



FIVE ESTUARIES OFFSHORE WIND FARM

10.34 APPLICANT'S COMMENTS ON DEADLINE 4 SUBMISSIONS

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In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for purpose.

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DEFINITION OF ACRONYMS

Term	Definition
AIL	Abnormal Indivisible Load
AIS	Air Insulated Switchgear
ALO	Agricultural Liaison Officer
AMS	Archaeological Mitigation Strategy
AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CBRA	Cable Burial Risk Assessment
CLO	Community Liaison Officer
CSIP	Cable Specification and Installation Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
DML	Deemed Marine License
DVAONB	Dedham Vale Area of Outstanding Natural Beauty
DWR	Deep Water Route
EA	Environment Agency
EACN	East Anglia Connection node
ECC	Essex County Council
ECC	Export Cable Corridor
EIA	Environmental Impact Assessment
ESC	East Sussex Council
ExA	Examination Authority
GIS	Gas Insulated Switchgear
HGV	Heavy Goods Vehicle



Term	Definition
HHa	Harwich Haven Authority
HMMP	Habitat Management and Monitoring Plan
JNCC	Joint Nature Conservation Committee
LBBG	Lesser Black Backed Gull
LCA	Landscape Character Assessment
LEMP	Landscape and Ecological Mitigation Plan
LIR	Local Impact Report
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MCA	Marine and Coastguard Agency
MDS	Maximum Design Scenario
MGN	Marine Guidance Note
MMO	Marine Management Organisation
NE	Natural England
NESO	National Energy System Operator
NETS	National Electricity Transmission System
NGET	National Grid Electricity Transmission
NIP	Navigation and Installation Plan
NPPF	National Policy Planning Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OHPL	Overhead Power Line
OLEMP/OLEMS	Outline Landscape and Ecological Management Plan/Strategy
OSes	Outline Skills and Employment Strategy



Term	Definition
OWF	Offshore Wind Farm
OWSI	Outline Written Scheme of Investigation
PAMP	Public Access Management Plan
PINS	Planning Inspectorate
PLA	Port of London Authority
PRoW	Public Right of Way
RPA	Root Protection Areas
SAC	Special Area of Conservation
SCC	Suffolk County Council
SMP	Soil Management Plan
SNCB	Statutory Nature Conservation Bodies
SNS	Southern North Sea
SPA	Special Protected Area
SRN	Strategic Road Network
TCPA	Town and Country Planning Act
TDC	Tendring District Council
TPO	Tree Preservation Orders
UKHO	UK Hydrographic Office
VEOWF	Five Estuaries Offshore Wind Farm
WTG	Wind Turbine Generators



1. INTRODUCTION

- 1.1.1 As per the Rule 8 Letter [PD-009] published by the Examining Authority on 25 September 2024, comments on any submissions received at Deadline 4 are to be included with submissions for Deadline 5.
- 1.1.2 This document has been prepared to set out the response of Five Estuaries Offshore Wind Farm Limited ('the Applicant') to submissions made at Deadline 4 with regards to the Five Estuaries Offshore Wind Farm Project ('the Project'), application reference: EN010115.
- 1.1.3 The Applicant has responded to Natural England's Deadline 4 submissions in a separate document: 10.34.1 Applicant's Comments on Natural England's Deadline 4 Submission.
- 1.1.4 The Applicant has only responded to points where it believes it would be helpful to the ExA. Rather than copying across whole documents, the Applicant has presented the relevant text or a summary of the points made in the Deadline 4 submissions and then responded to them (while being mindful of the context of those excerpts and being careful not to lose context in summaries).
- 1.1.5 The absence of commentary on a submission should not be taken as implication that the Applicant supports its content.



2. NATIONAL GRID ELECTRICITY TRANSMISSION PLC [REP4-055]

Summary of ExA's question and NGET's Response	Applicant's comments
<p>The role of the proposed East Anglia Connection Node (EACN) substation.</p> <p>The EACN forms part of National Grid's Norwich to Tilbury project which was identified as part of a wider strategic proposal which also includes the now consented Bramford to Twinstead project and the proposed Sea Link project. Together these projects meet an identified need to reinforce the National Electricity Transmission System (NETS) to connect new renewable generation capacity (mostly offshore windfarms) and interconnector projects. The most economic and efficient means to address some projects connecting into substations including at Necton and Norwich Main was a new onshore double circuit 400kV connection between Norwich and Bramford and between Bramford and Tilbury which could be integrated with a need to provide a new connection point (the EACN) in the Clacton / Folkestone area. At this stage, the EACN is the connection point for three customers with signed connection agreements. These are the North Falls and Five Estuaries offshore windfarms and the Tarchon interconnector project.</p>	<p>Noted by the Applicant. This is confirmed to be in line with the Applicant's understanding.</p>
<p>Need for the EACN substation.</p> <p>The need for the EACN substation (which is not part of the Five Estuaries authorised development) will be considered in detail in the Norwich to Tilbury DCO which is anticipated to be submitted in summer 2025. In broad terms the Norwich to Tilbury project must proceed regardless of the windfarm projects proposed to connect into the EACN. As set out in GC.2.02, the integration of the EACN as part of this requirement was identified as the most economic and efficient way of meeting the wider reinforcement need and several connection requirements. In the absence of North Falls and Five Estuaries there is still a requirement to provide a connection point for the Tarchon interconnector (which has a signed connection agreement in place) and future NESO connections.</p>	<p>Noted by the Applicant. This is confirmed to be in line with the Applicant's understanding.</p>
<p>Cumulative effects for the proposed onshore substations for Five Estuaries, North Falls and the East Anglia Connection Node.</p> <p>National Grid is still developing the design of the 400kV connections to the EACN and can confirm there is no existing 400kV infrastructure in the vicinity. From the southern edge of the Dedham Vale National Landscape, the section of the Norwich to Tilbury project connecting from Bramford to the EACN is proposed to be comprised of underground cable entering the western side.</p> <p>In relation to the section of the Norwich to Tilbury project that provides the connection between EACN substation and Tilbury, the statutory consultation (April to July 2024) was completed on the basis of the design being taken forward as overhead line using steel lattice pylons between the western side of the EACN and a section of underground cable at Great Horkesley where it was considered to be within the setting of the Dedham Vale National Landscape. This may change following consideration of feedback.</p> <p>An overhead line supported on steel lattice pylons would be similar to the statutory consultation design. In this design the connection starts at the EACN with the overhead line connected to gantries which would be up to 15m in height from which the conductors rise up to then be carried on pylons. The first six or seven pylons are expected to be in the order of 50m height with individual heights responding to factors including span length between pylons, terrain etc. Taller pylons, in the order of 60m height, would be expected to be required to achieve necessary clearances of the railway.</p> <p>The existing lattice pylon infrastructure in the vicinity of the proposed EACN substation relates to the Distribution network and is operated by UK Power Networks (UKPN). These lower voltage connections radiate from the Lawford substation and are typically much lower. Individual pylons vary in height depending on voltage and design along with factors such as span length. Further details are provided Five Estuaries response to the Examining Authority's first written question SLV.1.03 in the Applicant's Response to EXQ1 (REP2-039).</p>	<p>Noted by the Applicant. This is confirmed to be in line with the Applicant's understanding.</p> <p>The Applicant has received indicative EACN pylon detail from NGET and has included this in its updated visualisations submitted at this deadline (refer to Appendix 1 for further detail).</p>
<p>We write to update PINS that we are continuing to seek to agree bespoke protective provisions with the promoter for the protection of NGET's future assets and the interaction between the Norwich to Tilbury Project and the Five Estuaries Project. We anticipate being able to submit agreed protective provisions at deadline 5 and accordingly have delayed submitting protective provisions for NGET's benefit at deadline 4 in the anticipation that by delaying slightly until Deadline 5, we will be able to have a clearer and agreed position with the Promoter</p>	<p>This is noted by the Applicant.</p>



3. ESSEX COUNTY COUNCIL [REP4-046]

Ref	Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
ECC.01	The applicant has indicated that they consider the request for a Green Infrastructure (GI)/landscape strategy and plan to be equivalent to a Local and Ecological Management Plan (LEMP). A GI/landscape strategy focuses on vision and principles, while a LEMP focuses on practical, actionable steps for management and maintenance. However, if the LEMP provides the necessary details required for a GI/Landscape strategy, then that would be satisfactory. It is noted the LEMP is a requirement of the DCO.	This is noted and welcomed by the Applicant
ECC.02	A BNG Plan will be provided as required by the DCO once the final scheme is determined. This is supported. While not mandatory, to provide the 10% uplift and associated plans before November 2025 will help you prepare for future applications. Although the requirements for BNG, such as a Habitat Management and Monitoring Plan (HMMP), are not mandatory at this time, they are considered good practice. However, if the Landscape Ecological Management Plan (LEMP) encompasses all necessary elements of the HMMP, it will suffice.	This is noted and welcomed by the Applicant
ECC.03	ECC appreciates the clarification that the five-year maintenance requirement outlined in the OLEMS pertains specifically to the replacement planting, rather than the landscape and mitigation planting proposed at the OnSS. The applicant states that a 10-year aftercare period is not viable, as it would interfere with the handover to landowner management. ECC has consistently asked for any proposed landscaping to be managed/retained in perpetuity to ensure the landscaping as plated has long term value in screening what will be a quasi-industrial type structure in a flat, open, rural landscape. To ensure a successful handover to landowners, it is crucial to engage them early, maintain clear communication, and develop a handover plan outlining responsibilities, timelines and any legal agreements are also essential. Collaboration with the LPA ensures regulatory compliance and smooth transition, reducing the risk of planted areas being lost. It can be confirmed that a reference to a specialist within the LEMP is not required. Instead, the LEMP should be submitted and approved by the LPA Landscape/Ecologist specialist to discharge the conditions. It has been noted that the funding for the maintenance of any BNG delivery outlined in the BNG Plan will be secured through commercial agreements and supporting planning agreements with the Local Planning Authority (LPA). Additionally, that the method for installing the landscape mitigation screening will be finalised at the detailed design stage, with input from local stakeholders and the LPA.	<p>The Applicant welcomes this response and confirms that planting for landscape screening and ecological mitigation at the onshore substation location will be managed for the life time of the project as described in the Outline Landscape and Ecological Management Plan [REP2-022] and also specifically secured by requirement 5(8) as requested by ECC.</p> <p>Reinstatement planting at other locations along the onshore cable corridor will be maintained for a standard 5 years. The detail of replacing failed planting will be presented in the final LEMP.</p> <p>Landowners and Local Planning Authorities have been engaged regularly from an early stage and will continue to be engaged by the Applicant. Agreements with landowners continue to be progressed through the Applicant's Land Agent.</p>



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	ECC notes the applicant's commitment to ensure that landscaping around the substation itself will be managed/retained for the life of the development, which is welcomed.	
ECC.04	ECC appreciates that the potential implications of the scheme have been evaluated in relation to the Shoreline Management Plan, ensuring that any future coastal management or realignment will not adversely affect the installed infrastructure	This is noted and welcomed by the Applicant.
ECC.05	Whilst orchards are traditional in Essex, they require regular specialist pruning in order to maintain fruit production. We assume these orchards are proposed for biodiversity and amenity reasons, not economic, but is unclear how they will be maintained as this will be outside the regular scope of many amenity landscape maintenance contractors. It would also be curious to plant the trees and not gather the fruits. There are no fundamental objections in landscape terms, but a similar effect might be achieved by planting hazel (<i>Coryllus avellana</i>) in a regular layout, that could more easily be maintained by coppicing on a regular rotation.	<p>As set out in paragraph 1.1.2 of the OLEMP [REP2-022], the OLEMP “sets out the key elements that will be included in the final Landscape and Ecology Mitigation Plan (LEMP) which will be agreed with the Local Planning Authority and other relevant stakeholders prior to any construction works commencing.”</p> <p>For this reason detailed species lists are not provided in the document, as the intention is to agree these post DCO consent, whilst ensuring delivery of the proposed habitats. In the case of traditional orchard, the specific definition for this habitat type is taken from UK Biodiversity Action Plan; Priority Habitat Descriptions. BRIG (ed. Ant Maddock) 2008 (available on the JNCC website here https://data.jncc.gov.uk/data/2829ce47-1ca5-41e7-bc1a-871c1cc0b3ae/UKBAP-BAPHabitats-56-TraditionalOrchards.pdf). It includes nut trees, and therefore hazel (amongst other species) is appropriate to consider in the mix.</p> <p>Full details for maintenance and management of all habitats specified in the OLEMP will be provided in the LEMP, once design details (including species mixtures) are known.</p>
ECC.06	It is currently unclear in requirement 5 whether the details of hard and soft landscape will be presented in plan form. The clause currently just states ‘written’. This needs clarification for avoidance of doubt. In addition, the plans need to be presented at an appropriate scale, preferably at 1:2500, so that the details of areas of hard and soft landscape can be appropriately scrutinised.	A masterplan of the hard and soft landscape proposals around the onshore substations will be presented at either 1:2,000 or 1:2,500 on an A1 sheet. More detailed planting plans at 1:500 on A1 sheets will also be prepared to illustrate the planting layout and species sizes and mixes. The detail of submissions would normally be agreed with the LPA during consultation having regard to the draft detailed proposals and not prescribed in the requirement, however if ECC wish to suggest some wording around plans, the Applicant will consider adding it to the OLEMP.
ECC.07	TDC would like to see requirements that set out operating hours and an obligation on the applicant to notify the LA when piling works will take place so any complaints can be managed smoothly by the Local Authority. We would like the wording found in Appendix 1 - Construction Hours (from a recently Consented DCO) to be considered for inclusion.	<p>The construction working hours are secured in the Code of Construction Practice – Revision B [REP1-041] at section 3.2 under requirement 6. The suggested drafting would not do anything to the current. The current drafting restricts piling works to the core hours and Monday-Friday unless an exception applies, the suggested drafting would actually represent a lessening of the restriction on Saturdays.</p> <p>The suggested drafting does not include a notice provision as requested in the comment. It simply applies the core working hours (and exceptions) unless otherwise agreed with the LPA, that drafting does not impose any notification of piling works obligation on the undertaker, Sub-paragraph (2) states “(2) No piling operations may take place between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays...” - that is not a notification requirement. The Applicant therefore does not propose to amend the CoCP wording as the alternate suggested is less restrictive than the current wording, less precise and does not achieve what the comment suggests.</p>
ECC.08	TDC are satisfied that the arboriculture impact assessment is an accurate reflection of the age, quality and condition of the trees. TDC expects to see the root protection area applied to all TPOs that may be affected by the proposals. The root protection area needs to be applied to the following trees; - Sheet 28: 23/00005/TPO trees in G1 oak and tree T1 also oak (see attached Sheet 28 23_00005TPO 1- 500.pdf at Appendix 2)	<p>The powers requested by the Applicant allow for works to be undertaken in the Root Protection Areas (RPA) of the TPO trees as is necessary or lop overhanging branches. As set out in the Outline Landscape and Ecology Management Plan – Revision C [REP2-022], paragraph 5.13 sets out the mitigation that would be implemented if this is necessary.</p> <p>Paragraph 5.13: “Following more detailed design development, pre-commencement/ pre-construction full survey will be undertaken by an appropriately experienced arboriculturist, and the guidance set out in BS5837:2012 Trees in Relation to Construction will be adhered to where applicable. For trees which cannot be avoided, the survey will define specific mitigation</p>



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	- Sheet 37: 91/0021/TPO tree T2 a silver maple (see attached Sheet 37 91_00021TPO 1- 500.pdf at Appendix 2)	<p><i>measures required for trees situated in or immediately adjacent to the working width, including where practical, measures such as the erection of protective fencing in order to minimise the impacts on trees and their roots. These will be specified in the final LEMP, once final scheme design is known."</i></p> <p>The Applicant will include specific reference to TPO trees within this section if the OLEMP is revised at a future deadline.</p>
ECC.09	Vibration impacts from HGV construction traffic, TDC: We acknowledge that it is not included in the scoping report. We would like to see the speed limit along Bentley Road to be restricted to a maximum of 40mph to greatly reduce the impact of vibration on the adjacent properties.	The Applicant has committed to imposing a speed limit along Bentley Road of 40 mph. This is shown on 2.18 Temporary Speed Reduction Plan – Revision B [AS-030] and in schedule 4, part4 of the draft DCO -Revision E [REP4-004]. It is also set out in paragraph 4.1.4 of the Outline Construction Traffic Management Plan – Revision C [AS-055].
ECC.10	Mitigating construction noise via the submitted Code of Construction Practice, TDC: REP1-041 paragraph 6.1.5 states that 'further modelling by the Project / Principal Contractor may be undertaken once greater clarity on the scope of works, plant and site activities is understood.' We would like to see a wording change that specifies further modelling by the Project/Principal contractor SHALL be undertaken, to identify any hotspots for noise – particularly at landfall site. This will ensure the mitigation is adequate and proportionate to the exact works that are to be carried out.	The Applicant notes that the proposal for further noise modelling within the CoCP is to provide flexibility to reduce the level of mitigation which would apply, given that the current level is based on "worst case" activities. The Applicant does not think making further modelling mandatory is required or appropriate.
ECC.11	Cumulative construction noise effects in Bentley Road, TDC: The information provided indicates that by reducing the speed limit on Bentley Road will have a significant impact on the noise impact for the adjacent / affected properties. In combination with the potential for resurfacing the road as part of the proposed works these measures will significantly reduce the noise impact. We support the implementation of proposals set out in 9.12.26 of APP-091 to monitor road traffic noise on Bentley Road prior to and during construction. Any increases detected could then be mitigated with some, or all of the steps outlined. The monitoring should continue into the operational phase. If there are identified noise issues in either the construction or operational phases the applicant will need to liaise directly with the Local Authority and those affected to monitor the situation and propose further mitigation.	<p>The Applicant does not agree the monitoring should continue in to the operational phase. 6.3.8 Traffic and Transport Chapter – Revision C [AS-043] sets out the proposed operational traffic for the development at paragraphs 8.4.47 to 8.4.49. This states for the OnSS:</p> <p><i>"Weekly visits would be required by approximately two vehicles (approximately eight traffic movements per week). During two-week annual maintenance period this would increase to approximately four to eight traffic movements per day."</i></p> <p>The traffic generated during the operational phase would be minimal and limited. There would be no HGVs using Bentley Road during its standard operation of the onshore substation. Any change in road traffic noise before construction and during operation will be minimal, and likely less than the daily fluctuations in traffic flow. There is accordingly no likelihood of a significant impact due to operational traffic noise and monitoring is not necessary or justified.</p> <p>Road traffic noise monitoring on Bentley Road is not required during the operational phase.</p>
ECC.12	Assessment of cumulative operational noise for the Proposed Development onshore substation and the substations proposed for North Falls and the East Anglia Connection Node, TDC: Whilst we are content that the applicant has used suitable data to reach the conclusion in paragraph 9.12.33, this work is forecasting and is dependent on two other DCOs that are not consented. If consented, we request that the applicant commits to periodic noise monitoring to evidence that 35dBa is	The Applicant notes that it can only be responsible for the noise that it produces and not for the noise produced by other parties. As such project specific limits at key receptors are included in Requirement 15 of the draft DCO – Revision E [REP4-004] breach of these limits under normal operational conditions would be a breach of the DCO. To address the cumulative nature of the impact the Applicant has submitted at this Deadline 10.36 Onshore Substations Operational Noise and Outline Noise Complaints Protocol. This is a tripartite document which has been agreed between the Applicant, North Falls Offshore Wind Farm and National Grid. This provides an explanation of how the projects would investigate any suspected exceedance.



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	achievable. Within first 12 months a noise evaluation at the NSR set out in Table 9.53 (p132) will be submitted to the LPA, further monitoring schedule will be agreed on an iterative basis with the LPA.	The Protocol comprehensively details the measurement procedure, in accordance with BS 4142:2014 + A1:2019 'Methods for rating and assessing industrial and commercial sound' (BS4142), that is to be followed in the event of a complaint made by a local resident regarding operational substation noise. The Protocol accounts for the three substations and details the appropriate procedure to determine which project is responsible for the primary, secondary and tertiary monitoring as necessary.																					
ECC.13	Para 2.11.26 of the LVIA states 'The value of 7A Bromley Heaths LCA is medium. This reflects the fact that there are no national, county or district level landscape planning designations covering this area, which would otherwise denote a special scenic value.' I have no disagreement with the judgement of medium value identified in the Tendring Landscape Character Assessment (LCA). However, no mention is made in the second part of the paragraph, when discussing value, of the criteria identified in Box 5.1 GLVIA3 against which value should be judged, and which is expanded on in TGN 02- 21 'Assessing landscape value outside national designations'. The applicant is not examining the landscape assessment in terms of the recommended criteria and appears to link value solely to the presence or absence of designation which, in or opinion, misreads the LCA judgement.	<p>The Landscape Institute's Technical Guidance Note 'Assessing landscape value outside national designations' (TGN 02-21) has been used to present a more detailed assessment of landscape value - presented below. This has applied the 'range of factors that can be considered when identifying landscape value' presented in Table 1 of TGN 02-21 and which expands on the content of Box 5.1 in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA 3). The findings of this more detailed assessment are that the value rating relative to each of the component factors of value are typically medium or medium-low, with a medium-high rating for cultural heritage and a low for functional value. Rounding these ratings up arrives at a medium value, as presented in the LVIA [APP-084] and as agreed with ECC.</p> <table border="1"> <thead> <tr> <th>Factor</th><th>Definition</th><th>Value in respect of Bromley Heaths LCA</th></tr> </thead> <tbody> <tr> <td>Natural Heritage</td><td>Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape.</td><td>The predominant land use in the Bromley Heaths LCA is large scale arable agriculture as described in the Tendring District LCA and Essex LCA. This limits the presence of natural habitats to small areas of heath and woodland and although hedgerows and field boundaries exist these have been eroded over recent decades. The natural heritage value is rated medium-low.</td></tr> <tr> <td>Cultural Heritage</td><td>Landscape with clear evidence of archaeological, historical or cultural interest which contribute positively to the landscape.</td><td>The Bromley Heaths LCA presents clear evidence of historical features in the form of historic villages, hamlets, churches and halls. Church towers and steeples form visible landmark features against the large open skies. The cultural heritage value is rated medium-high.</td></tr> <tr> <td>Landscape Condition</td><td>Landscape which is in a good physical state both with regard to individual elements and overall landscape structure.</td><td>While the land is well managed through the intensive agricultural practices, as set out in the Tendring District LCA, the condition is considered to be in decline owing to the loss of the native heath, improved pasture and village greens and lack of management of hedgerows and woodland. 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Cultural Heritage	Landscape with clear evidence of archaeological, historical or cultural interest which contribute positively to the landscape.	The Bromley Heaths LCA presents clear evidence of historical features in the form of historic villages, hamlets, churches and halls. Church towers and steeples form visible landmark features against the large open skies. The cultural heritage value is rated medium-high.																					
Landscape Condition	Landscape which is in a good physical state both with regard to individual elements and overall landscape structure.	While the land is well managed through the intensive agricultural practices, as set out in the Tendring District LCA, the condition is considered to be in decline owing to the loss of the native heath, improved pasture and village greens and lack of management of hedgerows and woodland. The value of the landscape condition is rated medium-low.																					
Associations	Landscape which is connected with notable people, events and the arts.	The Tendring District LCA makes references to the Beth Chatto Garden which is famous for its sustainable plant selections well suited to the free draining gravel soils of the local area – although this is only one reference in a relatively large LCA, with no other references made. The value of landscape associations is rated as medium.																					
Distinctiveness	Landscape that has a strong sense of identity.	The identity of this LCA is largely derived from the large geometric fields of arable agriculture and the big open skies exposed by this relatively flat plateau landscape. There are few distinctive landscape features, and the landscape is similar to the wider agricultural landscape. The value of the distinctiveness of the landscape is rated medium.																					
Recreational	Landscape offering recreational opportunities where experience of landscape is important.	Access within this landscape is largely limited to public highways, bridleways and rights of way. Recreational opportunities are, therefore, largely limited to cycling, horse-riding, walking and running. The recreational value of the landscape is rated medium.																					



