

SEA LINK

EN020026

Response to the Examining Authority's Schedule of Changes to the Draft Development Consent Order

Suffolk County Council



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Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Order</i>
<i>ES</i>	<i>Environmental Statement</i>
<i>NSIP</i>	<i>Nationally Significant Infrastructure Project</i>
<i>PPA</i>	<i>Planning Performance Agreement</i>

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

Purpose of this Submission

The document has been prepared by Suffolk County Council in response to the Examining Authority’s consultation draft Development Consent Order (dDCO).

The response format is based on the consultation document submitted by the ExA to provide comments on the draft articles as set out in the table provided.

SCC Response to The Examining Authority's draft Development Consent Order (dDCO)

No	Article/Schedule	ExA's Recommended Amendment	SCC Response
Articles			
1.	Use of 35-day decision period within the dDCO in: <ul style="list-style-type: none"> • article 11(3) • article 15(9) • article 17(2) • article 20(9) • article 22(8) • article 50(9) 	<p>“56 days”</p> <p>Reason:</p> <p>The ExA considers that given the volume of NSIPs within the local authority areas and the need to allow for consultation and proper scrutiny, that a 56-day period is reasonable and appropriate.</p>	SCC strongly supports these amendments to these provisions. SCC has sought these amendments from the outset and its reasons for doing so are set out in paragraphs 15.15 to 15.19 of the LIR [REP1-178] .
2.	Use of “which consent shall not be unreasonably withheld or delayed” within the dDCO in: <ul style="list-style-type: none"> • article 11(2) • article 15(2) • article 15(5)(b) • article 17(1)(b) • article 20(3) and (4) • article 22(5) • article 50(2) • article 55(1) 	<p>Removed these articles.</p> <p>Reason:</p> <p>The ExA has carefully considered responses to written questions and oral submissions made in hearings on this issue. The ExA considers that the inclusion of ‘which shall not be or must not be unreasonably withheld or delayed’ (or a variation of such words) would add ambiguity rather than clarity.</p>	SCC strongly supports these amendments to these provisions. SCC has sought these amendments from the outset and its reasons for doing so are set out in paragraphs 15.12 to 15.14 of the LIR [REP1-178] .
3.	23. Removal of human remains	<p>Removed this article.</p> <p>Reason:</p> <p>There are no known burial grounds within the order limits, so the ExA considers this article to be unnecessary. Any archaeological human remains should be</p>	For the reason given by the ExA, SCCAS supports the removal of this clause.

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		dealt with in accordance with the archaeological written scheme of investigation.	
4.	28. Temporary use of land for maintaining the authorised project	<p>Added:</p> <p>(c) any land identified in the Land Plans and Book of Reference as Class 10 land.</p> <p>Reason:</p> <p>To align with article 27(1)(a)(ii) in ensuring that class 10 land cannot be used for carrying out or maintaining the authorised project.</p>	<p>SCC supports this amendment, though would recommend the following minor (drafting) amendments –</p> <p>“(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—</p> <p style="padding-left: 40px;">(a) any house or garden belonging to a house; or</p> <p style="padding-left: 40px;">(b) any building (other than a house) if it is for the time being occupied; or</p> <p style="padding-left: 40px;">(c) any land identified in the Land Plans and Book of Reference as Class 10 land”.</p>
5.	49. Defence to proceedings in respect of statutory nuisance	<p>Defence to proceedings in respect of statutory nuisance 49.— .</p> <p>(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraphs (g) (noise emitted from premises so as to be prejudicial to health or a nuisance) and (ga) (noise from vehicles, machinery or equipment in a street) of section 79(1) of that Act no order must be made, and no fine must be imposed, under section 82(2) of that Act if— (a) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction sites) or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(b); or</p> <p>(ii) relates to premises used by the undertaker for the purposes of or in connection with the construction of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with the controls and measures relating to noise as described in the relevant Onshore Construction Environmental Management Plan or the relevant Construction Noise and Vibration Management Plan; or</p> <p>(iii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or</p> <p>(iv) is a consequence of complying with a requirement of this Order and that it cannot reasonably be avoided; or</p>	<p>SCC has no comments in respect of this amendment.</p>

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		<p>(b) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in accordance with the measures contained within the Register of Environmental Actions and Commitments; or</p> <p>(ii) is a consequence of the use of the authorised project and that it cannot reasonably be avoided.</p> <p>(2) For the purposes of paragraph (1) above, compliance with Requirement A (Control of operational noise), and the controls and measures relating to noise described in the relevant code of construction practice, the CEMP, the Register of Environmental Commitments and the Construction Noise and Vibration Management Plan will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided. (3) Where a relevant planning authority is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised project then the local authority must also have regard to the controls and measures relating to noise referred to in the relevant code of construction practice, the CEMP or the Construction Noise and Vibration Management Plan approved under Schedule 3 (Requirements). (4) Section 61(9) (prior consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project. (5) In this article “premises” has the same meaning as in section 79 of the Environmental Protection Act 1990(a)</p> <p>Reason:</p> <p>Reference to the code of construction practice is to be removed for consistency. The ExA has considered ESC [REP5-172] comments regarding the need for wording such as “that it cannot, to the reasonable satisfaction of East Suffolk Council reasonably be avoided” but notes that such wording is not routinely included in statutory nuisance provisions for DCOs and its need is not clearly demonstrated for the proposed development.</p>	
6.	51. Felling or Lopping	<p>Felling or lopping 51.—</p> <p>(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</p>	SCC supports this amendment, though would recommend the following minor (drafting) amendments and reordering –

