

**SCOTTISHPOWER
RENEWABLES**

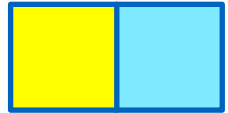
East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments East Suffolk Council's Deadline 11 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited
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Applicable to East Anglia ONE North and East Anglia TWO



Revision Summary

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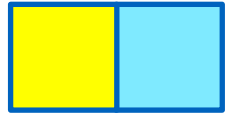
Glossary of Acronyms

AIS	Air Insulated Switchgear
CoCP	Code of Construction Practice
DCO	Development Consent Order
ESC	East Suffolk Council
GIS	Gas Insulated Switchgear
NOx	nitrogen oxide
NRMM	Non-Road Mobile Machinery
OLEMS	Outline Landscape and Ecological Management Strategy



Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.



1 Introduction

1. This document presents the Applicants' comments on East Suffolk Council's (ESC) Deadline 11 submissions as follows.
 - East Suffolk Council's Response to Additional Information Submitted by the Applicants at Deadline 10 (REP11-110)
 - East Suffolk Council's Summary of Oral Case - Issue Specific Hearing 16 (REP11-108)
 - East Suffolk Council's Responses to the Examining Authorities' Third Round of Written Questions (REP11-101)

2. This document is applicable to both the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23rd December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



2 Comments on East Suffolk Council's Deadline 11 Submissions

2.1 East Suffolk Council's Response to Additional Information Submitted by the Applicants at Deadline 10 (REP11-110)

ID	ESC Comment	Applicants' Comments
Applicants' Comments on East Suffolk Council's Deadline 9 Submissions (REP10-007)		
1	Draft DCO-REP8-003 ID2 ESC notes the Applicants' comments.	No further comment
2	ID3 ESC notes the Applicants confirmation that ESC is excluded from the arbitration clauses and therefore accepts the current drafting of the article.	No further comment
3	Outline Landscape and Ecological Management Strategy (OLEMS) – REP8- 019, ID19 The commitment to further surveys for reptiles (as required) is welcomed.	Noted. The Applicants consider this matter closed.
4	Outline Landfall Construction Method Statement (OLCMS) – REP8-053, ID22 ESC welcomes this commitment.	Noted. The Applicants consider this matter closed.
5	Ecological Enhancement Clarification Note Addendum – REP8-041 ID27 The Applicants' clarification on this point is noted and welcomed.	Noted. The Applicants consider this matter closed.



ID	ESC Comment	Applicants' Comments
6	<p>ID28</p> <p>The Applicants' comment on this point is noted. ESC has no further comments to make.</p>	<p>Noted. The Applicants consider this matter closed.</p>
7	<p>Extension of National Grid Substation Appraisal – REP8-074, ID30</p> <p>ESC notes the comments provided by the Applicants and additional information provided in relation to the potential drainage scheme options.</p>	<p>No further comments.</p>
8	<p>ID31</p> <p>The Applicants' comment on this point is noted. ESC has no further comments to make.</p>	<p>Noted. The Applicants consider this matter closed.</p>
9	<p>Substations Design Principles Statement – REP8-082, ID37</p> <p>The Applicants' comment is noted. ESC has no further comments to make.</p>	<p>Noted. The Applicants consider this matter closed.</p>
10	<p>ID38</p> <p>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 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</p>	<p>Pre-construction surveys for roosting as well as commuting and foraging bats will be undertaken, as specified within the Outline Landscape and Ecological Management Strategy (OLEMS) (AS-127).</p> <p>The Applicants have agreed with ESC that Work No. 29 will be designed and implemented to promote suitable habitat for foraging bats. This is confirmed in the OLEMS (AS-127).</p> <p>The Substations Design Principles Statement (AS-135) has also been updated in agreement with ESC, to include a commitment to provide high frequency noise information to ESC.</p>



ID	ESC Comment	Applicants' Comments
	<p>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>	
11	<p>Substations Design Principles Statement – REP8-082 ID43</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>The Applicants have no further comment to make on this matter.</p>
12	<p>Substations Design Principles Statement – REP8-082 ID44</p> <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>	<p>Noted.</p>
13	<p>National Grid GIS Substation Photomontages ID47</p> <p>Noted. ESC will review the assessment of a Gas Insulated Switchgear (GIS) substation once submitted by the Applicants.</p>	<p>The Applicants submitted the following at Deadline 11:</p> <ul style="list-style-type: none"> • Landscape and Visual Impact Assessment GIS Addendum (REP11-028), together with accompanying photomontages within the associated



ID	ESC Comment	Applicants' Comments
		<p>appendices (Appendix 1 to Appendix 16 (REP11-029 to REP11-044)); and</p> <ul style="list-style-type: none"> • Heritage Assessment GIS Addendum (REP11-075), together with accompanying photomontages within the associated appendices (Appendix 1 to Appendix 6 (REP11-076 to REP11-080 and REP11-054).
14	<p>Outline Code of Construction Practice – REP8-017 ID55</p> <p>ESC notes the response provided where it is stated “The Applicants have removed reference to ‘where practicable’ in this instance within the Outline CoCP (document reference 8.1).” 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 “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. 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, “consideration should be given to alternative means of dust control”. The Applicants’ comments confirm that additional</p>	<p>The Applicants welcome the comments and clarification from ESC in relation to the updated Outline Code of Construction Practice (Outline CoCP) (an updated version has been submitted at Deadline 12, document reference 8.1). In light of ESC’s comments, the Applicants consider this matter closed with ESC.</p>



ID	ESC Comment	Applicants' Comments
	<p>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>	
15	<p>ID57</p> <p>The Applicants' response is noted: "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".</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): "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."</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>"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 in relation to sensitive human receptors and designated sites</p>	<p>It is the Applicants understanding that, within its previous submissions, ESC was requesting specific measures for Non-Road Mobile Machinery (NRMM) in respect of ecological receptors associated with statutory nature conservation designations, particularly at the landfall location (as noted in ESC's response to the ExA Written Question 3.2.28 (see section 2.4)). It is noted that the current wording of the commitment within the Outline CoCP (document reference 8.1) would apply to all construction plant and equipment used at the landfall regardless of its compliance with Stage IV or Stage V standards. This is considered appropriate given the proximity of sensitive ecological receptors and the intensity of the works involved at the landfall location. Emissions from NRMM at human and ecological receptors elsewhere along the onshore cable corridor are not expected to lead to significant impacts. Whilst the Applicants consider that further controls are not required, an updated Outline CoCP has been submitted at Deadline 12 (document reference 8.1) with the wording requested by ESC.</p>



