



# NORTH FALLS

*Offshore Wind Farm*

## Applicant's Response to Written Questions (ExQ1)

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1. Applicant's response to written questions (ExQ1).....	5
Introduction .....	5
Appendix to Applicant's Response to Written Questions (ExQ1) [9.19.1 Rev 0] ....	5
1.1 General and Cross-topic .....	6
1.2 Environmental Statement .....	13
1.3 Need and Benefits .....	15
1.4 Code of Construction Practice .....	21
2.0 Agriculture and other land uses, ground conditions and soils .....	24
3.0 Alternatives .....	31
4.0 Aviation .....	47
5.0 Climate Change and Resilience .....	49
6.0 Compulsory Acquisition .....	54
7.0 Cumulative Impacts .....	90
8.0 Design .....	92
9.0 Draft Development Consent Order (DCO) .....	97
9.2 Schedule 1 – Authorised Development .....	107
9.3 Schedule 3 – Traffic Regulation .....	118
9.4 Schedule 8 – Deemed Marine Licence under the 2009 Act – Generation Assets .....	119
9.5 Schedule 9 – Deemed Marine Licence under the 2009 Act – Transmission Assets .....	122
9.6 Schedule 10 – Deemed Marine Licence under the 2009 Act – Transmission Assets (Offshore Converter Platform) .....	122
9.7 Schedule 15 – Compensation to protect the coherence of the National Site Network .....	123
9.8 Other Matters .....	124

10.0 Ecology .....	125
10.2 Ecological Enhancement.....	136
10.3 Habitats Regulations Assessment.....	140
11.0 Flood Risk, groundwater and surface water .....	150
12.0 Historic Environment & Archaeology .....	156
13.0 Human Health .....	165
14.0 Landscape, Visual and Seascape Effects .....	167
15.0 Navigation and Shipping .....	178
16.0 Socio-economic Effects.....	183
17.0 Terrestrial Traffic and Transportation .....	190
2. References .....	202

## APPLICANT'S RESPONSE TO WRITTEN QUESTIONS (ExQ1)

### Introduction

This document has been prepared by North Falls Offshore Wind Farm Limited ('the Applicant') to respond to the Examining Authority's ('ExA') written questions and request for information (ExQ1) **[PD-009]**, in relation to the North Falls Offshore Wind Farm (herein referred to as 'North Falls' or the 'Project').

All of the questions raised in the ExA's ExQ1 **[PD-009]** have been included in this document, including questions not directed to the Applicant. In some limited cases the Applicant has made a comment on these questions where it considers it helpful to the ExA and other Interested Parties.

Included as Appendix to this document is additional information provided in response to specific written questions. Where an entirely new document has been submitted this will be clearly referenced.

### Appendix to Applicant's Response to Written Questions (ExQ1) [9.19.1 Rev 0]

The Appendix to Applicant's Response to Written Questions (ExQ1) [9.19.1 Rev 0] is included as a separate appendix to this document.

- Q1.2.1a Offshore Cumulative Effects Assessment Plan
- Q1.2.1b Offshore Ornithology Cumulative Effects Assessment Plan
- Q1.2.1c Marine Mammals Cumulative Effects Assessment Plan
- Q1.2.1d Onshore Cumulative Effects Assessment Plan
- Q2.1.6 Utilities Crossing Plan
- Q3.1.11 Indicative Cross-sections for Simple and Complex Trenchless Crossings (4 Circuits)
- Q11.1.7 Groundwater Monitoring Points
- Q14.1.11 Seascape sensitivity to offshore wind farms - Final Report (White Consultants, October 2020)
- Q14.1.11 Seascape sensitivity to offshore wind farms - Update Addendum (White Consultants, June 2023)

## 1.1 General and Cross-topic

ExQ1	Question to:	Question:	Applicant's Response
1. General and Cross-topic Question			
1.1 General			
Q1.1.1	The Applicant	<p><b>Generating capacity of the Proposed Development</b> Provide the following information:</p> <ul style="list-style-type: none"> <li>(i) The anticipated generating capacity for the Proposed Development and the contribution that the generating capacity would make to the Government's objective of delivering 50 gigawatts (GW) of offshore wind generation by 2030.</li> <li>(ii) The anticipated total generating capacity for the 57 "smallest" and the 34 "largest" wind turbine generators referred to in Table 5.4 of ES Chapter 5 [APP-019].</li> <li>(iii) With respect to connecting with the electricity transmission system, confirm what grid capacity limit has been allocated to the Proposed Development.</li> </ul> <p>The ExA finds it necessary to ask these questions because Paragraph 2.1.3 of the Needs Case and Project Benefits Statement [APP-232] states "<i>North Falls will have a generating capacity in excess of 100 MW.</i>" with there being no indication of its actual anticipated generating capacity. 100MW is simply a threshold for determining whether a proposed offshore generating station in England would or would not be a Nationally Significant Infrastructure Project (NSIP) and be within the scope of the Planning Act 2008 (PA2008). The ExA considers that it and the Secretary State need to know what the anticipated generating capacity for the Proposed Development would be, because that is information which would need to be taken account of should it become necessary to weigh any effects arising from the Proposed Development against any public interest benefits, particularly when exercising duties under s122 of the PA2008 (Purpose for which compulsory acquisition may be authorised) and The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).</p>	<p><b>(i)</b></p> <p>The Applicant has secured a grid connection agreement with NESO that would allow for a connection capacity of 1000 MW (1GW). The generating capacity of the Proposed Development is expected to be approximately 1GW, but the exact figure will depend on the final selection of wind turbine types. This would contribute approximately 2% towards the Government's target of delivering 50 GW by 2030.</p> <p>The Applicant notes that the <i>Overarching National Policy Statement for energy (EN-1)</i> ('NPS EN-1') states that the need for offshore wind, as a development type, is demonstrated and urgent and provides that "<i>the Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS</i>" (NPS EN-1 at [3.2.8]).</p> <p><b>(ii)</b></p> <p>The power would be generated by a larger number of smaller turbines (maximum 57), a smaller number of larger turbines (maximum 34), or a mix of more than one wind turbine type/model all within the parameters described in Table 5.4 of the ES Chapter 5 Project Description [APP-019]. The generating capacity of the North Falls array depends on the final size, capacity and combination of wind turbines chosen and the capacity and efficiency of the market at the time (noting that this continues to improve).</p> <p>The Applicant has set out below the indicative generating capacity of the 57 'smallest' and 34 'largest' turbines based on what is currently available on the market:</p> <p style="padding-left: 40px;">Illustrative generating capacity for 57 'smallest' turbines = 57 x 15MW = 855MW</p> <p style="padding-left: 40px;">Illustrative generating capacity for 34 'largest' turbines = 34 x 25MW = 850MW</p> <p><b>(iii)</b></p> <p>The Applicant's connection agreement with NESO is for a capacity of 1000 MW (1GW).</p>
Q1.1.2	National Grid Electricity Transmission Plc (NGET)	<p><b>Grid connection limit for the Proposed Development</b> Confirm what grid connection limit has been agreed with the Applicant as part of the connection offer.</p>	As stated above, the Applicant's connection agreement with NESO is for 1000 MW (1GW).

ExQ1	Question to:	Question:	Applicant's Response
Q1.1.3	The Applicant	<p><b>Time limits for commencing the Proposed Development</b></p> <p>Comment on the compatibility of a time limit of seven years for commencing the Proposed Development, sought under the provisions of Requirement 1 of Schedule 1 of the draft Development Consent Order (dDCO) [APP-005] with the Government's policy ambition for delivering 50GW of offshore wind generation by 2030, as referred to for example in paragraph 3.3.21 of National Policy Statement (NPS) EN-1.</p>	<p>The seven-year longstop time limit to commencing the development does not mean that the development will not be delivered before then.</p> <p>North Falls is well suited to delivery ahead of the 2030 target, and in any case the Applicant will deliver the Project as soon as practicable.</p> <p>The NPS EN-1 concludes that it is necessary to bring forward new renewable electricity generating projects <i>as soon as possible</i> in order to largely decarbonise the power sector by 2030 and meet the UK's energy objectives. It is noted at point 3.3.20 that "a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar".</p> <p>Moreover, Powering Up Britain, sets a UK target of fully decarbonising the power sector by 2035. The need for new renewable electricity generation projects is therefore urgent. As such, there is a clearly the need to deliver projects such as North Falls as soon as possible, if possible before 2030, but also thereafter.</p> <p>Please refer to the Needs Case and Project Benefits Statement <b>[2.1, (Rev 1)]</b> for the Applicant's full position in respect of this.</p> <p>The Applicant has, however, to allow for the reasonable worst case which includes unforeseen delays or delays outside its control, when drafting the dDCO The Applicant cannot, for example, rule out lack of success in Contracts for Difference auction rounds, or supply chain delays, or events outside its control</p> <p>The Applicant notes that a seven year period was included in the Hornsea Four Offshore Wind Farm Order 2023 and the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 for the same reasons.</p>
Q1.1.4	Local Authorities (LAs)	<p><b>Development Plan policies</b></p> <p>Confirm that you are content with the Applicant's policy analysis. The local planning authorities in responding to this question should also advise on whether there have been any changes to the Development Plan operative in their respective areas following the submission of the Application for the Proposed Development and/or as to whether any changes are anticipated prior to 28 July 2025, the latest date by which the Examination must be completed.</p>	This question is not directed to the Applicant.
Q1.1.5	LAs	<p><b>Neighbourhood Plans</b></p> <p>In addition to the Ardreigh Neighbourhood Plan, are there other any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are, please:</p> <p>(i) Provide details, confirming their status and, if they are emerging, the expected timescales for their making.</p> <p>(ii) Provide copies of the relevant parts of any made plan or emerging plan.</p>	This question is not directed to the Applicant.

