



**Galloper Wind Farm Project**  
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Galloper Wind Farm Limited

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### Schedule 1 Description of Works

## 1 INTRODUCTION

- 1.1 This Statement of Reasons (“the Statement”) relates to an application (“the Application”) by Galloper Wind Farm Limited (“GWFL”) to the Infrastructure Planning Commission (“IPC”), under the Planning Act 2008 (“the 2008 Act”), for the Galloper Wind Farm (“the GWF Project”) Development Consent Order (“the Order”) which would grant powers to construct, operate and decommission an offshore wind farm. The GWF Project is an extension to the existing Greater Gabbard Offshore Wind Farm (“GGOWF”).
- 1.2 GWFL is an Unincorporated Joint Venture between SSE Renewables Holdings UK Limited and RWE Npower Renewables Limited. The Joint Venture and the parties’ relationship are explained further in section 2 of this Statement.
- 1.3 This Statement is prepared pursuant to Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the Regulations”) and the Planning Act 2008: Guidance Related to Procedures for Compulsory Acquisition (“the Guidance”).
- 1.4 The Statement forms part of the suite of application documents for the Order which seeks development consent for two linked Nationally Significant Infrastructure Projects (“NSIPs”), namely:
- (a) an offshore generating station of up to 504MW and new overhead lines of 400kV, together with the associated development which includes up to three offshore substations; and
  - (b) 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.
- 1.5 The Order seeks powers to compulsorily acquire land and new rights for the purposes of the construction and operation of the GWF Project. In this Statement, the land which is the subject of the compulsory purchase powers sought in the Order is referred to as the Order Land. The Order

Land is described below in section **Error! Reference source not found.** of this statement and is further shown coloured pink and blue on the Land Plan which accompanies the Application. The part of the Application in respect of compulsory purchase powers also includes a Book of Reference which identifies those persons with an interest in the land affected by the Order, and a Funding Statement which explains how the GWF Project will be funded.

- 1.6 This Statement explains GWFL's rationale for the inclusion of compulsory purchase powers in the Order and explains why, in GWFL's opinion, there is a compelling case in the public interest for the making of the Order with the inclusion of those compulsory purchase powers so as to secure the outstanding land and property interests required to enable the GWF Project to proceed.

## 2 THE APPLICATION

### Purpose of the Order

- 2.1 In overview, the purpose of the Order is to grant GWFL development consent for two linked NSIPs, both of which are explained in detail in the Explanatory Memorandum which accompanies the Application:
- (a) an offshore generating station of up to 504MW and new overhead lines of 400kV, together with the associated development which includes up to three offshore substations; and
  - (b) 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.
- 2.2 The Order also contains powers to acquire land, and rights, compulsorily for the construction and operation of the GWF Project. In addition it contains power for a deemed marine licence under section 66(1) of the Marine and Coastal Access Act 2009 ("the 2009 Act").
- 2.3 A full technical explanation of the GWF Project is contained in Chapter 5 Project Details of the Environmental Statement (ES) accompanying the Application. This Statement focuses upon GWFL's justification for the inclusion of powers of compulsory acquisition in the Order to ensure the delivery of the onshore infrastructure elements of the GWF Project, namely an electrical substation and associated apparatus to connect to the national grid transmission infrastructure ("the Onshore Infrastructure"). These works are summarised with reference to the 'Works Plan' as follows. A more detailed description is included within appendix 1. It should be noted that works numbers 1-3A relate to off-shore apparatus.
- (a) *Work No. 3B* – A grid connection consisting of up to three cables laid underground from mean low water to the south of Sizewell to Work No. 4;
  - (b) *Work No. 4* – Up to three transition cable jointing bays, with cables, to the south of Sizewell Gap connecting Work No. 3B to Work No. 5;

- (c) *Work No. 5* – A grid connection consisting of up to nine cables laid underground from Work No. 4 to Work No. 6 running in a westerly then northerly direction and going under the unnamed road at reference point B and under Sizewell Gap;
- (d) *Work No. 6* – An electrical substation compound at Sizewell Wents approximately 10 metres west of Work No.11 with an underground electrical connection to Work No. 11;
- (e) *Work No. 7* – A screening landform adjacent to all or part of the northern, western and southern boundaries of Work No. 6;
- (f) *Work No. 8* – A screening landform adjacent to all or part of the northern, western and southern boundaries of Work No. 6, which extends over a larger area than Work No. 7;
- (g) In connection with such Work Nos. 3B to 8 and to the extent that they do not otherwise form part of any such work, further associated development shown on the plans referred to in the requirements, or approved pursuant to the requirements, including:
  - i. relocation of a communications mast serving the Greater Gabbard substation, which is currently located within the footprint of Work No.6, and associated cabling;
  - ii. ramps, means of access and footpaths;
  - iii. bunds, embankments, swales, landscaping, fencing and boundary treatments;
  - iv. habitat creation;
  - v. jointing bays, cable ducts, manholes and other works associated with cable laying;
  - vi. works for the provision of apparatus including cabling, water supply works, surface water management systems and culverting;
  - vii. construction lay down areas and compounds and their restoration;
  - viii. such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the works assessed by the environmental statement.

- (h) *Work No. 9A* – Overhead 400 kV electric lines connecting a new sealing end compound to the extended arms of the existing;
- (i) *Work No. 9B* – Overhead 400 kV electric lines connecting a new sealing end compound to the extended arms of the existing;
- (j) *Work No. 10A* – A grid connection consisting of one or more cables laid underground from Work No. 9A in an approximately northerly then westerly direction to Work No. 11;
- (k) *Work No. 10B* – A grid connection consisting of one or more cables laid underground from Work No. 9B in a north westerly direction to Work No. 11;
- (l) *Work No. 11* – An electrical substation compound at Sizewell Wents to the west of the existing Greater Gabbard substation;
- (m) *Work No. 12* – A grid connection consisting of one or more cables laid underground from Work No. 9 in a south then easterly direction, connecting to the existing underground cable, and a grid connection laid underground from Work No. 9 to the existing Greater Gabbard substation;
- (n) and in connection with such Work Nos. 9A to 12 and to the extent that they do not otherwise form part of any such work, further associated development shown on the plans referred to in the requirements, or approved pursuant to the requirements, including:
  - i. ramps, means of access and footpaths;
  - ii. bunds, embankments, swales, landscaping, fencing and boundary treatments;
  - iii. habitat creation;
  - iv. jointing bays, cable ducts, manholes and other works associated with cable laying;
  - v. works for the provision of apparatus including cabling, water supply works, surface water management systems and culverting;
  - vi. construction lay down areas and compounds and their restoration;



- (o) such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the works assessed by the environmental statement

### **Application documentation**

- 2.4 A list of all of the documents that GWFL is submitting as part of the Application is shown in the Electronic Index. Those that are relevant to the compulsory purchase process are listed in section 19.

### 3 GALLOPER WIND FARM LIMITED

- 3.1 As explained in section 1 above, GWFL is an unincorporated joint venture (“UJV”) between SSE Renewables Holdings UK Limited and RWE Npower Renewables Limited. GWFL is a 50:50 joint venture and both companies supply an equal level of resource at the development stage of the GWF Project. Set out below are the details of the two GWFL joint venture parties together with an explanation of the joint venture relationship.

#### SSE Renewables Developments UK Limited (“SSER”)

- 3.2 In December 1998 Scottish and Southern Energy was formed following the no-premium merger of Scottish Hydro Electric and Southern Electric. In 2008 SSE acquired Airtricity Holdings Limited. The acquisition increased SSE’s total operating portfolio of renewable energy, including hydro, pumped storage and biomass, to just over 1,900MW; increased its portfolio of operating wind energy capacity from 170MW to almost 480MW; increased its portfolio of onshore wind farms with full consent and/or under construction to just over 400MW; and gave it a new wind energy development portfolio of almost 10,000MW.
- 3.3 SSER has responsibility for development and construction of all renewable energy projects in the SSE group, focusing on wind, hydro, wave and tidal technologies. SSER has developed over 40 wind farms across Europe and North America, resulting in over 1500MWe installed.
- 3.4 SSE’s future objectives include the following:
- Delivery of a £3bn programme of renewable energy investment in the UK in the five years to 2013;
  - Continuing growth in its electricity generation and electricity and gas supply activities in the UK and Ireland;
  - Maintenance of its position as the leading generator of electricity from renewable sources in the UK and Ireland;
  - 50% reduction in the carbon intensity of electricity produced at power plants in which it has an ownership or contractual interest between 2006 and 2020; and

- Be the safest utility in the world.
- 3.5 The long term ownership and operation of renewable energy generation is a core part of the SSER business. SSE has committed at board level sufficient financial resources (for their respective share of each project) to take all these targeted UK offshore sites through to consent submission (including Round 3, Scottish Territorial Waters sites and the GWF Project), with GGOWF already in the construction stage and consequently committed to financially.
- 3.6 SSER has top-level commitment to continue growth of both the supply and generation businesses, whilst simultaneously reducing carbon emissions from these activities. The following targets illustrate the extent of the ambition:
- 700MWe offshore wind capacity to be operational by 2016 in the UK;
  - 6,000MWe UK Development Programme. Full development budget in excess of £100 million approved to take this pipeline forward to consent.

