



**SCOTTISHPOWER  
RENEWABLES**

# **East Anglia ONE North and East Anglia TWO Offshore Windfarms**

## **Applicants' Comments East Suffolk Council's Deadline 6 Submissions**

Applicant: East Anglia TWO and East Anglia ONE North Limited  
Document Reference: ExA.AS-12.D7.V1  
SPR Reference: EA1N\_EA2-DWF-ENV-REP-IBR-001342

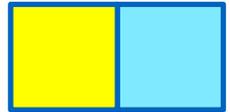
Date: 4<sup>th</sup> March 2021  
Revision: Version 01  
Author: Royal HaskoningDHV

**Applicable to East Anglia ONE North and East Anglia TWO**



Revision Summary				
Rev	Date	Prepared by	Checked by	Approved by
01	04/03/2021	Paolo Pizzolla	Lesly Jamieson / Ian MacKay	Rich Morris

Description of Revisions			
Rev	Page	Section	Description
01	n/a	n/a	Final for Submission



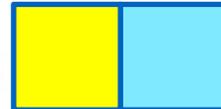
# Table of Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>Comments on East Suffolk Council's Deadline 6 Submissions</b>	<b>2</b>
2.1	Responses to Examining Authority's commentary on draft DCOs	2
2.2	Operational Noise Comments Deadline 6	46
2.3	Response to the Applicants comments on EC's Deadline 2 and Deadline 5 submissions	66



## Glossary of Acronyms

CoCP	Code of Construction Practice
DCO	Development Consent Order
DML	Deemed Marine Licence
EH	Environmental Health
EMP	Ecological Management Plan
ES	Environmental Statement
ESC	East Suffolk Council
ETG	Expert Topic Group
ExA	Examining Authority
LMP	Landscape Management Plan
LOAEL	Lowest Observed Adverse Effect Level
LVIA	Landscape and Visual Impact Assessment
MMO	Marine Management Organisation
NGET	National Grid Electricity Transmission
NPS	National Policy Statement
OLEMS	Outline Landscape and Ecological Management Strategy
OLMP	Outline Landscape Mitigation Plan
SCC	Suffolk County Council
SLM	Sound Level Meter
WHO	World Health Organisation

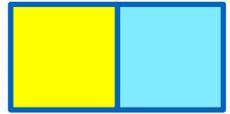


## Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
National electricity grid	The high voltage electricity transmission network in England and Wales owned and maintained by National Grid Electricity Transmission
National Grid infrastructure	A National Grid substation, cable sealing end compounds, cable sealing end (with circuit breaker) compound, underground cabling and National Grid overhead line realignment works to facilitate connection to the national electricity grid, all of which will be consented as part of the proposed East Anglia TWO project Development Consent Order but will be National Grid owned assets.
National Grid overhead line realignment works	Works required to upgrade the existing electricity pylons and overhead lines (including cable sealing end compounds and cable sealing end (with circuit breaker) compound) to transport electricity from the National Grid substation to the national electricity grid.
National Grid overhead line realignment works area	The proposed area for National Grid overhead line realignment works.
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO project Development Consent Order.

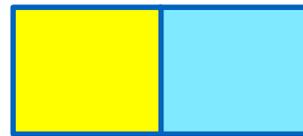


National Grid substation location	The proposed location of the National Grid substation.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore cable route	This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.
Onshore cables	The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.
Onshore infrastructure	The combined name for all of the onshore infrastructure associated with the proposed East Anglia TWO / East Anglia ONE North project from landfall to the connection to the national electricity grid.
Onshore preparation works	Operations consisting of site clearance, demolition work, pre-planting of landscaping works, archaeological investigations, environmental surveys, ecological mitigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, creation of site accesses, footpath creation, highway alterations, erection of welfare facilities and the temporary display of site notices or advertisements.
Onshore substation	The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.
Onshore substation location	The proposed location of the onshore substation for the proposed East Anglia TWO project.



## 1 Introduction

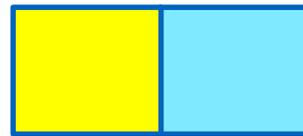
1. This document presents the Applicants' comments on East Suffolk Councils (ESC) Deadline 6 submissions as follows:
  - Responses to Examining Authority's commentary on draft DCOs (REP6-080);
  - Operational Noise Comments Deadline 6 (REP6-081); and
  - Response to the Applicants comments on ESC's Deadline 2 and Deadline 5 submissions (REP6-082).
  
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North DCO applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23<sup>rd</sup> December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



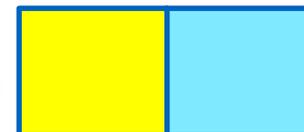
## 2 Comments on East Suffolk Council's Deadline 6 Submissions

### 2.1 Responses to Examining Authority's commentary on draft DCOs (REP6-080)

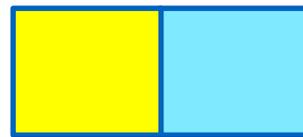
ID	ESC Comment	Applicants' Comments
<b>General Observations</b>		
1	<p><b>Art 2</b></p> <p>Art 2(1) definitions: commence.</p> <p>Definitions of "commence" on land are limited to the first carrying out of any material operation as defined in s155 of the 2008 Act 'other than onshore preparation works'.</p> <p>As raised in ISHS6, "onshore preparation works" means operations consisting of site clearance, demolition work, pre-planting of landscaping works, archaeological investigations, environmental surveys, ecological mitigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, creation of site accesses, footpath creation, erection of welfare facilities and the temporary display of site notices or advertisements;...'</p> <p>This is a potentially wide class of exceptions to the limitation on commencement. It enables</p>	<p>a) ESC considers that the relevant requirements within the draft DCOs should be amended to allow details to be secured prior to works being undertaken in association with the onshore preparation works. It is welcomed that the Applicants have provided provisions for this within Requirement 16, 19 and 21. ESC has agreed with the Applicants that a requirement will be included with the draft DCOs which secures an onshore preparation works management plan. ESC is engaging with the Applicants to finalise the details of this requirement. This commitment is considered to address the Council's request for a 'mini' Code of Construction Practice (CoCP). It is understood that the Applicants will update the Outline CoCP with further details of this and update the draft DCOs to reflect this commitment.</p> <p>b) It is not considered that the Environmental Statements (ESs) provide sufficient enough detailed information in relation to the onshore preparation works for it to be appropriate to</p>



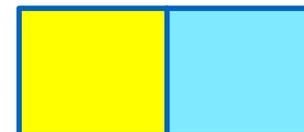
ID	ESC Comment	Applicants' Comments
	<p>substantial pre-commencement works with relevant environment effects. Detailed plans and approvals pursuant to (for example) Rs 11 (Stages of authorised development onshore), 12 (Detailed design parameters onshore) or 13 (Landfall construction method statement) (or at least relevant parts of them) might be expected to secure aspects of the environmental performance of works including site clearances, demolitions, creation of accesses, remedial groundworks, any works relevant to flooding or drainage or pre-planting in landscape works.</p> <p>a) Is it necessary to further specify that relevant aspects of plans and approvals under requirements be completed before such precommencement works take place? How might that be done?</p> <p>b) Alternatively, can the definition of “onshore preparation works” be amended to provide that all such works must take place ‘to the extent assessed in the ESs’?</p>	<p>allow these to go ahead ‘to the extent assessed in the ESs’.</p>
2	<p><b>Art 2</b></p> <p>Art 2(1) definitions: environmental statement</p> <p>The “environmental statement” means the document certified as the environmental statement by the Secretary of State under</p>	<p>a) This is a request made to the Applicants.</p> <p>b) ESC would support the provision of a schedule which would provide greater clarity regarding the list of certified documents and</p>
	<p>The Applicants have included a new Schedule in the draft DCO (Schedule 17) at Deadline 7 which lists all of the documents to be certified.</p>	



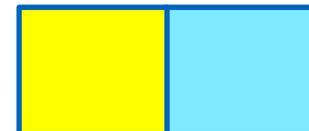
ID	ESC Comment	Applicants' Comments
	<p>article 36 (certification of plans etc.'). There are many relevant documents with different dates and versions and further changes are likely before the end of the Examinations.</p> <p>a) The Applicants are requested to ensure that the list is accurately updated at all following deadlines.</p> <p>b) The ExAs note the proposal to implement a Schedule based on that used for the Boreas dDCO by Deadline 7– and this would provide a significant improvement.</p> <p>See also Arts 36 (certification of plans etc.)</p>	<p>supporting documents and welcomes this commitment from the Applicants.</p>
3	<p><b>Art 2</b></p> <p>Art 2(1) definitions: grid connection works and transmission works Definitions of “grid connection works” and “transmission works” include ‘any related associated development’.</p> <p>a) Are Schs 1 Pt 1 sufficiently clear about what the related associated development is?</p>	<p>a) ESC agrees that the term ‘related associated works’ has not been defined and therefore further clarification on this is necessary.</p>
4	<p><b>Art 2</b></p> <p>Art 2(1) definitions: maintain.</p> <p>This definition is wide, a matter raised at ISHs6, but is expressly limited ‘to the extent</p>	<p>ESC notes this definition or similar has been utilised within other recent DCOs and therefore accepts the wording proposed.</p>
		<p>Associated development in respect of the transmission works is set out in paragraph 1 of Part 1 of Schedule 1 and associated development in respect of the grid connection works is set out in paragraph 2 of Part 1 of Schedule 1. The Applicants therefore consider that it is clear what the related associated development is.</p> <p>The Applicants welcome ESC's position.</p>



ID	ESC Comment	Applicants' Comments
	assessed in the [ESs]'. Are parties now broadly content with this drafting?	
5	<p><b>Art 2</b></p> <p>Art 2(1) definitions: relevant to onshore substation design</p> <p>References to the “outline national grid substation design principles statement” and the “outline onshore substation design principles statement” have been removed at deadline 5. Reference to the “substations design principles statement” which is also to be a certified document have been added.</p> <p>a) Are parties content that this change is appropriate and has been appropriately reflected elsewhere in the dDCOs?</p>	<p>a) ESC provided comments in relation to the content of the substations design principles statement at Deadline 5 (REP5- 048 p5-7). The Council is content that this document supersedes the previous outline documents (APP-585 &amp; REP1- 046).</p> <p>ESC is also satisfied that the term ‘substations design principles statement’ has been included within the definitions provided within Part 1 of the Orders (Interpretations), the document has been listed within Article 36 (Certification of plans etc.) and Requirement 12(2), (4), (6) and (19) have been updated to reference the document.</p>
6	<p><b>Art 2</b></p> <p>Art 2(1) definitions: statutory undertaker</p> <p>In this definition, “statutory undertaker” means any person falling within section 127(8) of the 2008 Act and a public communications provider as defined in section 151 of the 2003 Act...’.</p> <p>a) Given the different definitions of statutory undertakers as between s127 and s138 of the</p>	<p>ESC has no comments.</p>



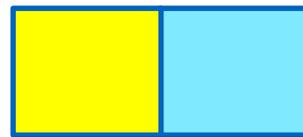
ID	ESC Comment	Applicants' Comments
	<p>2008 Act, does this definition sufficiently describe the classes of person intended to be defined as statutory undertakers for the purposes of these dDCOs?</p> <p>b) If not, the Applicants are requested to revise drafting.</p> <p>See also Arts 28.</p>	
7	<p><b>Arts 7</b></p> <p>Defence to proceedings in respect of statutory nuisance</p> <p>Existing concerns raised at ISHs6 are noted.</p> <p>a) Any outstanding concerns at the extent or effect of the proposed defence must be submitted by Deadline 6.</p> <p>b) Arts 7(1)(a)(i) refers to the Control of Pollution Act 1974. Are relevant provisions of this legislation still on the statute book? Section 65 is understood to have been repealed?</p> <p>c) Arts 7(1)(b) (i) in (1) refers to the onshore substation of the project proposed to be authorised by the other dDCO (2) – and vice versa. Do the substations referred to here need to be defined?</p>	<p>a) ESC notes this request from the Examining Authority but has no comments to provide.</p> <p>b) ESC agrees that section 65 has been repealed but sections 60 and 61 remain extant.</p> <p>c) Greater precision by defining the substations would be beneficial.</p> <p>d) See (c) above</p>
		<p>a) and b) No further comment.</p> <p>c) and d) The Applicants note that the ExA's query relates to the text of a cross reference and the relevant term is defined within the provision that has been cross referenced (see ID4.11 and ID4.13 of the <b><i>Applicants' Comments on the ExA's Commentary on the dDCO</i></b> (REP6-067)).</p> <p>This text has now been superseded as the heading of requirement 27 has been amended in the draft DCO at Deadline 7 and the cross reference has been updated accordingly and no longer refers to the onshore substation for the other project.</p>



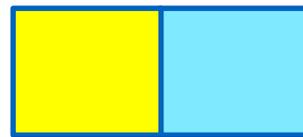
ID	ESC Comment	Applicants' Comments
	d) Is any changed drafting necessary?	
8	<p><b>Arts 17</b></p> <p>Authority to survey and investigate the land onshore.</p> <p>In relation to this provision:</p> <p>a) Is it sufficiently clear in para (1) that the undertaker must remove any equipment etc brought onto land once the survey or investigation is completed?</p> <p>b) Are the Councils content with the deemed consent provision and timing under para (6)?</p>	<p>a) ESC notes that this provision broadly follows the Infrastructure Planning Model Provisions but agree there is no specific wording within the provision which makes it clear that the equipment brought onto land being surveyed or investigated must also be removed.</p> <p>b) ESC notes that the deemed consent provision is a departure from the Model Provisions but defers to SCC as this is a matter for the highway authority.</p>
9	<p><b>Arts 33</b></p> <p>Operational land for purposes of the 1990 Act</p> <p>Would the Applicants agree to prepare and submit an Operational Land Plan for each dDCO, specifically defining the land deemed to be operational land and to be a certified document? This would show the extent of operational land, limited to that reasonably required for operational (as distinct from construction) purposes.</p> <p>a) Is it possible and appropriate to submit that plan during the Examinations?</p>	<p>a) ESC welcomes consideration of this matter by the Examining Authority. The Council considers that the submission of a plan defining the operation land during the examinations could be a potential way to constrain further permitted development. There may however be practical issues for the Applicants/future site operators which could make the definition of very narrow operational land limits difficult. Furthermore, if the Plan were simply a declaratory of the present position, that would not of itself prevent expansion of what comprised operational land in the future.</p>
		<p>The Applicants have set out their reasons for the retention of permitted development rights in the response to ExQ2.0.1 of the <b>Applicants' Responses to Examining Authority's Written Questions 2: Volume 2</b> (REP6-059).</p> <p>The Applicants do not agree with the inclusion of the text proposed by ESC for the reasons set out in the Applicants' response to ExQ2.0.1. If the Secretary of State were minded to include such a restriction within the DCO it would need to be more specific and based on removal of permitted development rights in specified circumstances. The text proposed by ESC is lacking in specificity and goes further than is necessary. Furthermore, as currently drafted it would require planning permission to be sought for activities authorised by the DCO which cannot be correct.</p>



ID	ESC Comment	Applicants' Comments
	<p>b) If not, how would its submission be secured and by whom should it be approved?</p>	<p>b) ESC considers that a simpler way to tackle this issue would be the removal of permitted development rights for specific works as set out below and detailed in the Council's response to the Examining Authority's second round of questions (2.0.2).</p> <p><i>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no development shall be carried out under Schedule 2, Part 15, Class B (a), (d) or (f) without the submission of a formal planning application and the granting of planning permission by the local planning authority.</i></p>
10	<p><b>Arts 34</b></p> <p>Felling or lopping of trees and removal of hedgerows</p> <p>Felling or lopping of trees and removal of hedgerows the Planning Inspectorate's Advice Note (AN) 15 proposes that all affected hedgerows should be identified in a schedule and on a plan.</p> <p>a) In these dDCOs, only the 'important hedgerows' have been identified in the Schedules.</p>	<p>a) This is noted.</p> <p>b) ESC has previously raised concerns that there are inconsistencies between Schedule 11 of the draft DCOs, Annex 1 of the Outline Landscape and Ecological Management Strategy (OLEMS) (REP3-030) and the Important Hedgerows and Tree Preservation Order Plan (REP3-010). ESC has also sought clarification in relation to why some hedgerows are to be removed. The Applicants have confirmed within their REP5- 010 response that Schedule 11 in the draft DCOs is correct and that the OLEMS and the</p> <p>The Applicants welcome ESC's comments that ESC is content that the 'important' hedgerows have been identified, there is a mechanism in place to ensure all hedgerows affected by the developments will be identified pre-construction and that no further amendments are sought to the Article.</p>



