

SCOTTISHPOWER
RENEWABLES

East Anglia TWO and East Anglia ONE North Offshore Windfarms

Draft Statement of Common Ground

Royal Society for the Protection of
Birds (Onshore)

Applicants: East Anglia ONE North Limited and East Anglia TWO Limited
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Applicable to East Anglia ONE North and East Anglia TWO

Whilst the attached Statement of Common Ground ExA.SoCG-1.D8.V3 is marked 'Draft' and dated 2nd November 2020, RSPB advise that this SoCG represents their final position and have requested that it be resubmitted at Deadline 8 with the Applicants signature. This final SoCG is agreed between RSPB and the Applicants.



Revision Summary				
Rev	Date	Prepared by	Checked by	Approved by
001	11/06/2020	Paolo Pizzolla	Ian MacKay/ Julia Bolton	Helen Walker
002	02/11/2020	Blair Davies	Ian MacKay/ Lesley Jamieson	Rich Morris

Description of Revisions			
Rev	Page	Section	Description
001	n/a	n/a	First draft for submission
002	n/a	n/a	Second draft for submission at Deadline 1



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Glossary of Acronyms

DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
NE	Natural England
PD	Procedural Decision
PINS	Planning Inspectorate
The RSPB	The Royal Society for Protection of Birds
SoCG	Statement of Common Ground
SPA	Special Protection Area



Glossary of Terminology

Applicants	East Anglia TWO Limited / East Anglia ONE North Limited.
Cable sealing end compound	A compound which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Cable sealing end (with circuit breaker) compound	A compound (which includes a circuit breaker) which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
East Anglia TWO project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia ONE North project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
Inter-array cables	Offshore cables which link the wind turbines to each other and the offshore electrical platforms, these cables will include fibre optic cables.
Jointing bay	Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Meteorological mast	An offshore structure which contains metrological instruments used for wind data acquisition.
Mitigation areas	Areas captured within the onshore development area specifically for mitigating expected or anticipated impacts.
Marking buoys	Buoys to delineate spatial features / restrictions within the offshore development area.
Monitoring buoys	Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.
National electricity grid	The high voltage electricity transmission network in England and Wales owned and maintained by National Grid Electricity Transmission
National Grid infrastructure	A National Grid substation, cable sealing end compounds, cable sealing end (with circuit breaker) compound, underground cabling and National Grid overhead line realignment works to facilitate connection to the national electricity grid, all of which will be consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order but will be National Grid owned assets.
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO / East Anglia ONE North project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order.



Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the offshore electrical platforms to the landfall. These cables will include fibre optic cables.
Offshore infrastructure	All of the offshore infrastructure including wind turbines, platforms, and cables.
Offshore platform	A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore cables	The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.
Onshore infrastructure	The combined name for all of the onshore infrastructure associated with the proposed East Anglia TWO / East Anglia ONE North project from landfall to the connection to the national electricity grid.
Onshore preparation works	Activities to be undertaken prior to formal commencement of onshore construction such as pre-planting of landscaping works, archaeological investigations, environmental and engineering surveys, diversion and laying of services, and highway alterations.
Onshore substation	The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.
Platform link cable	Electrical cable which links one or more offshore platforms. These cables will include fibre optic cables.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.
Transition bay	Underground structures at the landfall that house the joints between the offshore export cables and the onshore cables.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.



1 Introduction

1.1 Background

1. This document is applicable to both the East Anglia ONE North and East Anglia TWO Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23rd December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.
2. This Statement of Common Ground (SoCG) has been prepared by East Anglia TWO Limited, East Anglia ONE North Limited (the Applicants) and the Royal Society for the Protection of Birds (the RSPB). It identifies areas of the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications (the Applications) where matters are agreed or not agreed between the parties.
3. The Applicants have had regard to the guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG.
4. This SoCG has been structured to reflect the topics the RSPB is involved in on the Applications (as set out in more detail in paragraph 6 below). Topic specific matters agreed, not agreed and actions to resolve matters between the Applicants and the RSPB are included within this SoCG.
5. The tables presented below are the basis for a SoCG with the Applicants and the RSPB in respect of the following topic(s):
 - Onshore Ornithology;
 - **Information to Support Appropriate Assessment Report** (APP-043); and
 - DCO.
6. Throughout the SoCG the phrase "Agreed" identifies any point of agreement between the Applicants and the RSPB. The phrase "Not Agreed" identifies any point that is not yet agreed between the Applicants and the RSPB.
7. The RSPB's involvement in the examination of the Applications is focused on possible impacts on wild birds, their supporting habitats, food sources etc as well as the environment more generally, including assessment methods used, draft mitigation, monitoring and management plans and other proposed consent



restrictions and the legal and policy requirements underpinning such matters, to ensure the delivery of the maximum capacity of renewable energy for the minimum impact on the natural environment. The content of this SoCG is therefore limited to such matters. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicants and the RSPB to reach agreement on each matter wherever possible, or refine the extent of disagreement between parties. The notes column of the SoCG tables provides commentary on these matters.