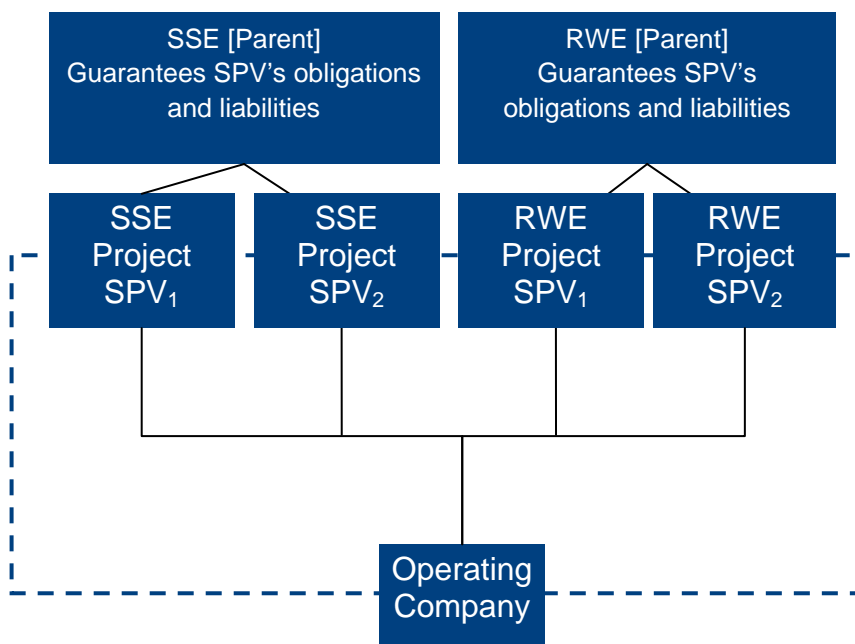
### **RWE Npower Renewables Limited (“RWE NRL”)**

- 3.7 RWE NRL has evolved constantly since the electricity industry was privatised in the early 1990s, when it became National Power. In April 2000 the various supply businesses were relaunched under a single brand, Npower. In 2000 National Power demerged to create Innogy and International Power. In 2002 National Power was acquired by RWE, one of Europe’s leading utilities and became RWE Npower, the UK energy business of the RWE Group. On 1 February 2008 the renewable generation assets of the RWE Group were consolidated in a new operating company, RWE Innogy. In the UK, the renewable business of the Group is RWE NRL.
- 3.8 Offshore wind is a core technology for RWE Innogy (“RWEI”) (RWE NRL’s parent company) and the UK offshore wind market is a core European market. RWEI has an objective to have a 10GW generation portfolio across all renewable technologies internationally by 2020 and offshore wind forms a key part of that aspiration.

- 3.9 RWEI was formed in February 2008 to consolidate the diverse renewables initiatives of RWE across Europe, and now has a generation capacity of 1900MWe. Its status as a primary subsidiary of the ultimate parent, RWE AG, plus its generous budget commitment (of at least €1bn per year) demonstrates a strong commitment to building a large-scale portfolio of renewable generation within the group’s overall electricity generation mix.
- 3.10 Expansion of the core UK offshore wind markets is central to the group’s investment strategy. RWE NRL has over 18 years experience successfully developing, consenting, building and operating both onshore and offshore wind farms in the UK. RWE NRL is the UK’s leading wind farm operator with 22 wind farms totalling some 533MWe of installed capacity. It is a major player in UK offshore wind, demonstrating significant commitment and investment to the sector over the last decade.
- 3.11 RWE NRL developed, built and operates the UK’s first major offshore wind farm, North Hoyle (60MWe), and has recently completed the 90MWe Rhyl Flats project.

**The GWFL Joint Venture**

- 3.12 The figure below sets out the contractual arrangements between SSER and RWE NRL and the relationship between them under the UJV structure.



- 3.13 GWFL is owned and financed under an UJV by two shareholders; namely RWE NRL (50%) and SSER (50%). Four special purpose vehicles (“SPVs”) which together participate in the ownership structure (two of which are owned by RWE and two by SSE - the "Participants") have entered into a Joint Operating Agreement (“JOA”), similar to a Shareholder's Agreement in a standard joint venture. The JOA governs the processes for voting in various situations and sets out the Participants’ rights, interests, duties and obligations in connection with the project and the UJV. The JOA was also entered into by GWFL (“OpCo”) as the operator which is established with the same shareholdings as the Participants’ interests in the UJV.
- 3.14 The assets (excluding the consents which are held on trust by the OpCo) are owned jointly by the Participants through their UJV holdings. Under the terms of the JOA, the UJV will enter into the project contracts with suppliers and third party contractors. The OpCo acts as agent holding title on trust for the Participants where the Participants are unable to enter in to contracts directly.
- 3.15 There are two major benefits to the shareholders of a UJV structure over a standard joint venture. Under UK Generally Accepted Accounting Practice (“GAAP”) a shareholder in a UJV is able to consolidate the proportion of the overall MW’s of the project that it owns directly to its own balance sheet. In addition, each shareholder is able to finance its share of the overall project without impacting the other shareholder.

## 4 DESCRIPTION OF THE ORDER LAND

### Location and characteristics

- 4.1 The GWF Project will be situated approximately 27km off the Suffolk coast. A more detailed description of the offshore works, is provided in section 5.9 below, reference should also be made to document 2.6 – Land plan 2 of 2, which identifies the offshore land requirements. The generated power is conveyed ashore via up to three ‘export cables’. The point of landfall is at Sizewell on the Suffolk Coast (please refer to section 5 of this Statement for detailed reasoning for the point of landfall), grid reference TM4762NE.
- 4.2 The point of landfall and the onshore works come within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). This is an area of approximately 150 square miles, stretching from Lowestoft in the north to Felixstowe in the south.
- 4.3 The point of landfall also falls within the Suffolk Heritage Coast, which at Sizewell extends approximately 750m inland.
- 4.4 The point of landfall is approximately 150m south of the village of Sizewell which is situated on the Suffolk Coast, and is also 500m south of Sizewell Nuclear Power Station.
- 4.5 The Order Land comprises an area of approximately 29.2 hectares (72.1 acres) extending to 1300m west of the landfall point. The Order Land represents the land and interests required for the Onshore Infrastructure associated with the GWF Project, namely a substation with associated cables and apparatus for connection to the national electricity transmission system (see section 2.3 above for a more detailed description of the Onshore Infrastructure). The two compounds that make up the substation are to be positioned immediately to the west of the existing GGOWF substation.
- 4.6 The Order Land primarily comprises agricultural land and woodland. Of the agricultural farmland, approximately 17.25 hectares (42.65 acres) is productive arable land, including field margins and verges and 2.49 hectares (6.15 acres) is permanent pasture. The woodland extends to approximately 2.25 hectares (5.31 acres) and is known as Sizewell Wents.

- 4.7 In terms of built infrastructure, the Order Land includes part of the land leased by GGOWF for its substation and associated apparatus. In order to minimise the footprint of land used for electricity substations (both GGOWF and GWF) GWFL has designed its substation to adjoin the GGOWF substation. This necessitates part of the land occupied by GGOWF to be acquired by GWFL. The area required forms part of the woodland screen for GGOWL and is not part of the operational substation site. The GGOWF site is accessed directly via a private drive from Sizewell Gap Road. There are existing underground cables that need to be crossed by GWFL's cables, but no GGOWL apparatus is located within the footprint of the GWF Project's substation with the exception of a telecommunications mast that needs to be re-sited. The GGOWF transition bays are also located adjacent to the intended position for the GWF Project transition bays and accessed via a short track from the junction of Sizewell Hall Road and Sizewell Gap Road. GGOWF's 3 export cables are immediately north of the intended landfall for the GWF cables. These cables are tunnelled below the coastal defences to the transition bay before crossing Sizewell Hall Road and then Sizewell Gap Road turning north to the GGOWL substation.
- 4.8 For completeness, the land required to deliver the Onshore Infrastructure also includes 2.47 hectares (6.11 acres) of coastal defences, sand dune and shingle beach which is shown coloured green on the Land Plan (plot nos. 1-10). The Order does not seek the compulsory acquisition of this land, which is owned by Suffolk Coastal District Council ("SCDC") and in respect of which an agreement has already been put in place

### **Ownership of the Order Land**

- 4.9 The Order Land is in the freehold ownership of two parties subject to a number of leasehold and/or occupational interests:
- (a) Inland, the majority of the proposed cable route is owned and farmed by Mr Glencairn Stuart Ogilvie ("Ogilvie"), who owns and farms the land to the south of Sizewell Gap Road. With reference to the Land Plan this land is contained within plot numbers 11-30.

- (b) All of the land to the north of Sizewell Gap Road required for the GWF Project is owned by British Energy Generation Ltd (“British Energy”), a wholly owned subsidiary of EDF Energy plc. This land is subject to a number of tenancies:
- (i) Part of the farmland is let on a one year Farm Business Tenancy for arable use to A W Mortier Farms Ltd (Land Plan Plot nos 34-68, 71-81, 93, 99, 100 and 101).
  - (ii) Part is let on an annual grazing licence to Mr D Pratt (Land Plan Plot nos. 82-86 and 92).
  - (iii) Some of the remaining land has been leased on a long term arrangement to GGOWL for an electricity substation. This lease is dated 7<sup>th</sup> March 2008 and is for a term of 53½ years. The lease provides GGOWL with land and rights to construct and retain an electrical substation with associated apparatus. The lease covers an area of 20 acres or thereabouts, principally within the woodland known as Sizewell Wents. NGET has a sub-lease within the head-lease that provides for its Leiston A substation and connection cables to the transmission network, which were required as a consequence of power generated by GGOWF.
- 4.10 The current position in respect of negotiations with these parties is described in section **Error! Reference source not found.** below.



## 5 EVOLUTION OF THE GWF PROJECT

- 5.1 The GWF Project presents the culmination of a number of years of investigatory work by GWFL following financial close for GGOWF. SSER and RWE NRL are currently developing the GGOWF in a joint venture. GGOWF is located 25 kilometres off the coast of Suffolk and will comprise 140 wind turbines located around two sand banks known as Inner Gabbard and The Galloper in the North Sea, off the Suffolk Coast. With a capacity of 504 megawatts, this will provide enough clean electricity to power around 530,000 homes<sup>1</sup>. It is anticipated that the project will be fully operational in 2012, making it the largest operational offshore wind farm in the world.
- 5.2 In 2008, GWFL commissioned a feasibility study into the potential for further offshore wind farm development in the vicinity of GGOWF. This process identified two areas adjacent and immediately to the east of the existing GGOWF site together with a site further to the southwest of the GGOWF in the Outer Thames Estuary.
- 5.3 In 2009, The Crown Estate opened a formal bidding process for extension projects to Round 1 and 2 sites, colloquially known as Round 2.5. The Crown Estate's requirements for Round 2.5 developments had significant influence on the offshore site selection for the GWF Project as the criteria stated that the extension site must:
- (a) Be of an appropriate scale to the original site;
  - (b) Take into consideration environmental parameters and other constraints;
  - (c) Share a substantial part of one or more boundaries with the original site; and
  - (d) Demonstrate synergies with the original site, e.g. of construction, operation, improvement of economics and / or grid connectivity.
- 5.4 The GWF Project export cable route has been based on the route of the GGOWF export cable, avoiding aggregate areas, and a landfall location close to the National Grid connection point for the GWF Project that avoids significant physical and environmental constraints.

