



## Meeting note

<b>File reference</b>	EN010056
<b>Status</b>	<b>Final</b>
<b>Author</b>	Louise Evans
<b>Date</b>	15 October 2015
<b>Meeting with</b>	East Anglia THREE Offshore Wind Farm
<b>Venue</b>	Novotel Hotel, Victoria Street, Bristol BS1 6HY
<b>Attendees</b>	The Planning Inspectorate (the 'Inspectorate')  Tom Carpen – Infrastructure Planning Lead (IPL) Ken Taylor – Senior Planner (previous IPL) Kay Sully – Case Manager Louise Evans – Case Officer Marie Evans – Senior EIA Advisor Alison Down – EIA Advisor Sarah George – Lawyer  Applicant (East Anglia Offshore Wind (EAOW))  Keith Morrison – Senior Project Manager (EAOW) Rick Campbell – Project Manager (EAOW) Darren Jameson – Assistant Project Manager (EAOW) Paolo Pizzolla – Lead EIA Co-ordinator (Royal Haskoning DHV) Victoria Redman – Lawyer (Bond Dickinson)
<b>Meeting objectives</b>	To discuss the Inspectorate's comments on the draft application documents and EAOW to provide an update on the project in advance of submission.
<b>Circulation</b>	All

### Summary of key points discussed and advice given:

#### Welcome and introductions

Introductions were made by all attendees, and it was explained that Tom Carpen would be taking over from Ken Taylor as Infrastructure Planning Lead (IPL) for this project. It was also explained that the role of the IPL was to lead the project during the Pre-Application stage of the NSIP planning process, and then hand over this responsibility to the Case Manager at the submission of application.

An overview of health and safety procedures was given.

The Inspectorate advised that a note of the meeting, consisting of an overview of issues discussed and advice given would be published on their website, along with their comments on the applicant's draft documents. The Inspectorate confirmed that the meeting note and comments provided do not constitute legal advice and are without prejudice to any decisions taken by the Secretary of State during acceptance or the Examining Authority during examination, if the proposed development is accepted for examination. These comments are not intended to be a detailed review of the draft consultation report and its findings, but are a high level review intended to provide helpful comments/observations as appropriate.

## **Project update**

The applicant gave a summary of the project and confirmed they are still intending to submit their application by 18 November 2015. At present, the documents are due to be printed by 2 November, in order to give the applicant sufficient time to check through and resolve any issues by the intended submission date.

## **Feedback on Draft Documents**

The Inspectorate provided feedback on the following draft documents:

- Development Consent Order and Explanatory Memorandum
- Deemed Marine Licences
- Plans (Land, Works, and Access and Rights of Way plans)
- Book of Reference (BoR) / Statement of Reasons (SoR)
- Funding Statement
- Consultation report
- Habitats Regulations Assessment/Environmental Statement documents

Prior to the meeting, the Inspectorate sent the applicant some initial comments in respect of the draft consultation report (these comments can be found at Annex E appended to this note) and asked if the applicant had any comments. The applicant confirmed that these had been reviewed by a colleague who was not in attendance, but that they had not made any comments on the Inspectorate's review.

Full comments (including minor matters) are contained in the annexes to these meeting notes and discussions in respect of the draft documents during this meeting focused on these comments. These comments follow a high level review of draft documents and the applicant is advised to fully review all of their documents prior to submission.

One of the main points arising from the Inspectorate's review of the DCO was the clarity of the description of the onshore phased approach. More information would be helpful on how this would work in practice, and how each of the two proposed options (a single phase or two phased approach) would be secured within the DCO. The Inspectorate advised that it must be clear within the DCO and EM exactly what the applicant is seeking development consent for. If the applicant wishes to obtain consent for two options, with the intention that only one can proceed, this needs to be clearly secured in the DCO and explained in the EM.

The applicant stated that they did not want to 'over-complicate' the description of works in the DCO. At present this is a 'stop-gap' solution, as they currently do not

know what the decision on the phased approach will be and need flexibility to make this decision at a later stage. The Inspectorate advised that for an application to be accepted the extent of the development consent sought must be clear from the DCO and supporting documents.

