

Date: 3 October 2024
Enquiries to: Isaac Nunn
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Five Estuaries Case Team
Planning Inspectorate
Via Portal

Dear case team,

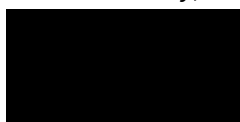
FIVE ESTUARIES OFFSHORE WIND FARM (EN010115)
SUFFOLK COUNTY COUNCIL (IP reference: 20049304)
SCC DEADLINE 1 SUBMISSIONS

Please find attached Suffolk County Council's Deadline 1 submissions. These consist of the following:

- 1) SCC D1 Preliminary Meeting Post-Hearing Written Submission
- 2) SCC D1 Issue Specific Hearing 1 Post-Hearing Written Submission
- 3) SCC D1 Issue Specific Hearing 2 Post-Hearing Written Submission

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



Isaac Nunn
Senior Planning Officer (NSIPs)
Growth, Highways & Infrastructure
Suffolk County Council



Suffolk County Council (20049304)

**Preliminary Meeting Post-Hearing
Written Submission**

Five Estuaries (EN010115)

Deadline 1

3 October 2024

Purpose of this Submission

The purpose of this submission is to provide a written summary of representations made by Suffolk County Council (SCC) at the Preliminary Meeting held on 17th September 2024.

Glossary of Acronyms

<i>ExA</i>	<i>Examining Authority</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>AIL</i>	<i>Abnormal Indivisible Load</i>
<i>HGV</i>	<i>Heavy Goods Vehicle</i>

“SCC” refers to Suffolk County Council.

SCC’s COMMENTS ON THE PRELIMINARY MEETING:

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
Agenda Item 1 – Welcome and Introductions		
	<p>Suffolk County Council were represented by Michael Bedford KC, and the following officers also attended:</p> <ul style="list-style-type: none"> - Graham Gunby, Development Manager, Suffolk County Council - Isaac Nunn, Senior Planning Officer (NSIPs), Suffolk County Council - Dominic Rosher, Planning and NSIPs Intern, Suffolk County Council - Zachary Farndon, Planning Officer, Suffolk County Council - Clara Peirson, Graduate Project Officer, Suffolk County Council <p>Attending colleagues were supported by the following team virtually:</p> <ul style="list-style-type: none"> - Isolde Cutting, Senior Landscape Officer, Suffolk County Council 	
Agenda Item 2 – ExA’s remarks about the Examination process		
	<p>A point regarding the absence of any electronic deposit locations in Suffolk was raised during the meeting. The Applicant stated that the</p>	

	<p>SCC offices (Endeavour House) in Ipswich were an electronic deposit location. SCC were, at the time of the Preliminary Meeting, unsure of the status of the availability of electronic documents within Suffolk. Offline dialogue between SCC and the Applicant has since confirmed that electronic deposit locations were selected and organised by The Planning Inspectorate, and these did not include a point in Suffolk. SCC has explored options for an electronic deposit location in Suffolk, but no progress has yet been made.</p>	
<p>Agenda Item 3 – Initial Assessment of Principal Issues – Annex C to Rule 6 letter</p>		
	<p>SCC broadly agrees with the framing of the Initial Assessment of Principal Issues.</p> <p>SCC made a brief point of clarification regarding Item Six [PD-007] as to whether the landscape, visual and seascape effects and the initial assessment were to be taken as a broad umbrella, covering many things which do not need to be spelled out. SCC also assumed that the effects on the national landscapes and the effects of the legislative framework, which recently changed as of the 23rd of December last year in relation to the duties on public bodies in relation to national landscapes, was also implicit within item six. The ExA replied by saying that these assumptions were correct, leaving SCC satisfied with its understanding on this matter.</p>	
<p>Agenda Item 4 – Procedural Decisions – Annex D to Rule 6 Letter and [PD-005]</p>		
	<p>SCC did not make any representations on this Item.</p>	
<p>Agenda Item 5 – Draft Examination Timetable – Annex E to Rule 6 Letter</p>		
	<p>SCC sought to clarify its understanding of deadlines being treated as no-later-than deadlines and was satisfied with the ExA’s answer that</p>	