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<sup>1</sup> Based on site specific met mast data indicating a load factor of at least 40%, and based on household consumption of 3,300kWh a year

- 5.5 The justification for locating the GWF Project export cable corridor adjacent to the GGOWF is:
- (a) To minimise the footprint on the seabed by allowing the GWF Project export cables to enter into the GGOWF corridor;
  - (b) It is the area that has been awarded by The Crown Estate in the Agreement for Lease;
  - (c) The GWF Project export cables need to come ashore at a similar location to GGOWF due to also having a connection agreement with NGET at Sizewell; and
  - (d) A geotechnical survey has been undertaken on the GGOWF corridor and the seabed conditions of the adjacent GWF Project corridor are therefore more widely understood than a completely new area.
- 5.6 The GGOWF offshore cable corridor is 500m in width. Up to 1,000m has been allocated for the GWF Project due to the aggregate application area, Shipwash (507/5), which is in the middle of the export cable corridor. The only exception to this is in the area approaching the landfall where the GWF Project corridor moves completely into GGOWF's. The GWF Project corridor is located to the north of the GGOWF route due to the aggregate application area, Shipwash (507/6), being immediately adjacent to the GGOWF cable corridor, which eliminates the possibility of locating the corridor to the South of the GGOWF route.
- 5.7 To accord with The Crown Estate requirements detailed in paragraph 5.3 above, GWFL identified areas as shown in the land plan see document reference 2.6). The eastern boundaries were reduced, following initial early consultation, due to concerns relating to shipping, ornithology and technological constraints posed by deep water, whilst the northern boundary was reduced to lessen conflict with the Round 3 East Anglia Zone and shipping.
- 5.8 In December 2009, GWFL secured a Grid Connection Agreement from NGET, i.e. the location where the electricity generated by the GWF Project is to be connected to the 400kV national electricity network. This 'Grid Connection Agreement' was located at Sizewell.
- 5.9 The reasons influencing NGET's decision to locate the grid connection in Sizewell included the fact that Sizewell offers a shorter export cable route

from the offshore array, it is close to existing 400kV overhead lines which are able to accommodate the full potential maximum 504MW output without requiring reinforcement works, and there is a minimal requirement for onshore cabling.

- 5.10 Following the submission of the GWF Scoping Report in July 2010 (SSE Renewables and RWE Npower Renewables Limited, 2010) which identified two potential locations for the onshore substation, the IPC, SCDC and Suffolk County Council (SCC) requested that further information be provided to support the application regarding onshore site selection.
- 5.11 GWFL and NGET have separately carried out further consultation with the local community with regard to the potential locations of the onshore infrastructure required to connect the Wind Turbine Generators (WTGs) to the 400kV national electricity network. Reports on these consultation exercises are included the Consultation Report.
- 5.12 For the option appraisal exercise undertaken by GWFL the study area was defined based on Sizewell, a preferred landfall location at Sizewell beach and the physical constraints present landward of that position. A physical constraint in this context is one that a substation cannot be located within, or a cable corridor could not extend beyond, with the result that it is not considered technically viable to site the substation equipment within these areas or to trench through or underneath these features. The physical constraints identified within this study area are detailed in the following table.

Constraint	Description
Residential areas	All identified residential properties in the study area, including those in Leiston, Aldringham, Thorpeness, smaller settlements and individual properties. This category also included agricultural buildings and features such as churches and graveyards.
Industrial properties	Industrial facilities including Leiston Sewage Works, and waste disposal unit.
Recreational / leisure / commercial facilities	Features such as football pitches, golf courses, and caravan parks etc. where cabling through / under is considered unacceptable. This also included public amenities such as Leiston Abbey

	and Aldringham walks.
Sizewell Nuclear Power Station Complex	Sizewell A is a disused Nuclear Power Facility that is in the process of decommissioning. Sizewell B is an operational Nuclear Power Station, with no available space for GWF to site a substation. Sizewell C is in the pre-application stage of a proposed development for a new nuclear power station. Although an application for Sizewell C has not yet been made, a Nominated Site Area, in which it is intended to be sited, has been identified. Sizewell A, B and the Nominated Site Area for Sizewell C have been treated as a physical constraint for the purposes of this document.

5.13 Whilst a proportion of the Sizewell A site will eventually become available during decommissioning, this is not expected to be available for new development until 2019, at the earliest. As an area of land sufficient for the Onshore Infrastructure would be unlikely to be available within the timescales required for the GWF Project, the area of land within the Sizewell A site was treated as unavailable for the location of the Onshore Infrastructure within the option appraisal exercise by GWFL. EDF Energy and the owners of Sizewell B also commented that although the necessary land requirements associated with the potential new nuclear build project at Sizewell are not yet known, there is a strong requirement to maintain the possibility of using nuclear licensed land at Sizewell A wherever practicable. In a letter from EDF Energy to GWFL, dated 30th March 2011, EDF Energy state that “NNB Genco is keen to maintain the possibility to use land at Sizewell A for new nuclear build purposes”.

5.14 From the option appraisal exercise GWFL identified ten possible locations. These options were then appraised to identify any positive features and any potentially adverse environmental or technical impacts relating to the options. As part of this exercise a landscape and visual appraisal of each option was also undertaken. This was informed by desktop and field based assessment and included the use of computer generated models to identify the Zone of Theoretical Visibility (ZTV) for each option. Full definitions of each of the criteria used in the assessment are set out in a report titled Site Appraisal Study (available at

<http://www.galloperwindfarm.com/consultation.php>). The report also includes a full discussion regarding each of the options.

- 5.15 Option 1 was identified as the preferred option based on the following landscape and visual considerations:
- (a) The site is located within a landscape which is partly defined by its industrial setting;
  - (b) The site is largely screened in views from nearby settlements and detached dwellings;
  - (c) Cumulative landscape and visual effects are likely to be minor due to the site's proximity to the existing GGOWF substation;
  - (d) It is the only site where there is considerable scope for effective perimeter planting in conjunction with sensitive earth modelling in order to mitigate against landscape and visual effects, in a manner sympathetic to the existing landform and vegetation framework; and
  - (e) The proximity of the site to existing woodland would allow greater assimilation of the scheme into the existing landscape framework.
- 5.16 NGET also undertook a similar exercise to establish the preferred location for the transmission compound. The same process of analysing physical constraints to identify possible locations options was undertaken.
- 5.17 The purpose of these consultation exercises was to find out the community's opinions on the locations proposed for the Onshore Infrastructure, verify the assessments and to induce and respond to various questions about the project. Both GWFL and NGET produced reports on the results of their consultation, GWFL's Initial Community Consultation Report and NGET's substation consultation report are included in the Consultation Report (Document reference 6.1)
- 5.18 Based on the findings of both site option appraisals, including the community consultation (further details of which can be found in section 8 below), the preferred location for the Onshore Infrastructure was found to be Sizewell Wents.
- 5.19 Further details on the site selection process are provided in Chapter 6 Site Selection and Alternatives of the Environmental Statement.

5.20 It is clear from the above that GWFL have considered all reasonable alternative options for the siting of the Onshore Infrastructure.

## 6 PLANNING POLICY SUPPORT FOR THE GWF PROJECT

### Planning Act 2008

- 6.1 The 2008 Act has created a new consenting system for certain categories of NSIP. For electricity generation projects, this regime replaces the procedure under the Electricity Act 1989 above certain generation threshold levels. Offshore wind farms with a capacity above 100MW are classified as NSIPs, and therefore require a DCO under the 2008 Act.
- 6.2 The 2008 Act established the IPC to consider development DCO applications, and provides for the development and designation of National Policy Statements (“NPSs”) applicable to each category of NSIP. The Act provides, in essence, that where the NPSs which are relevant to a particular category of NSIP are in force, then the IPC has the power to determine applications, and that it should grant development consent where an application is in accordance with the relevant NPSs, unless its adverse impacts outweigh its benefits.
- 6.3 The Government intends to alter the regime under the 2008 Act, and has included proposals to do so in the Localism Bill, which is currently before Parliament. Assuming the Bill is passed and brought into force, the IPC will be abolished and its powers to determine applications removed. The IPC will be replaced by a Major Infrastructure Planning Unit (“MIPU”), which is to be part of the Planning Inspectorate, which will make recommendations, not decisions, to the relevant Secretary of State.
- 6.4 The 2008 Act introduced a very different process for the making and consideration of DCO applications, for generating stations and overhead lines, compared to the previous regime under Sections 36 and 37 of the Electricity Act 1989. The new regime requires extensive pre-application consultation, introduces a very different form of consent (the DCO) and a mandatory system of examining applications, principally by way of written representations following a statutory nine month timetable from the start of the examination. This application and examination process will remain unchanged as a result of the Localism Bill, though some minor refinements are proposed.
- 6.5 As noted, the central change under the Localism Bill is that the MIPU will examine each application under the normal Planning Act process but will

- make a recommendation to the relevant Secretary of State, rather than a decision.
- 6.6 Having received a MIPU recommendation, the Localism Bill amendments will require the Secretary of State to grant consent if the application is in accordance with the relevant NPS, unless there are adverse impacts which outweigh its benefits.
- 6.7 The MIPU will be required to complete its examination and make its recommendation within a nine month statutory period from the start of the examination. The Government has made a public commitment that the Secretary of State will take no more than a further three months to issue their decision.
- 6.8 The Government currently intends to abolish the IPC and bring these changes in from 1 April 2012. If that timetable is met, the Application for the proposed GWF Project will be directly affected by the transition to the revised regime.

## Project Need

- 6.9 The UK has committed to sourcing 15% of its total energy needs from renewable sources by 2020 under the 2009 Directive on Renewable Energy (2009/28/EC) including electricity, heat and transport. The UK has also made legally binding commitments through the Climate Change Act 2008. Projections suggest that by 2020 about 30% or more of our electricity could come from renewable sources, compared to 6.7% in 2009 (Department of Energy and Climate Change (“DECC”), 2010a).
- 6.10 The Government's commitment to the Renewables Target was re-affirmed in the Spending Review of 20 October 2010 with the continuation of the Renewables Obligation (RO) which is currently the main mechanism for supporting large scale generation of renewable electricity.
- 6.11 The UK Government has identified that there will be significant change in our energy infrastructure over the coming years, primarily driven by the pressing need to respond to the challenges faced by climate change, to ensure security of energy supply and the need to maximise economic opportunities (DECC, 2011a). The following text set out the need for this shift in energy generation in the context of an offshore wind energy generation project.



