



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 – 7 June 2021

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

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Review of Additional Information Submitted by the Applicants at Deadline 10

1. Introduction

- 1.1. East Suffolk Council (ESC) noted that the following additional information has been provided by the Applicants at Deadline 10 and subsequent to Deadline 10 which is of relevance to the ESC's responsibilities:
- Applicants' Comments on East Suffolk Council's Deadline 9 Submissions – REP10-007
 - Applicants' Responses to Rule 17 Questions of 29 April 2021 – REP10-030
 - Outline Code of Construction Practice – REP10-003
 - Outline Landscape and Ecological Management Strategy – REP10-005
 - Signed Memorandum of Understanding between ScottishPower Renewables (UK) Limited and East Suffolk Council – REP10-028
 - Applicants' Statement regarding Ground Investigation Works – REP10-029
 - Applicants' Response to Rule 17 Questions of 13 May: Initial Infiltration Testing – Preliminary Results – AS-121
 - Applicants' Response to Rule 17 Questions of 13 May – Design and Layout of the Substations – AS-122
- 1.2. ESC has reviewed the above documents and provided comments where relevant in the table on page 3. 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 acknowledged the Examining Authority's acceptance that the change to the Order Limits adjacent to Ness House was not material to the applications. At Deadline 10, ESC confirmed that further comments would be provided at Deadline 11 should this be considered necessary, these have been included within the table.

The table below details ESC's comments in relation to additional information submitted by the Applicants at Deadline 10.

Document submitted at Deadline 10		East Suffolk Council's Comments
Applicants' Comments on East Suffolk Council's Deadline 9 Submissions (REP10-007)		
Draft DCO-REP8-003 ID2		ESC notes the Applicants' comments.
ID3		ESC notes the Applicants confirmation that ESC is excluded from the arbitration clauses and therefore accepts the current drafting of the article.
Outline Landscape and Ecological Management Strategy (OLEMS) – REP8-019 ID19		The commitment to further surveys for reptiles (as required) is welcomed.
Outline Landfall Construction Method Statement (OLCMS) – REP8-053 ID22		ESC welcomes this commitment.
Ecological Enhancement Clarification Note Addendum – REP8-041 ID27		The Applicants' clarification on this point is noted and welcomed.
ID28		The Applicants' comment on this point is noted. ESC has no further comments to make.
Extension of National Grid Substation Appraisal – REP8-074 ID30		ESC notes the comments provided by the Applicants and additional information provided in relation to the potential drainage scheme options.
ID31		The Applicants' comment on this point is noted. ESC has no further comments to make.
Substations Design Principles Statement – REP8-082 ID37		The Applicants' comment is noted. ESC has no further comments to make.
ID38		The Applicants' comment is noted. As set out in ESC's response submitted at Deadline 10 (page 9-10, REP10-038), whilst the Operational Noise Design Report secured through Requirement 12 could be a mechanism used to secure information on this matter, at present the submitted Substations Design Principles Statement (SDPS, REP8-082) only references

