

SCOTTISHPOWER
RENEWABLES

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Suffolk County Council's Deadline 5 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**



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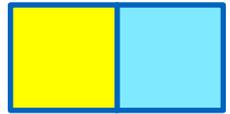
Glossary of Acronyms

CoCP	Code of Construction Practice
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EA1N	East Anglia ONE North
EA2	East Anglia TWO
ESC	East Suffolk County Council
ExA	Examining Authority
GEART	Guidelines for the Environmental Assessment of Road Traffic
HGV	Heavy Goods Vehicle
ISH	Issue Specific Hearing
LHA	Local Highway Authority
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
LVIA	Landscape Visual Impact Assessment
OAMP	Outline Access Management Plan
OCTMP	Outline Construction Traffic Management Plan
PPA	Planning Performance Agreement
PRoW	Public Rights of Way
Q _{BAR}	Mean Annual Maximum Flow Rate
SCC	Suffolk County Council
SoCG	Statement of Common Ground
SPR	ScottishPower Renewables
SuDS	Sustainable Drainage Systems
SZC	Sizewell C
WSI	Written Scheme of Investigation



Glossary of Terminology

Applicants	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.
National electricity grid	The high voltage electricity transmission network in England and Wales owned and maintained by National Grid Electricity Transmission plc
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO / East Anglia ONE North project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.
Onshore substation	The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.
Onshore substation location	The proposed location of the onshore substation for the proposed East Anglia TWO / East Anglia ONE North project.



1 Introduction

1. The responses of East Anglia TWO Limited / East Anglia ONE North Limited (the Applicants) to comments received from Suffolk County Council (SCC) for the East Anglia ONE North project and the East Anglia TWO project ('the Projects') are provided in **Section 2** for the following topics:
 - Traffic and Transport;
 - Archaeology;
 - Flood Risk;
 - Landscape and Visual Impact Assessment (LVIA); and
 - Socio-economics.

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

2 Comments on SCC's Deadline 5 Submissions

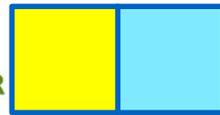
2.1 Traffic and Transport

ID	Written Representation	Applicants' Comments
3. The Applicants revised draft Development Consent Order		
1	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.	The Applicants intend to include a new requirement in the draft Development Consent Order (DCO at Deadline 7 which requires the approval of an onshore preparation works management plan which will ensure that relevant onshore preparation works are subject to approval. An outline of the information that will be included within the onshore preparation works management plan has been included in Appendix 1 of the updated Outline Code of Construction Practice submitted at Deadline 6 (document reference 8.5). Further details have also been presented within the Outline Access Management Plan (document reference 8.10) submitted at Deadline 6.
2	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.	The Applicants consider the time periods to be necessary and appropriate given that these are nationally significant infrastructure projects. The Applicants would however highlight that in practice, the Applicants would consult with the Council in the preparation of the draft documents prior to submitting the final versions for approval and therefore it is not considered that the timescales specified are unreasonable. The Applicants are also discussing a Planning Performance Agreement (PPA) with SCC to set out the process for approvals, managing orders and supervision and recovery of costs.

ID	Written Representation	Applicants' Comments
		<p>Furthermore, the Applicants are required to comply with the provisions of the New Roads and Street Works Act 1991 when undertaking street works under the DCO, including section 60 which places a duty on the undertaker to use best endeavours to co-operate with the street authority and with other undertakers in the interests of safety, to minimise the inconvenience to persons using the street, and to protect the structure of the street and the integrity of apparatus in it.</p>
3	<p>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.</p>	<p>As noted above, the Applicants consider the time periods to be necessary and appropriate given that these are nationally significant infrastructure projects. The Applicants would however highlight that in practice, the Applicants would consult with the Council in the preparation of the draft documents prior to submitting the final versions for approval and therefore it is not considered that the timescales specified are unreasonable.</p> <p>The Applicants are also discussing a PPA with SCC to set out the process for approvals, managing orders and supervision and recovery of costs.</p>
4	<p>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.</p>	<p>Article 14 is an enabling provision which provides that street authorities and the undertaker may enter into agreements, it does not prevent the Applicants entering into section 278 agreements with the Council.</p> <p>As noted, Requirement 16 prevents construction of accesses until written details (which accord with the outline access management plan) have been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority. As part of obtaining approval of the details, as required, it may be appropriate to enter into an agreement with SCC in respect of certain aspects (such as a S278 agreement, or in relation to costs a planning performance agreement) and it may be appropriate to solely provide details/commitments/restrictions within the plan for other aspects.</p>

ID	Written Representation	Applicants' Comments
		<p>Irrespective of the mechanism used to provide details and seek approval for the works, the Applicants consider that Requirement 16 provides an appropriate control on the exercise of the DCO powers. The Applicants are discussing with SCC whether further clarification of this position may be provided in an update to the outline access management plan (OAMP). The Outline Construction Management Plan (OCTMP) and OAMP have been updated at Deadline 6 (document reference 8.9 and 8.10) to address SCC's concerns.</p>
5	<p>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.</p>	<p>See response to ID2.</p>
6	<p>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</p>	<p>The Applicants do not consider such an amendment to be necessary. The requirement relates to the port associated with offshore works and it will be for the relevant highway authority in whose area the port is located to consult with other highway authorities, as it considers necessary or appropriate.</p>
7	<p>3.7 Requirement 30 Onshore Decommissioning: the LHA should be consulted if there are significant traffic movements associated with decommissioning.</p>	<p>The draft DCO will be updated at Deadline 7 to include reference to consultation with the relevant highway authority in requirement 30.</p>
8	<p>3.8 Schedule 10 Protective provisions. The LHA considers that protective provisions are required to:</p> <ul style="list-style-type: none"> • 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. 	<p>Article 9 of the draft DCO applies a series of protections within the New Roads and Street Works Act 1991 to any street works or temporary stopping up of streets under the Order.</p> <p>As noted above, Requirement 16 prevents construction of accesses until written details (which accord with the outline access management plan) have been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority.</p>

ID	Written Representation	Applicants' Comments
	<ul style="list-style-type: none"> • Ensure access for cyclic, routine and urgent maintenance. • Protect the authority's apparatus similar to the provisions provided for statutory undertakers. 	<p>The Applicants consider that Article 9 and Requirement 16 provide an appropriate control on the exercise of DCO powers which could interact with the public highway.</p> <p>The Applicants are discussing with SCC whether further clarification of this position may be provided in an update to the outline access management plan. The OCTMP and OAMP have been updated at Deadline 6 (document reference 8.9 and 8.10) to address SCC's concerns.</p>
9	<p>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.</p>	<p>See response to ID8.</p>
10	<p>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:</p> <ul style="list-style-type: none"> • 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 	<p>The Applicants have submitted an updated Outline Construction Traffic Management Plan and an updated Outline Access Management Plan at Deadline 6 (document references 8.9 and 8.10) which includes obligation provisions.</p> <p>See response to ID4 and ID8.</p> <p>As part of obtaining approval of the details, as required, under these plans, it may be appropriate to enter into an agreement with SCC in respect of certain aspects (such as a S278 agreement, or in relation to costs a planning performance agreement) and it may be appropriate to</p>



