

FIVE ESTUARIES OFFSHORE WIND FARM

10.42 APPLICANT'S RESPONSES TO ACTION POINTS – ISH6, CAH3 AND ISH7

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Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
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1. ISSUE SPECIFIC HEARING 6 (ISH6)

No.	Party	Action	Deadline	Applicant's Response
1	Applicant	Post hearing submission to include an explanation of decommissioning plan requirements under the Energy Act 2023.	6	This has been included in section 1.2 of document 10.41 Applicant's Summaries of Oral Submissions - ISH6, CAH3 and ISH7, submitted at Deadline 6.
2	Applicant	To provide an update of progress with National Highways regarding Abnormal Indivisible Loads (AIL) use of the Wix bypass and agreement that appropriate solutions can be applied. The Statement of Common Ground between the Applicant and National Highways to be updated to reflect any changes in position.	6	The Applicant has provided National Highways with additional technical information on the impact of AILs on the Wix bypass and has proposed a follow up technical discussion w/c 17 February to address any remaining queries. The Applicant and National Highways are continuing discussions to resolve the remaining issues set out in the SoCG. At a meeting on 07 February between the parties it was agreed, whilst there has been some progress, it would make sense to provide an updated SoCG to the ExA for Deadline 7. When it is hoped the remaining issues will be agreed.
3	Applicant	Submission of a swept path analysis for the new mini roundabout on the B1035 south of the A120 Horsley Cross roundabout.	6	A swept path analysis has been undertaken in relation to the cable drum delivery vehicle movements at the recently installed mini roundabout on the B1035 south of the A120 Horsley Cross roundabout. This is provided in Appendix 1. It will also be included within the wider updates to the traffic documents to be submitted at Deadline 7.



4	Suffolk County Council	Submission of comments on the changes made to the outline Construction Traffic Management Plan [REP5-035] regarding AIL movements and notifications procedure	6	This Action is not directed at the Applicant.
5	Applicant and Essex County Council	Applicant to arrange discussion on an Operation and Maintenance Port Traffic Management Plan with purpose of agreeing a joint submission on the parties' positions	6	The Applicant and Essex County Council discussed the position in relation to ports on 04 February 2025. It was agreed that as the Applicant is not seeking any port expansion, for an O&M port or construction activities, under this DCO application no such plan is required. In the event, such activities be brought forward within Essex it was noted they would be subject to a separate planning approval processes where the traffic, and any required controls, would be considered. Both parties are content this is now closed.
6	National Highways	Submission of comments relating to the capacity of the A120's junctions east of the B1035 (Horsley Cross)	6	This Action is not directed at the Applicant.
7	Suffolk County Council	Submission of a note providing details relating to the successful implementation of port construction management plans for projects in construction or completed	6	This Action is not directed at the Applicant.
8	Applicant	Submission of a map showing the boundaries of the various applicable Marine Plans relative to the offshore Order Limits	6	This has been included in 10.12 Marine Plan Policy Assessment – Revision D, submitted at Deadline 6.
9	Applicant, Suffolk County Council, Suffolk and Essex Coast and Heaths	Consolidated/full submissions on the interpretation of Section 85 of the Countryside and Rights of Way Act 2000, as amended by the Levelling Up and	6	The Applicant's consideration has been set out in full in document 10.44 Applicant's submissions on s85 of the Countryside and Rights of Way Act, submitted at Deadline 6.



	National Landscape Partnership and any other party wishing to make a representation on the topic	Regeneration Act 2023 and the application of the duty in this case		
10	Applicant	 Submission of reasoning as to why the proposed onshore cable could not be installed at a minimum level of 1.2 metres in all locations, including examples of how the Applicant would approach immovable obstacles. Undertake a review of the submitted control documents and consider where the onshore cable level could be more clearly set out and submit, as necessary, any revised control documents. 	6	 The Applicant has submitted 10.20.10 Technical Note - Onshore Cable Burial Depth at Deadline 6. The Applicant has reviewed the project control documents and proposes to review the Code of Construction Practice [REP5-033] to consider adding details of the onshore cable burial depth to the when it is next revised for Deadline 7.
11	Applicant	Applicant to submit contextual note on the offshore wind farm leasing process and rounds, including a map showing the boundary of the 'East Anglia Zone' relative to the Order Limits for the Proposed Five Estuaries Offshore Wind Farm.	6	The Applicant has submitted 10.43 Offshore Wind Farm Leasing Process Note at Deadline 6.
12	Tendring District Council and Essex County Council	Submission of comments relating to the Onshore Substations Operational Noise and the Outline Noise Complaints Protocol (Noise Protocol) [REP5-088].	6	This Action is not directed at the Applicant.
13	Applicant	Review and amend the Noise Protocol following the submission of the Councils' comments at Deadline 6 relating to	7	The Applicant has advised National Grid and North Falls Offshore Wind Farm that



