



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Responses to Examining Authority's Written Questions

Volume 5 – 1.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

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



Revision Summary				
Rev	Date	Prepared by	Checked by	Approved by
001	02/11/2020	Paolo Pizzolla	Lesley Jamieson / Ian Mackay	Rich Morris

Description of Revisions			
Rev	Page	Section	Description
001	n/a	n/a	Final for Deadline 1



This document is supported by the following appendices:

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2	East Anglia ONE Substation Detailed Design Document
3	Email Correspondence with Whale and Dolphin Conservation
4	Ecological Mitigation Works
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Glossary of Acronyms

AA	Appropriate Assessment
AADT	Annual Average Daily Traffic
ADD	Acoustic Deterrent Devices
AEOI	Adverse Effect on Integrity
AIL	Abnormal Indivisible Load
AIS	Air Insulated Switchgear
ALC	Agricultural Land Classification
ALO	Agricultural Liaison Officer
ANO	Air and Navigation Order
AONB	Area of Outstanding Natural Beauty
APP	Application Document
AST	Assured Shorthold Tenancies
ATC	Automatic Traffic Counts
BCT	Bat Conservation Trust
BEIS	Department of Business Energy and Industrial Strategy
BMV	Best and Most Versatile
BoR	Book of Reference
BT	British Telecom
CA	Compulsory Acquisition
CCS	Construction Consolidation Sites
Cd	Candela
CfD	Contract for Difference
CIA	Cumulative Impact Assessment
CIEEM	Chartered Institute of Ecology and Environmental Management
CION	Connection and Infrastructure Options Note
COCP	Code of Construction Practice
dB	Decibels
DCO	Development Consent Order
DML	Deemed Marine Licence
DMO	Destination Management Organisation
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
EMP	Ecological Management Plan
ES	Environmental Statement
ESC	East Suffolk Council
ESCA	European Subsea Cables Association
ESDAL	Electronic Service Delivery for Abnormal Loads
ETG	Expert Topic Group
ExA	Examining Authority
ExQs	Examining Authorities First Written Questions
FID	Final Investment Decision
FRA	Flood Risk Assessment
GEART	Guidelines for the Environmental Assessment of Road Traffic
GIS	Gas Insulated Switchgear
GLVIA	Guidelines for Landscape and Visual Impact Assessment
Ha	Hectares
HDD	Horizontal Directional Drilling
HE	Historic England



HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
ICPC	International Cable Protection Committee
IPSIP	In Principle Site Integrity Plan
Km	Kilometres
kV	Kilovolt
LAT	Lowest Astronomical Tide
LCA	Landscape Character Assessment
LCT	Landscape Character Type
LiDAR	Light Detection and Ranging
LIQ	Land Interest Questionnaire
LLFA	Lead Local Flood Authority
LMP	Landscape Management Plan
LPA	Local Planning Authority
LSE	Likely Significant Effects
LVIA	Landscape and Visual Impact Assessment
M	Metres
MCA	Marine Coastguard Agency
MCTC	Manual Classified Turning Counts
MHWS	Mean High Water Springs
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MoD	Ministry of Defence
MoU	Memorandum of Understanding
MW	Megawatt
MWh	Megawatt Hours
NALEP	The New Anglia Local Enterprise Partnership
NATS	National Air Traffic Service
NCTA	National Coastal Tourism Academy
NE	Natural England
NGET	National Grid Electricity Transmission
Nm	Nautical Miles
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OAMP	Outline Access Management Plan
OCTMP	Outline Construction Traffic Management Plan
OFTO	Offshore Transmission Owner
OLEMS	Outline Landscape and Ecological Management Strategy
OMLP	Outline Management and Landscape Plan
ORJIP	Offshore Renewables Joint Industry Programme
OTP	Outline Travel Plan
PD	Procedural Decision
PEIR	Preliminary Environmental Impact Report
PEMP	Project Environmental Management Plan
PIL	Persons with an interest in Land
PPG	Planning Practice Guidance
PRoW	Public Right of Way
PS	Policy Statements
PTP	Port Travel plan
PVA	Population Viability Analysis
RAG	Red Amber Green
RLoS	Radar Line of Sight



RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
RTD	Red Throated Diver
RWS	Rijkswaterstaat
SAC	Special Area of Conservation
SCC	Suffolk County Council
SCCAS	Suffolk County Council Archaeology Service
SCHAONB	Suffolk Coats and Heaths Area of Outstanding Natural Beauty
SLVIA	Seascape, Landscape and Visual Impact Assessment
SMP	Shoreline Management Plan
SNS	Southern North Sea
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special protected Area
SPR	ScottishPower Renewables
SSSI	Site of Special Scientific Interest
STEM	Science, Technology and Engineering and Mathematics
SuDS	Sustainable Urban Drainage System
SZC	Sizewell C
TCE	The Crown Estate
TH	Trinity House
TMZ	Transponder Mandatory Zone
TP	Temporary Purchase
TPO	Tree Purchase Order
TWT	The Wildlife Trust
UK	United Kingdom
UKCP	United Kingdom Climate Projections
UXO	Unexploded Ordinance
VP	Viewpoint
WQ	Written Question
WR	Written Representation
WSI	Written Scheme of Investigation
ZTV	Zone of Theoretical Visibility



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.
Construction consolidation sites	Compounds associated with the onshore works which may include elements such as hard standings, lay down and storage areas for construction materials and equipment, areas for vehicular parking, welfare facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure.
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
The Councils	East Suffolk Council and Suffolk County Council
Development area	The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).
East Anglia ONE North 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 TWO 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.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
HDD temporary working area	Temporary compounds which will contain laydown, storage and work areas for HDD drilling works.



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.
Link boxes	Underground chambers within the onshore cable route housing electrical earthing links.
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 overhead line realignment works	Works required to upgrade the existing electricity pylons and overhead lines (including cable sealing end compounds and cable sealing end (with circuit breaker) compound) to transport electricity from the National Grid substation to the national electricity grid.
National Grid overhead line realignment works area	The proposed area for National Grid overhead line realignment works.
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.
National Grid substation location	The proposed location of the National Grid substation.
Natura 2000 site	A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive.
Offshore cable corridor	This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.
Offshore development area	The East Anglia TWO / East Anglia ONE North windfarm site and offshore cable corridor (up to Mean High Water Springs).



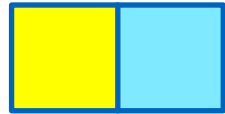
Offshore electrical infrastructure	The transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.
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 cable route	This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.
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.
Onshore substation location	The proposed location of the onshore substation for the proposed East Anglia TWO / East Anglia ONE North project.
Platform link cable	Electrical cable which links one or more offshore platforms. These cables will include fibre optic cables.
Safety zones	A marine area declared for the purposes of safety around a renewable energy installation or works / construction area under the Energy Act 2004.
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.



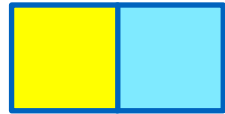
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
1.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
1.3.1	The Applicant	<div>1</div> <div>2</div> Compulsory Acquisition (CA) and Temporary Possession (TP): general Please confirm that all references to and citing of legislation and guidance in all documents submitted with this application are accurate and up to date.	Given the reference to Compulsory Acquisition in the title of this question, the Applicants have checked references to legislation and guidance in the Book of Reference, draft Development Consent Order, Statement of Reasons, Funding Statement and Explanatory Memorandum and confirm that these are accurate and up to date.
1.3.2	The Applicant	<div>1</div> <div>2</div> CA and TP: general With regard to the outcomes from continuing due diligence, the Applicant is requested to complete the attached Objections Schedule with information about any objections to the CA and/ or TP proposals, and at each successive deadline to make any new entries, or delete any entries that it considers no longer apply, taking account of the positions expressed in RRs and written representations (WRs) and giving reasons for any additions or deletions. (See Annex A to ExQs1 below). The Objections Schedule should be titled ExQs1.3.2: Schedule of CA and TP Objections: EA1N . It should be comparable to and cross-referenced with that compared for EA2. A separate but comparable and cross-referenced Objections Schedule, titled ExQs1.3.2: Schedule of CA and TP Objections: EA2 should also be prepared and submitted.	Please see ExQs1.3.2: Schedule of CA and TP Objections: EA1N and ExQs1.3.2: Schedule of CA and TP Objections: EA2 which have been submitted at this Deadline.



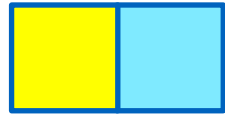
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>Both schedules should be provided with a version number that rolls forward with each deadline.</p> <p>If at any given deadline an empty schedule is provided for either application, a revised schedule need not be provided for that application at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty schedule was provided have changed</p>	
1.3.3	The Applicant	<p>1 2 Crown Land and Consent</p> <p>With regard to the outcomes from continuing due diligence, the Applicant is requested to provide and at each subsequent deadline to maintain and submit a table identifying any Crown interests subject to PA2008 s135 with reference to the latest available Books of Reference (BoRs) and the Land Plans, to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consent(s). The table should be titled ExQ1.3.3: Crown Land and Consent: EA1N.</p> <p>Written evidence of consent(s) obtained must be provided at the first available deadline and in any case by Deadline 9.</p>	Please see ExQ1.3.3: Crown Land and Consent: EA1N and ExQ1.3.3: Crown Land and Consent: EA2 which have been submitted at this Deadline.



