



The Planning Act 2008

Application by National Grid Electricity Transmission for the Sea Link Project

East Suffolk Council's response to The Examining Authority's written questions and requests for information (ExQ2)

Issued: 23rd February 2026

Deadline 5: 10th March 2026

Application: EN020026

East Suffolk Council: [REDACTED]

1. General and Cross-topic Questions (GEN)

Questions for East Suffolk Council	East Suffolk Council Response
<p>2GEN2</p> <p>All Parties</p> <p><i>Need</i></p> <p><i>The need for the project was explored at ISH1. Several parties have made submissions requesting that the topic of need be discussed again at a future ISH. The ExA reminds all parties that the examination is a predominately written process. Due to the highly technical nature of need as a topic and the necessity for considered responses to questions, the ExA's current view is that it will be most assisted by examining the evidence in writing.</i></p> <p><i>To date the ExA has received extensive evidence on the topic of need, both orally and in writing, and is carefully considering the cases of the parties. If any party has any new or additional evidence they believe is important and relevant to the examination of need, we ask that it is submitted for DL5 in</i></p>	<p>ESC is conscious that a number of parties have already provided evidence and information regarding the Applicant's argument on need. ESC does not intend to repeat or simply duplicate information already before the ExA.</p> <p>It is noted that Suffolk Energy Action Solution (SEAS), amongst others, have drawn attention to the fact that the <i>NESO Clean Power Report</i> can no longer be relied upon by the Applicant. ESC aligns itself with the views of SEAS in this respect as provided by SEAS [REP2-111, REP2-112 and REP2-113].</p> <p>Section 104(2)(a) of the Planning Act 2008 provides that –</p> <p><i>“In deciding the application the Secretary of State must have regard to –</i></p> <p style="text-align: center;"><i>(a) any national policy statement which has effect ……….”</i></p> <p>Whilst ESC accepts that the fundamental rationale for the raft of NPSs published over the last 15 or so years has been to remove/prevent public debate about need of a given project <i>per se</i> from the NSIP examination process, the presumption as to need only arises if the relevant NPS “<i>has effect</i>”. In light of the flaws that have been identified by SEAS in the <i>Clean Power Report</i> – which cannot be refuted by the Applicant – it is queried whether EN -1 actually does have “effect”?</p> <p>At the risk of dangerous over-summary, the case put by SEAS to the ExA is very simple and falls into three parts, namely:</p> <ul style="list-style-type: none"> i) The Energy NPSs support the principle of projects that facilitate the generation and transmission of green energy. The problem faced by

<p><i>order to allow a fair opportunity for all parties to comment on each other's submissions.</i></p>	<p>the Applicant – which it has been unable to answer satisfactorily – is that, in light of the defects identified in the NESO Clean Power Report on which the Applicant's need case is partially based, that need case must logically fall away; in that</p> <ul style="list-style-type: none"> ii) EN-1 only “<i>has effect</i>” if there is a demonstrable need for a given project, which in light of (i) above, is clearly not the case. iii) It follows that EN-1 upon which EN-3 and EN-5 rely, only “<i>has effect</i>” in terms of supporting the principle of facilitating the supply of green energy, the NPSs are not designed to and cannot support a fundamentally flawed case.
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Design, parameters and other details of the Proposed Development

<p>2GEN6</p> <p>East Suffolk Council (ESC), Thanet District Council (TDC), Kent County Council (KCC), Suffolk County Council (SCC), Historic England</p> <p><i>Detailed design in the dDCO requirement 3</i></p> <p><i>Provide comments on the applicant's wording in requirement 3 of the dDCO [REP4-217] and whether it would provide adequate controls over the design of above</i></p>	<p>ESC provided its proposed wording for Requirement 3, prepared in collaboration with Suffolk County Council and Thanet District Council, in its response to ISH2 Action Point 131 [REP4-119].</p> <p>ESC notes that the Applicant has made significant amendments to the wording of Requirement 3 following discussions at ISH2. ESC has reviewed the revised wording and has the following comments to make.</p> <p><u>Saxmundham Converter Station design</u></p> <p>Paragraph (1) of Requirement 3 deals with the approval of detailed design details for the Suffolk Converter Station, Kent Converter Station, and Kent Substation. ESC understands that it, as the discharging authority for Requirement 3 for the Suffolk Converter Station, would be afforded the ability to approve details of the external colour and surface finish of the Saxmundham Converter Station, but would be</p>
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<p><i>ground elements of the proposed development.</i></p>	<p>restricted only to confirming that the details of the layout, scale and operational lighting of the permanent buildings are in general accordance with the Key Design Principles. Whilst this is an improvement on the previous drafting of Requirement 3, providing ESC with additional control over the external colour and surface finish, ESC considers its control over the design of the Suffolk Converter Station remains unacceptably limited. Furthermore, Paragraph (1) of Requirement 3 appears to neglect to mention other aspects of external appearance beyond external colour and surface finish. For example, the Converter Station Design Principles in Section 3 of the Design Principles – Suffolk document [REP4-073] makes reference to a number of other design elements, including materials, the provision of aesthetic detailing, and the incorporation of on-site renewables into the converter station design. However, Paragraph (1) of Requirement 3 only requires the external colour, surface finish, layout, scale, and operational lighting to be in general accordance with the Key Design Principles, and so other equally importance design considerations are not captured.</p> <p><u>Friston Substation design</u></p> <p>Paragraph (2) of Requirement 3 deals with the approval of detailed design details for the Suffolk Substation (Friston). ESC considers that the list of design details in Paragraph (2)(a) which Work No. 1B must be constructed in accordance with is insufficient. The Applicant should be required to construct Work No. 1B in accordance with the documents approved through a discharge of Requirement 12 of Part 3 of Schedule 1 to the East Anglia TWO DCO (SI 2022/433) (or any updated details approved through the discharge of requirements that DCO).</p> <p><u>River Fromus Crossing design</u></p> <p>Paragraph (3) of Requirement 3 deals with the approval of detailed design details for the bridge over the River Fromus. ESC understands that it, as the discharging</p>
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	<p>authority for Requirement 3 for the River Fromus Crossing, would be afforded the ability to approve details of the external colour and surface finish of the bridge, but would be restricted only to confirming that the details of the layout and scale of the bridge meet the parameters in Paragraph (3)(b) of Requirement 3 (noting this appears to be mistakenly referred to as Paragraph (4)(b) in Paragraph (3)(a)).</p> <p>As noted above for Paragraph (1) in relation to the Suffolk Converter Station design, Paragraph (3) of Requirement 3 appears to neglect to mention other aspects of external appearance beyond external colour and surface finish, such as the design of the abutment walls and parapet railings. Paragraph (3)(c) requires a technical statement to be submitted to the relevant planning authority, but this is not to be approved, and its purpose is solely to demonstrate that the Applicant has sought to reduce the scale of the bridge; there is no scope for the relevant planning authority to control elements of the design of the bridge mentioned in Paragraph (3)(c) such as the design of the abutment walls and parapet railings. ESC therefore continues to request that the wording of Requirement 3 provides ESC with the ability to approve all aspects of the external appearance of the bridge. ESC also queries the reference to Design Principle ID.3 in Paragraph (3)(d), noting that this Design Principle is narrow in scope (dealing with materials, colours, and textures), and also refers to aspects of design that are clearly not relevant to the River Fromus Crossing, including 'roofing systems'. ESC considers that specific Design Principles for the River Fromus Crossing are needed, and these can then be referred to in Paragraph (3)(d) of Requirement 3.</p>
Draft development consent order (dDCO)	
<p>2GEN13 Applicant</p>	<p>ESC considers that Article 49(1)(b)(i) should not make reference to the Construction Noise and Vibration Management Plan because, as identified by the ExA, it contains</p>

Local authorities

Article 49 - Defence to proceedings in respect of statutory nuisance

Applicant: Article 49(1)(b) provides for a defence against statutory nuisance in operation and if “the defendant shows that the nuisance— (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in accordance with the Construction Noise and Vibration Management Plan”. As the outline Construction Noise and Vibration Management Plans [AS-131] and [AS-133] contain no operational noise controls, explain the purpose of this clause and whether additional operational noise controls should be referenced.