		<p>human receptors in the Noise section (4.7) and no reference to noise is made in the Onshore Ecology section (4.6). If this approach is to be taken, this would need to be addressed. As the SDPS informs the content of the Operational Noise Design Report, an updated version is required so that it includes reference to the issue of high frequency noise impacts on ecological receptors. In parallel with this, ESC considers that an update to the Outline Landscape and Ecological Management Strategy (OLEMS) is also required to reflect the need for the results of the pre-commencement ecological surveys (as secured by Requirement 21) to inform the assessment which will be part of the Operational Noise Design Report. The OLEMS should also reference the potential need for further mitigation measures to be implemented, should the assessment identify that a significant impact is likely to occur during operation. Sections 6.7 and 9 of the OLEMS submitted at Deadline 8 (REP8-019) appear to be the relevant sections to update. ESC has been engaging with the Applicants on this matter and is hopeful this can be resolved shortly.</p>
Substations Design Principles Statement – REP8-082 ID43		<p>The Applicants' comments are noted but ESC maintain its position and accept this is a matter upon which the Applicants and the Council are unlikely to reach agreement.</p>
Substations Design Principles Statement – REP8-082 ID44		<p>ESC welcomes the Applicants commitment to update paragraph 21 of Appendix A: Engagement Strategy of the Substations Design Principles Statement (REP8-082) to include the additional properties identified.</p>
National Grid GIS Substation Photomontages ID47		<p>Noted. ESC will review the assessment of a Gas Insulated Switchgear (GIS) substation once submitted by the Applicants.</p>
Outline Code of Construction Practice – REP8-017 ID55		<p>ESC notes the response provided where it is stated "<i>The Applicants have removed reference to 'where practicable' in this instance within the Outline CoCP (document reference 8.1).</i>" However, the Council noted this wording remains in paragraph 133 of the Outline Code of Construction Practice (OCoCP, REP10-003). Having said this, ESC considers the amended wording introduced to paragraph 133 provides sufficient safeguards and therefore the Council is content with the amendments to the OCoCP (REP10-003) in relation to this matter.</p>

	<p>ESC also requested <i>“a commitment to specific mitigation to reflect the quantities of materials, nature of soils and coastal setting with potentially higher wind speeds.”</i> The nature of soils and coastal setting are reflected in the OCoCP paragraph 137 (REP10-003). Paragraph 137 does not however specifically refer to the quantity of materials, but ESC expects that paragraph 137 will be viewed as including reference to the quantities of materials. The Council is therefore content with the current wording within OCoCP and paragraph 137.</p> <p>Finally, ESC requested that, where the proposed mitigation is not available, <i>“consideration should be given to alternative means of dust control”</i>. The Applicants’ comments confirm that additional measures may need to be implemented in the final CoCP. ESC welcomes this commitment and is content with the wording of the OCoCP (REP10-003) in this regard.</p>
<p>ID57</p>	<p>The Applicants’ response is noted: <i>“The Applicants are unable to make a firm commitment on restricting plant and equipment to certain areas within the Order Limits within proximity to designated sites at this stage”</i>.</p> <p>ESC however notes that, in relation to potential impacts on designated habitat sites, the OCoCP (REP10-003) already applies restrictions to the generality of construction plant and equipment (paragraph 145): <i>“Prior to construction, the Applicant will identify the positioning and orientation of plant and equipment involved with the landfall construction in consideration of sensitive air quality receptors where practicable. This will be undertaken with cognisance of the proximity of working areas in relation to the designated sites of nature conservation.”</i></p> <p>ESC was suggesting a similar commitment be provided in relation to deployment of non-Stage IV/Stage V Non-Road Mobile Machinery (NRMM) away from all kinds of sensitive receptors. Suggested text as follows:</p> <p><i>“The Applicant will identify the positioning and orientation of any NRMM which does not comply with Stage IV or Stage V controls in consideration of sensitive air quality receptors where practicable. This will be undertaken with cognisance of the proximity of working areas</i></p>

			<p><i>in relation to sensitive human receptors and designated sites of nature conservation, with the aim of locating such NRMM as far away from sensitive locations as practicable.”</i></p> <p>The Applicants comments on this matter are however noted and if this is not a commitment which can be made within the OCoCP at this stage, ESC would request that this matter is considered further within the final CoCP.</p>
Outline Construction Traffic Management Plan – REP8-021 ID61			ESC notes the Applicants’ comments and agree that the works at Marlesford Bridge are unlikely to have any significant effects on air quality and therefore no further action is needed.
Outline Construction Traffic Management Plan – REP8-021 ID62			ESC welcomes this commitment.
Applicants’ Written Summary of Oral Case ISH15 – REP8-101 ID68			ESC notes the Applicants confirmation that ESC is excluded from the arbitration clauses and therefore accepts the current drafting of the article.
Applicants’ Position Statement on Noise – REP8-039 IDs 71-76			ESC notes the Applicants’ comments.
2.2 Review of Actions Identified in the Local Impact Report (REP9-041) ID1 – Exploration of infrastructure consolidation in light of the BEIS Offshore Transmission Network Review.			The Applicants’ comments are noted but ESC maintain its position and accept this is a matter upon which the Applicants and the Council are unlikely to reach agreement.
2.2 Review of Actions Identified in the Local Impact Report (REP9-041) ID3 - Permitted development rights should be removed as part of the DCOs to prevent the ability of National Grid, the Applicants or future site operators to extend the substations without the need			The Applicants’ comments are noted but ESC maintain its position and accept this is a matter upon which the Applicants and the Council are unlikely to reach agreement.

