



# **Galloper Wind Farm Project**

Section 127 Application

November 2011

Document Reference – 4.4

Galloper Wind Farm Limited

**RWE**  
npower renewables

**SSE**  
Renewables

Document title Galloper Wind Farm Project  
Section 127 Application

Document Reference 4.4  
Regulation Reference PA 2008, section 127 and APFP  
Regulations, 5(2)(q)  
Version 4  
Status Final  
Date November 2011

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Date/initials approval	KH	16.11.2011

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16<sup>th</sup> November 2011

**THE INFRASTRUCTURE PLANNING COMMISSION REFERENCE:  
EN010003**

**SECTION 127 OF THE PLANNING ACT 2008 APPLICATION FOR  
THE PROPOSED GALLOPER WIND FARM DEVELOPMENT  
CONSENT ORDER**

Dear Stuart,

We write further to our e-mail dated 12/10/2011 and our meeting on 15/04/2011 regarding the application shortly to be made to the IPC by Galloper Wind Farm Limited (“GWFL”) for the proposed Galloper Wind Farm Development Consent Order (“the DCO”) and the associated requirement for a certificate to be granted by the Secretary of State for Energy and Climate Change (“the Secretary of State”) to authorise the acquisition of land and/or interests owned by a statutory undertaker pursuant to section 127 of the Planning Act 2008.

**Purpose for which the DCO is sought**

The DCO will seek authorisation to construct, operate and decommission the Galloper Wind Farm (“GWF”), which will be an extension to the Greater Gabbard Offshore Wind Farm (“GGOWF”), which is under construction.

GWFL is a joint venture company owned by SSE Renewables Ltd and RWE NRL which has been awarded the rights to develop GWF under the Crown Estate’s Round 2.5 offshore wind farm licensing process

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subject to being successful in gaining the necessary consents for the construction and operation of the wind farm.

GWF comprises two linked Nationally Significant Infrastructure Projects (“NSIPs”), namely:

- an offshore generating station of up to 504MW together with associated development which includes up to three offshore substations; and
- a grid connection between and from those substations to a new onshore substation with two compounds, which in turn connects via cables to an existing 400kv, National Grid Electricity Transmission plc (NGET) operated, overhead transmission line using two new sealing end compounds.

GWFL has secured an up to 504MW Grid Connection Agreement with NGET to connect GWF to the National Grid via apparatus to be constructed at Sizewell in Suffolk in 2015. The submarine cable connects to the on-shore cables underground in a structure known as a ‘transition bay’. The transition bay is connected to the on-shore substation via underground 132kV cables. The substation is split into two compounds, one that will convert the power to UK specifications and another compound that transforms the power to 400kV for connection to the national electricity transmission system.

A list describing the onshore works and the land required for those works for which development consent is sought from the IPC is found at Appendix 1 to this letter. The full suite of documentation to be submitted to the IPC in support of the DCO can be found on the GWF website ([www.galloperwindfarm.com](http://www.galloperwindfarm.com)) and hard copies can be made available to the Department on request.

The DCO seeks powers to compulsorily acquire land and new rights for the purposes of the construction and operation of GWF. The land which is the subject of the compulsory purchase powers sought in the DCO is referred to as the Order Land, and is shown coloured pink and blue on the plan at Appendix 2 to this letter, being the Land Plan which accompanies the DCO application.

### **The EdF Land required to deliver GWF**

In order to deliver GWF, it is necessary for GWFL to acquire land owned by British Energy (a wholly-owned subsidiary of EdF) at Sizewell Wents just north of the Sizewell Gap Road (“the EdF Land”). The EdF Land is shown hatched grey on the plan at Appendix 3 to this letter, and comprises land plan plot numbers 31-177 on the Land Plan.

The EdF Land is required primarily to deliver the two electricity compounds required for GWF (work nos. 6 and 11) but also, access routes, an electrical transformer, two

sealing end compounds (work nos. 9A and 9B), part of the cable route (work no. 5) and temporary works areas. One of the compounds is to be operated by GWFL and is required to alter the electricity supply generated by the offshore wind turbines to UK specifications. The other will be operated by NGET and will transform the electricity to enable connection to 400kV national transmission system; this will require sealing end compounds to be constructed next to existing transmission line towers. The EdF Land is also required to be used during the construction phase of the GWF Project to enable the construction of the onshore elements.