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		<p>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>(3) 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.</p> <p>(4) 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.</p> <p>(5) 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. (a) 2004 c. 18. 44</p> <p>(6) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.</p> <p>(7) 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.</p> <p>(8) The consent of the relevant highway authority is not required under paragraph (4) where—</p> <p>(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</p> <p>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).</p>	<p>(10) the The power conferred by paragraph (1) does not apply to any trees identified as ancient or veteran in the Arboricultural Impact Assessment, unless it has previously been agreed by the relevant planning authority that they are has agreed the tree is unsafe and there is no alternative to their removal.</p> <p>(11) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerow Regulations 1997.</p> <p>The reordering is recommended because it is the convention for a definition in an article to be included in the final paragraph.</p> <p>In addition, SCC maintains the position set out in row 4 of its Deadline 6 submission <i>Appendix A to Suffolk County Council's response to ISH 3 Action Points: Schedule of Changes to the DCO (Action Point 1)</i> [REP6-237].</p> <p>Moreover, SCC considers if any works affecting trees are to take place between 1st March & 31st August, the tree must be checked for the presence of nesting birds prior to any works commencing. Should an active nest be discovered, works must be put on hold until all chicks have fully fledged and left the nest.</p> <p>If there are works proposed for mature trees, these must be first subjected to a Ground Level Tree Assessment (GLTA) for the presence of features that could be used as a roost by bats (if this assessment has not been previously undertaken).</p>

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		<p>(9) 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). (10) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerow Regulations 1997.</p> <p>Added:</p> <p>(11) the power conferred by paragraph (1) does not apply to any trees identified as ancient or veteran in the Arboricultural Impact Assessment, unless it has previously been agreed by the relevant planning authority that they are unsafe and there is no alternative to their removal.</p> <p>Reason:</p> <p>The ExA has considered the revised provisions in the REAC [REP6-134] and considers that ambiguity remains regarding the need to retain ancient and veteran trees. It therefore proposes a mechanism to secure relevant planning authority approval for the removal of trees that had been identified as being retained in the Arboricultural Impact Assessment if this is deemed to be necessary for safety reasons during the course of construction and there are no alternatives. The Arboricultural Impact Assessment referenced in the new text is to be added as a certified document.</p>	
SCHEDULES			
Scheduled 1, Authorised Project			
7.	Title preceding Work No 6	In the Districts of East Suffolk, Thanet, and Dover	Works described are also located in Thanet.
Schedule 3, Requirements			
8.	Requirement 3(1)	<p>3.—(1) Suffolk Converter Station, Kent Converter Station, and Kent Substation</p> <p>(a) No construction of buildings above ground works included in Works Nos. 3B, 9B and 11 (Suffolk converter station, Kent converter station, and Kent substation) may commence until the the details of the design, scale, layout, and external appearance of that building work has have been submitted and</p>	SCC maintains the position set out in row 6 of its Deadline 6 submission <i>Appendix A to Suffolk County Council's response to ISH 3 Action Points Schedule of Changes to the DCO (Action Point 1) [REP6-237]</i> in respect of amendments to requirement 3. However, SCC understands that updates to the Key Design Principles for the converter station are being made based on the Design Engagement Strategy provided by SCC at Deadline 6 (Appendix

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		<p>approved by the relevant planning authority. The design details must be substantially in accordance with the relevant Key Design Principles. Design details for Works No.9B and 11 may only be approved following consultation with Historic England and Dover District Council. (b) When discharging this requirement, the relevant planning authority must take into account that the undertaker must meet the Critical Design Constraints. and that the undertaker may have limited choice over many aspects of the design and that the design must in the first instance be safe and secure, as recognised by EN-1 Paragraph 4.7.6 and EN-5 paragraph 2.4.3. The aspects where more flexibility may be available include the external colour, surface profile and finish of cladding and the roofline of the permanent buildings, although aspects of these elements will be fixed through technical requirements.</p> <p>(c) In sub-paragraphs (21)(a) and (21)(b), the Key Design Principles and Critical Design Constraints mean those set out in the relevant tables in the Design Principles – Suffolk and Design Principles – Kent, certified under article 60 (certification of documents). For avoidance of doubt, in subparagraphs 3(1)(a) and 3(1)(b) the construction of buildings does not include the construction of the platform or other elements of the authorised project that are not above finished ground level in the location of the buildings.</p> <p>(d) In submitting the details set out in paragraph (1)(a), a statement must be included confirming the detailed design has been reviewed by an independent design review panel along with the actions taken.</p> <p>(e) (d) The authorised development must be carried out in accordance with the details approved or confirmed by the relevant planning authority further to sub-paragraphs (21)(a) and (21)(b).</p>	<p>B of [REP6-184]). Should these changes be satisfactory, then a Design Engagement strategy may not need to be referenced in the requirement wording. SCC considers the ExA's proposed drafting is an improvement of that included in the draft DCO [REP6-005]. SCC notes the inclusion of new sub-paragraph (d) and the requirement for the design details of Work Nos. 3B, 9B and 11 to be reviewed by an independent design review panel. SCC queries whether the ExA considers it would be helpful if (i) the statement to be submitted under sub-paragraph (d) should include an explanation when a recommendation by the panel has not been followed and (ii) a definition of "design review panel" was included.</p> <p>SCC would also ask that it is stated as a named consultee in the requirement wording. SCC has an interest in being involved and providing value to applications made under this requirement for the Suffolk converter station and being a named consultee would ensure that SCC is procedurally secure in its involvement in design matters post-consent.</p>
9.	Requirement 3(2)	<p>2) Suffolk Substation (Friston) (a) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No 1B) will 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):</p> <p>insofar as those details relate to the design and external appearance of Work No. 1B.</p> <p>(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.</p>	<p>SCC considers the ExA's proposed drafting is preferable to that included in the draft DCO [REP6-005]. SCC recommends the following minor (drafting) amendments to requirement 3 as it relates to the Suffolk Substation (Friston) –</p> <p><u>"(2) Suffolk Substation (Friston)</u></p> <p>(a) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No 1B) will must be constructed in accordance with the details within the documents submitted approved for the discharge of Requirement requirement 12 of part 3 of schedule 1 to SI-2022/433: the East Anglia TWO Offshore Wind Farm Order 2022 ("SI 2022/433") insofar as those details relate to the design and external appearance of Work No. 1B.</p> <p>(b) Insofar as If the details approved pursuant to Requirement requirement 12 of SI 2022/433, insofar as those details relate to the design and external appearance of</p>

