



Suffolk County Council (20049304)

**Issue Specific Hearing 6 Post-Hearing
Written Submission**

Five Estuaries (EN010115)

Deadline 6

11 February 2025

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Glossary of Acronyms

<i>AIL</i>	<i>Abnormal Indivisible Load</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>IP</i>	<i>Interested Party</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>OWF</i>	<i>Offshore Wind Farm</i>
<i>OCTMP</i>	<i>Outline Construction Traffic Management Plan</i>

“SCC” refers to Suffolk County Council.

Purpose of this Submission

The purpose of this submission is to provide a written summary of representations made by Suffolk County Council (“SCC”) at Issue Specific Hearing 6 (“ISH6”) held on Tuesday 21st and Wednesday 22nd January 2025. Examination Library references are used throughout to assist readers.

Item	Suffolk County Council's Summary of Oral Case and responses to questions	References
1	Welcome, introductions, arrangements for the Hearing	
	<p>Suffolk County Council were represented by the following team in person:</p> <ul style="list-style-type: none"> - Michael Bedford KC, Barrister - Isaac Nunn MRTPI, Senior Planning Officer (NSIPs) - Zachary Farndon, Planning Officer 	
2	Purpose of Issue Specific Hearing 6	
	SCC has no representations to make on Agenda Item 2.	
3	Matters for discussion at this Hearing	
3.0	Timescale for the project	
	<p>SCC requested some clarification regarding whether there is anything which the Applicant is proposing that would preclude, if the monitoring at the end of the warranty period allowed it, the turbines remaining in situ beyond the warranty period. SCC recognises that it has been assessed that 40 years has been provided as the outer limit, but SCC would appreciate clarification regarding whether anything proposed would preclude the turbines remaining in situ beyond that 40-year period.</p> <p>SCC welcomed the Applicant's commitment to include a note explaining the Electricity Act regime in its post-hearing submissions. The relevance of this to SCC is that the Environmental Statement reports certain effects as temporary and reversible. If this is on the assumption that the turbines are removed, there is a question as to the degree of specificity that is appropriate to place on that factor in terms of weighing it as an effect. To what extent is that effect temporary and or reversible if there is no actual time</p>	

	<p>frame for that? SCC will develop this point further if it deems it necessary after determining whether the Applicant's post-hearing submissions satisfactorily address the issue from an environmental impact assessment perspective, or whether something further is required to ensure that the worst case that's been assessed remains the worst case. The reason for SCC asking the question was to get clarification, because there are various documents with quite a large range of years. It will assist SCC if the decommissioning process is explained further in the Applicant's post-hearing submissions.</p>	
3.1 Effects for Terrestrial Traffic and Transportation		
	<p>a) Routeing of Abnormal Indivisible Loads ("AILs")</p> <p>The changes that have been made to the Outline Construction Traffic Management Plan ("OCTMP") are, in principle, welcomed by SCC. SCC had a disagreement with the Applicant about the nature of the existing regulatory regime, the shortcomings of which SCC explained in its Deadline 4 submissions. The Applicant's changes to the OCTMP bring some reassurance by building on the regulatory regime, so as to provide more margins for prior notification. SCC intends in its post-hearing submissions to ensure that if there are detailed drafting points, these are brought forth. [Post-hearing note: these comments are set out in SCC's separate comments on the submissions received at Deadline 5 in relation to the OCTMP]. SCC certainly welcomes the idea of prior notification, but there does need to be a degree of clarity as to how much prior notification as a minimum, for example, must be provided. These are, however, points of detail, and SCC is happy that this issue is moving in a more positive direction than previously.</p> <p>SCC's concern has been that if there are to be AIL movements, then the routes that are used need to be adequately assessed to ensure not only that they are fit for purpose, simply in structural engineering terms, but also fit for purpose in terms of the timing of movements, the inconvenience to other road users, and particularly as the concern in Suffolk, given the multiplicity of similar projects, not having multiple disruptions to the day-to-day life of the county through such movements. SCC would have preferred to see a more structured series of controls through more bespoke controls. But, the OCTMP will be a certified control document. SCC is trying to be pragmatic and hopefully being reasonable and responsive.</p>	

