



## **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**

**East Suffolk Council's Summary of Oral Case - Issue Specific Hearing 6**

**Issue Specific Hearing 6 – Draft Development Consent Orders - Summary of ESC Oral Case**

Examining Authority's Question		East Suffolk Council's Summary of Oral Case
<b>Agenda Item 1 – Welcome, introductions and arrangements for these Issue Specific Hearings 6</b>		
<b>Agenda Item 2 – Introduction by the Applicant: The Approach to dDCO drafting and changes to the draft in progress</b>		
<p>The ExAs will ask the Applicants to present and justify the dDCO, taking any active proposals for changes into account.</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>During discussion on this agenda item, it was highlighted by Interested Parties that the current drafting of the DCOs permitted the National Grid connection infrastructure to be constructed even if the EA1N and EA2 projects did not proceed. The Applicants confirmed that they would consider this matter and respond at Deadline 5. ESC considers that Requirement 38 should be amended to prevent the possibility of this situation occurring. The National Grid infrastructure should only be permitted to be constructed for either EA1N, EA2 or both projects together.</p> <p>ESC notes and welcomes the following new commitments within the draft DCOs which the Applicants outlined:</p> <ul style="list-style-type: none"> <li>• Reduction in the period for implementation set out in Requirement 1 from seven years to five years.</li> <li>• Inclusion of additional monitoring location (SSR3) in Requirements 26 and 27.</li> <li>• Inclusion of sealing end compounds into Requirements 12, 25 and 41 (design, artificial lighting and drainage requirements) including the provision of a maximum footprint.</li> <li>• Specification of the number of cable ducts.</li> </ul>
<b>Agenda Item 3 – Provisions for Projects Definitions and Elements</b>		

<p>The ExA will review:</p> <p>a) The provisions for the proposed developments and works;</p>	<p>Part 1 – Preliminary - Interpretation</p> <p><i>“Onshore Preparation Works” means operations consisting of site clearance, demolition work, pre-planting of landscaping works, archaeological investigations, environmental surveys, ecological mitigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, creation of site accesses, footpath creation, erection of welfare facilities and the temporary display of site notices or advertisements;</i></p> <p>The definition of ‘onshore preparation works’ provided in the draft DCOs is wide and the definition of ‘commence’ states that this excludes ‘onshore preparation works’. Some requirements must be discharged prior to commencement of a certain stage of works, the concern is that this excludes the onshore preparation works which could take place ahead of the need to discharge the relevant requirements being triggered.</p> <p>The onshore preparation works can occur ahead of the need to discharge the Code of Construction Practice (CoCP). Therefore, these works can occur without the relevant controls which are stipulated within the CoCP or imposed by the DCOs. Some of the works have the potential to cause noise and disruption as well as potentially cause drainage concerns and therefore relevant controls should be imposed.</p> <p>Pre-planting of landscaping works – it is assumed that this relates to planting but further clarification on this matter is required as to whether this relates to the creation of bunds etc. It is unclear at present how ESC would ensure that details of the planting are agreed prior to the works taking place.</p>
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		<p>Similarly, there are a number of other works allowed under the definition of onshore preparation works which are not covered by wording within the requirements. This includes erection of temporary means of enclosure – how would ESC ensure that details of the fencing are submitted and approved prior to the works taking place?</p> <p>ESC considers that the wording of Requirements 14 and 17 could be amended to prevent landscaping or fencing works being undertaken without agreement from ESC. In addition, ESC considers there should be a ‘mini’ CoCP for the onshore preparation works. The Norfolk Vanguard DCO included the following wording as part of Requirement 20(4) (CoCP):</p> <p><i>Pre-commencement screening, fencing and site security works must only take place in accordance with a specific plan for such pre-commencement works which must accord with the relevant details for screening, fencing and site security set out in the outline Code of construction practice, and which has been submitted to and approved by the relevant planning authority.</i></p> <p>ESC notes that wording has been included within Requirement 19 in relation to pre-commencement archaeological works and Requirement 21 in relation to ecology which is welcomed. ESC however considers that further controls are necessary as set out above.</p>
		<p>Part 7, Article 33 – Operational Land for the Purposes of the 1990 Act</p> <p>ESC is concerned in relation to the extent of the land, which is considered operational land, as this is directly relevant to whether extensions and alterations under Part 15,</p>

