Concluding statement

Summary

The views of one resident carry little weight. Nevertheless, the applicant has responded diligently to most, but not all, of the points raised. This representation addresses some of the unresolved issues.

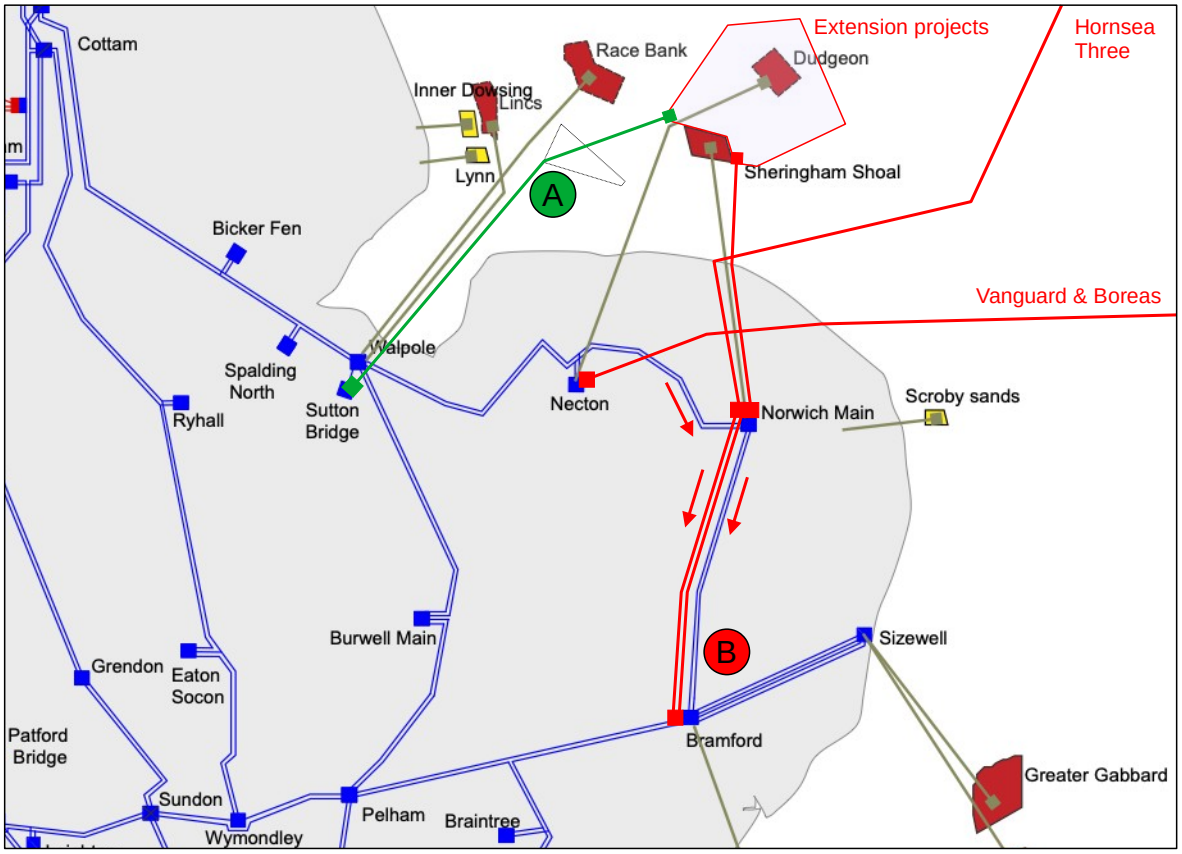
So far as possible, information already submitted will not be repeated, but it will be convenient to refer to the diagram below in which Option A uses a grid connection at Sutton Bridge or Walpole, and Option B assumes a grid connection at Norwich Main with onward transmission to Bramford.

National Grid has commented on the consideration of alternative grid connections in REP1-188 and REP3-137 (EN010109-001049 and EN010109-1537). The applicant has said that Option B depends upon the Norwich to Tilbury pylon route to achieve the full potential project output of 900MW, and Option B therefore entails some consideration of the Vanguard, Boreas and Hornsea Three projects.

These options have been raised by a number of Interested Parties in previous representations, partly because the difference between the two alternatives and their consequential impacts is extreme.

These differences include the relative significance of the use of multi-stage construction scenarios, and the onshore substation design; the baseline from which cumulative impacts have been assessed; the justification for compulsory acquisition, and derogation in the Habitats Regulations Assessment; and the actual contribution to the urgent need for renewable energy and climate change mitigation. The proposed applicability of the draft National Policy Statements also raises very serious concerns.

Further comments on these topics are provided overleaf.



Source: Electricity Ten Year Statement 2022 with Vanguard, Boreas and Hornsea Three and the Dudgeon and Sheringham Shoal Extensions added, and Norwich to Tilbury non-statutory consultation preferred alignment.

As can be seen, the environmental impacts of Option A are almost entirely offshore, whereas Option B introduces significant onshore impacts. It also places the onshore substation in a position where its landscape setting and design is more sensitive, and will interact with the environmental impacts of the Hornsea Three project and the proposed Norwich to Tilbury pylon route.

The applicant has said that Option B is a Pathfinder for offshore transmission, because it may use an integrated grid connection. In fact, the Docking Shoal and Race Bank projects were planned on the same basis of an integrated grid connection some fifteen years ago, and Ofgem consulted on similar concepts as long ago as October 2011, leading to descriptions in the Electricity Ten Year Statement for 2012. Overall, Option B is best described as the onshore alternative, with a higher sensitivity to the use of multi-stage construction scenarios and their strongly negative onshore impacts.