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		Perceptual (scenic)	Landscape that appeals to the senses, primarily the visual sense.	The relative flatness of the landscape combined with roadside and field-side vegetation means that views are typically contained within the short to medium range. While areas of woodland add to the visual interest there are few landscape features of note. The perceived scenic value of this LCA is rated medium-low.	
		Perceptual (wildness and tranquillity)	Landscape with a strong perceptual value notably wildness, tranquillity and/or dark skies.	The influence of agricultural practices extends across almost all of this LCA such that there is no wildness. There are, however, some remote patches where some degree of tranquillity can be experienced and away from settlements where dark skies may occur. The perceived wildness and tranquillity of this landscape is rated medium-low.	
		Functional	Landscape which performs a clearly identifiable and valuable function, particularly in the healthy functioning of the landscape.	The functional value of this landscape is rated low. The predominance of agriculture, which is a largely linear rather than circular system, means that generally more is taken out of the land than is put back and agriculture also gives rise to issues of eutrophication of the hydrological system. The functional value of this landscape is rated low.	
ECC.14	Infiltration/Soakaway Testing: The ExA (EXQ2) “Are BRE Digest 365 Guidelines the most appropriate...?” ECC as Lead Local Flood Authority consider that the most appropriate test will be met.	This is noted and welcomed by the Applicant.			
ECC.15	Other Flood Risk: The EA in [RR-026] has stated “the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater” ECC as Lead Local Flood Authority consider that this has been addressed.	This is noted and welcomed by the Applicant.			
ECC.16	Due to the limited amount of intrusive archaeological fieldwork completed the information submitted fails to provide sufficient information on the potential for as yet unknown archaeological remains and does not provide confidence that the mitigation proposed would be sufficient or achievable. While the methodologies proposed in the OWSI are appropriate, it remains to be demonstrated that any currently unknown significant and extensive archaeological remains can be avoided through micro-siting. If this is not achievable then this may result in the loss of significant archaeological remains, while this evidence may be considered ‘preserved’ by record through excavation the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted (NPPF, 2003 211) At present the investigations carried out and information submitted have not provided a suitable level of information on the potential for archaeological remains along the entire route and it remains to be demonstrated that the embedded mitigation through micro-siting will be feasible or achievable in all areas.	<p>The Applicant considers that the information provided to date is proportionate, and allows for the good characterisation of the archaeological potential and likely significance of currently unknown buried archaeological remains, and hence considers that the mitigation proposed is both sufficient and achievable.</p> <p>The Applicant welcomes the acknowledgement that the methods proposed in the Outline Onshore Written Scheme of Investigation (OWSI) [APP-256] are appropriate. The Applicant considers that it is possible to deliver the proposed mitigation via a combination of preservation in situ and preservation by record. The Mitigation proposed envisages a phased approach, with further intrusive investigation undertaken as Phase 1 (itself to be subject to a detailed WSI to be agreed post-consent), the results of which will be used to refine understanding of the significance of any archaeological remains encountered, and inform decisions on subsequent measures, whether that be need to use micro-siting or other design solution to achieve preservation in situ, or whether additional fieldwork including intrusive investigation leading to preservation by record, is appropriate. The Applicant considers that there is sufficient flexibility within the Order limits and the post-consent/pre-construction programme to allow informed responses, in line with the phased approach envisaged in the OWSI. Any archaeological works will be subject to detailed activity specific or location specific WSIs, including proposals for preservation in situ etc., and submitted for approval under the relevant requirement.</p> <p>The Applicant has also agreed to develop an overarching onshore Archaeological Mitigation Strategy (AMS), the purpose of which is to set out the way in which proposed mitigation will be delivered. The AMS will set out the decision-making processes, decision trigger–points, and identify the parties to be involved in decision -making. The OWSI and any subsequent iterations, and additional detailed WSIs that may be required as part of the process set out in the AMS are intended to be presented and agreed in line with that process. The AMS will clarify that the post-consent process is phased, with the results of an initial phase of evaluation being combined with the results of survey works undertaken to date, to inform subsequent decisions on the significance of any encountered archaeological remains. A decision and</p>			



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		review point at the completion of Phase 1 will allow for consideration appropriate responses for Phase 2 mitigation works, whether that be consideration of minor design amendments (micro-siting, etc,) to achieve preservation in situ, or other specific archaeological measures to achieve preservation by record; any such works would be subject to the specific WSIs and agreed with the named parties. The AMS will set out how the process can be accommodated post-consent, with reference to an indicative programme. The Applicant will provide additional detail on the proposed initial phase of post-consent archaeological work as part of a revised onshore OWSI, as well as additional detail on how design solutions such as micro-siting can be accommodated. Subsequent phases of work or specific mitigation proposals to achieve preservation in situ will be set out and agreed in the form of location or activity specific WSIs, as part of the process to be set out in the AMS. The Applicant is intending to provide the revised OWSI and the AMS for Deadline 6.
ECC.17	<p>It is noted that on the drawing for access AC7 reference is made to PROW 183, this is incorrect as it is actually Public Footpath 37 Wix (the 183 refers to the ECC Parish number allocated to Wix) hence the reference FP 37 183, as shown below. It is recommended that a consistent system for numbering of Public Rights of Way is agreed across the DCO with the PROW team. It may be clearer to use the PROW number followed by the Parish name rather than a number.</p> <p>Clear and accurate identification of PROW is essential for all consultees and just quoting a parish code as an identifier for a PROW in a parish, which may have over a hundred PROW within it, is obviously not considered accurate nor acceptable. The clearest method is the one that I suggested as that would enable all consultees and especially user groups and parish councils etc. to readily identify any PROW referenced in the applicant's documentation.</p>	<p>The Applicant notes that the affected PROWs are shown on the appropriate plans and it is not accurate to assert that 'just' a parish code is provided as the plans show these in situ allowing a clear and accurate understanding of the affected route sections.</p> <p>The Applicant has added additional clarification to Revision B of the 9.25 Outline Public Access Management Plan including the parish names where the PROW are referred to, which has been submitted at this Deadline. The Applicant does not propose to revise the naming of all PROW throughout the suite of application documents/plans.</p>
ECC.18	Where planting associated with development alongside PROW is proposed such, whilst being a boundary feature and necessary to replace landscaping lost by the proposal, it is not the Highway Authorities responsibility to maintain, and which can become a problem for the PROW Team because it can be planted too close and is frequently not maintained by the landowner/site operator. The PROW Team feel it is highly likely that screening planting would be located too close to the extent of PROW and would in fairly short time cause PROW Maintenance colleagues obstruction and maintenance issues. The PROW Team generally seek to condition that such planting is a minimum of 3m from the extent of PROW to allow it to grow and develop without encroaching on the PROW, though it will depend of course on what is being planted as often quick growing varieties are chosen. Hence the team responsible for PROW are of the view that screening alongside our network should only be where it is absolutely necessary and then conditioned not to cause issues as practically and access key views. There is also the possibility that screened paths could become enclosed with no real view at all and it	The Applicant is considering whether additional commitment on this point can be included within its draft OLEMP design commitments – to be submitted at Deadline 6. The Applicant notes that there are very limited locations where any proposed new planting would have the potential to interact with the existing PROW network.



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	might be better to have some view, albeit different from present, than be in a green tunnel.	
ECC.19	The PROW Team would ask that a the final version of the Public Access Management Plan is featured on the applicants web site, should Consent ultimately be forthcoming. ECC are of the view that it is not the responsibility of the Highway Authorities PROW Maintenance team to act as intermediary for every question, enquiry or complaint from the public and others about the applicant's temporary closures as this after all is their DCO and their temporary PROW closures/diversions.	The Applicant notes that section 2.4 of the Code of Construction Practice [REP1-041] sets out the commitments on community liaison, including that <i>"A Community Liaison Officer (CLO) will support construction activities. The role will be an active part of the construction team, implementing a proactive communications approach and ensuring that appropriate notification of works activity is provided."</i> This will include acting as a point of contact for enquiries from the public and updating the website with key information, the Applicant has added additional detail to the Code of Construction Practice – Rev C. Further clarification has been added to Revision B of the Outline Public Access Management Plan on this at Section 1.4.
ECC.20	PRoW closures: Whilst the PROW Team welcome again the comment to the effect that they will discuss this, it is preferred that the applicants have an unequivocal commitment to the use of banksmen wherever vehicle movements cross PROW during construction. This is commonplace across all sorts of development sites and from a developer liability perspective and we consider is complete sense. Low usage in respect of a PROW is considered in many cases just an arbitrary term as it is not possible or practical to say which PROW, irrespective of perceived current usage or camera survey results etc. will get more usage at the time development takes place.	The Applicant met with the ECC PRoW team on 09 December to discuss this point. The Applicant explained the different scenarios when vehicles might cross a PRoW and the controls that would be in place. It was agreed that additional detail would be added to section 1.2 of Revision B of the Outline Public Access Management Plan on this point, detailing when it would be appropriate to have a banksman managing PRoW crossing points / diversions.
ECC.21	The Council's LIR repeatedly sets out areas where it has concerns about the assessment methodology, and so why we have concerns that the impacts may be greater than assessed, particularly peak hour. The list is not designed to identify where impacts might occur. It identifies where they would occur as a result of the development traffic (just that they may be worsened if impacts exceed those assessed). To call the list meaningless fails to recognise, and is somewhat dismissive of the fact, that whether or not the project exceeds somewhat arbitrary thresholds that form part of an environmental assessment of traffic, it will still have negative impacts on the local population, who will experience the project on a day-to-day basis. The Council recognise that it is the materiality of those impacts that is relevant, but seeks to identify all the locations where local impacts will be felt as a result of the project to provide a thorough Local Impact Report for the Examining Authority's consideration.	The Applicant maintains the point that there is no evidence from the Council that the construction traffic numbers would be any greater than assessed and therefore lead to any further impacts at the locations identified in the LIR. It is a truism to say that if numbers increased the impacts could be worse, but no basis is given for any concern that Applicant's numbers are incorrect. The Applicant's numbers are robust, include an appropriate application of the peak to provide a reasonable worst case for assessment and therefore allow a proper, objective assessment, If the Council wish to question the basis of the numbers they need to provide a basis for that, it is not enough to assert methodological concerns without providing evidence for their position and setting out the detail of those concerns. The assessment methodology has not used 'arbitrary thresholds' but is based on the Institute of Environmental Management and Assessment's Guidance 'Environmental Assessment of Traffic and Movement (July 2023)'. This is an entirely appropriate and well used approach.
ECC.22	The Council have not requested modelling of the junctions, but have simply pointed out that if shift patterns do not appear as assessed modelling would be justifiable. It is a reasonable conclusion to reach that whether or not the impacts occurred in peak hours or at other times of the day it would still result in a worsening of operation; however, it is recognised that it is the materiality of that impact that is critically important.	This comment is noted by the Applicant.
ECC.23	We would request a meeting on the access design and RSA1 so that we can confirm that these matters have been addressed	The Applicant attended a meeting with Essex County Council and the North Falls team on Wednesday 18 December 2024 to discuss these points and considers this to now be resolved.



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ECC.24	The Council does note concerns over the attitudes to travel planning, which it is felt can be effective if the right mechanisms and processes are in place. With the aim of reducing the burden of text in submissions, it does not seem helpful to the Examining at this point to continue with dialogue on this issue, and it can be covered off in any Statement of Common Ground or other document at the end of the project.	This is noted by the Applicant.
ECC.25	<p>ECC's position is that a "Grampian style" condition or a "phasing requirement" (i.e. a negatively worded requirement that conditions the development upon something happening on land not under the applicant's control) are commonly used in both planning permissions under the TCPA as well as permissions granted under the Planning Act. It is lawful to impose a "Grampian style" condition in a Development Consent Order. It is preceded in other DCOs. It is proposed that the DCO contains the following suggested wording:</p> <p>"Work No. 1 must not be commenced until notification in writing has been submitted by the undertaker to the relevant planning authority which:</p> <p>(a) states the date that development consent was granted for the new National Grid Substation; and,</p> <p>(b) sets out a timetable for the carrying out of all works comprised in Work No. 16(a), being the works necessary to connect the authorised development to the new National Grid Substation."</p>	<p>The Applicant notes that no precedent for this requirement is actually cited – the Applicant cannot locate any requirement in a made DCO making it contingent on a grid DCO being granted and requests that the Examining Authority ask ECC to produce the precedents referred to.</p> <p>The argument for this is predicated on the need to avoid undemonstrated 'harm' due to the construction of the offshore turbines. That construction has no significant effect and the Applicant does not accept any harm can therefore arise – the requirement is according not justified or necessary.</p> <p>The Applicant does not accept that it is reasonable or preceded to make delivery of this NSIP contingent on the granting of a separate DCO to National Grid.. The Applicant notes it has set out its position on this at Deadline 3 in its response to SCC's LIR in 10.26.1 Applicant's comments on Local Impact Reports [REP3-025].</p>
ECC.26	it is ECC's position that a side agreement is necessary in line with ECC's processes. This ensures efficiencies and ensures that each DCO does not "reinvent the wheel" for each DCO, which would then put strain on resources and the public purse. The Framework Highway Agreement sets out the provision for carrying out by or on behalf of the Applicant of various highway works which it is intended to be authorised by the Development Consent Order. A copy of this draft will be provided to the Applicant for their comments.	<p>The Applicant notes ECC's request, however to date have provided no scope to the Applicant as to what this agreement would cover (which is not already addressed by the proposed protective provisions). The draft referred to in the comment has not been provided. The Applicant does not accept that such an agreement is necessary. The Applicant does not accept it is reasonable to seek an unspecified unscoped agreement this late in the process with no explanation as what this needed for. The Applicant does not accept that there is any highway matter which is not already addressed through the DCO, including the protective provisions offered to ECC which have been under discussion for some months.</p> <p>The Applicant notes that part of the ethos of the DCO regime is to streamline consenting and reduce the number of consents and agreements required. The Applicant's approach is in line with that objective – seeking a side agreement simply because it is what they normally do is not in line with the objective at all.</p>
ECC.27	<p>Following the designer's review, it is recommended that a meeting is held to discuss the access design as well as any residual comments relating to the RSA1.</p> <p>From a review there did not appear to be a designer's response to the site where matters have been highlighted such as: AC3, 4, 5, 7 (GA), CR1, 3, 4, 5, 6a, 6b, 7, 8 P1, CR9 P1 & P2, CR10 P1&P2, CR11 P1&P2, CR12 P1&P2, and CR8 P2. Potentially a table with each access, comment from the Stage 1RSAs and how this has been addressed would provide clarity.</p>	<p>The Designer's Response to the access designs prepared by Royal Haskoning DHV are on page 161 and 162 of Traffic and Transport Baseline Report - Part 5 - Revision B [REP-031].</p> <p>A response to each of the problems identified is provided (grouped together where a duplicate response is provided).</p> <p>This was discussed at a meeting between the Applicant and ECC on Wednesday 18th December 2024 and the Applicant considers this point is now resolved.</p>



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ECC.28	ECCs maintenance regime would not cover the AC-12 visibility splay, as a result an agreement/condition that the Applicant maintains the visibility splays either side of the permanent access is required (in any event the hedgerow would be the adjacent landowner's responsibility)	The Applicant is considering whether additional commitment can be included within its draft OLEMP design commitments – to be submitted at Deadline 6. This would seek to ensure that the planting proposals in the vicinity of AC-12 is set back to ensure the visibility splays are unaffected.
ECC.29	The Council welcomes the consideration of the impacts of Scenario 3. With regards to paragraph 8.12.65 would query whether the construction works at numerous temporary accesses would result in additional traffic management and delay in Scenario 3?	The Applicant can confirm that as a result of construction accesses being constructed and reinstated for each project, there would likely be similar (or the same) temporary traffic management measures in place and a similar level of temporary delay for any temporary lane or road closures during the construction or re-instatement periods.
ECC.30	With regards to paragraph 8.12.65 would query what potential exists for the projects to occur more closely together than 3 years? It is understood that this is 3 years from the start of both projects so potentially 18 months from the end of one project and the start of the other, and it is worth considering the level of disruption a user of the network might experience?	The timescales included in the scenarios are indicative. Ongoing dialogue will continue between the projects with the aim of minimising impacts where practical under each projects' DCO, so if the projects were occurring more closely the alignment could be similar to scenario 2 or a hybrid of the two. A number of potential variations and timelines exist.
ECC.31	At the recently convened Hearings into this proposal ECC/TDC were asked by the ExA if the Council's would support the request, from Suffolk County Council, that they be involved in the socio-economic strategy, which seeks to maximise local opportunities for skills and employment within the local area. ECC and SCC are asked to deal with a number of DCO proposals either within their respective areas or conjoined where some DCO submissions cross Authority borders. As such the Authorities have shared goals to seek socio economic benefit from proposals and frequently work in collaboration. Hence ECC can confirm that it supports SCC's request are used to be included in the same.	This is noted by the Applicant. The Applicant would also like to note that Suffolk County Council is included in the list of stakeholder consultees in the 9.27 Outline Skills and Employment Strategy [APP-260].
ECC.32	The Applicants propose 10 change requests as set out in detail in AS-057 in the aforementioned letter which ECC, and it's stakeholders, have given due consideration to. Having given the as proposed changes consideration ECC are of the view that each change when considered both singularly, and in combination, are not sufficient to amount to a materially new development. ECC shares the ExA's view that the as proposed changes can be considered within the current scheduled Examination process.	This is noted and welcomed by the Applicant.



4. SUFFOLK COUNTY COUNCIL [REP4-048]

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SCC.01	<p>SCC notes the Applicant's recognition of the need for good design.</p> <p>SCC disagrees with the Applicant's interpretation of the secretary of state's ("SoS's") application of the Levelling-up and Regeneration Act 2023 ("LURA") duty as regards Areas of Outstanding Natural Beauty ("AONBs") to the Sheringham and Dudgeon Extension Projects Development Consent Order ("DCO") decision. The Applicant suggests from the SoS's decision letter that in that case that the duty was held to be met because "the Applicant has taken reasonable precautions to avoid compromising the purpose of the designation" (paragraph 4.56 of the decision letter).</p> <p>However, this part of the decision letter does not fully set out the test applied by the SoS, and can only properly be understood as a partial elaboration of the reasons the SoS considered the test to have been passed. Before reaching the conclusion in paragraph 4.56, the Secretary of State had already expressed himself to be satisfied (as set out at paragraph 4.55 of the decision letter) "that all possible steps have been taken to further the relevant purposes of the AONB and comply with the statutory duty in this particular case". In other words, the conclusion (at 4.56) followed on from the earlier finding (at 4.55) and was necessarily dependent on it.</p> <p>The LURA test in its statutory context as now found in sub-section (A1) of section 85 of the Countryside and Rights of Way Act 2000 (the "CROW Act") sets out that: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."</p> <p>To avoid compromising the purposes of the designation is clearly necessary to meet this duty but is manifestly not sufficient. By requiring relevant authorities to seek to further the purpose, the duty is requiring the SoS to satisfy themselves that not only are steps taken to avoid compromising the purposes, but that all possible steps are taken to further the purposes. This is clearly to be taken alongside the policy contained at paragraph 5.10.8 of National Policy Statement EN-1, which requires measures seeking to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.</p>	<p>The Applicant maintains its position as set out in previous submissions.</p> <p>The Applicant does not accept and does not consider that SCC has produced any evidence at all that the project will; compromise the purposes of the designation. The Applicant maintains that the duty must be seen in the context of the planning function, not as an overarching obligation to enhance the AONB unrelated the impacts of the project and what that project can realistically and practically do. The Applicant maintains that this is supported by the Secretary of State's Sheringham and Dudgeon decision.</p> <p>The interpretation of the SoS decision presented is not agreed with. The "all possible steps" taken to further the AONB purposes did not mean that something more was done than has been done in this case, nor was there any residual impact at all, paragraph 4.55 starts with acknowledging non-significant effects.</p> <p><i>"4.55. The ExA ascribed seascape and visual effects minor negative weight in the planning balance [ER 17.5.7]. The Secretary of State agrees with this conclusion and ascribes this matter minor negative weight. In reaching this conclusion, the Secretary of State has considered the impact on the Norfolk Coast Area of Outstanding Natural Beauty ("AoNB"). The Secretary of State also notes the duty under s245 of the Levelling-up and Regeneration Act 2023 for public bodies to further the purposes of AoNBs and also notes the 2024 NPS EN-1 in this regard. The Secretary of State is satisfied that all possible steps have been taken to further the relevant purposes of the AoNB and comply with the statutory duty in this particular case. 4.56. The Secretary of State concludes that the Applicant has taken reasonable precautions to avoid compromising the purpose of the designation. In reaching this conclusion, the Secretary of State has noted its additional assessment in relation to the impacts on the Norfolk Coast AoNB [ER 17.4.21] and the embedded mitigation it has proposed [ER 17.2.16]."</i></p> <p>This clearly demonstrates that non-significant adverse effects do not mean that the duty is not complied with and some further action from the applicant is needed. Sheringham and Dudgeon had no such action – there is no onshore enhancement contribution for that project as is sought in this case. The recommendation report with which the SOS agreed states at 17.1.3.</p> <p>"In reaching a decision the Secretary of State (SoS) should be satisfied that:....The Applicant has had regard to the purposes of nationally designated areas. This also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints (paragraph 5.9.12). The possibility that any Proposed Development might be visible from a designated area should not in itself be a reason for refusal (NPS EN1 paragraph 5.9.13)."</p>
	<p>SCC would acknowledge that the use of the word 'seek' in the formulation '...must seek to further...' does not require the SoS to be convinced that his decision will actually result in the purposes being furthered. It would be enough that all possible steps are</p>	<p>The Applicant considers that the interpretation being put on 'seek' is entirely improper and has no regard to the context and that this duty applies 'in the exercise of' a planning function. The need for anything imposed in the planning decision to be necessary,</p>



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	<p>taken, as long as those steps are to further the purposes and not merely to avoid compromising the purposes. As regards what might be entailed by a need to take 'all possible steps', in the absence (at present) of any statutory guidance, SCC would suggest that this would cover steps concerned to further the purpose of conserving and enhancing the natural beauty of the AONB that it is practical and realistic to expect an applicant to achieve in the context of the project in question.</p>	<p>justified, related in scale and kind to the development and achieve a proper planning purpose is not displaced by the use of 'seek'.</p> <p>The Applicant notes that again SCC has not proposed any specific measure nor demonstrated how it would meet the necessary planning tests.</p>
	<p>SCC considers that the VE array areas would contribute to the erosion of the 'special qualities' of the Suffolk Coast & Heaths Area of Outstanding Natural Beauty ("SCHAONB"), as through the addition of further 'incongruous' features the intactness of the landscape, memorable views and the relative wildness would be further eroded.</p>	<p>The Applicant notes that offshore wind turbines are not described as 'incongruous' features in the published special qualities document (SCHAONB Partnership, 2016), which is a term used for elements on the coast of the AONB, such as the military site at Orford Ness and the power stations at Sizewell. The Applicant considers that the VE WTGs are not 'incongruous', as their addition as an extension to Galloper/Greater Gabbard is in keeping with their surroundings and the existing offshore wind farm elements visible from some stretches of the coastline. The VE WTGs are not overly unusual or different from what is currently present in the seascape and likely to occur further through consented developments.</p> <p>The Applicant notes that SCC has articulated the special qualities that it considers would be affected by the VE array areas – the 'intactness of the landscape', 'memorable views' and the 'relative wildness', noting that it considers that the VE arrays would contribute to the erosion of these special qualities. The Applicant assumes that SCC considers that these special qualities may be partially, but not fully eroded. This would not be reasonable, in the Applicant's view, given that the functional and ecological intactness of the landscape of the SCHAONB remains unaffected, and that memorable views and areas with relative wildness will continue to be experienced, despite the additional presence of the VE array areas.</p> <p>In relation to the special qualities, the Applicant points to its full and detailed assessment of the effects of the SCHAONB special qualities in Chapter 10 Seascape, Landscape and Visual Assessment [APP-079] (p208-227). In respect of the three qualities specifically referred to by SCC -</p> <p>Intactness: The Applicant notes that the effect of the VE array areas relates to the visual aspect of intactness, and not the functional or ecological intactness of the SCHAONB. This visual intactness is one specific aspect of the special quality. The SCHAONB qualities of close-knit semi-natural landscapes, important heath, acid grassland and protected species populations would not be affected by the VE array areas. The Applicant notes that the intactness of the seascape in which the VE array areas are located (SCT06 - Offshore Waters) is assessed as 'medium to medium-low' susceptibility to change in the Suffolk Seascape Sensitivity Study (SCC / SCHAONB Partnership, 2020), which describes it is a busy seascape, containing shipping and the Greater Gabbard and Galloper offshore wind farms. Characteristic man-made elements are well represented in the seascape. The Applicant's assessment is that the VE array areas will be consistent with the existing character of this part of the seascape and will not result in a significant degree of fragmentation, visually, given the position of the VE WTGs primarily as an easterly extension to Galloper.</p>