ID	Written Representation	Applicants' Comments
	<ul style="list-style-type: none"> • 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. 	<p>solely provide details/commitments/restrictions within the plan for other aspects.</p> <p>Irrespective of the mechanism used to provide details and seek approval for the works, the Applicants consider that Requirement 16 provides an appropriate control on the exercise of the DCO powers. The Applicants are continuing to discuss this issue with SCC. The OCTMP and OAMP have been updated at Deadline 6 (document reference 8.9 and 8.10) to address SCC's concerns.</p>
11	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.	<p>Noted. The Applicants have had a number of constructive discussions with SCC.</p> <p>As noted in ID4, Requirement 16 prevents construction of accesses until written details (which accord with the outline access management plan) have been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority. As part of obtaining approval of the details, as required, it may be appropriate to enter into an agreement with SCC in respect of certain aspects (such as a S278 agreement, or in relation to costs a planning performance agreement) and it may be appropriate to solely provide details/commitments/restrictions within the plan for other aspects. The OCTMP and OAMP have been updated at Deadline 6 (document reference 8.9 and 8.10) to address SCC's concerns.</p>
5. Comments on any additional information/submissions received by Deadline 4		
Response to Applicant's Comments on SCC's D3 Submissions (REP4-025)		
12	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/wpcontent/ipc/uploads/projects/EN010077/EN010077-003459-	The Applicants maintain the position stated in <i>EA1N&EA2 Applicants' Comments on the East Suffolk Council (ESC) and Suffolk County Council (SCC) Deadline 3</i> (REP4-025) which is that Guidelines for the Environmental Assessment of Road Traffic (GEART) thresholds have been correctly applied to enable an assessors judgement of impact

ID	Written Representation	Applicants' Comments
	<p>ExA.AS18.D4.V1%20EA1N&EA2%20Applicants'%20Comments%20on%20the%20Councils'%20Deadline%203%20Submissions.pdf.</p>	<p>significance to be applied to the cumulative impact assessment. Therefore, the assessment presented in Sizewell Projects Cumulative Impact Assessment (Traffic and Transport) (REP2-009) is valid.</p> <p>Notwithstanding, the subsequent submission of a revised Sizewell C (SZC) transport assessment (AS-017 of that Examination) has necessitated a review of the cumulative impact assessment. To inform this review the Applicants have engaged with SCC to find common ground on the assessment and understand the consequences for a revised SZC transport strategy.</p> <p>Noting that SCC has reservations with some of the GEART applications, the discussions focused on impact outcomes.</p> <p>Accordingly, the following links were identified as having potentially significant cumulative amenity impacts with no confirmed mitigation strategy:</p> <ul style="list-style-type: none"> • Link 2 (the A12 through Yoxford); • Link 3 (the A12 through Marlesford); and • Link 11 (Lovers Lane). <p>It should be noted these findings are consistent with those of the Sizewell Projects Cumulative Impact Assessment (Traffic and Transport) (REP2-009) and do not represent a change of position for the Applicants.</p> <p>With regard to Links 2 and 3, the cumulative impact assessment relied on the SZC mitigation. It is noted that SZC and SCC have not established common ground on this matter, therefore to move matters forward the Applicants have agreed to provide pedestrian amenity mitigation in the form of footway improvements on these links</p>

ID	Written Representation	Applicants' Comments
		<p>(Marlesford and Yoxford) which are proportionate to the Projects' contribution to the cumulative impact. These improvements would not conflict with any future schemes proposed by SZC or SCC.</p> <p>For Link 3, SZC is proposing embedded mitigation in the form of Public Right of Way (PRoW) improvements and a signalised crossing. It has been agreed with SCC that this scheme will mitigate cumulative impacts with the Projects and is likely to be delivered prior to significant cumulative impacts manifesting. Therefore, there is no further mitigation required of the Projects at this location.</p> <p>An updated the Sizewell C Cumulative Impact Assessment Note (Traffic and Transport) (document reference ExA.AS-6.D6.V2) has been submitted to the examination at Deadline 6.</p>
13	<p>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.</p>	<p>Please see response to ID12.</p>

ID	Written Representation	Applicants' Comments
14	<p>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</p>	Please see response to ID12.

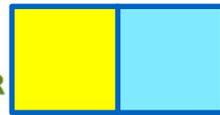
ID	Written Representation	Applicants' Comments
	impacts have been considered across the project. What consideration is given to how all these residual small/minor impacts in combination actually affect the lives of residents?	
15	5.4 With regards to the Applicants' response to traffic and transport ID 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.	Please see response to ID12.
16	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.	Please see response to ID12.
17	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	Please see response to ID12.

ID	Written Representation	Applicants' Comments
	<p>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.</p>	
<p>18</p>	<p>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.</p>	<p>Please see response to ID12.</p>
<p>19</p>	<p>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.</p>	<p>Please see response to ID12.</p>

ID	Written Representation	Applicants' Comments
Response to Traffic and Transport Deadline 4 Clarification Note (REP4-027)		
20	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.	Noted.
21	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.	The OCTMP submitted at Deadline 6 (document reference 8.9) clarifies that the Applicants will enter into a Highways Act 1980 Section 278 (S278) agreement for the purpose of securing the A12/A1094 concept design as detailed in Deadline 4 Traffic and Transport Clarification Note, Appendix B, Drawing P-PB4842-SK002 (REP4-027)
22	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.	Noted. The additional delay to southbound A12 traffic set out in Deadline 4 Traffic and Transport Clarification Note, Appendix B, Drawing P-PB4842-SK002 (REP4-027) is not of the magnitude that it will cause traffic to reassign to other routes.

ID	Written Representation	Applicants' Comments
23	<p>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.</p>	<p>The OCTMP submitted at Deadline 6 (document reference 8.9) clarifies the default position that the A12/A1094 junction will be reinstated unless otherwise agreed with the local highways authority in consultation with the relevant planning authority. This commitment will be further secured in the S278 agreement.</p>
24	<p>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/wpcontent/ipc/uploads/projects/EN010012/EN010012-002217-SZC_Bk8_8.4_Planning_Statement_Appxl_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/wpcontent/ipc/uploads/projects/EN010012/EN010012-002218-</p>	<p>The Applicants are in ongoing discussions with SCC with regard to the clauses to be included in the S278 agreement.</p> <p>Noted. The OCTMP submitted at Deadline 6 makes clear that the traffic signal solution will only be required in the event that the SZC roundabout solution will not come forward within the required timeframe. As per the Statement of Common Ground (SoCG) with Sizewell C (REP1-068) the Applicants and the promoters of SZC are committed to continuing to share information on their respective projects and programmes. The Applicants are also in discussions with SCC with regard to the clauses to be included in the S278 agreement to address this matter.</p>

ID	Written Representation	Applicants' Comments
	<p>SZC_Bk8_8.4_Planning_Statement_AppxJ_S106_Heads_of_Terms.pdf</p> <p>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.</p>	
25	<p>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/wpcontent/ipc/uploads/projects/EN010077/EN010077-002636-ExASoCG18D1V1EA1NEA2DraftStatementofCommonGroundwithNNBGenerationCompanySZCLimited_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:</p> <ul style="list-style-type: none"> • Information for the support of SZC's DCO application. • Information for the Sizewell C onsite emergency plan 	Noted.