	<p>Class B of the Town and Country (General Permitted Development) Order 2015 would be applicable.</p> <p>ESC recommends that permitted development rights should be removed to prevent modification, extension or alteration of the substations under Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) Order 2015 without prior consent from ESC. An example of draft wording has been provided below as requested by the Examining Authority:</p> <p><i>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no development shall be carried out under Schedule 2, Part 15, Class B (a), (d) or (f) without the submission of a formal planning application and the granting of planning permission by the local planning authority.</i></p> <p>The Applicants comments regarding the operational land for the substations being confined to their footprints is noted however further clarification is required in relation to this matter in the form of a plan. It is also unclear how the operational land definition, if it is to be confined to the footprints of the substations, would be secured.</p> <p>ESC also notes that the Applicants consider that extensions to the substations would comprise EIA development. This would however be a matter of judgement subject to a screening process. It is not considered appropriate that any further modifications, extensions or alterations are undertaken to the substations without robust consideration through the planning process.</p>
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		<p>Article 36 – Certification of Plans etc.</p> <p>ESC notes the comments and suggestion that the article should refer to a more detailed schedule of plans containing a greater amount of detail and note the Applicants are considering this request. The Council would support any modifications to the article which provide greater clarity to the list of certified documents.</p>
		<p>Article 38 – Requirements, appeals etc.</p> <p>ESC has significant concerns in relation to the wording of Schedule 16 which this article refers to. These concerns have been outlined on pages 21-23 of this table.</p>
		<p>Schedule 1, Part 1 – Authorised Project</p> <p>Work No.1 - ESC would support the request that the draft DCOs include a commitment to a minimum generating capacity for each project.</p>
b) The proposed wind turbine generator (WTG) array areas and provisions regulating WTG siting, height and generation capacity:		<p>ESC notes the reduction in the maximum height of the turbines to 282 metres which is welcomed.</p> <p>ESC will defer to the Marine Management Organisation (MMO) and Natural England (NE) for further comments.</p>
c) The relationship between the two proposed developments, other existing offshore wind farms and maritime uses:		<p>ESC has no comments in relation to offshore matters and will defer to the MMO and NE in relation to offshore matters.</p>

d) Cables at sea;		ESC has no comments in relation to offshore matters and will defer to the MMO and NE in relation to offshore matters.
e) The landfall and onshore cables;		<p>Requirement 13 – Landfall Construction Method Statement</p> <p>ESC welcomes the update to this requirement which identifies the need for the method statement to accord with the Outline Landfall Construction Method Statement (OLCMS). The Applicants also confirmed that the wording of Requirement 13 would be further updated to include a commitment to the use of HDD which is also supported.</p> <p>ESC considers that the Applicants should set up a monitoring programme to compare actual shoreline change trends with as-built records to ensure that design assumptions on resilience are not compromised. If monitoring suggests there is a risk of duct or exposure of breakout connection point damage then ESC recommends the Applicants submit proposals for remediation to the planning authority, and all other relevant approval bodies, at least 12 months in advance (if possible) of action being needed.</p> <p>Monitoring could be secured by an update to the OLCMS to ensure that a monitoring provision is set out in the final LCMS and secured by Requirement 13, along the lines of Requirement 37. ESC recommends that the Applicants use data currently collected, and made publicly available, under the Anglia Coastal Monitoring Programme (ACMP) to undertake these reviews. Only if the ACMP is stopped or modified would the Applicants be required to undertake their own surveys. Annual surveys (with a report of findings to ESC) are recommended for at least 3 years</p>

		<p>following installation with a review at end of year 3 to consider a reduction in frequency.</p> <p>ESC is currently discussing this matter with the Applicants.</p>
f) The substations;		<p>Requirement 12(1) requires the Applicants to submit details of the layout, scale and external appearance of the onshore substation to ESC for approval and 12(2) requires the details to be in accordance with the outline onshore design principles statements (APP-585). This statement has now been superseded by the Substations Design Principles Statement (REP4-029) and the Applicants have committed to amending the wording of 12(2) to reflect this at Deadline 5 and update the certified documents list.</p> <p>12(3) - ESC welcomes the reductions to the maximum height of the buildings and external equipment.</p> <p>12(6) – ESC understands that the wording will be updated to reflect that the Outline National Grid Design Principles Statement (REP1-046) has been superseded by the Substations Design Principles Statement (REP4-029). The inclusion of the sealing end compounds within the scope of the requirement and Design Principles Statement is welcomed.</p> <p>ESC remains of the view that National Grid should seek to engage with their supply chain as the Applicants have for the EA1N and EA2 substations to see if the parameters set out in the DCOs in 12(7), (8), (9) and (10) can be reduced.</p> <p>12(14)(b) - the DCOs state that the working width where cables cross the Hundred River will be 40m for each project. The Outline Water Crossings Method Statement</p>