	<p>early submissions would be helpful to the ExA, though such submissions would not be published early.</p> <p>SCC very much appreciates the more detailed type of agendas that the ExA have published for Issue Specific Hearing 1 (ISH1) and ISH2. This is because sometimes agendas are very headline, which leads to difficulties in trying to work out what it is that the ExA wants to hear about. SCC also appreciates the more detailed points where the ExA referenced documents that they think the parties should consider.</p> <p>SCC acknowledges the ExA's practice of publishing hearing agendas no later than five working days before the relevant hearing takes place. To the extent that it is at all possible for the ExA to publish the agendas more than five working days in advance, SCC would very much encourage that, so that five working days does not become the default period. This is the case because the more detailed the agenda, the longer it takes SCC to prepare with the team as to what it wants to address the ExA on in relation to agenda items. This point should be treated as one for the ExA to note, as opposed to a request for any change to the Examination Timetable.</p> <p>SCC notes that the ExA's letter of the 23rd of July [PD-005] also recognises that once the signed final Statement of Common Ground has been submitted, that is not intended to be the closure of dialogue between the parties, and they are encouraged to continue that dialogue. The clarification SCC has is how the ExA envisages any such further dialogue being fed into the Examination. In the case of the position with Natural England and the Principal Areas of</p>	
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	<p>Disagreement Statement, they have got a series of successive deadlines for updating the position.</p> <p>SCC understands that there is no specific deadline after Deadline 5 (7th January) for a specific submission in relation to any update to the Statement of Common Ground by way of an addendum. That may well be desirable in the sense that it may be that there may be different iterations of resolution of agreement between the parties on different issues. So, simply having a single deadline chosen in February or in early March may not be acceptable. But on the other hand, if there were to be a process by which addendums to statements of common ground could be submitted to the ExA, it might be helpful if all parties knew that. SCC welcomes clarification as to how to go about updating the final Statement of Common Ground if areas of disagreement between SCC and the Applicant are narrowed through positive movement between the parties as a result of dialogue.</p> <p>SCC supports the Applicant’s wish to encourage the ExA to have some flexibility on the specific date of Deadline 5 (7th January) to push it back by at least a few days. SCC recognises the importance of the final Statement of Common Ground and does not want it to be compromised by disruption caused by the preceding holiday period.</p>	
<p>Agenda Item 6 – Handling of potential commonality issues for the proposed Five Estuaries Wind Farm and North Falls Offshore Wind Farm applications</p>		
	<p>SCC recognises that this situation of the two applications marching similarly together, but not in step, is different to the East Anglia One</p>	

	<p>North and East Anglia Two offshore wind farm development consent order examinations which is the one where the colour coding was used by the same applicant to distinguish between which documents related to one project, which document related to the other, and which documents were common.</p> <p>SCC recognises the distinction between those projects and these ones, which include the different Applicants, and believes that it is important that there is dialogue both between itself and both Applicants, but also between the Five Estuaries Applicant and the North Falls Applicant on physical measures which are intended to offset impacts of the development, so that preferably there is a commonality of approach.</p> <p>SCC illustrated this point in relation to abnormal indivisible loads (AILs), which are the larger heavy goods vehicle (HGV) movements which may be needed for construction purposes. SCC had raised an issue in its relevant representation that if AILs were to originate from Suffolk, then SCC would need to be consulted at an earlier stage to identify the work required to facilitate that, to ensure that the routes were fit for purpose, and so on.</p> <p>This generated a response from the Applicant in its Response to SCC's Relevant Representation [Section 3.12, PD4-006]. The response says that AILs would originate from the Port of Harwich and travel along the A120 to accord with the National Highways water preferred policy and would not therefore travel through Suffolk. Now, provided that is then adequately secured and translated in the relevant control documentation, such as the Construction Traffic</p>	
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	<p>Management Plan, from a Suffolk point of view, that is likely to allay the concern and be a sufficient response to the issue.</p> <p>If AILs are not going to travel on the Suffolk Road network, it's not likely that Suffolk will have a concern about AIL movements associated with this project. SCC does not presently know what the detailed position for the North Falls proposal will be. And, SCC would not want to have a situation whereby, having secured that favourable outcome in relation to Five Estuaries, there was a different position in relation to North Falls because, effectively, the impact would then arise which would need to be addressed.</p> <p>So, that is a practical illustration of why the coordination is an important issue and why SCC certainly hopes that the Applicant team is engaging with its opposite consultant teams for the North Falls Applicant to ensure that there is a common approach to mitigation, or if there are differences in approach, that they have clearly articulated and justified reasons. Otherwise, SCC has to fight battles twice in order to secure a favourable outcome.</p> <p>In summary, SCC understands the importance of recognising the functional separation of the two different examinations and that if there are points that SCC wants to make, SCC will need to make them to the relevant examining authority for the relevant project.</p>	
Agenda Item 7 – Any other matters		
	SCC did not make any representations on this Item.	
Close of the Preliminary Meeting		



Suffolk County Council (20049304)

Issue Specific Hearing 1 Post-
Hearing Written Submission
Five Estuaries (EN010115)

Deadline 1

3 October 2024

Purpose of this Submission

The purpose of this submission is to provide a written summary of representations made by Suffolk County Council (SCC) at Issue Specific Hearing 1 (ISH1) held on 18th and 19th September 2024.