		[REP5-088]. The revised Noise Protocol to include a plan showing the various assigned receptor locations as identified in Table 1 in [REP5-088].		changes are required to this joint document for Deadline 7.
14	Applicant	Submission of a technical note on the methodological differences between the Applicant and Natural England on ornithological matters and the resulting differences between the parties with respect to quantifying compensatory measures.	7	The Applicant will submit a technical note on this matter at Deadline 7.
15	Applicant	Submission of a technical note outlining how vessels manoeuvre in/out of the Deep Water Routes (DWRs) and within the vicinity of the Sunk pilot boarding station. This note to include a plan showing the Order Limits relative to the entry/exit to the DWRs, the Sunk pilot boarding station and the Margate and Long Sands Special Area of Conservation.	6	The Applicant has submitted 10.20.11 Technical Note - Plan of Extent of Deep Water Routes at Deadline 6.
16	Applicant	Review and update the figure numbering used in the Outline Landscape and Ecological Management Plan (OLEMP) [REP2-022]. Submit a corrected document. Review the OLEMP with respect to the potential return of part of substation zone to agriculture post decommissioning.	6	The Applicant has an updated 9.22 Outline Landscape and Ecological Management Plan – Revision D at Deadline 6 to address the figure numbering and address the inconsistency between the wording in the OLEMP on the restoration of the site to agriculture, and wider commitments in the project documents on decommissioning in relation.
17	Applicant	Submission of a revised Biodiversity Net Gain report correcting a drawing error in	6	The Applicant has revised 6.6.4.18 Five Estuaries Offshore Wind Farm Onshore



[APP-149] for the hedgerows shown on	Biodiversity Net Gain Indicative Design
sheet 19 of 19 "Baseline Habitats Plan	Stage Report (Revision B) at this deadline
ECC section 7".	(Deadline 6) to correct the error shown on
	the baseline habitats plan. It has also
	corrected other minor errors in the document.



2. **COMPULSORY ACQUISITION HEARING 3 (CAH3)**

No.	Party	Action	Deadline	Applicant's Response
1	Applicant	Submission of a "legal note" on the Secretary of State's ability to exclude land from the compulsory acquisition powers applied for by applicants.	6	The Applicant has submitted 10.45 Legal Note: Excluding land from compulsory powers at Deadline 6 to respond in full to this request.
2	Applicant	In respect of the draft Heads of Terms (HOTs) with landowners and the inclusion of the "no objection" clause(s) relating to the Application and the North Falls Offshore Wind Farm (North Falls) Application, review the wording of the HOTs and make a submission to the Examining Authority (ExA) advising on whether any wording changes have been/are to be made to address matters raised by the Affected Persons who attended CAH3.	At the earliest available deadline and not later than Deadline 7	The Applicant has reviewed the relevant wording in the Heads of Terms alongside representatives of North Falls Offshore Wind Farm and the Applicant's land agents. The Applicant, alongside North Falls Offshore Wind Farm, has written to landowners' representatives (10 February 2025) to clarify that the wording does not prevent landowners or their representatives from participating in the Examination process, attending hearings or making written representations in relation to practical matters.
3	Applicant	Further to the ExA's request, consider whether or not alternative plans will be submitted in relation to sheets 17 and 18 of the Land Plans for a scenario under which the Proposed Development proceeded without any collaboration with North Falls. Any such alternative plan being submitted on a without prejudice basis.	6	The Applicant cannot produce or submit "without prejudice" land plans. The compulsory powers applied for are intended to facilitate the necessary coordination at the substation site. The footprint of the North Falls substation has been included in the 2.3 Land Plans – Onshore [AS-019] in order to: 1. Ensure comprehensive compliance with policy requirements;