Applicants' Comments on SCC's Deadline 5 Submissions

24th February 2021

ID	Written Representation	Applicants' Comments
26	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.	The Applicants and NNB Generation (SZC) Limited are continuing discussions on the SoCG.
27	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.	Noted.
28	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.	The Applicants are discussing with SCC the terms of a S278 agreement and as noted above any required works are secured through the approval of the OCTMP (updated version to be submitted at Deadline 6, document reference 8.9) (Requirement 28 of the dDCO (REP5-003)).
Outline Access Management Plan (REP3-034)		
29	5.19 Paragraph 39 should include consultation with the LPA.	The OAMP submitted at Deadline 6 (8.10) clarifies that the Applicants will consult with the relevant planning authority.
6. Responses to any further information requested by the Examining Authority for this deadline		
30	6.1 Action 3 of Issue Specific Hearing 5 (EV-068) found here https://infrastructure.planninginspectorate.gov.uk/wpcontent/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.	The updated Outline Port Construction Traffic Management Plan and Travel Plan (document reference ExA.AS-9.D6.V2) submitted at Deadline 6 clarifies the traffic demand at the port will be screened to determine if there is a requirement for a Transport Assessment. It is further clarified that should that need for a Transport Assessment be identified, the scope would be agreed with the relevant local highways authority and relevant planning authority.
31	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	

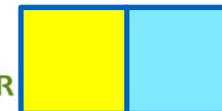
ID	Written Representation	Applicants' Comments
	<p>the traffic and transport assessment submitted as part of the DCO. However, an Outline Port Construction Traffic Management Plan and Travel Plan (REP3-047) was submitted at Deadline 3 and Requirement 36 of the Draft DCO requires that the relevant highway authority approve the final submitted port construction traffic management plan and port travel plan, or confirms no such plans are needed.</p>	
32	<p>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.</p>	
33	<p>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.</p>	
34	<p>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).</p>	



2.2 Archaeology

ID	Written Representation	Applicants' Comments
2. Comments of Representations in relation to the additional land sought by the Applicant		
1	2.1 SCC would advise that there are no specific archaeological concerns with regards to the additional land sought by the Applicant. However, these areas should be included within ongoing archaeological assessment work and scoped in for archaeological mitigation.	Noted.
3. The Applicants revised draft Development Consent Order		
2	<p>3.1 In advance of ISH6, the Applicant proposed the amended wording below for Requirements 19 and 20, in line with SCC comments (ESC and SCC LIR appendix 2 and SCC Deadline 4 submission). SCC are generally in agreement with regards to the proposed amended wording of Requirement 19 but would recommend the addition below (in red), in order to ensure that works are carried out in line with all relevant documents. SCC support the proposed amended wording of Requirement 20.</p> <p>Pre-commencement archaeology execution plan 19.</p> <p><i>(1) No intrusive onshore preparation works (including pre-commencement archaeological surveys, archaeological investigations or site preparation works in respect of such surveys or investigations) may be carried out until a precommencement archaeology execution plan (which accords with the outline precommencement archaeology execution plan and the outline written scheme of investigation (onshore)) in respect of those works has been submitted to and approved by Suffolk County Council in consultation with the relevant planning authority.</i></p>	<p>The Applicants will update Requirement 19 at Deadline 7 to include reference to the Outline WSI</p> <p>The Applicants welcome SCC's confirmation that the wording of requirement 19 is otherwise generally agreed and that the wording of requirement 20 is agreed.</p>

ID	Written Representation	Applicants' Comments
	<p><i>(2) Intrusive onshore preparation works must be carried out in accordance with the approved plan.</i></p> <p>Archaeology</p> <p>20. (1) No stage of the onshore works may commence until for that stage a written scheme of archaeological investigation (which accords with the outline written scheme of investigation (onshore) and is informed by the pre-commencement archaeological surveys) has, after consultation with Historic England, been submitted to and approved by Suffolk County Council in consultation with the relevant planning authority. (2) In the event that site investigation is required, the scheme must include details of the following—</p> <p><i>(a) an assessment of significance and research questions;</i></p> <p><i>(b) the programme and methodology of site investigation and recording;</i></p> <p><i>(c) the programme for post investigation assessment;</i></p> <p><i>(d) provision to be made for analysis of the site investigation and recording;</i></p> <p><i>(e) provision to be made for publication and dissemination of the analysis and records of the site investigation;</i></p> <p><i>(f) provision to be made for archive deposition of the analysis and records of the site investigation; and</i></p> <p><i>(g) nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.</i></p> <p><i>(3) Any archaeological works or watching brief must be carried out in accordance with the approved written scheme of archaeological investigation for that stage.</i></p>	

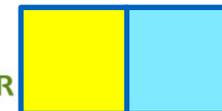


ID	Written Representation	Applicants' Comments
	<p>(4) <i>In the event that site investigation is required, the site investigation and post investigation assessment must be completed for that stage in accordance with the programme set out in the written scheme of archaeological investigation and provision made for analysis, publication and dissemination of results and archive deposition secured for that stage.</i></p>	
3	<p>3.2 Comments previously provided by SCC on other elements of the revised draft Development Consent Order with regards to archaeological requirements (ESC and SCC LIR appendix 2) have not yet been addressed within the revised draft DCO (as highlighted at Deadline 4). These are:</p> <ul style="list-style-type: none"> • The DCO defines the Outline WSI as ‘the document certified as the outline written scheme of investigation (onshore) by the Secretary of State for the purposes of this Order...’, although there is no reference to what the WSI is for – a reference to archaeology should be added. • Points 13 on pages 69, 73, 85 and Point 16 on page 79 of the draft DCO regarding the right to remove artefacts are intended to allow archaeological work to go ahead, but the wording potentially undermines the precautionary approach as worded regarding preservation in situ where remains are significant, as it reduces the considerations down to cost. 	<p>The Applicants amended the name of the Outline WSI to “outline written scheme of investigation (onshore <u>archaeology</u>)” in the updated draft DCO submitted at Deadline 5 (REP5-003).</p> <p>With respect to the second point, the rights SCC have referred to relate to the land rights to remove archaeological artefacts. The approach taken to any archaeological artefacts that are found will be agreed with SCC through the approval of the WSI and whilst the DCO provides the land rights to remove such artefacts, any such removal can only be carried out in accordance with the approved WSI. Similar text can be found in the East Anglia ONE and East Anglia THREE and Norfolk Vanguard Orders.</p>
<p>5. Comments on any additional information/submissions received by Deadline 4</p>		
4	<p>5.1 Applicants' Comments on the Councils' Deadline 3 Submissions Document Reference: REP4-025.</p> <p>SCC would highlight comments made at Deadline 4 in relation to the revised draft DCO Outline Written Scheme of Investigation (WSI)</p>	<p>As explained in Applicants' Comments on the Councils' Deadline 3 Submissions (REP4-025), a revised draft DCO (REP3-011) and Outline Written Scheme of Investigation (WSI) Archaeology and Cultural Heritage (Onshore) (REP3-026) were submitted at Deadline 3 to address SCC's comments.</p>

ID	Written Representation	Applicants' Comments
	Archaeology and Cultural Heritage (Onshore), submitted by the Applicant at Deadline 3. These comments and concerns have yet to be addressed.	
5	5.2 Outline Landscape Mitigation Plan- Document Reference: REP4-015 SCC would highlight that archaeological mitigation should be undertaken prior to any agreed landscape mitigation works, including any tree planting areas.	Noted.