## The Need for Renewable Energy

- 6.12 There are four key drivers for the shift in energy production to low carbon sources, including renewable energy, in the UK and these are considered in the following sections:
1. The need to tackle climate change;
  2. The need to secure energy supply;
  3. The need for new energy infrastructure; and
  4. The need to maximise economic opportunities.

### The need to tackle climate change

- 6.13 The potential effects of climate change are well documented. A continuation of global emissions, including greenhouse gases like carbon dioxide, at current levels could lead average global temperatures to rise by up to 6°C by the end of this century (IPCC, 2007). The implications of such predicted effects would be profound, with a rise in frequency in extreme weather events like floods and drought resulting in increased global instability, conflict, public health-related deaths and migration of people to levels beyond any recent experience (DECC, 2011a). Within the UK it is considered that heat waves, droughts, and floods would become more prevalent (DECC, 2011a).
- 6.14 It has been predicted that to minimise the worst effects of climate change, average global temperature rise would need to be kept to 2°C (DECC, 2011a). Based on scientific projections this means that greenhouse gas emissions would need to start reducing before 2020 (DECC, 2011a) and reduce by 80% by 2050 compared to 1990 levels (Lord Turner to the Secretary of State for Energy and Climate Change, 7th October 2008). Governments around the world have recognised this and policy has been implemented at international and national levels to attempt to address this issue.
- 6.15 Climate change also poses a significant economic threat. The Stern Report (Stern, 2006) investigated the economic implications of not addressing this issue and concluded that with no action, the overall costs and risk of climate change will be equivalent to losing at least 5% of global gross domestic product (GDP) each year. Taking a wider range of risks and

impacts into account, global GDP could be 20% lower than it might otherwise be (Stern, 2006).

- 6.16 Tackling climate change is therefore an imperative issue at both a humanitarian and economic level. Whilst it may no longer be possible to prevent climate change, it is possible to protect society and economies from its impacts to some extent, by providing better information, improved planning, more climate resilient crops and infrastructure (Stern, 2006).
- 6.17 The UK Government has made firm commitments towards ensuring that the UK meets its carbon reduction targets and to the growth of a low carbon economy that has renewable energy generation at its core. Offshore wind is expected to provide the largest single contribution towards 2020 renewable energy generation targets (DECC, 2011a).

### **The need to secure energy supply**

- 6.18 Indigenous energy production within the UK has fallen year on year since 1999 and, in 2004, the United Kingdom became a net importer, at a level of 4.5% of inland consumption. This increased to 26.7% in 2009, the highest level since 1976 (DECC, 2010a). This reliance has long been identified as an unsustainable energy model. It puts the UK at both financial and demand risk through increased global competition for resources combined with increased national growth and exacerbated by the loss of 25% of our existing electricity generating capacity by 2018 through scheduled power station closures (DECC, 2009a).
- 6.19 Without action the UK will become even more reliant on imported energy sources and would have greater exposure to global energy price fluctuations (DECC, 2009a). In 2009, the UK Government released the Low Carbon Transition Plan White Paper which plots how the UK will meet the 34% cut in emissions on 1990 levels by 2020. Within this White Paper it was identified that by decarbonising our electricity supplies we can greatly reduce our reliance on fossil fuels. Developing a low carbon energy sector for the longer term can deliver both increased energy security for the UK and ensure that it meets international targets for the reduction of greenhouse gas emissions (HM Government, 2009).

### **The need for new energy infrastructure**

- 6.20 There are four key themes driving the requirement for new energy infrastructure within the UK:
- (a) Currently three quarters of UK electricity comes from coal and gas. To meet climate change targets by 2050, virtually all electricity will need to come from zero carbon energy generation such as renewable sources, nuclear or fossil fuel (where they employ carbon capture and storage techniques) (DECC, 2009a);
  - (b) There will be an increased emphasis on electricity as the source for supporting the heat and transport sectors. This could see the UK's demand for electricity in 2050 increasing to 50% higher than it is today, making it possible that electricity could account for half of the UK's overall energy use (DECC, 2009a);
  - (c) As the UK moves to low carbon energy sources it is acknowledged that there will be a need for net additional electricity generating infrastructure to ensure adequate supplies because of the changes in the nature and location of generating capacity. It is estimated that this will require about 43GW net of new capacity by 2020 and about 60GW by 2025 (DECC, 2011a); and
  - (d) This rise in electricity demand will coincide with the scheduled closure of around sixteen power stations by 2018 representing approximately 25% (18GW) of our electricity generating capacity and also the decline of North Sea oil and gas reserves (DECC, 2010a and DECC, 2009a). In the UK, at least 22GW of existing electricity generating capacity will need to be replaced in the coming years, particularly by 2020. This is as a result of tightening environmental regulation and ageing power stations.
- 6.21 The Low Carbon Transition Plan White Paper recognises that, in addressing the UK's energy challenges, there is a requirement for an unprecedented overhaul of the UK's energy sector, with significant amounts of new energy infrastructure needing to be built over the next 10-15 years (DECC, 2011a).
- 6.22 The 2010 Updated Energy and Emissions Projections (DECC, 2010b) indicates that by 2025 the UK might need around 113GW of total electricity capacity (compared to around 85GW now); of which, 59GW would come

from new sources. This will require around 33GW from renewable sources, if renewable energy commitments are to be met, with the remaining 26GW determined by industry. Currently, 2GW of renewables and 8GW of non-renewable technologies are already under construction (DECC, 2011a).

### **The need to maximise economic opportunities**

- 6.23 The energy industries in the UK play a central role in the economy and supporting a key commitment within the UK's Low Carbon Transition Plan to help make the UK a centre of green industry by supporting the development and use of clean technologies (DECC, 2009a).
- 6.24 The growth of a decarbonised energy sector can play a key role in supporting the economy. In 2009, the energy industries contributed 3.7% GDP and directly employed over 150,000 people (5% of industrial employment) (DECC, 2010a). In addition, the low carbon and environmental sector currently employs around 880,000 people and is worth £106 billion per year. It is estimated that employment levels could rise to more than a million people by 2020, if the UK is able to maximise the opportunity presented by being a world leader in low carbon technologies (DECC, 2009a). The offshore wind sector is seen as one of the key low carbon sectors in helping to secure this growth potential (DECC, 2009a).

### **National Policy Statements**

- 6.25 There are three NPSs that are of particular relevance for offshore wind and its associated onshore development:
- (a) Overarching NPS for Energy (EN-1, July 2011) (DECC, 2011a);
  - (b) NPS for Renewable Energy Infrastructure (EN-3, July 2011) (DECC, 2011b); and
  - (c) NPS for Electricity Networks Infrastructure (EN-5, July 2011) (DECC, 2011c)

### **National Policy Statement for Energy (EN-1)**

- 6.26 The overarching NPS sets out the Government's policy for delivery of major energy infrastructure and is part of a suite of Energy NPSs that were formally designated by the Secretary of State for Energy and Climate Change on 19th July 2011, having been debated and approved by the House of Commons the previous day. EN-1 is used with a further five

technology-specific NPSs by the IPC when it makes decisions or recommendations on applications for development consent for nationally significant energy infrastructure:

- fossil fuel electricity generation (EN-2);
- renewable electricity generation (both onshore and offshore) (EN-3);
- gas supply infrastructure and gas and oil pipelines (EN-4);
- the electricity transmission and distribution network (EN-5); and
- nuclear electricity generation (EN-6),

6.27 Paragraph 4.1.2 of EN-1 makes it clear that the IPC should start with a presumption in favour of granting consent for projects as long as the project is in accordance with EN-1 and the relevant technology specific NPSs, subject to certain exceptions, including where the adverse effects of a project outweigh its benefits.

6.28 The NPS sets out the Government's Energy and Climate Change Objectives for the Power Sector, summarised as follows:

- To help deliver the UK's climate change commitments;
- To ensure that investment provides security of energy supply through a diverse and reliable mix of fuels and low carbon technologies;
- To further ensure that investment delivers an electricity grid with greater capacity and the ability to manage larger fluctuations in supply and demand;
- To ensure cost effective energy generation to help eliminate fuel poverty; and
- To contribute to sustainable development by seeking energy infrastructure development that helps reduce climate change while also minimising negative impacts on the local environment (DECC, 2011a).

6.29 It is identified within the NPS that the Government recognises there is a significant need for new major energy infrastructure which will have to be met by projects progressing quickly, given that developments such as

nuclear power stations have very long lead-in times (DECC, 2011a). Furthermore, it is recognised that around 30% of electricity generation will be from renewable sources by 2020, with a significant proportion of this sourced from onshore and offshore wind generation (DECC, 2011a).

6.30 The continued development of offshore wind within the UK is therefore seen as being of vital importance to help ensure the UK is able to meet its binding energy targets.

6.31 EN-1 gives specific advice in relation to the environmental assessment of the following specific issues which are relevant to all energy NSIPs:

- Air quality and emissions;
- Biodiversity and geological conservation;
- Civil and military aviation and defence interests;
- Coastal change;
- Dust, odour, artificial light, smoke, steam and insect infestation;
- Flood risk;
- Historic environment;
- Landscape and visual;
- Land use including open space, green infrastructure and Green Belt;
- Noise and vibration;
- Socio-economic;
- Traffic and transport;
- Waste management; and
- Water quality and resources.

6.32 EN-1 also sets out Government policy in relation to a variety of generic issues which may be relevant to particular projects. Those relevant to the GWF Project include policies on nationally designated areas (including Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest) and Marine Conservation Areas.

### **National Policy Statement for Renewable Energy Infrastructure (EN-3)**

6.33 As has already been noted, this NPS, taken together with EN-1, provides the primary basis for decisions by the IPC on applications it receives for

renewable energy infrastructure. This covers any energy infrastructure for biomass and / or waste whose capacity exceeds 50MW, any offshore wind farm whose capacity exceeds 100MW, and any onshore wind farm whose capacity exceeds 50MW.

6.34 EN-3 gives specific advice in relation to the environmental assessment of the following issues which are specific to offshore wind projects:

- Biodiversity;
- Fish;
- Intertidal;
- Marine mammals;
- Birds;
- Subtidal;
- Commercial fisheries and fishing;
- Historic environment;
- Navigation and shipping;
- Oil, gas and other offshore infrastructure and activities;
- Physical environment; and
- Seascape and visual effects.