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		<p>Memorable views: The VE array areas may introduce further visible elements in the sea view component of the large open vistas across heaths and along the coast out to sea from localised areas of the coast, with the potential to be visible in the context of other coastal landmarks, however the relatively low elevation of the heaths, simple form of the coastline, long distance and position of the VE WTGs mainly behind other windfarms, reduces the potential to compete with landmarks within the SCHAONB. Some of these landmarks at the coast are also modern structures, such as Sizewell A and B and the former military site at Orford Ness. Other landmarks referred to in the SCHAONB Special Qualities are located inland and will be unaffected. Due to the relatively subtle changes to the relationship of constituent features and visible elements in sea view component of the large open vistas, the effect of the VE array areas on memorable views from the SCHAONB is assessed to be no greater than moderate/minor and not significant. Memorable views and views to landmarks including modern and historic structures will fundamentally continue to be experienced without significant changes as a result of the VE array areas, and any changes will be geographically contained to the coastal edges of the SCHAONB.</p> <p>Relative wildness: The effect of the VE array areas on the relative wildness of the SCHAONB is assessed in Chapter 10 Seascape, Landscape and Visual Assessment [APP-079] (p215-221). The assessment considers each factor of relative wildness in turn (including the sense of remoteness, human influences and sense of openness/exposure and enclosure/isolation). Due to the location of the VE array areas outside the SCHAONB, no physical attributes contributing to wildness special qualities will be changed. For example, it will not introduce modern artefacts into the SCHAONB itself, nor directly change the land use or its landform features, nor will it make a remote area of the SCHAONB more accessible (such as through the introduction of roads or access tracks). Since it cannot directly change the physical attributes of the SCHAONB, the location of the VE array areas over 37 km outside the SCHAONB boundary makes it unlikely to result in higher levels of change to the relative wildness of the SCHAONB. The VE array areas may only affect perceptual responses of wildness i.e. people's perception evoked by the physical presence of the WTGs offshore, such as the sense of remoteness, openness/exposure or enclosure/isolation. These have each been assessed in Chapter 10 Seascape, Landscape and Visual Assessment [APP-079] (p215-221) and it has been found that the changes arising from the VE array areas will not affect these qualities perceived within the SCHAONB to the degree that the qualities are substantially eroded and the effects are considered to be no greater than moderate/minor and not significant.</p> <p>SCHAONB special qualities relating to the relative wildness are also experienced from 'pockets of relative wildness associated with the coast, estuary and forests' (SCHAONB / SCC, 2016). The geographic locations of these 'pockets' are not defined in the SCHAONB special qualities report however, they are considered as relating particularly to the pockets of open coastal fens and estuaries/marshlands near the coast. The assessment has found that the visual containment of these low-lying estuaries and fens of the SCHAONB by the intervening raised dunes and shingle landforms along their eastern edge, reduces their association and the resulting changes arising from the VE array areas. By definition, as 'pockets of relative wildness', the geographic extent of changes to the sense of remoteness is not widespread and will be very limited to these isolated 'pockets', with the</p>



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		vast majority of the SCHAONB landscape experiencing negligible changes to the sense of remoteness perceived.
	<p>As these effects result directly from the visibility of the development from within the AONB, SCC considers that these are direct adverse effects. SCC does not follow the Applicant's line of argument that effects on the perceived character and special qualities are indirect effects, as they do result from the development itself. Indirect effects are defined in Guidelines on Landscape and Visual Impact Assessment ("GLVIA"), third edition, paragraph 3.22, as consequential change resulting from the development. The Applicant's own Seascape, Landscape and Visual Impact Assessment ("SLVIA") Methodology [APP-197] defines direct effects as follows: 'Direct landscape effects relate to the host landscape and concern both physical and perceptual effects on the receptor' (paragraph 1.10.5). [...] 'Visual effects are considered as direct effects, as the view itself may be directly altered by the VE array areas' (paragraph 1.10.7). SCC would consider that views 'from' the AONB has the same meaning as 'from within' and that the impacts are 'on' the landscape and character of the AONB, including its visual qualities.</p>	<p>The Applicant acknowledges that effects arising within the SCHAONB result from the development itself, however, as set out in its methodology [APP-197], the assessment considers indirect landscape effects as those relating to landscapes and receptors which are separated by distance or remote from the development and therefore are affected in terms of perceptual effects (rather than direct physical changes). This is the case with the SCHAONB at some 37 km distance from the VE array areas at its closest point. As noted in the Applicant's methodology, indirect effects are also defined in Guidelines for Landscape and Visual Impact Assessment ("GLVIA"), third edition (Glossary, p156) as <i>'Effects that result indirectly from the proposed project as a consequence of the direct effects, often occurring away from the site, or as a result of a sequence of interrelationships or a complex pathway. They may be separated by distance or in time from the source of the effects'</i>. This is widely interpreted and applied by landscape professionals undertaking LVIA to categorise indirect effects as those that, by nature, occur on landscapes away from and at distance from the proposed development (the source of effects), with direct landscape effects normally being confined to those on the host landscape, particularly within the site boundary (where physical changes to landscape elements may occur). As noted, visual effects are considered in the SLVIA as direct effects (APP-197, paragraph 1.10.7) as a view itself may be directly altered by the VE array areas (whereas changes in perceived character are assessed as consequential change resulting from the development (GLVIA3, para 3.22)). The Applicant considers this assessment approach is well established and widely practiced amongst LVIA professionals. This approach does not seek to downplay landscape effects when describing them as indirect, but instead provides a clear basis against which to distinguish between landscape effects occurring at source and those occurring away from the site that are separated by distance.</p>
	<p>SCC disagrees with the Applicant's submission that there is no harm to the AONB and elaborates on this point in response to SCC.04 below. SCC would note, that even if the Applicant were right about there being no harm, that the duty at s85 of the CROW Act is not only engaged by the prospect of 'harm', but by the exercise or performance of a function 'in relation to, or so as to affect, land in an area of outstanding natural beauty'.</p> <p>SCC considers that the harm is only minimised if the least harmful scenario is taken forward. Currently the Applicant still presents options of wind turbine heights/numbers on a sliding scale, with differing resulting levels of harm. SCC considers that the default position should be that only the least harmful option should be taken forward if that option is also able to achieve the objectives of the project. There may be a justification for greater level of harm than the minimum, for example for project delivery reasons but this would need to be clearly demonstrated. The greater the adverse effect caused by the project, the greater the implications for compliance with the s85 duty.</p>	<p>The Applicant has responded to the point about harm to the SCHAONB in response to SCC.04 below.</p> <p>The Applicant has set out its position with respect to this duty in previous submissions [PD4-006; REP2-039; REP3-024; REP3-024) and orally at ISH1 and ISH2. In reality there will be no 'least harmful' option capable of achieving the objectives of the project as the project will go through a multitude of refinements to reach those objectives in terms of maximising energy generation and minimising cost to the consumer. At no point will the Applicant or any offshore wind farm developer be in a position where there is a binary choice between two equally suitable projects that 'achieve the objectives'. Therefore the scenario proposed by SCC is a false one.</p>
	<p>Phasing requirement</p> <p>In our response to the Examining Authority's Second Written Questions ("ExQ2") DCO.2.05, SCC has proposed some wording for a phasing requirement which would secure that work on the offshore arrays cannot commence until a notification has been submitted to the relevant planning authority that: (a) states the date on which development consent was granted for the National Grid Substation; and (b) which sets</p>	See response to ECC.25



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	<p>out a timetable for the carrying out of works required to connect the authorised development. SCC would suggest that this is a reasonable and light-touch way of securing the correct phasing. It is important to observe that the proposed requirement would neither require approval by the relevant planning authority, or require the undertaker to carry out the construction of the connection works in rigid adherence to the timetable set out in the notification. SCC does not consider that the phasing requirement is a 'Grampian' restriction, as that term is conventionally understood because it does not seek to preclude the commencement of the project pending the satisfaction of some external event. Having regard to the Applicant's indicated timetable for carrying out the works to construct the wind turbine generators ("WTGs") that would be subject to the restriction (as set out in the construction programme in Figure 1.21 of the Offshore Project Description [APP-069]), the Applicant would be free to undertake all and any of the works programmed for Years 1 to 3 of the construction programme without being limited by the proposed phasing requirement.</p> <p>SCC considers that the wording of its proposed phasing requirement is precise and enforceable.</p> <p>The Applicant has observed that it is hard to imagine a developer that would commit to the expense of constructing the arrays without being confident of a secure connection to the grid. It is difficult to square this with the Applicant's resistance to such a requirement because if that does reflect the commercial realities, such a requirement would not impede the undertaker's flexibility in any way. Whilst the Applicant also contends that such commercial considerations would make the phasing restriction unnecessary, the Applicant can only speak for itself and its current assessment of commercial considerations. Article 7 of the draft DCO allows the benefit of the DCO to be transferred to another party (subject to various conditions), Requirement 1 allows for a 7-year implementation period, and commercial perceptions, and the extent of 'confidence' needed to make investment decisions may change during the currency of the DCO.</p> <p>SCC notes the Applicant's reference to paragraph 5.4.20 of the Examining Authority's ("ExA's") report in relation to the Sheringham and Dudgeon Extension Project, which refers in turn to para 2.3.5 of EN-5 as regards National Grid Electricity Transmission's ("NGET's") responsibilities to provide Grid connections. It should be noted that that was a reference to the original 2011 version of EN-5. The guidance on this matter is now to be found at para 2.8.5 of EN-5 (2024), and the guidance now only refers to 'electricity distributors have a statutory duty to provide a connection where requested'. In relation to the proposed substation at Lawford, NGET is not an electricity distributor but will be a transmission owner. Whilst NGET does have responsibilities in relation to making Grid connection offers, there are also reforms to the process of managing the connections queue that are being implemented by the National Energy System Operator ("NESO"), such that the circumstances that were being considered by the ExA in the Sheringham to Dudgeon Extension Project are not on all fours with the circumstances that now apply</p> <p>It is also the case that whatever NGET's responsibilities, if the Norwich to Tilbury ("N2T") project and in particular its substation at Lawford does not secure development</p>	



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	consent, that substation will not be delivered by NGET, and the Applicant will not have an available option for connecting the electricity generated by the WTGs to the National Grid. Hence, SCC maintains its view that a phasing restriction is justified.	
SCC.04	<p>The Applicant's response sets out to minimise the magnitude of visual effects of the offshore arrays on the AONB. None of this detracts from the fact that the Applicant acknowledges in its SLVIA that there are residual impacts on the special qualities of the Suffolk Coasts and Heaths AONB. In Table 10.39 of the SLVIA, Impact 16.7 is summarised as being of low magnitude of change to a high sensitivity receptor and having a moderate/minor effect. Similarly, Impact 16.24 summarises the (indirect) effect on perceived SCHAONB Special Qualities of cumulative impacts north of Orford Ness as being moderate/minor.</p> <p>At paragraph 1.10.10 of the Applicant's SLVIA methodology it is set out that "[u]nless it is stated otherwise, the effects considered in the assessment have been considered to be adverse". Table 1.3 of the methodology defines a 'low' magnitude of change so as to include a 'minor loss' of landscape elements and Table 1.5 of the methodology defines a 'low' magnitude of change so as to include a 'low level of alteration to the baseline view', which can arise where 'The addition of the VE array areas will result in a low change, loss or addition to the baseline view'. To the extent that there is recognition that even a 'low' magnitude of change can include some loss of either landscape elements or baseline views, SCC is unable to see why effects that the SLVIA assesses as 'low' magnitude changes should not be regarded as 'adverse' and so causing some degree of harm.</p> <p>The Applicant is correct that these impacts fall below the threshold of significance in Environmental Impact Assessment ("EIA") terms. But the Applicant contradicts itself by maintaining that there is no harm caused to the AONB by the project, when the materials in the Environmental Statement assess moderate/minor (i.e. greater than negligible) effects on the AONB's Special Qualities. To pre-empt any attempt to distinguish between 'harm' and 'adverse effects', SCC would argue that this would be a semantic exercise which would provide little assistance in understanding the statutory and policy framework within which the SoS must make his decision. It would, for example, have no bearing on whether the s85 CROW Act duty is engaged.</p> <p>The Applicant's findings of moderate/minor adverse effects on the perceptual Special Qualities of the Suffolk Coast and Heaths AONB means that the Applicant's comments about setting in this response are of limited relevance. The Applicant has accepted that there is harm (or, at least, that there are adverse effects) on the AONB in their own assessment (including the effects on the special qualities as summarised at paragraph 10.11.277 of the SLVIA). Further, it is worth noting that even though perceptual effects on the Special Qualities of the AONB are considered to be indirect effects by the assessment methodology (see paragraphs 1.10.5 and 1.10.6 of the SLVIA methodology), the assessment also includes direct visual effects (paragraph 1.10.7 of the SLVIA methodology) on views within the AONB.</p> <p>Paragraph 5.10.8 of National Policy Statement EN-1 confirms that the duty to seek to further the purposes of nationally designated landscapes also applies when considering</p>	<p>The Applicant acknowledges that there will be residual impacts on the special qualities of the SCHAONB, however, the assessments and consultations with IPs have concluded and agreed that these are of low magnitude and not significant. The Applicant welcomes confirmation from SCC that it considers the impacts of the VE array areas fall below the threshold of significance in EIA terms.</p> <p>The Applicant draws a distinction between low magnitude adverse effects and harm to the purpose of designation. The degree to which an effect is judged to be 'beneficial' or 'adverse' is an EIA term/requirement of the EIA Regulations, whereas harm is considered a higher-level test associated with planning policy. 'Harm' is not a term that is used in the Guidelines for Landscape and Visual Impact Assessment (GLVIA3, Landscape Institute, 2013), nor is there a requirement to assess 'harm' in EIA, with its use and consideration linked solely to the policy framework. Nevertheless, noting the policy framework within which the SoS must make his decision, the assessment usefully distinguishes levels of effect (major, moderate, minor and negligible), with major or major/moderate effects considered 'significant' for the purposes of applying policy tests and moderate effects having potential to be significant. Changes of low magnitude to a high sensitivity receptor fall below this significant threshold (moderate/minor). In the SLVIA, significant effects are taken to mean a material or definitive change to any SCHAONB special qualities, which does not occur – they are not material or definitive changes (significant effects) and this is agreed with IPs.</p> <p>As is clear in NPS EN-1, the policy is not for developments to avoid effects but to '<i>minimise harm to the landscape</i>' (5.10.6) and '<i>the aim should be to avoid harming the purposes of designation or to minimise adverse effects on designated landscapes</i>' (5.10.34). With this policy framework in mind, the Applicant's position is that the assessed low magnitude, not significant adverse effects on special qualities demonstrate that the Project minimises adverse effects on the SCHAONB; and that it would not result in harm to the statutory purpose of the SCHAONB and the policy aim to avoid harm is accordingly met.</p> <p>Non-significant adverse effects of low magnitude on the visual/perceptual aspects of certain special qualities experienced from part of the SCHAONB coast do not, in the Applicant's judgement, equate to harm to the purpose of the SCHAONB. Such harm would more likely result from significant effects, which may occur due to a high magnitude of change, major loss, or irreversible adverse effects, potentially over an extensive area of the SCHAONB.</p> <p>In accordance with the EIA Regulations, mitigation measures have been embedded within the design of the project to prevent and avoid any significant adverse landscape and visual effects.</p> <p>The Applicant accepts that there are low magnitude adverse effects on the perceptual aspects of certain special qualities associated with open vistas out to sea from localised areas of the coast, but it does not accept that there is harm to the SCHAONB, which is a</p>



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	<p>applications for projects outside the boundaries of these areas which may have impacts within them.</p> <p>These would be particularly experienced from northern coastal areas of the Suffolk Coast and Heaths AONB, as represented by Viewpoints 1, Southwold Gun Hill [APP-204], Viewpoint A Covehithe [APP-218] and Viewpoint B Southwold Pier [APP-219] from where the visual gap between the arrays of Five Estuaries and those of East Anglia TWO ("EA2") and Galloper would be closed, thereby having a curtaining effect in these locations. From the viewpoints at Dunwich Beach (VP2, [APP-205]), Dunwich Heath Coast Guard Cottages (VP3, [APP-206]), Sizewell Beach (VP4, [APP207]) the visual gap would be perceived as nearly closed. The viewpoints further south would be gradually less affected by this curtaining effect.</p>	<p>higher test. Specifically, in terms of the special quality relating to the influence of 'incongruous' features or elements, the assessment finds that although the VE array areas will result in additional influence of offshore wind energy development in the perceived character of the SCHAONB, it will not impair, harm or change significantly the perception of this landscape quality, in adding to what is already described as the 'cluttered horizon' from 'some stretches of the coastline' (SCHAONB / SCC, 2016).</p> <p>The Applicant rejects that there is any harm caused to the statutory purposes of designation of the SCHAONB and notes again that the nearest turbine is 37km offshore and that infrequent visibility in optimal conditions cannot reasonably be equated with harm. Low magnitude and not significant adverse effects to part of the SCHAONB do not damage the unity or soundness of the whole.</p> <p>Even if it were considered that some harm will occur, as is SCC's line of argument, the NPS policy does not require harm to be avoided, but instead to 'aim to avoid' or 'to minimise', both of which the Applicant considers it has achieved through the design of the Project, as evidenced by the low magnitude and not significant effects arising.</p> <p>With respect to the assessment of harm to the SCHAONB, the conclusion of 6.2.10 Seascape, Landscape and Visual Assessment [APP-079] is that significant adverse effects on special qualities of the SCHAONB will be avoided and the assessed effects would not undermine the statutory purpose of the SCHAONB nor compromise the purposes of the SCHAONB designation. The full reasoning for this conclusion is set out fully in Section 10.18. In summary, the Applicant considers that for the statutory purpose of the SCHAONB to be compromised, it would be necessary to conclude that the effects on special qualities were fundamental to the purposes for designation and affected to such a degree that the identified effects compromised those purposes and its overall integrity. The Applicant considers that although there are low magnitude not significant adverse effects (as determined in EIA terms) these do not translate into harm to the statutory purpose of the SCHAONB. The overall purpose of designation would not be compromised and the SCHAONB would continue to perform its statutory purpose.</p> <p>The Applicant notes that it was the conclusion of the Examining Authority and Secretary of State that harms resulting from <u>significant</u> effects of East Anglia TWO, Awel y Môr and Sheringham Shoal and Dudgeon on the special qualities of National Landscapes would still not compromise the purposes of the relevant designations affected. These are a useful benchmark to informing the approach to concluding on the impact upon special qualities and whether the statutory purposes of the designation are compromised.</p> <p>The Applicant is aware of the duty in respect of all 'relevant authorities' in that they 'must seek to further the purpose of conserving and enhancing the natural beauty' of the SCHAONB and has set out its position with respect to this duty in previous submissions [PD4-006; REP2-039; REP3-024; REP3-024] and orally at ISH1 and ISH2.</p> <p>In summary, and as set out in 10.26.1 Applicant's Comments on Local Impact Reports [REP3-025] at 7.37 the Applicant considers that it is not proportionate for further measures to be imposed given the low magnitude, non-significant impacts arising. The Applicant considers that the project reasonably conserves the special qualities and features of the</p>



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		<p>SCHAONB and that reasonable efforts have been made to avoid harm or minimise adverse impacts on the SCHAONB. In accordance with guidance (DEFRA, 2024), the Applicant considers that it has taken reasonable and proportionate steps to include measures that conserve the statutory purpose of the SCHAONB and has sought to avoid harm and minimise effects to its special qualities and characteristics.</p> <p>As it is outside the designated landscape, the relevant policy test is that “[t]he Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development” (NPS EN1 5.10.8).</p> <p>The Applicant takes the strong position that the impact of the Project on the special qualities of the SCHAONB is of low magnitude, not significant (moderate/minor) and indirect and therefore is not ‘harm’ which requires to be offset. The Applicant submits, given there are no significant effects, it is not proportionate for further measures to be imposed and that current measures are sufficient and appropriate. The Applicant submits that no such necessity has or can be demonstrated given the assessed, and agreed, level of potential worst-case impact is not significant.</p> <p>With regards to the comments on specific viewpoints provided by SCC, viewpoints at Dunwich Heath (VP3, [REP2-033]) and Sizewell Beach (VP4, [REP2-034]) will be slightly closer are 44km and 41km from the closest point of the array area respectively, a visual gap becomes more evident and these views are less affected by the potential curtaining of WTGs due to this ‘space’ on the horizon between VE and EA2. The potential for a curtaining effect diminishes further moving south along the SCHAONB coast, as the visual gap widens from viewpoints moving south along the SCHAONB coast, such as from Orford Ness (VP9 [REP2-037]) and Shingle Street (VP10 [REP2-038]) where the visual gap between VE and EA2 is clearly appreciable and almost all of the VE array is located behind the Galloper and Greater Gabbard wind farms.</p> <p>Viewpoints at Dunwich Beach and Southwold, to the north of the SCHAONB, are located over 46km from the closest point of the VE array area; and the viewpoint at Covehithe is located over 50km away. Although the gap between VE and EA2 is theoretically narrowest from these viewpoints, they are some of the most distant viewpoints, at a range where visual acuity and weather conditions will considerably limit any curtaining effect experienced. The assessment has identified effects of low magnitude that are not significant and Natural England agree with this assessment (Table 1 of RR-081) for WTGs of less than 399m in height.</p>
SCC.05	<p>SCC does not agree with the Applicant’s claim that the Norwich to Tilbury pylon line will have ‘a very limited influence’ on the Dedham Vale AONB (“DVAONB”). SCC recognises that the pylons will be to the west of the East Anglia Connection Node (“EACN”). However, SCC understands that the pylons for Norwich to Tilbury are likely to be 50 metres tall. This height is much taller than the proposed substations, of which Five Estuaries’ will be 15 metres tall, meaning that the pylons are much more likely to be seen from the DVAONB. Therefore, the pylons could have adverse effects on the special qualities of the DVAONB which could pass the threshold of significance. Moreover, the mitigation planting, which is designed to mitigate visual impacts caused by the Applicant’s substation, is unlikely to fully screen views from the pylons from the</p>	<p>It is important to distinguish between the solus and cumulative effects that have the potential to arise in respect of the different projects proposed in the vicinity of the EACN. Considering firstly the potential effects on the National Landscape; the effects on landscape character and visual amenity arising as a result of the Norwich to Tilbury OHPL is a matter for consideration in National Grid’s LVIA for that specific development and not the Five Estuaries LVIA. The cumulative effect between the Five Estuaries onshore substation and the Norwich to Tilbury OHPL is, however, a matter for consideration in the Five Estuaries LVIA and an assessment supported by visualisations is presented here. Indicative visualisations have been prepared from four potential viewpoints in the DVAONB.</p>