In the absence of either a pylon route or an offshore alternative, the expected actual contribution of Vanguard, Boreas and Hornsea Three to the urgent need for renewable energy was not, at the time of consent, equal to the actual contribution apparently assumed by the Secretary of State in reaching his decision, which seems to have been based solely on the nominal offshore generation capacity.

It appears that similar concerns arise with Option B, in which Vanguard, Boreas and Hornsea Three would preempt the available onward grid transmission capacity, and render the actual contribution of the Proposed Development highly uncertain. The National Policy Statements set out that it is for the applicant to secure adequate transmission network capacity, and that significant weight can only be given to the "actual contribution" of the project. The intention of the Statement seems to be very clear, and National Grid has also said that Norwich Main was not the most economic alternative.

Given these considerations, it is remarkable that a grid connection at Norwich Main was selected in preference to other alternatives. In its consideration of a grid connection point at Walpole, National Grid has given the following very brief reasons for not carrying it forward:

(a) 'Offshore wind developers have said that there is no sea-bed capacity available.' It is not stated which developers took part in this conversation, or whether it formed part of the CION process. At the time when the grid connection offer was accepted for the Proposed Development in May 2019, Orsted, for example, still held a grid connection agreement at Walpole for the Race Bank Extension, and presumably considered it viable. The Race Bank Extension project was effectively cancelled three months later by the Crown Estate in August 2019, and the applicant could presumably have taken over the unused grid connection agreement at Walpole without any difficulty at that time.

(b) 'Lack of thermal capacity.' The proposed Norwich to Tilbury pylon route strongly suggests that Norwich Main also lacked thermal capacity at the time that the grid connection offer was made.

(c) 'Longer total distance.' For the higher output level of 900MW, the overall distance to Bramford is considerably longer. Onshore undergrounding is generally considered to be more expensive than an offshore cable, and the additional cost of the Norwich to Bramford section of the pylon route has been estimated by National Grid at £157m – to be transferred to the final electricity consumer.

In the case of Option B, the onshore substation at Norwich Main raises further issues in terms of the cumulative change of landscape character, which do not arise with Option A. It cannot be assumed that all of the onshore environmental impacts of Hornsea Three will be adequately mitigated to an acceptable level in due proportion to the actual contribution that the project is expected to make to the need for renewable energy. The Proposed Development should therefore take every opportunity to ensure that the environmental impact of the substation is minimised by reduction of the platform level and the adoption of sensitive architectural treatment respecting the historic local setting.

These changes would respond to the expectations set by National Policy Statement EN-1, that 'the design and sensitive use of materials in any associated development, such as electricity substations, will assist in ensuring that such development contributes to the quality of the area', '…takes into account both aesthetics and functionality', and 'is as visually attractive as possible as a result of good architecture and appropriate landscaping.' (EN-1 section 4.5, and other references elsewhere).

The recent Hornsea Four decision of 12th July 2023 has once more confirmed that a new DCO can amend an existing one (para 4.100, page 22). This opens the possibility of retrospective changes to the existing Hornsea Three DCO to require an independent design review of the onshore substation. This should include the large scale battery storage, which was not included within the scope of the examination for that project, and was not within the purposes described in the DCO application. A successful independent design review could significantly reduce the overall cumulative change of landscape character that would arise from the onshore substation for the Proposed Development.

Option A avoids many of these easily foreseen difficulties. In the case of Option B, however, it is scarcely possible to show either a compelling public interest to justify compulsory acquisition, or imperative reasons of overriding public interest to justify very substantial harm to legally protected wildlife species, when a much better alternative with potentially lower costs to the final electricity consumer would seem to be readily apparent to the most casual observer.

In the case of the Habitats Regulations Assessment, for example, a somewhat smaller offshore wind farm, using a reduced number of wind turbine generators and a lower swept area, combined with a more efficient grid connection and a much lower probability of network constraint and curtailment, could deliver the same public benefit with significantly less harmful environmental impact.

Option B also introduces important implications for assessing the whole life cycle carbon footprint, and the actual contribution to the urgent need for renewable energy and climate change mitigation, and again, it would appear that Option A has the potential to avoid nearly all of these difficulties.

Taken in isolation, the Proposed Development would be reasonable and proportionate to the need for renewable energy, and it is apparent that the applicant has, in many respects, aimed for a higher standard than previous projects. There is therefore a risk that refusal of consent would allow poorly designed, badly executed, and more harmful projects to proceed, in preference to a less harmful and potentially more beneficial project, and would thus offend against the "Docking Shoal principle" of taking an overall strategic cumulative view, and not a simple building block approach.[1]

It is surely unacceptable, however, to entertain the possibility that landowners are at risk of being deprived of their freeholds, with avoidable environmental damage inflicted, homes and businesses threatened, and communities undermined, on the basis of a strange and apparently arbitrary decision made by a private company, or by some unknown government official, that is not prepared to make its case in a public forum and to give adequate reasons. These are all important matters that must be weighed openly against the public interest, made subject to rigorous examination, and not merely settled behind closed doors and in favour of an unidentified private commercial interest.

In the view of this resident, this principle is fundamental to the rule of law. Departure from it should not be allowed to set a precedent, yet the proposed amendments to the National Policy Statements, as discussed by the applicant in its recent Deadline 7 submission,[2] would move in that direction and would fundamentally restrict the ability of the Planning Inspectorate to fulfil its obligations.

When speaking of the rule of law, the late Lord Bingham of Cornhill, in his widely reported lecture given in November 2006, quoted from John Locke, who wrote in 1690 that: "Where-ever law ends, tyranny begins."[3]

Is this the point that we have now reached?

1 Described in REP-1-178 (EN010109-000810).
2 Described in EN010109-002041, Addendum to the Planning Statement.
3 John Locke, Second Treatise of Government, Chapter XVIII, s.202, p.400 (Cambridge University Press, 1988).