



## CABINET

Tuesday 7 January 2020

### **EAST SUFFOLK COUNCIL ENGAGEMENT DURING THE DEVELOPMENT CONSENT ORDER PROCESS FOR SCOTTISHPOWER RENEWABLES EAST ANGLIA ONE NORTH AND EAST ANGLIA TWO OFFSHORE WINDFARM PROPOSALS**

#### **EXECUTIVE SUMMARY**

1. ScottishPower Renewables (SPR) have submitted two separate applications for nationally significant infrastructure proposals for offshore windfarm developments off the East Suffolk coast with onshore infrastructure from Thorpeness to a substation site immediately north of Friston. The applications were submitted to the National Infrastructure Unit of the Planning Inspectorate (PINS) on the 25 October 2019 and accepted on 22 November 2019.
2. The proposals have been the subject of pre-application consultation with the local authority and four formal rounds of public consultation, the last ended in March 2019. East Suffolk Council is a statutory consultee in the decision-making process, the Secretary of State for Business, Energy, and Industrial Strategy will make the final decision on the proposals based on the recommendation of the Examining Authority (appointed by PINS) following an examination process.
3. This report provides a summary of the main concerns set out in the draft Relevant Representation and an early draft Local Impact Report, with the full draft reports provided in the Appendix. East Suffolk Council has been working closely with Suffolk County Council on these projects.
4. Copies of the EA1N application documents are available on the PINS website at <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/> and EA2 application documents are available at

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Directly: Aldeburgh & Leiston, Indirectly: Southwold, Wrentham, Wangford & Westleton, Kessingland, Carlton Colville, Kirkley & Pakefield, Harbour & Normanston, Gunton & St Margarets, Lothingland, Rendlesham & Orford.
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<b>Cabinet Member:</b>	Councillor Craig Rivett Deputy Leader & Cabinet Member with responsibility for Economic Development
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## 1. INTRODUCTION

- 1.1 The East Anglia One North (EA1N) and East Anglia Two (EA2) offshore wind farms are being developed by East Anglia One North Limited and East Anglia Two Limited, which are wholly owned subsidiaries of SPR which itself is owned by Iberdrola, a Spanish based company. EA1N and EA2 are both defined as Nationally Significant Infrastructure Projects (NSIPs) under the 2008 Planning Act. SPR has submitted Development Consent Order (DCO) applications for both projects on 25 October 2019 and the Planning Inspectorate (PINS) has accepted the applications confirming they are valid on 22 November 2019. The applications are now within the pre-examination stage of the DCO process. The DCOs will be determined by the Secretary of State for Business, Energy and Industrial Strategy (BEIS) taking into consideration a report and recommendation from the Examining Authority (appointed by PINS) following an examination process.
- 1.2 Following acceptance of the applications by PINS the promotor has a duty to publicise the applications in accordance with the 2008 Planning Act. The notice provides a deadline of 27 January 2020 for the submission of a Relevant Representation on the projects to be received. A Relevant Representation is a summary of a person's or organisation's views on an application in writing. The submission of a Relevant Representation registers the author as an Interested Party, which ensures that they can take part in the examination process. As one of the host authorities, East Suffolk Council will automatically be identified as an Interested Party however we consider it is important to still submit a Relevant Representation to PINS.
- 1.3 During the pre-examination phase, in addition to the submission of Relevant Representations to PINS, an Examining Authority is appointed and the date for a Preliminary Meeting set. The Preliminary Meeting is where the applicant, interested parties and other stakeholders make oral representations to the Examining Authority about how they believe the application should be examined. The day after the Preliminary Meeting is the start of the examination which must be concluded within six months. At the close of the Examination, the Examining Panel then has three months to write a report and provide a recommendation to the Secretary of State, who has a further three months to issue a decision (total time of process usually 15 months).
- 1.4 Early in the examination process the Examining Panel will provide a deadline for the submission of a Local Impact Report (LIR) which is an objective assessment of the

positive, negative and neutral impacts of a project. In addition to the LIR, during the examination process East Suffolk Council will also need to:

- Submit Written Representations which is designed to expand upon the Relevant Representation where necessary,
- Submit Statements of Common Ground between the applicant and local authority clearly setting out the areas of common and uncommon ground,
- Attend and participate at hearings/accompanied site visits,
- Respond to Examining Authority's questions and requests for further information,
- Comment on other interested parties' representations and submissions as appropriate,
- Submit signed planning obligations if required.

1.5 The above list is not exhaustive but identifies some of the keyways in which East Suffolk Council will be expected to participate during the examination process. It is important for the Council to be able to be proactive and reactive on very short timetables throughout the DCO process particularly during the six-month examination section where the ability to respond quickly to the Examining Authority's requests is essential.

1.6 EA1N is an offshore wind farm project located approximately 36km from Lowestoft in an area of 208km<sup>2</sup> with a potential generating capacity of up to 800 megawatts generated by turbines up to 300m high above sea level. There will be a cable run from the offshore element coming ashore at Thorpeness on the East Coast and travelling westwards to connect into a new substation proposed to be constructed immediately to the north of Friston, a small village. The proposal includes a separate National Grid substation that is essential to connect into the overhead powerlines that run from Sizewell B to Bramford – north west of Ipswich.