6.35 EN-3 also sets out Government policy in relation to a variety of issues which are specific to offshore wind projects, for example it is Government policy that wind farms should not be consented where they would pose unacceptable risks to navigational safety.

### **National Policy Statement for Electricity Networks Infrastructure (EN-5)**

6.36 This NPS, together with EN-1, is the primary decision-making guidance document for the IPC on nationally significant electricity network infrastructure in England and Wales.

6.37 The following types of nationally significant infrastructure are covered by EN-5 (DECC, 2011c):

- Above ground electricity lines of 132kV and above; and
- Other infrastructure for electricity networks that is associated with a NSIP.

6.38 EN-5 states that “when considering impacts for electricity networks infrastructure, all of the generic impacts covered in EN-1 are likely to be relevant, even if they only apply during one phase of the development such as construction or only apply to one part of the development such as a sub-station.” However, the NPS also sets out additional technology-specific considerations on the following generic impacts considered in EN-1:

- Biodiversity and geological conservation;
- Landscape and visual; and
- Noise and vibration.

6.39 In addition, EN-5 sets out technology-specific considerations for Electromagnetic Fields (EMF), which is not an impact considered in EN-1.



## 7 PROJECT OUTPUTS

- 7.1 Section 6 of this Statement considers the planning policy issues directly relevant to the GWF Project. There is a predicted shortfall in energy due to increased demand and the decommissioning of existing power stations. In addition the Government is committed to 15% of the national energy needs to be met from renewable sources by 2020.
- 7.2 The GWF Project will be a proposed offshore wind farm with a capacity of up to 504 megawatts, with a predicted output of up to 1,900 gigawatt hours, which equates to enough electricity for approximately 500,000 households<sup>2</sup>. The delivery of the GWF Project will therefore make an important contribution towards the achievement of the Government's 15% renewable energy target and will also contribute towards closing the predicted 22GW energy shortfall referred to in section 6.20 above. In the Environmental Statement, GWFL has thoroughly considered the advice set out in EN-1, EN-3 and EN-5 and it considers that the GWF Project will comply with all relevant planning and energy policies.
- 7.3 Both SSER and RWE NRL are committed to providing energy in a reliable and sustainable manner. Both companies believe that the ability to generate electricity from renewable sources is central to the development of a more diverse and sustainable energy portfolio. Commercial scale projects, utilising the power of natural and sustainable resources, generate electricity cleanly, efficiently and cost-effectively. The GWF Project is proposed with these core values in mind. The GWF Project highlights SSER and RWE NRL's commitment to making a valuable contribution to the United Kingdom's 2020 targets.

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<sup>2</sup> Based on site specific data indicating a load factor of approximately 40% and using the annual UK household consumption of 3.3MWhrs.

## 8 CONSULTATION

8.1 In accordance with section 42, 47 and 48 of the Act 2008, GWFL undertook pre-application consultation on the scheme ahead of submission to the IPC. Statutory consultation was undertaken, between 13 June and 14 July 2011, with:

- statutory prescribed organisations (under Section 42(a));
- local authorities (under Section 42(b));
- landowners and those with an interest in the land (under Section 42(d));
- community and other organisations in the ‘vicinity’ who may be affected both directly and indirectly by the GWF Project or who may be knowledgeable on the proposed elements (under Section 47); and
- wider communities and organisations (national and regional) in order to seek their comments on the project proposal described in the Section 48 Notice, which was published widely in regional and national newspapers.

8.2 The community consultation was undertaken in accordance with a Statement of Community Consultation (SOCC) that was agreed with the Local Authorities (LAs) and published on 10 June 2011 (final version).

8.3 The non-statutory consultation that was undertaken was:

- scoping (June and August 2010);
- informing the EIA (between 2007 and ongoing);
- community consultation by NGET and GWFL (between November 2010 and April 2011); and
- landowner consultation (between March 2010 and ongoing).

8.4 The non-statutory community consultation was undertaken specifically about the Onshore Infrastructure location. All other consultation related to both the onshore and offshore works, although the majority of landowner consultation relates to the Onshore Infrastructure.

8.5 GWFL has used both non-statutory and statutory consultation to shape the GWF Project. The main changes that have been made to the GWF Project as a result of the pre-application consultation include:

- **Onshore substation location**

Both GWFL and NGET undertook non-statutory consultation following responses to scoping and due to advice from SCC and SCDC. In addition to planning considerations, this had a significant impact on the submitted scheme.

- **Onshore landscaping and visual impact**

Landscaping and visual impact was a key concern raised by a number of consultees during the statutory consultation period. Following the end of the statutory consultation period extensive work was undertaken on developing the landscaping and visual impact mitigation. This included, amongst other measures, lowering the finished floor level of the substation, providing a profiled screening landform and providing a wider continuous belt of woodland.

- **Cable corridor and beach works**

As a result of comments regarding the beach works and the cable corridor, received from the local community during the statutory consultation period, the proposed cable corridor has been reduced in area, moving its northern boundary further south away from properties such as Coastguard Cottages. The different areas of the beach works have also been defined more explicitly, showing that the majority of the area shown in statutory consultation would only be used for landing anchors from cabling vessels

8.6 It is clear from the above (and from section 5 of this Statement) that GWFL have considered all reasonable alternative options for the siting of the Onshore Infrastructure, have consulted with the community, and, where it was reasonable to do so, have modified the GWF Project as a result of consultation responses.

## 9 DELIVERY AND FUNDING

### Track Record

- 9.1 Section 3 introduces GWFL as the Promoter of the GWF Project, provides details of the two joint venture partners (SSER and RWE NRL) and of their respective commitment to the GWF Project. Individually, both parties have an impressive track record of delivering significant energy infrastructure. They also have experience working in partnership, as RWE NRL and SSER are also joint venture partners in the Forewind project which is developing an offshore wind farm within the Dogger Bank region of the North Sea, and on the GGOWF project.
- 9.2 GGOWF is currently under construction and is due to be completed in 2012. To date, all of the foundations are installed and approximately 80% of the turbines. Once operational, GGOWF will have a capacity of 504MW. The estimated cost of delivering GGOWF is £1.3 billion, which at the time was the single largest investment in the UK electricity supply industry since Sizewell B nuclear power station.
- 9.3 Examples of SSER's track record of delivery include:
- (a) Hadyard Hill wind farm, which was built by SSE and is located in South Ayrshire. This wind farm was the UK's biggest at the time of construction and the first onshore wind farm in the UK to generate above 100MW and cost £85 million to construct.
  - (b) Marchwood is a gas fired power station that SSE has a 50% ownership interest in. It is near Southampton Water on the Marchwood industrial Estate, Hampshire and has a generating capacity of 842MW. The total cost was £380 million.
- 9.4 Examples of RWE NRL's track record of delivery include:
- (a) North Hoyle was the UK's first major offshore wind farm. The project is located 4-5 miles off the North Wales coast between Rhyl and Prestatyn and comprises 30 wind turbines, each rated at 2 MW. Built in 2003, the project is now fully operational and produces enough clean, green electricity each year to meet the needs of approximately 40,000 homes. It cost £78m to build.

- (b) Rhyl Flats was built after North Hoyle. The wind farm is situated five miles off the north Wales coast, in Liverpool Bay, with an installed capacity of 90 MW. Rhyl Flats was constructed throughout 2008 and 2009 and generated its first green energy on 15 July, 2009. It cost £190m to build.

## Funding

- 9.5 Details of the proposed funding for the implementation of the project and the acquisition of land are contained in the Funding Statement which accompanies the Application.

## Other Agreements and Consents

- 9.6 As is typical for offshore wind farms of this nature, an interest is being taken in respect of the offshore seabed from The Crown Estate. This takes the form of an Agreement for Lease (and subsequent Lease) to be granted by The Crown Estate in favour of SSE Renewables (Gallopier) No 1 Limited, SSE Renewables (Gallopier) No 2 Limited, RWE Renewables (Gallopier) No 1 Limited and RWE Renewables (Gallopier) No 2 Limited (together the “Tenant”).
- 9.7 SSE Renewables (Holdings) UK Limited and RWE Innogy (UK) Limited are to be guarantors in respect of these obligations. GWFL are permitted to share occupation with the Tenant under the terms of the Lease.
- 9.8 In return for an option fee the Tenant has the right to call for a lease of the seabed (together with an ancillary right to run the transmission cable to shore) within an option period expiring on 30 June 2015. The Tenant is to use reasonable endeavours to apply for all necessary consents by 31 March 2012. There are rights to terminate afforded to The Crown Estate for a failure to serve the option notice within a certain time period from the “Final Consent Date”. There are certain obligations in the Lease obliging the Tenant to construct the wind farm works. There are different and bespoke obligations in respect of the guarantees offered by the entities referred to above.
- 9.9 GWFL has been granted a generation licence by Ofgem. As part of the Application a Marine Licence will also be applied for. A European Protected Species (EPS) license will be required to cover the risk of disturbance to

cetacean species identified as likely to be in the area under regulations 41(1)(a) and (b) in The Conservation of Habitats and Species Regulations and 39(1)(a) and (b) in The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (amended in 2009 and 2010). Activities associated with seabed preparation may come under the Marine and Coastal Access Act 2009 definition of dredging. GWFL intend to apply for a dredging licence if, and when, it is deemed necessary.

### Development Programme

- 9.10 In order to remain on programme to meet the requirements of the Crown Estate Agreement for Lease (and subsequent Lease) (see section 9.6 - 9.8 above), an agreement was reached with NGET for connection to the electricity transmission system in October 2015. Accordingly NGET require GWFL to provide the land for the transmission substation by 1st February 2013.
- 9.11 The confirmation of the powers of compulsory acquisition in the Order is therefore necessary to ensure that the land required for the GWF Project can be assembled in a reasonable timescale to meet these requirements.
- 9.12 Typical timescales for a scheme of the scale of the GWF Project are detailed in the table below. The final construction programme will be a function of many logistical, contractual, practical, supply chain and electrical (including outages) influences. The table therefore provides indicative timescales for such a project, assuming that all aspects of the GWF Project are unhindered by unforeseen circumstances and a single-phase approach is adopted.