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iii) Indicate the weight that you consider should be given to these documents.</p> <p>(iv) Please also provide an update as regards the status of the Ardleigh Neighbourhood Plan and whether there have been any changes to relevant policies.</p>	
Q1.1.6	LAs	<p><b>Updates on other development</b> Provide an update on any planning applications that have been submitted or any permissions that have been granted following the submission of the Application for the Proposed Development which could either affect the Proposed Development or be affected by the Proposed Development and whether those developments would affect the conclusions reached in the Environmental Statement (ES).</p>	This question is not directed to the Applicant.
Q1.1.7	The Applicant	<p><b>Co-ordination Report</b> (i) Paragraph 1.1.11 of the Co-ordination Report [APP-236] states that “NFOW will continue to engage with the relevant parties on opportunities for further coordination and this Report is intended to be a ‘live’ document that can be updated during the course of the Examination period where necessary”. Please provide an update on the coordination undertaken since the application was submitted and advise as to when the Co-ordination Report will be updated. (ii) Can an update be provided on the shared enhancement, mitigation and compensation measures described in Section 8, Co-ordination Report [APP-236] to include what coordinated management plans are proposed and how they will be secured in the dDCO.</p>	<p>(i) The Co-ordination Report (Appendix D) was updated at Deadline 1 (clean and tracked) ([REP1-004] and [REP1-005]). It now includes an update relating to funding decisions made by the Secretary of State for Energy (SoS) in September 2024. In conclusion, the SoS has decided to stop funding the OCSS.</p> <p>(ii) An update in respect of co-ordinated enhancement, mitigation, and compensation will be provided at Deadline 3.</p>
Q1.1.8	The Applicant	<p><b>The Planning Balance</b> The Planning Statement [APP-233] paragraph 4.5.13 highlights the factors that the Secretary of State should take into account when weighing the adverse impacts of a proposed development against its benefits. For the avoidance of doubt, please provide a complete and specific list of all the residual adverse impacts and benefits that the Applicant submits should be weighed in the overall planning balance.</p>	<p>Whilst there is a general presumption in favour of consenting NSIPs based on the Government's assessment of the need for electricity generating capacity as set out in paragraphs 3.3.57 – 3.3.63 of the NPS EN-1, a strengthened presumption specifically in relation to critical national priority (CNP) infrastructure is also included. North Falls is a CNP infrastructure scheme.</p> <p>The strengthened presumption in favour of CNP infrastructure identifies that “<i>where non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure...in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.</i>” Similarly, in terms of any HRA or MCZ residual impacts, NPS EN-1 paragraphs 4.2.18 – 4.2.22 confirm that the starting point is that energy security and decarbonising the power sector to combat climate change are capable of amounting to imperative reasons of overriding public interest, with the benefit to the public being capable of outweighing the risk of environmental damage.</p>



ExQ1	Question to:	Question:	Applicant's Response																		
			<p>The Needs Case and Project Benefits Statement <b>[2.1, (Rev 1)]</b> demonstrates the evidence supporting the need for the delivery of North Falls and demonstrates the benefits of its planned pre-2030 delivery date as well as the potential impact of delaying delivery beyond the realisation of the Holistic Network Design. The Project will provide a source of renewable energy with a wide range of benefits including economic growth, energy security and decarbonisation targets.</p> <p>The following tables provide a summary of residual effects – adverse and beneficial - anticipated to arise from the Project following the implementation of mitigation (imbedded and additional) measures.</p> <p>NFOW has committed to implement mitigation measures to ensure that any potential impacts are minimised as far as practicable, to reduce the potential for significant effects. Whilst there are some residual adverse effects, these are limited relative to the scale and nature of the Project and highly localised which demonstrates the effort made to minimise impacts to accord with the mitigation hierarchy and to comply with national and local policy requirements.</p> <p>In short, where residual harm has been identified, given the minor scale and scope, it is considered that it does not represent the ‘<i>exceptional circumstances</i>’ whereby permission should be withheld. The presumption in favour of consent as an energy NSIP and CNP is unaffected.</p> <table><tr><th colspan="2">Residual Adverse Effect</th></tr><tr><th colspan="2">Not Significant in EIA Terms</th></tr><tr><th>Topic</th><th>Scale of Effect</th></tr><tr><td>Marine Geology, Oceanography and Physical Processes (ES Chapter 8 <b>[APP-022]</b>)</td><td>No greater than negligible adverse</td></tr><tr><td>Marine water and sediment quality (ES Chapter 9 <b>[APP-023]</b>)</td><td>No greater than minor adverse</td></tr><tr><td>Benthic and Intertidal Ecology (ES Chapter 10 <b>[APP-024]</b>)</td><td>No greater than minor adverse</td></tr><tr><td>Fish and Shellfish Ecology (ES Chapter 11 <b>[AP-025]</b>)</td><td>No greater than minor adverse</td></tr><tr><td>Marine Mammals (ES Chapter 12 <b>APP-026]</b>)</td><td>No greater than minor adverse</td></tr><tr><td>Offshore Ornithology (ES Chapter 13 <b>[APP-027]</b>)</td><td>No greater than minor adverse for North Falls alone Up to moderate adverse for cumulative effects on some species.</td></tr></table>	Residual Adverse Effect		Not Significant in EIA Terms		Topic	Scale of Effect	Marine Geology, Oceanography and Physical Processes (ES Chapter 8 <b>[APP-022]</b> )	No greater than negligible adverse	Marine water and sediment quality (ES Chapter 9 <b>[APP-023]</b> )	No greater than minor adverse	Benthic and Intertidal Ecology (ES Chapter 10 <b>[APP-024]</b> )	No greater than minor adverse	Fish and Shellfish Ecology (ES Chapter 11 <b>[AP-025]</b> )	No greater than minor adverse	Marine Mammals (ES Chapter 12 <b>APP-026]</b> )	No greater than minor adverse	Offshore Ornithology (ES Chapter 13 <b>[APP-027]</b> )	No greater than minor adverse for North Falls alone Up to moderate adverse for cumulative effects on some species.
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ExQ1	Question to:	Question:	Applicant's Response	
			Commercial Fisheries (ES Chapter 14 [APP-028])	No greater than minor adverse
			Shipping and Navigation (ES Chapter 15 [APP-029])	No significant effects
			Offshore and Intertidal archaeology and cultural heritage (ES Chapter 16 [APP-030])	No greater than minor adverse
			Aviation and Radar (ES Chapter 17 [APP-031]).	No significant effects
			Infrastructure and Other Users (ES Chapter 18 [APP-032])	No greater than minor adverse
			Ground conditions and contamination (ES Chapter 19[APP-033])	No greater than minor adverse
			Air Quality (ES Chapter 20 [APP-034])	No significant effects
			Water Resources and Flood Risk (ES Chapter 21 [APP-035])	No greater than minor adverse
			Onshore Ecology – short term (ES Chapter 23 [APP-037])	No greater than minor adverse
			Onshore Ornithology (ES Chapter 24 [APP-038])	No greater than minor adverse
			Onshore Archaeology and Cultural Heritage (ES Chapter 25 [APP-039])	No greater than minor adverse
			Noise and Vibration (ES Chapter 26 [APP-040]).	No greater than minor adverse
			Traffic and Transport (ES Chapter 27 [APP-041])	No greater than minor adverse
			Human Health – short term (ES Chapter 28 [APP-042])	No greater than minor adverse
			Socio-Economics – wider socioeconomic receptors (ES Chapter 31 [AS-010])	No greater than minor adverse
			Tourism and Recreation (ES Chapter 32 [APP-046])	No greater than minor adverse
			Major Accidents and Disasters (ES Chapter 34 [APP-048])	No significant effects
			<b>Significant in EIA Terms</b>	
			Land Use and Agriculture (ES Chapter 22 [APP-036])	Up to Major adverse

ExQ1	Question to:	Question:	Applicant's Response	
				Note: A detailed site selection process was undertaken for each element of the Project's onshore infrastructure [APP-018] which included interactions with BMV. It is noted that the majority of Essex is BMV including land in which the EACN is positioned. Due to technical requirements for the onshore substation to be in proximity to the EACN BMV could not be avoided. Nevertheless, the Applicant has sought to minimise scale of the Projects permanent infrastructure to ensure permanent loss of BMV land is kept to a minimum. In total it is anticipated that the permanent loss of agricultural land from Project equates to 0.002% of the regional agricultural resource.
			Seascape, Landscape and Visual Impact (ES Chapter 29 [APP-043])	Up to Major adverse  Note: The project has sought to minimise potential impacts as far as is practicable, including by removing the northern array previously outlined in the PEIR; reducing the array area by almost half and thereby increasing the distance to the nearest land from 22km to circa 40km at the closest point. It is also highlighted that the anticipated harm is limited to a 10km radius.
			Onshore Landscape and Visual Impact (ES Chapter 30 [APP-044])	Up to moderate adverse Note: Impacts are localised and will reduce over time as proposed landscape planting matures. No areas designated for their landscape quality are unduly affected by the Project.