<p>for planning permission from the local planning authority.</p>		
<p>ID5 – Justification for the decision to screen out re-routed traffic due to the road improvements at the A12/A1094 junction, A1094/B1069 junction and Marlesford Bridge from the air quality assessment.</p>		<p>ESC notes the Applicants’ comments and agree that the works at Marlesford Bridge are unlikely to have any significant effects on air quality and therefore no further action is needed.</p>
<p>ID6 - Screening model calculation in relation to NRMM and the impact of emissions on ecological receptors. This should include a sensitivity test to investigate the potential effects of higher background levels on the study conclusions in relation to acid deposition.</p>		<p>ESC notes the Applicants’ comments. The OCoCP (REP10-003) now acknowledges the risk of impacts due to NRMM at the Leiston-Aldeburgh SSSI, and provides for: (a) use of Stage IV or Stage V NRMM “where practicable”, (b) provision of a rationale to ESC if Stage IV is not practicable, and (c) appropriate orientation of plant and equipment at the landfall area “where practicable”.</p> <p>ESC considers that the Applicants have made sufficient commitments within the OCoCP to ensure that appropriate mitigation can be secured should the deployment of NRMM present an issue for nearby habitat sites.</p>
<p>ID7 - Assessment of emissions from re-routed traffic, particular areas of concern for effects are Leiston, Saxmundham and Yoxford.</p>		<p>ESC notes the Applicants’ comments and agree that the works at Marlesford Bridge are unlikely to have any significant effects on air quality and therefore no further action is needed.</p>
<p>ID8: Assessment of the effects of emissions from haul road construction traffic on ecological receptors and human health.</p>		<p>ESC requested “a commitment to specific mitigation to reflect the quantities of materials, nature of soils and coastal setting with potentially higher wind speeds.” The nature of soils and coastal setting are reflected in the OCoCP paragraph 137 (REP10-003). Paragraph 137 does not however specifically refer to the quantity of materials, but ESC expects that paragraph 137 will be viewed as including reference to the quantities of materials. ESC is therefore content with the current wording within OCoCP in relation to this matter.</p>
<p>ID12 – Update the Outline CoCP in relation to measures to address dust nuisance and provide a commitment to</p>		<p>ESC requested “a commitment to specific mitigation to reflect the quantities of materials, nature of soils and coastal setting with potentially higher wind speeds.” The nature of soils and coastal setting are reflected in the OCoCP paragraph 137 (REP10-003). Paragraph 137</p>