		<p>(OWCMS) states that this would be 80m for both projects (REP3-048, paragraph 62). ESC requests that the Applicants consider whether further reductions in the cable width are possible to minimise the impacts in this locality and on the banks of the Hundred River.</p> <p>ESC will be providing comments on the Substations Design Principles Statements at Deadline 5 but welcomes the additional information this provides in relation to the engagement with the local community post-consent. It is considered that the Substations Design Principles Statement should be an all-encompassing document and include the relevant aspects of the Design and Access Statement and Outline Landscape and Ecological Management Strategy (OLEMS). If this is not the case, then ESC would support the referencing of these documents within this requirement to ensure a consistent approach.</p> <p>It is understood following the hearing that the Applicants will be looking at Requirement 12 to consider whether any modifications could be made to provide greater clarity and considering potential subdivision into additional requirements. Although ESC can see on one hand a benefit from subdividing the requirement, we support the current drafting which is consistent with the integrated approach adopted by the Applicants. It is important that the site is designed holistically, and this drafting approach reflects this aim.</p>
		<p>Requirement 26 – Control of Noise during Operational Phase</p> <p>The Council does not accept the proposed operational noise rating level (LAr) of 34 dB as set out in Requirement 26 or the proposed revised noise rating level of 31/32dB set out at Deadline 4 by the Applicants (REP4-026, REP4-043). This level would</p>

		<p>considerably exceed what ESC considers to be a more typical background sound level at night (24dB). The Council considers a lower limit should be set. ESC however does welcome the downward direction that this amendment to the noise rating level represents.</p> <p>The Council has maintained that a third monitoring location (SSR3) should be added to the two proposed monitoring locations (1 Woodside Cottages, Grove Road and Woodside Barn Cottages, Church Road). Based on the Applicants Deadline 4 submission (REP4-026, REP4-043) ESC welcomes this addition and understands the Draft DCOs will be updated at Deadline 5 to reflect this commitment.</p>
		<p>Requirement 27 - Control of noise during operational phase cumulatively with (East Anglia TWO/East Anglia ONE North) onshore substation</p> <p>The comments provided by ESC in relation to Requirement 26 also apply to Requirement 27. The Council does not agree with the noise limit set and maintains that a lower limit should be imposed.</p> <p>There is no noise limit set for the National Grid infrastructure. The Council considers that the National Grid infrastructure should be included within the final agreed cumulative operational noise rating level and therefore subject to Requirement 27. The wording of this requirement should be revised accordingly.</p>
g) The grid connections at Friston; and		<p>ESC's comments above in relation to Requirement 27 are relevant. There is no noise limit set for the National Grid infrastructure. The Council considers that the National Grid infrastructure should be included within the final agreed cumulative</p>

		operational noise rating level and therefore subject to Requirement 27. The wording of this requirement should be revised accordingly.
		<p>ESC's comments in relation to Article 33 on pages 4 and 5 are relevant.</p> <p>ESC recommends that permitted development rights should be removed to prevent modification, extension or alteration of the substations under Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) Order 2015 without prior consent from ESC (LIR, paragraph 6.55-6.57 - REP1-132). An example of draft wording has been provided below as requested by the Examining Authority:</p> <p><i>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no development shall be carried out under Schedule 2, Part 15, Class B (a), (d) or (f) without the submission of a formal planning application and the granting of planning permission by the local planning authority.</i></p>
h) Requirements generally.		Requirement 11 – ESC notes this requirement provides the ability to agree stages of the onshore development which is welcomed.
		<p>Requirement 14 – Provision of Landscaping</p> <p>If the definition of 'onshore preparation works' remains as set out in the draft DCOs, ESC considers that the wording of this requirement should be amended to prevent planting in relation to the projects being undertaken without prior approval from ESC.</p>