2.3 Flood Risk

ID	Written Representation	Applicants' Comments
3. The Applicant's revised draft Development Consent Order		
1	<p>3.1 Requirement 41: Operational drainage management plan</p> <p>(i) This requires amendment to include a reference to maintenance, as suggested in red; "Operational drainage management plan 41.— (1) No part of Work Nos. 30 or 41 may commence until an operational drainage management plan in respect of that part (which accords with the outline operational drainage management plan) has been submitted to and approved by the relevant planning authority, in consultation with Suffolk County Council and the Environment Agency. (2) The operational drainage management plan must be implemented and maintained as approved."</p> <p>(ii) As per ISH4, the Outline Operational Drainage Management Plan only contains the option of a positive discharge to the Friston Main River. The option for infiltration is in a separate document (SuDS Infiltration Clarification Note), which this requirement does not reference. We request that either the SuDS Infiltration Clarification Note is included as part of the Outline Operational Drainage Management Plan or Requirement 41 references the SuDS Infiltration Clarification Note.</p> <p>(iii) This requirement should also reference Work No 38 (sealing end compounds) and Work No 34 (permanent access road) served by the operational drainage management plan.</p> <p>(iv) SCC maintain that it should be the discharging authority for Requirement 41. The principal purpose of the proposed SuDS is to prevent an increase in surface water flood risk, for which SCC (as Lead Local Flood Authority) is responsible. Whilst the SuDS do include some landscaping elements, this is not the primary function of this infrastructure and thus the argument put forward by East Suffolk Council (ESC) that they want to retain control of this</p>	<p>(i) The Applicants amended Requirement 41(1) of the draft DCO at Deadline 5 (REP5-003) to refer to maintenance.</p> <p>(ii) This is acknowledged and the documents will be consolidated into an amended Outline Operational Drainage Management Plan submitted at deadline 6 (document reference ExA.AS-1.D6.V3)</p> <p>(iii) The Applicants included reference to Work Nos. 34 and 38 in Requirement 41 of the draft DCO at Deadline 5 (REP5-003).</p> <p>(iv) This is ultimately a matter for the Local Planning Authorities (LPAs) to agree between themselves and the Applicants. In the absence of agreement between ESC and SCC as to which authority should discharge the requirement, the Applicants consider that the default position should be the relevant planning authority.</p> <p>(v) Maintenance is now required as part of requirement 41 and this will also be reflected the updated Outline Operational Drainage Plan to be submitted at Deadline 6 (document reference ExA.AS-1.D6.V3).</p> <p>(vi) Requirement 41 has been updated to require the operational drainage management plan to include provision for the maintenance of any drainage measures and the plan must be implemented as approved. Furthermore, where the benefit of any of the provisions of the draft DCO (REP5-003) is transferred to another party, the benefits or rights transferred are subject to the same restrictions, liabilities and obligations as would apply if those benefits or rights were exercised by the undertaker. There is therefore a mechanism in place to ensure maintenance obligations are transferred where associated benefits are</p>

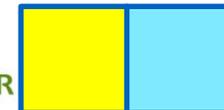


ID	Written Representation	Applicants' Comments
	<p>Requirement for landscaping purposes is acknowledged but not agreed with. The current approach (supported by ESC) could result in an increase in surface water flood risk due to landscaping elements being prioritised. With the ESC approach, unless ESC proposes to act other than in accordance with SCC LLFA's recommendation, ESC would essentially be acting as a facilitator in the discharge of this Requirement. SCC would accept ESC being a consultee to this Requirement with respect to landscaping elements once the function of the SuDS basins has been determined.</p> <p>(v) The maintenance of SuDS is not solely landscaping based (although there are landscaping elements). Whilst SCC do not object to the integration of landscape maintenance as part of SuDS maintenance, the Council is conscious of the fact that the purpose of the SuDS basins are primarily the storage and treatment of surface water and these vital roles must not be compromised through an inadequate maintenance plan that focuses primarily on landscape elements. In addition to this, the design of the basins (infiltration or attenuation) is yet to be finalised. The incorporation of specific landscape elements, such as wet woodland, would not be suitable in an infiltration basin, for example. On that basis, it is erroneous to assume that maintenance of certain landscaping elements, such as wet woodland, will be required, until detailed design has determined the form of the basins. The SuDS features are required to mitigate any increase in surface water flood risk, landscaping aspects are an additional benefit, not a primary benefit.</p> <p>(vi) With respect to NPS EN-1 para 5.7.10, specifically the maintenance aspect queried by the ExA during ISH6 – SCC has significant concerns over the Applicant's proposals to maintain both the National Grid (NG) and Scottish Power Renewables (SPR) SuDS. It is entirely feasible that the NG infrastructure, and thus SuDS which serve that area, outlasts the SPR proposed infrastructure. On that basis, following the Applicant's proposals, the Applicant would retain maintenance responsibility for infrastructure on the</p>	<p>transferred. In addition, requirement 30 ensures that an onshore decommissioning plan is submitted to the relevant planning authority for approval prior to decommissioning activities taking place and must thereafter be implemented as approved and so any concerns regarding ongoing maintenance of the Sustainable Drainage Strategy (SuDS) would be addressed through the approval process for that plan.</p>

ID	Written Representation	Applicants' Comments
	<p>site when they potentially no longer occupy or have an interest in the site. This could present a long-term surface water flood risk to Friston. SCC would endorse an adoptee being assigned in the DCO, separately for SPR infrastructure (Project SuDS basins) and NG infrastructure (access road, NG SuDS Basin and sealing end compounds) to ensure there is certainty on this critical issue from the outset</p>	
2	<p>3.2 Work No: 33 SCC questions whether Work No 33 needs to be reworded as this mainly relates to landscaping works, as part of OLEMS, but still references drainage. Indeed, it may be preferable for the surface water drainage infrastructure to be a specific Work No to which Requirement 41 cross-refers.</p>	<p>Work No. 33 comprises landscaping works including bunding and planting together with drainage works, sustainable drainage system ponds, surface water management systems, formation of footpaths and access. The landscaping and drainage are inextricably linked and the Applicants do not consider it to be necessary or appropriate to separate the landscaping works from the drainage works.</p>
3	<p>3.3 Part 4 (Supplemental powers) Article 16 (Discharge of water) Subsection (7) states 'Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016'. A similar subsection should be provided for the Land Drainage Act 1991 and specifically the requirement to obtain Land Drainage Consent for any works (temporary or permanent) to an Ordinary Watercourse</p>	<p>Article 16 grants rights (from a property perspective) to discharge water into a watercourse, subject to consent from the <u>owner</u> of the watercourse. It does not remove the need for Land Drainage Consent to be obtained. In order to remove the need for Land Drainage Consent the DCO would need to specifically remove the requirement to obtain Land Drainage Consent (for example by disapplying the relevant provisions of the Land Drainage Act 1991) and consent to do so would need to have been obtained from the authority that would ordinarily grant the consent. The DCO does not remove the requirement to obtain Land Drainage Consent and therefore the inclusion of the text proposed is not necessary.</p> <p>Paragraph (7) originated from the following paragraph of the Model Provisions:</p> <p><i>"This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by</i></p>