The applicant agreed to make this clearer, and advised that they would discuss this at their meeting with the local planning authorities in the following week.

### **Submission of application**

The Inspectorate requested that the applicant provide as much notice as possible if the intended submission date was to change, and that at least one hard copy of the application documents would be required at submission, this has now been confirmed with the applicant that 2 hard copies should be submitted and 2 electronic copies, the electronic copies may be on CD/DVD or a USB drive.

The applicant was also requested to provide a GIS Shapefile, which has since been received by the Inspectorate.

In anticipation of the submission of the application on 18 November, the Inspectorate confirmed that it would send the applicant a warm-up letter in the week commencing 19 October, which would instruct what was required by them up to and during Acceptance. The Inspectorate also advised that letters would be sent to local authorities advising them of the intended date of submission, and requesting their comments on the adequacy of the applicant's consultation.

## **Annex A**

### **Draft Development Consent Order (DCO) and Explanatory Memorandum (EM)**

**Article 2** - -statutory undertaker" – references to 128 and 129 should be removed as these have been repealed.

**Article 8** – Further justification required within this Article for Street Works, if broad power is needed. The applicant confirmed that they wanted to ensure that they reserved rights The Inspectorate advised for this to be added to the EM.

**Article 11 and Requirement 16** - It appears that all alterations to accesses and junctions on existing highways (as described in several works (such as work number 9) and set out in schedule 4 and indicated on the access to works plans) would be controlled by requirement 16 – if so it may be clearer and easier to navigate if the article referenced requirement 16 and vice versa. The applicant confirmed it will consider cross referencing.

**Article 15** – This appears to be a wide power to permit the applicant to compulsorily acquire any of the Order land (with the exception of land in schedule 5 or 7). The Inspectorate suggested the applicant should consider limiting the power in Article 15 to the plots which it seeks to acquire the freehold in or to explain clearly in the EM and SoR how the power is limited to ensure that the DCO only authorises the compulsory acquisition of the specific plots that are required. The applicant advised they are still working on this.

**Article 16**– As above this also appears to be a wide power the applicant was advised that they will need to justify this. The applicant was also advised to ensure that the nature of the rights they seek to compulsorily acquire in each plot are clearly identified in the BoR.

**Article 23** –23(7) permits the creation of new rights in the land identified in schedule 7. The applicant was advised that if they intend to create any new rights in this land the rights must be clearly identified and the applicant will need to demonstrate that the compulsory acquisition tests are met in relation to each right sought.

**Article 28** – The Inspectorate advised it may be clearer to refer to the relevant schedule (8) to aid with navigating around the DCO.

**Article 32** – The Inspectorate advised the final paragraph needs some formatting and that the applicant should make sure that subsection 3 does not oust the National Infrastructure EIA regulations. Further advice on this can be found in PINS advice note 15.

### **Schedule 1 – Part 1**

Work 1(d) – The Inspectorate noted reference to 12 buoys in the draft DCO; however, the draft Chapter 5 of the Environmental Statement (ES) provided by the applicant indicated that there would only be four buoys (two LiDAR and two wave buoys). The applicant confirmed that the additional buoys were guard buoys and that the ES chapter has been amended to reflect this.

Work 16 – This is the second reference to “together with modifications to the junction of the existing access track and Park lane” the applicant was advised to consider whether this is required.

Work 57 – The applicant was advised to consider changing reference from “Work No. 58” to “Work No. 55”.

Works 63, 67 – 71 – The wording of the description of these works (“landscape works comprising landscape planting” is not consistent with the wording on the Work Plans key (“mitigation planting”). The Inspectorate queried whether these should be consistent.

Works 63, 67 – 71 – “Mitigation landform” is shown on the work plans broadly in the location of these numbered works. However this is not reflected in the description of these works – it appears that this may be necessary to be incorporated. Works 67, 68, 69 – These are separate works with the same description but in the work plans these are shown in over lapping areas. It is not very easy to understand the distinction between the works and the applicant was advised to consider updating the description.. The applicant explained that some of the landscaping works identified on the plans would be done under the East Anglia One DCO. The applicant was advised to make this clear on the plans and in the DCO and EM.