### **Nature of the Interests to be acquired in the EdF Land**

The works described above will necessitate the compulsory acquisition of freehold title as well as rights to use the land temporarily for construction. A schedule identifying the nature of the interests sought from British Energy and for what purpose is enclosed at Appendix 4. In summary, unencumbered freehold land is required for the two compounds, access roads and sealing end compounds as well as associated landscape mitigation. The combined area of this land sought from British Energy is approximately 96,325 square metres (23.80 acres).

In the absence of a private treaty agreement with British Energy, GWFL is also required to seek the compulsory acquisition of the freehold title to the cable corridor which comprises approximately 9,025 square metres of land owned by British Energy. GWFL is willing to undertake to British Energy (should British Energy so desire) that the freehold title to this land be transferred back to British Energy subject to the prior grant of easements relating to rights of access and maintenance, and subject to the imposition of restrictive covenants in GWFL's favour so as to protect the GWF infrastructure. This approach has been taken by GWFL in seeking compulsory purchase powers because it is currently untested as to whether the imposition of restrictive covenants can be facilitated by the DCO process.

In addition GWFL desires permanent rights of access over 1,514 square metres of land for an access to establish and maintain a new woodland strip that forms part of the landscape mitigation strategy agreed with the local authorities. A further 47 square metres is required for a permanent right to oversail plot 119 shown on the Land Plan. This is to facilitate oversized vehicles that may require access to the substation to replace plant and machinery.

To facilitate the construction of the substation and associated works some 79,371 square metres of land is required on a temporary basis. This land is required for the following reasons:

- i. Temporary site compound and access – Land plan plot nos. 35, 36, 38, 41, 42, 43, 46, 47, 48, and 118

- ii. Access to facilitate landscape mitigation – Land plan plot nos. 85
- iii. To provide construction area for cable corridors - Land plan plot nos. 87 and 106
- iv. To provide habitat creation – Land plan plot no. 120
- v. To enable crane jib oversail - Land plan plot nos. 141, 142, 143, 161, 163, 165, 167, 170, and 175

All of the onshore works for GWF are within an Area of Outstanding Natural Beauty (AONB) known as The Suffolk Coast and Heaths AONB.

Whilst the enclosed and intimate character of some of the application site, such as the northern field and the woodland, in which the substation will be located increases their sensitivity to the type of development proposed by the substation, the existing large-scale elements including the Leiston A substation, pylons and the Sizewell 'A' and 'B' Power Stations in the wider landscape moderate the site's sensitivity.

GWFL has paid particular attention to landscape mitigation due to the siting of the substation in an AONB. The proposed landscape mitigation strategy has been agreed with Suffolk Coastal District Council (SCDC) and Suffolk County Council (SCC) and includes amongst other measures:

- Creation of a substation enclosed with a broadleaved wood comprising an extension to the existing Sizewell Wents wood;
- Replacement of woodland lost due to the creation of the substation and addition of further woodland;
- Lowering of the substation platform level so that above ground infrastructure is lowered and therefore less visible;
- Creation of a profiled landform around the north, west and south sides of the substation where it adjoins open fields, using material generated from excavation to lower the substation, to provide instant screening and raise the ground level on which woodland would be planted;

### **The need for powers of compulsory acquisition**

GWFL have sought to negotiate to acquire to the land and interests necessary for GWF from British Energy by private treaty. These negotiations are well-advanced and a schedule of communications together with copies of relevant correspondence is enclosed at Appendix 5 to this letter.

Whilst it has not been possible to reach agreement with British Energy prior to the making of this s127 application or the application for the DCO, GWFL will continue to

progress private treaty negotiations with British Energy in tandem with the CPO process with a view to concluding an agreement as soon as possible.

In the absence of private treaty agreement with British Energy, it is necessary to include the EdF Land in the DCO to ensure that all the land required to deliver the GWF Project can be assembled within the necessary time frame. It remains GWFL's preference and intention to acquire the EdF Land by agreement but, in consequence of the inclusion of provision in the DCO to acquire the EDF Land, GWFL hereby request a certificate from the Secretary of State for Energy and Climate Change pursuant to section 127 (statutory undertakers' land) of the Planning Act 2008 so as to authorise the acquisition of the EdF Land.

A copy of GWFL's Statement of Reasons which sets out the detailed justification for the use of CPO powers is enclosed as Appendix 6.

