



DLA Piper UK LLP
Floor 6 & 7
Two Chamberlain Square
Paradise
Birmingham
B3 3AX
United Kingdom
DX 13022 Birmingham 1
T +441212625834
F +44 (0) 121 262 5794
W dlapiper.com

Case Team
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your reference

20035540

Our reference

IGR/IGR/80035/12011080035/120110

25 April 2024

By Email Only :
Rampion2@planninginspectorate.gov.uk

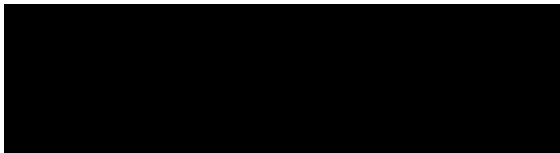
Dear Sir/Madam

**APPLICATION BY RAMPION EXTENSION DEVELOPMENT LIMITED
("APPLICANT") FOR AN ORDER GRANTING DEVELOPMENT CONSENT
FOR THE RAMPION 2 OFFSHORE WIND FARM ("APPLICATION") –
RESPONSE TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS**

OUR CLIENT: NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Please find our Client's response to the Examining Authority's Written Questions enclosed.

Yours faithfully



DLA PIPER UK LLP

DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority.

DLA Piper UK LLP is a limited liability partnership registered in England and Wales (number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at www.dlapiper.com.

UK switchboard
+44 (0) 20 7349 0296



INVESTOR IN PEOPLE

PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

APPLICATION BY RAMPION EXTENSION DEVELOPMENT LIMITED FOR A DEVELOPMENT CONSENT ORDER

RESPONSE TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS

ON BEHALF OF

nationalgrid

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Reference	ExA Question	NGET /ESO Response
AL 1.3	<p><i>Confirm the Applicant explanation of the process of selecting the preferred substation at Bolney for the grid connection for the Proposed Development at Bolney as set out in ES Chapter 3 [APP-044] and within section 1.3 of the Applicant’s post-Hearing submission on Fawley and Dungeness appraisals [REP1-019].</i></p>	<p>Upon review of the submitted documents the National Grid Electricity System Operator Limited is aligned with the comments made relating to the Connections Infrastructure Option Notice (CION) process. This is to identify the overall most economic, efficient and coordinated connection option, which is the agreed to by all 3 parties involved – the Relevant Transmission Licensee, the Electricity System Operator and the Generator.</p>
DCO 1.3	<p><i>The ExA requests National Grid to respond to the Applicant’s Deadline 2 submission [REP2-028] on the wording of this Article that it does not need to expressly transfer benefits to National Grid.</i></p>	<p>The Applicant’s response has not addressed the issue raised by NGET. NGET acknowledges that the Order provides for the transfer of benefit to NGET. However, NGET’s position is that the DCO should grant NGET the power to carry out those works that it will deliver without the powers having to be transferred.</p> <p>The Sizewell C DCO is a precedent for this approach. There, the benefit of the Order for the defined ‘grid works’ extends to both the applicant and NGET:</p> <p>Benefit of Order</p> <p><i>8.—(1) Subject to article 9 (consent to transfer benefit of the Order), the provisions of this Order have effect solely for the benefit of NNB Generation Company (SZC) Limited save for—</i></p> <p>...</p> <p><i>(c) in respect of any grid works, for which the provisions of this Order have effect for the benefit of NNB Generation Company (SZC) Limited and National Grid.</i></p>

		<p>Further, the Order should provide for the possibility that NGET may prefer to carry out the relevant works under a planning permission granted under Part 3 of the Town and Country Planning Act 1990 (“TCPA”). NGET may, for example, need to carry out the works ahead of implementation of the DCO and therefore may wish to carry them out under permitted development rights or an express grant of planning permission.</p> <p>Contrary to the Applicant’s submission, this does not require it to “import any other planning regime” into the DCO. The DCO merely needs to make clear that, if NGET opts to carry out works under the TCPA, the requirements of the DCO no longer apply to those works. The A428 Black Cat to Caxton Gibbet DCO provides precedent for this in article 55:</p> <p style="text-align: center;">The Cadent Diversion Works</p> <p style="text-align: center;">55.—(1) If the undertaker implements the advanced works permission and Cadent or the undertaker undertakes the works described in Work No. 51 pursuant to planning permission granted under Part 3 of the 1990 Act then the requirements contained in Part 1 of Schedule 2 will not have effect in so far as they relate to those works unless Cadent or the undertaker serve written notice on the Secretary of State and the relevant planning authority confirming that it will—</p> <ul style="list-style-type: none"> (a) cease to rely on planning permission granted under Part 3 of the 1990 Act; and (b) carry out Work No. 51 under this Order (in accordance with the requirements contained in Part 1 of Schedule 2). <p style="text-align: center;">(2) Cadent or the undertaker must not carry out Work No. 51 under this Order unless notice has been served under paragraph (1).</p> <p style="text-align: center;">(3) Notwithstanding paragraph (2), the undertaker may exercise any other powers under this Order in respect of Work No. 51.</p> <p>NGET submits that equivalent wording should be included in the Applicant’s DCO.</p>
LR 1.18	<p><i>Provide comments on the Applicant’s response [REP2-028] to National Grid’s WR [REP1- 057]. Update the ExA</i></p>	<p>NGET is continuing discussions with the Applicant and hopes that it will be possible to agree suitable Protective Provisions (“PPs”) in due course. NGET reiterates its objection to any compulsory acquisition or temporary possession of its land (including rights in its land). The Applicant has provided no</p>

	<p><i>on the current status of negotiations with the Applicant.</i></p>	<p>evidence to support its assertion that <i>“any exercise of compulsory purchase powers under the Order would not cause a detriment to NGET’s undertaking”</i>.</p> <p>NGET will continue to keep the ExA apprised of the progress of negotiations and reserves the right to make further submissions in the future if suitable PPs cannot be agreed.</p>
--	---	--