### **Schedule 1 – Part 3 (Requirements):**

Requirement 2(1)(b) – The Inspectorate noted a height of 151m when measured from LAT is specified in the draft DCO; however, draft ES Chapter 5 specifies 150m above MSL (Paragraph 25, section 5.5.3). The applicant was advised to explain the difference. This comment also applies to the draft Deemed Marine Licences (DMLs).

Requirement 3(4) The Inspectorate noted that this does not necessarily control the maximum height of the meteorological mast (as a non-lattice structure could be added on top of the lattice part of the mast and not be “caught” by the requirement). If it is important to control the maximum height then the requirement should be re-worded. Also, it was noted that draft ES Chapter 5 says that each meteorological mast would have up to two foundations (paragraph 34 and Table 5.18). This comment also applies to the draft DMLs.

Requirement 7(2) –The Inspectorate noted that the total footprint of a jacket foundation for the offshore electrical station is stated to be 15,855m<sup>2</sup> in Table 5.16 of draft ES Chapter 5, compared with 15,965m<sup>2</sup> in the draft DCO. The applicant was advised to explain this discrepancy. The Inspectorate queried if this was also the case in requirement 8(2)(a) in respect of the jacket foundations for the accommodation platform. This comment also applies to the draft DMLs.

Requirement 8(1) – Draft ES Chapter 5 implies that the footprint of a jacket foundation for the accommodation platform would be 8,011m<sup>2</sup>, as per the offshore electrical stations. The draft DCO specifies 15,965m<sup>2</sup>. The applicant was advised to ensure that all parameters assessed within the ES are secured within the DCO. This comment also applies to the draft DMLs.

Requirement 12 – There is an inconsistent use of terminology (“on shore substations” and “Work No. 65” are used interchangeably). The inspectorate suggested that using “Work No. 65 would be more consistent with the other requirements.

Requirement 12(8) – There is no requirement for the details of the kiosks to be submitted to and approved by the relevant planning authority. The Inspectorate suggests this part of the requirement is reworded to include this.

Requirement 12 (but also generally) –The applicant was advised to check that the maximum areas given (i.e. in requirement 12 (7), 12(9)(a) and (b) broadly align with the size of the areas on the work plans (allowing for the necessary flexibility).

Requirement 14 (k) & (l) – The applicant was advised to consider whether this should also include works 67-71

Requirement 15(2) – The applicant was advised to consider whether this should also include works 67-71

Requirement 16 – The Inspectorate suggested a reference to article 11 would aid with navigation of the DCO.

Requirement 16(3) – The Inspectorate suggested changing “local planning authority” to “relevant planning authority”.

Requirement 18(3) – the Inspectorate queried whether the tail piece “unless otherwise agreed by the relevant planning authority” does not seem to be necessary given the presence of requirement 35.

Requirement 19 – The Inspectorate queried why Works 41 and 45 are identified here and not others, also the relevance as the works are only pulling through cables in the ducts so presumably any contamination would have been dealt with as part of EA1 works. The applicant advised the area could be larger depending on the result of EA1, the Inspectorate advised it would be helpful if this could be set out in the EM.

Requirement 22 - The applicant was advised to consider whether requirement 22(d) & (f) were necessary in light of requirements 23 and 24.

Requirement 23 – the Inspectorate suggested it would be helpful if an “outline light emissions plan” could be provided as this would be consistent with the general approach to this type of requirement (i.e. requirement 22 and 24).

Requirement 25 – The Inspectorate queried whether it is appropriate to have the exclusions in 25(3) as some of these activities i.e. start up and shut down can actually be quite intrusive for example by creating noise which is audible from nearby properties.

Requirement 31 –The applicant is advised to consider whether the article needs amending.

