

East Anglia Three Offshore Wind

LPA's notes of oral case put at Issue Specific Hearing 29 June 2016 (DCO hearing)

Agenda item 2 – following applicant's presentation.

1. Regarding the retention of temporary works from the EA1 project to EA3, Michael Wilks – Suffolk County Council (SCC) stated that there was a potential tension between a pragmatic approach (of allowing retention of temporary infrastructure) and falling foul of restrictions imposed by the methodological approach of the respective EIAs of the two projects. The local authorities' ambition is to minimise disruption for the EA3 project (and indeed future projects) so is keen to develop an approach with the flexibility to permit proportionate retention of infrastructure between projects. This is particularly driven by the desire to minimise the transport impacts of installing and removing infrastructure on a cyclical basis
2. He further stated that the local authorities had insisted on having the breakpoint clause at the 25 year mark in respect of the installation of ducts at Bawdsey as the EIA for EA1 order did not assess effects beyond this period and in this dynamic environment there needs to be an opportunity to review the effects of the project at that time. The EIA for EA1 did not assess the impacts of installing any protective measures for the ducts/cables that may be needed if coastal erosion proceeded more rapidly than anticipated.
3. Lisa Chandler – for Suffolk Coastal and Waveney District Council's (SCDC/WDC), stated that they agreed with the SCC's comments above. They welcomed the information about the transfer of liabilities for the duct and cable so they are clear regarding any future need to enforce.

No LA comments on Agenda items 4 or 5

Agenda item 6 – Schedule of issues

4. Article 2 – (interpretation). LPAs are not particularly concerned about the definition of 'commencement' as there is not a great deal of additional archaeological work (or clearance generally) planned on top of that will have been undertaken for EA1. Most disturbance therefore will have already occurred so it is not a significant issue for EA3. SCC also reiterated they are in regular conversation with the applicant as part of the pre-construction works for EA1 and would anticipate similar for EA3.

5. All the local authorities present stated they would be content with a notification of pre-commencement works.
6. Ben Elvin for Babergh and Mid Suffolk District Councils (BDC/MSDC) stated that the main area of interest regarding any additional works would be at the sub-station end of the route, as the land there had not formerly been disturbed, though the risks were slight.
7. Article 6 – the LPAs are content with the explanation on this from the applicant. The Arboricultural method statement approach was working well for EA1 where we had been supplied with detailed plans of each hedgerow crossing point.
8. Article 8 - the power to HDD is not provided for as the project is a “pull through” one. SCC queried whether future maintenance of the line would require it, though was satisfied this covered through the EA1 order.
9. Articles 9, 10, 11 and 12 – SCC observed that a 28 notice of these would be reasonable especially as there was likely to be discussion ahead of the 28 days.
10. Requirement 11 – SCC confirmed the approach to staging was satisfactory. It was noted that the ability to define stages would only be clear in pre-construction and where EA1 had sought to specify this, there was now a need to change that in view of detailed design.
11. Requirement 12 - SCC observed that the deletion of ‘number’ and ‘location’ by the Secretary of State in making amendments to the EA1 order in respect of kiosks should not have been considered a correctable error. This was an inclusion the LPAs asked for in the examination of that project and is specifically referenced in the ExA’s report (paragraph 4.390 therein). Nevertheless, while the LPAs recognise that the Secretary of State has changed her view on this matter, the LPAs ask that the ExA has regard to the LPA’s view on this matter and the supportive recommendation from the ExA for EA1. Notwithstanding this it is acknowledged that the drafting still requires the applicant to have a conversation with the LPA before installing kiosks, which provides something of a safeguard. A further option may be to insert some wording in the Design Principles document to outline that kiosks should not, for example, be in the setting of a listed building, or obstruct visibility for road users
12. Requirement 22 – SCC recognises that there is some duplication in the requirements but noted that a single document could discharge more than one requirement. It was however suggested by Nick Ward (BDC/MSDC) that it would be helpful to distinguish between documents that dealt with construction and operational effects. SCC noted that the LPAs were generally content not to see drafts of all documents the requirements provided for as requirements for EA1 requiring similar documents would already have discharged.