



## **The Planning Act 2008**

### **East Anglia One North (EA1N) and East Anglia Two (EA2) Offshore Wind Farms**

**Planning Inspectorate Reference: EA1N – EN010077 &  
EA2 – EN010078**

**Deadline 9 – 15 April 2021**

**East Suffolk Council's Response to Additional  
Information Submitted by the Applicants at Deadline**

## **Review of Additional Information Submitted by the Applicants at Deadline 8**

### **1. Introduction**

1.1. East Suffolk Council (ESC) has noted that the following additional information has been provided by the Applicants at Deadline 8 which is of relevance to the ESC's responsibilities:

- Draft Development Consent Orders – REP8-003
- Outline Code of Construction Practice – REP8-017
- Outline Landscape and Ecological Management Strategy – REP8-019
- Outline Landfall Construction Method Statement – REP8-053
- Outline Watercourse Crossing Method Statement – REP8-084
- Outline Port Construction Traffic Management and Travel Plan – REP8-091
- Ecological Enhancement Clarification Note Addendum – REP8-041
- Extension of National Grid Substation Appraisal – REP8-074
- Landscape and Visual Sizewell C Cumulative Impact Assessment – REP8-075
- Applicants' Position Statement on Noise – REP8-039
- Substations Design Principles Statement – REP8-082
- National Grid GIS Substation Photomontages – Updated Viewpoint 1 – REP8-055
- National Grid GIS Substation Photomontages – Updated Viewpoint 2 – REP8-056
- National Grid GIS Substation Photomontages – Updated Viewpoint 5 – REP8-057
- National Grid GIS Substation Photomontages – Updated Viewpoint 8 – REP8-058
- National Grid GIS Substation Photomontages – CHVP3 – REP8-060
- National Grid GIS Substation Photomontages – CGVP4 – REP8-061
- National Grid GIS Substation Photomontages – CGVP5 – REP8-062
- Cultural Heritage Viewpoint 5 Additional Visualisations – REP8-063
- Different Colour Scheme for Substation Design Principles Statement – Viewpoint 1 – Public Rights of Way near Friston House – REP8-066
- Different Colour Scheme for Substation Design Principles Statement – Viewpoint 2 – Friston, Church Road – REP8-067
- Different Colour Scheme for Substation Design Principles Statement – Viewpoint 9 – B1122 Aldeburgh Road, South of Friston – REP8-068
- Photomontages with Potential National Grid Extensions Bays CHVP3 – Appendix 24.7 – Figure 8 – REP8-069
- Photomontages with Potential National Grid Extensions Bays CHVP4 – Appendix 24.7 – Figure 9 – REP8-070
- Photomontages with Potential National Grid Extensions Bays – Figure 29.14 – Viewpoint 2 - REP8-071

- Photomontages with Potential National Grid Extensions Bays – Figure 29.17 – Viewpoint 5 - REP8-072
  - Photomontages with Potential National Grid Extensions Bays – Figure 29.20 – Viewpoint 8 - REP8-073
  - Applicants’ Responses to Hearing Action Points – REP8-093
  - Applicants’ Comments on East Suffolk Council’s Deadline 7 Submissions – REP8-048
  - Applicants’ Written Summary of Oral Case ISH10, ISH11, ISH12, ISH13, ISH14, CAH3, ISH15 (REP8-095-REP8-101)
  - Applicants’ Comments on the Report on Implications for European Sites – REP8-094
- 1.2. ESC has reviewed the above documents and provided comments where relevant in the table on page 4. The comments provided relate to both East Anglia One North (EA1N) and East Anglia Two (EA2) projects.
- 1.3. The comments contained within this document are from ESC. ESC continues to work closely with Suffolk County Council (SCC) on these projects but to avoid repetition, each Council will lead on specific topic areas as set out in the Councils’ joint Local Impact Report (REP1-132).
- 1.4. ESC notes that a number of documents have been submitted which are directly relevant to SCC’s responsibilities as Lead Local Flood Authority and Local Highway Authority and therefore we will defer to SCC to lead on these matters.
- Flood Risk and Drainage Clarification Note – REP8-038
  - Outline Operational Drainage Management Plan – REP8-064
  - Outline Construction Traffic Management Plan – REP8-021
  - Outline Access Management Plan – REP8-023
  - Outline Travel Plan – REP8-025
  - Outline Sizewell Gap Method Statement – REP8-086

The table below details ESC's comments in relation to additional information submitted by the Applicants at Deadline 8.

Document submitted at Deadline 8		East Suffolk Council's Comments
<b>EA1N and EA2 Draft Development Consent Orders – REP8-003</b>		
Article 5 'Benefit of the order'		ESC notes the amendments to this article.
Article 33 'Operational Land for purposes of the 1990 Act'		ESC maintains that it is not possible at this stage to determine the extent of operational land at the substations site. There is scope for land both inside and outside the compounds to qualify as operational land. In these circumstances, extensions or new structures/buildings of considerable scale (as defined in the Town and County Planning (General Permitted Development) Order 2015) could be erected without control save where an Environmental Impact Assessment is required. ESC therefore maintains that permitted development rights should be removed specifically in relation to the cable sealing end compounds, EA1N and EA2 substations and National Grid substation. ESC considers that the limited removal of permitted development rights is reasonable and justified. Further more detailed information has been provided by the Council in relation to this matter during the examination but most recently at Deadline 8 within ESC's summary of oral case for Issue Specific Hearing 15 (ISH15) and in response to the action points identified during ISH15 (REP8-149 and REP8-148).
Article 37 'Arbitration'		ESC maintains the view (REP6-080, REP8-149) that in the interests of clarity Article 37(2) should be revised to explicitly include the relevant planning authority and the highway authority as excluded from the application of Article 37(1), alongside the Secretary of State and Marine Management Organisation. Although the general excluding words in Article 37(1) are noted, there is no reason to expressly exclude the Secretary of State's jurisdiction and not the relevant planning authority's for example. The Applicants' response at paragraphs 12 to 14 of REP8-101 is limited to comment on the Marine Management Organisation's position and does not address the more relevant comparator of the Secretary of State.
Article 38 'Requirements, appeals etc.' and Schedule 16 'Procedure for discharge of requirements'.		ESC welcomes the removal of the deemed consent provision in 1(4) which ESC had previously raised concerns in relation to, most recently at Deadline 8 (REP8-149) and notes the inclusion

