

Our Ref: RCF/210865/00001
Your Ref: EN010084

For the attention of: Kate Mignano - Case Manager

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15 January 2019

Dear Sirs

Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm

We write with reference to the above and to the Directions issued by the Examining Authority, and confirm we are instructed on behalf of Ramac Holdings (Trading) Limited ("**Ramac**"), on whose behalf representations have already been submitted by the way of a Consultation Response dated 12 September 2018.

In accordance with the said Directions, please find enclosed:

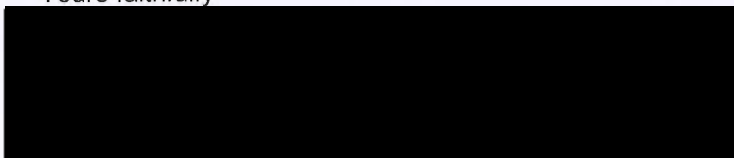
1. Summary of Ramac's written representations dated 15 January 2019; and
2. Ramac's written representations dated 15 January 2019.

Further, as required by the Directions, we notify you that our client wishes to be represented at, and to appear and adduce evidence at, the Specific Issues / Open Floor / Compulsory Acquisition hearings (including but not limited to the Compulsory Acquisition hearing on 21 February 2019).

We also notify you that our client wishes to attend an Accompanied Site Inspection (or Inspections as applicable). In that regard, our client nominates the entirety of the land at Richborough Port owned by our client as part of such Site Inspection given that (A) compulsory acquisition of a substantial part of that land and (b) the alternative parcels of land within that land put forward by our client in its written representations.

For that reason our client also nominates Site Inspections of Richborough Energy Park.

Yours faithfully



Charles Russell Speechlys LLP

WKS/287319819.1

1

These representations are made on behalf of Ramac Holdings (Trading) Limited ('Ramac'), in response to the application for a Development Consent Order ("DCO submission") submitted by the applicant to the National Infrastructure Directorate on 27 June 2018. The Development Consent Order Pre-Application Consultation Response submitted by Glenny LLP on 12 January 2018 is referred to as PCR.

Concerns raised in the PCR by Ramac have not been addressed by the DCO submission, and Ramac formally objects to the DCO application both for the reasons set out in the PCR and those summarised below (and as expanded in the more detailed submission provided with this summary). It is acknowledged that, to a very limited extent, the applicant has provided further responses to Ramac but it is submitted that these are in all major respects inadequate and/or incomplete.

Save in a very limited respect, it is submitted that the applicant has failed to address any of the issues raised by Ramac in its PCR and in particular but not restricted to the following:-

- 1) The proposed project has an anticipated lifespan of 50 years and it is not therefore necessary for Vattenfall to acquire a freehold interest.
- 2) None of the alternative locations proposed in the PCR have been given any (or any adequate) consideration.
- 3) Technical questions raised by the PCR involving the extent of the land required for the substation and the alternative design solutions which may result in no/a reduced permanent land requirement have not been considered (whether adequately or at all).

Ramac is concerned that if terms cannot be agreed, the DCO in its present form would enable the applicant to take their freehold interest in the majority of Richborough Port and the case for this is not properly addressed.

For the reasons set out above and in the more detailed submission, Ramac considers that inadequate consultation has taken place.

Further, until this process has been completed or negotiations have been exhausted, Ramac objects to the the DCO in its present form for the reasons set out and reserves its rights to provide further submissions (beyond those provided to date) during the course of the DCO examination process.

2

Thanet Extension Offshore Windfarm (EN010084) ('the Project')

Development Consent Order Written Representations on behalf of Ramac Holdings (Trading) Limited (made in accordance with the Directions issued following the Preliminary Meeting)

1.0 Introduction

- 1.1 These representations are made on behalf of Ramac Holdings (Trading) Limited ('Ramac'), in response to the application for a Development Consent Order ("DCO submission") submitted by the applicant to the National Infrastructure Directorate on 27 June 2018 and pursuant to Directions issued by the Examining Authority on 18 December 2018. Reference is made to the Development Consent Order Pre-Application Consultation Response ('PCR') prepared and submitted by Glenny LLP on 12 January 2018 (as appended). Ramac maintains and relies upon the matters and objections as set out therein (copy documents attached) save as varied expressly by the representations set out herein.
- 1.2 The serious concerns raised in the PCR by Ramac have not been addressed by the DCO submission nor the subsequent information provided by the applicant, and accordingly Ramac formally objects to the DCO application both for the reasons set out in the PCR and those set out herein (save as aforesaid).
- 1.3 The content of Ramac's PCR is referred to in the DCO submission in a schedule included in the appendices document, Ref. 5.1.1 and, in particular, Appendix G2.2.
- 1.4 In particular, paragraphs 1.3, 1.4, 2.1, 3.2, 3.3, 3.4, 4.1, 4.2, 4.3, 4.4, 4.5, 5.1, 5.4, 5.5, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 6.1, 6.2 and 6.3 are quoted verbatim from the PCR and against each detailed concern raised by Ramac, the applicant's response is simply that "Land ownerships are still under a consultation with all relevant parties and will be taken forward in the Post-Consent phase".
- 1.5 This standard response is unacceptable. However, it is acknowledged that following the undertaking given at the Preliminary Meeting, the applicant provided various further responses to the matters raised by Ramac in its PCR (and separately). A copy of those responses is attached to these representations and, although marked "draft" and "without prejudice", the applicant has consented to this document now being "open" and to Ramac commenting on these responses as part of these representations.

1.6 Accordingly, Ramac's specific comments on the matters raised are set out below. For the avoidance of any and all doubt, where there is no specific comment raised below that does not signify that Ramac accepts the response, it is purely that such responses are standard responses that do not enable Ramac to respond at this time:

Question 1

It is understood that the Applicant's response quoting Application Ref. 4.3 should have read 'Application Ref. 4.1' and this refers to the entire Statement of Reasons dated June 2018, Revision A. Suffice to say that justification for the proposed acquisition is not accepted by Ramac for the reasons expanded upon below.

Question 2 No further comment

Question 3 No further comment

Question 4 No further comment

Question 5

Ramac does not consider that the applicant has sought to locate the substation and associated cable corridors to cause least possible disturbance. Ramac is not averse to the location of the substation on the Bay Point Club land. This would cause less disturbance and loss compared to the proposed substation location on land occupied by the Ministry of Justice and other tenants. Ramac has invested in Richborough Port as a long-term investment and in the absence of the proposed scheme, going forward, leases would be formalised for future income alongside a built in flexibility to enable any redevelopment opportunities which may present themselves in the future for this well located and strategic landholding.

Had there been full and frank consultation and engagement with Ramac prior to the application (rather than delaying providing responses until after the Preliminary Meeting), then there would have been adequate opportunity to properly explore the most appropriate location for the proposed infrastructure. As it stands, however, the application proposes the least satisfactory result from Ramac's perspective and stands to cause Ramac substantial loss, disturbance and inconvenience.

Commercial Terms have been discussed, but not agreed. In order to protect our client's interest, Ramac continues to dispute the need for the applicant to acquire the freehold interest of its land as proposed (including as there is an alternative leasehold option and this is not recognised in the applicant's current DCO application).

Question 6B

The applicant states that it has sought to assist Ramac and build upon Ramac's income streams and bring currently vacant land into productive use. On the contrary, the threat of compulsory acquisition has in fact

compromised Ramac's estate management of its investment. Tenants are understandably reluctant to commit to medium to long term leases with that threat present.

Ramac rejects the contention that all matters can be left to a compensation claim for losses post-compulsory acquisition. The applicant is under a duty to demonstrate the need for compulsory acquisition of land and has failed to do so, whether adequately or at all.

Question 6D

The applicant seeks to justify location of the substation on the Ministry of Justice site as it considers it to sit within a landscape of industrial land use. On the contrary, Ramac's view is that the dominance of the substation building in the currently proposed position will impact on any future development of the land retained by Ramac and could prejudice proper medium to long term management of the land, and would certainly rule out any change of use to those extensive areas held by the applicant to the north and the south.

Question 7(2)

Whilst the applicant states that it is engaging directly with BCA Fleet Solutions 2 Limited, their response does not deal with the very real prospect of BCA vacating their site at the expiry of their lease in early 2021 as a direct result of the works associated with the scheme.

Purely relying on matters being raised within compensation claims is inadequate and premature. Ramac considers this factor to be yet another reason why the DCO should not be made, the applicant having failed to establish that the compulsory acquisition is necessary and/or proportionate given the alternatives open to it that do not cause the same degree of loss, disturbance and inconvenience.

Question 7(3)

Ramac considers that the substation could be located elsewhere, thus avoiding the restriction placed upon the majority of Ramac's landholdings which will compromise future development and the alternative locations have not been fully considered.

Question 7(4)

The applicant seems to imply that Ramac has a weak investment, however this is directly due to the uncertainty created by the proposed scheme.

