



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 6 - 24 February 2021

East Suffolk Council's Summary of Oral Case - Issue Specific Hearing 9

ESC Summary of Oral Case - Issue Specific Hearing 9 (19 February 2021) – draft Development Consent Orders

Examining Authority’s Question		East Suffolk Council’s Summary of Oral Case	References
Agenda Item 1 – Welcome, introductions and arrangements for these Issue Specific Hearings 9			
Agenda Items 1A – Preliminary and Procedural Matters			
		ESC has no comments.	
Agenda Item 2 – Progress Position Statement by the Applicants: Changes to the Drafts in Progress since ISH6			
<p>The ExAs will ask the Applicants to present progress since ISHs6.</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC recognises that this hearing was structured to provide the Examining Authority an update in relation to the extent matters regarding the draft Development Consent Orders (DCOs) had moved on since the last hearing (ISH6). ESC will therefore only seek to highlight key matters in relation to the draft DCOs rather than rehearse again matters which have been set out in writing at Deadlines 4 and 5.</p> <p>ESC wishes to highlight the following key matters in relation to the dDCOs upon which the Council has been engaging with the Applicants and either an agreement has been reached or we are hopeful an agreement will be reached shortly:</p> <ul style="list-style-type: none"> Onshore preparation works – the Applicants have agreed to the inclusion of an onshore preparation works management plan – ESC 	<p>ESC ISH6 Oral Case REP5-047</p> <p>ESC Response to Action Points from ISH 3, 4, 5 & 6 – REP5-043</p> <p>ESC Deadline 4 response REP4-059</p>

		<p>welcome this commitment and are engaging with the Applicants on this matter, which it is understood will be secured through an update to the Outline Code of Construction Practice (OCoCP) and a revision to the requirements.</p> <ul style="list-style-type: none">• Requirement 13 – ESC considers that the requirement should secure monitoring to compare actual shoreline change with as built records to ensure that design assumptions on resilience are not compromised. If the monitoring identifies a risk of exposure of EA1N/EA2 infrastructure remedial works will be required and need to be agreed in advance. ESC has been engaging with the Applicants on this issue and welcome their commitment to update the dDCO to include a monitoring and remedial works provision.• ESC has provided comments in relation to Schedule 16 at Deadline 6 in addition to the comments previously provided at Deadline 5 (REP5-047). ESC welcomes the Applicants commitment to include additional wording in relation to the nature of material they are required to submit, amend the time period for the discharge of requirements from 42 days to 56 days and extend the period available for the request of additional information. ESC will consider these amendments once the updated version of the dDCOs have been submitted and provide a further response on this matter.	
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	<ul style="list-style-type: none"> • Requirement 15 – ESC considers a ten year replacement planting period for the mitigation planting and replacement woodlands is acceptable. The Applicants have agreed for a ten year replacement period for failed planting on Work No.33 and 24. At present discussions are ongoing whether Work No.29 is woodland planting and therefore should be subject to the same provision. • Requirement 42 Installation of cable ducts – ESC sought clarification regarding the wording ‘parallel’ and ‘constructed’ and it was considered the wording within this requirement was ambiguous. The revised wording provides greater clarity and is welcomed. • Schedule 11 Hedgerows – ESC has raised concerns regarding potential inconsistencies between Schedule 11 of the draft DCOs, Annex 1 of the Outline Landscape and Ecological Management Strategy (OLEMS) and the Important Hedgerows and Tree Preservation Order (TPO) Plan. The Applicant has committed to update the OLEMS and Important Hedgerows and TPO Plan to ensure consistency, this is welcomed. • Requirement 21 – ESC considers that the addition of the words ‘pre-commencement’ before survey results in part 21(2) is necessary to ensure the Ecological Management Plans 	
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	<p>are based on up to date ecological surveys. The amendment to 21(1) is welcomed.</p> <p>ESC wishes to highlight the following matters which at present remain areas of concern and that no specific commitments have been made by the Applicants to address these by virtue of revisions to the dDCOs:</p> <ul style="list-style-type: none"> • Operational land Article 33 – ESC considers that the dDCOs should include a provision which removes permitted development rights under Schedule 2, Part 15, Class B, (a), (d) and (f) of the Town and Country Planning (General Permitted Development) Order 2015. Further comments in relation to this matter are provided within ESC’s response to the Examining Authority’s commentary on the dDCOs which has been submitted at Deadline 6. • Requirement 12 – ESC has expressed concerns regarding the width of the Hundred River crossing particularly in the event of both projects crossing (80m), it is considered that further reductions in the working width should be secured. • Requirements 22 and 23 – Hours of Works – ESC considers that the wording of these requirements are too broad and could incorporate many activities which could cause noise disturbance. The Council considers 	<p>Deadline 4 Submission REP4-059 ESC ISH3 Oral Case REP5-044, ESC ISH7 Oral Case.</p>
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		<p>23(2)(b) and 24(2)(b) should be removed and that in addition to seeking prior consent from ESC in relation to the duration and timings of the works, the wording should be amended to require the Applicants to seek agreement in relation to any works not specified on the face of the draft DCOs as to whether they are ‘essential’.</p> <ul style="list-style-type: none"> • Requirement 26 Operational Noise – ESC welcomes the inclusion of the third monitoring location and the downward amendment to the operational noise rating level; the Council however maintains that a lower limit equal to or less than the background sound level should be utilised. ESC has provided further comments in relation to operation noise within its Deadline 6 submissions. • Requirement 27 Cumulative Operational Noise – The comments above apply also to the noise rating level set within this requirement. ESC also considers that the National Grid infrastructure should be included within the final agreed cumulative operational noise rating level for the site. ESC has provided further comments in relation to operation noise within its Deadline 6 submissions. 	
<p>Agenda Item 3 – Protective Provisions</p>			