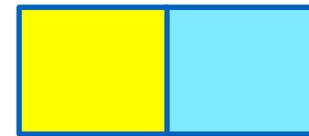
ID	ESC Comment	Applicants' Comments
	<p>b) East Suffolk Council's concerns on this matter [REP5-047] are noted. Do they suggest any changes to the drafting of the Article?</p> <p>c) Are other bodies content that this provision is adequate?</p> <p>See also Schs 11.</p>	<p>Important Hedgerows and Tree Preservation Order Plan will be updated. ESC considers that all hedgerows affected by the developments need to be properly identified and assessed prior to commencement of construction works. This information will identify whether any special engineering is necessary and provide details in relation to the replacement planting mix for the removed section of hedgerow. It is considered this information will be secured through the post consent tree and hedgerow survey requirement committed to within the OLEMS. ESC is therefore content that at present the 'important' hedgerows have been identified and there is a mechanism in place to ensure all hedgerows affected by the developments will be identified pre-construction.</p> <p>ESC does not therefore seek any revisions to the Article.</p> <p>c) This is a question not directed at ESC.</p>
11	<p><b>Arts 35</b></p> <p>Trees subject to tree preservation orders</p> <p>These articles are applicable to and empower extensive works to trees protected after the conclusion of the design process. However,</p>	<p>a) There have been no Tree Preservation Orders served within the Order Limits subsequent to 25 June 2019.</p> <p>Noted.</p>



ID	ESC Comment	Applicants' Comments
	<p>the proposed cut-off date of 25 June 2019 is now some time into the past.</p> <p>a) Is the Council aware of any more recently protected trees in respect of which the powers provided here would not be appropriate and for which a reasonable design accommodation might be expected?</p>	
<p>12</p>	<p><b>Arts 36</b></p> <p>Certification of plans etc.</p> <p>These articles contain an extensive list (to para (a) to para (gg) of documents and their versions.</p> <p>a) The Applicants are requested to ensure that this list remains up to date as the Examinations progress.</p> <p>b) Are any documents missing?</p> <p>c) A number of made DCOs have substituted this approach for a succinctly drafted Article stating that the documents listed in a Schedule must be submitted to the SoS for certification and it was recently used in the Boreas dDCO. This approach enables the documents to be tabulated and for them and their version numbers to be identified with greater ease. The Applicants have committed</p>	<p>a) This is a request of the Applicants.</p> <p>b) ESC seeks clarification from the Applicants in relation to the principles utilised to define which documents have been included within the certified list and which have not. ESC can then provide commentary in relation to whether any documents are missing.</p> <p>c) ESC supports the provision of a schedule which would provide greater clarity regarding the list of certified documents.</p>
	<p>The Applicants have included a new Schedule in the draft DCO (Schedule 17) at Deadline 7 which lists all of the documents to be certified.</p> <p>The approach taken by the Applicants initially was to list all documents referred to in the Order as certified documents however the Applicants have now also included documents submitted since application where these are relevant to the information contained within the Environmental Statement. The complete list of documents can be found in Schedule 17 of the draft DCO submitted at Deadline 7.</p>	



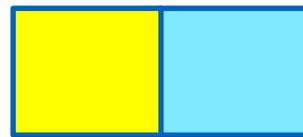
ID	ESC Comment	Applicants' Comments
	<p>to taking this approach by Deadline 7 and this will make a significant improvement.</p> <p>See also Schedules – missing provision?</p>	
13	<p><b>Arts 37</b></p> <p>Arbitration</p> <p>Arts 37 of the dDCOs are expressed (Arts 37(1) as subject to Art 40 (saving provision for Trinity House) and to the provision that the arbitration provisions do not apply to 'any dispute or difference arising out of or in connection with any provision of this Order, unless otherwise provided for...'. Arts 37(2) provide that '[a]ny matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order shall not be subject to arbitration'.</p> <p>a) Is it sufficiently clear that the discharge of Requirements in Schedule 1 and as provided for in Schs 16 and/ or of Conditions to the DMLs in Schedules 13 or 14 are outside the scope of the arbitration provision?</p> <p>b) Is the Applicants' intention as described in (a) and if not, what is the intended application of arbitration to the discharge of Requirements, the operation of Schs 16 and/ or the discharge of Conditions to the DMLs?</p>	<p>a) ESC considers that the discharge of requirements is not within scope of the arbitration provisions as it has been provided for in Schedule 16 of the draft Orders. ESC would however welcome confirmation from the Applicants on this matter and suggest that the wording of the article should be amended to make this more overtly clear and avoid any uncertainty as its applicability. In addition, it is assumed that this provision is not intended to deal with disputes as to compensation and that too should be made clear. The following wording is suggested:</p> <p><i>"Subject to article 40 (saving provision for Trinity House), any dispute or difference arising out of or in connection with any provision of this Order (other than a difference which falls to be determined by the tribunal <u>or a refusal of approval which falls to be determined by the Secretary of State pursuant to article 38 and Schedule 16)</u> must, unless otherwise provided for in this Order <del>and</del> <u>or unless otherwise agreed between the parties...</u>"</i></p>
	<p>The Applicants consider that it is sufficiently clear that the discharge of requirements are outside the scope of the arbitration provision.</p> <p>Article 37(1) states that "<i>any dispute or difference arising out of or in connection with any provision of this Order, unless otherwise provided for, must be referred to and settled in arbitration</i>" and since Article 38 and Schedule 16 apply in respect of the discharge of requirements, it is clear that another mechanism has been provided for and therefore the arbitration provision will not apply.</p> <p>The Applicants do not consider that the changes proposed by ESC to Article 37 are necessary.</p>	



## Applicants' Comments on ESC's Deadline 6 Submissions

4<sup>th</sup> March 2021

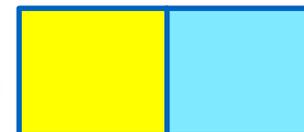
ID	ESC Comment	Applicants' Comments
	<p>c) Is the MMO content that the exception from arbitration provided for it is appropriate and addresses its concerns?</p> <p>d) Is Trinity House content with the proposed saving provision in Arts 40 and that has the effect of excepting it from the arbitration provisions?</p> <p>e) Are local authorities acting as relevant planning authority or highway authority and in related capacities content that the arbitration provisions do not intrude on their powers and duties in any unexpected or unwarranted manner?</p> <p>f) Are the Environment Agency, Natural England and/ or Historic England content that their roles as advisory and regulatory authorities, as consultees and in the making of relevant expert determinations and authorisations where necessary appropriately responded to in this drafting?</p> <p>g) Is it sufficiently clear that the SoS' own determinations are not subject to arbitration?</p>	<p>b) This is a question for the Applicants to answer.</p> <p>c) This is a question directed at the MMO.</p> <p>d) This is a question directed at Trinity House.</p> <p>e) As stated in a) ESC considers that the discharge of requirements is outside the scope of the arbitration provision and therefore does not intrude on ESC's powers. However, this limitation on scope would benefit from being made explicit. f) This is a question directed at Natural England, Historic England and the Environment Agency.</p> <p>g) This is a question directed at the Applicants.</p>
14	<p><b>Arts 38</b></p> <p>Bodies discharging requirements.</p>	<p>ESC has significant concerns regarding the wording of Schedule 16 and has set these concerns out within the Council's Deadline 5 submission (REP5-047, p21-23). Further comments have been provided in relation to</p>
	<p>In order to address comments raised by ESC in relation to the procedure for discharge of requirements, the Applicants have revised paragraph 1 of Schedule 16 to specify information to be provided by the undertaker and to amend the decision period from 42 days to 56 days. The Applicants have also revised paragraph 2 to amend the period within which</p>	



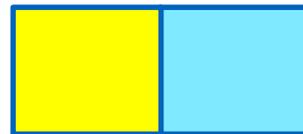
ID	ESC Comment	Applicants' Comments
	<p>Bodies acting under Arts 38 of the dDCOs and discharging or directing under Requirements including:</p> <ul style="list-style-type: none"> <li>• The relevant planning authority;</li> <li>• The relevant highway authority;</li> <li>• Environment Agency;</li> <li>• Historic England;</li> <li>• Natural England;</li> <li>• Civil Aviation Authority;</li> <li>• ministry of Defence</li> <li>• NATS</li> <li>• Suffolk County Council (as lead local flood authority);</li> </ul> <p>Are requested to confirm that they are content with the application of Arts 38 and Schs 16. See also – Schs 16.</p>	<p>the Examining Authority's questions on Schedule 16 below.</p>
<b>Schedule 1 – Authorised Project</b>		
15	<p><b>Pt 1</b></p> <p>Para 1 – the generating stations NSIPs</p> <p>The maximum height of Works Nos. 1 (the offshore generating stations) 2 and 3 (offshore platforms) are not secured here, although it these values have been assessed in the ESs for SLVIA purposes. It would not be normal for them to be secured here, but neither are they secured in the DMLs (see Schs 13 generation assets).</p>	<p>ESC will defer to the Marine Management Organisation (MMO) and Natural England (NE) on this matter but considers that the maximum heights of these developments should be secured within the DCOs either within the DMLs or within the requirements.</p>
		<p>the discharging authority may request further information from 10 business days to 20 business days and the Applicants have amended paragraph 3 to extend the periods for making written representations and counter-submissions from 15 business days and 10 business days, respectively to 20 business days in both cases.</p> <p>These changes are reflected in the draft DCO submitted at Deadline 7.</p>



ID	ESC Comment	Applicants' Comments
	<p>a) Is security already provided by another means (if so, please explain and if not please provide a view as to whether it is required):</p> <p>b) If additional drafting is required to address this point, please submit it.</p>	
16	<p><b>Pt 1</b></p> <p>Para 2 – the electric lines (transmission) NSIP</p> <p>Is there an argument that the element of these developments relating to National Grid infrastructure is not only a separate NSIP but is potentially a separate project that should be the subject of a separate DCO? Such an approach might ensure that the effects of a range of potential grid connections were appropriately assessed and mitigations secured?</p>	<p>It is noted that NPS-EN1 states <i>“The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. The Government therefore envisages that wherever possible applications for new generating stations and related infrastructure should be contained in a single application to the IPC or in separate applications submitted in tandem which have been prepared in an integrated way.”</i></p> <p>ESC agrees that it is essential that the cumulative effects of different elements of the same projects should be considered together. It should not be necessary to disaggregate the Grid connection infrastructure from the transmission infrastructure as that would be contrary to the aim of the 2008 Planning Act. The full effects of all the ‘reasonably foreseeable’ future connections to the National Grid substation should be fully and robustly considered under these applications</p>
	<p>The Applicants welcome and agree with ESC’s comments that it should not be necessary to disaggregate the grid connection infrastructure from the transmission infrastructure as that would be contrary to the aim of the Planning Act 2008 and that the current approach of integrating the projects is appropriate and will help deliver a greater degree of integration in terms of the mitigation.</p> <p>The Applicants disagree with ESC’s suggestion that a full cumulative impact assessment of the projects has not been undertaken and submit that such an assessment has been undertaken (see <b>Applicants’ Responses to Examining Authority’s Written Questions 2: Volume 2</b> (REP6-059)).</p>	



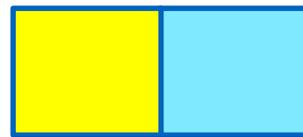
ID	ESC Comment	Applicants' Comments
		<p>through a Cumulative Impact Assessment. However, as full assessments of the cumulative effects of the projects with future connections have not been undertaken, ESC understands the arguments put forward by other Interested Parties advocating the connection infrastructure be subject of a separate NSIP application. Although we understand these arguments, ESC remains of the view that the current approach of integrating the projects is appropriate and will help deliver a greater degree of integration in terms of the mitigation, but we maintain that a full cumulative impact assessment of the projects with the 'reasonably foreseeable' future connections should be undertaken.</p>
17	<p><b>Pt 3 R13</b></p> <p>R13: Landfall construction method statement</p> <p>Please address the following matters:</p> <p>a) Para 2 requires the method statement to be 'implemented as approved', but no monitoring process is defined. Should there be a monitoring provision and if so, how could it be drafted? An indicative form of drafting is set out below.</p>	<p>ESC has been engaging with the Applicants on this matter.</p> <p>a) ESC considers that the Applicants should establish a monitoring programme to compare actual shoreline change trends with as-built records to ensure that design assumptions on resilience are not compromised. If monitoring suggests there is a risk of duct or exposure of breakout connection point damage then ESC recommends the Applicants submit proposals for remediation to the planning authority, and all other relevant approval bodies, at least 12</p>
	<p>The Applicants have committed to undertake periodic monitoring and/or reporting at the landfall. This commitment is secured within Requirement 13 of the draft DCO submitted at Deadline 7.</p> <p>The Applicants also provided details of the proposed monitoring within the Outline Landfall Monitoring Plan included as an Appendix to the <b>Outline Landfall Construction Method Statement</b> submitted at Deadline 6.</p> <p>With respect to consultees, the Applicants will consult with Natural England in the preparation of the final Landfall Construction Method Statement and this</p>	



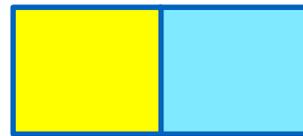
ID	ESC Comment	Applicants' Comments
	<p>b) Which Works should be within scope? Are elements of Works Nos.5 relevant albeit that they are seaward of HWS?</p> <p>c) Should Natural England be a consultee?</p> <p>d) EDF Energy Nuclear Generation Ltd (Sizewell B) (SZB) has requested to become a consultee on the landfall construction method statement submissions relating to Works Nos. 6.</p> <p>e) Is the Applicant content with these proposals and if not, why not?</p> <p>(1) No part of Works No. 6 or 8 may commence until a method statement for the construction of Works 6 or 8 has been submitted to and approved in writing by the relevant planning authority [in consultation with Natural England and EDF Energy {SZB}].</p> <p>(2) The method statement referred to in paragraph (1) must include measures for long horizontal directional drilling below the beach and cliff base at the landfall as well as measures for ongoing inspection of Works No. 6 or 8 and reporting of results to the relevant planning authority during the operation of the authorised project.</p> <p>(3) In the event that inspections indicate that as a result of the rate and extent of landfall</p>	<p>months in advance (if possible) of action being needed.</p> <p>b) ESC has advised the Applicants that Work No.s 8 and 6 up to the point of the low water springs should be included as this would be the extent of the district council's jurisdiction. ESC will defer to the MMO and NE as to whether they consider further work numbers should be within scope.</p> <p>c) ESC would have no objection should NE wish to be included as a consultee.</p> <p>d) ESC has no objections to this request although it would be unusual to have a private third party identified as a consultee, the Council understands the importance and sensitivities due to the proximity of the construction works to an operational nuclear site.</p> <p>e) This question is directed to the Applicants.</p> <p>ESC has been engaging with the Applicants regarding the suggested monitoring programme identified in a) and in relation to the current wording of Requirement 13. ESC has highlighted that the monitoring programme needs to include details of what will happen in the event the monitoring identifies a risk of exposure of the infrastructure and the process by which either</p>

commitment is secured within the **Outline Landfall Construction Method Statement**. The Applicants have also agreed to consult with Sizewell B during the preparation of the final Landfall Construction Method Statement and this is secured within protective provisions for the benefit of EDF Energy Nuclear Generation Limited. A commitment to consult with Sizewell B has also been included in the updated **Outline Landfall Construction Method Statement**.

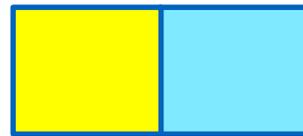
With respect to the proposed wording of the requirement, the Applicants have produced alternative drafting to secure monitoring of the landfall which has been agreed with ESC and this has been included within the draft DCO at Deadline 7.



