



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

## Statement of Reasons (Revision C) (Clean Version)

### Revision C

Material Change Request Application

April 2023

Document Reference: 4.3

APFP Regulation: 5(2)(h)

<p>Title:  <b>Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects  DCO Application  Statement of Reasons (Revision C)</b></p>	
<p>PINS document reference: 4.3</p>	
<p>Revision: C</p>	
<p>Document reference: C282-BS-Z-GA-00004</p>	
Date:	Classification
<b>April 2023</b>	<b>Final</b>
Prepared by:	
<b>Burges Salmon LLP</b>	
Approved by:	Date:
<b>Sheery Atkins, Equinor</b>	April 2023



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## Glossary of Acronyms

DCO	Development Consent Order
DEL	Dudgeon Extension Limited
DEP	Dudgeon Offshore Wind Farm Extension Project
ES	Environmental Statement
EU	European Union
FEP	Food Enterprise Park
FTE	Full-time Equivalent
GHG	Greenhouse Gas
GVA	Gross Value Added
HDD	Horizontal Directional Drilling
HVAC	High voltage alternating current
MW	Megawatts
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore substation platform
SEA	Strategic Environmental Assessment
SEL	Scira Extension Limited
SEP	Sheringham Shoal Offshore Wind Farm Extension Project
UK	United Kingdom
UNFCCC	United Nations Framework Convention on Climate Change



## Glossary of Terms

APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
CA Guidance	Communities and Local Government Guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition'
CA Regulations	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
CCA 2008	Climate Change Act 2008 (as amended)
Convention	The European Convention on Human Rights
DEP offshore site	The Dudgeon Offshore Wind Farm Extension consisting of the DEP wind farm site, interlink cable corridors and offshore export cable corridor (up to mean high water springs).
DEP onshore site	The Dudgeon Offshore Wind Farm Extension onshore area consisting of the DEP onshore substation site, onshore cable corridor, construction compounds, temporary working areas and onshore landfall area.
DEP wind farm site	The offshore area of DEP within which wind turbines, infield cables and offshore substation platform/s will be located and the adjacent Offshore Temporary Works Area. This is also the collective term for the DEP North and South array areas.
Dudgeon Offshore Wind Farm Extension Project (DEP)	The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
HRA 1998	Human Rights Act 1998
Landfall	The point at the coastline at which the offshore export cables are brought onshore, connecting to the onshore cables at the transition joint bay above mean high water.
Onshore cable corridor	The area between the landfall and the onshore substation sites, within which the onshore cable circuits will be installed along with other temporary works for construction.
Onshore Substation	Compound containing electrical equipment to enable connection to the National Grid.
Order Limits	The area subject to the application for development consent, including all permanent and temporary works for SEP and DEP.

Order Land	The land and rights over land for which compulsory powers of acquisition are sought in the DCO as set out in the Book of Reference.
Separated Grid Option	Transmission infrastructure which allows each project to transmit electricity entirely separately.
SEP offshore site	Sheringham Shoal Offshore Wind Farm Extension consisting of the SEP wind farm site and offshore export cable corridor (up to mean high water springs).
SEP onshore site	The Sheringham Shoal Wind Farm Extension onshore area consisting of the SEP onshore substation site, onshore cable corridor, construction compounds, temporary working areas and onshore landfall area.
Sheringham Shoal Offshore Wind Farm Extension site	Sheringham Shoal Offshore Wind Farm Extension lease area.
Sheringham Shoal Offshore Wind Farm Extension Project (SEP)	The Sheringham Shoal Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
The Applicant	Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) are the named undertakers that have the benefit of the Development Consent Order. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP.

## STATEMENT OF REASONS

### 1 Introduction

1. This Statement of Reasons (the Statement) relates to the powers of compulsory acquisition sought in the development consent order (DCO) application by Equinor New Energy Limited (the Applicant), on behalf of Scira Extension Limited and Dudgeon Extension Limited, to the Secretary of State under the Planning Act 2008 for powers to construct and operate two offshore wind farms, known as Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP), both located off the coast of Norfolk.
2. SEP and DEP will each have a maximum export capacity greater than 100 megawatts (MW). The SEP and DEP wind farm sites are 15.8 kilometres (km) and 26.5km from the coast for SEP and DEP respectively at their closest point.
3. SEP and DEP will be connected to shore by offshore export cables installed to the landfall at Weybourne, on the north Norfolk coast. From there, the onshore export cables travel approximately 60km inland to a new high voltage alternating current (HVAC) onshore substation near to the existing Norwich Main substation. The onshore substation will be constructed to accommodate the connection of both SEP and DEP to the transmission grid.
4. The key offshore components comprise:
  - Wind turbines;
  - Offshore substation platform/s (OSP);
  - Foundation structures for wind turbines and OSP/s;
  - Infield cables;
  - Interlink cables; and
  - Export cables from the wind farm sites to the landfall.

The key onshore components comprise:

- Landfall and associated transition joint bay/s;
  - Onshore export cables installed underground from the landfall to the onshore substation and associated joint bays and link boxes;
  - Onshore substation and onward 400 kilovolt (kV) connection to the existing Norwich Main substation;
  - Trenchless crossing zones (e.g. Horizontal Directional Drilling (HDD));
  - Construction and operational accesses; and
  - Temporary construction compounds.
5. Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to Sections 14(1)(a) and 15(3) of the Planning Act 2008. As SEP and DEP will each have an overall capacity greater than 100 MW, they are NSIPs for the purposes of the Planning Act 2008. It is for this reason that SEP and DEP fall within the remit of the Secretary of State.



6. In order to develop SEP and DEP a series of land rights and interests in land will be required, on a permanent and temporary basis. In the event it has not been possible to acquire the land rights and interests by agreement, it will be necessary to compulsorily acquire land these for the purposes of developing SEP and DEP and as such, the **draft DCO** (document reference 3.1) includes powers to compulsorily acquire land.
7. As part of the submitted DCO application, two drainage solutions were presented. The Applicant's favoured option was a soil infiltration solution with the alternative comprising a drainage outfall connected into an existing Anglian Water sewer to the south. Following ground investigations, it has been confirmed that the soil infiltration solution is the most viable.
8. The Applicant is therefore taking forward the soil infiltration solution and the drainage outfall into the existing Anglian Water sewer will not be progressed further. The Applicant has submitted a non-material change request at Deadline 2 and this document has been updated to reflect the approach.
9. This document has also been subsequently updated to reflect any changes required as a result of the material change application submitted by the Applicant which seeks to amend and extend the Order Limits at and adjacent to the Food Enterprise Park ("FEP"), located to the south of the A47 and to the west of the settlement of Easton.
10. This Statement should be read alongside the following Application documents:
  - **draft DCO** (document reference 3.1)
  - **Explanatory Memorandum** (document reference 3.2)
  - **Land Plans** (document reference 2.3)
  - **Crown Land Plan** (document reference 2.4)
  - **Special Category Land Plan** (document reference 2.5)
  - **Onshore and Offshore Works Plans** (document reference 2.6 and 2.7)
  - **Book of Reference** (document reference 4.1)
  - **Funding Statement** (document reference 4.2)
  - **Planning Statement** (document reference 9.1)
  - **Scenarios Statement** (document reference 9.28)

## 2 Purpose of Document

11. Section 122 of the Planning Act 2008 allows development consent orders to be granted with rights to compulsorily acquire land included within them. This is the case only where the Secretary of State is satisfied that the land for which the powers are obtained reflect the following purposes:
  - the land is required for the development; or
  - the land is required to facilitate or is incidental to the development; or
  - the land is replacement land for commons, open spaces, etc.; and
  - there is a compelling case in the public interest.





12. The purpose of this Statement is therefore to set out compliance with the requirements of Section 122 of the Planning Act 2008.
13. This Statement has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations), The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) and the Communities and Local Government Guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition' (DCLG, 2013) (the CA Guidance).
14. The Applicant's rationale and justification for seeking powers of compulsory acquisition are set out in this Statement.

## 2.1 Structure of this document

15. This Statement is structured as follows:
  - A description of SEP and DEP;
  - A summary of the need for and benefits of SEP and DEP with reference to the policy context;
  - Details of the compulsory acquisition powers and the ways in which they will be used;
  - Description of the alternatives considered;
  - Details of the Order Land;
  - Details of the Development Site;
  - Details of the relevant planning policy in support of the Application;
  - Description of the engagement undertaken with affected parties;
  - Justification for the compulsory acquisition powers;
  - Considerations given to special category land;
  - Consideration of human rights;
  - Details of funding; and
  - Consideration of any impediments.
16. Further information for affected parties is included at the end of this Statement.

## 3 Project Description

17. SEP and DEP will each have a maximum export capacity greater than 100 MW. The SEP and DEP wind farm sites are 15.8 kilometres (km) and 26.5km from the coast for SEP and DEP respectively at their closest point. Key components of SEP and DEP are described below.

### 3.1 Offshore

18. SEP and DEP would comprise the following main offshore components:
  - Wind turbines and their associated foundations;
  - OSP/s and associated foundation/s; and

- Subsea cables and cable protection – offshore export cables, infield cables and interlink cables.
- Electricity would flow from the wind turbines via infield (array) cables to offshore substation platform(s). There will be up to two offshore substations with one in SEP and one in DEP, located to optimise the length of the offshore cables. Interlink cables will link the separate SEP and DEP offshore sites. At the offshore substation/s, the generated power will be transformed to a higher alternating current voltage. The power will be exported through two export cables, in two separate trenches, to a landfall east of Weybourne on the north Norfolk coast. At the landfall the offshore export cables will meet and be joined up with the onshore export cables in a transition joint bay.

### 3.2 Onshore

19. The onshore export cables would then travel approximately 60km inland to a HVAC onshore substation near to the existing Norwich Main substation. The onshore substation would be constructed to accommodate the connection of both SEP and DEP to the transmission grid.
20. The main onshore components of SEP and DEP include:
  - Landfall including transition joint bay;
  - Up to two ducts installed under the beach at the landfall by HDD;
  - Onshore cable corridor, including:
  - Onshore export cables laid within open cut trenches or installed in ducts, and associated infrastructure including joint bays and link boxes;
  - Temporary construction access roads and haul roads;
  - Construction compounds; and
  - Trenchless crossings at sensitive features and habitats (e.g. A roads, main rivers and sites designated for nature conservation).
  - Onshore substation, including:
  - Substation operational access road; and
  - Associated earthworks, surface water attenuation and/or landscaping.
21. Further details of the key components of offshore and onshore infrastructure can be found in **Chapter 4 Project Description of the Environmental Statement (ES)** (document reference 6.1.4).



### 3.3 Project Development Scenarios

22. As set out in **Chapter 1 Introduction of the ES** (document reference 6.1.1), whilst SEP and DEP have different commercial ownerships and are each NSIPs in their own right, a single application for development consent is being made for both wind farms, and the associated transmission infrastructure for each. A single planning process and DCO application is intended to provide for consistency in the approach to the assessment, consultation and examination, as well as increased transparency for a potential compulsory acquisition process.
23. The Applicant is seeking to coordinate the development of SEP and DEP as far as possible. The preferred option is a development scenario with an integrated transmission system, providing transmission infrastructure which serves both of the wind farms, where both Projects are built concurrently. However, given the different commercial ownerships of each Project, alternative development scenarios such as a separated grid option (i.e. transmission infrastructure which allows each Project to transmit electricity entirely separately) will allow SEP and DEP to be constructed in a phased approach, if necessary. Therefore, the DCO application seeks to consent a range of development scenarios in the same overall corridors to allow for separate development if required, and to accommodate either sequential or concurrent build of the two Projects.
24. Reasons for the requirement to retain separate and phased (sequential) development scenarios alongside more coordinated approaches are further described in the **Scenarios Statement** (document reference 9.28).
25. The range of development scenarios considered for SEP and DEP can be broadly categorised as:
  - In isolation – where only SEP or DEP is constructed;
  - Sequential – where SEP and DEP are both constructed in a phased approach with either SEP or DEP being constructed first; or
  - Concurrent – where SEP and DEP are both constructed at the same time.
26. Under each scenario where SEP and DEP are both constructed it is possible that the electrical infrastructure could be integrated as described above which would offer benefits to the operation of the electrical infrastructure system.
27. In the concurrent development scenario there will need to be collaboration between the two Projects to optimise construction logistics and to share certain temporary works such as the haul road and construction compounds. This applies to a concurrent build regardless of whether the transmission systems are integrated. The extent of coordination will be determined post consent.
28. Each of the development scenarios offer a range of benefits, with the preferred option (integrated transmission system built concurrently) particularly benefitting the planning and construction of the Projects, being likely to reduce the overall environmental impact and disruption to local communities, and responding to concerns regarding the lack of a holistic approach to offshore wind development in general. For example, the preferred option would only require one haul road for construction activities, half the number of work fronts, and a smaller onshore substation.