		<p>within 3(1)(b) the ability to appeal against non-determination. ESC is now content with the wording contained within Schedule 16.</p>
<p>Article 44 ‘Offshore ornithology compensation provisions’ and Schedule 18 ‘Offshore ornithology compensation measures’.</p>		<p>ESC notes the renaming of Article 44 and Schedule 18 which provides greater clarity.</p>
<p>Requirement 12 ‘Detailed design parameters onshore’.</p>		<p>ESC welcomes the addition of 12(2) which secures the submission of written details in relation to the specification of plant and noise mitigation in respect of Work No.30 in addition to updated modelling. 12(2) identified that this information must be submitted and approved in writing by ESC prior to Work No.30 commencing. ESC also notes the update to 12(5) which ensures any details provided accord with the Substations Design Principles Statement.</p> <p>ESC notes that the National Grid substation (Work No.41) is not included within the wording of 12(2) but reference to Work No.41 has been included within the Design Principles Statement (REP8-082) where further details regarding the Operational Noise Design Report are provided. The wording contained within 12(5), as previously stated, means that details contained within 12(2) must accord with the Design Principles Statement.</p>
		<p>ESC supports the further detail provided in 12(9) (a) and (b) which identifies the maximum height for overhead line gantries as 16m above finished ground level but a maximum height of 14.5m is provided for electrical equipment (excluding the overhead gantries).</p>
<p>Requirement 13 ‘Landfall construction method statement and monitoring plan’</p>		<p>ESC notes and supports the following amendments to Requirement 13:</p> <ul style="list-style-type: none"> <li>• Amendment to the title to include reference to the monitoring plan.</li> <li>• Requirement to consult the relevant statutory nature conservation body and Marine Management Organisation (where works are seaward of mean high-water springs) in relation to the construction landfall method statement (13(a)).</li> <li>• Requirement to consult the relevant statutory nature conservation body regarding 13(3).</li> </ul>

Requirement 15 'Implementation and maintenance of landscaping'		ESC welcomes the inclusion of Work No.29 within reference to planting which will be subject of a ten year replacement planting provision alongside Work No.s 19, 24 and 33.
Requirement 23 'Construction hours for transmission works'		ESC supports the inclusion of additional wording within 23(3) confirming that where works do not fall within paragraphs (2)(a) to 2(e) approval from ESC must be obtained as to whether the works are essential in addition to the timing and duration of the works.
Requirement 24 'Construction hours for grid connection works'		ESC supports the inclusion of additional wording within 24(3) confirming that where works do not fall within paragraphs (2)(a) to 2(e) approval from ESC must be obtained as to whether the works are essential in addition to the timing and duration of the works.
Requirement 27 'Control of noise during operational phase'		<p>ESC notes the clarification provided regarding the definition of the term 'standard'. It is now understood that the noise rating levels for the site will be applicable except in the event of an emergency operation.</p> <p>The Applicants have confirmed that 32dB LAeq (1 Woodside Cottages and Woodside Barn Cottages) and 31dB LAeq (Little Moor Farm) are the lowest noise rating levels currently achievable and have provided a commitment within Requirement 12 (REP8-003) and the Substation Design Principles Statement (REP8-082) to provide a pre-commencement Operational Noise Design Report. A summary of the content of this report is provided within the Design Principles Statement in addition to a commitment that:</p> <p><i>'The Applicants will seek to minimise the operational noise rating level below the limits set out in Requirement 27 of the <b>draft DCO</b> (REP7-006) and avoid any perceptible tones and other acoustic features at any residential receptor that would attract a correction in accordance with BS4142:2014+A1:2019, insofar as these mitigation measures do not add unreasonable costs or delays to the Projects or otherwise result in adverse impacts on other aspects of the environment (e.g. landscape and visual impacts).'</i></p>

		<p>On this basis, ESC accepts the combined operational noise rating levels provided in Requirement 27. Further details in relation to the Council’s position were provided at Deadline 8 (REP8-145 and REP8-146).</p>
<p>Requirement 37</p>		<p>ESC had previously stated (REP6-080) in response to the Examining Authority’s commentary on the draft Development Consent Orders (DCOs) that the inclusion of a commitment within Requirement 37 to notify the ‘relevant planning authority’ of the date when construction of Work No.6 and 8 has been completed should be provided. Although this has not been included within the requirement, the Applicants have provided this commitment within the Outline Landfall Construction Method Statement (REP8-053) which is accepted.</p>
<p>Requirement 41 ‘Operational drainage management plan’</p>		<p>ESC supports the current drafting of Requirement 41 where the ‘relevant planning authority’ is identified as the discharging body in consultation with SCC and the Environment Agency (EA). It should be noted that ESC is also the discharging authority in relation to Requirement 22 (Code of Construction Practice), which includes the Surface Water Drainage and Management Plan for the construction works. As far as ESC is aware, there has been no objection to the wording of Requirement 22 raised by other statutory bodies.</p> <p>Separate to this, ESC has agreed that SCC would be the discharging authority in relation to specific highways and archaeological requirements within the draft DCOs. Those requirements primarily relate to works occurring during the construction phase or where they do relate to the operational phase, the works are primarily confined to matters where there is limited interaction with other environmental matters such as landscaping etc. It has therefore been accepted that in these specific cases SCC is the discharging authority for those requirements. That is not the case for Requirement 41.</p> <p>As ESC has previously set out, most recently at Deadline 8 (REP8-152), the operational drainage arrangements are a fundamental component of the overall design of the substations site. Local and national policy recognises the need to integrate sustainable drainage systems (SUDs) into site design so that they are multifunctional. ESC is best placed to facilitate this</p>

holistic approach to site design, which is the approach advocated by the Applicants. In consultation with the identified consultees, ESC can manage and provide a response that addresses the operational drainage requirements within the wider landscaping proposals for the site – which will be in place for at least 25 years.