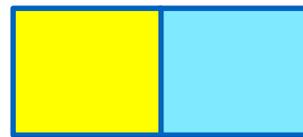
ID	ESC Comment	Applicants' Comments
	<p>erosion Works No. 6 or 8 could become exposed during the operation of the authorised project the undertaker must, as soon as practicable, submit proposals in writing for remedial measures to protect Works No. 6 or 8, together with a timetable for their implementation, to the relevant planning authority for their approval, [in consultation with Natural England]. (</p> <p>4) The method statement and any proposals for remedial measures must be implemented as approved.</p>	<p>proactive or reactive measures will be agreed with ESC and other relevant stakeholders and undertaken.</p> <p>The revised wording set out by the Examining Authority secures the submission and implementation of remedial works in the event of exposure. ESC therefore supports the revised wording suggested.</p>
18	<p><b>Pt3 R14</b></p> <p>R14: Provision of landscaping</p> <p>The proposal to undertake 'pre-planting' is potentially valuable as a form of mitigation, enabling the part establishment of some landscape enclosure before commencement. However, it also serves to reduce the level of accountability around the approval of landscape schemes. Is there a form of drafting that could enable reference of pre-commencement landscape works to the relevant planning authority and so address this concern?</p>	<p>ESC supports the Applicants commitment to early planting but has raised concerns regarding how the details of this planting will be controlled to ensure the planting is undertaken in appropriate locations and comprises acceptable planting specifications.</p> <p>ESC has been engaging with the Applicants on this matter and welcomes their commitment (expressed at Issue Specific Hearing 9) to provide an onshore preparation works management plan. It is understood that this management plan would include details of the 'pre-planting of landscaping works' and would need to be approved prior to those works taking place. ESC understands that the</p>



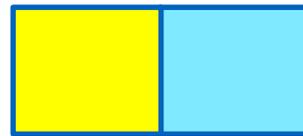
ID	ESC Comment	Applicants' Comments
		<p>Outline Code of Construction Practice (OCoCP) will be updated to reflect this commitment and the draft DCOs revised accordingly to secure the approval process. Subject to the updates to the OCoCP and draft DCOs being undertaken, these measures would address the Council's concerns.</p>
19	<p><b>Pt 3 R15</b></p> <p>R15: Implementation and maintenance of landscaping</p> <p>How might drafting securing an aftercare/ replacement period for the landscaping for Works Nos. 33 in accordance with the time period for adaptive/dynamic maintenance and aftercare set out in the OLEMS [REP3- 030, Section 4.2] be formed? How might this address the suspension of maintenance?</p> <p>Is a ten-year replacement period for failed woodland planting required for Works Nos. 24 and 29?</p>	<p>ESC has considered further the replanting period in relation to the substation mitigation planting and replacement woodland planting. We are now content with the provision for ten years in relation to the landscaping at Work No.33. We recognise that there may be little gained by the replacement of scattered failures among some otherwise established planting at the ten-year stage, as these are likely to be out-competed by the surrounding trees. Also, if the remaining planting had established well and required thinning or coppicing, there may be limited room for replacements.</p> <p>The OLEMS states that Work No.24 is proposed to be a new area of mixed deciduous and coniferous woodland to offset the woodland loss within Work Nos. 20 and 21. In paragraph 177 of the OLEMS it states that Work No. 29 is proposed to be planted with an equivalent area of woodland to offset</p>
	<p>The Applicants welcome ESC's confirmation that they are content with the ten year period in respect of Work No.33.</p> <p>The Applicants do not consider it necessary for the ten year period to apply to Work No. 29 as the nature of mitigation in this area is yet to be established. It is likely for instance that this area will be a mix of grassland and scrub with the incorporation of species specific ecological mitigation. It is therefore inappropriate to include this area as part of the ten year replacement period.</p> <p>The Applicants can however commit that woodland planted within Work No. 19 associated with the crossing of the Hundred River will be subject to the ten year replacement period and this is reflected in the updated draft DCO submitted at Deadline 7.</p>	



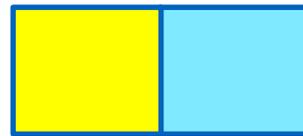
ID	ESC Comment	Applicants' Comments
	<p>the potential loss of woodland within Work No.30.</p> <p>ESC considers that a ten-year replacement period for failed woodland planting should be required for Work Nos.24 and 29. ESC therefore considers that the wording of Requirement 15 could be revised to that set out below:</p> <p>(2) Any tree or shrub planted as part of an approved landscape management plan that, within a period of five years (save in relation to Work Nos. 24, 29 and 33, for which the relevant period is ten years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority.</p>	
20	<p><b>Pt3 R17</b></p> <p>R17: Fencing and other means of enclosure</p> <p>Similar issues arise to those in relation to R14. Is there a form of drafting that could enable reference of pre-commencement</p>	<p>ESC understands that the proposed onshore preparation works management plan would include details of the erection of temporary means of enclosures. As highlighted previously, it is understood the OCoCP will be updated to refer and provide outline details of this plan and the draft DCOs will be updated</p>
		<p>The Applicants welcome ESC's comments and can confirm that the new requirement securing an onshore preparation works management plan will address this matter.</p>



ID	ESC Comment	Applicants' Comments
	<p>landscape works to the relevant planning authority and so address this concern?</p>	<p>to secure an approval mechanism. Subject to these amendments taking place, the Council considers this would provide an acceptable mechanism through which any fencing requirements associated with the onshore preparation works could be agreed prior to the works occurring and ahead of Requirement 17 which engages on commencement.</p>
<p>21</p>	<p><b>Pt3 R21</b> R21: Ecological management plan  Pre-construction surveys have been added to the first para of the requirement (at Deadline 5). They have not been added to the second para, which is what the ExAs had understood East Suffolk Council had requested.  a) Would the Applicants be content to add a similar provision ('reflecting the pre-construction survey results') to para (2)?</p>	<p>The amendment undertaken by the Applicants in relation to 21(1) is welcomed, we also seek the same amendment to the wording of 21(2).</p>
<p>22</p>	<p><b>Pt3 R22</b> R22: Code of construction practice  Are there any parts or elements of the code of construction practice that should apply to pre-commencement works? If so, which works should they apply to and how can drafting</p>	<p>ESC expressed during Issue Specific Hearing 6 that a 'mini' CoCP should be drafted and engage in relation to the onshore preparation works. The Council has been engaging on this matter with the Applicants and they have committed to providing an onshore preparation works management plan. This plan is considered to be akin to a 'mini' CoCP.</p>
	<p>The Applicants do not consider any amendments are required to Requirement 21(2). This requirement must be discharged prior to onshore preparation works being undertaken and the definition of onshore preparation works includes environmental surveys and so it would be counter-intuitive to refer to pre-construction surveys here and a general reference to surveys is considered appropriate. The Applicants have however made a minor amendment to paragraph (2) in the draft DCO so that the reference to survey results is more general and not necessarily limited to the survey results included in the environmental statement.</p>	<p>Noted. The Applicants have included a new requirement in the draft DCO at Deadline 7 which requires the approval of an onshore preparation works management plan which will ensure that relevant onshore preparation works are subject to approval. An outline of the information that will be included within the onshore preparation works management plan has</p>



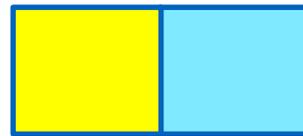
ID	ESC Comment	Applicants' Comments
	<p>require their preparation, submission, approval and application to these works?</p> <p>a) SZB has requested to become a consultee on the code of construction practice in respect of the Sizewell Gap construction method statement. Is the Applicant content?</p> <p>b) Should the same standing be accorded to bodies responsible for decommissioning and new nuclear development (SZC) at Sizewell?</p>	<p>ESC considers this plan should provide controls in relation to the following matters:</p> <ul style="list-style-type: none"> <li>• Working hours</li> <li>• Timing of works</li> <li>• Lighting</li> <li>• Noise management</li> <li>• Dust management</li> <li>• Surface water drainage</li> <li>• HGV routes</li> <li>• Community Liaison contact</li> </ul> <p>It is understood that the OCoCP will be updated to make reference to the onshore preparation works management plan and provide outline details. It is also understood that the draft DCOs will be updated to provide an approval mechanism for the plan.</p> <p>a) This question is directed at the Applicants.</p> <p>b) The inclusion of private parties as specific consultees is not a typical standard approach in relation to conditions by ESC. The Council however recognises the specific circumstances due to the existence of an operating nuclear power station and the proposal for a new nuclear power station. ESC therefore has no objections to this request if it is deemed necessary by the Examining Authority.</p>



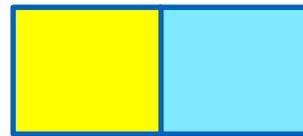
ID	ESC Comment	Applicants' Comments
<p>23</p> <p><b>Pt Rs23 &amp; 24</b></p> <p>R23 &amp; 24: Hours</p> <p>Please comment on the following matters:</p> <p>a) Is there any feasible means of limiting or controlling the classes of essential activities which (following discussion at ISHs6) remain as open classes?</p> <p>b) Does the Applicant have any further observations to make on proposals for further hours limitations raised by Interested Parties at ISHs6? Proposals made included reducing hours from 0700-1900 to potentially 0800-1800 (and 0800-1300 on Saturdays) and also to the possibility of tourism/ festival-related non-working period in the summer months.</p>	<p>ESC made representations on this matter during ISH6 and set out a summary of our comments in our REP5-047 submission.</p> <p>The current drafting of the requirements identifies some activities a) to e) which are considered to meet the definition of essential but then the requirement states that the activities are not limited to those specified. This would imply that any works could be considered essential which is not acceptable.</p> <p>In addition to this the Council is concerned that the wording of 23(2)(b) and 24(2)(b) "fitting out works associated with the onshore substation" and "fitting out works associated with the national grid substation" is too vague and could incorporate many activities some of which could cause noise disturbance. It is also not clear why it is necessary to undertake these works outside the specified working hours. It is therefore considered that this activity should be removed from the requirements.</p> <p>ESC considers that it is important in addition to seeking agreement from the Council in relation to the duration and timing of the works, the Applicants should also be required to seek agreement from ESC as to whether the works are essential and therefore take</p>	<p>See Applicants' response at ID9.11 of Section 3 of the <b>Applicants' Comments on East Suffolk Council's Deadline 5 Submissions.</b></p> <p>In response to ESC's comment regarding "fitting out works" the Applicants have amended the reference in the draft DCO submitted at Deadline 7 to refer to "internal" fitting out works in order to clarify the nature of works referred to.</p>



ID	ESC Comment	Applicants' Comments
		place out of hours, with the exception of the categories of works identified on the face of the DCOs. As indicated above however, ESC considers that (2)(b) should be removed from both requirements.
24	<p><b>Pt3 R26</b></p> <p>R26: Control of Noise during Operational Phase</p> <p>R27: Control of noise during operational phase cumulatively with (1) and (2)</p> <p>The Applicants are requested to clarify whether drafting securing an additional monitoring location is proposed to be added to R26 [REP4-026][REP4-043], or whether the Deadline 5 changes are viewed as sufficient.</p> <p>East Suffolk Council has suggested a 'considerably lower' operational noise rating level (LAr) should be secured in both of these requirements [REP5-047]. What do they consider the value(s) should be and why?</p> <p>Is it appropriate and if so, how might the National Grid infrastructure be included within the final agreed cumulative operational noise rating level in R27?</p>	<p>ESC's analysis of the survey data (as detailed in Appendix 4 of the Local Impact Report REP1-132)) identifies the following figures should be used at each monitoring location:</p> <ul style="list-style-type: none"> <li>• SSR2 – 27 dB LAF90,5mins</li> <li>• SSR3 - 24 dB LAF90,5mins</li> <li>• SSR5 (NEW) - 29 dB LAF90,5mins</li> </ul> <p>Further justification for the above figures has been provided in the Council's Deadline 6 submission on operational noise. ESC therefore considers that the operational noise limits should be set as:</p> <ul style="list-style-type: none"> <li>• SSR2 – 27 dB LA,r</li> <li>• SSR3 - 24 dB LA,r</li> <li>• SSR5 (NEW) - 29 dB LA,r</li> </ul> <p>ESC considers that it is appropriate for the operational noise of the National Grid substation to be controlled as part of a limit in relation to the overall site. Notwithstanding the Applicants statements in their Noise Modelling Clarification Note (REP4- 043) that there will be minimal noise sources present on the National Grid substation, ESC maintains that</p>
	<p>The Applicants have expanded the scope of the noise condition in Requirement 27 to include the national grid substation and to provide further detail in relation to the scheme for monitoring compliance.</p> <p>The expansion in scope of requirement 27 renders the noise condition relating to the onshore substation that was contained in requirement 26 of the draft DCO submitted at Deadline 5) unnecessary as it is not possible for the onshore substation to operate without the national grid substation. Requirement 26 has therefore been deleted and Requirement 27 will control the operational noise of the onshore substation, the national grid substation and, if operational, the East Anglia ONE North onshore substation. The Applicants have also amended the terms of requirement 27 to provide greater specification as to the monitoring requirements. The Applicants consider that an appropriate level of detail has been provided.</p> <p>The Applicants have commissioned a review of the application of BS4142 and this can be found in the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1). This has</p>	



ID	ESC Comment	Applicants' Comments
	<p>any noise from the National Grid substation site should be included in the cumulative noise limits imposed under Requirement 27, adding Work No. 41 after references to East Anglia ONE North or East Anglia TWO onshore substations, depending on which dDCO is considered. At present there is no limitation on the extent of noise which could be produced by this development and this is unacceptable. Furthermore, it would be logical and coherent for there to be a separate Requirement in any event for the National Grid substation.</p> <p>ESC has provided detailed comments at Deadline 6 in relation to operational noise and specifically the issue of tonality and other feature corrections. The Council considers that if appropriate information cannot be provided at the Examination to address this matter, the wording of Requirements 26 and 27 should be amended to include pre-commencement and post completion requirements, expressly incorporating reference to tonal penalties, set out in the DCO for EA1. The terms of these can be found in REP5-022 and are set out below for convenience:</p> <p><i>Control of noise during operational phase 24.—(1) No part of Work No. 39 will</i></p>	<p>confirmed that the Applicants' consideration of background measurements has been appropriate and that the limits proposed use very conservative levels.</p>



ID	ESC Comment	Applicants' Comments
		<p><i>commence until written details that provide for the insulation of the onshore converter station against the transmission of noise and vibration have been submitted to and approved in writing by the relevant planning authority. Work No. 39 must thereafter be implemented in accordance with the approved details. The rating level of operational noise emissions (including any relevant penalties for tonal or impulsive noise in accordance with section 8 of BS4142:1997) from Work No. 39 (including transformers, air handling units and cooling fans) shall not exceed 35 dB LAeq, 5 min at Bullenhall Farm (610287, 246601) Hill Farm (609088, 245652) and Woodlands Farm (609597, 246806).</i></p> <p><i>(2) Within three months of the completion of commissioning of Work 39, the undertaker shall submit measurements to the relevant planning authority taken in the vicinity of the relevant property or properties specified at sub-paragraph (1) to confirm the rating level of operational noise emissions do not exceed 35 dB LAeq, 5 min, including details of any remedial works and a programme of implementation should the emissions exceed the stated levels.</i></p> <p><i>(3) Measurements shall be undertaken in accordance with the equipment specifications,</i></p>