ID	Written Representation	Applicants' Comments
		<p><i>section 85(1), (2) or (3) of the Water Resources Act 1991 (offences of polluting water)."</i></p> <p>Section 85 (offences of polluting controlled waters) was revoked by the Environmental Permitting (England and Wales) Regulations 2010. The key purpose of the provision is therefore to clarify that Article 16 does not permit the discharge of polluting matter into a watercourse however given the scope of the environmental permitting regime, in order to achieve this clarification it is necessary to refer to regulation 12(1)(b) more generally.</p> <p>The Applicants therefore do not consider that it is necessary for text to be included to state that Land Drainage Consent will be required as such text would be superfluous given that nothing within Article 16 or the wider draft DCO disapplies such a requirement and therefore the requirement for Land Drainage Consent to be obtained will apply. The Applicants note that the text proposed is not found within the equivalent "Discharge of water" provisions in other DCOs.</p>
<p>5. Comments on any additional information/submissions received by Deadline 4</p>		
<p>Clarification Note SuDS Infiltration Note (REP4-044)</p>		
4	<p>Paragraph 22. As per previous SCC representation, given the design parameters are a worst-case scenario to establish if there is sufficient space within the red line boundary, an additional 1:10 storm can be added to the basin after 24 hours if the 24 hour half drain time cannot be met. Why do the Applicants consider an infiltration only approach, as per national and local guidance, is not reasonably practical? Please justify.</p>	<p>The Applicants can confirm that in accordance with the representation from SCC at Deadline 5 (REP5-054), the SuDS Infiltration Note (REP4-044) has been incorporated into the Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3), which has been submitted at Deadline 6. Within this document, for the infiltration only approach the storage required for an additional 1:10 storm event 24 hours after a 1:100 storm event has been calculated and presented.</p>

ID	Written Representation	Applicants' Comments
		<p>As described in the Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3), which has been submitted at Deadline 6, the Applicants have calculated an infiltration only scheme to be unviable with the current infiltration rate applied – 10mm/hr – as per SCC guidance. Additionally, the Applicants would like to highlight that an infiltration only scheme will require larger SuDS basins which will subsequently affect factors such as ecology and landscaping. Pre-construction ground investigations will be undertaken during detailed design to determine whether the baseline infiltration rate is greater than 10mm/hr. This will inform the extent to which infiltration measures can be promoted and incorporated into the final SuDS design.</p>
5	<p>Paragraph 22. Please justify why the Applicant feels this approach to be inappropriate. The surface water disposal hierarchy is an industry standard as explained in Item 1 of this document in response to ISH4 Agenda item d iv. It is unclear if the Applicant is implying that a different standard should be set for national infrastructure projects (as per highlighted)?</p>	<p>The Applicants accept the surface water disposal hierarchy and are not implying that a different standard should be set for national infrastructure projects. However, the Applicants deem an infiltration only scheme likely to be inappropriate for the onshore substations and National Grid infrastructure site for two reasons:</p> <ol style="list-style-type: none"> 1) Applying the current infiltration rate, an infiltration only scheme will require the SuDS basins to be increased to a size that will subsequently affect other factors such as ecology and landscaping. 2) A commitment has been made to not increase the Mean Maximum Flow Rate (Q_{BAR}) rate above pre-development levels, meaning if a hybrid scheme is adopted, the receiving watercourse will not be impacted. <p>The Applicants appropriately apply the surface water disposal hierarchy within the updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3)</p>
6	<p>Appendix 1. The annotations on this diagram suggest a freeboard of at most 69mm and at worst 30mm is provided across the different basin design</p>	<p>Updated infiltration figures have been appended to the Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3), which</p>



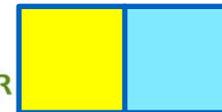
ID	Written Representation	Applicants' Comments
	<p>options. This is far less than the 300mm industry standard, as per CIRIA SuDS Manual.</p> <p>As per SCC response to ISH4 Agenda Item d iv (contained within this response), the Applicant has not demonstrated that a connection to the Friston Main River is achievable given its shallow nature.</p>	<p>has been submitted at Deadline 6. These figures demonstrate that an appropriate 300mm industry standard freeboard has been adopted within the updated design.</p> <p>When the Applicants undertake ground investigations and the detailed design process specifics such as the location of connection points and their feasibility will be confirmed.</p>
<p>Applicants' Comments on the East Suffolk Council (ESC) and Suffolk County Council (SCC) Deadline 3 Submissions (REP4-025)</p>		
7	<p>Section 2.3 ID 1. SCC agree that the option for a discharge to Friston Main River must be included in the design options at this stage due to the lack of infiltration testing. However, a discharge to Friston Main River should be a secondary option, with infiltration being the primary option.</p> <p>The entire purpose of the SuDS Infiltration Clarification Note methodology is to ensure that if an achievable infiltration rate is determined, there is sufficient space for infiltration only SuDS, if also determined to be viable.</p> <p>The SuDS Infiltration Note (REP2-012) and subsequent SuDS Infiltration Clarification Note (REP4-044) state "It is noted that the basis of the design presented within the Applications is for SuDS attenuation ponds with a discharge connection to the Friston watercourse at a discharge rate that remains in line with the pre-development greenfield runoff rate. This represents a reasonable design for the Projects and ensures no increase to the existing discharge to the Friston Watercourse". The SuDS Infiltration Clarification Note also states "the Applicant's basis of design for a combined infiltration/attenuation system which includes a discharge connection point at the Friston Watercourse". This approach is not compliant with the surface water disposal hierarchy which is explained further in Item 1 of this document, in response to PINS ISH4 Agenda Item d iv.</p>	<p>The Applicants welcome SCC's view that discharge to Friston Main River must be included in the design options. The Applicants disagree that discharge to Friston Main River should be a secondary option because the Applicants have committed to ensuring that the pre-development Q_{BAR} rate is not exceeded post development.</p> <p>Within the updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3), which has been submitted at Deadline 6, the Applicants demonstrate an understanding of and compliance with the surface water disposal hierarchy. The Applicants acknowledge that infiltration is the first hierarchy measure to consider and propose to design a surface water management scheme which incorporates infiltration. However, attenuation and subsequent discharge to the Friston watercourse is also accounted for as the Applicants note there are other constraints to the design, including ecology and landscaping, and that appropriate infiltration rates have yet to be determined. The Applicants are committed to ensuring that discharge from the proposed development would be limited to the pre-development Q_{BAR} rate up to and including the 1:100 year plus 40% climate change event.</p>



