



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 Response to Examining Authority's Action Points Following
Issue Specific Hearings 3, 4, 5 and 6**

The table below details East Suffolk Council's (ESC) responses in relation to action points raised during Issue Specific Hearing 3 (ISH3), Issue Specific Hearing 4 (ISH4), Issue Specific Hearing (ISH5) and Issue Specific Hearing (ISH6).

No.	Action Point		Party	Deadline	East Suffolk Council's Comments
ISH3 Hearing Action Points – 19 January 2020					
11	Outline Landscape and Ecological Management Strategy (OLEMS) and R21 Submissions on the undertaking of and security for pre-construction surveys within the OLEMs or in requirement 21 should be made in writing. Other matters relating to the content of the OLEMs should also be raised.		Applicants, NE, SCC, ESC	D5	<p>Whilst ESC 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, we do consider that Requirement 21 should make reference to the need for Ecological Management Plan(s) (EMP) to be based on pre-construction surveys (as set out in our Deadline 4 submission (REP4-059)). As currently drafted the requirement specifies that the EMP(s) should be based on the findings presented in the Environmental Statement (ES) and be in accordance with the OLEMS. No direct reference is made to the need for pre-commencements surveys, which we consider are essential if adequate, effective, up to date mitigation measures are to be delivered.</p> <p>The Council therefore would like the words 'pre-commencement' added before "survey results" in 21(1) and 21(2).</p> <p>Additional comments on the content of the OLEMS were made in our Deadline 4 submission (REP4-059) and have not been repeated here.</p>
ISH4 Hearing Action Points – 19 & 20 January 2021					

4	Outline Landfall Construction Method Statement To provide further consideration of the need for monitoring/remediation of the landfall installation		ESC	D5	<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 considers that the Applicants should 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 Outline Landfall Construction Method Statement (OLCMS) to ensure that a monitoring provision is set out in the final Landfall Construction Method Statement (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 three years following installation with a review at end of year three to consider a reduction in frequency .</p> <p>ESC is currently discussing this matter with the Applicants.</p>
8	Agenda Item 4 (c) Lighting		IPs, Applicants	D5/D6	Requirement 22 which secures the Code of Construction Practice (CoCP) includes an artificial light emissions plan for the

	<p>ExA determined that this item be deferred and that, whilst no judgment has been taken about the need for an additional hearing on it, IPs with an interest in the item are requested to make written submissions by D5 and the applicant to respond by D6.</p>			<p>construction phase. The Outline Code of Construction Practice (OCoCP - REP3-022) provides the Council with sufficient confidence that the lighting in the final plan will be designed to minimise nuisance and impact on residential and ecological receptors. The final CoCP including artificial light emissions plan will be agreed with the ESC at the discharge of requirements stage.</p> <p>ESC is satisfied that Requirement 25 secures the provision of an Operational Artificial Light Emissions Management Plan which will include measures to minimise lighting pollution and the hours of lighting for both the EA1N and EA2 onshore substations and the National Grid substation.</p> <p>The ESs highlight that operational lighting will be required around the perimeter fence and car park and these could potentially be motion sensitive. No additional lighting is proposed along the access road or Grove Road.</p> <p>The Operational Artificial Light Emissions Management Plan is required to be approved by ESC. Although limited information has currently been provided, the Council will ensure that the lighting is appropriately designed to minimise its impact post consent through the discharge of requirements process.</p>
ISH5 Hearing Action Points – 21 January 2021				

3	<p>Potential outstanding shipping, navigation and sea use issues.</p> <p>IPs with a responsibility for ports, harbours or channels or their economic role (including county councils) to confirm that the interests of ports, harbours or channels have been appropriately recognised and responded to in siting, design, construction, operation and decommissioning; taking into account any prospective future port use and traffic levels.</p>		<p>SCC NCC ESC IPs</p>	D5	<p>ESC has no comments to make in relation to shipping, navigation and sea uses issues and would defer to the Marine and Coastguard Agency (MCA) and the Marine Management Organisation (MMO).</p> <p>In terms of the management of port related traffic during construction and operation, this would be subject Requirement 36.</p>
4	<p>Potential outstanding recreation and other sea uses issues.</p> <p>IPs – including local authorities – invited to raise any outstanding issues in relation to use of the sea for recreational purposes.</p>		<p>SCC NCC ESC IPs</p>	D5	<p>ESC has no comments to make in relation to recreation and other sea uses issues and would defer to the Marine and Coastguard Agency (MCA) and the Marine Management Organisation (MMO).</p>
7	<p>Possible Requirement in the dDCO.</p> <p>Applicants and IPs to respond to the proposition that a Requirement be drafted to ensure a Memorandum of Understanding is in place to enable partners to collaborate in delivering economic and other benefits for consideration at ISH6 on January 29th.</p>		<p>Applicants SCC ESC</p>	ISH6 – 29.01.21	<p>Consideration of the addition of a possible requirement to secure the Memorandum of Understanding (MoU) in relation to skills, education and economic development was discussed during ISH6 on 29 January 2021.</p> <p>ESC supports SCC and the Applicants submissions in relation to the MoU. It is considered that a requirement is not necessary to secure the provision of the document and could restrict the flexibility and dynamism which the MoU in its current form allows.</p>

