

OUR REF S6530.18/CBW/CWI
12 May 2026

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
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Dear Examining Authority

Norwich to Tilbury Project (the “Project”)

Application Ref: EN020027

ScottishPower Renewables (UK) Limited and East Anglia THREE Limited’s Deadline 4 Submission

1. Introduction

- 1.1 We refer to the above Project and confirm we are instructed by ScottishPower Renewables (UK) Limited (“**SPR**”) and East Anglia THREE Limited (“**EA3L**”) (together, the “**SPR Parties**”).
- 1.2 SPR is the parent company of EA3L, who has the benefit of the East Anglia THREE Offshore Wind Farm Order 2017 (“**EA3**”).
- 1.3 This submission provides a written summary of oral case for Compulsory Acquisition Hearing 2 (“**CAH2**”).

2. Written Summary of Oral Case – CAH2

- 2.1 CAH2 for the Project took place in person and virtually on 29 and 30 April 2026. Mr Craig Whelton, Partner at the law firm Shepherd and Wedderburn LLP, gave oral submission on behalf of the SPR Parties at CAH2 on 29 April 2026 under Agenda Item 3.
- 2.2 The background to the SPR Parties’ position is set out in their earlier submissions, and we would refer in particular to the Deadline 3 submission of 10 April 2026 [REP3-139].
- 2.3 In summary, EA3L is currently developing EA3. EA3L is responsible for the delivery of both the offshore wind farm and the onshore infrastructure, including the new onshore substation, currently under construction at Bramford. Construction is due to complete within the next 12 months.
- 2.4 EA3L owns land and has rights over land that National Grid Electricity Transmission (the “**Applicant**”) proposes for both compulsory acquisition and the creation of rights, including rights of temporary possession under the Project’s draft Development Consent Order (“**dDCO**”).
- 2.5 SPR is also the freehold owner of land comprised within the onshore substation at Bramford for the East Anglia ONE offshore windfarm (“**EA1**”). As detailed in the representation of 10 April, EA1 began commercial operation in July 2020.
- 2.6 The EA1 transmission assets have been transferred to an Offshore Transmission Owner, TC East Anglia One OFTO Limited (under Transmission Capital Partners) (who have made their own representation in this Examination [AS-091]).

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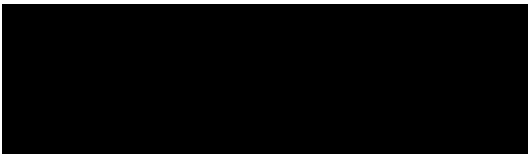
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- 2.7 EA1 and EA3 share an access route to their onshore substations and a sustainable urban drainage systems (“**SuDS**”) basin which is critical infrastructure for EA1 and EA3 and provides drainage to both substations. Both the access route and drainage are located on land for which SPR is the freehold owner.
- 2.8 SPR owns land and has rights over land that is proposed for both compulsory acquisition and the creation of rights under the Project’s dDCO.
- 2.9 The land acquisition and rights sought under the dDCO impact on SPR and EA3L in a number of respects:-
- 2.9.1 Firstly, the EA1 and EA3 substations require continuous 24/7 access to ensure their operational integrity. Of relevance to this issue; the Applicant is:
- (i) proposing the permanent acquisition of land that currently forms part of the existing access to the substations;
 - (ii) seeking the ability to create various rights over land (such as rights to access and take possession of land comprised within the operational EA1 substation – (plot 20/199)); and
 - (iii) seeking the ability to create rights over land that, if granted, could prejudice the ability to access both substations, and surrounding infrastructure. For example, the dDCO seeks powers to create rights that would give the Applicant the ability to limit and prevent use of Bullen Lane which is the sole means of access to the substations and gives access to the SuDS basin essential to the operation of both substations. This is in addition to the powers of temporary closure of streets and public rights of way contained in Article 16 of the dDCO.
- 2.9.2 As well as these critical operational issues, the Development Consent Orders for both EA1 and EA3 contain ongoing obligations relating to landscaping, that the proposed acquisition by the Applicant would render very difficult, if not impossible, to fulfil, potentially placing those developments in conflict with the requirements of their own Development Consent Orders. While Requirement 9 of the draft DCO [REP3-004] requires a reinstatement planting plan to be provided to secure the reinstatement of vegetation affected by the Applicant’s project, the SPR parties would appreciate express recognition in the Outline Landscape and Ecological Management Plan [REP3-030] that this will include the reinstatement of planting being provided under the EA1 and EA3 Development Consent Orders.
- 2.9.3 There is also a lack of clarity as to what is proposed. Appendix A of the Statement of Reasons lists various work packages for which SPR and EA3 land is said to be needed, but from the Applicant’s works plans [APP-018], that does not seem to be the case. For example, there is reference to requiring numerous plots for construction compounds but it is not at all clear if that is correct.
- 2.10 As such, in its current form, it cannot be said the dDCO satisfies the relevant legal tests for compulsory acquisition in the public interest and in particular the tests in section 127 of the Planning Act 2008 which are engaged in respect of these plots, as it would prejudice unnecessarily the operation of an existing renewable energy project, and the delivery of a consented project under construction. The SPR Parties consider these issues can be avoided and therefore the dDCO in its current form is not proportionate.
- 2.11 In that context, it is important to recognise and acknowledge the engagement with the Applicant. A draft Heads of Terms for an interface agreement has been provided by the Applicant and there have been exchanges between the Applicant and the SPR Parties, with some clarification on that draft needed from the Applicant, including a plan providing more detail on the works proposed on SPR and EA3 land for the reasons already set out. The SPR Parties’ comments on the Heads of Terms have now been provided to BCLP.
- 2.12 Heads of Terms for a voluntary land agreement were received from the Applicant on 10 April 2026, and these are under consideration. Any such agreement will require to sit alongside the interface agreement.

- 2.13 We have also provided the Applicant with an updated draft of the statement of common ground, comments on this were received from the Applicant on 5 May 2026 and the SPR Parties have returned further comments on 12 May 2026.
- 2.14 There was a meeting between the SPR Parties and the Applicant on 29 April 2026 and a further meeting was held on 5 May 2026 to discuss matters in more detail. The intention is for these to be reinstated as weekly meetings.
- 2.15 Finally, we are also mindful that a number of the concerns identified with the Project are similar to issues that came up with the Applicant's previous Bramford to Twinstead Development Consent Order, where a resolution was reached. That would indicate the issues here can be addressed, and provided the renewed engagement from the Applicant continues, we are optimistic that will be the case.

Yours faithfully



For and on behalf of Shepherd and Wedderburn LLP