



The Planning Act 2008

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

Planning Inspectorate Reference: EA1N – EN010077, EA2 – EN010078

Deadline 6 – 24 February 2021

East Suffolk Council's Response to Examining Authority's Second Round of Written Questions

ExQs 2	Question to	Question	1	2	East Suffolk Council's (ESC) Response
2.0	Overarching, general and cross-topic questions				
2.0.2	ESC and other relevant IPs	<p>Permitted Development Rights</p> <p>Planning Practice Guidance states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity.</p> <p>Provide further justification for your views that such rights should be removed – what sort of development could be permitted under such rights and why is it necessary and reasonable to remove such rights?</p> <p>The dDCOs Commentaries on Schedule 1 Part 1 refer.</p>			<p>The Planning Practice Guidance (PPG) does not preclude the use of such conditions. The PPG goes on to state that <i>“The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area, where justified”</i>.</p> <p>ESC has provided suggested wording to the Examining Authority at Deadline 5 (REP5-047), this has also been set out below.</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 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>In accordance with the PPG the scope of the requirement has been precisely defined identifying which rights are withdrawn. The wording has been deliberately chosen as to not provide a</p>

				<p>blanket removal of rights. It is not considered appropriate in this instance to utilise an article 4 direction as the information to make the decision to remove permitted development rights is available now and article 4 directions are utilised retrospectively to cancel rights at a later date.</p> <p>ESC considers that the rights under Class B (a), (d) and (f) of Part 15 of the GPDO should be withdrawn. These rights are as follows:</p> <p>(a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line.</p> <p>(d) the extension or alterations of buildings on operational land.</p> <p>(f) any other development carried out in, on, over or under the operational land of the undertaking.</p> <p>Given the sensitivity of the substations site, it is not considered appropriate that if the DCOs are granted, once constructed the operator(s) of the site could alter or extend the substations beyond that allowed by the DCOs without the need to submit a planning application and undertake any consultations.</p> <p>ESC is also concerned regarding the known connection offers provided to Nautilus, Eurolink and Five Estuaries by National Grid at Friston if the National Grid substation is consented. ESC wants</p>
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				<p>to ensure that the substations cannot be extended using permitted development rights.</p> <p>ESC considers that any alteration or extension to the substations should be subject to a full and robust assessment of the development. Whilst it is appreciated that, under Article 3(10) of the GPDO, the relevant permitted development rights are not available in the event that the proposed development is EIA development, accretions which might not qualify as EIA development could still have the potential to cause harm in this sensitive location. Additionally, removal of those rights would remove any doubt as to whether the Requirements may not apply to development authorised by permitted development rights.</p>
2.0.3	ESC	<p>East Suffolk Council Documents</p> <p>If not already done so, please enter into the Examination:</p> <p>a) SCC's letter of 10 November 2018 outlining the local authorities' response to SPR's Stage 3 consultation, referenced in [REP4-059] (page 7).</p> <p>b) ESC's Cabinet Report and Resolution of 5th January 2021 (ES/0610), referenced in [REP4-059] (page 4); and</p>		<p>a) A copy of ESC's (formerly Suffolk Coastal District Council and Waveney District Council) and SCC's joint response to the Stage 3 consultation on EA1N and EA2 (Phase 3.5 consultation) has been provided in Appendix 1.</p> <p>b) A copy of ESC's Cabinet Report of 5 January 2021 and minutes of the meeting have been provided in Appendix 2.</p> <p>c) A copy of the draft s111 Agreement for EA1N and a copy of the draft s111 Agreement for EA2 has been provided in Appendix 3.</p>

		c) A copy of the draft agreement made under s111 of the Local Government Act 1972 in respect of mitigation/compensatory funds discussed in the report ES/0610 of ESC's Cabinet Report and Resolution of 5th January 2021, referenced on page 4 of [REP4-059].		
2.0.4	ESC, SCC, Applicants	<p>Proposed s111 Agreement.</p> <p>In relation to the proposed agreement to be made under s111 of the Local Government Act 1972 in respect of mitigation/compensatory funds, discussed in the report ES/0610 and to which a link is provided on page 4 of [REP4-059], provide a statement committing all parties to the proposed s111 Agreement to signing and submitting the Agreement by Deadline 8 – 25 March 2021. Refer also to the section 'Obligations and Agreements' in the dDCOs Commentaries document.</p>		ESC is able to commit to signing the s111 Agreements by Deadline 8. The content has been agreed between ESC and the Applicants.
2.0.5	ESC, SCC, Applicants and IPs	<p>Proposed s111 Agreement.</p> <p>The report ES/0610 of ESC's Cabinet Report and Resolution of 5th January 2021, referenced on page 4 of [REP4-059] sets out proposals for</p>		a) There are two proposed s111 Agreements one relating to each development (EA1N and EA2) and they secure the following sums to be utilised to provide compensatory measures in relation to some of the adverse impacts as a result of the developments:

		<p>mitigation/compensatory funds to be procured through an agreement to be made under s111 of the Local Government Act 1972 and summarised in paragraph 7.87: Table 2 – Key mitigation/compensation measures now proposed.</p> <p>The ESC Cabinet approved the report's recommendation which, while maintaining significant concerns in relation to</p> <p>(a) the impact of operational noise levels at the onshore substations site which will have an adverse impact on residential amenity and the character of the area until such time that appropriate and suitable mitigation or compensation is secured, and</p> <p>(b) the lack of cumulative assessment of the National Grid substation in its extended form, until such a time as this is considered to be adequately and appropriately addressed;</p> <p>and maintaining concerns with regard to the</p>		<ul style="list-style-type: none"> - £200, 000 per project to support ecological, landscape and habitat enhancements, improve the existing public rights of way network and strengthening existing qualities of the Area of Outstanding Natural Beauty (AONB), in the landfall to substation area – as a result of significant impacts of the projects identified in the LVIAs including on the AONB, disruption caused to public rights of way during construction and residual impacts on bats identified. - £177,500 per project to undertake landscape, environmental, access and amenity improvements and enhancements to Friston and its vicinity – due to significant impacts identified in LVIAs on landscape character, visual amenity and public rights of way during construction and operation. - £200,000 per project to contribute towards measures relating to the preservation and enhancement of heritage assets and their settings in Friston and its vicinity – as a result of impacts on the setting of heritage assets and loss of historic landscape character around the substations site. - £465,000 for EA2 project only, to support access, environmental and ecological enhancements to the AONB – due to significant residual impacts identified on the AONB from the offshore turbines. - £88,500 to administer the fund. <p>ESC considers that the s111 Agreements will secure funding in order to provide compensatory measures to help address the residual adverse impacts identified within the Environmental</p>
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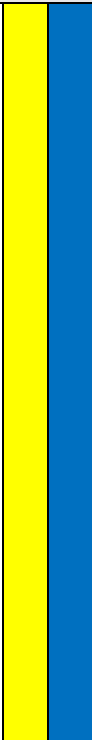
		<p>design of the onshore substations until such time that the Council's concerns are adequately and appropriately addressed; expressed the view that:</p> <p>[It] is moving towards a predominantly neutral position in relation to the overall impact of the onshore substations on EA1N and EA2 individually and cumulatively on the village and environs of Friston;</p> <p>while acknowledging that:</p> <p>the onshore infrastructure is out of character with the village but recognises that the Applicants are seeking to provide embedded mitigation as part of their project which coupled with the mitigation and compensation packages proposed will enable the Council working with partners to provide additional improvements in addition to the embedded project mitigation.</p> <p>The views of parties are sought on:</p> <p>a) The adequacy of the proposed package of mitigation and compensatory measures in light of</p>		<p>Statements (ESs) as set out above. Although there are disbenefits still outstanding that require further mitigation as has been submitted in written statements and oral evidence. The Council, as set out in ESC's Cabinet Report, is moving towards a predominantly neutral position in relation to its position on the overall balance of adverse impacts against benefits. In so doing, ESC has taken into account the compensation secured in the agreements. ESC notes that the Applicants will not be asking the Examining Authority to attach weight to this compensation in its decision-making.</p> <p>b) ESC does not consider that there are any additional measures which should be provided through the s111 Agreements as they seek to secure sums to provide compensatory measures to offset harm identified in the ESs. The s111 Agreements do not seek to secure mitigation in relation to specific impacts.</p> <p>c) Specific arrangements for distributing compensatory funds have not yet been determined but it is anticipated that a number of the funds would be distributed directly in the affected areas, whereas others may be subject to a bid-in process, whereby a board of appropriate representatives will be convened to assess applications and distribute funding accordingly. ESC will work with the local community in relation to this matter where appropriate.</p>
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		<p>the advice contained in paragraphs 4.1.3 and 4.1.4 of the Overarching National Policy Statement for Energy (EN-1);</p> <p>b) Additional measures that might be required; and</p> <p>c) Arrangements for distributing compensatory funds.</p>		
2.0.7	Applicants and IPs	<p>Substations Design Principles Statement (SDPS) [REP4-029]</p> <p>a) Does the SDPS provide sufficient information to allow a judgement to be made that the proposals:</p> <p>a. produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible (NPS-EN-1 para. 4.5.5); and</p> <p>b. are sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking account of natural</p>		<p>a) The detailed design of the substations has been deferred to the post consent design refinement stage. Therefore, the Substations Design Principles Statement document provides limited details in relation to the external appearance of the development.</p> <p>An important consideration in relation to the use of natural resources relates to the extent of land take by the projects. ESC considers that the Substations Design Principles Statement should include a clear commitment within the design principles to make every reasonable effort during the design refinement process to reduce the dimensions of the onshore substations.</p> <p>ESC also considers that in order for the design of the substations to be considered sustainable, durable and adaptable consideration of future needs is necessary. ESC supports SCC in their recommendation that an additional design principle be included within the document to reflect the need for the projects to have regard to policy changes</p>

	<p>hazards such as flooding) as they can be (NPS-EN-1 para. 4.5.3)?</p> <p>b) If not, what additional information might be provided and how can it be secured?</p> <p>c) Will the senior business representative (such as a project director or business director) appointed to be the proposed Design Champion as set out in para. 34 be required to have a recognised design qualification and if not, and in the absence of such a qualification, how will this skill gap be remedied?</p> <p>d) Early consideration of how the design principles and policies set out in both the SDPS and Outline Landscape and Ecological Management Strategy (OLEMS) [REP3-030] might translate into design outcomes would be helpful to the ExAs in considering whether the criteria for good design can be met, including an assessment of how the following elements might be addressed:</p>		<p>and technological advancements which may occur in between consent and detailed design work. ESC also considers that full consideration must be taken of the known future National Grid connections which have been offered and are therefore reasonably foreseeable. As stated in previously in the LIR (REP1-131) and during issue specific hearings (REP3-094, REP5-045).</p> <p>b) As stated above modifications to the design principles are considered necessary as set out in response to a).</p> <p>c) This is a question most appropriately answered by the Applicants.</p> <p>d) This is a question most appropriately answered by the Applicants.</p> <p>e) This is a question most appropriately answered by the Applicants.</p> <p>ESC will provide further comments as appropriate in response to the answers provided by the Applicants.</p>
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		<p>a. Consideration of the form of the substation complex;</p> <p>b. Colour analysis and review of potential façade colours for the external treatment of the substation buildings;</p> <p>c. Review of material options for the primary forms of buildings and fencing;</p> <p>d. Conclusions relating to the proposed solution for the external appearance of the substation complex in terms of form, colour and materials.</p> <p>e) Why has the ‘architectural vocabulary’ referred to in paras. 17-19 of the Engagement Strategy that can be applied to the substations throughout all phases of the Projects (and) will provide design proposals for the appropriate solutions for external architectural treatment not been developed for submission to the Examination and included in the Design and Access Statement [APP-580]? Can further consideration of these elements be provided before the close of the Examination and the Design and Access Statement amended accordingly?</p>			
2.0.12	Applicants and IPs	Design evolution			ESC considers that this is a question more appropriate for the Applicants to answer.

		With reference to NPS-EN-1 para. 4.5.4 and the application documents, outline how the design process was conducted, how the proposed design evolved and how why the preferred design solution was chosen.		ESC will provide further comments as appropriate in response to the answer provided by the Applicants.
2.0.13	Applicants, ESC, SCC and IPs	<p>Cumulative Effects Assessment at the substations site</p> <p>Provide and comment upon a cumulative effects assessment of the combined environmental, economic and community effects on the area north of Friston including the substation sites and National Grid connection apparatus and Friston itself, taking into account embedded and additional mitigation and proposed compensation funds, during construction, operation and decommissioning, to enable the consideration set out in NPS-EN-1 para. 4.2.6 to be undertaken.</p>		ESC considers that a full and robust cumulative impact assessment has not yet taken place in relation to the combined effects on the area north of Friston. Although a cumulative impact assessment has been prepared as part of the Environmental Statements in relation to the EA1N and EA2 substations and National Grid substation and infrastructure, this has not included consideration of the known future projects with connections offers at this site should the National Grid substation be consented. In order to connect these known future projects (Nautilus, Eurolink and Five Estuaries) the National Grid substation would need to be extended. Therefore, the Examining Authority along with ESC are not able to properly consider the accumulation or inter-relationship between effects as a whole without this assessment. ESC will provide full comments once this assessment has been submitted.
2.1	Aviation			
		No questions directly asked of ESC.		
2.2	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))			
		No questions directly asked of ESC.		
2.3	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
		No questions in this round.		
2.4	Construction			
		No questions in this round.		

2.5	Draft Development Consent Orders (dDCOs)		
		No questions in this round.	
2.6	Electricity Connections, Infrastructure and Other Users		
		No questions in this round.	
2.7	Flood Risk, Water Quality and Resources		
		No questions in this round.	
2.8	Historic Environment		
		No questions directly asked of ESC.	
2.9	Land Use		
		No questions in this round.	
2.10	Landscape and Visual Impact		
2.10.1	Applicants and IPs	<p>Outline Landscape and Ecological Management Strategy (OLEMS)</p> <p>Section 3.3 OLEM Design Principles [REP3-030] sets out national and local design policies and Section 3.4 Consultation summarises the detailed comments provided by the OLMP technical working group and LVIA ETG. Explain how the OLEM proposals respond to the national and local policy framework and the comments of the consultation bodies and comment on whether policy objectives are being met.</p>	 <p>The Council notes that National Policy Statement (NPS) EN-1 states that the aim in respect of landscape should be to minimise harm and provide reasonable mitigation where possible and appropriate. NPS EN-3 states that projects should demonstrate good design in respect of landscape and visual amenity.</p> <p>Whilst accepting that the landscape planting measures also have a key role in mitigating the landscape and visual impacts arising from the proposed development, the measures also need to be appropriate to their location if they are not to create potentially adverse landscape impacts in their own right. Local (County) landscape guidance describes the need to restore hedgerows and hedgerow trees, and District level guidance whilst also referring to these objectives, also describes the need to manage and woodland areas, especially semi-mature ones, to ensure their longevity.</p> <p>Local Plan Policy SCLP11.1 Design Quality specifically addresses matters of design quality which emphasises the need to</p>

				<p>recognise and support locally distinctive and high quality design, and to respond to local context. In overarching terms, the OLEMS achieves all these objectives through re-enforcement of hedgerows, provision of new hedgerow trees, and substantial planting to new woodland areas, all of which reflect key policy objectives, although that said, there is still a small degree of refinement required to agree plant species schedules. This can be achieved at discharge of requirements stage. Potential adverse impacts on the setting of listed farm buildings, and on historic landscape patterns have been accounted for as far as is practical whilst also meeting the key mitigation objectives of the planting measures. The only note of caution that the Council would offer is to draw the Examining Authority's attention to the inevitable consequence that, whilst achieving sufficient mitigation of adverse visual impacts arising from the presence of the development in the landscape, it is also inevitable that there will be adverse landscape impacts arising from the planting mitigation measures in as much as where there were once open views contributing to the character of the local landscape, these will become closed off and restricted as planting matures. Viewpoints 1 and 3 are the main examples of such instances.</p> <p>In respect of the progressive consultation period, all these matters have been extensively discussed to arrive at the position described above.</p>
2.10.7	Applicants, IPs	Proposed sealing-end compounds. [REP4-036] EA1N Landscape and Visual Impact Assessment Addendum		<p>From the latest supplied photomontages in respect of Viewpoint 5, it would appear that the western most sealing end compound will remain visually prominent in the landscape even 15 years post planting. The latest landscape planting plan indicates that this planting is proposed as edge woodland mix. We suggest that</p>

		<p>- Appendix 5 - Viewpoint 5 PRoW near Moor Farm (Figure 29.17 Update) shows at year 15 that the western most sealing end compound, in particular, is clearly visible from the viewpoint despite the additional planting described in paragraphs 45, 100 and 110 of the OLEMS [REP3- 030] to provide additional screening.</p> <p>Is the additional planting successful in providing additional screening and, if not, are there further measures that can be taken to more adequately screen the sealing end compounds?</p>		<p>consideration should be given by the Applicants to changing the planting mix to include taller growing species, unless there are technical restrictions that prevent this being an option.</p>
2.10.10	Applicants, ESC	<p>Landscape – replacement of failed planting</p> <p>It is noted that the Applicants commit to the replacement of failed planting at the onshore substation locations for a period of ten years. Given that the provided photomontages provide assessments of the effect of landscaping at 15 years, do you consider ten years to be long enough for this provision?</p>		<p>ESC considers that a ten year period for replacement of failed planting is acceptable. It is considered that by this point the vast majority of planting would have been appropriately nurtured and established, and therefore we are satisfied with the ten year commitment.</p>
2.10.15	Applicants, ESC and IPs	<p>Substations Lighting at Night</p> <p>When inspecting the proposed transmission connections site at night,</p>		<p>a) The Applicants have confirmed within their REP5-028 (paragraph 75) that at night the substations lighting will be switched off as they will be unmanned, and lighting will only be utilised during period where work is carried out.</p>

		<p>the ExA's observed a dark area, with only limited numbers of artificial light sources visible.</p> <p>At Deadline 5 in response to discussion at ISHS6, East Suffolk Council indicated that it was satisfied that draft Requirements 25(1) and (2) secure the submission, agreement and implementation of an operational artificial light emissions management plan and that draft Requirements 25(3) and (4) secured the submission, agreement and implementation of an operational artificial light emissions management plan in relation to the National Grid substation that are broadly satisfactory in terms of minimising operational light pollution.</p> <p>a) Is that position supported by other Interested Parties or are any further measures warranted?</p> <p>b) Are any further measures warranted to control construction artificial light emissions at night?</p>		<p>ESC is satisfied the draft DCOs through Requirement 25 secure the submission and agreement by ESC of Operational Artificial Light Emissions Management Plans for the substations and ensure the appropriate control of light emissions from the substation sites during operation.</p> <p>b) Requirement 22 of the draft DCOs secures the Code of Construction Practice which will include an artificial light emissions plan for the construction phase, this will include lighting at night. The OCoCP (REP3-022) provides the Council with sufficient confidence that the lighting in the final plan will be designed to minimise nuisance and impact on residential and ecological receptors. The final CoCP including artificial light emissions plan will be agreed with the ESC at the discharge of requirements stage.</p>
2.11	Marine and Coastal Physical Processes			
		No questions in this round.		
2.12	Marine Effects			
		No questions in this round.		

2.13	Nuisance and other Public Health Effects			
		No questions in this round.		
2.14	Other Projects and Proposals			
		No questions in this round.		
2.15	Project Descriptions and Site Selections			
		No questions in this round.		
2.16	Seascape, Landscape and Visual Amenity			
		No questions in this round.		
2.17	Socio-economic Effects			
2.17.8	Applicants, ESC	<p>Tourism Fund</p> <p>East Suffolk Council make reference [REP5-046] to a 'Tourism Fund' which is being discussed with the Applicants which could be utilised to support marketing campaigns to promote the area during construction.</p> <p>Provide an update to this Fund, including details of amounts, utilisation and how such a fund will be secured if agreed.</p> <p>If this is to be secured in an Agreement or Obligation or supported by Memoranda of Understanding (MoUs), please refer to it in your relevant responses to the dDCOs Commentaries.</p>		<p>The Applicants have agreed to contribute £150,000 to support the promotion and marketing of the East Suffolk area as a tourist destination during the construction phases of the projects. The fund will be spent in consultation with the Suffolk Coast Destination Management Organisation, of which ESC is a key partner. The intention is to utilise the fund over a three year period to fund specific initiatives and campaigns designed to promote East Suffolk as a tourist destination.</p> <p>The mechanism through which the fund is to be secured is still being discussed with the Applicants.</p>
2.18	Transportation and Traffic			
		No questions directly asked of ESC.		

Appendices in relation to ExQ2 2.0.3

Appendix 1 – A copy of ESC's (formerly Suffolk Coastal District Council and Waveney District Council) and SCC's joint response to the Stage 3 consultation on EA1N and EA2 (Phase 3.5 consultation).

Appendix 2 – A copy of ESC's Cabinet Report of 5 January and minutes of the meeting.

Appendix 3 – A copy of the draft proposed s111 Agreement for EA1N and a copy of the draft proposed draft s111 Agreement for EA2.

Appendix 1

A copy of ESC's (formerly Suffolk Coastal District Council and Waveney District Council) and SCC's joint response to the Stage 3 consultation on EA1N and EA2 (Phase 3.5 consultation).