ID	ESC Comment	Applicants' Comments
	<p>of nature conservation, with the aim of locating such NRMM as far away from sensitive locations as practicable.”</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>	
16	<p>Outline Construction Traffic Management Plan – REP8-021 ID61</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>Noted. The Applicants welcome ESC's clarification of their position regarding air quality effects at Marlesford Bridge.</p>
17	<p>Outline Construction Traffic Management Plan – REP8-021 ID62</p> <p>ESC welcomes this commitment.</p>	<p>Noted.</p>
18	<p>Applicants' Written Summary of Oral Case ISH15 – REP8-101 ID68</p> <p>ESC notes the Applicants confirmation that ESC is excluded from the arbitration clauses and therefore accepts the current drafting of the article.</p>	<p>No further comment.</p>
19	<p>Applicants' Position Statement on Noise – REP8-039 IDs 71-76</p> <p>ESC notes the Applicants' comments.</p>	<p>No further comment.</p>
20	<p>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.</p>	<p>Noted. The Applicants agree with ESC's comment that this remains a matter upon which agreement is unlikely to be reached.</p>



ID	ESC Comment	Applicants' Comments
	<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>	
21	<p>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 or planning permission from the local planning authority.</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>Noted. The Applicants agree with ESC's comment that this remains a matter upon which agreement is unlikely to be reached.</p>
22	<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>No further comment.</p>
23	<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:</p>	<p>Noted. The Applicants welcome ESC's comments in relation to air quality controls proposed within the Outline CoCP (document reference 8.1).</p>



ID	ESC Comment	Applicants' Comments
	<p>(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>	
24	<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>	No further comment.
25	<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>	Noted. In light of ESC's comments, the Applicants consider this matter closed with ESC.



ID	ESC Comment	Applicants' Comments
26	<p>ID12 – Update the Outline CoCP in relation to measures to address dust nuisance and provide a commitment to and compliance monitoring of Euro VI Standards for construction vehicles and Stage V for NRMM.</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>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>Noted. In light of ESC’s comments, the Applicants consider this matter closed with ESC.</p>
27	<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>	<p>Noted. In light of ESC’s comments, the Applicants consider this matter closed with ESC.</p>



ID	ESC Comment	Applicants' Comments
	<p>(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>	
28	<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>	No further comment.
29	<p>ID28</p> <p>ESC noted the Applicants' comments and will review the assessment of a GIS substation once submitted at Deadline 11.</p>	Noted.
30	<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>	The Applicants agree that this remains a matter upon which agreement is unlikely to be reached.
31	<p>ID31 - Provision of a clarification note on the historic landscape character and features taking into account the interplay between the different disciplines.</p>	The Applicants have no further comment to make on this matter.



ID	ESC Comment	Applicants' Comments
	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	
32	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.	No further comment.
33	ID36 - Update SLVIAs to consider impact of reduction of the maximum tip height The Applicants' comments are noted.	No further comment.
34	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.	The Applicants agree that this remains a matter upon which agreement is unlikely to be reached.
35	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.	Noted. The Applicants await ESC's comments on the <i>Landscape and Visual Impact Assessment GIS Addendum</i> (REP11-028) and the <i>Heritage Assessment GIS Addendum</i> (REP11-075) submitted at Deadline 11.
36	ID47 - A break-down of the relative level of noise generated by the different sources at each receptor location. The Applicants' comments are noted	No further comment.



ID	ESC Comment	Applicants' Comments
37	<p>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.</p> <p>The Applicants' comments are noted.</p>	No further comment.
38	<p>ID49 – Results of noise modelling of National Grid substation</p> <p>The Applicants' comments are noted.</p>	No further comment.
39	<p>ID50 – 1/3 Octave measurement data from existing substations to substantiate the position that operational noise is not expected to contain tonal elements.</p> <p>The Applicants' comments are noted.</p>	No further comment.
40	<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>	No further comment.
41	<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</p>	<p>Pre-construction surveys for roosting as well as commuting and foraging bats will be undertaken, as specified within the Outline Landscape and Ecological Management Strategy (OLEMS) (AS-127).</p> <p>The Applicants have agreed with ESC that Work No. 29 will be designed and implemented to promote suitable habitat for foraging bats. This is confirmed in the OLEMS (AS-127).</p> <p>The Substations Design Principles Statement (AS-135) has also been updated in agreement with ESC, to include a commitment to provide high frequency noise information to ESC.</p>



ID	ESC Comment	Applicants' Comments
	<p>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 precommencement 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>	
42	<p>ID55 – Further consideration should be given to noise mitigation options which could be utilised.</p> <p>The Applicants' comments are noted.</p>	No further comment.
Outline Landscape and Ecological Management Strategy (OLEMS) – REP10-005		
43	<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) ESC - EA1N 20023870 & EA2 20023871 – Deadline 11 Page 11 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</p>	<p>The Applicants note that the an updated OLEMS was submitted to the Examinations on 11th June 2021(AS-127). The updates in this latest version of the OLEMS (AS-127) aim to address ESC's comments, with a specific commitment to design and implement ecological mitigation within Work No. 29 for foraging and commuting bats.</p> <p>The Applicants confirm that the results of pre-construction ecological surveys will be used to inform the Operational Noise Design Report.</p>



ID	ESC Comment	Applicants' Comments
	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 Applicant.	
44	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.	Noted.
45	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.	Noted.
46	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.	The Applicants have noted ESC's comments in relation to the protection of breeding birds (specifically regarding the buffer zones) and will take this into account during the preparation of the final Ecological Management Plan. The Applicants note the text of the outline Breeding Bird Protection Plan in Section 7.4.5.4 of the OLEMS (AS-127) which states that, where an active nest of a Schedule 1 species is encountered, a preliminary 400m buffer around that nest will be established and where an active nest of a wild bird (not listed as a Schedule 1 species) is encountered, a preliminary 30m buffer that nest will be established. The final Breeding Bird Protection Plan will form part of the final Ecological Management Plan, which will accord with the OLEMS (AS-127).
47	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	Noted. The Applicants have no further comments on this matter.



ID	ESC Comment	Applicants' Comments
	qualifying interests of the Sandlings SPA and Leiston-Aldeburgh SSSI is welcomed.	
Outline Code of Construction Practice (OCoCP) – REP10-003		
48	Section 1.2.1 Consultation and Approval Paragraphs 9-14 The additional text is noted.	No further comment.
49	Section 2.6 Local Community Liaison Paragraph 42-43 The additional text is noted.	No further comment.
50	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.	The Applicants note the drafting error and this has been corrected in the updated version of the Outline CoCP submitted at Deadline 12 (document reference 8.1). The comments by ESC in relation to the additional ecological mitigation proposed within the Outline CoCP are welcomed.
51	Section 9.1.4 Specific Measures at Wardens Trust Paragraph 123, fifth bullet point The additional measures are noted and welcomed.	No further comment.
52	Section 10 Air Quality Paragraph 133 ESC welcomes this commitment	No further comment.