<p>and compliance monitoring of Euro VI Standards for construction vehicles and Stage V for NRMM.</p>		<p>does not however specifically refer to the quantity of materials, but ESC expects that paragraph 137 will be viewed as including reference to the quantities of materials. ESC is therefore content with the current wording within OCoCP in relation to this matter.</p> <p>The measures set out in the updated OCoCP (REP10-003) and Outline Construction Traffic Management Plan (REP9-003) provide appropriate commitments in relation to specification and monitoring of Euro standards for construction vehicles.</p> <p>See also response to ID57 above.</p>
<p>ID14 - Screening model calculation in relation to NRMM and the impact of emissions on ecological receptors. This should include a sensitivity test to investigate the potential effects of higher background levels on the study conclusions in relation to acid deposition.</p>		<p>ESC notes the Applicants’ comments. The OCoCP (REP10-003) now acknowledges the risk of impacts due to NRMM at the Leiston-Aldeburgh SSSI, and provides for:</p> <ul style="list-style-type: none"> (a) use of Stage IV or Stage V NRMM “where practicable”, (b) provision of a rationale to ESC if Stage IV is not practicable, and (c) appropriate orientation of plant and equipment at the landfall area “where practicable”. <p>ESC considers that the Applicants have made sufficient commitments within the OCoCP to ensure that appropriate mitigation can be secured should the deployment of NRMM present an issue for nearby habitat sites.</p>
<p>ID17 - Greater commitment to and assessment of the ecological enhancements provided by the projects.</p>		<p>The Applicants’ comment on this point is noted. ESC has no further comment to make on this point.</p>
<p>ID28</p>		<p>ESC noted the Applicants’ comments and will review the assessment of a GIS substation once submitted at Deadline 11.</p>
<p>ID29 - Exploration of the opportunity to consolidate and share infrastructure in association with the BEIS OTNR.</p>		<p>The Applicants’ comments are noted but ESC maintain its position and accept this is a matter upon which the Applicants and the Council are unlikely to reach agreement.</p>
<p>ID31 - Provision of a clarification note on the historic landscape character and features taking into account the</p>		<p>The Applicants’ comments are noted but ESC maintain its position and accept this is a matter upon which the Applicants and the Council are unlikely to reach agreement.</p>

interplay between the different disciplines.		
ID35 - Commitment to provide details regarding the long-term management of the site which would be secured through the DCOs. This would involve the commitment to produce a long-term management plan and the commitment to establish of a community liaison group.		The Applicants' comments are noted.
ID36 - Update SLVIAs to consider impact of reduction of the maximum tip height		The Applicants' comments are noted.
ID39 - Explore opportunities for great consolidation of infrastructure		The Applicants' comments are noted but ESC maintain its position and accept this is a matter upon which the Applicants and the Council are unlikely to reach agreement.
ID40 - Reduce the size and scale of the substations including a commitment to the use of a National Grid GIS		ESC notes the Applicants' comments and will review the assessment of a GIS substation once submitted at Deadline 11.
ID47 - A break-down of the relative level of noise generated by the different sources at each receptor location.		The Applicants' comments are noted.
ID48 – Clarification on whether the reported A-weighted or Octave band source data reported for operational noise sources have been used in the noise model.		The Applicants' comments are noted.
ID49 – Results of noise modelling of National Grid substation		The Applicants' comments are noted.
ID50 – 1/3 Octave measurement data from existing substations to substantiate		The Applicants' comments are noted.

<p>the position that operational noise is not expected to contain tonal elements.</p>		
<p>ID51 – Confirmation of whether the effect of air humidity on corona discharge noise from existing power transmission lines was considered during the noise survey data analysis process.</p>		<p>The Applicants’ comments are noted.</p>
<p>ID54 – Assessment of the impact of operational noise on ecological receptors.</p>		<p>The Applicants’ comment is noted. As set out in ESC’s response to Deadline 10 (page 9-10, REP10-038), whilst the Operational Noise Design Report secured through Requirement 12 could be a mechanism used to secure information on this matter, at present the submitted SDPS (REP8-082) only references human receptors in the Noise section (4.7) and no reference to noise is made in the Onshore Ecology section (4.6). If this approach is to be taken, this would need to be addressed. As the SDPS informs the content of the Operational Noise Design Report, an updated version is required so that it includes reference to the issue of high frequency noise impacts on ecological receptors. In parallel with this, ESC considers that an update to the OLEMS is also required to reflect the need for the results of the pre-commencement ecological surveys (as secured by Requirement 21) to inform the assessment which will be part of the Operational Noise Design Report. The OLEMS should also reference the potential need for further mitigation measures to be implemented, should the assessment identify that a significant impact is likely to occur during operation. Sections 6.7 and 9 of the OLEMS submitted at Deadline 8 (REP8-019) appear to be the relevant sections to update. ESC has been engaging with the Applicants on this matter and is hopeful this can be resolved shortly.</p>
<p>ID55 – Further consideration should be given to noise mitigation options which could be utilised.</p>		<p>The Applicants’ comments are noted.</p>
<p>Outline Landscape and Ecological Management Strategy (OLEMS) – REP10-005</p>		
<p>Sections 6.7 and 9</p>		<p>As set out in our response to Deadline 10 (p9-10, REP10-038), as part of the assessment and mitigation of any operational noise impacts arising on ecological receptors (particularly bats)</p>

