



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments East Suffolk Council's Deadline 7 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

AQMA	Air Quality Management Area
CoCP	Code of Construction Practice
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EMP	Ecological Management Plan
ES	Environmental Statement
ESC	East Suffolk Council
HDD	Horizontal Directional Drilling
ISH	Issue Specific Hearing
LMP	Landscape Management Plan
NGET	National Grid Electricity Transmission
NRMM	Non-Road Mobile Machinery
OFTO	Offshore Transmission Owner
OLEMS	Outline Landscape and Ecological Management Strategy
PD	Permitted Development
SPA	Special Protected Area



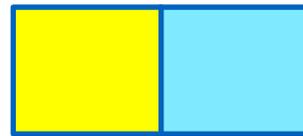
Glossary of Terminology

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 ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
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.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.



1 Introduction

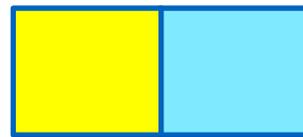
1. This document presents the Applicants' comments on East Suffolk Councils' (ESC) Deadline 7 submissions as follows:
 - **Section 2.1** – Responses to Overarching Comments on Applicants' Comments on ESC's Deadline 5 Submissions (REP6-026), Applicants' Responses to Written Questions 2 Volume 2 (REP6-059), Applicants' Comments on the ExA's Commentary of the dDCO (REP6-067); and
 - **Section 2.2** – Responses to Responses to Overarching Comments on Applicants' Deadline 6 Submissions Outline SPA Crossing Method Statement (REP6-036), Outline Watercourse Crossing Method Statement (REP6-041), Outline Construction Traffic Management Plan (REP6-009), Outline Port Construction Traffic Management and Travel Plan (REP6-047), Onshore Ecology Clarification Note (REP6-025), Outline Code of Construction Practice (REP6-003), Outline Landscape and Ecological Management Strategy (REP6-007), and Applicants' Responses to Hearing Action Points 7 (REP6-052).
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23rd December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



2 Comments on East Suffolk Council's Deadline 7 Submissions

2.1 Responses to Overarching Comments on Applicants' Comments on ESC's Deadline 5 Submissions [REP6-026], Applicants' Responses to Written Questions 2 Volume 2 [REP6-059], Applicants' Comments on the ExA's Commentary of the dDCO [REP6-067]

ID	ESC Comment	Applicants' Comments
2. Overarching Comments on Applicants Deadline 6 Submissions [REP6-026, REP6-059 and REP6-067]		
2.1	<p>ESC welcomes the additions and changes which REP6-067 commits will be undertaken by the Applicants in relation to the draft Development Consent Orders (dDCOs) and submitted at Deadline 7. A summary of the key changes in relation to matters raised by ESC have been noted below:</p> <ul style="list-style-type: none"> • Inclusion of a requirement in the dDCOs which secures the submission and approval by ESC of onshore preparation works management plan(s), an outline of the details of which has been provided within Appendix 1 of the updated Outline Code of Construction Practice (OCoCP, REP6-003). • Restructuring of Requirement 12 to provide a more logical and easier to follow order to the requirement. • Revision to the wording of Requirement 13 to reference the Applicants' commitment to monitoring, reporting, and undertaking remedial works (if necessary) at the landfall. • Update of the Important Hedgerows and Tree Preservation Order Plan and Annex 1 of the Outline 	<p>The Applicants note and welcome ESC's comment in relation to the <i>Applicants' Comments on the ExA's Commentary on the dDCO</i> (REP6-067).</p>