ID	ESC Comment	Applicants' Comments
53	<p>Section 10.1.6 Measures Specific to Non-Road Mobile Machinery (NRMM), paragraphs 145-146</p> <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>	<p>See response at ID50 relating to the location of Figure 1.</p> <p>An updated Outline CoCP has been submitted at Deadline 12 (document reference 8.1).</p>
Change to the Order Limits		
54	<p>Change Request: Amendment to Order Limits at Work No.9 (Plot 13), Section 2.2.3 (Mitigation and Management), paragraph 15</p> <p>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.</p>	Noted.
Applicants' Response to Rule 17 Questions of 29 April 2021		
55	R17QC.2 – Ecology Survey Results	No further comment.



ID	ESC Comment	Applicants' Comments
	ESC notes the Applicants' comments.	
56	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.	No further comment at this stage.
57	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.	Noted. Results of further infiltration testing undertaken during May 2021 were used to inform an updated Outline Operational Drainage Management Plan (OODMP) (AS-125) and OLEMS (AS-127).
58	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.	Noted. Please refer to the Applicants' Comments at ID57 in the above row.
Applicants' Response to Rule 17 Questions of 13 May: Initial Infiltration Testing – Preliminary Results – AS-121		
59	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	Noted. The Applicants confirm that initial infiltration testing has been undertaken during May 2021 (following Issue Specific Hearing 16 and the associated submission prior to the hearings), which were undertaken in compliance with BRE-365 guidance and submitted following Deadline 11 (AS-129). The results of the May 2021 infiltration testing have been used to inform the updated OODMP (AS-125) and OLEMS (AS-127). A Factor of Safety of 10 has been used within the modelling to ensure consistency with previous iterations of the OODMP and in light of feedback received from Suffolk County Council (SCC) as the Lead Local Flood Authority (LLFA) and Substation Action Save East Suffolk (SASES) during Issue Specific Hearing 16.



ID	ESC Comment	Applicants' Comments
	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		
60	<p>General Comments</p> <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 recognition of the draft status of the Applicants' Response to Rule 17 Questions of 13 May – Design and Layout of the Substations (AS-122) together with the initial infiltration testing undertaken in May 2021, the Applicants have updated drawings within the OLEMS (AS-127) to show the sustainable drainage system (SuDS) basins now being proposed within the updated OODMP (AS-125). The design parameters of these basins have been agreed within SCC.</p>



ID	ESC Comment	Applicants' Comments
	<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		
61	<p>General Comments</p> <p>ESC notes the content of the document.</p>	Noted.



2.2 East Suffolk Council's Summary of Oral Case - Issue Specific Hearing 16 (REP11-108)

ID	ESC Comment	Applicants' Comments
<p>Agenda Item 1 – Welcome, introductions and arrangements for these Issue Specific Hearing 16</p> <p><i>ISHs 2, 4, 11 and the written process have examined aspects of the proposed substations sites for the projects. These hearings do not intend to re-cover such areas. Their primary purpose is to consider latest evidence and developments relating to design, flood risk and drainage matters, and any resulting effects on matters such as landscaping and historic heritage.</i></p>		
1	[No response]	No response required.
<p>Agenda Item 2 – Design Matters</p> <p><i>Discussion around the latest version of the Substation Design Principles Statement [REP8-082] and representations received relating to this. Discussion to include consideration of the proposed substations (including the proposed National Grid substation) and surrounding infrastructure, including sealing end compounds.</i></p>		
2	<p>Substations Design Principles Statement (SDPS, REP8-082)</p> <p>ESC acknowledges that the SDPS is a useful basis for further discussions on detailed aspects of the substations design. ESC provided comments in relation to the latest version of this document at Deadlines 9 and 10 (REP9-040, REP9-041, REP10-038). A summary of relevant comments has been provided below.</p> <p><i>Design Principles</i></p> <p>ESC has made the following comments in relation to the design principles identified within the SDPS.</p> <p>Visual Impact – 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 where <i>'cost effective and efficient'</i>.</p>	<p>Regarding bats, the Applicants have agreed with ESC that Work No. 29 will be designed and implemented to promote suitable habitat for foraging bats. This is confirmed in the OLEMS (REF). The Substations Design Principles Statement (REF) has also been updated in agreement with ESC, to include a commitment to provide high frequency noise information to ESC.</p> <p>Regarding ESC's proposal for an additional design principle regarding new opportunities arising from emerging new technologies and changes to legislation and regulations, the proposed wording is inappropriate and fails to recognise that the authorised project can only be developed within the physical parameters stated within the DCO, and within the authorised Order limits.</p>



ID	ESC Comment	Applicants' Comments
	<p>Cable Sealing End Compounds – ESC welcomes the commitment to align the Cable Sealing End Compounds adjacent to existing field boundaries where possible.</p> <p>Operational Noise – ESC welcomes the Applicants' commitment to minimise the noise rating level below the limits set by Requirement 27 of the draft Development Consent Orders (dDCOs) by incorporating Best Practicable Means in noise control at the detailed design stage, subject to the consideration of specific matters.</p> <p>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). The Applicants stated in their REP10-007 response that this matter would be addressed by the Operational Noise Report secured through Requirement 12 and expanded upon within the SDPS (REP8-082). It is however considered that the SDPS would need to be updated to reflect this commitment and include reference to ecological as well as human receptors. ESC is in positive dialogue with the Applicants on this matter.</p> <p>Finished ground levels – ESC has previously commented that if the final finished ground level cannot be specified at this time, then a maximum ground level parameter should be included within the SDPS (REP4-059) and that the 'presumption of achieving the lowest practicable finished ground levels to minimise visual impact' should be included as a principle within the SDPS document (REP2-029). ESC has engaged with the Applicants on this matter. Although ESC would welcome a more overt commitment in relation</p>	



ID	ESC Comment	Applicants' Comments
	<p>to the finished ground levels of the site, it is acknowledged this is not a matter upon which agreement will be reach with the Applicants and it is noted that the SDPS (REP8-082) includes the following commitment 'Reduction of visual impact of onshore substations, National Grid substation and cable sealing end compounds', which would also include consideration of the finished floor levels.</p> <p>Additional Design Principle - ESC supports SCC's request for the inclusion of an additional design principle as detailed below as set out previously (REP5-048, REP9-040, REP9-041):</p> <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>The inclusion of this design principle would provide a commitment for the Applicants to consider the design of the projects and any potential to adapt to the changing policy, regulatory and technological environments. This would however be within the confines of the Rochdale envelope consented and detailed by the DCOs.</p> <p>Following further discussions with the Applicants, it has been confirmed that engagement in relation to the design of the</p>	



ID	ESC Comment	Applicants' Comments
	<p>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 SDPS (REP8-082). Therefore, although ESC would like to see this additional principle included within the SDPS, 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><i>Engagement Strategy</i></p> <p>ESC welcomes the Applicants' commitment to engage directly with occupiers of a number of properties in Friston, it was however noted that the list appeared to omit a number of relevant properties. ESC raised this at Deadline 9 (REP9-040) and welcomes the Applicants' response to this at Deadline 10 (REP10-007) which confirmed that this would be addressed, and the properties included within the direct engagement strategy.</p> <p><i>National Grid Substation</i></p> <p>ESC requested that the Applicants provide an assessment of the National Grid Gas Insulated Switchgear (GIS) substation which should include the consideration of alternatives to sulphur</p>	