### **Section 127 of the Planning Act 2008**

Section 127 of the 2008 Act provides that, in the event of a representation being made to the IPC concerning a DCO which includes provision seeking to authorise the acquisition of land which has been acquired by a statutory undertaker for the purposes of its undertaking, such provision may only be made by the DCO if the Secretary of State –

- (a) is satisfied of the matters set out in subsection (3), and*
- (b) issues a certificate to that effect.*

The matters set out in subsection (3) of section 127 are that the nature and situation of the land are such that—

- (a) it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or*
- (b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.*

The requirement in section 127 to obtain a certificate is only triggered after the DCO application has been made and a representation has been made by an affected statutory undertaker. This application for a section 127 certificate is made by GWFL in anticipation of a representation by British Energy objecting to the inclusion of the Edf Land in the DCO.

It should be mentioned that section 128 of the 2008 Act provides that where a representation has been made by a statutory undertaker about an application for a DCO which seeks to authorise the acquisition of land, and where that land has been acquired by a statutory undertaker for the purpose of their undertaking and that representation has been made before the completion of the examination of the application and has not been withdrawn, the DCO is subject to Special Parliamentary Procedure unless the Promoter is any of the bodies listed in section 129(1) of the 2008 Act.

The bodies listed in section 129(1) of the 2008 Act includes statutory undertakers which is defined to include a body which is deemed to be a statutory undertaker for the purposes of section 8 of the Acquisition of Land Act 1981.

By virtue of having a license under section 6 of the Electricity Act 1989, GWFL is deemed to be a statutory undertaker for the purposes of section 8 of the 1981 Act under section 112(1) of, and paragraph 2(2)(g) of schedule 16 to, the 1989 Act.

Since GWFL is the applicant for the DCO, section 128(2) of the 2008 Act does not apply and the DCO would not therefore be subject to special parliamentary procedure.

GWFL understand that the EdF Land is currently owned by British Energy, and held for purposes relating to its operation of Sizewell nuclear power station, specifically, for the purpose of a protection area around the site of that power station. The existing nuclear licensed site covers an area of 515204 square metres and is 177 metres away from the site of the proposed GWF Project.

The operational needs of the GWF Project will be similar to those of the existing GGOWF adjacent to which GWF will be situated. Accordingly GWFL consider that the normal operation of the GWF site will not be detrimental to the operation of the existing nuclear power station.

GWFL has undertaken both statutory and informal consultation to inform the evolution of the GWF project. Notably, the location of the GWF onshore infrastructure has been arrived at in consultation with British Energy/EdF and their concerns have been taken on board in designing the scheme, such as by recognising British Energy's strong preference that GWF be sited away from Sizewell A.

It is understood that British Energy has identified an area of land (plots 123, 124, 144 and 145), within the proposed GWF DCO, for the purposes of landscape mitigation associated with the proposed Sizewell C nuclear plant. The location of Sizewell C is not yet finalised, but is understood to primarily include land to the north of Sizewell B

(in excess of 1km from the GWF development boundary). That part of the Sizewell C nominated site area within the GWF Order Land includes the arable field to the east of Sandy Lane (approximately 75m east of the sealing end compounds).

The only permanent works associated with GWF on this field is a 10m strip of new woodland to be planted towards the western boundary of the field to screen the proposed substation and sealing end compounds from the direction of Sizewell Village. At this stage it is unknown what this field may be used for as part of the proposed Sizewell C development. Given that this field is some distance from the existing nuclear licensed area and that the trees planted for GWF will be located to the western end of the field, GWFL do not anticipate that the proposed acquisition of this strip of EdF Land by GWF will materially impact on the deliverability and/or future use of Sizewell C.

GWFL does not therefore consider it necessary to replace the land required for the GWF Project and respectfully requests that the Secretary of State grant a certificate pursuant to s127 of the Planning Act 2008 on the basis that he is satisfied of the matters in s127(3)(a) of the Act, namely that the EdF Land *can be purchased and not replaced without serious detriment to the carrying on of the undertaking*.

Yours faithfully

A handwritten signature in black ink that reads 'K. Harvey'.