Activity	Typical length	Indicative commencement	Indicative completion
Grid construction <sup>3</sup>	30 months	Q2 2013 <sup>4</sup>	Q3 2015
Offshore foundations <sup>5</sup>	18 months	Q2 2015	Q3 2016
Offshore cables <sup>6</sup>	27 months	Q2 2015	Q2 2017

<sup>3</sup> Encompasses all onshore sub-station construction, cable installation and NGET transmission system works

<sup>4</sup> Assuming that all land and rights for the delivery of GWF are secured by Q1 2013

<sup>5</sup> Includes all WTG and ancillary infrastructure foundations

<sup>6</sup> Includes export, inter and inter-array cable works

Activity	Typical length	Indicative commencement	Indicative completion
Offshore topsides <sup>7</sup>	27 months	Q2 2015	Q2 2017
Commissioning and handover	12 months	Q2 2016	Q2 2017

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<sup>7</sup> Includes all WTG components and topsides of ancillary infrastructure

## 10 CPO POWERS AND GUIDANCE

- 10.1 Section 120 of the 2008 Act prescribes those matters which may be provided for in a DCO. In particular, a DCO may impose requirements in connection with the development for which consent is granted. Sections 120(3) and 120(4) go on to provide that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted.
- 10.2 Those matters are listed in Part 1 of Schedule 5 to the 2008 Act and they include the acquisition of land and “the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement”.
- 10.3 Section 122 of the 2008 Act provides that a DCO which includes compulsory powers of acquisition may only be granted if the conditions in sections 122(2) and 122(3) of the 2008 Act are met. These conditions are:
- Section 122(2) that the land is:
    - (a) required for the development to which the development consent relates,
    - (b) required to facilitate or is incidental to that development; or
    - (c) replacement land which is to be given in exchange for the order land under section 131 or 132; and
      - Section 122(3) requires that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 10.4 In respect of section 122(2), the Guidance (at paragraphs 23 – 26) explains that before any compulsory acquisition can be authorised, in order to identify which of those three criteria are relevant, the decision-maker must be in no doubt as to the particular purposes for which any land is to be compulsorily acquired.
- 10.5 Section 122(2)(c) in respect of exchange land is not applicable to the GWF Project or to the Order Land.
- 10.6 With regards section 122(2)(a) - that the land is required for the development to which the development consent relates - the Guidance requires the Promoter to demonstrate to the satisfaction of the decision-maker that the land in question is needed for the development for which consent is sought. The decision-maker should be satisfied, in this regard, that the land to be



acquired is no more than is reasonably required for the purposes of the development.

- 10.7 With regards section 122(2)(b) - that the land is required to facilitate or is incidental to the proposed development – the Guidance requires the decision-maker to be satisfied that the land to be taken is no more than is reasonably necessary for that purpose and is proportionate.
- 10.8 In relation to the condition in section 122(3), the Guidance requires (paragraphs 27 and 28) the decision-maker must be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. For this condition to be met, the decision-maker will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.
- 10.9 Paragraphs 20 to 22 of the Guidance provide a number of general considerations that the Promoter must demonstrate to the satisfaction of the decision maker:
- (a) that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored;
  - (b) that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
  - (c) that the Promoter has a clear idea of how it intends to use the land which it is proposing to acquire;
  - (d) that there is a reasonable prospect of the requisite funds becoming available;
  - (e) that the compulsory purchase of land meets the two conditions in section 122 and is therefore justified in the public interest at that time;
  - (f) that the purposes for which an order authorises the compulsory acquisition of land are legitimate and sufficiently justify interfering with the human rights of those with an interest in the land affected.

## 11 THE NEED FOR COMPULSORILY ACQUISITION - SECTION 122(2) 2008 ACT

- 11.1 All of the Order Land, shown coloured blue and pink on the Land Plan, is required either for the purposes of the GWF Project, or to facilitate the same, or for purposes incidental thereto.
- 11.2 In order to deliver the GWF Project, GWFL is seeking the acquisition of a combination of freehold ownership, permanent rights (such as rights of access) and temporary rights. GWFL also requires the imposition of restrictive covenants so as to protect its underground infrastructure.
- 11.3 A detailed explanation of the land and new rights to be acquired so as to deliver the Onshore Infrastructure for which development consent is sought can be found at appendix 1 to this Statement.
- 11.4 In summary, and by reference to the parcels on the Land Plan, the land interests required for the GWF Project 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).
- 11.5 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).

11.6 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, 160 and 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).

### **The Cable Route**

- 11.7 The Order seeks the acquisition of freehold land in respect of the underground cable corridor (Works no. 5). This approach differs from the private treaty position adopted by GWFL whereby a promoter of a project of this nature will usually ask an affected landowner to enter into an Option Agreement which entitles the Promoter to call on the landowner to enter into a Deed of Grant of Easement in relation to the underground cable route. The Deed of Grant secures for the Promoter:
- (a) the right to lay, inspect, maintain, repair and renew the cable route (together with all other ancillary rights necessary thereto); and
  - (b) the imposition of restrictive covenants preventing the landowner from doing certain things on the surface of the land through which the cable route will run. For example, such restrictions would prevent the freeholder or any other authorised party from placing a structure above or within 5m of the cables, and to prohibit any interference or tampering with the cables or any associated apparatus.
- 11.8 The imposition of restrictive covenants along the route of the cables so as protect equipment is an essential requirement of the GWF Project. These cables conduct electricity at high voltages and any tampering or interference would be potentially fatal. It is therefore essential that suitable and enforceable restrictions are placed on the title. Should damage to the cables occur it would be extremely costly to repair, requiring the new cables to be installed between the transition bays and the GWF Project compound. Interference with the export cable would require the transition bays to be

relocated involving extensive and costly construction work in addition to the system being de-activated for long periods.

- 11.9 However, the ability to procure the imposition of restrictive covenants through the DCO process is currently untested and is not provided for in the DCO Model Provisions. Accordingly, GWFL seek the compulsory acquisition of a freehold interest in the land required for that cable route.
- 11.10 In these circumstances, GWFL are willing to provide an undertaking that the freehold land be transferred back to the former owner, subject to the grant in GWFL's favour of a deed of easement for the construction and future maintenance of the cable route; and subject further to the imposition of restrictive covenants (in GWFL's favour) so as to restrict the use of the surface land, and subject finally to the owner agreeing to accept a transfer back of that land.
- 11.11 This approach will result in the same position for landowners had a private treaty deal been concluded, and will also ensure that GWFL is accorded the protection it requires in terms of enforceable restrictive covenants. Furthermore, a similar approach has been followed in a number of previous compulsory purchase orders, such as the two CPOs which were confirmed for the undergrounding of electric powerlines for the purposes of the London 2012 Olympic and Paralympics Games and their Legacy.
- 11.12 Where an agreement has been reached with the owner of the land required for the cable route, save where otherwise indicated, that land has been retained in the Order Land so as to ensure that any other third party interests such as restrictive covenants and covenants which could otherwise prevent the project from proceeding or operating are acquired.
- 11.13 As regards the extent of the proposed land acquisition for the cable route, GWFL are seeking to acquire no more land than is reasonably necessary for the installation and subsequent maintenance and protection of the cables. A limited amount of flexibility has been taken into account in calculating the width of the corridor, for example due to the potential for the cable tunnels and trenches to have to avoid an unforeseen obstacle; and in relation to the precise spacing of the cables which will be dependent on the particular heat dissipation characteristics of the cables when they are procured. Flexibility is also required for the spacing of the cables should electrical interference be encountered that would reduce the operational efficiency of the cables.

- 11.14 The area west of the transition bays and east of Sizewell Hall Road (plot nos 15, 18, 20, and 21) also requires a degree of flexibility. There is approximately 100m between the intended position of the transition bays and Sizewell Hall Road and in this space three cable circuits required for the Onshore Infrastructure need to cross the GGOWL cables that lead to its substation. There are unknown tolerances which may require the cables to be laid deeper which in turn will require a larger construction area. This necessitates the larger working area at this location.
- 11.15 Some land is required for the underground cable corridor to lay, retain, maintain and protect the electrical cables and associated apparatus. Whilst there are areas that require additional working width for technical reasons, the width of the underground cable corridor including a suitable protection area is 23m. This width has been assessed to be the proper width to ensure adequate space between the three circuits being installed, this is to ensure that there is no interference between the cables and each circuit performs to its optimum. Each of the three trenches will be 2m wide supporting seven ducts for the electrical cables and supporting apparatus. There needs to be spacing of 5.5m between the centreline of each trench with 5.5m on the outside of the outer trenches. Whilst it is expected that the trenches can be easily dug out, it is possible that some unforeseen obstacle will prevent the installation; the cables are not flexible and a gentle radius would be required to work around any obstruction. As a result a limit of deviation is required equating to the width of the construction corridor of 38m. The land not required for the 23m protection width will be offered back to the owner without any encumbrances once the scheme has been constructed. The 38m width is required to facilitate construction and adhering to the appropriate health and safety working space requirements. The width is also required to provide space for topsoil and subsoil storage, and an access route for plant and machinery.
- 11.16 The two road crossings will be undertaken using a directional drilling technique, due to the construction method and the angle required to be achieved to cross Sizewell Gap Road, a greater width may be required. For the road crossings it will be necessary to acquire a width of up to 33m.

## 12 NEGOTIATIONS TO DATE

### Freehold interests

- 12.1 As explained in section 4, there are two principal interests in the Order Land: Ogilvie and British Energy. GWFL has been seeking to acquire these interests by private treaty so as to ensure that the GWF Project can be delivered. GGOWL reached private agreement with the same affected parties in 2006-8 for GGOWF without the need to utilise compulsory purchase powers.
- 12.2 Following many informal communications (from March 2010) to the freeholders concerning the project outline and non-statutory public consultation to determine the preferred location for the substations, it was clear that a substation adjoining the GGOWF substation was preferred by the local residents and the LAs favoured the location due to planning and technical considerations. Consequently GWFL made direct contact in April 2011 with all those with land interests necessary for the Onshore Infrastructure. The freeholders (British Energy and Ogilvie) were offered agreements similar to those that were entered into in connection with GGOWF.
- 12.3 Following those initial meetings draft Option documents were forwarded to each party to consider. The intention was for GWFL to have a binding option that enables the construction of the Onshore Infrastructure element of the GWF Project. Once certain criteria have been met GWFL has a unilateral right to take a pre-agreed interest in the title. These conditions are:
- a) The DCO is confirmed;
  - b) The pre-agreed financial terms are paid; and
  - c) A notice to trigger the Option agreement is served.
- 12.4 With regards to Ogilvie, GWFL has entered into an Option Agreement, dated 11<sup>th</sup> November 2011 with Glencairn Stuart Ogilvie to procure the grant of a permanent easement which will permit GWFL to undertake Work Nos. 3B, 4 and 5 and permit GWFL to subsequently maintain the infrastructure. The easement also imposes restrictions on Ogilvie's use of the land so as to protect the works. The suite of documentation concluded with Ogilvie also includes a licence for temporary working space and to undertake survey works.