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		<p>(ii) The roof cladding should match the colour of the uppermost wall cladding on the buildings.</p> <p>(iii) The door colour should match the colour of the cladding around it.</p> <p>(iv) Perimeter security fences would be coloured green (RAL DESIGN 110 60 20 or similar).</p> <p>(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 97 currently planned, then the relevant planning authority shall have regard to such circumstances when considering whether to approve otherwise pursuant to paragraph (a).</p> <p>Reason:</p> <p>The recommended wording requires that details of the design and external appearance are the same as those approved under the East Anglia One North and East Anglia 2 development consent orders. The wording does not require that the scale and layout are the same, as the ExA recognises that these may need to differ for technical reasons. Without this control, the relevant planning authority would have no control over the design or external appearance of the substation.</p>	<p>Work No. 1B, are amended or if the East Anglia TWO or East Anglia ONE North projects do not progress as 97 currently planned, then the relevant planning authority shall have must regard to such circumstances when considering whether to approve otherwise than pursuant to paragraph (a)".</p>
10.	Requirement 3(3)	<p>(3) 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 design, layout, scale, and external appearance of the bridge have been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency.</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 design details submitted under (a) must be accompanied by a technical statement demonstrating how, recognising the minimum size parameters in sub-paragraph (b)(i) and (ii), the Applicant has sought to reduce the scale of the bridge, having regard to the relationship with the landscape mitigation proposals, the articulation of the spanning structure, the design of the</p>	<p>SCC considers the ExA's proposed drafting is preferable to that included in the draft DCO [REP6-005]. SCC recommends the following minor (drafting) amendments to requirement 3 as it relates to the Bridge over the River Fromus –</p> <p>1.1 In sub-paragraph (3)(d)(ii), after “set out in” insert “sub-paragraph”,</p> <p>1.2 In sub-paragraph (3)(e), after “under” insert “sub-paragraph”,</p> <p>1.3 In sub-paragraph (3)(e), after “the criteria in” insert “sub-paragraph”,</p> <p>1.4 In sub-paragraph (3)(e), after “contingency fund” replace “would” with “must”,</p> <p>1.5 In sub-paragraph (3)(e), after “This” replace “would” with “must”,</p> <p>1.6 In sub-paragraph (3)(f), after “development” replace “shall” with “must”,</p>

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		<p>abutment walls, 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>(d) 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 the relevant planning authority, following consultation with the Environment Agency. The invertebrate monitoring and contingency plan must include:</p> <p>(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.</p> <p>(ii) Principles of the contingency monetary fund set out in (e) and criteria for when provision of the fund would be triggered.</p> <p>(e) Following receipt and review of the monitoring results under (d)(i), should the criteria in (d)(ii) be exceeded, then a contingency fund would 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 be secured via an appropriate legal agreement.</p> <p>(f) The development shall be carried out in accordance with the details approved by the relevant planning authority further to sub-paragraph (3)(a).</p> <p>Reason:</p> <p>The ExA welcomes the introduction of controls over the design of the bridge, but considers that the layout, scale, and external appearance also need to be controlled in view of the sensitivity of the location in landscape, visual and heritage terms. Sub-paragraph 3(f) has been added to ensure that the development is carried out in accordance with the approved details.</p>	
11.	Requirement 3(4)	<p>(4) No operational lighting may be installed as part of Work No. 3B, 9B or 11 until an Operational Lighting Management Plan for that stage of the works has been submitted and approved by the relevant planning authority, which must be substantially in accordance with the outline Operational Lighting Management Plan. The lighting shall be installed and operated in accordance with the approved Operational Lighting Management Plan.</p> <p>Reason:</p>	<p>SCC considers the ExA's proposed drafting is preferable to that included in the draft DCO [REP6-005]. SCC recommends the following minor (drafting) amendment to requirement 3(4) –</p> <p>After “The lighting” replace “shall” with “must”.</p>

