



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

Comments of Suffolk County Council as County Planning Authority

1. Post hearing submissions including written submissions of oral case

1.1 See separate SCC ISH8 and ISH9 submissions.

2. Responses to ExA's Further Written Questions (ExQ2)

2.0.4 Proposed s111 Agreement.

2.1 SCC is not a signatory to this document although has provided information in respect of PROW etc. at the request of ESC.

2.0.5 Proposed s111 Agreement.

a) The adequacy of the proposed package of mitigation and compensatory measures in the light of the advice contained in paragraphs 4.1.3 and 4.1.4 of the Overarching National Policy Statement for Energy (EN-1).

2.2 In respect of question a) SCC believes that the S111 does go some way towards compensating for the likely negative impacts associated with the construction and operation of the proposed developments.

b) Additional measures that might be required.

2.3 In respect of b) SCC believes that additional money should be made available to offset the likely negative impacts on local communities and the Area of Outstanding Natural Beauty.

c) Arrangements for distributing compensatory funds.

2.4 In respect of c) SCC believes that ESC is well placed to distribute the allocated funding.

3. Comments on the ExA's preferred dDCO or commentary on the dDCO

3.1 See SCC ISH9 Statement of Oral Case as well as individual Deadline 6 submissions from SCC Floods, PROW, Highways and Archaeology.

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

4.1 See SCC Floods, PROW and Highways Deadline 6 submissions.

5. Notification by the Applicant, existing Interested Parties and Other Persons of wishing to speak at hearings in weeks commencing 8 and 15 March 2021

5.1 See separate SCC submission.

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

6.1 **CAH2 AP8** asks SCC in respect of **Substation design and layout** to provide information responding to the substation design and layout options with regard to the 'downward' and 'upward' cases.

6.2 This is understood to refer to the land required for NGET substation if either AIS or GIS technology were used and also if only one of the SPR substations was built as opposed to the two applied for.

6.3 It was noted that NGET were of the opinion at the CAH2 hearing that there would be no difference in respect of the land required for either AIS or GIS technology. NGET were also of the opinion that there would be no difference if one or two SPR substations were built.

6.4 SCC's advice is that this is incorrect. At Deadline 2 SCC submitted a Grid Connection Report by Afry (REP2-037).

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010077/EN010077-003068-SCC%20Grid%20connection%20report%20by%20Afry.pdf>

6.5 This report clearly indicates that a GIS substation would occupy a smaller footprint than an AIS one.

6.6 SCC also believes that if only one SPR substation were consented then the corresponding NGET substation could be substantially smaller.

ISH9 AP1 Norfolk Vanguard High Court Decision (18 February 2021).

6.7 SCC ISH 9, AP1: Applicants and IPs who wish to make initial observations regarding the recent decision to quash the SoS' decision on the above proposed development are invited to do so to assist the ExAs' consideration of the judgement.

6.8 In *Pearce v Secretary of State for Business, Energy and Industrial Strategy* [2021] EWHC 326 (Admin), Mr Justice Holgate quashed the decision of the Secretary of State to grant development consent for the Norfolk Vanguard offshore windfarm ("Vanguard") on the basis that the cumulative landscape and visual impacts of this project together with its 'sister' project, Norfolk Boreas offshore windfarm ("Boreas"), were not taken into account. In particular, the judge held that the Secretary of State was in breach of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 by failing to evaluate the information on cumulative impacts of the Vanguard and Boreas substation development. This was in the context of the applicant having assessed such cumulative impact in its Environmental Statement as likely to have significant adverse environmental effects, and with the Examining Authority and the

Defendant having not disagreed with such assessment. The judge concluded that it had therefore not been open to the Defendant to defer the evaluation of those effects to the subsequent examination of the Boreas proposal on the basis that he considered the available information to be “limited”.

- 6.9 SCC considers that the Norfolk Vanguard decision turns on its own particular facts and does not seek to draw any parallels with the arguments that arise in the present examination. That being said, SCC reiterates the separate concerns that it has previously raised about the adequacy of the Applicants’ cumulative assessment in this case.

ISH AP2 Changes to dDCOs currently under discussion/preparation
Observations on SCC remarks in relation to Requirement 16.

- 6.10 See separate SCC’s composite ISH9 Summary of Oral case submission.