Date: 10 November 2018

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Dear Sir/Madam,

RESPONSE OF SUFFOLK COASTAL AND WAVENEY DISTRICT COUNCILS AND SUFFOLK COUNTY COUNCIL TO THE STAGE 3 CONSULTATION BY SCOTTISH POWER RENEWABLES (SPR) ON THE EAST ANGLIA ONE NORTH (EA1N) AND EAST ANGLIA TWO (EA2) OFFSHORE WIND FARMS (CONSULTATION PHASE 3.5).

Executive Summary

The connection offered by National Grid Electricity Transmission (NGET) at this sensitive section of coast has resulted in the local authorities having to choose between the **least worst** option for the location of the substations and associated connection infrastructure. The local authorities consider that neither site is without major concerns and these concerns include the way in which the identification of this area for the electrical connection was taken without more careful consideration of the potential environmental impacts of the development upon a very sensitive area.

The Broom Covert, Sizewell site lies in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and therefore would only be acceptable if it met the tests set out in National Policy Statement (NPS) EN-1. It is the local authorities' view that although the Friston site lies outside the AONB, the development of this site would be hugely detrimental resulting in significant impacts which would be extremely difficult to mitigate. In addition to the impacts experienced at the substation site, the longer cable route associated with this site selection and the challenges and impacts involved, result in the local authorities being of the opinion that the Friston site is not an effective alternative in policy terms. While the development of the Sizewell site will cause some harm, it is however argued that the extent of this harm can be lessened by the co-location of the infrastructure with existing large scale infrastructure. There is also considered to be greater opportunity to minimise and mitigate the harm caused including to the AONB, by virtue of the proximity of the site to the landfall, nature of the site and landform, capacity of the site to accommodate lowering bed levels, existing planting and potential new planting. Although it is recommended that further work is undertaken prior to a decision being taken by SPR, based on

the information available, the local authorities offer greater support to the selection of the Broom Covert, Sizewell site.

Introduction

The local authorities welcome the opportunity to comment formally and publicly on the proposals for the third and fourth phase of offshore wind farm developments forming the East Anglia Array. The comments contained in this representation apply equally to both East Anglia One North and Two projects hereafter referred to as EA1N and EA2

We have participated fully in the previous process for the East Anglia One offshore windfarm (currently under construction) and the East Anglia Three offshore wind farm (consented) and we look forward to continuing to co-operate in discussions for EA1N and EA2.

SPR held a series of public meetings in October 2018. The timing of the public meetings in relation to the projects is accepted given the requirement to access the maximum local population. The lack of printed information available for attendees to take away and digest was again disappointing, but it is understood that hard copies of the Phase 3.5 booklet were provided to a number of local residents. The limited length of the original consultation period was a significant concern to local residents and the local authorities, the extension of the deadline until 12th November (6 weeks total) was therefore welcomed.

The local authorities highlighted in their Phase 3 response significant concerns in relation to the crossover in onshore construction of the interconnector proposals (Eurolink and Nautilus – National Grid Ventures) and construction of the new nuclear power station at Sizewell C (EDF Energy) with the offshore wind farm projects. In addition to this, the local authorities are also mindful of the public proposals from The Crown Estate to make available seabed for the extension of existing wind farms around the East Anglian coast potentially including Greater Gabbard and Galloper, both of which connect to the National Grid at Sizewell. The Crown Estate is also consulting the market and statutory stakeholders such as Natural England, on a further 6GW of new seabed leases for offshore wind. Preliminary information in the public domain has identified that Suffolk coast may be a region open to tender for some of this capacity. The implications for the local population and East Suffolk as a whole are significant. No new information has been provided with this consultation to alleviate these concerns.

Current position of the local authorities based on information to date

The Phase 3.5 consultation seeks to explore the use of the Broom Covert site at Sizewell as an alternative to the Grove Wood site at Friston, previously consulted upon in Phase 3. The local authorities welcome the inclusion of the alternative site, however we still consider that further work is required to fully evaluate the two siting options presented. No detailed landscape, ecological, archaeological, heritage asset, transport, flood risk, noise, air quality, ground contamination or socio-economic assessments of the projects have been provided. This has limited our ability to comment fully on the suitability of any site to date. In particular, there is a

need for a full Landscape and Visual Impact Assessment (LVIA) for each site to provide an objective assessment in relation to the landscape and visual impacts of the projects.

Notwithstanding the above comments, we are aware of SPR's constrained timescale in which to make a final decision on this matter and although it is recommended that further work is undertaken prior to a decision being made, we will provide a view based on the information currently available.

The local authorities have always considered that, given the national status of the AONB designation, it was important that the option to develop a substation site outside the AONB be tested. The Grove Wood, Friston site lies outside the AONB; the site comprises open countryside which is to be protected from development as detailed in Local Plan policy and the National Planning Policy Framework (NPPF). However, it is NPS EN-1, EN-3 and EN-5 which are directly relevant to this proposal.

As stated in NPS EN-1:

Development proposed within nationally designated landscapes

5.9.9 National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC should have regard to in its decisions. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.

5.9.10 Nevertheless, the IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:

- *The need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;*
- *The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4; and*
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

If the need for the development is accepted, in accordance with national policy it must then be considered whether;

- a) The overall cost and scope for developing the Friston site is so great as to render it an *unreasonable* alternative to a location within the AONB at Broom Covert; notwithstanding that the Friston site *may* be technically deliverable in some form. Therefore, whilst it can be

identified as an alternative studied, taking into account the impacts of the site, it should be discounted.

- b) The magnitude and degree of harm caused to the AONB by the use of the Broom Covert site does not, taking full account of paragraphs 5.9.9 and 5.9.10, render the project unsuitable in this location also. However, there remains a requirement for further testing in this area.

NPS EN-5 reinforces the developer's responsibility to give full consideration to the impacts of the development, to "have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and ... do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."

Grove Wood, Friston – Cost of and scope for developing outside the AONB

Through the NGET CION (Connection and Infrastructures Option Note) process, SPR were offered a connection point on the Sizewell overhead power lines, thus severely limiting the scope for developing outside the AONB by the requirement to come onshore and connect to the grid at this very narrow and highly sensitive section of coast. This note has been made available, but it is not clear on any weighting given in the decision process and the local authorities are not involved in this process. The cost and scope for development outside the AONB will be explored in relation to the Friston site as this is the only alternative site outside the AONB being considered by SPR at this point.

The cable corridor

The siting of the onshore infrastructure on the Friston site will involve the construction and creation of a longer cable corridor, (the detail of which we do not yet have), and the loss of woodland to the south of a Grade II listed building. Having reviewed the proposals to take out the woodland to the south of Aldringham Court, Grade II listed building; the local authorities have stated on a number of occasions that we have serious concerns in relation to the adverse impact of this on the setting of the listed building. Full details were included in a previous response and as yet we have not been advised of any heritage assessment completed by SPR in relation to this important building. This information is urgently required to inform future discussions.

Initial study indicates that there may be sufficient space to construct a cable route through to the west that has capacity to accommodate four projects (two wind farms and two interconnectors). However, SPR and National Grid Ventures still need to complete significant technical work regarding constructability, value engineering and economic viability to ensure and be able to demonstrate to the local authorities that all four projects will be satisfactorily accommodated. Given the sequencing of the projects the local authorities have not been given any confidence that all projects could be accommodated. It is considered there is a risk that a second grid connection

would be required, or more likely that it would not be possible to parallel the cable corridors for both the SPR and interconnector projects along their entire length, especially at the Aldeburgh Road.

If the destruction of the woodland south of Aldringham Court is the only acceptable location to access the Grove Wood site, then the local authorities remain concerned and of the view that we would have great difficulty supporting a route through to this site at this location.

In addition, it is likely that during construction there may be significant disruption to the local highway network in facilitating delivery of this cable route. One of the main roads to Thorpeness is likely to be disrupted during construction and we have yet to receive details on how this will be managed or mitigated. This is a popular tourist area and any disruption, particularly through the summer months, could have a significant impact on the tourist economy and visitor reliant businesses in Thorpeness.

The substations site

The Grove Wood site comprises arable land consisting of a network of fields, the boundaries of which are predominantly defined by hedgerows. The landscape to the north of Friston including the site contributes to the setting of the village. The projects would introduce incongruous large scale infrastructure into this valued rural landscape. Notwithstanding the pylons, the landscape currently has limited intrusions. The projects will result in the loss of boundary hedgerows, the substation for EA1N would involve the loss of a small area of woodland and the siting of the substation for EA2 would potentially require the removal of a section of Laurel Covert. No assessment of these features has been provided in relation to their quality, historical association or in relation to their ecological significance.

The consultation recognises the need for extensive planting. This is to be expected given the visually exposed location, the extent and scale of the proposals as well as the location and proximity of receptors. The need for extensive mitigation planting is a tacit recognition on the part of the applicant of the magnitude of change that the proposal would create in terms of both visual amenity and the character of this open countryside site and surrounding landscape. Based on the information presented to date, the local authorities are not satisfied that such planting would be timely or sufficiently effective in delivering acceptable mitigation.

The opportunity for screening potential is more limited on the Grove Wood, Friston site given the existing landforms. In addition to this, the restrictions in relation to the type of the planting in the areas around the National Grid overhead lines and cable and drainage routes may limit the screening potential of new landscaping. No information has been provided by SPR to date which would alleviate these concerns.

The site is in a quiet location where the day and night time noise levels are minimal. No information has been provided in relation to the noise impact, but the existing noise levels will comprise a difficult constraint during construction and on the substation noise output.

In addition to the impact of the cable route on Aldringham Court and its setting, there are also a number of designated heritage assets within 1km radius of the Grove Wood site. Locating the onshore infrastructure at this site would harm the significance and settings of some of these heritage assets. There are also a number of designated heritage assets in the wider vicinity whose setting would also be potentially impacted by the proposal by virtue of the scale of the development and the nature of the landscape.

There is also a concern that the projects are being progressed and decisions taken prior to the completion of archaeological assessments and subsequent impacts being properly understood. The surface water drainage area is proposed on a site flagged as having high archaeological potential (KND 009). A ruined chapel site is marked on early maps at this location and therefore there is potential for structural and human remains. A potential for preservation in situ of significant archaeological remains can already be identified for this option therefore full up-front evaluation would be required for this area. For this reason, it is strongly recommended that alternative locations for surface water drainage are considered.

The additional Grove Road realignment area includes a moated site (KND 011) which must not be disturbed by any re-alignment works. The new substation access site is also situated on the edge of a former green (Friston Moor- FRS 013), so there is potential for green edge remains here. The local authorities have significant concerns in relation to the development of the Grove Wood site and its impact on below ground heritage assets.

The permanent access point for the Grove Wood site would involve a long access road cutting through the landscape. It is not yet known how this would be mitigated.

The pluvial flood path runs from north of Friston down through the village centre. It is not yet known how the proposed substation location will interact with this flow path, it appears that the National Grid substation sits directly upon it. Drainage is of significant concern to local residents' and further detailed information is required.

The land which comprises the Grove Wood site is arable. The impact of the loss of this land from existing agricultural businesses is unknown. The projects may potentially provide some short term employment opportunities during the construction phase but the longer term employment opportunities are limited. In addition to the impact on the agricultural enterprises, the impact on tourism is a significant concern. Friston lies within beautiful countryside surrounded by popular footpaths and cycle routes. Further work is therefore necessary to ensure the rural economy is protected.

From a social perspective, Friston is a small rural community with limited local facilities, large scale infrastructure would be alien in the location proposed and the potential harm to the local community arising from this during construction and operation needs to be assessed.

In conclusion, there are considered to be significant costs which would arise as a direct result of developing the Friston site.

Broom Covert, Sizewell – Detrimental effect on the environment and mitigation potential

Cable corridor

It remains the local authorities' view that the Broom Covert site still requires further investigative work. Insufficient information has been provided at present to allow a full assessment of the impact of the cable corridor, especially in relation to its impact on the AONB. Notwithstanding this, there are considered some potential advantages that the Broom Covert site may be able to provide, which have been detailed alongside potential harm.

The shorter cable corridor to Broom Covert would help to minimise the impacts of construction and operation of the site and the cable corridor on local communities and public/residential amenity - although there would be additional challenges in sharing a construction route with EDF Energy construction traffic for Sizewell C and this would need to be mitigated and potentially compensated for.

Although the shorter cable route would alleviate some of the potential disruption caused to the main road into Thorpeness, disruption would still be caused during the works at the landfall. The same comments in relation to this aspect would therefore apply as those given in relation to the Friston site.

The shorter cable length would also reduce the permanent loss of habitat and the severance of ecological corridors. However, further work on this, including any habitat mitigation or compensation that may be required, will be needed.

The harm to both archaeological features and the setting of heritage assets will also be reduced by virtue of the shorter cable route, additional work on cable runs and their exact siting will be required to explore this further.

Finally, the length and direct nature of the cable run will help to minimise the technical risks to the delivery of a shared connection and joint siting of all projects, subject to further information and detailing, relating to all of the proposals.

The substations site

The Broom Covert site has the potential to minimise the magnitude of landscape change at the connection site, given the presence of an existing energy cluster of a comparable scale. This is a key advantage which sites on the western side of the site search area do not have in comparison. Notwithstanding this, the site sits within the AONB and therefore is given the highest status of

protection in relation to landscape and scenic beauty. The full impacts of the development on the special qualities of the AONB are yet to be assessed. The in-combination impacts on the AONB of the energy developments must also be considered, in addition to the impact of the development on the connectivity within the AONB landscape.

Despite the challenges faced in relation to the impact on the special qualities of the AONB and landscape connectivity, this site does offer opportunities for dense planting of conifers which provide comparatively rapid and effective screening and the opportunity to modify the landform to dig in the structures. This would be appropriate for both the character of area and the sandy soil type.

Sizewell Marshes Site of Special Scientific Interest (SSSI) and Leiston-Aldeburgh SSSI lie to the north and south of the Broom Covert site. The drainage route shown for the site illustrates that water would be discharged into Sizewell Marshes SSSI and therefore significant further information in relation to this strategy would be required specifically in relation to how the surface water would be treated prior to discharge.

As with the Grove Wood site, limited information has been provided in relation to surface water drainage. There has however, been no significant risk of pluvial flooding identified on the site and the British Geological Survey website would suggest that the soils on the site are permeable, although further investigation would be needed. It is therefore likely that a suitable surface water drainage strategy compliant with the Sustainable Drainage System (SuDS) hierarchy could be identified, which would have minimal risk to populated areas.

The site's positioning adjacent to the Galloper and Greater Gabbard offshore windfarm substations and close to the Sizewell B nuclear power station has an impact on the background noise environment, which already exists. The higher background noise levels in the locality would potentially help to lessen the noise impacts of the projects. This will need to be assessed fully in order to provide a comparison. However, tranquillity of the AONB must not be **significantly** compromised by additional development.

There is potential for this site to utilise the better road network close to Sizewell to reach any haul roads and the new substations during the construction and operational phases.

There are no listed buildings within the vicinity of this site and therefore the development of this site could help to minimise harm caused to these designated heritage assets and their settings by the substation developments. Further work is however necessary considering any historic boundaries or landscape features. Investigatory works have been undertaken in relation to the Greater Gabbard, Galloper and Sizewell C developments all of which have identified archaeological remains. It is therefore important that further archaeological investigatory work is undertaken, but

there is considered to be a significant benefit to below ground heritage assets by the co-location of multiple energy projects.

The proximity of the site to the Sizewell C area may offer potential opportunities to utilise soil which will need to be stripped from EDF Energy land as part of the Sizewell C development for bunding purposes. This would need to be explored further with EDF Energy from a timing perspective.

The permanent access for the Broom Covert site is identified along the western boundary of the site. At present, it is not clear as to whether opportunities to utilise and share the existing Galloper and Greater Gabbard access have been explored and this should be done. The identified access point would however provide direct access to the site.

The Broom Covert Site would not directly necessitate the compulsory purchase of land from one or more farm holdings, and therefore would not create the adverse impacts that could be expected from this at the Friston site. Although agricultural land may be required to provide replacement reptile habitat, this will be secured on a commercial basis by negotiation and therefore will be integrated, rather than imposed on one or more existing farm businesses.

The AONB is a tourist attraction in its own right and has a number of tourist's footpaths across it. The potential disruptive impact the projects could have, alongside other future energy related construction projects such as Sizewell C on the tourist economy in the locality is a significant concern. Further assessment of this impact is therefore required. The local authorities recognise that the cumulative impacts of the development in combination with Sizewell C and other energy projects could be more concentrated if the onshore development is at Broom Covert. No information has been provided in relation to the in-combination impacts. We are also mindful of the small hamlet that is Sizewell and the existing large scale infrastructure that can dominate the area.

In summary, notwithstanding Broom Covert's positioning within the AONB and proximity to Sizewell Marshes and Leiston-Aldeburgh SSSI, it is considered that this site offers greater opportunities for effective mitigation than the Friston site.

Highways

In highway terms, if this proposal is taken in isolation, the preferred location for the substations would be at Sizewell. This location benefits from access via an accepted HGV route and a shorter cable route requiring fewer vehicle movements. Thus, consideration of this option as phase 3.5 of the consultation is welcomed. However, if constructed concurrently with Sizewell C there could be benefits to locating the sub stations at Friston. This would distribute traffic over a wider part of the network avoiding congestion on any particular route. For either option the Highways Authority will carefully consider the impacts and necessary mitigation to reduce these to an acceptable level.

Further more detailed highway comments are included in the appendix.

Connection to overhead lines

Based on the experience of the local authorities on other energy related projects we would anticipate that sealing end compounds would be necessary at both sites. These are required immediately adjacent to the overhead lines to allow connection of the substation to the electricity network. The siting and layout of these will need to be such that they can be effectively screened and incorporated into the wider landscape. No information has been provided in relation to this infrastructure and therefore the impact of these is unknown. Without this information it is difficult for the local authorities to make a proper assessment of the possible impacts. The local authorities' recommendation for their preferred site has had to be taken without full knowledge of the details of this equipment. If such connections need to be made outside the areas shown in the consultation material, then this may affect the local authorities' conclusions.

Size of National Grid sub-stations

Following work on proposals elsewhere in Suffolk, the local authorities are aware that the scale of the National Grid sub-stations can be considerably reduced if the technology used is a Gas Insulated Sub-Station (GIS) rather than Air Insulated Sub-Station (AIS). This could also create more flexibility in accommodating all of the required infrastructure on a particular site and reduce the need to break up farm estates. In addition, it may well be possible to design a building that is more appropriate for the area than the open structures associated with AIS. It is acknowledged that this is a more expensive option but, given the significant impact that the proposals for the National Grid and SPR sub-stations have at both locations, it should be incumbent on the developers to employ whatever means are possible to ensure that the impact of their schemes are minimised. In other locations, the Secretary of State has found that it is appropriate to require a GIS technology rather than AIS.

The local authorities preferred option based on the information presented to date

As stated previously, the requirement to come onshore and connect to the grid at this sensitive section of the coast has resulted in the local authorities having to make a choice of the least-worst option for the location of the substations and associated connection infrastructure, when both options currently being considered have drawbacks.

It is recognised that the development of Broom Covert site within the AONB would only be acceptable if it met the tests in NPS EN-1. Firstly, whether the cost of developing outside the AONB (at Grove Wood Friston, in this case) outweighed the policy considerations and secondly, whether the degree of harm caused to the AONB, taking mitigation into consideration by developing the Broom Covert site renders the project unsuitable in this location also.

The development of the Grove Wood site, although outside the AONB, would be hugely detrimental resulting in significant visual, landscape, and economic impacts alongside significant

heritage, archaeological and ecological impacts not yet fully considered by the project. As a result of these environmental and other adverse effects the local authorities consider that the cost of developing the Friston site is significant. The site also appears to be the hardest to mitigate in landscape terms. In addition, there is the disruption caused by a longer cable route and the uncertainty resulting from the lack of knowledge of the impact on the environment, in particular the narrow gap at Aldeburgh Road. Based on the information provided so far, it cannot therefore be considered a genuine or effective alternative in policy terms. The local authorities view on the Grove Wood site remains unchanged from the response provided at Phase 3.

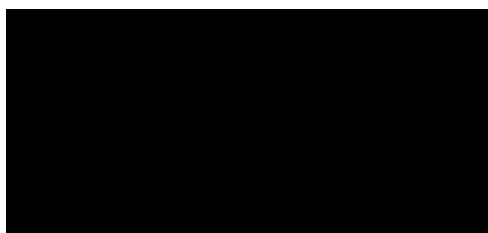
The development of the Broom Covert site would inevitably cause some harm to the AONB. The extent of this harm is arguably lessened to a degree by its positioning adjacent to existing energy and possible future energy infrastructure in the form of Sizewell C. The local authorities also consider, given the character of the site and landform, the existing planting and the capacity of the land to accommodate lowering of bed levels, that the extent and magnitude of harm to the character of the AONB is likely to be capable of being minimised and mitigated to a significant extent in a timely fashion. The close proximity of the site to the point of landfall will also result in a significantly reduced cable route. It has however been highlighted that further investigatory works are necessary.