Question 7(5)

Ramac continues to maintain that the existence of the substation will negatively affect the remainder of Richborough Port. The negative effect will continue for the life of the substation and such a structure would rule out many other potentially more value redevelopment opportunities which may present themselves during the medium to long term. There is no need for a freehold acquisition and the proposed DCO does not recognise that anything other than an outright freehold acquisition would be available.

Further, Ramac is a property investment company and it holds assets for long-term gain. The scheme will interfere with Ramac's business plans. Ramac considers that alternative locations have not been properly considered.

Question 7(6)

Volume 3 Chapter 3 Socioeconomics of the environmental statement supporting the application gives detailed analysis and justification for the project and it is clear that the project will bring significant economic benefits during the construction period of the substation and subsequently. However it is not clear from Chapter 3 that by locating the substation on the proposed site and the compulsory acquisition of the freehold interest in the area required for the project will result in the net replacement of the 60 jobs which are at risk. The applicant's response therefore inadequately answered Ramac's question.

Question 7(7)

Ramac continues to consider that future valuable residential redevelopment of the land proposed to be acquired is feasible within the medium to long term and the scheme will affect this potential.

Question 7(8)

The applicant has failed to consider alternative rights of access in order to minimise the impact on Ramac's investment.

Question 8(1)

The response to this question is noted

Question 8(2)

If the response to this question is correct then Ramac would expect evidence in the form of a letter or technical document from UKPN that this is the case. Ramac would assume that the applicant has carried out its due diligence with UKPN already and so should be able to provide this evidence. Until then, the response given is questionable and not accepted.

Question 8(3)

Although it is understood that the applicant wishes to keep its options open, both technically and commercially, between GIS and AIS solutions, unfortunately they have such a major impact on the footprint of the substation that the choice should be made much earlier and not left to later design phases. It is of no benefit to Ramac to leave this decision until later and after the proposed compulsory purchase of the land has been determined.

Question 8(4)

It is clearly understood that a minimum of two transformers are required to satisfy the SQSS requirements. However the response given as whether there two or four transformers is very confusing and in Ramac's view

cannot be left to later design phases. In a similar vein to Question 8(3) above, the quantity of transformers would have a significant impact on the required footprint for the substation so should be determined before the proposed compulsory land purchase.

Question 8(5)

The response given is understood. Again as with Questions 8(3) and 8(4), in terms of land requirement, why should a worst case footprint be taken? We would expect a study (now) to be carried out to define what are the likely options and base a selection on all merits including footprint.

The applicant is required to prove, by reference to, amongst other things, such a study in order to satisfy Ramac in this regard.

Question 8(6)

As above in Question 8(5)

Question 8(7)

Surely the NGET also has laydown and bunded area for the fuel tank and refuelling, so this response doesn't answer the question.

Question 9(1)

Despite Vattenfall's broad statement, Ramac still has grave reservations as set out in the preceding paragraphs.

Question 9(2)

Amongst other issues, Ramac considers that the alternative location for the substation on the land at Bay Point has not been properly considered.

Question 9(4)

Ramac considers that the applicant's response to this question is inadequate and as there has been no quantifiable explanation, but simply a broad statement.

Question 10

The applicant relies on the Briefing Note which briefly rules out the alternative sites, namely the Richborough Energy Park, the South Richborough Port and the North Richborough Port. None of these explanations provide any detailed consideration and Ramac is not satisfied that the three alternatives have been properly considered, nor costed, such that there is a clear justification for the proposed scheme.

The individual sites are discussed as follows:-

- **Richborough Energy Park (“REP”)** - This site consists of existing infrastructure and land which is readily available. Ramac considers that there has been no real attempt to provide a design solution to the constraints which the applicant outlined in its Briefing Note (assuming such constraints are established).
- **South Richborough Port** - Ramac notes that there would be some highways issues to be solved, however these do not appear to be irreconcilable. The noise sensitive receptor, Stonar Cottage, is an isolated dwelling situated on an existing heavily used dual carriageway and Ramac does not consider that the development would have any significant impact on its occupiers, its value or its use in the circumstances.

It is accepted that the length of the project export cable may be increased, however again this is a cost which has not been analysed alongside the costs associated with the alternatives.

- **North Richborough Port** – It is accepted that BCA would be directly affected by a development here, however a development on the Bay Point Club cannot be ruled out, despite NSR's at the south end of Ebsfleet Lane.

The playing fields of Bay Point Club are not all included in a flood zone and by locating the substation on land not affected by flooding this potential problem would be solved. Again, no detailed study has been made as a comparison to the proposed scheme.

Ramac is fully appreciative of the discussions around the Voluntary Land Agreement and which are continuing. However the DCO seeks to acquire the freehold interest and it is for this reason that Ramac must object to the proposals as set out in the DCO.

Question 11

The response to this question raised by Ramac has still not been adequately addressed. Nor has it been fully explained as covered in preceding paragraphs.

Accordingly, there remains an inadequate explanation for the decision to compulsorily acquire Ramac's land and there is no (or no sufficient) evidence at all that the applicant has fully considered other options for location of the substation away from Ramac's land.

Question 13

Ramac considers this response from the applicant to be inadequate. The applicant clearly not considered options (whether adequately or at all) for minimising the footprint required for the substation. Ramac refers to its responses set out above in that regard.

Question 14

The applicant states that "relative to other surrounding industrial and energy land uses the proposed substation cannot be considered to be a bad neighbour structure." This surely is a good reason for the applicant to consider relocating the substation elsewhere on other sites mentioned in the Briefing Note.

Question 15

This question still remains outstanding and is not adequately covered by the Briefing Note.

Question 16

Ramac responds that the DCO requires the freehold interest, it has not been modified as confirmed below at Question 18.

Question 18

Again, Ramac is appreciative of the Alternative Option Agreement, but the DCO still requires the freehold interest.

Question 20

For the reasons as outlined above, Ramac is dissatisfied that in the absence of agreement on terms for the lease, the DCO requires the freehold.

Question 21

Firstly no evidence is provided as to why the substation could not fit on REP land in either its current proposed format or with the use of alternative (smaller) plant and consequential layout/land requirement. Secondly, even if the size was too great for the REP land and so had to be built on Ramac land, no evidence has been provided on potentially more efficient designs, from a space perspective, that could be used to reduce the area required for the substation.

1.7 Save in the very limited respect summarised above, it is submitted that the applicant has failed to adequately address any of the issues raised by Ramac in its PCR. Vattenfall's application is to acquire a significant part of Ramac's freehold interest in Richborough Port and has no regard inter alia to the following major concerns raised by Ramac (Ramac reserving its right to add to or otherwise amend this list of major concerns in due course):-

- 1) The proposed project has an anticipated lifespan of 50 years and it is not therefore necessary for Vattenfall to acquire a freehold interest.
- 2) None of the alternative locations proposed in the PCR have been given any (or any adequate) consideration.

3) Technical questions raised by the PCR involving the extent of the land required for the substation and the alternative design solutions which may result in no/ a reduced permanent land requirement have not been considered (whether adequately or at all).

1.8 Ramac is rightly concerned that if terms cannot be agreed, the DCO in its present form (if approved) would enable the Acquiring Authority to take their freehold interest in the majority of Richborough Port and the case for this is not properly addressed nor considered. Ramac submits it is entirely unsatisfactory and wrong for the concerns that it has raised to fundamentally inadequately addressed during this DCO application, and which appears to be what the applicant intends.

1.9 Ramac respectfully submits that the DCO is not approved. The applicant has failed in its DCO submission to address (whether adequately or at all) important issues raised by Ramac, despite having an opportunity to do so during the period of over 12 months from January 2018 to January 2019, and has not satisfied the requirements of Section 122 of the Planning Act 2008.

1.10 In accordance with Sections 42, 47, 48 and 49 of the Planning Act 2008, the applicant has a "duty to take account of responses to consultation and publicity" (Section 49). For the reasons set out above and previously, Ramac considers that inadequate consultation has taken place and that, notwithstanding the inadequate consultation, the applicant has failed, whether adequately or at all, to take account of responses (from Ramac and possibly others) to consultation and publicity. Ramac accordingly submits that the applicant is unable to demonstrate that its proposals as put forward within the DCO application have been considered in light of the consultation response submitted by Ramac. Indeed, Advice Note 9 (referred to below) states:-

"Clearly for consultation to be effective there will need to be a genuine possibility to influence the proposal and therefore a project should not be so fixed as to be unable to respond to comments from consultees. The importance of consultation during the pre-application phase cannot be overemphasised... Such consultation needs to be appropriate (in terms of content, timing and clarity) and reported fully in the consultation report such that the response of the developer to the comments made in terms of the evolution of the proposals can be clearly understood".

As a result, it is evident that Ramac's concerns as raised in the PCR have not been addressed at all within the DCO application as it stands. Further, the responses now given demonstrate a clear inflexibility on the part of the applicant to adapt the proposals to take into account submissions made by inter alia Ramac. Where a party has participated in the pre application consultation (as Ramac did) its submissions on the project made at that stage should have been fully reflected in the consultation report submitted as part of the DCO application and addressed. Again, Ramac submits this has not been done (whether adequately or at all).

