

**29 March 2022**

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010  
HORNSEA PROJECT FOUR OFFSHORE WIND FARM DEVELOPMENT CONSENT  
ORDER**

**WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID ELECTRICITY  
TRANSMISSION PLC**

**&**

**RESPONSE TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS**

**REF: TWHI/2026502.427**



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**1 INTRODUCTION**

- 1.1 National Grid Electricity Transmission Plc ("**NGET**") made a relevant representation in this matter on 16 December 2021 in order to protect its existing apparatus.
- 1.2 NGET does not object in principle to the development proposed by Orsted Hornsea Project Four Limited (the "**Promoter**") and as defined as the "**Authorised Development**" in the draft Development Consent Order (the "**Draft Order**").
- 1.3 NGET does, however, object to:
- (a) the Authorised Development being carried out in close proximity to its apparatus in the area unless and until suitable protective provisions and related agreements have been secured to its satisfaction, to which see further at Paragraph 5; and
  - (b) any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect its land interests, rights, apparatus, or right to access and maintain its apparatus. This is unless and until suitable protective provisions and any other necessary and related amendments have been agreed and included in the Draft Order.
- 1.4 NGET owns and operates the electricity transmission network in England and Wales, with day-to-day responsibility for balancing supply and demand. NGET operates but does not own the Scottish networks. NGET is required to comply with the terms of its Electricity Transmission Licence in the delivery of its statutory responsibility. Under Section 9 of the Electricity Act 1989, NGET has a statutory duty to maintain 'an efficient, co-ordinated and economical' system of electricity transmission.

**2 NGET ASSETS**

**2.1 Overview**

- 2.1.1 NGET has had an opportunity to review the documentation and plans submitted with the Promoter's application for the Authorised Development. NGET's specific concerns and/or operational requirements relating to the Authorised Development, which have already been raised with the Promoter, are summarised in the following paragraphs of this Written Representation.

**2.2 Overhead Lines**

- 2.2.1 NGET's existing 400kV high voltage overhead electricity transmission lines, 4ZR and 4ZQ, (together the "**OHL**") are situated within close proximity to the Authorised Development.

2.2.2 The OHL and associated towers form an essential part of the electricity transmission network in England and Wales. NGET may require the Promoter to enter into crossing agreements in respect of crossings of their OHL.

### 2.3 **Creyke Beck 400kV Substation**

2.3.1 NGET intends to construct and install a converter station and other associated equipment on land immediately adjacent to the existing Creyke Beck 400kV Substation.

2.3.2 This converter station will be for the benefit of the Promoter and will facilitate the Project's connection to the national electricity transmission network.

2.3.3 Taking the above into account, NGET wishes to explore with the Promoter the reasons why the proposed Order Limits have been drawn widely around the Creyke Beck 400kV Substation.

### 2.4 **Scotland to England Green Link Project ("SEGL2")**

2.4.1 NGET is proposing to construct a new High Voltage Direct Current (HVDC) electrical 'superhighway' from Peterhead in Aberdeenshire to Drax in North Yorkshire. This project is known as SEGL2.

2.4.2 NGET intends to submit a planning application for the English onshore elements of SEGL2 in Q2 2022. NGET also intend to submit a marine licence application for the offshore elements of SEGL2 which are below Mean High Water Springs (MHWS) in Q2 2022.

2.4.3 NGET is aware of the proximity of the SEGL2 landfall area and the landfall area associated with the proposed Hornsea Four export cable and is in regular dialogue with the Promoter.

2.4.4 NGET is also aware of the indicative construction programme provided to-date, which does indicate that there is the potential for simultaneous operations ("**SIMOPS**"). Proximity agreements will therefore be required as part of the marine consenting process, including through the seabed lease with The Crown Estate, in order to manage the impact of the Authorised Development on SEGL2.

2.4.5 The proximity agreement process is considered beneficial to helping manage risks, including any necessary mitigation / controls (including application of exclusion zones).

2.4.6 NGET is keen to work with the Promoter to help inform planning and management of any potential SIMOPS. Consistent with approaches for collaboration on other similar projects, NGET also recommends that ongoing collaboration is informed by appropriate industry guidance, including the International Marine Contractors Association (IMCA) guidance on SIMOPS (IMCA M203, Version II 2021).