Prior to SPR making a decision on final site selection, the local authorities recommend the following actions:

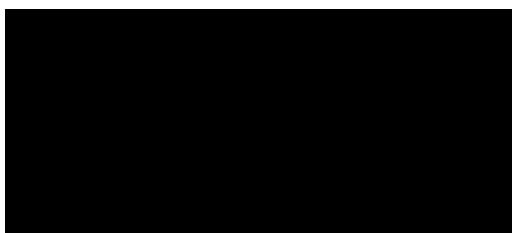
- **An LVIA is undertaken on the Grove Wood, Friston site and Broom Covert, Sizewell site to allow the landscape and visual impacts of the development on both sites to be fully understood.**
- **Further work is undertaken to fully understand the impact of the Aldeburgh Road crossing on Grade II listed Aldringham Court and its setting and in terms of the ensuring all four projects (wind farms and interconnectors) will be able to be accommodated.**
- **Further work is undertaken in relation to the connection works and infrastructure layout involved to connect the substation at Broom Covert, Sizewell to the electricity network.**

The local authorities' view based on the information received to date, notwithstanding the above recommendations, is that greater support can be offered to the selection of the Broom Covert, Sizewell site over the Grove Wood, Friston site.

Yours faithfully,



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Appendix 1 - Consultation 3.5 – Further comments on matters of detail

The main body of the response focused on the consideration of final site selection for the project. The local authorities however have further comments to provide in relation to the site selection process and further detailed onshore considerations. No new information has been provided in relation to the offshore impacts; the comments provided previously therefore remain relevant.

The site selection process to date

The site selection area for the onshore elements of the projects has been further assessed following the previous round of public consultation (Phase 3). In pre-application discussions with SPR and previous rounds of consultation, the local authority officers had requested that SPR extend their area of search beyond the area previously defined. This request was made to ensure that all reasonable options to accommodate the projects were considered, having particular regard to the need to minimise harm and identify a site which could potentially accommodate both SPR and the interconnector projects alongside each other, helping to minimise the overall impact of the proposals.

In response to this, SPR's inclusion of the Broom Covert, Sizewell site as an alternative to Grove Wood, Friston is welcomed. The Broom Covert site, although located within the Suffolk Coast and Heaths AONB sits adjacent to the Greater Gabbard and Galloper offshore wind farm substations, offering an opportunity to site onshore infrastructure in close proximity to similar infrastructure in a location already screened by existing landscaping and with the potential for additional screening by further planting. The site it is hoped will also offer the opportunity to accommodate the future interconnector projects.

Notwithstanding the above, the local authorities remain concerned that the selection process that concluded that, at Stage 3, Grove Wood site is the preferred option remains a fundamentally flawed process. At a basic level, carrying out the RAG (Red/Amber/Green) assessment against AONB special qualities and key characteristics will inevitably show a preference for sites outside the AONB and which do not necessarily have those special qualities that the AONB has and which could be harmed by the development proposed. However, the Grove Wood site does have its own inherent special qualities which have not been fully assessed and to which harm could be caused by the development. In addition, the existing detractors from AONB special qualities that exist around the original eastern area sites have not been fully factored in the assessment as the actual baseline rather than a theoretical special quality ideal.

Furthermore the local authorities have previously identified a number of principles which it was considered should be adhered to in the site selection process and mitigation for the onshore elements of the project. These are listed below with commentary as to whether or not we consider SPR has appropriately considered these principles in their site selection process.

Site selection should seek location/locations which minimises visual harm to the landscape, recreational, and residential receptors. This may be achieved through:

- a) A close visual relationship to the existing built environment - The choice of the Grove Wood site does not achieve this; the site sits on open arable farmland to the north of Friston village. This can be more successfully achieved at the Broom Covert site, positioning the infrastructure adjacent to the existing substations of Greater Gabbard and Galloper and alongside the nuclear power station developments of the A and B stations and the future C station (recent reports state construction on the C Station due to commence in 2021).
- b) The screening by existing blocks of woodland or belts of trees - The Grove Wood, Friston site is to the west of Grove Wood and ancient woodland which may provide some screening to the project. However to the south, north and west of this site there is limited natural screening potential. There is planting along the southern and western boundaries of the Broom Covert site which provides significant established screening. There are also opportunities to provide meaningful screening to the north of the Broom Covert site.
- c) A location that offers the ability to minimise the need for the additional building height required by noise attenuation structures and allows the bed levels of buildings and structures to be lowered - There are residential properties close to both sites which may necessitate noise attenuation structures. There has not been adequate information provided to date to assess this. No evidence has been submitted to date with regards to potential for lowering bed levels of either site, it is considered that the nature of ground conditions at the Broom Covert site may lend themselves to potential lowering of the floor levels.
- d) The minimisation of bulk and height of the structure(s) - This has not changed in relation to the Grove Wood site since the previous round of public consultation. Inadequate information has been provided to date to assess this in relation to the Broom Covert site, it is noted that the harmonic filters will require housing in a building up to 21 metres high on the Broom Covert site which would be 6 metres taller than the maximum building height at Grove Wood.
- e) The minimum footprint required - This remains the same for both sites and has not changed since the previous round of public consultation, in particular the option of using alternate cooling technology to minimise the footprint of the National Grid Substation has not been considered; and
- f) Careful design of the structure(s) - Detailed design of the structures has not yet been provided so this cannot be further assessed. However the local authorities would expect to see the following measures:
 - i. Recessive colouring and simplicity of form and design;

- ii. Meaningful lowering of the floor level of the building given the opportunities offered by a free draining substrate; and
- iii. An unlit structure, unless staff are present on site, with the use of Low Light surveillance or IR lighting to provide security.
- iv. Sighting of the connection infrastructure, such as Sealing End Compounds, in such a way as to minimise their impacts and ensure their landscape effects are capable of effective mitigation.

No details have been provided in relation to the design of the buildings. It is considered more likely by virtue of the nature of ground conditions at Broom Covert, that this site would offer the greater potential to lower the floor levels of the buildings, this must however be balanced against the higher maximum building height. It is also considered that the existing vegetation is likely to offer more timely and effective visual screening.

To these principles should be added that the site selection should seek a location and a cable route to that location that minimises potential harm and disturbance to biodiversity. Any unavoidable harm should be appropriately mitigated and fully compensated together with an indication of how this will be achieved. To enable this to be properly considered, the fullest possible survey information must be submitted to the local authorities – as and when it is available – for consideration and discussion. All of these assessments should take into account the in-combination effects with the other major energy projects proposed in the area, including Sizewell C, NGV's interconnectors and NGET's own sub-station.

Onshore visualisations

The local authorities' comments contained within the Phase 3 consultation response remain valid in relation to the visualisations of the Grove Wood site.

As part of the current consultation visualisations in relation to the Broom Covert, Sizewell site have been published. The visuals confirm the ability of the site to offer the opportunity to accommodate the onshore infrastructure in close proximity to similar infrastructure in a location already screened by landscaping and with the potential for additional screening.

Landscaping

Notwithstanding SPR's desire to select a site imminently and therefore the local authorities need to provide a view on the site selection. The local authorities recommend that prior to any decision being reached the two sites be assessed for landscape and visual impacts in a fully objective way, having full regard to the respective specific merits and characteristics of each site. It is recommended that a full Landscape and Visual Impact Assessment shall be carried out for both sites as part of the decision making process, and which shall be fully compliant with 'Guidelines for Visual Impact Assessment 2013 (GLVIA3)'. The fact that one of the sites falls within the AONB will be a material consideration in the assessment of that site, but it is not of relevance to the Grove

Wood site. The special qualities and characteristics of each site need to be fully understood, and any landscape designations are only part of that wider baseline understanding.

In relation to Grove Wood, the LVIA should take account of all aspects of the development proposal including impacts arising from the proposed substation access routes, especially where they depart from existing highway routes. The removal of field boundary hedgerows will need to be assessed against the assessment criteria set out in the 1997 Hedgerow regulations, and that includes any need to remove hedgerows as part of the cable route.

In relation to the Broom Covert site, the baseline assessment must include, not only the AONB special qualities as they apply to the site, but also the prevailing character of the site in its current context.

It is also important that any restrictions on new planting on both site resulting from overhead lines, cable runs, drainage provisions, are fully understood in order to have a realistic understanding of the effectiveness of the planting as mitigation of the impact of the proposed development.

Drainage

Both of the sites would be expected to comply with local and national guidance. Our Local SuDS guidance can be found here; <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/>. The drainage strategies on the site would be expected not to increase flood risk off site up to and including the 1:100 + CC rainfall event.

Indicative Grove Wood, Friston Masterplan

The pluvial (surface water) flood path from north of Friston down through the village centre is clear to see on publicly available flood mapping. A large watercourse starts on Church Road and runs adjacent to Church Path, before being culverted below Low Road, where it eventually returns to an open watercourse. This is a clearly delineated flow path for surface water. It is not yet known how the proposed substation locations interact with the 1:100 year flow path, there is a concern that the NGET substation sits directly on this flow path. This will need to be considered during the design of this critical infrastructure.

The concern of residents is that creating a largely impermeable area upstream of the village will increase the rate and volume of surface water runoff, both of which would likely increase off site flood risk unless suitable mitigation is provided.

There are two potential methods for disposing of surface water generated from the site, infiltration or discharge to watercourse.

If infiltration is feasible:

The records contained on the British Geological Survey (BGS) website have been checked but no borehole records in the area where the substations have been proposed have been identified. BGS mapping does however show that soils are likely to have some permeability.

Provided the soils have good infiltration properties, it is feasible that the development could attenuate, treat and infiltrate all of their surface water on site (up to and including the 1:100 + CC event). Events exceeding the 1:100 + CC storm would likely follow the existing flow path down through the village. SPR may however wish to consider constructing a surface water system for larger events, the 1:200 + CC event, for example. This may then alleviate some of the concerns expressed by local residents.

It is important to note that despite the soil being permeable, at the moment in some storm events run off will be generated from this land which will flow towards Friston village. It is likely that events up to and including the 1:100 + CC event currently contribute some surface water flow. In order to fully understand the extent of this detailed modelling and soil analysis would need to be undertaken. Thus, by the development keeping surface water on site up to and including the 1:100 + CC event (or potentially greater) this could be a net benefit to decreasing flood risk in Friston.

These views are expressed based on any surface water drainage system being properly maintained and functional for the lifetime of the development. The site is located within a Source Protection Zone therefore there may be additional requirements in terms of surface water treatment prior to infiltration.

If infiltration is not feasible:

If infiltration is not feasible then the greenfield run off rates for the area proposed for development will need to be calculated using an acceptable method. The development will be required to ensure that the rate at which surface water is discharged from the site is no greater than QBAR (mean annual greenfield peak flow). This will provide betterment to the downstream catchment as rainfall events up to and including the 1:100 + CC event will be contained on the site proposed for development and released at the much lower flow rate of QBAR.

What else can be done?

The surface water flow path from the north of Friston down through the village centre is clear to see on flood mapping. It is possible that the risk of flooding to the village could be reduced by preventing this water from getting to the village so quickly. This could be achieved through Natural Flood Management (NFM). The purpose of NFM is to create localised natural areas for surface water storage which act as temporary attenuation structures during storm events. Holding a volume of surface water and releasing it at a (low) flow rate to reduce the volume of water in the channel during storm events. These structures can also incorporate permanent ponds to help improve the surface water quality whilst also providing environmental/amenity benefits. If the

soils in the area are permeable (thus likely sandy) there can be large volumes of silt contained in runoff. Ponds installed as part of NFM can trap this silt preventing it from filling the watercourses downstream through Friston (less silt in the watercourse = reduced flood risk). There may be benefit to the proposed development itself in exploring this option given it may be located within the pluvial flow path.

Through the use of NFM, as a net benefit to the community, SPR could make significant contributions to reducing downstream flood risk for fairly minimal costs when compared to more traditional 'hard engineering' methods. Further details regarding NFM can be found at this link, including details of an ongoing scheme in Debenham, Suffolk; <http://www.greensuffolk.org/flooding/hwmp/debenham-flood-management-project/>

NFM is not always suitable. Further studies and modelling would be required before any decision could be made regarding feasibility. If this is to be taken forward it would require liaison with multiple stakeholders including the village of Friston, Environment Agency and others.

Indicative Broom Covert, Sizewell Masterplan

The Broom Covert site has no significant identified risk of pluvial flooding. Information contained on the BGS website would suggest that soils are permeable. However, due to the proximity of the sea and the 'Sizewell Belts', groundwater levels may be high which could prevent infiltration (1m clearance to groundwater required).

The site would be required to comply with the SuDS hierarchy, infiltrating surface water on site if feasible. If this is not feasible then a discharge rate of QBAR would be permitted into the adjacent watercourse. The adjacent land has various environmental designations so additional surface water treatment stages may be required depending on the surface water discharge method.

Drainage summary

From a surface water flood risk perspective, the Broom Covert site is the more favourable of the two. It provides two feasible forms of surface water drainage with minimal risk to populated areas. The Friston site should not however be discounted due to the locally perceived increase in surface water flood risk without giving due consideration to the potential benefits this scheme could offer if delivered in a sustainable manner. These potential benefits are unlikely to be realised without this development given the current lack of funding for mitigation of surface water flood risk.

Heritage Assets - Archaeology

Whilst this area does have very high archaeological potential, with archaeological remains identified in the majority of previous archaeological works undertaken in the vicinity and numerous finds scatters, cropmarks and sites recorded on the County HER within this area, and there is also a need for this area to be subject to full archaeological assessment in order to understand the archaeological impacts of any proposals here, we believe that co-locating multiple major infrastructure schemes would have significant benefits. Whilst this would lead to a

cumulative impact in this area upon surviving archaeological remains, overall the scale of the scheme would be significantly reduced (in comparison to the Friston option) and would protect many known above and below ground heritage assets and areas of very high archaeological potential, which will be impacted upon should the Friston scheme progress. From a historic landscape/setting point of view, the Broom Covert scheme is certainly preferable than the Friston scheme which would impact upon numerous listed buildings, including a medieval church. Settings issues are less of a concern with the Broom Covert site and sensitive screening would also appear to be more achievable here.

The advice regarding the archaeological assessment and surveys which should be undertaken for the additional Broom Covert site is the same as that provided for the rest of the study area previously consulted upon. The same advice also applies for any other additional areas which have now been scoped in beyond the original red line boundary as part of this consultation (e.g. for access, surface water drainage and re-alignment works), as well as any other elements of the scheme which have yet to be defined and which may fall outside of the original study area, including compound locations, new access or transport routes, any road improvement works, utilities, landscape and screening areas and any defined alternative ecological mitigation areas to Broom Covert.

These areas should be included within the onshore cultural heritage desk based assessment for the project (including historic map regression, a study of aerial photography- including historical imagery, an assessment of LIDAR data, and predictive modelling of potential based upon topographic and geological evidence). Datasets held by the County Records office and other archive sources may also need to be consulted where features merit more detailed research. The desk based assessment should also consider the results of previous archaeological works undertaken in the Broom Covert area (which includes a geophysical survey at the junction of Sandy Lane and Lover's Lane for the Sizewell C scheme, geophysics and trial trenching on pillbox field also as part of the Sizewell C scheme, geophysical survey and trial trenching west of Lovers Lane again as part of Sizewell C and a number of phases of evaluation and excavation as part of the Galloper and Greater Gabbard schemes - all of which have identified important archaeological remains). A walkover survey should also be undertaken for Broom Covert, where a number of earthwork features have previously been identified, with a rapid earthwork assessment completed if appropriate, in order to identify any earthwork remains which should be avoided and preserved in situ.

A settings impact assessment for above ground heritage assets should be undertaken and the impact of the proposals upon historic hedgerows, boundaries and other historic landscape elements should also be considered through the use of historic mapping and Historic Landscape Characterisation data.

Heritage Assets - Listed Buildings

The Broom Covert site is located close to the existing large infrastructure of the Sizewell power stations and supporting buildings, this area already has a certain character as the result of these buildings that the proposed new buildings could easily fit into. Constructing the substations on this site would not impact the setting of any designated heritage assets. There are a number of entries on the Suffolk Historic Environment Record relating to the site and the area surrounding it however the substations would not cause harm to any designated heritage assets or their setting. The Sizewell site would also avoid the need for a long distance cable run that would potentially disrupt other designated and non-designated heritage assets

Within 1km radius of the Grove Wood Friston site there are six designated heritage assets:

- South - Grade II* listed Church of St Mary, Grade II Listed Church Walls Cottages and Woodside Farmhouse
- West - Grade II listed Friston House
- North – Grade II listed High House Farm and Little Moor Farm

There are several more designated heritage assets in the wider vicinity whose setting would potentially be impacted by the proposal, including the Grade II* listed Friston Post Mill. Due to the scale of the proposed buildings and the flat landscape the zone of visual influence of the proposal is very large. At this stage however the comments will focus on the six designated assets within the immediate vicinity as their setting is most likely to be impacted by the proposal to an extent that would cause harm to their significance. Further assessment of the other buildings in the wider vicinity will be necessary if this site is brought forward.

The NPPF (2018) defines the setting of a heritage asset as *‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’*

To the north of the site are High House Farm and Little Moor Farm; both Grade II listed 17th century timber framed farmhouses. Their current setting is within open fields, albeit with large pylons, and this agricultural landscape is important to their character and significance. The introduction of the proposed large scale buildings into this landscape would be incongruous and would be detrimental to the setting of the listed buildings. The history and use of these farmhouses is intrinsically linked with this landscape. The impact would not only be on views from the properties but also on views of the properties from across the landscape. The buildings are of a modest, functional scale and design commensurate with their historic use and would be completely dominated by the proposed scheme altering their historic relationship to the landscape.

To the west of the site is Friston House a large early 19th century yellow brick house. It is however not considered that the proposal will impact on the setting of the house as there is a densely

wooded section of the grounds to the east of the house. Therefore there is no existing relationship with the landscape in which it is proposed to situate the substation buildings.

To the south of the site are the church (C14/15 with some C11 material), Church Walls Cottages (C17 timber framed cottages) and Woodside Farm (C17 timber framed farmhouse). Due to their scale, use and location it is not considered that the proposal would impact on the setting of Church Walls Cottages. The concerns regarding Woodside Farmhouse match those outlined above regarding the farmhouses to the north. The substations would also negatively impact the setting of the Grade II* listed church. The setting of churches within villages is very important particularly in terms of inter visibility with the other buildings in the village and the surrounding landscape. The church is historically the focal point of the village and their scale and setting are designed to reflect this. Introducing such tall structures in close proximity to the church would challenge the historic relationship between the surrounding landscape and buildings with the church. Buildings that have always had a visual relationship with the church would possibly lose this as the result of this proposal.

Locating the proposed buildings at this site would result in less than substantial harm to the significance of a number of designated heritage assets. Accordingly this harm should be weighed against the public benefits of the proposal as set out in paragraph 196 of the NPPF. In heritage terms it is not considered that this is an appropriate site for the proposed development. Comments have already been provided in previous consultation responses regarding the impact of the cable run on the setting of Aldringham Court.

Residential Amenity

The cable route to Grove Wood, Friston crosses, three class B roads, numerous footpaths, woodland, a small river and passes close to a number of residential properties. Whilst this may be achievable it will cause major disruption during its construction in addition to the development of the substations. The Broom Covert, Sizewell site is more suitably located within a much shorter cable run to the landfall location.

The Grove Wood Friston site is in an exceptionally quiet location, a true area of tranquillity, where the daytime background noise levels are often below 30dBA and the night time noise levels are in the mid to low 20's dBA. This puts substantial restraint on construction methodology and permanent substation noise output. Noise mitigation at the Broom Covert Sizewell site will be a significant requirement and further assessment of the potential impact to residential receptors in this location will be required. However, assessment will need to take into consideration existing background noise levels and distances from residential receptors to the haul road and construction laydown areas proposed.

Although not referred to in the documentation provided, it would be a reasonable assumption that there would be significantly lower levels of construction dust emission during the development of the Broom Covert Sizewell site, when compared to the Grove Wood Friston site,

due to the reduced length of cable run to the landfall location. The local authorities would expect a construction dust impact assessment, with mitigation proposals, to be undertaken whichever site is chosen.

No information has been provided to date in relation to the impact of development at either site on local air quality. It is important that an air quality assessment is undertaken alongside the traffic assessment, so that any significant effect on sensitive receptors can be identified, and appropriate mitigation identified.

Socio-Economic Impacts

Both sites are within East Suffolk, a popular tourist destination. The AONB is a tourist attraction in its own right and has a number of tourist's footpaths across it. However, Friston is in equally beautiful rural countryside with popular footpaths and cycle routes. Both sites have the potential to be significantly disruptive to the tourist economy throughout their construction and potentially operational phases. Particularly without appropriate mitigation measures which are as yet unquantified.

It is considered that further assessment is required in this area to ensure that the rural economy is not adversely impacted by development in either of the proposed locations.

From a social perspective, Friston is a small rural community with limited local facilities, large scale infrastructure would be alien in that location and the potential harm to the local community arising from this during construction and operation needs to be assessed. Sizewell, is a small hamlet, Leiston a larger town, although used to large scale infrastructure in their vicinity, these proposals do not come with the benefit of employment opportunities post-the construction phase. This is the same for the Friston site. The limited long-term benefits of the offshore wind farms to the local area are very small. The operations and maintenance is likely to be operated from SPR's base in Lowestoft which is good for the north Suffolk economy but this benefit does not filter through to the onshore substation locations and this is a concern.

The cumulative impacts of these projects must also be considered in combination with Sizewell C and the interconnector projects. The projects collectively will place pressures on the construction skills sector. There is no indication at present as to how this would be handled in order to maximise benefits in the local area. As a consequence of the cumulative labour demand during construction periods, this would potentially exacerbate the pressure on the tourism industry in relation to the availability of accommodation in the local area.

