

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 11 – 07 June 2021

East Suffolk Council's Summary of Oral Case - Issue Specific Hearing 17

Issue Specific Hearing 17 (28 May 2021) – the Draft Development Consent Orders & Other Matters

Examining Authority's Question	East Suffolk Council's Response	References
Agenda Item 1 – Welcome, introductions and arrangements for these Issue Specific Hearing 17		
Agenda Item 2 – Progress Position Statement by the Applicant: Changes to the dDCOs in Progress since ISHs15		
<p>The ExAs will ask the Applicants to present progress since ISHs15 (including the non-material changes accepted for examination on 29 April 2021 and responses to D8, D9 and D10 submissions).</p> <p>The ExAs will invite submissions from Interested Parties (IPs) and Other Persons (OPs) who wish to raise matters in relation to this item, running in the order of provisions in the dDCOs, except as provided for in separate agenda items below.</p> <p>The Applicants will be provided with a right of reply.</p>	<p>ESC welcomes the following amendments to the draft DCOs undertaken since ISH15:</p> <ul style="list-style-type: none"> Article 38 'Requirements, appeals etc' and Schedule 16 'Procedure for discharge of requirements'. <p>ESC is content with the current wording of the article and schedule and welcomes the removal of the deemed consent provision.</p> <ul style="list-style-type: none"> Requirement 12 'Detailed design parameters onshore' <p>ESC is content with the current wording of the requirement (subject to points made under Agenda Item 5 below). 12 (1), (3) and (4) secure the submission of details of the layout, scale and external appearance of the onshore substations, National Grid substation and cable sealing end compounds.</p>	<p>ESC Response to Applicants D8 Comments (REP9-040)</p>