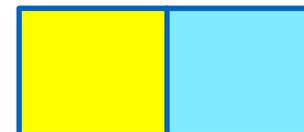
ID	ESC Comment	Applicants' Comments
	<p><i>measurement procedures and monitoring equipment positioning guidelines outlined in sections 4, 5 and 6 of BS 4142:1997.</i></p> <p><i>(4) For the purposes of this requirement, "completion of commissioning" means the date when the circuits have been fully tested and verified that they are able to transmit their rated power capacity to the grid connection point and National Grid has issued an FON (final operation notification) to the generator.</i></p>	
25	<p><b>Pt3 R30</b></p> <p>R30: Onshore decommissioning</p> <p>Would it assist the relevant planning authority to be notified of the relevant date on which the permanent cessation of commercial operation of the transmission and/or grid connection works occurs, for the purposes of defining more clearly and certainly when the decommissioning plans under R30(1) and (2) must be provided? Should that notification be secured?</p>	<p>ESC agrees that formal notification in writing of the permanent cessation of commercial operation of the transmission and/or Grid connection works would be welcomed and allow the Council to record this date provide certainty in relation to the date the plans must be submitted. This notification process should be included within the wording of the requirement.</p>
26	<p><b>Pt3 R37</b></p> <p>R37: Decommissioning of relevant landfall works.</p>	<p>ESC agrees that formal notification in writing of when the construction of the relevant landfall works have been completed would allow the Council to record this date and</p>
		<p>The Applicants have amended requirement 30 of the draft DCO to require the undertaker to notify the relevant planning authority of the permanent cessation of commercial operation of the transmission and grid connection works.</p> <p>The Applicants will update the <b>Outline Landfall Construction Method Statement</b> at Deadline 8 to include a commitment to notify the relevant planning</p>



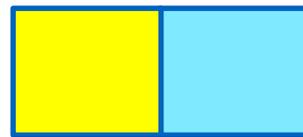
ID	ESC Comment	Applicants' Comments
	<p>Would it assist the relevant planning authority to be notified of the relevant date on which the landfall works construction was completed, for the purposes of defining more clearly and certainly when the report under R37(1) is to be provided? Should that notification be secured?</p>	<p>provide clarity regarding the dates specified within the Requirement.</p> <p>It is considered that the written notification should be secured through additional wording within the requirement.</p>
27	<p><b>Pt 3 R41</b></p> <p>R41: Operational drainage management plan</p> <p>Would the provision be improved by the following?</p> <p>a) In para (1) drafting providing that '[t]he operational drainage plan must include a timetable for implementation'; and</p> <p>b) In para (2) that '[t]he operational drainage management plan must be implemented and maintained as approved'.</p> <p>c) Having this requirement secure and cross-refer to a newly defined Work consisting of all surface water drainage infrastructure (as suggested by Suffolk County Council).</p> <p>Is Suffolk County Council content that East Suffolk Council as the relevant planning authority should lead on discharge of this required (in consultation with Suffolk County</p>	<p>a) ESC considers that this additional wording would provide greater clarity and certainty in relation to the implementation of the drainage strategy.</p> <p>b) ESC would support the inclusion of this additional wording.</p> <p>c) ESC agrees with SCC on this matter.</p> <p>ESC fully recognises the vital importance of designing and implementing an appropriate and functional drainage scheme. This is an essential component of the design process and fundamental to the operation of the site. This is a key component feeding into and affecting the overall design of the site. It is considered that to aid this holistic approach to site design and ensure consistency ESC should remain the discharging authority. SCC's role as the Lead Local Flood Authority is however fully recognised and ESC would</p>
	<p>authority of the date of completion of construction of Work Nos. 6 and 8.</p> <p>a) The <b>Outline Operational Drainage Management Plan</b> (RE6-017) will be updated at Deadline 8 to require a timetable for implementation to be included within the final plan and therefore the Applicants do not consider it necessary to update the requirement itself since the final plan must accord with the Outline Operational Drainage Management Plan.</p> <p>b) As noted in the <b>Applicants' Comments on the ExA's Commentary on the dDCO</b> (REP6-067), at Deadline 5, the Applicants updated paragraph (1) to require the Operational Drainage Management Plan to include provision for the maintenance of measures identified. The final plan must therefore include details of maintenance measures. Paragraph (2) requires the plan to be implemented as approved. This means that the maintenance measures set out within the plan must be implemented as approved. It is therefore not necessary to refer to maintenance within paragraph (2) as this is already secured through the current drafting of paragraphs (1) and (2).</p>	



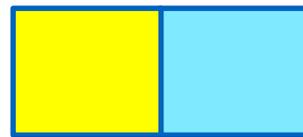
ID	ESC Comment	Applicants' Comments
	<p>Council and the Environment Agency) to ensure coordinated input on subject matters with a strong bearing overall on design and appearance?</p>	<p>not seek to discharge this requirement without their agreement. ESC would like to make it clear that it is not that site design would be prioritised over the design and implementation of an acceptable drainage strategy, the strategy is a fundamental component part.</p> <p>ESC considers it should remain the discharging authority for this requirement for the reasons set out above.</p> <p>c) For the reasons set out at row 5.4 of the <b><i>Applicants' Comments on the ExA's Commentary on the dDCO</i></b> (REP6-067), the Applicants do not consider it to be appropriate for a newly defined Work No. consisting of drainage infrastructure only to be included within the draft DCO and therefore no cross reference is necessary within this requirement.</p> <p>With respect to ESC's comments regarding the appropriate discharging authority, the Applicants' consider that this is ultimately a matter for the Local Planning Authorities to agree between themselves. In the absence of agreement between ESC and Suffolk County Council (SCC) as to which authority should discharge the requirement, the Applicants consider that the default position in terms of the discharging authority should be the relevant planning authority.</p>
28	<p><b>Pt 3 None – missing requirement</b></p> <p>Security for Memorandum of Understanding (MoUs)</p> <p>Suffolk County Council [REP5-058] although not agreeing necessarily that formal security is required, has proposed a form of words to secure proposed MoUs between the Councils and the Applicants on skills, education and economic development through a new requirement. The proposed wording is</p>	<p>ESC supports the wording suggested by SCC.</p> <p>The Applicants do not agree with the wording proposed by SCC. See the Applicants' response at ID5.32 of the <b><i>Applicants' Comments on the ExA's Commentary on the dDCO</i></b> (REP6-067).</p>



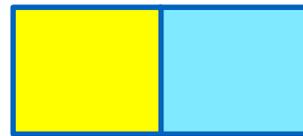
ID	ESC Comment	Applicants' Comments
	<p>reproduced below. Please provide your views on it.</p> <p>See also Obligations and Agreements below.</p> <p>The development shall not commence until a Memorandum of Understanding (MoU) has been agreed between the Applicant, Suffolk County Council, and East Suffolk Council. The MoU shall address the arrangements for securing the dissemination of skills and the integration of the supply chain into the local economy, including working to a shared set of objectives, and shall include measures for the periodic monitoring and review of those arrangements. The development shall be undertaken in accordance with the agreed MoU (including any review thereof).</p>	
<b>Schedule 2 – streets subject to street works</b>		
29	<p><b>From p49</b></p> <p>Streets subject to street works</p> <p>Please confirm that the streets subject to street works are in correct locations, correctly described and give rise to no other matters.</p> <p>Alternatively, submit any final proposed revisions or corrections.</p>	<p>ESC defers to SCC on this matter.</p> <p>Noted.</p>



ID	ESC Comment	Applicants' Comments
<b>Schedule 3 – Public rights of way temporarily stopped up</b>		
30	<p><b>From p52</b></p> <p>Public rights of way, extent of temporary stopping up and substituted temporary public rights of way.</p> <p>Please confirm that the public rights of way, the extent of the proposed temporary stopping up and any substituted temporary public rights of way are in correct locations, correctly described and give rise to no other matters. Alternatively, submit any final proposed revisions or corrections</p>	<p>ESC defers to SCC on this matter.</p>
Noted.		
<b>Schedule 4 – Footpaths to be stopped up</b>		
31	<p><b>From p66</b></p> <p>Footpaths, extent of stopping up and substituted footpaths.</p> <p>Please confirm that the footpaths, the extent of the proposed stopping up and any substituted footpaths are in correct locations, correctly described and give rise to no other matters. Alternatively, submit any final proposed revisions or corrections.</p>	<p>ESC defers to SCC on this matter.</p>
Noted.		



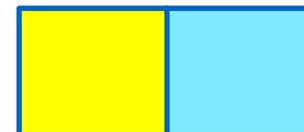
ID	ESC Comment	Applicants' Comments
<b>Schedule 5 – Streets to be temporarily stopped up</b>		
32	<p><b>From p66</b></p> <p>Streets and extent of temporary stopping up.</p> <p>Please confirm that the streets and the extent of the proposed stopping up are in correct locations, correctly described and give rise to no other matters. Alternatively, submit any final proposed revisions or corrections.</p>	<p>ESC defers to SCC on this matter.</p>
Noted.		
<b>Schedule 6 – Access to works</b>		
33	<p><b>From p66</b></p> <p>Descriptions of Accesses</p> <p>Please confirm that proposed vehicular accesses are in correct locations, correctly described and give rise to no other matters. Alternatively, submit any final proposed revisions or corrections.</p>	<p>ESC defers to SCC on this matter.</p>
Noted.		
<b>Schedule 11 - Hedgerows</b>		
34	<p><b>From p118</b></p> <p>Pt 1: removal of important hedgerows</p> <p>Please respond to the following matters:</p>	<p>a) ESC is content that at the pre-consent stage only the important hedgerows are identified. Post-consent and pre-construction, a more detailed assessment will be</p>
The Applicants welcome ESC's comments.		



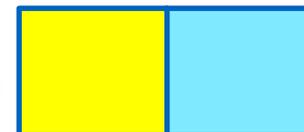
ID	ESC Comment	Applicants' Comments
	<p>a) Is it sufficient that only 'important hedgerows' are identified?</p> <p>b) Is any provision required for other hedgerows in the Orders lands?</p> <p>c) Please confirm that proposed hedgerow removals to be carried out are in the correct locations, as assessed in the Environmental Statements, and give rise to no other matters. Alternatively, submit any final proposed revisions or corrections.</p> <p>The Applicants are additionally asked to clarify the apparent conflict between documents providing for the same hedgerows being subject to removal [REP3-011], [REP3-030] and crossed with reduced width[REP3-010]. Please submit updated documents.</p>	<p>necessary. The Applicants have committed to undertaking a pre-construction hedgerow survey within the OLEMS. A mitigation plan will be produced prior to the removal of any hedgerows.</p> <p>b) The OLEMS commits to a pre-construction hedgerow survey being undertaken which will inform the mitigation plan. This survey will include all hedgerows affected by the developments.</p> <p>c) This question is considered to be best addressed by the Applicants. ESC considers that final details of all hedgerow removals will be identified as a result of the pre-construction tree and hedgerow surveys.</p> <p>d) This question is directed at the Applicants.</p>
35	<p><b>Pt2</b></p> <p>Pt 2: crossings of important hedgerows with reduced working widths</p> <p>Please confirm that proposed working width reductions are in correct locations and give rise to no other matters. Alternatively, submit any final proposed revisions or corrections.</p>	<p>It is considered that this question would be best addressed by the Applicants. The working width reductions are confirmed on hedgerows which have been identified by the Applicants as being important and where the Order Limits and important hedgerows cross perpendicular to one another.</p>
<p><b>Schedule 12 – Trees subject to tree preservation orders</b></p>		



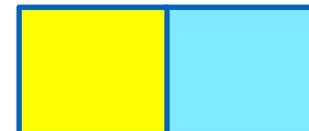
ID	ESC Comment	Applicants' Comments
<p>36</p>	<p><b>From p122</b></p> <p>Tree Preservation Orders</p> <p>Please confirm that the correct species, locations and Tree Preservation Orders are referred to, that the works to be carried out are as assessed in the Environmental Statements and give rise to no other matters. Alternatively, submit any final proposed revisions or corrections.</p>	<p>The Onshore Ecology Chapter of the ES (APP-070) identifies Tree Preservation Order (TPO) Number: SCDC/87/00030 which lies to the west of B1122 south of Aldringham and north of Fitches Lane. Paragraph 103 describes the species as:</p> <p><i>“This area is described as several mixed deciduous and coniferous species consisting mainly of silver birch, oak, beech Fagus sylvatica, sycamore Acer pseudoplatanus, horse chestnut Aesculus hippocastanum, cherry Prunus spp., Scot’s pine, Corsican pine Pinus nigra, mixed ornamental conifers and evergreen oak Quercus ilex”.</i></p> <p>The location of TPO SCDC/87/00030 is identified on the Important Hedgerows and Tree Preservation Order Plan (REP3-010).</p> <p>ESC is content with this description provided and location identified. It should also be noted that the TPO is an area designated TPO and therefore only covers the trees which were there when the Order was served (1987) and not any more recent trees which have grown since.</p>
<p><b>Schedule 15 – Arbitration Rules</b></p>		



ID	ESC Comment	Applicants' Comments
37	<p><b>From p160</b></p> <p>Level of detail</p> <p>The proposed arbitration rules are at a significantly higher level of detail than those typically provided for in made DCOs (see the discussion of these in the Thanet Extension Offshore Wind Farm Recommendation Report (the Thanet Report) from page 441 (section 11.4)).</p> <p>As discussed from Para 11.4.18 in the Thanet Report, where additional detailed provisions are proposed, it is relevant to consider what 'mischief and defect' the new provisions address that is not already adequately managed by established law and practice in existing made DCOs.</p> <p>In the case of the East Anglia THREE made DCO, the response to that question was that additional detailed arbitration provisions were justified to respond to an overlap in licenced sea areas between the approved development and an oil and gas exploration area. The rationale for more than typically detailed arbitration provisions is not made clear for these dDCOs. However, those provisions were highly specific, whereas the provisions in this schedule are of general</p>	<p>See the Applicants' response at ID13 above and see also ID18.1 of the <b><i>Applicants' Comments on the ExA's Commentary on the dDCO</i></b> (REP6-067).</p>



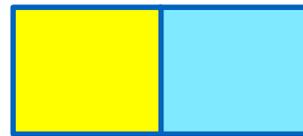
ID	ESC Comment	Applicants' Comments
	<p>application to all matters subject to arbitration under Art 37.</p> <p>a) Should the proposed arbitration provisions be retained at this level of detail?</p> <p>b) Are the proposed arbitration provisions in these dDCOs necessary, justified and proportionate?</p> <p>c) Are the specific procedures and timescales appropriate and if not, how should they be amended?</p>	
38	<p><b>Para 6</b></p> <p>Costs</p> <p>The general principle in planning proceedings (other than civil litigation) is that absent 'unreasonable behaviour' by a party, costs normally lie where they fall.</p> <p>a) What is the justification for what is understood to be a novel approach where costs run with the event?</p> <p>b) The Applicants are requested to remove the stray bracket ']' at the end of para (3).</p>	<p>The costs provision needs to be justified by the Applicants.</p> <p>See the Applicants' response at ID18.2 of the <i>Applicants' Comments on the ExA's Commentary on the dDCO</i> (REP6-067).</p>



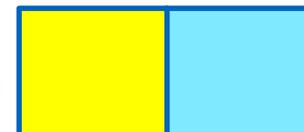
ID	ESC Comment	Applicants' Comments
<p>39</p> <p><b>Para 7</b></p> <p>Confidentiality</p> <p>Para 7 provides that arbitration proceedings are confidential unless agreed otherwise between the parties to the arbitration.</p> <p>a) Are there any subject matters or circumstances in which an arbitration relates to matters which are public interest matters and should be publicised?</p> <p>b) If so, how might that be provided for in drafting?</p>	<p>It may be that the issue requiring arbitration relates to the meaning of part of the Order which may be of wider application and public utility. ESC does not at present have any wording to suggest how this might be achieved but will discuss it with the Applicants.</p>	<p>The Applicants have amended paragraph 7 of Schedule 15 in the draft DCO to provide for an open arbitration procedure that is accessible to the public, subject to certain exceptions (for example, where the arbitration relates to a dispute or difference under the protective provisions).</p>
<p>40</p> <p><b>Para 9</b></p> <p>Emergency Arbitrator</p> <p>This is understood to be a novel provision.</p> <p>a) Has any specific mischief or harm occurred to an existing or proposed Offshore Wind Farm development attributable to the absence of such a provision?</p> <p>b) The Applicants are asked to clarify the basis and any precedent for the proposal to include this provision.</p>	<p>ESC has no comment at present although will respond to any justification presented by the Applicants</p>	<p>Noted.</p>



