

WRITTEN REPRESENTATION FOR SPR EA1N and EA2 PROJECTS (DEADLINE 1)



CUMULATIVE IMPACT ASSESSMENT

Interested Party: SASES **PINS Refs:** 20024106 & 20024110

Date: 2 November 2020

Issue: 4

Summary

1. The Applicant's approach to cumulative impact assessment is legally deficient and contrary to established guidance in PINS Guidance Note 17. The legal duty to assess the cumulative effects of the projects together with others is in paragraph 5 of Schedule 4 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The importance of assessment of the cumulative effects of a proposal together with other proposals, particularly when the first project enables a subsequent project, as emphasised by the Court of Appeal in *Brown v Carlisle City Council* [2011] Env. L.R. 5. Paragraph 4.1.3 of EN-1 also requires the decision-maker to take account of the proposal's "its potential adverse impacts, including any long-term and cumulative adverse impacts".
2. At paragraph 86 of Chapter 6 of the ES, the Applicant states:

"86. The Applicant recognises that there is the potential for future proposed National Grid Ventures projects in the local area. The Applicant is also aware that extensions to many Round 2 offshore windfarm sites have been announced and that preparation for a further round of development (Round 4) is underway. However, at this stage, in accordance with The Planning Inspectorate Advice Note 17 there is currently insufficient information within the public domain for any of these projects to be considered within the cumulative impact assessment presented in this ES."
3. On this basis, the cumulative assessment carried out by the Applicant is limited to consideration of the interaction between the components of the two DCOs, and the cumulative impacts with the Sizewell C and related development. So far as is relevant, these matters are addressed in other Written Representations on specific topics.
4. For the purposes of this submission, there are two main issues:
 - a. As a matter of fact, the proposed National Grid connection hub for which development consent is sought is designed to accommodate a far greater number of grid connections than proposed through these two projects. It therefore directly enables further grid connections at Friston;
 - b. There are known proposals for energy projects which on the evidence either will connect or are highly likely to connect via a grid connection at Friston if development consent is granted on these applications. Those proposals need to be taken into account in the cumulative impact assessment.

National Grid infrastructure designed to accommodate further grid connections

5. The first demonstrable flaw in the Applicant's assessment is that development consent is sought for National Grid infrastructure which is specified at a scale and capacity to accommodate other grid connections. The DCOs would authorise the construction of a new National Grid connection hub and related infrastructure as a separate NSIP (see Sch 1, Part 1, para 2) which will directly enable further grid connections to be made at that location.
6. The effect of Article 33 of the draft DCO is that the land comprised in the National Grid connection hub works will become "operational land" for the purposes of the National Grid's undertaking. That will give significant latitude to National Grid to carry out further works, pursuant to permitted development rights, to accommodate other connections without the need for planning permission or development consent. That emphasises the need for proper assessment of the cumulative effects at this stage. Whilst the other projects would themselves require development consent (and thus environmental assessment), that is no answer to the need to carry out cumulative assessment now: see *Brown v Carlisle*, at [40].

Known projects likely to connect at Friston

7. Contrary to the Applicant's assertion in the ES, there is considerable publicly available information in respect of projects which would be likely to connect to the grid at Friston.
8. The **Nautilus Interconnector** is a proposed 1.4GW interconnector between Belgium and the UK promoted by a subsidiary of National Grid Electricity Transmission plc (NGET). It has a proposed landfall between Sizewell and Thorpeness. In July 2019 NGET produced a Briefing Pack which states¹:

"In order to connect Nautilus to the national grid, discussions have been ongoing with National Grid Electricity Transmission (NGET) and the System Operator. From this, NGET have provided a Connection Agreement to use a new 400 kilovolts (kV) substation provisionally referred to as "Leiston 400kV substation". This is the same substation that Scottish Power Renewables (SPR) offshore windfarms East Anglia 1N and 2 are proposed to be linked to. NGIH, SPR and NGET are currently working on the premise that all projects will be connecting to the same substation – "Leiston 400kV substation"."

9. The "Leiston 400kV substation" is the National Grid connection hub for which development consent is sought. The Nautilus Interconnector was the subject of a direction under s 35 Planning Act 2008 in April 2019, and is identified on the PINS website as having a likely submission date of Q2 2022. Together with Eurolink, below, Nautilus was the subject of consideration by National Grid in 2018 which identified that it would be connected to a new 400kV substation in the Sizewell to Leiston area, in express connection with the EA1N and EA2 projects²:

"National Grid is proposing a single new 400kV substation which, subject to consent being granted, would connect all of these new sources of generation [Nautilus, Eurolink, EA1N and EA2] to the NETS."

