

OUR REF S6152.28/CBW/CWI

YOUR REF

22 September 2026

John Wheadon
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3-8 Whitehall Place
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Dear Mr Wheadon

Sea Link Project (the “Project”)

Application Ref: EN020026

ScottishPower Renewables (UK) Limited, East Anglia ONE North Limited and East Anglia TWO Limited’s Response to the Secretary of State’s (“SoS”) All Interested Parties’ Invitation to Comment dated 22 September 2026

1. Introduction

- 1.1 We refer to the above Project and confirm we are instructed by ScottishPower Renewables (UK) Limited (“**SPR**”), East Anglia ONE North Limited (“**EA1NL**”) and East Anglia TWO Limited (“**EA2L**”) (together, the “**SPR Parties**”).
- 1.2 SPR is the parent company of EA1NL, who has the benefit of the East Anglia ONE North Offshore Wind Farm Order 2022 (“**EA1N**”), and EA2L, who has the benefit of the East Anglia TWO Offshore Wind Farm Order 2022 (“**EA2**”).
- 1.3 This submission provides an update on the SPR Parties’ and the Applicant’s submissions in response to the SoS’ request for information dated 28 August 2026.

2. Update on Protective Provisions and Side Agreement

- 2.1 The SPR Parties have almost reached an agreement with the Applicant on the side agreement. The principal issue outstanding is that at the time the Applicant promoted their development consent order, the land for Kiln Lane Substation was in the ownership of the SPR Parties and development had not commenced for EA1N nor EA2. Therefore, the Applicant promoted a development consent order which assumed EA1N and EA2 were not going ahead on a worst case scenario basis. Since then, ownership of the land for the Kiln Lane Substation has been transferred to the Applicant; the SPR Parties have granted the Applicant the relevant land rights required to construct, operate and maintain Kiln Lane Substation, as well as the common parts of the projects such as the access road, landscaping and drainage; the relevant powers and obligations have been transferred to the Applicant under a transfer of benefit agreement; and cross indemnities and other commercial aspects have been dealt with between the SPR Parties and the Applicant. Construction of Kiln Lane Substation has now progressed and considerable works have been undertaken in terms of EA2. As such, there is now no need for the Applicant to have any compulsory acquisition or temporary possession rights in their Development Consent Order (“**DCO**”) south of Kiln Lane Substation (including the substation itself) (the relevant plot numbers are set out in the SPR Parties’ submission dated 18 September 2026 in response to the Secretary of State’s first response for information dated 18 August 2026 (the “**SPR Parties’ 18**”).

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September Submission") and it maintains the SPR Parties' position that such compulsory acquisition and temporary possession powers should be removed from the DCO.

- 2.2 Should these powers not be removed from the DCO, it is imperative that EA1NL and EA2L's protective provisions are granted as per the versions included in Schedules 1 and 2 of the SPR Parties' 18 September Submission. These are agreed with the Applicant save for the Applicant having included an additional provision in their preferred protective provisions at paragraph 4(3) which allows the Applicant to exercise compulsory acquisition and temporary possession rights over land owned by the SPR Parties without their consent from 1 April 2029. This provision is not agreed as drafted by the SPR Parties and as stated by the Applicant in their submission dated 18 September 2026 (9.158 Applicant's Response to Request for Information) this paragraph 4(3) is to be removed once the side agreement between the SPR Parties and the Applicant are entered into. This wording is not acceptable to the SPR Parties as it will allow the Applicant to compulsorily acquire land owned by the SPR Parties under which the EA1N and EA2 underground cables will be situated, which will have an adverse negative impact on the ability to achieve best value for the transmission assets (of which the cables form part) from offshore transmission owners which is an essential plank to the Government's delivery of offshore wind. As stated in paragraph 2.1 above, there is no need for the Applicant to have compulsory acquisition and temporary possession powers over this land as the Applicant has already been granted the required rights, land and powers under the land transfer, transfer of benefit agreement and associated documents. The only area the Applicant still require compulsory acquisition and temporary possession powers are for their AC and DC underground cables which are both located to the north of Kiln Lane Substation. The SPR Parties own some of this land to help deliver the wider EA1N and EA2 projects (such as landscaping) but would be happy for this paragraph 4(3) to be limited solely to this land. This was suggested to the Applicant's solicitors on a call on 23 July when the drafting in paragraph 4(3) was first proposed to the SPR Parties and subsequently in various emails and is something the Applicant's have agreed to in principle but are still to consider in full. With the limited time before the Secretary of State is to make her decision, we therefore propose that paragraph 4(3) is removed entirely from the EA1NL and EA2L protective provisions in the DCO if granted.

3. Summary

- 3.1 In summary, the Applicant no longer requires compulsory acquisition and temporary possession powers over a large area in and around the Kiln Lane Substation. As the draft DCO is currently drafted, if the Applicant's preferred protective provisions for EA1N and EA2 are adopted, the Applicant would be able to exercise these powers over this land from 1 April 2029, which would have an adverse negative impact on EA1NL and EA2L's ability to achieve best value for the transmission assets as part of the essential statutory offshore transmission owner process. The inclusion of these powers of compulsory acquisition no longer meets the specific tests provided in section 122 of the Planning Act 2008 in that the powers are no longer required for the development to which the development consent relates (section 122(2)(a)) and furthermore there is no compelling case in the public interest for the land to be acquired compulsorily (section 122(3)). The inclusion of the powers would therefore be unlawful.
- 3.2 The SPR Parties and the Applicant are very close to agreeing the side agreement; however this is now unlikely to be agreed and entered into before the Secretary of State's decision deadline. Therefore, it is imperative that the SPR Parties are protected by protective provisions excluding the wording at paragraph 4(3) for the above stated reasons.

Yours faithfully



For and on behalf of Shepherd and Wedderburn LLP