	<p>12(2) 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.</p> <p>12(5) ensures that any details provided accord with the Substations Design Principles Statement (SDPS). ESC welcomes the principles contained within the document including the commitment to seek further reductions to the visual extent of the infrastructure during the design refinement process.</p> <p>In terms of noise, ESC notes that the National Grid substation (Work No.41) is not included within the wording of 12(2) but reference to the National Grid substation has been included within the Substations Design Principles Statement (SDPS, 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 SDPS.</p> <p>ESC however maintains its support for the inclusion of an additional design principle in the SDPS, the precise wording for which was provided most recently at Deadline 9 (page 17, REP9-040).</p>	
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		<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 and a maximum height of 14.5m for electrical equipment.</p> <p>Please see Agenda Item 5 for ESC’s comments in relation to amendments to Requirement 12 to secure the layout drawings associated with the different development scenarios.</p> <ul style="list-style-type: none"> • Requirement 13 ‘Landfall construction method statement and monitoring plan’. <p>ESC is content with the wording of Requirement 13 noting and supporting the amendments to the requirement which include:</p> <ul style="list-style-type: none"> • Amendment to the title to include reference to the monitoring plan. • Inclusion of the requirement to consult the relevant statutory nature conservation body and Marine Management Organisation (MMO). <p>ESC has provided comments in relation to the suggestion to amend Requirement 13 to include wording to secure an update HDD Verification Note under Agenda Item 5.</p>
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	<ul style="list-style-type: none"> Requirement 15 ‘Implementation and maintenance of landscaping’ <p>ESC is content with the current wording and supports the inclusion of Work No.29 to be subject of a ten year replacement planting provision alongside Work No.s 19, 24 and 33.</p> <ul style="list-style-type: none"> Requirement 23 ‘Construction hours for transmission works’ and Requirement 24 ‘Construction hours for grid connection works’. <p>ESC supports the additional wording within 23(3) and 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. ESC has no further comments to make in relation to this requirement.</p> <ul style="list-style-type: none"> Requirement 27 ‘Control of noise during operational phase’ <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 and the Substations Design Principles Statement (REP8-082) to provide a pre-commencement</p>	<p>ESC Response to Hearing Action Points ISH12 - REP8-145 ESC Written Summary of Case ISH12 - REP-146</p>
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	<p>Operational Noise Design Report. A summary of the content of this report is provided within the Substations 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 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></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>ESC also notes and welcomes the clarification in relation to the definition of the term 'standard' within the requirement.</p> <ul style="list-style-type: none"> • Requirement 37 'Decommissioning of relevant landfall works'. 	
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	<p>ESC had previously supported the inclusion of a commitment within the requirement to notify the relevant planning authority of the date when construction of Work No.s 6 and 8 has been completed (REP6-080). Although this has not been included within the requirement, a commitment to this has been provided within the Outline Landfall Construction Method Statement (REP8-053). ESC is therefore now content with the current wording of Requirement 37.</p> <ul style="list-style-type: none"> • Article 37 ‘Arbitration’ <p>ESC has previously made representations that in the interests of clarity Article 37(2) should be revised to explicitly include the relevant planning authority as excluded from the application of Article 37(1) (REP6-080, REP8-149, REP9-040). ESC notes the Applicants confirmation that ESC is excluded from the arbitration clauses in the exercise of the powers conferred upon ESC by the DCO and therefore accepts the current drafting of the article.</p> <p>The following matters remain outstanding and have not been addressed by the Applicants through revisions to the draft DCOs:</p> <ul style="list-style-type: none"> • Article 33 ‘Operational land for the purposes of the 1990 Act’ and Permitted Development Rights. 	<p>ESC Response to ExA Commentary on DCOs – REP6-080</p> <p>ESC Summary of Oral Case ISH15 – REP8-149</p> <p>ESC Comments on Applicants Deadline 8 Information – REP9-040</p> <p>Permitted development rights references:</p>
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	<p>ESC has provided extensive representations in relation to its concerns regarding the potential ability of the site operators to undertake further development at the substations site under permitted development rights without the requirement to submit a formal application and have the implications of this development robustly considered. An example of such development can be seen at Bramford where an extension to the National Grid substation was constructed under permitted development rights. Further details of this development are provided within Appendices A, B and C.</p> <p>ESC has provided further comments in relation to this matter under Agenda Item 5 as it is noted that this issue has been discussed within the Examining Authorities' commentaries on the dDCOs published on 20 May 2021.</p>	<ul style="list-style-type: none"> • LIR (REP1-132) • ESC Oral Summary of Case ISH6 (REP5-047) • ESC Response to Hearing Action Points ISH3, 4, 5 & 6 (REP5-043) • ESC Response on dDCO Commentary (REP6-080) • ESC Response to EXQ2 2.0.2 (REP6-079) • ESC D7 Response (para 2.7-2.13, REP7-063) • ESC Oral Summary of Case ISH15 (REP8-149) • Appendix 1 of ESC Response to ISH9 and ISH15 Hearing Action Points (REP8-148) • ESC Response to Applicants D8 Comments (page 1, REP9-040)
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<p>Agenda Item 3 – The Potential Operation of each dDCO as a Standalone Consent</p>			
<p>The ExAs will review provisions in drafting for circumstances where (for example, as a consequence of decision-making by the Secretary of State on the Applications, in relation to funding, investment or other commercial decisions and processes), one application proceeds to development whilst the other does not.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC has provided comments in relation to Agenda Item 3 and 4 together under agenda Item 4.</p>	
<p>Agenda Item 4 – Securing ‘Good Design’ Solutions at the Friston Substations Site</p>			
<p>The ExAs will review measures to secure ‘good design’ through the discharge of requirements and the balancing of operational, flood management, landscape, visual and historic environment mitigation measures at the Friston Substations Site. The discussion will be limited to means of security: substantive discussion of these issues has taken place at ISHs2, 4, 11 and will take place at ISH16.</p>		<p>The main design parameters for the substations and sealing end compounds are secured by Requirement 12 ‘Detailed design parameters onshore’.</p> <p>Requirement 12 requires the following details to be in accordance with the Substations Design Principles Statement and be submitted to and approved by ESC:</p>	