ExQ1	Question to:	Question:	Applicant's Response	
			Residual Beneficial Effect	
			Topic	EIA Scale/ Policy Weight of Effect
			Human Health ES Chapter 28 [APP-042])	Moderate beneficial (significant in EIA terms) effects identified for employment during the construction and operation and maintenance phase, and moderate wider societal benefits (significant in EIA terms) during operation.
			Socio-economics - Economic development and job creation  (ES Chapter 31 [AS-010])	Minor beneficial (not significant in EIA terms)
			Onshore Ecology – long-term biodiversity enhancement  (ES Chapter 23 [APP-037])	Moderate beneficial (significant in EIA terms)
			Climate Change (ES Chapter 33 [APP-047])	Beneficial (significant in EIA terms)
			Contribution to the achievement of UK decarbonisation targets by 2030 and 2050 through approximately 1GW of new generating capacity, and a contribution towards the UK's global commitments to reduce the effects of climate change.  (ES Chapter 2 Need for the Project ([APP-016]); ES Chapter 3 Policy and Legislative Context [APP-017]; Needs Case and Project benefits Statement [2.1, Rev 1])	Substantial positive weight
			Contribution to the reduction of the UK's reliance on imported energy to improve UK energy security.	Substantial positive weight

ExQ1	Question to:	Question:	Applicant's Response	
			(ES Chapter 2 Need for the Project ( <b>APP-016</b> )) and ES Chapter 3 Policy and Legislative Context [ <b>APP-017</b> ])	
			Cost of living impacts by contributing to decreasing reliance on fossil fuels, decreasing the wholesale electricity price and thereby household energy bills in the UK. Which in turn would help to decrease local and UK deprivation levels and fuel poverty by increasing affordability. (Needs Case and Project benefits Statement [ <b>2.1, Rev 1</b> ])	Moderate positive weight
			Social benefits to local communities through upskilling, income generation and thereby supporting a better quality of life. (Needs Case and Project benefits Statement [ <b>2.1, Rev 1</b> ])	Minor positive weight
			Extension to operational GGOW is an efficient way of developing more offshore capacity. (Needs Case and Project benefits Statement [ <b>2.1, Rev 1</b> ])	Minor positive weight

1.2 Environmental Statement

ExQ1	Question to:	Question:	Applicant's Response
1.2 Environmental Statement (General)			

Q1.2.1	The Applicant  Relevant LA	<p><b>Cumulative effects/impacts - ecology</b> In relation to cumulative effects/impacts, please provide or signpost the following:</p> <ul style="list-style-type: none"> <li>(i) Confirmation of up to date/updated figures for each offshore ecological related ES chapter (or one overarching figure which supersedes those) showing the location, and labelling, of all developments screened into the cumulative effects assessment.</li> <li>(ii) A figure/plan showing the location of, and labelling, all developments screened into cumulative assessments overall. The Applicant will need to include/address any further relevant plans/projects since the original ES study was undertaken if it is warranted allowing for all Local Planning Authority responses/other IP submissions.</li> <li>(iii) Are all relevant Planning Authorities content with what plans/projects have screened in/out of the ES cumulative assessments made by the Applicant? If not highlight/explain any omission/potential inclusion. This will need to be re-assessed by you in accordance with the adopted ExA's Timetable until close of the Examination period.</li> <li>(iv) Paragraph 395 of ES Chapter 13 [APP-027] states that the cut-off for inclusion of other OWFs in the cumulative assessment of offshore ornithology was March 2024. Paragraph 396 states that for the proposed Five Estuaries, Dogger Bank South and Outer Dowsing OWFs data has been used from the respective PEIRs rather than the submitted ESs. Moreover, Table 12.95 of ES Chapter 12 (3.1.14) [APP-026] indicates that the same approach was used for the cumulative assessment of marine mammals. Allowing for the published ES data associated to those nearby OWFs, and given the broad principle of scheme collaboration is indicated by NE as being beneficial, is any cumulative conclusion of the Applicant's ES warranted for update having regard to the worst case scenarios for all ecological effects/impacts for this development? The Applicant is requested to undertake a review of this.</li> </ul>	<p>(i) Figures showing the location, and labelling, of all developments screened into the cumulative effects assessment are provided in 9.19.1 Appendix to Applicant's Response to Written Questions (ExQ1).</p> <p>(ii) A figure showing the location, and labelling, of all developments screened into the cumulative effects assessment has been provided in 9.19.1 Appendix to Applicant's Response to Written Questions (ExQ1).</p> <p>(iii) Question not addressed to the Applicant.</p> <p>(iv) The cumulative and in combination assessments for offshore ornithology are being updated for Five Estuaries, Dogger Bank South, Outer Dowsing, and other OWFs where updated predictions for collision and/or displacement mortality have become available in the public domain since the cut-off of March 2024 used for the DCO submission. It is anticipated that all such changes will be small and will not affect the conclusions in relation to offshore ornithology of the cumulative assessments for the ES [APP-027] or in combination assessments for the HRA [APP-178], however this will be reviewed and an update provided at Deadline 3.</p> <p>An update to the cumulative and in combination assessments for marine mammals was provided at Deadline 1 in Further Information Regarding Marine Mammals (Rev 0) [REP1-058], Sections 2.6 and 3.1.</p>
Q1.2.2	The Applicant	<p><b>Construction period allowance for environmental restrictions</b> Table 5.23 from ES Chapter 5 [APP-019] presents an indicative offshore construction programme which indicates an overall 5-year timescale for onshore and offshore works. Does this period allow for all environmental restrictions? For example, what is the time impact of the mitigation options proposed in the Outline</p>	<p>Table 5.23 from ES Chapter 5 [APP-019] sets out an indicative timetable for offshore construction activities. The programme shows the indicative likely timescale for works along with a realistic worst case potential construction window which would enable the mitigation options included in the Outline Integrity Plan for the Southern North Sea Special Area of Conservation [APP-243]. The timescale range shown in Table 5.23 (ES Chapter 5 [APP-019]) is assessed in the EIA in accordance with the Rochdale envelope approach.</p>



		Integrity Plan for the Southern North Sea Special Area of Conservation [APP-243]?	
Q1.2.3	The Applicant	<b>Maximum cable protection parameters</b> Please clarify how the maximum cable parameters presented in Table 5.19 from ES Chapter 5 [APP-019] have been generated? How many cable crossings are anticipated and what are the estimated dimensions?	<p>Table 5.19 from ES Chapter 5 [APP-019] is generated based on a percentage of expected cable length. These are in line with other DCO offshore wind farm projects, notably including Sheringham Shoal and Dudgeon Extension Projects consented in 2024. Geotech surveys have not yet been completed.. The primary means of cable protection is via burial, the amount of cable protection is expected to be minor. The figure is also aligned with amount of outcropping along the export cable route and an allowance for cable crossings.</p> <p>The number of, and the proposed location of cable crossing locations have been identified in the Export Cable Crossing Zone Plan [REP1-059]. The exact dimensions of these will depend on the specifics of the crossing agreements, which will be discussed in future. The amount of cable protection required for these crossings is included within the proposed numbers for cable protection.</p>
Q1.2.4	The Applicant	<b>Onshore export cable characteristics</b> Further detail on the onshore export cable and maximum parameters (including the estimated number of construction compounds (11)) is presented in Table 5.27, ES Chapter 5 [APP-019]. Some parameters are described as approximate or indicative. Please confirm that the parameters used in the assessment represent a worst-case scenario.	<p>The parameters defined in Table 5.27 from ES Chapter 5 [APP-019] represent the reasonable worst case scenario.</p> <p>Items such as “approximate onshore cable length” are used, as the final duct alignment within the Order limits is not yet finalised, and hence the length may vary from the centre line distance, measured as circa 22km. Therefore, an allowance for micro siting has been included.</p> <p>Similarly, the “typical minimum depth of trenchless crossings below watercourses” has been referred to as the exact depth will be confirmed at the detailed design stage after site investigations have been carried out. The site investigations will define the optimal depth to minimise the risk of a breakout into the specific watercourse.</p>

### 1.3 Need and Benefits

ExQ1	Question to:	Question:	Applicant's Response
1.3 Need and benefits			
Q1.3.1	The Applicant	<b>Wind farm distance from the coastline and area</b> Paragraph 1.1.1 of the Needs Case and Project Benefits Statement [APP-232] refers to the windfarm being approximately 22km off the East Anglian coastline. The Application Form and Planning Statement refer to the distance being 40km. Paragraph 2.3.4 refers to the offshore area being 150 sq. km whilst the Application Form and Planning Statement refer to it being 95 sq. km. Please confirm the correct distance from the coastline and area of the proposed windfarm.	<p>This is a typographical error in the Needs Case and Project Benefits Statement [2.1, (Rev 1)] and relates to the Project as described at PEIR stage. The Project's single offshore array area covers 95km2 and is located approximately 40km off the East Anglia coastline in the southern North Sea. The Needs Case and Project Benefits Statement [2.1 (Rev 1)] has been updated to this effect for Deadline 2.</p>
Q1.3.2	The Applicant	<b>The Holistic Network Design</b>	<p>(i) As explained in the Applicant's oral submissions at the open floor hearing (see 9.8 Applicant's Written summary of oral submissions at the Open Floor Hearing (OFH1) (Rev 0) [REP1-051] ,on the 3</p>