<p>The ExAs will inquire into progress on protective provisions for the existing and new nuclear power station development, operation and decommissioning processes at Sizewell.</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC has no comments to make in relation to this matter.</p>	
Agenda Item 4 – The Changing Policy Environment			
<p>The ExAs will review the need and possible drafting approaches to provisions enabling responses to emerging policy (Energy White Paper, BEIS Offshore Transmission Systems Review, Ofgem regulatory change including:</p> <ul style="list-style-type: none"> a) Timing of delivery of the proposed developments (the Applicants’ proposal to dispense with extended commencement); b) Flexible adaptation of transmission connection alignments; and c) Consequential adjustments to Compulsory Acquisition (CA) and Temporary Possession (TP) provisions if necessary. <p>The ExA will invite submissions from IPs who wish to raise matters in relation to this item.</p>		<p>ESC supports SCC in their recommendation that an additional design principle be included within the document to reflect the need for the design of the projects to have regard to policy changes and technological advancements which may occur in between consent and detailed design work. SCC has provided some suggested wording within their Deadline 5 submission (REP5-056), this has also been replicated below.</p> <p><i>“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</i></p>	<p>REP5-056</p>

<p>The Applicants will be provided with a right of reply.</p>		<p><i>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.”</i></p>	
<p>Agenda Item 5 – Security for Technical Processes</p>			
<p>The ExAs will review the need and possible drafting approaches to provisions securing the provision of such HRA compensation measures as may be advanced without prejudice. (ISH3 Agenda Item 2 refers).</p> <p>The ExA will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC defers to Natural England and the Marine Management Organisation on this matter.</p>	
<p>Agenda Item 6 – Agreements and Obligations</p>			
<p>The ExAs will consider the need for and progress on any commercial agreements and planning obligations. Progress on the MOU approach with local authorities will be reviewed. What needs to be agreed, documented and secured before the close of the Examinations?</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply</p>		<p>A Skills, education and economic development Memorandum of Understanding (MoU) has been signed by ESC, SCC and SPR. This was signed by ESC in June 2020.</p> <p>There are two proposed s111 Agreements, one for EA1N and one for EA2. These include the following:</p> <ul style="list-style-type: none"> • Sums to support ecological, landscape and habitat enhancements, improve the existing public rights of way network and strengthening existing qualities of the Area 	

