

SEA LINK

EN020026

Response to Request for Information

Suffolk County Council

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Glossary of Acronyms

<i>CEMP</i>	<i>Construction Environmental Management Plan</i>
<i>DCO</i>	<i>Development Consent Order</i>
<i>DESNZ</i>	<i>Department for Energy Security and Net Zero</i>
<i>FTP</i>	<i>Furthering the Purposes</i>
<i>LGPL</i>	<i>London Gateway Port Limited</i>
<i>LLFA</i>	<i>Lead Local Planning Authority</i>
<i>SCC</i>	<i>Suffolk County Council</i>
<i>SPR</i>	<i>Scottish Power Renewables</i>
<i>UU</i>	<i>Unilateral Undertaking</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 a Request for Information issued by the Department of Energy Security and Net Zero on 28 August 2026.

Answers to Request for Information Issued by the Secretary of State issued 28th August

DESNZ Ref	Question to:	Question:	SCC Answer:
1 Landscape and Visual			
11.	SCC	The Unilateral Undertaking (UU) in relation to national landscapes was submitted at the final deadline [REP7-354] and as such, Suffolk County Council (SCC) was not able to provide detailed comments. The Secretary of State invites SCC to provide its comments on this UU.	As explained in section 5 of [REP7-367], SCC engaged with the Applicant prior to the submission of the UU [REP7-354] and so was able to provide comments on the UU prior to the end of the examination. SCC refers to its previous comments regarding the UU provided in section 5 of [REP7-367]). In this document, SCC also summarised many of its outstanding issues including the mitigation hierarchy, the DCO and cumulative impacts. SCC is broadly content with the substance of the commitments contained in the UU but considers that the UU should be secured as a bilateral Deed of Obligation instead as explained in paragraphs 5.2 and 5.3 of [REP7-367]:

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			5.2 SCC has been in discussions with the Applicant and the National Landscape team to agree terms of a s.106 Unilateral Undertaking for the Applicant to provide funds to SCC, which would then be passed on to the National Landscape Partnership, to undertake enhancement measures to meet the s.85 duty. SCC understands that this UU will also provide for the delivery costs incurred by the Partnership in addition to maintenance of the enhancement. Therefore, SCC understands that most of its concerns with the substance of this agreement are resolved. 5.3 However, SCC considers that the agreement should be bilateral with SCC as a signatory for reasons which include the fact that the agreement creates obligations for SCC and to ensure that the agreement is enforceable by SCC. In what follows, SCC gives an account what has been proposed by the Applicant and what SCC considers should be secured instead, including proposed wording for the DCO to secure SCC's preferred approach for a Deed of Obligation to be entered into instead. Paragraphs 5.4 – 5.21 provide detail explaining SCC's position including wording to be included in the DCO

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			should the decision-maker decide that the UU should be a bilateral Deed of Obligation. Paragraphs 5.22 – 5.24 details SCC’s outstanding concern with the current drafting of the UU in terms of monitoring fees: <i>5.22 SCC’s policy is to secure a monitoring fee of £577 for each trigger point in a planning obligation which should be payable on the completion of the obligation.</i> <i>5.23 In this case the S.85 UU secures a single £577 monitoring fee towards SCC’s costs of monitoring performance of the obligation at paragraph 3 of Schedule 1 of the S.85 UU.</i> <i>5.24 However, no monitoring fee is secured in relation to SCC’s costs of monitoring the performance of the obligation at paragraph 2 of Schedule 1 requiring NGET to secure a duly executed Deed of Adherence is entered into.</i>
2 Water Environment			
38.	SCC	SCC is invited to confirm whether it agrees with the Deadline 7 drainage design change to replace the temporary drainage basin that was situated in Flood Zone 3 with a linear drainage	Yes, SCC as Lead Local Flood Authority (LLFA) is supportive of the change made regarding the linear drainage feature which is wholly outside of flood zone 3 aside from the outfall. SCC understands that the