- 12.5 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, 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.
- 12.6 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.
- 12.7 It can be seen from the above that notwithstanding the extensive negotiations undertaken to date by GWFL with those affected by the proposed Order, it has not yet been possible for GWFL to acquire all interests in the Order Land by private treaty. Whilst GWFL remains committed to continuing private treaty negotiations with affected parties, GWFL considers it necessary to include compulsory purchase powers in the Order so as to ensure that the GWF Project can be delivered in line with the



development programme, the requirements of NGET and the timeframe set by The Crown Estate as described in section 9.6 to 9.8 above.

### Other interests

- 12.8 Unlike the position adopted by GWFL in respect of the Ogilvie land as set out in paragraph 12.4 and notwithstanding that an agreement with SCDC has been concluded, GWFL is not including the land owned by SCDC in the Order Land. This is primarily because of concerns that statutory provisions in either or both of sections 131 and 132 of the Planning Act 2008 relating, inter alia, to open space may be triggered should that land be included.
- 12.9 SCDC own land which is affected by the proposed works but which is not included in the Order Land. GWFL has entered into an Option Agreement with SCDC dated 9<sup>th</sup> November 2011 to procure the grant of a permanent easement which will permit GWFL to undertake Works No. 3B and permit GWFL to subsequently maintain the infrastructure. The easement also imposes restrictions on SCDC's use of the land so as to protect the works and the documentation concluded with SCDC also includes a licence for temporary working space and to undertake survey works.
- 12.10 There are twelve beach chalets positioned at the top of the beach. These are owned by Suffolk Coastal District Council and let on annual licences. Part of the agreement with the Council includes a financial sum to enable a discount to be offered to future chalet licence holders. It is not expected that the surface of the beach around the chalets will be disturbed; the works are to drill three ducts beneath the coastal defences at least 10m below the chalets. Therefore the impact to the licence holders is likely to be restricted to a loss of peaceful enjoyment whilst the works take place on the shoreline, and this is represented in the financial discount offered to the landowner.
- 12.11 The current chalet occupiers were each consulted as part of the formal consultation process. GWFL received one response concerning possible Electromagnetic Fields (EMF). The issue of EMF is addressed in Chapter 28 of the ES.
- 12.12 As explained in section 4 above, there are agricultural tenants of parts of the Order Land. Inevitably the agricultural businesses will be displaced by the scheme. The principal impact will be the loss of the arable field for the substation, landscape mitigation and the temporary site compound. The local

planning authority was keen that the above ground apparatus would have minimal visual impact on the landscape, and this necessitated a larger area of the arable field to be used permanently. As with many agricultural tenancies the landowner has retained flexibility and granted a short, one year tenancy to the tenant. There is little security of tenure with short term Farm Business Tenancies, enabling the landlord to recover possession for its own purposes. Once the scheme is complete the land required temporarily will be reinstated to arable use, and can once again be made available to the landowner to manage.

- 12.13 The above ground works of the Onshore Infrastructure are located away from the village of Sizewell. However there are some residential properties that may be impacted by the Onshore Infrastructure elements of the GWF Project. These are known as 1-2 Rosery Cottages and 1-6 Halfway Houses and are listed in part 2b of the Book of Reference. GWFL considers any risk of nuisance from noise to be negligible. GWFL has consulted with the local council and the local residents with the aim of minimising any potential impact as much as possible within the design of the substations and the landscape mitigation. With the submitted scheme GWFL does not expect any significant nuisance to be created once the construction is complete. GWFL does not expect that any residential properties will require relocation either temporarily during construction or permanently thereafter.
- 12.14 The background noise is particularly low in and around the properties known as Halfway Houses, circa 26dB (see Environmental Statement Chapter 26). Whilst it will not be possible to maintain noise levels to this level, much effort has been placed on the environmental mitigation and post construction noise levels should remain well below the normal rural background levels of 40dB.

### **Contacts**

- 12.15 For further information on the GWF Project or if you wish to progress negotiations for the acquisition of an interest within the Order Land, please contact Kate Harvey at Galloper Wind Farm Ltd, 55 Vastern Road, Reading, RG1 8BU Tel 01189 534998.

## **13 POWER TO OVERRIDE RIGHTS AND EASEMENTS-**

- 13.1 In the event that the Order is made, GWFL intend to implement the powers of compulsory acquisition by way of General Vesting Declaration and/ or

Notice to Treat and Notice of Entry with the intention that any existing easements, covenants, rights and other interests (whether vested in a statutory undertaker or otherwise) in the Order Land which might prejudice the delivery of the project be overridden or extinguished.

## 14 HUMAN RIGHTS CONSIDERATIONS

14.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights (“ECHR”/ “the Convention”).

14.2 The position is summarised in the Guidance (as referred to in section 10 above), which states that a compulsory purchase order should only be made where there is “a compelling case in the public interest” The Guidance makes it clear that an acquiring authority should be sure that the purposes for which it is seeking compulsory purchase powers sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, a promoter should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the Convention and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered below.

14.3 Article 1 of the First Protocol states that:

*“...Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...”*

14.4 Whilst occupiers and owners in the Order Land may be deprived of their property if the Order is confirmed, this will be done in accordance with the law (i.e. Section 122 of the 2008 Act). The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the GWF Project are set out earlier in this Statement. GWFL consider that the Order will strike a fair balance between the public interest in the implementation of the scheme and those private rights which will be affected by the Order.

14.5 Article 6 of the Convention provides that:

*“In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”*

14.6 The GWF Project has been extensively publicised and consultation has taken place with the community and key stakeholders in the area. All those affected by the Order have been notified, have had the right to make representations and/or objections to the IPC and, if necessary, will have the opportunity to be heard at a public hearing, subject to the usual procedural rules. The statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

14.7 Article 8 of the Convention states that:

*“Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.”*

14.8 GWFL consider that such interferences as may occur with the making and implementation of the Order are in accordance with the law, pursue a legitimate aim, and are proportionate having regard to the public interest that the GWF Project will bring which will benefit the economic well-being of the area and further sustainable energy objectives. It is also proportionate having regard to the alternative means of securing the development of the two NSIPs.

14.9 Those directly affected by the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code and assessed on the basis of the market value of the property interest acquired, together with disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by GWFL. The Compulsory Purchase Compensation Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.

- 14.10 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Promoters powers and duties. Similarly, any interference with Article 8 rights must be “necessary in a democratic society”.
- 14.11 In pursuing this Order, GWFL has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention rights is considered by GWFL to be justified here due to the need to tackle climate change, maximise economic opportunities, secure energy supply and new energy infrastructure. The GWF Project will also assist the Government with their objective of working towards the target of obtaining 20% of the UK’s electricity supply from renewable sources by 2020.
- 14.12 GWFL is satisfied that the redevelopment of the Order Land for the GWF Project will have a significant positive impact on the delivery of the Government’s energy agenda. Compulsory acquisition of third parties’ land and interests within the Order Land is necessary to allow this comprehensive redevelopment to proceed and for these benefits to be delivered.
- 14.13 As such, GWFL has concluded that the interference with the human rights of those parties with interests in the Order Land is justified in the public interest and that the use of compulsory purchase powers is proportionate.

## 15 SPECIAL FEATURES AND SPECIAL CATEGORIES OF CONSIDERATIONS

### Land held by a statutory undertaker

- 15.1 As explained in section 4 above, the Order Land includes land in the ownership of British Energy. GWFL have undertaken extensive negotiations with British Energy with a view to entering into agreements to acquire an interest in their land so as to deliver the GWF Project. These discussions are at an advanced stage and GWFL considers that the necessary contractual arrangements will soon be concluded with British Energy.
- 15.2 Section 128 of the 2008 Act provides that where a statutory undertaker objects to the inclusion in a DCO of a provision authorising the compulsory acquisition of land which they have acquired for the purposes of their undertaking and that objection is not withdrawn:
- (a) no such provision can be included in a DCO unless the Secretary of State gives a certificate in accordance with Sections 127(2) and 127(3) of the 2008 Act; and
  - (b) the DCO is subject to special parliamentary procedure unless the Promoter(s) is/are any of the bodies listed in Section 129(1) of the 2008 Act. This list includes statutory undertakers.
- 15.3 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 licence 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. 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.”
- 15.4 GWFL first wrote to British Energy with regards to the proposed s127 certificate application on 4<sup>th</sup> July 2011 to explain that it would be seeking a certificate from DECC. DECC were also contacted direct by GWFL on 15<sup>th</sup> April and 13<sup>th</sup> June 2011 and an initial meeting took place on 4<sup>th</sup> August 2009. The formal s127 application for a certificate was made in November 2011 and these discussions are ongoing. GWFL has every confidence that

the certificate will be issued should an agreement with British Energy not be concluded.

### **Land owned by The Crown Estate**

- 15.5 There are no proposals to compulsorily acquire any Crown interest, however the proposed offshore works (works nos. 1-3A) affect land owned and/or controlled by The Crown Estate for which an agreement has been entered into. This land is shown on Land Plan 1 of 2.

