

Comments on responses to the Examining Authority’s Written Questions
(WQ1)

Deadline 2: 7 MARCH 2023

Norfolk Parishes Movement for an OTN

Madam Chair, on behalf of the Norfolk Parishes Movement for an Offshore Transmission Network (OTN) I would like to set out for the ExA our initial comments on the responses from the Applicant, National Grid Electricity Transmission Plc (“NGET”) and National Grid Electricity Systems Operator Plc (“NGESO”) to Written Questions 1.

We would like to begin by raising our concern that Deadline 2 follows very quickly (just 11 days) after the publication of the responses on 24th February to Deadline 1. Bearing in mind the amount of information submitted and way that Parish Councils operate, it means that our organisation has not had the chance to fully develop the responses as we would wish. This disadvantage has been compounded by (a) the late submission from National Grid ESO (NGESO) on key areas of concern for our group namely an alternative grid connection point and the use of an OTN and (b) the confusing lettering/numbering used by the applicant in their responses that does not clearly reflect that used by the ExA in WQ1.

We ask therefore that we are permitted to make additional representations as necessary either as a late submission to this Deadline 2, or at the Issue Specific and Open Floor Hearings later this month.

Q1.2.2.1

The Applicant Response

We note that the Applicant has failed to respond appropriately to the points (using the WQ1 lettering/numbering) addressed specifically to them, points c, d and e, and directs the ExA to National Grid to provide a response. The Applicant has chosen to completely ignore point f.

We consider this is an unacceptable response. The Applicant was fully involved as part of the CION process in helping to select the Grid Connection Point (GCP). NGESO indicate the Applicant was responsible for providing information concerning “the environmental, disruption and consenting information” and “must be confident that environmental impacts wouldn’t prohibit development”. The Applicant must therefore know which options were considered and why the other alternatives were discarded. Most importantly they had several opportunities to influence and revise the decision made by National Grid ESO, both prior to and post the decision being made. If the CION process was carried out in an appropriate way, we cannot understand why the Applicant wishes to avoid the opportunity to present the clear rationale for Norwich Main. The Applicant’s failure in this regard leaves us to draw our own conclusions and we trust that the ExA may be equally sceptical.

The National Grid Electricity Transmission Response

NGET has likewise declined to comment on any of the questions raised by the ExA and yet they too were fully involved as part of the CION process in helping to select the Grid Connection Point (GCP). As part of the Pre-Offer CION process, the NGET would be responsible for providing NGESO with the details of the assessed onshore connection points which include:

- a list of the required transmission works,
- the cost of the transmission works,
- and a high level appraisal of technical, environmental, planning consent and deliverability issues related to each onshore connection point.

NGET must therefore know which GCPs were considered and why the other alternatives were discarded. We consider the response unacceptable.

The National Grid Electricity Systems Operator Response

NGESO has also chosen to ignore the questions from the ExA, preferring instead to regurgitate generic information about the CION process. We submit this is not only disrespectful to the ExA but is also not in compliance with the objectives of the CION process for transparency as set out by NGESO itself in “The Connection and Infrastructure Options Note (CION) Process”, Guidance Note V4.0, 14 November 2018:

The CION process is an optioneering process to identify the overall economic and efficient connection option. It provides a clear, transparent, repeatable and non-discriminatory process to ensure all relevant developers are treated in a consistent manner. This optioneering process involves Developers, TOs (i.e., NGET) and NGESO and takes place both pre-offer and post-signature”.

We are aware that other DCO applications comply with NPS EN-1 Section 4.4 and the EIA Regulations 2017 by discussing the alternative GCPs considered. We see no reason that an exception should be made to allow Equinor to disregard this requirement.

In response to point (e), NGESO states:

“...the route to the Norwich substation provided the shortest cable route and the best performance against the Cost Benefit Assessment and deliverability.”

We are unable to confirm this statement, but if the Cost Benefit Assessment favours the Norwich Main option by just £1, and deliverability of the options is equal, the above statement would hold true. Of course, the case may be more favourable but as none of the involved parties has chosen to enlighten us, we have no information, so the £1 differential is a viable one and we must draw our own conclusion.

NGESO has chosen not to present the CION document to the ExA claiming it is confidential. This is not acceptable. There should be nothing confidential about the alternatives considered by NGESO and the other participants concerning alternative GCPs.