Coastal Processes and Landfall

The landfall in relation to the projects will be the same regardless of the onshore site selection. The landfall is identified as north of Thorpeness. It is essential that the erosion risk at the landfall site is fully and robustly assessed to ensure that the shoreline set back distance for the transition bay is appropriate. It is also critical that the offshore cable routing presents no significant negative

impacts on Suffolk Coastal District Council's coastal management interests. It is understood that the seabed cable route will avoid the area of coralline crag formation present off the coast.

The indicative landfall area includes Thorpeness Common. Although this area is shown within the search area, it is hoped that it would not be utilised as this would be of concern to the local authorities and local residents.

Highways

In highway terms, if this proposal is taken in isolation, the preferred location for the substations would be at Sizewell. This location benefits from access via an accepted HGV (Heavy Goods Vehicle) route and a shorter cable route requiring fewer vehicle movements. Thus, consideration of this option as phase 3.5 of the consultation is welcomed. However, if constructed concurrently with Sizewell C there could be benefits to locating the sub stations at Friston. This would distribute traffic over a wider part of the network avoiding congestion on any particular route. For either option the impacts and necessary mitigation to reduce these to an acceptable level will be carefully considered.

Construction for the underground cabling and directional drilling is proposed via roads that are predominately on accepted HGV routes. We would expect that where necessary the applicant will use the haul roads and crossing points to gain access from within the site avoiding the use of minor unsuitable roads. A similar procedure has been followed during construction of the East Anglia One project and has generally been successful.

Generally, the access routes proposed are the most practical options and mostly avoid specific problems such as large urban areas and narrow roads. Much work remains to identify any necessary mitigation works once traffic flows are calculated and detailed surveys of the network complete. The local authorities' intention will be to ensure road safety is a priority particularly at those junctions where significant numbers of crashes occur.

To avoid doubt the local authorities would consider that the B1121 route to the Friston Substation would not be acceptable for HGV's. This is to clarify the apparent contradiction in the Information Leaflet which refers to this route and the Traffic and Transport Leaflet which dismisses the B1121 as a practical option.

Detailed analysis and comment on the impact of the development on the highway cannot be provided until further information is made available during the stage 4 consultation.

More detailed comments on the Highway Issues are set out below.

Detailed Highway Comments

Origin of HGV Traffic

While it is accepted that most Abnormal Indivisible Load's (AILs) will originate from the ports of Felixstowe or Lowestoft it is not likely to be the case for other HGV's. This will not change the traffic distribution on the county network but could affect it on the Strategic Road Network.

Proposed HGV routes to Grove Road, Friston

A1094/B1069/Haul Route (4.2.1): There have been significant numbers of crashes at the A12/A1094, A1094/B1069 Snape Crossroads and A1094/B1069 Knodishall Junction. The latter junction may also require improvements to the layout to enable HGV's to manoeuvre safely.

B1121 Route: While concerns have been expressed regarding the safety of the A12/B1121 junction there are significantly fewer recorded crashes at this junction than the A12/A1094 junction. However, the B1121 through Sternfield is narrow with a priority system adjacent to the river bridge. The road also has sharp bends and junctions with poor visibility.

The Traffic and Transport Factsheet identifies the A1094/B1069/Haul Road route as the preferred option. This document also lists other route options which have been assessed and reasons why many were not considered suitable. Although broadly in agreement with this assessment, it is recognised that improvements can be made to the selected route.

The proposed AIL route through Leiston to Grove Road Friston (4.2.2), while acceptable in principle for a small number of loads, will require formal approval which may include the inspection of structures along the route and that a specific pinch point is present on Haylings Road

Access to Broom Covert, Sizewell via Yoxford (4.3)

The B1122 follows an accepted HGV route. It is noted that this route passes through the village of Theberton where issues have been raised regarding road safety, in particular the lack of footways and crossing points for pedestrians. It would be expected that this matter is considered during further consultation.

Horizontal Directional Drilling (HDD) Site at Thorpeness (4.4)

Access to the HDD site at Thorpeness is more problematic. The proposed route is via the A1094 to Aldeburgh then the B1122 and B1353. This does require vehicles to turn at the A1094/B1122 roundabout in Aldeburgh which while practical for most HGV's may require traffic management and/or localised widening of the carriageway to allow larger vehicles to manoeuvre through this junction. The alternative route would be via the B1122 from Yoxford through Leiston to the B1353. This route would require HGV's to use Haylings Road and Kings Road, both narrow roads. Use of Aldringham Lane by HGV's is not considered practical, again due the narrow carriageway.

Access to the Cable Route (4.4.2).

The use of the three proposed accesses is accepted at the practical minimum. The use of approved access points for construction vehicles to access the site via haul routes and crossing points over minor roads has proved workable during the construction of EA1.

Traffic and Transport Improvement Works (4.5)

As a minimum we would expect a detailed transport assessment to underpin any application which would enable the local authorities to make an evidence-based response. This needs to include detail of HGV and other vehicular movements such as cars and LGV's to provide a full picture of the likely traffic generated. The Traffic and Transport Factsheet states that this will be the case in stage 4 of the consultation.

Road Safety

The local authorities are concerned regarding road safety as several significant numbers of crashes have been recorded at a number of sites, specifically:

- A1094 / B1069 Sternfield will need improvement for safety reasons
- A1094/A12 junction
- A1094 Snape Church Permanent

Access to Sub Stations

The permanent access to the substations at the proposed Friston site is shown to be from the B1121. It should be noted that the use of Church Road and Grove Road, Friston would not be acceptable for either temporary or permanent access. The proposed access for the substations at Sizewell would be from Lovers Lane.

Details of the permanent access should be supplied in future consultations as should details of traffic generated by the development and a workplace travel plan.

Appendix 2

Appendix 2:

- A copy of ESC's Cabinet Report of 5 January 2021 (extract)
- A copy of ESC Minutes 5 January 2021 (extract)
- A copy of the full Cabinet agenda papers for 5 January 2021 and minutes are available using the link below:

<https://eastsuffolk.cmis.uk.com/eastsuffolk/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/162/Committee/5/SelectedTab/Documents/Default.aspx>



**East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, IP12 1RT**

Cabinet

Members:

Councillor Steve Gallant (Leader)
Councillor Craig Rivett (Deputy Leader and
Economic Development)
Councillor Norman Brooks (Transport)
Councillor Stephen Burroughes (Customer
Services and Operational Partnerships)
Councillor Maurice Cook (Resources)
Councillor Richard Kerry (Housing)
Councillor James Mallinder (The Environment)
Councillor David Ritchie (Planning & Coastal
Management)
Councillor Mary Rudd (Community Health)
Councillor Letitia Smith (Communities, Leisure
and Tourism)

Members are invited to a **Meeting of the Cabinet**
to be held on **Tuesday, 5 January 2021 at 6:30pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and
Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police
and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and
broadcast via the East Suffolk Council YouTube
channel at https://youtu.be/p3_3noRbBAk

Please note, this agenda was re-published on 24 December 2020 to

incorporate the late report for item 12 - Council Tax Base 2021/22.

An Agenda is set out below.

Part One – Open to the Public

	Pages
1 Apologies for Absence To receive apologies for absence, if any.	
2 Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3 Announcements To receive any announcements.	
4 Minutes To confirm as a correct record the Minutes of the Meeting held on 1 December 2020	1 - 8
KEY DECISIONS	
5 New Beach Hut Site - Felixstowe ES/0609 Report of the Deputy Leader and Cabinet Member with responsibility for Economic Development, and the Assistant Cabinet Member for Economic Development	9 - 33
6 East Suffolk Council Engagement and Position during the Examination and Post Examination Process for ScottishPower Renewables East Anglia One North and East Anglia Two Offshore Windfarm Proposals ES/0610 Report of the Deputy Leader and Cabinet Member with responsibility for Economic Development	34 - 61
7 East Suffolk Citizens Advice Review ES/0611 Report of the Cabinet Member with responsibility for Communities, Leisure and Tourism	62 - 123
8 Temporary Accommodation Procurement and Placement Strategy	2021-23 ES/0612

Report of the Cabinet Member with responsibility for Housing

124 - 152

9 Fees and Charges for 2021/22 ES/0613

153 - 235

Cabinet Member with responsibility for Resources

	Pages
10 Council Tax Base 2021/22 ES/0614	236 - 250
Report of the Cabinet Member with responsibility for Resources	

NON-KEY DECISIONS

11 Capital Programme for 2021/22 to 2024/25 including Revisions to 2020/21 ES/0616	251 - 267
Report of the Cabinet Member with responsibility for Resources	

12 Exempt/Confidential Items
It is recommended that under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 5 of Part 1 of Schedule 12A of the Act.

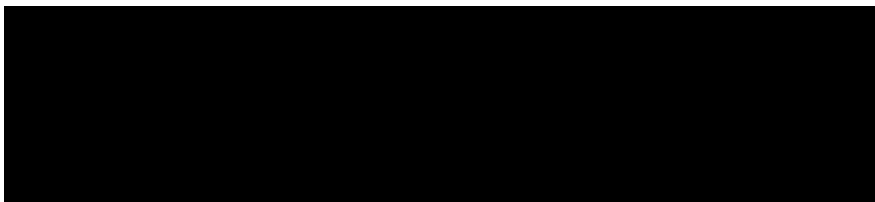
Part Two – Exempt/Confidential

	Pages
13 Exempt Minutes	
<ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information). 	

KEY DECISIONS

14 Approval to enter into Legal Agreements with Landowners related to the Lowestoft Flood Risk Management Project
<ul style="list-style-type: none"> Information relating to any individual. Information that is likely to reveal the identity of an individual. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
15 Leisure Operator - Contract Award
<ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information). Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
16 Temporary Staff Framework Procurement
<ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Close



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democraticservices@eastsoffolk.gov.uk



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CABINET

Tuesday, 5 January 2021

EAST SUFFOLK COUNCIL ENGAGEMENT AND POSITION DURING THE EXAMINATION AND POST EXAMINATION PROCESS FOR SCOTTISHPOWER RENEWABLES EAST ANGLIA ONE NORTH AND EAST ANGLIA TWO OFFSHORE WINDFARM PROPOSALS

EXECUTIVE SUMMARY

1. ScottishPower Renewables (SPR) submitted two separate nationally significant applications for offshore windfarm developments off the East Suffolk coast: East Anglia One North (EA1N) and East Anglia Two (EA2). The applications were submitted in October 2019, the six-month formal Examination period for both applications began on the 7 October 2020. Both projects propose offshore export cables to make landfall north of Thorpeness and run onshore cables underground for approximately 9km. The cables terminate at a site immediately north of Friston village where the onshore substations are to be located.
2. The Cabinet, at its meeting on 7 January 2020, resolved that whilst maintaining overall support for the principle of offshore wind as a significant contributor to the reduction in carbon emissions, and for the economic opportunities it may bring to the locality, it would raise an objection to specific aspects of the proposals which have significant impacts onshore.
3. The Applicants have sought to address a number of the specific concerns and objections to the projects raised by the Council. Discussions between both parties have been ongoing regarding further information, modifications, additional mitigation and compensation which would be required in order to persuade the Council to potentially move towards a neutral position in some areas. It is now recommended that Cabinet agrees that the Council can now move towards a neutral position with regards to a number of previously raised concerns with the EA1N and EA2 proposals. However, there are still areas of disagreement with regards to noise, particularly operation noise at the substations site and the cumulative impacts of future energy development that has not yet been satisfactorily addressed. We are also still of the view that further commitments should be sought in relation to the design of the substations and in relation to cumulative impacts with future projects. We therefore

maintain significant concerns in those areas and are seeking additional work from the Applicants.

4. Cabinet is recommended to continue its support for the principle of offshore wind and move its position of objecting to the overall impact of the onshore substations of EA1N and EA2 towards a position of being neutral on both proposals having regard to the enhanced package of mitigation and compensation that the Applicants have now put forward. However, we maintain significant concerns with regard to the noise impacts of the onshore substation elements, substation design and the cumulative impacts of the proposals with future energy projects until such a time that these matters are satisfactorily addressed by the Applicants. The Council will also continue to engage with the Applicants to address areas of concerns raised within the Council's Relevant Representation and Local Impact Report.
5. Cabinet is requested to give delegated authority to the Head of Planning and Coastal Management in consultation with the Deputy Leader and Cabinet Member for Economic Development, in addition to the delegated authority provided at its meeting on 7 January 2020, to negotiate, resolve and agree any matters on behalf of the Council arising post-consent, should one or either of the projects be consented by the Secretary of State for Business, Energy and Industrial Strategy (BEIS).

Is the report Open or Exempt?	Open
Wards Affected:	<p>Directly: Aldeburgh & Leiston,</p> <p>Indirectly: Southwold, Wrentham, Wangford & Westleton, Kessingland, Kirkley & Pakefield, Harbour & Normanston, Gunton & St Margarets, Lothingland, Kelsale & Yoxford, Saxmundham</p>
Cabinet Member:	<p>Councillor Craig Rivett</p> <p>Deputy Leader and Cabinet Member with responsibility for Economic Development</p>
Supporting Officers:	<p>Philip Ridley</p> <p>Head of Planning and Coastal Management</p> <p>philip.ridley@eastsoffolk.gov.uk</p> <p>Naomi Goold</p> <p>Senior Energy Projects Officer</p> <p>naomi.goold@eastsoffolk.gov.uk</p>

1 INTRODUCTION

- 1.1 The EA1N and EA2 offshore wind farms are being developed by East Anglia One North Limited and East Anglia Two Limited (referred to as 'the Applicants'), which are wholly owned subsidiaries of SPR which itself is owned by Iberdrola, a Spanish based company. EA1N and EA2 are both defined as Nationally Significant Infrastructure Projects (NSIPs) under the 2008 Planning Act. Both projects were submitted to the Planning Inspectorate on 25 October 2019 seeking Development Consent Orders (DCO) and the applications accepted as valid on 22 November 2019. The DCOs will be determined by the Secretary of State for BEIS.
- 1.2 Following acceptance, the Applicants publicised the applications and provided a deadline of 27 January 2020 for the submission of Relevant Representations on the projects. A Relevant Representation is a summary of a stakeholder's views on the applications in writing. The examinations were due to start in March 2020 but the Preliminary Meeting, the close of which signifies the start of the examination, had to be postponed due to Covid-19 and the public health situation. The Preliminary Meeting was rescheduled and held in two parts on 16 September and 6 October 2020, and the examinations began 7 October 2020. The examinations must conclude within a six month period, so the close of the examinations will be 6 April 2021.
- 1.3 EA1N is an offshore wind farm project located approximately 36km from Lowestoft in an area of 208km² with a potential generating capacity of 800 megawatts (approximately 710,000 households) generated by up to 67 turbines. There will be cables running from the offshore element coming ashore at Thorpeness on the East Coast and travelling westwards to connect into a new substation proposed to be constructed immediately to the north of Friston. The proposal includes a separate National Grid substation that is essential to connect into the overhead powerlines that run from Sizewell B to Bramford – north west of Ipswich.
- 1.4 EA2 is an offshore wind farm project located approximately 33km from its nearest point to the coast, Southwold, in an area of 218km² with a potential generating capacity of up to 900 megawatts (approximately 800,000 households) generated by up to 75 turbines. As above, there will be cables running from the offshore element coming ashore at Thorpeness on the East Coast and travelling westwards to connect into a new substation proposed to be constructed immediately north of Friston. The proposal similarly includes a separate National Grid substation that is essential to connect into the overhead powerlines as above. However, each project must apply for the National Grid substation in order to connect into the overhead powerlines but only one National Grid substation will be constructed should both DCOs be consented.

- 1.5 Each project will have their own separate substation alongside the National Grid substation. The proposals assess different scenarios for construction including the projects being constructed simultaneously or consecutively.
- 1.6 East Suffolk Council is working very closely with Suffolk County Council on these projects.
- 1.7 Under the Climate Change Act 2008, UK Government set a 2050 target to reduce CO₂ emissions by 80%, in June 2019 new legislation was signed that commits the UK to a legally binding target of net zero emissions by 2050. Clean growth is at the heart of this aim and supporting and promoting renewable energy over older and dirtier energy resources is a key component of the plan. The Offshore Wind Sector Deal includes an ambition for offshore wind to deliver 30GW of generating capacity by 2030, but the UK Government has pledged to increase the sector's 2030 goal to 40GW. The Climate Change Committee identified that 75GW of offshore wind capacity would be needed by 2050 to achieve net zero emissions. The Prime Minister also set out recently in his ten point plan for a Green Industrial Revolution, the ambition that the UK will produce enough offshore wind to power every home, quadrupling how much we produce and supporting up to 60,000 jobs. The ten point plan and newly published Energy White Paper both reaffirm the commitment to 40GW by 2030 and illustrate the ambition for a cleaner, greener future for this country.
- 1.8 We recognise the significant contribution East Suffolk will make towards these ambitions by virtue of its geographical proximity to advantageous offshore seabed conditions, and strategic onshore electrical infrastructure. We also recognise the importance of this industry economically to local ports and the towns of Lowestoft and Great Yarmouth.
- 1.9 A report was taken to Cabinet on 7 January 2020 to seek delegated authority to enable the Council to fully engage with the examinations. The report provided a summary of the main concerns in relation to the projects and set out the Council's position, a draft Relevant Representation and early draft Local Impact Report were attached. The recommendations agreed by Cabinet have been set out below:

RECOMMENDATIONS AGREED BY CABINET ON 7 JANUARY 2020

1. That Cabinet grants the Head of Planning and Coastal Management in consultation with the Deputy Leader and Cabinet Member for Economic Development authority to fully engage with the Pre-examination and Examination stages of the Development Consent Order process in relation to EA1N and EA2 offshore wind farm projects. This will include:

- Submission of Written Representations to expand upon the Relevant Representation where necessary,
 - Submission of Statements of Common Ground between the application and the Council,
 - Attending/authorising technical officers to participate at Preliminary Meetings/hearings/accompanied site visits,
 - Responding to Examining Authority's questions and requests for further information,
 - Commenting on other interested parties' representations and submissions as appropriate,
 - Signing planning obligations if required.
 - Any other requirements not yet identified.
2. That the Head of Planning and Coastal Management in consultation with the Deputy Leader and Cabinet Member for Economic Development be authorised to make amendments to the draft Relevant Representation and early draft Local Impact Report as agreed with appropriate representatives of this Council prior to their submission to PINS.
 3. That following agreement by the Cabinet of East Suffolk Council, the draft Relevant Representation set out in Appendix A and summarised below, subject to any agreed amendments, be submitted to PINS.
 4. That PINS is informed by the Relevant Representation that East Suffolk Council recognises the national benefit these projects will bring in meeting the renewable energy targets and creating sustainable economic growth in Suffolk provided this is achieved without significant damage to the local built and natural environment, local communities and tourist economy. Notwithstanding this, the Council has significant concerns on the following matters:
 - Landscape and Visual Effects
 - Noise
 - Design and Masterplan
 - Traffic and Transport
 - Seascape and Visual Effects
 - Cumulative Impacts
 - Measures to address residual impacts of the projects

The Council also has concerns or wishes to make representations in a number of additional areas which have been outlined below:

- Socio-Economic Impacts
- Heritage
- Air Quality
- Public Rights of Way
- Flood Risk
- Ecology
- Coastal Change
- Archaeology
- Construction Management

East Suffolk Council is supportive of the principle of offshore wind development, recognising the strategic need for zero carbon energy and the contribution the industry can make to sustainable economic growth in Suffolk. This must however be achieved without significant damage to the environment, local communities and tourist economy of East Suffolk. The projects as designed to

date will result in significant impacts as set out above, particularly in relation to the environment around the substation site and significant effects on the designated landscape. Based on the current submissions East Suffolk Council objects to the overall impact of the onshore substations and raises significant concerns regarding the significant effects predicted from the offshore turbines on the Suffolk Coast and Heaths AONB.

5. That following agreement by the Cabinet of East Suffolk Council, the early draft Local Impact Report set out in Appendix B, subject to appropriate amendments, be submitted to PINS by the relevant deadline.
6. That this Council continues to engage with SPR to identify means by which the impact of the proposals can be mitigated and/or compensated if the developments do take place and seek appropriate s106 agreements to secure the necessary mitigation and/or compensation.
7. That Cabinet notes the continued work with Government, namely MHCLG and BEIS with regards to the cumulative impacts on East Suffolk of the numerous energy projects existing and forthcoming.

1.10 East Suffolk Council submitted their Relevant Representation by the appropriate deadline in January this year. The Local Impact Report was prepared jointly with Suffolk County Council and submitted at Deadline 1 (2 November 2020) of the examinations as required.

1.11 The Council continues to be supportive of the principle of offshore wind development, both in terms of seeking to reduce carbon emissions and creating sustainable economic growth in Suffolk. This includes providing for long term employment for some of our coastal communities, provided this can be achieved without unacceptable impacts to the environment, residents and the tourist economy of Suffolk.

1.12 We have continued to work with the Applicants since the submission of the applications to seek to address areas of concern and narrow the issues in dispute as is expected and appropriate during the DCO process.

2 PLANNING POLICY CONTEXT

2.1 The Planning Act 2008 makes provision for National Policy Statements, which set out the policy framework for determination of NSIP applications. The three NPSs of relevance are EN-1 (Overarching NPS for Energy), EN-3 (NPS for Renewable Energy Infrastructure) and EN-5 (NPS for Electricity Networks Infrastructure). The Government has pledged within the Energy White Paper published on 14 December 2020 to review the energy NPSs by the end of next year. At the present time however, these policy statements continue to provide the relevant policy framework against which to assess these projects.

2.2 The revised National Planning Policy Framework (NPPF) published in 2019 does not contain any specific policies for NSIPs but remains a material consideration.