		<p>The Needs Case and Project Benefits Statement [APP-232] paragraph 2.1.2 states that the aim of the Holistic Network Design (HND) is to expediate the consenting and regulatory approval processes and deliver this coordinated network by 2030. However, the timeline for the planned follow-up Detailed Network Designs (DNDs) has been delayed. In the light of those delays, section 5.1 makes the case for the urgent delivery of North Falls, ahead of the HND, to bring forwards the benefits and the renewable generating capacity as soon as possible.</p> <p>(i) Please provide an update as to the progress and currently anticipated timeline for the HND, DNDs and the Centralised Strategic Network Plan (CSNP).</p> <p>(ii) Please provide further explanation and justification for the claim in paragraph 6.1.10 that the delay of offshore wind farms proposed for connection before 2030 until the delivery of the HND could jeopardise the UK's ability to meet the Sixth Carbon Budget.</p>	<p>September 2024 (two months after North Falls DCO submission), the Secretary of State for DESNZ decided not to grant further funding to explore the potential for offshore grid connection coordination as part of the Offshore Co-ordination Support Scheme ("OCSS") TNR "Early Opportunities" workstream and advised key stakeholders accordingly. Whilst the workstream identified that an offshore cable and grid connection point was technically feasible, it identified the potential for significant additional costs and delay.</p> <p>The Applicant notes that NESO carried out a consultation on the CSNP during December 2024 and January 2025. According to NESO's website, the CSNP will be published in 2026. Any further questions relating to the anticipated timeline for the CSNP would need to be directed to NESO.</p> <p>(ii) As set out in paragraph 6.1.10 of the Needs Case and Project Benefits Statement [APP-232] the delay of those offshore wind farms with pre-2030 connection dates would significantly increase the required rate of delivery of offshore wind farms, placing increased pressure on supply chains and skills demand.</p> <p>The Sixth Carbon Budget Balanced Pathway includes offshore wind generation contribution of 40 GW in 2030, on a path to 65-125 GW by 2050. The Sixth Carbon Budget Electricity Generation Sector Summary lists supply chains as a key challenge to deploying offshore wind stating <i>"Maximising the potential of offshore wind to meet the 2030 Government target already represents a challenge for supply chains, as they will have to increase the pace of deployment. That level of ambition might need to be sustained and possibly increased past 2030 to help meet Net Zero by 2050."</i></p> <p>On 5 November 2024, NESO published its independent analysis on how DESNZ can achieve its Clean Power 2030 (CP2030) goal. It states the following:  <i>"While the connection queue has enough projects to expand from the current 15 GW up to 54 GW by 2030, reaching even the lowest level of 43 GW in our pathways will be challenging."</i>  <i>"Offshore wind contracting and deployment must happen at unprecedented pace, far exceeding previous records."</i>  <i>"Once contracted, annual deployment of offshore wind will have to be at a scale multiple times higher than ever achieved before."</i></p> <p>These published documents support the need for urgency and evidences supply chains as a key challenge to deploying offshore wind. Should the construction of the pre-2030 offshore find farms be delayed beyond 2030 the increased in roll out rate and resultant pressure on supply chains could risk the CP2030 goal. The Sixth Carbon Budget Balanced Pathway is reliant on the CP2030 goal of achieving 40 GW of offshore wind by 2030.</p>
Q1.3.3	The Applicant	<p><b>National Policy Drivers of Need</b></p> <p>The Needs Case and Project Benefits Statement [APP-232] section 2.2 identifies various national legislation and policy drivers of the need for renewable energy. Please confirm that this comprises a complete list and that no update is required in relation to the UK Government strategies.</p>	<p>The Needs Case and Project Benefits Statement [2.1 (Rev 1)] sets out the evidence supporting the need for the delivery of North Falls and demonstrates the benefits of its pre-2030 delivery date as well as the potential impact of delaying delivery beyond 2030. The project will meet three key national policy aims of decarbonisation to achieve net zero and the importance of developing zero-carbon electricity generation assets, security of energy supply and affordability of electricity generated.</p>



			<p>In addition to the key national legislation and policy driving the need for renewable energy, an update to the UK Government's strategy was published through the Clean Power 2030 Action Plan<sup>1</sup> in December 2024. This strategy discusses the rapid and mass deployment of new clean energy, including offshore wind, to deliver a clean power system by 2030. New clean energy capacity will include a total of 43-50 GW of offshore wind and identifies offshore wind of having “<i>a particularly important role as the backbone of the clean power system.</i>” To support rapid deployment of offshore wind, the strategy identifies the need to accelerate the planning process across Great Britain for energy infrastructure, as network and offshore wind developments will need to begin construction by 2026 if they are to be operational by 2030.</p> <p>North Falls will support the urgent need for rapid deployment of offshore wind energy as outlined in UK Government strategy update of Clean Power 2030 Action Plan (see the Applicant's response to Q.1.1.1 above).</p> <p>An update to the Needs Case and Project Benefits Statement <b>[2.1 (Rev 1)]</b> has been made for Deadline 2 which includes the Clean Power 2030 Action Plan in Section 2.2.</p>
Q1.3.4	The Applicant	<p><b>Benefits to the local community</b></p> <p>The Needs Case and Project Benefits Statement [APP-232] sections 5.5 and 5.6 highlight the benefit of local employment opportunities and social benefits to local communities. Notwithstanding the details provided in ES Chapter 31 Socio-economic [APP-045] please provide further explanation and justification for the number of local jobs estimated to be created during all phases.</p> <p>(i) Please also confirm that the social benefits to local communities referred to derive solely through the creation of job opportunities.</p> <p>(ii) Having regard to the Coordination Report [APP-236] section 8.3 which indicates that the labour and supply chain is likely to be shared/overlap with Five Estuaries, please confirm that the jobs estimate, and social benefits referred to in the Needs Case and Project Benefits Statement relate solely to the North Falls Proposed Development.</p> <p>(iii) The Coordination Report [APP-236] paragraph 8.3.5 states that a key element is consideration of the number and type of opportunities brought forward by the Projects during the construction phase where infrastructure and therefore labour and supply chain is likely to be shared/overlap. Please provide further details and explanation of this aspect including how the number and type of opportunities has been and would be assessed and developed through the skills and employment strategies for the projects.</p>	<p>This response provides an explanation and further justification for the number of local jobs estimated to be created during all phases of the proposed North Falls Offshore Wind Farm. This includes:</p> <ul style="list-style-type: none"> <li>• How local jobs are defined and the local study area used;</li> <li>• Reference to where local job estimates are provided and explained in the economic impact assessment appendix (ES Appendix 31.1 Socio-Economics Technical Baseline <b>[APP-171]</b>);</li> <li>• Further reference to economic impact assessment methodology, which is explained in ES Appendix 31.1. The methodology is based on building a supply chain narrative, undertaking local and UK content analysis and undertaking economic analysis and verification;</li> <li>• An explanation of how the Addendum to ES Appendix 31.1 identifies the economic benefits expected under Option 2 and Option 3, and under the cumulative build out scenarios with Five Estuaries (Scenarios 1-3); and</li> <li>• The level of local employment assessed within in ES Chapter 31 Socio-economics <b>[AS-010]</b> and the scenario this is based on.</li> </ul> <p>Environmental Statement (ES) Appendix 31.1 Socio-Economics Technical Baseline <b>[APP-171]</b> includes both the <i>North Falls Offshore Wind Farm economic impact report</i>, produced by BVG Associates in 2023 and which details the predicted economic impact of North Falls, and an Addendum to Appendix 31.1 which was produced by Hatch in May 2024, and which identifies the potential economic impacts assessment of the economic benefits expected under Option 2 and Option 3, and under the cumulative build out scenarios with Five Estuaries (Scenarios 1-3). The job creation estimates set out in ES Chapter 31 Socio-economic <b>[AS-010]</b> are based on the employment calculations undertaken in those two reports detailed in Appendix 31.1 Socio-Economics Technical Baseline <b>[APP-171]</b>.</p>

<sup>1</sup> UK Government (2024). Clean Power 2030 Action Plan: A new era of clean electricity.

