

# SEA LINK

EN020026

Appendix C: Comments on differences between the DCOs for East Anglia One North, East Anglia Two and Sea Link

Suffolk County Council



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## Glossary of Acronyms

CAH1	<i>Compulsory Purchase Hearing 1</i>
DCO	<i>Development Consent Order</i>
ES	<i>Environmental Statement</i>
ExA	<i>Examining Authority</i>
ISH2	<i>Issue Specific Hearing 2</i>
LLFA	<i>Local Lead Flood Authority</i>
NSIP	<i>Nationally Significant Infrastructure Project</i>
OWSI	<i>Outline Written Scheme of Investigation</i>
PPA	<i>Planning Performance Agreement</i>
SCCAS	<i>Suffolk County Council Archaeological Service</i>
SPR	<i>Scottish Power Renewables</i>

*“The Council” / “SCC” refers to Suffolk County Council.*

## Purpose of this Submission

The document has been prepared by Suffolk County Council to provide further detail on its position regarding the discrepancies between the DCOs for East Anglia One North, East Anglia Two and Sea Link. Examination library references are used throughout this document to assist readers.

In ExQ1\_1GEN11 the ExA asked the Applicant to prepare comparison tables between the DCOs for EA1North and EA2 and the proposed DCO for Sea Link to assist it in understanding the extent of any differences in the controls and mitigations regulating the construction and operation of the Friston substation, which is common to both the EA1N/EA2 projects and the Sea Link project, and the justification for any such differences. It is, and always has been, the Applicant’s case that the Sea Link project can be delivered if the Friston substation is provided as part of the EA1N/EA2 DCOs (described by the Applicant as Scenario 1), and the Applicant confirmed at ISH1 that it was *“confident that delivery of the substation under the SPR consents remains by far the most likely scenario”* [Transcript of ISH1 at 00:08:48:00 in EV3-006]), but the Applicant has also stated that it requires the ability to provide the Friston substation under its own

DCO (which the Applicant has described as Scenario 2) to cater for the possibility that the Friston substation is not delivered under one or other of the EA1N/EA2 DCOs. SCC has accepted the principle that any DCO for the Sea Link project needs to cater for the possibility that the EA1N/EA2 projects do not proceed, unless and until it is clear that one or other of them will deliver the Friston substation, but has emphasised that this should not enable the Applicant to resile from any of the controls or mitigations that have been secured by the EA1N/EA2 DCOs (which are identical as regards the Friston substation): see para 4.2.3 of SCC's Post-Hearing Submissions following ISH1 [REP1A-057]. The Applicant provided its response to 1GEN11 in the Applicant's Response to the ExQ1s [REP3-069] and in the accompanying Appendix C [part of REP3-070]. SCC did not comment on the specifics of the exercise carried out by the Applicant at Deadline 4, but it did maintain the point that the Applicant should not seek under its own DCO to resile from what has already been secured by the EA1N/EA2 DCOs: see section 21.1 of SCC's Post-Hearing Submissions following ISH2 [REP4-150].

SCC has noted the concerns expressed by Friston Parish Council [REP4-186] about the detailed content of the Applicant's Appendix C and SCC shares many of those concerns. In particular, it does appear that many of the draft Sea Link DCO provisions, as formulated by the Applicant, that would apply in Scenario 2 (but not in Scenario 1) provide less oversight and control by the discharging authority, such that the Applicant does appear to be (a) resiling from the controls that are set out in the EA1N/EA2 DCOs and (b) 'having a second bite at the cherry', in that those EA1N/EA2 controls were imposed after careful consideration in an Examination at which the Applicant had full opportunity to make representations and availed itself of that opportunity on several occasions. SCC does not consider there is any justification for this approach. It is not the case that the Applicant has evidenced that the Friston substation cannot be effectively delivered if it is subject to all of the controls of the EA1N/EA2 DCOs. Far from it, because that situation arises in Scenario 1, which the Applicant regards as "*by far the most likely scenario*". In other words, there is no evidential case for 'second thoughts' or for reducing the controls that both the EA1N/EA2 ExA(s) and the Secretary of State considered were necessary in consenting the Friston substation works.