ID	ESC Comment	Applicants' Comments
	<p>hexafluoride (SF6) (REP1-132, REP8-041). The Environmental Statements are based on the use of an Air Insulated Switchgear (AIS) substation, although the Applicants have provided visualisations to show what a GIS substation would look like. Although the visualisations are useful, 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>ESC supports the Applicants recent commitment at Deadline 10 (REP10-007) to provide an assessment of a GIS substation at Deadline 11.</p> <p>ESC has noted and welcomed the engagement the Applicants have undertaken with the supply chain in relation to the onshore project substations in order to seek reductions in the maximum parameters. ESC supports the continuation of this work through the post consent design refinement work. ESC however notes that National Grid has not undertaken similar work and endeavoured to seek reductions in the parameters of their substation.</p> <p><i>Connections for Future Projects</i></p> <p>ESC has made recent representations in relation to the cumulative impacts of the current applications with future projects, most recently at Deadline 9 (REP9-040 and REP9-041). The Council however notes the Examining Authorities desire to deal with this matter through written submissions and not at this hearing.</p>	



ID	ESC Comment	Applicants' Comments
<p>Agenda Item 3 – Flood Risk and Drainage</p> <ul style="list-style-type: none"> • <i>Flood risk and drainage during construction</i> • <i>Operational flood risk and drainage</i> <ul style="list-style-type: none"> a) <i>Results and implications of infiltration testing</i> b) <i>Indicative design</i> c) <i>Outline Operational Drainage Management Plan submitted at D8 [REP8-064] including but not limited to:</i> <ul style="list-style-type: none"> • <i>Infiltration/hybrid storage volumes</i> • <i>Discharge to Friston watercourse</i> • <i>Adoption and maintenance</i> d) <i>Relationship with the Outline Landscape and Ecological Management Strategy [REP10-005] and nearby heritage assets, including any considerations of good design resulting from changes discussed during items a) to c).</i> <p><i>Depending on implications for design, matters covered in Agenda Item 2 that are influenced by the content of this item may need to be discussed. The Applicants, SCC, ESC and SASES and any other relevant participants will be invited to comment.</i></p> <p><i>The Applicants will be provided with a right of reply.</i></p>		
3	<p>ESC will defer to Suffolk County Council (SCC) as the Lead Local Flood Authority (LLFA) on technical drainage and flood risk matters.</p> <p>d) The Applicants have submitted responses to the Examining Authorities' Rule 17 letter dated 13 May 2021 in the form of the following two documents:</p> <ul style="list-style-type: none"> • Applicants' Response to Rule 17 Questions of 13 May: Initial Infiltration Testing Preliminary Results (AS-121); and • Applicants' Response to Rule 17 Questions of 13 May: Design and Layout of the Substations (AS-122). 	<p>Noted. The Applicants have responded to SCC's representations on drainage and flood risk matters separately within the Applicants' Comments on Suffolk County Council's Deadline 11 Submissions (document reference ExA.AS-13.D12.V1).</p> <p>Regarding item d) of ESC's comment, the Applicants refer to their comments at ID60 within section 2.1.</p>



ID	ESC Comment	Applicants' Comments
	<p>The drainage submission provides details of the initial infiltration testing results and a commentary on how the infiltrate rates were identified. The second submission provides a series of drawings to illustrate that based on these infiltration rates, sufficient land is available within the Order Limits to deliver the Outline Mitigation Management Plan (OLMP) planting and an infiltration only SuDS scheme. 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). 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 is currently engaging with the Applicants and SCC on this</p>	



ID	ESC Comment	Applicants' Comments
	<p>matter. The Council will therefore provide further comment in relation to the implications of the operational drainage scheme on the overall design of the substations site once the information is 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. This is one of the reasons why the Council considers it should remain the discharging authority for Requirement 41. ESC has made previous representations on this matter at issue specific hearings and submitted written comments at various deadlines (REP9-040, REP8-152, REP5-047). Further comments in relation to this matter have been provided in ESC's Summary of Oral Case for ISH17 also submitted at Deadline 11.</p>	
<p>Agenda Item 4 – Any other business relevant to the Agenda</p> <p><i>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.</i></p> <p><i>If necessary, the Applicants will be provided with a right of reply.</i></p>		
4	ESC has no further comments to make.	No further comment.
<p>Agenda Item 5 - Procedural Decisions, Review of Actions and Next Steps</p> <p><i>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 4.</i></p>		



ID	ESC Comment	Applicants' Comments
<i>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, Interested Parties or Other Persons are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in these hearings. A written action list will be published if required.</i>		
5	[No response]	No response required.



2.3 East Suffolk Council's Summary of Oral Case - Issue Specific Hearing 17 (REP11-109)

ID	ESC Comment	Applicants' Comments
Agenda Item 1 – Welcome, introductions and arrangements for these Issue Specific Hearing 17		
1	[No response]	No response required.
Agenda Item 2 – Progress Position Statement by the Applicant: Changes to the dDCOs in Progress since ISHs15		
<p><i>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).</i></p> <p><i>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.</i></p> <p><i>The Applicants will be provided with a right of reply</i></p>		
2	<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>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</p>	<p>The Applicants welcome ESC's confirmation of matters agreed.</p> <p>With respect to ESC's comments relating to the inclusion of an additional design principle in the Substations Design Principles Statement, the Applicants maintain their position on this point which is set out in various submissions, including at ID39 on page 60 of the Applicants' Comments on ESC's Deadline 9 Submissions [REP10-007].</p> <p>With respect to the one outstanding matter identified by ESC, the Applicants have set out their position on operational land in numerous previous submissions and the Applicants' position has not changed.</p>



ID	ESC Comment	Applicants' Comments
	<p>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> <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>	



ID	ESC Comment	Applicants' Comments
	<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> <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 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</i></p>	



ID	ESC Comment	Applicants' Comments
	<p><i>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'. <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>	



ID	ESC Comment	Applicants' Comments
	<ul style="list-style-type: none"> Article 33 'Operational land for the purposes of the 1990 Act' and Permitted Development Rights. <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>	
<p>Agenda Item 3 – The Potential Operation of each dDCO as a Standalone Consent</p> <p><i>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.</i></p> <p><i>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</i></p> <p><i>The Applicants will be provided with a right of reply.</i></p>		
3	ESC has provided comments in relation to Agenda Item 3 and 4 together under agenda Item 4.	Noted.
<p>Agenda Item 4 – Securing 'Good Design' Solutions at the Friston Substations Site</p> <p><i>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.</i></p>		