			<p><b>Local (Suffolk and Essex based) employment:</b> The local study area for employment impacts comprises both Essex and Suffolk. This is because the development will draw upon a workforce and supply chain that is expected to originate and be drawn from a wide area. Indirect employment refers to jobs created through the Applicant's expenditure on North Falls supply chain. Local indirect employment in this context is based on the expectation of opportunities for businesses in the local supply chain (businesses based in Essex or Suffolk) to secure contracts and direct employment refers to jobs based locally (within Suffolk or Essex) which are directly employed by the Applicant. The economic impact assessment <b>[APP-171]</b> assesses the employment impacts at both the local and national level.</p> <p><b>Appendix 31.1 Socio-Economics Technical Baseline [APP-171], North Falls Offshore Wind Farm economic impact:</b> The annualised local full-time equivalent (FTE) jobs created by North Falls over the lifetime of the wind farm for a baseline scenario are set out in Figures 9 and 10 of the <i>North Falls Offshore Wind Farm economic impact report [APP-171]</i>. Estimated FTE jobs created by North Falls over the lifetime of the wind farm for an enhanced scenario are set out in Figures 17 and 18 of the <i>North Falls Offshore Wind Farm economic impact report [APP-171]</i>. Annualised local FTE jobs created by North Falls over the lifetime of the Wind Farm for a worst case scenario are set out in Figures 25 and 26 of the <i>North Falls Offshore Wind Farm economic impact report [APP-171]</i>. The explanation of the different scenarios is set out in Section 2 Methodology of ES Appendix 31.1 <b>[APP-171]</b> and is based on the extent to which project expenditure may be captured in the relevant study areas. These scenarios are developed through consideration of potential supply chain approaches, by undertaking local and UK content analysis and through further economic analysis and verification. The economic assessment includes direct, indirect and induced employment. The induced local employment is not assessed further in ES Chapter 31 Socio economics <b>[AS-010]</b>. ES Chapter 31 excludes the induced impacts of the project as these are typically affected by greater uncertainty, and are more difficult to measure and defend robustly in terms of their scale and additionality. Induced effects are predicted to account for around 21%-26% of total economic impacts.</p> <p><b>Construction phase local employment:</b> The local construction phase employment assessed in ES Chapter 31 Socio-economics <b>[AS-010]</b> is based on the scale of local employment assessed for the construction phase in full within the <i>North Falls Offshore Wind Farm economic impact report [APP-171]</i>. The numbers presented ES Chapter 31 Socio-economics <b>[AS-010]</b> were adjusted to a per annum metric and for the scenario for which an offshore connection-based project is built out (which excludes the employment impacts from the onshore infrastructure). These adjustments for different scenarios are set out within the addendum to the <i>North Falls Offshore Wind Farm economic impact report [APP-171]</i>. Table 31.33 of Chapter 31 Socio-economics <b>[AS-010]</b> presents the results in a format most useful for the ES Chapter (annual average and peak impacts). Table 31.36 presents the results used for the EIA assessment of jobs for the offshore connection scenario. It should be noted that this does not include any jobs that would result from an onshore connection scenario, and hence this level of employment is much lower than is typically assessed in an EIA for an offshore wind farm during the construction phase. Onshore employment is considered within Tables 31.33. In addition, other onshore socio-economic effects are assessed within section 31.6 of ES Chapter 31 Socio-economics <b>[AS-010]</b>.</p> <p><b>Operational phase local employment:</b> Operational phase employment assessed in ES Chapter 31 Socio-economics <b>[AS-010]</b> is based on the scale of local employment assessed for the operational phase within the <i>North Falls Offshore Wind Farm economic impact report [APP-171]</i>. As with construction phase impacts, the adjustments for different scenarios are made within the addendum to the <i>North Falls Offshore Wind Farm economic impact report [APP-171]</i>. Potential employment impacts generated per annum by</p>
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		<p>operational activity (FTEs) related to offshore infrastructure are presented within Table 31.43 of ES Chapter 31 Socio-economics <b>[AS-010]</b>. This would result in a total of 80 direct and indirect local FTE jobs. This does not include onshore infrastructure O&amp;M roles which would be limited to around 3 FTEs.</p> <p><b>Decommissioning phase local employment:</b> Table 31.47 of ES Chapter 31 Socio-economics <b>[AS-010]</b> sets out the anticipated level of local employment during the decommissioning phase, including both direct and indirect jobs.</p> <p>(i)The Applicant notes that the social benefits to local communities referred to do not derive solely from the creation of job opportunities as there are other means by which social benefits can be achieved such as through education and training.</p> <p>Social benefits to local communities of North Falls, identified in ES Chapter 31 Socio-economics <b>[AS-010]</b>, derive in large part from the impacts of its construction and operation in generating employment opportunities. In addition to the core socio-economic benefits (jobs and GVA), wider social benefits will arise in relation to the potential implementation of a community benefits fund and education and skills measures taken by the Applicant through the development of a skills and employment plan. By creating local employment opportunities, including potential supply chain opportunities for local businesses, wider social benefits to a local workforce from training, education and skills development would be expected.</p> <p>An Outline Skills and Employment Plan (OSEP) <b>[APP-253]</b> was developed as part of the DCO process. Through further consultations around the OSEP, a range of potential actions will be identified by the Applicant and stakeholders in relation to skills and training. A full Employment and Skills Plan is secured as a Requirement of the DCO, setting out specific measures to be taken in support of the education, training, skills development and recruitment that will be necessary.</p> <p>North Falls Offshore Wind Farm Limited is an equal joint venture backed company, with 50% owned by RWE and 50% by SSER. Both shareholders have a significant and long track record in engaging with communities and hard to reach groups during construction and throughout operations. It is typical that communities who directly host infrastructure are supported by community liaison officers.</p> <p>North Falls will consult on a community benefit fund if the DCO is granted.</p> <p>(ii) The jobs estimate, and social benefits referred to in the Needs Case and Project Benefits Statement relate solely to the North Falls Proposed Development.</p> <p>(iii)</p> <p>Initial consultations were undertaken with strategic stakeholders to develop the OSEP. The Applicant will continue to build those relationships as well as engaging with a more comprehensive list of local education,</p>
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			<p>training and employment focused stakeholders through the process of developing and implementing the Skills and Employment Plan.</p> <p>The opportunities identified as having potential for further consideration following a review of current initiatives include:</p> <ul style="list-style-type: none"><li>• national initiatives e.g. STEM Ambassadors programme</li><li>• project partners' companies,</li><li>• industry (e.g. Offshore Wind Industry Council (OWIC), East Wind, Skills For Energy), and</li><li>• with local skills stakeholders.</li></ul> <p>It is also anticipated that the skills, education and employment agenda will continue to evolve reflecting further opportunities including:</p> <ul style="list-style-type: none"><li>• changing skills landscape both local, regional and national including as government policy changes embed</li><li>• new opportunities to collaborate with other NSIP's skills and employment strategies</li><li>• impact of national level work e.g. through the Offshore Wind Industry Council, Skills England and the Office for Clean Energy Jobs to increase both the UK supply chain capacity and numbers of suitably skilled people available to the industry</li></ul> <p>The workforce data will continue to be refreshed as the project develops with confirmation of the technology, key suppliers etc. informing the final Skills and Employment Plan. Data will be updated regularly including with input directly from the supply chain companies when selected.</p>
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Q1.3.5	The Applicant	<p><b>The contribution to UK decarbonisation targets</b></p> <p>The Needs Case and Project Benefits Statement [APP-232] section 6, paragraph 6.1.2 submits that the Proposed Development would make a measurable contribution to the achievement of UK decarbonisation targets. For the avoidance of doubt, please set out how the contribution that would be made by North Falls on its own has been calculated and how that has been measured against those targets.</p>	<p>The generating capacity of North Falls is expected to be approximately 1GW, but the exact figure will depend on the final selection of wind turbine types. This would contribute approximately 2% towards the Government's target of delivering 50 GW by 2030.</p> <p>With a generating capacity of approximately 1GW, North Falls would be expected to generate approximately 5.5GWh of renewable energy per year. When offsetting the consumption of mains gas for power (using Table 2a of the DESNZ Greenhouse Gas Conversion Factor Repository) this equates to a saving of 2.05 million kg of CO<sub>2</sub> per year. A delay of 5 years therefore would add to the current carbon budget deficit by a total 10.2 million kg of CO<sub>2</sub>.</p>
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#### 1.4 Code of Construction Practice

ExQ1	Question to:	Question:	Applicant's Response
1.4 Code of Construction Practice			
Q1.4.1	The Applicant	<p><b>Outline Construction Code of Construction Practice documents</b></p> <p>The Outline Construction Code of Practice (OCCoP) [APP-248] refers to the documents listed below which were not submitted as part of the application. The Applicant should provide an update on the status of the documents, together with an indication on when the documents will be finalised and submitted. The Documents include:</p> <ul style="list-style-type: none"> <li>(i) Health and Safety Plan</li> <li>(ii) Environmental Emergency / Incident Response Plan</li> <li>(iii) Watercourse crossing scheme</li> <li>(iv) Flood Warning and Evacuation Plan</li> <li>(v) Dust Management Plan</li> <li>(vi) Invasive Non-Native Species Management Plan</li> <li>(vii) Contaminated Land and Groundwater Scheme</li> <li>(viii) Materials Management Plan</li> </ul>	<p>The documents (i) to (xii) listed in the question will form part of the final Code of Construction Practice, submitted post-consent and secured under DCO Requirement, and based on the Outline Code of Construction Practice [APP-248]. These documents will to be prepared once detailed design has been completed and once the Principal Contractor has been appointed. Preparing these post-consent follows established industry practice for offshore wind farms developments.</p>



		(ix) Soil Management Plan (x) Site Waste Management Plan (xi) Construction Surface Water Drainage Plan (xii) Workforce Management Strategy	
Q1.4.2	LAs	<b>Outline Code of Construction Practice</b> The OCCoP [APP-248] provides the strategy for the mitigation and control of potentially adverse effects arising from the onshore construction activities. Please confirm whether you are satisfied that the Outline Code of Construction Practice is sufficiently robust, precise and enforceable to provide effective mitigation of potential adverse effects.	This question is not directed to the Applicant.
Q1.4.3	LAs	<b>Works outside of general working hours</b> Paragraph 51, OCCoP [APP-248], in the context of when work is required outside of the working hours specified in Paragraph 46, includes that <i>“The relevant local planning authorities will be advised of the likely timetable of works”</i> .  Is it sufficient for the LA to be advised of the likely timetable for these works or should this be changed so that works, outside of the hours specified in Paragraph 46, are to be agreed with the relevant planning authority in writing in advance and must be carried out within the agreed times?	The Applicant notes that the ExA is referring to the text in paragraph 53 of the OCCoP [REP1-033] which states <i>“The relevant local planning authorities will be advised of the likely timetable of works. This timetable will also be shared with affected communities through the Local Community Liaison Officer.”</i> This statement refers to the timetable for construction works generally, not works outside of working hours.  In respect of works outside of the working hours, the Applicant refers to paragraph 51 of the OCCoP which states that:  <i>“Save for emergency works, full details, including but not limited to type of activity, vehicle movements and type, timing and duration and any proposed mitigation, of all essential construction activities undertaken outside of the consented construction hours must be agreed with the relevant local authority in writing in advance, and must be carried out within the agreed time.”</i>