The NSIP planning process is designed and conducted as a transparent process, open to public scrutiny, which is entirely appropriate given the extensive and extraordinary powers that are granted within a DCO, up to and including compulsory acquisition of privately owned land. It is completely inappropriate therefore for NGESO to hide behind a notion of ‘confidentiality’ which it chooses to apply – arbitrarily – to this crucial part of the process of deciding on the GCP. A detailed rationale for this refusal to share such an important element of the design of this proposal – which leads to such enormous and far-reaching impacts on the onshore environment and communities – should be insisted upon by the ExA.

We believe that NGESO should be asked to submit the document with, if really necessary, genuinely confidential sections redacted. Redacted versions of the CION document have been made available in previous DCO application examinations.

Q1.2.2.3

The Applicant Response

We note that the Applicant has failed to respond appropriately to the point. We wonder whether they have properly considered Walpole as an alternative GCP.

We consider this is an unacceptable response and refer the ExA to our arguments above and our Written Representation.

The National Grid Electricity Transmission Response

We note NGET has declined to respond. We consider this is an unacceptable response and refer the ExA to our arguments above and our Written Representation.

The National Grid Electricity Systems Operator Response

NGESO states:

“Following input from various developers over the years, it is the NGESO and NGET’s understanding that the seabed routes to Walpole through the Wash are at capacity with no further available space for more cables. Therefore, this option was discounted.”

We consider this response to be both unprofessional and wholly unsatisfactory. It is utterly disingenuous of them to imply that they have to operate only on an “understanding” of the situation, as if they only have partial information at their disposal. Nothing could be further from the truth.

National Grid Electricity System Operator and National Grid Electricity Transmission – as their names imply – are the spiders at the very centre of the web that delivers electricity to the UK consumer. They have in their possession full knowledge of all the information on every aspect of the system in their monopoly control. They could not operate without it.

There is therefore no justifiable reason for their not performing properly their obligations under the CION process to look at alternatives GCPs. In fact, NGESO’s own report, “East Coast Grid Spatial Study Summary Report”, April 2021 makes clear that there is space available.

It is also worth pointing out that the Hornsea Three project was scheduled to connect into Walpole but was later switched to Norwich Main for connection. This decision was not due to seabed issues at Walpole. Furthermore, the Non-Technical Summaries from the two consented windfarms already connecting to Walpole state as follows:

Lincs:

*“The site is located within the Greater Wash SEA area, which is one of three areas that were designated by the UK Government in 2002 for further development of offshore wind farms. “
“The proposed onshore cable route does not pass through any environmentally designated areas along the 11 km route. The land use along this route consists mainly of agricultural land. For major road crossings, cable installation would be achieved by horizontal directional drilling beneath the road. “*

Race Bank:

“Cables would be buried onshore for 11 kilometres from the landfall point to a new substation extension located directly adjacent to the existing substation at Walpole, Norfolk. Additional works at Walpole, required by National Grid in order to accommodate the connections for Race Bank, Lincs and Docking Shoal Offshore Wind Farms, have been considered in the Onshore ES.”

Note that Docking Shoal was refused for ‘ornithological reasons’ and not the connection point proposal at Walpole. Therefore, the original spatial capacity for Docking Shoal or Hornsea Three could be taken up by DEP/SEP through The Wash.

Q1.2.3.1

The Applicant Response

We consider the response from the applicant to be disingenuous and unacceptable.

The Applicant states:

Section 1.1 of the HND report (NG ESO, 2022) makes clear that “Offshore wind projects in scope for the Pathway to 2030 workstream are at a fairly early stage of development and primarily those that secured seabed leases through The Crown Estate’s Offshore Wind Leasing Round 4 and Crown Estate Scotland’s ScotWind Leasing Round. It also includes assumed projects in the Celtic Sea and a small number of additional projects due to connect at a similar time and/or location as others in scope”.