					An action point from ISH6 however requests consideration of draft wording for a requirement. This has been considered in relation to action point 31 of ISH6 below at the bottom of the table.
13	Further hearings to address technical matters. Submissions were made expressing views about the benefit of additional hearing time to orally examine some areas of technical detail. IPs are invited to suggest any specific issues about which they consider it to be necessary for the ExAs' examination of the applications to allocate further hearing time in order to ensure adequate examination of the issue or that an IP has a fair chance to put its case. IPs should give reasons why they consider it to be necessary for oral, as opposed to written, examination of the issue. The ExAs will consider submissions in making its decisions about the hearing time to be allocated to specific issues for the remainder of the examinations.		IPs	D5	ESC advised at ISH4 that it may be appropriate for the Examining Authority to consider holding a further hearing in relation to noise matters due to the limited time available for discussion during the event. Noise is a complex technical matter which is of significant concern to a number of Interested Parties. We still consider that there would be benefit from holding a further hearing in order to increase the transparency of the process and allow the local community and stakeholders full opportunity to engage in the discussions. ESC is however content, if it is the Examining Authority's decision, to proceed with submissions on this matter on a written basis.
ISH6 Hearing Actions Points – 29 January 2021					

10	Article 33 Consideration of revised wording to restrict potential permitted development rights in relation to operational land.		ESC Applicants	D5	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: <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>
11	Article 36 Respond to various proposals* to amend this article to ensure proper reference to revisions and clarifications to the ES and other documents during the Examinations processes. Consider (amongst other options) the introduction of a new schedule tabulating all documents by version and date (the Boreas method). * MMO proposal to amend Article 36 Certification of plans to include documents clarifying the ES, particularly		Applicants with reference to the MMO and LPA	D5	ESC would support any modifications to the article which would provide greater clarity to the list of certified documents ensuring there is no ambiguity in relation to the specific documents certified.

	in relation to ornithology and fish, submitted during the examination.				
21	Requirements 26 and 27 Consider and respond to submissions that noise levels be lowered and controls on noise from the National Grid Substation be included in the dDCO.		Applicants ESC SASES	D5	<p>The Council does not accept the proposed operational noise rating level (LAr) of 34 dB as set out in Requirement 26 and 27 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 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>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>
26	Requirement 42 Further discussion on the detailed drafting and appropriate response.		Applicants ESC	D5	<p>ESC welcomes the addition of Requirement 42 and support 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>
27	Schedules 2-15 ExAs invite detailed technical comments		IPs	D5	<p>Schedule 2 – Streets subject to street works – ESC will defer to SCC as local highway authority on this matter.</p> <p>Schedule 3 – Public rights of way to be temporarily stopped up – ESC will defer to SCC as local highway authority on this matter.</p> <p>Schedule 4 – Footpaths to be stopped up – ESC will defer to SCC as local highway authority on this matter.</p> <p>Schedule 5 – Streets to be temporarily stopped up – ESC will defer to SCC as local highway authority on this matter.</p> <p>Schedule 6 – Access to works - ESC will defer to SCC as local highway authority on this matter.</p> <p>Schedule 7 – Land in which only new rights etc. may be acquired.</p>

				<p>ESC has been in discussion with the Applicants in relation to the removal of land parcel no.3 from the draft DCOs.</p> <p>Schedule 8 – Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of new restrictions – ESC has no comments.</p> <p>Schedule 9 - Land of which temporary possession may be taken.</p> <p>ESC has been in discussion with the Applicants in relation to the removal of land parcel no.3 from the draft DCOs.</p> <p>Schedule 10 – Protective provisions – ESC has no comments.</p> <p>Schedule 11 - Hedgerows</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>
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					Schedule 15 – Arbitration Rules – ESC has no comments.
31	Memorandum of Understanding ExAs request consideration of drafting a new requirement to secure production of an MoU for purposes of economic development.		Applicants SCC ESC	D5	<p>Notwithstanding the positions outlined during the ISH6 by the Applicants, SCC and ESC that a requirement is not considered necessary to secure the MoU, as the MoU is considered to work most effectively outside of the DCO, at the Examining Authority's request, ESC has been engaging with SCC regarding the drafting of a new requirement.</p> <p>SCC has provided some draft wording within their Deadline 5 submission which ESC supports. The requirement has been drafted to ensure the retention of the positive elements of the MoU are retained, in terms of its flexibility and dynamism, and ensures that the Councils ability to take a proactive and creative approach is not impeded.</p>