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**Appendix 1 – List of Works**

Works Number 5 <sup>1</sup>		
(1) Plot Numbers	(2) Description of the land	Description of works
5,18, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 34, 37, 39, 40, 44, 57, 60, 74	36,354 m <sup>2</sup> of arable field, and field verge. Highways known as Sizewell Gap Road and Sizewell Hall Road. All of the land is within the AONB, and part of the land (east of Sizewell Hall Road) is within the Suffolk Heritage Coast.	<p>This section of the GWF Project relates to the underground onshore cables, between the transition bays and the GWF Project substation. Each of the three export cables will be split into three single core power cables and each placed in a separate duct. Four additional ducts will be placed in the trench for supporting apparatus. In summary there are seven ducts in each of the three trenches.</p> <p>As referred to in paragraphs 11.14 - 11.16 of this Statement, each trench will be up to 2m wide and have a separation distance of 5.5m between the neighbouring trench, with 5.5m protection either side of the outside trenches. In general the three trenches will require a total protection area of 23m, although this may be widened up to 33m where the cables are directionally drilled under the two roads. The trenches will be back filled with at least 900mm cover, and restored to arable use.</p> <p>To allow for unforeseen obstacles it is necessary to include a limit of deviation of 38m, within which the expected twenty three metre corridor will be placed. The freehold title of any surplus land will be offered back to the owners after completion of the GWF Project.</p> <p>The temporary construction areas will also be placed within the 38m width. This will enable separation and storage of topsoil and subsoil, adequate vehicle access route and the working area for the three trenches.</p> <p>To lay the cables beneath the two highways, it is intended to drill beneath the highway. Provision has been made for temporary works areas to facilitate the drilling equipment either side of the roads</p>

<sup>1</sup> Please note that Work Numbers 1-3A relate to offshore works and Work Numbers 3B and 4 do not affect land owned by a statutory undertaker.

<b>Works Number 5 (cont.)</b>		
(1) Plot Numbers	(1) Plot Numbers	(1) Plot Numbers
		<p>The area immediately to the west of the transition bay is more complex due to the presence of other electrical cables for the GGOWF and is explained in paragraph 11.14 of the Statement. .</p> <p>As is explained in section 11 of the Statement, to ensure proper protection from future operations above or close to the cables it is necessary to request to freehold title for the whole area. This title will be offered back to the freehold owner subject to suitable protective restrictions relating to development near and above the cables and the ability to restrict growth of vegetation.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 5.16</p>

Works Number 6		
(1) Plot Numbers	(2) Description of the land	Description of works
76, 79, 80	22,886 m <sup>2</sup> of arable field, and field verge. All of the land is within the AONB.	<p>This section of the GWF Project relates to the compound being part of the substation area. The GWF Project compound is required for electrical plant and equipment to control and facilitate the export of electricity from the offshore wind farm to the 400kV national electricity transmission network.</p> <p>The footprint of the GWF Project compound is 170m x 130m and will contain building structures up to 14m in height with lightening rods extending to 17m. To reduce the impact of the compound, the ground level will be lowered by up to 2m. The spoil will be used to form the landscaping slope described in Works Number 7. A concrete base will be poured across the footprint for the GWF Project compound.</p> <p>The freehold title is required for these works.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 5.17.</p>

<b>Works Number 7<sup>2</sup></b>		
(1) Plot Numbers	(2) Description of the land	Description of works
53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 72, 73, 74, 75, 77, 78, 81, 82, 83, 84, 86	59,295 m <sup>2</sup> of arable field, pasture and field verge. All of the land is within the AONB.	<p>This section of the GWF Project relates to the necessary landscaping mitigation measures. These measures have been adopted to reduce the visual and noise impacts of the substation.</p> <p>An earth slope will be created from the material removed from Works Number 6. This will raise the existing ground level by up to 5.0m. The slope will be formed to a gradient of 1:10 to integrate with the surrounding ground topography. Woodland trees will be planted on the north, west and south slopes to provide additional visual screening and to replace trees removed in Works Numbers 10A, 10B, 11 and 12. The middle of the slope will be planted with a mix of woodland edge trees, shrubs and open grassland, with the bottom of the slope returned to arable or pasture land use according to its pre-scheme use. This agricultural land (arable and pasture) will be offered back to the landowner to manage with the remainder of the field.</p> <p>The freehold title is required but the freehold title of any reinstated agricultural land will be offered back to the landowner, subject to restrictions to retain the new land profile.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 20, section 7.18.</p>

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<sup>2</sup> Work Number 8 relates to a variation to Work Number 7 that requires more land for landscape mitigation but Work Number 8 is not included in the Compulsory Purchase proposal