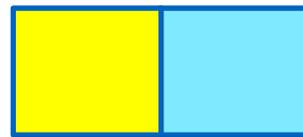


Applicants' Comments on ESC's Deadline 7 Submissions
25th March 2021

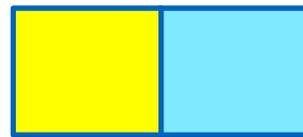
ID	ESC Comment	Applicants' Comments
	Landscape and Ecological Management Strategy (OLEMS) to ensure consistency with Schedule 11 of the dDCOs.	
2.2	The Council however notes that there are several matters which remain outstanding or not agreed between the Applicants and ESC which have been highlighted below.	Noted.
2.3	Requirement 15 – The Applicants' justification for Work No.29 not being subject to a ten-year replacement period for failed woodland planting is not considered acceptable. It is not satisfactory to exclude Work No.29 from this provision because "the nature of the mitigation in this area is yet to be established" (REP6-067). If this area could be used for replacement woodland planting, then it should be subject to the ten-year provision.	The Applicants have included Work No. 29 within the scope of 10-year replacement period, but note that the 10 year replacement period only applies to trees or shrubs (if any) planted within this Work No.
2.4	Requirement 21(1) - The Applicants' comment in relation to the inclusion of reference to pre-commencement surveys in Requirement 21(2) is noted. ESC will provide further comment on this matter once the text of the proposed amendment to part (2) is available for review.	The Applicants note that ESC confirmed at Issue Specific Hearing 15 (ISH15) that the amendment to paragraph (2) of Requirement 21 in the draft DCO at Deadline 7 addresses their concern.
2.5	Requirements 23 and 24 – ESC welcomes the Applicants' commitment to amend 23(2)(b) and 24(2)(b) to refer to "internal fitting out works". The Council however maintains its view set out in REP6-080, that in addition to seeking agreement from ESC in relation to the duration and timing of the works, agreement must be sought for works not expressly identified on the face of the dDCOs as to whether the works are essential. It is considered	<p>ESC have requested that Requirements 23 and 24 are amended so that in addition to seeking approval from ESC in relation to the duration and timing of works outwith the specified construction hours, agreement must also be sought on whether works that do not fall within paragraphs (2)(a) to (2)(e) of the requirements are essential.</p> <p>The Applicants have discussed this with ESC and have agreed some revised text which is included in paragraph (3) of Requirements 23 and 24 of the</p>



ID	ESC Comment	Applicants' Comments
	the wording of the requirements should be amended to reflect this.	draft DCO submitted at Deadline 8 (document reference 3.1) to address this comment.
2.6	Schedule 16 – ESC welcomes the Applicants' agreement to provide 56 days for the discharge of requirements and the inclusion of wording in relation to the material which must be submitted with any application. The Council however remains concerned about the deemed consent provision and still does not consider it is justified considering the appeal option available. ESC also notes the commitment to provide 20 works days to request additional information, but this is still considered insufficient if a consultation is required. Finally, ESC is concerned about the limited time periods provided for submissions in the event of an appeal. The Council refers to its previous comments provided in relation to this matter in REP6-080.	<p>Whilst the Applicants consider the deemed approval mechanism to be appropriate and justified for the reasons set out in section 3.1.7 of the Applicants' Written Summary of Oral Case ISH9 (REP6-054), in order to reach agreement with ESC on the text of Schedule 16, the Applicants have removed the deemed approval mechanism from paragraph 1(4). This is reflected in the draft DCO submitted at Deadline 8 (document reference 3.1).</p> <p>The Applicants consider the period of 20 business days to be appropriate and necessary to avoid undue delays in the discharge process. There is precedent in other DCOs for further information to be requested within 5 business days (and 21 days where consultation is required) (Southampton to London Pipeline Development Consent Order 2020), within 14 business days (and 21 days where consultation is required) (Immingham Open Cycle Gas Turbine Order 2020), and within 28 days (Great Yarmouth Third River Crossing Development Consent Order 2020). The Applicants note that ESC advised at ISH15 that they were willing to accept the amended timescales and so the Applicants understand that ESC may now be willing to accept the 20 business days specified in respect of further information.</p> <p>In response to comments made by ESC at Deadline 6, the Applicants amended paragraph 3 of Schedule 16 to extend the periods for making written representations and counter submissions in respect of an appeal from 15 business days and 10 business days, respectively, to 20 business days in both cases. This amendment was reflected in the draft DCO submitted at Deadline 7 (REP7-006).</p>
2.7	Permitted development rights and operational land – The Applicants' (REP6-067) and National Grid Electricity	The Applicants note the comments. The legislation defines operational land and it has not been problematic to apply.