1.11 In its application, the applicant refers to and relies upon National Policy Statements and PINS Advice Note 'Rochdale Envelope' in order to justify the inclusion of flexibility provided for in the Order which would entitle the applicant to take the freehold interest in all the land held by Ramac as defined in the Order and Ramac considers that this is inappropriate.

1.12 The 'Rochdale Envelope' is principally involved with environmental matters however it deal with principles which are relevant to the applicant's attempted (and Ramac will say misconceived) flexible approach to acquisition as covered in the DCO submission Doc 3.2 dated June 2018 Explanatory Memorandum para 4.25 onwards. Referring to the document entitled 'Advice Note 9: Rochdale Envelope' published by Infrastructure Planning Commission February 2011, the question of flexibility is addressed. On page 9, the Advice Note states as follows:-

"Revised draft NPS EN-3 states (paragraph 2.6.43) that the IPC should 'accept that wind farm operators are unlikely to know precisely which turbines will be procured for the site until sometime after the consent has been granted'. This is not to say that the use of the 'Rochdale Envelope-' should be used as an excuse not to provide sufficient details. Developers should make every effort to finalise as much of the project as possible prior to submission of their DCO application. Indeed, as explained earlier in this note, it will be in all parties' interests for the developer to provide as much information as possible to inform the pre-application consultation process; to form a clear basis for the EIA (providing as many details as possible should facilitate a clearer ES and avoid the possibility of a delay in the examination process or successful legal challenge on the adequacy of the EIA); and to enable development consent (if granted) to be for a distinct project."

1.13 On page 10 it states as follows:-

"Under the 2008 Act it is important to consult comprehensively on the project and to report fully on that consultation. The process should be clear and thorough."

1.14 Ramac considers that Advice Note 9 has not been correctly, properly and adequately followed in the DCO process and the application now made.

1.15 Significant documentation and detail has been provided to date by the applicant, and Ramac submits that there are no good reasons why the applicant has failed, whether adequately or at all, to address the issues it has raised at or before the DCO application was submitted. The legal authority from which the Rochdale Envelope arises inter alia makes clear that "flexibility" is not to be abused, and "does not give developers an excuse to provide inadequate descriptions of their projects". This is not a situation where Ramac is concerned in respect of the type and number of wind turbines. Rather Ramac's concerns centre on the proposed location of the substation, and which Ramac submits the applicant has failed to justify or

explain (satisfactorily or at all). Ramac submits that the unreasonable level of “flexibility” the applicant seeks within this DCO application is in itself reason for the DCO application to be refused.

- 1.16 Ramac is willing to engage in constructive dialogue with Vattenfall in order to seek early agreements in respect of the Applicant’s project.

However, until this process has been completed or negotiations have been exhausted, Ramac strongly objects to the confirmation and approval of the DCO in its present form for the reasons set out herein and in the PCR attached.

- 1.17 Ramac wishes to be represented at, and to appear and adduce evidence at, the Specific Issues/ Open Floor/ Compulsory Acquisition hearings.

Charles Russell Speechlys LLP
For and on behalf of Ramac Holdings (Trading) Limited.

Dated 15 January 2019

Thanet Extension Offshore Windfarm ('the Project')

Development Consent Order Pre-Application Consultation Response

1.0 Introduction

- 1.1 These representations are made on behalf of Ramac Holdings (Trading) Limited ('Ramac'), which is the freehold owner of Richborough Port, Ramsgate Road, Sandwich CT13 9NQ ('Richborough Port') and Baypoint Sports Club, Ramsgate Road, Sandwich CT13 9QL ('Baypoint'). Both properties will be materially affected by the Project, with the impact being the same under both the proposed Option 1 and Option 2 routes.
- 1.2 Ramac is a Category 1 statutory consultee as defined by Section 44 of the Planning Act 2008. To deliver the Project as currently proposed, the Applicant will have to acquire land and rights at Richborough Port and rights at Baypoint. Ramac understands that currently the Applicant is intending to acquire land and rights permanently. During the Project's construction the temporary possession of land will also be required at both Richborough Port and Baypoint.
- 1.3 Ramac has a number of serious concerns about the Project as proposed and believes the consultation documentation provided by the Applicant falls short of demonstrating that the proposed acquisition of its land and/or rights over its land is proportionate, or even necessary. This Consultation Response explains those concerns, raises a number of currently unanswered questions over the technical aspects of the Project and suggests alternative options. The Consultation Response is set out under the following headings:
- i) An explanation of Ramac's land holdings and the occupation of Richborough Port and Baypoint.
 - ii) The impact of the Project on Richborough Port and Baypoint.
 - iii) Unanswered questions relating to the technical/engineering aspects of the Project as currently proposed.
 - iv) Possible alternatives to the Applicant's current Project proposals.
- 1.4 Notwithstanding the contents of this consultation response, Ramac reserves the right to raise further and additional issues, objections and questions in relation to the Project and/or amend this Response as the consultation and Development Consent Order process progresses. Not least because it has yet to receive answers to questions previously put to the Applicant.

2.0 Ramac's Land Holdings

2.1 Richborough Port and Baypoint are situated to the east side of Ramsgate Road (A256), approximately 5.5km (3.5 miles) south of Ramsgate and 2km (1.25 miles) north of Sandwich. Richborough Energy Park (REP) lies immediately to the west. A plan illustrating both sites is attached.

2.2 Richborough Port

Richborough Port comprises an extensive area of land extending, in total, to approximately 24.9 hectares (61.5 acres) with a frontage to Ramsgate Road of circa 950 metres. Ramac's freehold ownership encompasses the following titles: K393135, K435448 and K435449.

2.3 The majority of Richborough Port is flat, open and surfaced with asphalt, concrete or colliery shale. The northern end of Richborough Port is occupied by BCA Fleet Solutions 2 Limited ('BCA') and is dominated by a large, relatively modern commercial building that provides offices, workshops and storage accommodation. South of the BCA site of approximately 4 hectares (10 acres) of land is occupied by the Secretary of State for Communities and Local Government ('the SoS') for the purpose of storing trucks and trailers with illegal cargos, seized by the authorities at the Port of Dover. The occupation of part of Richborough Port for this use has been ongoing for circa twenty years. The site is an established, secure, compound which fulfils an extremely important function for the SoS. To the south of the SoS's land are other areas of land occupied by Transfer Logistics, P&G Scaffolding and Crostline Limited.

2.4 The appended plan illustrates the approximate areas occupied by each of the tenants using the numbering shown below.

- 1 BCA – A five year lease from 4 February 2016.
- 2 SoS – A ten year lease from 10 April 2017, subject to a tenant's break clause exercisable on 9 April 2022.
- 3 Transfer Logistics – Tenancy at Will
- 4 P&G Scaffolding – Tenancy at Will
- 5 Crostline Limited – Terms have been agreed for a new five year lease, at the tenant's request.
- 6 Vacant Land

2.5 Baypoint

Baypoint is an operating sports club, comprising a clubhouse, car park and sports fields, with a total area of circa 7.5 hectares (18.6 acres). Ramac's freehold interest is held under title K371382.

2.6 Baypoint is managed by Princes Leisure Group Limited, which is a subsidiary of Ramac. Part of Baypoint is occupied by P B Nursery as a children's nursery. P B Nursery has a tenancy at will.

3.0 The impact of the Project on Ramac's Landholdings

3.1 The Project, as currently proposed, will involve both offshore and onshore works. The onshore works will include the following works on Ramac's land:

- The laying of cables across the northern and eastern sides of Baypoint.
- The construction of a substantial substation on the land currently occupied by the SoS at Richborough Port. The substation compound will occupy a total area of 215 metres x 160 metres (i.e. circa 8.5 acres) whilst the substation building itself will have a maximum height of 14 metres (circa 46 feet).
- The laying of cables to the eastern side of the land occupied by BCA at Richborough Port.

3.2 In order to undertake these works the Applicant will also need to:

- Acquire rights to lay the cables at Baypoint and Richborough Port
- Acquire land to construct the substation
- Take temporary possession of construction compounds at both Richborough Port and Baypoint. The larger compound at Richborough Port will have an area of 2 hectares (4.94 acres) and will be on land currently occupied by Transfer Logistics.
- Acquire rights of access, both temporarily in order to undertake construction works and permanently for future access to cables and the substation.
- Acquire permanent rights for a 20 metre wide HDD crossing under the A256.

3.3 The proposed works and the acquisition of land and rights will have a significant effect on Ramac's land in both the short and long term and will also detrimentally affect the occupation of its tenants (and hence its rental income stream). In the short term the digging of trenches for cables and the construction of the substation is proposed to commence in 2020 and last for a period of circa 30 months.¹ In the longer term, the substation will occupy a large part of Richborough Port. Its size and central location will make it an oppressive, unattractive and dominant feature.