Glossary of Acronyms

<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>LBBG</i>	<i>Lesser Black-Backed Gulls</i>
<i>LIR</i>	<i>Local Impact Report</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>WTG</i>	<i>Wind Turbine Generator</i>
<i>HGV</i>	<i>Heavy Goods Vehicle</i>
<i>AIL</i>	<i>Abnormal Indivisible Load</i>
<i>DCO</i>	<i>Development Consent Order</i>
<i>EA1N</i>	<i>East Anglia ONE North</i>
<i>EA2</i>	<i>East Anglia TWO</i>

“SCC” refers to Suffolk County Council.

SCC’s COMMENTS ON ISH 1:

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
Agenda Item 1 – Welcome, introductions, arrangements for the Hearing		
	<p>Suffolk County Council were represented by Michael Bedford KC and the following officers also attended in-person:</p> <ul style="list-style-type: none"> - Graham Gunby, Development Manager, Suffolk County Council - Isaac Nunn, Senior Planning Officer (NSIPs), Suffolk County Council - Zachary Farndon, Planning Officer, Suffolk County Council - Clara Peirson, Graduate Project Officer, Suffolk County Council <p>Attending colleagues were supported by the following team virtually:</p> <ul style="list-style-type: none"> - Isolde Cutting, Senior Landscape Officer, Suffolk County Council - Dominic Rosher, Planning and NSIPs Intern, Suffolk County Council 	
Agenda Item 2 – Purpose of Issue Specific Hearing 1		
	SCC did not make any representations on this Item.	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
Agenda Item 3 – Matters for discussion at this Hearing		
Agenda Item 3.1 – Welcome and Introductions		
	SCC did not make any representations on this Item.	
Agenda Item 3.2 – Effects for Offshore Ecology		
	<p>SCC has begun to have some dialogue with the Applicant to ensure it understands the compensatory area the Applicant is proposing for Lesser Black-Backed Gulls (LBBG) at Orford Ness, following the submission of a Notification of Intention to Submit a Change Request [Section 2.9, PD4-009]. SCC is interested to ensure that it understands the landscape and seascape implications of works within part of the national landscape. SCC hopes a further meeting with the Applicant will be arranged to assist this, ideally before Deadline 2 to give sufficient time for SCC to put an informed position forward in its Local Impact Report (LIR). Where this is not possible due to the timetable for the compensatory area change request, updates from SCC to the ExA after submission of the LIR may be necessary.</p>	
Agenda Item 3.3 – Effects for Navigation and Shipping		
	SCC did not make any representations on this Item.	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
Agenda Item 3.4 – Effects for Landscape, Visual and Seascape		
	<p>SCC intends to set out its full assessment in its LIR, but wishes to highlight three points at this stage.</p> <p>SCC has noted the recent helpful suggestion by the Applicant in its Notification of Intention to Submit a Change Request [Paragraph 2.11.2, PD4-009], in response to operational concerns raised by the Ministry of Defence, to reduce the maximum height of wind turbine generators (WTGs) in relation to the larger scale proposal from 399m to 370m. SCC would welcome dialogue with the Applicant regarding the extent to which the proposal would be supported by further visual assessment work to enable SCC to fully understand its implications. SCC does not propose that a complete re-do of the relevant part of the Environmental Statement is required, but would welcome dialogue with the Applicant regarding the parts that are particularly sensitive to the proposed change. SCC also notes that the proposed reduction in maximum WTG height would result in a smaller magnitude of the difference in height between the “large” and “smaller” turbines, whilst the difference in the quantity of each remains the same. SCC would, therefore, welcome dialogue with the Applicant in order to understand the implications of this change on whether fewer but larger turbines would still be the worst case outcome, and wishes to see this matter articulated and elaborated. SCC considers that this is an important point to note, as it is not, in SCC’s view, appropriate for the ExA to</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>seek to reach conclusions on a matter which impacts on national landscape, without a comprehensive understanding of its implications.</p> <p>SCC considers that there will be impacts on the national landscape by virtue of the arrays, in whichever of the permutations they come forward. Having regard to the policy advice, particularly Paragraph 5.10.34 of the Overarching National Policy Statement for Energy [EN-1] (which is on the statutory duty and states that the duty to seek to further enhance also has implications for development outside the national landscape but which impacts upon it), SCC considers that a very clear justification should be required for an applicant to request consent for two proposals within a project, one of which is more harmful to the national landscape than the other, in order to allow them to choose, in due course, which to impose on the national landscape. SCC considers that this justification is necessary in the context of a general obligation to minimise harm, and, more particularly in the context of the national landscape, a statutory obligation to further the statutory purposes, at least so far as practicable. In SCC’s opinion, if the outcome and aims of the project can be achieved with the less harmful scenario, there would need to be very strong justification to allow a more harmful scenario to remain as part of the proposals. SCC acknowledges the Applicant’s position that such flexibility is required due to technology changes that may occur over a period of time, but SCC is not convinced that this rationale is sufficient where a greater degree of harm is caused. Linking to this point, SCC reiterates the need for a clear</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>understanding as to which of the two scenarios (fewer “large” turbines, or more “smaller” turbines) is most harmful, particularly due to the proposed maximum WTG height reduction.