Requirement 32 – The Inspectorate queried with the applicant whether this ought to tie up with requirement 32 in EA1 given that the ducting is the substantive work which is carried out under the EA1 DCO. As it stands there would be different timeframes for

dealing with extending the operational life of the cables (approved under this DCO) and the ducts (approved under EA1) which in practice won't be workable.

Skills strategy – The Inspectorate highlighted that there is a skills strategy requirement in EA1 that is not in EA3 and asked the applicant to explain why a different approach is proposed). The applicant advised that having discussed with the Local Planning Authorities it was considered appropriate to take a more strategic approach to the EA1 skills strategy to encompass the impacts of EA3 at the same time so there will be no need for a separate skills strategy for EA3.

## **Annex B**

### **Draft Deemed Marine License (DMLs)**

The Inspectorate noted that there are 6 DML's;

- Generation Assets – Licence Phase 1 - work no 1 (phase 1)
- Generation Assets Licence Phase 2 - work no 1 (phase 2)
- Transmission assets licence phase1 – work no 2, 3 & 5A (phase1)
- Transmission assets licence phase 2 – work no 2, 3 & 5A (phase 2)
- Interconnection licence phase 1 – work no 4 (phase 1)
- Interconnection licence phase 2 – work no 4 (phase 2)

Phase 1 & phase 2 are not defined in any of the DML's or the DCO, the applicant agreed to consider whether it would be helpful if a definition were included in the DMLs and the DCO. The Inspectorate stressed the importance of being able to understand how the DML's will interact in practice.

### **Generation DMLs**

The Inspectorate queried the co-ordinates for the 2 DMLs. The applicant confirmed that they would be completely overlapping but each DML would only permit the construction of an offshore wind turbine generating station (WTG station) with a capacity of 600mw comprising up to 86 WTG's (half of the amount permitted by the DCO). The inspectorate advised the applicant to explain how the works undertaken under each DML will be co-ordinated and how this is secured within the DMLs.

The applicant was advised to revisit the drafting of condition 2 to ensure that the DMLs do not permit the construction of more than one accommodation platform and 2 meteorological masts as this is the total amount permitted by the DCO. The applicant was also advised to ensure that the 2 DMLs only permitted a maximum of 12 buoys as this is the maximum permitted by the DCO. The DMLs must not authorise activities outside of the works consented by the DCO.

The Inspectorate queried whether the total length of the cables in condition 3 related to the inter-array cables for work 1(e) and whether this is the combined total between the 2 DMLs or whether both authorised cables up to that maximum. The Inspectorate advised that the applicant ensure that this was explained in the EM and ensured that the DMLs do not permit more than the maximum length assessed in the ES.

The Inspectorate queried whether the intention that each DML can construct up to the maximum parameters in condition 5(7) or if this is intended to be the combined maximum. If the latter the DMLs need to secure this. The Inspectorate advised that the applicant explain in the EM how the maximum parameters apply and will be secured.

The inspectorate suggested that the applicant should consider whether the definitions of the transmission and interconnection DMLs are necessary.



The inspectorate suggested that the applicant might want to consider including a definition of Work No 2. The applicant was advised to revisit Condition 6 and subsequent numbering the applicant confirmed they are aware of an issue and will ensure this is rectified before submission.

### **Transmission DMLs**

As with the generation DMLs the Inspectorate queried whether the DMLs would be overlapping and whether the maximum cable lengths in condition 3 were the combined maximum or separate maximum for each DML. The Inspectorate advised again the applicant check to make sure that the combined DMLs do not authorise any works that are not permitted by the DCO or are outside of that assessed in the ES. The applicant should also explain how these DMLs will interact and the works co-ordinated.

The applicant was advised to consider whether definitions of the generation and interconnection DMLs are necessary.

### **Interconnection DMLs**

As with the others the applicant was advised to explain whether the limits will be overlapping and how works will be co-ordinated between the two DMLs.

The inspectorate queried whether the DML limits would overlap with the EA ONE order limits. The applicant conformed that they would. The Inspectorate suggested a plan showing the overlapping limits would be helpful. The Inspectorate also suggested that the applicant consider including a definition of EA ONE offshore wind farm in these DMLs.