3.4 The likely negative impacts of the Project will include (but are not necessarily limited) to the following:

- The temporary disruption to Baypoint while cables are laid and an area of land is occupied during construction. This will involve the loss of grass and artificial surfaced sports pitches from which Princes Leisure Group Limited derives income.
- Temporary disturbance to BCA's commercial operation, potentially causing business losses, while cables are laid. Works will commence shortly before BCA's lease expires in early 2021, creating the risk that BCA will vacate as a result.
- The permanent acquisition of a substantial part of the central area of Richborough Port for a substation. This will require the vacation or relocation of the SoS and either the permanent or temporary relocation of Transfer Logistics during the construction phase.
- Importantly, the existence of the substation will negatively affect the remainder of Richborough Port. The substation works could result in other tenants vacating (creating a loss of income for Ramac) and make the re-letting of land difficult. The Richborough Port and Baypoint sites currently support more than 60 jobs. If the current proposals are accepted then a number of these jobs may be lost, adding to the already high average 2.7% unemployment levels in the Dover District as at November 2017². The South East England average for the same period being 1.2%.
- The potential to develop Richborough Port in the future will be negatively affected and there is a very significant risk that development may be prevented altogether. Despite the growing pressure to provide additional housing in the South East, any prospect of residential development will effectively be extinguished.
- The rights of access the Applicant is looking to secure may impact upon the use and enjoyment of both Richborough Port and Baypoint. In particular the Applicant's proposal to use the roundabout at the northern end of Richborough Port could cause significant disruption to its tenants.

¹ See the Preliminary Environmental Information Report - Para 1.7.1 of Volume 3 Chapter 1: Project description (onshore)

² Based on Kent County Council statistics.

4.0 Unanswered questions related to the technical/engineering aspects of the Project

- 4.1 Set out below are a number of questions which, notwithstanding the information provided in the Applicant's Consultation Documentation, remain unanswered. Ramac believes that it is necessary for the Applicant to answer these questions before it can justify the Project and the currently proposed acquisition of land and rights at Richborough Port and Baypoint.
- 4.2 It is understood that the Project intends to utilise NGET's new 400 kV Richborough connection, which is currently under construction. In this context the Project's onshore substation is proposed to be either a 66 kV/400 kV substation or a 132 kV/400 kV substation. In relation to the need for a substation:
- When will the Project decide the whether the landing cable voltage will be decided?
 - If the landing circuits are 132 kV what prevents the grid connection being made to the existing Richborough 132 kV substation, or an extension of this substation by UKPN or others?
- 4.3 If a voltage step-up to 400 kV is the only technical solution.
- Why has the Project's substation layout been based on an open switchyard layout rather than a smaller footprint gas insulated switchgear (GIS) solution, as has been adopted by NGET at its new 400 kV substation at the REP?
 - What is the MVA rating of the proposed transformers and why does the text refer to four transformers with only two shown on the layout?
 - The need for reactive compensation is understood. However, the particular proposed ratings and physical footprint adopted require substantiation. The reactive compensation at the new NGET 400 kV 1,000 MW facility has a smaller footprint than that proposed for the Project.
 - The rating and footprint of the proposed harmonic filter banks requires justification.
 - The diesel generator footprint is twice that allocated to both NGET's 400 kV substation and the NEMO convertor station, therefore what is the basis of this footprint?
- 4.4 If a substation is required, with an achievable smaller footprint than that declared, the location may be established at any practicable location, even if this requires extension of the cable routes. In this context:
- Why cannot spare land at REP adjacent to or close to NGET's new 400 kV be utilised for the new substation?
 - Why have other locations not on Ramac or REP land not been considered?
 - If, and only if, the only option is to develop the substation on Ramac land why cannot the land utilisation be more efficient from aspect of retaining a more contiguous Ramac estate?
- 4.5 What practical and technical aspects prevent the Project's landing cables utilising the Nemo cable corridor and the necessary allowance being constructed during the Nemo construction? Are there any other cabling routes which should be investigated?

5.0 Possible Alternatives to the Applicant's current Project proposals

5.1 Section 122 of the Planning Act 2008 confirms that a DCO may only authorise compulsory acquisition if the decision-maker is satisfied that:

- The land is required for
 - i) development to which the consent relates,
 - ii) to facilitate, or is incidental to that development,
 - iii) is replacement land, which is to be given in exchange for the order land
- There is a compelling case in the public interest for the compulsory acquisition.

5.2 The Department for Communities and Local Government's September 2013 Guidance on procedures for the compulsory acquisition of land under the Planning Act 2008, also confirms that an applicant for development consent should be able to demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to a scheme) have been explored. An applicant needs to show that the proposed interference with the rights of those with an interest in land is for a legitimate purpose, and that it is necessary and proportionate.

5.3 The decision-maker will further need to be satisfied that any land to be acquired is no more than is reasonably required for the purposes of the Project. Further, he will need to be persuaded that there is compelling evidence that the public benefit that will be derived from the compulsory acquisition will outweigh the private loss that will be suffered by Ramac.

5.4 It is Ramac's contention that the Applicant has not demonstrated that:

- 1) The land and rights the Applicant is seeking to acquire from it are needed for the Project,
- 2) That there are no alternatives to the acquisition of its land.
- 3) That the Applicant is seeking to acquire no more land than is reasonably required for the purpose of the Project.
- 4) That the public benefits that will be derived from the compulsory acquisition of Ramac's land will outweigh its private loss.
- 5) That the proposed interference with the rights of those with an interest in Richborough Port (including Ramac) is necessary and/or proportionate.

5.5 The need to locate the substation on Ramac's land

As noted previously in this Consultation Response, the Applicant's Consultation Documents inadequately explain its reasoning for locating the substation at Richborough Port. Although it is said³ that initial discussions with Ramac, which only commenced in June 2017, suggested an agreement could be reached to utilise land for a substation, the discussions that took place were not based on the Project as set out in the Consultation Documents. Nor, until August 2016, was the area of land required for the substation made clear. Early discussions also only suggested the letting of an area of land to the Applicant, rather than the acquisition of part of its freehold interest.

5.6 Ramac notes that it was originally planned to locate the substation at Richborough Energy Park. There is no clear explanation in the Consultation Documentation why this proposal was varied, other than a brief reference to 'space constraints' and that the location of the substation would result in the loss of land at Hacklinge Marshes SSSI.⁴ This is an inadequate explanation for the decision to compulsorily acquire Ramac's land and there is no evidence at all that the Applicant has fully considered other options for location of the substation away from Ramac's land.

5.7 As the questions raised previously in this Consultation Response illustrate, there are a range of substantive questions to be answered before the Applicant can demonstrate that there is a compelling case for compulsory acquisition.

³ See the Preliminary Environmental Information Report - Para 4.10.5 of Volume 1, Chapter 4: Site Selection Alternatives.

⁴ See the Preliminary Environmental Information Report - Para 4.10.4 of Volume 1, Chapter 4: Site Selection Alternatives

5.8 The size of the substation

The Applicant has also failed to demonstrate in its Consultation Documentation why the substation has to be so large, or that the land it is suggesting will be acquired from Ramac is reasonably needed for the Project. The proposed footprint of the substation is much larger than appears necessary and there is no evidence that the applicant has considered how the size of the substation could be minimised.

5.9 As the questions raised previously in this Consultation Response illustrate, there are a range of substantive questions to be answered before the Applicant can demonstrate that it is acquiring no more land than is reasonably needed for the Project.

5.10 The location of the substation on Ramac's land

It is also the case, that if the substation does have to be located on Ramac's land (which is yet to be established), there is no evidence that proper consideration has been given to whether it could be located elsewhere at Richborough Port or Baypoint. It is currently proposed to locate the substation at the very centre of Richborough Port on land occupied by the SoS, which is subject to the terms of a commercial lease with many years left to run. The positioning of the substation will cause maximum interference with Ramac's property interests, both in terms of removing at least one, and probably two, important tenants and impacting on the letting prospects of the surrounding land following construction. Further, the proposed central position of the substation at Richborough Port has a significant adverse and restrictive effect on future development potential. Rather than being a single site available for development, the substation will effectively divide Richborough Port into two sites separated by a large, 'bad neighbour' structure.

5.11 If the Applicant could demonstrate that it was necessary, proportionate and in the public interest to locate the substation on land in Ramac's ownership, the substation would have far less impact on existing tenants and the future use and development potential of Richborough Port if it were to be located either on the sports fields at the north end of Baypoint, or on the vacant land at the southern end of Richborough Port. Both areas of land are large enough to accommodate the substation.

5.12 The interest to be acquired

Although it is not expressly stated in the Consultation Documentation, Ramac understands that the Applicant is proposing to acquire a freehold interest in the land that will be used for the substation. This needs to be clarified. However, it also notes that the expected life of the project is around 25 years,⁵ and so it is difficult to see how a land acquisition in perpetuity can be reasonably justified. As previously noted, the Applicant's initial approaches to Ramac were on the basis of a leasehold interest.