2.3 The new Local Plan 2020 covering the former Suffolk Coastal area was adopted by Full Council on 23 September 2020 and is now a material consideration. It includes policy

SCLP3.5 'Proposals for Major Energy Infrastructure Projects'. This policy identifies the need to mitigate the impacts arising from such developments and will be used to guide the Council. The Council's Local Impact Report provides further guidance on relevant planning policy and can be viewed using the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-002816-DL1 - Suffolk County Council - LIR.pdf>. It should be noted however that NPS's will usually over-ride local planning policy.

- 2.4 It is clear, as set out in paragraph 1.7, that the UK Government considers that offshore wind has a significant role to play in not only helping to deliver net zero ambitions but also in the economic recovery post Covid-19. There is therefore clear Governmental support for the delivery of offshore wind projects.

3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 3.1 The East Suffolk Strategic Plan 2020-2024 recognises the energy sector as a key sector for East Suffolk and identifies renewables energy as a key priority.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 4.1 SPR are funding the Council's officers through an agreed financial arrangement which involves the charging of SPR for officer time on an hourly basis. We also work closely with other partners including Suffolk County Council and engage with other statutory bodies to ensure we fully address all aspects of the development. East Suffolk Council will be taking the lead during the Examination in areas that we are the responsible authority for including design, heritage, conservation, coastal management, tourism, noise and landscape. Suffolk County Council will be leading on highways matters including public rights of way as part of their responsibility as the Local Highway Authority, local flood risk and drainage matters as part of their responsibility as the Lead Local Flood Authority and in relation to archaeology, emergency planning and public health.

5 OTHER KEY ISSUES

- 5.1 This report has not carried out an Equality Impact Assessment, as this Council is a statutory consultee in the NSIP planning process, it is the responsibility of the Applicants to carry out an Equality Impact Assessment.

6 CONSULTATION

- 6.1 The Council has not carried out its own formal consultation with town and parish councils and we are not obliged to do so by the NSIP process. There are a number of action groups formed in relation to the proposals and we have engaged with them where we

have been able to. We have also undertaken internal consultation with technical officers and continued to engage with other relevant external stakeholders.

7 PROPOSALS

- 7.1 The previous Cabinet report on 7 January 2020, in summary, proposed that the Council is supportive of the principle of offshore wind development, provided this can be achieved without significant unacceptable damage to the environment, residents and tourist economy of Suffolk.
- 7.2 The Councils however considered the projects as designed at that time would result in unacceptable significant impacts, particularly in relation to the environment around the substation site and significant effects on the designated landscape without sufficient mitigation or compensation proposed. Based on the submissions at that time, the Council objected to the overall impact of the onshore substations and raised significant concerns regarding the significant effects predicted from the offshore turbines on the Area of Outstanding Natural Beauty (AONB). The Council also highlighted a number of other concerns in relation to the impacts of the developments.
- 7.3 In order to address some of the Council's concerns a package of mitigation measures and compensation measures have been proposed by the Applicants. These have been carefully assessed with regards to the potential improvements and mitigatory and compensatory measures that could be achieved if the proposals are accepted by the Council. The report details these measures. At the end of this section there are tables which summarise the package of measures/funds that were proposed ahead of the Examinations commencing (Paragraph 7.84, Table 1) alongside the enhanced offer that has now been presented by SPR (Paragraph 7.87, Table 2).

Offshore Elements

- 7.4 The Applicants identified through the Seascape and Landscape Visual Impact Assessment (SLVIA) that the offshore infrastructure associated with EA2 alone and in combination with EA1N, will result in significant adverse landscape and visual effects on the character and special qualities of the AONB. The offshore turbines will have a significant and long-term negative impact on the nationally designated landscape. The horizon and sea views along this coastline are largely uncluttered and as such contribute to the character of place and setting of the AONB and Heritage Coast.
- 7.5 The Council did not consider at the time of preparing the Cabinet report, that the Applicants had demonstrably exhausted all reasonable mitigation measures in terms of the design of the schemes, including the turbine heights. Following further review and engagement with the Applicants and Natural England, it has also been accepted that

EA1N will not contribute significantly to the cumulative effects on the AONB with EA2 and therefore further mitigation to EA1N cannot be justified.

- 7.6 It should be noted that the principal consultee in respect of the impacts of the developments on the AONB and their significance is Natural England and therefore we will ultimately be deferring to Natural England on this matter.

New Mitigation/Compensation Measures – Offshore

- 7.7 The Applicants have committed to a reduction in the maximum height of the turbines proposed for both projects from 300m to 282m. This is a welcomed revision which will help to reduce the impacts of the projects.
- 7.8 In addition to the reduction in the maximum height of the turbines of both projects, the Applicants accept that residual impacts as a result of EA2 on the AONB will remain and that these cannot be fully mitigated. In response and as a result of engagement with the Council, the Applicants have proposed a compensatory fund which will support the delivery of measures to offset the harm caused to the AONB. The fund provides £465,000 for measures to support access, environmental and ecological enhancements to the AONB.
- 7.9 The compensation would be utilised to fund projects which seek to strengthen the existing qualities of the AONB. Although the Council consider that further mitigation measures to the layout and height of the turbines of EA2 remain possible, and this is a view we will express during the examination, we accept that a fund provides a level of compensation for the identified residual impacts.

Onshore Elements

- 7.10 The projects share the same Onshore Order Limits and therefore the impacts of the projects have been discussed together below. The report will now seek to outline what issues were raised in the previous Cabinet report and what measures the Applicants have proposed to address them.

Substation Site

- 7.11 The Council raised an objection to overall impact of the onshore substations. Based on the information available at the time, the Council raised significant concerns in relation to the onshore substation infrastructure associated with EA1N and EA2 and their impacts on landscape and visual amenity, noise, design, cumulative impacts and the level of mitigation/compensation proposed. In addition, the Council raised concerns regarding heritage, public rights of way and flood risk. Collectively, when these areas of concern were taken together, it was considered that they would have a significant adverse impact

on the environment around the substation site. The mitigation proposals presented at the time did not satisfactorily address the concerns raised.

- 7.12 The Council has been engaging with the Applicants to seek positive changes to the design of the substations in addition to measures to strengthen the mitigation and compensation measures provided in relation to the substations site.

Landscape and Visual Amenity

- 7.13 The impacts of the substations and National Grid connection infrastructure on landscape and visual amenity was highlighted in the Council's Relevant Representation as a significant concern. The projects will result in significant visual impacts and permanent change to the character of the landscape at the substations site, including the surroundings and amenity of the village of Friston.
- 7.14 There is also a concern that the Applicants have not fully understood the impact on the character and significance of the historic landscape character. The Council has therefore requested that further assessment is undertaken in relation to this.
- 7.15 The effectiveness and timeliness of the proposed mitigation planting was expressed as a concern as the assumed growth rates are not considered reasonably likely to be achieved in the local conditions. Concerns have also been expressed regarding the degree to which the visualisations accurately represent the mitigation planting at year 1 and 15 post construction. The year 1 visualisations included unsecured early planting and some of the year 15 images showed planting, trees and vegetation of a significantly greater maturity than the 15 years growth specified. The Council has been engaging with the Applicants to address these concerns and requested updated visualisations be provided.
- 7.16 The Council has continued discussions with the Applicants regarding the representation of the planting within the visualisations. The Applicants have now provided a selection of updated visualisations which provide a more realistic depiction of the proposed mitigation planting at year 15, early planting has also been removed from the images. The Applicants have also committed to the provision of further mitigation planting at the substations site and provided more information regarding the location of early planting which is detailed in the Outline Landscape and Ecological Management Strategy (OLEMS). In order to help address the concerns regarding the proposed growth rates and timeliness and effectiveness of the mitigation, in addition to early planting, the Council has requested the Applicants commit to more adaptive and dynamic programme of planting aftercare and maintenance. The Applicants confirmed this commitment at Deadline 3 of the examinations.
- 7.17 As the Landscape and Visual Impact Assessments (LVIAs) identify significant residual impacts on the landscape character and visual amenity, the Council has requested that offsite planting is provided. Offsite planting should be provided in strategic locations to reinforce field boundaries and public rights of way in the locality. A mechanism to provide funding for this additional planting has now been agreed.

- 7.18 In addition to seeking further mitigation planting the Council has been engaging in positive discussions with the Applicants to secure further embedded mitigation in the form of reductions in the size and scale of the substation infrastructure. Commitments to such reductions were secured at Deadlines 2 and 3 of the examinations and will be highlighted within this report.
- 7.19 The long term management of the site has also been highlighted as a concern as insufficient information was provided in the Environmental Statements to detail how this will be managed for the lifetime of the site's operation. The Council will continue to engage with the Applicants to seek appropriate commitments in this regard.

Noise

- 7.20 Significant concerns were raised in the Relevant Representation regarding the adequacy of the noise assessment which it is considered underestimates the noise impacts at the substations site. The Council is particularly concerned that the Applicants assumed background noise level is an overestimate of the typical background sound levels at the receptors and therefore the setting of an operational noise rating level of 34dB set by the draft DCOs, will result in a greater significance of effect. The assessments have also not considered non-residential receptors. If consented, the projects will change the sound climate in the surrounding area on a permanent basis.
- 7.21 The Council is aware of existing and potential connection offers being made by National Grid which could result in further development in the locality. Future assessments would then be based on the 'new' sound climate including the EA1N and EA2 projects and result in continued noise creep.
- 7.22 The Council has been engaging with the Applicants to seek further information and clarifications on the modelling and it is understood the Applicants will be providing further information during the examinations. This however remains an area of professional disagreement. The Council will continue during the examination to highlight our significant concerns regarding the operational noise impact of the substations.

Heritage

- 7.23 The Council's Relevant Representation set out our concerns regarding the impact of the projects to the significance of a number of listed buildings which surround the substations site due to the impact of the developments on their setting. There is a concern that the assessments under predict the level of harm caused to a number of the assets. The projects will also result in the loss of a track/public right of way which also comprises the historic parish/Hundred boundary between Friston and Knodishall which runs directly through the middle of the proposed substations location. The Council's concerns were set out to the Examining Authority during the second Issue Specific Hearing held at the beginning of December.
- 7.24 The Council has discussed the areas of concern in relation to the assessments with the Applicants, but this remains an area of professional disagreement. It is not possible to mitigate the effects of the projects through landscaping and therefore the Council

considers that appropriate compensation is necessary. The Council will continue to engage with the Applicants to seek commitments for further reductions in the size of the onshore substations but has also secured a commitment from the Applicants to provide compensation.

Flood Risk

- 7.25 Although recent flood events in Friston are not thought to have had their origin within the proposed substations site, the information within the submissions is not sufficient to determine how the proposed development would interact with existing drainage patterns. Further information is also being sought to demonstrate there is sufficient space within the Order Limits to accommodate infiltration features in addition to attenuation features at an agreed discharge rate. Suffolk County Council as the Lead Local Flood Authority are leading on this issue during the examination. Discussions with the Applicants are ongoing in relation to this matter.

Public Rights of Way

- 7.26 The projects will result in the access network around the village of Friston being disrupted during construction and also during operation by virtue of the permanent loss of a key public footpath. The impact of the developments on the amenity and quality of the user experience of the public right of way network has not been adequately addressed. Suffolk County Council as the Local Highway Authority are leading on this matter during the examination. Discussions with the Applicants are ongoing in relation to this matter.

Substation Design

- 7.27 It is important to ensure that all reasonable endeavours have been made to minimise the scale of the substations through the exploration of opportunities for infrastructure consolidation, design refinement and potentially the use of gas insulated technology in the National Grid substation rather air insulated. There was and is still considered insufficient commitment within the submissions to ensure that the scale of the buildings and infrastructure associated with the substations will be minimised during the detailed design process if the projects are consented. This concern was highlighted within the Relevant Representation and the Council will continue to seek a firm commitment to this through the examinations.
- 7.28 The Applicants have provided an outline document which identifies the key design principles for the EA1N and EA2 substations. The Council has requested that a similar document is provided for the National Grid substation and that this infrastructure is subject of the same approval process post-consent with the local planning authority. The Applicants have agreed to this request. The Council has also requested further revisions to the outline design principles statements which we will continue to seek through the examinations.
- 7.29 The Council has also continued to engage with the Applicants seeking reductions in the overall footprint and height of the infrastructure and a commitment to take all

reasonable efforts to seek further reductions post consent during the design refinement process. The Applicants have recently confirmed a number of positive changes to the design of the onshore substations which will be detailed more fully in paragraphs 7.36-7.40.

Cumulative Impacts of Future Connections

- 7.30 The Council is aware of the two interconnectors (Eurolink and Nautilus) proposed by National Grid Ventures to be connected to the national grid in the Leiston area. It is however understood that if the National Grid substation proposed under the EA1N and EA2 projects is consented, this would be the point of connection for the interconnector projects also. In addition to the interconnector proposals, the Council has been made aware that the Five Estuaries offshore wind project (formerly Galloper Extension) was given a preliminary connection offer at the proposed substation immediately north of Friston village. This illustrates that the National Grid substation proposed within the applications is being seen by National Grid as a strategic connection point for future projects. This is without the potential impacts being cumulatively assessed, and without any of this future development being considered within the existing design considerations for the site. The Council continues to request that as a minimum the works to the National Grid substation which are necessary to accommodate the future connections should be considered in a Cumulative Impact Assessment (CIA).
- 7.31 The Applicants are of the view that their CIA is robust and in accordance with guidance and therefore have not yet committed to further work in this area. The Council highlighted the concerns regarding the cumulative impacts of future projects during the second Issue Specific Hearing held at the beginning of December and will continue to raise significant concerns regarding this matter during the examinations.

New Mitigation/Compensation Measures – Substations Site

- 7.32 As stated above, the Council has continued to engage with the Applicants to secure a more appropriate package of mitigation/compensation for the substations site. The key areas of concern have been set out above and some of the key measures to address these outlined below.
- 7.33 *Adaptive aftercare management:* The Applicants have committed to an adaptive aftercare management regime in relation to the substation mitigation planting – this will allow the aftercare period of 10 years to be suspended and measures employed if the planting did not achieve pre-set objectives. Notwithstanding the Council's position on growth rates, this measure seeks to provide the Council with greater confidence that the mitigation planting will be able to be delivered in a timelier manner. If parts of the planting suffer delayed growth or fail, the supervised aftercare period would effectively extend beyond the ten years.
- 7.34 *Additional Planting and Location of Early Planting* – The Applicants have committed to the provision of further mitigation planting at the substations site and also provided

further details regarding the locations of early planting. This additional planting similarly seeks to help provide more timely and effective mitigation and is welcomed.

- 7.35 *Selection of updated visualisations* – The Applicants have provided a selection of updated visualisations to illustrate a more realistic depiction of the mitigation planting at year 15 and the removal of the early planting. The visualisations also seek to illustrate the proposed design improvements which have been secured. This is welcomed as the planting currently depicted shows trees of a greater maturity than 15 years.
- 7.36 *Design improvements:* The Applicants have committed to a reduction in the footprint of the project substations from 190m by 190m to 170m by 190m – the western extent of the substations will move 40m eastwards – the Council has been seeking a reduction in the onshore substation footprints. This change allows the retention of a wooded area which would have been lost based on the previous proposals.
- 7.37 The Applicants have also committed to reductions in the maximum heights of the EA1N and EA2 substation infrastructure. As a result, the maximum building and equipment heights within the DCOs for the substations will be 14m, which is a reduction of 1m for the buildings and 4m for the equipment compared to what was previously proposed. A 5m reduction has also been secured for the lightning protection masts, these will now be a maximum of 20m.
- 7.38 The Applicants have also refined the finished ground levels of the substations and confirmed that a reduction of 2m for the eastern substation and a reduction of 0.7m for the National Grid substation can be achieved.
- 7.39 The combination of the reductions in the height of the infrastructure and the refinement of the finished ground levels means that the maximum building and equipment height for the eastern substation will be 3m lower than that presented in the Environmental Statements, 1m lower for the western substation and for the National Grid substation 0.7m lower than previously proposed. In terms of the lightning masts these will be 7m lower for the eastern substation and 5m lower for the western than previously presented in the Environmental Statements.
- 7.40 These reductions in the footprint, maximum heights and finished ground levels of the onshore substations are welcomed. Should the projects be consented the Council will continue to seek further reductions post consent.
- 7.41 *Outline Design Principles Statements* - The Applicants have also committed to the production of an Outline Design Principles Statement for the National Grid substation, one has been produced for the EA1N and EA2 substations, this was in response to a request by the Council. The Council will seek to ensure that this statement applies to the National Grid substation but also the sealing end compounds which form part of the necessary connection infrastructure. The design principles can then be utilised during the post consent design refinement process. In addition, we will continue to push the Applicants through the examination process to commit to seeking further reductions in

footprint and height of the onshore substations infrastructure and also to seek a firmer commitment to achieve this post consent.

- 7.42 *Section 111 of the 1972 Local Government Act (s111) agreement:* This agreement secures a compensatory fund including an administration fee, to East Suffolk Council, which has been increased in recognition of the total impacts evidenced by the Council. The sums proposed in total for both projects combined which relate specifically to the impacts of the onshore substations include:
- a) £355,000 to provide further landscape, environmental, access and amenity improvements and enhancements to Friston and its vicinity.
 - b) £150,000 to undertake landscape, environmental, access and amenity enhancements within 1.5km of the substations.
 - c) £400,000 as a contribution towards measures relating to the preservation and enhancement of heritage assets and their settings in Friston and its vicinity.
- 7.43 The Council considers that sums provided by the s111 agreement could deliver:
- Strategic offsite planting in addition to this providing money for the local community/landowners to undertake their own private planting.
 - Noise mitigation measures.
 - Landscape and ecological enhancements through reinforcing hedgerows, new hedgerow planting, woodland planting etc.
 - Access improvements including potential creation of a new bridleway link between Snape and Friston, diversion of crossfield paths onto field headlands, improvements to the surface of public rights of way etc.
- 7.44 The reductions to the maximum design parameters of the onshore substations provide welcomed embedded mitigation for the developments. The additional mitigation and early planting proposed in addition to funding to provide offsite planting will help in time to reduce the visual impact of the developments. The Council also welcomes the Applicants agreement to adaptive aftercare and maintenance. It is not possible however to fully mitigate the impacts of the onshore substations and therefore the Applicants have sought to provide compensation to offset the harm caused. The measures above seek to help address the Councils concerns regarding the timeliness of the delivery of effective mitigation, provide compensation for the harm to heritage assets and provide compensation for the disruption to the public right of way network. Based on the information provided the Council is able to move towards a more neutral position on these matters but will continue to fully engage with the examination process highlighting areas of concern but not objection.
- 7.45 Notwithstanding the improvements we have secured, we still maintain a difference of opinion with regards to the adverse impact of noise from the onshore substations which we will be pursuing through the Examinations. We also maintain a difference of opinion regarding whether all reasonable measures have been undertaken to ensure the scale and size of the substations will be minimised and regarding the design of the National Grid substation and whether this should be designed to accommodate future known connections or at the very least the impact of the future connections considered in the

CIA. These will remain matters of significant concern until they are satisfactorily addressed.

- 7.46 The Council will also continue to support Suffolk County Council in raising outstanding concerns in relation to the areas they are leading on through the examinations.

Cable Route and Landfall

- 7.47 The Council's Relevant Representation did not raise an objection to the impacts of the construction works associated with the cable routes or landfall locations but some concerns were raised regarding the impacts on landscape and visual amenity, public rights of way, ecology, construction noise and the method of construction/construction management.
- 7.48 The Council has continued to engage with the Applicants and secured some positive changes in relation to the proposals. Significantly, the Applicants have committed to a more coordinated method of construction in the event the projects are consented and constructed sequentially. Further mitigation has also been secured to reduce the impact on bats during construction, reduce woodland loss and give consideration to sensitive locations along the cable route close to properties. The Applicants have also committed to the provision of compensatory measures in relation to landscape, AONB, public rights of way and ecology.

Landscape and Visual Amenity

- 7.49 The projects propose to underground the cabling in its entirety which it is recognised provides significant mitigation against the visual and landscape impacts. The development does however still result in the loss of numerous sections of important hedgerows and trees. These hedgerows are often characterised by substantial trees which if removed and not replaced would result in the significant adverse impacts on the landscape character persisting for longer than assessed. Whilst it is noted that the intention is to reduce the working width of the cable corridor (from 32m to 16.1m) wherever possible, this still represents a notable impact on the existing historic hedgerow pattern which is a key characteristic of the prevailing landscape character types.
- 7.50 The Applicants have confirmed to the Council that all reasonable measures will be taken in terms of minimising cable corridor widths and micro-siting during the post consent work to try and minimise the loss of important trees and sections of hedgerows. The Council has also secured compensatory measures.

Ecology

- 7.51 The Council raised concerns in the Relevant Representation that there are some ecological receptors which are either not fully assessed or have insufficient mitigation/compensation measured identified and secured by the draft DCOs. These include bats, hedgerows, woodlands and trees during construction and the designated

sites in relation to adverse impacts on air quality during construction. In addition, the Council has highlighted the lack of commitment to ecological enhancements.

- 7.52 The Council has been engaging with the Applicants on these matters to seek to address the concerns raised.

Public Rights of Way

- 7.53 The previous comments in relation to the substations site regarding the lack of assessment on the impact on the amenity and quality of the user experience of the rights of way network remains a concern. The construction works will result in the disruption to numerous public rights of way and although the applications have sought to address the logistical aspects of the closures, the impact on the amenity of the rights of way is not addressed. Suffolk County Council as indicated previously will be leading on this matter during the examinations but the Council has sought compensation in relation to the disruption caused.