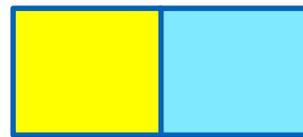
ID	ESC Comment	Applicants' Comments
<b>Schedule 16 – Procedure for discharging of requirements</b>		
41	<p>Applications for approvals – time period and deemed consent.</p> <p>a) Are the discharging authorities content with the time period provided for applications for the discharge of requirements?</p> <p>b) If not, what should the relevant period be – and what is the justification for the change? East Suffolk Council has noted [REP5-047] considerable variability in recently made DCOs: it promotes 56 days. Would the Applicant be content with that period?</p> <p>c) Are the discharging authorities content with deemed consent provision in Paras 1(3) in the event that the discharging authority does not determine an application within the decision period? East Suffolk Council has noted that the deemed consent provision was not included in the made East Anglia ONE or East Anglia THREE DCOs and opposes them here on that basis. The Applicants are asked to identify specific concerns that have led to the proposed introduction of deemed consent.</p> <p>d) If not, what should the relevant procedure be – and what is the justification for the change?</p>	<p>ESC provided comments on the provisions contained in Schedule 16 in their ISH6 oral case (REP5-047).</p> <p>a) ESC considers that 42 days is an insufficient standard time period in which to discharge requirements. It is noted that this is the timescale set out in Appendix 1 of The Planning Inspectorate's 15: Drafting Development Consent Orders. 56 days is provided when discharging planning application conditions. The need to deal promptly with applications for the discharge of NSIP requirements is understood but where the discharge process will also require consultation with external consultees, and it is also highly likely that ESC will be dealing with discharge applications for multiple projects simultaneously, a more realistic period than 42 days is required. This provision was not included in the recent Hornsea P3 decision, EA1 or EA3 and a period of 56 days (eight weeks) was provided in the recent Norfolk Vanguard DCO.</p> <p>b) A period of at least 56 days should be provided. ESC welcomes the Applicants commitment to provide 56 days made at ISH9.</p>



ID	ESC Comment	Applicants' Comments
	<p>e) What specific additional information should the undertaker provide to the discharging authorities and how (for example as provided for in the made Vanguard DCO) might this be provided for?</p>	<p>c) ESC considers that the deemed consent provision is not appropriate as set out in our previous submission (REP5-047). It is not considered that there were any significant delays caused by ESC during the discharging of the requirements associated with EA1 or EA3 which would warrant the need for this provision. It is considered that it is necessary for the Applicants to provide a justification as to why such a provision is considered necessary.</p> <p>d) The relevant procedure should be to revert back to the default position of the model which provides a right of appeal for non-determination.</p> <p>e) ESC considers that it is important that discharge applications are accompanied by sufficient information and therefore it was considered that the wording contained within the relevant Schedule in the Norfolk Vanguard DCO provided useful text to reflect this:</p> <p><i>“a) the undertaker must give the discharging authority sufficient information to identify the requirement(s) to which the application relates;</i></p> <p><i>“b) the undertaker must provide such particulars, and the request be accompanied by such plans and drawings, as are</i></p>



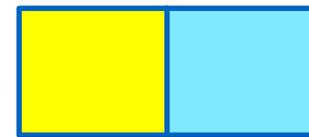
ID	ESC Comment	Applicants' Comments
	<p><i>reasonably considered necessary to deal with the application."</i></p> <p>It is understood that the Applications are considering the inclusion of similar wording.</p>	
42	<p><b>Paras 2</b></p> <p>Further information</p> <p>a) Are discharging authorities content with the procedure, time period and deemed satisfaction process provided for further information requests?</p> <p>b) If not, what should the relevant procedure and period be – and what is the justification for the change?</p>	<p>a) The Council does not agree with the provision that if information is not requested within the first 10 business days that the information submitted is deemed to be sufficient. It is considered that the wording 'as soon as reasonably practicable' is sufficient. It is noted that this is part of the wording in the standard text set out in Appendix 1, however 10 business days is not considered sufficient time for the discharging authority to consider, assess and undertake appropriate internal and external consultations in relation to the additional information received and decide whether further information and requests are necessary. A consultee is typically provided 21 days to provide their comments, if a request for further information was provided by a consultee, under the current wording the authority would not be able to make such a request to the Applicant. It is also not considered appropriate that all further requests for information should be required to be made within this initial 10-day period.</p> <p>The Applicants have also revised paragraph 2 to amend the period within which the discharging authority may request further information from 10 business days to 20 business days.</p>



ID	ESC Comment	Applicants' Comments
		<p>b) The recent Hornsea Project Three DCO did not include such provisions, neither did EA1 and EA3 DCOs. In the Norfolk Vanguard DCO if no consultations were required the discharging authority was provided with 20 business days to notify the Applicants that further information was required. In the event consultation on the requirement was necessary, the discharging authority had to notify the Applicants within 10 business days of receiving the request for information or in any event within 42 day of receipt of the application. ESC does not consider there should be a period set when additional information must be sought. This could be counterproductive and lead to additional refusals as the opportunity to seek further information had lapsed. Notwithstanding ESC's position, if it is considered a time period is necessary, this should be as per the Norfolk Vanguard DCO.</p>
43	<p><b>Paras 3</b> Appeals</p> <p>a) Are discharging authorities and other appeal parties (the consultees) content with the procedure and time period provided for appeals against refusals?</p>	<p>a) ESC notes that in Appendix 1 of PINS Advice Note 15, the appeals process includes a time period in which an appeal must be made (42 days), there is no such provision within Schedule 16; this should be corrected.</p> <p>b) ESC is not content with the time periods provided for the submission of written representations (15 business days) and</p> <p>Whilst the Applicants consider that the timescales specified within paragraph 3 of Schedule 16 are appropriate in order to ensure the swift resolution of matters, the Applicants have taken on board ESC's comments and have amended paragraph 3 to extend the periods for making written representations and counter submissions from 15 business days and 10</p>



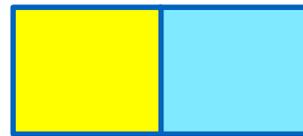
ID	ESC Comment	Applicants' Comments
	<p>b) If not, what should the relevant procedure and period be – and what is the justification for the change?</p>	<p>counter submissions (10 business days). The model in Appendix 1 also provides 20 business days for parties to submit written representations and 20 business days for parties to comment on each other's representations. Although ESC does not consider that the model's provisions are always appropriate, in this instance it is considered that a longer period for submissions of written material would be appropriate.</p>
<b>Explanatory Note</b>		
<p>44</p>	<p><b>Pages 167</b> Inspection of Hard Copy Documents</p> <p>The Explanatory Note provides: 'A copy of the plans and book of reference referred to in this Order and certified in accordance with article 36 (certification of plans etc.) of this Order may be inspected free of charge at East Suffolk Council Customer Services at Woodbridge Library, New Street, Woodbridge IP12 1DT.'</p> <p>a) Are the Councils content that the hard copy documents referred to are lodged at this location?</p> <p>b) Would any other location(s) be more appropriate or convenient for access by</p>	<p>a) ESC is content that a hard copy of the documents can be held at Woodbridge Library in the ESC Customer Services section whilst we maintain a service there. The Customer Service provision is unfortunately not available at present due to the current public health restrictions.</p> <p>b) Leiston Town Council offices in Leiston could be a secondary location subject to the agreement of the Town Council.</p> <p>c) Yes.</p>



## Applicants' Comments on ESC's Deadline 6 Submissions

4<sup>th</sup> March 2021

ID	ESC Comment	Applicants' Comments
	<p>members of local communities who cannot use digital technology?</p> <p>c) Does East Suffolk Council anticipate the maintenance of services of this nature at Woodbridge Library for the foreseeable future?</p>	
45	<p>Inspection of digital documents</p> <p>It has become commonplace for the inspection of documents to be provided for online. Whilst innovative in statutory drafting terms, might it be appropriate for an online document service or domain name to be referred to in the Explanatory Note?</p>	<p>ESC would fully support reference to an online document service.</p> <p>Noted.</p>
<b>Agreements and Obligations</b>		
46	<p><b>The dDCO's</b></p> <p>Agreements and obligations</p> <p>DCOs may be supported by agreements (including commercial agreements/ contracts or deeds under seal) and/ or Planning Obligations or other forms of statutory obligation. Relationships between parties may also be regulated by processes such as Memoranda of Understandings (MoUs) which</p>	<p>ESC has provided draft copies of the proposed s111 Agreements in response to the Examining Authority's second round of questions.</p> <p>The s111 Agreements seek to secure funding to provide compensatory measures in relation to some of the adverse impacts arising as a result of the construction works and</p> <p>Noted.</p>



ID	ESC Comment	Applicants' Comments
	<p>may or may not be intended to create legal relations. For any such documents, if the SoS is to place weight upon them for a planning decision:</p> <p>a) their purpose and relevance to planning must be justified;</p> <p>b) the reason why their subject matters are required to be dealt with in a separate document and not on the face of the dDCOs needs to be made clear; and</p> <p>c) where to enter into force or provide security for their subject matter, they require to be executed between parties, that process must be completed, and evidence of execution must be provided - before the end of the Examinations.</p> <p>The ExAs note that some such processes may relate to subject matters that are viewed as confidential between parties to them. Where for example they relate to (for example) the withdrawal of a statutory undertaker's RR, it can be sufficient for the process to be evidenced by documents from the Applicant(s) and the statutory undertaker concerned, making clear that the agreement has been concluded and that consequently a RR has been withdrawn. However, if any reliance is placed on a process providing</p>	<p>operational phases of the EA1N and EA2 projects.</p> <p>ESC did originally suggest that these funds should be secured and delivered through a s106 however this was not a matter upon which the Applicants and the Council agreed. The funds have therefore been provided through s111 Agreements.</p> <p>It is ESC's intention that the s111 Agreements will be signed prior to Deadline 8.</p> <p>The s111 Agreements have been taken into account by ESC when considering the Council's overall position on the projects. The Council however notes that the Applicants will not be asking the Examining Authority to accord any weight to these agreements. This is however a matter for the Examining to Authority to determine.</p>



ID	ESC Comment	Applicants' Comments
	<p>security for specific actions, outcomes or standards to be met that are important and relevant, then the terms of the relevant document need to be provided to the ExAs.</p> <p>A working list of all such processes and progress towards their finalisation is to be provided at Deadline 6. Drafts for consultation and comment between parties must be provided by Deadline 7 alongside the final dDCO. If elements of these documents are considered to be confidential that must (for reasons) be made clear, but the process of consultation and comment between the engaged parties must continue.</p> <p>Final positions and (where these are not confidential), final texts must be submitted for Deadline 8, synchronised with final Statements of Common Ground. Where agreements are required to be executed, this is the point at which execution must occur and be evidenced.</p>	
47	<p><b>Skills MoU</b></p> <p>Skills, education and economic development MoUs</p>	<p>a) ESC is content with the format of the MoU as it currently stands.</p> <p>b) ESC supports the Applicants and SCC's view that a requirement is not considered necessary; however, if it is considered to be</p>
		Noted.



ID	ESC Comment	Applicants' Comments
	<p>The conclusion of MoUs on these matters is supported by the Applicants, East Suffolk and Suffolk County Councils.</p> <p>a) Are there any remaining arguments for an alternative form of provision or security and if so, what should that be and what should be included within it?</p> <p>b) Suffolk County Council have suggested the following text for a new Requirement [REP5-058]. Please provide your views on the need for and content of this (see Missing Provision – requirements – MoU above).</p>	<p>required, ESC supports the wording SCC has proposed.</p>

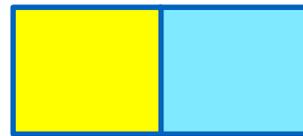


## 2.2 Operational Noise Comments Deadline 6 (REP6-081)

ID	ESC Comment	Applicants' Comments
<b>Overview</b>		
1	2.1 East Suffolk Council (ESC) welcomes the reduction in operational noise limits set out in Requirements 26 and 27 in the draft DCOs at Deadline 5. ESC considers that the substations operating to the proposed operational noise limits, albeit as varied in the draft DCOs at Deadline 5, would adversely impact on the surrounding receptors and would permanently alter the existing rural sound climate in the area. The proposed operational limits may also set a precedent for future windfarm connections to the national grid substation, as discussed in 6.48 to 6.54 of the Local Impact Report (REP1- 132).	<p>The Applicants note that ESC welcomes the reduction in the maximum operational noise rating levels specified within Requirements 26 and 27 of the updated <b>draft DCO</b> (REP5-003). There remains a matter of disagreement between the Applicants and ESC regarding the background noise levels at the onshore substation locations, and the maximum operational noise rating levels not being agreed. The Applicants refer to <b>section 4</b> of the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1) written by an Environmental Health/1/3 (EH/1/3) committee member with a key role in the development of the BS4142 guidance.</p> <p>The Applicants note ESC provided its analysis of the Applicants' baseline noise data within Appendix 4 of the <b>Joint Local Impact Report</b> (REP1-132). As admitted within their Deadline 5 submission (REP5-048), ESC chose to ignore certain data in the dataset within its analysis of the background noise levels. The Applicants do not accept ESC's approach of 'ignoring' data to arrive at the background noise levels they suggest.</p> <p>Regarding potential future development at the site, it will be the duty of future developers (if any) to undertake a cumulative impact assessment for noise with the Projects and National Grid infrastructure. The operation of future developments at the site must comply with current guidance and legislation at that time.</p>
<b>Background Sound Level</b>		
2	3.1. The Applicants have assessed the impact of noise from operational noise sources against a "typical" backgrounds noise	The Applicants note ESC provided its analysis of the Applicants' baseline noise data within Appendix 4 of the <b>Joint Local Impact Report</b> (REP1-132). As



ID	ESC Comment	Applicants' Comments
	<p>level of 29 dB LAF90,5mins. This level is not accepted by ESC as being representative of the typical night-time background sound climate in the onshore substation study area around Friston.</p>	<p>admitted within their Deadline 5 submission (REP5-048), ESC chose to ignore certain data in the dataset within its analysis of the background noise levels. The Applicants do not accept ESC's approach of 'ignoring' data to arrive at the background noise levels they suggest.</p> <p>The Applicants maintain that their baseline noise survey was undertaken over a long-term monitoring period, under consistently favourable meteorological conditions conducive to noise monitoring. As a result, the Applicants consider that the survey data collected are high quality and reflective of the existing noise climate experienced at the onshore substation locations.</p> <p>The Applicants note that ESC have not provided evidence of their site visit undertaken to inform their opinion that background noise levels are lower than those presented by the Applicants.</p>
3	<p>3.2. Analysis of the Applicants' own survey (as detailed in Appendix 4 of the Local Impact Report - REP1-132) suggests that the following figures should be used at each monitoring location:</p> <ul style="list-style-type: none"> <li>• SSR2 – 27 dB LAF90,5mins</li> <li>• SSR3 - 24 dB LAF90,5mins [1]</li> <li>• SSR5 (NEW) - 29 dB LAF90,5mins</li> </ul>	<p>The Applicants note ESC provided its analysis of the Applicants' baseline noise data within Appendix 4 of the <b>Joint Local Impact Report</b> (REP1-132). As admitted within their Deadline 5 submission (REP5-048), ESC chose to ignore certain data in the dataset within its analysis of the background noise levels. The Applicants do not accept ESC's approach of 'ignoring' data to arrive at the background noise levels they suggest.</p>
<b>LOAEL Threshold</b>		
4	<p>4.1. The proposed operational noise limits were set at paragraph 121 of Chapter 25 of the Environmental Statement (APP-073) as the background sound level +5dB on the basis that the Applicants consider this to be the Lowest Observed Adverse Effect Level – LOAEL. This is not agreed by ESC. Section 11 of BS4142 states that a rating level of around 5 dB over the background sound level</p>	<p>The Applicants refer to <b>section 4.2</b> of the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1), written by an EH/1/3 committee member with a key role in development of the BS4142 guidance. The Applicants do not agree with ESC's interpretation of the guidance and consider the interpretation of Lowest Observed Adverse Effect Level (LOAEL) at +5dB</p>