## Annex C

### Draft Plans

The following points on the applicant's draft Plans were raised by the Inspectorate: A key is required for both the land and works plans in order to explain the different colours. The applicant confirmed that the different colours on the works plan related to the different works. On the land plans they simply demonstrate the different ownership of plots. The Inspectorate suggested that it would be useful for the land plans to use different colours to delineate the type of compulsory acquisition sought, e.g freehold, existing rights, new rights, temporary possession. The Inspectorate noted that there were a number of discrepancies between the plots listed in the Book of Reference and the Land Plan which are listed below. The applicant confirmed that they were aware of this, and that they had used the same plot numbers as East Anglia ONE to avoid confusing landowners, but East Anglia THREE required additional accesses, which had caused the inconsistencies, and the documents have been updated.

### Land Plans

<b>Plots shown on land plans but are not listed in the Book of Reference:</b>
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18A, 20F, 151A, 216B, 311B, 423G, 471B
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<b>The following plots are not on the land plans but are listed in the Book of Reference:</b>
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51A (size not specified in BoR) 82B (size not specified in BoR)) 109 153 (size not specified in part 1 of BoR) 157A, 157B, 157C (size not specified in BoR) 168A 198A (size not specified in BoR) 205, 205A, 210, 212, 214 216A (size not specified in part 3 of BoR) 230A, 235A (size not specified in BoR) 242 242A (size not specified in BoR) 259, 268, 282 336A, 378A (size not specified in BoR) 389 413A, 413B, 416A, 447A, 454D (size not specified in BoR)
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<b>The following plots are on the land plans and are in the Book of Reference, but their size is not specified in the BoR:</b>
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20A, 20B, 20C, 20D, 20E, 38A, 80A, 82A, 91A, 100A, 156A,
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175A, 181A, 181B, 218A, 304A, 311A, 315A, 318A, 389A, 389B, 423A, 423B, 423C, 423D, 423E, 423F, 429A, 431A, 454A, 454B, 454C, 471A

Reference	
	There are no issues identified with the layout of the draft plans
	Although it was not supplied with the other draft documents, the applicant confirmed that there was an offshore land plan which would be submitted with the application..
Plot 143	Listed twice in the Land Plans – should they be separate?
Plots 150,151 & 152	Described in BoR as being to the west of the disused pit off Woodridge Road, but on the plan they look to the east
Plots 160 & 161	Described as to the west of Waldringfield, but on the plan they look to the east
Plot 383	Typo ('North Ease')
Plot 414	Described in the BoR as 93 sq meteres, but on the land plan looks like a much bigger plot of land
Plot 424	Typo – 'Palmer House' in BoR, Plamer House on land plan

### **Works Plans**

Reference	
	Several Works Plans numbers on the Works Plans are unclear. The applicant confirmed that they are aware of this, and that the GIS system assigns these automatically, and so numbering will need to be added by hand afterwards.
	There are no issues identified with the layout of the draft plans
	The works plans show different colours but there is no key in the ledger to identify what these mean, it could be that they simply relate to the work numbers but it would be helpful to clarify.
Schedule 2	The street works referenced in Schedule 2 of the DCO are all marked on the Works Plans
Schedule 3	Schedule 3 is incomplete and there was no 'Public Rights of Way to be temporarily stopped up' plan as referred to in the DCO
Schedule 4	The access to works in Schedule 4 of the DCO are all marked in the Access to Works Plans
Work No.5B	Work No. 5B is described as "5B" in the DCO but "5b" on the works plans – not a big issue but being consistent would be better.
Work No.9 and 10	The distinction of where Work 9 ends and Work 10 begins isn't very clear
Work No.18	For Work No 18 if the number was moved to the left the plan may be a bit clearer
Work No.31	Similar to the above if the number on Work 31 is moved down it may be a bit clearer
Work No.51	As above shifting the number of work 51 down may be clearer
Work No.64	Consider expanding the key for the "secondary construction

	consolidation site" so that the key is clearer that it is horizontal hatching. Note that Work No 64 is not hatched but this may be due to the landscape planting hatching that is also included in this area?
Work No.64	Work 64 is a "secondary construction consolidation site" on the work plans these are typically shown with horizontal hatching. However for this work a solid colour is used. Consider changing for consistency.
Work No.67	Work 67 (which seems to be identified in blue) is crossed over by works 68 and 69 however they all have the same description. This is not very easy to understand the distinction between the works.