		<p>The OLEMS (paragraph 41 and Section 4.1, REP3-030) makes brief reference to Landscape Management Plan (LMP) providing details of ongoing management of landscaping beyond the maintenance period but this does not include how areas of replacement woodland not forming part of Work No.33 will be managed after the maintenance period or how their long term provision will be secured.</p> <p>The long term management of the substations site is an important consideration, the OLEMS currently provides insufficient information in relation to this.</p>
		<p>Requirement 15 – Implementation and Maintenance of Landscaping</p> <p>15(2) This should be amended to revise the ten year period set for Work No.33. The Council considers that the requirement for replacement planting should reflect the time period for the adaptive/dynamic maintenance and aftercare period set out in the OLEMS (REP3-030, Section 4.2). If the maintenance period is suspended so should the requirement for replacement planting.</p> <p>ESC considers the replacement period for failed woodland planting (Work Numbers 24 and 29) should be ten years not five years as detailed in the requirement. This would reflect the maintenance period set out in the OLEMS Table 5.1 (REP3-030) and this should be reflected in this requirement.</p>
		Requirement 16 - Highway Accesses – ESC defer to SCC on this matter.
		Requirement 17 – Fencing and Other Means of Enclosure

		<p>If the definition of 'onshore preparation works' remains as detailed in the draft DCOs ESC considers that the wording of this requirement should be amended to prevent the erection of means of enclosure in relation to the projects being undertaken without prior approval from ESC.</p> <p>The requirement should state that "No fencing or other means of enclosure shall be erected until for that stage written details ...." And remove the wording "no stage of the onshore works may commence".</p>
		Requirement 18 – Contaminated Land and Groundwater – ESC has no comments.
		Requirement 19 – Pre-commencement archaeology execution plan - ESC will defer to SCC Archaeological Service on this matter.
		Requirement 20 – Archaeology - ESC will defer to SCC Archaeological Service on this matter.
		<p>Requirement 21 – Ecological Management Plan</p> <p>The Council would like the words 'pre-commencement' added before "survey results" in 21(1). This provides additional clarity that the Ecological Management Plan (EMP) should reflect pre-commencement survey results and not necessarily the survey results in the Environmental Statement (ES) as a significant period of time could have passed between approval of the projects and their implementation.</p> <p>ESC welcomes 21(2) which prevents the onshore preparation works being carried out until a written ecological management plan has been submitted for those works. This</p>

		<p>wording however also refers to the ecological management plan reflect the survey results and ecological mitigation measures included in the ES rather than referring to pre-construction surveys.</p> <p>ESC however considers that the OLEMS is the correct place to identify the type and specification for the pre-commencement surveys which are likely to be required.</p> <p>The Council welcomes the inclusion of the wording to ensure the SPA crossing method statement reflects the Outline SPA Crossing Method Statement.</p>
		<p>Requirement 22 – Code of Construction Practice</p> <p>ESC notes the additional wording added to this requirement to reflect the new outline management plans submitted.</p> <p>The CoCP is required prior to commencement and this contains a number of the construction activity controls. The onshore preparation works can proceed prior to the submission of the CoCP and therefore the measures outlined in this document are not applicable to this activity.</p> <p>ESC is concerned there are no controls in place in relation to many of the onshore preparation works and it is therefore recommended that there should be a ‘mini’ CoCP secured in relation to these pre-commencement works.</p>
		<p>Requirements 23 – Construction hours for the transmission works and 24 - Construction hours for grid connection works.</p>

		<p>23(2) &amp; 24(2) - This part of the requirements sets out the activities which, subject to advanced approval from ESC, can occur outside the working hours set out in Requirement 23(1) and 24(1). The Council considers there is potential for adverse noise effects occurring outside consented onshore working hours. The current drafting of the requirements identifies some activities a) to e) which are considered to meet the definition of essential but then states that the activities are not limited to those specified. This would imply that any works could be considered essential which is not acceptable.</p> <p>In addition to this the Council is concerned that the wording of 23(2)(b) and 24(2)(b) “fitting out works associated with the onshore substation” and “fitting out works associated with the national grid substation” is too vague and could incorporate many activities some of which could cause noise disturbance. It is also not clear why it is necessary to undertake these works outside the specified working hours. It is therefore considered that this activity should be removed from the requirements.</p> <p>ESC considers that it is important in addition to seeking agreement from the Council in relation to the duration and timing of the works, the Applicants should also be required to seek agreement from ESC as to whether the works are essential and therefore take place out of hours, with the exception of the works identified on the face of the DCOs. As indicated above however, ESC considers that (2)(b) should be removed from both requirements.</p>
		<p>Requirement 25 – Control of artificial light emissions during construction phase</p> <p>ESC is satisfied that the requirement 25(1) and (2) secures the submission, agreement and implementation of an operational artificial light emissions management plan.</p>