ID	ESC Comment	Applicants' Comments
	<p>"is likely to be an indication of an adverse impact, depending on context" and that "Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context."</p>	<p>above background is consistent with current guidance and is a level adopted by other NSIPs in their assessment of operational noise.</p> <p>The definition for LOAEL as presented within <b>Chapter 25</b> of the ES (APP-073) is '<i>the level above which adverse effects on health and quality of life can be detected</i>'.</p>
5	<p>4.2. The Council maintains that a rating level equal to the background sound level is a more appropriate figure for the LOAEL threshold, as discussed in Section 19.22 of the Local Impact Report (REP1-132). There is precedent for setting LOAEL at the background sound level for other similar offshore wind projects (Vattenfall Thanet Extension Environmental Statement Chapter 10 Noise and Vibration, Table 10.10 - EN010084-000621-6.3.10_TEOW_Noise.pdf (planninginspectorate.gov.uk)).</p>	<p>Whilst this approach of defining the LOAEL was adopted for the Thanet Extension offshore wind farm, other similar projects have used the same approach taken by the Applicants with regard to using a 5dB noise increase as the LOAEL, including Hornsea Project TWO and Hornsea Project THREE.</p> <p>The Applicants therefore do not agree with ESC's interpretation of the guidance and consider the interpretation of LOAEL at +5dB above background is consistent with current guidance and standard industry practice.</p>
<b>Operational Noise Limits</b>		
6	<p>5.1. On the basis of the above, ESC requests that the operational noise limits in Requirements 26 and 27 are set as follows:</p> <ul style="list-style-type: none"> <li>• SSR2 – 27 dB LA,r</li> <li>• SSR3 - 24 dB LA,r</li> <li>• SSR5 (NEW) - 29 dB LA,r</li> </ul>	<p>The Applicants note that the operational noise limits referred to by ESC within their comment are the same as the background noise levels they suggest at ID3 of this table.</p> <p>The Applicants do not agree with ESC's view that the maximum operational noise rating limits should be set at or below background. This approach is not supported by either local policy or industry guidance. The Applicants consider that setting maximum operational noise rating limits at the LOAEL is appropriate and in line with current guidance, as supported by the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1).</p> <p>With regard to the derivation of background noise levels, the Applicants note ESC provided its analysis of the Applicants' baseline noise data within Appendix 4 of the <b>Joint Local Impact Report</b> (REP1-132). As admitted within their Deadline 5 submission (REP5-048), ESC chose to ignore certain data in the</p>



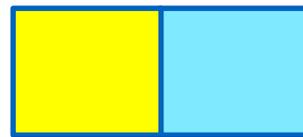
ID	ESC Comment	Applicants' Comments
		<p>dataset within its analysis of the background noise levels. The Applicants do not accept ESC's approach of 'ignoring' data to arrive at the background noise levels they suggest.</p> <p>The Applicants do not share or accept ESC's interpretation of BS4142:2014 +A1:2019 regarding how to establish representative background noise levels and refer to the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1) written by an EH/1/3 committee member with a key role in development of the BS4142 guidance.</p>
7	<p>5.2. Although REP-043 refers to some additional mitigation measures to lower the sound power levels of proposed equipment, the extent to which further measures can be identified and committed to now is unclear. In the event that noise limits based on these background levels are not achievable in practice, ESC maintains that the Applicants should use the background sound levels set out above to assess the impact of operational noise at the receptors to allow the Examining Authority to make an informed decision on the true impact of the proposed development</p>	<p>As supported by the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1), the Applicants maintain that the methodology adopted for the assessment of operation phase noise is in line with the current available BS4142 guidance.</p> <p>Having undertaken early engagement with the supply chain, the Applicants are confident that the maximum operational noise rating levels specified within the <b>draft DCO</b> (an updated version has been submitted at Deadline 7, document reference 3.1) are achievable and will design the scheme to comply with such requirements.</p>
<b>Tonality and Other Feature Corrections</b>		
8	<p>6.1. The Applicants' predicted operational noise rating levels do not include any correction for tonality, or other characteristics which would attract an acoustic feature correction under BS4142. The Applicants have supplied a copy of the East Anglia ONE operational noise assessment (REP5-022) which states at Paragraph 17 that:</p> <p><i>"The sound emissions (i.e. sound level emitted at source) from transformers and reactors at substations typically contain a</i></p>	<p>The Applicants note that this statement is included within the <b>East Anglia ONE Operational Noise Assessment</b> (REP5-022) to provide context of the 'typical' noise emissions from certain components of a substation. However, the assessment goes on to identify that '<b>no tones are objectively quantifiable</b>' (paragraph 68), demonstrating that tonality can in effect be designed out during detailed design. The Applicants will continue to give consideration to noise</p>



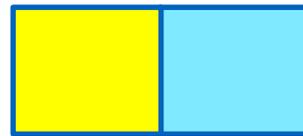
ID	ESC Comment	Applicants' Comments
	<i>significant proportion of their acoustic energy (if not most) at 100 Hz."</i>	matters, including the tonal characteristics of any such noise emissions, during the detail design of the onshore substations.
9	6.2. This agrees with ESC's position that the substation equipment is likely to generate significant levels of tonal noise at source which could be significant at the receptor locations. However, the Applicant has not supplied the data required to test for tonality.	<p>However, the Applicants reiterate that, irrespective of any tonal character corrections, the overall operational noise rating levels (including any tonal corrections) must comply with the maximum operational noise rating levels specified within the <b>draft DCO</b> (an updated version has been submitted at Deadline 7, document reference 3.1). As such, concerns raised in relation to tonality are inconsequential as this element will be controlled by virtue of Requirement 27 of the DCO.</p> <p>The Applicants refer to the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1), written by an Environmental Health/1/3 (EH/1/3) committee member with a key role in development of the BS4142 guidance.</p>
10	6.3. ESC requests that the 1/3 octave data for intensity measurements taken on site and sound pressure measurements taken around the site are provided by the Applicant, as offered during Issue Specific Hearing 4 (ISH4).	<p>The Applicants clarify that the offer made during Issue Specific Hearing (ISH) 4 was to provide the operational noise monitoring report for East Anglia ONE only. The sound intensity measurements referred to by ESC are in relation to the operation phase noise monitoring undertaken at East Anglia ONE.</p> <p>Appendix A of the <b>East Anglia ONE Onshore Substation Operational Noise Assessment</b> (REP5-022) provides the 1/3 Octave Band Measurements at each noise sensitive receptor location.</p>
11	6.4. Given the limited options for post-completion mitigation, ESC considers the lack of consideration of tonality in the predicted operational noise rating levels to be a significant risk. If the Applicants are unable to provide the necessary 1/3 octave data this issue could potentially be resolved by redrafting Requirements 26 and 27 to include the types of pre-commencement and post-completion conditions set out in the Development Consent Order	<p>The Applicants note that the wording of Requirement 27 has been amended within the updated <b>draft DCO</b> submitted at Deadline 7 (document reference 3.1) with reference to tonal noise character penalties. The Applicants reiterate again that the maximum operational noise rating levels specified within the DCO Requirements are inclusive of any tonal correction and the detailed design of the onshore substations will be undertaken to comply with these limits. As such, the Applicants consider ESC's comment to be a moot point.</p>



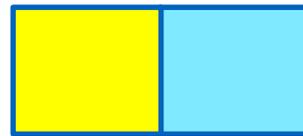
ID	ESC Comment	Applicants' Comments
	(DCO) for East Anglia ONE (as reproduced in paragraph 10 of East Anglia ONE operational noise assessment, REP5-022).	
<b>National Grid Substation</b>		
12	7.1. ESC requests that noise from the National Grid substation (Work Item 41) should be included within the cumulative noise limits set out in Requirement 27. The need for this is re-reinforced by the East Anglia One operational noise assessment (REP5-022) which identifies noise from the adjoining National Grid substation site as a significant source of noise in the surrounding area.	The Applicants confirm that an updated <b>draft DCO</b> has been submitted at Deadline 7 (document reference 3.1), which includes the National Grid substation (Work No. 41) within Requirement 27.
<b>Applicants' Comments on ESC's D4 Submissions - REP5-010</b>		
13	<p><b>Document submitted at Deadline 5</b></p> <p>Section 2.17, ID 15</p> <p><i>"...It is noted that ESC has not provided any information or justification for how it has arrived at a different conclusion to that of the Applicants to support its claim that the typical background sound level experienced within the onshore substation study area is 24dB LA90."</i></p> <p>This statement is repeated in Section 2.17 ID 17 and Appendix 2, ID 4, 5, 11.</p> <p><b>ESC Comments</b></p> <p>This comment is incorrect. ESC's consultant's analysis of the Applicants' own noise data, including the justification for 24 dB as the typical background sound level for onshore substation study</p>	<p>The Applicants note the justification provided by ESC in Appendix 4 of the <b>Joint Local Impact Report</b> (REP1-132) and signpost to the <b>Applicants Response to Appendix 4 of the Local Impact Report</b> submitted at Deadline 3 (REP3-071).</p> <p>As admitted within their Deadline 5 submission (REP5-048), ESC chose to ignore certain data in the dataset within its analysis of the background noise levels. The Applicants do not accept ESC's approach of 'ignoring' data to arrive at the background noise levels they suggest.</p>



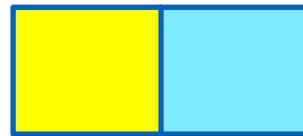
ID	ESC Comment	Applicants' Comments
	<p>area is set out in Appendix 4 for the Local Impact Report (REP1-132).</p>	
14	<p><b>Document submitted at Deadline 5</b></p> <p>Section 2.17, ID 18</p> <p><i>“The Noise Modelling Clarification Note (REP4-043) submitted at Deadline 4 demonstrated that the predicted noise levels generated by the operation of National Grid equipment (including overhead lines) is below the prevailing background noise levels and / or presents a negligible change in the predicted noise level at the agreed noise sensitive receptor locations and therefore have been scoped out of the noise assessment. Whilst the Applicants consider that it is unnecessary to include a noise limit for the National Grid substation, discussions are continuing with ESC on this matter.”</i></p> <p><b>ESC Comments</b></p> <p>ESC welcomes the inclusion of the transmission lines within the revised operation noise models but maintains that any noise from the National Grid substation site (Work No.41) should be included in the noise limits imposed under Requirement 27 of the draft Development Consent Order (DCOs).</p> <p>ESC notes that the East Anglia One operational noise assessment (REP5-022) identifies the adjoining National Grid substation as a significant source of noise in the surrounding area.</p>	<p>The Applicants confirm that an updated <b>draft DCO</b> has been submitted at Deadline 7 (document reference 3.1), which includes the National Grid substation (Work No. 41) within Requirement 27.</p>
15	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 2</p>	<p>As admitted within their Deadline 5 submission (REP5-048), ESC chose to ignore certain data in the dataset within its analysis of the background noise levels. The Applicants do not accept ESC's approach of 'ignoring' data to arrive at the background noise levels they suggest.</p>



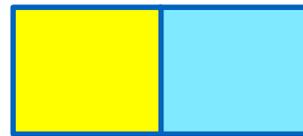
ID	ESC Comment	Applicants' Comments
	<p>“... The Applicants confirm that 26.1dB (LA90) at SSR3 is the correct background noise level at this monitoring location.”</p> <p><b>ESC Comments</b></p> <p>ESC welcomes the Applicants' recent acknowledgment that the “typical” background sound level previously reported at SSR3 was incorrect. However, ESC does not accept that this figure should be revised from 26 dB LAF90 on the basis that this is the mean measured noise level. The Applicants' mean measured noise level was affected by the noise floor of the meter in the range below 24 dBA. This means that true mean background sound level is inherently lower than the reported figure. The modal measured noise level of 24 dB LAF90 is largely unaffected by the same measurement errors and is therefore a more reliable figure for the representative background sound level at this location.</p>	<p>As noted within the <b>Applicants' Response to Appendix 4 of the Local Impact Report</b> (REP3-071), a further review of the dataset of baseline noise measurements taken at SSR3 was undertaken. The data shows a bi-modal distribution of the baseline noise levels at SSR3, with the full night-time measurement data ranging between 18dB(A) to 39dB(A). Whilst the Applicants agree that one of the peaks appears around 24dB, whilst another significant peak appears around 30dB(A). As a result of this bi-modal distribution it is inappropriate to use the modal value suggested by ESC.</p> <p>For consistency the same statistical analysis methodology used for SSR3 was employed at other monitoring locations (i.e. using the arithmetic average value between the two modal peaks).</p> <p>The Applicants note that the measured baseline noise levels at SSR3 included levels below the measurement ranges of the sound level meters (SLMs). The measurement range of each of the SLMs in accordance with IEC 61672 is stated in the manufacturer's specification are as follows:</p> <ul style="list-style-type: none"> <li>• Rion NL-52 SLM: between 25dB(A) and 138dB(A); and</li> <li>• B&amp;K 2250 SLM: between 24.8dB(A) and 139.7dB(A).</li> </ul> <p>The manufacturers specification for both SLMs also refers to 'inherent noise', which is understood to relate to the electronic noise generated by the SLM itself. Taking into consideration the 'inherent noise level' stated within the manufacturers specifications, baseline noise measurements made between 18dB(A) and 24dB(A) are still acceptable but should be used with caution as an increasing error margin in those measurements would occur as noise levels reduce towards 17dB(A).</p> <p>The cumulative sampling of the noise levels at SSR3 indicates that up to 41% of the measured data is below the level that the Council's Consultant would term as the 'noise floor' of the SLM. This adds further weight to the use of 26.1dB</p>



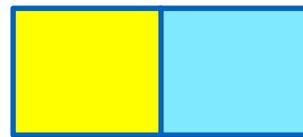
ID	ESC Comment	Applicants' Comments
		<p>LAf90,5mins as the most appropriate background noise descriptor at this location.</p> <p>It is considered that removing values below the noise floor of each SLM within the analysis would result in artificially increasing the overall background noise level above that already determined for the onshore substation locations. By including these outliers, the Applicants consider that a more representative background noise level for each monitoring location has been established.</p>
16	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 5 paragraph 1</p> <p><i>“BS4142 :2014+A1:2019 Section 11 states “An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making assessments and arriving at decisions, therefore, it is essential to place the sound in context.”</i></p> <p><b>ESC Comments</b></p> <p>ESC maintains that the context in this case is that of a new industrial noise source being introduced to an otherwise exclusively rural noise environment.</p>	<p>Noted. The Applicants refer to the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1), written by an Environmental Health/1/3 (EH/1/3) committee member with a key role in development of the BS4142 guidance.</p>
17	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 5 paragraphs 2</p> <p><i>“The Applicants note that, in addition to the background noise level, other pertinent factors such as absolute sound level (Section 11, bullet point 1 of BS4142:2014+A1:2019) and the Night Noise Guidelines for Europe (WHO, 20092) should be taken into</i></p>	<p>The Applicants note that BS4142:2014 +A1:2019 is the appropriate tool for assessing operational noise and have adopted this approach within the assessment presented within <b>Chapter 25</b> of the ES (APP-073). The reference made to the World Health Organisation (WHO) guidelines was intended to provide context within wider guidance / literature to the maximum operational noise rating levels specified within the DCO.</p>



ID	ESC Comment	Applicants' Comments
	<p><i>consideration when determining the operational noise rating levels. The Night Noise Guidelines for Europe (WHO, 20092) state:</i></p> <p><i>'There is no sufficient evidence that biological effects observed at the level below 40 dB Lnight,outside are harmful to health.....40 dB Lnight,outside is equivalent to the lowest observed adverse effect level (LOAEL) for night noise'.</i></p> <p><b>ESC Comments</b></p> <p>The principle of a noise exposure hierarchy is set out in the National Planning Practice Guidelines (NPPG). However, NPPG does not set fixed criteria for Lowest Observed Adverse Effect Level (LOAEL) and other thresholds and instead states <i>"The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation."</i></p> <p>The LOAEL threshold of 40 dB Lnight,outside referred to in the WHO Night Noise Guidelines for Europe relates solely to public health effects. It is not intended as a tool to assess the environmental impact of new noise sources. The appropriate methodology for this is BS 4142:2014+A1:2019 <i>"Methods for rating and assessing industrial and commercial sound"</i> which the Applicants have identified elsewhere as the appropriate methodology tool for determining the LOAEL thresholds and setting operational noise levels accordingly.</p>	
18	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 5 paragraph 3</p> <p><i>"Furthermore, Table 4 of BS8233:2014 and the Guidelines for Community Noise (WHO, 1993) state that a night-time noise level of</i></p>	<p>The Applicants are adamant that BS4142:2014 +A1:2019 is the appropriate tool for assessing operational noise and have adopted this approach within the assessment presented within <b>Chapter 25</b> of the ES (APP-073). The reference made to BS8233:2014 and the Guidelines for Community Noise (WHO, 1993)</p>