SCC acknowledges that, even now, there may be circumstances where Scenario 2 remains necessary as a matter to be addressed by the Sea Link DCO, but it does not accept that there is a justification for the Friston substation to proceed with lesser controls than are already in place. The exercise undertaken in the Applicant's Appendix C shows how difficult it is to ensure that in formulating a different package of controls that will apply in Scenario 2 (but not in Scenario 1) there is no scope for the 'watering down' of mitigations or for resiling from the EA1N/EA2 controls. SCC sets out specific comments on individual matters in the table below, but it also considers that, as an overarching point, there should be no derogation or regression from the controls for the

Friston substation as set out in the EA1N/EA2 DCOs (without the express consent of the discharging authority).

SCC also acknowledges that, as matters stand, the Applicant does not have the powers (unilaterally) to undertake works for the Friston substation via the EA1N/EA2 DCOs (albeit it is in advanced discussions with SPR for a transfer of those powers). To ensure no derogation or regression without consent, SCC suggests an additional Requirement to be included in the Sea Link DCO, as follows:

“Requirement [x] (new substation at Grove Wood, Friston, Suffolk)

(1) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No. 1B) must be constructed in compliance with each Requirement applicable to Work No.41 of the East Anglia TWO Offshore Wind Farm Order 2022 (“SI 2022/433”), as if Work No.1B were constructed under SI 2022/433.

(2) In so far as any Requirement of SI 2022/433 (“the 2022/433 Requirement”) entails the making of an application by the undertaker for the purposes of Work No. 41 or the approval of an application by the discharging authority for the purposes of that work, and at the date when the undertaker intends to carry out works comprised in Work No. 1B no application has been made and no approval of an applications has been given, the 2022/433 Requirements are deemed to be Requirements of this Schedule for all purposes concerned with their discharge and the undertaker is deemed to be a person entitled to apply for their discharge and the relevant planning authority is deemed to be the discharging authority.

(3) The discharge of a 2022/433 Requirement by the relevant planning authority in accordance with paragraph (2) is conclusive evidence that that Requirement has been discharged for the purposes of this Schedule.”

Such a provision would be effective to ‘import’ the controls of the EA2 DCO into Schedule 3 of the Sea Link DCO and ensure that the Friston substation could not be provided without compliance with the terms of the EA2 DCO. It would therefore eliminate the risk of derogation or regression without consent. Any such consent would be circumscribed by paragraph 1(4) of Schedule 3 as regards materially different environmental effects. It would also allow the Applicant to ‘stand in the shoes’ of SPR in so far as any of those controls had not been discharged as at the date when the Applicant wished to undertake the works and take the necessary steps to seek their discharge.

Such a provision would obviate the need for the Sea Link DCO to replicate (but in different terms) the controls on the Friston substation set out in the EA1N/EA2 DCOs.

## Comments on Appendix C 1GEN11 - Comparison tables between the DCOs for East Anglia One North, East Anglia Two and Sea Link