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	<p>DVAONB. SCC understands from National Grid's proposed route of the Norwich to Tilbury pylons that the pylons will extend into the site of the EACN and 500 metres at most would separate the 50 metre pylons and the Five Estuaries substation. Without the benefit of further viewpoint assessment, SCC cannot be certain that the inclusion of the Norwich to Tilbury pylons will not have an effect on the Applicant's cumulative effects assessment.</p> <p>This could be by arrangements to contribute funding which could be secured through a planning obligation. This funding could be administered by the Suffolk and Essex Coast and Heaths National Landscape Partnership, and be required to contribute towards relevant objectives of the SCHAONB management plan. SCC would defer to the Partnership on which objectives should be the focus of consideration but would expect them to be those most closely related to the experience of the coastal landscape and the seascape of the SCHAONB, and so most capable of offsetting (not mitigating) the residual harm caused to those aspects of its special qualities as well as furthering the statutory purposes. As the partnership is an unincorporated body, SCC hosts many of the Partnership's administrative functions and would have to be party to any legally binding deed.</p>	<p>In order for a significant cumulative effect to arise within the DVAONB there would need to be a notable influence from both the Five Estuaries substation and the Norwich to Tilbury OHPL. The ZTV [APP-180, Figure 2.9] illustrates the limited extents and levels to which the Five Estuaries onshore substation will be theoretically visible across the DVAONB owing to the screening effect of landform. Site work has revealed that actual visibility is even more localised owing to the screening effect of mature tree cover in this area. Select viewpoints representing localised visibility are presented in Figures 10.34.10 to 10.34.13 with a plan of these additional viewpoint locations presented in Figure 10.34.9. The visualisations for the viewpoints are indicative in that they show the cumulative developments superimposed on the photograph, using Rochdale envelope 3D boxes for the three substations and a model of the towers and lines for the Norwich to Tilbury OHPL. Fully rendered photomontages have not been produced because there will be no visibility of the Five Estuaries substation and, therefore, they are sufficient in illustrating this point.</p> <p>The visualisations show that the Five Estuaries onshore substation will be screened by intervening landform and existing vegetation. The visualisations apply the Rochdale Envelope which means the maximum parameters of the AIS footprint and GIS height create an unrealistic worst-case scenario and actual visibility would be less than what is shown</p> <p>There will be no cumulative magnitude of change relating to the Five Estuaries onshore substation as it will not be visible and, therefore, there will be no significant effect or significant cumulative effect on the DVAONB as the Five Estuaries onshore substation would not redefine the landscape character of the DVAONB or the representative views of it and would also not contribute to any cumulative effect occurring in the AONB.</p> <p>In considering the cumulative effect of adding the Five Estuaries onshore substation to a cumulative baseline comprising the Norwich to Tilbury OHPL, there will be no cumulative magnitude of change and no cumulative effect. While the indicative visualisations show the Norwich to Tilbury OHPL as a readily visible feature from the DVAONB viewpoints, the fact that the Five Estuaries onshore substation will be screened means that it will not have an influence on the cumulative context and there will not be a cumulative effect, despite the potential for a solus effect in respect of the Norwich to Tilbury OHPL.</p>
	<p>SCC understands the Applicant's reasoning for a sliding scale relation between wind turbine heights and numbers. SCC understands that the Applicant now proposes that up to 46 wind turbines could be provided at a height of up to 370m (paragraph 7.29 of REP3-025). SCC is of the view that the effects of 46 wind turbines of 370m would not be materially different to the effects of 41 wind turbines of 370m, provided they are within the same defined Order limits for the arrays, and so SCC is content that there is sufficient information to assess the project as now explained. It would, however, have been helpful if the additional wireline visualisations for wind turbines at 370m would have been accurately allowing for 46 wind turbines, rather than 41.</p>	<p>The Applicant notes SCC's response and is pleased to reach agreement on this matter.</p>
	<p>SCC disagrees with the Applicant that residual, non-significant effects cannot be considered harmful to the purposes of a designation and considers that, in particular, an accumulation of non-significant effects (for example sequential effects along the coast) can be harmful.</p>	<p>The Applicant has responded to the issue of 'harm' to the SCHAONB in response to SCC.04.</p> <p>The case proposed by SCC that residual adverse effects, even where below significant in EIA terms (as is agreed to be the case with SLVIA impacts), require additional steps to</p>



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	<p>SCC disagrees with the Applicant's position that the impact of the Project on the special qualities of the SCHAONB is not 'harm' which is required to be offset. SCC considers that the scheme contributes to the erosion of special qualities of the SCHAONB. SCC considers that in this context, as it is not possible for primary design measures to further the statutory purposes of the AONB, it would be appropriate for the project to take practical and achievable steps for the conservation or enhancement of the natural beauty of the SCHAONB by other measures. This would be in accordance with policy at paragraph 5.10.8 of National Policy Statement EN-1, which notes that the duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them, and also requires the Secretary of State to be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development. SCC would argue that where there are residual adverse effects, after primary mitigation measures inherent to the project design, it cannot be sufficient for no additional steps to be taken.</p> <p>This could be by arrangements to contribute funding which could be secured through a planning obligation. This funding could be administered by the Suffolk and Essex Coast and Heaths National Landscape Partnership, and be required to contribute towards relevant objectives of the SCHAONB management plan. SCC would defer to the Partnership on which objectives should be the focus of consideration but would expect them to be those most closely related to the experience of the coastal landscape and the seascape of the SCHAONB, and so most capable of offsetting (not mitigating) the residual harm caused to those aspects of its special qualities as well as furthering the statutory purposes. As the partnership is an unincorporated body, SCC hosts many of the Partnership's administrative functions and would have to be party to any legally binding deed.</p>	<p>further mitigate goes against EIA principles and simply is not applied to any other receptor. The Applicant does not see that the duty under LURA changes this. It would be reasonable to consider, given the proposal from SCC, at what level of impact no additional steps would need to be taken, or whether any development in sight of an AONB, no matter how minimal that impact was, would require further mitigation. This cannot be the intended purpose of this duty.</p> <p>The Applicant fundamentally disagrees that providing funds to mitigate a non-significant impact is reasonable or required.</p>
SCC.07 to 0.8	<p>SCC's concern about not including Bramford to Twinstead in the cumulative assessment is that Bramford to Twinstead have shown in their Construction Traffic Management Plan ("CTMP") that two construction routes and one Abnormal Indivisible Load ("AIL") route connect with the A12, specifically:</p> <ul style="list-style-type: none"> • Junction 28, A12/A134 at Colchester (AIL and heavy goods vehicle ("HGV")); and • Junction 31, A12/B1070 Holton St Mary (HGV). <p>As the A134 is the sole link to the main construction compound for the project at Assington, it is reasonable to expect the construction traffic to have an impact on this road and the A12. It should be noted that junction 28 of the A12 is included within the Applicant's Traffic and Transport Study Area [REP1- 018, figure 8.1], meaning that the cumulative effects assessment for that part of the A12 should include the effects of the Bramford to Twinstead project on the Applicant's own terms.</p> <p>Due to the use of the A12 by Suffolk businesses, traffic levels are still of an interest to SCC, but SCC recognises that most of the cumulative effects of Bramford to Twinstead and Five Estuaries Offshore Wind Farm ("OWF") will occur in Essex and on National Highways' Strategic Road Network. So, while SCC maintains a concern, we will defer to Essex County Council's and National Highways' judgement on this point.</p>	<p>No HGVs associated with the Project are likely to join or leave the A12 at Junction 28, so would not impact the local highway network. If they did, they would be small in number and not trigger the need for formal assessment under EIA Regulations.</p> <p>8.8% of workforce vehicles assumed to join at this link (74 two-way at the peak of construction), which is 0.007% of the daily flow on the A134, which would not trigger the need for formal assessment under EIA Regulations.</p> <p>This should not be of concern to SCC as these are National Highways and Essex County Council roads.</p> <p>No HGVs are likely to join or leave the A12 at Junction 31, so would not impact the local highway network. If they did, would be small in number and not trigger the need for formal assessment under EIA Regulations.</p> <p>A small number of workforce vehicles could use this junction but would not trigger the need for formal assessment under EIA Regulations.</p> <p>Given no formal assessment of the Project alone under EIA Regulations should be required at these junctions, no cumulative impact assessment is required.</p>



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SCC.09 to SCC.14	<p>SCC has set out its position on the regulation of AIL movements in its response to ExQ2. Suffolk is experiencing a significant number of applications for AIL movements within the county resulting from other nationally significant infrastructure projects ("NSIPs") in the construction phase, placing considerable strain on police and local highway resources. SCC understands that Suffolk Constabulary are operating at their maximum capacity for escorting loads due to the large numbers of energy infrastructure projects. The quantity of loads moving through Suffolk as a result of energy projects under construction is creating a high degree of disruption, which is why Suffolk County Council is asking that the Construction Traffic Management Plan commits to using routes which are known at this point to be feasible (e.g. the route which originates at Harwich). The limited capacity in Suffolk of the police to escort loads and the transport network to absorb them is a potential source of risk for project programmes, as multiple projects are competing for police resources and road space.</p>	<p>The Applicant considers existing regulations to be sufficient in controlling AIL movements and managing impacts, therefore any other form of control simply serves to duplicate existing controls. The Applicant notes the SCC concerns over the notice period has included additional drafting in the Outline Construction Traffic Management Plan – Revision D submitted at this Deadline.</p> <p>Examples include in para 2.1.3 <i>"Supporting the Applicant with highway stakeholder engagement, including early engagement with the relevant highway authorities on the timescales and potential routing for the planned AIL movements to minimise disruption"</i> and Section 7.2 – Special Order Deliveries. <i>"7.2.2 The location that the reactors would be delivered from is unknown at this stage. An assessment of the route once identified, would be undertaken and discussed with the relevant highway authorities in advance of any notification being issued/movements."</i> The Applicant hopes this addresses SCC's concern.</p>
SCC.15	<p>At present, SCC is not convinced by the Applicant's representation due to a lack of data provided by the Applicant regarding its position on the ineffectiveness of Port Traffic Management Plans. The Applicant cites the Sofia OWF in which ports hundreds of miles away required management plans. In the case of Five Estuaries OWF, SCC would only request that ports within Suffolk (as requested by SCC) and ports within Essex (as requested by ECC) should require such plans. The requirement could be written to limit the geographic scope of the requirement as necessary.</p> <p>SCC's experience with other offshore windfarms, most notably the East Anglia ONE North ("EA1N") and EA2 offshore windfarms, is that plans to manage traffic and improve sustainable travel behaviours were offered on the initiative of the applicant in those cases.</p> <p>A Port Construction Traffic Management and Travel Plan would enable the Applicant to show compliance with EN-1, specifically:</p> <p><i>5.14.7 The applicant should prepare a travel plan including demand management and monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to:</i></p> <ul style="list-style-type: none"> <i>• reduce the need for parking associated with the proposal</i> <i>• contribute to decarbonisation of the transport network</i> <i>• improve user travel options by offering genuine modal choice</i> <p><i>5.14.8 The assessment should also consider any possible disruption to services and infrastructure (such as road, rail and airports).</i></p> <p><i>5.14.9 If additional transport infrastructure is needed or proposed, it should always include good quality walking, wheeling and cycle routes, and associated facilities (changing/storage etc.) needed to enhance active transport provision.</i></p> <p><i>5.14.18 A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility.</i></p>	<p>The Applicant has provided data on the Sofia Offshore Wind Farm in 10.20.9 Technical Note: Use of Ports for Construction submitted at this Deadline.</p> <p>The utilisation of a port for activities which are permitted to occur at the port are considered within the port's own consent and as such do not require additional controls. Mitigations mentioned in EN-1 (such as travel plans, assessments of traffic, and monitoring measures) are assessed for construction impacts of the Five Estuaries project, where the project itself could have an impact on the surrounding area as existing infrastructure is used <u>beyond</u> its regular capacity. The project use of existing port facilities is within its regular capacity, and is therefore not considered by the Applicant to require a standalone traffic management plan.</p> <p>In the case where the port is expanded or additional facilities added, the expansion would be subject to a separate independent planning approval processes where the traffic will be considered. The Applicant is not seeking any such port expansion, for an O&M port or construction activities, under this DCO.</p> <p>The Applicant appreciates the limited geographic scope that SCC is suggesting, although notes that the requirement to submit Port Traffic Management Plans only within Suffolk and Essex discourages the use of ports within these areas by adding additional bureaucracy while providing no meaningful benefit.</p> <p>With regard to the use of a Port Construction Traffic Management Plan for elements of onshore construction, The Applicant notes that traffic associated with the onshore works is fully assessed within 6.3.8 Traffic and Transport - Revision C [AS-043]. No impacts associated with ports were identified and any additional mitigation for construction traffic would be included within the Construction Traffic Management Plan(s), as is detailed in 9.24 Outline Construction Traffic Management Plan – Revision C [AS-055]. The Applicant suggests that it may be useful for the ExA to request the views of the ports on this, as they will have the detailed understanding of how customers, including offshore wind farms, would work with their existing permissions.</p>



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	<p>As the Applicant has not provided any data on traffic associated with a port required for construction of the offshore elements of the project SCC cannot understand how the impacts can be claimed to be covered by extant planning permissions or so small as to have the impact scoped out. A Port Construction Traffic Management and Travel Plan would allow flexibility to the applicant to decide on a location and assess any impacts once this decision is made.</p> <p>SCC understands from a meeting with the Applicant that it plans on sharing data from its previous experiences with Port Traffic Management Plans. SCC will update the ExA in due course on whether this alters its position.</p> <p>SCC understands that the Applicant wishes to retain flexibility when it comes to the use of ports in order to be able to react swiftly to the changing demands of offshore construction. SCC is willing to be pragmatic and considers it likely that flexibilities can be built into the management plan itself or the text of the requirement.</p> <p>SCC provided examples of Outline Port Construction Traffic Management and Travel Plans for the EA1N and EA2 offshore wind farms in the appendices to its Local Impact Report ("LIR") and these included (at para 2 in each case) the terms of the relevant draft DCO requirement(s). The DCOs as made were in materially the same terms. Given that (thus far) the Applicant has resisted the principle of a Port Construction Traffic Management Plan, there is no outline plan before this Examination. As noted above, SCC is also content that the geographic scope of the requirement can be limited to ports in Suffolk and in Essex. Also, the construction programme for this project envisages that the construction of the onshore substation will be the first element to be constructed (and its construction would be expected to include the delivery of plant and materials sourced via a port) and so the requirement for a Port Construction Management Plan needs to be linked to that element and not just to the wind turbines. Subject to those three revisions, SCC considers that the requirements found to be acceptable to the Secretary of State at EA1N and EA2 would provide a suitable precedent for a requirement here. SCC therefore proposes a requirement as follows:</p> <p>"(1) No part of Work Nos. 1 or 15 may commence until— (a) a port construction traffic management plan for the onshore port-related traffic to and from the construction port or ports and relating to that part of the authorised development, has been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority; or (b) the relevant highway authority has confirmed, after consultation with the relevant planning authority, that no port construction traffic management plan is required for that part of the authorised development.</p> <p>(2) No part of Work No. 1 may begin operating until— (a) a port travel plan for the onshore port-related traffic to and from the operation port or ports and relating to that part of the authorised development, has been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority; or (b) the relevant highway authority has confirmed, after consultation with the relevant planning authority, that no port travel plan is required for that part of the authorised development.</p>	



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	<p>(3) The port construction traffic management plan must be implemented as approved at all times specified within the port construction traffic management plan during the construction of the authorised project.</p> <p>(4) The port travel plan must be implemented as approved at all times specified within the port travel plan during the operation of the authorised project.</p> <p>(5) For the purposes of this requirement— “relevant planning authority” and “relevant highway authority” mean— (a) in respect of sub-paragraph (1), the planning or highway authority or authorities in whose area the relevant construction port is located; and (b) in respect of sub-paragraph (2), the planning or highway authority or authorities in whose area the relevant operation port is located; “construction port” or “ports” means a port or ports situated in the counties of Suffolk and/or Essex and used for construction of the authorised project; and “operation port” or “ports” means a port or ports situated in the counties of Suffolk and/or Essex and used by management personnel for the ongoing operational management of the authorised project.”</p>	
SCC.16	<p>As SCC notes in its response to TT.2.07 of ExQ2, SCC recognises that the Applicant's works at Orford Ness will be suitably controlled by requirement 18 of the DCO which secures that the compensatory works would be subject to discharge of details of vehicular and pedestrian access and a construction methods statement to be approved by the relevant planning authority. SCC would accept that this matter is sufficiently dealt with in this way. In common with our other requests to be a statutory consultee, SCC would ask that the highway authority is required to be a consultee for this requirement. SCC would like to see the phrase ‘after consultation with Suffolk County Council’ added to the end of paragraph (1) of requirement 18 to secure this.</p>	<p>The relevant planning authority has the ability to consult with SCC highways should it be considered appropriate.</p>



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<p>SCC.19 and SCC.23</p>	<p>SCC accepts and appreciates that Suffolk is not considered a local region in the Outline Skills and Employment Strategy ("OSES"), and that the primary focus of the Applicant's activities will be in Tendring. However, it notes that Suffolk is considered to be a region within the scope of activities which will be carried out by the Applicant as detailed in the final Skills and Employment Strategy ("SES"), as stated, for instance, in paragraph 1.3.1 of the OSES [APP-260]. It should also be noted that there is a high likelihood that the Applicant's offshore activities, both during the construction and operational phases of the project, will be centred around ports in, or adjacent to, Suffolk due to the proximity of the offshore aspects of the project to the region. This means that the Applicant's skills and employment activities which relate to its offshore activities are likely to be relevant to Suffolk. Moreover, whilst the focus of the activities in the SES relating to the Applicant's onshore works will focus on Tendring, the Applicant agrees that they will be of some relevance to Suffolk. SCC, therefore, considers it good practice and beneficial for it to be a named statutory consultee of requirement 16 of the DCO which relates to the SES. Also, given that many initiatives will affect Essex as well as Suffolk, it would make sense and be consistent for Essex County Council also to be named as a consultee.</p> <p>This could be done by adding the words "after consultation with Essex County Council and Suffolk County Council" at the end of paragraph (1) of Requirement 16.</p> <p>SCC understands that the successful implementation of skills and employment activities must be done on a consensual and collaborative basis between the Applicant and relevant authorities. SCC is not trying to undermine this principle in its request to be a consultee to the discharging authority; rather, it is trying to support this principle by ensuring that its position is properly informed and is fairly considered by the discharging authority. SCC appreciates the potential for economic benefits to result from the delivery of this project and wants to ensure that activities within Suffolk which contribute towards these positive effects are effectively implemented. By being a named consultee of the requirement, SCC will be able to give feedback in a positive way to the discharging authority on the Applicant's approach to activities in Suffolk, and whether there are changes which could be made which could facilitate a better approach between the Applicant and SCC towards these activities given the complex and dynamic effects of the many NSIPs happening in Suffolk on its labour market. SCC envisages this process to be mutually beneficial in nature due to the effectiveness of such activities affecting the benefits gained by both the Applicant and Suffolk.</p> <p>Being named as a consultee in the DCO, as opposed to being an optional consultee, alters the procedures of the consultation which ensures that SCC's comments are properly informed and fairly considered. As detailed in paragraphs 3 and 4 and sub-paragraphs 3 and 6 of paragraph 6 of part 2 of Schedule 1 of the DCO [REP3-005], statutory consultees will be able to request more information, and be informed of extra information, and will be bound to timescales to ensure a swift decision is made by the discharging authority. SCC will also have enough time to give an adequate response to the consultation. The discharging authority will have regard to SCC's comments so far as they are relevant to the decision they have to make, and it will be against SCC's interests to undermine the consensual basis of the Applicant's proposed activities relating to Suffolk.</p>	<p>The Applicant maintains its position that securing consultation in the outline plan is sufficient in the circumstances. The Applicant again notes that there is no predicted adverse impact in Suffolk which requires to be mitigated or controlled through this plan and there is no need or justification for them to be secured as a consultee in the requirement.</p>



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	<p>On a point of detail SCC would observe that, contrary to what is said in the Applicant's comments in SCC.23, SCC is in fact a host authority because part of the works are within Suffolk, albeit it is not for that reason that SCC suggests it should be a statutory consultee because it accepts that the works directly within Suffolk are unlikely to have significant employment implications.</p>	
<p>SCC.29 to SCC.33</p>	<p>The SoS will need to demonstrate that any decision made is compliant with the UK's treaty obligations in regard to both Eurobats and the Aarhus convention on migratory species. This is a matter on which Natural England ("NE") will need to advise the ExA and SoS, not a matter for Suffolk County Council.</p> <p>Given the relative simplicity and established nature of the mitigation required, and the potential implications for treaty obligations, (on which Natural England can advise the ExA), SCC suggests that it would be both reasonable and appropriate to consider the application of a precautionary approach in this instance. This would have the advantage of ensuring the matter is closed rapidly, and that a decision is not delayed, because additional data, evidence, or advice, is required to be gathered to allow the SoS to make a decision. However, of course, SCC defer to Natural England on this matter, as they are the advisor to His Majesty's Government ("HMG") on these matters.</p>	<p>The Applicant refers to it's response to Natural England on this matter (see response to NE80 in 10.34.1 Applicant's Comments on Natural England's Deadline 4 Submissions), but further notes that the 'precautionary principle' or a 'precautionary approach' as has been suggested by SCC has no basis in EIA, which requires a proportionate assessment of likely significant effects. The precautionary principle applies to the habitats regulations which are not invoked by this issue.</p>
<p>DCO.2.05</p>	<p>As a host authority (as regards the lesser black-backed gull ("LBBG") compensation measures) and as a neighbouring authority, SCC has an interest in ensuring that the terms of any DCO that may be made adequately safeguard its interests and address its concerns. This project's connection to the Grid is dependent on the consent and construction of the East Anglia Connection Node ("EACN") as part of the proposed Norwich to Tilbury ("N2T") project. According to the National Infrastructure project page for the N2T project, that application is not due to be submitted until June-August 2025, after the close of the present examination, and it is not likely to be determined until after the time for a decision on the present application. EN-1 makes it clear that, whilst it is permissible for a DCO promoter to decide (at its own risk) not to include all necessary elements of the project within its application, where this is done the applicant must</p>	<p>The National Grid proposed project is not an element of this project It is entirely up to National Grid how it delivers the grid connection and the Applicant is entirely agnostic on that point, The Applicant has no control over whether the connection is consented through the Norwich to Tilbury DCO or another consent for a different form of scheme.</p> <p>NPS-EN1 provides: "4.11.5 The applicant must liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional DNO or TSO to secure a grid connection.</p>



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	<p>confirm that there are no obvious reasons for why other elements are likely to be refused (para 4.11.8) and EN-1 states that the deciding Secretary of State should be satisfied that appropriate network arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted (para 4.11.12). EN-1 also states (at para 5.10.8) that the duty to seek to further the purposes of national landscapes applies to projects outside the boundaries of such areas which may have impacts within them and that in such a case the Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate, and proportionate to the type and scale of the development. Suffolk County Council is currently opposed to the N2T proposals in their current form. SCC understands that is also the case for Babergh and Mid Suffolk District Councils, South Norfolk Council, Tendring District Council, Chelmsford City Council, Norfolk County Council, and Essex County Council. Given that there is therefore some doubt surrounding whether or not the EACN will be consented and constructed, SCC considers it necessary for the Five Estuaries Applicant to include a Requirement within Schedule 2 of the draft Development Consent Order for a phasing restriction. This would ensure that the harmful effects of the wind turbine generators ("WTGs") on the Suffolk Coast & Heaths Area of Outstanding Natural Beauty ("SCHAONB") would not be realised unless and until consent for the construction of the EACN is secured. SCC has raised this matter in its Local Impact Report ("LIR") [REP2- 046], and during Issue Specific Hearing 2 ("ISH2") [REP1-071] and ISH4 [REP3- 028]. SCC proposes the following wording for such a Requirement:</p> <p>"Work No. 1 must not be commenced until notification in writing has been submitted by the undertaker to the relevant planning authority which: (a) states the date that development consent was granted for the new National Grid Substation; and (b) sets out a timetable for the carrying out of all works comprised in Work No. 16(a), being the works necessary to connect the authorised development to the new National Grid Substation."</p> <p>SCC also considers it necessary for the Applicant to provide a definition of 'National Grid Substation' within the dDCO. This term is already used in the description of Work No. 16 but it is not currently defined. Provided this is included, SCC considers that the two instances of the word 'new' before 'National Grid Substation' can be removed from the proposed wording above.</p> <p>SCC also considers that, given that the word 'new' does not appear elsewhere in the dDCO, the phrase 'new national grid substation' should be amended to 'National Grid Substation' in paragraph (b) of Work No. 16 of Schedule 1.</p> <p>SCC continues to seek changes to Requirements 7 and 16 in relation to SCC being made a consultee (as explained at ISH4 and in REP3-028) and a new Requirement in relation to ports construction traffic management (as also explained at ISH4 and in REP3-028). The changes the SCC wishes to see are set out in its response to the Applicant's comments on its LIR, as also submitted at this deadline, and so are not repeated here. In relation to Requirement 18, see the response below to ExQ2 TT.2.07.</p>	<p>4.11.6 Applicants may wish to take a commercial risk where they have not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application."</p> <p>The Applicant has received and accepted a grid connection offer from National Grid. The Application accordingly complies with EN1 and has not needed to take a commercial risk on the connection as it has done everything required of it.</p> <p>It is very clear that the VE generation assets and National Grid works are separate projects and the EACN does not form part of this project. This is not an element the Applicant has chosen not to include, it is an entirely separate project. The 'appropriate arrangement' here is that the project has a signed grid connection with National Grid for its connection to export the power. That agreement is in place.</p> <p>It is improper and unjustifiable to seek to prevent the delivery of this project because the Council opposes another project by another developer entirely outside of the Applicant's control. The Applicant has a signed grid connection agreement with National Grid – that is all it is required to have. It is for National Grid to determine how to deliver that connection and it is not reasonable to prevent delivery of this project because SCC does not support how National Grid currently propose to deliver grid upgrade works.</p> <p>The requirement sought would have the potential to make the project less competitive at CfD, contrary to the NPS which recognises the urgent need for offshore wind and that CfD is "A key mechanism for increasing deployment of low carbon generation" (NPS EN1 at 2.4.2). The imposition of such a requirement would not align with the NPS.</p> <p>EN1 is clear that renewable energy projects are urgently needed: "3.3.58 Given the urgent need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy.</p> <p>3.3.62 Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure."</p> <p>Adding in this artificial and unnecessary delay is not in accordance with EN1.</p>