</p> <p>As stated in SCC’s relevant representation [RR-107], in relation to the national landscape, SCC has come to a view that the effects fall below the level of significant effects, in part by taking into account the advice of White Consultants. SCC intends to append the reports provided to SCC by White Consultants to its LIR so that these appear in the documents within this examination. SCC acknowledges that this differs from the view of Natural England, as set out in their relevant representation [RR-081]. SCC is not clear as to the extent to which Natural England has taken the assessment work carried out by SCC into account in coming to their conclusions. SCC is also not fully clear as to why there is a difference between the two assessments, and views it to be important that a better understanding is established so that its position can be properly articulated to the ExA, whether it remains the same or changes. SCC will attempt to have dialogue with Natural England on this matter, but acknowledges their difficulties engaging with parties due to their other work streams. SCC intends to have reached its position by submission of its LIR at Deadline 2.</p> <p>SCC would welcome dialogue with the Applicant to arrange meeting dates. SCC hopes to inform the ExA of its settled position by submission of its LIR at Deadline 2, and so notes its preference that</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	meetings with the Applicant are arranged for as soon as is practicable.	
Agenda Item 3.5 – Effects for Onshore Ecology (not addressed in 3.2 above)		
	SCC did not make any representations on this Item.	
Agenda Item 3.6 – Effects for Farming		
	SCC did not make any representations on this Item.	
Agenda Item 3.7 – Effects for Terrestrial Traffic and Transportation		
	<p>SCC notes that as matters currently stand, it would welcome further clarification and/or reassurance from the Applicant to enable it to know that its current potential concerns, as stated below, can be suitably addressed and allayed.</p> <p>Notwithstanding the geographic location of the works themselves being essentially within Essex, with the exception of the LBBG compensation area, there remains the potential for a negative impact on the local road network within Suffolk. SCC acknowledges that, at the scoping stage, the Applicant suggested a limited scope, which effectively confined the Traffic and Transport Study Area to within Essex. SCC submitted a representation at the scoping stage suggesting that this needed to be kept under review. The Scoping</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>Opinion from the Planning Inspectorate drew attention to SCC’s representation in that regard. The Applicant’s Study Area [Figure 8.1, APP-090] is now slightly expanded from the initial proposal, but not by very much. The Study Area effectively follows the Stour Estuary across to Manningtree, meaning that there is a small area of Suffolk within the Study Area.</p> <p>In terms of the suggested transport routes for heavy goods vehicles (HGVs), there is the inclusion of a corridor of part of the A12, but only up to as far as Junction 29 (the Ardeigh Crown Interchange). There does not appear to have been any assessment of traffic movements outside this Study Area or this one HGV route. SCC is, therefore, concerned that there has not been clear enough explanation as to why there will not be some traffic impacts, particularly in terms of construction, on the Suffolk road network. This point is compounded by the fact that the Applicant has indicated, particularly in response to SCC’s relevant representation, that, leaving aside the selection of Harwich as the port for the abnormal indivisible load (AIL) movements, a decision on the selection of a port for servicing the offshore construction activities has not yet been made. The Applicant then advances what SCC views as a non-sequitur, stating that the Applicant does not know what port will be used, but that their traffic will be within the limits of the approvals for the chosen port. SCC sees no evidence that would support this. In terms of the ports that may be under consideration by the Applicant:</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<ul style="list-style-type: none"> - Harwich, as has been discussed, is within Essex - Ipswich, which SCC currently considers may be less likely but is not precluded as a choice by the Applicant - Lowestoft port (at the northern end of Suffolk) and Great Yarmouth port (immediately north of Lowestoft) both have roles in servicing offshore wind farm activity. <p>If any port within or north of Suffolk were to be used, the HGV movements to and from would inevitably utilise the Suffolk road network. SCC therefore deems it necessary to assess, at least in high level terms, the potential impacts, and to ensure that the control documents are drafted sufficiently comprehensively to satisfy SCC that there will be no adverse impacts.