Work	SPR DCO text	Sea Link DCO text	SCC Comments
	<p><b>Implementation and maintenance of landscaping</b></p> <p>15.—(1) All landscaping works must be carried out and maintained in accordance with the landscape management plan(s) approved under requirement 14 (provision of landscaping), and in accordance with the relevant recommendations of appropriate British Standards.</p> <p>(2) Any tree or shrub planted as part of an approved landscape management plan that, within a period of five years (save in relation to Work Nos. 19, 24, 29 and 33, for which the relevant period is ten years) after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority</p>	<p><b>Management Plans to be Approved</b></p> <p>(3) All landscaping works must be carried out and maintained in accordance with the Landscape and Ecological Management Plans approved under subparagraph (1), and in accordance with the relevant recommendations of appropriate British Standards.</p> <p>(4) Any tree or shrub planted as part of an approved Landscape and Ecological Management Plans that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority.</p>	<p>LV03 of the REAC [REP4-235] states:</p> <p>“As set out within the Outline LEMP for Suffolk, a five-year aftercare period will be established for all reinstatement and mitigation planting along the HVDC and HVAC cable corridors. For the Suffolk Onshore Scheme, all planting associated with the Fromus Bridge, permanent access track, Friston substation (under Scenario 2) and Saxmundham converter station will be managed and maintained for the life time of the asset.”</p> <p>It is unclear to SCC why the Applicant has committed to maintenance of planting for the Fromus Bridge, access track, Friston Substation and Saxmundham converter station for the lifetime of the assets, but only secures a five year period to replace failed planting on the face of the Order. Either the DCO wording is intended to be a minimum period for the entire project with planting for the cited permanent infrastructure to be replaced throughout the lifetime of the assets should planting fail; or, the referenced managing and maintenance period within LV03 excludes the replacement of failed planting for the lifetime of the assets.</p> <p>When commenting on Requirement 15 of the SPR DCOs in Appendix C of [REP3-070], the Applicant implies that its commitment is stronger than SPR’s on account of the longer maintenance period:</p> <p>“... planting related to the mitigation of effects associated with Friston Substation (which would be within Work 33 of SPRs consents) would be maintained for the lifetime of the asset if implemented by the Sea Link team, committing to a longer period in the Sea Link application than is referenced in SPR’s requirement 15.”</p> <p>However, this is apparently contradicted by the DCO wording which suggests failed planting will only be replaced if it falls within a five-year period after planting. SCC considers that the DCO wording should be amended to reflect LV03 to ensure it is clear that failed planting will be replaced throughout the lifetime of the permanent infrastructure.</p>
	<p><b>Construction hours for the grid connection works</b></p> <p>24.—(1) Construction work for the grid connection works must only take place between</p>	<p><b>Construction hours</b></p> <p>7.— ... (7) In respect of Work No.1A and Work No. 1B, construction work may only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours</p>	<p>The Applicant is incorrect to state that these requirements are identical. The SPR DCO requirement controls ‘grid connection works’ which are defined as works 34 and 38 to 43 and any associated development. These works are defined as follows:</p>