				 Facilitate necessary mitigation measures, such as landscaping, drainage, and ecological considerations; Minimise overall impacts and land use through coordinated project development; and Provide realistic and deliverable land take plans. Any without prejudice plan submitted would be wholly unrealistic as, even in an entirely uncoordinated scenario, the Applicant is required to have regard to other developments in proximity and cannot design the scheme without any regard to them. The Applicant proposes to submit to the ExA a more detailed note explaining the rationale for this at Deadline 6A on this topic.
4	Applicant	Undertake a review of the Environmental Statement, as it relates to the proposed onshore substation zone, to establish whether the Proposed Development could be implemented without the "additional loop" in the haul road south of Ardleigh Road (Land Plot 17-006), with North Falls having not identified the need for such an additional loop in the haul route as the means for avoiding Lowland Meadow (obstacle OOX-31).	6	The ES surveys, reported in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] identified the area as S41 lowland meadow habitat (UKHab primary code g3a), which is of local importance. Table 4.18 acknowledges the potential loss of lowland meadow, noting lowland meadow would be avoided where possible, but used the precautionary principle and assessed lost and reinstatement for the area shown on sheet 20 of 21 of the Important Hedgerows, S41 Habitats, other notable habitats, and notable



				plant species recorded with the survey area figures (page 143). As stated in 10.20.6 Technical Note - Haul roads between Bentley Road and the Onshore Substation [REP4-036] in paragraphs 3.3.3 to 3.3.5 the alternative route has been included to allow the Applicant to further avoid the lowland meadow, should this be practical during detailed design. The Proposed Development would be able to be implemented, and has assessed, using either the additional loop or following the route along the export cable corridor.
5	Henry Fairley and Son Limited	Submit examples of comparable wind farm projects prior to any permissions or consents having been granted that have had narrower onshore export cable corridors.	6	This Action is not directed at the Applicant.
6	Henry Fairley and Son Limited and T Fairley and Son Limited	With respect to the proposed restrictive covenants relating to the onshore export cable corridor, submit comments on and any proposed alternative wording for the restrictive covenant relating to the prevention of excavations affecting the land above and within the vicinity of the proposed buried cable ducts. These submissions should include any suggested alternative depth limitation and any precedents for the suggested alternative wording.	6	This Action is not directed at the Applicant.
7	Applicant	Undertake a review of the Works Plans [AS-021] concerning the proposed	6	The Applicant has submitted 2.3 Land Plans – Onshore – Revision D and 2.5 Works Plan –



compensatory habitat for Lesser Black Backed Gull at Orford Ness and submit revised Works Plans, clarifying the land	Onshore Rev D at Deadline 6 to address these issues.
required for: 1) the proposed compensatory habitat; and 2) accessing the compensatory habitat.	



3. ISSUE SPECIFIC HEARING 7 (ISH7) – DRAFT DCO

No.	Party	Action	Deadline	Applicant's Response
1	Applicant	Submission of a note relating to the grid connection that has been secured and explaining why it is considered the imposition of a Grampian style phasing condition/requirement would not be compliant with national policy.	6	The Applicant has addressed this directly in 10.41 Applicant's Summaries of Oral Submissions - ISH6, CAH3 and ISH7 submitted at Deadline 6 and 10.46 Opinion of King's Counsel submitted at this Deadline.
2	Applicant	Insert approximate length for Work Numbers 4 and 5 in Schedule 1 of the draft Development Consent Order (dDCO).	6	The draft DCO submitted at Deadline 6 has been updated to include these approximate lengths.
3	Applicant	In relation to Requirement 10(3) of the dDCO, explain why it is considered that it would be appropriate for preparatory works, as defined in Article 2 of the dDCO, to be undertaken in accordance with the provisions of the outline Landscape and Ecological Management Plan (LEMP) rather than pursuant to a final version of the LEMP approved under Requirement 10(1).	6	The onshore site preparation works, as defined by article 2, of the draft DCO allow for works that are usually allowed without the need for development consent, and/or which are required to inform detailed design to be undertaken prior to the discharge of requirements. Therefore, these site preparation works, are likely to be in advance of the final LEMP being approved under requirement 10(1). The wording in Requirement 10 (3) is to ensure specific controls for these works, as set out in the outline LEMP, are secured to manage these activities. The Outline Landscape and Ecology Management Plan has been updated for this deadline to make this clearer. This reflects the approach already taken in the Code of Construction Practice [REP5-033], and outline Construction Traffic