#### 4 Need For and Benefits of the Project

29. The **Planning Statement** (document reference 9.1) sets out in detail the Applicant's case for the need for SEP and DEP and the contributions it would make towards achieving the objectives of policy, including Government policy, as set out in National Policy Statements (NPSs). That case is not repeated in full here and should be read alongside this document. Further information on the legislative and policy background in relation to climate change can also be found in **Chapter 2 Policy and Legislative Context of the ES** (document reference 6.1.2).
30. The Overarching NPS for Energy (EN-1) (DECC 2011) establishes policy on the need for renewable electricity generation, and is the policy in accordance with which the Secretary of State must decide applications for development consent (under Section 104 of the Planning Act 2008). Policy in this area is further informed by the emerging draft Overarching NPS for Energy and related draft NPSs (BEIS 2021), which are considered to be important and relevant for the purpose of decision-making (in accordance with Section 104(2)(d) of the Planning Act 2008).
31. There is an established need for the development of SEP and DEP in meeting global, EU and UK policy commitments for renewable energy and wider policy objectives for UK energy security, decarbonisation and economic growth.
32. The key aspects of need for nationally significant electricity infrastructure, including offshore wind power projects, established by NPS policy and considered in NPS EN-1 are:
  - Meeting energy security and carbon reduction objectives
  - The need to replace closing electricity generating capacity
  - The need for more electricity capacity to support an increased supply from renewables
  - Future increases in electricity demand
  - The urgency of the need for new (especially low carbon) electricity capacity
  - Alternatives to new large scale electricity generation capacity (including Reducing demand, More intelligent use of electricity, Interconnection of electricity systems and Conclusions on alternatives to new large electricity generation)
  - The role of renewable electricity generation including the urgency of need for new renewable electricity generation
  - The need to maximise economic opportunities to which NPS policy considers an increase in renewable electricity generation to be essential
  - The need to produce affordable energy
33. In addition to NPS policy the UK Government has demonstrated its ongoing support for offshore wind development, for example through the Clean Growth Strategy.
34. This section sets out the established need for the development of SEP and DEP, together with the additional benefits that the projects will deliver, including employment, skills and investment value benefits, along with environmental, biodiversity and place benefits.



#### 4.1 Need Established By Legislation

35. There are a number of overarching UK environmental targets and ambitions which set the national framework for tackling climate change and renewable energy production. The most relevant of these is the legally binding target (implemented through the Climate Change Act 2008 (as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019)) (the CCA 2008) to reduce carbon and greenhouse gas (GHG) by 100% by 2050, compared to a 1990 baseline.
36. The Climate Change Act sets the framework for the UK to transition to a low-carbon economy, exceeding the targets set out in the EU Renewables Directive. It places a duty on the UK Government to ensure their net carbon account and GHG emissions are reduced, initially by 80% relative to 1990 levels by 2050, as underpinned by certain international agreements and commitments.
37. To achieve this target, the UK government committed to implement five-yearly carbon budgets that will run until 2032 to restrict the amount of emissions within each five-year period. More recently, the 2019 Amendment Order introduced amendments to enshrine in law a more challenging commitment of a reduction of net emissions by 100% by 2050 relative to 1990 levels. This legal target will remain in place in the UK and is not affected by its withdrawal from the EU.
38. Legislation also sets out the government's commitments with regards to renewable energy generation, including the Energy Act 2013, which makes provisions to incentivise investment in low carbon electricity generation, ensuring security of supply, and helping the UK meet its emission reduction and renewables targets.
39. The Government's Ten Point Plan for a Green Industrial Revolution (HM Government, 2020a) sets out the approach the Government will take to support green jobs and accelerate the path to net zero. Point one of the plan explains how the Government will advance offshore wind as a critical source of renewable energy. By 2030 the aim is to produce 40GW of offshore wind.
40. In April 2022, the Government published the British Energy Security Strategy in which the UK wide target for installed offshore wind capacity increased further to 50GW by 2030.

#### 4.2 Need Established By International Obligations on Climate Change

41. The United Nations Framework Convention on Climate Change (UNFCCC) came into force in March 1994 and is an intergovernmental environmental treaty. The framework sets out non-binding GHG emission reduction limits and guidance on how specific treaties may be negotiated to bring further action towards UNFCCC objectives. The main objective is the "*stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.*"
42. The UK is a signatory to the Kyoto Protocol which is linked to the UNFCCC and provides commitments for the State parties to reduce GHG emissions. The Kyoto Protocol was ratified by the UK Government in 2002 and its commitments were transposed into UK law by the Climate Change Act 2008.



43. Since 1997, regular international meetings of the UNFCCC have been held resulting in further agreements, in particular the Doha Amendment (2012) and the Paris Agreement (2015). The Doha Amendment (2012) included a commitment by parties to reduce GHG emissions by at least 18% below 1990 levels in the eight-year period from 2013 to 2020. The EU committed to reduce emissions by 20% under 1990 levels by 2020 under this amendment. As part of the European Green Deal, the Commission proposed in September 2020 to raise the 2030 greenhouse gas emission reduction target, including emissions and removals, to at least 55% compared to 1990.
44. The United Nations Climate Change Conference in Paris, 2015 (COP21), gave rise to the following key areas of agreement (UNFCCC, 2016a):
- Limit global temperature increase to below 2°C, while pursuing efforts to limit the increase to 1.5°C above pre-industrial average temperature;
  - Parties aim to reach global peaking of GHG emissions as soon as possible to achieve this temperature goal with commitments from all Parties to prepare, communicate and maintain a Nationally Determined Contribution;
  - Contribute to the mitigation of GHG emissions and support of sustainable development;
  - Enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change;
  - Help vulnerable countries cope with the adverse effects of climate change, including extreme weather events and slow-onset events such as sea-level rise;
  - Support efforts of developing countries to build clean, climate-resilient futures;
  - Transparent reporting of information on mitigation, adaptation and support which undergoes international review; and
  - In 2023 and every 5 years thereafter, a global stocktake will assess collective progress toward meeting the purpose of the Agreement.
45. The UK ratified the 2015 Paris Agreement during the 22nd Climate Change Conference of the Parties (COP22) in November 2016 (UNFCCC, 2016b) and is currently committed to the EU pledge to reduce emissions by at least 40% across all Member States by 2030 relative 1990 levels.
46. During United Nations Climate Change Conference talks in Bonn, Germany in 2017 (COP23), finer details on the implementation of the Paris Agreement from 2020 onwards were discussed (UNFCCC, 2017). Key agreements included:
- Overseeing and accelerating the completion of the work programme under the Paris Agreement by its twenty-fourth session (December 2018); and
  - To convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of the Parties (Talanoa dialogue).



47. COP24 (Poland) resulted in a rulebook providing a set of guidelines for delivering the Paris Agreement, with discussions continuing at COP25 (Madrid) and COP 26 (Glasgow). COP26 led to the signing of the Glasgow Climate Pact, which sets out a series of decisions and resolutions on coordinated international action to tackle climate change. During COP26, the finalised Paris Rulebook was also agreed.
48. All of this paints a clear picture that climate change is a key issue which needs addressing at an international level and one of the ways in which this can be achieved is through targets for renewable energy generation. SEP and DEP will directly contribute to the UK Government's targets and offer a means by which the UK can meet its international climate obligations.

### 4.3 Need Established by National Policy Statements

#### 4.3.1 Meeting Energy Security and Carbon Reduction Objectives

##### 4.3.1.1 Carbon and Greenhouse Gas Emissions Reduction

49. Offshore wind, as a source of renewable energy, offers the UK a wide range of benefits from an economic growth, energy security and decarbonisation perspective. SEP and DEP have the potential to make a significant contribution to renewable energy supply and will consequently contribute to meeting UK Government objectives of delivering sustainable development to enable decarbonisation, ensuring the energy supply is secure, low-carbon and providing benefits to consumers.
50. At the end of 2021 the failure to so far meet the need established in NPS EN-1 for 59GW of new installed generation capacity, as part of 113GW of total generation capacity, by 2025 (installed capacity in fact fell from 85GW in 2009 by 8GW to 77GW in 2021) has meant greater reliance on gas and other fossil fuels with commensurate failures to "dramatically" reduce emissions from energy generation required by NPS EN-1 (paragraph 3.3.22). Nor is the assumed addition of 33GW of renewable energy generating capacity by 2025 on track to be delivered: by 2021 only an additional 18GW had been installed. Therefore, the policy requirement in NPS EN-1 to increase generation capacity in general and from renewables and low carbon sources in particular in order to reduce carbon emissions, far from having been achieved, is more emphatically necessary now than it was at the time of designation of the NPSs.
51. SEP and DEP would be under construction in 2025 and operational within four years (if both projects are built concurrently). Once operational SEP and DEP would each contribute to these emissions reductions targets with an installed capacity of 4% of the current shortfall based on the 40GW target, and 2.5% of the current shortfall of the 50GW target to support meeting the UK's net zero ambitions by 2030.
52. SEP and DEP have a design life of approximately 40 years and have the potential to continue to provide an installed capacity of at least 786MW of clean, renewable energy.



53. This development would contribute between 1,868 GWh/per annum (SEP alone as the smallest of the two Projects) and 4,345 GWh/per annum (SEP and DEP) of renewable energy each year. This would reduce greenhouse gas emissions by approximately 700,000 to 1,500,000 tonnes CO<sub>2</sub> per year and thereby playing an important role in reaching net zero greenhouse gas emissions by 2050. Further details of greenhouse gas emissions are set out in **Appendix 4.2** of **Chapter 4 Project Description of the ES** (document reference 6.1.4.2).
54. SEP and DEP will therefore make a significant contribution to the UK's contribution to global efforts to reduce emissions and the effects of climate change. As referred to above, The Climate Change Act 2008 (as amended by the 2050 Target Amendment Order 2019) set a UK target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) by 2050. This ambitious 'net zero' target will only be met by the crucial contribution from the offshore wind industry.

#### 4.3.1.2 The Need for Energy Security

55. NPS EN-1 policy in paragraph 2.2.20 is that "*It is critical that the UK continues to have secure and reliable supplies of electricity*" and (paragraph 3.4.2) that: "*Renewables have potential to improve security of supply by reducing reliance on the use of coal, oil and gas supplies to keep the lights on and power our businesses*". Draft NPS EN-1 also emphasises the need for security of supply, paragraph 2.4.6 of which states that "*Given the vital role of energy to economic prosperity and social well-being, it is important that our supply of energy remains secure, reliable and affordable*".
56. On 7 April 2022 the UK published its British Energy Security Strategy. The key aim of the strategy is for the UK to achieve long-term independence from foreign energy sources and decarbonise the nation's power supply. The British Energy Security Strategy reinforces the Government's commitment to decarbonisation, with an ambitious new UK wide target for installed offshore wind capacity increased to 50GW by 2030.
57. Overall, the reduction in UK generating capacity from 85GW recorded at the time of designation of NPS EN-1 to 75.8GW today, lends even greater weight to the policy support for the deployment of more new renewable generation capacity, such as SEP and DEP, to establish security of supply for the UK and for UK households.

#### 4.3.2 The Need to Replace Closing Electricity Generating Capacity

58. NPS EN-1 policy on the need to replace closing electricity generating capacity is that (paragraph 3.3.9) "*any reduction in generation capacity from current levels will need to be replaced in order to ensure security of supply is maintained*".
59. Many of the UK's older fossil fuel and nuclear plants have either reached the end of their operational life span, are no longer economical to run, and/or do not meet legal air quality limits. Electricity demand in the UK is likely to rise during the 2020s as a greater proportion of the heat and transportation systems electrify.





60. It is clear from the reduced capacity of the UK to generate electricity compared with 2011 that lost capacity has not been replaced meaning the need to replace this and therefore the import of designated NPS policy that *“any reduction in generation capacity from current levels will need to be replaced”* (paragraph 3.3.9) are greater and more pressing than at the time of designation. The British Energy Security Strategy has set a target of 50GW of offshore wind capacity by 2050, of which SEP and DEP would contribute 2.5% of the current shortfall.

#### 4.3.3 The Need for More Electricity Capacity to Support an Increased Supply from Renewables

61. This aspect of NPS policy on need addresses the variability of electricity supply delivered by wind energy and concludes (paragraph 3.3.12 of NPS EN-1): *“It is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions”*.

62. Draft NPS EN1 (2021) also addresses this area and lists a range of non-wind energy generation that will be needed for this reason. The British Energy Security Strategy (HM Government 2022) also lists the anticipated contributions from the range of renewable sources.

63. SEP and DEP will add to total UK generating capacity thereby addressing the need not just to replace closing generation capacity (as above) but once that capacity has been replaced, to also contribute to the additional back up levels of capacity that are required by this NPS policy.

#### 4.3.4 Future Increases in Electricity Demand

64. NPS EN-1 policy (paragraph 3.3.14) on meeting future increases in demand is that *“Depending on the choice of how electricity is supplied, the total capacity of electricity generation (measured in GW) may need to more than double to be robust to all weather conditions. In some outer most circumstances, for example if there was very strong electrification of energy demand and a high level of dependence on intermittent electricity generation, then the capacity of electricity generation could need to triple. The Government therefore anticipates a substantial amount of new generation will be needed”*. The NPS noted at the time there was *“85GW of generating capacity in the UK despite the fact that the average demand across a year is only for around half of this”* (EN-1 3.3.2).

65. The shrinking gap between peak demand and UK major power producers’ generation capacity year on year, against a backdrop of rising demand and when considered against the aspiration in established NPS policy that the margin should be around twice the size it is now, presents a stark indication of the continuing importance of designated NPS policy *“that a substantial amount of new generation will be needed”* to address increases in electricity demand.

66. SEP and DEP would address the worsening ratio of total UK generating capacity to demand since the NPS was designated and contribute to achieving the policy objective of providing sufficient capacity to meet increasing demand.