1.7 EA2 is an offshore wind farm project located approximately 33km from its nearest point to the coast, Southwold, in an area of 218km<sup>2</sup> with a potential generating capacity of up to 900 megawatts generated by up to 75 wind turbines up to 300m high above sea level. As above there will be a cable run from the offshore element coming ashore at Thorpeness on the East Coast and travelling westwards to connect into a new substation proposed to be constructed immediately north of Friston. The proposal similarly includes a separate National Grid substation that is essential to connect into the overhead powerlines as above. However, each project must apply for the National Grid substation in order to connect into the overhead powerlines but only one National Grid substation will be constructed should both DCOs be consented.

1.8 Each project will have their own separate substation alongside the National Grid substation. The proposals assess different scenarios for construction including the projects being constructed simultaneously or consecutively. Construction consecutively

could involve the first project being delivered and the land fully reinstated prior to delivery of the second project.

- 1.9 EA1N will have the generating capacity for approximately 710,000 households, EA2 for approximately 800,000 households.
- 1.10 East Suffolk Council and Suffolk County Council have been working closely regarding the projects. Previously, prior to the merger of Suffolk Coastal and Waveney District Councils, joint responses were submitted in relation to the different consultation phases between Suffolk Coastal District Council and Suffolk County Council, with Waveney District Council sending their own independent response. It has been made clear in previous consultation responses that the Councils are supportive of the principle of offshore wind development, both in terms of seeking to reduce carbon emissions and creating sustainable economic growth in East Suffolk provided this can be achieved without significant damage to the environment, residents and tourist economy of Suffolk.
- 1.11 Under the Climate Change Act 2008, UK Government set a 2050 target to reduce CO2 emissions by 80%, in June 2019 new legislation was signed that commits the UK to a legally binding target of net zero emissions by 2050. Clean growth is at the heart of this aim and supporting and promoting renewable energy over older and dirtier energy resources, is a key component of the plan.
- 1.12 The Offshore Wind Sector Deal includes an ambition for offshore wind to deliver 30 GW of generating capacity by 2030 but recognises the importance of delivering this in a sustainable way.
- 1.13 SPR has recently opened an Operations and Maintenance base in Lowestoft which is the onshore base for servicing their existing offshore windfarm which has just begun generating electricity – East Anglia One (EA1). Construction of the EA1 windfarm is due to be fully completed in 2020. They also have consent for, but have not yet commenced construction of, a further offshore windfarm East Anglia Three (EA3). These previous consents and those applied for in these applications form the East Anglia Array where seabed rights were awarded as part of the Crown Estate’s Round 3 process. The export cables for EA1 and EA3 windfarms come ashore at Bawdsey, the cables are laid underground over a 37km route to a substation site in Bramford.
- 1.14 In addition to working with SPR and responding during the pre-application stage and now pre-examination stage of the projects East Suffolk Council and Suffolk County Council have been engaging with officials from BEIS and the Ministry of Housing, Communities and Local Government (MHCLG) to raise concerns regarding the current uncoordinated approach to offshore wind development and the resultant cumulative impacts of this approach.

## *Strategic Planning Committee*

- 1.15 A report was presented to the Strategic Planning Committee on 9 December 2019. The report was written at a time when the applications had just been accepted by PINS and the documentation only just published, officers were therefore still reading and assessing the material. For this reason, it was not possible to definitively state the Council's position on the two DCO applications and therefore the report outlined the published position at Phase 4 public consultation. During the meeting members of the Committee were given an oral presentation which outlined the schemes and highlighted some of the main issues regarding the projects. The recommendation was:

*That Strategic Planning Committee endorses and supports the Deputy Leader and Cabinet Member for Economic Development in seeking delegated authority, in conjunction with the Head of Planning and Coastal Management, from Cabinet in order to:*

- I. Be agile in responding to requests for information and documents during the Development Consent Order process for the East Anglia One North proposal including representing the Council/authorising technical officers to representing the Council at Hearings; and*
- II. Be agile in responding to requests for information and documents during the Development Consent Order process for the East Anglia Two proposal including representing the Council/authorising technical officers to representing the Council at Hearings.*

- 1.16 Paragraph 9.2 of the Strategic Planning Committee report clearly set out the reason for the recommendation, stating:

*Strategic Planning Committee is asked to endorse the Deputy Leader and Cabinet Member for Economic Development in working with the Head of Planning and Coastal Management throughout the DCO process for East Anglia One North and East Anglia Two, in responding to written questions, agreeing Statements of Common Ground, agreeing our Relevant Representations and Written Responses and submitting our Local Impact Reports as well as any other correspondence/documentation required of East Suffolk Council during the process. This request will be taken to East Suffolk Council Cabinet in January 2020. Suffolk County Council will be taking a similar request to their Cabinet within the same timeline.*

- 1.17 However, some Members of the Strategic Planning Committee may have been unclear at the time of the vote as to the consequences of supporting or not supporting the recommendation. The key issues raised by the Strategic Planning Committee in relation to the report and recommendation have been outlined below to ensure that notwithstanding the vote on the recommendation, the Committee Members' views have been reported to Cabinet.