## Annex D

### Draft Book of Reference (BoR), Draft Statement of Reasons (SoR) and Draft Funding Statement

#### Draft BoR

The Inspectorate advised that the BoR should accurately describe the extent of the land to be used or acquired, and suggested that the applicant could include the rights table they have already produced at the beginning of the BoR, and then to reference the relevant right in each plot description.

The Inspectorate had noted on their review of the BoR that there was a section of Crown Land owned by the Secretary of State for Transport, and that this should have been transferred to Highways England. The applicant confirmed they had been informed that the transfer had already happened, but had not received any evidence of this. The Inspectorate suggested that the applicant might want to complete a Land Registry check or obtain written confirmation of transfer from Highways England.

It was also confirmed by the Inspectorate that a Schedule of Statutory Undertakers was not required within the BoR.

Para/Ref	
Doc 4.3	Overall the structure of the BoR is clear and easy to read, and is consistent with style of the BoR submitted for East Anglia ONE.
Doc 4.3	Inserting page numbers would be beneficial and we would advise to add on bottom of pages as well as in list of Contents.
Doc 4.3 Part 3, Plots 64, 65 & 89	In Part 3, the plots numbered 64, 65 (The Environment Agency) and 89 (Anglian Water) are highlighted in red. Can the applicant explain why these sections are presented this way?
Doc 4.3	Full list of s42 consultees has not been supplied so unable to confirm correct entries in BoR.
Doc 4.3	It might be beneficial if the Tables within BoR were re-formatted slightly so there are no gaps in cells, and the text is 'squeezed' more. This could reduce a number of pages in the document and also make it easier to follow the numbering of plots.

#### Draft SoR

The Inspectorate advised that more detail would be helpful to explain why the applicant considers that s.132(3) applies and the order land will be no less advantageous, The pre-ambule to the DCO will need to be updated to include reference to the specific subsection as required by s.132. The Inspectorate suggested that the applicant look at the wording inserted by DECC in the Dogger Bank Creyke Beck DCO.

## **Draft Funding Statement**

The applicant confirmed that although originally the funding was to be provided from both Scottish Power and Vattenfall equally, it would now be provided solely from Scottish Power and that this will be reflected in the final version of the Funding Statement. The applicant also confirmed that the Funding Agreement would be signed before the hearings.

Para/Reference	
Doc 5.2	This statement, as an important part of the applicant's case for the grant of CA powers, should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required.
Doc 5.2	<p>We are aware that the document is in a draft form and will be completed before submission, as also indicated by the Annexes (Accounts for Vattenfall Wind Power Limited 2013-2014, and Accounts for Scottish Power UK plc 2013-2014). The timing of the availability of funds is likely to be a relevant factor. Regulation 3(2) of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (MPP Regs) allows for 5 years within which any notice to treat must be served, though the decision maker does have discretion to make a different provision in the Order.</p> <p>Therefore the applicant should be able to demonstrate that the adequate funds will be available within the 5 year time period set out in the DCO.</p>