		<p>of Outstanding Natural Beauty (AONB), in the landfall to substation area – as a result of significant impacts of the projects identifies in the LVIAs including on the AONB, disruption caused to public rights of way during construction and residual impacts on bats identified.</p> <ul style="list-style-type: none"> • Sums per project to undertake landscape, environmental, access and amenity improvements and enhancements to Friston and its vicinity – due to significant impacts identified in LVIAs on landscape character, visual amenity and public rights of way during construction and operation. • Sums per project to contribute towards measures relating to the preservation and enhancement of heritage assets and their settings in Friston and its vicinity – as a result of impacts on the setting of heritage assets and loss of historic landscape character around the substations site. • Sums for EA2 project only, to support access, environmental and ecological enhancements to the AONB – due to significant residual impacts identified on the AONB from the offshore turbines, and • An administration fee. 	
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	<p>The content of the s111 documents has been agreed and it is the intention that the Agreements will be signed in relation to both projects by Deadline 8. Copies of the two draft agreements have been provided to the Examining Authority in ESC Deadline 6 submission in response to the publication of the second round of questions.</p> <p>The Applicants have committed to provide a tourism fund comprising £150,000 to be used to support marketing campaigns to promote the area during construction and boost tourism. The mechanism by which this will be secured is still the subject of ongoing discussions between the Applicants and ESC.</p> <p>ESC had also engaged with the Applicants in relation to an Environmental Exemplar MoU, this is currently in draft form. The detail of the MoU is being developed collaboratively but a contribution of £500,000 will be provided to enable the signatories and their agents to deliver projects within the communities neighbouring the onshore aspects of the projects. The MoU can be used to support projects which seek to aid the net zero transition or enhance biodiversity/encourage the appreciation of it.</p> <p>It is intended that the Environmental Exemplar MoU will be signed by Deadline 8 but ESC will</p>	
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		<p>confirm this following discussion with the Applicants.</p> <p>ESC also intends, if the Development Consent Orders are granted, to work with the local community in relation to these funds where appropriate.</p>	
Agenda Item 7 – Consents of Parties			
<p>The ExAs will consider the need for and progress on the grant of Crown consents and any other consents required from IPs.</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC has no comments to make.</p>	
Agenda Item 8 – Other Consents			
<p>The ExAs will consider the need for, co-ordination with and progress on any consents beyond the NSIP regime and not provided for in the dDCOs, but necessary for delivery.</p> <p>The ExAs will invite submissions from IPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>		<p>ESC has no comments to make.</p>	

Agenda Item 9 – Any other business relevant to the Agenda		
<p>The ExAs may raise any other topics bearing on the structure and drafting of the dDCOs, certified documents and related agreements that bear on the dDCOs as is expedient, having particular regard to matters bearing on the dDCOs raised in ISHs 7 and 8 and CAHs3 and the readiness of the persons present to address such matters.</p> <p>The ExAs may extend an opportunity for participants to raise matters relevant to the topic of these hearings that they consider should be examined by the ExAs.</p> <p>If necessary, the Applicants will be provided with a right of reply.</p>		
Agenda Item 10 - Procedural Decisions, Review of Actions and Next Steps		
<p>The ExAs will review whether there is any need for procedural decisions about additional information or any other matter arising from Agenda items 2 to 9.</p> <p>To the extent that matters arise that are not addressed in any procedural decisions, the ExAs will address how any actions placed on the Applicants, Interested Parties or Other Persons are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in these hearings. A written action list will be published if required.</p>		
Agenda Item 11 – Closure of hearings		