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**Subject:** Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm [CRSLLP-WORKSITE.FID280126823]  
**Date:** 29 April 2019 10:41:29  
**Attachments:** [Signed - Letter to the Planning Inspectorate 29.04.19 289010535 1.PDF](#)

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Dear Sirs

Please find attached.

Yours faithfully

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Our Ref: DKH/AS/210865/00001  
Your Ref: EN010084

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29 April 2019

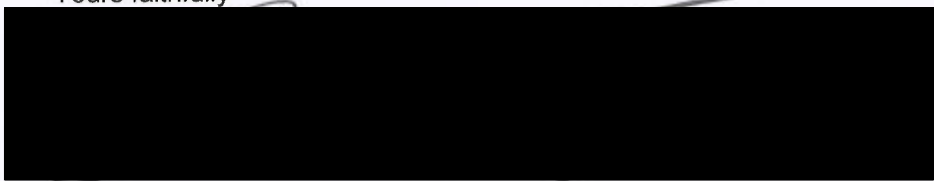
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Dear Sirs

**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 attach for the attention of the Examining Authority the Written Summary of oral representations prepared on behalf of Ramac Holdings (Trading) Limited together with the response to EXQ2 questions 2.3.3 and 2.3.5.

Yours faithfully

  
Charles Russell Speechlys LLP

Encs      Written summary of oral submissions

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

**Reference: EN010084**

**RAMAC HOLDINGS (TRADING) LTD**

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**WRITTEN SUMMARY OF ORAL REPRESENTATIONS**

**AT CAH2 ON 18.4.19**

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**Introduction**

1. This is the written summary of the oral representations made on behalf of Ramac Holdings (Trading) Ltd (“**Ramac**”) at the second Compulsory Acquisition Hearing on 18<sup>th</sup> April 2019.

**Representations**

2. Ramac attended the previous Compulsory Acquisition hearing on 21<sup>st</sup> February 2019. It relies upon the representations made at that hearing, without repeating them here.
3. In summary, Ramac’s position is that the Applicant has failed to establish that the proposed interference with its land interests is proportionate or indeed justified at all. The Applicant’s aims could be achieved through less intrusive means (if Ramac’s land interests have to be part of the scheme at all). It has not established a compelling case in the public interest to justify the exercise of compulsory acquisition powers. Principally, that is because of its inadequate assessment of alternatives.
4. DCLG guidance related to procedures for the compulsory acquisition of land (September 2013) makes it clear that an applicant should be able to demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. It will also need to demonstrate that the proposed interference is for a legitimate purpose and that it is necessary and proportionate.

5. The Applicant's justification for the compulsory acquisition of Ramac's land – and principally that land comprised in Work No.13 (the onshore substation) is inadequate in the following respects:

- i) It does not adequately explain the reasons for rejecting the Richborough Energy Park as a location for the onshore substation. The purported explanation in Chapter 4 of the ES (paragraphs 4.10.5 – 4.10.8) is insufficient to justify the rejection of that site. There is no analysis of the extent of land within the Energy Park that is committed to existing projects or of the land that is available outside of existing commitments. The Applicant claims that part of the Energy Park is 'zoned for development' for a diesel peaking plant. Ramac does not understand what is meant by that assertion. The Applicant has not properly explained why the onshore substation could not be accommodated at Richborough Energy Park.
- ii) If there is a good reason, yet to be expressed by the Applicant, for the rejection of the Richborough Energy Park, the Applicant has failed to explain why Ramac's land at Richborough Port was identified as "the most reasonable alternative" (ES, Chapter 4, paragraphs 4.10.5 – 4.10.8). In particular, Ramac does not understand why the search area was restricted to sites within 1km of the Energy Park rather than, say 2km, and does not understand the basis for rejecting potential alternative sites. Ramac's expert evidence is there is no technical justification for limiting the search area to only 1km.
- iii) If there is a valid reason for identifying Ramac's land as the most reasonable alternative, the Applicant has not explained or justified the selection of the particular parcel of land comprising Work No. 13. Ramac has made it clear to the Applicant since at least January 2018 (in its pre-application consultation response) that it would prefer the substation to be located further to the north of its landholding, at Baypoint Club or further to the south in the area identified for Work No.14. In its consolidated response to Ramac's consultation queries, the Applicant expressed the view that the siting of Work No.13 "minimises interference" with Ramac's operations. Ramac does not agree. It has consistently made it clear that it would prefer the substation to be

located elsewhere within its landholdings. Had the Applicant engaged in proper engagement with Ramac at the pre-application stage, it would have understood this to be the case. Instead, its published response to all of Ramac's concerns was simply to say "*Land ownerships are still under consultation with all relevant parties and will be taken forward in the post-consent phase*". Ramac suggests this is very telling and clearly shows the approach the Applicant was trying to take to compulsory acquisition. If there had been a proper justification for the selection of the particular parcel of land, one would have expected the Applicant to provide it then. There is no such justification in the Statement of Reasons (see pages 20, 22 and 26 which purport to provide the justification for the extent of land sought and an assessment of alternatives) or in the ES chapter on alternatives (see pages 4.1; 4.38 and 4.39).

