



**Suffolk County Council (20049304)**

**Issue Specific Hearing 7 Post-Hearing  
Written Submission**

**Five Estuaries (EN010115)**

**Deadline 6**

**11 February 2025**

## Table of Contents

Glossary of Acronyms .....	2
Purpose of this Submission .....	3
1 Welcome, introductions, arrangements for the Hearing .....	3
2 Purpose of Issue Specific Hearing 7 .....	3
3 Matters for discussion at this hearing .....	4
3.1 Discussion of the draft Development Consent Order (dDCO), involving the Applicant and other Interested Parties, including: .....	4
3.2 Update with respect to the Protective Provisions included in Schedule 9 of the dDCO .....	6
3.3 Update with respect to the drafting of the deemed Marine Licences included in Schedules 10 and 11 of the dDCO .....	7
3.4 ExA questions relating to Schedule 12 (Tree Preservation Orders and hedgerows) .....	7
3.5 Consideration of the “ <i>without prejudice</i> ” additional parts for Schedule 13 (Compensation) included in [REP5-090] .....	8
4 Any Other Business .....	8
5 Review of matters and actions arising .....	8

## Glossary of Acronyms

AONB	<i>Area of Outstanding Natural Beauty</i>
(d)DCO	<i>(draft) Development Consent Order</i>

<i>EACN</i>	<i>East Anglia Connection Node</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>NtoT</i>	<i>Norwich to Tilbury</i>
<i>WTG</i>	<i>Wind turbine generator</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 7 (“ISH7”) held on Thursday 23<sup>rd</sup> January 2025. Examination Library references are used throughout to assist readers.

<b>Item</b>	<b>Suffolk County Council’s Summary of Oral Case and responses to questions</b>	<b>References</b>
<b>1</b>	<b>Welcome, introductions, arrangements for the Hearing</b>	
	<p>Suffolk County Council were represented virtually by:</p> <ul style="list-style-type: none"> <li>- Isaac Nunn MRTPI, Senior Planning Officer (NSIPs)</li> </ul>	
<b>2</b>	<b>Purpose of Issue Specific Hearing 7</b>	
	SCC did not make a representation on this agenda item.	

<b>3</b>	<b>Matters for discussion at this hearing</b>
<b>3.1</b>	<b>Discussion of the draft Development Consent Order (dDCO), involving the Applicant and other Interested Parties, including:</b>
	<p data-bbox="322 392 1792 512"><b>a) The Applicant’s summary of the substantive changes made to the dDCO since ISH4, most particularly with respect to the proposed Articles and Schedules 1 (Authorised Development) and 2 (Requirements)</b></p> <p data-bbox="322 544 1108 579">SCC did not make a representation on this agenda item.</p> <p data-bbox="322 611 1805 691"><b>b) Any local authority comments concerning the drafting of the proposed Articles and Schedules 1 and 2</b></p> <p data-bbox="322 722 1809 930">SCC noted that there haven't been many substantive changes to the articles and schedules of concern to SCC since ISH4, meaning that most of the changes SCC wishes to see in the dDCO have not yet been made. SCC is satisfied with both its written and verbal submissions made since ISH4 regarding these outstanding matters. Therefore, SCC chose not to rehearse the same points already made in submissions since ISH4 and recognises that the Examining Authority is aware of SCC’s concerns.</p> <p data-bbox="322 962 1809 1378">However, SCC notes that following this oral submission, the ExA asked the Applicant to confirm that its position was that “the undertaker is not going to commit vast sums of money on a project where it doesn’t have the ability to get the electricity from A to B” (00:25:01:04 – 00:25:35:20 of <a href="#">[EV12-003]</a>). The Applicant did not expressly provide that confirmation in its response but reiterated that it did not consider a phasing restriction to be necessary and that it would set out its position in a written note at Deadline 6. SCC does not understand the Applicant to actually have committed not to begin construction of the wind turbine generators (“WTGs”) in a situation where the East Anglia Connection Node (“EACN”) has not (or not yet) received development consent. In addition, SCC has already made the point that the draft DCO includes provision for transfer of the benefit of the Order so any assessment of the commercial risk of commencing construction before there is certainty as regards the connection would not necessarily be made by the</p>