Local authorities: To comment.

no operational noise controls and so is not relevant to the use of the authorised project.

Instead, ESC suggests that Article 49(1)(b)(i) should refer to an operational noise limit DCO Requirement, which ESC has been continually requesting that the Applicant proposes, as early as Deadline 1 of the Examination (see Section 6.3.7 of ESC’s LIR [REP1-128]).

Despite the Applicant stating at Deadline 2 that it would provide a response to ESC’s request at a later deadline ([REP2-027]), at the time of writing, ESC is still yet to receive any further information regarding the Applicant’s position on this matter, nor has any indication been given that an operational noise DCO Requirement is forthcoming. At this stage in the Examination, this is simply not acceptable.

East Anglia ONE North (EA1N) and East Anglia TWO (EA2) committed to 31 dBA and 32 dBA noise rating levels at the three Noise Sensitive Receptors closest to the Friston substation site (see Requirement 27 of the EA1N and EA2 DCOs). Accordingly, Article 7 (Defence to proceedings in respect of statutory nuisance) of the EA1N and EA2 DCOs refers to the operational noise controls in Requirement 27.

ESC therefore suggests that the Sea Link Applicant adopts the same approach. The Applicant must propose an operational noise limit DCO Requirement, and then make reference to this in Article 49. ESC suggests the following wording for Article 49(1)(b), in line with the EA1N and EA2 DCOs:

‘(b) the defendant shows that the nuisance—

(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in

	<p><i>compliance with Requirement X (Control of noise during operational phase); or</i></p> <p><i>(ii) is a consequence of the use of the authorised project and that it cannot reasonably be avoided.'</i></p> <p>The current drafting of Article 49 highlights the absence of suitable controls over operational noise currently proposed by the Applicant. This is a serious concern for ESC and must be addressed urgently. The Applicant must propose an operational noise limit DCO Requirement at the earliest opportunity to allow time for ESC to review and provide comment on its adequacy prior to the close of Examination. Once the wording of this Requirement has been agreed, Article 49 must be amended to make reference to it, in place of the reference to the Construction Noise and Vibration Management Plan.</p> <p>ESC has provided suggested wording for its suggested operational noise limit requirement in response to ExQ2 Question 2NV1. below.</p>
<p>2GEN14</p> <p>Local authorities</p> <p>Applicant</p> <p><i>Article 51 - Arboricultural Method Statement (AMS)</i></p> <p><i>Local authorities: The applicant's response to ISH2 AP18 [REP4-086] explains that there is no need to amend Article 51 of the dDCO in respect of ancient and veteran trees because any tree works would be detailed in the AMS</i></p>	<p>Article 51 covers essential required tree works regardless of status (Tree Preservation Order, ancient, veteran or otherwise). As in previous projects, universally applicable provision has been included. The separate requirement to submit an Arboricultural Method Statement for other planned tree works (Requirement 8) can readily cover veteran and ancient tree provisions as necessary. ESC considers these are two separate provisions which do not overlap. ESC is therefore satisfied that Requirement 8 provides adequate controls with respect to ancient and veteran trees during the construction phase.</p> <p>However, Requirement 8 only restricts the authorised development commencing. As 'site clearance' is included in the list of pre-commencement operations in Article 2, ESC is concerned that the powers in Article 51 could allow the Applicant to fell</p>

<p><i>secured by requirement 8 of the dDCO, which is subject to local authority approval. Requirement 8 does not make explicit reference to ancient and veteran trees. If requirement 8 is the correct mechanism to control effects, should it explicitly make reference to retention of ancient and veteran trees, for example linking to a specific dDCO schedule?</i></p> <p><i>Applicant: To comment.</i></p>	<p>veteran or ancient trees during pre-commencement. ESC therefore continues to request amendments to Article 51 of the draft DCO to ensure that veteran and ancient trees are excluded from the provision.</p>
<p>2GEN15</p> <p>Local Authorities and Environment Agency (EA)</p> <p><i>Article 53</i></p> <p><i>Article 53(2)(b) allows for complete closure of the navigation on health and safety grounds only. 53(3) secures that this is kept to a minimum period. Should additional wording be included to specify what is a reasonable period or any seasonal constraints where closure may be inappropriate. If yes, please include suggested drafting.</i></p>	<p>ESC would suggest that it may be appropriate to consult the Canal and Rivers Trust on this matter. ESC therefore has no further comment to make.</p>
<p>2GEN17</p> <p>Local authorities</p>	<p>(1) No part of Work No. 6 may commence until the following have been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body and, in respect of sub-paragraph (a) and to the</p>

<p>Applicant</p> <p><i>Schedule 3 – Requirements - trenchless landfall</i></p> <p><i>Local authorities: In light of interested party (IP) concerns, the sensitivity of the receiving environment (including designated European sites) and notwithstanding the applicant’s updated wording in the revised Register of Environmental Actions and Commitments (REAC) [REP4-235], provide draft wording to secure the use of a trenchless landfall technique as a dDCO requirement. The wording should provide for construction and operation/maintenance and may also provide for a minimum depth of burial to address concerns regarding coastal erosion.</i></p> <p><i>Applicant: To comment or provide its own form of wording.</i></p>	<p>extent that it relates to works seaward of mean high water springs, the marine management organisation—</p> <p>(a) a landfall construction method statement for the construction of that part of Work No. 6 (which accords with the outline landfall construction method statement); and</p> <p>(b) a landfall monitoring plan (which accords with the outline landfall monitoring plan).</p> <p>(2) The landfall construction method statement and the landfall monitoring plan must be implemented as approved.</p> <p>(3) In the event that inspections carried out in accordance with the landfall monitoring plan indicate that, as a result of the rate and extent of landfall erosion, Work No. 6 could become exposed during the operation of the authorised project the undertaker must, as soon as practicable, submit proposals in writing for remedial works or mitigation measures to protect Work No. 6 from coastal retreat, together with a timetable for their implementation, to the relevant planning authority for approval in consultation with the relevant statutory nature conservation body, and the remedial works or mitigation measures must be implemented as approved.</p> <p>ESC’s preference would be for the Applicant to prepare an outline landfall construction method statement, and an outline landfall monitoring plan during this Examination, as was the case for EA1N and EA2. If the ExA does not consider this to be appropriate, Paragraph (1) of the requirement could be replaced with the following:</p> <p>(1) No part of Work No. 6 may commence until the following have been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body and, in respect of sub-paragraph (a) and to the</p>
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	<p>extent that it relates to works seaward of mean high water springs, the marine management organisation—</p> <p>(a) a landfall construction method statement for the construction of that part of Work No. 6. This must secure use of a trenchless landfall technique and include the final proposed profiles for the trenchless cable burial, demonstrating a minimum cable burial depth of 25m below the contemporary nearshore and foreshore level; and</p> <p>(b) a landfall monitoring plan which commits to coastal geomorphology impact assessments and comparison of collected data to baseline topographic surveys to ascertain whether any coastal change is taking place that could risk cable exposure if unmitigated.</p> <p>ESC has previously advised that a 25m coverage beneath the beach surface height, would <i>just</i> meet the lower end of ESC’s desired depth (see Ref 2.01 of ESC’s Deadline 3 Principal Areas of Disagreement Summary Statement (PADSS) [REP3-080]). ESC therefore requests that the Applicant adds a commitment in the REAC [REP4-235] to seek to achieve a greater cable burial depth, ideally 30m below the contemporary nearshore and foreshore level if possible. Evidence of meeting this commitment can be provided in the landfall construction method statement submitted for approval.</p>
<p>2GEN26</p> <p>All parties</p> <p><i>New requirements and conditions</i></p> <p><i>Notwithstanding any questions below, highlight and provide specific wording for any</i></p>	<p>ESC has requested:</p> <ul style="list-style-type: none"> • an operational noise requirement (suggested wording for which is provided below in response to Question 2NV1); • a trenchless landfall requirement (suggested wording for which is provided below in response to Question 2GEN17);