- iv) If the substation must be located on Work area 13, the Applicant has failed to justify the extent of the land-take proposed. In particular, it has failed to provide any technical analysis of the land requirements for a GIS substation as compared to an AIS substation. Ramac has consistently argued that a GIS system has the potential significantly to reduce the land-take. In its consolidated response to Ramac's queries as to why a AIS substation was proposed, the Applicant's response was that it wished to retain technical and commercial flexibility (see Applicant's response to query 8(3)). While the AIS requires approximately 8.5 acres, Ramac's technical expert, Robert Thorogood of Hurley Palmer Flatt, assesses that a GIS substation would require c.2.3 acres – a space saving of some 6.2 acres. It is to be noted that the NEMO link interconnector on the Richborough Energy Park uses a GIS substation and Mr Thorogood could not conceive of any technical reason preventing the use of GIS for this project. The Applicant has provided no technical analysis as to why that would not be possible here or any assessment of the comparative requirements of GIS or AIS. It is extremely disappointing that notwithstanding the fact that Ramac has questioned the use of AIS since January 2018, the Applicant was not able to provide a technical justification for its proposed use at the CAH1 in February 2019 and did not present any technical expert to justify its position at CAH2 in April 2019. Had Ramac known prior to CAH2

that Mr Baker (or any other such expert competent to deal with the issues raised) for the Applicant could not attend to address the technical issues, it would have suggested the date for CAH2 be moved to either the original date or another date convenient to the ExA to enable the technical issues to be properly addressed. The Applicant's desire to retain maximum flexibility does not constitute a compelling case in the public interest sufficient to justify the acquisition of Ramac's land by compulsion.

6. Following the previous Compulsory Acquisition Hearing, the Applicant purported to provide a response to the representations made on behalf of Ramac, at Appendix 6 to its Deadline 3 submissions. That response is extremely high-level and preliminary in nature and appears to Ramac to be an exercise in retro-fitting: justifying the proposed site and the extent of land-take after the event. Plainly that is the wrong way round. An applicant seeking powers of compulsory acquisition must seek to achieve its aims in a proportionate manner. That involves the acquisition of the minimum amount of land necessary to deliver its scheme and the selection, where possible, of land that minimises disruption to the owner. Ramac invites the Applicant to disclose all contemporaneous evidence it has in respect of the site selection exercise it carried out, as well as the technical report by Deadline 5 the Applicant stated was "under way" at CAH2.
7. Ramac welcomes the questions posed by the ExA in its EXQ2 questions and awaits the Applicant's responses at Deadline 5. It is disappointing that at this stage of the examination when both CAHs have already taken place, that the Applicant is yet to provide an adequate justification for its site selection or the extent of the land it proposes to acquire. The purpose of the CAHs is to allow Affected Persons the opportunity to respond to and test the Applicant's case at an oral hearing. Ramac has been deprived of that opportunity by the Applicant's failure properly to justify its proposed acquisition.
8. The response provided by the Applicant at Deadline 3 is woefully inadequate. Further detail is anticipated at Deadline 5, to which Ramac will respond fully. At this stage, it simply draws to the ExA's attention the following general areas of concern:

- i) The assertion, unsupported by technical analysis, that GIS would have little or no space saving benefit compared to AIS (Appendix 6, section 2.2). The expert evidence obtained by Ramac is that a site acquisition saving of around 75% could be achieved by GIS.
- ii) The suggestion, unsupported by any noise assessment, that the Baypoint Club and South Richborough Port Land would be unsuitable locations given the proximity of noise sensitive receptors. There does not appear to have been any consideration of whether a GIS substation could adequately mitigate any noise concerns that may have been identified, (or indeed any noise mitigation in respect of the AIS substation proposed) had a noise appraisal of alternative sites been carried out;
- iii) The suggestion that the Baypoint Club would be unsuitable as a result of potential flood risk without supporting flood risk assessment or analysis of land available outside Flood Zone 3;
- iv) The suggestion, unsupported by any ecological appraisal or assessment of potential mitigation measures, that Baypoint Club would be unsuitable given its proximity to SAC/SPA;
- v) The rejection of the BCA Fleet land (Zone 2) on the basis of “potential” bat roosts without any appraisal of the actual existence of such roosts or consideration of mitigation measures that could adequately address that concern;
- vi) The rejection of South Richborough Port Land on the basis of alleged increased cost, with no assessment of the costs increased associated with this location or the consequential implications for the viability of the project;
- vii) The absence of any consideration of whether a GIS substation could be accommodated at Baypoint Club; South Richborough Port or indeed Richborough Energy Park.

### **EXQ2 – 2.3.3**

The Applicant explained at the hearing the reasons for seeking compulsory acquisition and the parties addressed the ExA on negotiations, which if completed, would avoid the need for the compulsory acquisition sought. The ExA will be updated by Ramac and further submissions made on Ramac’s behalf in respect of the compulsory acquisition as necessary by deadline 6.

### **EXQ2 2.3.5**

Ramac confirms the area in question is a substation, serving Ramac's Richborough Port site. Ramac will respond further by Deadline 6 (once in receipt of the Applicant's response at Deadline 5).

## **Conclusion**

9. In conclusion, Ramac continues to oppose the application for powers of compulsory acquisition over its land for the reasons given in its pre-application consultation response; its Relevant and Written Representations and its oral representations to the ExA at both Compulsory Acquisition Hearings.
  
10. Even at this late stage of the examination, the Applicant has not provided an adequate justification for the proposed location for the substation or the extent of the land that it proposes to acquire. It is essential that it provides at Deadline 5 a proper justification, supported by appropriate technical and environmental appraisals, for the selection of the site and for the extent of the land that it seeks to acquire for Ramac to consider and respond to.
  
11. Ramac notes the comments of the ExA in relation to costs, and currently intends to make such an application at the appropriate time.

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**Dated 29 April 2019**