Works Number 9A and 9B		
(1) Plot Numbers	(2) Description of the land	Description of works
127,130, 132, 134, 135, 136, 149, 150, 151, 152, 153, 154, 155	5,313 m <sup>2</sup> of fallow land, and woodland edge. All of the land is within the AONB.	<p>This section of the GWF Project is referred to as the 'sealing end compounds'. Work Number 9A being the western compound and Work Number 9B the eastern compound. This is the connection to the national electricity transmission system. Each compound will be fenced to protect against unauthorised entry. The compounds will each contain a 13m high gantry and will connect the 400kV lines from the transmission compound to the existing transmission towers. There are two transmission lines running parallel from the nuclear power station. Each compound connects to one of the towers. The gantries will be placed on a concrete base.</p> <p>The freehold title is required for the two sealing end compounds including land required to make each compound level.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 19.</p>

Works Number 10A and 10B		
(1) Plot Numbers	(2) Description of the land	Description of works
89, 90, 140,148, 158,159, 164, 166, 169, 172	6,927m <sup>2</sup> of fallow land and woodland known as Sizewell Wents. All of the land is within the AONB.	<p>This section of the GWF Project relates to the 400kV underground cables that connect the transmission compound to the sealing end compounds. Works Number 10A relates to the cable that serves the western sealing end compound, and works Number 10B serves the eastern sealing end compound.</p> <p>These cables will be buried underground. To do this and to protect the cable from tree roots it is necessary to clear the trees along the cable route. In addition to the cable itself a protection area over the cable is required to facilitate access for repair and to prevent future development that could damage or interfere with the high voltage cables.</p> <p>There will be two trenches each carrying three cables and are 2.5m metres wide each. These trenches have to be separated by 10m. It is intended that the construction access will facilitate the space between the two cable trenches. An additional protection zone of 4m is required on the north side of the northern trench. The total corridor width will be 19m.</p> <p>To ensure proper protection from future operations above or close to the cables it is necessary to request the freehold title for the whole area. The title will be offered back to the freehold owner subject to suitable protective restrictions relating to development near and above the cables and the ability to restrict plant growth.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 16.</p>

Works Number 11		
(1) Plot Numbers	(2) Description of the land	Description of works
92, 93, 94	8,737m <sup>2</sup> woodland known as Sizewell Wents, arable land and pasture. All of the land is within the AONB.	<p>This section of the GWF Project relates to the transmission compound. This connects to Works Numbers 6 and 10A, 10B and 12.</p> <p>The transmission compound is required to transform the electrical power from 132kV to 400kV so that it can connect to the national electricity transmission system.</p> <p>The footprint of the compound will be 130m x 70m, have a concrete base and be securely fenced to protect against unauthorised entry.</p> <p>The freehold title is required for this area.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 17.</p>

Works Number 12		
(1) Plot Numbers	(2) Description of the land	Description of works
65, 66, 70, 71, 96, 98, 99, 100, 101, 102, 103, 107, 108, 114, 116, 122, 126, 127, 130, 131, 177	9,913m <sup>2</sup> woodland known as Sizewell Wents, and arable land. All of the land is within the AONB.	<p>This section of the GWF Project relates to two cables associated with the transmission compound and a telecommunications mast.</p> <p>Security of supply to the National Grid is essential; this requires alternative means of connecting the generated power from the transmission compound to the national transmission network. This can either be accomplished by reserve apparatus within the transmission compound, therefore requiring a larger footprint, or by providing an alternative connection to the Grid. National Grid identified that an alternative connection could be made to the Sizewell B substation, located within the Nuclear Power Station site. This connection requires underground 132kV cables to be joined into the existing 132kV cables that connect the National Grid Leiston A substation to the National Grid Sizewell B substation. From both an economic and space requirement perspective, including the connection to the existing substation is the optimal solution.</p> <p>As a consequence it is necessary to break into the existing connection between Leiston A substation and Sizewell B substation and create a new loop connection via the new transmission compound.</p> <p>Part of these cables will be located beneath the new access road to the GWF substation. For safety and security reasons it is necessary to exclude all non-essential personnel and therefore it is necessary to acquire the freehold to this land.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 17.</p>