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	<p>SCC also remains concerned about the degree of flexibility within the parameters in Table 1 of Requirement 2 as regards the number of WTGs but this is addressed more fully in its response to the Applicant's comments on its LIR.</p>	
TT.2.01	<p>Strategic Road Network ("SRN"): Whilst not the responsibility of Suffolk County Council the impact of additional construction traffic on the A14 or the A12 south of Ipswich may have an impact on the Suffolk economy and residents due to congestion or reduced road safety, for example at the A12/A14 Copdock Interchange.</p> <p>Abnormal Indivisible Loads ("AILs"): The regulatory regime for the control of AIL movements is complex but it is not the case that movements falling within the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (SI 2003/1998), which are commonly referred to as STGO movements, are subject to consent by SCC. Instead, there is a requirement on a haulier wishing to undertake such a movement to give 2-5 working days' prior notice to the highway authority (which would be SCC for non-SRN roads and bridges in Suffolk) and to the police (see Article 17 and Schedule 9) and to provide an indemnity as regards damage. Hauliers are recommended to use the National Highways ESDAL system for all AIL movements although it should be recorded that SCC does not consider ESDAL as an adequate assessment tool for structures. For instance, the ESDAL system does not account for complexities such as the weight carried by each axle of a vehicle as opposed to the total weight of the vehicle. SCC's highways structural details are not recorded on the ESDAL system and therefore it is not an appropriate tool for the management of AILs on SCC's network. Hauliers are therefore referred to SCC via Cascade which has updated data regarding the suitability of structures for non-special movement order (non-"SMO") AILs. This system is adequate to handle STGO AIL movements, since it can identify highway structures which are marginal or unacceptable based on assessments previously undertaken by SCC. In such cases the haulier can be asked to reroute the movement or agree suitable remedial actions with the highway authority. However, due to the increasing prevalence of such movements in Suffolk, the system is near capacity. Moreover, SCC's Cascade system does not include assessments on the suitability of structures for SMO AILs. So, if SMO AILs were to travel through Suffolk, the Applicant would have to carry out its own refined assessments to deem whether the structures along its proposed route are suitable for such AILs, and adjust their routes accordingly.</p> <p>However, provided that the requisite details for the movement are given in the notice, which has to be in an agreed form, and subject to no restrictions being in place for specific highway structures SCC has no power to refuse to allow the movement using a route to take place or to restrict it to a specified date/time (or dates/times). This inability can cause issues in several ways. For instance, it may be the case that the structures are suitable for the AIL movement, but the route is impractical for other reasons, such as causing disruption by going through a town centre. It is such non-structural aspects, along with the structural suitability itself, of AIL routes which SCC envisaged to be included in its request for the Applicant to assess the 'suitability' of possible AIL routes in its post-hearing submission following ISH3 [REP-028, section 3.7]. Additionally, SCC's ability to coordinate multiple AIL movements in terms of resources and timings is restricted, which can lead to unnecessary disruption for road users and delays for hauliers. SCC acknowledges that its website (extracts of which are provided in Appendix 1 of REP3-025) does suggest that there is a need for 'consent' but this is</p>	<p>In terms of the A12 south of Ipswich, the Applicant has assessed the potential impact of the Project within the study area agreed with National Highways and did not identify any significant effects. The A12 Copdock Interchange and A14 are outside of the agreed study area.</p> <p>The Applicant notes the comments and information related to AILs and the Suffolk highway network. See the Applicant's response to SCC.09 to SCC.14.</p> <p>The Applicant notes the comments regarding junctions in the vicinity of Suffolk Ports. See the Applicant's response to SCC.15 regarding the potential use of a Port in Suffolk for offshore construction works.</p>



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	<p>simply imprecise shorthand in a general description of the abnormal load notification process reflecting the authority's duty to maintain the public highway, in this case by avoiding damage to unsuitable highway structures through overloading.</p> <p>Suffolk is experiencing a significant number of notifications of AIL movements within the county resulting from other NSIPs in the construction phase, placing considerable strain on the police and local highway resources. SCC understands that Suffolk Constabulary are operating at their maximum capacity for escorting loads due to the large numbers of energy infrastructure projects. The quantity of loads moving through Suffolk as a result of energy projects under construction is creating a high degree of disruption, which is why Suffolk County Council is asking that the Construction Traffic Management Plan commits to using routes which are known at this point to be feasible (e.g. the route which originates at Harwich). The limited capacity in Suffolk of the police to escort loads and the transport network to absorb them is a potential source of risk for project programmes, as multiple projects are competing for police resources and road space.</p> <p>Given the concerns raised by SCC on the movements of AILs, SCC strongly encourages the Applicant to take a more holistic and long-term approach. This type of approach would include giving SCC sufficient foresight of the proposed timeline of AIL movements as they relate to Suffolk. This point is particularly pertinent to SMO AILs, regarding which SCC recommends giving at least six months' notice of the movement as best practice. Such advanced foresight allows SCC to effectively manage the movement and coordinate with National Highways and the Suffolk Constabulary, decreasing the likelihood of the Applicant encountering delays. SCC also recommends giving more notice than that which current legislation requires for STGO AILs for similar reasons considering the increasingly high volume of notifications SCC receives for such movements. Such an approach would also decrease the likelihood of the Applicant encountering delays for STGO movements. SCC considers that several potential adverse impacts outlined in this answer are not mitigated by current legislation and standard procedures. Therefore, SCC would like to see, secured within a relevant control document, a commitment from the Applicant to give timelines of its proposed AIL movements, including origins and destinations, sufficiently in advance of the movements themselves. SCC considers this request to be in line with the Applicant's commitment to minimise impacts which could be caused by its AIL activities [AS-55, paragraph 2.3.5]. Additionally, SCC notes that in that paragraph from the Outline Construction Traffic Management Plan (OCTMP), the Applicant commits to following standard procedures to achieve this mitigation. For the reasons already outlined, SCC does not agree that standard procedures are sufficient to adequately minimise impacts.</p> <p>Suffolk County Council can, if required, supply data on the quantity of notifications received for movements of AILs. Simply to illustrate its concerns, SCC refers to the following recent examples.</p> <p>Ipswich to Yaxley Sub Station: This requires the largest loads to navigate around the north of Ipswich including use of third party land at the junction of Tomline Road and Foxhall Road not secured in the relevant planning applications and temporary overbridging of the A140 Brockford Bridge which requires closure of a major regionally important road with a diversion of some length.</p>	



Ref	Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
	<p>Ipswich to Burwell: Moves from Ipswich to Burwell in Cambridgeshire require heavy loads to divert from the A14 through Sproughton, Needham Market and Stowmarket using the B1113.</p> <p>Immingham to East Pye Norfolk: SCC have recently been advised that a load from Immingham in north Lincolnshire may need to travel through Suffolk on the A143 between Bury St Edmunds and Scole to reach its destination in Norfolk due to structural constraints on other routes.</p> <p>Ports: If a port in Suffolk is chosen, as well as issues concerning AILs, this may result in additional construction and worker traffic reducing capacity at junctions close to the port. For example, this may include junctions for the: Port of Lowestoft • the A47 Station Square*/Commercial Road • Pier Terrace / Belvedere Road / London Road South • A12/ A1117 Bloodmore Road Roundabout Port of Ipswich (West Quay) • A137/B1456 Junction at Wherstead. • A14*/A137 Wherstead Interchange Port of Ipswich (Wet Dock) • Duke Street /Fore Hamlet, Ipswich • A14*/A1156 Nacton Interchange Port of Felixstowe • Trinity Avenue / Walton Avenue • A14* / Walton Avenue • A14* / Cadlet Road Roundabout</p> <p>*roads maintained by National Highways</p>	
TT.2.05	<p>SCC have recently completed a consultation on the A12 Major Road Network project, a series of highway and active travel improvements between the A14/A12 Seven Hills Interchange and the A12/A1152 Roundabout north of Woodbridge. Following review of the responses SCC intend to submit a planning application in Q1 of 2025. If successful site clearance would be undertaken over the winter in 2025/26 with construction following from early 2026. The duration of the scheme is likely to be 18 months to 2 years. A copy of the consultation brochure has been submitted as Appendix A of this document.</p>	<p>The Applicant notes this comment. As per the 10.28 Applicant's Responses to ExQ2 [REP4-039] at TT.2.05, the use of this section of the A12 by VE construction traffic is likely to be limited and is not included in the traffic and transport study area.</p>
TT.2.07	<p>SCC's concern is not about the routing of construction traffic as this is via a B class road suitable for what we understand to be limited numbers of vehicles over a short duration. The concern is specifically in the area of Quay Street in Orford if construction vehicles or delivery have to wait to use the ferry to Orford Ness. The area is a tourist destination and particularly in holiday periods parking is at a premium. However, at a recent meeting with the Applicant SCC's attention was drawn to Requirement 18, which secures that the compensatory works would be subject to discharge of details of vehicular and pedestrian access and a construction methods statement to be approved by the relevant planning authority. SCC would accept that this matter is sufficiently dealt with in this way. In common with our other requests to be a statutory consultee, SCC would ask that the highway authority is required to be a consultee for this requirement.</p>	<p>The Applicant notes this comment.</p>



5. EAST SUFFOLK COUNCIL [REP4-044]

Ref	Summary of ExA's question and Interested Party's Response	Applicant's comments
DCO.2.05	<p>ESC has reviewed Schedules 1 and 2 within the draft DCO submitted at Deadline 1 [REP1-008].</p> <p>Schedule 1 – Part 1 Authorised Development Following 'Work No.3', there is a heading 'In the District of Tendring, Essex:' which is followed by remaining Work Numbers including 'Work No. 18 – Compensatory works for Lesser Black Backed Gull comprising:' and 'Work No 18A – Improvement of existing access, and construction of temporary construction access', and 'Work No 18B – The installation of predator exclusion fencing and associated monitoring and management equipment for the purposes of Lesser Black Backed Gull compensation, improvement of access, construction of temporary construction access, working areas and laydown areas'. Whilst it is understood that the details of proposed LBBG compensation measures are still emerging throughout the examination, Schedule 1 as currently worded is misleading as it includes the proposed LBBG habitat compensation measures under the subheading 'In the District of Tendring, Essex:' stated earlier on page 39. It should be made clearer to the reader that Work No. 18 is currently proposed within the East Suffolk District.</p> <p>Schedule 1 – Part 1 Authorised Development – Work No 18 states: '...and in connection with Work Nos. 4 to 18 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including— (a – n).'</p> <p>As the proposed works under Work No 18 relates to 'Compensatory works for Lesser Black Backed Gull' which will be located within a sensitive ecologically designated landscape within ESC, it will be important to fully understand the extent of any such 'further associated development' which does not otherwise form part of Work No 18. This should be explored further by the ExA and clarified by the Applicant.</p> <p>Schedule 2 – Part 1 Requirements Requirement 18. Compensatory Works 18(c) states 'have been submitted to and approved by the relevant planning authority.' This should also include 'in consultation with...' at the end of the sentence to allow for County and District councils to consult with each other regarding their own discharges (as deemed appropriate).</p> <p>Schedule 2 – Part 2 Approval of matters specified in requirements 2. Applications made under requirements ESC notes the 8-week timeframe for requirements. It is however understood that the LBBG compensation (i.e. predator-proof fencing at Orford Ness) may be delivered via a planning application submitted to ESC under the Town and Country Planning Act 1990 (as amended), separate to the DCO Requirements.</p>	<p>Schedule 1 Part 1 – The Applicant will make the required change to the dDCO to make clear the works are within East Suffolk District. The wording regarding further associated development is standard wording to capture any minor or incidental works which, due to the nature of the application are not capable of being specified at this time but would be controlled through the DCO. In this case requirement 18 – Construction Method Statement for the approval of ESC would contain any such detail and provides the appropriate control.</p> <p>Schedule 2 Part 1 - The Applicant does not consider it necessary to make this amendment. The LPA can consult whoever it considers appropriate, just because a party is not listed does not prevent them being consulted.</p>



6. HISTORIC ENGLAND [REP4-051]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>3.1 Draft Development Consent Order - Revision D (Tracked), Examination Ref: REP3-006</p> <p>We recommend that the following draft requirement is amended as follows: Onshore archaeology, Requirement 9: “9.—(1) No stage of the onshore works may commence until, for that stage, an archaeological written scheme of investigation in accordance with the outline onshore written schemes of investigation as appropriate for the relevant stage has been <u>produced in consultation with Historic England</u> and submitted to and approved by the relevant planning authority”</p>	<p>The Applicant does not consider it necessary to make this amendment. The LPA historic environment advisors can consult Historic England as required/appropriate. As discussed by the Applicant with Historic England and set out in its response to ECC above (ECC.16) the Applicant is proposing to produce an Archaeological Mitigation Strategy and revise the Onshore Outline WSI and could include further clarification on this point for submission at Deadline 6.</p>
<p>9.19 Outline Marine Written Schemes of Investigation - Revision B (Tracked), Examination Ref: REP3-013</p> <p>We appreciate the changes that have been made to this document to clarify terms used in the glossary, the production and consultation of Method Statements with Historic England and in particular, the additional detail introduced regarding potential sampling of deposits of geoarchaeological potential. We have therefore considered the replacement text introduced from paragraph 8.4.6 to 8.4.28 and we are satisfied by this revision.</p>	<p>Noted and welcomed by the Applicant</p>



7. MARINE MANAGEMENT ORGANISATION [REP4-052 AND REP4-053]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
The MMO notes that the recent updated draft DCO does not have many changes that require comments from the MMO. The MMO will maintain a watching brief on updates to future drafts to address our concerns previously raised.	This is noted and welcomed by the Applicant.
Schedule 10/Schedule 11 Comments The MMO welcomes the amendments to Schedule 10, Part 2 Condition 19 and Schedule 11, Part 2 Condition 20 from 'relevant body' to the 'MMO'. The MMO would like to advise the ExA that there are a number of Conditions in addition to those mentioned within this response that are being reviewed and updates will be provided to the Applicant and the ExA in due course. These include: <ul style="list-style-type: none"> • Chemicals, drilling and debris 10(1) • Construction monitoring 17(1)(b) • Reporting of impact pile driving 20(1)(b) & (c) • Maintenance reporting 21(3) • Completion of construction (23) • Decommissioning (new condition) 	The Applicant will review the updates once provided.
The MMO has no further comments to make regarding underwater noise concerns for the Underwater Noise Technical Report, since comments were provided in REP3- 029. The MMO will maintain a watching brief for the Applicant's response to our comments and will continue to discuss the concerns with the Applicant.	This is noted by the Applicant.
Dredge and Disposal The concerns raised in our Deadline 3 response (REP3-029) in section 1.6 are still relevant and the MMO is maintaining a watching brief for comments from the Applicant. The MMO notes the Applicant has provided a technical note providing description of how some of the values in the Maximum Design Scenario (MDS) have been calculated (REP3-027). This provides further details in relation to the MDS for cable crossings, construction impacts on seabed morphology, boulder clearance and pre lay grapnel run, fluidized material and potential impacts to Margate and Long Sands Special Protection Area (SPA).	This is noted by the Applicant.
In relation to fluidized material, the Applicant states the MDS for trial trenching (see Table 1.6 in REP2-027) is "...estimated with a 50% assumption, regarding the amount of sediment disturbed. This value is used because during the trenching not 100% of the material is dispersed into the water column. An example of this for jetting is shown in the sketch in Figure 4. Some of the sand is fluidized into the water column and may disperse, however some backfills over the cable. The values in the table for the maximum volume are calculated from a typical average burial depth of 1.75 m, the maximum value of 3.5 m is a maximum indicative value. The actual burial depth will be below the average, hence this value has been used to assess the impact of sediment dispersal on sensitive receptors in the marine environment." The MMO would like to highlight that the Figure number within the paragraph above is missing within the document.	The Applicant acknowledges that the Figure number (4) is missing from the auto-cross-reference text in paragraph 2.4.2 of 10.20.1 Technical note - Methodology for Determining MDS (Offshore) [REP2-027]. The Figure being referred to is located immediately underneath the paragraph containing the reference and the automatic hyperlink correctly locates the relevant figure.
The MMO notes that although the Applicant states this assumption is used as the trenching will not disperse 100% of the material into the water column, it is not clear why a value of 50% has been applied. The amount the material disperses is likely to vary based on sediment composition - for example silt will disperse to a greater degree than sand or gravel. The use of any such value should	The initial use of the 50% assumption (in APP-071 and APP-101) is based on the known performance and engineering design of the type of tools used for this activity. Although the 50% assumption is still included as the realistic MDS, a sensitivity test was included in the final ES for 100% resuspension, which concluded that the overall results for sediment disturbance for any/all activities also encompasses results for 100% resuspension from



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be evidence-based and appropriately justified. The MMO asks the Applicant to clarify what this value is based on.	<p>trenches. Additional sediment plume modelling undertaken and submitted as part of Deadline 1 [REP1-057] explicitly accounts for 100% resuspension from trenching and the results are consistent with the original assessment and conclusions.</p> <p>A range of sediment types and proportional combinations are possible along the cable routes and within the array area – the assessments undertaken account for end member scenarios of 100% fines, sand or gravel. Maximum changes to SSC and sediment deposition thickness are then based on the maximum effect of each sediment type at each distance.</p>
The MMO notes the technical note for offshore decommissioning (REP3-028) aims to (i) explain the nature of the decommissioning activities and (ii) provide justification for the assumptions that noise created during decommissioning would be comparable or less than construction and installation noise.	This is noted by the Applicant.
In regard to the approach to decommissioning, the Applicant states: “The approach to decommissioning, will be detailed within the final Decommissioning Programme submitted to the Secretary of State for approval approximately 1-2 years prior to decommissioning commencing. This will be subject to agreement with the relevant authorities based on further and more refined Environmental Impact Assessments (EIA) and surveys performed prior to decommissioning. The approach will be based on an assessment of relative net environmental benefit, taking into consideration the in situ ecological value of the offshore components alongside other factors such as navigational safety, available technology and the feasibility of recycling. Further consents, including marine licensing, will be sought at the time of decommissioning and will factor in these assessments carried out”. The MMO is currently working on a Decommissioning Condition to be added to the Deemed Marine Licences (DML) and will provide comments in due course.	This is noted by the Applicant.
The MMO notes decommissioning is expected to remove all foundations or cut at/below the surface and may retrieve the inter-array and interconnector cables to be disposed of onshore. No trenching is required for decommissioning, as such the Applicant states the removal of cables is not likely to result in the level of seabed disturbance experienced during installation.	This is noted by the Applicant.
The MMO notes that there are still several concerns regarding dredge and disposal that remains unresolved. The MMO will maintain a watching brief for the Applicant's comments on these and will continue to be in discussion with the Applicant.	This is noted by the Applicant.
<p>Maritime and Coastguard Agency (MCA) – REP1-065</p> <p>The MMO noted in REP2-054 that we were in discussion regarding some of the suggested changes MCA made in REP1-065. The MMO notes the Applicant has not responded to the MCA initial comments but have addressed the changes to conditions in their response to ExQ1 (REP2-039).</p> <p>The MMO held a meeting with MCA on Friday 08 November 2024 to discuss the comments MCA made, regarding suggested changes to DML conditions.</p> <p>Schedule 10, Part 2, 3(3): the MMO noted that MCA requested this to be amended to include MCA. The MMO is content with this amendment.</p> <p>Schedule 10, Part 2, 3(4): the MMO noted that MCA requested this to be amended to include MCA for consultation. The MMO is content with this amendment.</p> <p>The MMO agrees with MCA and requests that Schedule 10, Part 2 6(12) & 6(13) is updated to: ‘(12) In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or</p>	<p>Schedule 10, Part 2, 3(3) The MMO noted that MCA requested this to be amended to include MCA. The Applicant has amended this provision to provide that the MMO must consult the MCA before issuing its decision but does not agree that it is appropriate that approval must be given by the MCA under a deemed marine licence condition as the MCA is not the regulator and cannot discharge the condition.</p> <p>Schedule 10, Part 2, 3(4) The MMO noted that MCA requested this to be amended to include MCA for consultation. This amendment has been made at Deadline 5.</p> <p>Schedule 10, Part 2 6(12) & 6(13) So far as the Applicant can establish the change sought is to add the regional fisheries contact to the list of parties to be notified. As noted by the MMO, this would require the regional fisheries contact to be defined but neither the MCA or MMO has provided a</p>



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any part thereof, excluding the exposure of cables, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MCA, Trinity House, the Kingfisher Information Service, the UK Hydrographic Office and the regional fisheries contact.' (13) In case of exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners, including the regional fisheries contact and inform the Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO, the MCA, Trinity House and the UK Hydrographic Office within five days.'

The MMO requests that regional fisheries contact is added to the interpretation, address section or the condition referenced if this information is within a plan.

The MMO agrees with MCA and requests Schedule 10, Part 2, 8(1) is updated to the following: *Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised project yellow (colour code RAL 1023) from at least highest astronomical tide to a height as directed by Trinity House.*

Schedule 10, Part 2, 10(10): the MMO noted MCA requested to reword this condition to: *'All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.'*

The MMO is currently reviewing the wording of this condition and will provide an update to the Applicant as soon as possible and an update to the ExA at Deadline 5.

The MMO requests that Schedule 10, Part 2, 16(3) is updated to the following: *'The pre-construction survey(s) carried out pursuant to condition 16(2)(a)(ii) and 16(2)(b) must fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developer' (as relevant), which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This, alongside Order Limit shapefiles must be submitted to the MMO in consultation with MCA and UKHO as soon as possible, and no later than four months prior to construction.'*

The MMO noted that MCA requested that with the addition of the above to 16(3), remove 16(5) or reword to only apply to the statutory nature conservation body. The MMO is reviewing this request and will provide comments in due course. The MMO notes that if the change in 3.1.8 is made then this requested change should be completed to prevent duplication.

The MMO requests that Schedule 10, Part 2, 24(c) is updated to the following: *'latitude and longitude coordinates of the centre point of the location for each wind turbine generator and offshore platform, substation, booster station and meteorological mast; provided as Geographical Information System data referenced to WGS84 datum.'*

The MMO requests Schedule 11, Part 2, 4(3) is updated with the following:

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definition and the Applicant does not know who or what body they consider this refers to. If a definition can be provided the Applicant is happy to consider this amendment.

Schedule 10, Part 2, 8(1)

The Applicant is unclear why the MCA is seeking to restrict the ability to Trinity House to direct the colour the Applicant must use and curtail its ability to update any guidance. The Applicant has not made this change as it considers this restricts Trinity House not the Applicant, the MCA or MMO and it is not appropriate to make such a change without Trinity House agreeing.

Schedule 10, Part 2, 10(10) and Schedule 11, Part 2, 11(10)

The Applicant notes that the MMO is considering but wishes to note that it does not consider it necessary, reasonable or practicable to require dropped object notices within 6 hours. Such a period more properly applies to advising the coastguard of objects which may constitute a hazard to shipping (which is not the purpose of this condition), not completing the dropped object paperwork.

Schedule 10, Part 2, 16(3) (now condition 17) and Schedule 11, Part 2, 17(3) (now condition 18)

The Applicant objects to the additions sought. The shapefiles are not for approval so it is unclear why their submission must be secured. The order limit shapefiles can be shared now, there is no reason to add them to this condition. The density data and reports are required by the cited guidelines, complying with guidelines already secures such submission and the addition is not necessary.

Schedule 10, Part 2, 24(c) (now condition 26)

The authorised development does not include a *booster station and meteorological mast*, the addition sought is therefore *inapplicable to this order*. The offshore substation in this case is part of the offshore platform not a separate structure and the addition sought is unnecessary. The Applicant has not made the change sought as it would not reflect the consent for which it has applied.

Schedule 11, Part 2, 4(3)

The insertion of the reference to chart datum is accepted by the Applicant. The Applicant has amended this provision to provide that the MMO must consult the MCA before issuing its decision but does not agree that it is appropriate that approval must be given by the MCA under a deemed marine licence condition as the MCA is not the regulator and cannot discharge the condition.

Schedule 11, Part 2, 17(2)) (now condition 18)

The Applicant does not accept that there is any doubt as to what the survey applies to. This is the transmission DML covering the export cables and the requirement is for survey of the order limits and a buffer, the cable corridor cannot outside the order limits (a) or the construction working area (b). There is no reasonable interpretation of that which somehow excludes the cable route as that route must be inside the order limits and is the construction working area.