		ESCs considers that an update to the OLEMS (REP10-005) is required to reflect the need for the results of the pre-commencement ecological surveys (as secured by Requirement 21) to inform the assessment which will be part of the Operational Noise Design Report. The OLEMS should also reference the potential need for further mitigation measures to be implemented, should the assessment identify that a significant impact is likely to occur during operation. Sections 6.7 and 9 of the OLEMS appear to be the relevant sections to update. This matter is subject to ongoing discussion with the Applicants.
Section 6.9.2.1 Pre-construction Survey, paragraph 299		The amendment in relation to the potential need for pre-commencement reptile surveys is welcomed.
Section 7.3 Additional Mitigation Paragraph 349		ESC notes the additional ecological mitigation proposed in relation to protecting the Sandlings SPA from the slight change to the Order Limits and has no further comment to make on the measures.
Section 7.3.2 Construction, paragraphs 355 to 359.		The amendment in relation to the protection of breeding birds during construction is noted and welcomed. ESCs notes the term “where practicable” is used in paragraph 356 (REP10-005) in relation to the establishment of buffer zones beyond the 5m minimum identified. Given that there may be situations where the proposed 5m buffer zone is inadequate this should be reflected in the text with a stronger commitment.
Section 7.4.5 Procedures for Protecting Birds, paragraph 385.		The confirmation that the mitigation measures outlined for Schedule 1 species will apply to those non-Schedule 1 species that are qualifying interests of the Sandlings SPA and Leiston-Aldeburgh SSSI is welcomed.
Outline Code of Construction Practice (OCoCP) – REP10-003		
Section 1.2.1 Consultation and Approval Paragraphs 9-14		The additional text is noted.
Section 2.6 Local Community Liaison Paragraph 42-43		The additional text is noted.
Section 3.4 Screening and Fencing Paragraph 61, third bullet point		The text within the third bullet point within this paragraph refers to the ‘Figure 1, Appendix 1’ a minor correction is necessary as the text should refer to ‘Figure 1, Appendix 2’.

		ESC notes the additional ecological mitigation proposed with the use of acoustic and camouflage painted fencing in relation to protecting the Sandlings Special Protection Area (SPA) and Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) from the slight change to the Order Limits and has no further comment to make on the measures.
Section 9.1.4 Specific Measures at Wardens Trust Paragraph 123, fifth bullet point		The additional measures are noted and welcomed.
Section 10 Air Quality Paragraph 133		ESC welcomes this commitment.
Section 10.1.6 Measures Specific to Non-Road Mobile Machinery (NRMM), paragraphs 145-146		<p>The text within the third bullet point within this paragraph refers to the ‘Figure 1, Appendix 1’ a minor correction is necessary as the text should refer to ‘Figure 1, Appendix 2’. The text could also be a little clearer regarding where non-compliant NRMM will be deployed. Although alterations to the text have been suggested below to add clarity, this change although desirable is not considered essential.</p> <p><i>“Use of NRMM which is not compliant with Stage IV emissions standards or later will be restricted to areas outside the 100 metre Buffer of Properties and away from designated habitat sites Potential Sensitive Receptors and Areas Subject to Additional Construction Phase Controls shown in Figure 1, Appendix 2 where practicable.”</i></p>
Change to the Order Limits		
Change Request: Amendment to Order Limits at Work No.9 (Plot 13), Section 2.2.3 (Mitigation and Management), paragraph 15		ESC notes the additional ecological mitigation proposed (particularly the use of acoustic and camouflage painted fencing) in relation to protecting the Sandlings SPA and Leiston-Aldeburgh SSSI from the slight change to the Order Limits and has no further comment to make on the measures.
Applicants’ Response to Rule 17 Questions of 29 April 2021		
R17QC.2 – Ecology Survey Results		ESC notes the Applicants’ comments.
R17QC.3 - Surveys to inform HDD design and delivery at landfall		ESC notes the Applicants’ comments and looks forward to receipt of the reports in/after September.