<p><i>commitments currently included in the REAC [REP4-235] that you believe should be secured as requirements or conditions on the face of the order.</i></p>	<ul style="list-style-type: none"> • controls over operational lighting, whether through a Lighting Management Plan or an operational lighting requirement (suggested wording for which is provided below in response to Question 2LVIA8); and • a fencing requirement (suggested wording for which is provided below in response to Question 2LVIA8). <p>ESC would also request that a requirement securing advanced planting is provided. ESC suggests that advanced mitigation planting is added to the list of pre-commencement operations in Article 2 of the draft DCO. A new Requirement should then be added to Schedule 3 to allow the relevant planning authority to approve details of advanced planting. ESC suggests the following wording:</p> <p>Advanced planting</p> <p>(1) No pre-commencement operations may commence until details of advanced planting have been submitted to and approved by the relevant planning authority, including a timetable for their implementation.</p>
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2. Landscape and visual

Questions for East Suffolk Council	East Suffolk Council Response
<p>2LVIA8</p> <p>ESC, TDC, KCC, SCC</p> <p><i>Lighting and fencing</i></p>	<p>ESC considers that relevant planning authorities do require control over details of lighting and fencing. Suggested wording has been provided in response to ExQ2 Question 2GEN26. above.</p> <p>ESC has previously requested that an outline lighting management plan be prepared, with a more detailed Lighting Management Plan submitted to the relevant</p>

<p><i>Further to your responses to ISH2 Action Point 131, explain whether you consider that relevant planning authorities require control over details of lighting and fencing. If so, provide suggested wording. If not, explain why you consider that there would be adequate existing controls.</i></p>	<p>planning authority for approval through a discharge of Requirement 6 of the draft DCO. Whilst ESC acknowledges that operational lighting details for the converter stations are now to be submitted to the relevant planning authority for the discharge of Requirement 3, the relevant planning authority is only to confirm that the submitted details are in general accordance with the Key Design Principles. ESC is concerned that the suggestion of producing a technical statement as a 'potential associated activity' for Design Principle N.4 [REP4-073] is not a strong enough control, particularly given that the wording of Requirement 3 of the dDCO [REP4-217] as currently drafted only requires the submitted details to be in general accordance with the Key Design Principles.</p> <p>Furthermore, these changes to Requirement 3 do not provide the relevant planning authority with any control over the operational lighting of the Friston Substation, nor are any measures included in the REAC.</p> <p>ESC therefore continues to request that the Applicant prepares an outline lighting management plan covering the operational lighting for both the converter station and substation sites, with a more detailed Lighting Management Plan submitted to the relevant planning authority for approval through a discharge of Requirement 6 of the draft DCO. With regards to specific wording, ESC suggests that Paragraph (1) of Requirement 6 is amended as follows:</p> <p>(1)</p> <p>...</p> <p>(q) Flood Management Plan (FMP); and</p> <p>(r) Code of Construction Practice (which must be substantially in accordance with the outline Code of Construction Practice); ;</p>
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(s) Lighting Management Plan – Suffolk (which must be substantially in accordance with the Outline Lighting Management Plan – Suffolk); and

(t) Lighting Management Plan – Kent (which must be substantially in accordance with the Outline Lighting Management Plan – Kent).

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Alternatively, if the ExA does not consider it appropriate for outline lighting management plans to be submitted at this stage of the Examination, the following wording could be included as an additional DCO Requirement, which ESC has prepared based on the wording of Requirement 25 in the EA1N and EA2 DCOs:

Control of artificial light emissions during operational phase

(3) Work Nos. 1B, 3B, 9B and 11 must not begin operation until an operational artificial light emissions management plan for that Work providing details of artificial light emissions during the operation of that Work, including measures to minimise lighting pollution and the hours of lighting, has been submitted to and approved by the relevant planning authority.

(4) The approved operational artificial light emissions management plans for Work Nos. 1B, 3B, 9B and 11 must be implemented upon, and maintained during, the operation of the relevant Works.

Whilst ESC has not previously sought a specific requirement in relation to fencing, ESC has raised concerns regarding the potential for fencing to direct deer towards hazards or trap them within confined areas (see paragraph 7.2.3 of ESC's LIR [[REP1-128](#)]). In addition to ensuring that fencing provides adequate protection for ecological receptors, ESC also requires controls over fencing for other reasons, including ensuring the safety of Public Rights of Way users and the protection of

	<p>trees and hedgerows, where required. ESC would therefore welcome details of fencing being secured through a DCO Requirement. ESC suggests the following wording, which is based on the wording of Requirement 17 of the EA1N and EA2 DCOs:</p> <p style="text-align: center;">Fencing and other means of enclosure</p> <p>(1) No stage of the onshore works may commence until for that stage written details of all proposed permanent and temporary fences, walls or other means of enclosure of the onshore works have been submitted to and approved by the relevant planning authority.</p> <p>(2) All fencing and other means of enclosure of the onshore works must be in accordance with the approved details.</p> <p>(3) Any temporary fencing must be removed on completion of the relevant stage of the onshore works unless otherwise approved by the relevant planning authority.</p> <p>(4) Any approved permanent fencing in relation to Work Nos. 1B, 3B, 9B and 11 must be completed before that Work is brought into use and must be maintained for the operational lifetime of the Work to which it relates.</p>
<p>2LVIA10</p> <p>Applicant</p> <p>ESC, SCC, SEAS and other relevant stakeholders</p> <p><i>Cumulative effects on the AONB</i></p>	<p>ESC is satisfied that effects on Landscape Quality are addressed by the provision of acid grassland enhancement, together with full and complete landscape restoration post-construction as detailed in the LEMP. ESC considers that impacts on Scenic Quality would be temporary, lasting only for the duration of the construction phase and a short time post-construction. Such impacts would be resolved following approved landscape restoration. ESC considers that impacts on Relative Wildness and Relative Tranquillity, whilst significant during construction, will be resolved once the construction phase is complete. ESC has no requests for</p>