## Annex E

### Draft Consultation Report

Para	The Planning Inspectorate's comments (including minor matters);
60	Reference to PIDs being held in October 2013, consider stating the specific dates that these were held to replicate what you have done in para 63
61	When stating 'this did not prejudice members of the community' you may wish to consider providing extra wording to provide more substance such as ' <i>EATL were not made aware of any requests to view the SoCC at the library ....etc and therefore it is considered no members of the community were prejudice...etc</i> ' also reference to it being available online (as per para 92)
61	When referring to the SoCC being displayed 'until December 2013' consider providing the precise date in December
63	Fourth line....'however responses were received with a few days' assume 'with' should be 'within'
79	Second bullet point titled MMO, in the third point assume this should read 'requested that information be ' <i>included</i> ' regarding the Fisheries Liaison officer' or remove 'that' after 'Requested'
79	Consider rephrasing 'which the label major towns' in the third point of the third bullet point titled - The Planning Inspectorate
89	Makes reference to the information of where and when the PIDs would be held however para 63 only refers to the earlier SoCC with PIDs in June. Therefore should para 89 be referring to para 60 for PIDs in October?
90	Insert comma on second line after 'SoCC' and before 'the report'
90	Bullet point of list to be completed
91	Reference to end of December, consider including the precise date
91	When referring to the PIDs, consider being more precise i.e. PIDs which were held in June or October?
92	As per para 60, when stating 'this did not prejudice members of the community...' consider including extra wording to provide more substance such as ' <i>EATL were not made aware of any requests to view the SoCC at the library ....and therefore it is considered no members of the community were prejudice</i> '
93	Second line...'was sent all those' insert 'to' after 'was' and before 'all'

Para	The Planning Inspectorate's comments (including minor matters);
98-99	Reference is made to the MMO responding, consider including any responses from others where necessary or provide confirmation none were received
100	Beginning of first sentence, insert 'the' in between 'to' and 'SoCC'
100	Reference to the update of the SoCC being emailed to Parish Councils no reference in earlier consultation about emails to Parish Councils, consider including this in previous paras so is consistent throughout
100	There is reference to the EA3 website for information on PIDs, consider including this in previous paras when referring to the PIDs so is consistent throughout
102	Consider rephrasing
106	(b) when reference dates, it would be helpful if precise dates were included rather than just the month
125	Consider including a statement to clarify that this list is not indicative...
149	First sentence, remove 'were' after 'The phase 11 PIDs....' and before 'attracted'
151	(6.4.2.2) states that the event at Endeavour House was poorly attended but that EATL spoke to Suffolk CC and others, etc. Consider including number of attendees which will be consistent with you other paras
157	In reference to phase II PEIR PIDs there is a response provided to the concerns raised whereas there is no response provided to the concerns raised at the phase I and III PIDs so consider doing this for each of the PIDs to be consistent throughout or consider removing them here and concluding all of them in a separate section. Whichever approach is taken, it is important to ensure consistency
163	First list..'22 people attended each PID held in' seems incomplete or 'in' needs to be removed after 'held'
197	Second line, insert 'and' after '18 June 2015)'
208	Copy of email to parish councils setting out the explanation of introducing the concept of phasing during construction is not attached
212	The acronym 'NRA' needs to be set out in full here, it is set out in para 214 (Navigational Risk Assessment) although this needs reversing
226	(Section 9.4) – Informal consultation with directly affected landowners, consider calling this 'non statutory consultation' rather than 'informal'
226	(Section 9.4) Is incomplete



Para	The Planning Inspectorate's comments (including minor matters);
228	Summary of key points raised is incomplete
229	Consultees who had responded to phase IIa or phase IIb s42 consultation were sent letters informing them of the delay in application submission from 2014 to 2015, consider including wording to why those who responded to phase I were not also sent emails
235	(Section 9.7) – Consultation of the DCO is incomplete
261	Table list consultees is incomplete
267	Third bullet point, remove 'the' before 'constructing' or replace 'constructing' with 'construction of'
269	(Section 11.5) – Informing Statutory Consultees of the PEIR is incomplete
298	First line, insert comma after PEIR
301	Last sentence, de capitalise 'Accesses'
309	Third bullet point, 'other project description updates' It is not clear from the report what these are, whether concerns were raised and any responses from EATL
310	In the second last sentence 'was been removed' change 'was' to 'has'
311	The word 'phasing' is at the end of the last sentence, appears to either need removing or is the start of a next sentence which is incomplete
313	Reference is made to EATL having consulted 'on two phasing of construction options' suggest providing reference to where these letters and responses can be found (as per others)
320	First sentence, remove 'on' after 'contacted' and before 'during'
321	Reference is made to five statutory consultees not confirming when they were contacted, then a list is provided of the statutory consultees who despite numerous attempts they could not be contacted. It is not clear whether this list includes those five; if they do then it would be helpful if this is clarified. If the list does not include them, consider listing them.
329	Reference is made to an administrative error which led to 15 additional s44 consultees being identified. Consider including reference to any responses EATL received from the additional landowners
331	Reference is made to Suffolk CC being content with the ducts being installed for future projects as part of EA1, it would also be helpful to include reference to the affected landowners who responded.
331	Second bullet point, reference is made to Burstall Parish council

