



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 Lead Local Flood Authority

1. Post hearing submissions including written submissions of oral case

1.1 See SCC's composite Summary of Oral Case for ISH9.

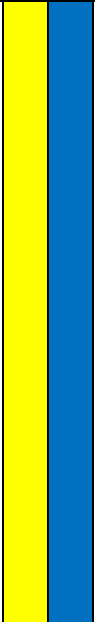
2. Responses to ExA's Further Written Questions (ExQ2)

2.1 Not applicable.

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

Examining Authorities Commentaries on the draft Development Consent Orders (PD-031)

Arts 16	The Applicants The Environment Agency Suffolk County Council	1	2	<p>Discharge of water Are the Environment Agency and Suffolk County Council as lead local flood authority content with this provision as drafted? If so, can this be added to the Explanatory Memoranda?</p>	<p>No. Article 16 (7) makes specific reference to the Environmental Permitting Regulations 2016 to ensure this is not overridden. A similar statement, affording similar protection should be included for Land Drainage Act 1991, to ensure that Land Drainage Consent, for works to Ordinary Watercourses, is not overridden. At ISH9 the Applicant provided oral confirmation that the DCO did not contain any exclusion of the requirements of the Land Drainage Act 1991. SCC would welcome written confirmation as well as clarification of the reason for the different approach adopted in relation to the Environmental Permitting Regulations 2016.</p>
Pt 3 R41	The Applicants The Environment Agency Suffolk County Council East Suffolk Council	1	2	<p>R41: Operational drainage management plan Would the provision be improved by the following? a) In para (1) drafting providing that '[t]he <u>operational drainage plan must include a timetable for implementation</u>'; and b) In para (2) that '[t]he operational drainage management plan must be implemented <u>and maintained</u> as approved'. c) Having this requirement secure and cross-refer to a newly defined Work consisting of all surface water drainage infrastructure (as suggested by Suffolk County Council). Is Suffolk County Council content that East</p>	<p>A – This would be expected as part of any construction/operational drainage management plan to ensure there is sufficient crossover between construction and operational phases. Including this proposed wording would only reinforce the need for this document. Therefore, this proposal is supported by SCC LLFA.</p> <p>B – SCC LLFA would suggest the wording is amended to 'implemented, maintained and managed'.</p> <p>C – SCC LLFA support this requirement cross-referring to a newly defined work for all surface water drainage infrastructure.</p>

			<p>Suffolk Council as the relevant planning authority should lead on discharge of this required (in consultation with Suffolk County Council and the Environment Agency) to ensure coordinated input on subject matters with a strong bearing overall on design and appearance?</p>	<p>SCC LLFA do not support East Suffolk Council leading on the discharge of this requirement. Whilst we appreciate the desire to co-ordinate subject matters, the surface water drainage infrastructure's primary purpose is to prevent an increase in surface water flood risk. This should not be compromised as part of the planning balance for design, appearance or any other matter. To ensure that there is no compromise on surface water flood risk, SCC LLFA maintain they should be the discharging authority for this requirement. SCC LLFA support the integration of landscaping with SuDS for good overall design, but not at any potential expense of surface water flood risk. If SCC LLFA were discharging authority, we would be willing to work with other stakeholders to achieve good design and the multifunctional benefits associated with SuDS, whilst ensuring that surface water flood risk was adequately managed.</p>
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4. Comments on any additional information/submissions received by Deadline 5

EA1N&EA2 Written Summary of Oral Case (ISH4) (REP5-028)