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<p><i>'The undertaker must not reduce water depth by more than 5% of navigable depth referenced to chart datum unless agreed with the MMO and MCA in writing.'</i></p> <p>Schedule 11, Part 2, 11(10): The MMO noted that MCA requested this is reworded to: <i>'All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.'</i></p> <p>The MMO is currently reviewing the wording of this condition and will provide an update to the Applicant as soon as possible and an update to the ExA at Deadline 5.</p> <p>Schedule 11, Part 2, 17(2): The MMO noted that MCA requested that this condition needs to make clear that the survey will include all proposed cable routes. The MMO is content with this suggestion.</p> <p>The MMO requests that Schedule 11, Part 2, 17(3) is updated with the following: <i>'The pre-construction survey(s) carried out pursuant to condition 16(2)(a)(ii) and 16(2)(b) must fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developer' (as relevant), which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This, alongside Order Limit shapefiles must be submitted to the MMO in consultation with MCA and UKHO as soon as possible, and no later than four months prior to construction.'</i></p> <p>The MMO noted that MCA requested that with the addition of the above to 17(3), remove 17(5) or reword to only apply to the statutory nature conservation body. The MMO notes that if the change in 3.1.14 is made then this requested change should be completed to prevent duplication.</p> <p>The MMO is currently reviewing the requested update for Schedule 11, Part 2, 19 and will provide an update in due course.</p>	
<p>REP3-019 – 10.12 Marine Plan Policy Assessment - Revision B (Tracked)</p> <p>The MMO acknowledges the revised Marine Plan Policy Assessment and thanks the Applicant for responding to our Deadline 2 response (REP2-054).</p> <p>The MMO notes and welcomes the inclusion of policies SE-PS-1, SE-PS-2, SE-PS3, SE-DD-1 and CAB-1.</p> <p>The MMO welcomes the additional information added to SE-CO-1.</p> <p>The MMO notes that with policy SE-CE-1, the Applicant signposts to the document with mitigation to show compliance, however they do not give a summary or example of the mitigation options. The MMO requests this policy is updated. SE-HER-1 and SE-DIST-1 are exemplar policies where examples of mitigation have been provided to justify how the Project will avoid, minimise or mitigate any adverse impacts.</p>	<p>The Applicant notes the MMO's comments on 10.12 Marine Plan Policy Assessment – Revision B [REP3-019] and has provided an updated version of the document addressing these comments at Deadline 5.</p>



Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>The MMO notes that with policies SE-PS-1, SE-PS-2 and SE-PS-3, the Applicant signposts to documents where impacts or risks are considered but does not give a summary of what the risks or impacts are. The MMO requests that this is provided.</p> <p>The MMO reiterates that you may direct the MMO to supporting information relevant to your consideration of the specific policy, clearly signposting to the relevant section(s) of the appropriate document(s). However, it is important to still provide a summary and examples, setting out the policy considerations and the document outcomes clearly.</p> <p>The MMO asks for the Applicant to clarify the explanation within AQ1. Is this meant to say: 'The Application is not within a sustainable aquaculture site'?</p> <p>The MMO notes in policy SE-AIR-1, the Applicant states that it was concluded no significant effects in EIA terms on air quality. The MMO requests that this is further explained to demonstrate why and how there is no significant effects.</p> <p>The MMO notes in policy SE-ACC-1, the Applicant states that it was concluded no significant effects on public rights of way and access to the marine area. The MMO requests that this is further explained to demonstrate why and how there is no significant effects.</p> <p>The MMO notes in policy ECO1 and BIO1, the Applicant states that mitigation measures have been included in the application or environmental statement, however examples of the mitigation have not been included. The MMO requests this to be provided.</p> <p>The MMO notes in policy FISH2, the Applicant refers to the environmental statement for results of the commercial fisheries assessment. As the Marine Plan Policy Assessment is a standalone document, the MMO requests the Applicant to provide a summary of the results within the assessment.</p> <p>The MMO notes in policy TR2, the Applicant refers to the environmental statement regarding the assessment of recreational craft. As the Marine Plan Policy Assessment is a standalone document, the MMO requests the Applicant to provide a summary of the assessment within the Marine Plan Policy Assessment.</p>	
<p>REP3-020 – 10.20.5 Technical Note: Number of Wind Turbine Generators</p> <p>The MMO notes the Applicant submitted a technical note to explain the methodology behind the maximum number of wind turbine generators. The MMO has no further comments to make at this time.</p>	<p>This is noted by the Applicant.</p>
<p>The MMO notes the Applicant's comment for MMO1.04. The MMO has included the wording for Schedule 10, Part 2, condition 18(5) below for clarification. The condition is under 'Post-construction monitoring' on page 131 of REP3-006. The paragraph (5) wording is: 'In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.' The MMO requests that it is amended to state 'sub-paragraphs (1-4)'.</p>	<p>Paragraph 5 is provided for the sole purpose of ensuring that monitoring of cable repairs or replacements can be secured (if required), not so that post-construction monitoring could be extended indefinitely. The requirements that are conditioned in paragraphs 1-3 provide for necessary post-construction monitoring to be approved by the MMO and reported on.</p>
<p>The MMO welcomes the amendments to Schedule 10, Part 2, condition 19 and Schedule 11, Part 2, condition 20, where 'relevant body' was changed to the 'MMO'.</p>	<p>This is noted by the Applicant.</p>
<p>The MMO notes the Applicant's comment HE2.02 to Historic England. The MMO believes where projects contain plans that impact both the MMO below MHWS (in the DML), and the Local Planning Authority (in the DCO) it should be clear who is required to review these documents – to ensure</p>	<p>This is noted by the Applicant.</p>



Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
document approvals can be aligned. The MMO notes the Applicant's comment is that the LPA only has a small area of overlap. This is correct but both parties need to ensure the documents are suitable. Therefore, the MMO requests Essex County Council is included within Schedule 11, part 2 condition 13(2).	
The MMO notes the Applicant's comments to the Port of London Authority (PLA) (REP2-066). The MMO understands there are multiple outstanding issues with the PLA. This includes the potential for protective provisions. The MMO hopes that the issues can be resolved however is in discussion with the PLA to discuss any DML amendments required. The MMO will provide these at Deadline 5 or 6 for comments from interested parties, depending on the outcome of the discussions between the PLA and the Applicant.	This is noted by the Applicant.
<p>The MMO attended a meeting with the PLA on 19 November 2024 to discuss comments regarding conditions within Schedule 10 and Schedule 11 and navigational impact concerns.</p> <p>The MMO aims to continue discussions with the PLA regarding their concerns and any DML amendments required. As stated in point 4.4.8, the MMO will provide these at Deadline 5 or 6 for comments from interested parties, depending on the outcome of the discussions between the PLA and the Applicant.</p>	This is noted by the Applicant
<p>DCO.2.03</p> <p>The MMO still maintains its position regarding Article 7 (Benefit of the Order).</p> <p>As stated in REP1-064, the MMO objects to the provisions relating to the process of transferring and/or granting the deemed marine licences set out in the draft DCO at Article 5 and our position on the matter, in response to the Applicants comments in MMO-RR01 to MMO-RR14 of PD4-006 (10.4 Applicant's Response to Relevant Representations).</p> <p>Currently, with the inclusion of Article 7, there is power whereby the undertaker can: a. Transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order (including the deemed marine licences); or b. Grant to another person ("the lessee") for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of the Order (including the deemed marine licences).</p> <p>The DCO does state that the Secretary of State's consent to the transfer or grant of a DML is not required and thus there is no requirement for consultation with the MMO prior to the undertaker making that transfer or grant where: a. The transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.); or b. The transferee or lessee is a holding company or subsidiary of the undertaker; or c. The time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and— i. no such claims have been made, ii. any such claim has been made and has been compromised or withdrawn, iii. compensation has been paid in final settlement of any such claim, iv. payment of compensation into court has taken place in lieu of settlement of any such claim, or v. it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.</p> <p>As there is potential for the MMO not to be consulted, this will impact our duty as the regulatory authority of the DMLs. Even where the MMO must be consulted, there is no provision for the MMO's comments to be adhered to, therefore there is no power to the MMO to complete its regulatory duty.</p>	The Applicant maintains its position on this article as set out in 10.28 Applicant's Responses to ExQ2 [REP4-039] and earlier submissions. The Applicant does not agree that a DCO cannot contain provisions for the transfer of a DML and has provided the legal basis for that in previous submissions. The Applicant notes that the SoS has routinely included such provisions and must therefore be content that this is intra vires, contrary to the MMO position.



Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>As a matter of public law, the MMO does not think the Order can contain a provision transfer of Benefit of the DML as is being proposed. PA 2008 Section 120(3) should read against Section 120(4) and Part 1 of Schedule 5, which the MMO thinks limits what the Order can contain to provisions which deem a marine licence to be granted under the order and to the conditions that should be deemed attached to that licence. The MMO does not consider this to be sufficiently wide as to allow the inclusion of provisions which transfer the Benefit of the Order.</p> <p>If the Order cannot contain a DML transfer provision for the reasons set out, then it cannot exclude Section 72 of Marine and Coastal Access Act 2009 (MCAA 2009) in the way proposed as Section 120(5) is limited to applying/modifying/excluding only those statutory provisions which relate to any matter for which a provision may be made in the order.</p> <p>The MMO has noted the additional sub-paragraphs the Applicant included (9 and 10), welcomes the inclusions but does not agree with the overall inclusion of the Article. We will provide further comments as soon as possible</p> <p>Overall, the MMO continues to raise objection to Article 7 and will provide further comments to the Applicant as soon as possible and follow that to the ExA at each deadline.</p>	
<p>DCO.2.06</p> <p>The MMO aims to provide further comments regarding our concerns on Force Majeure and Materiality as soon as possible, as above the MMO will provide the Applicant any updated comments outside of the Deadlines and present this to the ExA at the earliest opportunity.</p>	<p>This is noted by the Applicant.</p>
<p>DCO.2.07 – The MMO still maintains our position and requests the SIP wording from our Relevant Representation (RR-070) is included within the DMLs. Please see the wording below:</p> <p>SNS SAC SIP Condition:</p> <p>(1) No piling activities can take place until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle XX Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.</p> <p>(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (SNS SAC) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.</p> <p>(3) The SIP must be submitted to the MMO no later than six months prior to the commencement of the piling activities.</p> <p>(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.</p> <p>(5) The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO remains satisfied that the Project, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance.”</p> <p>JNCC Guidance must be added as an interpretation:</p>	<p>The Applicant has included the requested SIP wording in the dDCO revision E submitted at Deadline 4 [REP4-004].</p>



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<p>“JNCC Guidance” means the statutory nature conservation body ‘Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs’ Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;”</p> <p>As a minimum the SIP should include the following sections:</p> <p>Introduction</p> <ul style="list-style-type: none">• Purpose of this document• Project Background• The Southern North Sea SAC• Requirements for this Document <p>Consultation • Schedule for Agreement • Southern North Sea SAC for Harbour Porpoise • Conservation Objectives • Management Measures • Advice on Activities</p> <p>Project Description • Project Commitments</p> <p>Potential Effects • Summary of Potential Effects of the proposed Project Alone • Summary of Potential In-Combination Effects</p> <p>In Principle Management and Mitigation Measures • Measure 1: Alternate Foundation Methodologies • Measure 2: Noise Mitigation Systems • Measure 3: Scheduling of Pile Driving • In-Combination Management • Other Potential Measures • Measures Not Applicable • Assessment of Efficacy of Measures and Implementation • Other Mitigation Measures outside the Scope of the SIP • EPS Licence • Additional Marine Licence • Summary • References</p> <p>The MMO notes the Applicant still does not understand the need for a standalone condition, however the condition will ensure the MMO can make a detailed decision in relation to the in-combination impacts and overall impacts to the SNS SAC.</p> <p>As stated in our Deadline 2 response (REP2-054), as part of the Review of Consents undertaken by the Secretary of State (SoS) and approved in 2020, a stand-alone condition was included on multiple Offshore Wind Farms Orders. Since this decision the MMO has worked to amend the condition slightly for future projects to make sure it includes all the required information including any updated guidance from JNCC.</p> <p>The MMO requests this condition from any new DCO/DML cases with noisy activities occurring within the SNS SAC. It enables management of the activities that impact or are within the SNS SAC and ensures all the necessary information is included.</p> <p>. The MMO notes the Applicant has agreed in principle that it can be a standalone condition. The MMO will maintain a watching brief for this addition in an updated DCO draft.</p> <p>The MMO is still reviewing the comments the Applicant made in response to our other DCO/DML concerns. The MMO looks to provide further comments in a future deadline.</p>	



8. PORT OF LONDON AUTHORITY [REP4-066 AND REP4-067]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>Response to ExQ2</p> <p>The ExA are correct there is consensus between the PLA and the Applicant that the cables would need to be installed and maintained at a depth that would allow for the DWRs to be dredged and deepened in the future to a depth of at least 22m below Chart Datum. Since ISH3 the PLA and the Applicant have reached agreement that Chart Datum is the correct datum to use in the application documents. The PLA and the Applicant continue to discuss the area over which the 22m depth would need to apply and the mechanism for securing this within the Development Consent Order.</p>	<p>This is noted by the Applicant and as noted by the PLA discussions are ongoing in relation to the area over which the 22m need to apply and the mechanism for securing this.</p>
<p>Applicant's Comments on Deadline 2 Submissions</p> <p>The PLA welcomes the Applicant's commitment to "an under keel clearance of 22m below Chart Datum" 1 . The PLA and the Applicant continue to discuss, with a view to reaching agreement shortly, the area over which this deeper cable burial needs to be secured.</p>	<p>This is noted by the Applicant.</p>
<p>Whilst the Applicant has shared with the PLA an updated version of the Navigation Installation Plan ("NiP") since Issue Specific Hearing 3 ("ISH3"), the PLA awaits further engagement on the Outline Cable Specification and Installation Plan ("oCSIP")2 . This further engagement is crucial given the Applicant's reliance on the CSIP to "ensure an under keel clearance of 22m below CD is maintained in proximity to the DWRs". The lack of engagement is also disappointing given the Applicant's comments in REP3-024 that "the oCSIP will be updated and submitted at Deadline 4" 3 . This means that the oCSIP will have been updated and submitted to the examination without any engagement taking place with the PLA on the contents of the document.</p>	<p>An updated 9.20 Outline Navigation and Installation Plan (Revision C) has been submitted at Deadline 5 following further comments from the PLA.</p> <p>The outline CSIP will be updated at Deadline 6 following receipt of comments from interested parties.</p>
<p>Whilst the PLA notes the Applicant's comments in relation to adherence to Marine Guidance Note ("MGN") 654 and its annexes, the Applicant will be relying on the CSIP to identify areas where they can be no reduction in under keel clearance and adherence to MGN654 will apply to the rest of the Order Limits4 . In the absence of changes to the Deemed Marine Licence ("DML") this could result in confusion and the necessary requirements not being met at the deep water routes ("DWRs"). The PLA considers that the following amendments are required to Schedule 11 Part 2 Condition 4 of the draft Development Consent Order ("dDCO") (additional text in bold):</p> <p>4.-(1) The undertaker may at any time maintain the authorised development, except to the extent that this licence or an agreement made under this licence provides otherwise.</p> <p>(2) Maintenance works include but are not limited to-</p> <ul style="list-style-type: none"> (a) offshore electrical components; (b) painting and applying other coatings; (c) bird waste and marine growth removal; (d) cable remedial burial; (e) cable repairs and replacement; (f) cable protection replenishment; (g) access ladder and boat landing replacement; and (h) J-tube repair/replacement. <p>(3) In undertaking activities under condition 4(2)(d) to (f), the undertaker must not reduce water depth:</p> <p>(a) in any area outside of the Area of Interest by more than 5% unless agreed with the MMO in writing; and</p>	<p>The matters the PLA are seeking to add are covered in the 9.20 Outline Navigation and Installation Plan – Revision C. The Applicant does not agree that they need to be duplicated here.</p>



Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
(b) within the Area of Interest so that the water depth in the Sunk and Trinity deep water would not be maintained at all states of tide to at least 22m below Chart Datum.	
<p>The PLA welcomes the Applicant's comment that whilst the precise crossings of Sealink and North Falls are subject to detailed design they will take place to the east of the DWRs5 . Given this comment, the PLA considers that the oCSIP should be updated to include this as an embedded mitigation. In addition the DML should include the following as part of condition 3:</p> <p><i>"3(3) The burial depth of the cables for Work No. 2 together with any cable crossings, cable protection measures and cable protection remediation must ensure that the depth of the Sunk and Trinity deep water routes are maintained at all states of the tide to at least 22m below CD within the Area of Interest".</i></p>	<p>The Applicant has included the commitment on the location of cable crossings relating to North Falls and Sealink in the 9.12 Outline Cable Specification and Installation Plan (oCSIP) - Revision B [REP4-019].</p> <p>The dML condition is not required as this commitment is secured in the oCSIP. Further, the commitment on cable installation depths is more nuanced than allowed for in this condition, for example there are areas on the outer side of the Sunk DWR which have a limit of 19m CD, there installation needs to consider dredging and the potential for overdredge etc. It is for these reasons that the Applicant considers this best secured in the oCSIP. The reference to 'at all states of tide' is not required because it has no bearing on the committed installation level below CD.</p>
<p>The PLA and the Applicant disagree in relation to what (if any) approvals the PLA should have through the dDCO. The Applicant advances an argument that it would not be appropriate for the PLA to control activities in an area of free navigation⁶ but then points to the MMO approving those same activities under the DML. It therefore cannot be a matter of principle for the Applicant in terms of activities being consented in an area of free navigation if the MMO have those controls through the DML.</p>	<p>The MMO has statutory responsibility for licensable activities within the marine area. The PLA has statutory responsibilities with the Port. The development involves marine licensable activities within the marine area which must be undertaken under a license to be lawful. The project does not involve any activities within the PLA's jurisdiction. The equivalence drawn is false – because the MMO has jurisdiction over licensable activities does not mean that the PLA should be given control of activities outside their jurisdiction in an area where they have no statutory powers at all to control navigation. It is not appropriate for the PLA to seek to extend their jurisdiction through PPs.</p>
<p>The PLA is a Statutory Harbour Authority and notwithstanding that the proposed development is outside of the PLA's area of jurisdiction in terms of the Port of London Act 1968, the Port Marine Safety Code – For all UK Harbour Authorities and other marine facilities berths and terminals (November 2016) ("the Code") sets out a national standard for every aspect of port marine safety. Whilst it is not mandatory, there is a strong expectation that all harbour authorities will comply. The Code provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbours or facilities safely and effectively. The Code is clear that as a Harbour Authority the PLA are responsible for safe marine operations in the harbour area and its approaches.</p>	<p>There is nothing in the Applicant's proposals which could, in any way, prevent the PLA from complying with the code. The responsibility for safety of navigation in the area in which the project is proposed sits with the MCA.</p>
<p>Of relevance to this matter are the general duties and powers set out in the Code. These include:</p> <p><i>Open Port Duty: Taking reasonable care, so long as the harbour or facility is open for public use, that all who may choose to navigate in it may do so without danger to their lives or property.</i></p> <p><i>Conservancy duty: Conserving the harbour or facility so that it is fit for use; this duty also includes providing users with adequate information about conditions in the harbour or facility.</i></p>	<p>This is noted by the Applicant</p>
<p>Members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches and the Harbour Master has day-to-day responsibility for managing the safe operation of navigation and other marine activities in the harbour and its approaches.</p>	<p>This is noted by the Applicant</p>
<p>The Guide to Good Practice on Port Marine Operations (prepared in conjunction with the Port Marine Safety Code 2016) supplements the Code and emphasises that a harbour authority is responsible for navigational safety both within its jurisdictional limits and in respect of its approaches.</p> <p>As an example, section 2.3.12 states (emphasis added): "In compliance with the requirements of the Port Marine Safety Code, the organisation/harbour authority will discharge its general and specific statutory duties in respect of:... the conservancy of the harbour and its seaward approaches".</p>	<p>The Applicant does not agree that the PLA requires to be an approving body for plans secured under the marine licence, for which the MMO are the statutory body with jurisdiction and which relate to activities in the marine environment outside the Port of London and outside the area within which the PLA has jurisdiction (which is what the PLA is requesting). PPs should not be used to (in effect) extend the PLA's geographical jurisdiction beyond that which exists under statute.</p>



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It is of note that the report on the refused Thanet offshore wind farm extension (PINS Reference EN010084) states (emphasis added) "The Proposed Development would be located in waters adjacent to the entrance to the Thames estuary, where navigational safety and the maintenance of access to nationally significant port facilities are NPS and MPS policy-supported and give rise to important and relevant considerations of great weight." In the case of the Thanet Wind Farm extension, taking all relevant evidence and policies into account, "the ExA found generally that the policy test in EN-3 paragraph 2.6.147 '... wind farms should not be consented where they would pose unacceptable risks to navigational safety after mitigation measures have been adopted', had not been met, and that as required by NPS EN-3 paragraph 2.6.168 the Secretary of State should have regard to the obstruction of navigation in the sea area containing relatively high traffic density and complex navigation patterns that would be created between the proposed Development and the NE Spit navigational mark despite the SEZ, and to a lesser extent between the proposed Development and the Elbow navigational mark. In both cases additional danger to navigation would result".

Furthermore the ExA considered "NPS Ports para 3.4.13 to be both important and relevant to this application given it cites the need for resilience of ports to account for 'short term demand peaks, the impact of adverse weather conditions, accidents, deliberate disruptive acts and other operational difficulties without causing economic disruption through impediment to the flow of imports and exports', and that despite the introduction of the SEZ, the Applicant has not minimised navigation safety; as a consequent effect there is a probability of negative effects to the efficiency and resilience of continuing port operations as well as further port development. This is further compounded by the additional risk to or displacement of pilot transfer".

The PLA considers that it should be possible to ensure that the required access to the Port of London is maintained over the lifetime of the project and that as the Statutory Harbour Authority for the Port of London it would be appropriate for the PLA to have protective provisions as the mechanism to ensure that the required access to the Port is maintained. These protective provisions would be alongside revisions to the draft Marine Licence which appears at Schedule 11 of the dDCO to ensure that the PLA is also consulted by the MMO and notified on key matters so that the MMO is aware of the PLA's position on approvals. The PLA is discussing appropriate revisions with the MMO.

The Applicant indicates that it has no intention of depositing dredged material within the DWRs and that the Applicant is preparing a sediment disposal plan which will provide further detail and control on deposition⁷. The PLA awaits sight of the sediment disposal plan which the Applicant has advised will provide further detail and control on the deposition of dredge material and how the requirements in that plan will be secured by the dDCO.

The Applicant advises that the outline Cable Burial Risk Assessment ("oCBRA") is for information only and that there is no intention that the CBRA will be a document that requires approval nor consultation⁸. This is surprising given that the oCBRA [APP-239] sets out in section 2 the purpose of the document and that paragraphs 2.1.6 and 2.1.7 state (emphasis added) "The CBRA is required to be submitted to the Marine Management Organisation (MMO) as set out in separate deemed Marine Licence (dML) conditions contained within the DCO (Volume 3, Document 3.1)... Schedule 11 of the DCO (Transmission Assets Deemed Marine Licence) covers the export cables and requires a CBRA to be submitted as part of the Cable Specification and Installation Plan (CSIP) as set out in the following condition:

13(h)(ii) a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable

It is inappropriate to have two separate approving bodies for a plan, what happens where they have conflicting requirements? The undertaker has to comply with the requirements of the MMO as licensing body (and enforcing body for the marine licences), it cannot be put in a position where doing so would put it in breach with the PLA who are not the licensing or enforcing body, that is not a reasonable or acceptable position.

The 10.30 Outline Sediment Disposal Management Plan [REP4-041] was submitted at Deadline 4.

The Applicant is unsure of the point that is being made here. The condition 13(h)(ii) requires approval of a plan which *incorporates* a burial risk assessment. It is not approval of **the** CBRA because, as the Applicant has stated, this is a technical assessment that informs the approach to cable laying (amongst other factors), and therefore it is something that needs to be considered (incorporated into the plan) but the assessment itself is not for approval.