		<p>Requirement 25(3) and (4) secured the submission, agreement and implementation of an operational artificial light emissions management plan in relation to the National Grid substation.</p> <p>ESC welcomes that the requirement includes the provision of measures to minimise light pollution.</p>
		Requirement 28 – Traffic – ESC will defer to SCC on this matter.
		<p>Requirement 29 – Restoration of land used temporarily for construction.</p> <p>ESC supports the current wording of the requirement which allows coordination and flexibility between the projects.</p>
		Requirement 30 – Onshore Decommissioning - ESC has no comments.
		<p>Requirement 31 – Aviation Lighting</p> <p>ESC welcomes the additional text inserted requiring the lighting to be operated at the lowest permissible lighting intensity level.</p>
		Requirement 32 – Public Rights of Way – ESC will defer to SCC on this matter.
		Requirement 33 – Emergency Incident Response Plan



		ESC has discussed this matter with the Applicants and SCC and understands that there will be amendments made to the wording of this requirement. These discussions are ongoing.
		Requirement 34 – Ministry of Defence Surveillance Operations - ESC will defer to the MOD of this matter.
		Requirement 35 – Cromer Primary Surveillance Radar - ESC has no comments.
		Requirement 36 – Port Traffic – ESC has no comments.
		Requirement 37 – Decommissioning of Work No.8  ESC considers the requirement should be updated to include infrastructure associated with Work No.6 up to the point of the mean low water mark (LIR REP1-132, paragraph 10.14 & 10.20).
		Requirement 38 – Restriction on carrying out grid connection works consented in (EA1N/EA2) Order  ESC notes and welcomes this additional requirement, we however support the request that the wording should be amended to prevent the possibility that the National Grid infrastructure could be constructed and the EA1N and EA2 projects not.
		Requirement 40 – Amendments to Approved Details - ESC has no comments.

	<p>Requirement 41 – Operational Drainage Management Plan – ESC supports the current drafting of the requirement which provides the relevant planning authority with responsibility for discharging in consultation with SCC.</p> <p>ESC fully recognises the importance of designing an appropriate and functional drainage scheme, this is a vital element of this design process and fundamental for the operation of the site. The design of the substations and their environs will be coordinated through the development of a Landscape Masterplan which will include land which is required for landscaping and drainage features including SuDS ponds (REP4-029, paragraph 3). The drainage management plan is a key component feeding into the overall design of the site.</p> <p>It is clear that these factors all interlink and to disaggregate these matters by providing differing lead authorities for the responsibility of discharging is not considered appropriate. Any amendments to the drainage scheme would have a consequence for the landscaping scheme which would affect the overall masterplan. Similarly, drainage measures could influence the finished ground levels and therefore affect the overall design of the site. Alternatively, revisions to the design of the site through modifications to the landscaping could directly affect the operational drainage scheme, the matters are all interrelated and need to be considered holistically.</p> <p>ESC recognises SCC's role as the lead local flood authority and the requirement identifies that they will be consulted, ESC will therefore seek SCC's agreement to the details when submitted. The Environment Agency is also a consultee in relation to this matter, as in addition to surface water drainage the requirement also includes foul drainage. It is however considered essential that the factors which contribute to the overall design of the site and which will be subject of the design refinement</p>
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		<p>process and engagement should ultimately be determined by the same organisation to ensure continuity. ESC considers this holistic approach to the site design is essential.</p>
		<p>Requirement 42 – Installation of Cable Ducts</p> <p>42(1) “In the event that the (EA1N/EA2) cable works are constructed prior to the (EA1N/EA2) cable works, the (EA1N/EA2) cable works may not subsequently be constructed unless the ducts forms part of the (EA1N/EA2) cable works are installed in parallel with the construction of the (EA1N/EA2) cable works”.</p> <p>ESC welcomes this requirement and supports its aim but is of the view that the terms utilised need further consideration and precision. A definition of the term ‘constructed’ would be helpful so it is clear what this would constitute. ESC will be required to determine when the first project had been constructed, and we seek clarity regarding what this term would mean. The definition of this term will directly affect the point at which this requirement would engage.</p> <p>ESC would also seek clarity regarding the term ‘installed in parallel’ – it is assumed this refers to timeframe but could also relate to a geographical location. It may provide more clarity to use a term such as ‘simultaneously’ or something similar, but a definition of this term would also need to be provided.</p> <p>ESC welcomes the Applicants commitment to consider the wording used in the requirement further.</p>
		Skills, education and economic development Memorandum of Understanding (MoU)