ID	ESC Comment	Applicants' Comments
	<p>Transmission's (NGET, REP6-109) comments on the extent of operational land are noted. ESC however considers that whether specific land falls within the definition of operational land, in particular whether under section 263(2) of the Town and Country Planning Act 1990 it is comparable with land in general or comparable to land held for the purposes of the undertaking, will be highly fact sensitive. It is therefore considered that it is not possible at this stage to determine what will be, for all time, the exact extent of operational land; the Council's view is therefore unchanged from that set out in REP6-080.</p>	
2.8	<p>ESC considers that permitted development rights should still be removed for Scheduled 2, Part 15, Class B (d) and (f) of the Town and Country Planning (General Permitted Development Order) 2015. There is scope for land on which buildings are not sited to qualify as operational land, not necessarily limited to compounds. In any event, land within the compounds will be likely to qualify as operational land and such compounds may include land on which buildings are not sited e.g. to accommodate ancillary uses. In each case, extensions or other alterations could occur without control, save in so far as Environmental Impact Assessment (EIA) is engaged. It is therefore considered appropriate that extensions or alterations to buildings and other development is controlled.</p>	<p>The Applicants do not agree. In terms of sub paragraph (d), if works give rise to significant effects PD rights would not apply and therefore the Council have a degree of control. Sub para (f) is important in that it permits engineering operations. Many electrical activities involve engineering operations.</p>
2.9	<p>ESC also remains of the view that permitted development rights should also be removed for Scheduled 2, Part 15, Class B (a) of the Town and Country Planning (General Permitted Development Order) 2015.</p>	<p>The Applicants disagree. National Grid Electricity Transmission (NGET) illustrated in their response (REP6-109) the importance of Permitted Development (PD) rights. The Offshore Transmission Owner (OFTO) would be in a similar position in maintaining their substation. The OFTO regime is a</p>



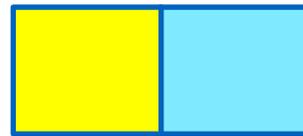
ID	ESC Comment	Applicants' Comments
		key part of the offshore regulatory regime and is underpinned by regulations and the licensing regime.
2.10	The Environmental Statements identify that the projects will have a significant adverse impact on the landscape character and visual amenity of the locality, in addition to an adverse impact on the setting of a number of heritage assets. The Assessments have included consideration of the visual appearance of the substations. The DCOs, if consented, would be granted on the basis of the assessments provided. Given the sensitive nature of the site, it is not considered appropriate that modifications to the substations could then be undertaken following construction utilising permitted development rights. Such modifications could result in a change in the visual appearance of the development which would potentially have consequences for the identified impacts of the developments, even if not of a scale or extent which justified EIA. Given the sensitive nature of the site and close proximity of receptors, it is considered that consent for such modifications should be necessary. This will ensure that such modifications are fully and robustly assessed prior to any works taking place. It is not considered that such a consent process would unfairly inhibit the operators' abilities to undertake their duties; it would however provide some appropriate controls.	Noted but not agreed. There are conditions on the exercise of PD rights and an exclusion of works which would trigger Environmental Impact Assessment (EIA).
2.11	The Applicants have agreed to community engagement in relation to the post consent design refinement. It would undermine this process if permitted development rights could then be utilised to modify the infrastructure consented.	The purpose of the PD rights reflect the importance of being able to deal with situations that may emerge on site. There are safeguards through conditions on the PD rights and the exclusion of EIA development.