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		The ExA welcomes the addition of operational lighting controls, but additional wording is necessary to ensure that the lighting is installed and operated in accordance with the approved plan.	
12.	Requirement 3(5)	<p>(5) If Work No. 1B is constructed as part of the Authorised Project, an Operational Lighting Management Plan will be submitted and approved by the relevant planning authority prior to the installation of operational lighting at the substation. The lighting shall be installed and operated in accordance with the approved Operational Lighting Management Plan.</p> <p>Reason:</p> <p>The ExA welcomes the addition of operational lighting controls, but additional wording is necessary to ensure that the lighting is installed and operated in accordance with the approved plan.</p>	<p>SCC considers the ExA's proposed drafting is preferable to that included in the draft DCO [REP6-005]. SCC recommends the following minor (drafting) amendment to requirement 3(5) –</p> <p>After “The lighting” replace “shall” with “must”.</p>
13.	Requirement 4	<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 relevant planning authority no less than 28^{seven} days prior to the date on which those precommencement 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 subparagraph 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.</p> <p>(5) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraphs (2) or (3).</p> <p>Reason:</p> <p>The ExA agrees with Suffolk County Council (SCC) [REP6-237] that 28 days is a more proportionate and reasonable time period.</p>	<p>Save for one point, SCC strongly supports this amendment, as set out in row 11 of its Deadline 6 submission <i>Appendix A to Suffolk County Council's response to ISH 3 Action Points: Schedule of Changes to the DCO (Action Point 1)</i> [REP6-237].</p> <p>The one point mentioned above is that SCC considers notice should be sent (in Suffolk) to East Suffolk Council and Suffolk County Council and (in Kent) to Dover District Council, Thanet District Council, and Kent County Council.</p>
14.	Requirement 5(2) (c)	Removed.	SCC supports this amendment.

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		The ExA consider at this stage that the Skills, Supply Chain and Employment Plan should be an outline document with a final document to be agreed by the relevant councils.	
15.	Requirement 6	<p>6.—(1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned (in consultation with the relevant district or county council, the Environment Agency in the case of the Onshore Construction Environmental Management Plan, Construction Noise and Vibration Management Plans and the Material and Waste Management Plan, and in consultation with Natural England in the case of the Landscape and Ecological Management Plans and Drainage Management Plans, and in consultation with the National Trust in relation to the Landscape and Ecological Management Plan - Kent)— (a) Onshore Construction Environmental Management Plan (which must be substantially in accordance with the Onshore Outline Construction Environmental Management Plan);</p> <p>(b) Construction Traffic Management and Travel Plan – Suffolk (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Suffolk); (c) Construction Traffic Management and Travel Plan – Kent (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Kent); (d) Air Quality Management Plan – Suffolk (which must be substantially in accordance with the Outline Air Quality Management Plan – Suffolk); (e) Air Quality Management Plan – Kent (which must be substantially in accordance with the Outline Air Quality Management Plan – Kent);</p> <p>(f) Landscape and Ecological Management Plan (LEMP) – Suffolk (which must be substantially in accordance with the Outline LEMP – Suffolk)</p> <p>(g) Landscape and Ecological Management Plan (LEMP) – Kent (which must be substantially in accordance with the Outline LEMP – Kent);</p> <p>(h) Construction Noise and Vibration Management Plan (NVMP) – Suffolk (which must be substantially in accordance with the Outline Construction NVMP - Suffolk);</p> <p>(i) Construction Noise and Vibration Management Plan (NVMP) – Kent (which must be substantially in accordance with the Outline NVMP – Kent);</p>	<p>SCC considers the ExA's additional drafting in sub-paragraph (4) is preferable to that included in the draft DCO [REP6-005].</p> <p>Regarding the multiple omissions of “substantially”, that word appears in several requirements for several of the DCO projects within SCC’s area. While omission would ultimately be a matter for the Secretary of State, SCC confirms that it has not encountered any problems as a result of the word’s inclusion in the requirements of other DCOs. SCC appreciates the word provides undertakers with some flexibility and does likewise for the discharging authority should slight deviations from an outline plan lead to the reduction in adverse effects once more is known at the detailed delivery stage.</p> <p>With regard to tree planting, SCC would like to see a minimum aftercare period of 10 years due to the climatic conditions that Suffolk currently experiences. SCC would be content with the adaptive management provisions for aftercare as set out in section 7.3 of the latest revision of the outline LEMP [REP6-078], which allows for the aftercare period to be paused as agreed with the relevant planning authority in certain circumstances, and SCC would ask that Requirement 6 allows for adaptive management</p>

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		<p>(j) Public Rights of Way (PRoW) Management Plan – Suffolk (which must be substantially in accordance with the Outline PRoW - Suffolk)</p> <p>(k) Public Rights of Way (PRoW) Management Plan – Kent (which must be substantially in accordance with the Outline PRoW - Kent);</p> <p>(l) Soil Management Plan – Suffolk (which must be substantially in accordance with the Outline Soil Management Plan - Suffolk);</p> <p>(m) Soil Management Plan – Kent (which must be substantially in accordance with the Outline Soil Management Plan - Kent);</p> <p>(n) Material and Waste Management Plan - Suffolk (which must be substantially in accordance with the Outline Material and Waste Management Plan – Suffolk and such approval to be given in consultation with the Environment Agency);</p> <p>(o) Material and Waste Management Plan - Suffolk (which must be substantially in accordance with the Outline Material and Waste Management Plan – Kent and such approval to be given in consultation with the Environment Agency); (p) Drainage Management Plan - Suffolk (which must be substantially in accordance with the Suffolk Drainage Strategy);</p> <p>(q) Drainage Management Plan – Kent (which must be substantially in accordance with the Kent Drainage Strategy); and</p> <p>(r) Flood Management Plan (FMP).</p> <p>(s) Skills, Supply Chain and Employment Plan</p> <p>(2) The authorised development must be carried out in accordance with the relevant stage of the approved plans, schemes and strategies referred to in subparagraph (1) or with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority 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 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) 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</p>	