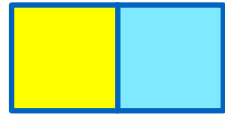
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>A separate but comparable table, titled ExQ1.3.3: Crown Land and Consent: EA2.</p> <p>Both tables should be provided with a version number that rolls forward with each deadline.</p> <p>If at any given deadline an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>	
1.3.4	The Applicant	<p>1 2 Statutory undertakers: land or rights</p> <p>The Applicant is requested to review RRs and WRs made as the examination progresses alongside its land and rights information systems and to prepare and at each successive deadline update as required a table identifying and responding to any representations made by statutory undertakers with land or rights to which PA2008 s 127 applies. Where such representations are identified, the applicant is requested to identify:</p> <ul style="list-style-type: none"> a) the name of the statutory undertaker; b) the nature of the undertaking; c) the land and/ or rights affected (identified with reference to the most recent version of the Book of Reference (BoR) and Land Plan available at that time); 	<p>Please see ExQ1.3.4: PA2008 s127 Statutory Undertakers' Land/ Rights: EA1N and Consent: EA1N and ExQ1.3.4: PA2008 s127 Statutory Undertakers' Land/ Rights: EA2 which have been submitted at this Deadline.</p>



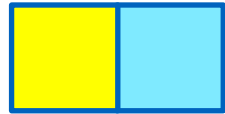
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met;</p> <p>e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and</p> <p>f) in relation to these matters, whether any protective provisions and /or commercial agreements are anticipated, and if so:</p> <ul style="list-style-type: none"> i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required before they can be documented; and <p>g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached:</p> <ul style="list-style-type: none"> i. whether the settlement has 	



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and</p> <p>ii. identifying any documents providing evidence of agreement and withdrawal.</p> <p>The table should be titled ExQ1.3.4: PA2008 s127 Statutory Undertakers' Land/ Rights: EA1N.</p> <p>A separate but comparable and cross-referenced table should be prepared in response to this question, titled ExQ1.3.4: PA2008 s127 Statutory Undertakers' Land/ Rights: EA12</p> <p>Both tables should be provided with a version number that rolls forward with each deadline.</p> <p>If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>	
1.3.5	The Applicant	<p>1 2 Statutory undertakers: extinguishment of rights and removal of apparatus etc.</p>	Please see ExQ1.3.5 Statutory undertakers extinguishment of rights and removal of apparatus: EA1N and ExQ1.3.4 Statutory undertakers



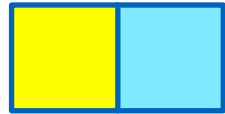
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>The Applicant is requested to review its proposals relating to CA or TP of land and/ or rights and to prepare and at each successive deadline update a table identifying if these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the applicant is requested to identify:</p> <ul style="list-style-type: none"> a) the name of the statutory undertaker; b) the nature of the undertaking; c) the relevant rights to be extinguished; and/or d) the relevant apparatus to be removed; e) how the test in s138(4) can be met; and f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so: <ul style="list-style-type: none"> i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required 	<p><i>extinguishment of rights and removal of apparatus: EA2</i> which have been submitted at this Deadline.</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>before they can be documented; and</p> <p>g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached:</p> <p>i. whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and</p> <p>ii. identifying any documents providing evidence of agreement and withdrawal.</p> <p>The table should be titled ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus etc.: EA1N.</p> <p>A separate but comparable and cross-referenced table should be prepared in response to this question, titled ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus etc.: EA2.</p> <p>Both tables should be provided with a version number that rolls forward with</p>	



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>each deadline.</p> <p>If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>	
1.3.6	The Applicant	<p>1 2 Land Plans Document reference 2.2.2 revision A was submitted by you following section 51 advice at acceptance [AS-001].</p> <p>Please confirm that</p> <p>a) this should be titled "Land Plan (onshore)"; and plot 1 as shown on sheets 1 and 2 runs between the mean low water and mean high water marks.</p>	<p>a) References should be to the land plans (plural), in accordance with the definitions in Article 2(1) of the draft DCO.</p> <p>Plot 1 runs between the mean low water and mean high water springs.</p>
1.3.7	The Applicant	<p>1 2 Land Plans Plot 1 is shown on Sheets 1 and 2 of the onshore Land Plan [AS-001] as lying between mean low water and mean high water with ownership stated as unknown.</p> <ul style="list-style-type: none"> Please confirm that no Crown interest subsists over it. 	The Applicants can confirm that no Crown interest subsists over Plot 1 and the Applicants confirmed this with the Crown Estate.
1.3.8	The Applicant	<p>1 2 Land Plans Sheet 1 of the Land Plan [AS-001] shows a highway access off the B1353 Thorpe Road (plot 9), described in the BoR (AS-</p>	a) B1353 Thorpe Road is the official road name and this is what is shown on the Ordnance Survey mapping used for



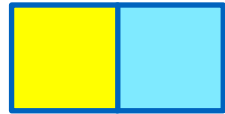
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>005) as “north of Thorpe Road ...” and paragraph 288 of the Project Description says that “Access to the landfall (site) will be via Sizewell Gap (no construction access for the landfall will be required via Thorpeness Road).”</p> <p>Please explain</p> <ul style="list-style-type: none"> a) is the B1353 Thorpe Road or Thorpeness Road? b) why plot 9 is needed and what it will be used for. 	<p>the Land Plan [AS-001], however, the road is more commonly referred to as Thorpeness Road.</p> <p>b) Plot 9 is the existing access track off B1353 Thorpe Road, it is needed as temporary use will be made of the track by non-Heavy Goods Vehicles for onshore preparation works such as pre-planting of landscaping works, archaeological investigations, environmental and engineering surveys, diversion and laying of services, and highway alterations.</p>
1.3.9	The Applicant	<p>1 2 Land Plans</p> <p>Document reference 2.2.1 revision 2 was submitted by you following section 51 advice at acceptance [AS-002]. On the inset the red line boundary appears to run along the mean high water mark.</p> <p>Please confirm that</p> <ul style="list-style-type: none"> a) this should be titled “Land Plan (offshore)”; and <p>the red line boundary runs along the mean low water mark on the foreshore.</p>	<ul style="list-style-type: none"> a) Yes “Land Plan (offshore)” is the correct title b) There is an overlap between the onshore and offshore red line boundaries so that the offshore red line boundary runs along mean high water springs and the onshore red line boundary along mean low water springs.
1.3.10	The Applicant	<p>2 Land Plans</p> <p>Please</p> <ul style="list-style-type: none"> a) give an update on progress on deciding the outstanding choice of alignment offshore shown on the offshore land plan [AS-002] and confirm that whichever alignment is chosen the entire onshore development area is the same for both projects. 	<ul style="list-style-type: none"> a) The choice of alignment offshore will be decided post consent. <p>The onshore development area would remain the same regardless of the offshore option selected, see section 1.7 of the Scheme Implementation Report (APP-596).</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
Draft DCO (dDCO) [APP-023]			
1.3.11	The Applicant	<div>1</div> <div>2</div> <p>Provision is made in the dDCO for compensation to be determined under Part 1 of the 1961 Act. It is acknowledged that a provision in this form is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for compulsory acquisition.</p> <p>In order for there to be certainty that this would apply in other situations (e.g. the temporary use of land under Arts 26 and 27)</p> <ul style="list-style-type: none"> a) should a modification be included as with the other compensation provisions in Schedule 8? And b) if not, please explain why not. 	<p>It is not considered appropriate to modify the compensation provisions under Part 1 of the 1961 Act.</p> <p>Part 1 of the 1961 Act gives power to the Upper Tribunal to determine the compensation payable in respect of any compulsory acquisition of land. The 1961 Act defines “land” as including any interest or right in or over land. The provisions of Articles 26 and 27 grant power to the Applicants to take temporary possession of land without further need to reach agreement with the owner or occupier and as such the Applicants are effectively acquiring such interest and rights in and over land compulsorily. It is therefore appropriate to refer any dispute over compensation payable to the Upper Tribunal as this drafting provides.</p>
1.3.12	The Applicant	<div>1</div> <div>2</div> <p>In respect of the onshore works</p> <ul style="list-style-type: none"> a) please confirm that the proposed Order limits are the same for the EA1N project as for the EA2 project; b) have corresponding (identical or essentially identical) works for each project be given the same Work Numbers in each dDCO? c) if so, is there an obligation on the undertaker to notify the SoS, the relevant local planning authority (LPA) and any relevant statutory bodies or Requirement 	<p>(a) The Order limits for the onshore works are the same for both Projects.</p> <p>(b) Corresponding works for the Projects have been given the same Work No. in each draft DCO.</p> <p>(c) The requirements of each draft DCO require various pre-commencement plans and documentation (including a written scheme setting out the stages of the works of each Project (Requirement 11)), to be submitted to the relevant planning authorities for approval prior to commencement of the works. These plans and documents will make it clear which Project the works relate to and which DCO the plan</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>consultees as to which DCO works are being commenced, before they are commenced?</p> <p>d) is there a prohibition on works being commenced under this DCO if they have already been commenced under the other DCO?</p> <p>e) if so, does R 38 need to cover any other works?</p> <p>f) given that the same parcel of Order land has the same number in the Book of Reference for each project, if the land and rights to be acquired and restrictions to be imposed on a particular plot of land are the same, is provision needed in each dDCO to prevent CA or TP under one DCO if already implemented under the other DCO?</p> <p>g) If work is being carried out by separate contractors for each project on the same parcel of land at the same time, under which DCO are requirements to be enforced?</p>	<p>or document is being discharged under. The Applicants do not therefore consider it necessary for further notifications to be made prior to works commencing.</p> <p>(d) No, with the exception of the National Grid infrastructure, there are no shared works and all works specified in the draft DCO for one project are required for that project. Works will therefore require to be carried out for each project under each DCO and therefore a prohibition on works being commenced under one DCO if they have already been commenced under the other DCO is not appropriate.</p> <p>As noted above, the exception to this is the national grid infrastructure which is being consented under both DCOs and in respect of such works, there is a restriction preventing the grid connection works constructed under a DCO if they have already been constructed under the other DCO (Requirement 38).</p> <p>(e) For the reasons set out in response to (d) above, it would not be appropriate or necessary for Requirement 38 to be expanded to cover all onshore works as each Project consists of its own set of onshore works which can only be constructed under the DCO for that Project.</p> <p>(f) The provisions relating to compulsory acquisition and temporary possession have been carefully drafted to enable both projects to proceed. The inter-relationships will be managed by way of protective provisions set out in Schedule 10, Part 5 of the draft DCO.</p>