Q1.4.4	The Applicant	<p><b>Working hours in proximity to residential properties</b> Paragraph 46, OCCoP [APP-248], states the working hours as “<i>Construction work for the onshore works must only take place between 0700 hours and 1900 hours Monday to Saturdays, with no activity on Sundays and bank holidays, except as specified below.</i>” Has consideration been given to tighter working hours in proximity to residential properties?</p>	<p>The proposed working hours are standard for major infrastructure projects and provide a balance between avoiding the times which have the greatest potential to disturb people and enabling the works to be completed as quickly as practicable. Reducing working hours in proximity to residential properties would increase the works duration at these locations and therefore potentially result in increased disturbance. Environmental Statement (ES) Chapter 26 Noise and Vibration [APP-040] uses British Standard 5228-1:2009+A1:2014 ‘Code of practice for noise and vibration control on construction and open sites, Part 1 – noise (BS5228-1) to assess the potential for the noise from construction to disturb people. BS5228-1 indicates that people are generally willing to tolerate higher noise levels to reduce the duration of works outside their properties; however, it also indicates that people are particularly sensitive to noise on Saturday afternoons. To minimise the potential for disturbance on Saturday afternoons, Paragraph 47 of the <b>Outline Code of Construction Practice (REP1-033)</b> states that “<i>Between 1300 – 1900 on Saturdays no ‘high impact’ activities (e.g. piling/breaking out) shall take place, unless required by the circumstances set out below.</i>” With these working hours restrictions in place and mitigation measures implemented where required, ES Chapter 26 Noise and Vibration [APP-040] concludes that residual effects due to disturbance from construction noise will be not significant.</p>
Q1.4.5	LAs and Parish Councils	<p><b>General working hours and working hours in proximity to residential properties</b> Paragraph 46, OCCoP [APP-248], states the working hours as “Construction work for the onshore works must only take place between 0700 hours and 1900 hours Monday to Saturdays, with no activity on Sundays and bank holidays, except as specified below.” Are you content with the working hours proposed or whether tighter working hours should be sought in certain locations that affect residential properties?</p>	<p>This question is not directed to the Applicant.</p>
Q1.4.6	The Applicant	<p><b>Control of noise and vibration during construction</b> Paragraph 167, OCCoP [APP-248], in the context of noise and vibration includes “<i>Measures will be implemented on site to minimise any effects and a programme of monitoring may be required.</i>” (i) How will the noise and vibration during the construction works be monitored to ensure compliance with limits and effectiveness of the attenuation measures? (ii) What limits are proposed in general and in proximity to residential properties specifically? Regarding Paragraph 171, OCCoP ‘Measures specific to cumulative noise’,</p>	<p>(i) The Applicant refers to section 26.7 of ES Chapter 26 Noise and Vibration [APP-040] which states the following in relation to noise and vibration monitoring:  “<i>All predicted North Falls residual effects are identified to be not significant; hence, noise and vibration monitoring is not anticipated to be required. However, the assessment of cumulative road traffic noise effects (see Section 26.8.3.1.2) indicates the potential for significant effects at the receptors on Bentley Road. Noise monitoring may be required to determine the presence of a significant cumulative effect and further mitigation, as discussed in Section 26.8.3.1.2. Construction noise and vibration will be monitored in line with the final CoCP, which will detail the procedure for dealing with complaints and managing potential exceedances of relevant noise and vibration criteria.</i>”  (ii) The noise and vibration limits which would apply to any monitoring are those used to identify the threshold for the occurrence of a potentially significant effect as set out in ES Chapter 26 Noise and Vibration [APP-040]. At a medium sensitivity receptor, this would equate to a medium impact, which for construction noise, is 68 dB <math>L_{Aeq}</math>, if exceeded for a period of at least ten in any 15 consecutive days.  The Outline Code of Construction Practice [REP1-033] (Sections 1.11.1.1 and 1.11.1.2) identifies all practicable construction noise and vibration mitigation measures; there are no additional measures which could be applied specifically</p>

		please clarify what specific measures are proposed to mitigate cumulative noise.	to cumulative noise. If additional measures are required to mitigate cumulative effects, these would be selected from those identified in Section 1.11.1.2 of Outline Code of Construction Practice <b>[APP-248]</b> .
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2.0 Agriculture and other land uses, ground conditions and soils

ExQ1	Question to:	Question:	Applicant's Response
2. Agriculture and other land uses, ground conditions and soils			
Q2.1.1	The Applicant and Five Estuaries OWF	<p><b>Proximity of the Onshore Export Cable Corridors (OECC) for the Proposed Development and the proposed Five Estuaries OWF</b></p> <p>Further to the Relevant Representation submitted by Brooks Leney on behalf of various farmers and landowners [RR-003, RR-012, RR-028, RR-134, RR-143, RR-193, RR-224, RR-289, RR-325, RR-331, RR-334, RR-336];</p> <p>(i) Would there be any sterilisation of farmland between the proposed OECC easements for the Proposed Development and the proposed Five Estuaries OWF? If so, the sterilised land must be identified on a plan and the area of affected land should be quantified; and</p> <p>(ii) What steps are being taken by the respective projects to minimise any sterilisation of farmland?</p>	<p>i) The onshore cable route passes through agricultural land set in open countryside and predominantly away from the curtilage of existing development. Plate 5.20 of ES Chapter 5 Project Description <b>[APP-019]</b> illustrates a typical construction swathe cross-section for open cut trenching for North Falls and Five Estuaries.</p> <p>The rights sought within the draft Order <b>[REP1-011]</b> do not apply any restrictions on normal farming activities, enabling the existing agricultural use to continue over the area over which rights are created and on any adjacent land. Upon completion of construction activities, agricultural land will be reinstated to its previous condition and can continue to be farmed in accordance with its existing agricultural use.</p> <p>The Applicant therefore does not consider that there would be any sterilisation of farmland between the easements of the Applicant and VEOWF. It is therefore not possible to identify any such areas on a plan.</p> <p>ii) As set out in Coordination Report <b>[REP1-004]</b>, the Applicant and VEOWF have and continue to collaborate on a coordinated solution to minimise the impact on farmland in respect of the onshore substation and cable corridor.</p> <p>As set out in Section 6.3 of Coordination Report <b>[REP1-004]</b>, Build Option 2 represents the most coordinated construction. This involves the first project constructing and completing duct installation works for both NFOWF and VEOWF. The second project would then pull its electrical cables through the pre-laid ducts at a later date. The draft DCO <b>[AS-022]</b> includes a requirement for the Applicant to notify the relevant planning authority as to which build option will be taken forward.</p>



			Paragraph 6.3.4 of Coordination Report <b>[REP1-004]</b> sets out project efficiencies associated to Build Option 2.
Q2.1.2	The Applicant	<p><b>Impacts on Best and Most Versatile Agricultural Land</b></p> <p>NPS- EN1 (para 5.11.12) states, “Applicants should minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).”</p> <p>Please explain how the test set out in para 5.11.12 of EN1 is satisfied in respect of the Proposed Development.</p>	<p>The project’s infrastructure has been designed to minimise impacts on above ground receptors, including agricultural land. All cabling infrastructure will be buried below at least 0.9m depth to ensure that agricultural practices can continue above the cables post construction. A Soil Management Plan for managing top/subsoil during construction will be included within the project’s Code of Construction Practice (CoCP), secured through Requirement of the draft DCO <b>[REP1-011]</b>. Please see Section 1.6 of the Outline Code of Construction Practice (OCoCP) <b>[REP1-033]</b> for further details.</p> <p>Permanent loss of agricultural land will be restricted to the Project’s onshore substation footprint (5.9ha), permanent access road (0.45ha), and at the location of link boxes (1.0m x 1.5m each, totalling approximately 0.0092ha), collectively resulting in the permanent loss of 6.36ha of Best and Most Versatile (BMV) land. The equates to 0.002% of the available regional BMV land resource (see section 22.6.3.2.1 of ES Chapter 2 Land Use and Agriculture <b>[APP-036]</b>).</p> <p>During the Project’s site selection process, BMV was identified as a constraint which the Project would seek to avoid as far as practicable, following para 5.11.12 of NPS-EN1. The Project is also subject to a technical requirement for the substation to be located within 3km of the Project’s National Grid connection point to minimise electrical losses. All suitable land identified within 3km of the National Grid connection point is BMV land, and therefore this constraint was not able to be avoided whilst meeting the Project’s technical site selection criteria. For more details on the project’s site selection process, please refer to Sections 4.5 and 4.8 of Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>.</p> <p>For further information regarding the consideration of impacts on BMV agricultural land, please see Chapter 22 Land Use and Agriculture <b>[APP-036]</b>.</p>

Q2.1.3	The Applicant	<p><b>Anglian Water</b></p> <p>Environmental Statement Chapter 19 Ground Conditions and Contamination [APP-033] sets out that there will be further discussions with Anglian Water.</p> <p>Please provide an update on these discussions.</p>	Discussions relating to protective provisions for the benefit of Anglian Water are ongoing and the Applicant is confident that agreement will be reached prior to the end of the Examination.
Q2.1.4	The Applicant	<p><b>Hydrogeological Assessment</b></p> <p>A hydrogeological assessment is to be undertaken in respect of the village well supply at Little Bromley. The Outline Code of Construction Practice [APP-248] refers to this being undertaken during construction.</p> <p>(i) Please provide further details as to when such an assessment will be undertaken and the mitigation measures to be put in place to ensure that the water supplies to residential properties and businesses in the locality which rely on such water sources will not be disrupted or contaminated.</p> <p>Please confirm when such an assessment will be prepared and agreed and how will any mitigation measure required be secured.</p>	<p>The Applicant is working with Five Estuaries to minimise effects on owners of private water supplies, and the projects are in the process of jointly undertaking groundwater monitoring to understand the effects upon private water supplies of residents of Little Bromley in the period since DCO application.</p> <p>The Applicant is in the process of preparing a groundwater risk assessment and construction monitoring plan using the ongoing groundwater monitoring data collected to date, and intends to submit into the Examination at an appropriate future deadline. The Applicant notes that the monitoring plan is proposed to align with that contained within the Five Estuaries groundwater risk assessment and submitted into the Five Estuaries DCO Examination (6.6.6.1 <i>Ground Water Risk Assessment - Revision B. Five Estuaries Examination Reference: REP6-017</i>).</p> <p>The mitigation proposals to be implemented during construction to minimise impacts upon ground water resources will be captured in the final Code of Construction Practice, secured by DCO Requirement. Groundwater monitoring is also secured within the Draft DCO <b>[REP1-011]</b> as Requirement 15.</p>
Q2.1.5	The Applicant and NFU	<p><b>National Farmers Union</b></p> <p>In the response to consultation, the National Farmers Union indicated that they would wish to see wording in the Outline Code of Construction Practice. The Applicant's response in Chapter 22 Land Use and Agriculture [APP-036] at page 19 is that they will discuss this with NFU following submission of the application.</p> <p>Please provide an update on the discussions that have taken place and provide further details on the nature and content of the discussions.</p>	<p>The Applicant confirms that since submission of the DCO application, the National Farmers Union (NFU) have not been in contact to discuss the drafting of Outline Code of Construction Practice <b>[REP1-033]</b>. The NFU also did not provide any suggested wording on practical aspects of construction during pre-application.</p> <p>Nonetheless, the Applicant and their professional advisors have been involved in discussions on such matters with the NFU on other projects. As stated in the Applicant's response to the NFU's PEIR response, items a) to g) are captured within a Construction Practice Addendum (CPA) forming part of the voluntary agreement negotiations undertaken with the Land Agent Group as professional advisors for landowners, some of whom will be NFU members. The CPA would be a legal commitment by the Applicant in the voluntary agreement as to how items a) to g) will be managed within the final Code of Construction Practice, which itself would be secured as a requirement of the DCO.</p> <p>The Applicant is therefore satisfied that the NFU's concerns are being addressed through the DCO and voluntary agreements.</p>