- 1.18 During the debate, there was some discussion regarding the level of delegation requested for the Cabinet Member for Economic Development, in conjunction with the Head of Planning and Coastal Management. The necessity for this level of delegation is set out in paragraphs 1.4-1.5 and 9.1 of the report. Councillor Rivett confirmed during the meeting that regular updates would be provided to the Joint Local Authority Group (JLAG) and to the Strategic Planning Committee. A request was also made during the meeting for Councillor Cooper to be regularly updated which Councillor Rivett agreed to do.
- 1.19 During the meeting, there was also a question raised regarding the inability of members of the public to be involved directly in the Strategic Planning Committee's deliberations. In this instance, the Committee was not determining this application. Its role was to advise and make comments to the Cabinet. The Cabinet is then responsible for making the Council's response, as a statutory consultee. As East Suffolk Council is not the determining authority and is only a consultee, there is no provision in the Committee's procedure rules for public speaking on items of business that are not application which the Committee itself determines. Those wishing to raise questions or make comments themselves on this item of business needed to make them, directly, to the determining body, NSiP.
- 1.20 Since the Strategic Planning Committee, Officers have continued to read and assess the published documentation and, therefore, appended to this report is a draft Relevant Representation and a draft Local Impact Report.

## **2 PLANNING POLICY CONTEXT**

- 2.1 The proposals are considered Nationally Significant Infrastructure Projects (NSIPs) as established under the Planning Act 2008; consent for an NSIP takes the form of a DCO. The Planning Act 2008 makes provision for National Policy Statements (NPS), which set out the policy framework for determination of NSIP applications. The three NPSs of relevance are EN-1 (Overarching NPS for Energy), EN-3 (NPS for Renewable Energy Infrastructure) and EN-5 (NPS for Electricity Networks Infrastructure).
- 2.2 The revised National Planning Policy Framework (NPPF) published in 2019 does not contain any specific policies for NSIPs but remains a material consideration.
- 2.3 The 2013 Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document contains policies of relevance. Policy SP12 'Climate Change' is of particular relevance which encourages schemes which create renewable energy where consistent with the need to safeguard residential amenity, the environment and the landscape.
- 2.4 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29 March 2019, the examination hearings took place between 20 August and 20 September 2019. The new Local Plan

includes Policy SCLP3.5 'Proposals for Major Energy Infrastructure Projects'. This policy identifies the need to mitigate the impacts arising from such developments and will be used to guide East Suffolk Council in due course. This policy has outstanding representations and was discussed with the Inspector and representors during the examination hearings, so at this stage the weight which can be attributed to this policy is reduced. The Inspector's Report is awaited but it is anticipated that the new Local Plan will be adopted early 2020. NPSs will however usually override local planning policy.

- 2.5 The 2019 Waveney Local Plan contains some policies of relevance. Policy WLP8.27 'Renewable and Low Carbon Energy' which is supportive of renewable energy schemes acknowledges in the introductory text that the impacts of renewable energy developments can go beyond the immediate locality where the onshore development is proposed. It is therefore important to consider the wider impacts. Although the onshore infrastructure of the projects is confined to the area subject of the Suffolk Coastal Local Plan, the offshore infrastructure will be visible at times along much of the East Suffolk coastline and the socio-economic impacts of the projects are more likely to be felt at the northern end of the East Suffolk district.
- 2.6 Suffolk County Council's Local Transport Plan (LTP2) recognises the 'Energy Coast' as a key area for growth and development and that the transport sector will be reliant on the development of renewable energy to power electric vehicles.

### **3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?**

- 3.1 The vision for East Suffolk includes maintaining and sustainably improving the quality of life for everyone growing up, living in, working in and visiting East Suffolk. East Suffolk has a long history of hosting nuclear power stations, and we recognise the opportunities for the UK and more locally of hosting offshore wind farms and we have been supportive to date in relation to Galloper, Greater Gabbard, EA1 and EA3. The offshore wind industry is limited in the jobs that it offers in the longer term, however by encouraging the operating and maintenance bases to be located in our area this encourages the supply chain to locate locally also and is a boost to our economy. A Memorandum of Understanding has been previously agreed with SPR in relation to skills and employment support in the region and there are many positive stories in relation to this. It will be key for the proposals for EA1N and EA2 to build upon this existing base in order to support East Suffolk Council in addressing critical success factors identified in the Business Plan. A revised Memorandum of Understanding to include the EA1N and EA2 projects has been drafted.

### **4 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 4.1 East Suffolk Council has signed a Letter of Intent with SPR which enables us to recharge officer time spent across various service areas on the EA1N and EA2 projects. This enables us to fully engage with SPR on the specific technical details of their project in order to identify and mitigate potential adverse impacts arising from their development

proposals. We also work collaboratively with Suffolk County Council and other statutory consultees in order to ensure we are speaking with one voice where possible in order to emphasise our position in certain areas. The monies paid to this authority by SPR are reinvested in the service areas and used to backfill posts where necessary. By doing this, we aim to avoid the use of consultants (where we can) and maintain the knowledge and expertise in-house.

