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To the Applicants, Suffolk County Council, East Suffolk Council, the Environment Agency, Historic England, Natural England, Marine Management Organisation, the Wildlife Trusts, RSPB, and SASES.

Your Refs:

Our Refs: EN010077 & EN010078

Date: 18 June 2021

By email only

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

Application by East Anglia ONE North Limited for an Order Granting Development Consent for the East Anglia ONE North Offshore Wind Farm and by East Anglia TWO Limited for an Order Granting Development Consent for the East Anglia TWO Offshore Wind Farm

Requests for further information and written comments

The ExAs have reviewed submissions arising from Deadline 11 and further evidence accepted as additional submissions on 14 June 2021 [AS-124 to AS-129]. Based on this, the ExAs have decided to seek further information in writing. Questions relating to biodiversity and Habitats Regulations Assessment (HRA) have also arisen. Questions under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) (R17Qs) are set out in **Annex A**. These are the sixth set of such questions issued in these Examinations and are known as R17QF. They are addressed to the Applicants, Suffolk County Council, East Suffolk Council, the Environment Agency, Historic England, Natural England, Marine Management Organisation, the Wildlife Trusts, RSPB, and SASES. However, other Interested Parties (IPs) wishing to respond may also do so.

The initial deadline for the submission of the information sought is **Deadline 12, Monday 28 June 2021**. Any IP wishing to comment on responses to this request may do so at Deadline 13, Monday 5 July 2021.

All responses should be marked as relating to Rule 17 Questions of 18 June 2021 (R17QF).

Yours faithfully

Rynd Smith

Rynd Smith

Lead Member of the Examining Authorities

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**Application by East Anglia ONE North Ltd for East Anglia ONE North Offshore Wind Farm
Application by East Anglia TWO Ltd for East Anglia TWO Offshore Wind Farm**

Questions under EPR Rule 17 (R17QF)

Issued on 18 June 2021

This R17Qs document is a parallel document applicable to both Examinations. Each individual question indicates the Examination(s) it is applicable to as follows.

-  A yellow icon with a black **1**: the question is applicable to the East Anglia ONE North Examination.
-  A blue icon with a white **2**: the question is applicable to the East Anglia TWO Examination.
-  Both icons: the question is applicable to both Examinations.

The questions raised in this document emerge from the ExAs' consideration of Additional Submissions from the Applicants accepted on 14 June 2021, updating the Outline Operational Drainage Management Plan (OODMP) and the Outline Landscape and Ecological Management Strategy (OLEMS) relating to the substations site at Friston¹ and to related evidence submitted at Deadline 11. Questions relating to biodiversity and Habitats Regulations Assessment (HRA) have also arisen from the Updated Reports on the Implications for European Sites (RIESs) published by the ExAs on 16 June 2021².

An editable version of this table in Microsoft Word is available on request by email from the Case Teams (please include R17QF in the subject line of your request). It would assist the ExAs if responses were provided in tabular format as far as possible.

Responses are due by **Deadline 12: Monday 28 June 2021**.

¹ The Additional Submissions accepted on 14 June 2021 can be seen in the East Anglia ONE North Examination Library [here](#) and in the East Anglia TWO Examination Library [here](#). Some of these documents are not identical.

² The Updated RIES for East Anglia ONE North can be seen [here](#) and for East Anglia TWO [here](#). These documents are not identical.



R17Q F		To		Question
Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))				
R17QF.1	The Applicants, Natural England, Marine Management Organisation and The Wildlife Trusts	1	2	<p>Southern North Sea (SNS) Special Area of Conservation (SAC):</p> <p>Impact-effect pathways</p> <p>The Applicant’s assessment [APP-043 and APP-046] in relation to the harbour porpoise feature of the SNS SAC excluded Adverse Effect on Integrity for impact-effect pathways relating to disturbance from vessels, collision risk, changes to prey resource, changes to water quality and barrier effects.</p> <p>For the avoidance of doubt, is it agreed with Natural England, the Marine Management Organisation and The Wildlife Trusts that the only potential impact-effect pathway relates to disturbance from underwater noise?</p>
R17QF.2	The Applicants, Natural England	1	2	<p>Non-Material Changes and In-Combination Assessments [REP11-121]</p> <p>In [REP11-121], Natural England sets out its generic advice regarding the extent to which in-combination assessments (in this case relating to bird collision risk) can rely on Non-Material Changes made to other Development Consent Orders.</p> <p>To the Applicants:</p> <p>a) Please provide a fully reasoned response to the points set out in [REP11-121].</p> <p>b) As well as the legal considerations that are raised, please set out any technical and commercial considerations (such as project financing) that would affect the likelihood of future change requests being made to increase project parameters after a project has been built and commissioned.</p> <p>To Natural England. On page 3 of [REP11-121] you state that <i>‘even if the NMC is granted, we question whether it would be appropriate to rely on as-built parameters for HRA purposes in-combination assessments. This is because the developer could, in theory at least, keep on amending the project via NMC applications up to the limit of the Rochdale Envelope’</i>.</p> <p>c) Given that an NMC, if granted, amends the original made DCO, do you disagree that</p>