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		feature which avoids works in Flood Zone 3 [reference 6 of REP7-173 and REP7-148] and to confirm whether this change resolves its outstanding concerns regard the sequential and exception tests [Chapter 8 of REP7-367] and suggestion for an additional requirement [REP7-368]	Environment Agency and the Applicant have engaged during the post-examination phase on modified requirement wording from that suggested by SCC in Appendix A of [REP7-368]. SCC supports the proposed wording, which is understood to be submitted by the Environmental Agency and the Applicant at this deadline, and considers this matter resolved should that requirement be incorporated into the DCO. In any case, SCC defers to the Environment Agency regarding fluvial flood risk matters relating to the sequential and exception tests. SCC's concerns about the sequential and exception tests did not only relate to this matter but also to the storage of construction materials, and temporary access routes, in areas of high surface water flood risk (see section 8 of [REP7-367]). However, SCC understands that commitment W05 of the Construction Environmental Management Plan (CEMP) [REP7-173] has been updated to resolve these concerns. The update includes a commitment to refrain from storing construction materials within areas of medium and high

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			surface water flood risk. For temporary access, commitment W05 of the CEMP [REP7-173] states that flood risk will not be increased due to no land raising being required to allow temporary access. Regarding the requirement for securing wider sustainability benefits for those affected by increased flood risk proposed in item 6 of [REP7-368], SCC acknowledges that the resolution of its concerns over the sequential and exception tests means the original rationale for this requirement falls away. However, it is for the decision maker to decide whether the application as a whole meets the sequential and exception tests. Should the decision-maker have any concerns about this, SCC recommends consideration of whether the proposed requirement should be incorporated into the DCO.
3 Human Health and Wellbeing			
42.	The Applicant and	The ES Health and Wellbeing chapters did not conclude that there would be significant adverse effects, but the Applicant has	SCC welcomes the principle of the proposed commitment and supports the inclusion of a mechanism for recording and responding to concerns raised by communities.

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	relevant councils	committed to a process of recording and responding to potential welfare concerns raised in HW03 of the REAC [REP7-359]. The Applicant and relevant councils are requested to comment on the following wording that may be added in to the REAC should the Proposed Development be consented: “HW03 – “The undertaker has an established process of recording and responding to potential welfare concerns raised with the undertaker. This information shall be shared with the relevant district and county councils when concerns are recorded. Where consent is given by the individual, and the potential concern is also relevant to ScottishPower Renewables (“SPR”), the undertake will share the minimum level of detail necessary with SPR, to allow both developers to respond accordingly. This process also applies in reverse.”	The drafting as currently proposed refers to "welfare concerns". This term is not defined, which may limit its interpretation, and undermine the intended use of this provision. SCC considers that reference to "health and wellbeing concerns" would provide greater clarity and better reflect the scope of matters that may arise. SCC also considers that the current wording focuses primarily on recording and sharing information. It would be more effective if the commitment also required consideration of an appropriate response and communication of any proposed actions to relevant stakeholders. This would give assurance that concerns raised by communities are not only logged but are reviewed and addressed through a transparent process. SCC proposes the following revised text: HW03 – “The undertaker has an established process of recording and responding to potential ~~welfare~~ <u>health and wellbeing concerns</u> raised with the undertaker. This information shall be shared with the relevant district and county councils when concerns are recorded-, <u>together with details of any proposed response, action, investigation, or other mitigation deemed appropriate by the undertaker. Records of concerns shall be collated,</u>

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			<u>categorised and reviewed periodically to identify emerging patterns, recurring issues, or potential cumulative impacts, with outcome reports shared with the relevant district and county councils.</u> Where consent is given by the individual, and the potential concern is also relevant to Scottish Power Renewables (“SPR”), the undertaker will share the minimum level of detail necessary with SPR, to allow both developers to respond accordingly <u>and to coordinate any appropriate mitigation measures.</u> This process also applies in reverse.” SCC also requests further detail and definition of the established process when responding to and recording potential welfare concerns raised with the undertaker be included. SCC considers that further detail of this process should be set out in the commitment to ensure it is robust and will achieve the desired outcomes.
4 Cumulative Impacts			