<p><i>Applicant: The updated assessment of effects on the sub-factors of the special qualities and natural beauty indicators set out in the Planning Statement Addendum [REP4-092] is welcomed. The cumulative assessment provided in table 4.1 of the National Landscape Section 85 Duty Technical Note [REP1-120] is only in relation to the indicators rather than the sub-factors. Provide a more detailed cumulative assessment in relation to the sub-factors for the natural beauty indicators and special qualities indicators with a greater level of detail as to the factors that have led to the conclusions for each indicator and the magnitude of the effect.</i></p> <p><i>Where a temporary significant adverse effect is identified, specify the likely duration of the temporary effect and whether any avoidance, mitigation or compensation measures could be identified that would reduce the magnitude of the effects.</i></p> <p><i>ESC, SCC, SEAS and other relevant stakeholders: Suggest potential mitigation or compensation measures for the likely significant cumulative effects on the special</i></p>	<p>additional mitigation or compensation, but recognises concerns raised by other stakeholders, including SCC and the Suffolk Coast and Heaths National Landscape Partnership, and so defers detailed consideration of these matters to those parties.</p>
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<p>qualities and natural beauty of the AONB, as identified in table 4.1 of [REP1-120].</p>	
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3. Ecology and biodiversity

Questions for East Suffolk Council	East Suffolk Council Response
<p>2ECOL5</p> <p>NE</p> <p>RSPB</p> <p>Local authorities</p> <p><i>Unexploded Ordnance (UXO)</i></p> <p><i>Explain whether the proposed approach to UXO outlined in the applicant's response to ISH2 AP16 [REP4-086] is sufficient to ensure that potential effects on the designated sites could be appropriately mitigated.</i></p>	<p>ESC notes the Applicant's response to ISH2 AP16 [REP4-086], including that the HDD depth will always be below bomb penetration depth when within the Sandlings SPA or Leiston-Aldeburgh SSSI. The UXO report provided within [REP3-070] identifies an approximate bomb penetration depth of 10-12m (paragraph 8.5.5). Although the exact location of the HDD launch sites within the compound is not known, the edge of the compound is approximately 15m from the edge of the Leiston-Aldeburgh SSSI. It therefore appears that it is unlikely that the drill will reach a depth below 10-12m before it enters the SSSI, and therefore there is a risk that it could encounter UXO if any are present in this area. Unless it can be demonstrated that the drill will reach a depth of greater than 10-12m before it enters the SSSI, ESC maintain its position, as set out in Section 3.2 of its Issue Specific Hearing 2 Post-Hearing Submission [REP4-117], that additional mitigation measures to protect designated nature conservation sites from UXO works should be included in the REAC and Outline Code of Construction Practice.</p>
<p>2ECOL8</p> <p>Applicant</p> <p>Local authorities</p>	<p>ESC considers that the OLEMP needs to better define the extent and scope of the pre-commencement surveys which are to be undertaken. This should include the methodologies that are going to be used for each survey, including highlighting where there are any proposals to deviate from published best practice guidance for a particular species. Inclusion of this information is important so that it is clearly</p>

Benhall bridge works

Applicant: Explain what the potential is for the rail corridor at Benhall Bridge to act as a bat commuting corridor and dormouse habitat and whether this would require additional survey and/or mitigation measures? Where relevant provide a commitment in the REAC [REP4-235] or Suffolk oLEMP [REP4-065].

Local authorities: It is noted that the extent of pre-construction surveys has been restricted in the revised oLEMP as follows “These surveys will include surveys of breeding and non-breeding birds (particularly nesting Schedule 1 species), bat activity (focussed on locations where failures of automated bat detectors occurred during baseline surveys resulting in fewer than the standard 5 nights of activity being recorded in those locations), riparian mammals, dormice (specifically regarding Area D where an ambiguous record exists from the original survey) and badgers.” Comment on whether the extent of surveys should be increased.

understood what survey methods are to be utilised, when and where, particularly in relation to species for which updated best practice survey guidelines have been published since the survey work which informs the EIA was undertaken (such as dormouse).

With regard to the pre-construction surveys listed in the current version of the OLEMP [REP4-065], ESC agrees with the inclusion of breeding and non-breeding birds, riparian mammals, dormice and badgers. In relation to dormice, the proposal to restrict the pre-commencement survey to Area D (where the potential dormouse nest was recorded) is considered to be acceptable, subject to the pre-commencement surveys also including the use of footprint tunnels (alongside nest tubes) in accordance with the current best practice survey guidance. ESC considers that the OLEMP should be updated to commit to this.

With regard to bats, it is unclear whether the OLEMP is stating that pre-commencement surveys will cover all locations where there were fewer than five nights recording in any one survey month or whether it means that pre-commencement surveys will only be undertaken at locations that on average didn't achieve 5 nights per month across the whole survey season. Given ESC's ongoing concerns about the bat activity survey effort to date (as set out in Paragraphs 7.2.5.3 to 7.2.5.6 of its Local Impact Report [REP1-128]) and the Applicant's ability to completely implement the proposed mitigation measures (as set out in Section 3.4 of its Issue Specific Hearing 2 Post-Hearing Submission [REP4-117]), it is ESC's opinion that it should be the former. Based on Table 1.4 of the Suffolk Nighttime Bat Walkover and Static Detector Survey Report [APP-107], all nine static bat detector survey locations failed to achieve at least five nights of recording in at least one month of the survey season (out of eight possible months), with four locations failing to achieve at least 5 nights of recording in at least two months, two locations failing in at least four months and one location failing in five months. This included

	<p>significant failures in the late summer/early autumn period (August/September 2024) which is a key time for foraging bats post the maternity season and as they prepare for mating and hibernation. In these two months, of the 18 possible survey periods (nine in August and nine in September) 12 failed to achieve a minimum of 5 nights of recording per month. It is therefore essential that the pre-commencement bat activity surveys provide complete coverage of the locations used for the surveys which informed the EIA, and ESC considers that the OLEMP should be updated to commit to this.</p> <p>In addition, surveys for bat roosts in trees must also form part of the suite of pre-commencement surveys in order to inform the specific mitigation measures required for each tree with bat roost potential that is to be removed, as well as the need for any Natural England protected species mitigation licences.</p>
<p>2ECOL12</p> <p>RSPB</p> <p>Local authorities</p> <p>NE</p> <p><i>Updated wintering bird survey</i></p> <p><i>Comment on the applicant's statement in [REP4-241] that "since the North Warren RSPB Reserve is being treated as a sensitive receptor, the Applicant does not consider that updated information regarding the number and distribution of wintering birds within the</i></p>	<p>ESC defers to Natural England and the RSPB for confirmation on this point; however, ESC acknowledges the importance that the Applicant has assigned to this sensitive receptor and the measures that are proposed to avoid or mitigate impacts on the site. Given the measures proposed, ESC accepts that further wintering bird surveys are unlikely to result in any additional measures being incorporated.</p>