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		<p>alternative timing or a different specimen is otherwise approved by the relevant planning authority. Any replacement planting will be subject to the same management and monitoring arrangements (including management periods) as agreed for original planting through the approval of the Landscape and Ecological Management Plans under subparagraph (1).'</p> <p>Reason:</p> <p>The ExA considers that any replacement planting should be subject to the same management and monitoring arrangements (including management periods) as agreed for original planting through the approval of the Landscape and Ecological Management Plans under subparagraph (1) to secure the ongoing management of the landscape planting in the DCO in case of failure of planting.</p>	
16.	Requirement 7	<p>Construction hours</p> <p>(1) Subject to sub-paragraphs (2), (3), (4) and (7) onshore construction work may only take place between 0700 and 1900 Monday to Friday and between 0700 and 1700 1300 on Saturdays, with no activity on Sundays or bank holidays, 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 sub-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) Percussive piling works are limited to 0700 to 1900 Monday to Friday and 0700 to 1300 1700 on Saturdays and may not occur on Sundays or Bank Holidays, unless otherwise approved by the relevant planning authority.</p> <p>(3) Subject to sub-paragraph (4), HGV deliveries are limited to 0700 to 1900 Monday to Friday and 0700 to 1300 1700 on Saturdays and may not occur on Sundays or Bank Holidays, unless otherwise approved by the relevant highway authority.</p> <p>(4) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—</p> <p>(a) trenchless crossing operations including at landfalls and beneath highways, railway lines, woodlands, nature reserves, Sites of Special Scientific Interest or watercourses;</p>	<p>SCC considers the ExA's proposed drafting is preferable to that included in the draft DCO [REP6-005]. SCC would ask that the drafting provided in [REP6-237] for 7(4)(g) and 7(5) is considered for inclusion in the DCO, as SCC's wording would ensure that the local authority can monitor that the exception under 7(4)(g) is exercised only where necessary. The drafting provided by SCC for 7(5) was developed in collaboration with ESC which is the relevant local authority for noise matters and is considered a more robust protection for sensitive receptors during the shoulder hours of the core working hours.</p>

No	Article/Schedule	ExA's Recommended Amendment	SCC Response
		<p>(b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;</p> <p>(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;</p> <p>(e) delivery to the transmission works of abnormal loads and any highway works requested by the highway authority to be undertaken outside the core working hours;</p> <p>(f) the testing or commissioning of any electrical plant installed as part of the authorised development including undertaking of any identified corrective activities;</p> <p>(g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;</p> <p>(h) activity necessary in the instance of an emergency where there is a risk to persons or property;</p> <p>(i) marine works (all works below the mean high water springs line);</p> <p>(j) security monitoring;</p> <p>(k) intrusive and non-intrusive surveys; (l) mechanical and electrical installation works within buildings once erected and enclosed;</p> <p>(m) any highway works requested by the highway authority to be undertaken outside the core working hours; and</p> <p>(n) any railway works to be undertaken as part of the project on a Saturday, Sunday, Bank Holiday or outside the core working hours.</p> <p>(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. A 50dBA noise limit (LOAEL) will apply at the nearest noise-sensitive receptor for start-up and close down activities. (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 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, 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,</p>	

No	Article/Schedule	ExA's Recommended Amendment	SCC Response
		<p>except as specified in subparagraph (8). These working hours will also apply to those elements of Work No. 4, Work No. 13, Work No. 15, and Work No. 17 insofar as they are works required to construct, operate, and/or mitigate the environmental impacts of Work No.1A and Work No.1B.</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; (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 (8)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (8) and, where works do not fall within subparagraphs (8)(a) to (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>Reason:</p> <p>The ExA considers the need for more restrictive core hours to provide some respite for local residents. This would also benefit the tourism industry for Kent and Suffolk by not including after 1300 hours on Saturday or on Sundays as core hours for works</p>	
17.	Requirement 14	<p>14.—(1) The authorised development must be undertaken in accordance with the following documents as relevant to the location of the works unless otherwise agreed with the relevant planning authority: (a) Outline Onshore Overarching Written Scheme of Investigation – Suffolk for onshore works within the county of Suffolk; and (b) Outline Onshore Overarching Written Scheme of Investigation – Kent for onshore works within the county of Kent; and (2) No stage of the authorised development may commence, including any pre-commencement works in that stage, until for that stage either a preservation</p>	<p>SCCAS supports the amendments to requirement 14. On reflection, SCC considers the amendment to requirement 14(4) must be better expressed as follows –</p> <p>“All archaeological works must be carried out in accordance with the approved site-specific written scheme of investigation for that stage (including any works which are pre-commencement operations)”.</p>