Coastal Management

- 7.54 The Council's Relevant Representation highlighted that further information was necessary to demonstrate that the proposed works would not cause local cliff destabilisation or damage to the subsea crag outcrop. The Council has continued to engage with the Applicants and is now confident that this matter can be satisfactorily addressed.

Construction Noise

- 7.55 Significant levels of construction noise and vibration are likely to occur at some sensitive receptors during the construction periods. The Council is concerned that there is insufficient information presented in the submissions to determine if the noise predictions are representative and there is a concern that there may have been an underestimation of the noise impacts. It is however acknowledged that construction proposals cannot be fully developed until contractors are appointed and prediction methodology includes necessary assumptions. There are however certain points along the onshore Order Limits where construction works are very close to residential receptors and it is at these locations that the Council consider enhanced mitigation may need to be employed. The Council has continued to discuss this matter with the Applicants and raised this concern during the second Issue Specific Hearing at the beginning of December.

Method of Construction

- 7.56 The Councils consider that the Applicants should commit to the simultaneous construction of the projects, if however this is shown not to be possible, as a minimum the first project should install ducting for the second project and thereby reduce the level of disturbance caused to the local communities and environment. This was successfully achieved in relation to East Anglia One and East Anglia Three offshore wind projects. The

Applicants have made some positive commitments in relation to this which will be set out in the next section.

New Mitigation/Compensation for the Cable Route and Landfall Locations

- 7.57 As stated previously, the Council has continued to engage with the Applicants to secure appropriate mitigation and compensation, the new measures secured in relation to the cable route and landfall have been outlined below.
- 7.58 The s111 agreement previously discussed also secures compensatory funds to be provided to compensate for the residual impacts identified by the assessments along the cable route in relation to the projects. These include:
- £400,000 to be spent in the area from the landfall to the substation including the AONB to support landscape, ecological and habitat enhancement, improve the public rights of way network in the vicinity, and fund measures to strengthen the existing qualities of the AONB.
- 7.59 The Council considers that sums provided by the s111 agreement could deliver the following types of projects, which would help to offset some of the impacts identified in terms of landscape and visual amenity, public rights of way and ecology:
- Landscape and ecological enhancements through reinforcing hedgerows, new hedgerow planting, woodland planting etc.
 - Access improvements including creation of a new bridleway link from Leiston to Thorpeness and the coast, improvements between the links between Thorpeness and Aldeburgh etc.
 - Strengthen qualities of the AONB by funding projects which are linked to the AONB Management Plan and its objectives.
- 7.60 The Applicants have recently committed to reduce the onshore cable corridor widths to a maximum of 16.1m for one project or 27.1m for both projects through woodland to the east of Aldeburgh Road, Aldringham. This commitment mirrors the existing commitment for reduced corridor widths through woodland to the west of Aldeburgh Road. This will help to reduce woodland loss. The Applicants have also committed to a reduction in the working width at the Hundred River crossing.
- 7.61 In order to further address some of the Council's ecological concerns the Applicants have committed to providing additional information in relation to the impacts from construction traffic emissions on designated sites, further mitigation measures in the form of planted hurdles to maintain bat foraging and commuting routes during construction, and details regarding the ecological enhancements provided by the projects. The Council is continuing to discuss with the Applicants the stated ecological enhancements provided.
- 7.62 The Applicants have provided further information in the form of an Outline Landfall Construction Method Statement to address the concerns raised at the landfall. The Council is satisfied that the Outline Landfall Construction Method Statement covers Coralline Crag impact avoidance, management of cliff destabilisation by vibration risk and

other matters relating to the planning of works regarding potential coastal change, to an acceptable standard.

- 7.63 A revised Outline Code of Construction Practice was submitted at Deadline 3 which recognises that there are some sensitive locations along the cable route where residential properties are in close proximity to the Onshore Order Limits and therefore potential construction works. The Council will continue to work with the Applicants to seek appropriate commitments to mitigation in these locations within the final Code of Construction Practice.
- 7.64 The Applicants have also confirmed that should the projects be constructed sequentially, the ducting for the second project will be laid at the same time as the cabling for the first project. This commitment is welcomed and will help to reduce the construction impacts associated with the second project. This commitment will be secured through the DCOs. The Council will also continue to push for the Applicants to work with the Government through the BEIS Offshore Transmission Network Review to explore any opportunities for greater coordination between the projects.
- 7.65 The Council did not object to the works associated with the cable route or landfall and therefore our overall position will remain unchanged from that agreed at the Cabinet meeting in January, although during the examinations we will highlight where the new measures have addressed our concerns and continue to seek to reduce impacts of the projects where possible.

Project Wide Impacts

Socio-Economic Impacts

- 7.66 The Councils set out in their Relevant Representation that the developments have the potential to deliver significant positive socio-economic benefits, which are very much welcomed. There is a high-level ambition to develop a sustainable regional and national supply chain with the indirect benefit of increased education and training that the offshore projects can bring to the region. It is however important that every effort is made to ensure a significant proportion of these benefits is localised. It is recognised that whilst the positive benefits are regionally felt, the negative impacts of the developments are felt more locally.
- 7.67 Notwithstanding the positive socio-economic impacts which the projects could bring, the Council expressed concerns in relation to the cumulative pressures on the labour force and on accommodation for workers in combination with other major infrastructure projects, in particular the proposed Sizewell C new nuclear power station. The potential impact on tourism is not considered to be adequately addressed within the submissions especially when the results of the visitor survey undertaken by the Destination Management Organisation (2019) are considered. The Council is concerned that the projects will negatively impact on visitors' perceptions and therefore impact their behaviour during the construction phase(s).

- 7.68 The Council has been discussing these concerns with the Applicants and further information and mitigation measures have been provided.

Traffic and Transport

- 7.69 The Council has raised significant concerns within our Relevant Representation in relation to several highways matters. Suffolk County Council will be leading on this matter during the examinations as they are the Local Highway Authority. Concerns have been raised regarding the impacts of Abnormal Indivisible Loads (AILs) and the adequacy of the mitigation proposed by the Applicants. The A12/A1094 Friday Street junction has a history of collisions most notably relating to right turning vehicle movements across the A12. It is considered that the proposed developments will further exacerbate these issues given the increase of right turn movements associated with the projects. The mitigation proposed in the Environmental Statements set out below is not considered adequate:

- A reduction in the posted speed limit in advance of the junction from 50mph to 40mph;
- Provision of enhanced warning signage to better highlight the junction to approaching drivers; and
- Provision of 'rumble strips' and associated slow markings, to provide an audible and visual warning of the hazard to approaching drivers.

- 7.70 The increase in traffic will mean that there will be fewer gaps for vehicles to undertake turning manoeuvres. This is considered the most important transport issue arising from these projects. The Applicants have considered carefully the safety concerns highlighted in relation to the A12/A1094 junction and a potential solution has been identified.

- 7.71 The Council will also continue to support Suffolk County Council in seeking to address other highways concerns highlighted in the Local Impact Report.

Air Quality

- 7.72 The Council raised concerns in relation to the impacts of the projects from construction vehicle emissions at the Stratford St Andrew Air Quality Management Area (AQMA) in our Relevant Representation. The Council also raised some additional concerns regarding the effect of re-routed traffic, impacts on ecological receptors, port related traffic emissions and construction dust nuisance. The Applicants have provided additional information to seek to address our concerns and also agreed to contribute towards monitoring in the AQMA.

New Mitigation/Compensation for the Project Wide Impacts

- 7.73 The Applicants have provided a Socio-Economic Clarification Note which has addressed the Council's concerns regarding the cumulative impacts of the projects with Sizewell C on the labour force and demands for accommodation.
- 7.74 The Applicants have provided two Air Quality Clarification Notes and a Sizewell C CIA Clarification Note to seek to address the Councils air quality concerns. The Councils are continuing to engage with the Applicants on this matter and are hopeful of a positive resolution. The Applicants have also committed to updating the Outline Code of Construction Practice to provide greater clarity regarding dust mitigation and have provided of an Outline Port Construction Traffic Management Plan and Travel Plan which includes a commitment to consider air quality impacts as a result of port traffic. This further work is welcomed.
- 7.75 In addition to these measures the Applicants have also committed to the following:
- *Skills, Education and Economic Development Memorandum of Understanding (MoU)*: there have been *similar* MoUs for East Anglia One (EA1) and East Anglia Three (EA3), and we have been very pleased with the benefits and results that SPR has brought to the region through investment in skills and education. From an employment perspective, this MoU will include reference to 'best endeavours' to site the operations and maintenance base (O&M) in or around Lowestoft (where the EA1 operations and maintenance base is currently). The EA1 O&M base was part of a £25m investment in the Port of Lowestoft by SPR, providing approximately 100 long term jobs in addition to sustaining many more jobs in the supply chain. The MoU also commits to support local suppliers and work with SPR's supply chains to promote opportunities to maintain and raise the local content of offshore windfarms. As part of the EA1 project £45m was spent in construction contracts to companies within 9 miles of Lowestoft.
 - *Tourism Fund*: The Applicants have agreed to provide a fund of £150,000 to be used by East Suffolk Council in consultation with the Suffolk Coastal Destination Management Organisation and Suffolk County Council to support marketing campaigns to promote the area during construction and boost tourism. This will help to address the Councils concerns regarding the potential adverse impact on visitor perceptions caused by the construction of the projects.
 - *Friday Street Junction (A1094/A12)*: The Applicants have agreed to provide a traffic light solution to this junction to improve road safety, this will be funded wholly by the project working in conjunction with Suffolk County Council Highway Authority.
 - *Air Quality*: a contribution to a monitoring and mitigation fund (this is directly linked to the AQMA at Stratford St Andrew and indirectly linked to the Sizewell C project). This will provide funding to monitor emissions in the AQMA during construction of the projects. Should the Sizewell C project construct and have in

operation the Two Villages Bypass of Stratford St Andrew and Farnham prior to work commencing on EA1N or EA2, this contribution will be adjusted to reflect this.

- *Environmental Exemplar Memorandum of Understanding*: SPR are proposing an MoU signed by SPR, East Suffolk Council and Suffolk County Council, to collaborate on projects to support ambitious aims to improve biodiversity and drive the decarbonisation of energy used in homes and travel. The detail is still being developed collaboratively but a contribution of £500,000 (£250,000 per project) will be provided to enable the co-signatories and their agents to deliver projects within the communities neighbouring the onshore aspects of the EA1N and EA2 projects. It is expected that 50% of each project fund would be put into the trust following successful final investment decision and a further 10% would be released each year over a period of five years. The MoU can also be combined with other funds, such as those provided by EDF Energy in connection with Sizewell C, enabling the benefits to be maximised. The MoU could be utilised to support projects which seek to aid the net zero transition or enhance biodiversity/encourage the appreciation of it, such as:
 - Contribution to hydrogen or electric battery powered public transport;
 - supply of subsidised e-bikes for recreational use;
 - supply of EV community pool car;
 - Contribution to the installation of hydrogen electrolyzers;
 - Supply of individual home energy audits;
 - Provision of electricity distribution network feasibility/domestic supply;
 - enhance biodiversity and accessibility of the existing network or footpaths and cycle paths;
 - enhance existing publicly owned green spaces and verges for biodiversity;
 - create new spaces such as biodiversity banks or rewilding sites;
 - enhance access to tourist and recreational sites locally.
- *Community Benefits Fund*: This is a fund of £2.5m in total which will be provided by SPR on an annual basis at £100,000 per year to the Suffolk Community Foundation in recognition of the residual impacts to East Suffolk of hosting an offshore wind farm with its onshore requirements. This Fund will be available to the host communities to bid into.

7.76 The measures outlined above seek to address the key concerns the Council raised in their Relevant Representation and Local Impact Report regarding socio-economic and tourism matters, highways and air quality concerns around the Stratford St Andrew AQMA. The Council will continue to engage with the Applicants regarding any remaining concerns in relation to these matters and make appropriate representations at the examinations.

Council's Position on EA1N and EA2

7.77 In recognition that the principle of this development will accord with the Council's earlier declaration of a Climate Emergency, it is considered that the Council can move towards a

position of neutrality on both projects in recognition of the additional mitigating and compensatory measures provided by the Applicants for the majority of the projects. The additional pledge of investment into East Suffolk to promote overall green improvements, particularly in the locality of the two developments is a direct result of pressure from this Council. This investment covering a five-year period with an initial contribution followed by annual payments for five years, will be spent in the locality on projects that meet our agenda in addressing the climate emergency.

- 7.78 In addition to the measures outlined above, the Council is also working closely with the Applicants to address the remaining concerns outlined in the Councils Relevant Representation and Local Impact Report and will continue to raise these matters during the examinations until such time that they are adequately addressed.
- 7.79 Although the Council remains in positive dialogue with the Applicants, we continue to have significant concerns with regards to the proposed noise limit for the site and the associated impact on residential amenity and character of the area. We will continue to engage with the Applicants regarding the adequacy of the noise assessment and specifically regarding the background noise level and the considered underestimation of the operational noise impacts at the substations site. We will therefore continue to express significant concerns regarding the assessment of the projects in relation to operational noise aspects until such time that our concerns have been addressed.
- 7.80 The Council welcomes the Applicants commitment to reduce the size and finished ground levels of the onshore substations. The Council is however not yet satisfied that all measures have been undertaken to ensure that the size and scale of the onshore substations are minimised. We will therefore continue to pursue this matter during the examinations and express concerns until such time that our concerns are addressed.
- 7.81 There has also been no movement from the Applicants with regards to the cumulative assessment of the National Grid substation (which will need to be extended to accommodate other projects with offers from National Grid Electricity System Operator (NG-ESO) at Friston) as extended. The Council considers this to be a reasonable ask in this countryside location and will continue to challenge why the Applicants have not taken the opportunity to provide this requested assessment.
- 7.82 Notwithstanding the recommended change in the Council's overall position which is predominantly moving towards one of neutrality on these two projects, this Council continues to lobby Government to develop a more effective way to manage and coordinate the exploitation of offshore wind and its associated onshore infrastructure in a way that gives greater economies of scale and better protects the environment and local communities. We are actively involved in current and recent consultations being co-ordinated nationally and regionally to ensure a more co-ordinated approach in the future.
- 7.83 In addition to the above, this report also requests delegated authority to the Head of Planning and Coastal Management in consultation with the Deputy Leader and Cabinet Member for Economic Development, in addition to the delegated authority provided by Cabinet on 7 January 2020 to negotiate, resolve and agree matters on behalf of the

Council arising post-consent. This relates to the Council's ongoing responsibilities should either or both of the DCO's applied for by the Applicants be granted by the Secretary of State for BEIS.

Summary

- 7.84 At the time of the EA1N and EA2 Preliminary Meetings the Council maintained the concerns set out in this report as agreed at the Cabinet Meeting held on the 7 January 2020. As part of the considerations to enable that position to be agreed, the Council had regard to the mitigation set out in the Environmental Statements in addition to the compensation measures and MoU outlined in Table 1. This compensation, whilst welcomed, was not considered sufficient to adequately compensate for the impacts of the projects and overcome the Council's significant concerns.

Mitigation/Compensation Measure	EA1N	EA2
S111 Agreement		
Reduce, offset or compensate for construction impacts along the cable route from the landfall to the substation site including impacts on the AONB.	£120,000	£120,000
Provide further landscape and environmental improvement and enhancement to Friston and its vicinity	£70,000	£70,000
Undertake landscape and environmental measures to reduce, offset or compensate for the construction impacts of the Substation	£75,000	£75,000
Reduce, offset or compensate for longer term operational landscape and environmental impacts of the offshore infrastructure including measures to promote and support the special qualities of the AONB.	£0	£225,000
Contribution towards measures relating to the preservation and enhancement of heritage assets and their settings in Friston and its vicinity.	£200,000	£200,000
Total	£465,000	£690,000
Combined Total	£1,155,000	
Community Benefits Fund	£2.5m (£100,000 p.a. for 25 years)	
Skills, Education and Economic Development MoU	No fixed sum identified	

Table 1 – Key mitigation/compensation measures proposed at the time of 7 January 2020 Cabinet Meeting.

- 7.85 Since submission of the applications the Government has strengthened its commitment to offshore wind generation, reaffirming the target of 40GW by 2030, announcing the desire that offshore wind will be powering every home in the country in ten years and

pledging £160m to help upgrade ports and factories with the aim to create 2,000 jobs in construction and support a further 60,000. The Prime Minister's ten point plan and Energy White Paper also illustrate the ambition for a green recovery of the economy after Covid-19. As stated in paragraph 1.7, we recognise the importance economically of this industry to local ports and particularly towns of Lowestoft and Great Yarmouth. EA1 awarded a 30-year contract worth £25m and a further £45m in construction contracts to companies within 9 miles of Lowestoft. Jobs opportunities were created during the offshore and onshore construction period but also in relation to the O&M requirements. The EA1 MoU also secured commitments from SPR to support skills development, which included:

- Sponsoring Science, Technology, Engineering and Mathematics (STEM) events.
- Promoting careers in the offshore wind sector and STEM subjects to students in East Anglia.
- £200,000 to fund Masters Scholarships in engineering and environmental sciences.
- Working with East Coast College to support the Offshore Wind Skills Centre and sponsor students through programmes.

7.86 The Council recognising from the experience of EA1 that the projects have the potential to bring significant economic and skills benefits to East Suffolk. These benefits are considered especially important given the current challenges in the economy.

7.87 In the intervening months, following constructive negotiations with SPR the Council has now been presented with an improved set of mitigation/compensation measures in addition to further information/clarification on a number of matters. When these measures are taken collectively, they are considered sufficient to enable a recommendation to be presented which allows the Council to remove its objection to the overall impact of the onshore substations. The enhanced offer is set out below in Table 2. However, the Council still has significant concerns with the likely noise impact in the vicinity of the substation, the cumulative impacts of additional proposals coming forward nearby and regarding the design of the substations. The Council is committed to working with the Applicants and others to seek the best outcome to these proposals if the Secretary of State were to consent these schemes. The Council acknowledges the benefits of providing more offshore wind capacity to meet national requirements and East Suffolk Council needs to be a positive part in that process. However, this is not at any price and we will seek to get the best package available to offset harm.

New Mitigation/Compensation Measure	EA1N	EA2
S111 Agreement		
Sums to support ecological, landscape and habitat enhancements, improve the public rights of way network and strengthen existing qualities of AONB in Landfall to substation area.	£200,000	£200,000
Sums to undertake landscape, environmental, access and amenity enhancements within 1.5km of the substation.	£177,500	£177,500

Sums to provide further landscape. Environmental, access and amenity improvements and enhancements to Friston and its vicinity.	£75,000	£75,000
Sums for measures to support access, environmental and ecological enhancements to the AONB.		£465,000
Contribution towards measures relating to the preservation and enhancement of heritage assets and their settings in Friston and its vicinity.	£200,000	£200,000
Sums to administer the fund	£44,250	£44,250
Total	£696,750	£1,161,750
Combined Total	1,858,500	
Environmental Exemplar MoU	£250,000	£250,000
Tourism Fund	£150,000	
Community Benefits Fund	£2.5m (£100,000 p.a. for 25 years)	
<p>Modifications to project design and mitigation:</p> <ul style="list-style-type: none"> • Reduction in the size of the EA1N and EA2 onshore substations from 190m by 190m to 170m by 190m. • Reductions in the maximum height of the substation infrastructure and lowering of finished ground levels of the eastern substation and National Grid substation. • Adoption of adaptive aftercare and maintenance in relation to the mitigation planting around the substation. • Additional mitigation planting at the substations site • Further details of early planting at the substations site. • Commitment that the ducting for the second project will be laid at the same time as the cabling for the first. • Provision of a National Grid substation design principles Statement • Commitment to provide planted hurdles • Reduced maximum cable corridor width in area of woodland west of Aldeburgh Road, Aldringham • Submission of Outline Landfall Construction Method Statement • Update to Outline Code of Construction Practice • Reduction in the height of the offshore turbines from 300m to 282m 		
Air Quality - Contribution to monitoring and mitigation at the Stratford St Andrew AQMA.	Final sums still to be agreed	
Highways - Funding of a traffic light solution to the A12/A1094 junction to improve road safety.	Final cost not yet known	
Skills, Education and Economic Development MoU	No fixed sum identified	

8 OTHER OPTIONS CONSIDERED

- 8.1 The Cabinet could vary the response proposed in the recommendations and retain the current position agreed at the 7 January 2020 Cabinet meeting.

9 REASON FOR RECOMMENDATION

- 9.1 As statutory consultee in the NSIP process for EA1N and EA2, the Council has been carefully scrutinising the information on the projects as submitted and continues to challenge the Applicants on specific areas in order to affect change where appropriate (i.e. reducing the scale and massing of onshore infrastructure to minimum levels possible to reduce adverse impacts and challenging noise levels and resulting impacts from the onshore substation sites). The Council will continue to seek amendments to the projects to address our remaining concerns but in doing so the Council acknowledges the potential these schemes and others have in meeting national climate change/energy opportunities.