#### 4.3.5 The Urgency of the Need for Low Carbon Electricity Capacity

67. NPS EN-1 establishes as a matter of policy the urgency of the need for new (and particularly low carbon) electricity generating capacity, stating at paragraph 3.3.15 (emphasis added):
68. *“In order to secure energy supplies that enable us to meet our obligations for 2050, there is an **urgent need for new (and particularly low carbon) energy NSIPs** to be brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector”.*
69. Resulting NPS policy, taking account of the need for excess or headroom capacity to account for the variability of renewable sources of generation, is that 113GW of total generation will be needed by 2025 of which 59GW would be new build, a breakdown of which is given (EN-1 paragraph 3.3.22) as being made up of: *“around 33 GW of the new capacity by 2025 would need to come from renewable sources to meet renewable energy commitments as set out in Section 3.4; it would be for industry to determine the exact mix of the remaining 26 GW of required new electricity capacity, acting within the strategic framework set by the Government; of these figures of 33 GW and 26 GW respectively, around 2 GW of renewables and 8 GW of non-renewable technologies are already under construction. This leaves a balance of 18 GW to come from new non-renewable capacity; and the Government would like a significant proportion of this balance to be filled by new low carbon generation and believes that, in principle, new nuclear power should be free to contribute as much as possible towards meeting the need for around 18 GW of new non-renewable capacity by 2025”.*
70. Draft NPS EN1 (2021) similarly sets out the range of generation options and concludes *“All the generating technologies mentioned above are urgently needed to meet the Government’s energy objectives”.*
71. The shortfall in meeting established NPS and newer related targets mean that NPS policy on the urgency of need for new low carbon generation remains urgent and that the contribution of SEP and DEP towards achieving the targets is of even greater importance than when NPS EN-1 was designated.

#### 4.3.6 Alternatives to New Large Scale Electricity Generation Capacity

72. NPS EN-1 policy is that alternative measures alone will not enable the UK to meet its energy and climate change objectives. The alternative measures include reducing demand, more intelligent use of electricity, and interconnection of electricity systems.
73. Paragraph 3.3.34 of NPS EN-1, concluding on alternatives to large scale generation states: *“The Government believes that although all of the above measures should and will be actively pursued, their effect on the need for new large scale energy infrastructure will be limited, particularly given the likely increase in need for electricity for domestic and industrial heating and transport as the UK moves to meet its 2050 targets”.* Given the current state and levels of alternative generation set out above and the even more limited impact alternatives have had than was envisaged in 2011, the conclusion in this NPS EN-1 policy on the need for large scale generation (paragraph 3.3.22) is afforded even greater emphasis and weight and the need for SEP and DEP as proposed large scale generation therefore remains essential.

#### 4.3.7 The Role of and Urgency of Need for New Renewable Electricity Generation

74. NPS EN-1 policy (paragraph 3.4.1) is that *“the UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020”*.
75. In terms of national targets for renewable energy, the UK Government transposed the European Union Renewable Energy Directive into UK law, primarily through The Promotion of The Use of Energy from Renewable Sources Regulations 2011 and the Renewable Transport Fuel Obligations (Amendment) Order 2011, which set targets to deliver on the Renewable Energy Directive by sourcing 15% of all energy and 10% of transport fuels from renewables by 2020. Whilst the Directive is no longer a part of UK legislation, the regulations remain in force.
76. In April 2022 the Government’s British Energy Security Strategy established further support for renewables generation. Amongst a suite of policy changes promised to facilitate faster delivery of renewable energy the Strategy includes the ambitions to deliver by 2030:
- a fivefold increase in solar electricity generation to 70GW by 2035 including ground-mounted and rooftop (from 14.7GW of installed solar capacity at present;
  - 50GW of offshore wind electricity generation (from 12.7GW installed offshore wind today); and
  - 10GW low carbon hydrogen production capacity by 2030 (NB. This is not a target for electricity generation but production of hydrogen for use in multiple sources).
77. SEP and DEP will have a maximum export capacity representing 4% of the current shortfall of the 2040 targets and 2.5% of the shortfall of the 2050 target. This will therefore contribute to meeting the urgent need for renewable electricity generation.

#### 4.3.8 The Need to Maximise Economic Opportunities

78. NPS EN-1 policy on economic opportunities is that (paragraph 2.2.1) *“energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy”* and that (paragraph 3.3.11) *“An increase in renewable electricity is essential to enable the UK to meet its commitments .... It will also help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and **provide economic opportunities**”* (emphasis added).
79. The energy sector in the UK plays a central role in the economy and renewable energy can play a major part in boosting the economy and providing new jobs and skills.
80. SEP and DEP will provide not only investment but will also support the development of the supply chain, a skilled workforce and provide employment. Details of the anticipated expenditure from the construction and operation of SEP and DEP (direct and indirect) are provided in the **Planning Statement** (document reference 9.1) and **Chapter 27 Socio-Economics and Tourism of the ES** (document reference 6.1.27).



### 4.3.9 The Need to Produce Affordable Energy

81. NPS EN-1 policy on affordability recognises the importance of affordable energy to the consumer. Paragraph 2.2.1 states that *“energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy”*.
82. The need for affordable energy for households and industry is also a key theme draft NPS EN-1 published in 2021 (BEIS 2021a). As stated in draft paragraph 2.3.2:
83. *“Our objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050, including through delivery of our carbon budgets and NDC. This will require a step change in the decarbonisation of our energy system”*.  
And in draft paragraph 2.3.5:
84. *“We need to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This includes increasing our supply of clean energy from renewables, nuclear and hydrogen manufactured using low carbon processes...”*
85. Similarly, the Introduction of the British Energy Security Strategy (HM Government 2022) begins: *“Energy is the lifeblood of the global economy. From heating our homes to powering our factories, everything we do depends on a reliable flow of affordable energy”, it adds that (emphasis added) “the long-term solution is to address our underlying vulnerability to international oil and gas prices by reducing our dependence on imported oil and gas”*.
86. Through offshore wind developer-led innovation there has been a significant reduction in the levelized cost of energy in recent years. The UK has a world leading offshore wind sector and is well placed to benefit from further investment in renewables innovation to accelerate cost reduction.
87. Developers are continuing to drive these cost reductions through technology development and new work processes. The development of SEP and DEP will contribute to this process. In addition, there are synergies with the existing Sheringham Shoal and Dudgeon offshore wind farms, particularly once all projects are operational. SEP and DEP will contribute to driving technology and development costs down.

### 4.4 Benefits Realised from Development of SEP and DEP

88. SEP and DEP will support the need to decarbonise our electricity system, deliver reliable and sustainable low-cost energy, prevent harm to the environment and create lasting value for local communities.
89. The project vision and its objectives are set out in the **Project Vision** (document reference 9.28). The overarching design objectives for SEP and DEP are collectively grouped as Safety, Climate, People, Value and Place. The design objectives under these headings have informed the development design and siting to ensure the project will fit sensitively into the local context, mitigating and providing enhancement benefits to communities and the environment where possible whilst meeting the Project Objectives requirements of energy production to help meet growing demand for low carbon energy.

90. Benefits of the Project include both embedded benefits and mitigation benefits and are considered below under the relevant design objective groups namely, Climate, Value and Place.

#### 4.4.1 Climate Benefits

91. The benefits to Climate are described above.

#### 4.4.2 Employment, Skills and Investment Value Benefits

92. SEP and DEP will provide a valuable contribution to UK and local employment. During the construction of SEP and DEP it is evidenced in **ES Chapter 27 Socio-Economics and Tourism of the ES** (document reference 6.1.27) that up to 1,730 full-time equivalent (FTE) jobs could be created. During the operation phase it is expected that SEP and DEP could employ up to 230 FTE jobs, assuming that all direct O&M employment would be directly employed by SEP and DEP and based in the UK for the lifetime of SEP and DEP. SEP and DEP will also contribute to development of the supply chain and skilled workforce and the associated economic benefits. The indirect effects from employment and expenditure such as from the workforce will contribute to the local economy.

93. There will also be significant expenditure in manufacturing, services, materials and equipment (see **Chapter 27 Socio-Economics and Tourism of the ES** (document reference 6.1.27)). Together, the two offshore wind farms have an estimated overall construction cost of £2.14 billion (in current pricing). Operation and Maintenance amounts to around £13.5 million per annum for the proposed SEP and £18.5 million per annum for the proposed DEP, totalling around £32.1 million per annum across both offshore wind farms. In total, the gross value added (GVA) of SEP and DEP over their operational lifetime (40 years) is expected to be £800 million making a significant contribution on the national level and £450 million GVA locally at the East Anglia level.

94. SEP and DEP will also contribute to raising skills for local people in the area of the Project empowering them to improve jobs and career options.

95. Skills and employment benefits will be delivered through the Skills and Employment Plan developed in consultation with local authorities, which is secured by a Requirement in the **draft DCO** (document reference 3.1). This plan specifically sets out an approach to identifying opportunities to maximise local skills development, training and jobs.

#### 4.4.3 Environmental, Biodiversity and Place Benefits

96. The Applicant has committed to deliver a biodiversity net gain by introducing new areas of planting, including woodland, tree belts, scrub and scrubby grassland, which will provide landscape and ecological enhancements, for further details refer to **Outline Biodiversity Net Gain Strategy** (document reference 9.19.2). Planting will be appropriate to the local landscape character and is intended to improve the green infrastructure network, helping to screen and filter views of the onshore substation from surrounding landscape and visual receptors, and integrate it into its landscape context, but also providing a significant ecological enhancement compared to the existing arable land.



97. Existing hedgerows that are being crossed by the onshore Order Limits will be enhanced by planting gaps with new native hedgerows species and hedgerow trees that would provide further screening and filtering of views, enhance landscape character and provide enhanced habitats and habitat connectivity for wildlife.
98. New grassland planting will comprise a varied, tussocky grassland with wildflowers and a low density of scattered shrubs throughout the area. This botanically and structurally varied habitat will support a range of invertebrate species including moths, butterflies, beetles, spiders, bees and damselflies, amongst others. The habitat is also expected to support terrestrial mammals possibly including hedgehogs, voles, badgers and brown hare, breeding and foraging birds, foraging bats, reptiles and terrestrial activity by amphibians.
99. The Applicant's commitment to sensitive design is also set out within the **Design and Access Statement** (document reference 9.3).

#### 4.5 Need for and Benefits of SEP and DEP Conclusion

100. Overall SEP and DEP would make a significant contribution to the achievement of the UK's national renewable energy targets, and to the UK's contribution to global efforts to reduce the effects of climate change and would represent a substantial contribution to UK 2030 energy targets by meeting 2.5% of the UK's current shortfall of offshore wind electricity supply deployment target for 2030 but providing energy equivalent to 785,000 UK households (representing 3% of all UK households).
101. Furthermore, SEP and DEP would represent a significant investment into the UK and local economy during construction and for the 40-year operational life.

### 5 Powers of Compulsory Acquisition

102. Section 122 of the Planning Act 2008 permits the Secretary of State to grant a DCO which contains powers of compulsory acquisition. In addition to the powers of compulsory acquisition, Section 120 of the Planning Act 2008 provides that the DCO may make provision relating to, or to matters ancillary to the development in respect of which a DCO is sought. The matters in respect of which provision may be made includes (but is not expressly limited to) matters listed in Part 1 of Schedule 5 of the Planning Act 2008:
  - the acquisition of land, compulsorily, or by agreement (paragraph 1);
  - the creation, suspension or extinguishment of, or interference with, interests in rights over land, compulsorily, or by agreement (paragraph 2);
  - the abrogation or modification of agreements relating to land (paragraph 3); and
  - the payment of compensation (paragraph 36).
103. The **draft DCO** (document reference 3.1) includes powers to acquire land (on a permanent or temporary basis) and to acquire new and existing rights over land, as well as powers to override existing easements and other rights and for the extinguishment of private rights in land which is compulsorily acquired. The purpose of these powers is to enable the construction, operation, maintenance and decommissioning of SEP and DEP.



104. Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) are the two companies named as undertakers in the **draft DCO** (document reference 3.1) and the entities who will exercise the powers of compulsory acquisition.
105. The land subject to compulsory acquisition powers (the Order Land) for both projects is the same and therefore the consent of the other undertaker is necessary when exercising powers of compulsory acquisition to ensure coordination between the two projects such that each project will be able to secure appropriate land and rights for construction, operation, and maintenance of its project assets.
106. The powers relevant to compulsory acquisition are set out in full in the **draft DCO** (document reference 3.1). The main powers are located in the following articles:
- article 18 (compulsory acquisition of land);
  - article 20 (compulsory acquisition of rights);
  - article 21 (private rights over land);
  - article 23 (acquisition of subsoil or airspace only);
  - article 25 (rights under or over streets);
  - article 26 (temporary use of land for carrying out the authorised project); and
  - article 27 (temporary use of land for maintaining the authorised project).
107. The powers to compulsorily acquire land and rights permanently are included in Articles 18 and 22:
- Article 18(1) gives powers to SEL to acquire so much of the Order Land as is required for the SEP onshore works, SEP offshore works and integrated works. Article 18(2) gives powers to DEL to acquire so much of the Order Land as is required for the DEP onshore works, DEP offshore works and integrated works.
  - Article 20 provides for SEL and DEL to acquire rights or impose restrictive covenants over the Order Land for any purpose for which that land may be acquired under article 18. This means any existing rights can be acquired as well as new rights created over land.
108. Powers to take temporary possession of land are also included in the **draft DCO**:
- Article 26 contains the power to take temporary possession of the Order Land (as specified in article 26(1)(a) the **draft DCO**) and undertake certain works on that land. This power is time limited in certain cases and subject to the requirement to remove any works undertaken.
  - Article 27 provides the ability to temporarily enter or take possession of land, except for where that involves possession of a house or its garden, or any building being occupied, within the Order limits where reasonably required for maintenance of SEP and DEP. Temporary works can be undertaken as reasonably necessary for that purpose as well.
109. Additional to the main compulsory acquisition powers above are a number of ancillary provisions:

- Article 21 provides for the extinguishment of private rights over land that is subject to compulsory acquisition pursuant to the Order. In so far as the undertaker acquires land or creates new rights over land under the Order, where the continuance of private rights over that land would be inconsistent with the exercise of the right being acquired or created then the private rights in question will be extinguished. Finally, this Article means that private rights can be suspended where temporary rights are obtained under articles 26 and 27.
- Article 23 provides that where SEL or DEL has, in respect of any land, powers of compulsory acquisition they may, for the same purposes for which it is authorised to acquire the whole of the land, choose instead to acquire only the subsoil underneath, or airspace over the land.
- Article 25 allows the undertaker to enter on and appropriate so much of the subsoil underneath or airspace over any street within the Order limits as may be required; and use that subsoil or airspace for the purposes of carrying out the authorised project or any purpose ancillary to it.