5.13 Whilst for the reasons noted above, Ramac believes the Applicant has not satisfactorily justified the construction of the substation on Richborough Port, if the Applicant could show that there was a compelling case in the public interest for its currently proposed location, Ramac's preference would be for a lease to be agreed so that the adverse impact on Ramac's property interests would be mitigated. It is not uncommon for electricity providers to agree leases for substations.

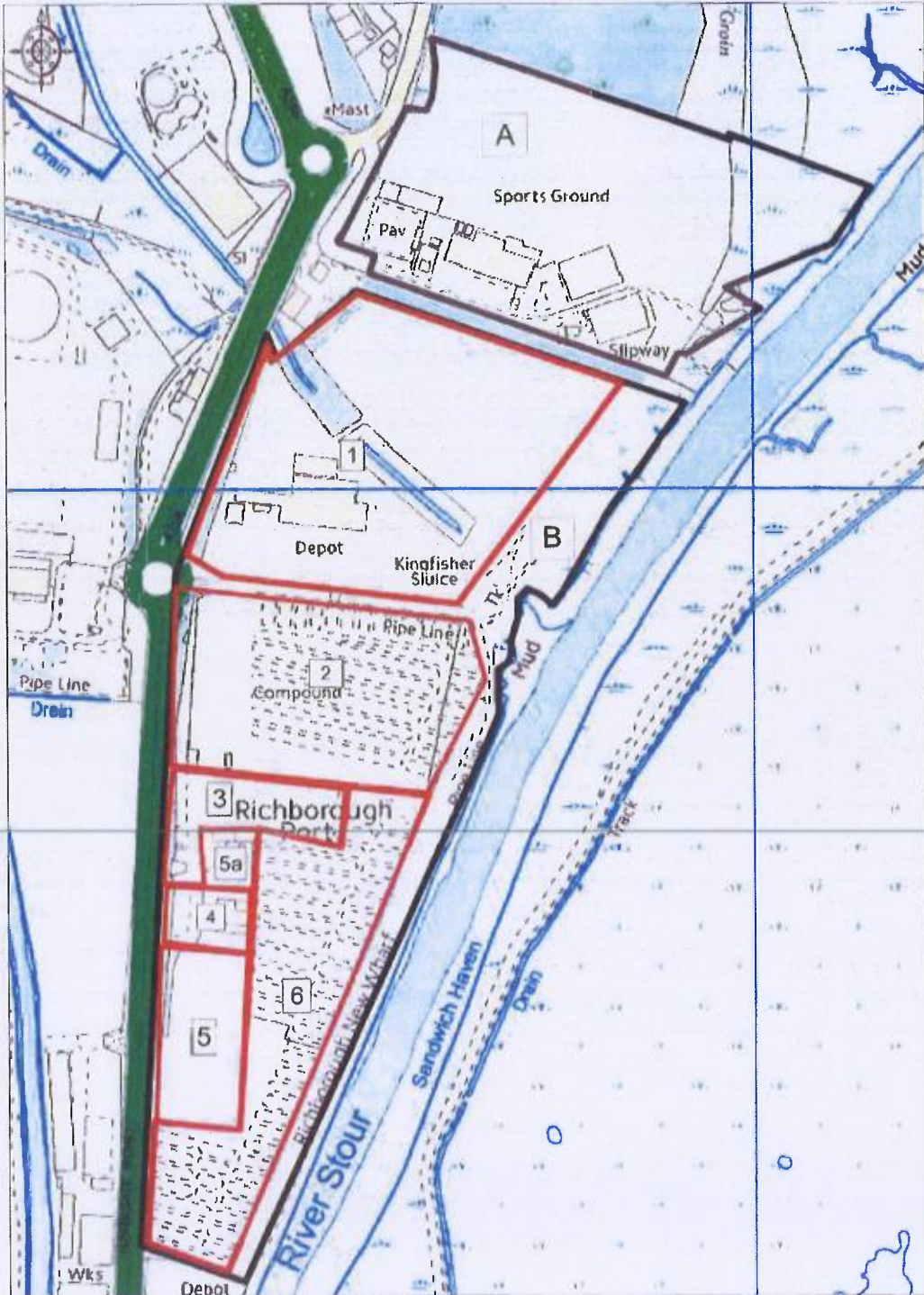
⁵ See the Preliminary Environmental Information Report - Para 1.7.1 of Volume 3 Chapter 1: Project description (onshore)

6.0 Engagement

- 6.1 To date the Applicant's engagement has been relatively limited and hampered by a lack of technical detail. In the most recent meeting on 10 October 2017, in response to concerns raised by Ramac, the Applicant committed to providing further information. However, this has yet to be supplied.
- 6.2 Ramac has accordingly now instructed specialist engineering firm Hurley Palmer Flatt, as well as Charles Russell Speechlys LLP (in addition to the services provided by Glenny LLP) in order to protect its interests.
- 6.3 Ramac would like to see further and meaningful consultation with the Applicant going forward, not least in relation to the technical questions raised in this Consultation Response and the potential alternative solutions that have been suggested.

Glenny LLP
For and on behalf of Ramac Holdings (Trading) Limited
12 January 2018

Site Plan
A - Baypoint
B - Richborough Port



Consolidated Responses to RAMAC Consultation Questions

This document is sent on a without prejudice basis and is provided as a result of the discussions from the Thanet Extension Offshore Windfarm DCO Examination Preliminary Meeting collating responses previously issued to RAMAC in the course of negotiations on Heads of Terms for an Option Agreement. It is presented on a without prejudice basis to inform further discussion and dialogue.

No.	RAMAC QUESTION	WVPL RESPONSE
1.	RAMAC has a number of serious concerns about the Project as proposed and believes the consultation documentation provided by the Applicant falls short of demonstrating that the proposed acquisition of its land and/or rights over its land is proportionate, or even necessary.	The Consultation Report (Application ref 5.1) sets out the process the Applicant has undertaken in carrying out consultation and this has been assessed as compliant with the Planning Act 2008 by the Planning Inspectorate. This document does not seek to justify land acquisition. The justification for the proposed acquisition is set out the Statement of Reasons (Application ref 4.3). We consider that the land seeking to be acquired is both proportionate and necessary for the carrying out of the development and meets the statutory tests for compulsory acquisition.
2	This Consultation Response explains those concerns, raises a number of currently unanswered questions over the technical aspects of the Project and suggests alternative options. The Consultation Response is set out under the following headings: i) An explanation of Ramac's land holdings and the occupation of Richborough Port and Baypoint. ii) The impact of the Project on Richborough Port and Baypoint. iii) Unanswered questions relating to the technical/engineering aspects of the Project as currently proposed. iv) Possible alternatives to the Applicant's current Project proposals.	General preamble to which no specific response is provided.
3	Notwithstanding the contents of this consultation response, Ramac reserves the right to raise further and additional issues, objections and questions in relation to the Project and/or amend this Response as the consultation and Development Consent Order process progresses. Not least because it has yet to receive answers to questions previously put to the Applicant.	General statement to which no specific response is provided.
4	Richborough Port and Baypoint are situated to the east side of Ramsgate Road (A256), approximately 5.5km (3.5 miles) south of Ramsgate and	We are grateful to RAMAC for the provision of information in relation to their land holding and note that the pattern of occupation has evolved further since this was provided.

<p>2km (1.25 miles) north of Sandwich. Richborough Energy Park (REP) lies immediately to the west. A plan illustrating both sites is attached.</p>	
<p>5 In order to undertake these works the Applicant will also need to:</p> <ul style="list-style-type: none"> - Acquire rights to lay the cables at Baypoint and Richborough Port - Acquire land to construct the substation - Take temporary possession of construction compounds at both Richborough Port and Baypoint. - The larger compound at Richborough Port will have an area of 2 hectares (4.94 acres) and will be on land currently occupied by Transfer Logistics. - Acquire rights of access, both temporarily in order to undertake construction works and permanently for future access to cables and the substation. - Acquire permanent rights for a 20 metre wide HDD crossing under the A256 	<p>We agree with RAMACs assessment of the rights required to construct, operate and maintain the proposed development. The Applicant had sought to locate the substation, incoming and outgoing cable corridors to cause the least possible disturbance to RAMAC's Bay Point Club and Richborough Port businesses.</p> <p>We understand that Transfer Logistics and the other RAMAC occupiers have short terms licenses to occupy.</p> <p>We are in discussions with the Ministry of Justice (MoJ) on behalf of the Secretary of State or Communities, Housing and Local Government (SoS) with a view to relocating their 10 year leasehold interest elsewhere within RAMAC owned land.</p> <p>The requirement to provide replacement land for the Secretary of State explains why the red line boundary extends as far south within the RAMAC ownership as it does.</p> <p>The MoJ have in principle agreed to the proposed replacement land. We are in discussions with them and expect an agreement to be reached before the close of examination and a meeting between all parties (Vattenfall, RAMAC, MoJ) has been arranged for 9 January 2018 in order to progress these discussions.</p> <p>We have been in continuous discussions with RAMAC's surveyors Glenn LLP in connection with a negotiated set of voluntary land agreements and we have kept RAMAC Surveyors fully up to date with the ongoing discussions with MoJ.</p> <p>Further detailed engineering work is required to define the width of the horizontal directional drill under the highway but it will be contained within a maximum 20m corridor</p>
<p>6 The proposed works and the acquisition of land and rights will:</p> <ol style="list-style-type: none"> a. Have a significant effect on Ramac's land in both the short and long term 	<ol style="list-style-type: none"> a. We agree that there will be a significant effect on certain parts of RAMAC's land, which is why we are proposing to acquire a freehold interest if negotiations around a set of voluntary land agreements