</p> <p>SCC welcomes the reference to the use of Harwich and the A120 for the corridor to achieve AILs for the substation sites. If this were to be secured, there would be no AIL implications for Suffolk. However, although this corridor is referred to in the Outline Construction Traffic Management Plan, this document also states that other options may be considered at the detailed design stage, post-consent [Paragraph 4.1.15, APP-257]. From SCC’s perspective, this is not satisfactory as it leaves open the possibility of the use of other corridors. National Highways have raised their concerns regarding the use of the A120 corridor, and the position of this matter at the time of implementation is unknown. SCC’s view, therefore, is that this matter needs to be</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>tightened up. See further comments below on AILs in the light of the Applicant’s clarification during ISH1 that only certain types of AIL movements would originate at the Port of Harwich and use the A120 corridor.</p> <p>As the location of the chosen port is unknown, SCC considers there to be the need for an Outline Port Construction Management Plan. SCC notes that the development consent orders (DCOs) made in 2022 for East Anglia ONE North (EA1N) and East Anglia TWO (EA2) both contained requirements for an outline port construction management plan to manage port traffic associated with the construction of the relevant windfarms, and SCC would be looking for the same in relation to this proposal.</p> <p>ACTION POINT: The ExA has requested that SCC signposts the ExA to the wording of these DCO requirements for EA1N and EA2, and why these were considered to be needed, either in its LIR or in another submission. SCC will append a copy of the Outline Port Construction Traffic Management Plan for East Anglia ONE North to its LIR, enabling this document to be entered into the Five Estuaries Examination Library. SCC will also direct the ExA in its LIR to Requirement 16 (Schedule 1, Part 3) of the EA1N DCO, which secures the submission and approval by the relevant highway authority of a port construction traffic management plan (which accords with the outline port construction management plan).</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>Although the construction activity relating to the proposed construction of predator fencing in the Orford Ness area would be relatively modest, SCC notes that the area is effectively on an island/spit and in a deeply rural part of Suffolk. SCC would therefore look for more detail regarding how the works are going to be envisaged, particularly if there is a need for parking or storage of vehicles or equipment in the vicinity before they are taken over the water, for example. There are some references in documents such as the Lesser Black Backed Gull Landscape and Visual Impact Assessment [Paragraph 2.7, APP-227] to the duration and nature of the works, but these are simply references in supporting documents, rather than in control documents. For example, there is a reference to the works being likely to take around three weeks. If this was a commitment to the works taking no more than three weeks, SCC may take a view that there can be some disruption and this can be accommodated. If it is more open-ended than this, SCC would then want to see some more control. In summary, SCC would like to see more detail and, as necessary, a control document which ensures that the impacts are managed. SCC notes that it is happy to have dialogue with the Applicant to address these issues.</p> <p>ACTION POINT: SCC has no issues with the table setting out the projects considered within the Onshore Traffic and Transport cumulative effect assessment [Table 8.43, APP-090] at this stage, but will ensure that SCC’s Highways section review this and any comments are reflected in SCC’s LIR.</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>SCC understands, from a response from the Applicant within ISH1, that the Applicant is making a distinction between different types of AILs, not all AILs will be sourced from Harwich to the substation sites, and there will be other movements which would fulfil the definition of being abnormal, indivisible loads which will not utilise that route. If this is the case, SCC suggests that there may need to be some corrections made to the Applicant’s response to SCC’s Relevant Representation (Section 3.12, PD4-006), as there was no qualification apparent, and the Applicant simply stated that all AILs would originate from the port of Harwich and would not utilise roads in Suffolk. If this is not now the case, this reinforces SCC’s concern about needing to understand what the position is for the other non-Harwich AILs and what routes they would use, and being assured that they are fit for purpose. SCC acknowledges the Applicant’s intention, in response to the concerns raised, to submit a technical note explaining the different categories of AILs.</p>	
Agenda Item 4 – Any Other Business		
	<p>SCC did not make any representations on this Item.</p>	
Agenda Item 5 – Review of matters and actions arising		
	<p>SCC clarified with the ExA during ISH1 that dialogue between the parties to address issues, and indications received from the Applicant</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>that they wish to engage in such dialogue, are taken as read and do not need to be included in the list of action points.</p> <p>SCC notes that the requirement for technical notes to be submitted by the Applicant by Deadline 2 will result in LIRs, which are also to be submitted by Deadline 2, being prepared without sight of any relevant technical notes. SCC understands that this is a result of the phased approach to the Examination and acknowledges the Applicant’s workload, but highlights that the implications of this will need to be taken into account. SCC acknowledges the ExA’s response stating that in such an instance, local authorities will need to state their position at the time of submission, and highlight that this may change, subject to the submission of further information.</p> <p>SCC confirms that its LIR does not require member endorsement.</p>	
<p>Close of ISH1</p>		