110. Other rights and powers in the **draft DCO** which if exercised may interfere with property rights and private interests include:

- Article 8 (street works);
- Article 10 (temporary stopping up of streets);
- Article 14 (discharge of water);
- Article 15 (protective work to buildings);
- Article 16 (authority to survey and investigate land);
- Article 28 (statutory undertakers); and
- Article 34 (felling or lopping of trees and removal of hedgerows).

111. In each case (for both the principal powers and other powers) the parties having an interest in the relevant land may be entitled to compensation. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

112. Together, all of these powers will allow the necessary works to take place for the development of SEP and DEP. They have been drafted to be comprehensive whilst allowing flexibility within the process to ensure as low an impact on those affected as possible.

## 6 Consideration of Alternatives to Compulsory Acquisition

113. Alternatives to compulsory acquisition have been explored and efforts made to minimise the number of landowners and occupiers affected by SEP and DEP.

114. Significant effort has been put into and continues to be put into agreeing a negotiated solution with each of the persons affected by exercise of the powers.





115. The Applicant has sought to reduce the impact on affected parties and only included permanent acquisition of land where the use of rights or temporary possession is not adequate. Additionally, following feedback from affected parties, the Applicant has sought to minimise impacts on affected parties by allowing additional flexibility for micro-siting the cable route around planned development at the FEP site.
116. The Applicant has sought rights only where these have been absolutely necessary and has sought to limit those rights to those which are the least intrusive. Details of the rights sought are included in Schedule 7 of the **draft DCO** (document reference 3.1) and the **Book of Reference** (document reference 4.1).
117. Further, by seeking to utilise a single cable corridor SEP and DEP will be reducing the overall land required for development thereby reducing the number of persons affected.
118. To date 83% of landowners representing 93% of the cable corridor have signed heads of terms for permanent and temporary rights with the Applicant. In respect of any freehold acquisition areas, negotiations are continuing, but the Applicant believes compulsory acquisition powers can now be justified as a fall-back to ensure the necessary land and rights are secured to enable development. Please refer to **Compulsory Acquisition Schedule** [REP1-040] for the latest position.

## 7 The Order Land

119. The Order Land comprises the land which is required for the construction, operation, maintenance and decommissioning of SEP and DEP. The powers will be exercisable in relation to the land listed in the **Book of Reference** (document reference 4.1).
120. In developing the design for SEP and DEP, and in turn what the Order Land will comprise, the Applicant has born in mind the requirements of Section 122 of the Planning Act 2008. The Order Land therefore comprises only that which is required for the development itself, required to facilitate that development or is replacement land given as exchange for the Order Land.
121. Further, this section demonstrates that the interests of those affected by SEP and DEP have been considered throughout the development of the design, including through site selection and consideration of alternatives.

### 7.1 The Current Position

122. The offshore export cable makes landfall at Weybourne beach, to the west of Weybourne cliffs. A transition joint bay would be installed below ground inland from the coast to connect the offshore and onshore cables. From here the onshore cable corridor extends south for approximately 60km and would connect to a new onshore substation south of Norwich.
123. Through its approximately 60km length, the onshore cable corridor crosses the following Main Rivers: River Bure, River Wensum (upstream of Norwich), River Tud, River Yare, River Tiffey and Intwood Stream. In addition, the following A roads and railways are crossed from landfall to the onshore substation: The Street (A149), the North Norfolk Railway line between Holt and Sheringham, Cromer Road (A148), the A1067, the A47 between Hockering and Easton, the A11 near Ketteringham and the Norwich to Ely Mainline.

124. The SEP and DEP onshore site is primarily rural and agricultural in nature with pockets of woodland and small settlements in proximity to the cable corridor. The nearest settlements to the works are Weybourne at the landfall, and Swardeston at the substation. The onshore cable corridor passes in proximity to a small number of settlements including Little Barningham and Attlebridge.
125. The proposed onshore substation lies within an area of arable fields enclosed by woodland belts, adjacent to the existing Norwich Main substation. The Norwich to Ipswich railway line and A140 road is located to the east of the proposed substation. The substation site lies within a larger area of arable farmland to the north, west and south, with fields typically enclosed by hedgerows, trees and woodland, interspersed with villages.
126. A main construction compound is located approximately half-way along the cable corridor close to Attlebridge. This would be the location for offices, welfare and storage to facilitate the onshore construction works. Additional works compounds would be located at the landfall and onshore substation, as well as a small number of secondary compounds along the cable corridor.

## 7.2 Site Selection

127. The site selection process for SEP and DEP has been an iterative one involving the consideration of technical and environmental constraints, and stakeholder and community feedback. For the offshore elements this has involved an initial zone selection undertaken by the Crown Estate and further detailed site-specific studies conducted by the Applicant. These processes involved consultation with a range of stakeholders and the collation of existing and site-specific data in order to refine broad search areas into the current boundaries for the offshore development area.
128. For the onshore infrastructure (i.e. landfall, onshore cable corridor and onshore substation location) the site selection process involved the consideration of technical constraints, environmental effects, stakeholder and community feedback, and constructability. Each part of the site selection and refinement process has been consulted on, and feedback from these consultations has been a key part in determining the Order Limits.
129. The onshore site selection process has sought to avoid settlements, sensitive habitats and other technical and environmental constraints where possible. Where sensitive features were unavoidable, for example crossing large rivers, rail lines and traffic sensitive roads these would be undertaken using trenchless crossing techniques.
130. Further details of the site selection process are set out in **Chapter 3 Site Selection and Assessment of Alternatives of the ES** (document reference 6.1.3).



### 7.3 Consultation

131. An important input into the design process has been the views of those affected by SEP and DEP, including those affected by the exercise of the compulsory acquisition powers. The Applicant has undertaken pre-application engagement with stakeholders, communities and landowners to seek input to refine the SEP and DEP design, and to communicate key decisions made with regard to both design and location. Further details of this are set out in **Chapter 3 Site Selection and Assessment of Alternatives of the ES** (document reference 6.1.3) and the **Consultation Report** (document reference 5.1).
132. Key decisions have been made based on the outcomes of the consultation process, including the intention to develop SEP and DEP as an integrated project with an Integrated Grid Option providing transmission infrastructure which serves both wind farms. This is likely to reduce overall levels of disruption.
133. Early engagement with those affected by the exercise of the compulsory acquisition powers was also central to the Applicant's approach. Further details are set out in section 7 below.

### 7.4 Alternatives

134. A number of strategic-level project design alternatives have been considered as part of the site selection and project design decision-making process. This strategic consideration of alternatives, which fed directly into the SEP and DEP site selection process, is detailed in **Chapter 3 Site Selection and Assessment of Alternatives of the ES** (document reference 6.1.3).
135. **Chapter 3 Site Selection and Assessment of Alternatives of the ES** (document reference 6.1.3) includes information on how consideration of alternatives has taken into account impacts on those affected by the exercise of the compulsory acquisition powers including making a single DCO application to consent both SEP and DEP, in part to increase transparency for a potential compulsory acquisition process.
136. During direct discussions with landowners and/or their land agents, boundary proposals have been put forward by some of those potentially affected by the proposed onshore development area and the Applicant has been able to incorporate a number of those suggestions into the onshore elements of the Order Limits. Additionally, following feedback from affected parties (received after the Application was submitted), the Applicant has made a material change request to amend and widen the Order Limits at the FEP site, in order to allow flexibility for micro-siting of the cable corridor to avoid conflict with Phase 2 of the planned FEP development.

### 7.5 Summary

137. The approaches adopted by the Applicant to refine SEP and DEP have been pursued in an effort to reduce the impact on those affected by the development including those who will be affected by use of the compulsory acquisition powers.



## 8 The Development Site

138. Following the process of site selection, design for the final site was settled. The Order Limits includes both onshore and offshore elements. These will vary depending on the different development scenarios (further details are included in **Chapter 4 Project Description of the ES** (document reference 6.1.4). For the purpose of this Statement, only the onshore and landfall elements are considered. A summary of these elements is set out below.

### 8.1 Landfall

139. The offshore export cables make landfall at Weybourne, at a location to the west of Weybourne beach car park in proximity to the Muckleburgh Military Collection. The offshore export cables will be connected to the onshore export cables in transition joint bays, having been installed under the intertidal zone by HDD.

140. The onshore landfall area comprises the landfall compound (approximately 75m x 75m (5,750m<sup>2</sup>)), located to the west of Weybourne beach car park. This area will include the transition joint bays, located approximately 150m inland from the beach frontage (beyond any areas at risk of natural coastal erosion). The wider narrow corridor identified parallel to the beach frontage, provides space adjacent to the beach for onshore duct preparation. The Muckleburgh Military Collection offers existing, private access to the landfall area.

141. One HDD duct will be required for the installation of each of the SEP and DEP export cables. As such, up to two drills will be undertaken for the landfall works. A temporary onshore compound will be required to accommodate the drilling rigs, ducting and welfare facilities. The temporary landfall compound will be set back approximately 150m inland from the beach and would be up to 75m long by 75m wide.

### 8.2 Transition Joint Bays

142. The offshore and onshore cables will be jointed together in one or two underground transition joint bays located onshore within the landfall compound. This would comprise an excavated area of up to 52m x 20m (for the worst-case SEP and DEP sequential scenario) with a reinforced concrete floor to allow winching during cable pulling and a stable surface to allow jointing.

143. Following cable pulling and jointing activities, the joints would be buried to a depth of up to 3m using stabilised backfill, pre-excavated material or a concrete box. The remainder of the transition joint bay will be backfilled with the pre-excavated material and returned to the pre-construction condition, so far as is reasonably possible.

### 8.3 Onshore Cable Corridor

#### 8.3.1 Location

144. The onshore cable corridor covers a route 60km long and is 60m wide (if both projects are built concurrently or sequentially) and 45m wide if either SEP or DEP is built in isolation, increasing to a width of 100m for trenchless crossings. At one location (the FEP site) the cable corridor is up to 130m wide, to allow flexibility for micro-siting around future planned development.



145. The onshore cable corridor width of 45m (single Project) or 60m (two Projects) would also include a haul road to deliver equipment to the installation site from construction compounds, storage areas for topsoil and subsoil and drainage. The working easement is expected to be narrower (approximately 27m for a single Project, 38m for two Projects concurrent, and approximately 45m for two Projects sequential) than the width of the Order Limits. This will allow room for micro-siting during detailed design, and for onward connection to the existing surface water drainage network for the proposed construction drainage.
146. From the landfall at Weybourne, the onshore cable corridor travels south, crossing the A149, and the North Norfolk Railway line between Holt and Sheringham and continuing south to cross Cromer Road (A148) to the east of High Kelling. South of North Norfolk Railway line the cable corridor crosses through a commercial woodland (Weybourne Wood), which will be crossed by two trenchless crossings to minimise tree losses in this location.
147. The cable corridor continues south passing the villages of Oulton and Cawston and crossing the River Wensum near Attlebridge and then crossing the A47 between Hockering and Easton. From this point the onshore cable corridor heads south east crossing the A11 near Ketteringham before reaching the preferred onshore substation site just south of the existing Norwich Main substation.

### 8.3.2 Joint Bays

148. Joint bays would be required along the route of the onshore export cables to connect sections of cable. Joint bays would be installed at least 1.2m below ground and would be of a similar design to the transition joint bay described for the landfall. The joint bays would be formed on completion of the duct installation before the cables are installed and would typically be up to 16m long and 3.5m wide.

### 8.3.3 Link Boxes

149. One link box per circuit is required in proximity (within 10m) to the jointing bay locations to allow the cables to be bonded to earth to maximise cable ratings. The link boxes would require periodic access by technicians for inspection and testing during operation. Where possible, the link boxes would be located close to field boundaries and in accessible locations. Link boxes, similar to joint bays, are typically constructed from concrete and buried below ground with an above ground marker post to locate them, and a secured metal access panel at ground level. The below ground dimensions would be up to 2.6m x 2m x 1.5m.

## 8.4 Construction Compounds

150. Temporary construction compounds are required to support the onshore cable installation. This will include eight secondary compounds and one main compound. In addition, the landfall and substation works would have their own dedicated construction compounds.