<p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>	<ul style="list-style-type: none"> • Details of the layout, scale and external appearance of all the onshore substations, National Grid substation and cable sealing end compounds. • Details of the specification of the plant and noise mitigation for the project substations including updated modelling. <p>Requirement 12 also provides maximum parameters for:</p> <ul style="list-style-type: none"> • Height of substation buildings • Height of substation electrical equipment • Height and number of masts for lightning protection • Height of overhead gantries pm sealing end compounds • Sealing end compound electrical equipment • Number and height of new overhead pylons • Width of access road • Area of fenced compounds for substations and cable sealing end compounds <p>ESC maintains that it would have been beneficial to have a maximum finished ground level identified within the requirement. ESC also supports the additional design principle which has been previously suggested by Suffolk County Council (SCC). Notwithstanding this, ESC considers that Requirement 12 appropriately secures the maximum parameters of the infrastructure based</p>	
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	<p>on current information, and the commitments within the SDPS (REP8-082) requires the Applicants to seek to reduce the overall impact of the development post consent during the design refinement process.</p> <p>Requirement 14 secures a landscape management plan for each stage of works which must accord with the Outline Landscape and Ecological Management Strategy (OLEMS). This document will include the planting mitigation proposed to help mitigate the landscape and visual impacts of the developments. Requirement 15 will then ensure that the scheme is implemented appropriately. Requirement 15 also secures a ten-year replacement planting period for all the planting within Work No.19, 24, 29 and 33 with the remaining planting being subject to a five-year replacement planting period.</p> <p>The Operational Drainage Management Plan (ODMP) is secured by Requirement 41 and must accord with the Outline Operational Drainage Management Plan (OODMP). ESC is content that the ODMP is secured appropriately by Requirement 41 and that it is clear this plan must be submitted to and approved in writing prior to works commencing on Work No.s 30, 34, 38 and 41.</p> <p>There are other requirements such as Requirements 17 (fencing), 21 (Ecological Management Plan), (25</p>	
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	<p>(artificial lighting) and 32 (Public Rights of Way) which all require details to be discharged in relation to matters which will affect and contribute to the overall design of the site. It is considered that detailing in relation to these matters are appropriately secured within the dDCOs.</p> <p>In relation to the need to balance operational flood management, landscape, visual and historic environment mitigation at the substations site, ESC considers that this has been built into the design refinement process through Requirement 12 and the SDPS (REP8-082). The SDPS commits the Applicants to coordinate the mitigation measures through the development of a Landscape Masterplan which will include the land required for landscaping and operational drainage. This will be developed alongside an Architectural Framework which will consider the finishes of the development. The Landscape Masterplan will be developed prior to the submission of any documents to discharge the various requirements and feed into the Landscape Management Plan secured by Requirement 14, Requirement 12 and Requirement 41 concerning operational drainage.</p> <p>The engagement strategy in relation to the Landscape Masterplan and Architectural Framework has been detailed in Appendix A of the SDPS (REP8-082).</p>	
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	<p>Providing this work is adequately informed by appropriate engagement with suppliers and ground investigations for example, it is considered that this upfront work prior to the discharge of any key relevant requirements will help to ensure that appropriate consideration is given to balancing any competing mitigation demands.</p> <p>This work will involve the engagement of ESC and the local community and will feed into the final Requirement Discharge Documents for key Requirements such as 12, 14 and 41.</p> <p>It is important that the overall design of the substations site is considered holistically, and ESC supports the process described within the SDPS (REP8-082). ESC also considers that the production of updated overall design and layout plans will assist this design process.</p> <p>ESC considers that this holistic approach to site design would be benefitted if there was one discharging authority in relation to the key influential requirements. It is acknowledged and has been shown by the representations at hearings, particularly ISH11 and ISH16, that there may be the need to balance the demands of the different mitigation measures to achieve an optimum design for the site overall. This would be</p>	
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	<p>more challenging if there are different discharging authorities for key requirements such as Requirements 12, 14 and 41. It is important that the mitigation strategy for one discipline does not prejudice the ability to deliver adequate mitigation for another discipline.</p> <p>It is considered that having different discharging authorities in charge of the key requirements could frustrate the discharge process and that there is a need for a single 'ring-holder' which should be the relevant planning authority, i.e. ESC.</p> <p>Requirement 41 includes the requirement for ESC to consult SCC and the Environment Agency so that their technical advice is provided. This process is no different to the process of discharging the Surface Water and Drainage Management Plan for the construction phase which is secured under Requirement 22. An amendment to the discharging authority in relation to Requirement 41 would therefore not be consistent with Requirement 22 of the dDCOs.</p> <p>ESC is also the enforcing authority in relation to the dDCOs and therefore should have the responsibility for discharging complex requirements which are clearly interrelated with other mitigation measures such as Requirement 41.</p>	
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		<p>ESC therefore supports the current drafting of the dDCOs in relation to the identified discharging authorities but would be content for Requirement 12 to be amended so as expressly to include SCC as a consultee.</p>	
<p>Agenda Item 5 – Other Matters Raised in the ExA’s Commentaries on the dDCOs</p>			
<p>The ExAs will review other matters identified in its Commentaries on the dDCOs as published on 20 May 2021.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC has provided comments below in relation to all the matters raised within the ExAs commentaries on the dDCOs published on 20 May 2021. Not all of the matters detailed below were however discussed at ISH17, but it is considered beneficial to provide full details below for clarity.</p> <p>Article 2 (1) definitions: grid connection works and transmission works - At Deadline 6 (REP6-080) ESC advised that the term ‘related associated works’ had not been defined and therefore further clarified was necessary. In response to this the Applicants stated that <i>‘associated development in respect of the transmission works is set out in paragraph 1 of Part 1 of Schedule 1 and associated works is set out in paragraph 2 of Part 1 of Schedule 1.’</i> ESC welcomed this further clarification; however, the Council would also support the additional wording being added to Article 2(1) as this provides further clarity in relation to the nature of the ‘related associated development’.</p>	