ID	ESC Comment	Applicants' Comments
<p><i>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</i></p> <p><i>The Applicants will be provided with a right of reply.</i></p>		
4	<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> <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</p>	<p>The Applicants welcome ESC's comment that "<i>Requirement 12 appropriately secures the maximum parameters of the infrastructure based 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</i>".</p> <p>With respect to the other requirements referred to, the Applicants welcome ESC's comments and have no further comments to make.</p> <p>As noted in ID17 of the Applicants' Comments on the ExA's Commentary on the draft DCO [REP11-081] the Substations Design Principles Statement (REP11-047) was updated at Deadline 11 to include an additional design principle, as agreed with ESC, requiring the Applicants to maintain a masterplan of the substation area for information purposes. The masterplans will be made available for information at Stage 1, Stage 2 and Stage 3 of stakeholder consultations and will be provided for information to the relevant planning authority and Suffolk County Council in parallel with documents submitted for approval during the discharge process of relevant requirements.</p> <p>The Applicants have also updated the draft DCO at Deadline 12 to include SCC as a consultee in relation to the approvals required under paragraphs (1) to (4) of requirement 12.</p> <p>The Applicants agree with ESC that the relevant planning authority should be the discharging authority in respect of requirement 41.</p>



ID	ESC Comment	Applicants' Comments
	<p>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 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 (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>	



ID	ESC Comment	Applicants' Comments
	<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> <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>	



ID	ESC Comment	Applicants' Comments
	<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 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> <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>		



ID	ESC Comment	Applicants' Comments
<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>		
5	<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 clarification 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</p>	<p>Article 2 (1) definitions: grid connection works and transmission works: See the Applicants' response at ID7 of the <i>Applicants' Comments on the ExA's Commentary on the draft DCO</i> [REP11-081]. The Applicants do not consider any amendment to the DCO to be necessary.</p> <p>Requirement 12: Detailed design parameters onshore: 'overall design and layout plans': See ID4 above and ID17 of the <i>Applicants' Comments on the ExA's Commentary on the draft DCO</i> [REP11-081]. The Applicants discussed this matter with ESC ahead of Deadline 11 and amended the SDPS to include an additional design principle on the 'promotion of an integrated design'. This design principle will ensure a co-ordinated design is maintained and communicated to stakeholders by maintaining a masterplan of the substation area for information purposes as the substations architectural and landscape framework evolves during the detailed design stage. The Applicants understand that the position stated in ID17 of REP11-081 in respect of the approach to masterplans is agreed with ESC.</p> <p>Requirement 12: Definition onshore operational land for purposes of the 1990 Act: See ID18 of the <i>Applicants' Comments on the ExA's Commentary on the draft DCO</i> [REP11-081]. Operational land is defined by law and the Applicants do not consider it to be appropriate to define operational land for the purposes of the DCO.</p>



ID	ESC Comment	Applicants' Comments
	<p>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 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 possible if the projects were constructed sequentially.</p>	<p>Additional Requirement 44: Onshore Operational Land Plan: The Applicants have significant concerns regarding the lawfulness of proposed requirement 44. See ID20 of the <i>Applicants' Comments on the ExA's Commentary on the draft DCO</i> [REP11-081] for further details.</p> <p>Requirement 13: The Applicants welcome and agree with ESC's position that securing an updated HDD Verification Note under Requirement 13 would not be necessary. See ID30 of the <i>Applicants' Comments on the ExA's Commentary on the draft DCO</i> [REP11-081] for the Applicants full position on this point.</p> <p>Missing Requirement: Ecosystem Services for Sandlings SPA: The Applicants welcome and agree with ESC's position that the provision of Work No.12A is appropriately secured and that no requirement is necessary to secure this. The Applicants' full position is set out in ID21 of the <i>Applicants' Comments on the ExA's Commentary on the draft DCO</i> [REP11-081].</p> <p>In the event that the Secretary of State disagrees with the Applicants' and ESC's position and considers that such a requirement is necessary, the Applicants submit that the without prejudice wording provided by the Applicants within ID21 of REP11-081 should be used as the Applicants consider this to be more appropriate than the drafting provided by ESC.</p>



ID	ESC Comment	Applicants' Comments
	<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 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>	



ID	ESC Comment	Applicants' Comments
	<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 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 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</p>	



ID	ESC Comment	Applicants' Comments
	<p>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> <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>If an open cut trenched technique is adopted to cross Work No.12, construction of Work No. 12 {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</p>	



ID	ESC Comment	Applicants' Comments
	<p>completed at an appropriate condition in compliance with agreed targets in accordance with the ecological management plan.</p>	
<p>Agenda Item 6 – Protective Provisions: Final Positions</p> <p><i>The ExAs will inquire into protective provisions and into the position of the Nuclear Decommissioning Authority (R17QD).</i></p> <p><i>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</i></p> <p><i>The Applicants will be provided with a right of reply.</i></p>		
6	ESC has no comments to make.	No comments.
<p>Agenda Item 7 - Consents of Parties: Final Positions</p> <p><i>The ExAs will ask about the grant of Crown consent (PA2008 s135) and any other consents required from IPs.</i></p> <p><i>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</i></p> <p><i>The Applicants will be provided with a right of reply.</i></p>		
7	ESC has no comments to make.	No comments.
<p>Agenda Item 8 – Other Consents: Final Positions</p> <p><i>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.</i></p> <p><i>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</i></p> <p><i>The Applicants will be provided with a right of reply.</i></p>		
8	ESC has no comments to make.	No comments.
<p>Agenda Item 9 – Certified Documents: Audit and Final Positions</p> <p><i>The ExAs will review the list of certified documents and arrangements for any final amendments will be discussed.</i></p>		



ID	ESC Comment	Applicants' Comments
	<p><i>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</i></p> <p><i>The Applicants will be provided with a right of reply.</i></p>	
9	ESC has no comments to make.	No comments.
<p>Agenda Item 10 – Any Other Business Relevant to the Agenda</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>If necessary, the Applicants will be provided with a right of reply.</i></p>		
10	ESC has no comments to make.	No comments.
<p>Agenda Item 11 - Procedural Decisions, Review of Actions and Next Steps</p> <p><i>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.</i></p> <p><i>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 hearings, in the light of issues raised in these hearings. A written action list will be published if required.</i></p>		
11	[No response]	No comments.
<p>Appendix A – Operational Land at National Grid's Bramford Substation</p>		
12	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	The Applicants have reviewed the material and have a few brief observations based on the limited material that has been lodged. It is not clear whether the original extension planning application was EIA development. It is presumed that it was not. Similarly there is no