1.2 The Development

8. The key offshore components of each project will comprise:

- Offshore wind turbines and their associated foundations;
- Offshore platforms - up to four offshore electrical platforms and their associated foundations supporting some of the windfarm's electrical equipment, and up to one construction, operation and maintenance platform and associated foundations that may cater for personnel and activities required during the construction phase and operation and maintenance of the windfarm;
- Sub-sea cables between the wind turbines and offshore electrical platforms (inter-array), between separate offshore platforms (platform link cables) and between offshore electrical platforms and the landfall (export cables);
- Scour protection around foundations and on inter-array, platform link and export sub-sea cables as required; and
- Potential for one meteorological mast (met mast) and its associated foundations for monitoring wind speeds during the operational phase of the windfarm.

9. The key onshore components of each project will comprise:

- The landfall site with up to two transition bays to connect the onshore and offshore cables;
- Up to six onshore cables, up to two fibre optic cables and up to two distributed temperature sensing cables installed underground (some or all of which may be installed in ducts) and associated jointing bays installed underground;
- Onshore substation; and
- Electrical cable connection between the onshore substation and National Grid substation.

10. National Grid infrastructure will also be required to connect each project to the national electricity grid. Key components of the National Grid infrastructure which is common to both Projects will comprise:



- National Grid substation;
- Cable sealing end compounds and a cable sealing end (with circuit breaker) compound; and
- Realignment of the existing overhead lines; including the reconstruction or replacement of up to three existing overhead pylons in proximity to the National Grid substation and the addition of up to one new pylon in close proximity to existing overhead pylons.

1.3 Summary of Agreed, Not Agreed and Outstanding Matters

11. **Table 1** provides a summary of the matters agreed, not agreed and those which are outstanding between the Applicants and the RSPB for each of the relevant SoCG topic areas. For further information on agreements that are outstanding / under discussion and for which the Applicants and the RSPB are working to address during the examination period, please refer to **Table 3**.

Table 1 Summary of Agreed, Not Agreed and Outstanding Matters

Topic	Agreed, Not Agreed or Outstanding
Onshore Ornithology	<p>All matters relating to the Environmental Impact Assessment (EIA) are agreed subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examinations and the mitigation proposed being appropriately secured.</p> <p>All matters relating to the Information to Support Appropriate Assessment Report (APP-043) are agreed subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examinations and the mitigation proposed being appropriately secured.</p> <p>Matters pertaining to the DCO (Requirement 21) are not yet agreed and currently remain under discussion. Matters pertaining to Requirement 22 are agreed.</p> <p>With regard to other matters, RSPB's most significant concerns regarding open trenching within the Sandlings Special Protected Area (SPA) have been resolved subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examinations and the mitigation proposed being appropriately secured, and the approval of Natural England (NE).</p>



2 Statement of Common Ground

12. A summary of the consultation undertaken to date with the RSPB and the matters agreed or not agreed between the Applicants and the RSPB (based on discussions and information exchanged between the Applicants and the RSPB during the pre-Application and post-Application phases of the applications) are set out below for each of the SoCG topic areas.

2.1 Onshore Ornithology

13. Each Project has the potential to impact upon onshore ornithology. **Chapter 23 Onshore Ornithology** of the ES (APP-071) provides an assessment of the significance of these impacts.
14. **Table 2** provides an overview of consultation undertaken with the RSPB regarding onshore ornithology. Further details on the stakeholder engagement process for onshore ornithology can be found in the **Consultation Report** (APP-029).

Table 2 Summary of consultation with the RSPB regarding onshore ornithology

Date	Contact Type	Topic
Pre-Application		
20 th February 2018	Meeting	Survey methodologies and mitigation requirements.
27 th April 2018	Meeting	Method statement, Project updates and approach to the assessment (methodology, impacts, data collection, etc.)
5 th November 2018	Meeting	Presentation of assessment, impacts and mitigation in advance of publication of the PEIR
25 th January 2019	Meeting	Discussion on Sandlings SPA
9 th May 2019	Meeting	Post-PEIR consultation feedback
Post-Application		
20 th February 2020	Meeting	SoCG Meeting One
11 th May 2020	Meeting	SoCG Meeting Two
25 th August 2020	Meeting	SoCG Meeting Three

15. **Table 3** presents the matters agreed or not agreed between the Applicants and the RSPB in relation to onshore ornithology.