RECOMMENDATIONS

1. That the Cabinet is recommended that in negotiation with the Applicants on statements of common ground and in responses to the Planning Inspectorate/Examining Authority that East Suffolk Council continues to support the principle of offshore wind as a significant contributor to the reduction in carbon emissions and for the economic opportunities that they may bring to ports in the NALP geography that could support the construction and maintenance of the windfarms. Notwithstanding this, the Council:
 - a) Is neutral in relation to EA2 and the predicted offshore effects of the proposal on seascape, coastal landscapes, character and qualities of the AONB and cumulatively with EA1N due to the amendments made to the offshore wind turbine heights and provision of compensation.
 - b) Is moving towards a predominantly neutral position in relation to the overall impact of the onshore substations on EA1N and EA2 individually and cumulatively on the village and environs of Friston. The Council acknowledges that the onshore infrastructure is out of character with the village but recognises that the Applicants are seeking to provide embedded mitigation as part of their project which coupled with the mitigation and compensation packages proposed will enable the Council working with partners to provide additional improvements in addition to the embedded project mitigation.
 - c) Maintains significant concerns with regards to the impact of operational noise levels at the onshore substations site which will have an adverse impact on residential amenity and the character of the area until such time that appropriate and suitable mitigation or compensation is secured.
 - d) Maintains significant concerns with regards to the lack of cumulative assessment of the National Grid substation in its extended form, until such a time as this is considered to be adequately and appropriately addressed.
 - e) Maintains concerns with regards to the design of the onshore substations until such time that the Council's concerns are adequately and appropriately addressed.

- f) Accepts the additional provision pledged with regards to: revisions to the A1094 junction with the A12 which will significantly improve road safety at this junction which is welcomed; a contribution to air quality monitoring/mitigation of the Stratford St Andrew AQMA; a contribution to a Tourism Fund to provide additional marketing of East Suffolk in conjunction with the Suffolk Coast Destination Management Organisation and the commitment to lay ducting for the second project at the same time as the cabling for the first if they are constructed sequentially.
 - g) Accepts the s111 funds which will enable the provision of compensatory measures to help offset the impacts of the projects.
 - h) Accepts an environmental exemplar fund to support ambitious aims to improve biodiversity and drive the decarbonisation of energy used in homes and travel.
 - i) Will continue to engage with the Applicants to seek to address the matters of concern raised in the Relevant Representation and Local Impact Report and will raise these matters of concern during the examination as appropriate.
2. That authority be delegated to the Head of Planning and Coastal Management, in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development to revise the Council's position on the projects if the matters of concern are adequately and appropriately addressed.
 3. Should the DCOs for EA1N and/or EA2 be granted by the Secretary of State for BEIS, Cabinet is recommended to delegate authority to the Head of Planning and Coastal Management, in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development to:
 - Discharge requirements of granted DCOs.
 - Facilitate the Council's responsibilities under any Section 111/Memorandum of Understanding/agreement.
 - Consider and respond to any minor revisions to the DCOs proposed.

APPENDICES – None

BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
7 Jan 2020	Cabinet Report	CMIS
Ongoing	EA1N DCO documentation and process	https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/
Ongoing	EA2 DCO documentation and process	https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/

Minutes of a Meeting of the **Cabinet** held via Zoom, on **Tuesday, 5 January 2021** at **6:30 pm**

Members of the Cabinet present:

Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Maurice Cook, Councillor Steve Gallant, Councillor Richard Kerry, Councillor James Mallinder, Councillor David Ritchie, Councillor Craig Rivett, Councillor Mary Rudd, Councillor Letitia Smith

Other Members present:

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Mike Deacon, Councillor John Fisher, Councillor Louise Gooch, Councillor Tracey Green, Councillor Mark Jepson, Councillor Keith Robinson, Councillor Rachel Smith-Lyte, Councillor Ed Thompson, Councillor Caroline Topping, Councillor Steve Wiles

Officers present: Stephen Baker (Chief Executive), Damilola Bastos (Finance Planning Manager), Kerry Blair (Head of Operations), Karen Cook (Democratic Services Manager), Neil Cockshaw (Programmes and Partnership Manager), Mark Fisher (Procurement Manager), Cairistine Foster-Cannan (Head of Housing), Naomi Goold (Senior Energy Projects Officer), Laura Hack (Delivery Manager), Andrew Jarvis (Strategic Director), Nick Khan (Strategic Director), Fern Lincoln (Housing Needs Service Manager), Paul Mackie (Strategic Funding Manager), Matt Makin (Democratic Services Officer), Sue Meeken (Political Group Support Officer (Labour)), Brian Mew (Chief Finance Officer & Section 151 Officer), Tamzen Pope (Coastal Engineering and Operations Manager), Nicole Rickard (Head of Communities), Philip Ridley (Head of Planning and Coastal Management), Lorraine Rogers (Deputy Chief Finance Officer), Deborah Sage (Political Group Support Officer (GLI)), Tim Snook (Commercial Contracts Manager (Leisure)), Karen Thomas (Head of Coastal Partnership East)

1 Apologies for Absence

Apologies for absence were received from Councillor Cackett.

2 Declarations of Interest

Councillor Rivett declared a local non pecuniary interest in respect of agenda item 14, as he sat on the Lowestoft Flood Risk Management Project Board, as a Suffolk County Councillor.

Councillor Jepson declared a local non pecuniary interest in respect of agenda item 7, as he sat on the Felixstowe Citizens' Advice Board.

Councillor Mallinder declared a local non pecuniary interest in respect of agenda item 6, as he was Vice Chairman of the Suffolk Coast and Heaths AONB Advisory Committee.

Councillor Cooper declared a local non pecuniary interest in respect of agenda item 7, as he sat on the Leiston and Aldeburgh Citizens' Advice Board.

3 Announcements

The Leader of the Council referred to Covid-19 and the further period of lockdown restrictions that had recently been announced; he stated that he fully supported the measures introduced by the Government, particularly in light of the new variants which were in circulation, and which were dramatically increasing the transmissibility of the virus. Additionally, the virus was spreading quickly in the East of England and far more East Suffolk residents and communities were being affected by this latest wave. The Leader stated that he knew there was light at the end of the tunnel and that vaccinations would make a huge difference in the months to come. However, for now, East Suffolk must follow the guidance laid down and do its bit to help slow the spread of the virus. The residents and communities of East Suffolk had shown an incredible resolve during the past nine months and the Leader stated that he knew this had been an incredibly difficult time for many people. Naturally, ESC would continue to provide support and would work with businesses to ensure they received the funding payments they needed and ESC would work in its local communities to make sure residents were supported, particularly through the ongoing Home But Not Alone Scheme. And of course, ESC would continue to deliver vital services and the workforce would once again step up to the plate to ensure this happened as smoothly as possible.

The Cabinet Member with responsibility for Housing stated that this would be Cairistine Foster-Cannan's last Cabinet meeting before leaving ESC to start a new position with Orwell Housing. Councillor Kerry gave thanks to Cairistine and wished her well in her new post. He also stated that due to the current lockdown the interviews to appoint a new Head of Housing had had to be postponed; however, referring to the excellent Housing Team, Councillor Kerry was confident that work would continue to be delivered as planned. The Leader echoed the words of Councillor Kerry.

The Cabinet Member with responsibility for Resources stated that, due the current lockdown, he was pleased to announce that there would be additional support for businesses, as recently announced by the Chancellor of the Exchequer, totalling across the country, £4.6m. Councillor Cook outlined the details of the grants and clarified that they would be in addition to the monthly grants currently being paid out under Tier 4 regulations.

4 Minutes resolved

That the Minutes of the Meeting held on 1 December 2020 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Council Engagement and Position during the Examination and Post Examination Process for ScottishPower Renewables East Anglia One North and

East Anglia Two Offshore Windfarm Proposals

Cabinet received report **ES/0610** by the Deputy Leader and Cabinet Member with responsibility for Economic Development who reported that since his last report to Cabinet regarding ESC's position on Scottish Power Renewables (SPR) much had transpired. ESC continued to support the principle of offshore wind energy and had worked with SPR to address its concerns as was set out last year. The Deputy Leader stated that before continuing, he would set out the wider context for which members must be cognisant; he reminded members that he had previously had meetings with the Energy Minister to express ESC's concerns regarding the cumulative impacts of energy projects. In February OFGEM in its Decarbonising Action Plan rightly recognised that individual radial offshore transmission links, it did not consider, were likely to be economical, sensible or acceptable for consumer and local communities as the offshore wind capacity ambition was set out. In March last year the Leader and the Deputy Leader were part of a delegation that met with BEIS to discuss the cumulative impacts of the energy projects potentially coming to the East Suffolk district. In July BEIS launched the Offshore Transmission Network Review, for which ESC submitted evidence. In September the Prime Minister stated, at the UN, that he wished the UK to become the Saudi Arabia of Wind.

The Deputy Leader stated that examination of EA1N and EA2 commenced in October 2020 following Covid delays, during which time further detail, deadlines and responses had been and would be required. Indeed, Councillor Rivett added, another deadline would be next week for which ESC would be responding.

The Deputy Leader thanked Cabinet for its approval of the recommendations previously that had enabled ESC to respond to such tight deadlines. The examination would run until 6th April 2020, at which point a recommendation would be made to the Secretary of State by the examining authority, for the Secretary of State to ultimately decide if these projects should proceed.

In November, Councillor Rivett reminded members, the Government launched its Ten Point Plan for a Green Industrial Revolution, which included advancing offshore wind, 40GW by 2030, enough to power every home. It also mentioned the Offshore Transmission Network Review.

In December the Government released its much anticipated Energy White Paper, with Wind getting no fewer than 90 mentions, restating the ambition to quadruple by 2030 wind energy production and to bring jobs and growth to ports and coastal regions. East Suffolk had already seen a snapshot of such investment that energy projects could bring to the district: SPR invested £25m into their Operations and Maintenance base in Lowestoft in 2019, furthermore EA1 saw a skills and education memorandum of understanding that brought scholarships and STEM (Science Technology Engineering and Maths) events and promotion; furthermore £45m to the supply chain.

BEIS published, the Deputy Leader stated, the ONTR findings just before Christmas. To summarise, he said, it could be said that they sought to achieve further coordination without jeopardising existing projects. Nonetheless, it rightly identified that early co-ordination could save consumers £6 billion and critically reduce the amount of infrastructure required.

Councillor Rivett stated that ESC's responses needed to be proportionate and

evidenced, he thanked officers for the hard work they had undertaken in presenting such information for members to consider. Councillor Rivett added that he always kept an eye on planning metrics as external assessments of decisions gave he thought a good indicator. Locally made decisions challenged at appeal were backed up at appeal over and above the national thresholds. Furthermore, last year, ESC's planning decisions were subject to four judicial reviews and all four applications were defeated and regrettably the vindications came at a financial cost to the Council.

Councillor Rivett highlighted that the report before members set out the changes from the original proposal to those currently presented. For example, he said, at 7.4 to 7.6 it set out the original position regarding offshore elements and between 7.7 to 7.9 it detailed the new mitigation/compensation. Furthermore, onshore original proposals were set out at 7.10 to 7.31 and new mitigation/compensation at 7.32 to 7.46. Table 1 at 7.84 set out a summary of the original mitigation and table 2 at 7.87 the enhanced mitigation and compensation currently on offer.

The report sought Cabinet's support to move to a neutral position, that of neither fully objecting nor fully supporting the NSIPs. To be clear, Councillor Rivett added, it did not infer that for the remainder of the examination ESC would sit mute. As detailed within the report ESC still had concerns, for example on noise and cumulative impacts, along with issues identified in the LIR. ESC would continue to make the case that where it had serious concerns and sought these to be addressed, seeking to achieve the best outcome possible for the district. Likewise, it would continue to press Government to support ESC recognising the large expectations for cumulative impacts energy projects being placed in and near the district would have. Nonetheless, members must consider and recognise the improvements made to the application, for example, the substations had reduced in size and height and were lower into the ground. This had enabled the retention of a wooded area that was originally going to be felled. Tree planting had both been increased and management thereof strengthened. As Councillor Rivett remarked earlier, he stated, during his evidence submission during examination on the lack of commitment to simultaneous construction of ducting for both projects, this had now been secured; in addition to that an increase in the scope and scale of the section 111. Tourism and environmental exemplar projects were much welcomed. Lastly, Councillor Rivett stated, Friday Street junction would have a traffic light solution.

The Leader referred to the negotiations that the Council had been in, and the asks that it had made, and the fact that the Council was achieving some movement to where it ultimately wanted to be, and this was important to him. There was still work to do, he stated, but this was an opportunity for ESC both to acknowledge what had happened and to look to the future and to continue the negotiation. ESC wanted to continue to attempt to get the best that it could for the residents of East Suffolk, albeit recognising the huge environmental benefits that wind energy generation brought to the UK.

Following a question by the Cabinet Member with responsibility for Housing, the Deputy Leader and officers gave a reassurance that they would keep pressing to obtain the best deal possible, in respect of noise and local impacts in and around Friston, for local people. The Deputy Leader referred to other projects in the rest of the eastern region; he referred to Norfolk Vanguard, commenting that the examining authority had recommended refusal, but the Secretary of State overrode that decision. The Deputy Leader stated that not only must the Council challenge, but it must have a productive and constructive relationship with the applicant to ensure that ESC could

secure benefits where possible.

The Cabinet Member with responsibility for the Environment stated that he totally agreed with the Deputy Leader, as ESC was not the decision making body it should be prepared to deal with the consequences of the decision made by Westminster. It was not an easy decision to be made, Councillor Mallinder stated, balancing the concerns of local residents, the environmental impact in particular on the AONB and how to obtain a diverse energy portfolio across the UK. Care was needed, however, as a society to balance the target of carbon neutrality in energy sources with alterations to the environment and biodiversity. It would not be helpful to solve one problem and create another. Councillor Mallinder stated that this Administration was taking a mature attitude to its policies and by talking with SPR it had already seen improvements. In particular, SPR had clearly listened to concerns over the impact of the AONB landscape and the mitigation fund had increased from £240,000 to £400,000. Such improvements had been made as direct response from ESC's involvement. However, Councillor Mallinder added, it was important to highlight as this more neutral position was potentially taken, it did not mean that ESC was not representing its residents and ignoring its environment vision; to the contrary, should this project go ahead, it would be representing residents in further consultations and decisions.

Councillor Smith-Lyte, after commenting that she was pro-wind power generation, stated that she did not entirely accept the comments in respect of mitigation and the fact that the Council was not the decision maker; Councillor Smith-Lyte commented that ESC was an important stakeholder and, as such, it should be ambitious; she was somewhat reassured that the Council was being ambitious, however, she had undertaken her own research and was not convinced that it had to be done as proposed, via huge football pitch size sub-stations on the edge of a village and within an AONB, when she believed that it could be done via a ring main, which was currently happening in the Netherlands.

The Leader, in response, commented that there had been many debates in respect of ring mains; he added that what was on the table was what was on the table, and that was what the Council needed to consider; he emphasised that the Council could negotiate hard with the applicant and it would continue to do that. He emphasised that the Council was a consultee and not the decision maker. The Deputy Leader added that the Council had been and would continue to be as ambitious as it could be. The Deputy Leader, in response to the comments made by Councillor Smith-Lyte in respect of the off-shore ring main, drew members' attention to the BEIS offshore network transmission review, the document that looked into co-ordination about reducing the landfalls; he outlined the contents of the document and upon request, agreed to share this with Councillor Smith-Lyte.

Councillor Byatt sought clarification that EA1N would not have any impact on the AONB. The Deputy Leader, in his response, stated that the Council had challenged hard and, as a result, the funds had increased.

Councillor Byatt referred to the channels, which were to be 32 metres wide, and had reduced to 16.1 metres, and looking ahead, he suggested that future proofing should take place in case more cables were to come ashore.

Community Byatt referred to the community benefits fund and to the master scholarships and asked if the fund would be ring-fenced for East Suffolk communities. The Deputy Leader, in his response, said that he would be as rigorous as possible in protecting the fund.

In response to a question from Councillor Byatt related to noise, the Deputy Leader stated that he would continue to press this point; he referred to the quiet and beautiful countryside that needed to be protected as far as possible and he said that he would continue to challenge to ensure that any noise was as low as it could be.

On the proposition of Councillor Rivett, seconded by Councillor Cook, it was by unanimous vote

RESOLVED

1. That in negotiation with the Applicants on statements of common ground and in responses to the Planning Inspectorate/Examining Authority that East Suffolk Council continues to support the principle of offshore wind as a significant contributor to the reduction in carbon emissions and for the economic opportunities that they may bring to ports in the NALP geography that could support the construction and maintenance of the windfarms.

Notwithstanding this, the Council:

- a) Is neutral in relation to EA2 and the predicted offshore effects of the proposal on seascape, coastal landscapes, character and qualities of the AONB and cumulatively with EA1N due to the amendments made to the offshore wind turbine heights and provision of compensation.
- b) Is moving towards a predominantly neutral position in relation to the overall impact of the onshore substations on EA1N and EA2 individually and cumulatively on the village and environs of Friston. The Council acknowledges that the onshore infrastructure is out of character with the village but recognises that the Applicants are seeking to provide embedded mitigation as part of their project which coupled with the mitigation and compensation packages proposed will enable the Council working with partners to provide additional improvements in addition to the embedded project mitigation.
- c) Maintains significant concerns with regards to the impact of operational noise levels at the onshore substations site which will have an adverse impact on residential amenity and the character of the area until such time that appropriate and suitable mitigation or compensation is secured.
- d) Maintains significant concerns with regards to the lack of cumulative assessment of the National Grid substation in its extended form, until such a time as this is considered to be adequately and appropriately addressed.
- e) Maintains concerns with regards to the design of the onshore substations until such time that the Council's concerns are adequately and appropriately addressed.
- f) Accepts the additional provision pledged with regards to: revisions to the A1094 junction with the A12 which will significantly improve road safety at this junction which is welcomed; a contribution to air quality monitoring/mitigation of the Stratford St Andrew AQMA; a contribution to a Tourism Fund to provide additional marketing of East Suffolk in conjunction with the Suffolk Coast Destination Management

Organisation and the commitment to lay ducting for the second project at the same time as the cabling for the first if they are constructed sequentially.

g) Accepts the Section 111 funds which will enable the provision of compensatory measures to help offset the impacts of the projects.

h) Accepts an environmental exemplar fund to support ambitious aims to improve biodiversity and drive the decarbonisation of energy used in homes and travel.

i) Will continue to engage with the Applicants to seek to address the matters of concern raised in the Relevant Representation and Local Impact Report and will raise these matters of concern during the examination as appropriate.

2. That authority be delegated to the Head of Planning and Coastal Management, in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development to revise the Council's position on the projects if the matters of concern are adequately and appropriately addressed.

3. Should the Development Consent Orders (DCOs) for EA1N and/or EA2 be granted by the Secretary of State for BEIS, authority be delegated to the Head of Planning and Coastal Management, in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development to:

- Discharge requirements of granted DCOs.
- Facilitate the Council's responsibilities under any Section 111/Memorandum of Understanding/agreement.
- Consider and respond to any minor revisions to the DCOs proposed.

Appendix 3

Appendix 3 – A copy of the draft proposed s111 Agreement for EA1N and a copy of the draft proposed s111 Agreement for EA2.



SHEPHERD+ WEDDERBURN

AGREEMENT UNDER SECTION 111 OF THE LOCAL
GOVERNMENT ACT 1972 RELATING TO EAST ANGLIA ONE
NORTH OFFSHORE WINDFARM

between

East Anglia ONE North Limited

and

East Suffolk Council

[] 2021

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THIS DEED is dated

2021

PARTIES

- 1) **East Anglia ONE North Limited**, whose registered office is 3rd Floor, 1 Tudor Street, London, United Kingdom, EC4Y 0AH (Company Number 11121800) (the "Developer");
- 2) **East Suffolk Council**, of East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT (the "Council")

BACKGROUND

- (A) The Developer has made an Application for an Order granting development consent for the Development which was accepted for examination by the Secretary of State on 22 November 2019 pursuant to section 55 of the 2008 Act.
- (B) The Council is the local authority for areas within which part of those elements of the Development above mean low water are situated.
- (C) The Developer has agreed with the Council that this Deed will take effect under Section 111 of the Local Government Act 1972 on the making of the Order as hereinafter defined.
- (D) The Developer has agreed to provide funds to support access, environmental, ecological, landscape and cultural heritage enhancements in the Council's local authority area.
- (E) The Parties have agreed to enter into this Deed in order to ensure the performance of the obligations contained within the Schedules to this Deed.