<p><i>Reserve is required, particularly since RSPB have good data for their Reserve.”</i></p>	
<p>2ECOL13</p> <p>NE</p> <p>RSPB</p> <p>Local authorities</p> <p><i>Suffolk Wintering Bird Survey Report</i></p> <p><i>Provide any further comments on the assessment of effects on wintering birds, based on the updated Suffolk Wintering Bird Survey Report appendix 2.2.b [REP4-037].</i></p>	<p>ESC defers detailed comment on this matter to Natural England and the RSPB. However, ESC understands that the update to the Suffolk Wintering Bird Survey report [REP4-037] was to correct errors in the data in Table A.2 in Annex 2.B.2, but this does not change the conclusion of the assessment.</p>
<p>2ECOL14</p> <p>Applicant</p> <p>Local authorities</p> <p>RSPB</p> <p><i>Seasonal restrictions - Suffolk</i></p> <p><i>Applicant: Section 6.7 of the Suffolk oLEMP [REP4-065] explains that topping/flailing works would be restricted during the bird ground-nesting season (i.e. avoiding March to August). In light of previous amendments</i></p>	<p>ESC agrees that, given that Section 6.7 of the OLEMP relates to management of the acid grassland compensation area which could be used by breeding woodlark, the reference to timings for topping/falling works in the OLEMP should be amended to commit to avoiding February to August to reflect similar provisions elsewhere in the OLEMP.</p>

<p><i>relating to the bird breeding season, should this read February to August?</i></p> <p><i>Other parties: To comment.</i></p>	
<p>2ECOL18</p> <p>Applicant</p> <p>Local authorities</p> <p><i>Deer management</i></p> <p><i>Provide an update on discussions regarding deer management with EDF as referenced in section 6.4 of the Suffolk oLEMP [REP4-065]. The local authorities may wish to comment on the proposed approach.</i></p>	<p>ESC understands this to be a matter raised by SCC, and ESC therefore defers to them.</p>
<p>2ECOL19</p> <p>Applicant</p> <p>EA</p> <p>Local authorities</p> <p><i>Potential ecological opportunities</i></p> <p><i>Applicant: Paragraph 1.35 of the Aquatic Ecology Survey Report [APP-104] suggests that the River Fromus has poor ecological status due to diffuse and point source pollution and barriers, issues which would be</i></p>	<p>In principle, ESC would support the implementation of measures to enhance the ecological status of the River Fromus being delivered as a part of this project. However, if these were to be delivered as part of the project's BNG requirement it must be ensured that they are adequately secured, managed and monitored so that there is sufficient certainty that they are delivering a true net gain for biodiversity in the long term.</p>

<p><i>disproportionately expensive to fund. Blue Spaces – Saxmundham [RR-0589] also suggests measures to improve the River Fromus. Does the applicant consider that there is any potential to address some of the identified constraints as part of the applicant’s proposed biodiversity net gain (BNG) measures?</i></p> <p><i>EA and local authorities: To comment.</i></p>	
<p>2ECOL21</p> <p>Applicant</p> <p>Local authorities</p> <p>NE</p> <p><i>Impact of pylon base installation</i></p> <p><i>Table 9.23 of Kent chapter 9 noise and vibration [AS-111] identifies use of pad foundations for pylon construction as an example means of achieving 10 to 20dB reduction in noise levels. Should this measure be secured to reduce noise and vibration effects on bird species in Kent?</i></p>	<p>ESC notes that this question is related to the Kent Onshore Scheme. ESC therefore defers to Natural England and the Kent local authorities.</p>
<p>2ECOL43</p> <p>Local authorities</p>	<p>ESC understands that REAC action B14 links to Section 3.4 (Protected Species Licences) of the OLEMP [REP4-065] which provides additional detail on the potential deployment of this vegetation clearance methodology. This includes that</p>

<p><i>REAC provision B14</i></p> <p><i>The REAC [REP4-235] explains that a precautionary method would be followed “when undertaking vegetation clearance potentially suitable for dormice”. Comment on whether this provision should specify particular locations or the process for establishing ‘potentially suitable’ vegetation.</i></p>	<p>the methodology will only be used where an ambiguous record remains following completion of the pre-commencement surveys. Therefore, at most this technique will only be utilised in Area D of the dormouse survey areas as this is the area where the potential dormouse nest was previously located and which will be targeted for pre-commencement surveys (as set out in Section 7.1 of the OLEMP [REP4-065]).</p>
<p>2ECOL44</p> <p>Local authorities</p> <p>EA</p> <p><i>REAC provision B18</i></p> <p><i>Confirm whether provision B18 of the REAC [REP4-235] provides sufficient detail to provide certainty regarding eel mitigation measures. Is any additional construction mitigation for eel required during eel migration periods in addition to the measures identified in the REAC for Minster Marshes and if not, why not?</i></p>	<p>ESC notes that REAC provision B18 is related to the Kent scheme. ESC therefore defers to the Environment Agency and Kent local authorities.</p>
<p>2ECOL48</p> <p>Local authorities NE</p> <p><i>REAC provision B55</i></p>	<p>ESC notes that REAC provision B55 is relevant to the Kent Onshore Scheme. ESC therefore defers to Natural England and the Kent local authorities.</p>

<p><i>Are the local authorities and NE satisfied with the commitment in REAC [REP4-235] provision B55 to “making the lines visible in adverse weather or low light conditions” or should specific reference be made to night time? The ExA has considered the applicant’s response to ISH2 AP24 [REP4-086] but considers that based on plain English, ‘low light’ may not be inclusive of the night period.</i></p>	
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8. Traffic and transport

Questions for East Suffolk Council	East Suffolk Council Response
<p>2TT4</p> <p>SCC</p> <p>East Suffolk District Council</p> <p><i>Alternative Abnormal Indivisible Load (AIL) route</i></p> <p><i>The applicant has presented an Option 3 [REP4-101] which would avoid use of Benhall Railway Bridge for the transformer</i></p>	<p>ESC defers to SCC as Local Highway Authority.</p>

<p><i>ALL deliveries. Provide comments on Option 3 and its route.</i></p>	
<p>2TT7</p> <p>Applicant</p> <p>All County and District Councils</p> <p><i>Caps on HGVs</i></p> <p><i>If there are no caps on HGVs using certain routes, then would there be any enforcement possible for the County or District Councils if it transpired that there were more HGVs using certain routes than anticipated in the ES assessment, including cumulatively with other projects?</i></p> <p><i>For the Councils, is there a concern that capping HGV movements may displace them to other more sensitive routes with adverse impacts or that it could elongate the construction programme.</i></p>	<p>ESC defers to SCC as the Local Highway Authority but supports its requests for greater controls in the Outline Construction Traffic Management and Travel Plan, including HGV caps and controls on HGV routing. This would provide help to ensure compliance with the numbers of movements assumed in the ES assessment, and allow for the necessary remedial measures to be implemented where the project fails to comply with these controls. ESC defers to SCC as the Local Highway Authority regarding the potential for adverse impacts arising from HGV caps, but considers that a combination of controls on permitted HGV routing and HGV caps would address concerns about other sensitive routes.</p>

9. Air quality

<p>Questions for East Suffolk Council</p>	<p>East Suffolk Council Response</p>
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<p>2AQ2</p> <p>Local authorities</p> <p>Applicant</p> <p><i>Appendix A Air Quality Technical Note [REP4-241]</i></p> <p><i>Local authorities: Provide comment on the technical note.</i></p> <p><i>Applicant: Confirm whether the high predicted NOx process contributions identified in Table A.7 maximum impact scenario could indicate any potential for exceedance of the hourly limit values for NO2 and if so, what further analysis or mitigation might be required in respect of the Kent or Suffolk converter station sites to address human health issues? Applicant to also re-provide appendix tables A.8 and A.9 with headings that are aligned with columns as the tables are difficult to read as presented.</i></p>	<p>The Air Quality Technical Note submitted by the Applicant as Appendix A to its 'Comments on Other Submissions Received at Deadlines 3 and 3A' [REP4-241] concerns impacts of construction dust emissions, Non-Road Mobile Machinery (NRMM) emissions, back-up generator emissions, and emissions from construction and operational traffic on ecologically designated sites. As such, ESC defers to Natural England to comment on this question, noting ESC focuses on the air quality impacts on human health or nuisance, rather than ecological receptors.</p>
<p>2AQ3</p> <p>Local authorities</p> <p><i>Outline Air Quality Management Plans (oAQMP)</i></p>	<p>The oAQMP is the Applicant's management plan and, as such, it must ensure that any amendments to the order limits are assessed thoroughly and management plans updated appropriately. The Applicant provided information in an addendum to Vol 6 Environmental Statement [CR1-055] which included an assessment of the impact of the proposed changes on air quality. It is noted that whilst the changes do introduce additional sensitive receptors into the study areas, the mitigation</p>

