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 8 - 25 March 2021

East Suffolk Council's Response to Examining Authority's Action Points Following Issue Specific Hearing 12

The table below details East Suffolk Council's (ESC) responses in relation to action points raised during Issue Specific Hearing 12 (ISH12).

No.	Action Point	Party	Deadline	East Suffolk Council's Comments
ISH12 Hearing Actions Points – 11 March 2021				
1.	**Outline Code of Construction Practice (OCoCP): ambient noise levels at Friston** Applicant to submit a revised OCoCP at D8, prepared following consultation with ESC and SASES technical experts, to include or address: • An Appendix based on the Cobbing Report [REP7-041] providing a process to address the interpretation of BS5228 in relation to Control of Pollution Act 1974 (COPA) s61 approval, ensuring the undertaker will require the relevant contractor(s) to apply for s61 approval. • Final revisions to the baseline data in respect of ambient noise levels. • The materiality of works in relation to COPA and need for s61 approval for relevant onshore preparation works.	Applicants ESC SASES Other IPs Comments	D8 D9	ESC has not yet seen a specific appendix providing a process to address the interpretation of BS5228 in relation to Section 61 Control of Pollution Act 1974 (COPA) approval so cannot comment on this at this stage. ESC has however engaged with the Applicants in relation to updates to the OCoCP which reference the section s61 COPA process and is content with this document. The Council will provide a further response if necessary, at Deadline 9. In relation to ambient noise levels, while the Council retains some concerns regarding the length of the measurements which formed the basis for the assessment criteria, ESC also accept that this is unlikely to have affected the construction noise criteria that were adopted and is satisfied that these limits can be enforced appropriately. The Council therefore has no further comments in relation to this part of ISH12 Action 1. ESC notes that section 1.4 of the OCoCP (REP7-026) confirms the onshore preparation works will be subject of a standalone plan and '*Appendix 1 – Onshore Preparation Works Management Plan'* provides further details. Appendix 1 includes a list of the works which the Onshore Preparation Works Management Plan will address. The Council has not

	• Table 5 of the Cobbing Report (p14) [REP7-041] sets out working times, averaging periods, LOAELs and SOAELs derived from HS2 which were generally accepted: a means of incorporating and securing this table with the OCoCP should be provided. • Consideration should be given to OCoCP measures to control the hours within which construction traffic movement would be permitted, which were proposed to be different to the hours set out in Table 5 of the Cobbing Report.				however discussed with the Applicants the materiality of these works in relation to COPA and the need for s61 approval. ESC will provide comment on the Applicants response to this action point at Deadline 9. In relation to Table 5 of the Expert Noise Report (REP7-041), ESC understood there to be general agreement on the principles of adopting LOAEL and SOAEL values, working times and averaging periods during the hearing. ESC considers that lower LOAEL and SOAEL values would however be appropriate in this case (such as those presented in the Standard for Highways document *DMRB LA 111 - Noise and vibration* which was previously promoted by SASES and is discussed in the Expert Report on Noise) and although in agreement with incorporating the principles ESC does not agree with the specific values having any status. In any case, the Applicants have updated the draft OCoCP to include Table 5 and accompanying clarifying text. The means of incorporating this information was refined in discussions between ESC and the Applicants. The Council is now satisfied with the means of inclusion in the OCoCP. In particular, ESC welcomes the move to include the table in a separate section relating to policy to reflect its inclusion as an accepted expression of policy in principle without detracting from the overarching commitment to minimise construction noise impacts in accordance with BS 5228, as already defined in the OCoCP (REP7-026).

					Under *'Control Measures'* in Section 9 (Noise and Vibration) of the OCoCP (REP7-026), there is now a clear commitment to set out the timing of construction traffic movements within the Construction Phase Noise and Vibration Management Plan, (reflective of relevant Section 61 consents) which will form part of the final Code of Construction Practice (CoCP) and will therefore be subject to an ESC approval process. ESC considers this satisfactory at this stage, but would note that the Council expects the relevant section of the Construction Phase Noise and Vibration Management Plan to appropriately consider the timing of construction vehicles and in particular how these would differ from the hours in Table 5 of the Expert Report on Noise (REP7-041) and as a result how associated noise will be controlled.
5.	**Operational Noise** • Applicants to provide further evidence and appropriate examples to support its view in respect of the adequacy of assessed background noise levels and the consequences of these. • Applicants ESC and SASES to provide final written positions explaining their technical position in relation to the assessment method and			Applicants ESC SASES	D8 Comment at D9	The representative background sound levels and the methodology used to determine the Lowest Observed Adverse Effect Level (LOAEL) remain as areas of disagreement between the Applicants and ESC. ESC maintains that the LOAEL should be set at the background sound level identified as 24dB within Appendix 4 of Local Impact Report (REP1-132). Following the Applicants' representations at Deadline 7 (REP7-041, REP7-057), ESC is agreed with the principle that there is a lower limit where the LOAEL reaches an absolute threshold irrespective of how far below this the background sound level is. However, given the late stage this principle has