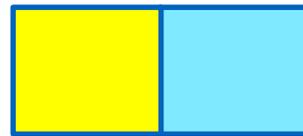
ID	ESC Comment	Applicants' Comments
	<p><i>30dB inside a bedroom is 'desirable'. The Applicants note that the revised maximum operational noise rating levels specified within the Noise Modelling Clarification Note submitted at Deadline 4 (REP4-043) and within the draft DCO (an updated version has been submitted at Deadline 5, document reference 3.1), apply a maximum operational noise rating level in a free field location adjacent to the specified noise sensitive receptors (i.e. outside). Given that a building envelope provides a degree of noise attenuation from external noise sources, the Applicants consider that, even with partially opened windows, the internal noise levels received from the operation of the substations will be lower than the desirable night-time noise level set by BS8233:2014 and WHO (1999). It is noted that ESC has annotated the modal value for the measured background noise at SSR3 (i.e. 24dBA), when the graphical plot provided within section 25.3.7, Appendix 25.3 of the ES (APP-524) clearly shows a bimodal distribution. As a result of this bimodal distribution it is considered to be inappropriate to use the modal value suggested by ESC. The average value (26.1dBA) is observed as having 50% of the cumulative sampling, which in this case is considered to be more statistically robust and repeatable. Therefore, the average value of 26.1dBA has been established as the background noise level at SSR3, which the Applicants consider to be correct."</i></p> <p><b>ESC Comments</b></p> <p>The guidance in BS8233:2014 and the Guidelines for Community Noise (WHO, 1993) set limits for internal noise levels which apply only to broadband noise from anonymous sources (e.g. continuous traffic noise) and not to the impact of new industrial sources in quiet</p>	<p>guidelines was intended to provide context within wider guidance / literature to the maximum operational noise rating levels specified within the DCO.</p> <p>As admitted within their Deadline 5 submission (REP5-048), ESC chose to ignore certain data in the dataset within its analysis of the background noise levels. The Applicants do not accept ESC's approach of 'ignoring' data to arrive at the background noise levels they suggest. It is considered that this approach artificially lowers the background noise level arrived at by ESC.</p> <p>Regarding the background noise level of SSR3, the Applicants refer to their comment above at ID15 of this table.</p>



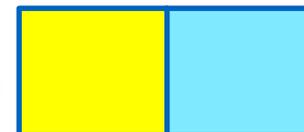
ID	ESC Comment	Applicants' Comments
	<p>rural locations. For noise from industrial sources BS8233:2014 states in Section 6.5.2:</p> <p><i>“Where industrial noise affects residential or mixed residential areas, the methods for rating the noise in BS4142 should be applied. BS4142 describes methods for determine, at the outside of a building: a) noise levels from factories, industrial premises or fixed installations of an industrial nature in commercial premises and; b) background noise level.”</i></p> <p>ESC has previously agreed that BS4142 is the appropriate methodology for assessing the impact of operational noise, a methodology based on external noise levels. This is because internal noise levels are dependent on the sound insulation performance of building envelopes, which in turn is entirely dependent on the construction and ventilation paths of individual buildings. An assessment of indoor noise levels in the receptors would require detailed noise break-in calculations to individual receptor properties and even then, would be subject to very significant uncertainties due to the behaviour of low frequency sound in rooms, which cannot be easily modelled. Consideration of internal noise levels also excludes any assessment of the impact of noise in gardens and other outdoor spaces.</p> <p>ESC maintains that the modal result of 24 dB LAF90 measured at SSR3 is the appropriate value for the background sound level. The mean value (referred to as the average value) of 26.1 dB LAF90, which the Applicants wish to use is artificially high due to the noise floor of the sound level meter used in the survey. This is discussed further in response to Appendix 2, ID 2 above.</p>	



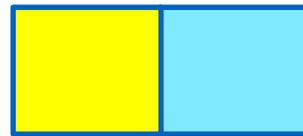
ID	ESC Comment	Applicants' Comments
19	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 6</p> <p><i>“It is also noted that the green line on the annotated figures representing 24dB LA90 is below the noise floor of currently available noise monitoring equipment (including the certified Class 1 sound level meters used within the baseline noise monitoring survey). As stated within the Applicants’ Response to Appendix 4 of the Local Impact Report (REP3-071), ‘baseline noise measurements made between 18dB(A) and 24dB(A) are still acceptable but should be used with caution as an increasing error margin in those measurements would occur as noise levels reduce towards 17dB(A)’.”</i></p> <p><b>ESC Comments</b></p> <p>The error in reported measurements affected by the noise floor of a sound level meter is asymmetric and can only ever result in reported levels being higher than the true level. This means when noise levels are measured in the 18 to 24 dB(A) range, the true levels must be inherently lower than those reported. This is discussed further in response to Appendix 2, ID 2 above.</p>	<p>The Applicants are not aware of any guidance relating to corrections for noise measurements below the noise floor of noise measurement equipment. By excluding values below the noise floor, the Applicants would have omitted 41% of the baseline noise measurement data collected at SSR3, resulting in an artificially increased baseline noise level at this receptor location. By including these values, the Applicants have presented the most representative baseline noise levels for SSR3 based upon the measurement data collected.</p>
20	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 8 <i>“The Applicants note that 1/3 Octave Band data is required for a thorough assessment of audible tones in sounds according to Annex C of BS4142:2014+A1:2019, which will only be available during the detailed design stage.</i></p> <p><i>However, irrespective of whether tonality or other such acoustic corrections are identified or not, as per the wording of Requirement</i></p>	<p>The Applicants note that the overall operational noise rating levels (including any tones) must comply with the maximum operational noise rating levels specified within the <b>draft DCO</b> (an updated version has been submitted at Deadline 7, document reference 3.1). As such, concerns raised in relation to tonality are inconsequential as this element will be controlled by virtue of DCO Requirement 27.</p> <p>Site boundary measurements were not undertaken during the on-substation survey for the reasons described within the <b>East Anglia ONE Operational</b></p>



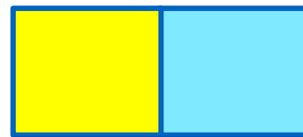
ID	ESC Comment	Applicants' Comments
	<p><i>26 and Requirement 27 of the draft DCO (an updated version has been submitted at Deadline 5, document reference 3.1), the Applicants must ensure that the operation of the onshore substations does not exceed the maximum operational noise rating limits at the specified receptors (i.e. the maximum operational noise rating limit is inclusive of any acoustic corrections such as tonal elements).</i></p> <p><i>The Applicants are aware of various Interested Parties likening the Projects' onshore substations to other schemes. Such comparisons are not considered appropriate given advances in technology. However, the Applicants highlight the results of the operational noise assessment undertaken at the East Anglia ONE onshore substation, which identified no audible tonal noise emissions at the boundary of the substation site. The East Anglia ONE operational noise assessment report has been submitted to the Examinations at Deadline 5 in support of this statement (document reference ExA.AS15.D5.V1).</i></p> <p><b>ESC Comments</b></p> <p>The East Anglia One operational noise assessment (REP5-022) is discussed below. In response to the specific comment that this report identified no audible tonal noise emissions at the boundary of the substation site, it is not clear the basis on which this claim is made as the report states at Paragraph 39 that <i>"Site boundary sound pressure measurements were not undertaken due to fence installation works in proximity of the site."</i></p> <p>ESC maintains that the information supplied by the Applicants is consistent with the significant low frequency tonal elements commonly generated by electrical transmission equipment. Given</p>	<p><b>Noise Assessment Report</b> (REP5-022); observations were undertaken during the off-substation survey following the measurement at Bullenhall Farm at the nearest point of the public bridleway to the East Anglia ONE substation (approximately 110m from the East Anglia ONE substation boundary). No audible tonal noise emissions were observed at this location.</p>



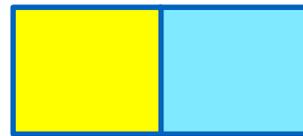
ID	ESC Comment	Applicants' Comments
	<p>the limited options for postcompletion mitigation, ESC considers the lack of consideration of tonality in the predicted operational noise rating levels give rise to a significant risk of a noise problem that cannot be practically resolved, irrespective of any legal responsibilities placed on the Applicants.</p> <p>If the Applicants are unable to provide appropriate 1/3 octave data for the proposed equipment at this stage, this issue could potentially be resolved by redrafting Requirements 26 and 27 to include the types of precommencement and post completion assessments set out in the DCO for East Anglia One (Requirement 24). This would require the Applicants to submit an assessment based on the finalised detailed design of the substation and a post completion assessment to show that the rating level limits, including any corrections for tonal noise, have been met.</p>	
21	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 9</p> <p><i>“...This Applicants would hasten to note that the representative background noise level has been derived from data collected at continuous 5-minute intervals over approximately a week. Statistically averaging the noise climate over such a period of time provides a more robust representation of the background noise level than a singular visit.”</i></p> <p><b>ESC Comments</b></p> <p>ESC's position on background sound levels has been reached using a quantitative assessment based on statistical analysis of the unattended monitoring data supplied by the Applicants and a qualitative assessment of noise climate based on attended night-</p>	<p>The Applicants note that ESC has undertaken its own analysis of the Applicants baseline noise dataset as presented within Appendix 4 of the <b>Joint Local Impact Report</b> (REP1-132). The Applicants understand that, during their site visit undertaken to qualitatively assess night-time noise levels in the area, ESC's surveyor spent a total of 2 hours at site on one occasion between the hours of 11pm and 1am in November 2019. It is also understood that that only four measurement locations were attended during ESC's site visit, with one location of a single 15-minute measurement and three positions of a single 5-minute measurement each.</p> <p>It is the Applicants view that an attended noise survey of such short duration should not be compared with the extensive baseline noise data collected by the Applicants, which was undertaken over a much longer-timeframe under consistently favourable meteorological conditions and recorded baseline noise levels over a recurring 24-hour period for the duration of the survey in line with</p>



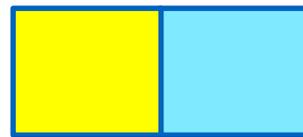
ID	ESC Comment	Applicants' Comments
	<p>time visit to the area by ESC's consultants and their officers which was described in the Deadline 5 submissions (REP5-048). Both qualitative and quantitative assessments are necessary to understand the context of the noise climate in which the noise source is being introduced when conducting an assessment in accordance with BS4142.</p> <p>ESC requests details of the night-time site visits undertaken by the Applicants' consultants to come to the qualitative assessment of the noise environment of the onshore substation study area presented at ISH4.</p>	<p>the methodology agreed with the Expert Topic Group (ETG). A single measurement at each location (as understood to have been undertaken by ESC's surveyor) is wholly inadequate in providing a representative experience of the existing noise climate of the onshore substation locations.</p>
22	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 11</p> <p><i>"The Applicants do not accept ESC's claim that the typical background noise level is 24dBA LA90. The Applicants maintain that the background noise level is representative, having been established through robust statistical analysis of a comprehensive dataset of background noise measurements taken during the baseline noise monitoring survey. It follows that compliance with the maximum operational noise rating levels specified within the draft DCO would avoid significant operational noise impacts from arising...."</i></p> <p><b>ESC Comments</b></p> <p>ESC maintains that the methods of statistical analysis used to determine representative background sound levels are inconsistent and, in some cases, incorrect. It should be noted that the "typical" background sound level reported by the Applicants at SSR3 was only recently revised by the Applicants after ESC highlighted this as</p>	<p>The Applicants have reviewed the statistical analysis undertaken that was presented within <b>Chapter 25</b> of the ES (APP-073) and note a mistake in the reporting of the baseline noise at SSR3, which was corrected within the <b>Applicants' Response to Appendix 4 of the Local Impact Report</b> (REP3-071) and subsequently within the <b>Noise Modelling Clarification Note</b> submitted at Deadline 4 (REP4-043). The correction was made following a review of the baseline noise data at all monitoring locations, soon after representations were received from ESC. The review identified that all other monitoring locations have been correctly analysed, and the Applicants do not agree with ESC's interpretation of the baseline noise data.</p> <p>The Applicants refer to their comment at ID15 regarding the baseline noise level at SSR3.</p>



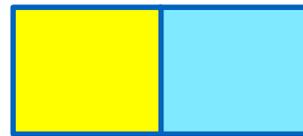
ID	ESC Comment	Applicants' Comments
	<p>one of several inconsistencies following analysis of the Applicants' measurement data. These are detailed in Appendix 4 of the Local Impact Report (REP1-132).</p>	
23	<p><b>Document submitted at Deadline 5</b></p> <p>Appendix 2, ID 13</p> <p><i>“As above, the Applicants have engaged further with NGET since submission of the Applicants in respect of noise. Further consideration of the noise emissions associated with the National Grid infrastructure has been provided within the Noise Modelling Clarification Note (REP4-043) submitted at Deadline 4”.</i></p> <p><b>ESC Comments</b></p> <p>See response to Section 2.17, ID 18 above.</p>	<p>Please refer to the Applicants comments at ID14.</p>
<p><b>EA1N and EA2 Written Summary of Oral Case (ISH4) – REP5-028</b></p>		
24	<p><b>Document submitted at Deadline 5</b></p> <p>Paragraph 66</p> <p><i>“The in-phase combination effect (constructive interference) would occur in a vanishingly small number of cases, even the slightest offset between similar noise sources would destroy the effect. It is incorrect to say that this is particularly an issue with electrical infrastructure only; it can equally apply to any set of identical noise sources. This is reflected in the fact that no other Development Consent Order application has been required to assess such an effect, simply as it is highly improbable. The Applicants will ensure this matter is designed out through the detailed design process.”</i></p>	<p>The Applicants refer to <b>section 5</b> of the <b>Expert Report on Noise</b> submitted at Deadline 7 (document reference ExA.AS-5.D7.V1), written by an Environmental Health/1/3 (EH/1/3) committee member with a role in development of the BS4142 guidance.</p> <p>The Applicants note that there is no precedence for this type of assessment and that a more appropriate time to undertake one would be during the detailed design phase once suppliers for the onshore substations have been appointed.</p>



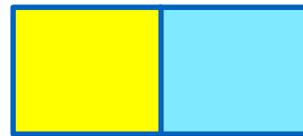
ID	ESC Comment	Applicants' Comments
	<p><b>ESC Comments</b></p> <p>ESC agrees with the comment relating to constructive interference raised by SASES and disagrees with the Applicants' response. It is a known effect and does not occur in a "vanishingly small number of cases".</p> <p>These effects occur at low frequencies and hence long wavelengths, therefore a small offset in the position of coherent sources will not eliminate the resulting modes but will merely shift the overall interference pattern. ESC requests details of how the Applicants propose to model this effect and undertake the co-ordinated design optimisation process considering that this type of wave behaviour is not modelled by any commercially available environmental noise modelling software.</p>	
<b>EA1N and EA2 Applicants' Responses to Hearing Action Points (ISH3, ISH4, ISH5, OFH6 and ISH6) – REP5-026</b>		
25	<p><b>Document submitted at Deadline 5</b></p> <p>Item 21</p> <p><i>"...Decreasing the maximum operational phase noise rating level represents a significant positive change to local residents, particularly for the noise sensitive receptors nearest to the onshore substation. At SSR2 and SSR5 NEW for instance, the limit of 32dBA is 3dBA above the established background noise level at these receptors. An increase of 3dBA is considered to be the lowest perceptible level to the human ear (as specified within paragraph 33, Chapter 25 of the ES (APP-073))."</i></p> <p><b>ESC Comments</b></p>	<p>The Applicants note that the background noise level at SSR2 is 31.5dB and the background noise level at SSR5 NEW is 29dB, so amend its statement to '<i>At SSR2 and SSR5 NEW for instance, the limit of 32dBA is <u>equal to or less than</u> 3dBA above the established background noise level at these receptors</i>'.</p> <p>The Applicants highlight that perception of noise and actual received noise are separate matters. It is well established within the field of acoustics that an increase of 3dB in received noise level is detectable by a healthy human ear.</p>