<p><i>Are any further changes required to the outline AQMP [REP3-052] and [REP3-054] to take account of the amended order limits as part of the change request?</i></p>	<p>measures already proposed for dust control are for high-risk sites and as such include a comprehensive set of controls across the construction site which are expected to control dust to acceptable levels.</p> <p>With regard to emissions from construction traffic and NRMM, again mitigation is already proposed across the project which will reduce emissions from these sources. As such, any additional receptor locations brought into the study areas will already benefit from the agreed control.</p>
<p>2AQ4</p> <p>Applicant</p> <p>Local authorities</p> <p><i>Operation and maintenance air quality controls</i></p> <p><i>Applicant: SCC's LIR paragraph 12.23 [REP1-130] suggests that it is vital for appropriate mitigation to be put in place to minimise operation and maintenance air quality impacts from major works. The applicant's comments on SCC's LIR [REP2-026] simply states that it notes SCC's comments. Provide an appropriate mechanism within the applicant's suite of control documents to control operation and maintenance works emissions or explain why this is not required.</i></p>	<p>ESC agrees that if major work was to be undertaken at the operational plant, there would be the potential for impact on air quality. As such, ESC requests a suitable mechanism to control emissions during the operational and maintenance phase. ESC will review the Applicant's response to this question submitted at Deadline 5 and comment, as appropriate, at Deadline 6.</p>

<i>Local authorities: To comment.</i>	
<p>2AQ5</p> <p>Applicant</p> <p>Local authorities</p> <p><i>REAC provision AQ11</i></p> <p><i>Applicant: Update REAC [REP4-235] provision AQ11 to specify a minimum 120m offset from Sandwich Bay to Hacklinge Marshes SSSI consistent with the proposed mitigation in the applicant's updated air quality assessment [REP4-241].</i></p> <p><i>Local authorities: Suggest wording for a requirement to ensure that a 120m offset is secured between the generators and the SSSI.</i></p>	<p>ESC notes REAC provision AQ11 is related to the Kent Onshore Scheme. ESC therefore defers to the Kent local authorities.</p>

10. Noise and vibration

Questions for East Suffolk Council	East Suffolk Council Response
<p>2NV1</p> <p>Local authorities</p>	<p>Prior to agreeing any final operational noise DCO requirements, an operational noise level must first be agreed and this matter remains outstanding. ESC has made clear it wants to see a rating level 5dB below representative background. ESC</p>

Operational noise and vibration

Suggest draft wording for operational noise and vibration requirements in respect of the detailed converter and substation designs that sets limits for operational noise at specific receptors and a mechanism for agreeing the final acoustic design.

would, however, be willing to agree an alternative level subject to discussion, provided that:

- the Applicant can justify the lowest achievable operational noise level; and
- this proposed level satisfies policy. This means that the Lowest Observable Adverse Effect Level (LOAEL) and Significant Observable Adverse Effect Level (SOAEL) should be based on BS4142, where >+5dB above background represents an adverse effect, and >+10dB above background represents a significant adverse effect. This approach has been taken for other comparable committed and planned projects in the District, including EA1N, EA2, and LionLink. However, it should be noted that even satisfying policy may still result in adverse effects and ESC would maintain its concern in that regard.

Notwithstanding the above, ESC would require both a firm commitment in detailed design principles to go lower than the agreed operational noise limit if reasonably possible, and verification post-construction that the level has been achieved, as has been the case for other comparable consented and planned projects in the area.

The Requirement should accord with the following draft or similar, which ESC has prepared largely based on the wording of Requirement 27 of the EA1N and EA2 DCOs:

Control of noise during operational phase

- (1) The noise rating level for the Suffolk Converter Station (Work No. 3B) must not exceed [Operational noise limit(s) to be agreed]—
- (2) Work No. 3B must not operate until a scheme for monitoring compliance with the noise rating level or levels set out in sub-paragraph (1) above has been submitted to and approved by the relevant planning authority. The scheme must be based on principles set out in BS 4142:2014+A1:2019. The

reference method set out in Annex D to BS 4142:2014+A1:2019 shall be used in the assessment of whether tonal penalties apply.

(3) The noise rating level for the new Substation at Grove Wood, Friston (Work No. 1B) must not exceed [Operational noise limit(s) to be agreed]—

(4) Work No. 1B must not operate until a scheme for monitoring compliance with the noise rating level or levels set out in sub-paragraph (3) above has been submitted to and approved by the relevant planning authority. The scheme must be based on principles set out in BS 4142:2014+A1:2019. The reference method set out in Annex D to BS 4142:2014+A1:2019 shall be used in the assessment of whether tonal penalties apply.

(5) In order to demonstrate that the noise levels have been achieved after commencement of the operation of the Suffolk Converter Station (Work No. 3B) at full capacity, and after commencement of the operation of the new Substation at Grove Wood, Friston (Work No. 1B) at full capacity, the schemes referenced in sub-paragraphs (2) and (4) above must identify—

(a) the required meteorological and other conditions under which the measurements will be taken, acknowledging that data obtained during emergency operation or testing of certain plant and equipment is not to be taken into account;

(b) suitable monitoring locations (and alternative surrogate locations if appropriate); and

(c) times when the monitoring is to take place.

(6) In the event that the new Substation at Grove Wood, Friston (Work No. 1B) is not delivered under this Order, in order to ensure that the infrastructure to

be delivered under Work No. 2 of this Order does not result in exceedances of the operational noise rating levels at the substation site at Grove Wood, Friston, Work No. 2 must not operate until a scheme for monitoring compliance with the noise rating levels set out in Requirement 27 of the East Anglia TWO DCO (SI 2022/433) has been submitted to and approved by the relevant planning authority.

(7) In order to demonstrate that the lowest reasonably practicable operational noise levels have been achieved, the schemes referenced in sub-paragraphs (2) and (4) above must also provide an assessment to demonstrate, to the relevant planning authority's satisfaction, whether it is possible to achieve lower noise rating levels than those identified in sub-paragraphs (1) and (3) above. Where this is demonstrated to be possible, those levels will become the noise rating levels for the purpose of sub-paragraphs (1) and (3) above and for the sites in perpetuity.

(8) The schemes must be implemented as approved, and the results reported to the relevant planning authority.