In addition to Requirement 41, ESC is the discharging authority in relation to Requirement 12 (Detailed design parameters onshore), Requirement 14 (Provision of landscaping), Requirement 17 (Fencing and means of enclosure), Requirement 21 (Ecological Management Plan), Requirement 25 (Control of artificial light emissions during operational phase) and Requirement 27 (Control of noise during operational phase) details of which will all affect the overall site design. It is important that these matters, including Requirement 41 are not disaggregated which could serve to undermine the current holistic approach to site design and lead to difficulties and inconsistencies. Having one discharging authority for these matters which are all of vital importance to the overall site design is of paramount importance for ESC as the discharging and responsible enforcement authority.

Officers at ESC have the knowledge, experience and expertise to be able to engage with multiple consultees as will be necessary in relation to multi-faceted requirements allocated to ESC for discharging within the DCOs.

ESC recognises the importance of the contribution of SCC as the Lead Local Flood Authority and supports their inclusion as a consultee alongside the EA. The Operational Drainage Management Plan will also include details of foul drainage which falls within the remit of the EA and in the same way ESC would engage with SCC, the Council will also engage with the EA to ensure that any details submitted are acceptable prior to discharging the requirement.

Part 8 (Enforcement) of the 2008 Planning Act clearly identifies that ESC as the district planning authority would be the authority responsible for enforcing a breach of the DCOs. It



		<p>is therefore appropriate, given the complex nature of the substations site and applicable overlapping requirements, that ESC remains the discharging authority for the relevant matters (subject to the limited exceptions for highways and archaeology referred to above) including Requirement 41.</p> <p>Finally, it is also evident in the writing of the Planning Inspectorate’s Advice Note 15 ‘Drafting Development Consent Orders’ that it is assumed the discharging authority will be the relevant planning authority (Section 19.1 and 19.3). This is not to say that an alternative discharging authority could not be provided, it is however considered there would need to be a significant reason to deviate from this. As has been outlined above, it is considered that there are fully justifiable and appropriate reasons why ESC should remain the discharging authority.</p>
<p><b>Outline Landscape and Ecological Management Strategy (OLEMS) – REP8-019</b></p>		
<p>Section 3.6 (Woodland East and West of Aldeburgh Road), paragraph 156.</p>		<p>The Applicants’ commitment that any trees and shrubs reinstated at the Hundred River will be subject to a ten year a management period and adaptive management measures is noted. The commitment to revised access arrangements to Work Nos. 19 and 20 from Aldeburgh Road therefore slightly reducing woodland loss is also noted and welcomed.</p>
<p>Section 4.2 (Outline Landscape Management Arrangements)</p>		<p>ESC notes the commitments made by the Applicants in paragraph 160 to prepare a Landscape Management Plan (LMP) based on an adaptive planting management scheme for trees and shrubs planted within Work No.s 19, 24, 29 and 33. The Council welcomes the inclusion of Work No.29 and notes the comments contained within footnote 3.</p>
		<p>ESC supports the inclusion of the additional wording in paragraph 169 which provides further clarity that measures in relation to the longer-term management of the substations site will be agreed with ESC.</p>
<p>Section 5.2.3.2 (During Construction), paragraph 196.</p>		<p>Confirmation that the triangle of woodland on the southern boundary of Work No. 9 will be retained is welcomed.</p>

Section 6.9 (Reptiles), paragraph 298.		The need for pre-commencement reptile surveys should be kept under review. If there are significant changes in the amount of suitable reptile habitat on the cable route prior to the commencement of works surveys may be required ahead of mitigation being implemented.
Chapter 8 (Overview of Ecological Surveys), paragraph 398.		The commitment to a pre-construction walkover survey of the whole onshore development area to inform further specific pre-construction surveys is welcomed.
<b>Outline Landfall Construction Method Statement (OLCMS) – REP8-053</b>		
Section 1.4 (Consultation)		ESC notes the requirement to consult the Marine Management Organisation and Natural England which is identified within Requirement 13 and replicated in this section of the document. ESC also welcomes the commitment in paragraph 14 to notify ESC of the date when construction of Work No.s 6 and 8 has been completed.
Section 4.2.2 (Construction Noise Control), paragraphs 29 and 31.		The additional construction mitigation measures set out in paragraphs 29 and 31 are welcomed. The siting of plant should also consider the potential to minimise air quality impacts on the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) arising from NOx emissions. The minimisation, assessment and mitigation of air quality impacts should be made more explicit. Further comments in relation to ESC’s concerns regarding the impacts of Non-Road Mobile Machinery (NRMM) at the landfall on ecological receptors is provided in relation to the Outline Code of Construction Practice (OCoCP).
Section 6.2.3 (Subsurface Breakout on Land)		ESC notes the additional measures set out in paragraph 74 due to the proximity of the private water supply at Ness House.
<b>Outline Watercourse Crossing Method Statement (OWCMS) – REP8-084</b>		
Section 3.5 (Access), paragraph 47.		ESC welcomes the commitment to revised access arrangements from Aldeburgh Road in the form of the use of temporary traffic signals where required, which allows a slight reduction in the vegetation/woodland clearance required. This is obviously subject to this solution being safe and acceptable to SCC as the local highway authority.