Suffolk County Council (20049304)

Issue Specific Hearing 2 Post- Hearing Written Submission Five Estuaries (EN010115)

Deadline 1

3 October 2024

Purpose of this Submission

The purpose of this submission is to provide a written summary of representations made by Suffolk County Council (SCC) at Issue Specific Hearing 2 (ISH2) held on 19th September 2024.

Glossary of Acronyms

<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>(d)DCO</i>	<i>(draft) Development Consent Order</i>
<i>EACN</i>	<i>East Anglia Connection Node</i>
<i>WTG</i>	<i>Wind Turbine Generator</i>
<i>AIL</i>	<i>Abnormal Indivisible Load</i>
<i>HGV</i>	<i>Heavy Goods Vehicle</i>
<i>LBBG</i>	<i>Lesser Black Backed Gulls</i>

“SCC” refers to Suffolk County Council.

SCC’s COMMENTS ON ISH 2:

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
Agenda Item 1 – Welcome, introductions, arrangements for the Hearing		
	<p>Suffolk County Council were represented by Michael Bedford KC and the following officers also attended in-person:</p> <ul style="list-style-type: none"> - Graham Gunby, Development Manager, Suffolk County Council - Zachary Farndon, Planning Officer, Suffolk County Council - Clara Peirson, Graduate Project Officer, Suffolk County Council <p>Attending colleagues were supported by the following team virtually:</p> <ul style="list-style-type: none"> - Emyr Thomas, Partner and Parliamentary Agent, Sharpe-Pritchard - Isolde Cutting, Senior Landscape Officer, Suffolk County Council - Dominic Rosher, Planning and NSIPs Intern, Suffolk County Council - Isaac Nunn, Senior Planning Officer (NSIPs), Suffolk County Council 	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
Agenda Item 2 – Purpose of Issue Specific Hearing 2		
	SCC did not make any representations on this Item.	
Agenda Item 3 – Matters for discussion at this hearing		
	SCC did not make any representations on this Item.	
Agenda Item 3.1 – Discussion of the draft Development Consent Order (dDCO), involving the Applicant and other Interested Parties		
	<p><u>Agenda Item 3.1 (c) – Articles in the dDCO</u></p> <p><u>Article 2 (Interpretation)</u></p> <p>SCC notes that it will not be directly either the authority responsible for enforcing the terms of the Development Consent Order (DCO) in the event that there is a breach of it, or the discharging authority in relation to the discharge of requirements. SCC is therefore taking a more limited role in this matter, but does note that it has identified some drafting infelicities in various of the provisions, including Article 2. SCC is proposing to liaise with Essex County Council and Tendring District Council, who are likely to be more closely involved on those matters, and also with the Applicant outside of the formal process of the Examination on drafting matters, only needing to</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>contact the Examining Authority (ExA) in the event of a disagreement between the parties.</p> <p>In relation to a point raised by Essex County Council on the omission of a definition of ‘pre-commencement’ in Article 2, SCC notes that it is familiar with definitions of ‘pre-commencement works’ appearing in some other development consent orders, particularly road schemes, for example the Lower Thames Crossing, and so such a definition would not be unprecedented, in SCC’s view. SCC does not comment, however, on whether it feels such a definition is needed.</p> <p><u>Agenda Item 3.1 (d) – The Schedules in the dDCO</u></p> <p><u>Schedule 2 (Requirements) – Requirement 1 (Time limits)</u></p> <p>SCC notes that the primary, whilst not the only, impact that SCC has an interest in is that of the offshore turbines on the seascape and landscape experience of the national landscape and the Suffolk Heritage Coast. SCC highlights that the installation of the wind turbines is not intended to commence until Q1 of Year 4 [Figure 1.21, APP-069]. The Applicant has made clear that there is an essential dependency between this project delivering any power to the National Grid, and the provision of the East Anglia Connection Node (EACN) as part of the Norwich to Tilbury proposal. Whilst SCC acknowledges that it would be inappropriate for the ExA to take any view on the merits of the Norwich to Tilbury proposal, SCC believes it is important to note that there are parties, including SCC, that are not, at present,</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>content with the acceptability of that project as currently formulated and the subject of consultation. SCC wishes to highlight this point so as to indicate that there must inevitably be, as a matter of procedure, some doubt as to whether the Norwich to Tilbury project will secure its consent. If the Norwich to Tilbury project is not approved, the benefits of this development are incapable of being realised through this DCO proposal. There is no plan B being put forward for an alternative way in which the power generated by the turbines can be delivered into the National Grid.</p> <p>There are residual harms created by the project, even allowing for the mitigation, which arise from the construction of different aspects of the project. SCC’s focus is the turbines as the offshore element of concern for the national landscape and Heritage Coast. Given that installation of the wind turbines is not expected to commence until Q1 of Year 4 (likely during 2029 if this application were to be consented at some stage during 2025), SCC believes that this would be a sufficient period to allow for clarity as to what is happening with regards to the Norwich to Tilbury project and the EACN. SCC can see good reason for suggesting phasing (which could be secured by a requirement), such that, so far as certainly the offshore turbines are concerned, construction should not be permitted to commence unless and until there is certainty that the EACN will be provided and that the power capable of being delivered by the project is actually able to be delivered to the National Grid. Although the timetable works enable this with regard to the primary impacts of concern to SCC (the</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>offshore turbines), SCC accepts that this point may wish to be developed, for example from an Essex perspective where land-based impacts may be of concern, suggesting one brings forward the timetable so that one has the phasing to bite on other elements. Whether one would need to go as far as a Grampian condition is perhaps a matter to consider, but SCC does not feel it needs to go as far as this for its purpose, given its primary concern is the impact of the offshore turbines. SCC can see the merits of Requirement 1 in Schedule 2 of the dDCO allowing a seven year period, as this would allow the uncertainty surrounding whether or not the EACN will be provided to wash through the planning or development consent order processes, and ensure projects are not constructed, causing the environmental disbenefits of construction, unless there is assurance that the benefits the projects are intended to deliver will actually be deliverable.</p> <p><u>Schedule 2 (Requirements) – Requirement 2 (Offshore design parameters)</u></p> <p>Firstly, SCC seeks clarification and reassurance from the Applicant on what follows. Requirement 2 requires the offshore works to be constructed in accordance with the parameters set out in Table 1, which sets out what those parameters are. Specifically, the way that they work in conjunction with each other, in relation to particularly the offshore wind turbine generators (WTGs). On one reading of this, there is nothing explicit, which would preclude the provision of 79</p>	