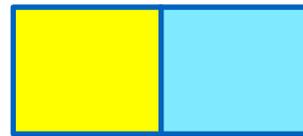
ID	ESC Comment	Applicants' Comments
2.12	<p>The suggested wording could readily be converted to an article in the DCOs if that was considered preferable. However, ESC is not persuaded that the removal of permitted development rights can only be achieved through an article in the dDCOs rather than a requirement. Section 120(2) of the 2008 Planning Act states:</p> <p><i>The requirements may in particular include:</i></p> <p><i>a) requirements corresponding to conditions which could have been imposed on the grant of any permission, consent or authorisation, or the giving of any notice, which (but for section 33(1)) would have been required for the development.</i></p> <p><i>b) requirements to obtain the approval of the Secretary of State or any other person, so far as not within paragraph.</i></p>	<p>The Applicants do not agree. Any exclusion of PD rights should be an article and should also expressly state that it does not restrict the works and activities undertaken pursuant to the Principal Powers of the order. Unless this were done there would be a risk that the wording of the exclusion could inadvertently restrict construction and maintenance activities.</p>
2.13	<p>ESC would however like to amend the suggested wording in the requirement suggested to provide greater clarity and precision:</p> <p><i>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no development in connection with Work No.s 30, 38 and 41 shall be carried out under Schedule 2, Part 15, Class B (a), (d) or (f) without the submission of a formal planning application and the granting of planning permission by the local planning authority.</i></p>	<p>The Applicants note that Article 33 of the draft DCO (document updated at Deadline 8, document reference 3.1) is a standard provision that is based on Model Provision 36 and can be found in the vast majority of DCOs including the East Anglia ONE and East Anglia THREE Orders, the recent Hornsea Three Order and in the Galloper Wind Farm Order 2013 (which included consent for a new national grid substation). The Article only confirms that the DCO is a specific planning permission for the purposes of the section.</p> <p>The Applicants are not aware of any DCOs which exclude permitted development rights and for the reasons stated above and in response to Question 2.0.1 of the Applicants' Responses to Examining Authority's Written Questions 2, Volume 2 (REP6-059) consider such an exclusion to be wholly inappropriate.</p> <p>Notwithstanding the Applicants position that any exclusion of PD rights is wholly inappropriate, the Applicants have serious residual concerns</p>



ID	ESC Comment	Applicants' Comments
		regarding the wording of the “requirement” proposed by ESC. If such a provision were being included, all that should happen is the exclusion of the order. The wording currently proposed conflicts with the construction and maintenance powers within the DCO.
2.14	Operational Noise – No substantially new information has been provided in relation to this matter and therefore the Council refers to the position which was set out at Deadline 6 (REP6-081).	<p>The Applicants refer to their responses to ESC's comments on Operational Noise within Section 2.2 of the Applicants' Comments on ESC's Deadline 6 Submissions submitted at Deadline 7 (REP7-057).</p> <p>At Deadline 8 the Applicants have updated Requirement 12 of the draft DCO (document reference 3.1) to secure the preparation of an operational noise design report, which must be submitted to the relevant planning authority for approval prior to commencement of the onshore substation. Further details have been provided in an updated Substations Design Principles Statement submitted at Deadline 8 (document reference ExA.AS-4.D8.V2).</p>
2.15	Cumulative Impact Assessment – ESC notes the commitment from the Applicants to provide an assessment in relation to the National Grid infrastructure and effect of the future connections offered and will provide comment on this information once submitted.	Noted.
2.16	Bats - Whilst the Applicants' response to ESC's Deadline 5 comment (REP5-048) on this matter is noted (Section 2.3, ID1, REP6-026), the Council maintains the opinion that the absence of brown long-eared bats from the survey results is likely an under recording of this species in the area rather than a complete absence of the species. All of the bat survey techniques used (emergence/re-entry, activity transects and static bat detector) rely primarily on acoustic recording and the nature of brown long-eared bat behaviour (particularly the	Noted. The Applicants confirm that the baseline presented within Chapter 22 of the Environmental Statement (ES) (APP-070) is based upon desk studies and the bat surveys undertaken pre-application during which evidence regarding the presence of brown long-eared bats was not identified. However, pre-construction surveys for roosting as well as commuting and foraging bats will be undertaken, as specified within section 6.7.3 of the Outline Landscape and Ecological Management Strategy (OLEMS) (REP6-007). Should bats (of any species, including the brown long-eared species) be identified during the pre-construction survey effort, suitable