151. The main construction compound will be up to 30,000 m<sup>2</sup> and is required to support the cable duct installation and cable pulling works. It would operate as a hub for the onshore construction works and would house the central offices, welfare facilities, and stores, as well as acting as a staging post and secure storage for equipment and component deliveries.
152. The construction works will also require eight secondary construction compounds that will operate as support bases for the onshore construction works as the cable work fronts pass through an area. They may house portable offices, welfare facilities, localised stores, as well as acting as staging posts for localised secure storage for equipment and component deliveries.
153. Each secondary compound would be approximately 2,500m<sup>2</sup> in size with direct access into the construction easement. Two of the secondary compounds would be up to 7,500m<sup>2</sup> to provide additional space for cement bound sand batching.
154. Other works compounds include the substation construction compound at approximately 10,000m<sup>2</sup> and the landfall compound at approximately 5,750m<sup>2</sup>. Each trenchless crossing will also require its own compound ranging in size between 1,500m<sup>2</sup> - 4,500m<sup>2</sup>.

## 8.5 Onshore Substation

155. The onshore substation site is located in arable land south of the existing Norwich Main substation (Figure 4.11). The site is located approximately 250m south of Norwich Main, immediately west of the Norwich to Ipswich rail line, and approximately 600m north of the nearest village (Swainsthorpe).
156. The onshore substation will be an air insulated switchgear design where the HV equipment is installed outdoors with open air terminations. Air is acting as dielectric medium between the phase conductors.
157. The substation site is of sufficient size to accommodate the maximum footprint required for both SEP and DEP. If only one Project comes forward the substation will be up to 3.25ha in size. If both Projects are taken forward a single substation will be constructed to accommodate both connections and will be up to 6ha in size in the concurrent build out scenario and sequential scenario.
158. A new permanent operational access will be required to access the onshore substation. This access will share part of the existing access to National Grid's Norwich Main substation. A new section of this existing access will continue south between the Norwich Main site (to the west) and the rail line (to the east). The permanent access road will be 6m wide and designed to provide operation and maintenance access throughout the operational life of the substation.

## 8.6 Public Rights of Way

159. There are a number of public rights of way which are crossed by the onshore cable corridor. Details of these are set out in the **Public Rights of Way Plan** (document reference 2.11), **Chapter 19 Land Use, Agriculture and Recreation of the ES** (document reference 6.1.19), **Chapter 19 Land Use, Agriculture and Recreation of the ES - Appendix 4.1 Crossing Schedule** (document reference 6.3.4.1) and the **Outline Public Rights of Way Strategy** (document reference 9.22).

## 9 Planning Policy Position

160. The Applicant's assessment of planning policy is set out in detail in the **Planning Statement** (document reference 9.1) and **Chapter 2 Policy and Legislative Context of the ES** (document reference 6.1.2), which should be read alongside the summary in this Statement.

### 9.1 National Policy Statements

161. As set out in Section 104(3) Planning Act 2008, the DCO application must be decided by the Secretary of State in accordance with any relevant NPS, unless certain specified exceptions apply. The primary test therefore is to assess whether, on the balance of probabilities, the Application is in accordance with the relevant NPSs and other requirements of Planning Act 2008.

162. Designated NPSs which are relevant to the determination of the proposal development are as follows:

163. Overarching NPS for Energy (July 2011) (EN-1);

164. NPS for Renewable Energy Infrastructure (July 2011) (EN-3); and

165. NPS for Electricity Networks Infrastructure (July 2011) (EN-5).

166. Specific NPS policies relevant to environmental topics are set out in each ES chapter with information provided as to how each item has been addressed. This document should also be read in conjunction with the **Planning Statement** (document reference 9.1), which provides a full assessment of SEP and DEP in relation to compliance with NPSs.

#### 9.1.1 Current National Policy Statements

##### 9.1.1.1 Overarching National Policy Statement for Energy (EN-1)

167. NPS EN-1 sets out national policy for the energy related nationally significant infrastructure projects. It has effect, in combination with the relevant technology-specific NPS, on the decisions by the Secretary of State on applications for energy developments that fall within the scope of the NPSs. For such applications this NPS, when combined with the relevant technology-specific energy NPS, provides the primary basis for decision.

168. EN-1 sets out the need for energy NSIPs, noting that the UK requires a mix of energy infrastructure types to achieve security of supply, reduce greenhouse gas emissions and meet legally binding targets. The continued development of offshore wind energy projects is therefore vital to ensure the UK can meet its targets.

169. Part 4 of NPS EN-1 states that: "*Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the [decision maker] should start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.*"



170. The document makes clear that decisions should be taken on the basis that the urgent need for energy infrastructure has already been established, and in determining applications, the decision-maker should give substantial weight to the contribution that a development project would make towards satisfying this need.

### 9.1.1.2 National Policy Statement for Renewable Energy Infrastructure EN-3

171. In conjunction with EN-1, EN-3 provides the primary basis for deciding on renewable energy infrastructure applications, including offshore wind generating stations exceeding 100MW.

172. EN-3 recognises the need for 25GW of new offshore wind-derived generating capacity in the UK Renewable Energy Zone and the territorial waters of England and Wales. It also refers to the Offshore Energy Strategic Environmental Assessment (SEA). The SEA concluded that no overriding environmental considerations prevent the plans for 33GW offshore wind capacity if mitigation measures are implemented.

173. EN-3 recognises the use of the 'Rochdale Envelope' method in such circumstances, which allows for the maximum adverse case scenario (i.e. worst-case) to be assessed in the ES and a DCO granted on this basis (Paragraph 2.6.43). It also calls for flexibility in the application process for offshore wind farms when full details of the project specification may be unknown at the time of submission

174. EN-3 explains the need for flexibility concerning necessary micro siting elements of the proposed wind farm during construction at the application stage. Flexibility allows for unforeseen events such as discovering previously unknown marine archaeology that would affect elements' final locations.

### 9.1.1.3 National Policy Statement for Electricity Networks Infrastructure EN-5

175. In conjunction with EN-1, EN-5 provides the principal guidance for decision-making on nationally significant electricity network infrastructure. This includes onshore and offshore electricity network infrastructure.

176. EN-5 states that *“when considering impacts for electricity networks infrastructure, all of the generic impacts covered in EN-1 are likely to be relevant, even if they only apply during one phase of the development such as construction or only apply to one part of the development such as a substation.”* However, the NPS also sets out additional technology-specific considerations on the following generic impacts considered in EN-1:

- Biodiversity and geological conservation;
- Landscape and visual; and
- Noise and vibration.





### 9.1.2 Draft National Policy Statements 2021

177. Whilst the 2011 NPSs remain those with which decisions must accord, as required by Section 104 Planning Act 2008, draft policy may also be accorded weight by a decision maker if they are considered important and relevant to the decision. The weight that is given to draft emerging policy may depend on the stage it has reached with regard to consultation and adoption. Draft NPS policy may therefore be considered important relevant to the decision on the application. In September 2021 the Department for Business Energy and Industrial Strategy published a suite of draft revised NPSs. Public consultation has been held on the draft NPSs but Parliamentary scrutiny by members of both houses is not yet completed. Those most relevant to the proposed development are as follows:

- Draft Overarching NPS for Energy (EN-1) (Sept 2021)
- Draft NPS for Renewable Energy Infrastructure (EN-3) (Sept 2021)
- Draft NPS for Electricity Networks Infrastructure (EN-5) (Sept 2021)

178. The draft NPSs reiterate the urgent need for electricity generating NSIPs, arising from the same range of factors and reasons considered in the 2011 NPSs. The drafts set out the same areas of assessment principles, updating these where necessary, for example providing further policy on the potential for derogation under the Habitats Regulations. One new proposed policy is an expectation that in regions with multiple offshore wind farms a more coordinated approach to their connection infrastructure will be adopted to reduce both costs and cumulative impacts.

## 9.2 National and Local Planning Policy

179. The planning policy framework relevant to the consideration of the Application includes both national and local policies. It is set out in full in **Chapter 2 Policy and Legislative Context of the ES** (document reference 6.1.2) and the **Planning Statement** (document reference 9.1) and is not repeated in full here.

### 9.2.1 National Planning Policy Framework

180. The revised National Planning Policy Framework (NPPF), published on 20 July 2021 (which replaces the previous versions of the NPPF published in June 2019, February 2019 and March 2012), sets out Government's planning policies for England and how these are expected to be applied for making Development Plans and deciding applications for planning permission under the Town and Country Planning Act 1990 (as amended).

181. The NPPF sets out a series of principles for protecting and conserving the natural and the built environment and for promoting sustainable development. The fundamental principles relevant to the proposal development:

- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment;
- Conserving and enhancing the historic environment;
- Promoting sustainable transport; and



- Making effective use of land.

182. One of the core principles underpinning the NPPF, relates to supporting the transition to a low carbon future in a changing climate by encouraging the use of renewable resources, for example by the development of renewable energy.

### 9.2.2 The Development Plan and Local Policy

183. The proposal development is within the boundary of Norfolk County Council, North Norfolk District Council, Broadland District Council and South Norfolk District Council. The current local plans in force are:

- Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan 2010 – 2026 (Adopted September 2011);
- North Norfolk District Council Core Strategy incorporating Development Management Policies 2008 - 2021 (Adopted September 2008, amendments adopted 2012); and
- Joint Core Strategy (Adopted March 2011, amendments adopted January 2014) developed in partnership for Greater Norwich Area including Broadland District, Norwich City and South Norfolk Councils.

184. Details of the policies within these plans that are relevant to SEP and DEP are set out within **Chapter 2 Policy and Legislative Context of the ES** (document reference 6.1.3).

### 9.2.3 Conclusion on Planning Policy

185. The test to be applied in the decision-making process is whether, on balance, the project is in accordance with the relevant NPSs (except to the extent that one or more of the matters set out in Section 104(4) to 104(8) Planning Act 2008 applies).

186. The **Planning Statement** (document reference 9.1) outlines the proposals for the development of SEP and DEP, as set out in the DCO application, provides background and context of the development, sets out the need for SEP and DEP, and outlines the legal and policy context within which the Application will be examined and decided, including how the Application complies with the relevant policy set out in the Energy NPSs. It establishes that SEP and DEP accord with NPS policy in all respects.

187. The Applicant accordingly submits that SEP and DEP accord with the relevant NPSs, and with the emerging NPSs, which are an important and relevant consideration in the decision-making process.

188. Overall, SEP and DEP would make a significant contribution to the achievement of the UK's national renewable energy targets, and to the UK's contribution to global efforts to reduce the effects of climate change and would represent a substantial contribution to UK 2030 energy targets by meeting 2.5% of the UK's current shortfall of offshore wind electricity supply deployment target for 2030.

189. For all of the above reasons, the Project would bring significant benefits under a range of national, international and local policy considerations, would be in accordance with relevant NPSs and legislation and therefore consent should be granted.



## 10 Engagement with Affected Parties

190. Once the parameters of the site were identified, diligent inquiry was undertaken by the Applicant (as directed by the CA Guidance) to identify those likely to be impacted by the exercise of the compulsory acquisition powers.
191. Those affected fall into one of three categories as defined by Section 44 and 57 Planning Act 2008. All three categories of persons are listed in the **Book of Reference** (document reference 4.1) and have been consulted about the DCO application in accordance with Section 42 and Section 44 of the Planning Act 2008 as described in the **Consultation Report** (document reference 5.1).
192. The Applicant must undertake diligent inquiry to identify persons who, by virtue of the nature of the interest they have in land, and the location of that land (i.e. whether it is within the Order Land), come within Categories 1, 2 and 3.
193. At the commencement of the pre-application stage of SEP and DEP, Dalcour Maclaren prepared a Land Referencing Methodology. This document set out the approach to be taken by the Applicant to ensure identification of all interests in land and the steps to be taken where land interests could not be identified or were identified after statutory consultation had taken place. A copy of the document is included in **Appendix 2: Land Referencing Methodology**.

### 10.1 Category 1, 2 and 3 Persons

194. Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the land.
195. Category 2 comprises persons who are interested in the land or have the power to sell and convey, or to release, the land.
196. Category 3 comprises persons who the Applicant thinks would or might be entitled to make a "relevant claim" for compensation, if the DCO were to be made and fully implemented. A "relevant claim" is defined in Section 44(6) of the Planning Act 2008 as meaning a claim under Section 10 of the Compulsory Purchase Act 1965, or under Part 1 of the Land Compensation Act 1973, or under Section 152(3) of the Act.
197. It should be noted that identification by the Applicant is not a pre-requisite for a claim to be made and nor is it acceptance that there is a valid claim to be made.

### 10.2 Negotiations with affected parties

198. A summary of the negotiations with landowners up to submission of the DCO application is contained at **Appendix 1: Summary of Land Referencing and Engagement with Landowners**. It has not been possible so far to secure all of the necessary land and rights to develop SEP and DEP by voluntary agreement. As such it is necessary to have the option to use the compulsory acquisition powers as otherwise there is no certainty that SEP and DEP can proceed.



199. The Applicant will continue to engage with affected persons and try to agree negotiated positions in an attempt to avoid the need to rely on the powers. An up to date summary of the current status of negotiations with landowners and occupiers is set out in the **Compulsory Acquisition Schedule** [REP1-040] which was submitted at Deadline 1 and will be updated throughout the examination. The summary of negotiations with statutory undertakers and other utilities is within **The Applicant's Statutory Undertakers Position Statement** [REP1-053] which was submitted at Deadline 1 and will be updated throughout the examination.

### 10.3 Unknown interests

200. There are some interests for which it has not been possible to identify the affected persons (mostly as a result of land being unregistered). These are set out in the Book of Reference and labelled as 'unknown'.