### 2.5 **Next Steps**

2.5.1 In respect of all of NGET's apparatus and infrastructure located within the Order Limits, or in close proximity to the Authorised Development and associated works (together the "**Apparatus**"), NGET will require protective provisions to be put in place to ensure that:

- (a) all NGET interests and rights including rights of access are unaffected by the power of compulsory acquisition, grant and extinguishment of rights and temporary use powers; and
- (b) appropriate protection for the retained apparatus is maintained during and after construction of the Authorised Development. This includes compliance with all relevant standards on safety clearances EN 43-8 (Development near overhead lines) and HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines). In this instance, the safe working by the Promoter and its contractors under and around the OHL is of particular concern to NGET.

### 3 **NGET - REGULATORY PROTECTION FRAMEWORK**

3.1 NGET have issued guidance in respect of standards and protocols for working near to electricity transmission equipment in the form of:

- (a) Third Party Working near National Grid Electricity Transmission equipment - Technical Guidance Note 287:

This document gives guidance and information to third parties working close to NGET assets. It cross-refers to statutory electrical safety clearances which are used as the basis for EN (TA) 43-8, which must be observed to ensure safe distance is kept between exposed conductors and those working in the vicinity of electrical assets, and

- (b) Energy Network Associations Development near Overhead Lines ENA (TS) 43-8:

This document sets out the derivation and applicability of safe clearance distances in various circumstances including crossings of, and works in close proximity to, OHLs.

3.1.2 Additionally HSE's Guidance Note GS6 (Avoiding Danger from Overhead Power Lines) provides summary advice designed to minimise risk to life and/or personal injury and provides guidance to those planning and engaging in construction activity in close proximity to OHLs.

3.1.3 NGET requires specific protective provisions to be put in place to provide for an appropriate level of control and assurance that industry standards will be complied with in connection with works to and in the vicinity of its electricity transmission Apparatus.

### 4 **PROPERTY ISSUES**

4.1 NGET asserts that maintaining appropriate property rights to support its assets and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.

4.2 Insufficient property rights would have the following safety implications:

- (a) inability for qualified personnel to access apparatus for its maintenance, repair and inspection;
- (b) risk of strike to buried assets if development occurs within the easement zone which seeks to protect the such buried assets; and

- (c) risk of inappropriate development within the vicinity of the assets, thereby increasing the risk of damage to the asset and to the integrity of the gas transmission network.

**5 PROTECTIVE PROVISIONS**

5.1 NGET seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to its Apparatus as part of the Authorised Development the following procedures are complied with by the Promoter:

- (a) NGET is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus;
- (b) works within the vicinity of NGET’s apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of NGET’s land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGET’s existing interests and rights and not contradict with or cut across such rights; and
- (c) appropriate surety and insurance provisions are in place to back up an uncapped indemnity to protect NGET from any damage, losses or claims arising from the Authorised Development.

5.2 Whilst discussions with the Promoter remain ongoing, the Draft Order does not yet contain agreed protective provisions expressed to be for the protection of NGET to NGET’s satisfaction, making it currently deficient from NGET’s perspective.

5.3 Should it not be possible to reach agreement with the Promoter, NGET reserves the right to attend a Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format of the Protective Provisions and any necessary amendments to the Draft Order.

5.4 If this is necessary, NGET reserves the right to provide the Examining Authority with further written information in advance in support of any detailed issues remaining in dispute between the parties at that stage.

**6 RESPONSE TO WRITTEN QUESTIONS**

6.1 The following table contains NGET’s response to the Examining Authority’s First Written Questions.

6.2 NGET would be pleased to provide the Examining Authority with further clarification in respect of matters set out in the following response:

<b>ExQ1:</b>	<b>Question to:</b>	<b>Question:</b>	<b>NGET Response:</b>
INF 1.7	The Applicant NGET Relevant determining Authorities	Update on SEGL2: Chapter 11 of the ES [APP-023, para 11.7.1.49] refers to survey work being underway for the SEGL2 and that planning applications are expected to be submitted in early 2022. Can you provide an update	NGET intend to submit a planning application for the English onshore elements of SEGL2 in Q2 2022. NGET also intend to submit a marine licence application for the English offshore

		on this work; whether applications have been submitted and if so what the timescale for determination is; if applications have not been submitted provide an update on when this might happen.	elements of SEGL2 in Q2 2022.
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**Bryan Cave Leighton Paisner LLP**

**For and on behalf of National Grid Electricity Transmission Plc**

**29 March 2022**