	<p>Requirement 12: Detailed design parameters onshore: ‘overall design and layout plans’ - ESC supports the principle of securing overall design and layout plans and considers that this could be through the SDPS (REP-082). This will then mean that they are taken into consideration during the detailed design process and preparation of the Landscape Masterplan and the Architectural Framework. These documents then feed into Requirement 12, the Landscape Management Plan secured by Requirement 14 and Requirement 41 in relation to operational drainage.</p> <p>The layout drawings would provide indicative details for the site in the event of different development scenarios. As detailed above, the outcomes of the SDPS feed into the Requirement Discharge Documents and therefore ensure they will be taken into consideration during the final design refinement.</p> <p>At present concerns have been expressed by SCC that the drainage proposals identified within the current plans submitted within AS-122 cannot be relied upon. ESC considers there is a need to provide updated drawings following the results of the infiltration tests. This may be possible prior to the end of the examination. ESC however also considers that the SDPS should include a provision which requires updated plans to be provided as part of the</p>	
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	<p>design process. It is however acknowledged that these plans would only provide indicative details.</p> <p>If the overall layout plans are included/secured within the SDPS then ESC considers there would not need to be an amendment to Requirement 12. As 12(5) ensures the design details submitted under Requirement 12 must accord with the SDPS. The Landscape Masterplan produced as a result of the SDPS feeds into the production of the Landscape Management Plan so there would not need to be an amendment to Requirement 14 to secure this either.</p> <p>ESC considers that it would be potentially difficult to secure an updated final ‘overall design and layout out plan’ for the site in the event that the projects were developed sequentially. In this circumstance, the first project could be developed ahead of the second project, with the exception of the need to lay the ducting for the second at the same time as the cables for the first, it may therefore not be possible for the Applicant of the first project to provide ‘final’ details for the second project.</p> <p>For this reason, the inclusion of a provision which then prevented works commencing on the substations, cable sealing end compounds or ancillary works until the overall masterplan was approved would be challenging and potentially not</p>	
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	<p>possible if the projects were constructed sequentially.</p> <p>Requirement 12: Definition onshore operational land for purposes of the 1990 Act - ESC is content with the additional wording proposed to Requirement 12 which would secure the submission of a plan identifying the extent of operational land associated with Work Numbers 30, 38 and 41.</p> <p>It is agreed that the operational land should not extend beyond the compounds of the project substations, National Grid substation or Cable Sealing End Compounds (Work Numbers 30, 38 and 41) and therefore ESC agree to referencing these Work Numbers within Requirement 12.</p> <p>Additional Requirement 44 – Onshore Operational Land Plan - ESC recognises that the wording of requirement 44 would still allow the Applicants to utilise permitted development rights under Classes B (a), (d) and (f) within the land identified as operational land, which the Applicants have previously indicated would be confined to the fenced compounds. This would allow modifications to the substations and Sealing End Compounds to occur beyond that assessed by the Environmental Statements and permitted by the DCOs which is of concern. ESC therefore considers that permitted development rights under Class B (a), (d) and (f) of</p>	
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	<p>Part 15 should be removed for the operational land as well.</p> <p>Notwithstanding this position, ESC considers the inclusion of Requirement 44 and additional wording to Requirement 12 would help to limit the extent of development that could be carried out under Part 15 of the GDPO outside the operational land which is welcomed.</p> <p>ESC however recognised that the Applicants expressed significant reservations in relation to this matter during ISH17 specifically in relation to the potential unintended consequences of removing permitted development rights for Class B (a) of Part 15 of the GDPO. ESC will therefore seek to engage with the Applicants on this matter following the hearing.</p> <p>Requirement 13 – ESC notes the Examining Authorities’ commentary published 20 May 2021 in relation to Requirement 13 and the discussion regarding the potential addition to the wording to secure an updated HDD Verification Note post consent. The HDD Verification Note (REP6-024) sought to provide the Examining Authorities confidence that HDD techniques could be successfully utilised at the landfall. The Applicants have updated the Outline Landfall Construction Method Statement (OLCMS, REP8-053) to provide a</p>	