201. Details of the steps taken to identify unregistered interests is included at **Appendix 2: Land Referencing Methodology**.

## 11 Case for Powers of Acquisition Sought

202. This section demonstrates SEP and DEP's compliance with the conditions in section 122 of the Planning Act 2008 (set out in paragraph 200 below) and the CA Guidance.

### 11.1 Background

203. Section 122 of the Planning Act 2008 allows development consent orders to be granted with powers to compulsorily acquire land included within them. This is the case only where the Secretary of State is satisfied that the land for which the powers are obtained reflect the following purposes:

- The land is required for the development;
- The land is required to facilitate or is incidental to the development; or
- The land is replacement land for commons, open spaces, etc.; and
- That there is a compelling case in the public interest for the land to be acquired.

204. The CA Guidance states that the Secretary of State must be satisfied that there is a compelling case in the public interest and that the case made outweighs the private loss suffered by those affected.

205. The CA Guidance also indicates that developers must be able to demonstrate the following:

- that all reasonable alternatives to compulsory acquisition have been explored;
- that the interference with rights is for a legitimate purpose, is necessary and is proportionate;
- how the land will be used;
- that there is a reasonable prospect of the requisite funds becoming available; and
- that Article 1 of the First Protocol to the European Convention on Human Rights (the Convention) and Article 8 of the Convention have been considered.



- 206. The Secretary of State must be fully convinced of the purposes for which the land is sought and that no more land or rights in land are being required than is necessary.
- 207. This section will demonstrate the satisfaction of the above such that the Secretary of State can be confident that the conditions of Section 122 Planning Act 2008 have been met.

**11.2 Requirement for the Order Land**

- 208. The Order Land comprises the land which is required for the construction, operation, maintenance and decommissioning of SEP and DEP. In developing the design for SEP and DEP, and in turn the extents of the Order Land, the Applicant has born in mind the requirements of Section 122 Planning Act 2008. The Order Land therefore comprises only that which is required for the development itself, required to facilitate that development or is replacement land given as exchange for the Order Land.
- 209. Within the **Book of Reference** (document reference 4.1), the Applicant has set out categories of new rights being sought. The rights have been grouped into different categories for ease of reference and to keep the Book of Reference itself to a manageable length to avoid needing to list out all of the rights required over every affected plot.
- 210. To aid understanding of the below sections, each category of rights is shown in Table 11-1 below with reference to the Work Nos to which it relates. All onshore works are listed, together with the compulsory acquisition powers sought (freehold acquisition, permanent rights or temporary possession). A summary of the rights sought is then included below, although the **Book of Reference** (document reference 4.1) should be referred to for full details, alongside the **draft DCO** (document reference 3.1) and the **Onshore Work Plans** (document reference 2.6).

*Table 11-1: Work Nos and Compulsory Acquisition Status*

Work No	Description (summary)	Compulsory acquisition powers sought
7A/B or 7C	Landfall connection works	Rights – Category A
8A/B or 8C	Landfall connection works	Rights – Category A
9A/B or 9C	Landfall connection works	Rights – Category B
10A/B	Temporary working area - landfall	Temporary possession
11A/B	Permanent access - landfall	Rights – Category C
12A/B or 12C	Onshore cable corridor	Rights – Category D
13A/B	Temporary construction access	Temporary possession
14A/B	Temporary construction compounds	Temporary possession
15A/B or 15C	Onshore substation	Freehold acquisition
16A/B or 16C	Onshore substation connection works	Rights – Category E



17A/B or 17C	Connection works to National Grid substation	Rights – Category F
18A/B	Permanent works including flood attenuation/drainage, landscaping and ecological mitigation, and construction works - onshore substation	Freehold acquisition
19A/B	Permanent access – onshore substation	Rights – Category G
20A/B	Temporary construction compound and working area – onshore substation	Temporary possession
21A/B	Number no longer used	Number no longer used
22A/B	Permanent landscaping and ecological mitigation works – onshore substation	Rights – Category I

**11.2.1 Substation (Work Nos. 15A/B or 15C, 16A/B or 16C, 17A/B or 17C, 18A/B, 19A/B, 20A/B, and 22A/B)**

- 211. Plots: 39-008, 39-012, 39-013, 39-014, 39-015, 39-016, 39-017, 39-018, 39-019, 39-020, 39-021, 39-022, 39-023, 39-024, 39-025, 39-026, 39-027, 39-028, 39-029, 39-030, 39-031, 39-032, 39-033, 39-034, 39-035, 39-036, 39-037, 39-038, 39-039, 39-040, 39-041, 39-042, 39-043, 39-044, 40-001, 40-002, 40-003, 40-004, 40-005, 40-006, 40-007, 40-008, 40-009, 40-010
- 212. Freehold acquisition is sought over an area of 6ha where the onshore HVAC substation will be permanently located (Work No 15A/B or 15C). The operational compound area required is the same regardless of whether SEP and DEP are built concurrently or sequentially, although in the sequential scenario, there would be up to two substation buildings, rather than one (in the concurrent scenario). If only one project is built, a 3.25ha operational compound would be required.
- 213. Permanent rights are required to connect the onshore substation for SEP and DEP with National Grid’s nearby Norwich Main Substation (Work No 16A/B or 16C), including the installation of cables and ducts, as well as an above ground connection and electrical engineering works within or around the National Grid substation buildings (Work No 17A/B or C). Restrictive covenants are also required in order to ensure ongoing protection of the works.
- 214. Freehold acquisition is also sought of the land required in connection with the onshore substation for SEP and DEP, to accommodate flood attenuation and drainage works; landscaping; ecological mitigation works; and other onshore construction works (Work No 18A/B or 18C).



- 215. Permanent rights of access are sought in order to ensure ongoing access to the onshore substation from the adopted highway (Work No 19A/B). Restrictive covenants are also required in order to ensure ongoing protection of the works.
- 216. Temporary possession of some of the land around the onshore substation will also be required to facilitate construction, including temporary works relating to traffic and highway management, temporary access and working areas (Work No 20A/B).
- 217. In addition to the above, permanent rights are also required for landscaping and ecological mitigation works (Work No 22A/B). Restrictive covenants are also required in order to ensure ongoing protection of the works.

**11.2.2 Landfall (Work Nos. 7A/B or 7C, 8A/B or 8C, 9A/B or 9C, 10A/B and 11A/B)**

- 218. Plots: 01-001, 01-002, 01-003, 01-004, 01-005, 01-006, 01-007, 01-008, 01-009, 01-010, 01-011, 01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-021, 01-022, 01-023, 01-024, 01-025, 01-026, 01-027, 01-028, 01-035, 01-036, 01-037
- 219. The offshore export cables make landfall at Weybourne, at a location to the west of Weybourne beach car park in proximity to the Muckleburgh Military Collection (Work No 7A/B or 7C). The offshore export cables will be connected to the onshore export cables in transition joint bays, having been installed under the intertidal zone by HDD.
- 220. Rights are sought to allow the construction, maintenance and removal of transition joint bays, to adjust, alter, remove, replace, and create tunnels under sea defences including walls and groynes and to connect the onshore transmission apparatus to the offshore transmission apparatus (Work Nos 8A/B or 8C and Work No 9A/B or 9C). Rights are also required to effect access to carry out the works, as well as operate, maintain and decommission them (Work No 11A/B). Restrictive covenants are also required in order to ensure ongoing protection of the works.
- 221. The transition joint bays will be located 150m inland from the beach frontage. This area will also include a temporary onshore compound to accommodate the drilling rigs, ducting and welfare facilities, over which temporary possession is sought (Work No 10A/B).



### 11.2.3 Onshore cable corridor (Work Nos. 12A/B or 12C)

222. Plots: 01-029, 01-030, 01-034, 01-038, 01-042, 01-044, 02-002, 02-004, 02-005, 02-006, 02-010, 02-011, 02-012, 02-013, 02-015, 03-003, 03-004, 03-008, 03-009, 03-010, 03-011, 04-003, 04-014, 04-015, 04-016, 04-017, 05-004, 05-006, 05-007, 05-009, 05-012, 05-013, 05-015, 05-016, 06-002, 06-003, 06-005, 06-007, 06-008, 07-001, 07-002, 07-003, 07-004, 07-005, 07-006, 07-009, 07-015, 07-016, 07-018, 07-019, 07-021, 08-001, 09-001, 09-003, 09-004, 09-006, 09-009, 10-001, 10-002, 10-004, 10-005, 10-007, 10-008, 10-010, 10-011, 10-012, 10-013, 10-014, 11-003, 11-004, 11-005, 11-006, 11-007, 11-008, 12-002, 12-003, 12-004, 12-006, 12-007, 12-008, 13-001, 13-003, 13-004, 13-005, 13-006, 13-007, 13-010, 13-013, 13-016, 14-001, 14-003, 14-007, 15-004, 16-001, 16-002, 16-003, 16-009, 16-011, 16-012, 16-015, 16-020, 17-001, 17-002, 17-003, 17-004, 17-005, 17-007, 17-009, 17-011, 17-012, 18-001, 18-003, 18-004, 18-006, 18-007, 18-009, 18-010, 18-011, 18-013, 18-014, 18-015, 18-016, 18-017, 19-001, 19-003, 19-004, 19-005, 19-006, 19-007, 19-010, 20-001, 20-003, 21-001, 21-002, 21-004, 21-005, 21-006, 21-013, 22-001, 22-002, 22-003, 22-008, 22-009, 22-010, 22-011, 23-001, 23-002, 23-003, 23-004, 23-007, 23-012, 23-013, 23-014, 23-017, 23-018, 23-019, 23-020, 23-021, 23-029, 23-030, 23-031, 24-004, 24-005, 24-007, 25-001, 25-006, 25-007, 25-008, 25-017, 26-001, 26-002, 26-004, 26-007, 27-003, 27-004, 27-005, 28-001, 28-002, 28-008, 28-009, 28-010, 28-011, 28-014, 28-015, 28-016, 28-019, 28-021, 28-022, 29-003, 29-004, 29-005, 29-006, 29-007, 29-008, 30-001, 30-002, 30-003, 30-009, 30-010, 30-011, 30-012, 30-013, 30-014, 30-015, 30-016, 30-017, 31-001, 31-002, 31-004, 31-005, 31-007, 31-011, 31-012, 32-001, 32-002, 32-003, 32-006, 33-001, 33-007, 33-008, 33-010, 33-012, 33-013, 33-014, 33-015, 33-016, 33-017, 34-001, 34-002, 34-006, 34-009, 34-010, 35-001, 35-002, 35-003, 35-006, 35-007, 35-010, 35-011, 36-004, 36-006, 36-009, 36-010, 36-011, 37-002, 37-005, 37-006, 38-002, 38-004, 38-005, 38-006, 38-007, 38-014, 38-015, 38-016, 38-017, 39-001, 39-005, 39-006, 39-010, 39-011, 39-012, 39-014, 39-015

223. An area of 436.86ha is required for the cable corridor. Within this area will be the electrical cables connecting the offshore substation with the onshore substation at the preferred location near the Norwich Main Substation (Work No 12A/B or 12C).

224. Rights are sought by SEL and DEL to lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the electricity cables and ducts. The rights sought include all those necessary to undertake the works, including rights of access across the land, rights to enter and occupy land to carry out works, temporary storage of materials, drainage rights, rights to divert utilities, and rights to install the cables using trenchless installation techniques. Rights are also sought to erect temporary fencing and signage that will be required as part of the construction works and to clear obstacles such as fences, woods, hedges, trees or shrubs. The rights sought include powers to create temporary accesses and build temporary bridges.





225. Restrictive covenants will be imposed over the cable corridor to provide protection to the cables once they are installed. These would prevent buildings or other erections being built over the cables. The consent of SEL or DEL as the relevant undertaker (such consent not to be unreasonably withheld) will be required for hard surfacing or planting of any trees, shrubs or underwood along the cable corridor. Excavation would be prevented other than normal ploughing for agricultural purposes. A restrictive covenant is also sought to protect any habitat creation or enhancement carried out on the land as part of the authorised development. This will allow the Applicant to ensure that any mitigation or compensation to be provided can be retained and maintained for the required period.
226. The width of the joint onshore cable corridor is approximately 60m wide and widens to up to 100m where trenchless installation techniques are required. At one location (the FEP site) the cable corridor is up to 130m wide, to allow flexibility for micro-siting around future planned development. If only one project is built in isolation the cable corridor width would be 45m. Where SEP and DEP are constructed sequentially, each project will require a working easement of up to approximately 45m. In a concurrent construction scenario, a working easement of up to 38m would be required. If only one project is built in isolation a 27m wide working easement would be required. The permanent easement for each project's circuit will be 10m wide.
227. The acquisition or rights in land, rather than freehold ownership, is a proportionate and reasonable approach that will allow the existing land use to resume once the cables have been installed. Once installed, the cables will cause minimal interference to the owners and occupiers of the plots within the cable corridor.
228. Overall, the width of the cable corridor during construction and where rights would apply permanently represents a clear, justifiable, proportionate and reasonable approach to compulsory acquisition.