ID	ESC Comment	Applicants' Comments
	<p>The example of noise levels at SSR2 and SSR5 NEW is incorrect. A 3 dB increase in noise level is considered to be the lowest perceptible change in level to the human ear of given source. The human ear can readily perceive and distinguish discrete sources well below the prevailing background sound level, especially when they are different in character to the prevailing noise environment. This is why BS4142 incorporates the principle of acoustic feature correction.</p>	
<b>EA1N and EA2 East Anglia ONE Onshore Substation Operational Noise Assessment – REP5-022</b>		
26	<p><b>Document submitted at Deadline 5</b></p> <p>The East Anglia ONE operational noise assessment report (REP5-022)</p> <p><b>ESC Comments</b></p> <p>The Applicants have supplied a copy of the East Anglia One (EA1) operational noise assessment (REP5-022). This document assesses the noise from the now operational EA1 onshore substation against the operational noise limits set at receptors between 700 and 1200m from the site. The report concludes that the rating level of noise generated by the substation does not attract an acoustic feature correction in that context. These receptors are also affected by noise different types of noise sources to those in Friston, including noise from the neighbouring national grid substation. The overall conclusions of this report are therefore not applicable to the EA1N and EA2 onshore substation study area.</p> <p>The document states that:</p>	<p>ESC's assertion that 1/3 Octave Band data is not presented within the <b>East Anglia ONE Onshore Substation Operational Noise Assessment</b> (REP5-022) is not correct. Appendix A of the report tabulates the 1/3 Octave Band measurements. This is considered sufficient to enable an assessment of tonality at the receiving location in line with Annex C of BS4142:2014 +A1:2019.</p> <p>The Applicants clarify that the offer made during ISH4 was to provide the operational noise monitoring report for East Anglia ONE only and note that the absence of tonal characters can be confirmed without the need for sound intensity measurements.</p> <p>Acknowledging the differences between the East Anglia ONE substation and the onshore substations for the Projects, the Applicants note that the findings of the East Anglia ONE operational substation monitoring demonstrate that onshore substations can be designed such that tonal characteristics within operational noise emissions are mitigated.</p>

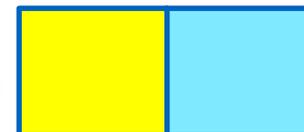


ID	ESC Comment	Applicants' Comments
	<p><i>“17. The sound emissions (i.e. sound level emitted at source) from transformers and reactors at substations typically contain a significant proportion of their acoustic energy (if not most) at 100 Hz. The commentary to clause 9.2 of BS 4142:2014+A1:2019 suggests the following subjective method for the determination of the rating penalty for tonal specific sounds: 18. “Tonality 19. For sound ranging from not tonal to prominently tonal the Joint Nordic Method gives a correction of between 0 dB and +6 dB for tonality. Subjectively, this can be converted to a rating penalty of 2 dB for a tone which is just perceptible at the noise receptor, 4 dB where it is clearly perceptible, and 6 dB where it is highly perceptible.”</i></p> <p>This agrees with ESC's position that substations are expected to generate a 100 Hz tonal noise which would normally be subject to an acoustic feature correction when assessed in accordance with BS4142. The report does not however, contain any results of the detailed narrow-band measurements taken in and around the site, as required to conduct the Joint Nordic Method analysis set out in BS4142 Annex 4 or the 1/3 octave data required for the more basic method in Annex 3. ESC requests that the frequency analysis of data for intensity measurements taken on site and sound pressure measurements taken around the site are provided by the Applicants as offered during ISH4.</p>	

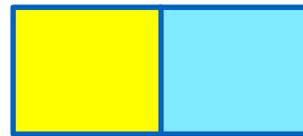


## 2.3 Response to the Applicants comments on EC's Deadline 2 and Deadline 5 submissions (REP6-082)

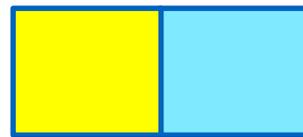
ID	ESC Comment	Applicants' Comments
<b>ESC Comments on Deadline 3 Onshore Ecology Clarification Note (REP3-060)</b>		
1	<p><b>ESC Original Comments (REP3-052)</b></p> <p>The Council seeks clarification in relation to the ownership and long-term management responsibility of the replacement woodland mitigation planting (Work no.24). It is unclear at present how this will be secured for the life of the project and who will maintain this planting beyond the initial maintenance period.</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p> <p>The Applicants note that, regardless of the ownership of the land, the obligations within of the DCO must be implemented. The Applicants have updated the draft DCO (an updated version has been submitted at Deadline 5, document reference 3.1) to make provision for a ten year replacement period in respect of Work No. 24. Furthermore, the draft DCO has been updated to require implementation of the approved landscape management plan, which must accord with the OLEMS (REP3-030) and the Applicants will update the OLEMS with commitments relating to the long-term maintenance of Work No. 24.</p> <p><b>ESC Comments in Response</b></p> <p>Whilst it is acknowledged that the DCO obligations must be implemented, nevertheless ESC considers it is important that the long-term ownership of the compensation woodland areas is understood so that it is clear who is responsible for them after the initial 10 year management period has finished. Habitat management work will be required after this initial period to ensure</p>	<p>The Applicants note that the <b>Outline Landscape and Ecological Management Strategy (OLEMS)</b> was updated at Deadline 6 (REP6-007) and provides clarification on the timeframes for the management and longer-term maintenance of woodland planting within Work Nos. 19, 24 and 33.</p>



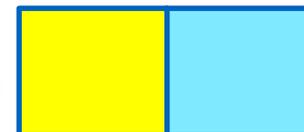
ID	ESC Comment	Applicants' Comments
	<p>that the planting reaches its optimum potential and provides adequate compensation for the woodland to be lost. It should be clear who is responsible for this work.</p>	
<p><b>ESC Comments on Outline Watercourse Crossing Method Statement (REP3-048)</b></p>		
<p>2</p>	<p><b>ESC Original Comments (REP3-052)</b></p> <p>The Deadline 3 Onshore Ecology Clarification Note states that the working width in the woodland adjacent to the Hundred River crossing will be restricted to 27.1m where cable ducts for both projects are installed together and we query whether a similar width could be achieved at the river crossing itself (as opposed to the 70m width stated in the document), even if it is not possible to maintain this narrowed width throughout the 40m river crossing buffer zone.</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p> <p>The Applicants have reviewed the working width required when crossing the Hundred River in order to carry out works safely and implement the measures set out within the Outline Watercourse Crossing Method Statement (REP3-048). The working width required is 40m for one Project, or 80m where the onshore cable ducts for both Projects are installed in parallel. This allows space for the respective number of cable trenches and installation of dams to stem the flow of the river during the works undertaken at this site. Within the Outline Watercourse Crossing Method Statement (REP3-048) the Applicants have committed to no crossing of the Hundred River by vehicles during the construction, which has further enabled the maximum working width to be minimised. The Applicants are</p>	<p>The Applicants submitted an updated <b>Outline Watercourse Crossing Method Statement</b> at Deadline 6 (REP6-041), in which the width of the Hundred River crossing has been revised to 34m per project, and 68m where the ducts for the second project is installed in parallel with the first project.</p>



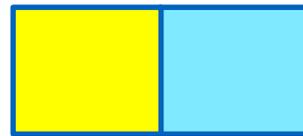
ID	ESC Comment	Applicants' Comments
	<p>continuing to review the crossing construction method in order to reduce the potential for impact at this location.</p> <p><b>ESC Comments in Response</b></p> <p>Whilst the Council understand that works at the crossing need to be undertaken safely and require different equipment to works along other parts of the cable route, nevertheless we still do not consider that the need to cross the Hundred River with an 80m working width (for two projects) has been adequately explained or justified. If both projects can be installed through sensitive areas at a combined width of 27.1m then, even allowing for the need for dams and pumping equipment etc., 80m appears excessively large. This is amplified when this 80m width is stated as extending 40m from either side of the riverbank, which will result in the loss of approximately twice as much of the woodland area between the Hundred River and the B1122 when compared to using the narrowed working width (27.1m) through the whole section.</p>	
<b>ESC Comments on the Draft Development Consent Orders (REP3-011)</b>		
3	<p><b>ESC Original Comments (REP3-052)</b></p> <p>[In reference to Part 1 of the draft DCO (REP3-011)] The definition of 'onshore preparation works' provided in the draft DCOs is wide and the definition of 'commence' states that this excludes 'onshore preparation works'. Some requirements must be discharged prior to commencement of a certain stage of works, the concern is that this excludes the onshore preparation works which could take place ahead of the need to discharge some requirements being triggered. Pre-planting of landscaping works – it is assumed that this relates to planting but further clarification on this matter is required as to</p>	<p>The Applicants have included a new requirement in the draft DCO at Deadline 7 which requires the approval of an onshore preparation works management plan which will ensure that relevant onshore preparation works are subject to approval. An outline of the information that will be included within the onshore preparation works management plan has been included in Appendix 1 of the <b><i>Outline Code of Construction Practice</i></b>.</p>



ID	ESC Comment	Applicants' Comments
	<p>whether this relates to the creation of bunds etc. It is unclear how ESC would ensure that details of the planting are agreed prior to the works taking place. Erection of temporary means of enclosure – how would ESC ensure that details of the fencing are submitted and approved prior to the works taking place</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p> <p>It is standard practice in orders for nationally significant infrastructure projects (NSIPs) to exclude preparatory activities from the definition of commence. This approach to the definition of commence is critical to ensure that pre-commencement activities can be carried out in a timely manner prior to commencement of the works and do not hold up the construction of the project.</p> <p>The Applicants are however considering ESC's specific comments and will provide an update at Deadline 6.</p> <p><b>ESC Comments in Response</b></p> <p>Noted. We will provide further comment when the updated information is available.</p>	
4	<p><b>ESC Original Comments (REP3-052)</b></p> <p>[In reference to Part 3 Requirement 21 of the draft DCO (REP3-011)] The Council would like the words 'precommencement' added before "survey results" in 21(1).</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p> <p>The Applicants have included the words "pre-construction" before "survey results" in Requirement 21(1) in the draft DCO submitted at Deadline 5 in order to address ESC's comment.</p>	See Applicants' response at ID21 of section 2.1 above.



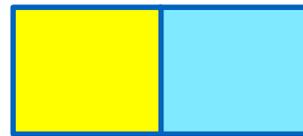
ID	ESC Comment	Applicants' Comments
	<p><b>ESC Comments in Response</b></p> <p>The same reference to precommencement surveys should be included in 21(2) as well.</p>	
<p><b>Applicant's Comments on ESC's Deadline 2 Submissions (REP5-010) - Ecological Enhancement Clarification Note (REP1-035)</b></p>		
5	<p><b>ESC Original Comments (REP3-052)</b></p> <p>Table 3 – This table states that 85.59km of new hedgerow planting will be provided at the substations. This figure appears excessive as the Outline Landscape Mitigation Plan (OLMP) General Arrangement drawing (ref. 29.11a) only appears to show approximately 5km of new hedgerow planting. Further clarification in relation to this matter is required.</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p> <p>The Applicants have identified that the existing hedgerow length at the onshore substation locations is 3.68km. The calculations in the Ecological Enhancement Clarification Note (REP1-035) assume that 3.68km will be removed as a result of construction of the Projects. The Applicants note that there is likely to be a calculation error in the length of newly planted hedgerow at the onshore substation location. This will be reviewed, and an update provided at Deadline 6.</p> <p><b>ESC Comments in Response</b></p> <p>Noted. We will provide further comment when the updated information is available.</p>	<p>Noted.</p> <p>The Applicants would note that the ecological enhancement calculations were not updated at Deadline 6 due to continued changes being made to the OLEMS and OLMP for Deadline 6 (REP6-007). The Applicants intend to provide updated calculations at Deadline 8.</p>
6	<p><b>ESC Original Comments (REP3-052)</b></p>	<p>Noted.</p>



ID	ESC Comment	Applicants' Comments
	<p>Table 4 (Cable Route) – All of the measures identified as ecological enhancement as part of the onshore cable route in Table 4 are actually mitigation/compensation measures.</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p> <p>As above, the Applicants consider mitigation to be the like-for-like reinstatement of existing vegetation that is removed as a result of the onshore works. The measures identified within Table 4 of the Ecological Enhancement Clarification Note (REP1-035) are considered to go beyond mitigation and are therefore considered enhancement.</p> <p><b>ESC Comments in Response</b></p> <p>In the absence of detailed information on the existing condition of the specific sections of hedgerow to be removed and what the proposed replacement planting is, the Council do not consider that it is possible to be confident that this represents an enhancement in every case. It seems likely that the replacement planting will form mitigation in some locations (where the existing hedgerow is already in good condition) and enhancement in others (where the new planting is better than that which it replaces).</p>	
7	<p><b>ESC Original Comments (REP3-052)</b></p> <p>Whilst the clarification note does set out the habitat baseline, the habitat unit loss and the habitat unit creation proposed in the developments, ESC does not consider that it demonstrates that the projects will deliver overall ecological enhancement.</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p>	<p>The Applicants understand that a tally of the different units may not be directly comparable and therefore may not provide the clearest picture of ecological enhancement and loss. However, for such large projects with so many elements the Applicants consider is impractical to develop a detailed enhancement strategy pre-consent. There are notable opportunities for ecological enhancement which the Projects will actively seek to deliver and develop through the Landscape Management Plan (LMP) and Ecological Management</p>



ID	ESC Comment	Applicants' Comments
	<p>It should be noted that the detailed design of the Projects will not be determined until post consent. However, the measures presented within the Ecological Enhancement Clarification Note (REP1-035) are considered to go beyond mitigation and are therefore at this time captured as enhancement.</p> <p><b>ESC Comments in Response</b></p> <p>Whilst it is acknowledged that detailed design of the projects will not be finalised until post consent, it remains the opinion of the Council that the information so far presented does not currently demonstrate that the projects will deliver meaningful overall ecological enhancement.</p>	<p>Plan (EMP); these will be produced post-consent for approval by the relevant planning authority as per Requirements 14 and 21 of the DCO.</p>
8	<p><b>ESC Original Comments (REP3-052)</b></p> <p>The assessment presented relies on the use of part of the DEFRA Biodiversity Metric 2.0 to calculate the habitat unit totals, however then simply comparing the absolute values does not demonstrate that ecological enhancement is likely to be achieved as it ignores the differing values of each of the habitat types. Also, if based purely on a comparison of units lost vs units created, the projects result in a net loss of non-linear (i.e., non hedgerow) habitat units. Excluding arable units (which are the predominant habitat type lost but which are of low ecological value), 81 habitat units will be lost but only 71 created. In addition, whilst we acknowledge that the presented number of hedgerow units gained through new planting appears considerable (a net gain of 497 new units plus 8 enhanced units), we query whether the figures presented are correct and seek clarification on these (please see our comment under Section 4, Table 3). In order to assist the understanding of the figures</p>	<p>The Applicants refers to their comment at ID7.</p>



ID	ESC Comment	Applicants' Comments
	<p>presented, it would be beneficial if the Applicants produced a map to illustrate the hedgerow units created.</p> <p><b>Applicants Response at Deadline 5 (REP5-010)</b></p> <p>It should be noted that the detailed design of the Projects will not be determined until post consent. Therefore, the information presented within the Ecological Enhancement Clarification Note (REP1-035) is based upon the design information available at the time of writing. A review of the ecological enhancement calculations presented within the Ecological Enhancement Clarification Note (REP1-035) will be undertaken post-consent following completion of the detailed design.</p> <p>The calculations are based upon the information known at the time of writing. To clarify, the Applicants have identified that the existing hedgerow length at the onshore substation locations is 3.68km. The calculations in the Ecological Enhancement Clarification Note (REP1-035) assume that 3.68km will be removed as a result of construction of the Projects.</p> <p>The Applicants note that there is likely to be a calculation error in the length of newly planted hedgerow at the onshore substation location. This will be reviewed, and an update provided at Deadline 6.</p> <p><b>ESC Comments in Response</b></p> <p>As above, the Council remains concerned that the use of the Biodiversity Metric calculation in the current way does not demonstrate that the projects will deliver overall ecological enhancement.</p>	