



The Planning Act 2008

East Anglia One North (EA1N) and East Anglia Two (EA2) Offshore Wind Farms

Planning Inspectorate Reference: EA1N – EN010077, EA2 – EN010078

Deadline 5 – 3 February 2021

Comments of Suffolk County Council as Local Highways Authority

1. Post hearing submissions including written submissions of oral case (if required) and submissions if there are any outstanding matters requiring to be heard

1.1 For written submission of our traffic and transport oral case, please see the document SCC's ISH4 Summary of Oral Case.

2. Comments of Representations in relation to the additional land sought by the Applicant

2.1 Not applicable.

3. The Applicants revised draft Development Consent Order

3.1 Onshore preparation works: While the Access Management Plan will be the mechanism to approve these, it should include the same controls as the CoCP and CTMP.

3.2 Part 3 Streets, Article 12 (7): The LHA notes that the usual period allowed for the legal process required for temporary traffic orders is 12 weeks as stated on SCC's website <https://www.suffolk.gov.uk/roads-and-transport/roadworks/apply-for-a-temporary-road-closure/>. Thus a 28-day period to grant consent is too short. One of the key reasons for consulting with the street authority is the co-ordination of other works in the area reflecting the number of Energy NSIPs coming forward and the day-to-day maintenance and improvement works undertaken by statutory undertakers and the LHA.

3.3 Part 3 Streets, Article 13 Access to Works: (2) allows 28 days to notify the applicant of a decision. For works within the public highway SCC requires applicants to enter into a Highways Act s278 agreement that includes technical approval and inspection of such works. The LHA considers that this is too short a duration in view of the authority's other commitments and limited resources.

3.4 Part 3 Streets, Article 14 Agreements with street authorities: (1) states that the street authority and undertaker may enter into agreements whilst requirement 16 states that no construction of any access can begin until written approval has been provided by the LHA. The LHA considers that the appropriate mechanism to do so is a Highways Act (1980) s278 agreement and seeks formal confirmation from the Applicant that this is acceptable to them. This would be consistent with the commitments in the Access Management Plan (REP3-034) Section 2.5 which states the applicant will submit details to the LHA for technical approval.

3.5 Part 3 Streets, Article 15 Highway alterations: (3) In view of the complexity of works 36 and 37 i.e. the potential bridge strengthening and installation of traffic signals a period of approval of 28 days is considered insufficient time for the LHA.

- 3.6 The LHA accepts its role in discharging Requirements 16 and 28 together with 36 if the port is located in Suffolk. As to Requirement 36, if the port is located outside of Suffolk, SCC would request modification so that it is consulted, in its capacity as LHA, by the relevant highway authority.
- 3.7 Requirement 30 Onshore Decommissioning: the LHA should be consulted if there are significant traffic movements associated with decommissioning.
- 3.8 Schedule 10 Protective provisions. The LHA considers that protective provisions are required to:
- Allow the authority to discharge its Highways Act 1980 s41 duties to inspect and maintain the highway.
 - Clarify matters of liability during the periods in which the Applicant is in control of the public highway.
 - Ensure access for cyclic, routine and urgent maintenance.
 - Protect the authority's apparatus similar to the provisions provided for statutory undertakers.
- 3.9 As submitted orally at ISH6, the position of the LHA is no different to that of the third parties whose interests are currently protected by the protective provisions. The Order, if consented, grants the Applicants significant powers to make alterations to the highway network, for which the County Council is ultimately responsible. A significant difference to previous applications is the planned duration of the project and the interdependence with Sizewell C if that is permitted. It is therefore entirely appropriate to include protective provisions so as to protect the LHA's interest in and obligations in respect of the highway network.
- 3.10 In the Local Impact Report SCC stated that a number of obligations may be necessary to make the application acceptable. These are primarily to reclaim reasonable costs for:
- Additional costs of highway maintenance to incurred avoiding causing delays to construction traffic
 - Damage to the public highway (in part included within CMTP paragraph 4.1.4 Highway Asset Monitoring but lacking detail)
 - Officer time for implementation of the CTMP, AMP and TP
 - Technical approval and inspection of highway works
 - Cost accrued to approve and monitor temporary traffic management.
 - Costs associated with AIL movements such as reviewing structural reports, approving any works to structures, co-ordination of movements and temporary works to the highway infrastructure to facilitate AIL movements.