### 11.2.4 Access rights (Work No. 13A/B)

229. Plots:01-031, 01-032, 01-033, 01-039, 01-040, 01-041, 01-043, 02-001, 02-003, 02-007, 02-008, 02-009, 02-014, 03-001, 03-002, 03-005, 03-006, 03-007, 04-001, 04-002, 04-004, 04-005, 04-006, 04-007, 04-008, 04-009, 04-010, 04-011, 04-012, 04-013, 05-001, 05-002, 05-003, 05-005, 05-010, 05-011, 05-014, 06-001, 06-004, 06-006, 07-007, 07-008, 07-010, 07-011, 07-012, 07-013, 07-014, 07-017, 07-020, 08-002, 09-002, 09-005, 09-007, 10-003, 10-006, 10-009, 11-001, 11-002, 12-001, 12-005, 13-002, 13-011, 13-012, 13-014, 13-015, 14-002, 14-004, 14-005, 14-006, 15-001, 16-004, 16-005, 16-006, 16-007, 16-008, 16-010, 16-013, 16-014, 16-016, 16-017, 16-018, 16-019, 17-006, 17-008, 17-010, 18-002, 18-005, 18-008, 19-008, 19-009, 20-002, 21-003, 21-007, 21-008, 21-009, 21-010, 21-011, 21-012, 21-014, 21-015, 21-016, 21-017, 21-018, 21-019, 22-004, 22-005, 22-006, 22-007, 23-005, 23-006, 23-009, 23-010, 23-011, 23-015, 23-016, 23-022, 23-023, 23-024, 23-025, 23-028, 24-001, 24-002, 24-003, 24-006, 25-002, 25-003, 25-004, 25-005, 25-009, 25-010, 25-011, 25-012, 25-013, 25-014, 25-015, 25-016, 26-003, 26-005, 26-006, 26-008, 27-001, 27-002, 27-006, 28-003, 28-004, 28-005, 28-006, 28-007, 28-017, 28-020, 28-023, 28-024, 28-025, 28-026, 28-027, 29-001, 29-002, 30-004, 30-005, 30-006, 30-007, 30-008, 31-003, 31-006, 31-008, 31-009, 31-010, 32-004, 32-005, 33-002, 33-003, 33-004, 33-005, 33-006, 33-009, 33-011, 34-003, 34-004, 34-005, 34-007, 35-004, 35-005, 35-008, 35-009, 36-001, 36-002, 36-003, 36-007, 36-008, 37-001, 37-003, 37-004, 38-001, 38-003, 38-008, 38-009, 38-010, 38-011, 38-012, 38-013

230. Temporary possession of land is sought to provide the undertakers with necessary access to construct the cables and associated infrastructure, including the landfall works (Work No 13A/B).

231. Securing temporary possession during the construction period allows the applicant to exercise access over the land for construction without needing to acquire rights over it permanently. This minimises interference with the rights of landowners and occupiers.

### 11.2.5 Compounds (Work No. 14A/B)

232. Plots:05-008, 09-008, 13-008, 13-009, 15-002, 15-003, 19-002, 23-008, 28-018, 34-008, 36-005

233. Temporary possession of land is being sought in respect of the main construction compound, as well as the satellite compounds, in which activities ancillary to the construction works will be undertaken (Work No 14A/B).

234. Securing temporary possession during the construction period allows the applicant to access and use the land for construction without needing to acquire rights over it permanently. This minimises interference with the rights of landowners and occupiers.



### 11.3 Justification for powers sought

235. The Applicant wishes to reach agreement with landowners and occupiers wherever possible to acquire land and rights in land for SEP and DEP on a voluntary basis. Powers of compulsory acquisition are sought to ensure that SEP and DEP can be delivered should it not be possible to reach agreement. In addition, these powers will also allow the necessary land and rights to be obtained where unknown interests in land are identified.
236. The Applicant has carefully considered the land and rights required to construct and operate SEP and DEP. There is a compelling case in the public interest for the compulsory acquisition powers in the DCO to be granted, which is not outweighed by the private interests of the relevant landowners.

### 11.4 Development scenarios

237. The development scenarios for SEP and DEP are summarised above in **Section 3.3** and further details are included in the **Scenarios Statement** (document reference 9.28).
238. At this stage it is not possible to identify exactly where within the joint Order Limits each project's cable will be laid. The precise location of the cables will be determined by the pre-construction surveys and investigations and the cable corridor width therefore provides room for micro-siting during detailed design and allows for onward connection to the existing surface water drainage network for the proposed construction drainage.
239. Given that the precise location of cables will be determined post-consent and a decision on the appropriate construction scenario will also be made post consent, the **draft DCO** (document reference 3.1) provides both SEL and DEL with consent to construct, operate and maintain their cable circuit in any part of the onshore cable corridor and similarly to exercise powers of compulsory acquisition across the full width and length of the onshore cable corridor.
240. The **Onshore Works Plans** (document reference 2.6) identify a single onshore substation area. This area is large enough to accommodate construction of either two separate onshore substations - one for each project located side by side - or one integrated substation to serve both projects. The extent of land required to develop either two separate substations or one integrated substation is the same (6ha). The maximum footprint for one substation (if either SEP or DEP is built in isolation) would be 3.25ha.
241. In the event two separate substations are located side by side, it is not yet possible to establish upon which part of the substation area each project's substation would be located as this will depend on various factors including who constructs first. Both SEL and DEL will therefore have the benefit of consent and compulsory acquisition powers for the full area within the Order Limits for the onshore substation and related works including landscaping, drainage and connection into the Norwich Main substation.
242. The DCO will grant consent for all of the development scenarios and the decision on which will be followed will be determined at a later date (and must be notified by the Applicant to the Secretary of State and the MMO prior to commencement of development).



243. The development scenario that is chosen will have implications for the way in which the compulsory acquisition powers are exercised. For the avoidance of doubt, as SEP and DEP are being developed in coordination, there will be no change to the Order Land regardless of the scenario that is taken forwards. Instead, the differences will arise in the timing of when the compulsory acquisition powers need to be exercised.

*Table 11-2: impact of different development scenarios on use of compulsory acquisition powers*

DCO Development Scenario	Impact on use of the compulsory acquisition powers
<p>Scenario 1 means each project is constructed separately in any one of the following ways:</p> <ul style="list-style-type: none"> <li>i. the construction of SEP only where DEP does not proceed to construction;</li> <li>ii. the construction of DEP only where SEP does not proceed to construction;</li> <li>iii. sequential construction of SEP then DEP or vice versa; or</li> <li>iv. concurrent construction of the two projects.</li> </ul>	<p>SEL will exercise compulsory acquisition powers in respect of all the SEP landfall and onshore works (work nos. 7A to 22A). DEL will exercise compulsory acquisition powers in respect of all the DEP landfall and onshore works (work nos. 7B to 22B). There are no onshore integrated works in any of scenarios 1(i) to (iv).</p>
<p>Scenario 2 means the two projects are constructed sequentially and whichever project is constructed first will install the ducts for the second project;</p>	<p>SEL will exercise compulsory acquisition powers in respect of all the SEP landfall and onshore works (work nos. 7A to 22A). DEL will exercise compulsory acquisition powers in respect of all the DEP landfall and onshore works (work nos. 7B to 22B). Whilst there are no onshore integrated works in this scenario, the second entity to undertake its works will, for the purposes of the installation of the second projects' ducts, either consent to the exercise of compulsory acquisition powers by the first entity or exercise the powers itself and grant the other project consent to construct its ducts.</p>
<p>Scenario 3 means either SEL or DEL constructs on behalf of both itself and the other project an integrated onshore substation and connection to National Grid's Norwich Main Substation (the relevant works are identified in the Order as the scenario 3 integrated onshore works) and all other onshore and offshore</p>	<p>SEL will exercise compulsory acquisition powers in respect of Works Nos. 7A to 14A and 18A to 22A. DEL will exercise compulsory acquisition powers in respect of Work Nos. 7B to 14B and 18B to 22B. SEL and DEL will agree which entity will exercise compulsory acquisition powers in</p>



<p>works are constructed either concurrently or sequentially;</p>	<p>respect of the scenario 3 onshore integrated works (work nos. 15C to 17C).</p>
<p>Scenario 4 means either SEL or DEL constructs on behalf of both itself and the other project both the onshore and offshore integrated works including the integrated offshore substation, the integrated onshore substation and the onshore and offshore cables (the relevant works are identified in the Order as the integrated offshore works and scenario 4 integrated onshore works) and all other onshore and offshore works are constructed either concurrently or sequentially.</p>	<p>SEL will exercise compulsory acquisition powers in respect of Works Nos. 10A, 11A, 13A, 14A and 18A to 22A.          DEL will exercise compulsory acquisition powers in respect of Work Nos. 10B, 11B, 13B, 14B and 18B to 22B.          SEL and DEL will agree which entity will exercise compulsory acquisition powers in respect of the integrated landfall works and the scenario 4 integrated onshore works (work nos. 7C, 8C, 9C, 12C, 15C, 16C and 17C).</p>

244. Articles 18 and 20 of the **draft DCO** (document reference 3.1) grant SEL powers to compulsorily acquire any land or rights in land required for or incidental to SEP and for DEL to compulsorily acquire any land or rights in land required for or incidental to DEP. This means both projects have compulsory acquisition powers in respect of the integrated works. The definition of "undertaker" makes clear that where any integrated works are implemented, the company that exercises the powers under the DCO in relation to an integrated work will be responsible for any restrictions, liabilities and obligations arising in relation to those integrated works. This is to provide certainty to landowners with regards to who will be liable for their compensation claims.
245. To ensure that neither project company exercises its powers in a way that would unduly hinder, prohibit or prevent the development of the other project, the **draft DCO** (document reference 3.1) provides that neither project can exercise compulsory acquisition powers to acquire land without obtaining the consent of the other project (such consent not to be unreasonably withheld). SEL and DEL will also enter into an agreement to ensure cooperation between the two companies is underpinned. In addition, Requirement 9 also requires the project companies to notify the local planning authority which construction scenario will be implemented before any works for either project commence and for each project to obtain approval of a written scheme setting out the phases of construction of the onshore works it will undertake in the chosen construction scenario.
246. Schedule 1 (Authorised Development) to the **draft DCO** (document reference 3.1) contains a list of numbered works comprising the authorised development. To reflect the fact that the **draft DCO** (document reference 3.1) authorises two NSIPs which could be delivered in various ways, the authorised works are split out as follows:



247. Work Nos. 1A to 22A (the ‘A’ Works) – these are the works for which SEL only has development consent and compulsory acquisition powers. The SEP offshore generating station is comprised within Work Nos. 1A and 2A. Work nos. 3A to 22A are the offshore and onshore grid transmission and connection works (including associated mitigation works) and are associated development. In scenario 1 or scenario 2, only the ‘A’ works will be constructed; there would be no ‘C’ Works. Work Nos. 1A, 2A, 10A, 11A, 13A, 14A and 18A to 22A are applicable to all four scenarios.
248. Work Nos. 1B to 22B (the ‘B’ Works) – these are the works for which DEL only has development consent and compulsory acquisition powers. The DEP offshore generating station is comprised within Work Nos. 1B and 2B. Work nos. 3B to 22B are the offshore and onshore grid transmission and connection works (including associated mitigation works) and are associated development. In scenario 1 or scenario 2, only the ‘B’ works will be constructed; there would be no ‘C’ works. Work No. 1B, 2B, 10B, 11B, 13B, 14B and 18B to 22B are applicable to all four scenarios.
249. Work Nos. 3C to 7C and Work Nos. 8C, 9C, 12C and 15C to 17C (the ‘C’ Works) – these are the offshore and onshore integrated transmission and grid connection works for which both SEL and DEL would have the benefit of development consent and compulsory acquisition powers.
250. In scenario 3, Work Nos. 15C to 17C (defined in the Order as the “scenario 3 integrated onshore works”) would be undertaken instead of Work Nos. 14A to 16A and Work Nos. 14B to 16B where SEL and DEL opt to construct the integrated onshore substation (but not the integrated offshore substation). In scenario 3, either SEL or DEL would rely on the powers in the Order to deliver the integrated onshore substation and connection to Norwich Main alongside the relevant A and B Works.
251. In scenario 4, offshore Work Nos. 3C to 7C (defined in the Order as the “integrated offshore works”) would be undertaken instead of Work Nos. 3A to 7A and 3B to 7B and onshore Work Nos. 8C, 9C 12C and 15C to 17C (defined in the Order as the “scenario 4 integrated onshore works”) would be undertaken instead of Work Nos. 8A, 8B, 9A, 9B, 12A, 12B, 15A to 17A and 15B to 17B. In scenario 4, either SEL or DEL would rely on the powers in the Order to deliver an integrated electrical system both onshore and offshore including:
- an integrated offshore substation platform located in SEP as opposed to two separate offshore substation platforms, one for each project;
  - an integrated onshore substation and connection to Norwich Main; and
  - up to two cable circuits and ducts (including landfall transmission works) between the offshore integrated substation platform and the onshore integrated substation.
252. Work Nos. 6A and 6B or 6C (in the event of scenario 4) denote an area around the offshore cable corridor and each project’s array areas which can be used for temporary construction purposes only (including, for example, the anchoring of vessels) by both SEL and DEL to facilitate the installation of the offshore infrastructure. For the avoidance of doubt, no cables or other offshore structures could be installed in this area under Work Nos. 6A and 6B or 6C.



## 11.5 Compelling Case in the Public Interest

253. The Applicant considers that there is a clear and compelling case in the public interest for SEP and DEP such that the condition of Section 122(3) Planning Act 2008 is satisfied and such to justify the interference with private ownership of land. The public benefit of allowing the Projects to proceed outweighs the infringement of private rights which would occur should powers of compulsory acquisition be granted and exercised.
254. The need for and benefits of SEP and DEP (as set out in **Section 4** above) demonstrate that there is a very strong and compelling case in the public interest for the projects to be delivered. In order to ensure delivery of the Projects, powers of compulsory acquisition are required and the powers sought are proportionate.