ID	Written Representation	Applicants' Comments
	<p>Paragraph 22 & 24 of the SuDS Infiltration Clarification Note (REP4- 044) included in this response directly contradicts the Applicants' assertion highlighted yellow.</p> <p>As per SCC representations, the statements outlined and referenced above do not support the Applicants' claim that their approach is compliant with the surface water disposal hierarchy. SCC maintain their position that the proposed surface water drainage strategy is not compliant with the surface water hierarchy.</p>	
8	<p>Section 2.3 ID 2. The intention to adhere to industry best practice is acknowledged and encouraged. However, no information has been provided to demonstrate that any of these mitigation options are deliverable within the Order Limits or indeed are sufficient to provide satisfactory mitigation.</p> <p>The risks associated with surface water flooding are just as relevant during construction as they are during operation. On that basis SCC query why the Applicants do not deem it necessary to demonstrate the deliverability of sufficient surface water drainage mitigation during construction.</p>	<p>The Applicants refer to the response provided at Deadline 4 (REP4-025) whereby there is a commitment to the application of industry best practice. The Applicants acknowledge that the risk associated with surface water flooding is relevant both during construction and operation.</p> <p>Flood risk in the longer term (i.e. during operation) has been set out in the updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3), which has been submitted at Deadline 6.</p> <p>The Applicants note that there are a number of factors that will determine the mitigation options available during the construction phase. These will be defined at detailed design and include infiltration rates, final layout, proposed construction method and construction phasing / programming. All of these factors will determine the appropriate surface water drainage mitigation to be implemented and as such will be addressed in the Construction Method Statement to be secured under Requirement 22(2)(h) of the draft DCO (REP3-011) which must be submitted to the relevant planning authority for approval prior to construction as well as within a construction phase surface water and</p>



ID	Written Representation	Applicants' Comments
		drainage management plan will also be submitted for approval as part of the final CoCP in accordance with Requirement 22(2)(a).
9	<p>Section 2.3 ID 4. SCC are surprised by the Applicants' comments that 'an infiltration only scheme is therefore unviable'. The parameters being used are only for worst case design purposes. Born out of necessity due to the Applicants' lack of infiltration testing. It is entirely unsuitable to rule out an infiltration only approach from a theoretical example but is indicative of the approach being taken by the Applicant in pursuit of a discharge to the Friston Main River, contrary to the surface water disposal hierarchy.</p> <p>As per the agreed item of SCC/SPR SoCG LA 05.05 the worst acceptable infiltration rate of 10mm/hr must be adopted with an appropriate FoS. This is the approach SCC are asking for. Facilitating an additional 1:10 storm to account for half drain time is industry standard.</p>	<p>The Applicants acknowledge that the infiltration rate adopted is a worst case scenario and commits to infiltration / percolation tests to establish the actual infiltration rate post consent. Pre-construction ground investigation and infiltration testing will determine the extent to which infiltration components can be incorporated into the final SuDS design. The Applicants do not deem it appropriate to undertake infiltration tests at this stage and consider it unusual for nationally significant infrastructure projects to do so.</p> <p>The secondary assessment of a 1:10 year storm event 24 hours after a 1:100 year storm event (both incorporating an allowance of 40% for climate change) has been undertaken and presented in the updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3) which has been submitted at Deadline 6.</p>
10	<p>Section 2.3 ID 9. As per previous SCC comments, this approach again pursues a discharge to the Friston Main River without due consideration being given to infiltration. Even if this option were to be utilised due to infiltration not being achievable or viable, the discharge rates to the Friston Main River are yet to be agreed and would be the subject of a detailed hydraulic model. The Friston catchment does not generate runoff that contributes to the Friston Main River in all rainfall events due to Interception. Without the baseline monitoring suggested, how can the Applicants confidently state that their proposals will not increase surface water runoff rates to Friston, which rarely receives surface water runoff from this area, and anything that is received is delayed by the network of land drains & ordinary watercourses in the catchment?</p>	<p>The Applicants commit to ensuring that the discharge rate to the Friston watercourse and therefore to Friston Main River will not exceed the predevelopment Q_{BAR} rates up to and including the 1:100 year plus 40% climate change event.</p>



ID	Written Representation	Applicants' Comments
11	<p>Section 2.3 ID 10. As previous, alternative methodologies can be employed where half drain times cannot be met.</p> <p>Susdrain note on 'assessing attenuation storage volumes for SuDS'1 states; <i>The specification of a runoff coefficient attempts to represent the volume of flow from a particular surface. For example, in most circumstances you would anticipate less runoff from a grassed surface when compared to an impermeable road or roof surface. This is represented through the definition of Cv, with values ranging from 0% (no runoff from rainfall) up to 100% (all of the rainfall that occurs on a surface occurs as runoff).</i></p> <p><i>The 'standard defaults' for the Coefficient of Volumetric Runoff (suggested by Modified Rational Method) consider that a proportion of sub-catchment contributing runoff to the drainage system is permeable. The Modified Rational Method guidance coefficients are 0.75 for summer and 0.84 for winter scenarios. This assumes that permeable parts of the sub-catchment will be wetter in winter and therefore produce more runoff.</i></p> <p><i>However, the majority of attenuation volume calculations consider impermeable areas only as contributing to the drainage system. Therefore, careful consideration needs to be given to the specification of Cv, as the default values used in software packages may not be appropriate.</i></p> <p><i>Sewers for Adoption (7th Edition) recommends that a Cv of 1.0 should be used whenever calculating runoff from impermeable surfaces (roofs and paved areas should have an impermeability of 100%). When making an application the designer should demonstrate to the SAB that Cv has been suitably determined.</i></p> <p>There are no permeable areas associated with the proposed development. Only impermeable areas are considered in the calculations, with all areas</p>	<p>As detailed within the updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3) submitted at Deadline 6, updated calculations have been undertaken, within MicroDrainage, and provided as part of the above submission. The values utilised in the calculations are based on the current standard approach and will be amended as further information on the detailed design and areas / surfaces contributing runoff to the drainage network are progressed.</p> <p>In addition, when determining the volume of storage required, taking into account the concerns related to half drain time, an alternative conservative approach, has been adopted whereby an additional 1:10 storm event 24 hours after a 1:100 storm event (both including a 40% allowance for climate change) has been calculated and presented.</p>

ID	Written Representation	Applicants' Comments
	being considered as 100% Impermeable; on this basis, a Cv of 1 should be used.	
12	Section 2.3 ID 11. This information should be available now as it contributes to the plan area of the basins and is therefore something that should have already been considered in determining the basin size. It is unclear why design assumptions are being withheld.	Updated figures have been appended to the Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3), which has been submitted at Deadline 6. These figures demonstrate the parameters used within the outline design of the basins including top water levels, freeboard and side slopes.
13	Section 2.4 ID 1. SCC are encouraged that this is a lesson learned from East Anglia ONE. However, it was a lesson learned because of the problems encountered along the cable corridor. Is there additional space along the cable corridor for these Projects compared to East Anglia ONE? SCC do not have confidence that a SuDS solution can be implemented during construction within the Order Limits and maintain the position that the Applicant should demonstrate the deliverability of this, as is the case for the operational stage.	<p>The Applicants note that there are a number of factors that will determine the surface water drainage options available during the construction phase, such as ground permeability, proximity of existing drainage channels/pits. These will be defined at detailed design, including infiltration rates, final layout, proposed construction method and construction phasing / programming.</p> <p>The concept design for the Projects differ from East Anglia ONE in that the Applicant has allowed for temporary SuDS within the onshore cable route by the relocation of sections of soil stockpiles.</p> <p>All of these factors will determine the appropriate surface water drainage mitigation to be implemented and as such will be addressed in the construction phase surface water and drainage management plan which must be submitted for approval as part of the final CoCP in accordance with Requirement 22(2)(a).</p>
14	<p>Section 2.4 ID 4. Response to this point is set out above under Item 1, in response to PINS ISH4 Agenda Item d i.</p> <p>This issue was included in the Joint Councils LIR (REP1-132) paragraphs 11.27 – 11.30.</p>	The Applicants continue to maintain the position that the assessment follows a best practice assessment approach, based on the information available at the time, as set out in Chapter 5 EIA Methodology (APP-053), and that the impacts have been robustly assessed in accordance



