



The Planning Act 2008

East Anglia One North (EA1N) and East Anglia Two (EA2) Offshore Wind Farms

Planning Inspectorate Reference: EA1N – EN010077, EA2 – EN010078

Secretary of State's Questions – 30 November 2021

Comments of Suffolk County Council as Lead Local Flood Authority

3. Flood Risk

1.1 The Secretary of State has identified a number of issues in relation to flood risk on which he invites comment:

i. The Secretary of State notes that in July 2021 the National Planning Policy Framework was updated and in particular at paragraph 159 onwards in relation to flood risk assessment. The Applicant and **Interested Parties** are invited to provide any comments they may have in light of these changes;

In SCC's opinion, the changes to the NPPF would require the Applicant to undertake a Sequential Test and if necessary, an Exception Test. This is based on the updated reference to 'flood risk from all sources and the current and future impacts of climate change'. See new paragraph 161.

However, at the time of writing, whilst the NPPF has been updated, the NPPG has not. The NPPG is still focussed on Flood Zones, with criteria on how to apply the Sequential & Exception Tests for other sources of flood risk not available. It is therefore not clear how exactly the Sequential & Exception Test should be applied. This is relevant for all forms of development.

Whilst the revised NPPF chapter of relevance (Chapter 14) commences its revised discussion on flood risk by reference to the plan-making process (para 161), it is clear that when the chapter is read as a whole (and in particular the guidance in paras 162, 166 and 167) that the updated approach is intended to apply also at the development management stage (unless sites have already been assessed at plan-making). In addition, the draft revisions to the Energy National Policy Statements support SCC's view that national policy clearly expects the sequential and exception tests to be applied to the risk from all sources of flooding.

ii. The Applicant and **Interested Parties** are invited to comment on the implications of the Environment Agency's 20 July 2021 update on climate change allowances for Flood Risk Assessment¹, which updated peak river flow allowances and changed the guidance on how to apply these;

7. Key Documents to be Certified

The Applicant submitted updated versions of documents to be certified at Deadline 13, with the consequence that key parties were unable to provide comments on them before the Examination closed. The Secretary of State requests observations on the following documents from the listed parties and, where identified, restricted to the issues listed:

i. Outline Code of Construction Practice: East Suffolk Council are asked to comment on matters in relation to water quality and flood measures; **Suffolk County Council** are asked to comment on flood measures.

SCC comments on flood measures:

As per SCC's Statement of Common Ground with the Applicant, we do not agree that the Outline Code of Construction Practice provides sufficient mitigation to prevent an increase in offsite surface water flood risk during construction. Indeed, the Outline Code of Construction Practice does not demonstrate the deliverability of any mitigation within the Order Limits. SCC also do not agree with the rainfall return periods proposed by the Applicant for construction surface water drainage and note the Secretary of State questions on this matter, addressed to other Parties.

SCC provided comments on the Outline Code of Construction Practice at Deadline 12 [REP12-098]. On the basis the revised document submitted at Deadline 13 has no material changes RE surface water management, these comments remain relevant.

iii. Outline Operational Drainage Management Plan: East Suffolk Council and **Suffolk County Council**.

As per SCC's Statement of Common Ground with the Applicant, it is agreed that the Outline Operational Drainage Management Plan provides adequate mitigation for the operational development at this stage, with further work secured through Requirement 41.

¹ <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>