ESC has included Paragraph (6) of the above proposed Requirement wording in order to make provision for monitoring to ensure that, under a Scenario 1 connection, the infrastructure required to connect Sea Link into the National Grid substation delivered under the SPR Consents does not result in exceedances of the site-wide operational noise rating level of the substation site, as prescribed by the SPR Consents. In wording Paragraph (6) of the above proposed Requirement, ESC has assumed that all of the additional infrastructure required to connect Sea Link into the National Grid substation under a Scenario 1 connection is contained within Work No. 2. ESC requires clarity from the Applicant, however, that this is indeed the case, as if some of the infrastructure in fact falls under Work No. 1B (all parts of

	<p>which ESC assumes would not be delivered under Scenario 1), the proposed Requirement will need to be revisited.</p> <p>ESC requires monitoring to be secured for the infrastructure required to connect Sea Link into the National Grid substation under a Scenario 1 connection, as ESC considers that an exceedance of the operational noise rating level for the substation site caused by connection infrastructure delivered by Sea Link would, in the absence of a Requirement similar to that proposed above, sit with ScottishPower Renewables, rather than with Sea Link. Therefore, in order to ensure that the operational noise rating level of the Friston substation site can be appropriately enforced in the event of a Scenario 1 connection, ESC considers that this aspect of the Requirement is required.</p>
<p>2NV3</p> <p>Local authorities</p> <p><i>s61 controls</i></p> <p><i>Suggest an alternative form of wording for the outline Construction Noise and Vibration Management Plan (oCNVMP) s61 controls or a suitable requirement to secure s61 controls for specific construction activities.</i></p>	<p>ESC suggests the following wording, which has been prepared using the wording contained within Section 10.2 of the EA1N (and EA2) Construction Phase Noise and Vibration Management Plan (see Appendix 1), and its experience with Section 61 applications for those projects:</p> <p><i>The Project and its Principal Contractors will seek and obtain prior consent from ESC for all works as defined by Section 60 of the Control of Pollution Act 1974 (CoPA) including the erection, construction, alteration, repair or maintenance of buildings, structures or roads, under Section 61 (S.61) of the CoPA.</i></p> <p><i>The CoPA gives the Council powers to control noise and vibration from construction sites and other works, allowing contractors to apply for Prior Consent and agree matters relating to the control of noise and vibration arising from construction of the project. It is a well understood mechanism for both the developer and ESC and provides an industry standard framework for controlling noise and vibration.</i></p>

The application for a Section 61 consent will include details of working hours, site noise levels, the works and the methods by which they will be carried out and the measures to be implemented to mitigate and minimise the noise and vibration resulting from the works. The application must include a detailed noise and vibration impact assessment to ensure that relevant receptors are considered, along with local conditions and cumulative impacts with other packages of work on this project or with other projects, and to demonstrate Best Practicable Means for noise and vibration control have been considered and implemented.

Applications for prior consent under Section 61 of CoPA will assess the noise impact from construction noise using the ABC assessment method set out in Annex E.3.2 of BS 5228- 1:2009+A1:2014.

The contractors will use Best Practicable Means, as defined by Section 72 of CoPA, and as set out in detail in the Construction Noise and Vibration Management Plan, to minimise construction noise as far as is reasonable and practical to do so. Contractors will also have due regard to Section 8 of BS 5228- 1:2009+A1:2014 and BS 5228- 2:2009+A1:2014 to further inform the control of noise and vibration associated with the development.

S.61 applications will be made at regular intervals throughout the project where a package of works is ongoing for a significant duration. S.61 consents should be reviewed and refreshed when changes occur to the programme or methodology of work that results in a change in impact outcome from previous S.61 consents. Regular S.61 applications provide the opportunity to review working practices, mitigation and monitoring to ensure the Best Practicable Means are being employed and to demonstrate that Construction Noise and Vibration are being controlled to the lowest reasonable level. It also provides the opportunity for regular engagement with ESC and ensures that matters such as local concerns, complaints and wider district issues,

	<i>cumulative and conflicting matters are included in the consideration of noise and vibration control arising from the construction of this project.</i>
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12. Onshore Cumulative effects (intra-project)

Questions for East Suffolk Council	East Suffolk Council Response
<p>2CEIntra1</p> <p>All Councils</p> <p><i>Mitigation of intra-project cumulative effects</i></p> <p><i>Do you consider that further mitigation measures are required to mitigate significant intra-project cumulative effects in addition to those already identified by the applicant? If yes, explain what specific additional measures should be considered. In answering identify the specific significant cumulative effects that the mitigation is considered to address, how it accords with appropriate planning tests and how it could be secured? If it is to be secured in the DCO, provide suggested wording.</i></p>	<p>As noted in response to Question 2CEIntra2 below, ESC is satisfied that the REAC Measure GG40 commits the Applicant to undertaking a review of the intra-project cumulative effects assessment at detailed design stage to consider additional mitigation measures. ESC understands that this detail will then be approved by ESC through a discharge of Requirement 6 of the draft DCO for the Code of Construction Practice. ESC has no requests for further mitigation measures to be identified for intra-project cumulative effects at this stage, but notes that it has requested further mitigation for individual topic areas, and these would collectively also help to address significant intra-project cumulative effects.</p>

<p>2CEIntra2</p> <p>All Councils</p> <p><i>REAC commitment to review / mitigate significant intra-project cumulative effects</i></p> <p><i>Having regard to the applicant's response to AP112 [REP4-086], can all Councils confirm if they agree with the suggested commitment wording for the REAC (and subsequent approval through discharge of requirement 6 via relevant management plans) to review intra-project cumulative effects and establish what additional mitigation measures could be applied to reduce their significance? In answering, summarise any remaining concerns, if you consider it should be secured in the DCO provide suggested text.</i></p>	<p>ESC notes that the Applicant has now proposed REAC measure GG40 to address ESC's request. ESC welcomes this additional commitment and considers this satisfies its previous request.</p>
<p>2CEIntra3</p> <p>All Councils</p> <p><i>Quantification of significance of effects</i></p> <p><i>Having regard to the applicant's response to AP111 [REP4-086], can all Councils confirm if they agree with the applicant's stated position regarding quantification of magnitude/degree of significance of effects in</i></p>	<p>ESC considers that a precautionary approach should be applied in the assessment of intra-project cumulative effects, as is appropriate when dealing with environmental impact assessments. Given the Applicant has suggested during the Examination that it is unable to differentiate between moderate and major intra-project cumulative effects, the Applicant's response to Action Point 111 from ISH2 does not provide ESC with sufficient detail to reassure it that the identified intra-project cumulative effects would be moderate rather than major. ESC maintains its view that, given the Applicant's evident uncertainty, a precautionary approach should be adopted. Such an approach would treat the impacts as major. In any event, whether moderate or major, these are significant effects and should be</p>

<p><i>cumulative (intra-project) assessments on residential properties and how the various effects interact with each other? In answering:</i></p> <ul style="list-style-type: none"> <i>• explain if you agree with the conclusion that if any significant effects on residential receptors were to occur, they would be likely to be moderate not major?</i> <i>• set out if there are any other concerns regarding possible significant effects on non-residential receptors (including road, public rights of way and recreational users) and how any specific significant cumulative effect could be mitigated, how that accords with appropriate planning tests and could be secured?</i> 	<p>treated as such. The Secretary of State should, therefore, apply significant weight to these effects, particularly given the local context.</p>
<p>2CEIntra4</p> <p>All Councils</p> <p><i>REAC mitigation commitments (GG27, GG03, NV03)</i></p> <p><i>In responding to AP112 [REP4-086] the applicant has set out initial comments regarding REAC commitments GG27, GG03 and NV03? Can the identified Councils confirm if they agree with the applicant's</i></p>	<p>ESC has no objections to the Applicant's positions and welcomes its indication that further consideration will be given to the wording of REAC measures GG03 and NV03. ESC will review and comment, as appropriate, on any revised REAC wording once this is submitted into the Examination.</p>