**Additional works in relation to Works Numbers 3B-12**

(1) Plot Numbers	(2) Description of the land	Description of works
123, 124, 144, 145	3,130m <sup>2</sup> of arable land.	<p>The section of the GWF Project relates to items of work that are not specified in any of the above works numbers.</p> <p>This part of the GWF Project relates to landscaping mitigation, and will create a strip of woodland and shrubs aimed at producing a thick visual screen against views looking west from the village of Sizewell. The freehold of this land is required to undertake the works but the land can be offered back to the freeholder subject to sufficient rights to retain and maintain the planting. Vehicular access is required from Sizewell Gap Road to facilitate this planting.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 20, section 7</p>
88, 173	975m <sup>2</sup> of bridleway verge.	<p>This part of the GWF Project relates to landscaping mitigation and will create a thicker hedge and visual screen from the bridleway that runs close to the north of the Order Limits.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 20, section 7.</p>
77, 78, 79, 100, 101, 102, 103, 104, 105, 107, 111, 112, 115, 116, 117, 119	5,878m <sup>2</sup> of access road.	<p>This part of the GWF Project relates to the permanent access to the substations site. Part of the track currently exists and was built as part of the GGOWF project. Access to Works Numbers 6 and 11 is required for all vehicles at all times of day. GWFL requires the freehold title to the track and will grant rights of access to GGOWL and NGET. In addition local services may be laid in the driveway to service the new substation. A right to oversail with vehicles an additional piece of land (plot no. 119) is</p>

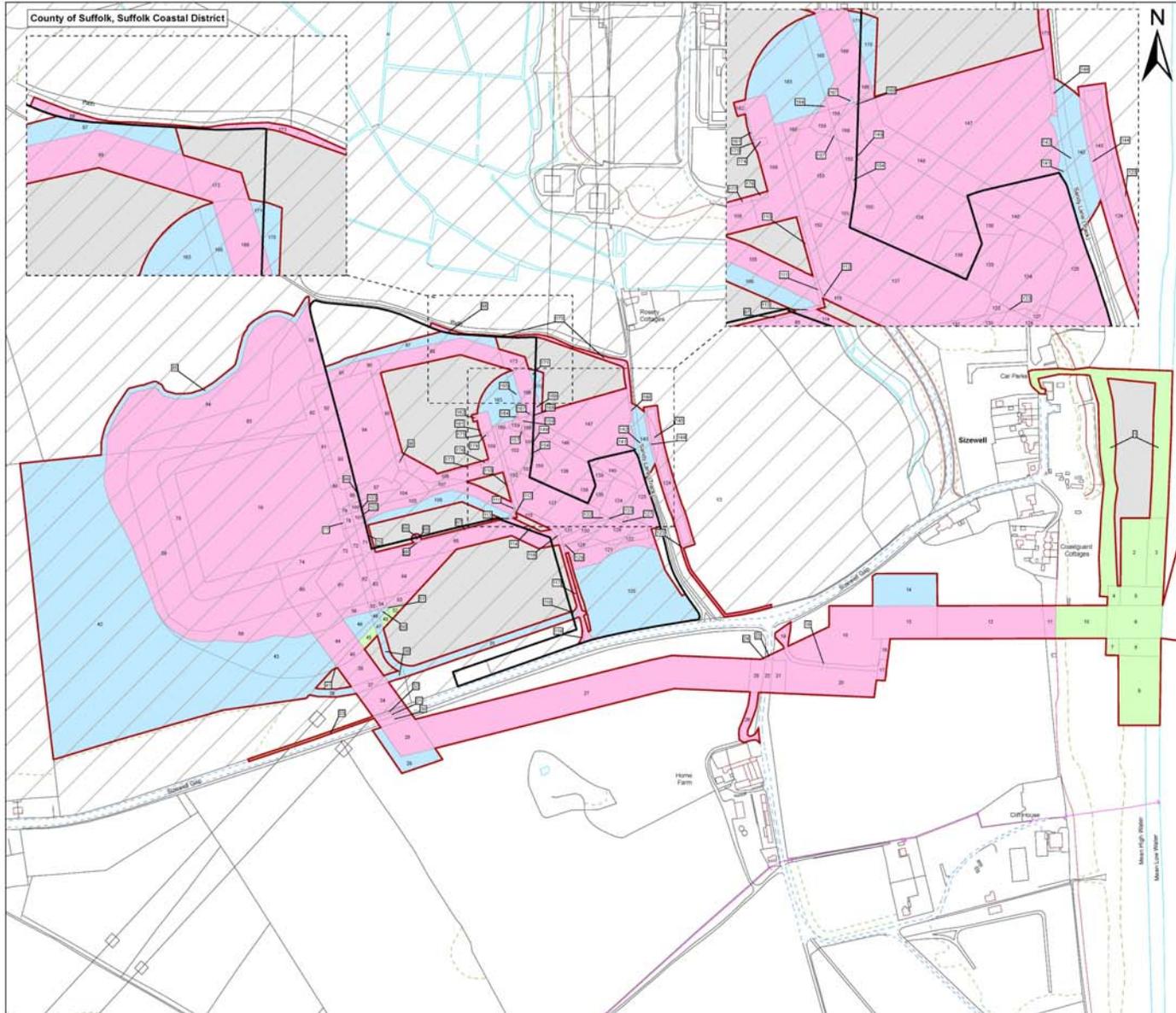
**Additional works in relation to Works Numbers 3B-12**