ID	ESC Comment	Applicants' Comments
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>[Embedded figure]</p>	<p>evidence on whether the revised scheme was screened for EIA at any stage. The key point is that even if land is acquired for the purposes of the undertaking it only becomes operational land in circumstances where the "land" is or has been subject to a specific planning permission for its development and it would have been used for the purpose of carrying out the undertaking .</p> <p>Appendix C provides a layout for an AIS extension to the substation and Appendix B the proposed GIS. For the purposes of section 264 it does appear that the GIS scheme has been incorporated within the land over which planning permission had been specifically granted. Appendix C also incorporates a plan of the original layout. This appears to illustrate that the GIS extension works are mainly on land beyond the existing boundary. Taken together the extension works for the GIS were undertaken on land which was owned by National Grid and also had the benefit of a specific planning permission for a substation extension. All the GIS works appear to be within an area where AIS works had been proposed in the Planning Permission 0076/07.</p> <p>National Grid in their letter (Appendix B) explained how they had acquired land (an interest) which is one of the criteria required for land to be operational. Appendix C confirms that at the time of the Application this land was not owned and that was reflected in the plans submitted at the time.</p> <p>The key point arising from the paperwork submitted is that at the time the permitted development was notified the land in question was owned by National Grid with the specific intent that it should be used for the purposes of its undertaking and a specific planning permission had been granted over the land in question for development for the erection of plant and equipment directly related</p>



ID	ESC Comment	Applicants' Comments
	<p>An extract from 'Existing Site Layout' plan submitted with planning application 0076/07/FUL (see Appendix C).</p> <p>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.</p> <p>[Embedded figure]</p> <p>An extract from the National Grid letter sent to Mid Suffolk District Council in 2008 (see Appendix B).</p> <p>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.</p> <p>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.</p>	<p>to carrying on of the undertaking. It therefore met the tests of operational land.</p> <p>The above analysis is based on the information provided. It is noted that other consents and deemed planning may also have been obtained through the Electricity Act. The circumstances are not analogous to the Applications in that the proposed substations are EIA development and therefore the PD rights do not apply in the context of their construction.</p>



2.4 East Suffolk Council's Responses to the Examining Authorities' Third Round of Written Questions (REP11-101)

ExQs 3	ESC Comment	Applicants' Comments
3.0	Overarching, general and cross topic questions	
3.0.1	<p>The documents requested by the Examining Authorities have been provided within the following appendices submitted with this document.</p> <p>Appendix A - East Suffolk Strategic Plan 2020 - 2024; Appendix B - East Suffolk Economic Growth Plan 2018-2023; Appendix C - Suffolk Coastal Local Plan 2020; Appendix D - Waveney Local Plan 2019; Appendix E - 'Made' Leiston Neighbourhood Plan (2017).</p> <p>Progress on other Neighbourhood Plans identified has been outlined below:</p> <p>Aldringham cum Thorpe Neighbourhood Plan</p> <ul style="list-style-type: none"> • Application for the designation of Aldringham cum Thorpe neighbourhood plan area was approved on 5 May 2016. • No draft plan produced yet, but a Neighbourhood Plan steering group has been established. <p>Saxmundham Neighbourhood Plan</p> <ul style="list-style-type: none"> • Application for the designation of Saxmundham neighbourhood plan area was approved on 29 August 2017. 	<p>The Applicants note the plans submitted by ESC to the Examinations.</p>



ExQs 3	ESC Comment	Applicants' Comments
	<ul style="list-style-type: none"> No draft plan produced yet, but Neighbourhood Plan Group has undertaken some initial community engagement and it is anticipated that a draft plan for consultation may be produced within the next six months. <p>Kelsale cum Carlton Neighbourhood Plan</p> <ul style="list-style-type: none"> Application for the designation of Kelsale cum Carlton neighbourhood plan area was approved on 2 November 2017. No draft plan produced. <p>There are no other parishes with Neighbourhood Plans which will be directly affected by development associated with the projects.</p>	
3.0.2	<p>a) Not applicable – this question is directed at the Applicants.</p> <p>b) ESC has sought to secure compensation through the s111 Agreements in relation to matters where the Environmental Statements identify adverse residual effects, or in relation to matters which ESC considers adverse residual effects will exist, after mitigation. This is in order to secure appropriate compensation for the residual effects caused by the projects in the event that the applications for Development Consent Orders (DCOs) are approved by the Secretary of State. Securing appropriate compensation where mitigation is not available or sufficient to reduce the adverse impacts of the development is in line with the mitigation hierarchy. The s111 Agreements will provide funding to deliver compensatory measures to help offset harm caused by the developments. The Agreements do not, however, replace the need for the projects to deliver primary</p>	<p>The Applicants have previously responded to part 'a' at Deadline 10 and have no comment to make on the responses from ESC to parts 'b' and 'c'</p>



ExQs 3	ESC Comment	Applicants' Comments
	<p>mitigation to mitigate specific impacts. It is only to address residual effects, after mitigation, that compensatory measures are secured through the Agreements.</p> <p>The s111 Agreements provide sums to fund compensatory measures to address specific impacts and the wording in Schedule 2 of the Agreements has been drafted to reflect this. Suffolk County Council (SCC) were directly and fully involved in negotiations on the s111 Agreements, it was the intention that they would also be a signatory, SCC however withdrew prior to signing. As stated above, ESC considered it essential to seek appropriate compensation for the residual effects in the event the DCOs are consented. In addition to SCC, an Area of Outstanding Natural Beauty (AONB) Partnership officer was also consulted during discussions on the content of the Agreements. Both SCC's and the AONB Partnership Officer's comments were taken fully into consideration and helped to shape the Agreements. The measures identified have therefore been determined in consultation with these stakeholders.</p> <p>ESC requested for the compensatory measures to be secured through s106 agreements rather than s111 Agreements and this was a matter of significant discussion between the parties. This was not however a matter upon which the Applicants and ESC could reach agreement, with the parties having differing views regarding whether the funds met the legal tests. The Applicants choose to proceed with the compensatory measures being secured through s111 Agreements.</p> <p>ESC considers that the s111 Agreements meet the legal tests required for them to be treated as a material consideration. They fairly and reasonably relate to the development permitted and</p>	



ExQs 3	ESC Comment	Applicants' Comments
	<p>serve a planning purpose in providing for compensatory measures to offset adverse residual impacts caused by the Projects. As the Cabinet Report identifies, the Council took these funds into account during its decision-making in relation to the projects. A table has been provided within Appendix F which identifies the different funds secured by the s111 Agreements, alongside the residual effects identified within the Environmental Statements or by ESC, to which the compensation is directed and the potential compensatory measures to be delivered.</p> <p>ESC also considers that the funds are necessary to make the development acceptable in planning terms, which is why the preference was to secure the measures through a s106 agreement. The measures identified within the table are all relevant to planning. They seek to offset the residual effects caused by the EA1N and EA2 projects alone and in - combination by providing compensatory measures within the same locality as the identified impacts. The level of funding provided is also considered proportionate to the scale of development proposed.</p> <p>The Council however recognises that the Examining Authority and Secretary of State may take a different view and may decide that the s111 Agreements cannot be treated as a material consideration during decision -making.</p> <p>c) It is not the Council's view that the compensation secured through the s111 Agreements cannot be weighed in the planning balance. They meet the relevant tests to be treated as material considerations in that they fairly and reasonably relate to the development; serve a planning purpose and there is a real connection between the financial contribution and the proposed</p>	