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			(g) The requirements should be enforced under the DCO in respect of which the works are being carried out. As noted in respect to (c) above, this will be clearly set out in the relevant pre commencement plans and documents that will have been approved by the relevant planning authorities prior to commencement.
1.3.13	The Applicant	1 2 Bearing in mind the different definitions of statutory undertaker in s127 and s138 PA 2008, should the definition of "statutory undertaker" in Art 2(1) be amended?	<p>The Applicants do not consider that the definition of "statutory undertaker" should refer to s138 PA 2008. The approach taken follows extensive precedent including the following Orders:</p> <ul style="list-style-type: none"> • The Norfolk Vanguard Offshore Wind Farm Order 2020 • The Riverside Energy Park Order 2020 • The East Anglia THREE Offshore Wind Farm Order 2017 <p>In addition, the definition of "statutory undertaker" in the model provisions contained in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 does not refer to s138.</p>
1.3.14	The Applicant	1 2 In respect of TP, are all the provisions cited in Art 6 capable of being disapplied?	<p>The Applicants consider that the provisions specified in paragraph (2) of Article 6 are capable of being disapplied, and indeed there is a lot of recent precedent in which the provisions of the Neighbourhood Planning Act 2017 have been disapplied, including in the recent Norfolk Vanguard Offshore Wind Farm Order 2020, the A19 Downhill Lane Junction Development Consent Order 2020, the Cleve Hill Solar Park Order 2020, the M42 Junction 6 Development</p>

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			Consent Order 2020 and the Lake Lothing (Lowestoft) Third Crossing Order 2020 as well as the Orders referred to in paragraph 4.11 of the <i>Explanatory Memorandum</i> (APP-025).
1.3.15	The Applicant	1 Should Art 20(1) be redrafted to make it clear that, for any plot of land, the undertaker may only acquire compulsorily those rights or impose those restrictive covenants 2 a) which are identified in the BoR as applying to that plot, and not simply for the purposes in Art 18; and over such of the Order land as may be required?	As noted in the Explanatory Memorandum, Article 20 is drafted so as to enable the undertaker to seek to acquire rights over or in land rather than outright acquisition under Article 18. It is therefore appropriate to include such provision. The drafting is in keeping with precedent established in other offshore wind farm DCOs. In addition, Article 20(2) specifies that rights and covenants shall apply only to plots identified in Schedule 7.
1.3.16	The Applicant	1 Please amend the reference in brackets to 2 Schedule 7 in Art 20 so that it matches the title of Schedule 7, and ensure that all other references to Schedules in the dDCO match the actual title of the Schedule to which they refer.	The Applicants have checked all of the references to Schedules in the <i>dDCOs</i> to ensure that they match the Schedule titles and have amended those that were incorrect. These amendments will be reflected in the next iteration of the <i>dDCOs</i> which will be submitted at Deadline 3 pursuant to the Examination timetables.
1.3.17	The Applicant	1 According to the Explanatory 2 Memorandum (EM) [APP-025], " <i>Article 21 provides that private rights over land subject to compulsory acquisition under Articles 18 and 20 of the Order are not to have effect to the extent that the continuance of those rights are (sic) inconsistent with the exercise of the powers under articles 18 and 20.</i> "	If land is acquired or rights or restrictive covenants are imposed upon it then private rights cease to have effect (or are extinguished) to the extent their continuance would be inconsistent with the acquisition of land or exercise of rights by the undertaker or compliance with restrictive covenants. Private rights are suspended pursuant to Article 21(3) for the period of temporary possession of land by the



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		<p>Our understanding is that overriding is neither extinction nor full suspension against everyone, rather, it leaves the right in place but allows the undertaker a defence against breach or interference for the purposes of constructing and using the development authorised by the DCO,</p> <p>a) Does this mean that private rights are to be overridden, suspended or extinguished? And</p> <p>to whom does notice need to be provided under Art 21(6)(a)?</p>	<p>undertaker again in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken.</p> <p>Notice under Article 21(6)(a) is to be given to the party in or to whom the private right in question is vested or belongs.</p>
1.3.18	The Applicant	<p>1 2 With reference to Arts 22 and 23, there have been relatively recent changes to the relevant CA legislation.</p> <p>Please confirm that reference has been made to the most up to date legislation.</p>	The Applicants can confirm that reference has been made to the most up to date legislation.
1.3.19	The Applicant	<p>1 2 Is the reference to Art 20 in the second line of Art 24 required?</p>	Article 24(1) includes reference to both article 18 (compulsory acquisition of land) and article 20 (compulsory acquisition of rights) of the draft DCO so that it is clear that the provision applies to acquisition under both articles. This approach has precedent in a number of recent orders including the Norfolk Vanguard Offshore Wind Farm Order 2020 and the Cleve Hill Solar Park Order 2020.
1.3.20	The Applicant	<p>1 2 Art 26 (1) refers to taking TP by</p> <p>a) serving notice of entry under the 1965 Act;</p> <p>b) making a declaration under s4 of the</p>	Article 26(1) does not so provide. It permits the undertaker to take temporary possession of plots identified in Schedule 9 and any other Order land in respect of which the



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		<p>1981 Act and;</p> <p>c) otherwise acquiring the land or rights over land.</p> <p>Please explain the circumstances in which each of these will be used on the project.</p>	undertaker has not served notice to acquire title to such land.
1.3.21	The Applicant	<p>1 2 Art 26(1)(e) refers to "any mitigation works or operations".</p> <p>Mitigation is not defined in Art 2 so</p> <p>a) what is meant by mitigation? And what is being mitigated?</p>	Mitigation works in this context refers to works to mitigate the impacts of the Project, for example ecological mitigation. It is necessary for the temporary possession provisions to include broad mitigation powers as mitigation will potentially be required in most areas in order to mitigate the impacts of the Projects.
1.3.22	The Applicant	<p>1 2 Art 43 refers to either a guarantee under 43(1)(a) or an alternative form of security under 43(1)(b), to be in place for no more than 15 years.</p> <p>a) Which of these do you propose to put in place, and why?</p> <p>b) Explain why you consider 15 years to be sufficient.</p>	<p>(a) Provision is made for a guarantee or an alternative form of security in order to ensure that there is sufficient flexibility to enable the most appropriate mechanism to be entered into at the relevant time. It is not known at this time which form of mechanism will be put in place.</p> <p>(b) The guarantee or alternative form of security is required to be in place for 15 years from the date on which compulsory acquisition powers are exercised. As a claim for compensation must be brought within 6 years of the date of exercise of compulsory acquisition powers, this provides a sufficient period for any claims to be made and has precedent in recent DCOs including the Immingham Open Cycle Gas Turbine Order 2020, the Cleve Hill Solar Park Order 2020 and the Riverside Energy Park Order 2020.</p>

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1.3.23	The Applicant	1 Schedule 8 would modify CA enactments. 2 In paragraph 2(2)(a) should the phrase to be substituted be ...“land is acquired or taken from”...?	Yes, the phrase to be substituted should be “land is acquired or taken from”. This will be corrected in the next version of the draft DCO which will be submitted at Deadline 3.
1.3.24	The Applicant	1 Explanatory Memorandum (EM) [APP-025] 2 In paragraph 4.32, referring to Art 20 (Compulsory acquisition of rights) you say <i>“This flexibility allows the undertaker to reduce the areas required for freehold acquisition and rely on new, permanent rights instead if this is appropriate in the circumstances. This flexibility is appropriate to allow for continued negotiations with owners of Order land ...”</i> a) Does this mean that if the land as shown on the Land Plan is more than is needed then rights in only that land which is needed will be taken? b) Does this also mean that only those rights which are necessary will be acquired? c) Rather than “appropriate”, do you mean that this flexibility is necessary as a fall-back position in case negotiations with owners of Order land are unsuccessful? And d) By “owners” do you mean any person with rights in the land which you need to acquire?	(a) Yes. (b) Yes. (c) Yes, the sentence which begins “ <i>This flexibility is appropriate</i> ” should read “ <i>This flexibility is necessary</i> ”. (d) Yes, the reference to “owners” should be a reference to persons with an interest in the land.