	<p>Applicant. In SCC's view, the clearest way for the Applicant to commit to that position would be to agree to the requirement which SCC proposed in response to DCO.2.05 <a href="#">[REP4-049]</a>.</p> <p>In response to the Applicant's point that it is for National Grid to decide how to comply with the connection agreement (00:26:08:24 of <a href="#">[EV12-003]</a>), SCC would observe that our proposed requirement is agnostic as to how National Grid delivers the connection and does not specifically require the EACN to be delivered through the Norwich to Tilbury ("NtoT") DCO. It simply refers to "the National Grid Substation", which is already used elsewhere in the draft DCO. We are open to adjustments to the drafting to be even more flexible if necessary.</p> <p>Further, SCC would like to understand whether the undertaker would be eligible for compensation from National Grid in a situation where National Grid became unable to deliver the agreed grid connection. We have recently become aware of a case in Germany where an offshore wind farm (Borkum Riffgrund 3, developed by Ørsted) is physically complete but is still waiting for a grid connection. The commercial operating date has reportedly been pushed from Q4 2025 to Q1 2026 as a result. The operator is receiving compensation from the transmission provider due to the delays in providing a connection. This example is not quite the situation that SCC has raised concerns about, but it does highlight that any compensation arrangements would substantially reduce the commercial risk for the undertaker of taking the approach that we are worried about. SCC would find it helpful if the Applicant could explain whether any compensation provisions are included in the connection agreement with National Grid.</p> <p>In light of the discussion at ISH7, SCC is likely to have further points to make in respect of the phasing requirement, particularly in response to the Applicant's submission pursuant to Action Point 1 of ISH7 <a href="#">[EV12-006]</a>. SCC will continue to argue that it is precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects.</p> <p>Above all, it is necessary because to further the purpose of conserving the natural beauty of the area of outstanding natural beauty ("AONB") it is necessary not to allow harmful development to proceed unless</p>	
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	<p>the justification for it (i.e. the contribution to energy supply to the grid) is capable of being delivered to the grid.</p> <p><b>c) The Examining Authority's (ExA) questions with respect to the proposed Articles and Schedules 1 and 2, including:</b></p> <ul style="list-style-type: none"> <li>• <b>Schedule 1 (Authorised Development) – the approach to defining Work Numbers 4/4A and 5/5A in comparison with the other linear works defined in Schedule 1</b></li> <li>• <b>Requirement 2 (Offshore design parameters) – minimum distance between sea level and rotating turbine blades</b></li> <li>• <b>Requirement 3 (Aviation Safety) - applicability of meeting the requirements of the Air Navigation Order 2016</b></li> <li>• <b>The ability to comply with Requirements 5(2) (Onshore substation works etc) and 10(1) (Landscape and Ecology management plan) should the proposed North Falls Offshore Wind Farm not proceed</b></li> <li>• <b>Requirement 6 (Code of Construction Practice) - status (a full or outline control document)</b></li> </ul> <p>SCC did not make a representation on this agenda item.</p>	
<b>3.2</b>	<b>Update with respect to the Protective Provisions included in Schedule 9 of the dDCO</b>	
	<p><b>a) The Applicant and other Interested Parties attending ISH7 will be asked by the ExA to provide an update on the negotiations concerning Protective Provisions, with particular reference to areas of disagreement</b></p> <p>SCC did not make a representation on this agenda item.</p>	

	<p><b>b) The Applicant will be asked by the ExA to provide an update on the negotiations concerning Protective Provisions with other Interested Parties not in attendance at ISH7, including Affinity Water Limited and TC Gunfleet Sands OFTO Limited, with particular reference to areas of disagreement</b></p> <p>SCC did not make a representation on this agenda item.</p> <p><b>c) Any ExA questions concerning Protective Provisions</b></p> <p>SCC did not make a representation on this agenda item.</p>	
<b>3.3</b>	<b>Update with respect to the drafting of the deemed Marine Licences included in Schedules 10 and 11 of the dDCO</b>	
	<p><b>a) The Applicant will be asked by the ExA to provide an update on the negotiations with the Marine Management Organisation (MMO) and Natural England, with particular reference to areas of disagreement, relating to the drafting of the deemed Marine Licences and advise on when it is expected the negotiations with the MMO and Natural England will be included</b></p> <p>SCC did not make a representation on this agenda item.</p> <p><b>b) Any MMO comments about the drafting of the deemed Marine Licences</b></p> <p>SCC did not make a representation on this agenda item.</p> <p><b>c) Any ExA questions with respect to the drafting of the deemed Marine Licences</b></p> <p>SCC did not make a representation on this agenda item.</p>	
<b>3.4</b>	<b>ExA questions relating to Schedule 12 (Tree Preservation Orders and hedgerows)</b>	
	SCC did not make a representation on this agenda item.	

3.5	<b>Consideration of the “<i>without prejudice</i>” additional parts for Schedule 13 (Compensation) included in [REP5-090]</b>
	<p data-bbox="360 320 1789 395"><b>a) The Applicant will be asked by the ExA to summarise the provisions of the additional parts of Schedule 13 submitted on a without prejudice basis in [REP5-090]</b></p> <p data-bbox="315 432 1111 467">SCC did not make a representation on this agenda item.</p> <p data-bbox="360 504 1742 539"><b>b) Any ExA questions with respect to the drafting of the provisions included in [REP5-090]</b></p> <p data-bbox="315 576 1111 611">SCC did not make a representation on this agenda item.</p>
4	<b>Any Other Business</b>
	<p data-bbox="315 727 1111 762">SCC did not make a representation on this agenda item.</p>
5	<b>Review of matters and actions arising</b>
	<p data-bbox="315 882 1111 917">SCC did not make a representation on this agenda item.</p>
<b>Close of ISH 7</b>	