No	Article/Schedule	ExA's Recommended Amendment	SCC Response
		<p>in situ Historic Environment Management Plan or a site-specific written scheme of investigation (which accords with the relevant Overarching Written Scheme of Investigation and is informed by the pre-commencement archaeological surveys) has been submitted to and approved by the relevant planning authority, in consultation with Historic England. (3) Site-specific written schemes of investigation must be in accordance with the outline written scheme of investigation and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include:— (a) an assessment of significance and research questions; (b) the programme of methodology of site investigation and reporting (c) the programme for post-investigation assessment; (d) proposals for providing for the analysis of site investigation and recording; (e) proposals for providing archive deposition of the analysis and records of the site investigation; (f) nomination of a competent person or persons/organisation to undertake the works set out within the detailed written scheme of investigation; and (g) an implementation timetable. (4) All archaeological works must be carried out in accordance with the approved site-specific written scheme of investigation for that stage, prior also to the commencement of any pre-commencement works in that stage. (5) Unless otherwise agreed with the relevant planning authority: (a) No later than two years following the completion of the fieldwork specified in each site-specific written scheme of investigation, a site-specific post excavation assessment for that site must be completed in accordance with the Overarching Archaeological Written Scheme of Investigation and submitted to the relevant planning authority for approval; (b) No later than one year following the approval of the final site specific post excavation assessment, an archaeological updated project design for all sites, must be submitted to the relevant planning authority for approval. The archaeological updated project design must be produced in general accordance with the Overarching Archaeological Written Scheme of Investigation, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation; (c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design; (d) The full archaeological archive must be submitted to the relevant planning authority in accordance with the archaeological updated project design.</p> <p>Reason:</p>	

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		The ExA consider that the change, as requested by SCC [REP6-141], is necessary to secure the archaeological work at an appropriate time.	
18.	Requirement 16	<p>Trenchless Landfall Techniques 16.— (1) In respect of installation of the landfall aspects of Work No.6, trenchless techniques shall be utilised between the onshore transition joint bay and the exit pits.</p> <p>(2) No exit to trenchless landfall techniques must occur within 105m of saltmarsh habitat within Pegwell Bay. (3) The temporary working area will be located at a minimum distance of 50m from the edge of the saltmarsh habitat within Pegwell Bay.</p> <p>(4) No exit to trenchless landfall techniques must occur within 50m of MLWS at Leiston to Aldeburgh SSSI.</p> <p>(5) No eExit to trenchless landfall techniques must occur at least 45m east of the continual Coralline Crag outcrop in Suffolk (as identified in plate 2.3 of the Coralline Crag technical note).</p> <p>(6) Pneumatic casing installation shall not be used unless otherwise agreed in writing with the MMO, following provision of appropriate underwater noise assessment and agreement of any relevant mitigation proposals. (7) No open cut trenching will be permitted for the repair and maintenance of cables installed by trenchless techniques at the landfall, unless otherwise approved by the relevant planning authority in consultation with Natural England.</p> <p>Reason:</p> <p>The ExA welcomes the inclusion of the provisions discussed at issue specific hearing 3 (ISH3) relating to the Coralline Crag and the saltmarsh, however it considers that the wording of 16(5) is ambiguous and could allow for exit closer to the foreshore. The ExA has therefore proposed an amendment for clarity. This will also require the list of certified documents to be updated. Noise impacts of pneumatic casing installation are not assessed in the environmental statement and whilst references to non-pneumatic casing are now included in documents such as the Cable Specification and Installation Plan (oCSIP) [REP6- 136], the ExA considers that for the avoidance of doubt, specific reference to pneumatic casing is required in the DCO.</p> <p>The applicant's assessment assumes that cable repairs at trenchless landfall crossings will not require open cut techniques due to available spare ducts. In light of the designated sites present at each landfall, the draft DCO secures that</p>	SCC Ecology agree that no exit to trenchless landfall techniques will be employed within 50m of the Leiston to Aldeburgh SSSI.

No	Article/Schedule	ExA's Recommended Amendment	SCC Response
		no open cut is allowed unless formally approved by the relevant planning authority in consultation with the Statutory Nature Conservation Body (SNCB).	
19.	Requirement 18	<p>River Stour Channel 18.— (1) This requirement is necessary as it manages the risk of erosion in the area and the secondary risk of harm to habitat and protected species.</p> <p>(2) (1) No installation of the marine cables in Pegwell Bay may commence until a monitoring and contingency plan has been submitted to and approved by the Marine Management Organisation in consultation with the relevant planning authority and the Environment Agency.</p> <p>(3) (2) The marine and contingency plan will-</p> <p>(a) set out monitoring proposals for the River Stour Channel within Pegwell Bay throughout the operational life of the cables. Monitoring will be undertaken annually for the first five years following installation of the cables after which the frequency and scope of monitoring will be reviewed in consultation with the Environment Agency; and</p> <p>(b) set out actions that will be undertaken where monitoring demonstrates a need for potential remediation as a result of the River Stour channel migrating to within 50m of the installed cables. In such circumstances, and unless otherwise agreed with the Environment Agency, cable lowering would be the primary mitigation method and no mitigation would be proposed involving the use of sheet piling or dredging.</p> <p>(4) (3) Mitigation and remediation measures will be agreed with and approved by the Environment Agency prior to the undertaking of any remedial works.</p> <p>Reason:</p> <p>Requirement 18(1) appears to be the Environment Agency's justification for inclusion of the proposed requirement, rather than requirement wording.</p>	SCC has no comments in respect of these amendments.
Schedule 3, New Requirements			
20.	A: New operational noise requirement for Suffolk and Kent	<p>(1) During normal operation of the Saxmundham Converter Station (Work No. 3B) the rating level (L_{A,r},T_r) of noise emitted from the development, shall not exceed [32dB] at any noise sensitive receptor, when assessed at a position 1 metre from the façade of the receptor (free field equivalent).</p> <p>(2) During normal operation of the Minster Converter Station and Substation (Work No. 9B and 11) the combined rating level (L_{A,r},T_r) of noise emitted from the development, shall be at least 5dB below background noise levels at any</p>	While SCC supports the principle of this requirement, since noise is a district function, SCC defers to East Suffolk Council in respect of the detail of this new requirement.