ID	ESC Comment	Applicants' Comments
	absence of echolocating or very quiet echolocating) is an acknowledged limitation of this type of surveying. Further comment on this matter was made at Issue Specific Hearing 7 (ISH7, REP6-075).	mitigation measures will be identified and subsequently set out within the final Ecological Management Plan (EMP) (which will be submitted to and approved by the relevant planning authority prior to commencement of the onshore works) and consideration of this species (and any identified mitigation measures) will be taken into account during the detailed design.
2.17	We also note the comment in the relation to maternity bat roosts being present at other substation sites (Section 2.3, ID2, REP6-026). As set out in our Deadline 5 response (REP5-048), and acknowledged in the Applicants' comments on this matter, different bats are affected by noise to different degrees and the presence of a maternity colony of one species in such a location does not mean that all other species have not been affected. Further information on the species present roosting within existing substations would have been beneficial.	The Applicants are not able to provide any further information regarding the species.
2.18	Built Heritage – ESC provided comments in relation to the Heritage Assessment Addendum and Appendices (REP4-006 to REP4-012) at Deadline 5 (REP5-048) and no new information has been provided with the exception of the Applicants comments on the Council's submission (REP6-026). ESC's comments at Deadline 5 remain relevant.	The Applicants consider they have provided robust justification for their position on this matter and all the evidence that can be provided in support of their position at this stage has been tabled. As such, the Applicants consider the outstanding disagreement regarding the conclusions of the assessment of heritage setting to be a difference of professional judgement.

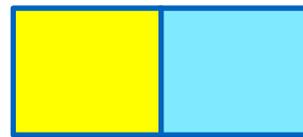


2.2 Responses to Overarching Comments on Applicants' Deadline 6 Submissions Outline SPA Crossing Method Statement [REP6-036], Outline Watercourse Crossing Method Statement [REP6-041], Outline Construction Traffic Management Plan [REP6-009], Outline Port Construction Traffic Management and Travel Plan [REP6-047], Onshore Ecology Clarification Note [REP6-025], Outline Code of Construction Practice [REP6-003], Outline Landscape and Ecological Management Strategy [REP6-007], and Applicants' Responses to Hearing Action Points 7 [REP6-052]

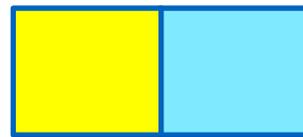
ID	ESC Comment	Applicants' Comments
Outline SPA Crossing Method Statement [REP6-036]		
3.1	Outline SPA Crossing Method Statement (REP6-036) – ESC welcomes the commitment to manage the whole of Work No. 12A (with the exception of the area of horse paddock) for ten years post construction (Section 2.10).	The Applicants note and welcome ESC's comment in relation to the commitment to manage the whole of Work No. 12A (with the exception of the area identified as a horse paddock) for a period of ten years following completion of the relevant stage of works.
3.2	Reference is made in paragraph 86 (Section 3.4) to the potential for intrusive preconstruction surveys within the Special Protection Area (SPA) crossing area. Whilst ESC notes that the trenchless construction technique is not the Applicants' preferred construction method for the crossing, the need for intrusive surveys within the SPA as part of the trenchless technique should be clarified as they could result in damage to the SPA not otherwise assessed as part of the consideration of this technique. This has been previously raised at Deadline 2 (REP2-029).	<p>The Applicants note that details of any intrusive surveys within the SPA will be included within the final Ecological Management Plan which will need to be approved by the relevant planning authority prior to undertaking such surveys in accordance with Requirement 21(2) of the draft DCO (document reference 3.1).</p> <p>The Applicants confirm that any intrusive pre-construction surveys required within the SPA will be undertaken outside of the seasonal restrictions, as specified within section 2.4 and section 3.4 of the Outline SPA Crossing Method Statement (REP6-037).</p>
Outline Watercourse Crossing Method Statement [REP6-041]		
3.3	Outline Watercourse Crossing Method Statement (REP6-041) – Whilst ESC agrees with the Applicants' characterisation of the woodland present to the west of the Hundred River, as set out at	The Applicants note that ESC agrees with the habitat characterisation of the existing woodland west of the Hundred River (i.e. it is not wet woodland). The species recorded during the 2018 extended Phase 1 habitat survey within the