Section 4.8 (Onshore Cable Route Width), paragraph 64		ESC welcomes the slight revision to the wording within this paragraph which clarifies that the Applicants will seek to minimise the vegetation/woodland clearance in this area as a whole.
Section 4.19 (Species Specific Mitigation), paragraph 94.		The inclusion of the commitment to pre-construction bat surveys is welcomed.
<b>Ecological Enhancement Clarification Note Addendum – REP8-041</b>		
Section 2.1 (Onshore Cable Route), paragraph 9.		It is considered that greater clarity is required in relation to this paragraph. Whilst the approach to the assessment of assuming no enhancement of hedgerows (and therefore indicating greater biodiversity gain than may be the case) is understood, nevertheless the aspiration should be that the projects leave hedgerows along the cable route in better condition (in the long term) than they currently are. This should be reflected in the hedgerow planting proposals for the projects.
Whole document.		The clarification detailed regarding the potential for habitat based ecological enhancements provided by the projects is welcomed. Whilst delivery of genuine ecological enhancement will be reliant on good implementation and long-term management of the created habitats, it is acknowledged that the landscape planting at the substations site has the potential to also deliver some ecological enhancement when compared with the baseline condition. However, the degree to which these habitats will be used by more disturbance sensitive species (such as bats) is unknown and will depend on the final operational noise and light levels.
<b>Extension of National Grid Substation Appraisal – REP8-074</b>		
Section 1.1 Purpose		ESC notes the Applicants have stated in paragraph 17 that options for the landfall location, underground onshore cable route and converter station site for the Nautilus project are currently being assessed by National Grid Ventures (NGV) for feasibility and there is no further detailed information on the project available. ESC also notes that the Applicants have stated in paragraph 18 that the Eurolink project is in very early stages of development highlighting that information is provided regarding the capacity of the project but with no further

information known. ESC considers that a degree of information could be assumed based on NGVs previously constructed interconnector projects, but it is accepted that the preferred locations for the siting of the landfall, cable routes and converter stations have not been identified by the developer.

Having said the above, ESC agrees with the Applicants that there is a level of certainty in relation to the location of the extensions required to the National Grid substation (which is the subject of these current applications), to accommodate the future connections required for the Nautilus and Eurolink projects (paragraph 19). ESC notes the statement that the likely infrastructure within these extensions would mirror that of the existing design of the National Grid substation. The connection of the projects at Friston will however result in the need to site the project converter stations within approximately 5km of the National Grid substation.

ESC accepts that the Applicants have only included the Nautilus and Eurolink projects within this appraisal given the submissions provided by North Falls (REP7-066) and Five Estuaries (AS-100) and the limited information available in relation to the SCD1 subsea link.

The Council however had requested that a cumulative impact assessment be undertaken to ensure that the full implications of the in-combination effects of the projects together would be known. It is accepted that the appraisal submitted provides some useful information in relation to the potential in-combination effects, but the assessment is not a cumulative impact assessment. This statement is made in respect of the scope of the appraisal as detailed below and the limited depth of the detail contained within the document. ESC considers there is sufficient time available before the end of the examinations, given the three-month extension granted, should the Examining Authority determine that further assessment is necessary for this to be provided. To assist the Examining Authority, ESC has however used its experience and knowledge in relation to the potential impacts of the projects to provide further comments below.

Section 3 Screening

ESC considers there remains the potential for the construction works in relation to the EA1N and EA2 projects to crossover with the construction works associated with the Nautilus and Eurolink projects but accept that this is unlikely given the timeframes provided. It is also noted that no detailed information has been published by NGV in relation to the construction activities and timescales associated with these projects and therefore a significant number of assumptions would need to be made.

Table 3.1 ‘Screening of Potential Cumulative Impacts’ identifies that the National Grid extensions could potentially increase the magnitude of effects in relation to onshore ecology and onshore ornithology, increase the level of visual change resulting in additional harm to the significance of heritage assets and cause direct physical landscape effects, an intensification of significant effects on local landscape character and increase the lateral spread and influence of the National Grid substation in local views. ESC agrees with the screening in of these impacts. However, in addition to the matters identified as contributing to the cumulative effects of the projects, ESC considers that operational noise and flood risk and drainage should be included within scope for further consideration in Section 4.

ESC notes that the Applicants have assumed in Table 3.1 that *‘the extensions will be required to not contribute any increase to the noise limits proposed for the projects, therefore they will be designed so that there are no cumulative impacts during the operation phase’*. ESC notes that such a restriction would impose a stricter limit than applied to the developments subject of the current DCO applications which exceed the existing background sound climate of the locality. ESC has no information to demonstrate that this assumption is achievable and therefore the basis for ‘screening out’ operational noise and vibration is not agreed with. ESC maintains that the proposed development creates a risk of background noise creep from future connections projects in the area and considers that operational noise should be considered further in Section 4.

		<p>The western extension to the National Grid substation, as the Applicants have identified within the document, “<i>would encroach further into the existing surface water flow path and possibly into the location of the sustainable drainage system (SuDS) basins proposed as part of the projects.</i>” It is noted that the Applicants state that the existing flow path is likely to be diverted and the final details of the size and location of the SuDS basin is not yet known. The extension to the examination has however provided the Applicants more time to be able to consider the design of this further. ESC considers that drainage and flood risk should be included within the scope of Section 4.</p>
<p>Section 4 Cumulative Appraisal</p>		
<p>4.1 Onshore Ecology</p>		<p>As noted in paragraph 30 the eastern extension could result in the loss of part of the woodland known as Laurel Covert. As identified on MAGIC Map (accessed 30/03/2021) Laurel Covert is lowland mixed deciduous woodland which is a UK Priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006). The eastern extension would therefore potentially result in the loss of a small area of UK Priority habitat.</p>
<p>4.3 Landscape and Visual</p>		<p>ESC notes that from some viewpoints the extensions to the currently proposed National Grid substation will appear as a widening of the visual impact of the overall substation complex, whilst from others it will be regarded as part of the existing infrastructure. As discussed throughout the current examinations, the duration of visual impacts will very much depend on the successful establishment of the proposed screen planting which, like the full scope of these proposed extensions, carries a degree of the unknown about it. ESC can acknowledge that there are unlikely to be any significant additional impacts on landscape character given that the extensions will be additions, to what will by then be, if consented, a substantial complex of industrial scale infrastructure.</p>
<p>4.4 Cultural Heritage</p>		<p>ESC notes that the extensions to the National Grid Substation will further sever views between the heritage assets at Friston Moor and the Church, thereby further obstructing their connections. The western extension, in particular, will obscure views to the Church from the north. While there would as a consequence be an increase in the harm caused to the heritage assets, it is not considered that the significance of the effects would be raised from moderate</p>