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
	<p>clear commitment to utilise HDD techniques in this location. The final details in relation to the HDD works will be secured within the final Landfall Construction Method Statement, which must accord with the OLCMS. It is not clear what further information would be obtained from securing an updated HDD Verification Note post-consent. For this reason, ESC does not consider that securing an updated HDD Verification Note under Requirement 13 would be necessary. Notwithstanding this, if the Examining Authorities wish to secure this, ESC considers that the suggested wording provided within the commentaries published on 20 May 2021 would be appropriate.</p> <p>Missing Requirement – Ecosystem Services for Sandlings SPA – The ecological mitigation land (Work No.12A) is secured by the dDCOs and Requirement 21. The Outline SPA Crossing Method Statement commits to the preparation of the areas within Work No.12A during the non-breeding season in the calendar year prior to the SPA crossing works commencing (paragraph 65, REP6-036). The Method Statement then commits to manage these areas for ten years (with the exception of the horse paddocks, which will be managed for five years). The Outline SPA Crossing Method Statement will feed into a final SPA Crossing Method Statement which forms part of the Ecological Management Plan (EMP). No stage of the onshore works may</p>	
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	<p>commence unless the EMP for that stage has been submitted and approved. It is therefore considered that the provision of Work No.12A is appropriately secured. If the mitigation was not provided in accordance with the EMP and the final SPA Crossing Method Statement, then the Applicants would be in breach of the DCOs.</p> <p>If, however, it is determined that there is a need for a requirement to ensure that the mitigation land is at an appropriate and established stage prior to works commencing ESC considers that the wording would need amending.</p> <p>The requirement would only be necessary if the SPA is crossed with open trenched methods but would not be required in the event trenchless techniques are adopted. This would need to be reflected within the wording.</p> <p>It is not considered necessary to include all the land within Work No.s 11 and 13 within the requirement and therefore it is suggested that the requirement would only limit work within Work No.12.</p> <p>ESC would be concerned with the inclusion of the term ‘completed’ within the requirement. The land is going to be subject to ongoing management which would continue for parts of the site for ten years.</p>	
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	<p>It is also considered that there would need to be identifiable targets specified within the SPA Crossing Method Statement so that it is clear to the Applicants, Natural England and ESC when the requirement has been met and can therefore be discharged. A commitment to the targets would need to be set out within the Outline SPA Crossing Method Statement.</p> <p>If an additional requirement is considered necessary by Natural England and the Examining Authorities, ESC considers that the wording should be amendment to the following:</p> <p><i>If an open cut trenched technique is adopted to cross Work No.12, construction of Work No. 12 for an appropriate extent of the onshore works defined with provisional reference to Works Nos. 11, 12, and 13 shall not commence until Work No. 12A has been agreed by the relevant planning authority in consultation with the relevant statutory nature conservation body to have been completed at an appropriate condition in compliance with agreed targets in accordance with the ecological management plan.</i></p>	
<p>Agenda Item 6 – Protective Provisions: Final Positions</p>		
<p>The ExAs will inquire into protective provisions and into the position of the Nuclear Decommissioning Authority (R17QD).</p>	<p>ESC has no comments to make.</p>	