ExQs 3	ESC Comment	Applicants' Comments
	<p>development. As stated in response to b), ESC considers that the s111 Agreements secure benefits that should be considered and weighed in the planning balance, however if the Examining Authority does not agree and comes to a different view, then the Council accepts that no weight can be ascribed to the measures provided by the Agreements.</p>	
3.2	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
3.2.28	<p>The Environmental Statements show that construction traffic on public highways associated with the proposed development would result in a minimal impact at designated habitat sites which can be screened out. Accounting for ammonia emissions could potentially result in slight increases in the forecast impacts at designated habitat sites due to road traffic, but any increase in impacts would be minimal and would, ESC considers, not give rise to any likely significant effects, such as they can continue to be screened out. As highlighted in REP6-032, additional measures to control nitrogen dioxide impacts, in the event of cumulative impacts between Sizewell C's and EA1N & EA2 projects' construction traffic, in the Stratford St Andrew Air Quality Management Area (AQMA) are proposed. This consists of a commitment to 70% Euro VI HGVs and would also have a benefit in further reducing the impact of traffic emissions at designated habitat sites. ESC considers that ammonia from road traffic on public highways would not have a significant adverse effect on Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) or Sandlings Special Protection Area (SPA).</p> <p>In relation to Non-Road Mobile Machinery (NRMM) emissions, the Air Quality Deadline 3 Clarification Note (REP3-061)</p>	<p>The Applicants note the matters raised by ESC and welcome their comments in relation to the controls set out within the Outline CoCP (document reference 8.1) with regard to nitrogen oxide (NOx) emissions from NRMM.</p>



ExQs 3	ESC Comment	Applicants' Comments
	<p>indicates that the impact on airborne nitrogen oxides (NO_x) concentrations would be of greater concern than nitrogen or acid deposition. Consequently, ESC considers that a small increase in impact due to ammonia emissions from NRMM (if any) would not be significant and can be accommodated within wider discussions regarding the impact of NRMM on habitat sites and any control measures provided.</p> <p>However, ESC has raised concerns about the impacts of NO_x emissions from NRMM. As set out in the Council's Deadline 9 Submission - Review of Actions Identified in the Local Impact Report (REP9-041), ESC's view is as follows:</p> <p><i>"Whilst ESC defers to Natural England on matters relating to air quality impacts on statutory designated sites, ESC remains concerned that landfall construction could result in an adverse impact on part of the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI). ESC refers to comments that it provided at Deadline 7 (REP7-063, paragraph 3.9 and 3.13) which provides further detail on this matter. Subject to any further advice from Natural England, ESC considers the detailed design of the projects should commit to all available mitigation measures to minimise this impact and appropriate monitoring should be carried during the construction phase to ensure that the conclusion presented by the Applicants is the outcome that occurs."</i></p> <p>ESC considers that the Applicants have made sufficient commitments at this stage within the OCoCP (REP10-003) to ensure that appropriate mitigation can be secured should the deployment of NRMM present an issue for nearby habitat sites. Provided NO_x emissions from NRMM can be appropriately</p>	



ExQs 3	ESC Comment	Applicants' Comments
	mitigated and monitored, ESC does not expect any additional impacts to occur due to emissions of ammonia from NRMM.	
3.8	Historic Environment	
3.8.4	<p>a) The trackway contributes positively to the significance of the Church and Little Moor Farm, both as individual assets and as part of the group of heritage assets that make up the historic settlement to the north of Friston.</p> <p>Individually: The trackway is a historic connection route between the Church and the historic common land and dispersed settlement to the north, and it provides important views to the Church which enhance its prominence within the surrounding landscape. It also provides a historic link between Little Moor Farm (and the settlement on the edges of Friston Moor) and the village core, thereby contributing to the understanding of Little Moor Farm as a greenside farmstead.</p> <p>Cumulatively: The trackway illustrates the historic relationship between the Church and Little Moor Farm (and by extension the dispersed settlement at Friston Moor) and thereby enhances the understanding of their interconnectedness and the understanding of the spread of the historic settlement.</p> <p>b) ESC has maintained that the interruption of the connection between the village core and the heritage assets to the north would be harmful to the significance of the identified assets (including the Church and Little Moor Farm). The historic track contributes positively to the significance of the Church and Little Moor Farm, and its loss is therefore considered to be one element of the negative impact of the proposed projects. ESC</p>	<p>The Applicants set out their position in their response to ExA question 3.8.4 at Deadline 11 (REP11-090). The Applicants agree with much of the Council's analysis of the trackway but, as made clear in the previous answer, disagree in so far as we conclude that the trackway only contributes materially to the significance of the church and therefore harm resulting from its severance by the substations affects the significance of the church.</p>



ExQs 3	ESC Comment	Applicants' Comments
	remains of the view that there would be an adverse impact of medium magnitude on Little Moor Farm and the Church, giving rise to an effect of moderate significance on Little Moor Farm and an effect of major significance on the Church, due to their respective heritage importance.	
3.11	Marine and Coastal Physical Processes	
3.11.1	<p>The reason for ESC's requirement for the Applicants to avoid disruption to the Coralline Crag outcrop is to prevent a significant change to the form of the seabed that, ESC considers, would have potential to alter coastal processes to the possible detriment of adjacent coastlines.</p> <p>ESC recognises that the Horizontal Direction Drilling (HDD) process will involve drilling through the Crag formation on part of the length between the Transition Bay and the shoreline breakout point. The Council does not regard this as having the potential to alter coastal processes.</p> <p>In answer to the questions, ESC can confirm that the statement provided within a) is correct and for this reason b) is not applicable.</p>	Noted. The Applicants welcome ESC's comments in relation to marine and coastal physical processes.
3.14	Other Projects and Proposals	
3.14.5	<p>ESC has chosen to answer the two questions in a different order as it is considered that the second question b) helps to answer the first question a).</p> <p>b) National Grid Ventures (NGV) have previously confirmed that they have the same connection offer as the EA1N and EA2 projects and if the National Grid substation is construction under</p>	The Applicants note ESC's comments regarding their request for further consideration of proposed future connections into the proposed National Grid substation at Friston. However, the Applicants maintain that there remains insufficient scope and detail of the potential future projects to undertake a meaningful assessment of cumulative impacts with the Projects. As emphasised before, it is the Applicants' view that future consent applications