	<p>In the circumstances, SCC is prepared to accept use of the OCTMP as the vehicle to supplement the statutory controls and has included in its comments on the submissions received at Deadline 5 in relation to the OCTMP any more detailed comments about the mechanics of that document.</p> <p>b) Road traffic surveys and predicted traffic generation during construction, including cumulative impacts with other proposed developments</p> <p>SCC has no representations to make on Agenda Item 3.1(b).</p> <p>c) Impacts on the strategic and local road networks</p> <p>SCC has no representations to make on Agenda Item 3.1(c).</p> <p>d) A120/Bentley Road junction improvements</p> <p>SCC has no representations to make on Agenda Item 3.1(d).</p> <p>e) Control and mitigation measures during construction</p> <p>SCC is reviewing the technical notes on the Sofia Offshore Wind Farm ("OWF") that was submitted at Deadline 5 and has provided comments at Deadline 6 on that document. It's not been SCC's experience in relation to other projects where there have been port construction traffic management plans that SCC has experienced problems, and SCC continues to see a need for such a document. In the Statement of Common Ground, this remains as an outstanding area of non-agreement. SCC has tried to provide further assistance on why it considers this to be a necessary measure in its Deadline 6 submissions. However, SCC suspects that this may be an issue that ends up as one for the Examining Authority ("ExA") to resolve and form its own view on, in the light of the respective stances of the parties.</p> <p>SCC has already identified the East Anglia ONE North and East Anglia TWO projects, and has provided the information from their control documents, which set out the requirements for the port management</p>	
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	<p>plan, but SCC has endeavoured to provide what further detail it can on ongoing implementation matters in relation to that.</p> <p>There is another minor outstanding issue in terms of Requirement 18, which is the Construction Method Statement regarding the Orford Ness works, where there remains a difference of view between SCC and the Applicant. This disagreement relates to involving SCC either in discharging that element or being a named consultee on the discharge of that element. This is captured in the Statement of Common Ground, but SCC wished to flag that as it remains an outstanding area of disagreement.</p>	
3.2	Effects for Navigation and Shipping and the Fishing Industry	
	<p>1) <i>Shipping and Navigation</i></p> <p>a) Cable burial, in particular where the Export Cable Corridor (ECC) crosses the Sunk and the Trinity Deep Water Routes and within the Margate and Long Sands Special Area of Conservation</p> <p>b) Control and mitigation measures during construction</p> <p>c) Any other matters still outstanding</p> <p>2) <i>Effects for the Fishing Industry (which will be addressed under Agenda item 3.6 if representatives of the fishing industry are not in attendance for item 3.2)</i></p> <p>SCC has no representations to make on Agenda Item 3.2.</p>	
3.3	Effects for Landscape, Visual and Seascape	
	<p>a) Discharging the duty under section 245(6) of the Levelling Up and Regeneration Act 2023, ie “...to further the purpose of conserving and enhancing the natural beauty of the area of</p>	

outstanding natural beauty ...” following the publication of the DEFRA Guidance (16 December 2024)

SCC’s view is that the Applicant has misunderstood the scope of the new statutory duty and its obligations arising therefrom. SCC therefore thinks that there is a risk that the Secretary of State will not be able to find adequately that there has been sufficient discharge of the new statutory duty. SCC notes that it is not trying to create obstacles and difficulties. Instead, it is trying to find solutions to problems, where possible. SCC consider that there is a solution to this problem, as stated in some of its earlier Examination submissions, in that the Applicant could take measures to meaningfully engage with the statutory duty, therefore enabling a positive finding in relation to its discharge. This would, however, require time and engagement from the Applicant, and from exchanges thus far, SCC considers it unlikely that the Applicant is going to change its position, unless pushed to do so by a comment from the ExA, once the ExA has had an opportunity to consider the issues in light of further exchanges.

Following the Applicant’s proposal during the hearing for itself and other Interested Parties (“IPs”) to submit their cases on this matter in writing at Deadline 6, SCC raised its concerns in respect of timings.