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Statement of Reasons [APP-026]			
1.3.25	The Applicant	<p>1 2 We note that this document has sequential paragraph numbering. This is generally helpful but Chapter 7 in particular is very long.</p> <p>Where there are subheadings within chapters, eg chapters 6 and 7, please number the chapter subheadings within the chapters to aid the reader, eg 7.1 Requirement for the Order Land, 7.2 Freehold title etc.</p>	The Applicants have amended the Statement of Reasons Chapter subheadings so that these are now numbered to aid the reader.
1.3.26	The Applicant	<p>1 2 Please confirm that, save when you are referring to both onshore and offshore land and works plans at the same time, all references to Land Plans and Works Plans (plural) should read Land Plan and Works Plan (singular), if necessary citing the sheet number: see paragraph 34 for example.</p>	References should be to the land plans and works plans (plural), in accordance with the definitions in Article 2(1) of the draft DCO.
1.3.27	The Applicant	<p>1 2 You state in paragraph 2 that “<i>The Project also comprises a second NSIP, namely, National Grid overhead line realignment works ...</i>”: paragraph 1.3 of your Cover Letter [APP-001] also refers to “<i>certain exclusions</i>”, whereas in paragraph 18 you appear to have listed the National Grid overhead line realignment works as associated development.</p> <p>Please explain</p> <p>a) the rationale for your approach;</p>	<p>a) Each Project consists of two linked NSIPs, namely (i) an offshore generating station; and (ii) overhead line realignment works. The proposed offshore generating station is expected to have a capacity of over 100 MW, and it therefore an NSIP under section 14(1)(a) and 15(3) of the 2008 Act. The overhead line realignment works are an installation of an electric line above ground, and are also therefore an NSIP under sections 14(1)(b) and 16 of the 2008 Act. It is not anticipated that any of the exclusions in section 16 of the 2008 Act</p>



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		<p>b) why the realignment works are necessary;</p> <p>c) whether they are associated development or not; and</p> <p>d) whether or not you are treating the Project as one NSIP.</p>	<p>would apply to the overhead line realignment works, and these therefore constitute a second NSIP.</p> <p>b) The National Grid overhead line realignment works are described in Section 6.7.9.12 of Chapter 6 Project Description (APP-054). The permanent realignment works are required to create the necessary separation distance between the northern and southern overhead lines to enable the safe operation and maintenance of the new cable sealing end compounds (which facilitate connection from the four overhead line circuits into the new National Grid substation). Temporary realignment works are required to ensure that sufficient capacity remains within the overhead lines during the construction works to transmit electricity from existing generators connected to the overhead lines such as Sizewell C Nuclear Power Station.</p> <p>c) The overhead realignment works are an NSIP rather than associated development. The realignment works will also include associated development including a new national grid substation, accesses, and other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the Projects.</p> <p>d) Each Project is being treated as two NSIPs. The first NSIP is the offshore generating station; and the second NSIP is the overhead line realignment works.</p>
1.3.28	The Applicant	<p>1 2 In paragraph 16 you talk about your £25million investment in Associated British Ports' Hamilton Dock at Lowestoft.</p>	The £25 Million investment in the state of the art Operations and Maintenance Facility and Hamilton Dock is home to over 100 jobs across over 14 roles. The facility at Hamilton



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		Do you envisage using this facility for this project as well as the East Anglia ONE project?	<p>Dock establishes ScottishPower Renewables' commitment to the local area not just as a developer but as a significant local employer. For future projects, SPR is committed to utilising existing infrastructure as far as is reasonably practical to do so.</p> <p>SPR has strong ties to the local communities throughout East Anglia through various outreach routes, such working with East Coast College Offshore Wind Skills Centre as the Lead Industry Partner, delivering STEM and inspiration activity to over 3,500 local school children and a partner in the local STEM Hub – ensuring communication between education and industry.</p> <p>Furthermore, the Memorandum of Understanding between SPR, East Suffolk Council and Suffolk County Council commits SPR to using best endeavours to use ports in East Suffolk, and Great Yarmouth during the construction, operations and maintenance phase provided it is a commercially acceptable agreement</p>
1.3.29	The Applicant	1 2 In paragraph 22, you say that "The onshore cable corridor is an approximately 70m wide swathe within which the onshore cable route working width will be located." and in paragraph 40 you say with reference to the other East Anglia project that "both projects share the same order limits which are typically 70m in width and within these limits the typical 32m individual project working widths would be located."	<p>a) Save the exceptions, like those described in Paragraph 75 of the Statement of Reasons [4.1], the 70m onshore cable corridor referred to is the limit within which the onshore cable route working width of 32m for each project will be located and where both projects will be accommodated.</p> <p>b) Again save the exceptions described, the typical 70m onshore cable corridor can accommodate the typical</p>



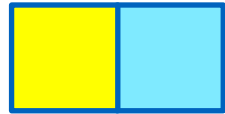
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>a) Is the 70m first referred to the limit within which the 32m working width for the cable route for this project only is to be accommodated (Case 1); or</p> <p>b) is it to allow room for the other East Anglia project to be accommodated also, either at the same time or at a later stage? (Case 2):</p> <p>If the former (Case 1),</p> <p>c) please explain how there will be sufficient room for the second project to be constructed on land within the Order limits.</p> <p>If the latter (Case 2),</p> <p>d) does this mean that, working from landfall to grid connection, the first project will be constructed within a 32m strip of land located as close to the west and south of the 70m swathe as possible and the second project will be constructed within a 32m strip of land located adjacent ie as close to the east and north of the 70m swathe as possible (or vice versa) and the remaining 6m allows for micrositing?</p> <p>e) If so, why is the request for</p>	<p>onshore cable route working width of 32m for both projects either at the same time or at separate times.</p> <p>c) There should be sufficient room within the typical 70m onshore cable corridor for the typical onshore cable route working width of 32m for both projects.</p> <p>d) It could be sub optimal to commit to locating the onshore cable route of either project to either extent of the swathe. The location of either project within the 70m onshore cable corridor will be not be determined until the detail stage. As described in Paragraph 43 of the State of Reasons [4.1], where there would be a sequential construction the first project will effectively define the route for the second project. The 6m does permit a degree of micrositing.</p> <p>e) For the reasons above and the parameters described, there is not a request for land for another project, as the location of either project could be within the extent of the shared Order Limits and this configuration will be not be determined until the detail stage.</p> <p>f) For the same reasons, the work numbers do not differ, as until the detailed design is undertaken and the configuration of the onshore cable route determined, they are essentially identical</p>



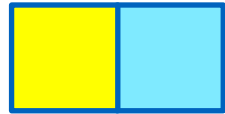
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		land which appears to be required for another project and not for this project included in this dDCO? f) And why are there not different works numbers for each project so that the anticipated land take for each project can be properly understood?	
1.3.30	The Applicant	<p>1 2</p> <p>In paragraph 22, you say that "The onshore cable corridor is an approximately 70m wide swathe within which the onshore cable route working width will be located." and in paragraph 40 you say with reference to the other East Anglia project that <i>"both projects share the same order limits which are typically 70m in width and within these limits the typical 32m individual project working widths would be located."</i></p> <p>Bearing in mind that the dDCO for the other project includes a request for CA over the same area of land, and that one project may be granted consent but not the other"</p> <p>a) what happens to any land found not to be required in each case? And b) how is this secured in the dDCO?</p>	<p>(a) In the event that land is found not to be required, compulsory acquisition powers will not be exercised in respect of that land.</p> <p>As is standard in linear schemes, compulsory acquisition powers are sought in respect of wide order limits to ensure delivery of the Projects in the event that ground conditions, obstacles or constraints are encountered which require to be micrositied around. The compulsory acquisition powers that are subsequently exercised will be limited to those that are required for the Projects following detailed design and any micrositing that may be required. Furthermore, it is the intention of the Applicants to mainly exercise temporary possession powers during construction and for the permanent rights to reflect the as built project. This minimises the extent of land subject to the more onerous permanent rights.</p> <p>(b) Each Project has set out within the schedules of the draft DCO and the Book of Reference those plots of land over which compulsory acquisition powers are</p>