Work	SPR DCO text	Sea Link DCO text	SCC Comments
	<p>0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in subparagraph (2).</p> <p>(2) Outside the hours specified in sub-paragraph (1), construction work may be undertaken for essential activities including but not limited to—</p> <p>(a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring and the installation and removal of conductors, pilot wires and associated protective netting across highways or public footpaths;</p> <p>(b) internal fitting out works associated with the national grid substation;</p> <p>(c) the completion of construction activities commenced during the approved working hours which cannot safely be stopped;</p> <p>(d) the testing or commissioning of any electrical plant installed as part of the authorised development; and</p> <p>(e) activity necessary in the instance of an emergency where there is a risk to persons or property.</p> <p>(3) With the exception of activities undertaken in accordance with sub-paragraph (2)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (2) and, where works do not fall within sub-paragraphs (2)(a) to (2)(e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time</p>	<p>and 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in subparagraph (8).</p> <p>(8) Outside the hours specified in sub-paragraph (7), construction work may be undertaken for essential activities including but not limited to—</p> <p>(a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring and the installation and removal of conductors, pilot wires and associated protective netting across highways or public footpaths;</p> <p>(b) internal fitting out works associated with the substation;</p> <p>(c) the completion of construction activities commenced during the approved working hours which cannot safely be stopped;</p> <p>(d) the testing or commissioning of any electrical plant installed as part of the authorised development; and</p> <p>(e) activity necessary in the instance of an emergency where there is a risk to persons or property.</p> <p>(9) With the exception of activities undertaken in accordance with sub-paragraph (2)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (8) and, where works do not fall within sub-paragraphs (2)(a) to (2)(e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time.</p>	<p>A nationally significant infrastructure project as defined in sections 14 and 16 (electric lines) of the 2008 Act comprising—</p> <p>Work No. 38 — up to three cable sealing end compounds, one of which may include circuit breakers, comprising an electrical compound with electrical equipment and overhead line gantries to allow the connection of Work No. 41 to the overhead lines comprised within Work No. 39 together with cables connecting the national grid substation to the cable sealing ends, extension of the permanent access comprised within Work No. 34 and works to the overhead line pylons.</p> <p>Work No. 39 — replacement, upgrade and realignment works to the overhead line pylons in the vicinity of Work No. 38 together with up to one new additional overhead line pylon to the north west of the national grid substation comprised within Work No. 41.</p> <p>Work No. 40 — temporary realignment works to the overhead line pylons in the vicinity of Work No. 38.</p> <p>and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act comprising—</p> <p>Work No. 41 — a new national grid substation to the north west of Work No. 30 at Grove Wood, Friston and extension of permanent access comprised within Work No. 34.</p> <p>Work No. 42 — temporary construction consolidation sites, access and extension of permanent access comprised within Work No. 34.</p> <p>Work No. 43 — temporary working areas for the purposes of constructing Work Nos. 39 and 40 including access.</p> <p>Work No. 34 — formation of a new permanent access road from the B1121 north of Kiln Lane to the onshore substation and national grid substation including vegetation clearance on the eastern side of the road, highway modifications and traffic management measures.</p> <p>and in connection with such Work No. 34 and Work Nos. 38 to 43 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement, including—</p> <p>(a) haul roads, ramps, and other vehicular and pedestrian means of access, including creation of new tracks and footpaths, and widening, upgrades, alterations and improvements of existing roads, tracks and footpaths;</p> <p>(b) bunds, embankments, swales, landscaping and boundary treatments;</p> <p>(c) habitat creation;</p> <p>(d) spoil storage and associated control measures;</p> <p>(e) jointing bays, link boxes, cable protection, joint protection, manholes, marker posts, tiles and tape, lighting and other works associated with laying cables and pulling cables through cable ducts;</p>

Work	SPR DCO text	Sea Link DCO text	SCC Comments
			<p><i>(f)water supply works, foul drainage provision, surface water management systems, temporary drainage during installations of cables and culverting;</i></p> <p><i>(g)works to alter the position of apparatus, including mains, sewers, drains and cables;</i></p> <p><i>(h)works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;</i></p> <p><i>(i)landscaping and other works to mitigate adverse effects of the construction, maintenance or operation of the authorised project;</i></p> <p><i>(j)works for the benefit or protection of land affected by the authorised project;</i></p> <p><i>(k)working sites in connection with the construction of the authorised project, construction lay down areas and compounds and storage compounds;</i></p> <p><i>(l)works of restoration; and</i></p> <p><i>(m)fencing or other means of enclosure.</i></p> <p>The Sea Link draft DCO, by comparison, does not control the working hours of several impactful works on the grid connection site as a result of the wording of the requirement and the works. This is clearly illustrated on Sheet 2 of the Works Plans [REP4-006] which show several works outside of Work no. 1A and 1B proposed for the site which would not have to be undertaken in accordance with the working hours consented for the site under the SPR DCOs. This includes elements of Work no. 4, 5, 13, 14, 15, 16 and 17. Elements of these works, including drainage and construction compound works, are explicitly controlled under the SPR DCO working hours requirement as they come within the definition of ‘grid connection works’. Therefore, the DCO wording should be amended to accurately reflect the Applicant’s claim in Appendix C of [REP3-070] that the two requirements are identical. Since the Applicant has taken a different approach in defining Works in the DCO to SPR, SCC considers the most straightforward way to amend this requirement would be to define its application spatially according to Sheets 2 and 3 of the Works Plans [REP4-006] which represent the works in close proximity to Friston.</p> <p>Without prejudice to SCC’s principal position on Core Working Hours as it relates to the project as a whole, SCC offers the following rewording of subparagraph (7) of Requirement 7 with the aim of achieving alignment with the SPR consents for the substation site:</p> <p><i>(7) In respect of Work No.1A and Work No. 1B, and all other elements of the authorised development, including associated development, located within the area defined in Sheets 2 and 3 of the Works Plans – Suffolk, construction work may only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in subparagraph (8).</i></p>

Work	SPR DCO text	Sea Link DCO text	SCC Comments
	<p><b>Control of artificial light emissions during operational phase</b>  25.—... (3) Work No. 41 must not begin operation until an operational artificial light emissions management plan providing details of artificial light emissions during the operation of Work No. 41, 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 plan must be implemented upon, and maintained during, the operation of Work No. 41.</p>	<p>No equivalent requirement on lighting</p>	<p>SCC notes that requirement 3 of the most recent draft of the DCO [REP4-235] requires approval for operational lighting of the converter station but not the Friston substation. SCC does not see why this project would be justified in deviating from the SPR consent in this way. SCC notes East Suffolk Council's concerns (e.g. within [REP3-085]) over the control of lighting and supports their ask for an appropriate requirement for a lighting management plan.</p>
	<p><b>Onshore preparation works management plan</b>  26.—(1) Prior to carrying out specified onshore preparation works, an onshore preparation works management plan in respect of those works (which accords with appendix 1 of the outline code of construction practice) must be submitted to and approved by the relevant planning authority in consultation with Suffolk County Council.  (2) The specified onshore preparation works must be carried out in accordance with the approved onshore preparation works management plan.  (3) For the purposes of this requirement, "specified onshore preparation works" means operations consisting of site clearance, demolition work, early planting of landscaping works, intrusive ecological mitigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, creation of site accesses, footpath creation and erection of welfare facilities.</p>	<p>N/A</p> <p>The Applicant's explanation for differences:</p> <p>Specified onshore preparation works are defined within the SPR DCOs as 'onshore preparation works means operations consisting of site clearance, demolition work, early planting of landscaping works, archaeological investigations, environmental surveys, ecological mitigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, creation of site accesses, footpath creation, erection of welfare facilities and the temporary display of site notices or advertisements'.</p> <p>Many of these works are pre-commencement works that are normally possible to undertake prior to the discharge of requirements and include works that are minor and would, if outside a DCO, likely not constitute development or be permitted development. Indeed, environmental surveys have been undertaken for years on the Sea Link project without a requirement for the</p>	<p>SCC does not object to the principle of small-scale activities occurring prior to discharge of requirements. However, the extent of activities proposed to be consented as pre-commencement works goes beyond small-scale activities such as environmental surveys. Activities of concern under the definition of pre-commencement operations include:</p> <p>'(f) site clearance;  (i) set up works associated with the establishment of construction compounds;  (j) temporary accesses;'</p> <p>These works could involve heavy duty machinery which can cause environmental impacts. Construction compounds involve large areas of hardstanding surface which is likely to be impermeable and so require drainage plans which SCC should approve or be consulted upon. These points also apply to the construction of temporary accesses under pre-commencement activities.</p> <p>Site clearance will likely involve interaction with ecological and arboriculture receptors. Moreover, it is not clear whether ancient and veteran trees could be felled as a pre-commencement operation if the Applicant considered it compatible with commitment A05 of the REAC [REP4-235]. Impacts on archaeology would also be a concern.</p> <p>SCC notes that pre-commencement operations must be carried out in accordance with the outline management plans. However, if the works did not satisfy this requirement, there is potential for substantial adverse effects to arise beyond what was assessed in the Environmental Statement. As such, it is vital that notifications for pre-</p>

