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Date: 31 January 2022
Your Reference: EN010077 & EN01078
Our Ref: EA1N – 20023870/EA2 - 20023871
Enquiries to: Naomi Gould
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Dear Gareth Leigh,

Information/update request – Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Applications by East Anglia One North Limited and East Anglia Two Limited for Orders granting Development Consent for the proposed East Anglia One North and East Anglia Two Offshore Wind Farms and associated offshore and onshore infrastructure.

I am writing in response to the letters published on 20 December 2021 in relation to the East Anglia One North and East Anglia Two Offshore Windfarm projects. The letters seek additional information and/or updates as appropriate from Interested Parties in relation to point 3 (comments on previous submissions) and point 8i (flood risk). The other matters identified within the letters make specific requests of other statutory consultees or the Applicants and therefore East Suffolk Council will not be providing comment on these.

Please accept this letter and the responses provided within Appendix 1 of this document, as East Suffolk Council's response to the requests published on 20 December 2021 for both projects.

If you require any further information, please do not hesitate to contact me.

Yours sincerely,

Philip Ridley BSc (Hons) MRTPI
Head of Planning and Coastal Management
East Suffolk Council

Appendix 1 – Table providing East Suffolk Council's comments in response to Secretary of States letter of 20 December 2021

Secretary of State's Letters 20 December 2021		East Suffolk Council's (ESC) Comments
Point 3		
<p>All Interested Parties are invited to comment on the responses received to the previous round of consultation which closed on 30 November 2021. The consultation responses have been published on the East Anglia ONE North project page of the National Infrastructure Planning website listed at the end of this letter.</p>		<p>ESC understands that, if consented, the Development Consent Orders (DCOs) may include the requirement to provide compensatory measures relating to potential effects on specific ornithological populations associated with European designated sites. In particular, the DCOs could potentially require the provision of compensation in relation to kittiwakes. ESC has also become aware of several other offshore wind farm projects which are seeking to provide compensation in relation to impacts on offshore ornithology, particularly kittiwakes. The projects include recently consented schemes, projects awaiting decisions and projects at examination.</p> <p>The Council is concerned that offshore ornithological compensation measures are not being considered and addressed holistically and strategically. Consideration of compensation on a project-by-project basis and deferring details on the location, design and delivery of these measures to a consenting regime outside of the development consent process, either via permission from the Local Planning Authority under the Town and Country Planning Act 1990 (as amended), or via a licence from the Marine Management Organisation under the Marine and Coastal Access Act (2009) raises significant concerns about their deliverability. Fundamentally, the lack of a coordinated strategy also has the potential to affect the success of any compensatory measures delivered. If multiple projects all deliver the same type of compensation, there is a risk of oversupply undermining its success. The Council also has concerns about the implications of the legal</p>

protection which any compensation structure will receive, this has the potential to constrain both future onshore and offshore development.

The Suffolk coast currently supports the southernmost breeding colonies of kittiwake in the Southern North Sea, these being found at Lowestoft and Sizewell. Kittiwakes nesting in urban areas can create conflict with residents to the detriment of both residents and the birds, this has been experienced in Lowestoft. ESC is concerned that the provision of further uncoordinated kittiwake nesting structures in this locality could exacerbate this issue. It is essential that if compensation is required for kittiwakes or other offshore birds, ecological factors are not the only consideration in relation to site selection and other planning constraints must be fully considered.

The Council acknowledges that the uncoordinated and ad hoc delivery of compensation measures is not a matter easily addressed by the Applicants alone, it is however requested that the Applicants consider all opportunities to coordinate the delivery of compensation with other developers who have a requirement to deliver the same measures. The Council wishes to bring this lack of strategic planning to the attention of the Secretary of State who does have full oversight.

Notwithstanding the Council's position that a strategic approach to ornithological compensation is required, should this not be supported by the Secretary of State, ESC request, if the DCOs are consented, that the Council be party to any working groups associated with the delivery of compensatory measures. ESC also request that the Applicant discuss any potential compensatory requirements at the earliest opportunity with the Council's planning department.

Point 8 - Flood Risk		
<p>i. Suffolk County Council and Interested Parties are asked to comment on the Applicant's response to the Secretary of State's questions in the 2 November 2021 consultation letter regarding surface water and drainage management during construction. Parties are asked to comment on the updated construction surface water drainage proposals and the proposed amendment to requirement 22 (Code of Construction Practice) in Part 3 of Schedule 1 to the Development Consent Order which was submitted by the Applicant.</p>		<p>ESC note that the Applicants maintain the use of the 1 in 10-year storm event return period during construction for the cable route. ESC will defer to Suffolk County Council (SCC) as the Lead Local Flood Authority (LLFA) for their technical comments on this matter.</p> <p>ESC notes that the Applicants state that it would be possible to accommodate an increase in the return period for the onshore substations site from 1 in 15 year to a 1 in 30 year storm event. ESC will again defer to SCC LLFA for their comments on the potential increased flood risk return period identified and whether this is sufficient.</p> <p>Although ESC defers to SCC LLFA in relation to the technical acceptability of the return periods specified, the Council will provide comments on the mechanism by which any revisions are secured. It is noted based on the Applicants response to the November 2021 consultation (ExA.AS-2.SoSQ.V1 Applicants' responses to the Secretary of State's questions of 2nd November 2021 (Item 3)), that if the revised return period was accepted, this would be secured through an amendment to Requirement 22 of the Development Consent Orders (DCOs) which secures the Code of Construction Practice (CoCP). The proposed wording set out by the Applicants has been provided below.</p> <p><i>22. Code of construction practice (1) No stage of the onshore works may commence until for that stage a code of construction practice (which must accord with the outline code of construction practice) has been submitted to and approved by the relevant planning authority.</i></p>

		<p>(2) <i>The code of construction practice must include—</i></p> <p>(a) <i>a surface water and drainage management plan;</i></p> <p>(b) <i>a flood management plan which includes proposals to accommodate a 1 in 30 year storm event return period within the construction drainage design for Work Nos. 30, 31, 34, 38, 41 and 42;</i></p> <p>[...]</p> <p>ESC considers that the additional text inserted after (2)(b) should also be included in relation to (2)(a). If accepted, the commitment to the use of a 1 in 30-year storm event return period should be contained within the surface water and drainage management plan not just the flood management plan. Adding the text in red after (2)(a) would provide clarity on this point.</p> <p>It is however understood, following engagement with the Applicants, that an updated Outline Code of Construction Practice (OCoCP) will be submitted with the Applicants response to the current consultation. ESC is therefore content that updating the OCoCP with the revised commitment to return period is an appropriate mechanism to secure this commitment within the DCOs. If this was to occur, the addition text inserted onto the face of the DCOs, set out above, would not be necessary.</p>