

## **WRITTEN REPRESENTATION**

### **GRID CONNECTION POINT**

**Deadline 3: 2nd MAY 2023**

### **Norfolk Parishes Movement for an OTN**

Madam Chair, on behalf of the Norfolk Parishes Movement for an Offshore Transmission Network ("The Norfolk Parishes Movement") I would like to set out for the ExA further information regarding the grid connection point for the SEP and DEP projects. Specifically, I refer the ExA to the first written questions, Q1.2.2.3, which refers to Walpole, and which NG ESO responded to in their document REP 1-188 (EN010109-001049).

As the ExA is aware, the Applicant has steadfastly refused to provide any meaningful information regarding the alternative grid connection points which have been considered for these projects despite this being a requirement of the National Policy Statement EN-1 and the planning inspectors own guidance. As explained at the OFH at Gresham's on 29 March 2023, we have been advised that the position of the Applicant on this matter is incorrect and it would be unfortunate to have to test this in a court of law. Instead, the Applicant has sought to exploit the confidentiality of the CION process used by National Grid ESO together with National Grid ET to determine the grid connection point.

The Norfolk Parishes Movement believes that, in view of the cumulative impact on the environment and local communities, it is essential that alternative routes are considered and weighed in the planning balance of the current proposal. In particular, we believe that a grid connection point at Walpole, either directly or via the Sutton Bridge power station, is both viable and preferable. We believe that such a connection should have been a serious consideration during the CION process.

On 26 March 2023, we sought information under the Environmental Information Regulations 2004 from National Grid concerning the alternatives considered by the Applicant, National Grid ESO and National Grid ET, for the SEP and DEP projects. The request and response now received is attached to this submission. As you will see, National Grid ESO has provided no information but the single sentence in this reply that constitutes the actual response is practically the same as the wording that National Grid has already submitted in reply to the ExA's first written questions. As the Norfolk Parishes Movement has pointed out previously, this response is not only incorrect, but it is also unprofessional and wholly unsatisfactory (please refer to our submission at Deadline 2).

It is hoped the ExA will acknowledge that the Norfolk Parishes Movement has taken all reasonable steps to establish the validity of the position it is putting forward to the examination, has acted responsibly in seeking to obtain evidence either for or against its position and is showing transparency to the examination procedure and we would like to make the following points:

1. It is difficult to rationalise a process that requires the Applicant to set out in precise details the cable route, the trenchless crossing method, the companies that it will or will not compensate, the mitigation measures it will put in place, the responses to each of the concerns of the various statutory consultees and interested parties, etc., etc. and yet is

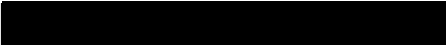
apparently powerless to demand that the Applicant provides evidence of prior consideration of environmental and socio-economic information concerning an alternative grid connection point.

2. The validity of permitting such secrecy by the Applicant must be questioned when this project, if it were granted consent, would be eligible for considerable amounts of public subsidy. The overriding rationale for this secrecy is given as “commercial confidentiality” - a justification that does not sit well with the public examination of an NSIP planning application. It highlights starkly an often-overlooked conflict of interest in this uncomfortable interface between public subsidy and private profit.
3. The mere existence of a grid connection offer should, in our view, be given very little weight in the general proceedings of the examination. The CION process is primarily concerned with cost and the onus is on the Applicant to provide information to National Grid ESO on whether the grid connection point will be acceptable from the perspectives of environmental impact, planning consent and deliverability issues. It is essential therefore that this NSIP examination fully tests the Applicant’s submission in determining the planning balance.
4. In terms of the formal planning framework for an NSIP, and all the different issues that have to be considered, there is, at this time, no evidence before this examination that the ExA can reliably depend upon to support the proposed grid connection point when considering its recommendations.

**Please see letter from National Grid ESO overleaf.**

Mr John Betts  
By email only to: \_\_\_\_\_ m

National Grid ESO  
Faraday House  
Gallows Hill  
Warwick  
CV34 6DA



25 April 2023

Dear Mr Betts

**Request under the Environmental Information Regulations 2004 ("EIR")**

Thank you for your email dated 26/03/2023 requesting information under EIR.