	<p>b. Will detrimentally affect the occupation of its tenants (and hence its rental income stream).</p> <p>c. In the short term the digging of trenches for cables and the construction of the substation is proposed to commence in 2020 and last for a period of circa 30 months.</p> <p>d. In the longer term, the substation will occupy a large part of Richborough Port. Its size and central location will make it an oppressive, unattractive and dominant feature.</p>	<p>should fail for any reason. The nature of the Applicant's proposals would necessitate a change to the land use and the pattern of land occupation at Richborough Port such that acquisition part of the freehold of part of the former port is reasonably required.</p> <p>b. In our discussions on a voluntary land agreement we have sought to assist RAMAC in retaining occupiers and building upon RAMAC's income streams and bring currently vacant land into productive use. In terms of compulsory acquisition this issue can be dealt with by means of a well evidenced compensation claim.</p> <p>c. Whilst the substation construction programme is programmed to last for 30 months, the onshore cable laying campaign is forecast to extend to for 24 months and the periods of work within different landowners properties could be less than that but are subject to a process of detailed engineering design and construction programming.</p> <p>d. The proposed substation site extends to 11.58acres or thereby. This is sufficient to accommodate the substation plant and equipment, access requirements, drainage requirements and any landscaping and planting requirements. The proposed substation site is surrounded on its northern, southern and western perimeters by industrial land use. To the north the land is used for private and commercial vehicle repairs and refurbishment, to the south the land is either derelict former harbour storage land or in use for logistics, storage and distribution purposes. To the west lies Richborough Energy Park; formerly the site of Richborough 'A' Oil Fired Power Station and now the site of the NEMO High Voltage Direct Current Converter Station, UKPN 132KV Substation, Thanet 1 Offshore Wind Farm Substation and the National Grid 400KV Richborough Substation. To the east the site is bounded by the quayside of the former Port of Richborough. The site sits within a landscape of industrial land use and would be viewed as an extension of the neighbouring land use to the west.</p>
7	<p>The likely negative impacts of the Project will include (but are not necessarily limited) to the following:</p>	<p>This matter can be addressed by means of a compensation claim. We have proposed an advanced payment of disturbance compensation as part of the voluntary land negotiations.</p>
	<p>1. The temporary disruption to Baypoint while cables are laid and an area of land is occupied during construction. This will involve the loss of grass and artificial surfaced sports pitches from which Princes Leisure Group Limited derives income.</p>	

<p>2. Temporary disturbance to BCA's commercial operation, potentially causing business losses, while cables are laid. Works will commence shortly before BCA's lease expires in early 2021, creating the risk that BCA will vacate as a result.</p>	<p>We are engaging directly with BCA Fleet Solutions 2 Ltd. in order to manage the impacts on their business. There key concern is about loss of storage space for cars and the maintenance of a 1 way system of traffic movements around the site. The first matter can be addressed by means of disturbance compensation. The applicant is confident that they can deal with the second matter through the management of the works.</p>
<p>3. The permanent acquisition of a substantial part of the central area of Richborough Port for a substation. This will require the vacation or relocation of the SoS and either the permanent or temporary relocation of Transfer Logistics during the construction phase.</p>	<p>We acknowledge that the land that the Applicant are proposing to acquire freehold will not be developable for other purposes, however, we are endeavouring to negotiate voluntary land agreements that will allow RAMAC to retain and build upon existing income streams.</p>
<p>4. The substation works could result in other tenants vacating (creating a loss of income for Ramac) and make the re-letting of land difficult.</p>	<p>The majority of RAMAC occupiers are short term license holders. We understand that one 5 year lease has recently been granted and the applicant intends to engage with that tenant once the terms of the voluntary agreement between WVPL and RAMAC are agreed.</p>
<p>5. Importantly, the existence of the substation will negatively affect the remainder of Richborough Port.</p>	<p>We disagree that there will be a negative effect on the remainder of the port and consider that the surrounding land uses, predominantly of an industrial or former industrial nature are largely complimentary.</p>
<p>6. The Richborough Port and Baypoint sites currently support more than 60 jobs. If the current proposals are accepted, then a number of these jobs may be lost, adding to the already high average 2.7%. Unemployment levels in the Dover District as at November 2017. The South East England average for the same period being 1.2%.</p>	<p>The economic impact of the Applicant's proposals are set out in the application documents and we would refer you to the socio-economic chapter of the environmental statement being Volume 3, Chapter 3: Socioeconomics (PINS Ref APP-059/ Application Ref 6.3.3)</p>
<p>7. The potential to develop Richborough Port in the future will be negatively affected and there is a very significant risk that development may be prevented altogether. Despite the growing pressure to provide additional housing in the South East, any prospect of residential development will effectively be extinguished.</p>	<p>We are unaware of any existing proposals for residential development on Bay Point Club land or the lands of the former port of Richborough within RAMACs ownership. We acknowledge that the land that the Applicant is proposing to acquire freehold will not be developable for other purposes, however, we are endeavouring to voluntary land agreements that will allow RAMAC to retain and build upon existing income streams.</p>

	<p>8. The rights of access the Applicant is looking to secure may impact upon the use and enjoyment of both Richborough Port and Baypoint. In particular the Applicant's proposal to use the roundabout at the northern end of Richborough Port could cause significant disruption to its tenants.</p>	<p>In relation to the Richborough Port land we disagree with this assessment. Our proposed accesses use established points of entry for commercial vehicles.</p> <p>We acknowledge that our proposal to utilise the Bay Point Club may lead to temporary disturbance, however traffic movements will be subject to a Construction Traffic Management Plan that will ensure movements are controlled and appropriately mitigated.</p>
8	<p>Set out below are a number of questions which, notwithstanding the information provided in the Applicant's Consultation Documentation, remain unanswered. Ramac believes that it is necessary for the Applicant to answer these questions before it can justify the Project and the currently proposed acquisition of land and rights at Richborough Port and Baypoint.</p> <p>It is understood that the Project intends to utilise NGET's new 400 kV Richborough connection, which is currently under construction. In this context the Project's onshore substation is proposed to be either a 66 kV/400 kV substation or a 132 kV/400 kV substation.</p> <p>In relation to the need for a substation:</p> <ol style="list-style-type: none"> 1. When will the Project decide the whether the landing cable voltage will be decided? 2. If the landing circuits are 132 kV what prevents the grid connection being made to the existing Richborough 132 kV substation, or an extension of this substation by UKPN or others? 3. If a voltage step-up to 400 kV is the only technical solution why has the Project's substation layout been based on an open switchyard layout rather than a smaller footprint gas insulated switchgear (GIS) solution, as has been adopted by NGET at its new 400 kV substation at the REP? 	<p>The voltage of the export cables will be decided as part of the detailed post-consent and pre-construction design.</p> <p>The Applicant has accepted a grid offer from NGET at 400kV and the project has been assessed on that basis. It is understood that there is insufficient capacity in the 132kV distribution network and that UKPN intend to dismantle their 132kV overhead link to Canterbury once NGET's 400kV Richborough Substation and 400kV Canterbury – Richborough connection are commissioned.</p> <p>We have retained the option for both GIS and Air Insulated Switchgear (AIS) solutions. This is to retain technical and commercial flexibility during detailed design phase and there are various considerations that exist between available space, cost and substation operational philosophy (i.e. what type/numbers of equipment is needed). NGET have selected GIS for their 400kV switchgear, however their substation does also include some</p>

		air-insulated equipment to connect to the 2 x Supergrid transformers (SGT's) at their site, which are located outdoors.	
	4. What is the MVA rating of the proposed transformers and why does the text refer to four transformers with only two shown on the layout?	Rating of the transformers is dependent on the wind farm capacity, but will be similar in physical size to the 240MVA transformers at NGET's 400kV substation at Richborough. In terms of number of transformers, the minimum number is driven by a network design standard (Security and Quality of Supply Standard – SQSS. A NGET design standard available on the internet) that requires at least 2 x 50% rated transformers. By keeping the option of four transformers open, this offers the opportunity to reduce the amount of switchgear on site, as it is not necessary to bank 4 x circuits onto 2 x transformers. Again, the detailed layout and equipment numbers will be determined at detailed design stage.	
	5. The need for reactive compensation is understood. However, the particular proposed ratings and physical footprint adopted require substantiation. The reactive compensation at the new NGET 400 kV 1,000 MW facility has a smaller footprint than that proposed for the Project.	NEMO facility is HVDC, so reactive compensation is not required. The equipment associated with this development is limited to harmonic filtering. Regarding the NGET transmission-connected reactive compensation equipment at Risborough, our understanding is that this is a part of a wider voltage stability scheme, with multiple sets of dynamic reactive compensation located at various 400kV substations around the south-east network. TEOWF must locate all of its filtering and reactive compensation equipment at the new substation site, as this constitutes the connection point/commercial interface for the project. Ratings and requirements for this will be established at detailed design stage. Current sizes/footprints constitute a worst credible case.	
	6. The rating and footprint of the proposed harmonic filter banks requires justification.	See response to 3. Size/rating cannot be established until detailed analysis of the proposed development's effect on existing network harmonic is modelled. This will be done during detailed design stage and ratified during commissioning. Current sizing is a worst credible case to all for future detailed design.	
	7. The diesel generator footprint is twice that allocated to both NGET's 400 kV substation and the NEMO converter station, therefore what is the basis of this footprint?	The footprint includes a laydown area/bunded area for fuel tank/refuelling process in addition to the diesel generator	
9	It is Ramac's contention that the Applicant has not demonstrated that:		