It is clear therefore that although the Pathway to 2030 workstream concerns projects that are *primarily* those in Leasing Round 4, they are not necessarily *exclusively* from Leasing round 4. At the start of the OTNR process there was plenty of opportunity for Equinor to be involved in an integrated OTN. The co-development of SEP and DEP as radial connections to Norwich Main has been their objective since the outset and the so-called “Pathfinder” status of the project is risible. With regard to the erroneous statement from the Energy Minister, Rt. Hon. Graham Stuart, this is of no relevance to the situation as the projects before the ExA have not been granted planning approval. It is, and always has been, an option for the Applicant to negotiate an alternative GCP. In addition, NGENSO are also at liberty to move agreed GCPs if considered necessary. It is thus entirely possible for SEP and DEP to connect to an OTN.

The National Grid Electricity Transmission Response

We note NGET has declined to respond. We consider this is an unacceptable response and refer the ExA to our Written Representation.

The National Grid Electricity Systems Operator Response

We note the similarities of the NGENSO response to that of the applicant. We also note that NGENSO admits the Applicant is solely responsible for deciding on whether or not to integrate. We consider this is an unacceptable response and refer the ExA to our Written Representation.

We are dismayed that failures in regulation have led to yet another DCO application for radial connections through Norfolk.

The NPM for an OTN has submitted a Written Representation which sets out our case for establishing a full integrated OTN down the East Coast of Britain and around East Anglia. We believe further that an opportunity for the government to reconsider its options in this regard has now arisen with the

recent reports of Orsted (Hornsea Three) and Vattenfall (Norfolk Vanguard and Boreas) both considering pausing their construction programmes in order to secure government tax breaks. We believe this is the ideal moment to stop the nonsensical radial connections through Norfolk and to **seriously** consider a fully integrated OTN.

Other Point

In view of the similarity of their submissions on these key points, we ask the ExA to enquire whether the Applicant, NGET and NGESO have collaborated on their response. In the case of NGET and NGESO we would specifically request the ExA to ask whether they have collaborated by using the same solicitors to make their response and, if so, how this fits with their own distinct legal obligations to Ofgem for an arm's length arrangement between these companies. Are solicitors able to act for both companies in this matter? We believe it important to ensure there is no conflict of interest. As just one example, NGET is not allowed to participate in interconnection operations or any offshore tenders.

Q1.2.4.1

The Applicant Response

We consider that the Applicant response is misleading with regard to the weight which is attributed to considerations of need for this project which should be proportionate to the anticipated extent of a project's actual contribution to satisfying the need for a particular type of infrastructure, At Appendix B3, point 15 of their response the Applicant claims that SEP and DEP would deliver a "meaningful and significant contribution" of **4%** to the capacity shortfall required to meet the above 40GW government target as set out in the Queen's speech in 2019. This target has of course been increased to 50 GW and clearly the Applicant has sought to present the most favourable figure.

We submit it would be equally valid to take different targets. For example, as set out in the Overarching National Policy Statement for Energy (EN-1), paragraph 3.3.22, there is a minimum need for 59GW of new electricity generation capacity to be built by 2025. If we take that figure and, bearing in mind that under the dDCO there is a possibility that only the SEP project ever gets constructed, the contribution to the NPS target would be $0.338/59 \text{ GW} = 0.57\%$. This is based on the nominal output from the windfarm and using the derating factor of 0.43 as recommended by the Department for Business, Energy and Industrial Strategy, 2022, Digest of UK Energy Statistics 2021 the contribution would be **0.25%**. Does this tiny contribution to the nation's future needs really justify the cumulative impacts and harm caused by this project to the environment and communities? We consider the Applicant has not demonstrated, on the planning balance, a clear benefit for the projects.

Q1.9.1.5

The Applicant Response

We consider the response from the applicant to be incorrect. In fact, according to the Electricity Ten Year Statement 2022 there is very little or no projected increase in demand from the transmission grid in Norfolk over the next 10 years. On the other hand, NGET makes clear in its Project Background Document that new generation capacity connecting into the grid in East Anglia, significantly from offshore windfarms, is the driver for the EA GREEN project.

What the Applicant has conveniently overlooked is its obligation under the CION process and under NPS EN-1, 4.9.1: “it is for the applicant to ensure that there will be necessary...capacity...to accommodate the electricity generated”; namely, to ensure there is sufficient onward capacity within the onshore transmission grid. The ExA should enquire as to whether and, if so, precisely *how* the Applicant ensured this. It is unhelpful and irrelevant simply to state that the grid connection offer was not conditional on EA GREEN.