



## SPR EA1N and EA2 PROJECTS

### DEADLINE 13 – COMMENTS ON THE DRAFT DCOS SUBMITTED AT DEADLINE 12

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

**Date:** 5 July 2021      **Issue:** 1

1. Whilst there has been some progress with the draft Development Consent Orders significant issues remain both in relation to (i) operational land and permitted development rights and (ii) the Requirements. These issues have been addressed in numerous written submissions by SASES including REP 5-102, REP 6-132, REP 6-130, REP7-093, REP 8-228, REP9-079, REP 11-175 and REP12 -123.

#### Operational Land

2. SASES has made a number of submissions on this point including at deadline 7 (REP 7-088) and at deadline 12 (REP 12-123). There has been extensive technical legal argument on this issue, both at issue specific hearings and in writing, which of itself concerning given that it demonstrates that this is an area open to significant differences of legal opinion. If this issue is not properly addressed in the DCO prior to consent this will defer post consent a highly contentious debate when National Grid wants to extend the National Grid substation without seeking consent having chosen GIS (using SF6) over AIS technology so ensuring that:
  - a) there is as much land as possible for extension of the National Grid substation for the purposes of the Nautilus and Eurolink projects and potentially other projects including areas required for the purposes of construction e.g. construction consolidation sites;
  - b) there is land available for the SuDS basins required for additional flood mitigation measures during construction and operation of the extended National Grid substation the cabling to which will need to be provided from the converter stations.

#### Authorised Development – Schedule 1, Part 1

3. **Work No. 1** - it remains the position that each Applicant has the right to develop a project which only generates 100 MW of electricity. Therefore the assessment of each project has to be on the basis of this minimum. The applicants reluctance to increase this figure to something approximating to 800 MW or 900 MW (depending on the project) is inexplicable. It is also manifestly necessary given the history of downsizing of OFW projects (Appendix 1 of the SASES Design Written Representations REP1-357).
4. **Work Nos 38 & 39** – no explanation has been given as to why three cable sealing end compounds are necessary for the purposes of the applicants projects' including one which contains circuit breaker (which doubles its size) and also necessitates the provision of one additional pylon.

#### Requirements

5. The requirements set out in the current draft of the DCO as submitted at deadline 12 remain on satisfactory in the following respects.
  - a. **R12** - The parameters in respect of the substations and National Grid infrastructure are excessive based on the size of the infrastructure for similar projects (REP ). Further the

permanent maximum width of the permanent access road (which should be named the operational access road consistent with the description during examinations) is too great and unnecessary given the width of the rural road which approach this road is approximately 5m wide and given that the road is for operational access.

- b. **R12(10)** - The height of the substations and National Grid infrastructure is not secured since finished ground levels are not defined in the DCO by reference to a specific number and the Applicants have not included AOD heights in the DCO, which is of concern since finished ground levels are more likely to have to be raised rather than lowered given the surface water flood risk issues at the substations site (REP)
- c. **R12 (7) (15)** - The flexibility of National Grid to choose GIS technology over AIS technology is unnecessary and in fact opens the door to future development of the site as a connection hub and will enable National Grid (given land constraints at the site not least in relation to the necessary flood risk mitigation and other projects) to use GIS technology using SF6 contrary to Government policy and its commitments to Ofgem.
- d. **R15** - The optimistic forecast growth rates of trees upon which landscape mitigation is entirely dependent are not secured. These growth rates are not secured by the Applicants' commitment to "adaptive maintenance" in the OLEMS. East Suffolk Council despite their concessions to the Applicants, clearly lack confidence in the ability of the applicants to achieve these growth rates given their recent responses to R17 QF.7(c) in which they state that their conclusions in relation to screening are "*based on an assumption that the applicants achieve the predicted new planting growth rates that have been relied on throughout the examination process*".
- e. **R23 & 25** - The agreed reduction in construction hours to 8 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturdays is not sufficiently secured. By leaving the requirement unchanged has been between the hours of 7am to 7pm Monday to Friday creates the implication that all hours within the period 7 am to 7 pm are the same which they are not as indicated by the outline code of construction practice. Given the importance of ensuring that the principal construction hours are 8 am to 6 pm because of the disruption construction requires not least as a result of noise this needs to be secured in the DCO itself. The reluctance of the applicants to do this and their inadequate supervision of their contractors in respect of the survey works causes great concern that the distinction between the shoulder hours of 7am to 8am and 6pm to 7pm) and construction hours will be lost.
- f. **R27** - the noise requirement is inadequate to prevent a serious adverse impact from noise for the duration of the operational phase as has been well rehearsed in SASES submissions (REP ).
- g. **R38** – there are two principal issues here. First no adequate explanation has been provided in relation to how the site will be managed given that there could be at least three different undertakers (each of the Applicants and National Grid) at the site with shared infrastructure, for example drainage. Second if the grid connection works are constructed under a different third DCO, how will the landscaping and other mitigation required for the grid connection works be specified, examined and secured in that third DCO application?
- h. **Missing Requirement** - Despite the Applicants' assertions that the National Grid infrastructure and operational access road are purportedly only being developed for the purposes of the Applicants' projects, this is not secured in the DCO. This is important given the clear evidence of a further development of the site and the potential of the site for yet more development as a connection hub. The only way to ensure that the National

Grid infrastructure is designed, constructed and used for the EA1N and EA2 projects is to include a requirement preventing the use of this infrastructure for any other purpose.