ExQs 3	ESC Comment	Applicants' Comments
	<p>current projects, this is where the Nautilus and Eurolink Interconnector projects would also be connected. ESC provided further details in relation to this matter within the Local Impact Report (paragraph 6.49, REP1-132). NGV also seemed to be relatively confident in their connection location at the time of submitting their Relevant Representation and early submissions (RR-057, AS-018). It is noted more recently that NGV has been less committal in their submissions in relation to the point of connection, stating that Friston is one connection option (REP3-012, REP6-111, REP9-062).</p> <p>ESC considers that it is extremely likely that NGV will be seeking future connections and therefore extensions to the National Grid substation proposed under the current EA1N and EA2 applications to accommodate their interconnector projects. The Electricity Act 1989 requires National Grid when formulating connection to be efficient, coordinated and economical whilst also having regard to the environment. It is difficult to believe that National Grid would consider that building an additional substation in the Leiston area to accommodate Nautilus and Eurolink projects only would meet these tests. ESC therefore considers that there is a level of certainty in relation to the point of connection for these projects and NGV has previously identified that the land take required for each connection.</p> <p>The layout plan attached to the Statement of Common Ground (SoCG) between the Applicants and NGV (REP8-113) illustrates where the extensions to the National Grid substation would be located and their overall footprint.</p> <p>The Applicants provided an appraisal (REP8-074) which sought to consider the potential cumulative impacts of the EA1N and</p>	<p>for any proposed scheme connecting into the proposed National Grid substation at Friston would be obliged to undertake a cumulative impact assessment, taking into consideration the Projects. The cumulative impacts identified by the applicant of a proposed future scheme should be judged on that application.</p> <p>The Applicants have set out their position on the cumulative impact assessment undertaken for the Projects in more detail within the Statement of Common Ground (SoCG) with East Suffolk Council and Suffolk County Council (document reference ExA.SoCG-2.D12.V6).</p>



ExQs 3	ESC Comment	Applicants' Comments
	<p>EA2 projects with the extension works required to connect the interconnector projects to the National Grid substation. Within this submission the Applicants also agree that there is a level of certainty in relation to the location of the extensions required to the National Grid substation to accommodate the future connections and that the infrastructure is likely to mirror that of the existing design of the substation.</p> <p>ESC considers that the Secretary of State should therefore recognise that although at present the National Grid substation is only being designed to accommodate EA1N and EA2 offshore wind farms, National Grid are considering this site as a strategic point for future connections, therefore this strategic function and the cumulative impacts should be taken into consideration during his decision-making.</p> <p>The Council recognises that there is less certainty in relation to other elements of the projects. ESC has previously acknowledged (REP9-040) that options for a landfall location, underground onshore cable route and converter station for the Nautilus project are currently being assessed by NGV for feasibility and there is no further detailed information on the project available. The Eurolink project is at an earlier stage in its design work. It is therefore recognised that there is insufficient information available in relation to the landfall, cable route or converter station locations or design to enable a cumulative impact assessment to be undertaken on this infrastructure.</p> <p>Whilst ESC makes this comment on a technical planning basis, it is also considered that this is a flaw in the process and that the Council has been advocating for a more coordinated approach to major energy projects for a number of years (see Appendix A</p>	



ExQs 3	ESC Comment	Applicants' Comments
	<p>of REP3-094). It is recognised that if the grid connection for these projects is at Friston, the converter station site is likely to be within 5km.</p> <p>a) As stated in response to part b), a layout drawing has been attached to the SoCG between the Applicants and NGV (REP8-113) illustrating where the extensions to the National Grid substation would be located and their overall footprint. The Applicants have also provided an appraisal (REP8-074) in relation to the potential cumulative impacts. ESC provided comments in relation to the appraisal at Deadline 10 (REP9-040). ESC considers that the cumulative impacts of the future connections to the National Grid substation should be taken into consideration during decision-making, it is therefore ESC's view that the Examining Authority should provide this advice to the Secretary of State. It is acknowledged as detailed in response to b), that a full cumulative impact assessment is not possible but consideration of the impact of the elements of the projects about which there is greater certainty should be considered. The approval of the National Grid substation in this location clearly sets a precedent for future connections, this must be considered now, as to leave consideration of the cumulative impacts to a later application/project would be too late.</p> <p>ESC provided comments in relation to the implications of the Vanguard decision at Deadline 6 (REP6-078) which remain relevant. In summary, ESC considers that approval of the substation at Friston for EA1N and EA2 would effectively open the door to future grid connections at Friston for other projects, the cumulative impacts of which should be considered at this stage.</p>	



ExQs 3	ESC Comment	Applicants' Comments
3.17	Socio-Economic Effects	
3.17.2	<p>ESC welcomes the Applicants' commitment to provide a Tourism Fund however the Council does not agree that the projects will not have impacts upon visitor perceptions during construction. ESC has provided comments on this matter within the Local Impact Report (REP1-132), during Issue Specific Hearing 5 under Agenda Item 3 (REP5-046) and within the Statement of Common Ground (REP8-114). In order to seek to address the potential decline in visitor activity as a consequence of visitor perceptions during the construction period of the projects and overlapping construction phases with SZC, the Council considers there is a need to develop marketing activity to attract visitors to the locality. The Tourism Fund will secure the funding for this marketing.</p> <p>Although the Council has full confidence that this sum will be provided by the Applicants, ESC does recognise that without the fund being secured through the dDCOs or an alternative enforceable instrument that the Examining Authorities will find it difficult to accord the fund weight within their recommendations. The Fund is not currently secured through an enforceable mechanism and therefore ESC accepts that the Examining Authorities will not accord it any weight.</p> <p>ESC however in its position as a consultee as opposed to the determining authority, has accorded the fund weight when considering the Council's overall position on the projects. ScottishPower Renewables (SPR) has made a commitment to provide this fund which is to be payable to Suffolk Community Foundation and to be used towards a tourism marketing</p>	<p>With respect to impacts upon visitor perception, the Applicants maintain their position from the Applications and note that the respective positions of the parties on this matter are unchanged from the Statement of Common Ground with East Suffolk Council and Suffolk County Council - Version 04 (REP8-114).</p> <p>Regarding the tourism fund, the Council's position is noted .</p>



ExQs 3	ESC Comment	Applicants' Comments
	<p>campaign. The sum will be paid in three instalments of £50,000, with the first instalment paid upon commencement of the projects if constructed simultaneously, or upon commencement of the first project if constructed sequentially. The second and third instalments will be paid annually thereafter on the anniversary of the date of commencement. SPR has pledged to provide the full Tourism Fund even if only one project is granted consent.</p> <p>It is intended by SPR that Suffolk Community Forum will administer the fund which will include the creation of a panel of key stakeholders including the Destination Management Organisation (DMO), ESC and potentially other tourism stakeholders, who will decide on how the fund is spent.</p> <p>The sum was derived on the basis of a proposed marketing plan developed by the DMO to support East Suffolk visitor economy during the construction phases of the projects. A summary of this plan has been provided below but the whole document has been provided within Appendix G:</p> <ul style="list-style-type: none"> • Year1 £50k – to fund full refresh of photo/video assets & initiate a small launch campaign to promote local businesses affected • Years2&3 £50k p.a. – to fund full marketing & PR campaigns focusing on the impacted areas and businesses and to minimise the 'negative perception' of the development during construction. 	