## 16 RELATED ORDERS

16.1 As part of the DCO, GWFL is also seeking:

- a) authorisation to operate a generating station and to keep electric lines above ground [pursuant to Section 120, Schedule 5, section 140 and section 141 of the Planning Act 2008];
- b) a deemed marine licence (pursuant to Section 120, Schedule 5, and Section 149A of the Planning Act 2008);
- c) extinguishment of public rights of navigation (pursuant to Section 120 and Schedule 5 of the Planning Act 2008);
- d) a defence to proceedings in respect of statutory nuisance (pursuant to Section 120, Schedule 5, and Section 158 of the Planning Act 2008);
- e) authorisation to execute works under the streets specified in Schedule 2 of the draft DCO and to enter into agreements with street authorities (pursuant to Section 120 and Schedule 5 of the Planning Act 2008);
- f) authorisation to survey and investigate land within the Order Limits or which may be affected by the authorised project (pursuant to Section 120 and Schedule 5 of the Planning Act 2008);
- g) authorisation to fell or lop trees and shrubs, or cut back roots, near any part of the authorised project in certain circumstances (pursuant to Section 120 and Schedule 5 of the Planning Act 2008);
- h) authorisation to remove, dispose or re-site apparatus belonging to statutory undertakers over or within the Order Land, subject to the protective provisions specified in Schedule 4 of the draft DCO (pursuant to Section 120, Schedule 5, and section 138 of the Planning Act 2008);
- i) the abrogation or modification of agreements relating to land (pursuant to Section 120 and Schedule 5 of the Planning Act 2008); and
- j) consent to transfer the benefit of the Order (pursuant to Section 120, Schedule 5, and Section 156 of the Planning Act 2008).

### **Deemed Marine Licence under Marine and Coastal Access Act 2009**

16.2 The Model Provisions do not provide a draft deemed marine licence, and simply refer to the Food and Environment Protection Act 1985 ("FEPA") and the Coastal Protection Act 1949 ("CPA"). The licensing provisions under this legislation have been superseded by the marine licensing regime under the Marine and Coastal Access Act 2009.



- 16.3 Schedule 6 of the DCO sets out the deemed licence for the authorised development seaward of mean high water springs.
- 16.4 The draft deemed licence has been developed by GWFL in discussion with the Marine Management Organisation (MMO), Maritime and Coastguard Agency (MCA), Trinity House, Natural England (NE), Joint Nature and Conservation Committee (JNCC) and Centre for Environment, Fisheries and Aquaculture Science (Cefas). The draft licence has been prepared as a standalone document.
- 16.5 The deemed licence seeks authorisation, subject to conditions, for the following licensable marine activities:
- (a) The deposit at sea of substances and articles specified in the licence such as iron/steel, stone and rock and sand;
  - (b) The construction of works on or over the sea and/or on or under the sea bed; and
  - (c) The removal of sediment samples for the purposed of informing environmental monitoring required under the licence during pre-construction, construction and operation.

### **Extinguishment of Public Rights of Navigation**

- 16.6 The Order seeks the extinguishment of rights of navigation over the places in the sea where any wind turbine generators, offshore substation platforms, accommodation platforms and collection platforms are located. The extinguishment is intended to take effect 14 days after a plan showing the precise location of the foundations for the structures is submitted.

## 17 VIEWS OF THE GOVERNMENT DEPARTMENTS

- 17.1 No Government departments have provided any specific direction about the scale and location of the GWF Project although consultation has been undertaken throughout the development of the project. GWFL first met with DECC in 2009 and again several times in 2011. All of the nature conservation bodies have been consulted regularly in relation to the ES and as part of statutory pre-application consultation. GWFL first met with the IPC when it was initially created and has continued dialogue to the present day.

## 18 A COMPELLING CASE IN THE PUBLIC INTEREST – SECTION 122(3) OF THE 2008 ACT

- 18.1 Section 11 above (and Schedule 1 to this Statement) demonstrates that the Order Land is needed for the GWF Project as shown in the Application and/or is required to facilitate that development or is incidental to the proposed development. GWFL has a clear idea of how it intends to use the land which it is proposing to acquire and the land to be taken is no more than is reasonably necessary for that purpose.
- 18.2 The purposes for which compulsory acquisition powers are sought are legitimate and sufficiently justify interfering with the human rights of those with an interest in the land affected. The proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate.
- 18.3 GWFL submits that the statutory conditions in section 122 of the 2008 Act for the inclusion of compulsory purchase powers in the Order are satisfied and considers that the tests in paragraphs 20-22 of the Guidance are met. In particular:
- (a) planning and energy policy support is in place for the GWF Project (see section 6 above);
  - (b) that all reasonable alternatives to compulsory acquisition including modifications to the GWF Project have been explored (see sections 5 and 8 above);
  - (c) that there are no impediments to the delivery of the GWF Project and that subject to the making of the Order there is a reasonable prospect of the project coming forward (see section 9 above);
  - (d) that negotiations have been undertaken with those individuals, businesses and organisations affected by the GWF Project (see section 12 above). These negotiations are ongoing and will be progressed in parallel with the compulsory purchase process;
  - (e) that human rights considerations have been taken into account at every stage in the GWF Project's evolution (section 14 above)

- (f) that the GWF Project outputs/benefits specified in section 7 of this Statement will outweigh the private loss that would be suffered by those whose land and/or interests are to be compulsorily acquired.
- 18.4 Confirmation of the compulsory purchase powers in the Order is necessary to ensure that the GWF Project can be delivered within a reasonable timescale so as to meet the contractual requirements of the Crown Estate and NGET and to make an important contribution towards the achievement of the Government's renewable energy targets. Without compulsory purchase powers, the Order Land could not be assembled, the GWF Project would not proceed, and the Promoter's and Government's aims would not be achieved.
- 18.5 Accordingly, GWFL is of the firm view that there is a compelling case (as defined in section 122(3) of the 2008 Act) in the public interest to acquire the Order Land.

## 19 CONCLUSIONS

GWFL submits that the Order should be made.

## 20 LIST OF DOCUMENTS

Document Reference	Plain English Description
1.1	Cover letter to Galloper Wind Farm application
1.2	Application form for the Galloper Wind Farm project
1.3	Copies of newspaper notices
2.1	Order limits plan - sheet 1 of 2 (Onshore)
2.2	Order limits plan - sheet 2 of 2 (Offshore)
2.3a	Works plan - sheet 1 of 2 (Onshore omitting works 8)
2.3b	Works plan - sheet 1 of 2 (Onshore omitting works 7)
2.4	Works plan - sheet 2 of 2 (Offshore)
2.5	Land plan (onshore) - sheet 1 of 2 (including Crown Land)
2.6	Land plan (offshore) - sheet 2 of 2 (including Crown Land)
2.7	General arrangement (onshore)
2.8	Height restriction plan
2.9a	Onshore Connection and Transmission Works - General Arrangement (Omitting Works 8)
2.9b	Onshore Connection and Transmission Works - General Arrangement (Omitting Works 7)
2.10	Transmission compound - general arrangement and elevations
2.11	Galloper Wind Farm compound - Illustrative layout
2.12	Galloper Wind Farm compound - Illustrative elevation (including works 7/8)
2.13	Sealing end compounds - Illustrative plan and layout
2.14	Wind turbine - Illustrative 120m rotor
2.15	Offshore substation topside - Illustrative plan

2.16	Offshore substation topside - Illustrative elevation
2.17	Meteorological Mast Topside - Illustrative Elevation
2.18	Transition bay - Illustrative plan and section
2.19	Connection Works - Illustrative Ducted 132kV Cable Corridor Cross Section (Onshore)
2.20	Transmission Works - Illustrative 132/400kV Cross Section
2.21	Extinguishment of Rights of Navigation Plan
3.1	Draft Development Consent Order (including deemed Marine Licence)
3.2	Explanatory Memorandum
4.1	Statement of Reasons
4.1.1	Statement of Reasons - Schedule 1
4.2	Funding Statement
4.3.1	Book of Reference
4.4	Section 127 notice
5.1	ES Non-Technical Summary
5.2.1	ES - Chapter 1 - Introduction
5.2.2	ES - Chapter 2 - Project Need, Policy Framework and Guidance
5.2.3	ES - Chapter 3 - Legislative and Planning Context
5.2.4	ES - Chapter 4 - EIA Process

5.2.5	ES - Chapter 5 - Project Details
5.2.6	ES - Chapter 6 - Site Selection and Alternatives
5.2.7	ES - Chapter 7 - Consultation
5.2.8	ES - Chapter 8 - Nature and Conservation Designations
5.2.9	ES - Chapter 9 - Physical Environment
5.2.10	ES - Chapter 10 - Marine and Water Sediment Quality
5.2.11	ES - Chapter 11 - Ornithology
5.2.12	ES - Chapter 12 - Marine and Intertidal Ecology
5.2.13	ES - Chapter 13 - Fish and Shellfish Resource
5.2.14	ES - Chapter 14 - Marine Mammals
5.2.15	ES - Chapter 15 - Commercial Fisheries
5.2.16	ES - Chapter 16 - Shipping and Navigation
5.2.17	ES - Chapter 17 - Military and Civil Aviation
5.2.18	ES - Chapter 18 - Other Human Activity
5.2.19	ES - Chapter 19 - Archaeology
5.2.20	ES - Chapter 20 - Seascape, Landscape and Visual Character
5.2.21	ES - Chapter 21 - Socioeconomics
5.2.22	ES - Chapter 22 - Geology Hydrology Land Quality and Flood Risk
5.2.23	ES - Chapter 23 - Terrestrial Ecology
5.2.24	ES - Chapter 24 - Land Use, Tourism and Recreation
5.2.25	ES - Chapter 25 - Traffic and Access
5.2.26	ES- Chapter 26 - Noise
5.2.27	ES - Chapter 27 - Air Quality

5.2.28	ES - Chapter 28 - Electric and Magnetic Fields
5.2.29	ES - Chapter 29 - Inter-relationships
5.2.30	ES - Chapter 30 - Cumulative Impact Assessment
5.2.31	ES - Chapter 31 - Transboundary Effects
5.2.32	ES - Chapter 32 - Conclusions
5.2.33	ES - Glossary
5.3.1	ES - Annexe -Onshore outline CCOP
5.3.2	ES - Annexe - Onshore decommissioning statement
5.4.1	ES - Appendices - Technical Appendix 1
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6.1	Consultation report
6.2.1	Consultation Report - Appendix A to Z
6.2.2	Consultation Report - Appendix AA to ZZ
6.3	Habitat Regulations Report
6.4	Habitat Regulations Report checklist
6.5	Flood Risk Assessment
6.6	Statement of Engagement
7.1	Grid Connection Statement and Cable Details



7.2	Safety Zone Statement
8.1	Planning Statement
8.2	Design and Access Statement
8.3	Draft Heads of Terms for Section 106 Agreement
8.4	Scoping Opinion