		to major (for Little Moor Farm, High House Farm and Woodside Farm). ESC however maintains that the impacts will be greater than identified by the Applicants and this remains a matter of professional disagreement. A more detailed explanation of the ESC’s position was provided within REP5-048.
		The appraisal provides some useful information but as stated previously, it is not a cumulative impact assessment and only contains a limited degree of information therefore it is not possible for ESC to provide more detailed comments at this stage.
<b>Substations Design Principle Statement – REP8-082</b>		
General		<p>ESC notes and acknowledges the Substations Design Principles Statement as a useful basis for further discussions on detailed aspects of substation design.</p> <p>Although the issues that the landscaping proposals address are noted, it also needs to be recognised that the mitigation planting proposals in their own right have the potential to alter the visual receptors’ experience of the local landscape in certain views. ESC also maintains that the mitigation planting although welcomed for its visual screening does not mitigate the harm caused to the setting of heritage assets.</p>
Section 4.3		The third bullet point within the list of improvements stating, <i>‘lowering of the finished ground levels at the location of the eastern onshore substation and National Grid substation’</i> , could potentially cause some confusion. This point is however explained more clearly in paragraph 38 when it is referred to as the <i>‘refinement of the estimated finished ground levels’</i> and also in Section 6. ESC notes that the Applicants have maintained during the examinations that they cannot commit to a maximum finished ground level.
Section 4.6 (Onshore Ecology).		Whilst delivery of genuine ecological enhancement at the substations site will be reliant on good implementation and long-term management of the created habitats, it is acknowledged that the landscape planting proposed has the potential to also deliver some ecological enhancement when compared with the baseline condition. However, the degree to which

		these habitats will be used by more disturbance sensitive species (such as bats) is unknown and will depend on the final operational noise and light levels.
		ESC remains concerned regarding the potential impacts on bats as a result of the operational noise from the substations which has been previously set out in the Local Impact Report (REP1-132) and subsequent submissions to the examinations (REP3-094, REP5-048, REP6-075, REP7-063). Although not directly relevant to the Substation Design Principles Statement, it is considered important to raise this matter again at this point in the examination as there remains time to address this issue.
Section 4.7 Noise		ESC welcomes the Applicants’ commitment to minimise the operational noise rating level below the limits set out in Requirement 27 of the DCOs by incorporating Best Practicable Means in noise control at the detailed design stage, subject to the consideration of specific matters outline in paragraph 71.
Table 5.1 – Reduction of visual impact of onshore substations, National Grid substation and cable sealing end compounds		ESC welcomes the Applicants commitment to seek further reductions to the visual extent of the onshore substations, National Grid substation and cable sealing end compounds. It is noted that this is subject to the caveat, <i>‘where cost effective and efficient’</i> . ESC expects that all reasonable efforts will be made to achieve a reduction in the impacts of the infrastructure.
Table 5.1 - The cable sealing end compounds will be aligned to existing field boundaries where possible		ESC welcomes the commitment to align the cable sealing end compounds to field boundaries where possible.
Table 5.1 - Operational equipment will be designed and installed to maintain low noise levels of no more than 31dBA at SSR2 and SSR5 (NEW) and 32dBA at SSR3		ESC support the inclusion of this additional design principle in relation to the operational noise and welcome the commitment <i>‘to minimise the operational noise rating level below the limits set out in Requirement 27 of the draft DCO (REP7-006) and avoid any perceptible tones and other acoustic features at any residential receptor that would attract a correction in accordance with BS4142:2014+A1:2019, insofar as these mitigation measures do not add unreasonable costs or delays to the Projects or otherwise result in adverse impacts on other aspects of the environment (e.g. landscape and visual impacts).’</i>
Table 5.1		ESC maintains its support for the inclusion of an additional design principle as worded below:



		<p><i>The detailed design of the project and the procurement processes that support it, will both engage with, respond to, and in so far as practicable, adopt and adapt to, any new opportunities arising from emerging new technologies and changes to legislation and regulations, in order to minimise the harms to the receiving environment and maximise the benefits of the project through good design. Engagement with the opportunities that may be offered from emerging technological, regulatory, and legislative change is a fundamental principle, that will be applied at all times, during the design procurement and development process.</i></p> <p>Following further discussions with the Applicants, it has been confirmed that engagement in relation to the design of the substations and infrastructure has already started to occur and will continue to do so. ESC has been advised by the Applicants that it is not anticipated that there would be a significant delay between the consent of the projects, if the Orders are made, and their design. This is reflected within the timescales provided within the engagement set out in Appendix A of the Substation Design Principles Statement (REP8-082). Therefore although ESC would like to see this additional principle included within the Substation Design Principles Statement, it is accepted that this is not a matter upon which the Applicants and ESC are likely to agree and that if the Applicants proceed on the timeframe envisaged there is unlikely to be significant changes to available technologies, current policy or regulations. However, in the event of any project delays the omission of the proposed principle could be potentially significant, particularly given the rapidly changing policy and regulatory environment. It for this reason that the position that the proposed principle should be included is maintained.</p>
<p>Appendix A: Engagement Strategy Paragraph 21</p>		<p>ESC notes the inclusion of an additional stage to the engagement process and provision of an independent chair for the stakeholder engagement workshops which are welcomed.</p> <p>The Applicants have committed to engage directly with the occupiers of the properties identified within the bullet points. It is noted that this list does not however include the group</p>