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52.	SCC	The Applicant offered in the Unilateral Undertaking (UU) to make a payment to the “Furthering the Purposes” (“FTP”) compensation fund in order to comply with the s85 duty. As the UU was submitted at the final Deadline, SCC has not had opportunity to provide detailed comments on it. SCC is therefore requested to provide its comments on the UU.	This question appears to be a duplicate of paragraph 11; therefore, SCC refers to its answer to paragraph 11 for this question.
5 Development Consent Order			
55.	The Applicant and relevant Interested Parties (IPs)	The Secretary of State invites the Applicant and relevant IPs to comment on the proposed insertion of the final wording in Requirement 18 (Control of operational noise) of the DCO be made, which is shown in italics below: <i>18-(1) No part of Works Nos. 1B, 3B, 9B and 11 shall come into operation until an operational noise assessment has been submitted to and approved in writing by the relevant planning authority. The assessment shall-</i>	Whilst SCC supports the principle of a requirement for operational noise, SCC defers to East Suffolk Council in respect of the detail of the wording of the proposed requirement since noise is a district function.

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		<i>(a) be based on the final specification and layout of plant and equipment;</i> <i>(b) demonstrate compliance with the rating levels set out in sub paragraph (3);</i> <i>and</i> <i>(c) identify any mitigation measures required to achieve compliance.</i> <i>(2) The development shall be operated in accordance with the approved assessment and any mitigation measures therein, which shall be implemented prior to operation and maintained for the lifetime of the development.</i> <i>(3) The rating level (L_{Ar}) of noise from the normal operation of the authorised development shall not exceed –</i> <i>(a) 34dB L_{Ar} for any fifteen-minute period 23:00 and 07:00;</i> <i>and</i> <i>(b) 34 DB L_{Ar} for any one-hour period between 07:00 and 23:00, determined one metre free field external to any window or</i>	

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		<i>door of any existing permanent residential premises using the definitions and methods described in BS4142:2014+A1:2029.</i>	
6. Compulsory Acquisition and Temporary Possession			
48.	Applicant, LGPL, Network Rail, Northumbrian Water Limited, the Highways 8 Authority and the SPR parties	At the close of Examination, objections from the following statutory undertakers remained outstanding: the highway authorities, London Gateway Port Limited (“LGPL”), Network Rail, Northumbrian Water Limited and the SPR parties (parent company of East Anglia ONE North Limited and East Anglia TWO Limited). The Applicant, LGPL, Network Rail, Northumbrian Water Limited, the Highways 8 Authority and the SPR parties are requested to provide updates on these protective provisions.	By the close of the Examination, the Applicant and SCC had submitted separate highway authority protective provisions. SCC maintains that its Protective Provisions [REP7-324] are more appropriate for inclusion within any made Development Consent Order than those proposed by the Applicant. SCC requested engagement on this matter during the post-examination period. On 10 September 2026, the Applicant sent to SCC an amended version of the Applicant’s Protective Provisions which had been included in the deadline 7 draft DCO [REP7-002]. They had been amended to seek to address certain comments made by SCC (and, SCC understands, Kent County Council) on the deadline 7 iteration.

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			On 15 September 2026, the Applicant and SCC met to discuss the updated Protective Provisions. At the end of that meeting, it was agreed that the Applicant would produce a further update to address points discussed during the meeting. It was agreed by those attending the meeting that reaching agreement by 18 September on the Protective Provisions was unlikely and so further meetings would take place after that date to seek to reach agreement. SCC had understood that the Applicant would aim to provide the further iteration of the Protective Provisions on 16 September and SCC would return their comments on them on 17 September. At the time of preparing this update, the Applicant has not been able to provide the further updated Protective Provisions and so SCC will comment on the version SCC understands the Applicant will submit to the Secretary of State on 18 September. SCC will aim to reach agreement on the Protective Provisions as soon as possible. If such agreement is not possible, SCC will either (i) confirm that its deadline 7 Protective Provisions are preferred or (ii) submit an updated version

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			of the Protective Provisions for the Secretary of State to consider.