<p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>			
<p>Agenda Item 7 - Consents of Parties: Final Positions</p>			
<p>The ExAs will ask about the grant of Crown consent (PA2008 s135) and any other consents required from IPs.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC has no comments to make.</p>	
<p>Agenda Item 8 – Other Consents: Final Positions</p>			
<p>The ExAs will monitor progress on and co-ordination with any consents beyond the NSIP regime and not provided for in the dDCOs, but necessary for delivery.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC has no comments to make.</p>	
<p>Agenda Item 9 – Certified Documents: Audit and Final Positions</p>			
<p>The ExAs will review the list of certified documents and arrangements for any final amendments will be discussed.</p>		<p>ESC has no comments to make.</p>	

<p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>			
Agenda Item 10 – Any Other Business Relevant to the Agenda			
<p>The ExAs may raise any other topics bearing on the structure and drafting of the dDCOs, certified documents and related agreements that bear on the dDCOs as is expedient, having particular regard to matters bearing on the dDCOs raised in hearings and written representations to date and the readiness of the persons present to address such matters.</p> <p>The ExAs may extend an opportunity for participants to raise matters relevant to the topic of these hearings that they consider should be examined by the ExAs.</p> <p>If necessary, the Applicants will be provided with a right of reply.</p>		<p>ESC has no comments to make.</p>	
Agenda Item 11 - Procedural Decisions, Review of Actions and Next Steps			
<p>The ExAs will review whether there is any need for procedural decisions about additional information or any other matter arising from Agenda items 2 to 10.</p> <p>To the extent that matters arise that are not addressed in any procedural decisions, the ExAs will address how any actions placed on the Applicants, IPs or OPs are to be met and consider the approaches to be taken in further</p>			

<p>hearings, in the light of issues raised in these hearings. A written action list will be published if required.</p>			
<p>Agenda Item 12 – Closure of hearing</p>			

Appendices:

Appendix A – Details in relation to operational land at National Grid’s Bramford substation.

Appendix B – A copy of the letter from National Grid to Mid Suffolk District Council.

Appendix C – A copy of 0076/07/FUL planning permission and approved drawings.

Appendix A – Operational Land at National Grid’s Bramford Substation

In 2007 planning permission was granted by Mid Suffolk District Council (now Babergh and Mid Suffolk District Council) for an Air Insulated Switchgear (AIS) substation extension to the Bramford National Grid substation (reference 0076/07/FUL). In 2008 National Grid wrote to Mid Suffolk District Council and advised that the scheme approved under permission 0076/07/FUL no longer met their operational requirements. National Grid proposed to change the proposal from an AIS substation extension to a Gas Insulated Switchgear (GIS) substation extension which involved less land take.

In the letter National Grid confirm that the majority of land subject to the proposed development would comprise land which is used by the statutory undertakers for the purposes of carrying on their undertaking with the exception of some sections of the site which had been recently purchased and was considered to comprise land in which an interest is held for the purpose of carrying on their undertaking.