		ESC supports SCC and the Applicants submissions in relation to the MoU. It is considered that a requirement is not necessary and could restrict the flexibility and dynamism which the MoU in its current form allows.
Schedule 11 – Hedgerows Part 1 – Removal of Important Hedgerows		<p>ESC seeks clarity regarding the hedgerows identified with Schedule 11 of the draft DCOs.</p> <p>ESC seeks clarity regarding the hedgerows identified within Schedule 11 of the draft DCOs.</p> <p>Hedgerows marked 1 and 2 are identified within Schedule 11 (REP3-011) as being removed but on the Important Hedgerows and Tree Preservation Order Plan (REP3-010) they are identified as being crossed with a reduced width. Annex 1 of the OLEMS document (REP3-030) identifies hedgerows 1 and 2 as being subject to full or partial removal. Clarification on this is required.</p> <p>Clarification is also required in relation to hedgerow marked 28 which is identified on the Important Hedgerows and Tree Preservation Order Plan (REP3-010) as being removed but is not identified within Schedule 11 as being removed and identified in Annex 1 of the OLEMS (REP3-030) as not subject to interaction.</p> <p>The interaction identified within Annex 1 of the OLEMS (REP3-030) in relation to a number of hedgerows does not appear to correspond to the interaction identified within Schedule 11 of the draft DCOs (REP3-011) and the interaction identified on the Important Hedgerows and Tree Preservation Order Plan (REP3-010). Further clarification as to the reasons for this is required. Does Annex 1 identify a greater</p>

		number of important hedgerows to be crossed with a reduced width as some of these will be crossed with a width less than 32m but greater than the draft DCOs definition of reduced width which is 16.1m?
<p>Schedule 16 – Procedure for discharge of requirements</p> <p>1 – Applications made for certain approvals</p> <p>2 – Further information</p>		<p>ESC understands that this procedure is set out in Appendix 1 of The Planning Inspectorate's 15: Drafting Development Consent Orders but there have been a number of recent DCOs which have been granted with wording which varies from that set out. ESC is particularly referring to the two latest decisions on offshore windfarms published relating to Hornsea Project Three and Norfolk Vanguard Offshore Wind Farms.</p> <p>Schedule 16 does not include any details in relation to the information the Applicant should provide. For example, the Norfolk Vanguard DCO included the wording:</p> <p><i>"a) the undertaker must give the discharging authority sufficient information to identify the requirement(s) to which the application relates;</i></p> <p><i>"b) the undertaker must provide such particulars, and the request be accompanied by such plans and drawings, as are reasonably considered necessary to deal with the application."</i></p> <p>The Council considers that this would be useful additional wording.</p> <p>1(2)(a) ESC considers that 42 days provides an insufficient standard time period in which to discharge requirements. It is noted that this is the timescale set out in Appendix 1, however a longer period of 56 days is provided when discharging planning application conditions and therefore a shorter period is not considered appropriate. The DCOs and requirements relate to multiple large scale complex developments which will require significant resource from ESC and consultation with</p>

multiple other stakeholders, particularly in circumstances where the discharge applications for the two DCOs may be made simultaneously. It is considered a period of 56 days would be more appropriate.

The recent Norfolk Vanguard DCO provided a period of 8 weeks. This provision was not included within the recently consented Hornsea Project Three DCO or the other SPR projects EA1 and EA3 DCOs.