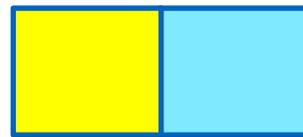
ID	ESC Comment	Applicants' Comments
	<p>ISH7 (REP-075) the Council considers that this woodland is a UK Priority habitat (lowland mixed deciduous woodland).</p>	<p>area of woodland west of the Hundred River included the presence of <i>cypress spp.</i> which are not characteristic of a deciduous woodland and therefore, in accordance with the Joint Nature Conservation Committee Phase 1 Habitat Codes was assigned the habitat classification of semi-natural broadleaved woodland.</p> <p>Whilst there is a difference in the habitat classification terminology that has assigned to the woodland west of the Hundred River, the Applicants agree that it is a UK Priority Habitat.</p>
3.4	<p>As set out in ESC's Deadline 4 response (REP4-059) and ISH7 submission (REP6-075) the Council considers that it remains unclear in Sections 3.2 and 4.8 as to why the crossing of the Hundred River requires double the width for two projects when in other sensitive locations a narrowed width has been achieved. The reduction in the working width in this location beyond that committed to in the Outline Watercourse crossing Method Statement (REP6-041) would potentially significantly reduce the required loss of the woodland to the west of the river which is a UK Priority habitat.</p>	<p>As both Projects must be safely constructed and may be constructed in parallel, it may not be possible for works (or vehicles) for one project to 'cross over' the onshore cable route for the second project. Therefore, the draft DCO for each project provides the necessary space required to construct that project. The Applicants will nevertheless reduce the land required where practicable during the detailed design stage.</p>
3.5	<p>ESC welcomes the intention to retain trees on the western bank of the Hundred River (extending 5m inland) set out in Section 4.9.</p>	<p>Noted.</p>
3.6	<p>ESC would also wish to highlight that pre-construction surveys should also include bats if any trees to be removed offer bat roost potential.</p>	<p>Paragraph 270 of the OLEMS (REP6-007) states: <i>"Further surveys for bat activity and bat roosts will be undertaken pre-construction of all features along the onshore development area that will be identified for removal to provide updated assessments of the commuting and/or roosting value of these routes."</i></p>



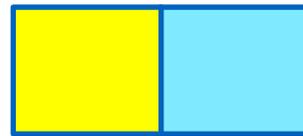
ID	ESC Comment	Applicants' Comments
		As such, where any tree / trees are identified for removal within the Order limits (including those west of the Hundred River), pre-construction surveys for bats of these features will be undertaken.
Outline Construction Traffic Management Plan [REP6-009]		
3.7	<p>Outline Construction Traffic Management Plan (OCTMP, REP6-009) - ESC welcomes the commitment to the use of Euro VI vehicles now set out in this document. ESC requests that this should be expanded to ensure that the following aspects are covered when the document is finalised. This will require amendments to Section 2 and 4 of the OCTMP:</p> <ul style="list-style-type: none"> a) Monitoring of the Euro class of non-Euro VI vehicles with identification of action to be taken if a significant proportion of these vehicles are older than Euro V. b) Provision for recording the route taken by HGVs to/from the site, if required to ensure that there is no disproportionate number of non-Euro VI vehicles passing through the Air Quality Management Area (AQMA). c) Confirmation that the 70% limit and associated provisions should be applied if Sizewell C and either EA1N or EA2 are under construction simultaneously, before opening of the Two Villages bypass. 	The Applicants can confirm that the Outline Construction Traffic Management Plan (Outline CTMP) has been updated at Deadline 8 to reflect the requests from ESC (document reference 8.9).
Outline Port Construction Traffic Management and Travel Plan [REP6-047]		
3.8	Outline Port Construction Traffic Management and Travel Plan (OPCTMTP, REP6-047) - ESC accepts the amendments to the OPCTMTP, subject to the addition of the following sentence at the	Noted. The Applicants have submitted an updated Outline Port Construction Traffic Management and Travel Plan at Deadline 8 (document reference ExA.AS-9.D8.V3), which reflects this request from ESC.



