</p>
9	<p>Impact 9 , Bats states that no confirmed bat roost sites have been recorded within the Onshore development area.</p> <p>This in itself is remarkable given the extent of that area. However, the Applicants translates that lack of recording of confirmed bat roost as a conclusion as “an absence of this species at this location.”</p>	<p>Ms Wojtczak misrepresents the information within Change Request: Amendment to Order Limits at Work No. 9 (Plot 13) (AS-104). Where practicable, development of the Order limits sought to avoid environmental sensitivities (e.g. potential bat roosts). AS-104 notes that bat activity was observed during surveys across the onshore development area, and that foraging / commuting bats were detected at survey locations near to the coast.</p> <p>The area of land brought into the Order limits by the realignment has no bat roost potential (being the centre of an intensively farmed arable field). There is a single hedgerow (potential bat commuting feature) present within this stretch of</p>



ID	Tessa Wojtczak's Comment	Applicants' Comments
	<p>At present there is, as there is every year, constant and prolific activity of pipistrelle bats in our garden, along the track and across all the fields adjacent. It is a false conclusion; and yet it stands</p>	<p>the Order limits; the realignment will require the removal of a shorter section of this hedgerow than previous. Therefore, the assessment conclusions regarding bats within Chapter 22 Onshore Ecology (APP-070) remain valid.</p>
10	<p>Impact 10. Great Crested newts (which we have observed, apparently emerging from Plot 13 and approaching the pond at Wardens). The Applicants state that “ aquatic habitats are not present at this location “.</p> <p>The Panel has seen the wildlife aquatic pond directly over the fence from Plot 13 at Wardens; not within the Order Limits, but surely of significance in this respect as habitat for Great Crested Newts. Again, the statement does not reflect the reality, and yet it stands within the ES.</p>	<p>See Applicants' response at ID8.</p>
11	<p>Impact 11 Reptiles states that “ suitable habitat has not been recorded at the location of the Order Limits Change.”</p> <p>If reptile surveys have taken place at Work Number 9 - and I would like The Applicants confirmation that such surveys have been undertaken at this site, as I have seen no mats here, to show the grounds for this statement - then the surveys fail.</p> <p>The area is of course rich in adders as every pet owner knows. We have slow worms in the verges, and lizards regularly appear in the stables on Plot 10 (Photos attached)</p> <p>Reference has I believe been made elsewhere to the flawed reptile survey at Thorpeness Common. The reptile mats were picked up and tidied away by someone unaware of their function for a period of the survey. At some point they may have been replaced, and a couple of simple printed thin paper sheets attached to a couple of shrubs within vegetation were belatedly affixed to warn walkers of</p>	<p>It is industry practice to undertake species-specific surveys only where suitable habitat has been identified. As noted in Chapter 22 Onshore Ecology (APP-070), suitable reptile habitat was identified at seven locations within the Order limits, but none of these were of suitable size to support notable populations and therefore no reptile surveys were undertaken to inform the Environmental Impact Assessment (EIA). Prior to construction of the Projects, the entire Order limits will be subject to a further habitats assessment to account for the passing of time and ensure that design of construction works is based on the most up to date information.</p> <p>As secured within the OLEMS (document reference 8.7), measures to ensure reptiles are unharmed during construction of the Projects, and that the Applicants comply with the relevant legislation, will be included in a reptile Precautionary Method Statement supervised by an Ecological Clerk of Works (ECoW). If a reptile is found during construction, work would stop and the ECoW would undertake a hand search of the immediate area. Individuals would be</p>



ID	Tessa Wojtczak's Comment	Applicants' Comments
	<p>their function. These were unreadable unless you approached closely.</p> <p>Has this interruption in the survey been made clear within the Examination? Was it well planned, and are its results deemed reliable?</p>	<p>translocated, and the recommencement of construction supervised by the ECoW.</p>
12	<p>The ES is simply incorrect in so many aspects of its surveys, always to the advantage of the Applicants.</p> <p>I mention this at this stage, as the Examination moves to its conclusion, to try to convey the enormous frustration and sadness, and anger, so many of us feel in seeing material put before the Examining Authority as the basis of a recommendation to the Secretary of State for consent to a project which will change this region for good, which simply does not bear a true relation to the reality we experience each day and year upon year as inhabitants of this very remarkable terrain.</p> <p>It does not help to be uncertain as to whether these discrepancies are the result of error, incompetence or bad faith.</p> <p>In conclusion, then, my response to the Amendment to the Order Limits at Plot 13 is that it will make no useful difference to the users of Wardens, and the original data which has been submitted in respect of the Environmental Statement pertaining to the area does not in any case fully represent the qualities of the location or the potential detrimental effects upon it of these proposed infrastructure projects.</p> <p>Change in policy, in terms of a time framework for an offshore transmission grid, is under way to reduce the impact on communities of the infrastructure associated with such projects; we</p>	<p>Again, as noted by the Applicants in several submissions to the Examinations, the surveys and technical assessments that support the Applications have been undertaken by appropriately qualified and highly experienced independent specialists. It is very much within the interests of such specialists to discharge their responsibilities in strict accordance with their industry's best practice guidance and to provide impartial advice to developers, indeed it is essential for the retention of the professional qualifications and memberships that enable them to operate. It is the Applicants' opinion that the information they have provided within the Applications and during the Examinations is wholly appropriate and as required for the pre-consent stage of such DCO projects.</p> <p><i>The Applicants have developed the projects primarily having regard to the policies set in NPS EN-1, EN-3 and EN-5. In addition, the projects have been brought forward in the context of the legal and regulatory framework established through the Electricity Act 1989. The Government have established the OFTO regime and this has specific provisions relating to the development of grid connections. The White Paper and associated Offshore Transmission Network Review have occurred post application. The White Paper provides updated policy which supports the early deployment of further renewable electricity and a future ambition to alter the offshore grid. The strategic changes to the grid will not be in place during the lifetime of the current consents. The White Paper does not suggest that further deployment should be delayed until this might happen. The clear policy objective is for an acceleration of deployment.</i></p>



ID	Tessa Wojtczak's Comment	Applicants' Comments
	<p>are one of those communities for which the Prime Minister pledges minimal disruption; and yet The Applicants, always urging their right to pursue their ends in a timely manner, persist in hastening through this flawed plan in order to conform with Iberdrola's stated global ambition to produce a world beating macro Windfarm complex, The East Anglia Hub, of which these two projects form an integral part along with East Anglia Three.</p> <p>Iberdrola's goal, according to its website, is to develop all three simultaneously, no doubt in order to minimise costs.</p> <p>It is not difficult to conclude that The Applicants are likely to be influenced more by their own role and responsibilities in Iberdrola's stated ambitions, than by the bigger picture in policy, both technical and environmental , to which the rest of us are looking for a result that balances social, ecological and economic capital.</p>	