## 12 Special Considerations

### 12.1 Common Land

255. Common Land is defined as “*any land subject to be enclosed under the Inclosure Acts 1845 to 1882...*” (Acquisition of Land Act 1981, Section 19). None of the Order Land is common land.

### 12.2 Crown Land

256. Section 135 of the Planning Act 2008 allows for the DCO, if made, to authorise the compulsory acquisition of Crown land (excluding any Crown interests in that land) or other provisions relating to rights benefitting the Crown where the appropriate Crown authority consents to the acquisition.
257. The Order Land includes land owned by the Crown or subject to Crown interests. This land is described in Part 4 of the **Book of Reference** (document reference 4.1) and is shown on the **Crown Land Plan** (document reference 2.4).
258. The Book of Reference clearly states that any interests owned by the Crown are excluded from the ambit of the compulsory acquisition powers being sought.
259. Under Section 135 of the Planning Act 2008, a DCO may include provisions authorising the compulsory acquisition of an interest in Crown land, or any other provisions relating to the Crown land only if the Crown consents to the inclusion of the provisions.
260. The Applicant is in discussion with the Crown Estate Commissioners, the Secretary of State for Defence, the Forestry Commission, the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport and has requested their consent to the inclusion of the Crown land as required under Section 135 of the Planning Act 2008.
261. The Applicant has received Section 135 consent from the Forestry Commission and the Secretary of State for Environment, Food and Rural Affairs and continues to engage with the remaining parties.

### 12.3 National Trust Land

262. Section 130 of the Planning Act 2008 allows for the DCO, if made, to authorise the compulsory acquisition of land held inalienably by the National Trust. If National Trust object to the Application and this is not withdrawn, then special parliamentary procedure would apply to the approval of the Application.

263. There is land comprising National Trust land as shown in Part 5 of the **Book of Reference** (document reference 4.1) and **Special Category Land Plans** (document reference 2.5).
264. The land in question comprises woodland known as Weybourne Woods, located east of Sandy Hill Lane, through which the onshore cable corridor passes (plots 03-009, 03-011, 04-001). It is proposed that the cables will be laid by HDD so as to lessen any impact on this land.
265. The first engagement meeting with National Trust, their land agent and Dalcour Maclaren took place on 4 August 2020. The route options at Weybourne Woods were discussed and it was confirmed with National Trust that their preference was for the route to be west rather than east to avoid the historic estate.
266. A telephone conference was held on 2 June 2021 between National Trust, their land agent and Dalcour Maclaren. An update was given on the route options and the need to undertake borehole investigations to inform on viability and methodologies.
267. On 5 October 2021, a letter was sent to National Trust confirming the route through Weybourne routes would be as far west within their ownership as was possible.
268. A telephone conference was held on 12 November 2021 between National Trust, their land agent and Dalcour Maclaren to discuss the reasons for the selected route.
269. Heads of Terms for an option for a deed of easement documenting permanent rights were issued to National Trust and their land agent on 31 May 2022. The Applicant is in negotiations with National Trust's land agent and is confident a voluntary agreement will be completed.
270. Further details of the negotiations undertaken with National Trust are set out in the **Compulsory Acquisition Schedule** [REP1-040].

## 12.4 Public Open Space

271. The parts of the Order Land which are open space are shown on the **Special Category Land Plans** (document reference 2.5) and identified in Part 5 of the **Book of Reference** (document reference 4.1). This comprises:
- Parts of the foreshore, beach and public footpath, north of Weybourne Military Camp at landfall (plots 01-001, 01-002, 01-003, 01-004, 01-005, 01-006, 01-007, 01-008, 01-009, 01-010, 01-011, 01-012, 01-013); and
  - Parts of a heritage trail known as Marriot's Way (plots 17-001 and 23-001)
272. Although there will be temporary interference with the use of the open space land during the construction period of the onshore cable corridor, access to the remainder of the open space in each location will be available.
273. Following completion of the construction of the onshore cable corridor, there may be occasional future maintenance activities associated with the onshore cable corridor. Any interference with public recreational use of the open space land as a result of such maintenance activities would be temporary in nature.



274. The Applicant therefore considers that the open space land when burdened with the rights sought in the **draft DCO** (document reference 3.1) will be no less advantageous to the public than it was before and therefore the test set out in Section 132(3) of the Planning Act 2008 is satisfied.

## 12.5 Statutory Undertakers' land and apparatus

275. There is land and apparatus owned by statutory undertakers within the Order Land.

276. Section 127 of the Planning Act 2008 allows for the DCO, if made, to authorise the compulsory acquisition of land held by statutory undertakers. If any of the statutory undertakers object to the Application and this is not withdrawn, then special parliamentary procedure would apply to the approval of the Application in certain circumstances.

277. The following statutory undertakers own land and/or apparatus which will be subject to the exercise of the Powers:

- Network Rail Infrastructure Limited
- British Telecommunications PLC
- Virgin Media Limited
- Openreach Limited
- UK Power Networks (Operations) Limited
- Eastern Power Networks PLC
- National Highways
- Energis Communications Limited
- Vodafone Limited
- Cadent Gas Limited
- Centrica PLC
- Anglian Water Services Limited
- National Grid Gas PLC
- National Grid Electricity Transmission PLC
- Blue Transmission Sheringham Shoal Limited
- TC Dudgeon OFTO PLC
- Orsted Hornsea Project Three (UK) Limited
- Vattenfall Wind Power Limited
- Environment Agency
- Internal Drainage Board (Water Management Alliance)
- Scira Offshore Energy Limited
- Dudgeon Offshore Wind Limited

278. Further details of the negotiations undertaken with each of these statutory undertakers is set out in **The Applicant's Statutory Undertakers Position Statement** [REP1-053].

### 13 Human Rights

279. The Human Rights Act 1998 (the HRA 1998) incorporated into domestic law the European Convention on Human Rights (the Convention). The Convention includes provisions in the form of Articles which aim to protect the rights of the individual.
280. Of particular relevance when considering matters of compulsory acquisition are the following Articles:
- Article 1 of the First Protocol to the Convention protects the right to peaceful enjoyment of possessions. No one shall be deprived of those possessions except where it is in the public interest and where relevant provisions of law allow for it.
  - Article 6 of the Convention protects the right to a fair and public hearing.
  - Article 8 of the Convention protects the right to respect for private and family life, home and correspondence. No one shall be deprived of that except in cases where it is in accordance with the relevant laws and necessary in the interests of, amongst other things, national security, public safety or the economic wellbeing of the country.
281. Section 6 of the HRA 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the Convention and the Secretary of State is therefore under a duty to have due regard to the HRA 1998 and the Convention.
282. In accordance with the CA Guidance, this Statement considers the rights set out above and considers their application to SEP and DEP.
283. Given the inclusion of the compulsory acquisition powers in the **draft DCO** (document reference 3.1), there is a possibility that the Articles 1 and 8 of persons who hold interests in the Order Land will be infringed.
284. In cases of development consent orders, Section 122 of the Planning Act 2008 allows for the provision of compulsory acquisition powers and as such, there is provision in law which allows these powers to be granted. In respect of Articles 1 and 8 this acts as satisfaction of the caveat for circumstances in which rights may be infringed.
285. The need for SEP and DEP is set out in the **Planning Statement** (document reference 9.1). It is also summarised in **Section 4** of this Statement above. These demonstrate that their development is within the public interest given the significant benefits that they bring.
286. The Applicant has limited the extent of the Order Land by seeking to agree the acquisition of land and rights with landowners and only seeking compulsory acquisition powers in relation to land which is necessary for the development of SEP and DEP.
287. However, not all of the Order Land may be acquired through voluntary agreement and without the ability to use the compulsory acquisition powers, it may not be possible for SEP and DEP to be developed. In such a case the public benefits would not be realised.



288. In relation to Article 6 rights, those who are affected have the ability to engage with the Application, either through formal consultation at the pre-application stage (as detailed in the **Consultation Report** (document reference 5.1)) or by making representations during the examination. Representations can be made in response to any notice given under Section 56 of the Planning Act 2008. Additional opportunities to make representations may also arise at the direction of the Examining Authority.
289. Those who are affected also have the right to claim compensation in accordance with the statutory compensation code. Compensation has been factored into consideration of funding for SEP and DEP (see the **Funding Statement** (document reference 4.2)).
290. In the event the DCO is granted, a person affected has the right to challenge the decision via a claim for judicial review if there are grounds for claim made out pursuant to Section 118 of the Planning Act 2008. This could include grounds relating to the decision to include compulsory acquisition powers within the DCO.
291. The Applicant has weighed the possible infringements against the public interest justification for SEP and DEP and finds that a balance has been struck in favour of inclusion of the compulsory acquisition powers in the **draft DCO** (document reference 3.1). The approach taken is therefore proportionate and legitimate. Inclusion of these powers in the DCO would not amount to unlawful infringement of the HA 1998 or the Convention.
292. For the reasons given above, it would be appropriate and proportionate for the Secretary of State to include the proposed compulsory acquisition powers in the DCO.

## 14 Funding

293. Set out in the **Funding Statement** (document reference 4.2) is information regarding the funding available for SEP and DEP. **Section 1.4** of the **Funding Statement** (document reference 4.2) is of particular relevance as it demonstrates that the Applicant has accounted for liabilities arising out of the exercise of compulsory acquisition powers and provides further detail on this in **Section 1.6**. An **Addendum to the Funding Statement** [document reference 4.2.2] has been submitted with the material change request and confirms that the change results in no changes to the original **Funding Statement** (document reference 4.2).

## 15 Absence of Impediments

294. The Applicant is submitting with the DCO application a document setting out **Details of Other Consents and Licences** (document reference 9.11). This document provides details of the additional offshore and onshore consents and licences that may be required for SEP and DEP beyond the consents permitted under the DCO (and deemed Marine Licences) and how the Applicant proposes to deal with each of these.
295. It is considered that none of these other consents or licences represents an impediment to the delivery of SEP and DEP.



## 16 Conclusion

296. The Planning Act 2008 makes clear that it is possible for development consent orders to be granted which include powers of compulsory acquisition where the conditions are satisfied, namely that the Order Land is required for the development of the NSIP or ancillary to that purpose and that there is a compelling case in the public interest.
297. The Applicant has taken into consideration the conditions of Section 122 Planning Act 2008 and this Statement demonstrates they are satisfied.
298. The Order Land includes only that land which is necessary for the development of SEP and DEP. The extent of Order Land affected has been reduced through the rigorous process of site selection, responding to consultation responses and the efforts to reach negotiated settlement with affected persons.
299. The compulsory acquisition powers will be exercised in pursuit of development of SEP and DEP for which a clear need has been set out in the international, national and local context for which legislation and policy clearly sets out the UK's ambitions to tackle climate change by reducing GHG emissions. Of key importance to achieving these ambitions is the development of offshore wind.
300. Beyond the benefits to the UK's climate ambitions, SEP and DEP represent benefits to the economy through the creation of jobs and total spend on the projects, much of which will benefit the area local to the site.
301. In combination, these significant benefits outweigh the private loss of those impacted by exercise of the compulsory acquisition powers.
302. The funding required to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition have been included in the budget for the Projects.
303. The Applicant therefore respectfully submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the Projects meets the conditions of Section 122 of the Planning Act 2008. For the reasons summarised in this Statement, the Applicant considers the **draft DCO** (document reference 3.1) to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making of the DCO.

## 17 Further Information

### 17.1 Negotiation of Sale

304. The Applicant believes it is in contact with all relevant owners and occupiers. Owners and occupiers of property affected by the Order who believe they are affected and wish to negotiate a sale should contact the Applicant:
305. By email: [info@sepanddep.co.uk](mailto:info@sepanddep.co.uk)

### 17.2 Compensation

306. The Department for Levelling Up, Housing and Communities has produced a number of guidance notes on compulsory purchase and compensation (updated December 2021) including:
- Booklet No. 1 - Compulsory Purchase Procedure;



- Booklet No. 2 - Compensation to Business Owners and Occupiers;
- Booklet No. 3 - Compensation to Agricultural Owners and Occupiers; and
- Booklet No.4 - Compensation for Residential Owners and Occupiers.

307. Copies of these booklets are obtainable, free of charge, from:  
[www.gov.uk/government/collections/compulsory-purchase-system-guidance](http://www.gov.uk/government/collections/compulsory-purchase-system-guidance)

## References

Department for Business, Energy and Industrial Strategy (2017) The Clean Growth Strategy Leading the way to a low carbon future. The Stationary Office, London
Department for Communities and Local Government (2013) 'Planning Act 2008: Guidance related to procedures for compulsory acquisition'
Department of Energy and Climate Change (2011a) Overarching National Policy Statement for Energy (EN-1)
Department of Energy and Climate Change (2011b) National Policy Statement for Renewable Energy Infrastructure (EN-3)
Department of Energy and Climate Change (2011c) National Policy Statement for Electricity Networks Infrastructure (EN-5)
Department for Business, Energy and Industrial Strategy (2021a) Draft Overarching Energy National Policy Statement (EN-1)
Department for Business, Energy and Industrial Strategy (2021b) Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)
Department for Business, Energy and Industrial Strategy (2021c) Draft National Policy Statement for Electricity Networks Infrastructure (EN-5)
HM Government (2022) British Energy Security Strategy
HM Government (2020) Ten Point Plan for a Green Industrial Revolution