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	<p>WTGs to a maximum height of 399 metres, which SCC appreciates is likely to be varied in the next iteration of the consent order to 370 metres.</p> <p>But, as worded, there is nothing to say that the Applicant cannot have the maximum number and the maximum height. Arithmetically, that might not be possible because of the intervening maximal total rotor swept area. And there is no doubt a complicated calculation as to what would be the true maxima which could be achieved if you complied with all those parameters. According to the Applicant's submissions and documentation, there is no intention on their part to have the maximum number and the maximum height. The Applicant was clear during ISH1 that it was not even intended that it would be a mix and match of within one array, it would be either one or it would be the other. Though SCC acknowledges that this may be the Applicant’s intention, SCC contends that this ought to be translated so that it is explicitly precluded by the parameters of the order, in terms of this Requirement, as opposed to simply holding the status of being the Applicant’s intention. This is because it would not be appropriate to leave that possibility in there knowing that both technologies and commercial judgments change over time. SCC has not seen anything else in any of the other documentation which specifically would preclude the Applicant from achieving the greater number at the greater height.</p>	

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	<p>SCC’s second point relates to a matter which was brought up during ISH1. It is the issue of whether it is appropriate for this Development Consent Order to give the Applicant the option of choosing, in due course, an either-or option of the wind turbine generators; namely, either 79 “smaller” ones or 41 “tall” ones. SCC is expecting some further information from the Applicant on that, in the light of the change request [PD4-009]. SCC is also expecting to have some dialogue with the Applicant about the landscape, seascape and visual implications of the different permutations. At this moment, SCC does not have a conclusive view as to which would be the least worst of the two permutations. But SCC does think that, unless there is a good justification, which it does not think it has yet seen, for leaving that flexibility, the Order should limit the Applicant to whichever option is the least bad, but which will still deliver the project’s requirements.</p> <p><u>Schedule 2 (Requirements) – Requirement 8 (Code of construction practice)</u></p> <p>SCC notes that it is its normal practice to prefer an outline document at the DCO making stage followed by a detailed Code of Construction Practice which is submitted and approved post-consent. SCC does, however, also note that this Code of Construction Practice regulates the onshore construction work, and, given these are essentially not impacting on Suffolk, it wishes to leave judgement on this matter to Essex County Council and Tendring District Council, who would be more directly concerned with this.</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p><u>Schedule 2 (Requirements) – Requirement 9 (Code of construction practice)</u></p> <p>This point relates to the approval of subsequent plans, and in relation to the Construction Traffic Management Plan. SCC as local highway authority has several concerns about traffic matters, which are not yet, to its mind, being satisfactorily resolved. SCC is not suggesting that it becomes the discharging authority for this Requirement, but that there is, built into the Requirement, a requirement to consult SCC as the local highway authority for the local roads within its administrative area that may be affected on any matters relating to construction or traffic management. Specifically, this point relates to the concerns raised by SCC at ISH1 in relation to the traffic implications concerning heavy goods vehicles (HGVs) and potentially abnormal indivisible loads (AILs), depending on how that debate unfolds, rather than the issue of simply traffic access to the Lesser Black Backed Gulls (LBBG) area.</p> <p>SCC made suggestions about there being a need for an outline port management plan during ISH1. If the ExA were in agreement that there is a need for such a plan, SCC thinks that that it would probably be conveniently added as item D to the list of plans in Requirement 9.</p> <p><u>Schedule 2 (Requirements) – Requirement 18 (Skills and employment strategy)</u></p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	<p>SCC notes that the Applicant’s Outline Skills and Employment Strategy published in the Examination Library [APP-260] includes, within its ambit, discussion of initiatives and measures within both Essex and Suffolk, which is very much welcomed by SCC. It is also the case, as is already indicated in SCC’s Relevant Representation [RR-107], but will be elaborated in its Local Impact Report, that there are a large number of other infrastructure projects happening or planned to be happening within Suffolk at the moment, which also have implications for skills, resources, supply chains and similar things. What SCC wants to see is that the economic and skills benefits are deployed in the way that is the most effective and in a way which doesn’t involve duplicate or discordant initiatives coming forward due to a lack of coordination. So, SCC contends that there should be, written into the Requirement, a clear commitment that there is consultation with SCC, which is coordinating those various employment skills matters within Suffolk to ensure that the maximum benefit is gained from the measures in the strategy. SCC believes that there is nothing problematic with this proposal and that it is a better way of ensuring that the benefits are widespread and are realised.</p> <p>In response to the Applicant’s suggestion that such consultation is not necessary because SCC will be consulted by the Applicant before the Strategy is submitted for approval, SCC is certainly happy to be consulted by the Applicant during the preparation of a plan, but there is an important distinction. If that is the only consultation with the Applicant on this matter, and the Applicant doesn’t yield to SCC’s</p>	