No	Article/Schedule	ExA's Recommended Amendment	SCC Response
		<p>noise sensitive receptor, when assessed at a position 1 metre from the façade of the receptor (free field equivalent).</p> <p>(3) During normal operation of the Friston-Kiln Lane Substation (Work No. 1B), the rating level (L_{Ar,Tr}) of noise emitted from the development, shall be at least 5dB below background noise levels at any noise sensitive receptor, when assessed at a position 1 metre from the façade of the receptor (free field equivalent).</p> <p>(4) The rating level referred to in subparagraphs (1) to (3) above shall be determined in accordance with BS 4142:2014+A1:2019 and include all applicable acoustic corrections for tonality, impulsivity, intermittency, and any other relevant characteristics. 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.</p> <p>(6) Work No. 1B, 3B, 9B and 11 must not operate until a scheme for monitoring compliance with the noise rating level or levels set out in sub-paragraph (1) to (3) above has been submitted to and approved by the relevant planning authority. The scheme must be based on principles set out in BS 4142:2014+A1:2019.</p> <p>(7) In order to demonstrate that the noise levels have been achieved after commencement of the operation of Work No. 1B, 3B, 9B and 11 at full capacity, the scheme referenced in sub-paragraph (6) above must identify– (a) the required meteorological and other conditions under which the measurements will be taken, acknowledging that data obtained during emergency operation or testing of certain plant and equipment is not to be taken into account; (b) suitable monitoring locations (and alternative surrogate locations if appropriate); and (c) times when the monitoring is to take place. to demonstrate that the noise levels have been achieved after— (d) initial commencement of operation; and (e) after six months of operation</p> <p>(8) The monitoring scheme must be implemented as approved.</p> <p>(9) In the event that the Friston-Kiln Lane Substation (Work No. 1B) is delivered under Work No. 2 of this Order, to ensure that it does not result in exceedances of the operational noise rating levels at the substation site at Grove Wood, Friston, Work No. 2 must not operate until a scheme for monitoring compliance with the noise rating levels set out in Requirement 27 of the East Anglia TWO DCO (SI 2022/433) has been submitted to and approved by the relevant planning authority.</p>	

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		<p>(10) In addition to the design details referenced in requirement 3(1)(a), written details of the final plant specification, layout and any noise mitigation, together with updated noise modelling, demonstrating that the design achieves the noise limits in subparagraphs (1) to (3) as a minimum, shall be submitted to and approved in writing by the relevant planning authority. The design details shall be accompanied by a report demonstrating that the lowest reasonably practicable operational noise levels have been achieved. The report shall also demonstrate that the difference between the C-weighted and A-weighted equivalent continuous sound pressure levels (L_{Ceq,T} – L_{Aeq,T}) measured at the nearest noise sensitive receptors to Works No 3B, 9B and 11 shall not exceed 10dB during operation. (11) Work No. 1B, 3B, 9B and 11 must be implemented as approved in subparagraph (10) and thereafter be operated in accordance with the approved details.</p> <p>Reason:</p> <p>There was extensive discussion regarding how and what noise limits should be secured at both ISH2 and ISH3. The ExA has given consideration to these arguments and reviewed previous consents within the Suffolk area and is of the view that in light of the substantial concern expressed regarding operational noise impacts and for consistency with previous consents which accepted the principle of securing noise limits by requirement, this application should also be subject to noise requirements. The ExA has reviewed comments from the applicant and the local authorities regarding the proposed limits that should be achieved at noise sensitive receptors (NSR). The ExA is mindful that both Suffolk and Kent have low background noise levels. The ExA is satisfied that 5dB below background is secured in respect of the Friston-Kiln Lane Substation and the applicant has confirmed that this is achievable based on the detailed design.</p> <p>With respect to the Kent Converter and Substation site, the applicant's operational noise assessment [AS-123] table 1.6 clearly states that with 'standard' mitigation it is possible to achieve 5dB below background at the nearest noise sensitive receptors and has used this to assume no significant operational noise effect. The ExA is therefore unclear why the applicant's operational noise technical note [REP6-128] argues for achievement of a 34dB level. A level 5dB below background is incorporated in the dDCO. In Suffolk, the equivalent table 1.6 of the operational noise assessment suggests that the worst-case operational noise level would be 32dB (a maximum 10dB above the background level). Given that 32dB has been assessed by the applicant as the worst case and that 10dB is typically considered to be the threshold of significant effects (albeit noting Suffolk Energy Action Solutions (SEAS)</p>	