Q2.1.6	The Applicant	<p><b>Utilities</b></p> <p>It is acknowledged that a plan of utilities is provided at Figure 22.6 of Chapter 22 Figures [APP-067] but this only shows the position on utilities within the boundary of the Proposed Development and there are multiple utilities marked over each other.</p> <p>(i) Please provide a plan to show the detailed position of utilities crossing the onshore project area including the Affinity Water main.</p> <p>(ii) Please provide an update on the agreements to be entered into with the utility companies that will be affected by the Proposed Development and the anticipated timescale for the resolution of the agreements.</p>	<p>(i) A plan showing the detailed position of utilities crossing the onshore project area including the Affinity Water main has been provided in 9.19.1 Appendix to Applicant's Response to Written Questions (ExQ1).</p> <p>(ii) The interaction between the Proposed Development and utilities is addressed via the relevant sets of protective provisions at Schedule 14 of the draft DCO <b>[REP1-011]</b>. Please refer to the Statutory Undertakers tab in the updated Applicant's Land Rights Tracker submitted at Deadline 2 [Document Ref: 8.4 (rev 1) for the status of negotiations of bespoke protective provisions with certain statutory undertakers including utility companies.</p>
Q2.1.7	The Applicant	<p><b>Gunfleet Sands Offshore Windfarm Underground Transmission Cable</b></p> <p>Paragraph 98 of Chapter 22 [APP-036] states, "The landfall overlaps with the existing Gunfleet Sands Offshore Wind Farm (OWF) underground transmission cable at landfall (near Holland-on-Sea)". Figure 22.6 of Chapter 22 Figures [APP-067] indicates that there is no overlap.</p> <p>Please confirm the location of the overlap and update on the discussions that have been held with this windfarm operator in respect of the overlap of the cables.</p>	<p>The Applicant would like to confirm that paragraph 98 of Chapter 22 Land Use and Agriculture <b>[APP-036]</b> is incorrect and there is no overlap of North Falls landfall with Gunfleet Sands Offshore Wind Farm underground transmission cable, as illustrated in Figure 22.6 of ES Chapter 22 Figures <b>[APP-067]</b>.</p> <p>The Applicant can confirm that no discussions have been held between North Falls and Gunfleet Sands Offshore Wind Farm regarding cable crossings, as there is no overlap of cables.</p>

Q2.1.8	The Applicant	<p><b>Reinstatement of Agricultural Land</b></p> <p>How will the Applicant be able to ensure that upon reinstatement of the agricultural land following construction, the land will be returned to the original land classification and how will the Applicant monitor and address the recovery of the soils to ensure that the land classification status can be retained?</p>	<p>The Project's infrastructure has been designed to minimise impacts on receptors, including agricultural land. As confirmed within ES Chapter 5 Project Description <b>[APP-019]</b>, cabling infrastructure will be buried below at least 0.9m depth to ensure that agricultural practices can continue following the completion of construction.</p> <p>A Record of Condition will be undertaken prior to entry to assess the soil composition and depth of topsoil. This information will be used during reinstatement to ensure the soils are returned to their former condition suitable for previous use. A Soil Management Plan for managing top/subsoil during and after construction will be included within the project's Code of Construction Practice (CoCP), secured through a Requirement of the draft DCO <b>[REP1-011]</b>. Please see Section 1.6 of the Outline Code of Construction Practice (OCoCP) <b>[REP1-033]</b> for further details.</p> <p>Contractors will abide by Department for Environment, Food and Rural Affairs (Defra's) 2009 Construction Code of Practice for the Sustainable Use of Soils on Construction Sites PB13298 or latest relevant available guidance, ensuring the working area will be reinstated to its pre-existing condition as far as reasonably practical. The Applicant will appoint an Agricultural Liaison Officer (ALO) prior to the commencement of the construction works who will be the primary contact for ongoing engagement with owners, their agents and occupiers of land about practical agricultural matters before and during the construction process. Post-construction the ALO will remain appointed for up to one year in order to manage remediation issues.</p>
Q2.1.9	The Applicant	<p><b>Agri-Environment Schemes</b></p> <p>(i) Where land is currently subject to Agri-Environment Schemes, what provisions will be made to reinstate the land to the original condition so that the land can be subject to the Agri-Environment Scheme in the future?</p> <p>(ii) What progress has been made in respect of negotiations with landowners and occupiers in respect of the impact of the Proposed Development on existing and proposed Agri-Environment Schemes?</p>	<p>(i) The Applicant refers to Table 22.3 Embedded Mitigation Measures of ES Chapter 22 Land Use and Agriculture <b>[APP-036]</b>, which summarises that while there will be a temporary impact to land subject to Agri-Environment schemes during construction, following completion, land along the onshore cable route will be reinstated and available for its former use. Therefore, the Applicant does not consider that there will be a permanent impact preventing land being subject to Agri-Environment schemes in the future. However, where impacts to land subject to an Agri-Environment agreement cannot be avoided during construction, these will be dealt with through the Rural Payments Agency by the agreement holder / landowner who will need to seek a derogation with compensation paid by the Applicant under the compensation code to reimburse a landowner's financial losses where appropriate.</p> <p>In general, it is considered that any ecological losses associated with impacts to Agri-Environment schemes will be mitigated through the embedded mitigation set out in ES Chapter 23 Onshore Ecology <b>[APP-037]</b>. This includes mitigation relating to habitat reinstatement, in particular around hedgerows, arable field margins and semi-improved grassland habitats.</p> <p>(ii) As above, the Applicant does not consider that there will be a permanent impact preventing land being subject to Agri-Environment schemes in the future. For temporary impacts during construction, where practicable and in order to reduce impacts on agricultural productivity, the planning and timings of works will be discussed with landowners and occupiers. The Outline Code of Construction Practice <b>[REP1-033]</b> also includes the appointment of an Agricultural Liaison Officer who will undertake discussions with landowners to identify ways in which the impacts of construction works can be mitigated.</p>

			Where impacts cannot be mitigated by changes to the construction methodology or detailed design, the Applicant has undertaken engagement to understand the potential private losses and compensation provisions have been included within voluntary terms offered to landowners. Provision has been made within the Property Cost Estimate, Appendix C to the Funding Statement [APP-008] for compensation which may be due in line with the compensation code.
Q2.1.10	The Applicant	<p><b>Land Drainage Consultant</b></p> <p>Chapter 22 [APP-036] refers to the appointment of a land drainage consultant both pre and post construction. Please confirm how this appointment will be secured in the dDCO and how the Applicant will ensure that the appointed consultant has the appropriate levels of experience and is acceptable to the affected landowners and occupiers.</p>	<p>The Applicant refers to paragraph 132 of the Outline Code of Construction Practice [REP1-033] which details that a specialist drainage contractor will be appointed. This requirement is secured by Schedule 1, Part 3(8) of the draft DCO [REP1-011] [6.3 (Rev3)].</p> <p>The Applicant has, through a tender process, appointed a drainage consultant to work closely with affected landowner and occupiers to identify areas of concern and develop pre- and post-construction drainage schemes. As a condition of the tender process, contractors were required to demonstrate that they had the appropriate and requisite experience and expertise.</p> <p>A Construction Practice Addendum (CPA) has been negotiated which will form part of the voluntary agreements. Within the CPA the Applicant has made provisions for landowners and/or occupiers to instruct their own drainage consultant to review the proposed pre- and post-drainage schemes. The CPA serves as a legal commitment by the Applicant and addresses how elements of the construction process, including drainage will be managed within the final Code of Construction Practice, which itself is secured as a requirement of the DCO.</p> <p>In addition, the Applicant has advised the Land Agents Group (a group of land agents representing the majority of landowners and occupiers) of the appointed drainage consultant and they have expressed satisfaction with the experience and expertise of the appointed drainage consultant.</p>
Q2.1.11	The Applicant	<p><b>Agricultural Drainage</b></p> <p>Paragraph 182 of Chapter 22 [APP-036] states “The backfilling of subsoil and then topsoil in the cable trenches will prevent a conduit from forming and ensure that there are no changes to the local flow rates due to permeability changes”.</p> <p>(i) Please clarify what this means.</p> <p>(ii) Please confirm how the permanent changes to the field drainage at the onshore substation site during operation will be compliant with the Flood Risk Assessment.</p>	<p>(i) Paragraph 182 of ES Chapter 22 Land Use and Agriculture [APP-036] is confirming that, with the following measures in place, the post-construction land drainage is not anticipated to increase local flow rates, or exacerbate local flood risk issues:</p> <ul style="list-style-type: none"> <li>• full reinstatement of the cable trenches along the onshore cable route following the completion of construction;</li> <li>• reinstatement of the existing land drains where practicable and in agreement with each landowner; and</li> <li>• post-construction land drainage design prepared by a specialist drainage contractor.</li> </ul>