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	<p>points, SCC does not have a recourse to make those points to the body responsible for approving the Strategy. Whereas, if the discharging authority is required to consult SCC, the person to whom SCC will be making those points will be the discharging authority. SCC thinks that that is an important protection to ensure that the public interest is properly safeguarded in relation to the important issue of skills and employment benefits.</p> <p><u>Schedule 9 (Protective Provisions)</u></p> <p>Unless there are particular works to transport infrastructure assets within Suffolk, and none is yet currently proposed, SCC would not be seeking protective provisions.</p>	
Agenda Item 3.2 – Other consents, licences and agreements		
	<p>SCC did not make any representations on this Item.</p>	
Agenda Item 3.3 – Consistency/Inconsistency between the draft Development Consent Orders for the proposed Five Estuaries and North Falls Offshore Wind Farms		
	<p>SCC has looked at North Falls’ draft Development Consent Order together with the Applicant’s. There are some areas of difference, such as there being some requirements which are not duplicated as between the two. SCC will deal with that in the same way that it will deal with its other issues on the terms of the DCO; that is, by liaising</p>	

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
	with the local authority most affected by those differences in the first instance, and SCC will also include those in its dialogue with the Applicant.	
Agenda Item 4 – Any Other Business		
	SCC did not make any representations on this Item.	
Agenda Item 5 – Review of matters and actions arising		
	SCC did not make any representations on this Item.	
Close of ISH2		

Date: 3 October 2024
Enquiries to: Graham Gunby
Tel: [REDACTED]
Email: [REDACTED]@suffolk.gov.uk

Five Estuaries Case Team
Planning Inspectorate
Via Portal

Dear Case Team,

FIVE ESTUARIES OFFSHORE WIND FARM (EN010115)
SUFFOLK COUNTY COUNCIL (IP reference: 20049304)
DEADLINE 1: POSSIBLE LOCATIONS FOR AN ELECTRONIC DEPOSIT POINT IN SUFFOLK

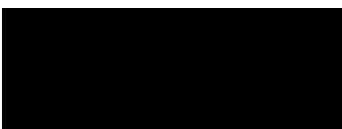
Suffolk County Council (SCC) stated in its Deadline 1 Preliminary Meeting Post-Hearing Written Submission that it has explored options for an electronic deposit location in Suffolk. SCC wishes to inform the Examining Authority of the following locations it considers to be options:

- 1) Aldeburgh Library, Victoria Road, Aldeburgh, IP15 5EG
- 2) Aldeburgh Town Council, Moot Hall, Market Cross Place, Aldeburgh, IP15 5DS
- 3) Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

SCC would like to note that it does not know how feasible it is for Aldeburgh Library or Aldeburgh Town Council's Moot Hall to host an electronic deposit point, and is merely recommending these as options that the Examining Authority may wish to explore further. Suffolk County Council's offices at Endeavour House in Ipswich is a less desirable option in SCC's view, given its distance from the parts of Suffolk particularly relevant to the project proposal.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



Graham Gunby
National Infrastructure Planning Manager
Growth, Highways & Infrastructure
Suffolk County Council