Work	SPR DCO text	Sea Link DCO text	SCC Comments
		<p>approach to be submitted to and approved by the relevant planning authority.</p> <p>Requiring submission of a plan to be discharged prior to pre-commencement works is likely to delay the start of major infrastructure projects as it prevents preparation works from starting soon after consent. Given the nature of the works, this is not considered necessary or appropriate for this requirement to be incorporated into the Sea Link DCO.</p> <p>Sea Link has included a provision in Requirement 5(3) that states:</p> <p><i>‘(3) For the avoidance of doubt, all precommencement operations must be carried out in accordance with the plans listed in paragraph (2) above and the outline management plans listed in paragraph 6(1) below, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned.’</i></p> <p>This is considered to provide the necessary controls over the pre-commencement works.</p> <p>Works that would constitute commencement of development are extensively controlled by all other requirements in the DCO; including numerous plans that need to be submitted and approved by the relevant planning authority.</p>	<p>commencement operations are required to demonstrate compliance with the relevant plans in Requirement 5 and outline plans in Requirement 6. In addition, the relevant planning authority should get more than merely 7 days’ notice for pre-commencement works as this provides little opportunity to verify that the activities are valid and comply with the relevant controls. As has been stated by SCC and other local authorities during the examination, the presence of multiple NSIPs means the resources of local authorities are becoming increasingly stretched. 7 days, which is 5 working days or less, hardly provides for any opportunity for a technical review of the notification in comparison to all the relevant controls.</p> <p>A more proportionate and reasonable approach would require confirmation from the relevant planning authority that the pre-commencement operations accord with the DCO which must be given within a more reasonable time period such as 28 days. The County Council should also receive the notification as certain pre-commencement activities will fall within its remit such as highways, water environment and archaeology.</p> <p>In short, whilst SCC is not opposed to the principle of deviating from the SPR consents on this matter, SCC is deeply concerned with the disproportionately short notification period and lack of any process of confirmation from a local authority.</p>
	<p><b>Control of noise during operational phase</b></p> <p><i>27.—(1) The combined noise rating level for the standard operation of Work No. 30 cumulatively with the standard operation of the new national grid substation and the East Anglia ONE North onshore substation must not exceed—</i></p> <p><i>(a) 32dB LAeq (15 min) at any time at a free field location immediately adjacent to the following noise sensitive locations—</i></p> <p><i>(i) 1 Woodside Cottages, Grove Road (641837, 261172); (ii) Woodside Barn Cottages, Church Road (641237, 260645);</i></p> <p><i>(b) 31dB LAeq (15 min) at any time at a free field location immediately adjacent to the noise sensitive location—</i></p>	<p>Commitment NV07 in Application Document 7.5.3.1 Register of Environmental Actions and Commitments states that:</p> <p><i>‘Saxmundham Converter Station and Friston Substation will include appropriate noise mitigation measures in the design (e.g. plant selection, and transformer noise enclosures). Proposed substations and converter stations will be designed such that noise from their normal operation does not cause a significant adverse effect at nearby noise sensitive receptors. Additionally, where feasible the substation and converter station designs will seek to achieve noise levels at nearby noise sensitive receptors in line with</i></p>	<p>SCC notes East Suffolk Council’s concerns with the control of operational noise, as found in ESC’s LIR [REP1-128], which have not yet been addressed. SCC considers that there should be some requirement to ensure that noise levels will be monitored to ensure that compliance with commitment NV07 cited by the Applicant can be judged quantitatively and echoes ESC’s concerns with the lack of alignment to the site rating consented as part of the SPR consents. However, SCC defers to ESC’s position as the relevant authority on noise and vibration matters.</p>