¹ <https://www.nationalgrid.com/document/125601/download>

² <http://sases.org.uk/wp-content/uploads/2018/08/National-Grid-Briefing-Note-Interconectors-Sizewell.pdf>

10. The **Eurolink Interconnector** is a 1.4GW interconnector to the Netherlands. In National Grid's Interconnector Register at 8 January 2018 the project was identified with a connection site at "Leiston 400kV Substation". In December 2018 it was identified by NGET as having the same set of landfall and grid connection parameters at Nautilus.³
11. NGET has recently reclassified both Eurolink and Nautilus as "multi-purpose interconnectors that will each deliver power from multiple offshore windfarms"⁴. Both interconnectors are listed on National Grid's Interconnector Register⁵.
12. It is clear therefore that well in advance of the applications for development consent, the proposal to use the substation to be authorised under these DCOs for these two projects was known. Each of these interconnectors would require significant new infrastructure (converter stations) to connect the HVDC cables to the National Grid connection hub.
13. The Applicants were aware of these proposals in early 2018. In a meeting with PINS in respect of the applications, the Scottish Power is recorded as stating:

"The Applicant stated that it is not engaged in master-planning energy in the area but have considered the NGV projects in their site selection. The Applicant has made commitments not to sterilise NGV's ability to develop their projects. The Applicant advised that they follow the Planning Inspectorate Advice Note 17 on cumulative impact assessment."
14. In addition to these interconnector projects, offshore windfarms which may connect to the National Grid connection hub include:
 - a. **Greater Gabbard Extension**, now North Falls OFW. An agreement for lease has been signed with the Crown Estate⁶. An application for development consent for this 504MW OFW is expected in 2023⁷.
 - b. **Galloper Extension**, now Five Estuaries OFW. An agreement for lease has been signed with the Crown Estate⁸. The proposal is for a 300MW OFW. It is understood that a Grid Connection Offer has been made in respect of the proposal, which is featured on National Grid's Transmission Entry Capacity (TEC) Register⁹. The terms of that connection offer are not known.
15. It is understood that for both of these projects the likely cable landfall will be around Sizewell. The agreements for lease confirm the strong likelihood that the projects will come forward.

³ <http://sases.org.uk/wp-content/uploads/2019/01/NGV-Nautilus-Eurolink-Proposals-14-12-2018.pdf>

⁴ <https://renews.biz/63624/national-grid-builds-wind-connector-pipeline/>

⁵ <https://www.nationalgrideso.com/connections/registers-reports-and-guidance>

⁶ <https://www.sse.com/news-and-views/2020/09/sse-and-rwe-secure-crown-estate-lease-for-greater-gabbard-extension/>

⁷ <https://www.4coffshore.com/news/rwe-and-sse-join-forces-for-greater-gabbard-extension-nid19201.html>

⁸ <https://www.4coffshore.com/news/galloper-partners-secure-agreement-for-lease-for-extension-nid19202.html>

⁹ <https://www.nationalgrideso.com/connections/registers-reports-and-guidance>

16. There are also two domestic interconnectors proposed by NGET, **SCD 1 and SCD 2**, which are proposed to connect between Kent and a landfall around Sizewell. SCD1 is proposed to be operational by 2028¹⁰.
17. There are further National Grid projects in the vicinity of the site which have been excluded from the assessment. These include overhead line reconductoring and further prospective works to overhead lines which are required to accommodate the new generating capacity. These works should also form part of the cumulative assessment.
18. Accordingly:
- a. It is known that two interconnectors are proposed to be connected to the grid at the National Grid connection hub which would be authorised by these DCOs;
 - b. There are at least two offshore windfarms, and two further interconnectors, with connections in the same area, along with works to the grid transmission system to accommodate these projects;
 - c. The National Grid connection hub is specified to be capable of accommodating some or all of these projects, in addition to EA1N and EA2.
19. Further, as noted in the Substation Design and Rochdale Envelope Written Representation, the broad parameters of the proposed development may provide capacity in the site for further development in relation to these (or other) cumulative projects. The cumulative effects of these proposals must accordingly be the subject of assessment.
20. It is not open to the Applicant to decline to assess the cumulative effects of these projects on the basis of the amount of information in the public domain. First, the projects are all easy to understand in terms of the nature of works required to enable them, because they are additional grid connections requiring connection infrastructure that can be seen elsewhere. Second, there is in fact a significant amount of information in the public domain including the likely connection dates (which are in some cases within the construction timeline of these projects). Third, relevant information which is not in the public domain is held by National Grid, which has a directed interest in these DCOs because development consent is sought on its behalf for the National Grid connection hub. Fourth, four of the six further projects (Nautilus, Eurolink, SCD1 and SCD2) are being promoted by members of the National Grid group.

The nature of the unassessed cumulative impacts

21. Since they have not been the subject of environmental assessment, the full nature and effect of the cumulative impacts is not known. However, in the Written Representation concerning Land Use, consideration has been given to the potential land requirements of grid connection infrastructure required for the cumulative projects. It is immediately apparent that there is the potential for very significant additional adverse environmental effects arising from those projects.
22. Further, each of these projects would require a cable route between the landfall and substation location. Any assessment of cumulative effects would be required to consider

¹⁰ <https://www.nationalgrideso.com/document/162356/download> at p 53

the construction and operational impacts of those cable routes together with any connection infrastructure.

Conclusion

23. The Applicants' assessment of cumulative effects is demonstrably defective. There has been no attempt to engage with proposals which will, or are highly likely to, require a grid connection through the very infrastructure for which the development consent is now sought. That assessment is required to meet the requirements of EN-1, and to discharge the legal duty in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Note

For ease of reference a Schedule of Related Projects is provided with this Written Representation.