		<p>of six properties located to the south of the substations site close to the junction of Church Lane and Grove Road, The Lindens, Saxmundham Road or Woodside Cottages, Grove Road. As these properties are close to the proposed substations and the Environmental Statements identify that there will be significant visual effects as a result of the development in these localities, it is considered that these properties should also be included in the list.</p>
<p><b>Different Colour Scheme for Substation Design Principles Statement – Viewpoint 1 – REP8-066, Viewpoint 2 – REP8-067 and Viewpoint 9 – REP8-068</b></p>		
		<p>ESC considers the provision of these additional viewpoints illustrating different colour choices for external materials to be interesting and useful if not necessarily conclusive. It is noted that they do show that the appropriate choice of colour in large scale rural building can be a very elusive subject, very often highly influenced by variable weather conditions. These visualisations will assist discussions and further consideration of this matter at a later stage of the process particularly during the engagement strategy described in Appendix A of the Substations Design Principles Statement (REP8-082).</p>
<p><b>Cultural Heritage Viewpoint 5 Additional Visualisations – REP8-063</b></p>		
		<p>ESC noted in previous responses that the usefulness of CHVP5 is limited due to the specific location the viewpoint was chosen from (REP4-059). These additional visualisations are therefore welcomed, as they give a better idea of how the setting of Woodside Farm would be impacted. The visualisations confirm previous assumptions, that the top of the substations would still be visible above the treeline at 15 years, and that the large scale of the substations would still be notable. ESC maintains its position that the magnitude of adverse impact would be medium, giving rise to an effect of moderate significance (page 31/32, REP5-048).</p>
<p><b>National Grid GIS Substation Photomontages</b></p>		
		<p>The provision of updated photomontages showing the Gas Insulated Switchgear (GIS) Substation option are welcome. The overall footprint of the National Grid substation is</p>

		<p>significantly smaller although the building structures associated with this technology would be taller and have a larger solid mass than the Air Insulated Switchgear (AIS) substation option.</p> <p>The Environmental Statements are based on the use of an AIS National Grid substation, and although the photomontages are useful, no equivalent assessment to that within the Environmental Statements has been provided in relation to a GIS National Grid substation. Without a full assessment of the GIS option, it is not possible for ESC to fully compare the impacts of the two technologies and assess the degree to which one technology is beneficial over the other. The lack of a full assessment of the GIS option also limits the Examining Authority’s ability to recommend to the Secretary of State that one technology should be favoured over another and prevents the ability for only the GIS option to be consented by the DCOs.</p> <p>Based on the information available, the comments contained within paragraphs 14.13 to 14.14 of the Local Impact Report (REP1-132) remain relevant.</p>
<b>Outline Code of Construction Practice – REP8-017</b>		
<p>Section 3.1 Paragraph 40</p>		<p>ESC notes and welcomes the additional wording included within paragraph 40 which reflects the amended wording contained within Requirements 23 and 24 of the draft DCOs (REP8-003). This provides confirmation that ESC’s approval as to whether an activity is essential is required for works which are not expressly detailed within paragraph (2) of the Requirements, in addition to the timing and duration of the works.</p>
<p>Paragraph 41</p>		<p>Further details regarding the time period within which ESC will be advised regarding any emergency works which have had to be undertaken is also noted in paragraph 41.</p>
<p>Section 9.1, paragraphs 97, 98, 99, 100</p>		<p>ESC notes the intention for the Applicants’ contractors to submit applications in relation to construction works for consent under Section 61 of the Control of Pollution Act 1974 (COPA). The confirmation that the applications will assess the noise impact using the ABC assessment</p>

		method set out in Annexe 4 of BS5228 and contractors will use Best Practicable Means to minimise construction noise as far as reasonable and practical to do so, is supported. The applications will also include details of monitoring and monitoring locations.
Paragraph 42 and 103		Confirmation of the core working hours and the activities which can be undertaken during the shoulder hour either side of the core hours are noted. Paragraph 103 sets out the best practicable noise mitigation measures which would typically be implemented, this provides an outline of appropriate measures, further measures may however be considered necessary as part of the final document.
Paragraph 105		ESC supports the commitment to engage with the occupants of specific noise sensitive receptors and the incorporation of specific measures into the applications submitted under Section 61 of COPA.
Sections 9.1.2, 9.1.3, 9.1.4 and 9.1.5		The Applicants have committed to providing specific noise mitigation proposals for landfall construction, the onshore cable route, construction works near the Wardens Trust, and the onshore substation construction respectively. The measures identified, as previously stated in REP8-151, are considered proportionate and relatively well considered.
Section 9.3		ESC considered that the agreement at Issue Specific Hearing 12 (ISH12) was on the general principles of using Lowest Observed Adverse Effect Levels (LOAELs) and Significant Observed Adverse Effect Levels (SOAELs) and adopting different limits for different time periods, which was the approach taken in Table 5 of the Cobbing Report (REP7-041) and therefore expected the implementation of this table in the OCoCP to reflect the specific nature and context of this scheme. Therefore although this table is contained within the OCoCP, paragraph 100 clarifies that the applications under Section 61 of COPA will assess the noise impact from construction noise using the ABC assessment method set out in Annexe 4 of BS5228; this is ESC’s preference and therefore this wording is supported.
Paragraph 127		The OCoCP (paragraph 127) contains a commitment to implementing specific mitigation measures in specific areas sensitive to air pollution, “ <i>where practicable.</i> ” This is designed to fulfil an undertaking made by the Applicants in Statement of Common Ground LA04.28 (REP8-114), which was then due to be reviewed by ESC. However, this does not deliver what ESC