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			sought and the rights to be exercised. This limits the extent of the land affected and the manner in which it may be affected.
1.3.31	The Applicant	1 2 In paragraph 23, you say that trenching may be used to cross the woodland to the west of Aldeburgh Road, the Leiston-Aldeburgh SSSI and Sandlings SPA, and also when crossing important hedgerows specified in Part 2 of Schedule 11 of the Order, and that this would be achieved by applying a range of special engineering techniques. a) What method is currently proposed for each of these crossings; and b) What special engineering techniques would be used?	The Applicants will use an open cut trench to cross the woodland to the west of Aldeburgh Road and at each crossing of important hedgerows specified in Part 2 of Schedule 11 of the Order. The special engineering techniques involve the reconfiguration of the construction works within the onshore cable route at these short sections of crossings. This reconfiguration will avoid the need for spoil storage at these crossing points allowing the typical 32m wide onshore cable route to be reduced to 16.1m.
1.3.32	The Applicant	1 2 In paragraph 24 you say that <i>"The typical 32m working width would be widened to 50m to cross the Hundred River and to 90m if a trenchless technique is utilised to cross the Leiston – Aldeburgh SSSI and Sandlings SPA."</i> In paragraph 74 you say <i>"where HDD is proposed, where the cables cross the Hundred River ..."</i> and in paragraph 75 you say that <i>"The typical working width would be widened to a maximum of 50m to cross the Hundred River ...and 90m if a HDD technique is utilised to cross the Leiston-Aldeburgh SSSI and Sandlings SPA."</i>	a) Paragraph 75 of Statement of Reasons [4.1] describes certain circumstances where the onshore cable corridor extends beyond the typical 70m, where an HDD is proposed being one and where the cables cross the Hundred River another. We are currently not proposing to use HDD or other trenchless technique to cross the Hundred River. The working width would be widened to a maximum of 50m as the exact methodology for the cable route crossing will be determined in consultation with the Environment Agency at detailed design stage. The technique for cable route crossing at the Leiston-Aldeburgh SSSI and the Sandlings SPA is still under consideration.



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		<p>For the avoidance of doubt, please</p> <ul style="list-style-type: none"> a) state whether or not you will be using HDD or other trenchless technique to cross the Hundred River, the Leiston-Aldeburgh SSSI and the Sandlings SPA; b) explain, if you do not intend to use HDD or other trenchless technique to cross the Leiston-Aldeburgh SSSI and the Sandlings SPA, why this is the case and what method you intend to use; c) state which plots of land are affected in each case; d) state to what width the usual 70m width between the Order limits will be increased in each case, and justify the different additional widths at the different locations; e) confirm that you have sufficient land; and f) confirm that all the above is included in the EIA. 	<p>b) As mentioned, the technique for cable route crossing at the Leiston-Aldeburgh SSSI and the Sandlings SPA is still under consideration.</p> <p>c) Paragraphs 111 and 114 of Statement of Reasons [4.1] describes the Hundred River crossing and the plots affected, namely 50, 54, 55 and 56. Paragraphs 95 and 96 describes the crossings of the Leiston - Aldeburgh SSSI and Sandlings SPA and the plots affected, namely plots 22 to 24, 25, 27, 28 and 30.</p> <p>d) The usual 70m cable corridor width is associated with the typical working width of 32m. The working width at the Hundred River is proposed to be 50m and as such the associated onshore cable corridor is approximately 110m in width. If an HDD is used to cross the Leiston-Aldeburgh SSSI and the Sandlings SPA the onshore cable route would widen to 90m, albeit underground, and as such the associated onshore cable corridor is approximately 300m in width.</p> <p>e) The Applicants are confident in the approach and that there is sufficient land delineated within the order limits.</p> <p>f) The Applicants can confirm all of above is included in the EIA, in particular Chapter 6 Project Description (APP-054) and Chapter 23 Onshore Ornithology (APP-071).</p>
1.3.33	The Applicant	<p>1 2</p> <p>In paragraph 75 you say that <i>"The typical 32m working width would be reduced to a maximum of 16.1m when crossing important hedgerows ... the Aldeburgh Road woodland ..."</i></p>	<p>a) Primarily the Order Limits do not change at these locations, however, upon detailed design the actual land used for the onshore cable route will be limited to 16.1m.</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>a) How does the 70m width between the Order limits change at these locations?</p> <p>b) Which plots are affected? And</p> <p>c) Where is this shown on the onshore Land Plan?</p>	<p>As described in Paragraph 324 of Chapter 6 Project Description [APP-054] <i>"This reduction in the onshore cable route width would be achieved by applying a range of special engineering techniques that could include:</i></p> <ul style="list-style-type: none"> • <i>Using lower thermal resistivity backfill in the cable trench; and</i> • <i>Removing the spoil to a storage area further up or down the onshore cable route (away from the reduced onshore cable route width location), thereby negating the need to store spoil adjacent to the trenches."</i> <p>b) Please refer to the Onshore Crossing Schedule in Appendix 7 of this document.</p> <p>c) This is not detailed on the Land Plan. In relation to important hedgerows please refer to the Important Hedgerows and Tree Preservation Order Plan [APP-020] which shows these locations and Paragraph 95 and 96 of Statement of Reasons [4.1] describes the crossings of the Leiston - Aldeburgh SSSI and Sandlings SPA and the plots affected, namely plots 22 to 24, 25, 27, 28 and 30. Paragraph 116 describes Aldeburgh woodland and the plots affected, namely 58 to 61.</p>
1.3.34	The Applicant	<p>1 2</p> <p>Schedule 11 part 2 lists important hedgerows that will be crossed using a reduced working width with reference to the important hedgerows and tree preservation order plan [APP-020].</p> <p>Please include in the crossing schedule and plan requested</p>	<p>This information is included in the Onshore Crossing Schedule which can be found in Appendix 7 of this document.</p>

ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		elsewhere in this question set details of important hedgerows crossed, specifying the necessary width and the crossing method to be used in each case.	
1.3.35	The Applicant	<p>1 2 In paragraph 33 you make reference to "new National Grid infrastructure ... to be owned and operated by National Grid ...". You also make reference to this in paragraph 43 although you say there that "It is anticipated that this infrastructure will ultimately be owned and operated by National Grid ...".</p> <p>Please</p> <ul style="list-style-type: none"> a) explain why these works are being procured by you, rather than by National Grid as owner and operator; and b) explain whether and if so why it is necessary for you to obtain consent for the entire National Grid substation if only this project is consented. 	<ul style="list-style-type: none"> a) The Applicants are seeking consent for these works to secure delivery of the Projects as a whole. It is anticipated that the benefit of the DCO would be transferred to National Grid who will carry out these works. b) Consent is required for the whole National Grid substation as that substation is the extent of what is required for the connection of the Projects.
1.3.36	The Applicant	<p>1 2 In paragraph 35, you state that "The Order Land is predominantly agricultural ...".</p> <ul style="list-style-type: none"> • What is its agricultural land classification? Please clarify and add to the description. 	Paragraph 68 and 69 and Table 21.12 in the Chapter 21 - Land Use [APP-069] provides the agricultural land classifications of the Order Land. In summary, landfall and the onshore cable route consists of Agricultural Land Classifications Grade 2, Grade 3 and Grade 4. The onshore

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			substations and National Grid infrastructure land consists of Agricultural Land Classifications Grade 2 and Grade 3.
1.3.37	The Applicant	<p>1 2 In paragraph 37 you say that in some cases the owner or beneficiary "has not yet been ascertained" and that you will "continue to seek details of the relevant party ..."</p> <ul style="list-style-type: none"> Where this remains the case, please confirm that 'unknown' has been entered into the relevant columns for each relevant plot in the BoR. 	The Applicants can confirm where the owner or beneficiary has not been ascertained they have been entered as 'unknown' in the Book of Reference and the Applicants will continue to seek these details.
1.3.38	The Applicant	<p>1 2 In paragraph 50 you cite Article 1 of the First Protocol to the European Convention on Human Rights.</p> <p>Why do you not also cite Articles 6 and 8 of the Convention?</p>	Paragraph 51 of the Statement of Reasons is a summary of what is provided for in the Communities and Local Government Guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition', September 2013 ("Compulsory Acquisition Guidance") (DCLG, 2013a). The Compulsory Acquisition Guidance only refers to Articles 1 and 8 of the European Convention on Human Rights. The Applicants have amended paragraph 51 to also include reference to Article 8. More detail on these provisions and the procedural requirements of Article 6 is provided at chapter 8 (Human Rights) of the Statement of Reasons .
1.3.39	The Applicant	<p>1 2 Please explain (paragraph 59) why the creation and maintenance of landscaping and ecological mitigation requires CA of the land and cannot be dealt with by means of a private agreement or permanent rights.</p>	This is to ensure deliverability in the event that land agreements cannot be reached and to ensure maintenance of the landscaping and ecological mitigation is possible. The reason for seeking outright acquisition rather than rights is that the rights required both for creation and maintenance of