The Applicant’s proposal for an additional deadline (‘Deadline 6A’) between Deadlines 6 and 7 where responses to position statements can be provided, thus accelerating the process, was accepted by SCC. SCC considers that this would allow the ExA to have parties’ respective stances a sufficient time prior to Deadline 7, thus allowing the ExA to be in a position to issue further questions or a Rule 17 request ahead of Deadline 7. SCC, therefore, agreed to provide a comprehensive submission on its position on this matter at Deadline 6. SCC suggested that a direct exchange of submissions between itself and the Applicant would be useful to avoid the delay associated with the upload of submissions to the Planning Inspectorate’s project page, and this request was reiterated by the ExA.

b) Design for substation, visual mitigation and design guide

SCC has no representations to make on Agenda Item 3.3(b).

	<p>c) Consideration of the design for the proposed onshore substation zone under a scenario for which the North Falls project did not proceed</p> <p>SCC has no representations to make on Agenda Item 3.3(c).</p>	
3.4	Offshore Archaeology	
	<p>a) Effects on archaeology within the proposed offshore cable corridor from the Proposed Development alone and cumulatively with the proposed North Falls Offshore Wind Farm</p> <p>b) The level of impact on sediments and geoarchaeological potential</p> <p>c) The level of investigation in relation to geoarchaeological cores</p> <p>d) Any other matters still outstanding</p> <p>SCC has no representations to make on Agenda Item 3.4.</p>	
3.5	Effects for Farming	
	<p>a) Sub-surface infrastructure impacts on agricultural activity</p> <p>b) Drainage</p> <p>c) Haul roads between Bentley Road and site for the proposed onshore substation, including the “additional loop” south of Ardleigh Road</p> <p>d) Hedgerows, including proposals for hedgerow reinstatement</p> <p>SCC has no representations to make on Agenda Item 3.5.</p>	

3.6 Effects for Socio economic and residential living conditions
<div> <div>1) Wake Loss and the Deadline 4 submissions made by East Anglia Two Limited</div> <div>2) Effects for the fishing industry (which will be addressed under Agenda item 3.2 if representatives of the fishing industry are in attendance)</div> <div>3) <i>Living Conditions</i></div> <div>Onshore construction and operational noise effects, including:</div> <div> <div>i. Proposed measures for mitigating construction noise, including at the junction of the A120 and Bentley Road</div> <div>ii. Mitigating cumulative noise associated with the operation of the existing Ardleigh substation and the proposed substations for Five Estuaries, North Falls and the East Anglia Connection Node</div> <div>iii. Screen planting for the Proposed Development's onshore substation and effects on the living conditions for the occupiers of Normans Farm</div> </div> <div>SCC has no representations to make on Agenda Item 3.6.</div> </div>
3.7 Effects for Offshore Ecology
<div> <div>a) Effects on protected species, with particular regard to bats</div> <div>b) Assessment methodologies</div> <div>c) Compensatory measures</div> <div>d) Benthic and aquatic ecology</div> </div>

	SCC has no representations to make on Agenda Item 3.7.	
3.8 Effects for Onshore Ecology		
	<p>a) Green Infrastructure Strategy, including the assessment for achieving 10% Biodiversity Net Gain for the Proposed Development and the proposed North Falls Offshore Wind Farm</p> <p>b) Creation of orchard within the substation zone</p> <p>c) Trees (TPO) and Hedgerows (Protected)</p> <p>SCC has no representations to make on Agenda Item 3.8.</p>	
4 Any other business		
	SCC has no representations to make on Agenda Item 4.	
5 Review of matters and actions arising		
	<p>Actions arising for Suffolk County Council:</p> <ol style="list-style-type: none"> 1) To provide a submission at Deadline 6 on Suffolk County Council's stance on the duty under section 245(6) of the Levelling Up and Regeneration Act 2023, i.e. "...to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty...". 2) To identify projects where the use of a Port Construction Traffic Management Plan has worked successfully in practice. 	

	3) To provide detailed comments on the Applicant's updated version of the Outline Construction Traffic Management Plan with regard to Abnormal Indivisible Loads, and whether it is sufficient to address SCC's concerns.	
Close of ISH 6		