	<p>1. The land and rights the Applicant is seeking to acquire from it are needed for the Project.</p> <p>2. That there are no alternatives to the acquisition of its land.</p>	<p>The Statement of Reasons submitted with the DCO application sets out the need for acquiring the extent of land and types of rights proposed. A copy is attached for ease of reference.</p> <p>We have been, and continue to be, engaged in a process of negotiation with you to agree the terms of a voluntary land agreement. If this is not achieved, compulsory acquisition will be required in order to allow the nationally significant infrastructure project to proceed. For this project the applicant is satisfied that it is reasonable to include compulsory acquisition provisions covering all of the land required at the outset.</p>
	<p>3. That the Applicant is seeking to acquire no more land than is reasonably required for the purpose of the Project.</p>	<p>The requirement for the extent of land required is set out in the Statement of Reasons. Bearing in mind the nature of the project and the prevailing pattern of land occupation including Crown Land we believe no more land is being sought than is reasonably required.</p>
	<p>4. That the public benefits that will be derived from the compulsory acquisition of Ramac's land will outweigh its private loss.</p>	<p>The land to be acquired is required for a nationally significant infrastructure project in line with UK Government policy, including NPS EN-1 and EN-3, and the global requirement to decarbonise the electricity supply to safeguard populations and habitats.</p>
	<p>5. That the proposed interference with the rights of those with an interest in Richborough Port (including Ramac) is necessary and/or proportionate.</p>	<p>In the event that a negotiated commercial agreement cannot be realised we believe acquisition of a freehold interest by the Applicant in fact minimises interference with the rights of those having an interest in Richborough Port and that it is therefore necessary and expedient for discretionary powers of compulsory purchase to be granted.</p>
10	<p>As noted previously in this Consultation Response, the Applicant's Consultation Documents inadequately explain its reasoning for locating the substation at Richborough Port. Although it is said that initial discussions with Ramac, which only commenced in June 2017, suggested an agreement could be reached to utilise land for a substation, the discussions that took place were not based on the Project as set out in the Consultation Documents. Nor, until August 2016, was the area of land required for the substation made clear. Early discussions also only suggested the letting of an area of land to the Applicant, rather than the acquisition of part of its freehold interest.</p>	<p>Please see the attached briefing note on site selection which was previously sent via RAMAC agents Glennys. Discussions around a voluntary land agreement have focused on an option agreement which would give Vattenfall the right to call for RAMAC to grant:</p> <ol style="list-style-type: none"> 1. A 50 year lease of the substation site 2. A 4 year lease of the substation construction compound 3. An easement for the incoming cable circuits corridor 4. A tripartite agreement amongst RAMAC, WPL and the Secretary of State

	<p>Notwithstanding the well advanced ongoing discussions around voluntary land agreements the applicant considers that acquisition of the freehold interest is necessary in the event that those discussions do not proceed to a conclusion as explained earlier in this document.</p>
<p>11 Ramac notes that it was originally planned to locate the substation at Richborough Energy Park. There is no clear explanation in the Consultation Documentation why this proposal was varied, other than a brief reference to 'space constraints' and that the location of the substation would result in the loss of land at Hacklinge Marshes SSSI. This is an inadequate explanation for the decision to compulsorily acquire Ramac's land and there is no evidence at all that the Applicant has fully considered other options for location of the substation away from Ramac's land.</p>	<p>Please see the attached briefing note on site selection which was previously sent via RAMAC agents Glenny.</p>
<p>12 As the questions raised previously in this Consultation Response illustrate, there are a range of substantive questions to be answered before the Applicant can demonstrate that there is a compelling case for compulsory acquisition.</p>	<p>We refer to our responses to the questions you laid out earlier in your consultation response.</p>
<p>13 The Applicant has also failed to demonstrate in its Consultation Documentation why the substation has to be so large, or that the land it is suggesting will be acquired from Ramac is reasonably needed for the Project. The proposed footprint of the substation is much larger than appears necessary and there is no evidence that the applicant has considered how the size of the substation could be minimised. As the questions raised previously in this Consultation Response illustrate, there are a range of substantive questions to be answered before the Applicant can demonstrate that it is acquiring no more land than is reasonably needed for the Project.</p>	<p>We refer to our responses to your technical questions provided earlier in this document.</p>
<p>14 It is also the case, that if the substation does have to be located on Ramac's land (which is yet to be established), there is no evidence that proper consideration has been given to whether it could be located elsewhere at Richborough Port or Baypoint. It is currently proposed to locate the substation at the very centre of Richborough Port on land occupied by the SoS, which is subject to the terms of a commercial lease with many years left to run. The positioning of the substation will cause</p>	<p>Please see the attached briefing note on site selection which was previously sent via RAMAC agents Glenny.</p> <p>Through our ongoing discussions with RAMAC and the Secretary of State we have sought to identify replacement land for the Secretary of State using currently largely vacant land within the RAMAC landownership. These discussions are well advanced and would see RAMAC continue to receive</p>

<p>15</p> <p>If the Applicant could demonstrate that it was necessary, proportionate and in the public interest to locate the substation on land in Ramac's ownership, the substation would have far less impact on existing tenants and the future use and development potential of Richborough Port if it were to be located either on the sports fields at the north end of Baypoint, or on the vacant land at the southern end of Richborough Port. Both areas of land are large enough to accommodate the substation.</p>	<p>the benefit of the rental income stream from the Secretary of State and add an additional income stream from Vattenfall. They will have to reconfigure the pattern of occupation amongst their shorter term occupiers but on balance there will be more land in productive economic use if the agreement is struck.</p> <p>Relative to other surrounding industrial and energy land uses the proposed substation cannot be considered to be a 'bad neighbour' structure.</p>
<p>16</p> <p>Although it is not expressly stated in the Consultation Documentation, Ramac understands that the Applicant is proposing to acquire a freehold interest in the land that will be used for the substation. This needs to be clarified. However, it also notes that the expected life of the project is around 25 years, and so it is difficult to see how a land acquisition in perpetuity can be reasonably justified. As previously noted, the Applicant's initial approaches to Ramac were on the basis of a leasehold interest.</p>	<p>We would clarify that our initial approaches for a voluntary land agreement were on the basis of acquiring a freehold interest and that Vattenfall agreed to discuss leasehold terms at the request of RAMAC.</p> <p>In terms of the compulsory acquisition strategy we have proposed acquisition of the freehold interest in part of RAMACs land because of the fundamental changes proposed to the use of the land and the pattern of land occupation. In order to bring about these changes and facilitate the applicants development ownership of the freehold would be required.</p>
<p>17</p> <p>Whilst for the reasons noted above, Ramac believes the Applicant has not satisfactorily justified the construction of the substation on Richborough Port, if the Applicant could show that there was a compelling case in the public interest for its currently proposed location, Ramac's preference would be for a lease to be agreed so that the adverse impact on Ramac's property interests would be mitigated. It is not uncommon for electricity providers to agree leases for substations.</p>	<p>We are in discussions about an option agreement including this option, however, in the event that those discussions fail for any reason compulsory acquisition of the freehold interest is required for the reasons set out above and in the Statement of Reasons.</p>
<p>18</p> <p>To date the Applicant's engagement has been relatively limited and hampered by a lack of technical detail. In the most recent meeting on 10</p>	<p>The parties are well advanced in discussions on Heads of Terms for an Option Agreement. Responses to your technical queries have previously</p>