## **5 OTHER KEY ISSUES**

- 5.1 This report has not carried out its own Equality Impact Assessment (EqIA), as a consultee in the DCO process, we are not responsible for ensuring it has been carried out suitably, SPR will be responsible for carrying out their own EqIA on their consultation process.
- 5.2 The draft Relevant Representation and early draft Local Impact Report have been appended to this report in draft form as technical officers are continuing to read through the documentation associated within the applications and therefore may need to make changes or additions as appropriate. The deadline for the submission of the final Local Impact Report may also be after the adoption of the new Local Plan 2019 and therefore the document will need updating to reflect this.

## **6 CONSULTATION**

- 6.1 We have visited or offered to visit towns and parishes potentially impacted by the proposals during the pre-application phase of the process in 2018. East Suffolk Council has not carried out our own consultation with town and parish councils and we are not obliged to do so by the NSIP process. There are a number of action groups formed in relation to the proposals and we have engaged with them where we have been able to. We have also carried out internal consultation with technical officers in areas including: economic development, coastal management, landscape, ecology, and environmental health in order to combine with technical responses from Suffolk County Council officers in areas including highways, archaeology, flood risk, education and skills in order to engage fully in the pre-application process with SPR.
- 6.2 SPR continue to engage with officers on the proposals and there are several documents to be produced over the coming months that will require further collaboration.

## **7 PROPOSALS**

- 7.1 The two applications are very similar, the primary difference between EA1N and EA2 wind farm applications relates to the offshore elements. The location of the offshore

order limits results in the projects having different impacts on the character and visual amenity of Suffolk's coastline and the setting, character and purpose of the AONB.

### Offshore Elements

- 7.2 During the Phase 4 public consultation the Councils jointly objected to the degree of visual harm that the proposed EA2 windfarm will have and the impact of EA1N and EA2 cumulatively and asked SPR to consider ways in which the visual impact of the proposals could be mitigated. The Councils also made a list of recommendations some of which have been addressed and some of which have not.
- 7.3 Since Phase 4 the promotor has reduced the lateral spread of the EA2 offshore order limits which has resulted in a more concentrated grouping of the turbines and slightly increased the distance from the closest point of the turbine array to the shore.
- 7.4 The offshore wind turbines of EA2 will however continue to have a significant adverse impact on the coastline between Covehithe and Orford. In addition, they will have significant in-combination effects with EA1N. The offshore wind turbines of EA1N will have significant adverse effects only in combination with those of EA2.
- 7.5 The promotor has identified through the Seascape, Landscape and Visual Impact Assessments (SLVIA) significant adverse landscape and visual effects on the Suffolk coast from these projects cumulatively. The combination of the offshore elements of the proposals will result in a direct and long-term negative impact on the nationally designated landscape. The horizon and sea views along this coastline are largely uncluttered and as such contribute to the character of place and setting of the AONB and Heritage Coast.
- 7.6 The Council continues to have serious concerns regarding the degree of visual harm caused as a result of the wind turbines of EA2 and cumulatively with EA1N. It is not considered that the applicant has exhausted all reasonable mitigation measures to limit the cumulative impacts of the projects in terms of the design of the schemes, including height of the turbines. It is however recognised that the principal consultees in respect of the impact on the AONB and its significance is Natural England.
- 7.7 The presence of the turbines offshore can also have an impact on onshore heritage assets where the uncluttered seascape contributes to the assets' significance. The assessment of the impact of the offshore infrastructure on coastal assets is sound. However, there is a concern regarding the number of listed buildings that will be impacted by the proposals. Harm has been identified to buildings and conservation areas designed as seaside holiday resorts, the assessment of the impact of Lowestoft describes

the proposals as impacting 10 listed buildings. Several listings are group listings of large terraces, this means that in fact over 50 listed buildings in Lowestoft will be impacted.

### Onshore Elements

- 7.8 The onshore order limits for each project are identical. The report will provide an overview of the key considerations in relation to the projects which have been expanded upon in greater detail in the early draft Local Impact Report provided in Appendix B.