(1) Plot Numbers	(2) Description of the land	Description of works
125, 126, 128, 129, 131, 137, 138, 139, 140, 147, 148, 156, 157, 158, 159, 160, 168	17,611m <sup>2</sup> of fallow land.	<p>required to facilitate abnormal loads turning into, and out of, the driveway from Sizewell Gap Road. This right is required permanently to facilitate replacement plant and machinery.</p> <p>The freehold title is required for the construction area for the sealing end compounds. This land will be offered back to the landowner subject to a right of access and a right to occupy the land for the purposes of decommissioning the sealing end compounds.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 17.5.</p>
66, 68, 69	95m <sup>2</sup> of Woodland	<p>The freehold title is required to provide a replacement telecommunications mast for GGOWL. The current mast is located within the woodland that forms part of GWF Works Number 11. This mast requires line of sight to the south west and is a fundamental communications mast for the operation of GGOWF. This alternative site has been identified with GGOWL.</p> <p>A detailed description of these works can be found in the Environmental Statement, Chapter 5, section 17.5</p>

**Appendix 2 – Land Plan**

**See Document 2.5**

**Appendix 3 – Land Plan showing EdF Land ownership**



- Greater Gabbard Lease Boundary
- EDF Land Title
- Land Plan - Reg 5(2)(i)(i)**
- Land required for or affected by the proposed development
- Land required for or affected by the proposed development not to be compulsorily acquired
- Land NOT required for or affected by the proposed development
- Land Plan - Reg 5(2)(i)(ii-iv)**
- Order land - limits of land to be acquired**
- Permanent
- Temporary

**Powers limited to acquisition of rights or imposition of restrictive**

No. on Plan	Purpose for which land may be used
26, 123 and 144	Rights of access for vehicles and pedestrians at all times
119	Right to oversail with vehicles

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**Galloper Wind Farm**  
Figure xx  
Land Plan with EDF title and Greater Gabbard lease boundary

Drawing Number: GWF\_771\_R2 | Rev. 2  
Date: 15/11/11 | Created: LW | Checked: NB  
Scale: 1:2,000 | Page: A1  
Datum: OSGB36 | Projection: British National Grid

**Appendix 4 – Summary of interests required from British Energy**

In summary, and by reference the parcels on the Land Plan, the land interests required from British Energy for the GWF scheme are as follows

- (a)** Temporary rights – for the purposes of a construction laydown area to accommodate site offices, welfare facilities, and plant and equipment storage. This area is required during the construction of the project only and can afterwards be restored to its previous condition and returned to the owner. (Described in Schedule 5 to the Order and identified shown blue as Plot nos. 14, 29, 35, 36, 38, 42, 43, 46, 47, 48, 50, 51, 85, 87, 106, 118, 120, 141, 142, 143, 161, 163, 165, 167, 170, 171, 175 of the Land Plan).
- (b)** Permanent rights – to facilitate access to the Onshore Infrastructure and associated works. (Described in Schedule 3 to the Order and identified shown pink as Plot nos. 26, 119, 123 and 144 of the Land Plan).
- (c)** Freehold title (shown pink on the Land Plan with the exception of those plots identified above as seeking permanent rights).

Of the freehold title to be acquired for the GWF Project, some parcels will be required indefinitely for the above-ground Operational Infrastructure, such as the substation (works nos 6 and 11), sealing end compound (works nos 9A and 9B), transition bays (works no 4), landscape mitigation (works no 7) and a replacement telecommunications mast for GGOWL (plot nos 66, 68 and 69).