ID	ESC Comment	Applicants' Comments
	end of paragraph 30 in Chapter 4: "The air quality screening exercise and (if required) assessment will be carried out in accordance with Institute of Air Quality Management Guidance entitled "Land-Use Planning & Development Control: Planning For Air Quality" (v1.2), January 2017, or any update to this guidance."	
Onshore Ecology Clarification Note [REP6-025]		
3.9	Onshore Ecology Clarification Note (REP6-025) - As set out at ISH7 (REP6-075), whilst ESC defers to Natural England on matters relating to air quality impacts on statutory designated sites, the Council remains concerned that under the worst case scenario Horizontal Directional Drilling (HDD) as part of the landfall construction could result in an adverse impact on part of the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI). Subject to Natural England's views, the Clarification Note does not acknowledge the substantial contribution from the proposed development to air pollution levels at the nearby designated habitat sites. No undertakings are made to ensure that emissions to air from Non Road Mobile Machinery (NRMM) operating for extended periods close to designated habitat sites will be minimised. The detailed design of the projects should commit to all available mitigation measures to minimise this impact and appropriate monitoring should be carried during the construction phase to ensure that the conclusion presented by the Applicants is the outcome that occurs.	The Outline Code of Construction Practice (OCoCP) has been updated at Deadline 8 (document reference 8.1) to clarify that the Applicants commit to using non-road mobile machinery (NRMM) which complies with stage IV emissions standards or later where possible.
Outline Code of Construction Practice [REP6-003]		



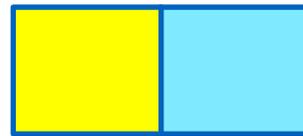
ID	ESC Comment	Applicants' Comments
3.10	Outline Code of Construction Practice (REP6-003) – ESC welcomes the commitment to provide an Onshore Preparation Works Management Plan.	Noted.
3.11	The express commitment to enter into a Planning Performance Agreement (PPA) with ESC to provide a cost recovery mechanism for administering the projects is welcomed (Section 1.5). In addition to the recovery of costs associated with the discharging of requirements the Council would also wish for the PPA to allow the recovery of costs in relation to inspections for example of landscaping etc.	The Applicants are agreeable to the PPA covering the recovery of costs in relation to inspections.
3.12	The Council notes the additional clarification in relation to essential activities provided in Section 3.1, but the comments provided in paragraph 2.5 above remain relevant. ESC also notes the amended wording utilised in Section 9.1 to provide a great commitment that noise and vibration mitigation techniques will be 'implemented wherever possible'.	The Applicants refer to their response at ID 2.5 in the table set out in Section 2.1 above.
3.13	The OCoCP should include undertakings to minimise the potential impact of emissions to air from NRMM on nearby designated habitat sites. This should include an undertaking for NRMM to be located away from designated habitat sites wherever possible, in order to prevent further damage being caused to these sites to that already identified in the Deadline 6 Onshore Ecology Clarification Note (REP6-025). It should include requirements for minimum standards for NRMM, and appropriate monitoring to confirm that the impacts on air quality at designated sites do not exceed that forecast.	The OCoCP updated at Deadline 8 (document reference 8.1) commits the Applicants to using non-road mobile machinery (NRMM) which complies with stage IV emissions standards or later where possible.



ID	ESC Comment	Applicants' Comments
3.14	<p>The OCoCP includes an undertaking for NRMM to comply with the requirements of EU Directive 2016/1628. Whilst this is welcomed, it needs to be clarified, as this directive applies mainly to the manufacture, approval, import and distribution of NRMM, and not to its use at a construction site. Is it intended that all NRMM used at the site will conform with the Stage V emission limits set out in Annex II of Directive 2016/1628? This diverges from comments made in the Applicants' Oral Case for ISH7 (REP6-052) which makes the case for not adopting Stage V emission limits. It is ESC's understanding that the Applicants will commit to using NRMM with minimum Stage IV emission limits, but this does not yet seem to be clearly identified in any documentation. ESC considers that clarification of the Applicants' proposals for use of NRMM is required.</p>	<p>The OCoCP updated at Deadline 8 (document reference 8.1) commits the Applicants to using non-road mobile machinery (NRMM) which complies with stage IV emissions standards or later where possible.</p>
3.15	<p>ESC welcomes the commitment to a comprehensive set of dust control measures for locations where potential dust impacts are greater and looks forward to confirming these through discussion around the Code of Construction Practice (Section 10.1).</p>	<p>Noted.</p>
<p>Outline Landscape and Ecological Management Strategy [REP6-007]</p>		
3.16	<p>ESC seeks to make the following comments on the OLEMS:</p> <ul style="list-style-type: none"> Section 1 – ESC welcomes the commitment to provide an onshore preparation works management plan which will provide a mechanism through which to agree details of the early planting. 	<p>Noted.</p>