National Grid also considered that as all the land was previously subject of a planning permission, Section 264 applied and subsection (c), where land is defined as operational if there is (or has been) a planning permission in force which relates to the purpose of carrying on the undertaking. As all the works were confined within the red line boundary of the planning permission National Grid considered all the land operational regardless of whether the land was inside or outside the fenced compound of the substation. It does not however appear that the planning permission 0076/07/FUL was implemented.

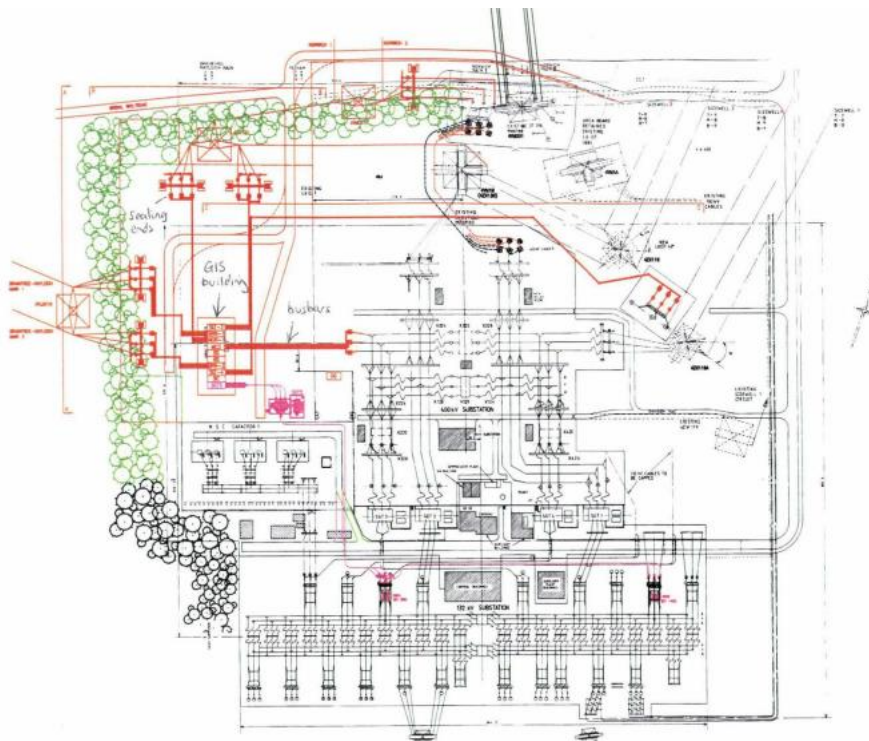
The plan below is an extract of the existing layout of the Bramford substation site submitted with the 0076/07/FUL application. This plan clearly shows the existing fence line around the substation site in black and the land within National Grid’s ownership in dark blue. It is clear from this plan, that National Grid based on the contents of their 2008 letter, considered the land outside their fenced compound as operational land and also the land which they had recently acquired as operational land.



An extract from 'Existing Site Layout' plan submitted with planning application 0076/07/FUL (see Appendix C).

An extract from 'Existing Site Layout' plan submitted with planning application 0076/07/FUL (see Appendix C).

Comparing the above drawing of the existing layout of the Bramford substation in 2007 with the below drawing of the proposed GIS extension to the substation proposed in 2008. This confirms that the land National Grid were referring to in their letter was the land outside the fenced compound and outside the land ownership in 2007.



An extract from the National Grid letter sent to Mid Suffolk District Council in 2008 (see Appendix B).

It is understood that Mid Suffolk District Council agreed in 2008 that the erection of a GIS substation extension to the National Grid infrastructure did constitute permitted

development. This response is however not a matter of public record on now Babergh and Mid Suffolk District Councils' website.

This information serves to support ESC's contention that land outside the fenced compounds of the infrastructure at Friston can comprise operational land and benefit from permitted development rights and that operational land can be acquired.