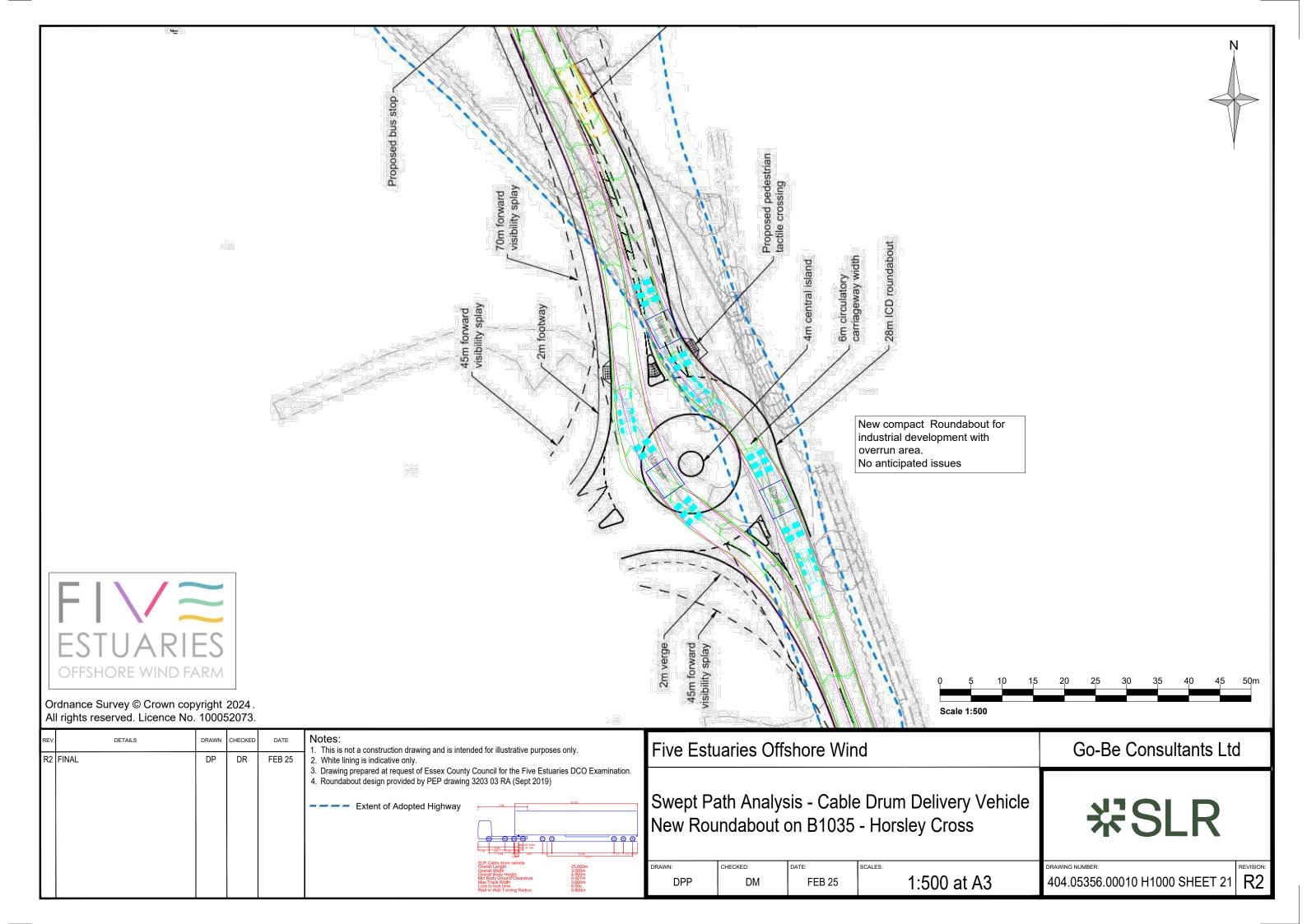
				Management Plan [REP5-035] and Outline Workforce Travel Plan [REP5-039].
4	Tendring District Council and Essex County Council	Advise the Applicant in writing ahead of Deadline 6 of the Councils' agreed position with respect to the discharging responsibilities for the requirements included in any made DCO. (Information being required so that the Applicant can incorporate any necessary drafting in Schedule 2 of the dDCO.)	ASAP	The Applicant has received confirmation on discharging responsibilities for requirements from Tendring District Council and Essex County Council and has updated the draft DCO accordingly.
5	Tendring District Council and Essex County Council	Comment on the provisions of Revision C of the Code of Construction Practice [REP5-033].	6	This Action is not directed at the Applicant.
6	Applicant	Submission of a plan showing the extent of the Harwich Haven Authority's area of jurisdiction relative to the proposed offshore export cable corridor.	6	This has been included in Appendix 2 of this document.
7	Port of London Authority	Submission of a plan identifying the extent of the approaches for the Port of London.	6	This Action is not directed at the Applicant.
8	Applicant	Extend an invitation to London Gateway Port Limited to attend a meeting with it and the Port of London Authority to discuss protective provisions.	ASAP	The invitation was extended and the meeting (with the Applicant, London Gateway Port Limited and the Port of London Authority) took place on Tuesday 4 February 2025.
9	Applicant	Advise when it is expected discussions with relevant Interested Parties will be concluded to enable the Applicant to fix its position with respect to protective provisions.	6	The Applicant has had several productive discussions with some of the counterparties since ISH7 to narrow the remaining points of disagreement. The Applicant's intention is to submit a full suite of PPs at Deadline 7 noting in that submission any areas of known