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<p>depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection".</p> <p>If the CBRA is required to be submitted to the MMO under condition 13(h)(ii) then as set out at 13(1) there is a requirement for the MMO to approve the document in writing in consultation with, where relevant, Trinity House, the MCA, UK Hydrographic Office and relevant SNCB. As a separate point the PLA should also be a consultee of the MMO for the reasons noted above.</p>	
<p>In relation to the Applicant's comments about the definition of commence⁹, the point the PLA is making (notwithstanding that it considers that it should be able to approve activities) is that the DML only extends to licensable activities. Therefore, if an activity is not a licensable activity i.e. it is an exempt activity, it would not be controlled by the DML and could take place without the consent of the MMO. This reinforces the need for the PLA to have protective provisions to ensure that all future details for the activities which could impact the DWRs are approved.</p>	<p>If an activity is not licensable, then Government has not felt it necessary to have that activity controlled. There is no justification or grounds in this case for the PLA seeking to control non-licensable activities which are outside its area of jurisdiction.</p>
<p>Outline Marine Written Schemes Of Investigation (REP3-013)</p> <p>A new paragraph has been included in the outline Marine Written Schemes of Investigation [REP3-013] in relation to mitigation for geophysical anomalies of archaeological potential. This paragraph shows clear intent that items could be relocated (emphasis added): "6.7.17 Where items are being relocated from their original find spot to ensure that direct impact during construction activities can be avoided, strategies for relocation and methodologies for avoiding damage will be clearly outlined in the relevant MSs produced and submitted to the Archaeological Curators ahead of any archaeological works."</p> <p>As set out by the PLA in its Written Representation [REP2-066] and in its Deadline 3 Response [REP3-035] the PLA would want to approve any pre-construction activities that could affect the DWRs because there may need to be restrictions on how the pre-construction activity can be undertaken. The PLA specifically cited the example of not relocating an archaeological find to or within a DWR. The Applicant has not ruled out doing this and the update to the Outline Marine Written Schemes of Investigation clearly demonstrates that items may be relocated from their original spot. Either the application documents need to be explicit that archaeological finds will not be relocated within or to the DWRs or the PLA must have protective provisions to ensure that any relocation that is proposed that could impact the DWRs is to an appropriate location that is agreed by the PLA so that it can be ensured that it will not have a detrimental impact on navigation. The PLA has recent experience of a developer wishing to relocate an archaeological find and the PLA had to refuse the developers proposed location because of the potential impact on navigation.</p>	<p>The Applicant updated the 9.19 Outline Marine Written Scheme of Investigation - Revision C [REP4-025] at Deadline 4 to confirm that finds will not be relocated within the Deep Water Routes.</p>
<p>Draft Development Consent Order (REP3-006)</p> <p>The PLA has no comments on the amendments made to the dDCO at Deadline 3 but would advise that since Deadline 3, the PLA and the Applicant have been able to agree onshore 9 Applicant's comments on PLA-23 LEGAL02#112979304v1[VJF01] 5 protective provisions for the benefit of the PLA. The PLA expects the agreed drafting to be included within an updated dDCO which is to be submitted to the examination at deadline 4.</p> <p>The PLA and the Applicant have discussed the heavily amended version of the protective provisions (drafted for the PLA's) benefit that were received from the Applicant on the morning of ISH4. The PLA</p>	<p>The Applicant confirms Protective Provisions for the protection of Port of London Authority (onshore) were included at Part 9 of Schedule 9 in the Draft DCO -Revision E [REP4-004] submitted at Deadline 4.</p>



Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>understands that a further amended draft will be sent to the PLA shortly. The PLA reiterates its position as set out above, that it is entirely appropriate for the PLA to have offshore protective provisions and that their scope should include approval of the Navigation Installation Plan, Cable Specification and Installation Plan and any activities, including pre-construction activities where they involve or impact on the DWRs.</p>	
<p>Marine Management Organisation (REP3-029)</p> <p>The PLA welcomes the MMO's support as set out in REP3-029 and notes the MMO's deferral to the PLA on shipping and navigation concerns. As set out at paragraph 3.7.12 of the MMO's response, the PLA and the MMO are currently in discussions. The PLA understands that the MMO supports the PLA's request for protective provisions and the MMO and the PLA are also discussing amendments to the Deemed Marine Licence (Schedule 11 – Transmission Assets) so that the PLA is consulted as part of the MMO's approval process to enable the PLA and the MMO to collaborate on providing approvals.</p>	<p>Protective provisions for the benefit of the PLA (offshore) remain under negotiation but are not yet agreed.</p>



9. EAST ANGLIA TWO [REP4-073]

Ref	Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
EA01	Wake loss – Requirement for assessment The Applicant asserts that the National Policy Statement for Renewable Energy Infrastructure (“EN-3”) recognises that new offshore wind development will take place close to areas where there is other offshore infrastructure and that there is potential for adverse impact on those activities as a result but there is not a legal or policy basis for an assessment of wake effects to be carried out as part of offshore wind farm Environmental Impact Assessments (“EIA”).	This response also serves as the Applicant's comments on the rule 17 request for information issued by the Examining Authority for the attention of East Anglia Two Limited [PD-019], and its comments on East Anglia Two Limited's response to the rule 17 request dated 23 December 2024 [AS-070]. The Applicant would like to draw to the Examining Authority's attention that since the Applicant's previous response on this matter at Deadline 4, a relevant development has been provided by government in its Clean Power 2030 Action Plan which was published on 13 December 2024 (https://assets.publishing.service.gov.uk/media/677bc80399c93b7286a396d6/clean-power-2030-action-plan-main-report.pdf). In that document, the government set out a case study on wake effects (see page 84) which it identified as an emerging risk for project delivery for offshore wind projects. In particular, the government has stated that:-
EA02	The Applicant has selectively quoted EN-3 and when read in full it is clear that the Applicant should assess all impacts on other sea users, including those with consent such as EA2 Ltd. In particular, the following provisions are relevant: Paragraph 2.8.197 requires that, where a potential offshore wind farm is proposed “close to existing operational infrastructure or has the potential to affect activities for which a licence has been issued by government” the Applicant should assess the potential effects on that development’.	<i>‘The Clean Power 2030 Unit would look to convene expert opinions from planners, engineers, academics, project delivery, data scientists and policy to understand the levers we can pull in this space, working with stakeholders like The Crown Estate, Crown Estate Scotland, the Planning Inspectorate, ORE Catapult and industry to gather the data and build an evidence base, looking for comparison mitigations with international partners and other industries.’</i> The Applicant therefore respectfully considers that in the light of the ongoing activities set out in the Clean Power 2030 Action Plan in this area, the approach to wake effects is a wider policy matter for government to address, rather than a matter for the Examining Authority to reach a conclusion on in the context of an individual application for development consent.
EA03	Paragraphs 2.8.344-2.8.345, which relate to SoS decision making, direct that where a project potentially affects other offshore infrastructure or activity, applicants should work with the relevant sector to minimise negative impacts ¹ , and that the SoS should be satisfied that “the site selection and site design of a proposed offshore wind farm and offshore transmission has been made with a view to avoiding or minimising disruption or economic loss... to other offshore industries.”	Further to the above, the Applicant has limited its comments on East Anglia Two Limited's submissions at Deadline 4 to areas where the Applicant's position has been mischaracterised and the broader policy and competitive context in which offshore wind project development is undertaken. The Applicant's position remains that the relevant parts of the National Policy Statement EN-3 do not require a wake assessment to be carried out. The Applicant does not accept that it has selectively quoted from EN-3. On the contrary, in its response at Deadline 3 [REP3-024] the Applicant identified paragraph 2.8.197 as referred to by East Anglia Two Limited in its Deadline 4 submission, but presented that paragraph in the context of other relevant parts of EN-3 which provide that:-
EA04	The Project “has the potential to affect activities for which a licence has been issued by government”, the activities having the potential to be affected by the Project here are the generation assets of the East Anglia TWO offshore windfarm. The question which needs to be answered is whether the Project has the potential to affect East Anglia TWO offshore windfarm. The simple answer to that question is yes. On that basis, there is an obligation to assess that effect.	<ul style="list-style-type: none"> • Developers of offshore wind farm projects are urged to maximise the capacity of their projects subject to environmental and technical constraints (paragraph 2.8.2); • The assessment of potential effects of an offshore wind farm project on other offshore infrastructure is to be carried out in accordance with the appropriate policy and guidance for offshore wind farm EIAs (paragraph 2.8.198); • Seabed leases for wind farm extension projects (such as the Proposed Development) may be subject to various constraining conditions and the Applicant will have little or no control over such constraints (paragraphs 2.3.14 and 2.3.15); and • The Secretary of State is directed to take a pragmatic approach in relation to the potential effects of an offshore wind farm project on other offshore infrastructure (paragraph 2.8.342)
EA05	Furthermore, it is not a requirement under EN-3 that an effect must be subject to Government level/singular guidance in order to be assessed. Projects of the scale contemplated by the NSIP consenting process are likely to result in a large variety of potential effects, some of which may not yet be subject to single industry guidance. The purpose of these policies is to ensure that the effects of a project on pre-existing/authorised infrastructure are understood and addressed. Applicants for developments of this significance should be prepared to respond to the potential for such effects, and as directed by the EN-3 should be working	



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	with the affected industries "with an aim to resolve as many issues as possible".	In relation to the latter point, the Applicant considers that as part of the pragmatic approach to be adopted by the Secretary of State, it should be recognised that East Anglia Two Limited was not required to carry out a wake assessment as part of its own consenting process despite the presence of proximate operational wind farms, nor was it required to seek to mitigate its impact on existing operational wind farms <u>such as the Galloper and Greater Gabbard offshore wind farms</u> or proposed projects such as the Proposed Development. In this regard the Proposed Development had been in the public domain since the conclusion of The Crown Estate's plan-level HRA process in August 2019, which was prior to the submission of the development consent order application for the East Anglia Two project. <u>Notably, wake effects occur in both directions and the East Anglia Two project will have a wake effect on all of these wind farms.</u>
EA06	Therefore, the Applicant is required to undertake an assessment to ensure that all effects of the Project are provided and until it does so, the Secretary of State will not be in a position to carry out its decision making in accordance with 2.8.344-2.8.345 of EN-3, as required by section 104 of the Planning Act 2008.	
EA07	The Applicant asserts that the 5km buffer area which The Crown Estate applied at that time in the context of extension round projects is a basis for not justifying carrying out an assessment. A landlord's relationship with a tenant could never be the basis for an argument that an assessment should not be undertaken. Subsequent to the 5km standoff, The Crown Estate moved to a 7.5km standoff. This also does not preclude a need for an assessment. Such assessment should be required where it is likely that an effect will occur. The wake effect of this Project will be something that the Applicant is well aware of and is in a position to assess.	As set out in its Deadline 3 submissions (REP3-024), the Applicant is not aware that East Anglia Two Limited has taken any steps in the development and design of the East Anglia Two project to seek to minimise any potential wake effects from the Proposed Development, despite the Proposed Development having been in the public domain from the outset of the East Anglia Two consenting process. East Anglia Two's response at Deadline 4 also acknowledges the potential for East Anglia Two to give rise to wake effects on the Proposed Development.
EA08	This approach was confirmed in The Crown Estate's responses to the Examining Authority's first written questions in respect of the Outer Dowsing Offshore Wind Examination (copy appended hereto). As The Crown Estate identified that whilst they had commissioned reports this did not in any way negate the need for individual project assessment: "The report summarises modelling applied to generic/hypothetical wind farms and does not replace the need for project-specific analysis." The Crown Estate went on to say : "appropriate selection and application of this or other studies and evidence to specific projects is for developers to determine." The conclusion in relation to these submissions fundamentally undermines the Applicant's approach to this topic.	Set against this context, to require the Applicant to undertake an assessment of potential wake effects of the Proposed Development on the East Anglia Two project and potentially to take steps to minimise any such effects, where East Anglia Two Limited has not been required to undertake an equivalent assessment of its impacts on other offshore wind farms or seek to minimise them would create an unequal playing field between developers and have the potential to hinder the development of offshore wind projects, contrary to the National Policy Statements and wider government policy for renewable energy.
EA09	East Anglia TWO has a seabed lease agreement with The Crown Estate that has a general clause obliging East Anglia TWO to cooperate with other developers. East Anglia TWO's seabed lease does not specifically reference the Five Estuaries development or contain any provisions in relation to wake losses.	In relation to the 5km buffer zone included in The Crown Estate seabed leases, the Applicant rejects East Anglia Two Limited's characterisation of its position. The Applicant has not argued that the 5km buffer area is itself a reason or justification for not carrying out a wake assessment. The Applicant's position is, as above, that the National Policy Statements do not require a wake assessment to be carried out. The Applicant's reference to the 5km buffer zone was to highlight an additional relevant factor, namely the separation distances employed by The Crown Estate when awarding seabed rights for new offshore wind farm projects, which the Applicant has complied with by siting the Proposed Development more than 5km from the boundary of the East Anglia Two seabed lease area.
EA10	We are aware that RWE (being the Applicant's parent company) has wind farms within its portfolio that are affected by wake loss from neighbouring wind farms. We also draw attention to East Anglia TWO's response to the Examining Authority's second written question GC.2.05 which references a wake loss article co-authored by RWE, which specifically analyses wake loss effects they are experiencing or are aware of from wind farms that are between 5km and 30km apart.	The Applicant also rejects East Anglia Two Limited's characterisation of the position set out in its Deadline 3 response regarding the methodology to be employed for any assessment of wake effects under the National Policy Statements. The Applicant has not argued that it is unaware of how an assessment of wake effects could be carried out. The Applicant acknowledges the existence of various industry wake models (with different models producing a range of different outputs) used by developers as internal tools as part of project development. Instead the Applicant has explained that, if an assessment was required under the National Policy Statement (which it disputes), in accordance with paragraph 2.8.198 such assessment must be ' <i>carried out in accordance with appropriate policy and guidance for offshore wind farm EIAs</i> '. Given the absence of any such policy or guidance (to the Applicant's knowledge), it is not clear on what basis (e.g. the particular methodology/model) an assessment for the purposes of the NPS could be carried out.
EA11	We would also like to draw attention to the fact that the predominant wind direction is from the Southwest. As such the Project is likely to have a materially greater effect on East Anglia	The Applicant also wishes to make some brief comments on the Examining Authority's rule 17 request for the attention of East Anglia Two Limited [PD-019], and East Anglia Two Limited's preliminary response [AS-070]. Firstly, the Applicant would stress that the final parameters of the Proposed Development, e.g. turbine model and the layout of the wind farm, are not yet confirmed and this would not be completed until a later stage of project



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	TWO offshore windfarm, than East Anglia TWO offshore windfarm will have on the Project.	development, as is entirely normal in offshore wind development. The Applicant is therefore unable to provide this information as it is simply not available at this stage.
EA12	<p>How assessment to be undertaken</p> <p>The collective knowledge of the industry associated with wake effects arising from offshore wind farms has continued to develop. The Applicant is well aware of this.</p> <p>The Applicant stated in their Deadline 3 submission that they are “not aware ... how an assessment ought to be undertaken”. The Applicant will have undertaken extensive analysis of wake effects in relation to the development of this Project. This will have included the assessment of other projects. It is simply not credible for the Applicant to claim that an assessment of wake effects could not be carried out. There are already in existence industry models used to assess such effects.</p>	<p>Accordingly, even if a wake assessment was required, it would not be possible to carry out a meaningful assessment at this stage, and any ‘worst case’ assessment based on the maximum parameters secured in the draft development consent order would be likely to be overly conservative.</p> <p>In any event, in the context of participation in competitive Contracts for Difference (CfD) allocation rounds, potential or indicative layouts of the Proposed Development and potential turbine models which the Applicant may be considering are commercially confidential information and the Applicant would suffer prejudice if such information was made available publicly. In this regard it is relevant that the parent company of East Anglia Two Limited may be a competitor of the Applicant in future CfD allocation rounds. Although East Anglia Two Limited has referred in its response [AS-070] to the use of confidentiality undertakings and the disclosure of information to independent third party consultants, the Applicant does not consider that this would be an appropriate solution, and that in any case any potential or indicative layouts would not represent the final design of the Proposed Development.</p>
EA13	<p>Lesser black-backed gull compensation</p> <p>Recognising that representation upon the Offshore Ornithology Engagement Group would not be appropriate should the compensation site at Orford Ness not be selected, East Anglia ONE North Limited and East Anglia TWO Limited propose the establishment of a Statement of Comment Ground which formalises the duties of the parties to collaborate and share relevant information on works should the Orford Ness site be selected by the Applicant.</p>	<p>The Applicant is happy to enter into discussions with EA2 and EA1N on this matter. Whilst this request came too late for a SoCG to be realistically prepared for Deadline 5, it is a matter where it makes sense to collaborate, share information and coordinate works as far as possible for the mutual benefit of both sites.</p> <p>The 5.5.6 Lesser Black Backed Gull Implementation and Monitoring Plans – Revision C (submitted at this Deadline) has been updated to read:</p> <p>9.1.1 For the Orford Ness site VE will coordinate with ScottishPower Renewables (East Anglia Two and East Anglia One North) and RWE (Norfolk Vanguard and Boreas) to, where possible, collaborate, share relevant information and coordinate works.</p>
EA14	<p>Mitigation of potential impact on red throated diver within the OTE SPA</p> <p>The Applicant has to date not selected an Operations and Maintenance port, should a port be selected which leads to an increase in vessel traffic through the Special Protection Area (“SPA”) then this has the potential to affect not only the SPA, but the outcomes of compensation measures designed to reduce disturbance of red throated divers by reducing vessel traffic through the SPA.</p> <p>Paragraph 187 of the National Planning Policy Framework states: “The following should be given the same protection as habitats sites: ... c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites”.</p> <p>Should a port be selected which leads to an increase in vessel traffic through the SPA, then an assessment should be made of</p>	This is noted.



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	the impact not only on the SPA but on the compensation measures which East Anglia ONE North Limited and East Anglia TWO Limited have been required to implement.	
EA15	<p>a) The impact of wind farms on the production of neighbouring wind farm projects is a known industry issue which has been further discussed with the increased density of offshore projects, particularly in the North Sea. We attach a schedule which summarises a range of evidence which supports the conclusion that adverse wake effects will arise from this Project. The evidence includes information arising from the following: • Satellite observations and aircrafts • Scanning Light Detection and Ranging ("LiDAR") • Existing turbines' Supervisory Control and Data Acquisition ("SCADA") data The recent evidence produced by owners of offshore portfolios provides an overwhelming evidence base for adverse wake effects.</p> <p>b) In order to undertake a wake impact assessment of a particular project, it is important to ensure that appropriate assumptions are made in respect of the project. The Applicant is in the best place to provide such information and as a result, we initiated discussions with the Applicant with a view to sharing data and agreeing a set of assumptions on which a wake loss calculation can be made. The Applicant has declined to engage on this specific topic. We would invite the Examining Authority to encourage the Applicant to cooperate to ensure that the Examining Authority is given the best available evidence on this matter. If the Applicant fails to cooperate then East Anglia TWO Limited will provide the results of our own assessment based on assumed layouts and turbine sizes, which may differ from what is proposed by the Applicant. At this stage, we have only conducted a preliminary evaluation which has been based on a number of assumptions.</p> <p>At this stage we would not regard this information as robust. We would expect losses at East Anglia TWO offshore windfarm to be within a similar range. We would wish a greater understanding of the application parameters in order to make a more accurate assessment.</p>	See response to EA01.
EA16	Following a full review of the Safety Case included in the Navigational Risk Assessment [APP-240], East Anglia TWO Limited are content that the navigational corridor between the two sites will be established and managed in accordance with COLREGS and other relevant guidance and legislation (MGN 654, PIANC and MARIN guidance). Recognising the proximity between the two sites, East Anglia TWO Limited propose that a Statement of Comment Ground is established to ensure the appropriate sharing of information on relevant traffic movements	The Applicant is pleased that EA2 are content with the safety case provided for the navigational corridor between the two projects. As with the Applicant's response to the LBBG compensation measures the request for a SoCG has come too late for preparation and submission at Deadline 5. Nonetheless it is agreed that ongoing communication and appropriate sharing of information between the projects on this matter is to be welcomed.



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	and emergent risk issues throughout the construction, operation and decommissioning of the projects.	



10. MARITIME AND COASTGUARD AGENCY [REP4-054]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>As stated in our Written Representation (REP1-065) MCA welcomes the projects use of a Navigation Installation Plan (NIP) for additional management of the installation of the offshore Export Cable Corridor (ECC). It is noted that the applicant has referred the specific burial depth to be informed by Cable Specification and Installation Plan (CSIP), and as such has not yet committed to a specified depth crossing the deep-water routes (see outline CSIP, APP-242).</p> <p>As other stakeholders have commented, any cables including any protections such as rock armour, would need to be 22 metres below Chart Datum in order to allow future vessels with a draught of 20 metres to use the routes. Therefore, on this point, we would agree with the key stakeholders that the consensus of 22m below chart datum is appropriate.</p>	<p>This is noted by the Applicant.</p>



11. EAST ANGLIA ONE NORTH [REP4-072]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>Lesser black-backed gull compensation</p> <p>Recognising that representation upon the Offshore Ornithology Engagement Group would not be appropriate should the compensation site at Orford Ness not be selected, East Anglia ONE North Limited and East Anglia TWO Limited propose the establishment of a Statement of Comment Ground which formalises the duties of the parties to collaborate and share relevant information on works should the Orford Ness site be selected by the Applicant.</p>	<p>Please see the Applicant's response to the East Anglia Two submissions above.</p>
<p>Mitigation of potential impact on red throated diver within the OTE SPA</p> <p>The Applicant has to date not selected an Operations and Maintenance port, should a port be selected which leads to an increase in vessel traffic through the Special Protection Area ("SPA") then this has the potential to affect not only the SPA, but the outcomes of compensation measures designed to reduce disturbance of red throated divers by reducing vessel traffic through the SPA.</p> <p>Paragraph 187 of the National Planning Policy Framework states: "The following should be given the same protection as habitats sites: ... c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites".</p> <p>Should a port be selected which leads to an increase in vessel traffic through the SPA, then an assessment should be made of the impact not only on the SPA but on the compensation measures which East Anglia ONE North Limited and East Anglia TWO Limited have been required to implement.</p>	<p>Please see the Applicant's response to the East Anglia Two submissions above.</p>



12. HARWICH HARBOUR FISHERMENS ASSOCIATION – [REP4-074]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
Trevor Armstrong of Harwich Harbour Fishermen's Association submitted a recent MMO report titled "Sensitivity of the under 12m fishing fleet to offshore wind development in the east marine plan areas."	<p>The Poseidon report prepared for the MMO provides useful insight into fishing activity by the under 12m fleet in the East Marine Plan areas, notably in its presentation of regional fishing activity maps. The maps are based on interviews with a proportion of fishers in this fleet and for the south Norfolk, Suffolk and Essex coasts (area most relevant to Five Estuaries) it is noted that the regional fishing activity maps are the result of interview with the operators of 26 vessels.</p> <p>Mapped indicative crab and lobster potting grounds for the under 12m fleet (based on 9 vessels) overlap with portions of the offshore ECC. Mapped indicative long-lining grounds for the under 12m fleet (based on 4 vessels) overlap with the portions of the offshore ECC and a small part of the Array Areas. Mapped indicative static netting grounds for the under 12m fleet (based on 8 vessels) and drift netting grounds (based on 2 vessels) overlap with portions of the offshore ECC. Mapped indicative hand-lining grounds for the under 12m fleet (based on 1 vessel) overlap with portions of the offshore ECC. Mapped indicative demersal trawling grounds for the under 12m fleet (based on 9 vessels) overlap with a large portion of the offshore ECC.</p> <p>The activity mapping presented in the Poseidon report is consistent with the understanding of the commercial fisheries baseline described in the Commercial Fisheries Baseline Technical Report and ES Chapter [APP-127 and APP-077], broadly aligned with both landings data and spatial data. The Poseidon report mapping does not alter any assumptions regarding the commercial fisheries baseline.</p> <p>It is not clear, but the sensitivity analysis presented in the Poseidon report, whilst applying commonly used EIA sensitivity terminology, appears to be largely informed by participant interview feedback. The sensitivity analysis methodology also refers to 'characterising the nature of impacts' but does not appear to take into account any industry-standard offshore wind farm mitigation that would be expected to influence the nature of those impacts, nor the mitigation measures committed to by the Applicant, and thus is not expected to align directly with the outcomes of the commercial fisheries assessment in the ES chapter. It is not considered by the Applicant that the Poseidon report results in any change to the commercial fisheries baseline or assessment outcomes.</p> <p>The Applicant position on the Poseidon report, as summarised above, was presented to and discussed with the Five Estuaries Commercial Fisheries Working Group, of which Harwich Harbour Fishermen's Association is a member, in a meeting on 11 December 2024. Mr Armstrong was present at the meeting. CFWG members provided no further comment on the Poseidon report in the meeting.</p>



13. HARWICH HAVEN AUTHORITY [AS-069]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
Before any works can commence within the harbour limits, a works licence will be required. The current cable route has no adverse effects on safe navigation and passage of ships in HHA Statutory Harbour Authority waters. Pre and post surveys will be required to ensure charts can be appropriately updated.	This is noted by the Applicant.
HHA described how boarding pilots in the Sunk area is a complex and potentially high-risk operation that requires meticulous planning and coordination. This region is heavily used by the HHA and the Port of London Authority (PLA), both of which deliver critical maritime operations for the UK. Given the significance of the Sunk area for international trade, particularly for the world's largest container ships, ensuring the safety and efficiency of Pilot boarding here is crucial.	This is noted by the Applicant.
<p>For the potential adverse effects identified, we are working closely with the project developer to explore possible mitigation measures to minimise these impacts, including the potential incorporation of Protective Provisions in favour of Harwich Haven Authority. We would be happy to work with the developer to develop wording for such provisions. Key protective provisions for the area highlighted on the Five Estuaries chart section (below) should include:</p> <ul style="list-style-type: none"> • Requiring protective measures within the DCO to ensure that the cable route is at a suitable depth to ensure future deep draught vessels can navigate the Sunk area. The cable (and any covering material e.g. rock armour) must be at least 22 metres below Chart Datum to allow future vessels with a draught of 20 metres. • Controlling development and project construction related marine operations to ensure that there are no concurrent Restricted Ability to Manoeuvrer (RAM) operations occurring in the Sunk area. This must include the other DCO cable projects in this area; North Falls project and the National Grid Sea Link project. • Exclusion zone(s) must not be put in place in the Sunk area or channel that would restrict 24/7/365 vessel access requirements or pilot boarding operations etc. • Safety zone(s) must not impede vessel traffic movements within the Sunk area or normal operations such as pilot boarding. 	<p>The Applicant has worked with HHA and other ports to develop measures through the NIP to suitably manage vessel traffic during construction. This includes restrictions on concurrent activities involving Restricted Ability to Manoeuvrer (RAM) operations in the most sensitive areas for shipping and pilotage.</p> <p>Exclusion zones will not be put in place by the Applicant, as set out in the NIP.</p> <p>Advisory safe passing distances will be managed through consultation, HAZOP workshops and other measures set out in the NIP. It is recognised that the processes set out in the NIP are required to ensure that marine traffic is coordinated such the impact to commercial traffic is minimised. Formal safety zones cannot be applied for other than for structures and therefore no safety zone will be implemented in vicinity to the pilot boarding area.</p> <p>Regarding the cable installation depth. The Applicant has committed to installing below 22m CD in the charted deep water routes. Outside of these areas it is not possible to make this same commitment recognising that:</p> <ul style="list-style-type: none"> - To the immediate east of Trinity DWR is the Margate and Long Sands SAC. The Applicant does not consider it to be appropriate commit to deep burial through this protected area as this would likely increase the impact on the designated site. Further it is not considered realistic that the capital dredging required to increase navigable depth to 22m CD would be allowed in the SAC. However it should be noted that the Applicant has committed to using all reasonable endeavours to bury the cables in this area. - To the east of the M&LS SAC the water depth increases to over 22m. The Applicant has committed to locating cable crossings with known projects (namely North Falls and Sealink) in this area where depths are over 22m. <p>Regarding protective provisions, that Applicant is not clear the purpose of these or what they would be protecting. The Export Cable Corridor does partially pass through the HHA harbour area, however any works would require a works licence from HHA in any case and the DCO does not seek to disapply HHA's harbour order.</p>



14. CADENT GAS LIMITED [REP4-050]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
Cadent will require protective provisions to be included within Schedule 9 to the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.	The Applicant acknowledges Cadent Gas Limited's position and notes that discussions are ongoing and it is hoped that Protective Provisions can be agreed shortly.