Table 3 Onshore Ornithology

ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
Environmental Impact Assessment						
RSPB-101	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	<p>Discussed at 27th April 2018 Evidence Plan meetings as per Table 2 which agreed the approach to drafting the existing environment section.</p> <p>Comments received on the Existing Environment from the RSPB in its Section 42 response were addressed for the ES within Appendix 23.1 (APP-508).</p> <p>No comments on the Existing Environment were received from the RSPB in its Relevant Representation (RR-067).</p>
RSPB-102	Assessment Methodology	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Project.	Agreed	Agreed	Agreed	<p>Discussed at Evidence Plan meetings as outlined in Table 2 which agreed the approach to the assessment methodology.</p> <p>Comments received on the methodology from the RSPB in its Section 42 response were addressed for the ES (APP-508).</p> <p>No comments on the Assessment Methodology were received from the RSPB in its Relevant Representation (RR-067).</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
RSPB-103	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Agreed	Agreed	Agreed	<p>Discussed at Evidence Plan meetings as outlined in Table 2 which agreed the approach to drafting of the worst case scenario.</p> <p>Comments received on the worst case scenario from the RSPB in its Section 42 response were addressed for the ES (APP-508).</p> <p>No comments on the worst case scenario were received from the RSPB in its Relevant Representation (RR-067).</p>
RSPB-104	Assessment Conclusions	The construction, operation and decommissioning phase assessment conclusions are appropriate.	Agreed	Agreed	Agreed	Note that the RSPB seeks further discussion on appropriate mitigation measures in light of the assessment conclusions – see RSPB-106.
RSPB-105	Assessment Conclusions	The construction, operation and decommissioning phase cumulative assessment conclusions are appropriate.	Agreed	Agreed	Agreed (Subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examinations and	<p>The RSPB requested confirmation on the programming of construction works in the SPA for the following scenarios: both Projects constructed simultaneously, and Projects constructed sequentially. The Applicants have provided this detail within the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1), submitted at Deadline 1.</p> <p>The RSPB note that the cumulative assessment may need to be revisited should there be any</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
					the mitigation proposed being appropriately secured)	further updates to the proposals or scheduling, particularly with regard to other projects (e.g. Sizewell C).
RSPB-106	Mitigation	Given the impacts of the Project, the proposed mitigation outlined in the Onshore Schedule of Mitigation (APP-575) and section 23.3.3 of ES Chapter 23 Onshore Ornithology (APP-071) is appropriate.	Agreed	Agreed	Agreed (Subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examinations and the mitigation proposed being appropriately secured)	<p>The RSPB requested detail on the areas where works are to be undertaken within 200m of the SPA; and showing the extent of the SPA crossing seasonal restriction.</p> <p>The Applicants have provided a figure to RSPB illustrating a 200m buffer around the Order limits showing the interaction with SPA/SSSI bird territories and species observations.</p> <p>The RSPB also sought clarity on whether the seasonal restriction will apply to areas outside the 200m buffer. The Applicants confirmed that the seasonal restriction will only apply to SPA crossing works within the 200m buffer of the SPA crossing location; however, mitigation in relation to habitat loss or disturbance effects will apply to areas affected outside the 200m buffer.</p> <p>The RSPB has requested further clarity regarding the timing of the SPA crossing works, requesting that the Applicants consider whether they could commit to only working on one side of the SPA at any one time within 200m of the SPA</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
						<p>crossing location. The Applicants confirmed that the works will require the ability to work on both sides of the SPA at the same time if using a trenchless or open-cut trench methodology. This is assessed within the Projects' ES. This request for clarity has been addressed in light of the Applicants' response.</p> <p>The Applicants have submitted an Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) during examination, to provide further information on the duration, timing, construction works, and mitigation measures associated with crossing the SPA.</p>
Information to Support Appropriate Assessment Report						
RSPB-107	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	None
RSPB-108	Assessment Methodology	The impact assessment methodologies used for the Information to Support Appropriate Assessment Report (APP-043) provide an appropriate approach to	Agreed	Agreed	Agreed	None



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
		assessing potential impacts of the Project.				
RSPB-109	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Agreed	Agreed	Agreed	None
RSPB-110	Assessment Conclusions	The construction, operation and decommissioning phase assessment conclusions are appropriate.	Agreed	Agreed	Agreed	The RSPB seeks further discussion on appropriate mitigation measures in light of the assessment conclusions – see RSPB-106.
RSPB-111	Assessment Conclusions	The construction, operation and decommissioning phase in-combination assessment conclusions are appropriate.	Agreed	Agreed	Agreed (Subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examinations and the mitigation proposed being	The RSPB requested confirmation on the programming of construction works in the SPA for the following scenarios: both Projects constructed simultaneously, and Projects constructed sequentially. The Applicants have provided programme information within the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) submitted at Deadline 1. The RSPB note that the in-combination assessment may need to be revisited should there be any further updates to the proposals or scheduling, particularly with regard to other projects (e.g. Sizewell C).