				disagreement with counterparties, and where possible and agreed, to submit a joint position on the extent of any agreement or disagreement.
10	Applicant	Submit the written update prepared for agenda item 3.3 (drafting of the Deemed Marine Licences).	6	This is included in the summary of oral case submitted at Deadline 6.
11	Applicant	Submission of two versions of the final draft DCO (in editable format), one excluding all without prejudice schedules and one including without prejudice schedules.	7 or 8	The Applicant will submit two versions as requested.

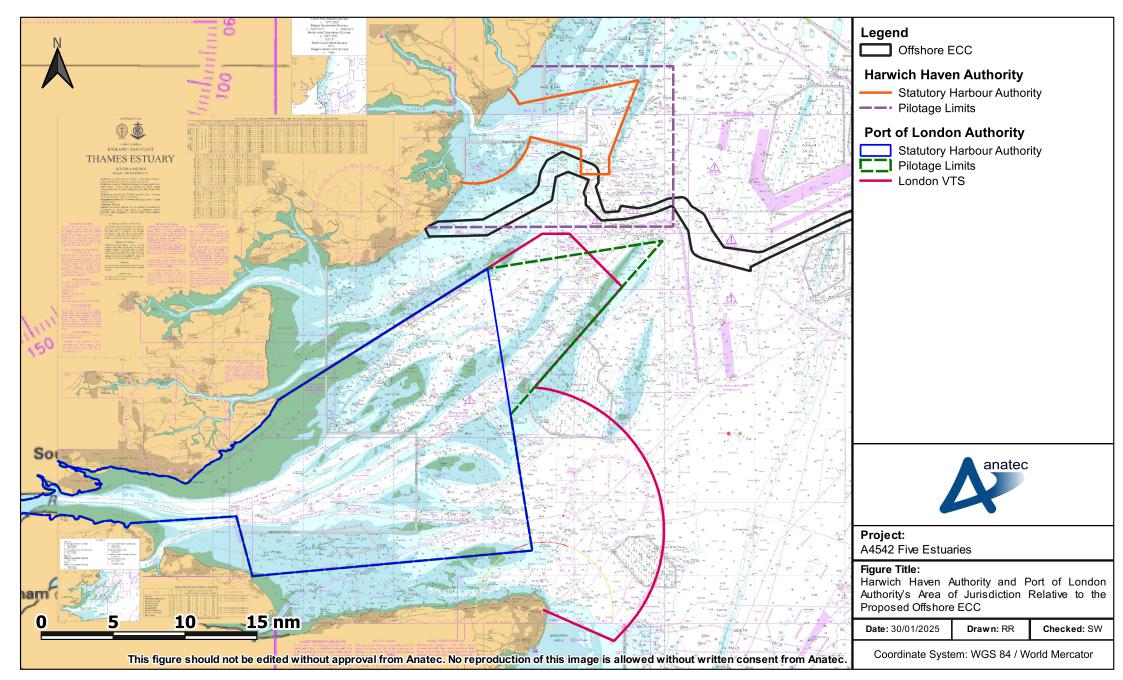


APPENDIX 1: ISH6 ACTION POINT 3 – SWEPT PATH ANALYSIS





APPENDIX 2: ISH7 ACTION POINT 6 – HHA AREA OF JURISDICATION





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