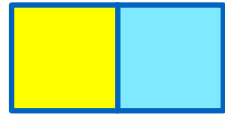
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
			the mitigation areas are such that they would change the land use and would restrict the landowner's use of the land to such an extent that the impact would be akin to acquiring the land outright.
1.3.40	The Applicant	<p>1 2 In paragraph 60 you say ...<i>"the process to secure permanent rights compulsorily will commence only after temporary possession has first been taken of the relevant Order Land."</i></p> <p>a) Please explain why this is the case. b) What time period will elapse between taking TP and securing permanent rights?</p>	<p>a) In the case that voluntary agreement is not reached and it becomes necessary to exercise powers of compulsory acquisition of land or rights in or over land, temporary possession would be taken first as the land required on temporary basis for construction is required first. Furthermore, the construction process will ultimately determine the as built locations of the cables and the more limited area of land where permanent rights should apply.</p> <p>b) The time period between taking temporary possession and securing permanent rights will be determined by the construction programme. The permanent rights will be secured once need for the temporary use of land is no longer required and when there is certainty over where the permanent rights should apply.</p>
1.3.41	The Applicant	1 2 With reference to the restrictive covenants listed under the last bullet point of paragraph 66, will it be possible for plots of land described in paragraph 61, particularly agricultural land, to be used for agricultural purposes once the cables and associated jointing installations have been constructed?	The Applicants can confirm that once construction and restoration is complete that land can be used for normal agricultural purposes again.
1.3.42	The Applicant	1 2 Paragraph 66 contains a list of the rights and covenants sought.	The Applicants have made the requested update to the Statement of Reasons submitted at Deadline 1.



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		Given that the restrictive covenants are listed as (i) to (v) at bullet point 26, it would aid identification if the bullet points could instead be replaced with an alphabetical list running from a) to z).	
1.3.43	The Applicant	1 2 In paragraph 67, should 68 read 66?	The Applicants have amended paragraph 68 of the Statement of Reasons so that this now refers to paragraph 67.
1.3.44	The Applicant	1 2 In paragraph 68 you refer to " <i>the intertidal area ...</i> ". <ul style="list-style-type: none">Please specify the plots to which you refer.	The intertidal area consists of plots 1, 2 and 3.
1.3.45	The Applicant	1 2 In paragraph 69 you refer to "the area of land connecting the intertidal area and the landfall ...". <ul style="list-style-type: none">Please specify the plots to which you refer.	The land connecting the intertidal area to the landfall area consists of plots 4, 5 and 6.
1.3.46	The Applicant	1 2 Please explain a) how the rights and covenants sought in paragraphs 66, 68 and 69 relate to the categories A to J inclusive listed in the table in the BoR [AS-005]; b) why so many different categories are needed; and c) whether the number of categories could be reduced to aid understanding of what rights are	a) They are broadly the same with Paragraphs 67, 69 and 70 of Statement of Reasons [APP-026] drafted in a more general way. b) The Applicants have endeavoured to seek the appropriate rights for each of the different land plots that in are subject to different proposed works. For example, the view of the Applicants is that rights sought for the onshore cable route differ depending upon the nature of the land – for example whether the cable is coming onshore and



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		sought over which plots of land.	<p>passing under the beach and cliffs, or is to be installed under a field, or passes under public highway.</p> <p>c) A reduced number of categories may aid understanding of which category of rights are being sought over land plots, however, the view of the Applicants is, in doing so, this would require broader rights to be sought and the potential for rights to be sought that are wider than may be required for certain land plots.</p>
1.3.47	The Applicant	<p>1 2 Paragraphs 70 to 73 refer to TP and the intention to reduce the amount of land affected by permanent rights and freehold acquisition and to minimise disruption to landowners.</p> <p>Where and how is this intention to minimise land affected secured in the dDCO?</p>	<p>Whilst it is the Applicants' intention to reduce the amount of land affected by permanent rights, and reduce the impact on landowners accordingly, it will not always be feasible or appropriate to exercise temporary possession powers instead of compulsory acquisition powers and it is therefore not appropriate for such an approach to be secured within the draft DCO. However, Schedule 9 to the draft DCO sets out details of plots of land in respect of which only temporary possession rights are sought in accordance with the current evolution of design of the Projects.</p> <p>In order to deliver the Projects, the Applicants are seeking the acquisition of a combination of freehold ownership and permanent rights. Details of the land and rights in respect of which compulsory acquisition powers are sought are set out in the draft DCO and in the Book of Reference and a full justification for such powers is set out within the Statement of Reasons.</p> <p>It is not standard practice for compulsory acquisition powers to be subject to further conditionality. The Secretary of State</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
			<p>should be satisfied regarding the land subject to the compulsory acquisition powers.</p> <p>The approach to temporary possession powers within the draft DCO allows flexibility in the event that following further detailed design of the works it is determined that temporary occupation rather than permanent acquisition of land or rights can be taken.</p> <p>The Applicants have given careful consideration to the land take requirements and the Applicants have confirmed a number of reductions to the order limits at Deadline 1, as detailed within the Notice of Intent to Make any Non Material or Material Changes (ExA.AS-1.D1.V1).</p> <p>Furthermore, land take will result in land costs and the Applicants' Projects will be subject to evaluation by Office of Gas and Electricity Markets (OFGEM) as part of the OFTO divestment process. This process acts to discourage the Applicants from incurring costs which cannot be properly justified.</p>
1.3.48	The Applicant	1 2 In paragraph 83 you describe plot 7 as "an agricultural field ... where two transition bays will be located.". Are there any existing or planned uses of the land which would be interfered with after construction and which may require for instance the marking and/or protection of manhole covers or the like?	<p>The transition bays (and associated access manholes) will be buried approximately 1m below ground, so as to not affect normal farming practices in the agricultural field.</p> <p>Marking posts for onshore cables will be installed at field boundaries so as to minimise affect on the ongoing agricultural use of the land</p>
1.3.49	The Applicant	1 2 Please confirm that the temporary construction consolidation site (paragraph 84) occupying plot 8 is for construction	The Applicants can confirm that the temporary construction consolidation site to be sited within plot 8, as described in paragraph 84 of the Statement of Reasons [4.1] is for



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		activities only and not for maintenance and so will be removed when construction of the landfall HDD works is complete.	construction activities only and is not for maintenance. The Applicants are only seeking temporary procession powers for this purpose.
1.3.50	The Applicant	1 2 What will be the maximum size and weight of the vehicles using the existing farm track and access track (paragraph 85), and what maximum daily traffic is expected?	This refers to the existing farm track and a track that runs along the edge of an agricultural field to the north of Thorpeness Road. Temporary use will be made of this track for onshore preparation works only. The 'Onshore preparation works' activities that may be served from this track could consist of site clearance, archaeological investigations, environmental surveys, ecological mitigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, the temporary display of site notices or advertisements. Typically the majority of these activities will be able to be undertaken using light commercial vehicles (such as a panel/transit van). This track will not be used during construction. Within the updated Statement of Reasons [4.1] paragraph 85 is now paragraph 87.
1.3.51	The Applicant	1 2 Chapter 9 deals with policy support for the Application. Please confirm that all policies referred to are extant and up to date.	The Applicants have checked the policies referred to in the Statement of Reasons [4.1] and have made any necessary updates.
1.3.52	The Applicant	1 2 In paragraph 185 you say that you believe that <i>"it is both necessary and appropriate for the Order to include provisions allowing for the suspension, extinguishment and overriding of rights and covenants over the Order Land."</i> Given Government guidance and your	Yes, paragraph 188 of the Statement of Reasons [4.1] has been updated to state that <i>"it is both necessary and proportionate for the Order to include provisions allowing for the suspension, extinguishment and overriding of rights and covenants over the Order Land."</i>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		argument put in the remainder of this paragraph, do you mean that it is both necessary and proportionate for the Order to include such provisions?	
1.3.53	The Applicant	<p>1 2 Paragraphs 197 to 202 put your 'compelling case in the public interest'.</p> <p>Please</p> <ul style="list-style-type: none"> a) expand to include a more detailed explanation of the compelling case; and b) explain your position in relation to the position of interested parties who have made RRs in which they support wind and other renewable energy, but using existing sites and an offshore ring main and who therefore object to this application, not in principle but in detail. 	<p>a) An updated Statement of Reasons has been submitted at Deadline 1. This includes a more detailed explanation of the compelling case in the public interest.</p> <p>b) ScottishPower Renewables (the parent company of the Applicants) has previously participated in exploring the concept of an offshore ringmain. National Grid in conjunction with offshore developers including ScottishPower Renewables coordinated a study to look at an offshore ring main. In 2015, National Grid published its report 'Integrated Offshore Transmission Project (East) Final Report: Conclusions and Recommendations'. It examined, in the context of the East Anglia, Hornsea and Dogger Bank Round 3 Zones, the potential for offsetting the need for new onshore infrastructure by establishing an integrated design approach to the connection of these generation zones. This approach would include the use of inter-connection between offshore zones (via offshore transmission assets) and optimising connections to the onshore transmission system. The findings outlined a number of issues associated with a potential offshore ring main and concluded that in relation to an offshore ring main</p> <p><i>"... the project team does not believe it would be economic and efficient to progress with the development</i></p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
			<p><i>of an integrated design philosophy or delivery of anticipatory assets at this time".</i></p> <p>The Applicants also note the Department for Business, Energy and Industrial Strategy (BEIS) offshore transmission review. The Applicants understand that an update on this will be published by the end of this year, with a view to providing clarity for an enduring approach in 2021. No date is provided as to when the outputs of the review will be published or implemented.</p> <p>Changes to a coordinated approach on offshore transmission would require regulatory change to deliver it and it is likely to be subject to public procurement. The timetable for the significant reform required to establish a new regulatory and technical framework for an offshore transmission network, such as a ringmain, is likely to take a number of years. The Applicants have submitted applications for development consent for the Projects the examination of those applications is underway. The National Policy Statement (EN-3) for Renewable Energy Infrastructure states at paragraph 2.6.34 that: "<i>Applicants for consent for offshore wind farms will have to work within the regulatory regime for offshore transmission networks established by Ofgem. Under the regime offshore transmission will be a licensed activity regulated by Ofgem</i>".</p> <p>The Applicants have therefore progressed the Projects in line with the regulatory regime for offshore</p>