3.11 The Council notes that progress is being made on a number of these matters but retains its position until such time as these have been secured either through requirements, approved management plans or obligations.

4. Any revised/updated Statements of Common Ground (if any)

4.1 Not applicable.

5. Comments on any additional information/submissions received by Deadline 4

Response to Applicant's Comments on SCC's D3 Submissions (REP4-025)

5.1 This section provides a response to Table 2.5 and Table 2.6 of the Applicants' Comments on the Examining Authority's Written Questions and SCC's D3 Submissions relating to Traffic and Transport found here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-003459-ExA.AS-18.D4.V1%20EA1N&EA2%20Applicants'%20Comments%20on%20the%20Councils'%20Deadline%203%20Submissions.pdf>.

5.2 With regards to Written Question 4, SCC disagrees with the conclusion that a project impact that is lower than the ES threshold should be immediately dismissed given that the purpose of a cumulative impact assessment is to understand in combination impacts across relevant projects and whether these in combination impacts trigger effects. The applicant has identified that they are not rigidly applying the thresholds set out within the Guidance of Environmental Assessment of Road Traffic (GEART); however, a slightly higher impact on these links than they have calculated would result in a greater classification of impact; and therefore, would result in further consideration of their impacts. This is considered to be rigidly applying thresholds, especially given the sensitivity of the locations e.g. villages that front onto the A12. Regardless of the threshold, the Council disagrees with dismissing impacts on this basis.

5.3 With regards to Written Question 6, Appendix 26.26 provides a Table outlining each calculated impact for the projects and identifies the calculated magnitude of effect for each assessed category and highlights mitigation where it is proposed. SCC requests further explanation of how in combination impacts have been considered including the assessment method that results in the conclusion that that they would not trigger an in combination effect that requires mitigation. As per SCC's original response we would request further explanation of the consideration of synergistic effects outlined at Table 26.31 and Table 26.32 of Chapter 26; and where synergistic effects are identified how they relate to the conclusions provided at Appendix 26.26. It is noted that a minor adverse effect is identified for cyclists and motorcyclists; how does this combine with a minor adverse effect on other modes of transport for residents? Synergistic effects are identified by the Applicant and impacts have been identified; but mitigation is not

proposed to address these impacts. As the Applicant states in their response to Written Question 6, Table 26.30 identifies the sections where synergistic impacts have been addressed. Table 26.30 points to Sections 26.6.1, 26.6.2 and 26.7 of Chapter 26; however, there is limited reference to the synergistic impacts within these sections. Table 30.67 identifies the residual traffic impacts as identified by the Applicant including those associated with traffic. SCC is aware that the traffic assessment has informed the air quality and noise assessments, but query how residual impacts in these areas have been considered in combination with other transport impacts, including impacts on PRow. Table 27.38 of the Environmental Statement identifies a small magnitude of impact of Traffic and Transport on Human Health; whilst Table 27.49 identifies that the health effect would be not significant, meanwhile Table 27.53 identifies a number of small impacts on human health, and it remains unclear how these small/minor in combination impacts have been considered across the project. What consideration is given to how all these residual small/minor impacts in combination actually affect the lives of residents?

- 5.4 With regards to the Applicants' response to traffic and transport ID 4, SCC disagrees with the Applicants' conclusion that a project impact that is lower than the effect threshold should be immediately dismissed without an understanding of its contribution to cumulative impacts and whether these would be determined to have an effect.
- 5.5 With regards to the Applicants' response to traffic and transport ID 6, SCC disagrees with the conclusion that a project(s) impact of a 21% or 27% increase in HGVs, which is marginally lower than the ES threshold (30% increase), should be immediately dismissed at Yoxford given that the purpose of a cumulative impact assessment is surely to understand in combination impacts across relevant projects and whether these in combination impacts trigger effects and require mitigation. The applicant has identified that they are not rigidly applying the thresholds set out within GEART; however, a slightly higher impact on these links than they have calculated would result in a 'minor' impact; and therefore, would this result in further consideration of their impacts. This appears to be rigidly applying the threshold at a sensitive location. Regardless of the threshold, SCC disagrees with dismissing impacts on this basis.
- 5.6 With regards to the Applicants' response to traffic and transport ID 7. The response fails to address SCC's concerns regarding specific impacts at the Marlesford link and the Applicants' dismissal of their impacts based on their proportional impact again which are marginally below the 30% threshold being broadly a 20% to 26% proportional increase. The Applicants' point regarding peak hour assessment for driver delay and road safety is noted and recognised with regards to peak hour modelling of junctions; however, it does imply that the hourly assessment of greatest change has not been undertaken for the categories of severance or amenity, where proportional changes may be greater than daily changes.