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
					appropriately secured)	
RSPB-112	Mitigation	Given the impacts of the Project, the proposed mitigation outlined in the Onshore Schedule of Mitigation (document reference 6.7) and section 23.3.3 of ES Chapter 23 Onshore Ornithology (document reference 6.1.23) is appropriate.	Agreed	Agreed	Agreed (Subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examinations and the mitigation proposed being appropriately secured)	<p>The RSPB requested detail on the areas where works are to be undertaken within 200m of the SPA; and showing the extent of the SPA crossing seasonal restriction.</p> <p>The RSPB also sought clarity on whether the seasonal restriction will apply to areas just outside the 200m buffer. The Applicants confirmed that the seasonal restriction will only apply to SPA crossing works within the 200m buffer of the SPA crossing location; however, mitigation in relation to habitat loss or disturbance effects will apply to areas affected outside the 200m buffer.</p> <p>The RSPB has requested further clarity regarding the timing of the SPA crossing works, requesting the Applicants to consider whether they could commit to only working on one side of the SPA at any one time within 200m of the SPA crossing location. The Applicants confirmed that the works will require the ability to work on both sides of the SPA at the same time if using a trenchless or open-cut trench methodology. This</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
						request for clarity is closed out in light of the Applicants' response. The Applicants have submitted an Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) at Deadline 1 which provides further information on the duration, timing, construction works and mitigation measures associated with crossing the SPA.
Draft Development Consent Order (DCO)						
RSPB-113	Wording of Requirement(s)	The wording of Requirement 21 provided within the draft DCO (APP-023) (and supporting certified documents) with reference to development of an Ecological Management Plan for the mitigation and monitoring of potential impacts to onshore ecology is appropriate and adequate.	Agreed	Agreed	In discussion	The RSPB requests that the wording of the Requirement is clarified to reflect that mitigation will be agreed and in place where possible before any damage to designated sites and their features (and other habitats) occurs. The RSPB consider further requirements are needed to be built into the draft DCO (APP-023) Sch 1, Requirement 21(1) and (2) and has requested that the term "onshore works" in this context includes site preparation and clearance. The Applicants note that site preparation and clearance falls into the definition of "onshore preparation works" and under Requirement 21(2): "Onshore preparation works may not be carried out until a written ecological



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
						management plan (which accords with the outline landscape and ecological management strategy) for those works reflecting the survey results and ecological mitigation measures included in the environmental statement has been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.” The Applicants consider that Requirement 21(1) and 21(2) provides the necessary ecological protection during site preparation and clearance. The Applicants and the RSPB are continuing discussions on this matter.
RSPB-114	Wording of Requirement(s)	The wording of Requirement 22 provided within the draft DCO (and supporting certified documents) with reference to development of a Code of Construction Practice for the mitigation and monitoring of potential impacts to onshore ecology is appropriate and adequate.	Agreed	Agreed	Agreed	None
Other Matters as Required						



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
RSPB-115	SPA Crossing	Open trench crossing of the SPA is supported given the mitigation measures presented within the Onshore Schedule of Mitigation (document reference 6.7), the Outline SPA Crossing Method Statement and section 23.3.3 of ES Chapter 23 Onshore Ornithology (document reference 6.1.23).	Agreed	Agreed	<p>The RSPB's most significant concerns regarding open trenching have been resolved (subject to the additional detail in the Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) being submitted to the Examination and the mitigation proposed being appropriately secured).</p> <p>However, this deviation from the most precautionary technique for cable crossing of the SPA (i.e. trenchless technique) must be</p>	<p>Further information is sought regarding the sequencing of construction works and clarification on the extent of interaction within the SPA.</p> <p>The Applicants have submitted an Outline SPA Crossing Method Statement (document reference ExA.AS-3.D1.V1) at Deadline 1, to provide further information on the duration, timing, construction works and mitigation measures associated with crossing the SPA.</p>




ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	RSPB Position	Notes
					fully justified by the Applicants and approved by NE.	

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3 Signatures

16. The above Statement of Common Ground is agreed between East Anglia TWO Limited, East Anglia ONE North Limited and the Royal Society for the Protection of Birds on the day specified below.

Signed:	
Print Name:	<u>Rosie Sutherland</u>
Job Title:	<u>In house solicitor</u>
Date:	<u>6th November 2020</u>
Duly authorised for and on behalf of Royal Society for the Protection of Birds	
Signed:	<u></u>
Print Name:	<u>Richard Morris</u>
Job Title:	<u>Senior Project Manager</u>
Date:	<u>25th March 2021</u>
Duly authorised for and on behalf of East Anglia TWO Limited	
Signed:	<u></u>
Print Name:	<u>Richard Morris</u>
Job Title:	<u>Senior Project Manager</u>
Date:	<u>25th March 2021</u>
Duly authorised for and on behalf of East Anglia ONE North Limited	