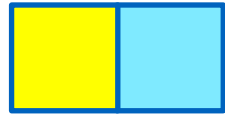
ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
			transmission networks established through legislation, licence obligations, and Ofgem.
1.3.54	The Applicant	<p>Paragraph 249 deals with statutory undertakers and you say that ... <i>"Section 127 of the 2008 Act applies to statutory undertakers' land held for the purposes of the undertaking ..."</i>.</p> <p>Why have you not also referred to the circumstances set out in s127(1)(c)(ii) of the 2008 Act?</p>	<p>The circumstances set out in s127(1)(c)(ii) of the 2008 Act are that <i>"an interest in the land is held for those purposes"</i> and these circumstances are referred to in Paragraph 266 of the Statement of Reasons where it is stated that <i>"if, as a result of the representation the Secretary of State is satisfied that the land is used for the purposes of carrying on the statutory undertaker's undertaking or an interest in the land is held for those purposes..."</i>.</p>
Funding Statement [APP-027]			
1.3.55	The Applicant	<p>The examination of this project has been delayed.</p> <p>With reference to relevant national and global events that have occurred in the time since this document was prepared, please provide an update highlighting briefly any material changes either to the figures quoted or to the assumptions you made at the time this document was prepared, particularly in respect of your ability to satisfy statutory requirements.</p>	<p>The assumptions made in Dalcour Maclaren's report remain valid and unaffected by national and global events. The valuation will remain under constant review and will be updated if and when new information becomes available that suggests values may change.</p>
1.3.56	The Applicant	<p>The examination of this project has been delayed. Given the original likely timetable for this project and the current timetable,</p> <p>a) please provide an update on</p>	<p>a) The Applicants will consider all routes to market, including Contracts for Difference. Timing of participation in AR4 or future rounds will be dependent on the timing of consent of the Projects.</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>what reliance (if any) you now place on the Government's Contract for Difference process, noting that there is apparently no date fixed for postponed allocation round AR4? And</p> <p>b) please explain, with reference to paragraph 12, whether or not you see any impediment to the Final Investment Decision being taken.</p>	<p>b) Assuming a suitable route to market is achieved and an appropriate funding model is in place, the Applicants do not foresee any impediment to the Final Investment Decision being taken.</p>
1.3.57	The Applicant	<p>1 2 You mention (paragraph 13) various funding models, whereby funds are provided from</p> <ul style="list-style-type: none"> a) Capital reserves of the parent companies (balance sheet), b) Parent company finance (company debt) and c) Directly from an external lender (project finance) <p>Please explain whether and, if so, how any of these have or will change in light of current events, which of these you currently favour and confirm with reference to paragraph 14 that the requisite funding will be available.</p>	<p>All of the funding models contained within Paragraph 13 of the Funding Statement (APP-027) remain available for financing the Projects. A decision on the final funding model will be made prior to Final Investment Decision of the Projects.</p> <p>With reference to Paragraph 14 of Funding Statement, this statement remains unchanged and the requisite funding will be available for the Projects.</p>
1.3.58	The Applicant	<p>1 2 Paragraph 17 says that "<i>the total property cost estimates for the acquisition of the required interests in land should not exceed £12.21 million.</i>" and paragraph 21 states that "<i>A cap on liability of £12.21 million is included in the Agreement.</i>".</p>	<ul style="list-style-type: none"> a) The Applicants can confirm that the funding statement does include an allowance for severed land. b) The Applicants can confirm that despite delays to the Examination process, global events and amendments to Order Limits, the funding statement does represent the total contingent liability of the Project.



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<p>Please explain</p> <ul style="list-style-type: none"> a) whether the figure of £12.21 million includes an allowance for severed land; b) whether the figure of £12.21 million represents your total contingent liability, c) why there is a cap of £12.21 million d) whether your total contingent liability figure needs to be revised, and e) how as a result (paragraph 22) "the Examining Authority and Secretary of State can be assured that sufficient funding for payment of compensation will be available ...". 	<ul style="list-style-type: none"> c) The figure represents a reasonable worst case. d) The liability figure has been reviewed to take into consideration the impact of delay, global events and refinement of the Projects but will be kept under review and the Funding Statement will be updated as required. e) The Applicants have sought specialist advice from chartered surveyors Dalcour Maclaren who have undertaken a comprehensive assessment of the compensation liability arising from the Projects. The Applicants and the Parent Company will be provided with updated appraisals as required from Dalcour Maclaren and if the projected costs vary then steps will be taken to revise the Funding Statement and the commitment from the Parent Company to support the Project
1.3.59	The Applicant	<p>1 2 Paragraph 19 states that the ... <i>"the Company undertakes to put the Applicant in funds or to pay the agreed or awarded funds direct to the relevant claimant."</i></p> <p>Art 43(3) of the dDCO states that <i>"A guarantee or alternative form of security ... is enforceable against the guarantor or person providing the alternative form of security by any person to whom such compensation is payable and must be in such a form as to be capable of enforcement by such a person."</i></p>	<p>The Proposed Funding Agreement in Annex 1 of the Funding Statement specifically provides that Third Parties who have a Claim may enforce the payment obligations directly against the Parent Company in exercise of rights pursuant to the Contracts (Rights of Third Parties) Act 1999.</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		Please explain how such funding will be directly accessible to persons entitled to compensation.	
Funding Statement [APP-027]			
1.3.60	The Applicant	<p>1 2</p> <p>With reference to paragraphs 20 and 23, please explain</p> <ul style="list-style-type: none"> a) why you do “not anticipate that any claims under Part 1 of the Land Compensation Act 1973 will arise” and b) why “It is not anticipated that successful claims for statutory blight will arise ...”. 	<p>a) While the Applicants acknowledge that it is impossible to preclude parties from making a claim under Part 1 of the Land Compensation Act 1973, it has sought to devise a suitable mitigation strategy to limit the impact of the Project on the surrounding properties. This mitigation strategy is a culmination of measures which seeks to ensure that the physical factors giving rise to such claims are mitigated to such an extent that they do not result in the diminution in value of property.</p> <p>The above comments refer to those elements of the Projects which remain visible while the Projects is in operation and it is to be noted that a significant proportion of the Projects consists of a buried cable. A buried cable would not give rise to Part 1 claims under the Land Compensation Act 1973 and there is no physical presence which could give rise to such claims. Therefore, when this is considered in addition to the above, the Applicants do not believe that there will be sufficient grounds on which to base a successful claim.</p> <p>b) For a blight notice to be accepted and compensation to be payable, it must be supported by evidence that the claimant has made reasonable endeavours to sell the land or property in question and that the claimant has</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
			<p>been unable to do so or could do so only at a price substantially lower than that for which it might reasonably have been expected to sell.</p> <p>Throughout the course of consultations and negotiations with all landowners and occupiers along the route, we have not been made aware of:</p> <ul style="list-style-type: none"> any attempts to sell any of the affected land or property that has resulted in the land or property only being able to be disposed of at a significantly lower value or any parties intending to serve a Blight Notice.
1.3.61	The Applicant	<p>1 2 With reference to paragraphs 24 and 25, and in the light of the time that has elapsed since the application was submitted and recent and continuing global events, please confirm that</p> <p>a) sufficient funding will be available; and you will be able to secure sufficient funds.</p>	<p>a) The Applicants confirm that sufficient funding is available for each Project notwithstanding the passage of time and the impact of recent and continuing global events</p> <p>b) The Applicants confirm they will be able to secure sufficient funds.</p>
1.3.62	The Applicant	<p>1 2 In your strategic report (Annex 2) you set out Brexit risks, relating to</p> <p>a) the value of sterling b) supply chain disruption c) foreign exchange rate exposure d) additional tariffs e) contractual risks f) free movement of labour g) data protection</p>	<p>a) Post 31st December 2020, the Applicants will know the outcome of Brexit and adjust accordingly into Business as Usual so highlighting Brexit as a risk will no longer be required.</p> <p>b) Once there is enough visibility on the Brexit rules, they will be incorporated into the business case to ensure project viability. By the time the Projects achieve Final Investment Decision, any potential Brexit impact will be</p>

ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		h) foreign exchange rates; i) inflation rates; and j) interest rates How do you see these risks manifesting themselves over the lifetime of the project, particularly in relation to a) the standard risks inherent in your global and renewables businesses; b) project viability; and your ability to finance, construct and operate the project over its lifetime?	built in the business case, so no additional risks expected c) SPR is an integrated utility in the UK, with strong reliable business. Thus, Brexit is not expected to have an impact on the construction and operation of this project.
Book of Reference (BoR)[AS-005]			
1.3.63	The Applicant	1 2 It has come to our notice that there may be persons with an interest in plots 12 and 14 who are not listed in the BoR. In particular, we have received representations from persons occupying 1 Ness Cottage, adjacent to Ness House who, we understand, have a right of way over plots 12 and 14 in order to obtain access to 1 Ness Cottage. There may also be other parties with a right of way over these plots to access property near Ness House, and other parties more generally. Please undertake diligent inquiry and explain the current position, if necessary updating the BoR a) to include all persons with an	The Applicants note the representation made at Deadline C with regards to plots 12 and 14. The details contained within the representation have been verified with the owners of Ness House Cottage. Further diligence is ongoing with the property owners in respect of any additional interests. Set out below are the details pertaining to the diligent investigations into plots 12 and 14 which have been carried out with the landowner and their appointed agent. Persons with an Interest in Land (PIL) forms were where returned by the Landowner on the 5th February 2018 which didn't indicate any further interests. A meeting was held with the landowner's appointed agent on the 23rd May 2018 and again no details of other interests on the property were provided. Following diligent enquires through Land Registry title interrogation, a Land Interest Questionnaire (LIQ) was submitted to the landowner on the 28th November 2018



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<div>1</div> <div>2</div> <p>b) interest in plots 12 and 14; and to include any other new interests</p>	<p>requesting details of any further interests in the property to be provided to the Applicants. This was chased by further letters on the 19th December 2018 and 11th January 2019 and no response was received. Landowners who create interests in land under Assured Shorthold Tenancies (AST) or similar residential tenancy are not under an obligation to register this in the public domain, therefore despite diligent enquires, this interest and possibly others have not been identified. Further to the s.48 and s.56 notices being issued to the landowner on 29th January 2019 and 25th November 2019 respectively, no further responses have been received by the Applicants providing details of other interests.</p> <p>The Applicants are actively engaging with the Landowner to ascertain details of any other persons with an interest in plots 12 and 14.</p> <p>The person made known through representation at Deadline C to the Applicants through further diligent enquiry with Landowner will be added as an interest to plots 12 and 14.</p> <p>As part of diligent ongoing enquires, any new interest will be included in any revisions of the BoR upon the provision of relevant verification [AS-005].</p>
1.3.64	The Applicant	<div>1</div> <div>2</div> <p>Please ensure that the BoR follows the latest version of Government Guidance "Planning Act 2008: guidance related to procedures for the compulsory acquisition of land", including Annex D which deals specifically with guidance on the BoR: for example please ensure that in the BoR:</p>	<p>a) The relevant DCO Articles are cross referred to in the introductory paragraphs of the BoR.</p> <p>b) Each person listed in Part 3 is also listed in Part 1 in the BoR.</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		<ul style="list-style-type: none"> a) you cross refer to relevant DCO Articles; b) each person listed in Part 3 is also in Part 1; and c) diligent inquiry continues throughout the Examination to ensure that the BoR is always up to date. 	<ul style="list-style-type: none"> c) The Applicants will continue diligent inquiry throughout the Examination and ensure that the BoR is always up to date.
1.3.65	The Applicant	<p>1 2</p> <p>Part 4 of the BoR specifies the owner of any Crown interest in the land which is proposed to be used for the purposes of the order for which application is being made. Part 4 is currently blank. Paragraphs from 6.9 in the Burbo Bank Extension Recommendation Report² address similar circumstances, in which no Crown interest in the Order land area for that Application (including land at sea) was identified. The ExA there was content that whilst this had been a formal error, the failure to include Crown interests at sea in a BoR would not of itself be a barrier to the making of the Order by the SoS, as long as the ExA had ascertained that the relevant Crown body (the Crown Estate) was content to grant the interests sought at sea. The SoS accepted that recommendation in the decision letter (paragraph 47 page 10)³.</p> <p>Please:</p> <ul style="list-style-type: none"> a) confirm that there is either no 	<p>The Applicants confirm that the only Crown interest is in the sea bed and Part 4 of the BoR will be updated accordingly.</p> <p>Article 41 in the dDCO is required because it refers, inter alia, to the Crown interest in the sea bed. In common with other DCOs this is a standard provision to confirm that nothing in the Order authorises the exercise of rights affecting land in which there is a Crown interest without consent of the Crown or, if relevant, government department.</p>

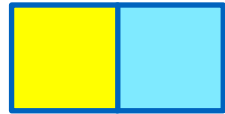
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		<p>Crown interest in any of the Order land, or the only Crown interest is in the sea bed; and</p> <p>b) with regard to the confirmation provided, explain the need for Art 41 in the dDCO.</p>	
1.3.66	The Crown Estate	<p>1 2 With reference to ExQ1.3.65, please</p> <p>a) confirm that there is either no Crown interest in any of the Order land, or the only Crown interest is in the sea bed; and</p> <p>b) with regard to the confirmation provided, indicate whether the Crown Estate is content to grant the interests sought?</p>	No response
1.3.67	The Applicant	<p>1 2 Part 5 of the BoR specifies land the acquisition of which is subject to special parliamentary procedure, which is special category land, or which is replacement land. Part 5 is currently blank.</p> <p>Please confirm that there is no land of this type in any of the Order land.</p>	The Applicants can confirm there is no special category land or replacement land within the Order Land, the acquisition of which would be subject to special parliamentary procedure.
1.3.68	The Applicant	<p>1 2 Where there are blank columns in the BoR for any plot, should the word "none" be inserted to confirm that this is the case?</p>	The Applicants can confirm that in any blank columns in the BoR the word "none" is and will always be inserted. It should be noted that due to the amount of information in the BoR, some columns span across pages, if a column



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
			appears blank on one page there will an entry or entries further up the column on the previous page(s).
1.3.69	The Applicant	<p>1 2</p> <p>The term “authorised project” as used in the Table of New Rights is previously defined in the introductory paragraphs.</p> <p>Should the terms “intrusive and non-intrusive surveys” also be so defined?</p>	The description and drafting of surveys in the Table of New Rights is consistent with the rest of the rights described.
1.3.70	The Applicant	<p>1 2</p> <p>In the Table of New Rights, are all sub-categories of each lettered category of right (and each of the purposes for them, eg ‘construction, installation, operation, maintenance and decommissioning’) always required on every occasion those categories are used in the BoR?</p> <p>a) If so, please explain why. b) If not, please be more precise for each plot as to which sub-categories are required for that particular plot. c) In the Table of New Rights, and with reference to right C4E (and elsewhere), what is “terram”?</p> <p>In the Table of New Rights, in relation to the removal of archaeological artefacts (for example at C13)</p> <p>d) what do you mean by “materially more difficult”</p>	<p>a) Even though the magnitude, frequency and the likelihood of the works involved in construction, installation, operation, maintenance and decommissioning will differ, they have the potential to all involve similar activities and thus the same rights are required.</p> <p>b) As the permanent rights will only apply to a limited area, primarily the 20m easement strip, it is not possible to be more precise.</p> <p>c) Terram geotextile is typically used to assist with ground stabilisation. In hardstanding and road construction, if placing stone on a soft soil foundation, it acts to prevent intermixing of the two layers and contamination of the stone layer which can lead to a loss of bearing strength.</p> <p>d) “Materially more difficult” is used to infer that artefacts are preventing terrestrial activities and they can’t be avoided by other means. “Materially increase the cost” is used to infer that if the artefact was left in their preservation in situ it would increase the cost of works by a significant extent.</p>



ExA. Question Ref.	Question addressed to	ExA. Question	Applicants' Response
		and "materially increase the cost"? and e) how does such a right relate to a Written Scheme of Investigation?	e) The rights sought would be in accordance with the Outline Written Scheme of Investigation (APP-583) and would be on a case by case, site by site and area by area basis, following agreement from ESC, SCCAS and HE.
1.3.71	The Applicant	1 2 Please explain a) whether it is your intention that TP be exercised over all the Order land but permanent rights are acquired only over that part of the Order land actually required; and, if so, b) in the Table of New Rights, and with reference to right A4 (and elsewhere), what is meant by "the land" and "the remainder of the Order land"?	a) It is the Applicants' intention that temporary possession will only be exercised on land required for constructing the Projects, primarily this will be limited to the working width within the Order Land but not over all of the Order Land. It is the Applicant's intention to only acquire permanent rights over land within which infrastructure serving the Projects is installed and once construction works are completed and the precise location of the cable and width of land to accommodate it is known. b) Restrictive covenants will bind the land in which apparatus is installed and the benefit attaches to the remainder of the land in which the Applicants acquire an interest.