	approach to background noise levels, reasons for the apparent differences of view and evidence in the technical literature upon which each view is based. • Applicants to set out their reasons for the rejection of the background level at SSR9 and ESC and SASES to comment on whether the rejection is valid and if not, why not? • If the value found at SSR9 is accepted, what are the implications for the approach to the control of operational noise? • Each party to comment on the others' positions at D9.				been introduced by the Applicants, there is currently no agreement at where this lower limit should be set. As an example, if this limit were set at 24 dB L_{AF90} (in line with the ESC's identified background sound level at SRR3) this would render any further discussions about background sound levels between 19 and 24 dB LAF90 immaterial to the outcome of the operational noise assessment. Accordingly, ESC's interpretation of BS4142:2014 +A1 2019 would place the following baseline limits on the significance thresholds: • LOAEL ≥ 24 dB LAr (background level) • SOAEL ≥ 34 dB LAr (background level plus 10 dB) The operational noise limits would be below the SOAEL in all instances. Neither the methodology for determining LOAEL or the lower background sound level are agreed with the Applicants, who are likely to argue for higher values for the baseline limits for LOAEL and SOAEL values. However, the disagreement between ESC and the Applicants becomes one of the extent to which any receptors fall into the region between LOAEL and SOAEL thresholds, where the policy requirement in the Noise Policy Statement for England (NPSE) and replicated in the Overarching National Policy Statement for Energy (EN-1) is that all reasonable steps should be taken to mitigate and minimise adverse effects.

					The Applicants have recently confirmed that the operational noise limits have been set at the lowest levels currently achievable and committed to adopting Best Practicable Means to reduce noise levels further at the detailed design stage where mitigation measures do not add unreasonable costs, delays to the projects or result in adverse environmental impacts. The Applicants commitments in relation to the detailed design stage are understood to be secured through Requirement 12 and amendments to the Design Principles Statement and amendments to Requirement 27 to secure the provision of a pre-commencement operational noise report. Taking all of the above into account and notwithstanding the areas of disagreement between the Applicants and ESC regarding background sound levels and the methodology used to determine the LOAEL, ESC's position is now that the operational limits secured in Requirement 27 are consistent with national policy requirements at this stage. As stated, this position is reached based on the information provided that the current rating limit is the lowest level currently achievable and due to the commitment to adopt Best Practicable Means to reduce noise levels further at the detailed design stage subject to the above caveats. ESC maintains that the operational noise rating level for the substations should be reduced to the background noise level in the event that this is found to be achievable and meets the Applicants caveats.

6.	**Tonality, interference patterns and related operational acoustic effects** • Final submissions are requested from the Applicants, ESC and SASES in respect of the 6dB correction proposed by SASES to address the tonal characteristics of operational noise (as suggested by BS4142) explaining whether this approach is justified and if not, why not. • Noting ESC and SASES position that a true worst case requires the application of a 6dB correction (or specific demonstration that this is not required), the Applicants are requested to either address this requirement or to set out clearly in final submissions why this is not required. • Similar submissions are requested in respect of any other relevant characteristics of operational noise, including multiple sources and the possibility of interference patterns. • Each party to comment on the others' positions at D9.		Applicants ESC SASES	D8/D9	The magnetostriction noise generation mechanism present in transformers and electrical transmission equipment mean that the equipment used in the onshore substations are highly likely to generate noise with strong tonal components at 100Hz and the related harmonic frequencies. ESC therefore agrees with SASES position that the predicted rating levels should have +6dB tonality correction applied unless it can be shown with 1/3 Octave Band analysis that tonality and other acoustic features can be sufficiently controlled to avoid the need for an acoustic feature correction. However, ESC understands that the Applicants have now committed to providing a pre-commencement Operational Noise Control Plan providing an assessment based on the detailed substation design and including 1/3 Octave band analysis of the final design proposals. This plan will require formal agreement from ESC, the Council are therefore satisfied that any concerns associated with the lack of consideration of tonality can be adequately considered at detailed design stage.