#### *Substation Site*

- 7.9 At Phase 4 the Councils objected to the overall impact of the onshore substations on the local environment. Significant concerns were raised in relation to several matters including the impacts of the proposals on landscape and visual amenity, heritage assets, design and noise whilst concerns were also raised in relation to flood risk, ecology and land use. The mitigation proposals put forward at Phase 4 were not considered to adequately or satisfactorily address the concerns raised.
- 7.10 The impact of the substation and National Grid connection infrastructure on landscape and visual amenity remains a significant concern. It is not considered that the Landscape and Visual Impact Assessments (LVIA) fully recognise the degree of harm caused by the developments particularly in regard to the historic landscape character. The effectiveness of the proposed mitigation planting is not adequately justified especially as the assumed growth rates are not reasonably likely to be achieved in the local conditions. The visualisations are not considered reliable with the inclusion of unsecured pre-construction planting and trees and vegetation of significantly greater maturity than the 15 years specified. Therefore, it is concluded that mitigation planting will be largely ineffective for many years.
- 7.11 There are significant concerns regarding the adequacy of the noise assessment which it is considered underestimates the noise impacts at the substation site. These concerns relate to the modelling of the noise sources, omission of noise from National Grid infrastructure, rating level, assessment of background noise levels, omissions from the assessment and validity of the assessment method utilised.
- 7.12 There is insufficient commitment within the submissions to ensure that the scale of the buildings and infrastructure associated with the substations will be minimised during the detailed design process, if the projects are consented. Or that the design refinement work will adequately seek to mitigate the operational noise emitted from the development.
- 7.13 There are concerns regarding the impact of the projects to the significance of a number of listed buildings which surround the substation site due to the impact of the developments on their setting. There is a concern that the assessments under predict the level of harm and there is disagreement on the principle that the mitigation planting will

help to reduce the impacts. The projects will also result in the loss of the historic parish boundary between Friston and Knodishall which runs directly through the middle of the proposed substation locations which has not been adequately addressed by the submissions.

- 7.14 Although recent flood events in Friston are not thought to have had their origin within the proposed substation site the information within the application is not sufficient to determine how the proposed development would interact with existing drainage patterns. This comment would equally apply to the next section of the report on the cable route.

#### *Cable Route*

- 7.15 At Phase 4 the Councils remained concerned about the effect of the location of the cable corridor and positioning of the haul road access point off Aldeburgh Road in relation to the setting of Aldringham Court, a grade II listed building. The building and its grounds were designed by Cecil Lay and the historic and architectural interest that comes from this association with a well-known local architect contributes to the significance of the asset. The development would require the removal of a section of the protected woodland to accommodate the development, it is recognised however that there is currently a high degree of visual separation between the building and this piece of land due to the large laurel hedge that forms a boundary to the formal gardens to the front and side of Aldringham Court.
- 7.16 The applications propose the undergrounding of the cabling in its entirety which it is recognised provides significant mitigation against the visual and landscape impacts. The developments will however still result in the loss of a number of important hedgerows. These hedgerows are often characterised by substantial trees which if removed and not replaced would result in the significant adverse impacts on the landscape character persisting for longer than assessed. Whilst it is noted that the intention is to reduce the working width of the cable corridor (from 32m to 16.1m) wherever possible, this still represents a notable impact on the existing historic hedgerow pattern which is a key characteristic of the prevailing landscape character types. The commitment to detailed pre-construction hedgerow surveys is welcomed which was highlighted within the Phase 4 response.
- 7.17 The onshore order limits pass in close proximity to a number of residential properties and are constrained in some areas, this is particularly true in relation to the section south of Sizewell Gap Road, the area surrounding the Hundred River crossing in Aldringham and at the substation site. It is considered that SPR should detail how they are going to manage preparatory works and construction works in these areas specifically in order to

minimise harm and disturbance. It is considered that measures beyond those generically outlined in the Code of Construction Practice are necessary.

### *Landfall*

- 7.18 The offshore export cables for both projects make landfall just north of Thorpeness village. The Phase 4 consultation response from the Councils sought further information from the applicant regarding the impact of the works on cliff stability, a commitment to remove the infrastructure in the nearshore area during decommissioning and to have early sight of surveys as they become available.
- 7.19 The export cables will come ashore through ducts installed using horizontal directional drilling (HDD) technique. As stated above there remains a concern regarding the potential for HDD to create vibration that may cause local destabilisation of the coastal cliffs. The promotor's approach to the cliff stability is not yet agreed and therefore further information on this will need to be sought through the examination process.
- 7.20 The applicant has stated that there is now a presumption in favour of the removal of the nearshore infrastructure which is a step in the right direction but that they will not be able to provide a commitment to this until the decommissioning phase.
- 7.21 Early in the pre-application phase the Councils expressed concerns regarding the interaction of the cables with the coralline crag outcrop located off the east coast. By selecting a southern landing location which, will minimise any negative impact on the crag from open cut trenching, the promotor has addressed this. The final cable drill line break out locations and transition bay locations should be agreed with East Suffolk Council based on further site investigations and revisions to the wording of the DCO requirements will be required to secure this. This is also important to ensure the infrastructure is not at risk of exposure from coastal change within the predicted service life. The Council will also be requesting that the proposed structures are removed at the end of the landfall site design life, or prior to loss from coastal erosion, whichever is sooner.
- 7.22 At Phase 4 the Councils sought additional information in relation to drainage, archaeology and ecology mitigation at the landfall site. The concerns regarding ecology and coastal habitats has been resolved via a commitment from the applicant in relation to drilling underneath the cliff and not requiring vehicles to access the beach. Archaeology is discussed within the next section of the report.