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		<p>comments about the wording of BS4142 [REP2-122]). The ExA considers that a noise limit of 32dB would be reasonable. The ExA considers that initial monitoring of the operational sites is required, to ensure that the sites operate as designed and assessed. In addition, submission of details, updated modelling, and justification that noise levels are as low as reasonably practicable (as proposed by SEAS [REP6-256c]) are included to demonstrate that every effort has been made to reduce noise levels in these very low ambient noise areas. The ExA has considered Thanet District Council (TDC) [REP6- 186] and SEAS [REP6-256c] etc comments regarding low frequency noise and whilst noting that such matters would be considered as part of the BS4142 assessment, the provision to secure no greater than 10dB difference between the aweighted and c-weighted sound levels is proposed to assist in avoiding excessive low frequency noise emissions.</p>	
21.	B: New requirement to Mitigate Intra-project cumulative effects	<p>Mitigation of Intra-project cumulative effects B – Once detailed design is complete and detailed construction and programme information is available, the undertaker commits to undertaking a review of the intraproject cumulative effects assessment submitted with the application (as amended during the Examination) in collaboration with the relevant local authorities to consider: (a) if the significant intra-project cumulative effects are still considered likely to occur; and</p> <p>(b) if they are still considered likely to occur, what additional appropriate mitigation measures may be applied to reduce their significance; and</p> <p>(c) if no such mitigation measures are available, what additional appropriate offsetting measures may be applied following the mitigation hierarchy.</p> <p>(d) any such mitigation or offsetting measures must be agreed with the relevant local authorities, including a timetable for their implementation, and once agreed shall be implemented in accordance with the terms of such timetable.</p> <p>Reason:</p> <p>The recommended drafting also includes changes as proposed by SCC in responding to 2WQ [PD021] 2CEIntra2 as the ExA considers these to be reasonable and necessary. These changes ensure that offsetting measures must be explored and implemented, where possible, if there are no appropriate mitigation measures available. It also includes a mechanism for implementing any such mitigation or offsetting measures once agreed by the relevant local authorities.</p>	<p>SCC supports this amendment. It allows flexibility to manage cumulative impacts for the multiple NSIPs within Suffolk to allow for changes in program and unforeseen events, for example changes in local travel patterns due to connection on local roads. It would be consistent with the SZC Contingent Fund secured in the Deed of Obligation which was agreed in respect of the Sizewell C (Nuclear Generating Station) Order 2022 (SI 2022/853).</p> <p>SCC considers the ExA's proposed drafting is preferable to that included in the draft DCO [REP6-005]. SCC recommends the following minor (drafting) amendment to this new requirement –</p> <p>“Mitigation of Intra-project cumulative effects B</p> <p>(1) Once detailed design is complete and detailed construction and programme information is available, the undertaker commits to undertaking must undertake a review of the intraproject cumulative effects assessment submitted with the application (as amended during the Examination) in collaboration with the relevant local authorities to consider:</p> <p>(a) if the significant intra-project cumulative effects are still considered likely to occur; and</p> <p>(b) if they are still considered likely to occur, what additional appropriate mitigation measures may be applied to reduce their significance; and</p> <p>(c) if no such mitigation measures are available, what additional appropriate offsetting measures may be applied following the mitigation hierarchy.</p>

No	Article/Schedule	ExA’s Recommended Amendment	SCC Response
			<p>(d) any such (2) Any mitigation under sub-paragraph (b) or offsetting measures under sub-paragraph (c) must be agreed with the relevant local authorities, including a timetable for their implementation and, once agreed, shall they must be implemented in accordance with the terms of such timetable”.</p> <p>(3) In this requirement, “the relevant local authorities” are East Suffolk Council, Suffolk County Council, Thanet District Council, Dover Council and Kent County Council”.</p>
Schedule 4, Discharge of Requirements			
22.	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 56 35 days beginning with—</p> <p>(a) where no further information is requested under paragraph 2, 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) 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 subparagraph (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— (a) an application has been made to the relevant authority for any consent, agreement or approval required by a Requirement included in this Order; (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</p>	<p>SCC strongly supports these amendments to these provisions. SCC has sought these amendments from the outset and its reasons for doing so are set out in paragraphs 15.71 to 15.74 of the LIR [REP1-178].</p>

No	Article/Schedule	ExA's Recommended Amendment	SCC Response
		<p>the environmental statement, then the application is taken to have been refused by the relevant authority at the end of that period.</p> <p>Reason:</p> <p>The ExA considers that given the volume of NSIPs within the local authority areas and the need to allow for consultation and proper scrutiny, that a 56-day period is reasonable and appropriate.</p>	
Schedule 19, Certified documents			
32.	Schedule 19	<p>Add 'Arboricultural impact assessment.'</p> <p>Reason:</p> <p>The Arboricultural Impact Assessment is referenced in the revision to article 51.</p>	SCC supports this amendment.
33.	Schedule 19	<p>Add 'Areas of Safeguarded Water Depth Plan'</p> <p>Reason:</p> <p>The plan is listed in 'interpretation' as being a plan to be certified under article 60 but is not included in schedule 19.</p>	SCC supports this amendment.
34.	Schedule 19	<p>Add 'The Coralline Crag technical note'</p> <p>Reason:</p> <p>The technical note is referenced in the revision to requirement 16 and dDML condition 10.</p>	SCC supports this amendment.