R17QC.5 – Flood Risk Modelling		ESC notes the comments, but the Applicants’ response was superseded by their more recent responses to further Rule 17 questions issued by the Examining Authority on 13 May 2021.
R17QC.6		ESC notes the comments, but the Applicants’ response was superseded by their more recent responses to further Rule 17 questions issued by the Examining Authority on 13 May 2021.
Applicants’ Response to Rule 17 Questions of 13 May: Initial Infiltration Testing – Preliminary Results – AS-121		
General Comments		The content of the document is noted. ESC defers to SCC as the Lead Local Flood Authority on technical drainage matters. The Council is however aware of the concerns SCC has raised regarding the infiltration testing undertaken and its compliance with the BRE-365 guidance and the Factor of Safety utilised within the modelling. Further infiltration testing is however being undertaken currently by the Applicants and began on 24 May 2021 and the Applicants have committed to providing an update before Deadline 12. ESC has engaged with the Applicants and SCC on this matter and will provide further comments in relation to this issue once this new information has been submitted into the examinations.
Applicants’ Response to Rule 17 Questions of 13 May – Design and Layout of the Substations – AS-122		
General Comments		<p>The drawings provided seek to illustrate that there is sufficient land available within the Order Limits to deliver the Outline Mitigation Management Plan (OLMP) planting and an infiltration only Sustainable Drainage Scheme (SuDS). It is also shown that should one of the project substations not be constructed, the Applicants will take the opportunity to retain existing hedgerows and provide further screening planting where appropriate, this is welcomed.</p> <p>Based on the drawings within AS-122, the Applicants have identified that the SuDS does not materially alter the mitigation planting proposals and therefore the Landscape and Visual Impact (LVIA) conclusions remain valid. If this information is accurate, ESC is of the view that the significance of the impact of the developments on the setting of heritage assets would remain unchanged from the levels previously identified by the Council at Deadline 5 (REP5-048).</p>

		<p>As detailed above, however SCC as the LLFA has raised concerns that the infiltration testing undertaken was not in full accordance with BRE-365 guidance and there is disagreement in relation to the Factor of Safety figure utilised in the calculations. The disagreement in relation to the validity of the discharge rates potentially undermines the accuracy of the updated overall design and layout drawings.</p> <p>In order to address this, ESC welcomes the Applicants commitment to undertake further infiltration testing from 24 May 2021 and provide the results of this testing to ESC and SCC prior to Deadline 12. ESC has engaged with the Applicants and SCC on this matter and will provide further comment in relation to the implications of the operational drainage scheme on the overall design of the substations site once the updated information has been submitted into the examinations.</p> <p>ESC however recognises the need for the SuDS design to be considered and balanced alongside other mitigation measures which are required to be delivered at the substations site. It is important that the overall site design incorporates optimum mitigation measures across topic matters and any competing demands are appropriately and properly assessed and considered at the final design stage.</p>
Applicants' Statement regarding Ground Investigation Works Update		
General Comments		ESC notes the content of the document.