ID	SPR submission	SCC Comment
82	As noted in the SoCG with the Councils, flood events in the Friston area, resulting from overland flow that occurred during late 2019 – early 2020 was a result of multiple flow paths and not a direct result of surface water runoff from land associated with the proposed site of the onshore substation or the National Grid infrastructure.	This does not mean that the area does not present a future surface water flood risk.
84	Suffolk County Council also referred to the removal of an existing depression in the land (approximately 15 – 20m in diameter) which acts as a soakaway, due to the routing of the operational access road. The Applicants confirmed at the hearing, that in the event that this was removed (the need for such removal being established at the detailed design stage), the storage capacity offered by this depression would be replaced by the Applicants.	This commitment must be included in the Outline Operational Drainage Management Plan. It must also explicitly state that it will replace the existing flood storage basin like for like (i.e. serve at least the same catchment and provide at least the same storage volume).
87	Suffolk County Council consider that the onshore substations and National Grid substation should be drained by infiltration only in accordance with the SuDS hierarchy. Whilst the Applicants are committed to using infiltration as part of the surface water drainage design, where possible, it is noted that the hierarchy is based on principles to discharge as high up the SuDS hierarchy as possible. The hierarchy is not premised on a single solution, rather a set of criteria that can be combined to create an efficient and effective surface water solution.	<p>Despite repeated requests, the Applicant has still not provided an explanation as to why it is not possible for them to discharge surface water as high up the surface water disposal hierarchy as possible (highlighted yellow), i.e. solely via. Infiltration.</p> <p>National Planning Policy Guidance (Flood Risk, Para 080), which sets out the surface water disposal hierarchy, does not differentiate between major developments and NSIPs, nor does the NPS in terms of the surface water disposal hierarchy. As such, SCC LLFA see no justification for this project to be treated differently to any other in Suffolk, or indeed the UK, regardless of size.</p>

		<p>Could the Applicant justify their interpretation of guidance which has resulted in the statement highlighted red, please? A statement like this must be supported with evidence. This could set, what SCC LLFA consider to be a significant precedent, for future development, of all sizes, across the UK. This approach would allow developments to view the surface water disposal hierarchy as a 'mix and match' set of 'criteria' that can be combined to create a solution, regardless of whether this is the optimal solution or not. This approach could have serious detrimental effects on the water environment if applied to all developments across the UK. This is not what is stated in the NPPG and is strongly disputed by SCC LLFA. This is not a SuDS approach. The surface water disposal hierarchy is exactly that, a hierarchy, not 'a set of criteria that can be combined to create an efficient and effective surface water solution', which would ultimately be a subjective approach. This approach is of significant concern to SCC and as stated, has the potential to set a national precedent.</p>
88	<p>Suffolk County Council consider that infiltration testing should be carried out before the Projects obtain consent. However, carrying out infiltration testing will comprise one element of a large programme of ground investigation surveys which are required to develop the detailed design. This suite of investigations are required to confirm detailed ground conditions and obtain infiltration rates to be carried out post-consent as this will feed into a number of elements of the design and is not necessary for the consent stage of such nationally significant infrastructure projects.</p>	<p>With reference to the point highlighted yellow, other NSIPs being developed in Suffolk (Sizewell C) have undertaken pre-examination infiltration testing. This approach allows them to inform their design pre-examination to determine whether surface water drainage infrastructure can be accommodated within the Order Limits both during construction and operation.</p> <p>Ultimately, if the Applicant chooses not to undertake infiltration testing, they must demonstrate solutions are deliverable within the Order Limits, whilst complying with worst case scenario design assumptions (infiltration rates, discharges rates, Factors of Safety etc.) and national & local standards, guidance & design requirements</p>

EA1N&EA2 Applicants' Comments on Suffolk County Council's Deadline 4 Submissions (REP5-011)

Suffolk County Council will await the submission of an updated Outline Operational Drainage Management Plan at Deadline 6.

By and large, the Applicants' comments on SCC LLFA's written representations made at Deadline 4 (REP4-064) do not present any new information or any response that has not been made and responded to previously. SCC LLFA maintain the position set out in our written representation made at Deadline 5 (REP5-054). None of the responses provided by the Applicant in this document (REP5-011) change SCC's position stated at Deadline 5 (REP5-054).

Direct responses to a few specific points raised by the Applicants are provided below:

ID 13 – SCC acknowledge this email and the attachments. This accords with the written submission by SCC LLFA at Deadline 4 (REP4-064), which refers to the minutes from an expert topic group (ETG) dated 19/11/2019 (prior to the date of the email referenced by the Applicants), and which is quoted again here. The accuracy of this data, specifically the return period of the October 2019 rainfall event in Friston, has always been queried, as per ETG minutes dated 19/11/2019, and this should be reflected in the Applicants' submission. SCC maintain that the statement contained in the Outline Operation Drainage Management Plan (REP4-003, Para 57) is misleading, as per our representation at Deadline 4 and quoted again in ID 13.

ID 43 – As per SCC LLFA submission at Deadline 5, whilst the Applicants state their commitment to implementing the principles set out in the Outline Code of Construction Practice, there has been no demonstration that this mitigation is deliverable within the Order Limits.

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 Not applicable