### *Project Wide Impacts*

- 7.23 The developments have the potential to deliver significant positive socio-economic benefits, which are very much welcomed. There is a high-level ambition to develop a sustainable regional and national supply chain with the indirect benefit of increased education and training that the offshore projects can bring to the region. It is however

important that every effort is made to ensure a significant proportion of these benefits is localised. It is however recognised that whilst the positive benefits are regionally felt, the negative impacts of the developments are felt more locally. At Phase 4 we sought further information from SPR in a number of areas in order to better understand the socio-economic impacts of the projects in order to increase the potential benefits and reduce the negative effects.

- 7.24 East Suffolk Council welcome the drafting of a new Memorandum of Understanding which establishes a commitment for the local authorities and SPR to work in partnership to maximise the education, skills and economic benefits of the SPR offshore wind projects. A list of specific objectives has been set out to help achieve this aim. The potential scale of local economic growth however hinges on the choice of both base and marshalling ports, which the promotor has not yet confirmed. The Council will work with SPR to demonstrate the economic benefits of using/placing these facilities at/in Lowestoft. Notwithstanding these positives, there are concerns in relation to the cumulative pressures on the labour force, on the supply chain and on accommodation for workers in combination with other major infrastructure projects, in particular the proposed Sizewell C new nuclear power station.
- 7.25 At Phase 4 the Councils requested that SPR needed to assess the impact of the projects on the perception of visitors and how this would impact their behavior during the construction phases of the projects. The promotor was also requested to consider the long terms impacts of the development on the tourist industry given the draw of the AONB and Heritage Coast. The potential impact on tourism is however still not considered to be adequately addressed within the submissions especially when taking into consideration the visitor survey undertaken by the Suffolk Coast Destination Management Organisation (DMO) which identifies that the cost to the tourism sector from the cumulative impacts of the construction of EA1N and EA2 in addition to Sizewell C to be at least £24 million per annum.
- 7.26 The Phase 4 consultation response raised a number of concerns regarding ecology some of which have been addressed and some of which have not. Whilst it is considered that the Environmental Statements adequately assess and provide mitigation/compensation measures for County Wildlife Sites, watercourses, great crested newts, reptiles, non-SPA/SSSI breeding birds and badgers, there are receptors which are either not considered to have been fully assessed or to have sufficient mitigation/compensation measures identified within the Environmental Statement and secured within the draft DCOs. These receptors include bats, hedgerows, woodlands and trees during construction, and designated sites in relation to adverse impacts on air quality during construction. In addition to these areas there is a lack of commitment to biodiversity net gain and concerns regarding the mechanism used to secure pre-construction surveys.
- 7.27 At Phase 4 the Councils requested that all remaining un-surveyed areas within the order limits should be subject to geophysical surveys, a systematic earthwork survey should be undertaken in addition to systematic trial trenching at some of the more constrained

areas as a minimum pre-submission. Although some archaeological investigations have taken place the scope of this work was not agreed with the Archaeological Service and the submitted information falls short of the level of detail required by Suffolk County Council archaeologists. This then raises questions in relation to the deliverability of the necessary archaeological investigatory works within the order limits of the projects.

- 7.28 The Councils sought further information at Phase 4 in relation to traffic and transport matters and expressed concerns regarding the impacts of Abnormal Indivisible Loads (AILs) and the adequacy of the mitigation proposed by the applicant. A number of the matters raised at Phase 4 remain unresolved, the Highways Authority considers that the proposals are inadequate in a number of ways including:
- i) the unwillingness to enter into a planning obligation to cover the cost of necessary highways works;
  - ii) the provisions for abnormal loads are insufficient;
  - iii) the proposals to reduce the southbound A12 speed limit to 40 mph at the Friday Street A12/A1094 junction together with new rumble strips and an adjustment to the existing speed camera would not be adequate to avoid an increase in accidents and that a new roundabout is required, and;
  - iv) there are too many variables around other energy projects to make the assumptions reliable.
- 7.29 The Outline Public Rights of Way (PRoW) Strategy is broadly acceptable for taking forward to the detailed PRoW strategy, however further detail is still required regarding the phasing and duration of closures, particularly where several PRoWs are close together and at the substation site. There is a concern that there could be closures and disruption of the network all at the same time. Public Rights of Way will suffer either permanent or temporary closure and it is considered that some of the compensatory routes are inadequate. The impact of the developments on the amenity and quality of the user experience of the public rights of way (PRoW) network has also not been adequately addressed by the applications.
- 7.30 At Phase 4 further information was requested in relation to air quality including measures for dust management and information regarding the potential impacts on the Stratford St Andrew Air Quality Management Area (AQMA). These matters remain concerns, there are also concerns that the potential traffic re-routing from non SPR traffic has not been captured and that there are discrepancies between the data provided in different Chapters of the Environmental Statements. This raises questions as to whether the worst-case scenario has been modelled. In addition, there are concerns regarding the cumulative impacts of the projects, the impact of the Sizewell C development has not been assessed for example. If Sizewell C is consented, EA1N and EA2's contribution to the cumulative effect of construction traffic increases the risk of exceedance of the NO<sub>2</sub> air quality objective within the Stratford St Andrew AQMA.