<p><i>position / proposed amendments, or if not provide details of the additional changes you consider necessary?</i></p>	
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13. Onshore Cumulative effects (inter-project)

Questions for East Suffolk Council	East Suffolk Council Response
<p>2CEInter1</p> <p>All Councils</p> <p><i>Mitigation of inter-project cumulative effects</i></p> <p><i>Do you consider that further mitigation measures are required to mitigate significant inter-project cumulative effects in addition to those already identified by the applicant. If yes, explain what specific additional measures should be considered. In answering identify the specific significant cumulative effects that the mitigation is considered to address, how it accords with appropriate planning tests and how it could be secured? If it is to be secured in the DCO, provide suggested wording.</i></p>	<p>ESC has no further specific requests for mitigation measures for inter-project cumulative effects at this stage, but notes that it has requested further mitigation for individual topic areas, and these would also help to address significant inter-project cumulative effects. ESC is particularly concerned about inter-project cumulative effects on socio-economic receptors, and disagrees with the Applicant’s conclusion of ‘no significant inter-project cumulative effects’. To help to mitigate these, ESC’s requests in individual topic areas include:</p> <ul style="list-style-type: none"> - an Employment and Skills Plan (for example, see Section 7.8.9 of ESC’s LIR [REP1-128] and ESC’s response to Question 1SERT7. of ExQ1 [REP3-085]); - a Supply Chain Plan (Plan (for example, see Section 7.8.9 of ESC’s LIR [REP1-128]); - reduced core working hours (for example, see Section 7.4.2 of ESC’s LIR [REP1-128], and Sections D5.5.01 and D5.5.02 of ESC’s updated PADSS submitted at Deadline 5); and - a commitment to ongoing monitoring and reporting of socio-economic conditions during the construction phase (for example, see Section 7.8.3 of ESC’s LIR [REP1-128]).

ESC is also concerned about cumulative noise impacts. To help mitigate these effects, ESC has requested:

- improvements to the Outline Construction Noise and Vibration Management Plan to provide more detail with regards to Best Practicable Means (for example, see Appendix A to ESC's LIR [\[REP1-128\]](#));
- a commitment to Section 61 consents for all works in the Outline Construction Noise and Vibration Management Plan (for example, see ESC's response to ExQ1 Question 1NV8. [\[REP3-085\]](#) and to ExQ2 Question 2NV3. (this document); and
- reduced core working hours (for example, see Section 7.4.2 of ESC's LIR [\[REP1-128\]](#)).

ESC understands that the Applicant has agreed to preparing an Outline Employment and Skills Plan to be certified under the DCO, and a detailed version of this Plan should be added to the list of Management Plans to be approved through a discharge of Requirement 6. ESC continues to request a Supply Chain Plan, and suggests that this could be secured in the same way (that is, through preparation of an outline plan at this stage, and approval of a detailed Plan through a discharge of Requirement 6).

A commitment to ongoing monitoring and reporting of socio-economic conditions could be secured through a REAC commitment.

The reduction in core working hours should be achieved through an amendment to Requirement 7, removing Saturday afternoon, Sunday, and Bank Holiday working for all works.

ESC also considers that coordination, particularly with SPR at the Friston substation site and with NGV's LionLink project at the converter station site, is an essential

	<p>form of mitigation which would help to minimise inter-project cumulative effects. ESC urges the Applicant to coordinate with other projects in the District proactively. This should include the Applicant including the ability within their DCO to provide the ducting for the LionLink project, preventing successive disruption and environmental impacts at the Saxmundham converter station site.</p> <p>Notwithstanding ESC's above requests for further mitigation, where significant residual effects remain, ESC will expect adequate compensation and is in the process of engaging with the Applicant on this matter with a view to securing a Section 111 agreement.</p>
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14. Marine physical environment

Questions for East Suffolk Council	East Suffolk Council Response
<p>2PE1</p> <p>ESC, MMO</p> <p><i>Pneumatic casing installation</i></p> <p><i>The applicant's response to ExQ 1PE5 [REP2-034] explains that there are currently 'no plans' to use pneumatic casing as part of the trenchless technique installation method and its use has not been included in any noise modelling. However, paragraph 2.2.2 of the outline Cable Specification and Installation Plan (oCSIP) [REP4-090]</i></p>	<p>ESC understands that the Applicant has <i>'no plans to use pneumatic casing as part of the trenchless technique installation method'</i> [REP2-034]. ESC notes that if a requirement similar to that proposed by ESC in response to ExQ2 Question 2GEN17. above was incorporated into the draft DCO, the Applicant would be required to submit a landfall construction method statement to the relevant planning authority for approval. Given that the use of pneumatic casing has not been included in the environmental assessments, including in noise modelling, ESC would not expect this to be included in a landfall construction method statement submitted to it for approval post-consent. If a change in circumstances necessitated its use, this could then be agreed (or otherwise) through a discharge of this Requirement, provided that the Applicant demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval or agreement sought will not give</p>

<p><i>references temporary casing as part of the installation methodology. Should use of pneumatic casing be excluded from the working methods secured in the dDCO/deemed marine licence (DML) or be subject to some form of control in the event that plans were to change and if not, why not?</i></p>	<p>rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement, as per Paragraph 1(4) of Schedule 3 to the draft DCO [REP4-217]. Therefore, ESC considers that an additional requirement for a landfall construction method statement to be submitted to the relevant planning authority for approval would provide control in the event that the Applicant's plans change and they wish to use pneumatic casing.</p>
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10th March 2026

Appendix 1 – Extract from EA1N Construction Phase Noise and Vibration Management Plan

10.2 APPLICATION UNDER SECTION 61 THE CONTROL OF POLLUTION ACT 1974

The Control of Pollution Act 1974 (CoPA) gives the Council powers to control noise and vibration from construction sites and other works. Section 61 allows contractors to apply for Prior Consent and agree working hours, site noise levels and other measures prior to work starting.

The EAONL and NGET Principal Contractors will seek and obtain prior consent(s) from ESC for all works as defined by Section 60 of the COPA (i.e. the erection, construction, alteration, repair or maintenance of buildings, structures or roads), under Section 61 of the COPA. The application(s) for Section 61 consent will include details of the works, the methods by which they will be carried out and the measures to be implemented to minimise the noise and vibration resulting from the works. This is a proactive approach and regarded as representing best practice for major infrastructure projects.

In recognition of the ESC's preference, the applications for prior consent under Section 61 of COPA will assess the noise impact from construction noise using the ABC assessment method set out in Annex 4 of BS 5228-1:2009+A1:2014 and as included in Section 9.1.

The contractors will use Best Practicable Means, as defined by Section 72 of COPA, and as set out in Table 10.1 to minimise construction noise as far reasonable and practical to do so.

A template for these applications (combined with that for Out of Hours Working) is included as Appendix 2 of this document and also as an appendix to the Code of Construction Practice (EA1N-GEN-CNS-PLN-IBR-000072). The Section 61 applications will include a detailed description of the monitoring and monitoring locations proposed for the particular works covered by the consent application. Provision for noise monitoring at appropriate times and locations and subsequent reporting will be incorporated within the Section 61 consent application(s).