OPERATIVE TERMS

1. Definitions and Interpretation

The following definitions and rules of interpretation apply in this Deed:

1.1 Definitions:

"2008 Act"	means the Planning Act 2008 (as amended);
"AONB"	The Suffolk Coast and Heaths Area of Outstanding Natural Beauty;
"Application"	means the application for the Order to authorise the Development made under section 37 of the 2008 Act by the Developer and accepted for examination by the Secretary of State on 22 November 2019 with reference number EN010077;
"Consumer Prices Index"	means the United Kingdom (UK) domestic measure of inflation from month to month in the prices of consumer goods and services in the UK or such successor prices index as may be used as the UK and domestic measure of inflation;
"Development"	means the works for which development consent is sought and to be authorised by the Order, comprising, in summary: (i) an offshore wind turbine generating station comprising up to 67 wind turbine generators, up to one meteorological mast and a network of subsea inter-

	array cables; up to one offshore construction, operation and maintenance platform; up to four offshore electrical platforms; a network of subsea platform link cables; up to two subsea export cables; landfall connection works north of Thorpeness in Suffolk; onshore cables from the landfall to the onshore substation; an onshore substation in the vicinity of Grove Wood, Friston, ecological mitigation and landscaping; other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the Development; and (ii) overhead line realignment works in proximity to Grove Wood, Friston, including permanent realignment of a short section of the northern and southern overhead line circuits including the reconstruction and/or relocation of up to two pylons and construction of up to one additional pylon in order to realign the northern overhead lines and the reconstruction and/or relocation of up to one pylon in order to realign the southern overhead lines; temporary diversion of the northern and southern overhead line circuits; construction of up to three permanent cable sealing end compounds (one of which may include circuit breakers) and underground connections; and associated development including a new national grid substation, accesses, and other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the Development;
"East Anglia TWO Agreement"	means the agreement under Section 111 of the Local Government Act 1972 between the Council and East Anglia TWO Limited in respect of the East Anglia TWO Windfarm (an application for which was made by East Anglia TWO Limited and was accepted for examination by the Secretary of State on 22 November 2019 with reference EN010078);
"Expert"	means an expert having not less than 10 years post qualification experience in the subject matter of the dispute. The expert shall be agreed by the parties to the dispute or in default of agreement appointed by the President for the time being of the Institute of Chartered Accountants in England and Wales, or the President for the time being of the Law Society, or the President for the time being of the Royal Town Planning Institute as appropriate to the subject matter of the dispute, and in the event of a dispute as to which should apply, as decided by the President of the Law Society;
"Fund"	means the total sum of up to £874,250 (plus any interest earned on that sum) to be paid in accordance with Schedule 1;
"Implementation"	means beginning to carry out any material operation (as defined in Section 155 of the 2008 Act) for works within the Council's local authority area described in the Order provided that for the avoidance of doubt the carrying out of operations consisting of site clearance, demolition work, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any

	contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, pre-planting of landscaping works, ecological mitigation, creation of site accesses, footpath creation, highway alterations, and erection of welfare facilities shall not constitute a material operation and consequently shall not individually or together constitute implementation for the purposes of this Deed and Implement and Implemented shall be construed accordingly;
"Operation"	means the energising of the Substation;
"Order"	means a development consent order to be made under the 2008 Act pursuant to the Application;
"Parties"	means the Developer and the Council and "Party" shall be construed accordingly;
"Substation"	means the onshore substation constructed under Work No. 30 described in the Order.

- 1.2 Words denoting the singular only shall include the plural and vice versa.
- 1.3 Where any one of the Parties is not a body corporate then unless the context requires otherwise neuter words shall include the masculine or feminine gender (as the case may be).
- 1.4 Words denoting one gender shall include all genders and words denoting persons shall include firms and corporations and vice versa.
- 1.5 References to any party in this Deed shall include that party's successors in title and assigns.
- 1.6 References to a body (and its successors in title) exercising statutory powers and/or functions in this Deed shall unless otherwise specified include any successor in function.
- 1.7 Every covenant in this Deed not to do a particular thing shall be deemed to include a covenant not to cause authorise or permit that thing to be done by another person.
- 1.8 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 1.9 References to any statute or statutory provision includes a reference to:
- 1.9.1 that statute or statutory provision as from time to time amended extended re-enacted or consolidated; and
- 1.9.2 all statutory instruments or orders made pursuant to it.
- 1.10 If any provision of this Deed is found to be invalid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of the remaining provisions of this Deed.

2. Statutory provisions

- 2.1 This deed is made in pursuance of section 111 of the Local Government Act 1972 and any other enabling powers.

3. Conditionality

- 3.1 This Deed is conditional upon the making of the Order save for the provisions of Clause 8.1 which shall come into effect immediately upon completion of this Deed.

- 3.2 For the avoidance of doubt this Deed shall cease to have effect (insofar only as it has not already been complied with) if the Order is quashed, cancelled, revoked or expires prior to Implementation.

4. Developer Covenants

- 4.1 The Developer covenants on behalf of itself and its assigns to perform and comply with the obligations within Schedule 1 to this Deed.
- 4.2 The Developer shall notify the Council in writing of the date of Implementation within thirty (30) days of Implementation.
- 4.3 The Developer shall notify the Council in writing of the date of Operation within thirty (30) days of Operation.
- 4.4 In the event of a transfer of the benefit of the provisions of the Order to the extent that they relate to Work No. 1 described in Part 1 of Schedule 1 to the Order by the Developer to any person or body prior to any of the payments within Schedule 1 of this Deed having been made, the Developer covenants with the Council to require the transferee to pay such sums to the Council as have not already been paid, on the same terms as contained in this Deed, subject to those terms not requiring such sums to be paid by the transferee to the Council in so far as the Developer subsequently pays such sums in accordance with the Deed.

5. Council Covenants

- 5.1 The Council covenants on behalf of itself and its successors in function to perform and comply with the obligations within Schedule 2 to this Deed.
- 5.2 Nothing within this Deed shall fetter the statutory rights, powers or duties of the Council as local planning authority or in the discharge of any other statutory function (as the case may be).

6. Indexation

- 6.1 Any sum referred to in Schedule 1 shall be increased by an amount equivalent to the increase in the Consumer Prices Index from the date hereof until the date on which sum is payable.

7. Interest

- 7.1 If any sum referred to in Schedule 1 is not paid by the date on which is sum is payable, the Developer shall be liable to pay interest on such sum from the due date for payment at the annual rate of 4% above the base lending rate of the Bank of England until payment is made.

8. Legal Costs

- 8.1 The Developer hereby agrees to pay the Council on completion of this Deed their reasonably and properly incurred legal costs incurred in the negotiation and execution of this Deed.

9. Notices

- 9.1 Any notice, request, demand or other written communication of any sort to be served on any of the Parties under the terms of this Deed shall be deemed to have been properly made if sent by first class post to the Party on whom that notice, request, demand or other written communication is to be served under this Deed and addressed as follows:
- 9.1.1 the Developer at the address first set out above and marked for the attention of the East Anglia Hub Project Director; and
- 9.1.2 the Council at the address first set out above and marked for the attention of the Head of Planning and Coastal Management.

10. Rights of Third Parties

- 10.1 A person who is not a party to this Deed shall have no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any of its terms but for the avoidance of doubt it is further agreed that the exclusion of the application of the Contracts (Rights of Third Parties) Act 1999 shall not prevent all or any future successors to any of the parties to this Deed from being able to benefit or to enforce any of the obligations in this Deed.

11. Dispute Provisions

- 11.1 In the event of any dispute or difference between any of the Parties arising out of this Deed (other than a dispute or difference relating to a question of law or in relation to the interpretation of the Deed) the Parties agree that the matter in dispute shall on the application of any Party be referred to the Expert and it is further agreed that:
- 11.1.1 the determination of the Expert shall be final and binding on the Parties save in the case of manifest or legal error;
 - 11.1.2 the Parties shall be entitled to make representations and counter-representations in accordance with such timetable as the Expert shall direct;
 - 11.1.3 the Expert's costs shall be borne in such proportions as the Expert may direct failing which the Parties shall each bear their own costs of the reference and determination and the Expert's costs calculated by dividing the Expert's costs by the number of sides to the reference; and
 - 11.1.4 the Expert may be replaced by a fresh appointee in the event of becoming at any time unable or unwilling for any reason to proceed to discharge such function and such fresh appointee shall be appointed in the same manner as the Expert.

12. Governing Law

- 12.1 This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

13. Counterparts

- 13.1 This Deed may be entered into in the form of two or more counterparts each executed by one or more of the parties but taken together shall constitute one instrument.

14. Delivery

- 14.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.
- 14.2 The Developer shall cooperate with and assist the Council with the Council's use of the Fund.

SCHEDULE 1 DEVELOPER COVENANTS

The Developer covenants with the Council to pay the Council the Fund as follows:

1. Prior to or upon Implementation, to pay the Council the sum of £200,000 for the purposes specified in paragraph 2 of Schedule 2.
2. Prior to or upon Implementation, in the event that such sum has not already been paid to the Council under the East Anglia Two Agreement, to pay to the Council the sum of £355,000 for the purposes specified in paragraph 3 of Schedule 2.
3. Prior to or upon Implementation, to pay the Council the sum of £75,000 for the purposes specified in paragraph 4 of Schedule 2.
4. Prior to or upon Implementation, to pay the Council the sum of £44,250 for the purposes specified in paragraph 5 of Schedule 2.
5. Upon Operation, to pay the Council the sum of £200,000 for the purposes specified in paragraph 6 of Schedule 2.

SCHEDULE 2 COUNCIL COVENANTS

The Council covenants with the Developer and on behalf of themselves and their successors in function as follows:

1. To hold the Fund in an interest bearing account from the date of payment by the Developer and to use and transfer as required the sums for the purposes set out in this Schedule 2.
2. To use the sum paid by the Developer to the Council under paragraph 1 of Schedule 1 in the area from the landfall to the Substation including the AONB to (i) support ecological, landscape and habitat enhancements; (ii) improve the public rights of way network in the vicinity; and (iii) fund measures to strengthen the existing qualities of the AONB.
3. To use the sums paid by the Developer to the Council under paragraph 2 of Schedule 1 to provide further landscape, environmental, access and amenity improvements and enhancements to Friston and its vicinity.
4. To use the sums paid by the Developer to the Council under paragraph 3 of Schedule 1 to undertake landscape, environmental, access and amenity enhancements within 1.5 kilometres of the Substation.
5. To use the sums paid by the Developer to the Council under paragraph 4 of Schedule 1 to administer the Fund.
6. To use the sums paid by the Developer to the Council under paragraph 5 of Schedule 1 as a contribution towards measures relating to the preservation and enhancement of heritage assets and their settings in Friston and its vicinity, which may include: (i) information boards and displays to assist in understanding historic landscape character and features; (ii) publications; (iii) archaeological community outreach work; and (iv) enhancements to historic buildings.
7. In the event that any of the sums paid under Schedule 1 are not expended for the purposes specified for each sum in paragraphs 2, 3, 4, 5 and 6 of this Schedule 2 within ten years of receipt of those sums, to use (at the Council's option) those remaining sums for any of the other purposes specified in paragraphs 2 to 6 of this Schedule 2.
8. Not to use the Fund for any other purposes.
9. Upon the decommissioning of the Substation, to repay to the Developer (or such other party that the Developer notifies to the Council in writing) the Fund or any part of the Fund which has not been used for the purposes for which it was paid.
10. To maintain full accounting records of the operation of the Fund, such records shall be available for inspection on reasonable notice and shall include details of measures carried out using the Fund.
11. To prepare a report on the expenditure of the Fund and issue such report to the Developer on the anniversary of the first date that a sum is paid under Schedule 1 and then annually thereafter until such time as the Fund is expended.
12. At the written request of the Developer, to provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been discharged.

IN WITNESS whereof this Deed has been executed and delivered on the above date

EXECUTED AS A DEED)

By affixing)

THE COMMON SEAL OF THE COUNCIL)

FOR EAST SUFFOLK COUNCIL)

in the presence of:-)

Authorised Signatory

EXECUTED AS A DEED by

EAST ANGLIA ONE NORTH LIMITED)

acting by)

and)

Director:

Director:



SHEPHERD+ WEDDERBURN

AGREEMENT UNDER SECTION 111 OF THE LOCAL
GOVERNMENT ACT 1972 RELATING TO EAST ANGLIA
TWO OFFSHORE WINDFARM

between

East Anglia TWO Limited

and

East Suffolk Council

[] 2021

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2021

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	array cables, up to one offshore construction, operation and maintenance platform; up to four offshore electrical platforms, a network of subsea platform link cables; up to two subsea export cables, landfall connection works north of Thorpeness in Suffolk, onshore cables from the landfall to the onshore substation, an onshore substation in the vicinity of Grove Wood, Friston, ecological mitigation and landscaping, other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the Development; and (ii) overhead line realignment works in proximity to Grove Wood, Friston, including permanent realignment of a short section of the northern and southern overhead line circuits including the reconstruction and/or relocation of up to two pylons and construction of up to one additional pylon in order to realign the northern overhead lines and the reconstruction and/or relocation of up to one pylon in order to realign the southern overhead lines, temporary diversion of the northern and southern overhead line circuits, construction of up to three permanent cable sealing end compounds (one of which may include circuit breakers) and underground connections, and associated development including a new national grid substation, accesses, and other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the Development;
"East Anglia One North Agreement"	means the agreement under Section 111 of the Local Government Act 1972 between the Council and East Anglia One North Limited in respect of the East Anglia One North Windfarm (an application for which was made by East Anglia One North Limited and was accepted for examination by the Secretary of State on 22 November 2019 with reference EN010077);
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- 1.2 Words denoting the singular only shall include the plural and vice versa.
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- 1.4 Words denoting one gender shall include all genders and words denoting persons shall include firms and corporations and vice versa.
- 1.5 References to any party in this Deed shall include that party's successors in title and assigns.
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- 1.7 Every covenant in this Deed not to do a particular thing shall be deemed to include a covenant not to cause authorise or permit that thing to be done by another person.
- 1.8 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 1.9 References to any statute or statutory provision includes a reference to:
- 1.9.1 that statute or statutory provision as from time to time amended extended re-enacted or consolidated; and
- 1.9.2 all statutory instruments or orders made pursuant to it.
- 1.10 If any provision of this Deed is found to be invalid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of the remaining provisions of this Deed.

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- 2.1 This deed is made in pursuance of section 111 of the Local Government Act 1972 and any other enabling powers.

3. Conditionality

- 3.1 This Deed is conditional upon the making of the Order save for the provisions of Clause 8.1 which shall come into effect immediately upon completion of this Deed.

- 3.2 For the avoidance of doubt this Deed shall cease to have effect (insofar only as it has not already been complied with) if the Order is quashed, cancelled, revoked or expires prior to Implementation.

4. Developer Covenants

- 4.1 The Developer covenants on behalf of itself and its assigns to perform and comply with the obligations within Schedule 1 to this Deed.
- 4.2 The Developer shall notify the Council in writing of the date of Implementation within 30 days of Implementation.
- 4.3 The Developer shall notify the Council in writing of the date of Operation within 30 days of Operation.
- 4.4 In the event of a transfer of the benefit of the provisions of the Order to the extent that they relate to Work No. 1 described in Part 1 of Schedule 1 to the Order by the Developer to any person or body prior to any of the payments within Schedule 1 of this Deed having been made, the Developer covenants with the Council to require the transferee to pay such sums to the Council as have not already been paid, on the same terms as contained in this Deed, subject to those terms not requiring such sums to be paid by the transferee to the Council in so far as the Developer subsequently pays such sums in accordance with the Deed.

5. Council Covenants

- 5.1 The Council covenants on behalf of itself and its successors in function to perform and comply with the obligations within Schedule 2 to this Deed.
- 5.2 Nothing within this Deed shall fetter the statutory rights, powers or duties of the Council as local planning authority or in the discharge of any other statutory function (as the case may be).

6. Indexation

- 6.1 Any sum referred to in Schedule 1 shall be increased by an amount equivalent to the increase in the Consumer Prices Index from the date hereof until the date on which sum is payable.

7. Interest

- 7.1 If any sum referred to in Schedule 1 is not paid by the date on which is sum is payable, the Developer shall be liable to pay interest on such sum from the due date for payment at the annual rate of 4% above the base lending rate of the Bank of England until payment is made.

8. Legal Costs

- 8.1 The Developer hereby agrees to pay the Council on completion of this Deed their reasonably and properly incurred legal costs incurred in the negotiation and execution of this Deed.

9. Notices

- 9.1 Any notice, request, demand or other written communication of any sort to be served on any of the Parties under the terms of this Deed shall be deemed to have been properly made if sent by first class post to the Party on whom that notice, request, demand or other written communication is to be served under this Deed and addressed as follows:
- 9.1.1 the Developer at the address first set out above and marked for the attention of the East Anglia Hub Project Director; and
- 9.1.2 the Council at the address first set out above and marked for the attention of Head of the Planning and Coastal Management.

10. Rights of Third Parties

- 10.1 A person who is not a party to this Deed shall have no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any of its terms but for the avoidance of doubt it is further agreed that the exclusion of the application of the Contracts (Rights of Third Parties) Act 1999 shall not prevent all or any future successors to any of the parties to this Deed from being able to benefit or to enforce any of the obligations in this Deed.

11. Dispute Provisions

- 11.1 In the event of any dispute or difference between any of the Parties arising out of this Deed (other than a dispute or difference relating to a question of law or in relation to the interpretation of the Deed) the Parties agree that the matter in dispute shall on the application of any Party be referred to the Expert and it is further agreed that:
- 11.1.1 the determination of the Expert shall be final and binding on the Parties save in the case of manifest or legal error;
 - 11.1.2 the Parties shall be entitled to make representations and counter-representations in accordance with such timetable as the Expert shall direct;
 - 11.1.3 the Expert's costs shall be borne in such proportions as the Expert may direct failing which the Parties shall each bear their own costs of the reference and determination and the Expert's costs calculated by dividing the Expert's costs by the number of sides to the reference; and
 - 11.1.4 the Expert may be replaced by a fresh appointee in the event of becoming at any time unable or unwilling for any reason to proceed to discharge such function and such fresh appointee shall be appointed in the same manner as the Expert.

12. Governing Law

- 12.1 This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

13. Counterparts

- 13.1 This Deed may be entered into in the form of two or more counterparts each executed by one or more of the parties but taken together shall constitute one instrument.

14. Delivery

- 14.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.
- 14.2 The Developer shall cooperate with and assist the Council with the Council's use of the Fund.

SCHEDULE 1 DEVELOPER COVENANTS

The Developer covenants with the Council to pay the Council the Fund as follows:

1. Prior to or upon Implementation, to pay the Council the sum of £200,000 for the purposes specified in paragraph 2 of Schedule 2.
2. Prior to or upon Implementation, in the event that such sum has not already been paid to the Council under the East Anglia One North Agreement, to pay to the Council the sum of £355,000 for the purposes specified in paragraph 3 of Schedule 2.
3. Prior to or upon Implementation, to pay the Council the sum of £75,000 for the purposes specified in paragraph 4 of Schedule 2.
4. Prior to or upon Implementation, to pay the Council the sum of £44,250 for the purposes specified in paragraph 5 of Schedule 2.
5. Prior to or upon Operation, to pay the Council the sum of £465,000 for the purposes specified in paragraph 6 of Schedule 2.
6. Prior to or upon Operation, to pay the Council the sum of £200,000 for the purposes specified in paragraph 7 of Schedule 2.

SCHEDULE 2 COUNCIL COVENANTS

The Council covenants with the Developer and on behalf of themselves and their successors in function as follows:

1. To hold the Fund in an interest bearing account from the date of payment by the Developer and to use and transfer as required the sums for the purposes set out in this Schedule 2.
2. To use the sum paid by the Developer to the Council under paragraph 1 of Schedule 1 in the area from the landfall to the Substation including the AONB to (i) support ecological, landscape and habitat enhancements; (ii) improve the public rights of way network in the vicinity; and (iii) fund measures to strengthen the existing qualities of the AONB.
3. To use the sums paid by the Developer to the Council under paragraph 2 of Schedule 1 to provide further landscape, environmental, access and amenity improvements and enhancements to Friston and its vicinity.
4. To use the sums paid by the Developer to the Council under paragraph 3 of Schedule 1 to undertake landscape, environmental, access and amenity enhancements within 1.5 kilometres of the Substation.
5. To use the sums paid by the Developer to the Council under paragraph 4 of Schedule 1 to administer the Fund.
6. To use the sums paid by the Developer to the Council under paragraph 5 of Schedule 1 for measures to support access, environmental and ecological enhancements to the AONB which may include: (i) funding an AONB community engagement and education officer and projects; (ii) production of interpretative material, boards, leaflets and websites in relation to the AONB; (iii) improvements to public rights of way (including long distance routes); (iv) academic research on the AONB; (v) landscape and conservation enhancements; and (vi) wildlife enhancement projects.
7. To use the sums paid by the Developer to the Council under paragraph 6 of Schedule 1 as a contribution towards measures relating to the preservation and enhancement of heritage assets and their settings in Friston and its vicinity, which may include: (i) information boards and displays to assist in understanding historic landscape character and features; (ii) publications; (iii) archaeological community outreach work; and (iv) enhancements to historic buildings.
8. In the event that any of the sums paid under paragraphs 1, 2, 3, 4 and 6 of Schedule 1 are not expended for the purposes specified for each sum in paragraphs 2, 3, 4, 5 and 7 of this Schedule 2 within ten years of receipt of those sums, to use (at the Council's option) those remaining sums in paragraphs 1, 2, 3, 4 and 6 of Schedule 1 for any of the other purposes specified in paragraphs 2 to 7 of this Schedule 2.
9. Not to use the Fund for any other purposes.
10. Upon the decommissioning of the Substation, to repay to the Developer (or such other party that the Developer notifies to the Council in writing) the Fund or any part of the Fund which has not been used for the purposes for which it was paid.
11. To maintain full accounting records of the operation of the Fund, such records shall be available for inspection on reasonable notice and shall include details of measures carried out using the Fund.
12. To prepare a report on the expenditure of the Fund and issue such report to the Developer on the anniversary of the first date that a sum is paid under Schedule 1 and then annually thereafter until such time as the Fund is expended.

13. At the written request of the Developer, to provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been discharged.

IN WITNESS whereof this Deed has been executed and delivered on the above date

EXECUTED AS A DEED)
By affixing)
THE COMMON SEAL OF THE COUNCIL)
FOR EAST SUFFOLK COUNCIL)
in the presence of:-)

Authorised Signatory

EXECUTED AS A DEED by
EAST ANGLIA TWO LIMITED)
acting by)
and)

Director:

Director: