

Appendix A to Suffolk County Council’s response to ISH 3 Action Points: Schedule of Changes to the DCO (Action Point 1)

No.	Impact	Mitigation (including how it is secured)	Justification
1	Article 18 (construction, alteration and maintenance of streets)	<p>18.—(1) Subject to paragraph (3), any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority .</p> <p>(2) Subject to paragraph (3), where a street is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained to the same condition (including any culverts or other structures laid under that part of the highway) by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority .</p> <p>(3) For temporary works, the period of 12 months mentioned in paragraphs (1) and (2) commences when the street is reinstated.</p>	To avoid the local highway authority incurring the cost for temporary works that solely benefit the undertaker, and which should be met by the undertaker.
2	Article 11 (street works)	<p>Street works 11.—(1) With the consent of the street authority, tThe undertaker may, for the purposes of the authorised project, or for purposes ancillary to it, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) as is within the Order limits and may without the consent of the street authority—</p> <p>(a) break up or open the street, or any sewer, drain or tunnel within or under it;</p> <p>(b) tunnel or bore under the street, or carry out any works to strengthen or repair the carriageway; and</p> <p>(c) remove or use all earth and materials in or under the street;</p> <p>(d) place and keep structures and apparatus in the street (including signage);</p> <p>(e) maintain, renew or alter apparatus in or on the street or change its position;</p> <p>(f) execute any works to provide or improve sight lines required by the highway authority;</p> <p>(g) execute and maintain any works to provide hard and soft landscaping;</p> <p>(h) carry out re-lining and placement of new temporary markings.;</p> <p>(i) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (h).</p> <p>(2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent shall not be unreasonably withheld or delayed, the undertaker may, for the purposes of the authorised project, or for purposes ancillary to it, enter on so much of any other street whether or not within the Order limits, for the purposes set out at paragraph (1)(a) to (i) and paragraph (3) of article 8 (application of the 1990 Act) shall apply.</p> <p>(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 35 days (or such other period agreed by the street</p>	<p>Paragraphs 15.10 to 15.19 of SCC’s LIR [REP1-130] set out SCC’s concerns in respect of article 11 (street works). The following point concerning article 11 is in addition to those included in the LIR.</p> <p>SCC consider certain of the powers listed in article 11(1) are, absent robust justification, in excess of those required to deliver the project and could compromise the street authority’s ability to safely manage its network at reasonable expense. Specifically, the matters listed in sub-paragraphs (c), (d), (e), (f), (g) and (i) could result in permanent works being incorporated into the highway maintainable at public expense without any involvement from the street authority. This is a matter of concern for SCC who are bound by the Highways Act 1980 (s41) to maintain such works or remove or modify them at public expense.</p> <p>Absent a suitable highways side agreement or protective provisions to protect SCC’s highways interests, SCC considers art.11(1) should be subject to the street authority’s consent.</p> <p>SCC considers its concerns in respect of article 11 can be addressed if a satisfactory highway agreement is entered into by the applicant and highway authorities.</p>

		<p>authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.</p> <p>(4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.</p> <p>(5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4) then the provisions of paragraph (3) will not apply to that application.</p> <p>(6) The authority given by paragraph (1) or (2) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.</p> <p>(7) The powers conferred in paragraphs (1) and (2) are without limitation of the powers of the undertaker under the Electricity Act 1989(a). (8) In this article “apparatus” has the meaning given in Part 3 of the 1991 Act.</p>	
3	Article 13 (Application of the 1991 Act)	<p>The following provisions should be omitted from article 13(3) -</p> <p>(a) section 56 (power to give directions as to timing of street works);</p> <p>(b) section 56A (power to give directions as to placing of apparatus);</p> <p>(e) section 73A (power to require undertaker to re-surface street);</p> <p>(g) section 73C (materials, workmanship and standard of re-surfacing);</p>	<p>SCC considers these elements of the 1991 Act should not be excluded for the following reasons.</p> <p>(a) the omission would preclude the LHA from directing the undertaker to undertake works in co-ordination with others. This would have prevent the LHA from being able to reduce the impact on highway users</p> <p>(b) the omission would compromise the LHA’s ability to prevent apparatus being placed in a location that adversely impacts road safety e.g. by compromising visibility</p> <p>(e) this provision must be retained to ensure that areas of streets adjacent to the authorised works are surfaced to avoid future defects, the cost of which would have to then be covered by the LHA. (For example, areas between multiple trenches or alongside longitudinal tranches).</p> <p>(g) this provision must be retained to ensure that the LHA does not incur future costs resulting from poor material or workmanship</p>
4	Article 51 (felling or lopping)	<p>51.—(1) The undertaker may fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width, any tree, shrub, shrubbery, hedgerow, or important hedgerow under or within or overhanging or near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, shrub, shrubbery, hedgerow or important hedgerow—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or</p> <p>(b) from constituting a danger to persons constructing, maintaining, or operating or decommissioning the authorised project.</p> <p>(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause any unnecessary damage to any tree, shrubbery or hedgerow, or important hedgerow and must pay compensation to any person for any loss or damage arising from such activity.</p>	<p>SCC considers the insertion of new paragraph (3) to be necessary as there are several valuable tree and important hedgerows in proximity to the proposed works which the Applicant has assessed to be retained and protected but are subject to the powers in (1). Requirement 8 does not secure (3) as vegetation removal can be done as a pre-commencement operation and so prior to the discharge of Requirement 8 for the respective stage of the authorised development. New paragraph (3) serves to ensure that any vegetation removal of valuable arboricultural receptors outside the envelope of the Applicant’s assessment requires confirmation from the relevant planning authority that such removal is necessary which acts as a safeguard to ensure that such removal is in fact necessary for the purposes of (1)(a) or (1)(b). Vegetation, especially in respect of mature, ancient and veteran trees, is such that removal cannot be undone and compensation referenced in (2), or any replacement planting, hardly serves to remedy unnecessary damage or removal. Any replacement planting will take a decade or longer to establish and in the</p>

~~(3) Except in the cases of emergency, no activity authorised by paragraph (1) may be carried out in relation to any tree or important hedgerow not described or shown on the Trees and Hedgerows to be Removed or Managed Plans until –:~~

~~(a) no less than 28 days prior to the date on which those activities are first carried out, the undertaker has submitted written details notifying the relevant planning authority of the tree or important hedgerow to be felled, lopped, pruned, cut, trimmed, coppiced, pollard, or reduced in height or width, including details of which activity authorised by paragraph (1) will be undertaken in relation to that tree or important hedgerow, no less than 28 days prior to the date on which those activities are first carried out; and~~

~~(b) Prior to the date on which those activities are first carried out, the relevant planning authority has confirmed, in writing, that the undertaker has demonstrated, to the satisfaction of the relevant planning authority, that the activity is necessary pursuant to the purposes in sub-paragraphs 1(a) and 1(b) and no unnecessary damage to any tree, shrubbery or hedgerow, or important hedgerow will be incurred occur as a result of the activity.~~

~~(34) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.~~

~~(54) Subject at all times to paragraph (8), the undertaker must not pursuant to paragraph (1) fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width a tree within or overhanging the extent of the public highway without the consent of the relevant highway authority.~~

~~(65) If the relevant highway authority fails to notify the undertaker of its decision within 35 days (or such other period as agreed by the relevant highways authority and the undertaker) of receiving an application for consent under paragraph (4) the relevant highway authority is deemed to have granted consent.~~

~~(76) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.~~

~~(87) If an application for consent under paragraph (4) does not include the statement required under paragraph (6), then the provisions of paragraph (5) will not apply to that application.~~

~~(98) The consent of the relevant highway authority is not required under paragraph (4) where—~~
~~(a) the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown on the Trees and Hedgerows to be Removed or Managed Plans; and~~
~~(b) the undertaker has given 5 days notice to the relevant highway authority of its intention to carry out any of the operations described in sub-paragraph (a).~~

case of ancient and veteran trees, no like-for-like replacement will be possible.

The proposed wording is reasonable as it does not preclude vegetation removal in cases of emergency, such as where there is an imminent threat to human life, or place any disproportionate burden on the undertaker. SCC’s proposed wording for pre-commencement operations would enforce a 28-day notification period which aligns with the notification period set out in new paragraph (3). New paragraph (3) only adds that such a pre-commencement operation notification must include detail demonstrating the necessity of the vegetation removal of any tree or important hedgerow outside of the envelope which is consented with the DCO.

		<p>(109) The power conferred by paragraph (1) removes any obligation upon the undertaker to secure any consent to remove hedgerows under the Hedgerows Regulations 1997(a).</p> <p>(110) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerow Regulations 1997.</p>	
5	<p>Article 52 (trees subject to tree preservation orders)</p> <p>+</p>	<p>52.—(1) The undertaker may fell, lop, prune, cut, trim, coppice, pollard or reduce in height or width any tree described in Schedule 14 (trees subject to Tree Preservation Orders) and identified on the Trees and Hedgerows to be Removed or Managed Plans, or cut back its roots, if it reasonably believes it to be necessary in order to do so to prevent the tree—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or</p> <p>(b) from constituting a danger to persons constructing, maintaining, or operating or decommissioning the authorised project.</p> <p>(2) The undertaker may must not pursuant to paragraph (1) fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width, any tree within or overhanging land within the Order limits subject to a tree preservation order which was made after 19 September 2024, or cut back its roots, without the consent of the relevant planning authority. if it reasonably believes it to be necessary to do so in order to prevent the tree—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or</p> <p>(b) from constituting a danger to persons constructing, maintaining, or operating the authorised project.</p> <p>(3) In carrying out any activity authorised by paragraph (1)— (a) the undertaker must do no unnecessary damage to any tree and must pay compensation to any person for any damage arising from such activity; and (b) the duty in section 206(1) of the 1990 Act (replacement of trees) does not apply.</p> <p>(4) The authority given by paragraph (1) or (2) constitutes a deemed consent under the relevant tree preservation order. (5) Any dispute as to a person’s entitlement to compensation under paragraph (3), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.</p>	<p>A desk-based assessment of statutory and non-statutory designations relating to trees was undertaken by the Application on 19 September 2024 and the findings are detailed in section 5.2 of the Arboricultural Impact Assessment (see paragraph 5.2.1 of the Arboricultural Impact Assessment [APP-294]).</p> <p>The amendment to paragraph (2) is necessary to protect any tree which has been made subject to a TPO since that assessment was undertaken.</p>

6	Requirement 3 - Design	<p>(1) No stage of development of the above ground elements of the authorised development comprised in Work No. 3B (Suffolk Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the Converter Station Design Principles <u>and the Design Engagement Strategy</u> found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 3B must be carried out in accordance with the approved details.</p> <p>(2) No stage of Work No. 3A (Access road to the Suffolk Converter Station) may commence until details of the layout, scale and external appearance of the River Fromus Bridge have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the River Fromus Bridge Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 3A must be carried out in accordance with the approved details.</p> <p>(2) Bridge over the River Fromus</p> <p>(a) Development of the bridge crossing of the River Fromus (part of Work No. 3a) must not commence until details of the <u>design</u>, layout and scale of the bridge have been submitted to <u>and approved by</u> the relevant planning authority, <u>following consultation with Suffolk County Council, in accordance with the Design Engagement Strategy</u>, and the relevant local planning authority has confirmed, following consultation with the Environment Agency, that the parameters set out in (4)(b) have been met.</p> <p>(b) The bridge over the River Fromus should be designed in accordance with the following parameters:</p> <p>(i) the bridge shall not have a soffit height lower than 10.49 m Above Ordnance Datum (approximately 4m above the Q95 flow level);</p> <p>(ii) abutments for the bridge shall be set back no less than 8m from the top of the bank; and</p> <p>(iii) the bridge shall not have a deck width greater than 6m.</p> <p>(c) The details of <u>the design</u>, layout and scale submitted under (a) must be accompanied by a technical statement demonstrating how, recognising the minimum size parameters in (b)(i) and (ii), the Applicant has sought to reduce the scale of the bridge <u>and achieve good design in accordance with national policy</u>, having regard to the relationship with the landscape mitigation proposals, the articulation of the spanning structure, the design of the abutment walls, <u>external colour, surface finish, materials, separation of pedestrian and vehicular traffic</u> and the design of the parapet railings. The technical statement will include a plan, elevation and section drawings, and 3D renders of the bridge design in key view VP02 and CH02.</p>	<p>In its deadline 4 response <i>Written post hearing submissions including written summaries of oral cases made at hearings the w/c 26 January 2026 – Issue Specific Hearing 2 (ISH2) [REP4-150]</i> SCC explained (in row 131) it had liaised with the other host local authorities (Kent County Council, Thanet District Council and East Suffolk Council) to produce alternative wording for Requirement 3, based on the discussions which had been held.</p> <p>SCC previously justified an “operational artificial light emissions management plan” based on R25(3) and (4) of the SPR DCO. However, SCC understands that ESC is proposing a separate requirement to cover this matter, so it is not included in the proposed wording of Requirement 3.</p> <p>Proposed wording for Requirement 3 has been progressed based on developments in the Examination. SCC has collaborated with ESC on the proposed wording; unfortunately, it has not been possible to collaborate with the Applicant and other Councils by this point. The Design Engagement Strategy has been produced by SCC based on that which was included in the EA1N and EA2 design principles statement and adapted for the purposes of Sea Link. This will secure adequate design review from an independent design body and give local stakeholders, who will be experiencing the adverse effects and change in place as a result of the project, the opportunity to feed into the design of the converter station and Fromus bridge. For paragraphs (2) and (3), tracked changes are based on the DCO wording submitted by the Applicant at Deadline 5. For the Suffolk Substation, wording has been changed to cover all matters from the relevant discharge documents of EA2 related to the design of the substation under this consent to ensure consistency between the two consents.</p> <p>Further comments:</p> <p>Suffolk Substation (Friston) It would be helpful if, for paragraph (2)(b) (Suffolk substation (Friston)), the applicant could explain what they mean by “as currently planned”.</p> <p>Paragraph (6) The Design Engagement Strategy includes a mechanism for the independent review of the detailed design of Work Nos. 3A, 3B, 9B and 11. If the Design Engagement Strategy does not become a</p>
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~~(d) No part of the finished external treatment of the bridge crossing of the River Fromus comprised in Work No. 3A(a) (part of the authorised development comprising the access road to the Suffolk Converter Station) must be implemented until details of the external colour and surface finish (in line with the process established in Design Principle ID.3) have been submitted to and approved by the relevant planning authority.~~

(ed) Should the bridge design comprise a soffit height of less 12.49 m Above Ordnance Datum (approximately 6m above the Q95 flow level), then development of the bridge must not commence until a macro invertebrate monitoring and contingency plan has been submitted to and approved by East Suffolk Council, following consultation with the Environment Agency. The invertebrate monitoring and contingency plan must include:

(i) The requirement to carry out Water Framework Directive compliant surveys twice yearly (spring and autumn), upstream and downstream of the Fromus crossing for a period of five years following completion of the construction of the Fromus crossing.

(ii) Principles of the contingency monetary fund set out in [sub-paragraph \(e\) and criteria for when provision of the fund would be triggered](#).

~~(f) and criteria for when provision of the fund would be triggered.~~ (fe) Following receipt and review of the monitoring results under [sub-paragraph \(de\)\(i\)](#), should the criteria in [sub-paragraph \(ed\)\(ii\)](#) be exceeded, then a contingency fund ~~would~~**must** be provided to fund measures to encourage the passage of macro invertebrates around the Fromus crossing and/or enhancement of Water Framework Directive invertebrate habitat upstream of the Fromus crossing. This ~~would~~**must** be secured via an appropriate legal agreement.

~~(3) No stage of development of the above ground elements of the authorised development comprised in Work No. 1B (new Substation at Grove Wood, Friston) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the Substation Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 1B must be carried out in accordance with the approved details.~~

(3) Suffolk Substation (Friston)

(a) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No 1B) ~~will~~**must** be constructed in accordance with the ~~following~~ details ~~(which accord with within~~ the documents submitted for the discharge of Requirement 12 of part 3 of schedule 1 to ~~SI 2022/433~~ [the East Anglia ONE North Offshore Wind Farm Order 2022 \(“SI 2022/433”\)](#) insofar as those details relate to the design, scale and layout of Work No. 1B):-

~~(i) Substation buildings will be clad in metal cladding using either cool sky tones, light/mid-range ground colours, and darker hedgerow/woodland elements. These colours would include RAL DESIGN 240 80 05, RAL DESIGN 110 60 20 or RAL DESIGN 120 50 05 or similar.~~

~~(ii) The roof cladding should match the colour of the uppermost wall cladding on the buildings.~~

~~(iii) The door colour should match the colour of the cladding around it. (iv) Perimeter security fences would be coloured green (RAL DESIGN 110 60 20 or similar).~~

(b) Insofar as the details approved pursuant to Requirement 12 of SI 2022/433 are amended or if the East Anglia TWO or East Anglia ONE North projects do not progress as currently

control document, paragraph (6) will need to be amended to include that mechanism.

		<p>planned, then the relevant planning authority shall<u>must</u> have regard to such circumstances when considering whether to approve otherwise pursuant to paragraph (a).</p> <p>(46) No stage of development of the above ground elements of the authorised development comprised in Work No. 9B (Kent Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England. The submitted details must be in accordance with the design details and the Converter Station Design Principles <u>and the Design Engagement Strategy</u> found in Document 7.12.2 Design Principles – Kent. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 9B must be carried out in accordance with the approved details.</p> <p>(57) No stage of development of the above ground elements of the authorised development comprised in Work No. 11 (new Kent Substation) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England. The submitted details must be in accordance with the design details and the Substation Design Principles <u>and the Design Engagement Strategy</u> found in Document 7.12.2 Design Principles – Kent. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 11 must be carried out in accordance with the approved details.</p> <p>(6) The details of layout, scale and external appearance of Work Nos. 3AB, 3BA, 9B, and 11 submitted under sub-paragraphs (1), (2), (4), and (5) above must be accompanied by a technical statement demonstrating how these details have been informed by feedback received during the implementation of the relevant Design Engagement Strategy. <u>from relevant stakeholders and from an independent review of the detailed design</u></p> <p>(8) In this requirement, “the design details” means the Critical Design Constraints, Overarching Design Principles, and the Project Level Design Principles”.</p>	
7	Requirement 7 (construction hours)	<p>7. —(1) Subject to sub-paragraphs 7(2), 7(3), and 7(4) and 7(7) onshore construction work may only take place between 0700 and 1900 Monday to Friday and between 0700 and 1700-1300 on Saturdays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority. There will be no working on Bank Holidays in respect of Work No. 3B, Work No. 9B, and Work No. 11, except for the operations described in paragraph (4) below or with the prior agreement of the local planning authority. In respect of those works, for Bank Holiday Mondays (meaning Easter Monday, the early May bank holiday, the Spring bank holiday, and the summer bank holiday) there will also be no working on the preceding Saturday or Sunday in each case.</p> <p>(2) No Percussive-percussive piling works <u>may take place outside the core working are limited to 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays and may not occur on Sundays or Bank Holidays</u>, unless otherwise approved by the relevant planning authority.</p>	<p>Core hours</p> <p>Previous SCC submissions have explained that SCC’s public health team recommend that, owing to the fact the core working hours should be changed to 0800 and 1800 Monday to Friday and between 0800 and 1200 on Saturdays.</p> <p>Owing to the weight of precedent (including the construction hours included in East Anglia ONE North Offshore Wind Farm Order 2022 (S.I.2022/432), SCC consider the construction hours proposed are reasonable, provided SCC’s proposed amendments are incorporated into requirement 7. The wording proposed here is consistent with the wording requested in SCC’s LIR [REP1-130] and subsequent submissions justifying the necessity of restricted working hours.</p>

(3) ~~Subject to sub-paragraph (4), No~~ HGV deliveries ~~may be made outside the core working hours are limited to 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays and may not occur on Sundays or Bank Holidays,~~ unless otherwise approved by the relevant highway authority.

(4) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—

- (a) trenchless crossing operations including at landfalls and beneath highways, railway lines, woodlands, nature reserves, Sites of Special Scientific Interest or watercourses;
- (b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (c) the jointing of underground cables;
- (d) the continuation of any work activity commenced during the core working hours to a point where they can securely and or safely be paused;
- (e) delivery to the transmission works of abnormal loads and any highway works **provided that they have been** requested by the highway authority to be undertaken outside the core working hours;
- (f) the testing or commissioning of any electrical plant installed as part of the authorised development including undertaking of any identified corrective activities;
- (g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities **where not doing so would lead to a disproportionate delay to the construction programme or a disproportionate increase in adverse effects;** ~~-In such cases, the undertaker must, as soon as practicable, inform the relevant planning authority in writing of the disruption or interruption and explain why that work could not be completed within the core working hours referred to in sub-paragraph (1);~~
- (h) activity necessary in the instance of an emergency where there is a risk to persons or property;
- (i) marine works (all works below the mean high water springs line);
- (j) security monitoring;
- (k) intrusive and non-intrusive surveys;
- (l) mechanical and electrical installation works within buildings once erected and enclosed;
- (m) any highway works requested by the highway authority to be undertaken outside the core working hours; and
- (n) any railway works to be undertaken as part of the project on a Saturday, Sunday, Bank Holiday or outside the core working hours.

(5) The core working hours referred to in sub-paragraph (1) exclude start-up and close down activities up to 1 hour either side of the core working hours. **Start up and close down activities will be inaudible at the nearest noise sensitive receptor during these times. Where this cannot be reasonably met, justification must be provided to the relevant local planning authority, and as a fall back in accordance with the relevant BS5228-1 Category Threshold (Table E.1), a 50dBA noise limit (where Category B) and a 45dBA noise limit (where Category A) will apply at the nearest noise-sensitive receptors for start-up and close down activities up to one hour either side of the core working hours.**

(6) The severe weather conditions referred to in sub-paragraph (4)(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) and,

As stated in response to AP 37, SCC understands that the Applicant will submit information regarding the intended activities to be covered in the exceptions of Requirement 7 and why they are necessary. Therefore, SCC does not yet have definitive positions on whether any should be omitted at this time. However, SCC has proposed amendments to certain exceptions to better manage potential impacts from the exceptions. SCC will update its proposed wording at Deadline 7 should any further amendments to paragraph 7(4) or 7(8) be needed.

		<p>as the case may be, the hours referred to in sub-paragraph (3) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access, wind or otherwise) or being contrary to safe working practices.</p> <p>(7) In respect of Work No.1A and Work No. 1B, <u>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</u>, 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 sub-paragraph (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> <ul style="list-style-type: none"> (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; (b) internal fitting out works associated with the substation; (c) the completion of construction activities commenced during the approved working hours which cannot safely be stopped; (d) the testing or commissioning of any electrical plant installed as part of the authorised development; and (e) activity necessary in the instance of an emergency where there is a risk to persons or property. <p>(9) With the exception of activities undertaken in accordance with sub-paragraph (8)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (8) and, where works do not fall within sub-paragraphs (8)(a) to (8)(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>	
8	Requirement 8	<p>Retention and protection of existing trees and hedgerows</p> <p>8.—(1) No stage of the authorised development may commence until, for that stage, an Arboricultural Method Statement identifying the trees, groups of trees and hedgerows to be retained during that stage has been submitted to and approved by the relevant planning authority.</p> <p>(2) The Statement referred to in sub-paragraph (1) must include—</p> <ul style="list-style-type: none"> (a) a schedule of all proposed tree and hedgerow removal and management; <u>(b) details of the location, species and condition of the trees, groups of trees, woodlands and hedgerows to be removed and retained during that stage of the authorised development</u> <u>(cb) specification for and tree protection plans clearly showing</u> temporary physical protection including clearly defined root protection areas to prevent damage / compaction of roots by machinery; and <u>(de) details of an auditable system of compliance.</u> <p>(3) The relevant works in proximity to the protected tree or hedgerow must not commence until the approved protection measures referred to in sub-paragraph (2) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development.</p>	<p>The amendment to paragraph (2)(b) is needed to allow the relevant planning authority to understand which trees are to be removed and which are to be retained.</p> <p>The amendment to paragraph (c) is necessary to show how trees are proposed to be protected.</p>

		(4) The authorised development must proceed in accordance with the Statement referred to in subparagraph 8(1) unless otherwise approved by the relevant planning authority.	
9	New requirement 9 and 9A (Reinstatement Planting Plan)	<p>Reinstatement planting plan</p> <p>9.—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may be brought into operational use until, for that stage, a reinstatement planting plan for trees, groups of trees, woodlands and hedgerows to be reinstated during that stage has been submitted to and approved by the relevant planning authority.</p> <p>(2) The reinstatement planting plan submitted under sub-paragraph (1) must include a schedule of trees, hedgerows or other plants or seedlings to be planted, noting numbers, species, sizes and planting density of any proposed planting or seedlings.</p> <p>(3) The reinstatement planting plan submitted under sub-paragraph (1) must be in general accordance with the outline landscape and ecological management plan (or the final landscape and ecological management plan if approved pursuant to requirement 6).</p> <p>Reinstatement planting plan– implementation, compliance and replacement planting</p> <p>9A.—(1) Unless otherwise agreed with the relevant planning authority, all reinstatement planting works referred to in requirement 9 must be implemented at the earliest opportunity and no later than by the first available planting season after that part of the authorised development to which the reinstatement planting works apply is first brought into operational use.</p> <p>(2) All reinstatement planting works referred to in requirement 9 must be carried out in accordance with the relevant reinstatement planting plan for that stage of the authorised development, unless otherwise approved by the relevant planning authority.</p> <p>(3) All reinstatement planting works referred to in requirement 9 must be implemented, monitored and maintained in accordance with the ‘Establishment Maintenance’ prescriptions of the landscape and ecological management plan approved pursuant to requirement 6.</p> <p>(4) Any trees or hedgerows planted as part of an approved reinstatement planting plan that, at any time within a period of five years after planting (or such other period as is specified in the landscape and ecological management plan approved pursuant to requirement 6), are removed, die or become 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 otherwise approved by the relevant planning authority.</p> <p>To complement these new requirements, two definitions will need to be included in paragraph 1(1) of Schedule 3 (requirements), namely -</p> <p>“reinstatement planting” includes, unless otherwise agreed with the relevant planning authority, embedded planting, reinstatement hedgerow or other planting and mitigation planting as each are described in the Landscape and Ecological Management Plan approved pursuant to requirement 6;</p>	<p>SCC considers existing requirement 9 should be replaced with this provision and supplemented by new requirement 9A (which can be renumbered when the final version of the draft DCO is submitted by the applicant in due course). SCC considers the inclusion of these new requirements is reasonable, proportionate and justified, as they will provide adequate control for the discharging authority to ensure that the replacement planting and its establishment is acceptable and secure. These requirements are based on requirements 9 and 10 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (SI 2024/958), and so there is a recent Suffolk precedent to further justify their inclusion.</p>

		<p>“reinstatement planting plan” means the plan referenced at 9 and 9A and which provides detail on reinstatement planting to be prepared for each stage of the authorised development;</p>	
10	New Requirement - Accommodation Strategy and Monitoring Plan - Suffolk	<p>Accommodation Strategy and Monitoring Plan - Suffolk</p> <p>(1) No part of the authorised development may commence until a Workforce Accommodation Strategy has been submitted to and approved in writing by the relevant planning authority.</p> <p>(2) The Workforce Accommodation Strategy must include:</p> <p>(a) a coordinated accommodation plan demonstrating how the undertaker will work with the undertakers of other nationally significant infrastructure projects and major development proposals in the locality, as approved by the relevant planning authority, to manage cumulative workforce accommodation demand;</p> <p>(b) an assessment of cumulative accommodation demand and supply, taking into account all known and committed projects within the relevant travel-to-work and accommodation catchment;</p> <p>(c) identification of accommodation types to be used (including serviced and non-serviced accommodation), and the proportion of workforce expected to occupy each;</p> <p>(d) details of secured accommodation provision, including evidence of availability and arrangements to prevent displacement of visitor accommodation;</p> <p>(e) measures to avoid the use of tourist accommodation, including enforceable controls on contractors and subcontractors;</p> <p>(f) mechanisms to prevent block booking of visitor accommodation, particularly within identified tourism-sensitive areas;</p> <p>(g) a monitoring and reporting framework, including provision of sufficient data to enable independent verification by the relevant planning authority;</p> <p>(h) a mitigation and intervention strategy, including clear and enforceable action to be taken in advance of, and not after, any identified impact on visitor accommodation.</p>	<p>A requirement for an Accommodation Strategy and Monitoring Plan was requested by the ExA in 3SERT2 of ExQ3. SCC collaborated with ESC to form the proposed wording, a similar version of which could be adopted for Kent. SCC considers the requirement to meet many of the criteria requested by various IPs during ISH 3 and previously in terms of an adequate strategy to monitor and adapt to accommodation uses from workers of the proposed project. Moreover, the implementation of the Strategy is accountable to the local authorities and relevant tourism organisations in Suffolk as set out in (2)(i) which can give the decision maker confidence that the benefit of local expertise will inform the Applicant’s approach to accommodation and minimising adverse effects on the provision of tourist accommodation.</p>

		<p>(i) a procedure to report the results of the implementation of the Workforce Accommodation Strategy to East Suffolk Council, Suffolk County Council, the Local Visitor Economy Partnership, and the Destination Management Organisation on a regular basis, including a mechanism for adapting the Strategy based on the reported results.</p> <p>(3) The approved Workforce Accommodation Strategy must be implemented as approved for the duration of the construction period.</p> <p>(4) No variation to the approved strategy shall be made without the prior written approval of the relevant planning authority</p>	
11	Requirement 4 (stages of the authorised development)	<p>4. —(1) Unless otherwise agreed with the relevant planning authority, written notice setting out the anticipated programme for the carrying out of pre-commencement operations must be given to the host authorities the relevant planning local authority no less than 28seven days prior to the date on which those pre- commencement operations are first carried out.</p> <p>(2) The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to the relevant planning authority.</p> <p>(3) Any revisions to the written scheme referred to in sub-paragraph 4(2) above must be submitted to the relevant planning authority in advance of the commencement of the stage of the authorised development to which the revisions relate.</p> <p>(4) Written notice of the completion of construction for each stage of the authorised development, and the operational use of that part of the authorised development, must be given to the relevant planning authority within 28 days of the relevant event being completed. (5) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraphs (2) or (3).</p> <p><u>(6) In this requirement, “host authorities” means -</u> <u>(a) in Suffolk, East Suffolk District Council and Suffolk County Council; and</u> <u>(b) in Kent, Dover District Council, Thanet District Council, and Kent County Council.</u></p>	<p>The rationale of this proposed change can be found in [REP5-181]:</p> <p><i>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-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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
12	Requirement 6(2), (3) and (4) (management plans to be approved)	<p>(2) The works for each stage of the construction, operation or decommissioning of the authorised development and mitigation works must be carried out in accordance with the relevant stage of the approved plans, schemes and strategies referred to in sub-paragraph (1) or with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority</p>	<p>The change to paragraph (2) is proposed for reasons of precision to ensure that the management plans in (1) serve as controls for each phase of the authorised development.</p>

		<p>or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate.</p> <p>(3) All landscaping works must be carried out and maintained in accordance with the Landscape and Ecological Management Plans approved under sub-paragraph (1), and in accordance with the relevant recommendations of appropriate British Standards.</p> <p>(4) Unless otherwise approved by the relevant planning authority, Aany tree or shrub planted as part of an approved Landscape and Ecological Management Plans that, within a period of tenfive 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>The proposed changes to (4) is designed to better secure the efficacy of planting which serves as mitigation to the adverse effects of the project, both in terms of screening and reinstatement, and so is material to the decision. Moreover, the Applicant’s visualisations which inform its assessments assume successful planting, meaning it is absolutely necessary to ensure the planting will succeed as far as possible. Concerns around the difficulty of establishing planting in Suffolk are well known and have been raised by several IPs due to Suffolk’s relative lack of rainfall compared to the national average and the risk of a particular season incurring harsh weather which increases the likelihood of planting failing. Securing a period of 10, rather than 5, years to replace failed planting will lessen the risk of reinstatement and mitigation planting failing and so also lessen the risk of materially new or different effects arising as a result.</p>
13	Requirement 5 (management plans and commitments)	<p>5.—(1) All works forming part of the construction, operation or decommissioning of the authorised development must be carried out in accordance with the management plans, schemes and strategies listed in sub-paragraph (2) below, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned.</p> <p>(2) The plans, schemes and strategies referred to in paragraph (1) above comprise the following—</p> <p>(a) Greenhouse Gas Reduction Strategy;</p> <p>(b) Red Throated Diver Protocol; and</p> <p>(c) Register of Environmental Actions and Commitments Section 1 (contained within Chapter 2 of Register of Environmental Actions and Commitments).</p> <p>(3) For the avoidance of doubt, aAll pre-commencement operations must be carried out in accordance with the plans listed in paragraph (2) above, the outline management plans and drainage strategies listed in paragraph 6(1) below, and the outline overarching written schemes of investigation listed in paragraph 14(1) below unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned.</p>	<p>The change to paragraph (1) is proposed for reasons of precision to ensure that the management plans in (1) serve as controls for each phase of the authorised development.</p>
14	Requirement 15 (restriction on carrying out works when consented in another order)	<p>SCC considers Requirement 15 should prevent Work No. 1B from being constructed under the Sea Link DCO if it has been commenced under another consent. Existing Requirement 15 should therefore be amended as follows –</p> <p>“Where any part of Work No.1B has been completed completed commenced pursuant to another development consent order, those works that Work must not be constructed under this Order, save where alterations amendments alterations amendments to those works that Work are required for the purposes of the Authorised Project”.</p>	<p>SCC was asked to provide wording to revise this requirement in 3GEN27 of ExQ3.</p> <p>SCC engaged with the Applicant on the matter and received indication that the Applicant did not consider a revision to the requirement to be needed and expressed concern over its ability to complete the substation works if the requirement is reworded as suggested by SCC should the SPR projects not progress as envisaged in such a way which prevented Sea Link from building the substation under that consent. However, SCC considers that the inclusion of “save where alterations to that Work are required for the purposes of the Authorised Project” is sufficient to safeguard against this concern. Should, for whatever reason, the Applicant be unable to construct 1B under the SPR consents after that work has commenced, it follows that alterations to that work would be</p>

			needed, and so the Applicant would no longer be required to use the SPR consents only to construct the substation.
15	Schedule 3, New Requirement – Skills, Supply Chain and Employment Plan - Suffolk	<p>[X].—(1) No part of the authorised development may commence until a Skills, Supply Chain and Employment Plan (“SSCEP”) has been submitted to and approved in writing by the relevant local authority, following consultation with Suffolk County Council in its role operating the Regional Skills Coordination Function (RSCF). The SSCEP must demonstrate how it will mitigate cumulative effects on skilled labour availability, workforce displacement, training capacity, supply-chain resilience and accommodation pressures arising from the authorised development in combination with other nationally significant infrastructure projects. The SSCEP must include:</p> <p>(a) a detailed workforce assessment for each phase of the authorised development to be shared with the RSCF, including workforce numbers, skill sets, role durations and the anticipated split between home-based and non-home-based labour, in order to mitigate cumulative skilled-labour shortages and workforce displacement;</p> <p>(b) a Local Education and Training Strategy prepared jointly with the RSCF, demonstrating how training pathways and provider capacity will be aligned with project needs to mitigate cumulative pressure on Suffolk’s FE, HE Further Education, Hhigher Education and private training providers and to support inclusive access for local residents;</p> <p>(c) scenario-based cumulative workforce modelling, including a worst-case assessment consistent with Suffolk County Council’s socio-economic guidance, to inform and identify appropriate measures to mitigate cumulative impacts on accommodation, transport, local services and availability of home-based labour;</p> <p>(d) a supply-chain development strategy identifying hyper-local, local and regional opportunities, with measures to support capacity-building and mitigate cumulative supply-chain displacement linked to overlapping NSIP procurement demands;</p> <p>(e) arrangements for ongoing information-sharing with the RSCF to enable adaptive management of cumulative labour-market, training and supply-chain impacts throughout the construction phase. The undertaker must participate in governance arrangements led by the RSCF to support coordinated labour market management, information-sharing and monitoring across nationally significant infrastructure projects in Suffolk.; and</p> <p>(f) monitoring and reporting arrangements, including performance indicators for local employment, apprenticeships, training delivery, supply-chain participation and socio-economic outcomes, to ensure enforceability and ongoing assessment of cumulative effects.</p> <p>(g2) The authorised development must be carried out in accordance with the approved SSCEP unless otherwise approved in writing agreed by with the relevant local authority following consultation with Suffolk County Council. The undertaker must ensure that all contractors and sub-contractors involved in the authorised development comply with the approved SSCEP, including local employment, training and supply-chain obligations. The undertaker must participate in governance arrangements led by the RSCF to support coordinated labour market management, information-sharing and monitoring across nationally significant infrastructure projects in Suffolk.</p> <p>(3) In this requirement RSCF means the Regional Skills Coordination Function.</p>	The justification for this requirement was given in response to 2CEInter1 of ExQ2 [REP5-204] and is not repeated here. The tracked changes indicate minor changes in wording to the requirement that was proposed by SCC there for reasons of improved requirement construction.

16	Schedule 3, New Requirement - Tourism monitoring - Suffolk	<p>[X].— (1) No stage of the authorised development may commence until a Tourism Monitoring Plan has been submitted to and approved by the relevant planning authority following consultation with the relevant county council. The Plan must include –</p> <ul style="list-style-type: none"> (a) detail of the implementation of monitoring across socio-economic, environmental and transport indicators that may be relevant to the potential adverse effects of the authorised project on tourism in East Suffolk; (b) how any monitoring or mitigation activities are carried out with consideration of, and in complement to, existing and ongoing tourism strategies in East Suffolk; (c) how any monitoring or mitigation activities will not duplicate or obviate, but complement, existing and ongoing mitigation and monitoring in relation to tourism in East Suffolk carried out by the undertaker(s) of other nationally significant infrastructure projects in East Suffolk; (d) the establishment of a working group to – <ul style="list-style-type: none"> i. facilitate local stakeholder engagement and enable a structured approach to appropriate tourism related monitoring requirements, mitigation and adaptive management activities associated with the authorised development; ii. develop and agree terms of reference for the sub-group, ensuring that the purpose and scope of the working group is clear, and to meet regularly, at a mutually agreed frequency, throughout the calendar year; and iii. agree and establish appropriate mechanisms for collecting, analysing, and acting on data that is appropriate and supportive of the tourism sector. (e) a mechanism for securing a contingency fund to be agreed with East Suffolk Council and Suffolk County Council. (f) a procedure to report the results of the implementation of the Tourism Monitoring Plan to the working group established under paragraph (d)(i) on a regular basis, including a mechanism for adapting the Plan based on the reported results. <p>(2) The mechanism for securing a contingency fund under paragraph 2(e) must include provision for –</p> <ul style="list-style-type: none"> (a) calculating the quantity of the fund; (b) how and when funds would be released and to whom; and (c) the involvement of the sub-group in any decision made in respect of the fund. 	<p>SCC was asked to provide wording for such a requirement in 3SERT2. Due to time constraints, SCC has not been able to collaborate with the other authorities to present jointly agreed wording. SCC will seek to undertake this prior to Deadline 7 and will inform the examination of any changes to the wording set out here.</p>
17	Cable ducts – new Requirement	<p>X.—(1) If the cables comprised within the Sea Link cable works are installed prior to the cables comprised within the LionLink cable works, the authorised project may not be brought into operational use unless the cable ducts forming part of the LionLink cable works have been installed concurrently with the installation of the cables comprised within the Sea Link cable works where the routes of the cable works for Sea Link and Lion Link overlap.</p> <p>(2) The requirement in paragraph (1) is considered discharged if no Order for the Lion Link cable works is made by the date on which the Sea Link cable works commences</p> <p>(3) For the purposes of this requirement—</p> <ul style="list-style-type: none"> (a) “the Sea Link cable works” mean Work Nos.2 and 5 of this Order; and (b) “the LionLink cable works” mean the cable works which form part of the proposed electricity interconnector that will link the United Kingdom and the Netherlands via an offshore connection”. 	<p>This drafting was requested by the ExA in 3GEN31 of ExQ3 following SCC’s request for such a requirement to be added in [REP5-181]. The requirement has been worded such that it only applies if the Lion Link Order has been made at the point upon which the Sea Link cable works commence as SCC recognises that there won’t otherwise be certainty that the cable ducts will be used. Moreover, the requirement only applies where the cable routes of the two projects overlap. SCC considers that the requirement places a very small burden on the Applicant but brings benefits in terms of avoiding unnecessary open cut trenching and is supported by national policy requirements of coordination to minimise adverse effects.</p>
18	Permitted Development – new requirement	<p>SCC and ESC have collaborated to form the following wording which is based on Requirement 44 of EA1N and EA2:</p>	<p>Justification is set out in [REP5-181]:</p>

		<p>Control of development during operational phase</p> <p>X-(1) During the operation of and within operational land related to Work Nos. 1B, 2, and 3B in the District of East Suffolk and Work Nos. 9A, 9B,10 and 11 in the District of Thanet and Dover, 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 Drainage Management Plan approved pursuant to requirement 6 (o) in relation to Suffolk and requirement 6 (p) in relation to Kent 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;</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>(3) In respect of the provision, implementation and maintenance of landscaping –</p> <p>a) No electricity undertakings permitted development may commence until an amendment to the written Landscape and Ecological Management Plan and associated work programme approved pursuant to requirement 6 (f) in relation to Suffolk and requirement 6 (g) in relation to Kent that includes provision for the replacement of any existing landscape measures to be removed and maintenance of any landscape measures to be provided as part of the permitted development, has been submitted to and approved by the relevant planning authority; and</p> <p>(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.</p>	<p><i>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 1 , 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.</i></p>
19	New Requirement – Mental Health and Wellbeing Monitoring plan	<p>X.—(1) No stage of the authorised development may commence until a Mental Health and Wellbeing Monitoring plan has been submitted to and approved by the relevant planning authority following consultation with the relevant county council. The Plan must include:</p> <p>(a) population health management (PHM) data and trends in Primary Care activity;</p> <p>(b) the monitoring of referrals to social prescribing and community mental health services;</p> <p>(c) provision for engagement with Primary Care leads within the project catchment to identify emerging trends;</p> <p>(d) provision for regular liaison with Community Mental Health Teams;</p> <p>(e) clear community routes for raising concerns (with mechanisms to ensure issues are captured, categorised and escalated appropriately);</p> <p>(f) periodic reporting to relevant local authority and health partnership forums to enable two-way dialogue;</p>	<p>Wording for this mitigation measure proposed by SCC was requested in Action Point 44 of ISH 3 action points. SCC has detailed its justification for this requirement in various submissions including in response to Action Points 44 and 45 submitted at Deadline 6..</p>

		<p>(g) Consideration of independent or academic evaluation to provide objective assessment of early and cumulative impacts including work undertaken by Suffolk MIND¹ and University of Suffolk²; and</p> <p>(h) Provision for following SCC’s guidance on community engagement³</p> <p>(2) The undertaker must coordinate with other NSIP developers within Suffolk to ensure a coherent and joined up approach to monitoring across both geographical areas and project timescales. This should include alignment of methodologies, data sharing where appropriate, and consistent reporting mechanisms to enable a comprehensive understanding of cumulative impacts.</p> <p>(3) The Plan must detail how the Applicant will establish an appropriate and secured legal mechanism, including a dedicated fund with clearly defined governance arrangements agreed in consultation with SCC and other relevant stakeholders. This mechanism should enable timely, proportionate, and targeted mitigation to be implemented in response to issues identified through monitoring, ensuring that access to healthcare impacts are addressed effectively and transparently.</p>	
20	New requirement – Friston substation	<p>“Requirement [x] (new substation at Grove Wood, Friston, Suffolk)</p> <p>(1) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No. 1B) must be constructed, operated and decommissioned 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.</p> <p>(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.</p> <p>(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.</p>	The rationale for and original wording of this requirement can be found in [REP5-181]. The tracked change is proposed to ensure the requirement covers the operational and decommissioning phases of the substation.
21	New requirement – emergency planning	<p>For the DCO:</p> <p>Emergency Planning</p> <p>(1) No part of the relevant works may commence until the Suffolk Resilience Forum Radiation Emergency Plan has been reviewed to account for the relevant works or part thereof and reissued in accordance with the relevant Radiation Emergency Preparedness Regulations. The reissued Plan must include measures to –</p>	SCC stated in Chapter 15 of its LIR [REP1-130] that an emergency planning requirement of a similar kind to the SPR requirement 33 would be necessary for Sea Link given the project’s proximity to the Outline Emergency Planning Zone of Sizewell B. The rationale for the proposed wording here is unchanged, although the required detail to be submitted under this requirement has been further specified for precision and to ensure that SCC as the Duty Holder can fulfil its obligations under the Radiation (Emergency Preparedness and Public Information) Regulations 2019;

¹ as detailed: <https://www.suffolkmind.org.uk/reports-and-accounts/>

² as detailed: <https://www.uos.ac.uk/about/news/2025/university-publishes-independent-study-on-early-impacts-of-sizewell-c/>

³ as detailed: [community-engagement-and-wellbeing-policy](#).