Work	SPR DCO text	Sea Link DCO text	SCC Comments
	<p>• <i>Little Moor Farm, Knodishall (641228, 261676).</i></p> <p><i>(2) Work No. 30 must not operate at the same time as the new national grid substation or the East Anglia ONE North onshore substation until a scheme for monitoring compliance with the noise rating 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. The scheme must identify—</i></p> <p><i>(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 in to account;</i></p> <p><i>(b)suitable monitoring locations (and alternative surrogate locations if appropriate); and</i></p> <p><i>(c)times when the monitoring is to take place to demonstrate that the noise levels have been achieved after—</i></p> <p><i>(d)initial commencement of— (i)Work No. 30, the new national grid substation and the East Anglia ONE North onshore substation all operating at the same time; and (ii)where Work No. 30 begins operation before the East Anglia ONE North onshore substation, Work No. 30 and the new national grid substation operating at the same time; and (e)six months after—</i></p> <p><i>(i)Work No. 30, the new national grid substation and the East Anglia ONE North onshore substation have all been operating cumulatively at full capacity; and</i></p> <p><i>(ii)where Work No. 30 begins operation at least six months before the East Anglia ONE North onshore substation, both Work No. 30 and the</i></p>	<p><i>the aims of the local authorities, or otherwise as low as reasonably possible</i></p>	

Work	SPR DCO text	Sea Link DCO text	SCC Comments
	<p><i>new national grid substation have been operating cumulatively at full capacity.</i></p> <p><i>(3) The monitoring scheme must be implemented as approved.</i></p> <p><i>(4) For the purposes of this requirement—</i></p> <p><i>(a)“East Anglia ONE North onshore substation” means the onshore substation comprised within Work No. 30 of the East Anglia ONE North Order;</i></p> <p><i>(b)“new national grid substation” means the national grid substation comprised within Work No. 41 of this Order and Work No. 41 of the East Anglia ONE North Order; and (c)“standard operation” means the ordinary operation of the substations excluding emergency operation and the testing of plant and equipment associated with emergency operation.</i></p>		
	<p><b>Restriction on carrying out grid connection works where consented in another order</b></p> <p><i>38.—(1) Where any part of the grid connection works are being or have been constructed under another development consent order, that part of the grid connection works must not be constructed under this Order.</i></p> <p><i>(2) Work No. 34 must not— (a)be constructed more than once under this Order; (b)be constructed under this Order if it is being or has been constructed under another development consent order</i></p>	<p><b>Restriction on carrying out works when consented in another order</b></p> <p><i>15. Where any part of Work No.1B has been completed pursuant to another development consent order, those works must not be constructed under this Order, save where amendments to those works are required for the purposes of the Authorised Project</i></p>	<p>SCC does not consider it justified for Requirement 15 of the Sea Link DCO to only apply when works associated with Work No. 1B is completed rather than when the relevant part of Work No. 1B is under construction under another consent. There is no need for the Sea Link DCO to retain the unqualified ability to carry out the substation works when they are already being carried out under another consent. Instead, this possibility should be restricted such that it only activates should the SPR projects be paused and work on the substation under that consent subsequently paused. In addition, the Sea Link DCO should refer to the grid connection works as stated in the SPR DCO. This is because the Friston substation site contains multiple works outside of Work No. 1B which overlap with the SPR consents. All works within the site which are included in the SPR consents should form the definition of “grid connections works”.</p>
	<p><b>Installation of cable ducts</b></p> <p><i>42.—(1) In the event that the cables comprised within the East Anglia TWO cable works are installed prior to the cables comprised within the East Anglia ONE North cable works, the East Anglia ONE North cable works may not subsequently be installed unless the cable ducts forming part of the East Anglia ONE North cable works have been installed concurrently with the installation of the cables comprised within the East Anglia TWO cable works.</i></p>	N/A	<p>SCC does not see why a similar requirement cannot be inserted into the Sea Link Order in relation to Lion Link on account of the overlapping cable routes. This would make progress towards compliance with relevant parts of the NPS for energy, such as paragraph 3.3.80 of EN-1 concerning the avoidance of unnecessary impacts where avoidable through coordination. SCC considers the Applicant should engage with SCC to agree appropriate wording.</p>