**Information requested**

*"Dear Sir/Madam,*

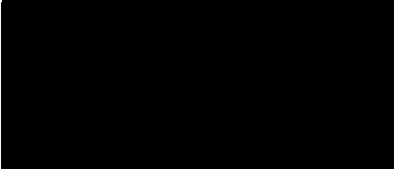
*I refer to the Sheringham Shoal Extension Project and the Dudgeon Extension Project currently submitted for a Development Consent Order by consortia lead by Equinor New Energy Limited (ENEL). I would be grateful if you would provide the following information:*

- 1. As part of the CION process for these developments, was a grid connection point at Walpole substation considered as an alternative option?*
- 2. As part of the CION process for these developments, was a grid connection via the disused power station at Sutton Bridge considered as an alternative option?*
- 3. Has ENEL provided information to National Grid ESO, as part of the CION procedure, on the environmental issues (including impact on communities) for the above two alternative options.*
- 4. What were the key factors weighing against selection of the Walpole and Sutton Bridge alternatives (if considered as alternatives) versus connection at Norwich Main.*
- 5. Since the acceptance of the CION offer by ENEL, have they requested further discussion on the grid connection offer at Norwich Main with a view to changing the grid connection point because of environmental or other concerns.*

*Please note that this request is to be considered as a request under the Environmental Information Regulations 2004. I would be grateful for a response within 20 business days.*

*Thank you in advance.*

*Jon Betts*



**Our response**

National Grid Electricity System Operator Limited ("National Grid ESO") is part of the National Grid Group of companies but operates independently as the system operator of the national electricity transmission system ("NETS").

National Grid ESO sets out answers to your queries below.

**1. As part of the CION process for these developments, was a grid connection point at Walpole substation considered as an alternative option?**

The specific details held within CION are not publicly available and these details and the connection agreements that the CION relates to are considered commercially confidential in nature. That confidentiality is underpinned by section 105 of the Utilities Act 2000, which acknowledges that licensed electricity network businesses obtain information under their licensed activities (which include the connections process and therefore CION) and prohibits disclosure of that information by law other than where a specific exception applies (and none applies here). Confidentiality is also provided for in the contractual provisions of the relevant industry codes under which the connection agreements are entered into and CION is prepared. Further, ESO considers that the information is protected by a common law duty of confidence.

Furthermore, in a number of recent decisions, the Information Commissioner has determined that the balance of public interest relating to such commercial information relating to live connection projects favours not disclosing the information given the potential damage to competition in the electricity industry.

Given these points, National Grid ESO is not able to disclose this information.

In general, and following input from various developers over the years, it is the NGENSO's understanding that the seabed routes to Walpole, and any other connection site that takes a cable through the Wash are at capacity with no further available space for more cables.

**2. As part of the CION process for these developments, was a grid connection via the disused power station at Sutton Bridge considered as an alternative option?**

Please see response to Question 1.

**3. Has ENEL provided information to National Grid ESO, as part of the CION procedure, on the environmental issues (including impact on communities) for the above two alternative options.**

The details of information provided by the developer as part of the CION procedure are confidential. Please see response to Question 1.

**4. What were the key factors weighing against selection of the Walpole and Sutton Bridge alternatives (if considered as alternatives) versus connection at Norwich Main.**

The detail and considerations with the CION and reasons for the specific outcome of CION are confidential. Please see answer to Question 1.

**5. Since the acceptance of the CION offer by ENEL, have they requested further discussion on the grid connection offer at Norwich Main with a view to changing the grid connection point because of environmental or other concerns.**

Bilateral conversations between the ESO and developer regarding connection contracts and the details held within those are confidential. Please see response to Question 1.

**Conclusion**

If you are in any way unhappy with this response to your request, you may ask for an internal review. Please write to our EIR Complaints Team, in the first instance, at the above address, setting out the reasons why you believe we have not complied with its requirements with regard to your request.

Regulation 11(2) EIR states that you must send a request for internal review to National Grid no later than 40 working days after the date of this letter. We will arrange an internal review of your request and we will notify you of its decision no later than 40 working days following receipt of your complaint.

Under EIR, if you are not content with the outcome of the internal review, you have the right to appeal the decision to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioners Office.

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

If you have any queries about this letter, please contact me on the details at the top of this letter.

Yours sincerely,

**EIR Team**

**On behalf of National Grid ESO**