- (a) protect all members of the workforce engaged in any activity, work, or operation pursuant to any part of the authorised project, during a radiation emergency;
- (b) minimise any interference, delay or hinderance arising from activities undertaken pursuant to the authorised project to the implementation of the Suffolk Resilience Forum Radiation Emergency Plan during a radiation emergency; and
- (c) engage in bi-annual review of the Suffolk Resilience Radiation Emergency Plan with the Duty Holder following the reissuing of the Plan pursuant to sub-paragraph (1).

(2) Emergency planning arrangements specified within the Suffolk Resilience Forum Radiation Emergency Plan in respect of the relevant works must be implemented in relation to the relevant part of the relevant works, unless otherwise agreed with Suffolk County Council after consultation with the Sizewell Emergency Planning Consultative Committee and Suffolk Resilience Forum and, as appropriate, the Office for Nuclear Regulation.

(3) For the purposes of this requirement—

- (a) “the relevant works” means —
 - (i) the onshore preparation works;
 - (ii) the Suffolk onshore works; and
 - (iii) to the extent that they are within the Sizewell B Outline Emergency Planning Zone, the offshore works; and
- (b) “the relevant Radiation Emergency Preparedness Regulations” means the Radiation (Emergency Preparedness and Public Information) Regulations 2019;
- (c) “the relevant Sizewell B Outline Emergency Planning Zone” means the Sizewell Outline Emergency Planning Zone detailed within the Suffolk Resilience Forum Radiation Emergency Plan; and (d) “the Duty Holder” means “the Duty Holder” as defined within the Radiation (Emergency Preparedness and Public Information) Regulations 2019(a) as amended from time to time.

For the REAC:

Pre-commencement:

(1) Any notification of the anticipated programme for pre-commencement operations must be submitted to the Duty Holder at least 28 days in advance of those operations taking place. Any such notification must detail how the undertaker, in carrying out the specified pre-commencement operation(s), will:

1. Protect all members of the workforce involved in any activity pursuant to the specified operation(s) during a radiation emergency
2. Implement emergency and evacuation procedures if notified of a radiation emergency
3. Maintain open line(s) of communication with the Duty Holder such that any communication from the Duty Holder regarding a radiation emergency event will be received without delay and the undertaker's emergency procedures for a radiation emergency are implemented without delay

The Applicant should consider incorporating the commitments included in the proposed wording into their overall health and safety / emergency planning arrangements under Construction (Design and Management) (CDM) 2015 regulations. However, it is recognised that it would not be appropriate to include this in the Order itself.

SCC has also proposed wording for the REAC regarding pre-commencement operations. This is considered necessary to ensure that the Duty Holder under REPPIR is aware of the workforce and traffic associated with the operations to ensure it can meet its duties under those regulations in the event of a nuclear event at Sizewell B. Since the proposed DCO requirement would not need to be discharged prior to the carrying out of pre-commencement works, this REAC commitment is considered necessary.

		<p>(2) The details submitted pursuant to sub-paragraph (1) must demonstrate, to the satisfaction of the Duty Holder, that the activities undertaken in relation to the specified pre-commencement operation(s) will not prevent, hinder or otherwise interfere with the Duty Holder's ability to implement the Suffolk Resilience Forum Radiation Emergency Plan in the event of a radiation emergency.</p> <p>(3) For the purposes of this commitment, "the Duty Holder" means "the Duty Holder" as defined within the Radiation (Emergency Preparedness and Public Information) Regulations 2019(a) as amended from time to time.</p>	
22	Schedule 4 (1) Applications made under Requirements	<p>1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of 35-28 business days beginning with—</p> <p>(a) where no further information is requested under paragraph 2 and no changes to the submitted documents which form the application are made, the day immediately following that on which the application is received by the authority;</p> <p>(b) where further information is requested under paragraph 2, the day immediately following that on which further information has been supplied by the undertaker; or</p> <p>(c) where new or updated documents are submitted by the undertaker, the day immediately following that on which the new or updated documents have been supplied by the undertaker; or</p> <p>(cd) such longer period as may be agreed in writing by the undertaker and the relevant authority.</p> <p>(2) Subject to sub-paragraph (3), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (1), the relevant authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.</p> <p>(3) Where—</p> <p>(a) an application has been made to the relevant authority for any consent, agreement or approval required by a Requirement included in this Order;</p> <p>(b) the relevant authority does not determine such application within the period set out in sub-paragraph (1); and</p> <p>(c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,</p> <p>then the application is taken to have been refused by the relevant authority at the end of that period.</p>	<p>The rationale for this change is unchanged from that set out by SCC in chapter 15 of its LIR [REP1-130]. However, SCC has changed its proposal from 56 days to 28 business days which is considered to be a more amenable proposal when considering the Applicant's desire to progress the project at speed. It also ensures that the presence of non-working days, such as bank holidays, do not put undue pressure on the Council.</p> <p>Importantly, the addition of paragraph 1(c) would resolve a key issue SCC has with the original wording of paragraph 1 of schedule 4 as set out in SCC's LIR relating to the pressures put on the Council when it is expected to discharge documents which have been updated in short order from experience on other projects. 1(c) ensures that the Council will have sufficient time to review any new submissions without undue pressure and burden put on the Council which is especially important in the context of the many NSIPs taking place in Suffolk. Without this change, the Council would consider that a longer period, such as the equivalent of 56 days in business days, is necessary.</p>
23	Schedule 4 (2) Further Information	<p>2.—(1) Where an application has been made under paragraph 1 the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application.</p>	<p>Changes here reflect the use of business days, rather than days in general, to reflect the unreasonable nature of expecting officers to use non-working days for the purposes of applications made under</p>

(2) If the relevant authority considers further information is necessary and the Requirement does not specify that consultation with a Requirement consultee is required, the relevant authority must, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the Requirement specifies that consultation with a Requirement consultee is required, the relevant authority must issue the consultation to the Requirement consultee within 5 business days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the Requirement consultee within business 5 days of receipt of such a request and in any event within 21 business days of receipt of the application.

(4) If the relevant authority does not give the notification mentioned in sub-paragraphs (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

(5) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 1 and in this paragraph.

(6) In paragraph 2, “further information” refers only to information necessary for the relevant authority to decide the application. If the relevant authority requests any change to the application as it considers necessary to enable it to approve the application, then the procedure set out in paragraph 1 (1)(c) applies for the purposes of time limits.

the Order. (6) has been added to reflect the distinction made in paragraph 1 of Schedule 4 between further information and changes to submission forming an application. SCC has experienced on other NSIPs that without the clarification of (6), the Council is expected to detail all required amendments for approvals within the timeframe of (2) which is unreasonably short and does not provide sufficient time for adequate consultations to expert officers to undertake a thorough review. SCC has detailed these concerns in previous submissions such as