- 5.7 With regards to the Applicants' response to traffic and transport ID 9, the Applicant has included a commitment to work with NNB Generation Company Limited and engage over the construction across the projects; however, this would not necessarily mitigate impacts. The Council remains concerned that impacts in the Early Years of the Sizewell C project in combination with EA1N and EA2 at Lover's Lane would exceed an acceptable level prior to delivery of the Sizewell C mitigation in the form of an off-road bridleway. Consideration should be given to whether controls are necessary on this link until the mitigation is delivered.
- 5.8 With regards to the Applicants' response to traffic and transport ID 11, the Applicants' response on the use of DMRB is noted, and we remain aware of its criteria. However, it is understood that DMRB Volume 11 has been superseded by Highways England document LA112. Highways England current document LA112 sets out figures for impacts on at-grade public rights of way crossings. These indicate a lower threshold for a medium impact at these locations of Annual Average Daily Traffic of 4,000 vehicles. Further understanding is needed of how these figures relate and consideration needs to be given as to whether dismissing impacts based on a threshold of 8,000 is appropriate.

Response to Traffic and Transport Deadline 4 Clarification Note (REP4-027)

- 5.9 These comments relate to The Applicants' submitted document 'Traffic and Transport Deadline 4 Clarification Note' found here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-003426-ExA.AS-26.D4.V1%20EA1N&EA2%20Deadline%204%20Traffic%20and%20Transport%20Clarification%20Note.pdf>.
- 5.10 At paragraph 6 of the technical note it is noted that the Applicants maintain their position regarding the suitability of the mitigation as proposed in Chapter 26 of the Environmental Statement. SCC also maintain its position on this issue, as set out in our Local Impact Report and Relevant Representations that the original proposed scheme was not considered acceptable mitigation.
- 5.11 SCC appreciates the efforts that has been made by the Applicants in looking to address its concerns relating to road safety at A12 / A1094 Friday Street junction and that it is satisfied with the 'concept' design. The LHA notes that in 2.4 the applicant will seek to enter into a Highways Act 1980 s278 agreement. This is acceptable but must be included in an appropriate part of the DCO or supporting documents to remove any uncertainty on this matter.
- 5.12 Appendix B of the Clarification Note includes the assessment of the signal junction option. A review has been undertaken of the modelling outputs and they are considered to be acceptable. The modelling results presented at Appendix B are therefore considered to be acceptable and indicate the junction functioning with spare capacity in all scenarios. It is expected that the proposed signal junction arrangement would include appropriate software (e.g. MOVA) to further

improve the operation of the junction. It is recognised that some users of the junction, most notably A12 southbound traffic, will experience additional delay beyond what would be experienced with the junction's existing layout; however, these impacts need to be considered against the impacts on road safety.