Further consideration is required in relation to the mitigation measures proposed within the applications.

### *Cumulative Impacts*

- 7.31 The EA1N and EA2 submission documents acknowledge the need to cumulatively assess the projects with the proposed new nuclear power station, Sizewell C which is currently still in pre-application phase of the DCO process but due to be submitted to the Planning Inspectorate in the first quarter of 2020. SPR will need to update their cumulative assessment as more detailed assessments are published by EDF Energy to ensure their assessments are up to date.
- 7.32 SPR has recently announced that they intend to combine, if consented, EA1N, EA2 and the consented EA3 wind farm into one single delivery programme creating the East Anglia Hub. No account has yet been taken of the cumulative impacts of EA3 in addition to EA1N and EA2 during construction as the timing of the announcement came after the submissions of the applications. SPR will therefore need to ensure that in addition to updating the assessments in relation to Sizewell C and the publication of new information, that EA3 is included in the cumulative assessments so that the full cumulative implications during the construction phase are understood.
- 7.33 The Council is aware of the two interconnectors (Eurolink and Nautilus) proposed by National Grid Ventures to be connected to the National Grid in the Leiston area. It is however understood that if the National Grid substation proposed under the SPR projects is consented, this would be the point of connection for the interconnector projects also. In addition to the interconnector proposals, the Council has been made aware that the Galloper extension project was given a preliminary connection offer (pre-CION process) at the proposed substation immediately north of Friston village. It would therefore seem highly likely that the Greater Gabbard extension project has received the same preliminary offer. This illustrates that the National Grid substation proposed within the SPR applications is being seen by National Grid as a strategic connection point for future projects without the potential impacts being cumulatively assessed and without any of this future development being considered within the existing masterplan for the site.
- 7.34 It is recommended that the Council continues to advocate for cumulative assessment of the existing and future projects with Government and locally with the promoters.

### *Mitigation/Compensation*

- 7.35 SPR are of the view that they have submitted robust applications with built in mitigation to address any impacts arising and as such do not, at this time, believe additional mitigation is required. For this reason, they argue it would not be appropriate to provide a Section 106 under the Town and Country Planning Act 1990 as such an agreement would not be 'necessary to make the proposed development acceptable in planning

terms', one of the tests set out in the Overarching National Policy Statement – EN1 (NPS EN-1).

- 7.36 The submitted applications however identify significant residual impacts as a result of the developments. It is this Council's view that these residual impacts should be appropriately mitigated and, if this is not possible, compensated in line with the mitigation hierarchy which requires the promotor to first seek to avoid adverse impact, and only if the impacts cannot be avoided should minimisation and mitigation be considered. If it is not possible to mitigate the impacts, compensation should be considered, this is also in accordance with national policy.
- 7.37 SPR has however proposed agreements under Section 111 of the Local Government Act. For EA2 SPR has committed to provide funding to address a number of the significant effects identified in the Environmental Statement which relate to the substation, onshore cable route and offshore infrastructure's impact on the AONB. For EA1N the applicant has committed to a s111 fund to address the residual significant effects identified within the Environmental Statement which relate to the onshore substation and onshore cable route. The difference between a s111 and s106 is that under a s111 no direct link between the proposed development and the compensatory measures must be demonstrated and therefore the funding would not be a material planning consideration. It is however argued that the applicant should seek to address the residual impacts of the projects through a s106 which meets the appropriate tests and is directly linked back to the impacts of the projects.
- 7.38 The requirements set out in the DCOs state that the discharging authority will be East Suffolk Council. We are content with this wording and will carry out these duties in consultation with Suffolk County Council and other relevant statutory stakeholders as relevant. As East Suffolk Council will be responsible for any enforcement action (section 173 Planning Act 2008) it would not be appropriate for the requirements to be discharged by another organisation.

### *Summary*

- 7.39 The Council recognises the national benefit these projects will bring in meeting the renewable energy targets and creating sustainable economic growth in Suffolk provided this is achieved without significant damage to the local built and natural environment, local communities, and tourist economy. The local impacts of the projects and their cumulative impacts should be considered and adequately addressed by the applicant.
- 7.40 At present however there are significant areas where the Council's concerns remain unresolved, these have been outlined in the above report and set out in further detail in the early draft Local Impact Report. The projects as designed to date will result in significant impacts as set out above, particularly in relation to the environment around the substation site and significant effects on the designated landscape. Based on the current submissions East Suffolk Council objects to the overall impact of the onshore

substations and raises significant concerns regarding the significant effects predicted from the offshore turbines on the Suffolk Coast and Heaths AONB. There are also a number of additional issues which have not been adequately addressed within the applications which have been outlined above.

## **8 OTHER OPTIONS CONSIDERED**

- 8.1 Alternative options were considered in the early stages of proposals but at this stage we are presented with the proposals, it is not for us to consider alternative options to that provided by SPR in their proposals.
- 8.2 Cabinet may wish to consider a different stance on some of the issues raised in the draft Relevant Representation or early draft Local Impact Report.