ID	ESC Comment	Applicants' Comments
	<ul style="list-style-type: none"> Section 5 – The details provided for Work No.29 are not definitive and therefore ESC's comments in paragraph 2.3 above remain relevant. 	<p>The Applicants refer to their response at ID2.3 in the table in Section 2.1 above.</p>
	<ul style="list-style-type: none"> Section 6.9 - The need for pre-commencement reptile surveys should be kept under review. If there are significant changes in the amount of suitable reptile habitat on the cable route prior to the commencement of works surveys may be required ahead of mitigation being implemented. 	<p>As stated in Section 6.9 of the OLEMS (an updated version has been submitted at Deadline 8, document reference 8.7), a pre-construction survey of the entire onshore development area, including the habitats within the seven locations previously recorded as being suitable for reptiles, will be undertaken to ensure the habitats remain as previously recorded. Should any changes to the habitats along the onshore development area (including these seven locations) be identified, the adherence to the Precautionary Method Statement will be reviewed and updated accordingly to ensure legal protection afforded to reptiles continues to be adhered to. Furthermore, a review of the pre-construction survey findings will be undertaken and if required a reptile presence/absence survey will be undertaken.</p>
	<ul style="list-style-type: none"> Section 8.1 - Elsewhere in the OLEMS the Applicants have committed to a preconstruction walkover survey of the whole construction area to identify if any conditions have changed and therefore if further specific surveys or mitigation measures are required for species not listed in paragraph 397 (e.g. reptiles). This should be recognised in the list in this paragraph. ESC refers to its previous comments at Deadline 4 (REP4-059). 	<p>The Applicants have submitted an updated OLEMS at Deadline 8 (document reference 8.7), which includes reference to the pre-construction walkover referred to earlier within the OLEMS.</p>
	<ul style="list-style-type: none"> Table 8.1 – Great crested newt post-construction survey timings are likely to need to follow those of the pre-construction surveys (March to May), rather than the pre-construction translocation timings (March to October) 	<p>The great crested newt post-construction survey timings are at this time anticipated to be between April and June, as stated in Section 6.8.3.4 of the OLEMS (an updated version has been submitted at Deadline 8, document reference 8.7). These post-construction surveys will be of aquatic great crested newt habitat only.</p>



ID	ESC Comment	Applicants' Comments
	<p>(unless it is intended to also carry out terrestrial surveys post-construction?).</p> <ul style="list-style-type: none"> Paragraphs 169-170 - ESC welcomes the commitment to consult with the Council regarding the measures implemented during the longer-term maintenance of the site but the approval process for this is unclear at the present time. Further clarification on this matter is considered necessary. 	<p>Table 8.1 of the OLEMS has been updated to reflect the above. An updated OLEMS has been submitted at Deadline 8 (document reference 8.7).</p> <p>The final Landscape Management Plan (LMP) secured by Requirement 14 of the draft DCO (document updated at Deadline 8, document reference 3.1), which must be submitted to and approved by the relevant planning authority prior to the commencement of the onshore works, will include details of the consultation to be undertaken prior to the end of the adaptive management scheme and the process for the approval of ongoing longer-term maintenance of woodland planting.</p>
<p>Applicants' Responses to Hearing Action Points 7 [REP6-052]</p>		
3.17	<p>Applicants' Responses to Hearing Action Points 7 (REP6-052) - Whilst it is accepted that ESC's suggestion that an assessment of the impact of operational noise on bats could follow a similar methodology to that used by Sizewell C was only made at ISH7, this was because that assessment was only published in late January 2021. Discussions regarding the likely impacts of operational noise on ecological receptors (particularly bats) has been an ongoing matter between the Applicants and the Council since before the start of the examination (REP1-072) and ESC considered that making the Examining Authority and the Applicants aware of assessment work on this matter utilised by other Nationally Significant Infrastructure Projects would be beneficial to the thorough consideration of the issue.</p>	Noted.