1(3) ESC considers that the deemed consent provision in the event that the discharging authority does not determine an application with the set period is not appropriate. This is not a provision in the standard text provided in Appendix 1, it is also not a provision which has been included within the two recently consented DCOs referred to above. Importantly, it should be noted that this was not a feature of the EA1 or EA3 DCOs and ESC does not consider that the lack of this mechanism has been detrimental to the discharge process. The Council has developed a good working relationship with the Applicants, and it is not considered that such a provision is necessary.

The Council does not agree with the provision that if information is not requested within the first 10 business days that the information submitted is deemed to be sufficient. It is considered that the wording 'as soon as reasonably practicable' is sufficient. It is noted that this is part of the wording in the standard text set out in Appendix 1, however 10 business days is not considered sufficient time for the discharging authority to consider, assess and undertake appropriate internal and external consultations in relation to the additional information received and decide whether further information and requests are necessary. A consultee is typically provided 21 days to provide their comments, if a request for further information was provided by a consultee, under the current wording the authority would not be able

		<p>to make such a request to the Applicant. It is also not considered appropriate that all further requests for information should be required to be made within this initial 10 day period.</p> <p>The recent Hornsea Project Three DCO did not include such provisions, neither did EA1 and EA3 DCOs. In the Norfolk Vanguard DCO if no consultations were required the discharging authority was provided with 20 business days to notify the Applicants that further information was required. In the event consultation on the requirement was necessary, the discharging authority had to notify the Applicants within 10 business days of receiving the request for information or in any event within 42 day of receipt of the application.</p> <p><a href="#">advice note 15 version 1.pdf (planninginspectorate.gov.uk)</a></p> <p><a href="#">The Norfolk Vanguard Offshore Wind Farm Order 2020 (planninginspectorate.gov.uk)</a></p> <p><a href="#">SI/SR Template (planninginspectorate.gov.uk)</a></p>
The ExA will invite submissions from IPs who wish to raise matters in relation to this item. The Applicants will be provided with a right of reply.		
<b>Agenda Item 4 – The Changing Policy Environment</b>		
The ExAs will review the need and possible drafting approaches to provisions enabling responses to emerging policy including:		Agenda item was deferred.

<p>a) Flexible adaptation of transmission connection alignments; and</p> <p>b) Consequential adjustments to Compulsory Acquisition (CA) and Temporary Possession (TP) provisions if necessary.</p> <p>The ExA will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC did however provide some brief comments on this matter during the hearing which have been outlined below.</p> <p>ESC notes the reduction in the commencement period which the Applicants will detail in an update to the draft DCOs at Deadline 5.</p> <p>ESC has given further thought to the incorporation of additional flexibility within the draft DCOs in response to policy change or technological advancements. We are of the view that this would need to be achieved through the Substations Design Principle Statement and the inclusion of an additional design principle.</p>
<b>Agenda Item 5 – Security for Technical Processes</b>		
<p>The ExAs will review the need and possible drafting approaches to provisions securing the provision of such HRA compensation measures as may be advanced without prejudice. (ISH3 Agenda Item 2 refers).</p> <p>The ExA will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>Agenda item was deferred.</p>
<b>Agenda Item 6 – Agreements and Obligations</b>		



<p>The ExAs will consider the need for and progress on any commercial agreements and planning obligations.</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		Agenda item was deferred.
<b>Agenda Item 7 – Consents of Parties</b>		
<p>The ExAs will consider the need for and progress on the grant of Crown consents and any other consents required from IPs.</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		Agenda item was deferred.
<b>Agenda Item 8 – Other Consents</b>		
<p>The ExAs will consider the need for, co-ordination with and progress on any consents beyond the NSIP regime and not provided for in the dDCOs, but necessary for delivery.</p>		Agenda item was deferred.

<p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		
<b>Agenda Item 9 - Any other business relevant to the Agenda</b>		
<p>The ExAs may raise any other topics bearing on dDCO matters as is expedient, having regard to the readiness of the persons present to address such matters.</p> <p>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.</p> <p>If necessary, the Applicants will be provided with a right of reply.</p>		<p>ESC has no further comments.</p>
<b>Agenda Item 10 - Procedural decisions, review of actions and next steps</b>		
<p>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 9.</p>		<p>ESC will review any actions upon them as a consequence of the hearing once they have been published by the ExA and respond in writing by the appropriate deadline.</p>

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.		
<b>Agenda Item 11 – Closure of the hearings</b>		