Work	SPR DCO text	Sea Link DCO text	SCC Comments
	<p>(2) For the purposes of this requirement—</p> <p>(a) “the East Anglia TWO cable works” mean Work Nos. 6, 8, 9, 11, 12, 13, 16 to 23 and 26 of the East Anglia TWO Order; and</p> <p>(b) “the East Anglia ONE North cable works” mean Work Nos. 6, 8, 9, 11, 12, 13, 16 to 23 and 26 of this Order.</p>		
	<p><b>Control of development during operational phase</b></p> <p>44.—(1) During the operation of and within operational land related to Work No. 30 and Work No. 41, any development in addition to that authorised in this Order that is permitted under Schedule 2 Part 15 Class B (d), (e) or (f) of the General Permitted Development Order 2015 (“electricity undertakings permitted development”) or any equivalent successor provision is subject to the following conditions—</p> <p>(2) In respect of operational drainage—</p> <p>(a) No electricity undertakings permitted development may commence until an amendment to the operational drainage management plan approved pursuant to requirement 41 that includes provision for the replacement of any existing drainage measures to be removed and maintenance of any new drainage measures to be provided as part of the permitted development, has been submitted to and approved by the relevant lead local flood authority, in consultation with the relevant planning authority and the Environment Agency; and</p> <p>(b) The measures in the amendment to the operational drainage management plan in respect of the permitted development must be implemented as approved.</p>	<p>N/A</p> <p>The Applicant’s justification for the lack of this requirement:</p> <p>‘This requirement is not considered appropriate for Sea Link.’</p>	<p>SCC strongly objects to the Applicant’s position and considers the SPR requirement to be necessary not only for the substation but all parts of the permanent onshore infrastructure which requires mitigation necessary to be acceptable in planning terms which could be undermined by Permitted Development rights. In paragraph 30.5.32 of the ExA’s recommendation to the Secretary of State for EA2<sup>1</sup>, the ExA details that it considers the mitigation measures which could be undermined by the extensive Permitted Development rights enjoyed by NGET to ‘be necessary to make the proposed onshore substations development acceptable in policy terms’. Clearly, the significant residual effects of the converter station, substation, Fromus bridge and permanent access road despite proposed mitigation measures strongly supports the position that most, if not all, mitigation measures in relation to these works are necessary should the application be consented. Unless there is some restriction on these permitted development rights, there is, as identified in the decision on EA1N and EA2, a real risk that the mitigations secured in the DCO necessary to make the development acceptable in planning terms are reduced in effectiveness in a way not envisaged by the decision maker. Therefore, a requirement akin to Requirement 44 of EA1N/EA2 is necessary for the Sea Link DCO.</p> <p>The relevant Permitted Development rights limited in the SPR DCOs are:</p> <p><i>Class B – electricity undertakings</i></p> <p><b>Permitted development</b></p> <p><b>B. Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—</b></p> <p>(a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;</p>

<sup>1</sup> [https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010078-010061-EA2-Recommendation%20Report-Vol2\\_Ch18-31%20COMPLETED.pdf](https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010078-010061-EA2-Recommendation%20Report-Vol2_Ch18-31%20COMPLETED.pdf)

Work	SPR DCO text	Sea Link DCO text	SCC Comments
	<p><i>(3) In respect of the provision, implementation and maintenance of landscaping—</i></p> <p><i>(a) No electricity undertakings permitted development may commence until an amendment to the written landscape management plan and associated work programme approved pursuant to requirement 14 that includes provision for the replacement of any existing landscape measures to be removed and maintenance of any new landscape measures to be provided as part of the permitted development, has been submitted to and approved by the relevant planning authority; and</i></p> <p><i>(b) The measures in the amendment to the written landscape management plan and associated work programme plan in respect of the permitted development must be implemented as approved.</i></p>		<p><i>(b) the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;</i></p> <p><i>(c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;</i></p> <p><i>(d) the extension or alteration of buildings on operational land;</i></p> <p><i>(e) the erection on operational land of the undertaking of a building solely for the protection of plant or machinery;</i></p> <p><i>(f) any other development carried out in, on, over or under the operational land of the undertaking.</i></p> <p>See  <a href="https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/15/crossheading/class-b-electricity-undertakings#commentary-c22502001">https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/15/crossheading/class-b-electricity-undertakings#commentary-c22502001</a></p>