R17Q F	To			Question
				<p>the project parameters included in that amended DCO should form the basis of figures used in cumulative and/or in-combination assessments of proposed projects?</p> <p>d) Whilst there is no time limit on the submission of NMCs after the grant of a DCO, do you accept that the environmental information supporting the original DCO will, at some point, become out of date, meaning that any theoretical future NMC request would need to be supported by further environmental assessment?</p> <p>e) If so, do you acknowledge that any such further environmental assessment would need to take into account the cumulative and/or in-combination position at that time, which may include projects that have been consented in the intervening period?</p> <p>f) Do you consider that any future request to amend a DCO to increase project parameters could in fact constitute a material change, which carries with it a series of consultation and potentially examination measures, as set out in legislation and Guidance?</p> <p>g) If so, does the evident procedural necessity that any future requests (be they material or non-material) to increase project parameters would be subject to proper scrutiny based on an up to date cumulative and/or in-combination assessment in any way amend the submissions that you have set out on this point to date?</p>
R17QF.3	The Applicants	1	2	<p>Red throated diver displacement: London Array monitoring report [REP11-122] Please respond to the evidence submitted by Natural England at [REP11-122] (NE response to Year 3 Ornithological Monitoring Report for London Array) in support of its position on RTD displacement distances for EA1N and EA2.</p>
R17QF.4	The Applicants, Natural England, Royal Society for the Protection of Birds	1	2	<p>Offshore Ornithology Without Prejudice Compensation Measures [REP11-070] In page 57 of [REP11-070], the Applicants have referenced perceived benefits due to reducing conflict between recovering gull breeding numbers and protecting avocets and other ground nesting birds from gull predation.</p> <p>To the Applicants:</p> <p>a) Please expand on how any particular benefits for avocets and other ground nesting birds at Havergate Island would occur should fencing be erected at Orford Ness.</p> <p>b) Is there a danger that an increased gull population at Orford Ness could actually have the effect of increasing gull predation of ground nesting birds at Havergate Island?</p> <p>c) As a more general matter with regard to all of the compensation measures proposed within [REP11-070], please set out how any wider knock-on effects, either beneficial or</p>



R17Q F	To			Question
				<p>negative, on other species that might arise from the implementation of the proposed without prejudice compensation measures (for example, rat eradication, predator proof fencing, by-catch measures and artificial nesting sites) have been or would be assessed. This should cover both SPA-qualifying and other species.</p> <p>d) What would be the decision-making mechanism regarding the overall acceptability (or not) of any such knock-on effects that have been identified, and how would these effects be monitored and, if required, mitigated?</p> <p>e) For example, would it be appropriate to amend article 3 of parts 1-6 of Schedule 18 of the dDCO to include a requirement to include within the relevant Implementation and Monitoring Plan an assessment of any potential wider ecological effects (positive and negative) of the proposed compensation measures? If not, why not?</p> <p>To Natural England and RSPB:</p> <p>f) Do Natural England or RSPB have any observations to make on these points, or practical experience of relevance?</p>
Onshore Substation Siting and Design				
R17QF.5	SCC	1	2	<p>Land Plans and Appendix 2 of the Outline Operational Drainage Management Plan (OODMP)</p> <p>Appendix 2 of the updated OODMP [AS-125] shows the order limits in relation to the SuDs basin alternative outfall on Church Lane. Are you content that the order limits shown in Appendix 2 correspond with those shown on Sheet 7 of the Land Plans?</p>
R17QF.6	SCC, Environment Agency	1	2	<p>Maintenance of the Friston Watercourse</p> <p>Paragraph 140 of the OODMP [AS-125] states that additional inspection or maintenance works required on the Friston watercourse due to the projects will be addressed by way of an agreement with the Environment Agency prior to commencement of Work Nos 30 and 41.</p> <p>To SCC:</p> <ul style="list-style-type: none"> Does this satisfy your concerns in relation to this matter and is there sufficient detail within the OODMP?