## **9 REASON FOR RECOMMENDATION**

- 9.1 It is important for East Suffolk Council to be able to be proactive and reactive on very short timetables throughout the DCO process particularly during the six-month examination section where the ability to respond quickly to questions raised by the Examining Authority (PINS) is essential. Delegated Authority is therefore being sought to facilitate the ability to fully engage with the pre-examination and examination stages of the DCO process. This is inline with the recommendations set out in PINS Advice Note 2 states:

*“During the examination there will be numerous deadlines for local authorities and other interested parties to submit further representations. These often require swift responses to ensure all matters can be fully explored before the close of examination”.*

*“A local authority will therefore need to ensure it has appropriate delegations in place. There is unlikely to be time to seek committee approval for representations made by a local authority during the examination. In general terms a local authority must assume that it won’t be possible for the examination timetable to be structured around its committee cycle” (paragraph 12.3).*

- 9.2 The recommendations also present the Council’s proposed position heading into the Examinations on the EA1N and EA2 offshore wind farm projects based on the published documentation in relation to the applications.

### **RECOMMENDATIONS**

1. That the Head of Planning and Coastal Management in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development be granted authority to fully engage with the Pre-examination and Examination stages of the Development Consent Order process in relation to EA1N and EA2 offshore wind farm projects. This will include:

- Submission of Written Representations to expand upon the Relevant Representation where necessary,
  - Submission of Statements of Common Ground between the application and the Council,
  - Attending/authorising technical officers to participate at Preliminary Meetings/hearings/accompanied site visits,
  - Responding to Examining Authority's questions and requests for further information,
  - Commenting on other interested parties' representations and submissions as appropriate,
  - Signing planning obligations if required.
  - Any other requirements not yet identified.
2. That the Head of Planning and Coastal Management in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development be authorised to make amendments to the draft Relevant Representation and early draft Local Impact Report as agreed with appropriate representatives of this Council prior to their submission to PINS.
3. That following agreement by the Cabinet of East Suffolk Council, the draft Relevant Representation set out in Appendix A and summarised below, subject to any agreed amendments, be submitted to PINS.
4. That PINS be informed by the Relevant Representation that East Suffolk Council recognises the national benefit these projects will bring in meeting the renewable energy targets and creating sustainable economic growth in Suffolk provided this is achieved without significant damage to the local built and natural environment, local communities and tourist economy. Notwithstanding this, the Council has significant concerns on the following matters:
- Landscape and Visual Effects
  - Noise
  - Design and Masterplan
  - Traffic and Transport
  - Seascape and Visual Effects
  - Cumulative Impacts
  - Measures to address residual impacts of the projects

The Council also has concerns or wishes to make representations in a number of additional areas which have been outlined below:

- Socio-Economic Impacts
- Heritage
- Air Quality
- Public Rights of Way
- Flood Risk
- Ecology
- Coastal Change
- Archaeology
- Construction Management

East Suffolk Council is supportive of the principle of offshore wind development, recognising the strategic need for zero carbon energy and the contribution the industry can make to sustainable economic growth in Suffolk. This must however be achieved without significant damage to the environment, local communities and tourist economy of East Suffolk. The projects as designed to date will result in significant impacts as set out above, particularly in relation to the environment around the substation site and significant effects on the designated landscape. Based on the current submissions East Suffolk Council objects to the overall impact of the onshore substations and raises significant concerns regarding the significant effects predicted from the offshore turbines on the Suffolk Coast and Heaths AONB.

5. That following agreement by the Cabinet of East Suffolk Council, the early draft Local Impact Report set out in Appendix B, subject to appropriate amendments, be submitted to PINS by the relevant deadline.
6. That this Council continues to engage with SPR to identify means by which the impact of the proposals can be mitigated and/or compensated if the developments do take place and seek appropriate s106 agreements to secure the necessary mitigation and/or compensation.
7. That Cabinet notes the continued work with Government, namely MHCLG and BEIS with regards to the cumulative impacts on East Suffolk of the numerous energy projects existing and forthcoming.

<b>APPENDICES</b>	
<b>Appendix A</b>	Draft Relevant Representation for EA1N and EA2
<b>Appendix B</b>	Early Draft Local Impact Report for EA1N and EA2

<b>BACKGROUND PAPERS</b>		
<p>Please note that copies of background papers have not been published on the Council’s website <a href="http://www.eastsuffolk.gov.uk">www.eastsuffolk.gov.uk</a> but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.</p>		
<b>Date</b>	<b>Type</b>	<b>Available From</b>
22.11.19	East Anglia One North application documents	Planning Inspectorate’s website - <a href="https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/">https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/</a>
22.11.19	East Anglia Two application documents	Planning Inspectorate’s website - <a href="https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/">https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/</a>
26.03.19	ESC and SCC Phase 4 Consultation Response	East Suffolk Council’s website - <a href="https://www.eastsuffolk.gov.uk/assets/Planning/Offshore-Windfarms/Phase-4-Consultation-Response-from-SCC-and-SCDC-26.03.19.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Offshore-Windfarms/Phase-4-Consultation-Response-from-SCC-and-SCDC-26.03.19.pdf</a>