15. JAMES FAIRLEY & SONS – RESPONSE EXQ2 [REP4-076]

Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
<p>Cable laying depth of the onshore cable corridor</p> <p>It is necessary to bury the cables with at least 1.2 metres of soil cover to avoid compromising the adjacent field drainage presently or impacting any future field drainage scheme. This depth ensures that the cables will not interfere with the existing drainage systems, which are crucial for maintaining the productivity of the fields. Additionally, this precaution helps to prevent any potential damage to the cables from agricultural activities or machinery that might be used on the surface. If the cable is placed less than 1.2 meters deep, I am also concerned about the potential effects of cable depth on soil ecology. Whilst I have not found specific studies addressing this issue within the environmental statements issued by Dalcour McLaren, it is important to consider that burying cables at less than 1.2 metre depth could influence soil temperature and moisture levels. These changes might affect the microbial communities and soil fauna, which play a vital role in soil health and fertility. Therefore, further research and monitoring would be beneficial to fully understand and mitigate any ecological impacts</p>	<p>As shown in Figure 1.11 of the 6.3.1 Onshore Project Description – Revision C [AS-041], 0.9m depth of cover is the distance to the warning tape; 1.2m is provided as an indicative distance to the top of the cable ducting. The Applicant will endeavour to reach a depth of burial of 1.2m although in certain ground conditions, for example presence of large rocks, this may not be practical. There is a reasonable balance that must be met for the depth of burial, a deeper burial of the cable will increase construction time and reduce the cable rating with little to no benefit to for standard farming practices.</p> <p>Where existing sub-surface drainage systems are present, these will be identified through pre-construction surveys. It is anticipated that cables will likely be buried below these systems; this would be identified during detailed design. Burying the cables below existing drainage systems requires these systems to be intercepted to allow trenching and ducting before being reinstated and the systems reconnected. During construction existing agricultural land drains will be appropriately marked; the location of intercepted drains will be photographed, given a unique reference, and logged using GPS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation. The reinstatement of agricultural land and associated drainage systems is set out in the 9.21 Code of Construction Practice – Revision B [REP1-041].</p> <p>The Applicant has engaged a land drainage specialist to further advise on the subject of land drainage.</p> <p>Scientific studies* have determined that the heat from the underground cables has no negative impact on crop yields. The degree to which the soil actually heats up depends on various factors including the transmission technology, the insulation of the cables and the bedding material that the cables are laid in. Key roles are also played by the ability of the soil itself to conduct heat, the degree to which the cable is being used and seasonal and weather-related fluctuations in temperature in the soil.</p> <p>What has been found is that any heat from the cables dissipates quickly as it rises and temperatures in the top layers of soil, where roots are found, are similar to those measured in reference points away from the cable system.</p> <p><i>*Conducted by soil ecologist Prof. Dr. Peter Trüby of Freiburg University</i></p> <p>Scientific studies carried out by agricultural scientist Dr. Norbert Feldwisch as detailed within the report “Soil Properties and Agricultural Income on the ALEGrO Underground Cable Route” found that with preventative soil protection measures in place during cable route construction, soil properties and agricultural yields were relatively little affected by construction works. Careful management of soil horizons during removal, storage and restoration as detailed within the applicants Soil Management Plan reflect best practice measures detailed within this report, aiming to protect soil properties and functions.</p> <p>A Soil Management Plan (SMP), which accords with the principles in the Code of Construction Practice (CoCP) [REP1-041], will be prepared post-consent and will set out the good practice for surveys and soil management practices to avoid significant adverse effects on soil resources.</p>



Summary of Deadline 4 submission OR Excerpt of Deadline 4 submission	Applicant's comments
	<p>On completion of construction, the principal contractor will ensure that information on soil/ land conditions is obtained and verified through a detailed post-construction soil condition survey.</p> <p>Post-development assessment will include soil testing to ensure that restoration efforts are effective in maintaining the soil health. In discussion with landowners the contractor will remedy any loss of nutrients according to best practice guidance at the time of works completion.</p> <p>The Principal Contractor must adhere to the measures set out in the CoCP and SMP. An Agricultural Liaison Officer (ALO) will be appointed to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss any practical issues that might arise.</p>



16. T & R FAIRLEY FARMING PARTNERSHIP – RESPONSE EXQ2 [REP4-077]

Summary of ExA's question and Interested Party's Response	Applicant's comments
<p>Cable laying depth of the onshore cable corridor</p> <p>The cable must be buried at a minimum of 1.2m deep across agricultural land; our primary concerns if the cable is not laid at this depth relate to drainage and the potential for damage to the cable / new land drains.</p> <p><u>Drainage</u></p> <p>The construction of the cable corridor will sever many existing land drains and prevent us from being able to access land drains that are currently deeper than the cable.</p> <p>Land drains will need to be reinstated across these fields following construction of the cable corridor. At any less than 1.2m deep, it is unlikely that there will be sufficient depth to reinstate land drains without them being damaged by normal cultivations. If the land along the cable corridor is not sufficiently drained, this could prevent us from being able to get on to the land at the optimum time for cultivations/drilling/fertilising etc. Delayed drilling/spraying dates will impact on yields and could result in failed crops. Weeds, such as black grass, are also more frequent and more difficult to manage in poorly drained soils.</p> <p><u>Damage to the Cable / New Drains</u></p> <p>Crops such as potatoes and sugar beet (both of which have been grown on our farm), are harvested in late autumn/throughout the winter when it can be incredibly wet. It is not uncommon for machinery to sink on some soils up to the axles – we have in the past had to dig out tractors up to a metre deep. If this were to happen over the cable corridor, with the cable at any less than 1.2m deep, and new drains above this, these drains are far more likely to be damaged and the cable could also be damaged. A cable at any less than 1.2m could therefore prevent us from being able to grow some crops which are currently suitable for our land, resulting in a need to change our rotation and reducing our flexibility and resilience. We are also concerned that the Applicant has proposed a depth of 1.2m in the Option Agreement Heads of Terms, however is only committing to a depth of 0.9m in this Application.</p>	<p>As shown in Figure 1.11 of the 6.3.1 Onshore Project Description – Revision C [AS-041], 0.9m depth of cover is the distance to the warning tape; 1.2m is provided as an indicative distance to the top of the cable ducting. The Applicant will endeavour to reach a depth of burial of 1.2m although in certain ground conditions, for example presence of large rocks, this may not be practical. There is a reasonable balance that must be met for the depth of burial, a deeper burial of the cable will increase construction time and reduce the cable rating with little to no benefit to for standard farming practices.</p> <p>Where existing sub-surface drainage systems are present, these will be identified through pre-construction surveys. It is anticipated that cables will likely be buried below these systems; this would be identified during detailed design. Burying the cables below existing drainage systems requires these systems to be intercepted to allow trenching and ducting before being reinstated and the systems reconnected. During construction existing agricultural land drains will be appropriately marked; the location of intercepted drains will be photographed, given a unique reference, and logged using GPS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation. The reinstatement of agricultural land and associated drainage systems is set out in the 9.21 Code of Construction Practice – Revision B [REP1-041].</p> <p>The Applicant has engaged a land drainage specialist to further advise on the subject of land drainage.</p>



17. ANDREW WILLIAM BACON – RESPONSE TO EXQ2 [REP4-069]

Summary of ExA’s question and Interested Party’s Response	Applicant’s comments
<p>Cable laying depth of the onshore cable corridor</p> <p>In regards with cable laying depth, I think its important to make sure all cables are at a depth no less than 1.2m deep. This is partly because when using heavy machinery, (sugar beet/potato harvesters) in wet conditions they can sink and cause deep ruts, which could cause damage to cables if too shallow.</p>	<p>As shown in Figure 1.11 of the 6.3.1 Onshore Project Description – Revision C [AS-041], 0.9m depth of cover is the distance to the warning tape; 1.2m is provided as an indicative distance to the top of the cable ducting. The Applicant will endeavour to reach a depth of burial of 1.2m although in certain ground conditions, for example presence of large rocks, this may not be practical. There is a reasonable balance that must be met for the depth of burial, a deeper burial of the cable will increase construction time and reduce the cable rating with little to no benefit to for standard farming practices.</p>



18. ADAM BROWN – RESPONSE TO EXQ2 [REP4-068]

Summary of ExA's question and Interested Party's Response	Applicant's comments
<p>Cable laying depth of the onshore cable corridor</p> <p>As the land owner and farmer of the second section the cable route crosses post landfall at Frinton on Sea we have serious concerns with the projects proposed minimum cable cover of only 0.9m. The route will disrupt around 28 hectares (69 acres) of land.</p> <p>Our land drainage schemes run to 1m cover and these require regular maintenance by means of a digger and then hand digging. If the cables were to be at 0.9m cover it would represent a real and serious risk to safety.</p> <p>We also have a network of underground irrigation mains that are either above our land drains or below, depending on the topography of the land. This means some of these are at or around 1m cover. The cable must be below this depth to ensure safety for us, our staff or any contractors we use to maintain both the drainage systems and irrigation mains..</p>	<p>As shown in Figure 1.11 of the 6.3.1 Onshore Project Description – Revision C [AS-041], 0.9m depth of cover is the distance to the warning tape; 1.2m is provided as an indicative distance to the top of the cable ducting. The Applicant will endeavour to reach a depth of burial of 1.2m although in certain ground conditions, for example presence of large rocks, this may not be practical. There is a reasonable balance that must be met for the depth of burial, a deeper burial of the cable will increase construction time and reduce the cable rating with little to no benefit to for standard farming practices.</p> <p>Where existing sub-surface drainage and irrigation systems are present, these will be identified through pre-construction surveys. It is anticipated that cables will likely be buried below these systems; this would be identified during detailed design. Burying the cables below existing drainage or irrigation systems requires these systems to be intercepted to allow trenching and ducting before being reinstated and the systems reconnected. During construction existing agricultural land drains will be appropriately marked; the location of intercepted drains will be photographed, given a unique reference, and logged using GPS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation. The reinstatement of agricultural land and associated drainage systems is set out in the 9.21 Code of Construction Practice – Revision B [REP1-041].</p> <p>The Applicant has engaged a land drainage specialist to further advise on the subject of land drainage.</p>



19. BROOKS LENEY – RESPONSE TO EXQ2 [REP4-070]

Summary of ExA's question and Interested Party's Response	Applicant's comments
<p>Cable laying depth of the onshore cable corridor</p> <p>it is requested that the cable and its associated underground infrastructure (i.e. including any protective tile above the cable) must not be any shallower than 1.2m. At all times, there should not be any less than 1.2m of topsoil and sub soil over a cable and associated infrastructure. The reason for this is that the majority of the land affected by the proposed cable route is dependent on land drainage i.e. underground drains which will take water away from the soil to improve growing conditions of the crop by preventing waterlogging and which in turn will affect the soil structure. Without land drainage, land will become waterlogged, the soil structure will deteriorate, it will be unworkable and would render the land unfarmable and unproductive, significantly affecting its capital value.</p>	<p>As shown in Figure 1.11 of the 6.3.1 Onshore Project Description – Revision C [AS-041], 0.9m depth of cover is the distance to the warning tape; 1.2m is provided as an indicative distance to the top of the cable ducting. The Applicant will endeavour to reach a depth of burial of 1.2m although in certain ground conditions, for example presence of large rocks, this may not be practical. There is a reasonable balance that must be met for the depth of burial, a deeper burial of the cable will increase construction time and reduce the cable rating with little to no benefit to for standard farming practices.</p> <p>Where existing sub-surface drainage systems are present, these will be identified through pre-construction surveys. It is anticipated that cables will likely be buried below these systems; this would be identified during detailed design. Burying the cables below existing drainage systems requires these systems to be intercepted to allow trenching and ducting before being reinstated and the systems reconnected. During construction existing agricultural land drains will be appropriately marked; the location of intercepted drains will be photographed, given a unique reference, and logged using GPS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation. The reinstatement of agricultural land and associated drainage systems is set out in the 9.21 Code of Construction Practice – Revision B [REP1-041].</p> <p>The Applicant has engaged a land drainage specialist to further advise on the subject of land drainage.</p>



20. JAMES CLACHAN – RESPONSE TO EXQ2 [REP4-075]

Summary of ExA's question and Interested Party's Response	Applicant's comments
<p>Cable laying depth of the onshore cable corridor</p> <p>Cable depths of minimum 1.2 metres are necessary to allow proper rooting for crop production especially in the Tendring Hundred climate. Wheat and Oilseed Crops root at least a metre. Land drainage and maintenance of such schemes is an essential aspect of crop production. Any remedial drainage will need sufficient fall thus requiring cables to be sufficiently deep. Movement of soil for certain crops like potatoes lead to machinery operating at greater depths and then add to the conditions irrigation and the complications it leads to. Undesirable but not uncommon machinery can become bogged down whether a land drain has become blocked (eg root fibre) or too much water has arrived in a certain area of the field. Both examples show the deeper the cables are, the more they are out of harms way.</p>	<p>As shown in Figure 1.11 of the 6.3.1 Onshore Project Description – Revision C [AS-041], 0.9m depth of cover is the distance to the warning tape; 1.2m is provided as an indicative distance to the top of the cable ducting. The Applicant will endeavour to reach a depth of burial of 1.2m although in certain ground conditions, for example presence of large rocks, this may not be practical. There is a reasonable balance that must be met for the depth of burial, a deeper burial of the cable will increase construction time and reduce the cable rating with little to no benefit to for standard farming practices.</p> <p>Where existing sub-surface drainage systems are present, these will be identified through pre-construction surveys. It is anticipated that cables will likely be buried below these systems; this would be identified during detailed design. Burying the cables below existing drainage systems requires these systems to be intercepted to allow trenching and ducting before being reinstated and the systems reconnected. During construction existing agricultural land drains will be appropriately marked; the location of intercepted drains will be photographed, given a unique reference, and logged using GPS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation. The reinstatement of agricultural land and associated drainage systems is set out in the 9.21 Code of Construction Practice – Revision B [REP1-041].</p> <p>The Applicant has engaged a land drainage specialist to further advise on the subject of land drainage.</p>



APPENDIX 1: UPDATED CUMULATIVE ONSHORE VISUAL ASSESSMENT INCORPORATING NGET NORWICH TO TILBURY PYLON DATA

The Applicant has received indicative EACN pylon detail from NGET and has included this in its updated visualisations submitted at this deadline. Presented below is an updated cumulative assessment from those viewpoints where the Norwich to Tilbury overhead power line (OHPL) would be visible. This confirms that while there would be some visibility of the OHPL from the closer range viewpoints, the assessment in terms of magnitude of change and significance of effect would not change - largely owing to the closer range, larger scale and more notable influence of the onshore substations, the comparatively smaller scale and greater separation of the Norwich to Tilbury OHPL as seen from the viewpoints, and the baseline presence and influence from the existing OHPL in the same sector of the view.

Updated visualisations for LVIA Viewpoints 1 to 7 have been prepared for Deadline 4 and are presented as Figures 10.34.2 to 10.34.8. The 'a' figure shows the original LVIA visualisation of the cumulative developments, and the 'b' figure shows the same frame but with the Norwich to Tilbury OHPL added into the visualisation. The Norwich to Tilbury OHPL is only readily visible in Viewpoints 1 to 7 and this is why the remaining viewpoints have not been included in this update.

Viewpoint 1: Ardleigh Road near Norman's Farm (Figure 10.34.2)

The most notable influences in the cumulative baseline comprise North Falls onshore substation to the right of the Five Estuaries onshore substation and the EACN substation to the rear and left (Figure 10.34.2a). The cumulative magnitude of change assessed in the LVIA [APP-084, Section 2.14] was assessed as a high cumulative magnitude of change and significant effect at a major level for residents and walkers and at a major / moderate level for road users. Figure 10.34.2b shows that six additional towers associated with the Norwich to Tilbury OHPL will be visible from this viewpoint albeit seen at a minimum of 1.2km and in a sector of the view where closer range towers form an existing feature and are seen to extend across the wider landscape. The additional towers will be seen set behind the EACN substation and existing vegetation, and their presence and influence will be moderated by the presence and influence of the closer range and larger scale Five Estuaries and North Falls onshore substations, located a minimum of 190m from this viewpoint. The cumulative magnitude of change will remain high, and the effect will remain significant at a major or major / moderate level reducing to not significant at a minor level within the first 15 years as planting matures to form a screen of the onshore substations.

Viewpoint 2: Barn Lane PRow (Figure 10.34.3)

The most notable influences in the cumulative baseline comprise the North Falls onshore substation seen to fore of the Five Estuaries onshore substation and the EACN substation to the rear and right (Figure 10.34.3a). The Five Estuaries onshore substation will be screened at this location, meaning that there will not be a significant cumulative effect as the Five Estuaries onshore substation will have no influence on the cumulative situation.



The LVIA [APP-084, Section 2.14] reported no cumulative effect, and this assessment applies also when considering the additional influence of the Norwich to Tilbury OHPL on the cumulative context (Figure 10.34.3b).

Viewpoint 3: Grange Road PRow (Figure 10.34.4)

The LVIA [APP-084, Section 2.14] assesses this viewpoint as undergoing a medium-low cumulative magnitude of change and a not significant effect at a moderate level for walkers and at a moderate / minor level for road users. This assessment relates to the limited influence of the Five Estuaries onshore substation on the cumulative situation owing to the screening effect of the existing vegetation which will notably reduce the extent to which the Five Estuaries onshore substation will be visible (Figure 10.34.4a). In considering the additional influence of the Norwich to Tilbury tower, visible in the gap between the trees in the right of the view, the cumulative magnitude of change will remain medium-low, largely owing to the limited visibility of the Five Estuaries onshore substation but also the limited visibility of the Norwich to Tilbury OHPL and the baseline influence from the existing OHPL in the view (Figure 10.34.4b). The effect will remain not significant at a moderate level for walkers and at a moderate / minor level for road users.

Viewpoint 4: Ardleigh Road near Jennings's Farm (Figure 10.34.5)

The LVIA [APP-084, Section 2.14] assesses this viewpoint as undergoing a medium cumulative magnitude of change and a not significant effect at a moderate level for residents and walkers and at a moderate / minor level for road users. This assessment relates to the influence of the North Falls onshore substation on the cumulative situation owing to its location closer to the viewpoint and partly to the fore of the Five Estuaries onshore substation (Figure 10.34.5a). The EACN onshore substation will be screened almost fully owing to the screening effect of the North Falls and Five Estuaries onshore substations and while three additional towers associated with the Norwich to Tilbury OHPL will be visible, these will be seen behind the onshore substations and in the same sector of the view as three existing and closer range towers - thus moderating the additional cumulative influence of these structures (Figure 10.34.5b). The cumulative magnitude of change will remain medium, and the effect will remain not significant at a moderate level.

Viewpoint 5: Barlon Road near Little Bromley (Figure 10.34.6)

The LVIA [APP-084, Section 2.14] assesses this viewpoint as undergoing a medium cumulative magnitude of change and a significant effect at a moderate level for residents and walkers and a not significant effect at a moderate level for road users. This assessment relates to the cumulative interaction between Five Estuaries and North Falls substations which are seen located to the left and right of Norman's Farm (Figure 10.34.6a). The EACN onshore substation will be screened almost fully owing to its position to the rear of the Five Estuaries onshore substation and while six additional towers will be visible, these will be seen behind the onshore substations and in the same sector of the view as five existing towers, thus moderating the additional cumulative influence of these structures (Figure 10.34.6b). The cumulative magnitude of change will remain medium, and the effect will remain significant at a moderate level for residents and walkers and not significant at a moderate level for road-users. While the additional towers will increase the extent of



additional development, the increase will not be sufficient to raise the cumulative magnitude of change above medium.

Viewpoint 6: Badley Hall Road (Figure 10.34.7)

The LVIA [APP-084, Section 2.14] assesses this viewpoint as undergoing a negligible cumulative magnitude of change and a not significant effect at a minor level for residents, walkers and road users. This assessment relates to the minimum separation distance of 2.08km and the extent to which the Five Estuaries and North Falls substations are screened by existing vegetation (Figure 10.34.7a). The EACN onshore substation will be screened fully owing to intervening mature tree cover and while the top of one additional tower associated with the Norwich to Tilbury OHPL will be visible above the treetops, this additional cumulative influence will be moderated by the existing towers in the same sector of the view (Figure 10.34.7b). The cumulative magnitude of change will remain negligible, and the effect will remain not significant at a minor level for residents, walkers and road-users.

Viewpoint 7: Little Bromley PRow (Figure 10.34.8)

The LVIA [APP-084, Section 2.14] assesses this viewpoint as undergoing a low cumulative magnitude of change and a not significant effect at a moderate / minor level for residents and walkers. This assessment relates to the extent to which the Five Estuaries and North Falls onshore substations are screened by existing vegetation and the extent to which the North Falls onshore substation screens the Five Estuaries onshore substation, thus reducing its influence within the cumulative context (Figure 10.34.8a) The EACN onshore substation will be screened fully owing to a combination of the screening effect of the onshore substations and existing vegetation and while three towers associated with the Norwich to Tilbury OHPL will be visible in the centre of the view, the limited visibility of the Five Estuaries onshore substation means that the cumulative interaction between the Five Estuaries onshore substation and the additional towers is minimal (Figure 10.34.8b). The cumulative magnitude of change in respect of the addition of the Five Estuaries onshore substation to the cumulative context will remain low, and the cumulative effect will remain not significant at a moderate / minor level for residents and walkers.



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