Para	The Planning Inspectorate's comments (including minor matters);
	suggesting that it had not been consulted in regards to EA3 landscape screening strategy. Did EATL rectify this or provide copies of any original consultation to show it had been consulted? Consider including further information here on what/how EATL carried this out; possibly refer to relevant parts of example correspondence as per other references.

### **General comments on the Draft Consultation Report**

- As the Planning Act 2008 (PA 2008) was amended by Localism Act 2011, when referring to the PA 2008, you may in the first instance wish to state 'as amended'
- Section 9 refers to informal consultation, consider clarifying this is non-statutory consultation
- There is an inconsistent use of titles in bold when referring to sections such as '9.3.3.1, 9.6.1.1, 10.2.1.1 and 10.2.13....' and so on.
- 11.5.5.11, 11.5.5.1.1.1 and 11.5.5.1.2 appear to not be in the correct order, if altered consider whether this needs to be reflected throughout
- Key changes to the project design in the table at part 2 are incomplete
- Please note as a number of key appendices are not present and cannot be cross checked with what has been identified and raised in the report, these comments are based on the information documented
- EATL are advised to ensure a full description is provided on their consultation to the option of a two phased construction approach and summarise any responses as necessary
- In addition, EATL are advised to ensure summaries of responses and subsequent consultation on all key issues along with EATL's responses to these (and any changes as a result) are easily identifiable and can be cross referenced with any appendices as necessary

## **Annex F**

### **Draft Environmental Statement (ES) Chapters 5 and 6, and draft Habitats Regulations Assessment (HRA) Report**

The Inspectorate previously provided comments to the applicant on their draft ES Chapters 5 (Project Description) and 6 (Assessment Methodology) and draft HRA Report. The comments made by the Inspectorate have been published on their website and can be accessed at the following links: [ES Chapters](#) and [HRA](#). The applicant confirmed that they have taken on board the comments made and have amended the draft documents in light of these. To facilitate the meeting, the applicant also provided a table summarising how they have responded to the Inspectorate's comments on ES Chapter 5 which is subsequent to their draft documentation

EAOW stated that information on the Evidence Plan process, which was used to inform the HRA, will be provided in the relevant ES chapters and cross-referenced in the HRA Report, rather than replicated in the draft HRA Report.

The applicant asked the Inspectorate what documents they were required to provide with the application. In response, the Inspectorate confirmed that apart from statutorily required documents to comply with the Infrastructure Planning EIA Regulations, APFP Regulations and HRA Regulations, it is for the applicant to decide what documents to include. The Inspectorate advised that any documents relied upon for the purposes of the assessment and referenced in the ES could be requested by the Examining Authority during examination.

The applicant confirmed that they will be submitting a shadow HRA screening report in respect of a number of draft Special Areas of Conservation (dSAC) for marine mammals, a consultation on which is understood to be forthcoming in the near future. The applicant informed the Inspectorate that they have prepared a screening report but no screening matrices, as they currently have very limited information on the proposed dSACs in the absence of the consultation. It is understood that the proposed consultation on the dSACs has been delayed, with the current estimate for issue around late November 2015, which is likely to be after the application has been made. The Inspectorate advised that questions could potentially be raised on the matter of the dSACs during examination (assuming any application made is subsequently accepted for examination). The applicant stated that they were alive to this possibility.