ID	Written Representation	Applicants' Comments
		<p>with national and local policy (section 20.4 of Chapter 20 Water Resources and Flood Risk (APP-068)).</p> <p>An updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3) has been submitted at Deadline 6, which has been updated to confirm that the flood risk to Friston as summarised in the SCC (2020) Friston Surface Water Management Plan has been considered within the assessment.</p> <p>As noted by the Applicants during Issue Specific Hearing 4 (ISH4), the conclusions of the Friston Surface Water Management Plan have been considered. It is noted that whilst providing additional information on flood risk, it does not materially alter the information on or understanding of flood risk in this location. The conclusions of the report serves to support and confirm the existing understanding of flood risk in this location and will also inform the modelling to be undertaken as part of the detailed design.</p>
Outline Operational Drainage Management Plan (REP4-003)		
15	<p>SCC continue to have significant concerns with respect to the Outline Operational Drainage Management Plan. These concerns are comprehensively outlined in this response under Item 1, ISH4 Agenda Item d ii and are therefore not repeated here.</p>	<p>The Applicant notes the various points raised in the SCC response under Item 1, ISH4 Agenda Item d ii. An updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3) has been submitted at Deadline 6, including the incorporation of the SuDS Infiltration Note (REP4-044).</p> <p>The updated Outline Operational Drainage Management Plan (ExA.AS-1.D6.V3), includes a review of the parameters utilised within the design; updated calculations for both infiltration only approach and attenuation storage approach; inclusion of an additional 1:10 storm event 24 hours after a 1:100 storm event (both including a 40% allowance for climate change) in the infiltration only approach; and</p>

ID	Written Representation	Applicants' Comments
		provision of calculations and figures demonstrating the indicative sizing and location of the proposed infiltration basins and attenuation basins.

2.4 LVIA

ID	Written Representation	Applicants' Comments
5. Comments on any additional information/submissions received by Deadline 4		
Applicant's Substations Design Principles Statement (ExA.AS-28.D4.V1)		
1	5.1 We strongly recommend a neutral chair for the community engagement event/s.	The Applicants acknowledge SCC's recommendation, however at this stage the Applicants do not deem it appropriate to constrain the selection of the chair. The Applicants will ensure that the chair appointed is suitably qualified.
2	5.2 We are pleased to note that this document includes project substations, National Grid substation and National Grid Sealing End Compounds within scope. On this we assume that the Outline National Grid Substation Design Principles Statement at Deadline One (ExA.AS-6.D1.V1) is entirely superseded by the new joint approach of the applicant and National Grid to design review and post consent engagement.	The Outline Onshore Substation Design Principles Statement and the Outline National Grid Substation Design Principles Statement are no longer referenced in the draft DCO (REP5-003) and are no longer relevant.
3	5.3 Based on previous experience (Progress Power) this joint approach is required for both post consent community engagement, and engagement with the Design Council /CABE. Discussion of design and other matters related to post consent engagement for that project can be found in, Preparing a Flexibility Toolkit Project A continuation project: Consultation and Engagement in the DCO process NIPA May 2019 - page 21 https://www.nipa-uk.org/uploads/news/Clifford_and_Morphet_-_NIPA_II_Project_A_extension_project_report_-_Final_(1).pdf	Post consent community engagement and engagement with the Design Council have been incorporated within the Substations Design Principles Statement (REP4-029).
4	5.4 As discussed in the NIPA report the slower and more cautious approach usually taken by NGET to supply chain engagement for construction projects is likely to slow the development of their final design solution in comparison with that of the Applicant. It would be helpful to	The Substations Design Principles Statement (REP4-029) clearly states that it applies to the onshore substations, National Grid substation and cable sealing end compounds. It is for the Applicants and National Grid to

ID	Written Representation	Applicants' Comments
	understand how they intend to address this issue, or for them to clarify that they are unable to do so?	ensure an adequate level of design information is provided at the time of the stakeholder meetings.
5	5.5 Notwithstanding the maximum dimensions of the project specified in the DCO, we are disappointed that the applicant and NGET have not made an explicit commitment to use their best endeavours, when working with their supply chains, to further reduce the dimensions of the project. We do not consider that such an undertaking would fetter the Applicant or could be an impediment to the discharge of requirements, but rather is intended to demonstrably inform their discussion with the supply chain and their post consent design review process and engagement.	<p>As stated within the Substations Design Principles Statement (REP4-029), many of the design criteria for the substation layout are relatively rigid, in order to comply with safety, maintainability and quality of supply obligations. The Architectural Framework will ensure that the treatment proposed for the substations is sensitive to place, with visual impacts minimised as far as practical by the use of appropriate design, building materials, shape, layout, coloration and finishes, whilst considering the functional constraints of the substations themselves.</p> <p>The DCO will set the maximum visual envelope of the onshore substations and National Grid substation, thereby establishing the acceptability of the Rochdale envelope on which the Applications are based. Post consent, the Applicants will refine the design of the onshore substations and National Grid substation within the consented envelope dependent upon the limits of what is available on the market and what can be delivered efficiently and in compliance with the DCOs.</p> <p>It would be inappropriate for post consent discussions to be centred around best endeavours to reduce the dimensions of the substations.</p>
6. Responses to any further information requested by the Examining Authority for this deadline		
6	<p>6.2 Having regard to the NIS themes of People, Places and Value, SCC notes that the NIS design principles highlight that:</p> <p>Infrastructure should be designed for people, not for architects or engineers. should be human scale, easy to navigate and instinctive to use, helping to improve the quality of life of everyone who comes into contact with it.</p>	<p>It is noted that Overarching National Policy Statement for Energy (NPS-EN-1) states that: <i>"It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area"</i>.</p> <p>The Substations Design Principles Statement (REP4-029) strikes a balance between the objectives of the National Infrastructure Commission's</p>

ID	Written Representation	Applicants' Comments
	<p>Well-designed infrastructure supports the natural and built environment. It gives places a strong sense of identity, and through that forms part of our national cultural heritage. It makes a positive contribution to local landscapes within and beyond the project boundary.</p> <p>A good design process adds value by defining issues clearly from the outset and providing overall direction for everyone working on a project. It explores every option for increasing value alongside the creative process.</p>	<p>publication 'Design Principles for National Infrastructure', Overarching National Policy Statement for Energy (NPS-EN-1) and policy references to ensure that the necessary design considerations are in place whilst recognising the functional requirement of the substations to serve such nationally significant infrastructure projects.</p>
7	<p>6.3 Accordingly, SCC's proposed wording for an additional design principle is as follows: "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."</p>	<p>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>