		<p>was expecting. ESC is looking for a commitment to specific mitigation to reflect the quantities of materials, nature of soils and coastal setting with potentially higher wind speeds, all of which would be different to more standard construction projects (this was flagged in ESC’s Local Impact Report section 7.21 and 7.22 (REP1-132) and also highlighted in ESC’s Deadline 7 submission section 3.15 (REP7-063)). ESC anticipates that specific further or amended mitigation measures may be needed in the light of these factors. These measures do not need to be specified at this stage, but ESC requests that the OCoCP should contain the following commitment which can be expanded on when finalising the CoCP post-consent: <i>“In view of the magnitude of earthworks, potentially dusty nature of materials, and coastal setting of construction activities, consideration will be given to specifying dust mitigation measures which go beyond those specified in the relevant IAQM guidance used in the Environmental Statement.”</i></p> <p>The phrase <i>“where practicable”</i> is of potential concern to ESC. In situations where necessary mitigation measures cannot be provided for reasons of practicality, these reasons should be fully explained to ESC, and consideration should be given to alternative means of dust control.</p>
<p>Paragraphs 111, 112 and 135</p>		<p>There has been a minor change to extend the zones where traffic speeds will be limited to 10 mph on all construction roads and where temporary noise barriers will be installed (from 75 m to 100 m away from sensitive locations). While this was not a specific request from ESC, this is welcomed.</p>
<p>Paragraph 139</p>		<p>The commitment on NRMM has been clarified to require stage IV emissions standards or better (paragraph 139). However, the wording <i>“where possible”</i> has been introduced. It is reasonable to include this caveat, but ESC requests an additional measure be included in the OCoCP in the light of this caveat, to ensure that any impacts from higher emitting plant are avoided, as follows: <i>“If Stage IV plant is not possible, ESC requests that the reasons for this should be provided to ESC, and any such plant should be deployed in locations as far away from sensitive receptors as practicable.”</i></p>

		<p>As highlighted in ESC’s Summary of Representation Issue for Specific Hearing 7 – Biodiversity and Habitat Regulations Assessment (REP6-075), ESC requests that suitable safeguards regarding the location, number and capacity of NRMM to be used in locations close to the Sandlings Special Protection Area (SPA) and Leiston-Aldeburgh SSSI should be included in the OCoCP.</p> <p>As highlighted elsewhere, ESC remains concerned that the potential for an impact on nature conservation still exists, in particular at the landfall. While ESC has deferred to Natural England to lead on issues of air quality impacts on designated sites, ESC notes this matter remains outstanding although further information supplied by the Applicants at Deadline 6 has been noted. Subject to further advice from Natural England, ESC has also highlighted the need for the final landfall construction layout to include air quality impacts on the SSSI as a constraint, along with the need for monitoring and potentially additional mitigation measures if necessary. While this is partly captured in the Outline Landfall Construction Method Statement submitted at Deadline 8 (REP8-053), minimisation, assessment and mitigation of air quality impacts should be made more explicit.</p>
Section 14		<p>The Environmental Statements (section 19.3.5) recognises that <i>“monitoring is an important element in the management and verification of the actual impacts based on the final detailed design.”</i> Section 14 of the OCoCP does not contain any detail on monitoring. ESC agrees that details of monitoring arrangements can be agreed post-consent when finalising the CoCP. Please note that ESC will expect pro-active monitoring for NO2, PM10/PM2.5 and dust throughout the construction programme, as envisaged in (for example) ESC and SCC Joint Local Impact Report section 7.25 (REP1-132) and ESC Response to Deadline 7 paragraph 3.9 and 3.13 (REP7-063).</p>
Appendix 3		<p>Appendix 3 details the engagement activities undertaken in relation to the East Anglia One project which would also be replicated for the EA1N and EA2 projects, this commitment is welcomed. ESC considers that engagement with the local community and affect persons is of vital importance ahead of and during construction works.</p>

<b>Landscape and Visual Sizewell C Cumulative Impact Assessment – REP8-075</b>		
		<p>ESC notes the findings and conclusions of this report. Inevitably the greatest likelihood of notably significant cumulative impacts will arise during construction phases rather than operational phases, and in this regard, much will depend on how much the construction phases overlap. Given that the dominant construction project will be Sizewell C in comparison to the EA1N and EA2 cable landing and cable laying to the south of Sizewell, additional elements such as the beach landing facility will only intensify effects that have already been acknowledged and where identified as ‘significant’ in Landscape and Visual Impact Assessment (LVIA) terms, have already been noted. It is noted that the document identifies that the landscape and visual conclusions presented do not change the EA1N and EA2 projects’ cumulative impact assessment conclusions presented within the Environmental Statement and REP2-010. The positional disparity between added Sizewell C activity and the location of EA1N and EA2 activity suggests that the conclusions of this appraisal are largely realistic. It is agreed that operational cumulative effects are not significant.</p>
<b>Outline Construction Traffic Management Plan – REP8-021</b>		
Paragraphs 84-87		<p>ESC understands that there is currently no confirmation of the works anticipated at Work No.37. As a result, the Outline Construction Traffic Management Plan (OCTMP) does not provide confirmation that risk of air quality impacts due to works in Work No.37 can be ruled out. ESC is still seeking confirmation of the nature of construction works in this area and the potential effects on traffic congestion/diversionary routes to enable a decision to be taken on whether there is a risk of significant adverse impacts on air quality. Alternatively, if this information cannot be provided, the OCTMP could be updated to provide a commitment that once further information is known the Applicants will consider the effects on air quality at this stage and if further assessment is necessary, this will be provided.</p>
Paragraphs 137-143, 144, 146		<p>The Euro class monitoring requirements as agreed between the Applicants and ESC are incorporated in paragraph 137-143.</p>

		ESC requests an amendment to provide for provision of information on Euro standards of vehicle fleet on a monthly basis during the initial 3 months (rather than on a quarterly basis as currently envisaged), so that an early assessment of performance can be made. This would enable prompt action to be taken to address any potential problems. This would require an amendment to OCTMP paragraphs 144 and 146.
<b>Outline Port Construction Traffic Management and Travel Plan – REP8-091</b>		
General Comments		This document now includes an undertaking to carry out an air quality screening assessment in accordance with IAQM guidance, as requested by ESC. ESC has no further comments in relation to the air quality aspects of this document.
<b>Applicants’ Comments on the Report on Implications for European Sites – REP8-094</b>		
		<p>This document states: “With regard to onshore matters, the Applicant is awaiting comments from NE which are due to be submitted at Deadline 8”.</p> <p>ESC notes that no new information relevant to air quality impact assessments could be found in Natural England’s Deadline 8 submissions. Following the extension to the examinations, ESC will review Natural England’s comments when they are submitted.</p>
<b>Applicants’ Written Summary of Oral Case ISH12 - REP8-097</b>		
Paragraph 6		ESC maintains that the agreement in the hearing was on the general principles of using LOAELs and SOAELs and adopting different limits for different time periods, which was the approach taken in Table 5 of the Cobbing Report (REP4-041) and therefore expected the implementation of this table in the OCoCP to reflect the specific nature and context of this scheme. However, this issue has been resolved with the Applicants following ISH12, and ESC welcome the changes made to the final OCoCP submitted by the Applicants at Deadline 8 (REP8-017).