R17Q F	To			Question
				<p>To the Environment Agency:</p> <ul style="list-style-type: none"> • Can you please confirm that you are content to enter into such an agreement?
R17QF.7	The Applicants, SCC, ESC, Historic England, SASES, and any other Interested Parties.	1	2	<p>Landscape and Visual Impact</p> <p>The Outline Landscape and Ecological Management Strategy (OLEMS) version 6 dated 11 June 2021 [AS-127] contains an updated design for the proposed SuDS basins. The revised designs remove previous areas of wet woodland within the basins and appears to reorientate the basin for the proposed southern substations. In addition, text within the OLEMS has been amended to state that SuDS basins “may” be encompassed by bunds (as opposed to “will”)</p> <p>To the Applicants:</p> <ol style="list-style-type: none"> How likely is it that bunding will be required for the SuDS basins? Para 138 of the OLEMS states that bunding for landscaping purposes is subject to detailed design and the availability of suitable material on site during construction. If suitable material is on site during construction, provide examples of what bunds may be constructed and to what purpose. <p>To SCC, ESC, Historic England and other Interested Parties:</p> <ol style="list-style-type: none"> Provide any further submissions you may wish to make on the landscape and visual impact of the latest iteration of the proposed SuDS basins. Does the removal of the previously proposed wet woodland have an adverse effect on the ecological aims of the proposed developments? Does the removal of the previously proposed wet woodland have an adverse effect on the role of the OLEMS proposals as landscape or historic environment mitigation?
R17QF.8	The Applicants	1	2	<p>Landscape and Visual Impact: Additional SuDS capacity for Friston</p> <p>Previous iterations of the OLEMS contained an illustrative location for a proposed additional surface water management SuDS basin to reduce flood risk for Friston. The latest version of the OLEMS [AS-127] removes this illustrative location, with paragraph 144 stating that:</p>



R17Q F	To			Question
				<p><i>"Further consideration will be given to the location of any additional SuDS basins during detailed design. Factors to be considered will include whether to locate the additional SuDS basins to the north of the substations (which would control the surface water flows entering the existing drainage channel to the west of the substations), or to the south of the substations (which would control surface water flows entering the outfall pipe connecting to the Friston watercourse)..."</i></p> <ul style="list-style-type: none"> Provide further information on a potential location for this basin to the south of the substations in landscape and visual impact terms, including details on any potential knock-on effects on proposed landscaping areas currently shown within the OLMP General Arrangement.
R17QF.9	The Applicants	1	2	<p>Landscape and Visual Impact: Operational Infiltration</p> <p>The OODMP [AS-125] states that the latest testing at the proposed SuDS basin locations has ruled out an infiltration only solution for both the onshore substations and National Grid infrastructure SuDS basins, and that the Applicant has adopted a hybrid infiltration and attenuation system for the onshore substations and an attenuation only solution for the National Grid infrastructure respectively.</p> <p>The OODMP also notes that the final infiltration rates for the SuDS basins and the Q_{BAR} runoff rate for the design discharge rate to the Friston Watercourse will be confirmed during detailed design, allowing the optimal SuDS basins configuration, size, capacity and location to be confirmed.</p> <ul style="list-style-type: none"> Confirm (or otherwise) that the further infiltration testing to be carried out will not change the overall design conclusions of the OODMP (version 5) – that is that the SuDS basins will be hybrid infiltration and attenuation for the onshore substations and attenuation only for the National Grid infrastructure.
Construction				
R17QF.10	The Applicants, SCC, ESC, Historic	1	2	<p>Landscape and Visual Impact: Construction Drainage Management</p> <p>The Outline Code of Construction Practice [REP11-015] provides an example construction surface water drainage scheme at the Substations Location (Appendix 2, Figure 3). This is described in the text as a worst-case indicative general arrangement (para 176).</p>



R17Q F	To	Question		
	England, SASES, and any other interested IPs.			<ul style="list-style-type: none"> Provide any submissions you may wish to make on any impacts of this proposed construction surface water drainage scheme on matters of landscape, visual impact and the setting of heritage assets.
Draft Development Consent Orders (dDCOs)				
R17QF.11	The Applicants	1	2	<p>Substation Design Principles Statement Appendix A: Engagement Strategy [REP11-046]</p> <p>Paragraph 20 of the engagement strategy states, '[o]nce complete the Architectural Framework will form the base from which the Detailed Design Document (required to satisfy DCO Requirement 12), for each substation will be developed.'</p> <p>Requirements 12 of the draft DCOs [AS-110] do not refer to a 'Detailed Design Document'; although it's existence might be inferred from the reference to '<i>details of the layout, scale and external appearance</i>' in R12(1).</p> <p>a) It is arguable that changes to the drafting of Requirements 12 are necessary to provide adequate security for the approach set out in the Substation Design Principles Statement. Taking that to be the case, please:</p> <ul style="list-style-type: none"> propose drafting to secure reference to a 'Detailed Design Document' in Requirements 12. provide a definition of 'Detailed Design Document' in Articles 2 Interpretation of the draft DCOs; and make reference in the definition of 'Detailed Design Document' to 'built form' as well as to 'layout, scale and external appearance.' <p>b) If it is the Applicants' position that the changes requested at (a) above are not necessary to be included in the dDCOs, please also explain why that is considered to be the case.</p>