- 5.13 Depending on a number of factors including public perception, the potential exists that the traffic signal scheme could be made into a permanent feature following completion of the project. However, it is proposed for clarity that the wording relating to this element of the project is clear that the traffic signals will be removed on completion of the scheme unless agreed in writing with the LHA in consultation with the LPA. This will require the Applicant to include within any agreement to cover the costs of removal and reinstatement.
- 5.14 As noted within the Deadline 4 Clarification Note, as part of their Development Consent Order (DCO) Sizewell C (SZC) proposes to replace the A12 / A1094 priority junction with a 4-arm roundabout junction forming part of their proposed two village bypass. The Council recognises that the roundabout is likely to be the optimum solution for the combined projects (subject to continued assessment and confirmation as part of the SZC DCO). As part of their submission, SZC Company submitted an Implementation Plan for the delivery of their infrastructure, located here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010012/EN010012-002217-SZC Bk8 8.4 Planning Statement AppxI Implementation%20Plan.pdf>, as noted at Plate 1.1 of their Implementation Plan, and reflecting discussion with the Council, the A12 / A1094 roundabout forms one of the first pieces of off-site infrastructure proposed to be delivered, broadly within six months of project commencement. A draft commitment is also provided at Paragraph 6.7 of the DRAFT S106 Head of Terms submitted as part of the Sizewell C DCO and located here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010012/EN010012-002218-SZC Bk8 8.4 Planning Statement AppxJ S106 Heads of Terms.pdf> This indicates the SZC project's commitment to use 'reasonable endeavours' to deliver mitigation in accordance with the Implementation Plan. It is therefore necessary that a mechanism is in place so that should it become clear that the roundabout junction could be delivered in a reasonable timeframe for the EA1N and/or EA2 projects (depending on the scenario) then the signal junction would not need to be delivered. Clear communication between the projects and East Suffolk and Suffolk County Councils is of paramount importance to avoid unnecessary disruption through delivering unnecessary works. However, it is also reasonable to foresee a scenario where the EA1N and/or EA2 projects come forward in the absence of SZC, and therefore appropriate mitigation is necessary at this location.
- 5.15 Communication is also necessary between the parties as it is important to note the potential impact that delivery of mitigation could have on the programmes of each project. A Draft Statement of Common Ground was submitted between the Applicant and NNB Generation (SZC) Limited (REP1-061) found here:

https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-002636-ExASoCG18D1V1EA1NEA2DraftStatementofCommonGroundwithNNBGenerationCompanySZCLimite_378253_1.pdf. At Issues SZC 303 to SZC 305, the Statement of Common Ground refers to information being shared between the Applicant and SZC relating to:

- Information for the support of SZC's DCO application.
- Information for the Sizewell C onsite emergency plan.

5.16 With regards to A12 / A1094 Friday Street SZC-403 sets out a number of matters including engagement relating to Friday Street between the Applicant and SZC. This matter is not currently agreed.

5.17 At Issue SZC-301 there is a commitment that the Applicants and Sizewell C will engage regularly with each other during design and construction of their respective projects.

5.18 The LHA notes that there are a number of detailed design issues that remain unresolved such as use of high PSV surfacing rather than HFS and relocation or removal of the existing speed camera but is content that subject to the applicant entering into a s278 agreement these matters can be resolved.

Outline Access Management Plan (REP3-034)

5.19 Paragraph 39 should include consultation with the LPA.

6. Responses to any further information requested by the Examining Authority for this deadline

6.1 Action 3 of Issue Specific Hearing 5 (EV-068) found here https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-003594-FINAL_EA1N&2_ISH5_Action_List.pdf requests confirmation that the interests of ports, harbours or channels have been appropriately recognised including taking into consideration of traffic levels.

6.2 As set out at paragraph 3 of Chapter 26 'Traffic and Transport' (APP-074) of the Environmental Statement, there is currently no assessment of port related traffic in the area of a potential port within the traffic and transport assessment submitted as part of the DCO. However, an Outline Port Construction Traffic Management Plan and Travel Plan (REP3-047) was submitted at Deadline 3 and Requirement 36 of the Draft DCO requires that the relevant highway authority approve the final submitted port construction traffic management plan and port travel plan, or confirms no such plans are needed.

6.3 The Outline Port Construction Traffic Management Plan and Travel Plan (REP3-047) include a commitment to evaluate the potential traffic and transport impacts associated with construction and operational movements.

- 6.4 As part of SCC's Deadline 4 response (REP4-065) the LHA noted that a Transport Assessment may be required to be submitted to assess the local highway impacts of Port Related traffic depending on the location and significance of impacts.
- 6.5 Whilst we note the Applicants' commitment to assessing port traffic once the exact location of the port is known, as noted in our oral submission, we remain concerned that the omission of these impacts does not allow for all parties to understand the total, holistic, impacts of the development. This issue is further exacerbated when trying to understand in combination impacts with other developments (both for NSIPs and applications determined under the Town and Country Planning Act).