In certain circumstances where the surface land is capable of being substantially reinstated to its former use after the necessary works have been undertaken, GWFL are willing to undertake to offer to transfer the freehold land back to the former landowner. Such a transfer would be subject to the prior grant in GWFL's favour of various rights and/or restrictions to ensure that GWFL's apparatus is protected and to ensure that it has the ability to operate and maintain the GWF Project throughout the lifetime of the project. Those parcels to which this approach applies are summarised below:

- (i)** Land required for the cable routes (work items 5, 10A, 10B, 12 and additional utility services to works nos 6 and 11) - this is explained in more detail in paragraph 11.7 below. (Plot nos. 11,12, 15, 18, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 34, 37, 39, 40, 44, 57, 60, 65, 66, 67, 70, 71, 74, 89, 90, 96, 108, 109, 110, 111, 112, 113, 114, 122, 126, 130, 131, 140, 148, 158, 159, 162, 164, 166, 168, 169, 172,174, 175, 176, and 177).

- (ii) Freehold title with land being offered back subject to obligations to retain the earth profile to retain the slope screening the substation. (Plot nos 53, 54, 55, 56, 57, 58, 84, 86).
- (iii) Land to be acquired for the purposes of disassembling the sealing end compounds which is capable of being substantially reinstated post-construction and offered back to the former landowner subject to the grant of easements which will permit entry for the purposes of decommissioning the plant (Plot nos. 125, 126, 128, 129, 131, 137, 138, 139, 140, 147, 148, 156, 157, 158, 159 and 160, 168).
- (iv) Land to be acquired for the purposes of habitat creation which is capable of being offered back subject to the retention of rights to protect and maintain habitat areas for wildlife. (Plot no 121, 122).
- (v) Land to be acquired for the purposes of pedestrian and vehicular access which is capable of being offered back subject to the retention of rights of access to use the track. (Plots nos. 16, 17, 18, and 19).
- (vi) Land to be acquired for the purposes of vehicle oversail which is capable of being offered back to original users subject to the right to oversail and with a requirement for the land to be kept free of encumbrances (Plot no 119).
- (vii) Land to be acquired for the purposes of establishing trees, shrubs and hedges to provide a visual screen to the substation which is capable of being offered back subject to GWFL retaining rights to plant, retain and maintain trees, shrubs and protective measures, until proper establishment. (Plot nos 88, 124, 145, and 173).

**Appendix 5 – Summary of private treaty negotiations between GWFL and British Energy**

## **Summary of private treaty negotiations between GWFL and British Energy**

GWFL has corresponded with British Energy since March 2010. A log of consultation is included in the Consultation Report. Initially GWFL sought British Energy's consent in principle to position the substation on its land. Concern was raised because of the proximity to Sizewell B Nuclear Power Station and that the site may also be required for the development of a new Nuclear Power Station (Sizewell C). In a letter dated 30<sup>th</sup> March 2011 from EDF Energy's Chief Nuclear Officer (see copy below), GWFL received confirmation that the site was the least disruptive of the available options to Sizewell B and that EDF Energy would instruct its estates dept. to commence discussions with GWFL. The first of a series of meetings was held on 13<sup>th</sup> April 2011 with the Head of Estates and EDF Energy's agent BNP Paribas. There have been eight meetings in all to date, other being on 7<sup>th</sup> June, 30<sup>th</sup> June, 15<sup>th</sup> July, 21<sup>st</sup> July, 15 August, 8<sup>th</sup> Sept and 23<sup>rd</sup> Sept. Initially these meetings centred on agreeing a heads of terms document without solicitors and since 8<sup>th</sup> September the legal teams have led the discussions. An Option agreement and a Lease agreement are in draft form with key areas remaining to be agreed being the form of financial security and commercial terms. Both parties also require further managerial approval before the agreement can be signed. NGET requires a sub-lease from GWFL to construct and operate the transmission substation. This draft document requires British Energy's approval once the head lease has been agreed.

GWFL has sought a long term, 50 year lease from British Energy for the substation and associated apparatus, including the landscaping mitigation measures. Inevitably the GWF Project has evolved during the negotiations with British Energy, particularly with regard to the landscaping measures. It is envisaged that the export cable corridor will be held on a deed of easement. The lease will enable the land to be re-profiled and the landscaping left in situ once the substation has been decommissioned. Additional temporary rights to use land for construction and site offices have been requested.

**Appendix 6 - Statement of Reasons submitted to the IPC**

**See Document 4.1**