Paragraph 11 & 12		ESC highlights that the operational noise rating limits in the DCOs are set at 31 dB LAr at Little Moor Farm, Knodishall and 32 dB LAr at other receptors and not at 35 dB LAr. The Applicants' have subsequently confirmed to ESC that the noise rating limits were set according to the lowest noise levels that could be committed to at this stage following engagement with the supply chain, but that they are committed to reducing noise levels below these limits where possible by incorporating Best Practicable Means in noise control at the detailed design stage. This new approach is welcomed by ESC, who agree that this is in accordance with Paragraph 5.11.9 of the Overarching National Policy Statement for Energy (EN-1).
Paragraph 14		ESC welcomes the Applicants' commitment to minimise the operational noise rating level below the limits set out in Requirement 27 of the DCOs by incorporating Best Practicable Means in noise control at the detailed design stage and accept that this is compliant with the various planning polices relating to noise. However, ESC maintains that noise levels at the operational noise at the limits set out in the DCOs will permanently alter the noise climate in the surrounding area. This will change the context of any future noise assessments for future connection project and create a significant risk of background noise creep in the surrounding area should future connections be approved.
<b>Applicants' Written Summary of Oral Case ISH15 – REP8-101</b>		
Paragraphs 12-14		ESC maintains the view (REP6-080, REP8-149) that in the interests of clarity Article 37(2) should be revised to explicitly include the relevant planning authority and the highway authority as excluded from the application of Article 37(1), alongside the Secretary of State and Marine Management Organisation. Although the general excluding words in Article 37(1) are noted, there is no reason to expressly exclude the Secretary of State's jurisdiction and not the relevant planning authority's for example. The Applicants' response at paragraphs 12 to 14 of REP8-101 is limited to comment on the Marine Management Organisation's position and does not address the more relevant comparator of the Secretary of State.
Sections 3.2.5, 3.2.6, 3.2.7, 3.2.8 and 3.2.9		ESC notes and welcomes the revisions to Requirements 12, 13, 15, 23, 24 and 27.

Section 3.2.11		ESC has expressed concern regarding the deemed consent provision previously provided within Schedule 16 of the draft DCOs and therefore welcomes the Applicants commitment to remove this approval mechanism.
<b>Applicants' Position Statement on Noise – REP8-039</b>		
Section 2.1 Background Sound Level		Disagreements on the appropriate analysis methodology to determine representative figures for background sound levels remain unresolved. ESC maintain that the analysis methodologies used to determine the figures reported in Appendix 4 of the Local Impact Report (REP1-132) are the most appropriate in each instance and that the figures presented by the Applicants overestimate the true background sound level.
Section 2.2 Assessment Method		<p>ESC agrees with the principle that there is a lower limit where the LOAEL reaches an absolute threshold irrespective of how far below this the background sound level is. However, ESC does not agree with the Applicants' assertion (based on an interpretation of the superseded version of the standard) that this level is 35 dB LAr. ESC maintains that the noise from the substations at limits set in Requirement 27 will have an adverse impact but accept rating levels below the operation limits will be below the threshold of significant adverse impact (SOAEL).</p> <p>Notwithstanding the areas of disagreement between the Applicants and ESC regarding background sound levels and the methodology used to determine the LOAEL, ESC's position is now that the operational limits secured in Requirement 27 are consistent with national policy requirements at this stage. This position is reached based on the information provided that the current rating limit is the lowest level currently achievable and due to the commitment to adopt Best Practicable Means to reduce noise levels further at the detailed design stage subject to the above caveats. ESC maintains that the operational noise rating level for the substations should be reduced to the background noise level in the event that this is found to be achievable and meets the Applicants' caveats.</p>

<p>Section 2.3 Background Sound Levels at SSR9</p>		<p>ESC disagrees with the reasoning provided by the Applicants for substituting the measured noise data with substantially higher levels measured elsewhere and maintain that the noise levels measured at SSR9 are consistent with the inherently quiet rural noise climate of the Friston area. However, ESC accepts that there is a lower limit where the LOAEL reaches an absolute threshold irrespective of how far below this the background sound level is. The disagreement therefore becomes one of the extent to which any receptors fall into the region between LOAEL and SOAEL thresholds, where the policy requirement is that all reasonable steps should be taken to mitigate and minimise adverse effects.</p>
<p>Section 3.1 Correction for Tonal Characteristics</p>		<p>ESC maintains that the inherent magnetostriction noise generation mechanism present in transformers and electrical transmission equipment mean that the equipment used in the onshore substations are highly likely to generate noise with strong tonal components at 100Hz and the related harmonic frequencies. ESC therefore agrees with SASES’ position that the predicted rating levels should have +6dB tonality correction applied unless it can be shown with 1/3 Octave Band analysis that tonality and other acoustic features can be sufficiently controlled to avoid the need for an acoustic feature correction. However, ESC understands that the Applicants have now committed to providing a pre-commencement Operational Noise Design Report providing an assessment based on the detailed substation design and including 1/3 Octave band analysis of the final design proposals. This plan will require formal agreement from ESC; ESC is therefore satisfied that any concerns associated with the lack of consideration of tonality can be adequately considered at detailed design stage.</p>
<p>Section 3.2 Correction for Other Acoustic Characteristics</p>		<p>ESC welcomes the Applicants’ undertaking to a pre-commencement Operational Noise Design Report providing an assessment based on the detailed substation design, including consideration of constructive interference from coherent low frequency sources.</p>
<p>Section 4 Construction noise</p>		<p>ESC is satisfied with the revisions made by the Applicants to the OCoCP at Deadline 8.</p>