2.5 Socio-economics

ID	Written Representation	Applicants' Comments
6. Responses to any further information requested by the Examining Authority for this deadline		
1	6.1 In response to ISH5 Action Points action point 7: possible requirement in the dDCO	See response to ID3.
2	6.2 The ExA indicated that a formal commitment in respect of the Memorandum of Understanding ("MoU") should be secured through a requirement in the draft DCO.	See response to ID3.
3	6.3 SCC remains of the firm view that the MoU, for it to work most effectively, should sit outside of the DCO. The MOU seeks to recognise that to maximise the economic benefits from offshore wind we need to work in partnership and collaboration. Not only as applicant and SCC but also alongside the growing local supply chain, developers, and industry leaders that make up our regional cluster. Our experience of EA1 and its associated strategy was that this promoted a binary relationship between SCC and the applicant with little flexibility and opportunity for collaboration. This hasn't been our experience since securing an MOU for EA3, we have been able to work as a true partnership, with a range of stakeholders, alongside the applicant to invest in the development of skills and promote future growth opportunities at scale.	The Applicants agree with SCC's comments and refer to the Applicants' submissions at section 3.5.2.13 of the Written Summary of Oral Case (ISH6) (REP5-030).
4	6.4 The MOU objectives are embedded within the Applicants' Contracts for Difference (CfD) submission and secured via the Supply Chain Plan (SCP) process. The Offshore Wind Sector Deal provides an overarching framework, and challenge, for the industry to deliver increasing levels of UK content, as set out in the Industrial Strategy. The MOU objectives allow the articulation of local and regional strategy which the applicant then ensures is supported, enriched and enhanced through their	See response to ID3.



ID	Written Representation	Applicants' Comments
	<p>contracted supply chains and held accountable for through the SCP process. Once a SCP has been agreed with BEIS it is then a monitored, enforceable process delivered by BEIS. As stated at Issue Specific Hearing 6, both SPR and ESC share the same view.</p>	
5	<p>6.5 That being said, if the ExA is not content with the approach endorsed by SPR and SCC would suggest that the requirement take the following form:</p> <p>The development shall not commence until a Memorandum of Understanding (MoU) has been agreed between the Applicant, Suffolk County Council, and East Suffolk Council. The MoU shall address the arrangements for securing the dissemination of skills and the integration of the supply chain into the local economy, including working to a shared set of objectives, and shall include measures for the periodic monitoring and review of those arrangements. The development shall be undertaken in accordance with the agreed MoU (including any review thereof).</p>	<p>Should the ExA not be content with the approach endorsed by SPR and SCC, the Applicants consider that the wording provided at paragraph 110 of their Written Summary of Oral Case (ISH6) (REP5-030) would be preferred. The Applicants do not agree with the wording proposed by SCC. The MoU is framed in the context of co-operation and flexibility. A requirement needs to be formulated in clear and precise terms. Whilst the document wording might be the same, the content would have to differ. It would also have to be project specific rather than encompassing the whole East Anglia Hub, The Applicants' supply chain engagement has been intensified through the co-ordinated hub approach.</p>
6	<p>6.6 The suggested requirement, including the reference to review, is drafted so as to ensure the retention of the positive elements (flexibility, dynamism etc.) of the MoU in its current form and allow SCC to continue to take a proactive, creative approach to skills, The MoU already stipulates that a joint review from all parties will take place bi-annually with its purpose being for all parties to update, review and coordinate ongoing activity in accordance with the objectives of the MoU.</p>	<p>See response to ID5.</p>
7	<p>6.7 SCC strongly resists the Applicants' preferred fallback position, which is to revert to the requirement for a skills strategy as included for the EA1 project, if this returns us to a binary relationship with the applicant as opposed to the collaborative relationship we currently have.</p>	<p>See response to ID3 and ID5.</p>

2.6 PRowS

ID	Written Representation	Applicants' Comments
3. The Applicants' revised draft Development Consent Order		
1	<p><i>Article 11: Temporary Stopping up of PRow</i></p> <p>3.1 This article allows for the temporary stopping up of PRow in connection with the authorised project, and thus excludes the onshore preparation works such as site clearance and archaeological investigations which could have a direct impact.</p> <p>3.2 As it stands, the County Council expects the Applicant to comply with the Highways Act 1980 in that all PRow are kept open to the public, safe and fit to use and physically undisturbed during onshore preparation works. The Applicant can also apply to the Highway Authority for a temporary closure (Road Traffic Regulation Act 1984) if the provisions of that Act are met.</p>	<p>The Applicants updated Requirement 32 of the draft DCO at Deadline 5 to remove reference to “commence” to clarify that the requirement applies to onshore preparation works that affect public rights of way.</p> <p>The Applicants consider that Article 11 provides the necessary powers to enable the PRowS specified in Schedule 3 to be temporarily stopped up in relation to the Projects and does not consider that an application for a temporary closure in accordance with the Road Traffic Regulation Act 1984 will be required in respect of such PRowS.</p>
2	<p><i>Requirement 32: Public Rights of Way</i></p> <p>3.3 The County Council agrees the change of discharging authority from the Planning Authority to the Highway Authority.</p> <p>3.4 As Requirement 32 relates solely to the affected PRow specified in the authorised development and not the onshore preparation works, the council will expect the Applicant to comply with the provisions of the Highways Act 1980 as described in point 3.1.</p>	<p>See response to ID1.</p>
3	<p><i>Schedule 7: Land in which only new rights etc. may be acquired</i></p> <p>3.5 There are a large number of parcels shown on the land plans to which there is a restrictive covenant preventing any sort of hard surfacing material to be laid without the consent of the undertaker. These parcels</p>	<p>The Applicants do not consider that public rights of way should be excluded from the restrictive covenant. The restrictive covenant is not a prohibition on any works above the cable, it simply means that the undertaker would</p>



ID	Written Representation	Applicants' Comments
	<p>include PRow for which the County Council has a duty to maintain and powers to improve, and the proposed restrictive covenant could fetter the County Council's ability to implement its statutory duty. Public highways, which includes public rights of way should be excluded from this restrictive covenant. The County Council carries out surfacing work to create a more resilient surface or to enable a wider range of users, including those who may be mobility impaired. This type of work would typically involve laying down a compacted crushed stone topped with a compacted layer of finer material to give a smooth surface but could also include providing a tarmac surface.</p>	<p>require to give consent before hardstanding is placed above the cable (and such consent is not to be unreasonably withheld or delayed).</p> <p>The Applicants would however note that the specification of any PRow affected by the development requires to be approved by the relevant highway authority in accordance with Requirement 32 through the approval of the PRow strategy and so the highway authority will get the opportunity to comment on and approve the final specification of any affected PRow through that process.</p>
4	<p><i>Schedule 10: Protective provisions</i></p> <p>3.6 The LHA considers that protective provisions are necessary to protect the authority's power to undertake future improvements within the highway including public rights of way. This matter is covered in detail in Deadline 5 Suffolk County Council comments as Highway Authority</p>	<p>Please see response to ID8 of section 2.1 above.</p>
5	<p><i>Contributions</i></p> <p>3.7 As noted in the draft SOCG (REP1-072 - LA15-13)), there are a number of PRow matters for which contributions are required, namely for officer time relating to the preparation of the PRow Strategy (Requirement 32) and including inspections and approvals of:-</p> <ul style="list-style-type: none"> • Alternative routes for temporarily closed PRow • The new permanent PRow at the substation site • Post construction restoration of PRow 	<p>The Applicants will enter into a PPA at the post consent phase with SCC. This will enable SCC to invoice for time and costs associated with the discharge of relevant DCO conditions, in accordance with the relevant detail stated within the PPA.</p>