	October 2017, in response to concerns raised by Ramac, the Applicant committed to providing further information. However, this has yet to be supplied.	been provided in the course of those discussions and are further set out in this note	
19	Ramac has accordingly now instructed specialist engineering firm Hurley Palmer Flatt, as well as Charles Russell Speechlys LLP (in addition to the services provided by Glennly LLP) in order to protect its interests.	Thank you for the confirmation of the details of your team of advisors.	
20	Ramac would like to see further and meaningful consultation with the Applicant going forward, not least in relation to the technical questions raised in this Consultation Response and the potential alternative solutions that have been suggested.	We hope that you have found the discussions and negotiations around heads of terms meaningful and refer to our earlier responses to your technical queries and the briefing note on site selection provided previously via Glennly.	
21	<p>If a substation is required, with an achievable smaller footprint than that declared, the location may be established at any practicable location, even if this requires extension of the cable routes. In this context:</p> <ul style="list-style-type: none"> · Why cannot spare land at REP adjacent to or close to NGET's new 400 KV be utilised for the new substation? · Why have other locations not on Ramac or REP land not been considered? · If, and only if, the only option is to develop the substation on Ramac land why cannot the land utilisation be more efficient from aspect of retaining a more contiguous Ramac estate? 	<p>The required footprint for the substation is as set out in the application documents. There is not sufficient land within Richborough Energy Park. Extensive discussions were had with them on this point before approach RAMAC in relation to an acquisition of their land. We have set out our reasoning on site selection with the RAMAC estate at Richborough in the briefing note previously provided via your agents Glennly.</p>	
22	What practical and technical aspects prevent the Project's landing cables utilising the Nemo cable corridor and the necessary allowance being constructed during the Nemo construction? Are there any other cabling routes which should be investigated?	<p>The NEMO cables were installed on the UK side of the English Channel in summer 2017. The NEMO cables are High Voltage Direct Current cables and the cables from applicants development will be alternating current cables.</p> <p>Other potential routes which were investigated are as laid out in the applicants application documents.</p>	

Thanet Extension Offshore Windfarm ('the Project')

Development Consent Order Consultation Response on behalf of Ramac Holdings (Trading) Limited

1.0 Introduction

- 1.1 These representations are made on behalf of Ramac Holdings (Trading) Limited ('Ramac'), in response to the application for a Development Consent Order ("DCO submission") submitted by Vattenfall to the National Infrastructure Directorate on 27 June 2018. Reference is made to the Development Consent Order Pre-Application Consultation Response ('PCR') prepared and submitted by Glenny LLP on 12 January 2018 (as appended). Ramac maintains and relies upon the matters and objections as set out therein.
- 1.2 The serious concerns raised in the PCR by Ramac have not been addressed by the DCO submission, and accordingly Ramac formally objects to the DCO application both for the reasons set out in the PCR and those set out herein.
- 1.3 The content of Ramac's PCR is referred to in the DCO submission in a schedule included in the appendices document, Ref. 5.1.1 and, in particular, Appendix G2.2.
- 1.4 In particular, paragraphs 1.3, 1.4, 2.1, 3.2, 3.3, 3.4, 4.1, 4.2, 4.3, 4.4, 4.5, 5.1, 5.4, 5.5, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 6.1, 6.2 and 6.3 are quoted verbatim from the PCR and against each detailed concern raised by Ramac, Vattenfall's response is simply that "Land ownerships are still under a consultation with all relevant parties and will be taken forward in the Post-Consent phase". It is to be noted that over 6 months have elapsed since Ramac submitted its PCR and the notice being given of the DCO application.
- 1.5 This standard response is unacceptable. Vattenfall has failed to address any of the issues raised by Ramac in its PCR. Vattenfall's application is to acquire a significant part of Ramac's freehold interest in Richborough Port and has no regard inter alia to the following major concerns raised by Ramac (Ramac reserving its right to add to or otherwise amend this list of major concerns in due course):-
- 1) The proposed project has an anticipated lifespan of 50 years and it is not therefore necessary for Vattenfall to acquire a freehold interest.
 - 2) None of the alternative locations proposed in the PCR have been given any consideration whatsoever.

3) Technical questions raised by the PCR involving the extent of the land required for the substation and the alternative design solutions which may result in no/a reduced permanent land requirement have not been considered.

1.6 Ramac is rightly concerned that if terms cannot be agreed-, the DCO in its present form (if approved) would enable the Acquiring Authority to take their freehold interest in the majority of Richborough Port and the case for this is not properly addressed nor considered. Ramac submits it is entirely unsatisfactory and wrong for the concerns that it has raised to effectively be ignored during this DCO application, and which appears to be what Vattenfall intends.

1.7 Ramac respectfully submits that the DCO is not approved. The applicant has failed in its DCO submission to address important issues raised by Ramac, despite having an opportunity to do so during the period of over 6 months from January 2018 to July 2018, and has not satisfied the requirements of Section 122 of the Planning Act 2008.

1.8 In accordance with Sections 42, 47, 48 and 49 of the Planning Act 2008, Vattenfall has a "duty to take account of responses to consultation and publicity" (Section 49). For the reasons set out above, Ramac considers that inadequate consultation has taken place and that, notwithstanding the inadequate consultation, Vattenfall has failed to take account of responses (from Ramac and possibly others) to consultation and publicity. Ramac accordingly submits that Vattenfall is unable to demonstrate that its proposals as put forward within the DCO application have been considered in light of the consultation response submitted by Ramac. Indeed, Advice Note 9 (referred to below) states:-

"Clearly for consultation to be effective there will need to be a genuine possibility to influence the proposal and therefore a project should not be so fixed as to be unable to respond to comments from consultees. The importance of consultation during the pre-application phase cannot be overemphasised... Such consultation needs to be appropriate (in terms of content, timing and clarity) and reported fully in the consultation report such that the response of the developer to the comments made in terms of the evolution of the proposals can be clearly understood".

As a result, it is evident that Ramac's concerns as raised in the PCR have not been addressed at all within the DCO application. Where a party has participated in the pre application consultation (as Ramac did) its submissions on the project made at that stage should have been fully reflected in the consultation report submitted as part of the DCO application and addressed. Again, Ramac submits this has not been done (whether adequately or at all).

1.9 In its application, Vattenfall refers to and relies upon National Policy Statements and PINS Advice Note 'Rochdale Envelope' in order to justify the inclusion of flexibility provided for in the Order which would entitle

Vattenfall to take the freehold interest in all the land held by Ramac as defined in the Order and Ramac considers that this is inappropriate.

- 1.10 The 'Rochdale Envelope' is principally involved with environmental matters however it deal with principles which are relevant to Vattenfall's attempted flexible approach to acquisition as covered in the DCO submission Doc 3.2 dated June 2018 Explanatory Memorandum para 4.25 onwards. Referring to the document entitled 'Advice Note 9: Rochdale Envelope' published by Infrastructure Planning Commission February 2011, the question of flexibility is addressed. On page 9, the Advice Note states as follows:-

"Revised draft NPS EN-3 states (paragraph 2.6.43) that the IPC should 'accept that wind farm operators are unlikely to know precisely which turbines will be procured for the site until sometime after the consent has been granted'. This is not to say that the use of the 'Rochdale Envelope' should be used as an excuse not to provide sufficient details. Developers should make every effort to finalise as much of the project as possible prior to submission of their DCO application. Indeed, as explained earlier in this note, it will be in all parties' interests for the developer to provide as much information as possible to inform the pre-application consultation process; to form a clear basis for the EIA (providing as many details as possible should facilitate a clearer ES and avoid the possibility of a delay in the examination process or successful legal challenge on the adequacy of the EIA); and to enable development consent (if granted) to be for a distinct project."

- 1.11 On page 10 it states as follows:-

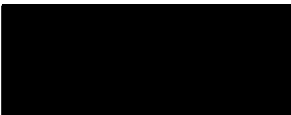
"Under the 2008 Act it is important to consult comprehensively on the project and to report fully on that consultation. The process should be clear and thorough."

- 1.12 Ramac considers that Advice Note 9 has not been correctly, properly and adequately followed in the DCO process and the application now made.
- 1.13 Significant documentation and detail has been provided to date by Vattenfall, and Ramac submits that there are no good reasons why Vattenfall has failed to address the issues it has raised at or before the DCO application was submitted. The legal authority from which the Rochdale Envelope arises inter alia makes clear that "flexibility" is not to be abused, and "does not give developers an excuse to provide inadequate descriptions of their projects". This is not a situation where Ramac is concerned in respect of the type and number of wind turbines. Rather Ramac's concerns centre on the proposed location of the substation, and which Ramac submits Vattenfall have failed to justify or explain (satisfactorily or at all). Ramac submits that the unreasonable level of "flexibility" Vattenfall seeks within this DCO application is in itself reason for the DCO application to be refused.

1.14 Ramac is willing to engage in constructive dialogue with Vattenfall in order to seek early agreements in respect of the Applicant's project.

However, until this process has been completed or negotiations have been exhausted, Ramac strongly objects to the confirmation and approval of the DCO in its present form for the reasons set out herein and in the PCR attached.

1.15 Ramac wishes to be represented at the Preliminary Meeting and to appear and adduce evidence at the Specific Issues/ Open Floor/ Compulsory Acquisition hearings as may be determined at the Preliminary Meeting.



Glenny LLP
For and on behalf of Ramac Holdings (Trading) Limited.

Dated.....^{12th}..... September 2018