			<p>Details of the construction mitigation measures relating to land drainage, including details surrounding reinstatement, are provided in section 1.8.1.5 of the Outline Code of Construction Practice <b>[REP1-033]</b>, and further details regarding flood risk post-construction are provided in Appendix 21.3 Flood Risk Assessment <b>[APP-121]</b>.</p> <p>(ii) Paragraphs 366 to 369 of ES Appendix 21.3 Flood Risk Assessment <b>[APP-121]</b> note that detailed land drainage surveys will be undertaken to ensure appropriate reinstatement of land drainage affected by the construction works. This is also set out in paragraph 28 of the Outline Code of Construction Practice <b>[REP1-033]</b>, which notes this will be addressed within the Construction Surface Water Drainage Plan, prepared as part of the final CoCP.</p> <p>As such, once operational any land drainage affected by the construction works will have been reinstated to ensure no change in land drainage at the onshore substation site.</p> <p>In addition, paragraphs 385-394 of ES Appendix 21.3 Flood Risk Assessment <b>[APP-121]</b> considers the discharge of surface water from the onshore substation during operation within the context of surface water flood risk and the need to ensure that any drainage solutions do not result in an increase in flood risk either to or from the onshore substation. The Outline Operational Drainage Strategy <b>[APP-254]</b> provides details of the proposed surface water drainage design and confirms that sufficient storage will be provided to attenuate surface water and discharge at a controlled rate following a rainfall event.</p>
Q2.1.12	The Applicant	<p><b>Permanent Loss of Agricultural Land</b> Paragraph 185 of Chapter 22 <b>[APP-036]</b> states that the cables will be buried at a depth of at least 0.9m and that normal agricultural activities can be continued on the land.</p> <p>Please clarify whether there are any agricultural activities that will be precluded as a result of the cable depth including any specific planting, fencing, hedging or other uses.</p> <p>Chapter 22 <b>[APP-036]</b> refers to the transition joint bays (TJB) and link boxes which will require manhole covers and concrete plinths. The impact of these is that they will be permanent loss of agricultural land.</p> <p>What proposals are made to ensure that the position of the TJBs and link boxes will not impact on the surrounding agricultural land and affect ongoing agricultural activities on the land affected?</p>	<p>The Applicant would like to clarify that, in line with ES Chapter 5 Project Description <b>[APP-019]</b>, table 5.27, the 0.9m applies to any infrastructure related to the cables. “Minimum cable burial depth (to top of protection tile)” includes items such as warning tape and protective tiles and joint bays.</p> <p>The Applicant would also like to clarify that, in line with ES Chapter 5 Project Description <b>[APP-019]</b> paragraph 192, the manhole for the transition joint bay is for the associated link box.</p> <p>Joint bays will be buried in line with the minimum cable burial depth. The joint bays should therefore not limit any farming activity above them.</p> <p>The only items protruding to the surface will be link boxes. Link boxes are described in Section 5.7.3.3.3 of ES Chapter 5 Project Description <b>[APP-019]</b>. There will be a link box per circuit located in proximity to the joint bay locations (including the transition joint bay). The link boxes allow for testing of the cable, to ensure it is operating safely within its limits and for ease of fault finding. They need to be inspected periodically, with measurements taken. If these were to be buried to permit farming activities over the top of them, every time an inspection is needed, the ground would need to be excavated. This is viewed as being more disruptive than having the permanent above ground link box infrastructure. As an estimate, the Project has assessed 96 boxes across the onshore cable route.</p> <p>Link boxes can be located a small distance from its associated joint bay. Therefore, the project will, where practicable, locate these link boxes in field boundaries or in areas that minimise its impact to farming.</p> <p>The exact location and number of link boxes will depend on the final detail design of the onshore export cable.</p>

Q2.1.13	Essex County Council	<b>Mineral Safeguarding Areas (MSA)</b> Are you satisfied with the Minerals Resource Assessment [APP-113] and the assessment of impact on the MSA as set out in 19.6.1.4 and 19.6.2.3 of Chapter 19 [APP-033]?	This question is not directed to the Applicant.
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### 3.0 Alternatives

ExQ1	Question to:	Question:	Applicant's Response
3. Alternatives			
Q3.1.1	The Applicant	<p><b>General Assessment Principles</b></p> <p>Notwithstanding the details set out in the ES Chapter 4 Site selection and alternatives [APP-018], in the light of EN-1 paragraph 4.3.17 and section 5.4:</p> <p>(i) Please confirm that Table 4.1 of ES Chapter 4 sets out all legal and policy requirements relating to the assessment of alternatives applicable to the Proposed Development.</p> <p>(ii) Please identify any such legal or policy requirements where compliance has not yet been agreed with the relevant statutory regulator? For example, in relation to the Habitats Directive, or flood risk.</p>	<p>(i) Table 4.1 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b> does contain all the legislation, policy and guidance considered applicable to the Project, and which have been considered when assessing “<i>the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects</i>” as required for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>The RIAA and associated documents <b>[APP-173 to APP-195]</b> consider the relevant legislation and policy in the context of habitats impacts and The Conservation of Habitats and Species Regulations 2017, the Conservation of Offshore Marine Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (together the “Habitats Regulations”). The legislation and policy relevant to assessment of alternatives as required under the Habitats Regulations is set out in Section 2 of the Habitats Regulations Derogation: Provision of Evidence <b>[APP-183]</b>.</p> <p>Consideration of alternatives in the context of the Sequential Test and Exceptions Test for flood risk is set out in the Environmental Statement Appendix 21.3 Flood Risk Assessment <b>[APP-121]</b>.</p> <p>The Statement of Reasons <b>[AS-028]</b> refers to the policies relating to the consideration of alternatives in the context of the use of compulsory acquisition powers.</p> <p>(ii) The Applicant has not received any feedback that the Applicant has failed to comply with legal or policy requirements in its assessments of alternatives from any of the relevant statutory consultees, e.g. the MMO, Natural England (NE) and Local Authority. In addition, a range of stakeholders were consulted during site selection and feedback informed the site selection process and decisions as discussed in Section 4.2 of ES Chapter <b>[APP-018]</b> and ES Appendix 4.2 <b>[APP-091a]</b>. In respect of the Habitats Regulations Assessment, Natural England has raised some queries surrounding alternatives in their Relevant Representation <b>[RR-243]</b>. The Applicant</p>

			has duly assessed alternatives as required under the Habitats Regulations as set out in in the Habitats Regulations Derogation: Provision of Evidence [APP-183]. Those queries have been addressed in the Applicant's Response to Relevant Representations from Natural England [REP1-044].
Q3.1.2	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] Table 4.1 sets out the EN-1 policy as regards grid connection options. This identifies that for “regions with multiple windfarms or offshore transmission projects it is expected that a more coordinated approach will be delivered.” Please summarise the co-ordinated transmission options that have been considered for North Falls Offshore Wind Farm (NFOWF) and explain fully why the approach taken should be regarded as NPS policy compliant.</p>	<p>NPS EN-1 Paragraph 3.3.71 states:</p> <p><i>The historical approach to connecting offshore wind resulted in individual radial connections developed project-by-project. This may continue to be the most appropriate approach for some areas with single offshore wind projects that are not located in the vicinity of other offshore wind and / or offshore infrastructure that is planned or foreseen in the near future. For regions with multiple windfarms or offshore transmission projects it is expected that a more coordinated approach will be delivered. For these areas, this approach is likely to reduce the network infrastructure costs as well as the cumulative environmental impacts and impacts on coastal communities by installing a smaller number of larger connections, each taking power from multiple windfarms instead of individual point-to-point connections for each windfarm.</i></p> <p>The Project is consistent with the coordinated approach and the move away from a standard radial connection. The measures outlined in the Co-ordination Report [REP1-004] demonstrate how North Falls, Five Estuaries, and NGET will work together to deliver new infrastructure in a manner that seeks to reduce impacts in particular through the provision of a shared onshore cable route for North Falls and Five Estuaries, and the co-location of the onshore substations for both Projects. The following grid connection options are therefore included in the Project design envelope:</p> <ul style="list-style-type: none"> <li>• Option 1: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex with a project alone onshore cable route and onshore substation infrastructure;</li> <li>• Option 2: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route and onshore cable duct installation (but with separate onshore export cables) and co-locating separate project onshore substation infrastructure with Five Estuaries Offshore Wind Farm ('Five Estuaries'); or</li> <li>• Option 3: Offshore electrical connection, supplied by a third party.</li> </ul> <p>The Applicant's consideration of an alternative offshore grid connection, Option 3, is explained in Section 3 of the Co-ordination Report [REP1-004], and is included in the scenarios assessed in the ES. As outlined in the Applicant's response to Relevant Representations Received from Members of the Public [REP1-048] in the Applicant's Common Response – 001, the option for an offshore connection is maintained for North Falls. The Applicant's Common Response – 001 specifically sets out why alternative connections to other Offshore Hybrid Assets (OHAs) would not be possible.</p> <p>ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018] outlines the site selection process that was undertaken. It is consistent with NPS EN-1 Paragraph 3.3.71 which anticipates “a smaller number of larger connections”. This is because the Project has co-ordinated with Five Estuaries to provide a shared landfall location, onshore cable route, and co-located onshore substation.</p> <p>Paragraph 58 within section 4.6 of ES Chapter 4 in relation to the identification of the landfall, it states that the outcome of the site selection work undertaken to date was reviewed to identify the most suitable option</p>



			<p>for bringing ashore cables for both the North Falls and Five Estuaries projects at a single onshore location. Kirby Brook was the most suitable option due to the greater availability of space for incoming offshore cable routes for two projects (and four circuits) to make landfall at this location.</p> <p>As outlined in Section 4.9 of ES Chapter 4 in relation to the onshore cable route, it outlines in section 4.9.2 how a joint cable corridor study was undertaken with Five Estuaries that sought to combine both corridors and refine the width. This process was multi-staged, and responded to a number of factors which are outlined in section 4.9.2.1 – 4.9.4.3.</p> <p>As outlined in Section 4.8 of ES Chapter 4 <b>[APP-018]</b> in relation to the onshore substation, NFOW has sought to identify suitable options for the Project’s onshore infrastructure that can accommodate either the North Falls project alone or co-located infrastructure for North Falls and the Five Estuaries project. The onshore substation site selection exercise has therefore, from the outset, sought to identify options which would fulfil the objectives of both projects.</p> <p>In relation to construction the three delivery scenarios are proposed (as outlined in Section 6.4 of the Co-ordination Report <b>[REP1-004]</b>), with the aim of co-ordinating construction of the onshore cable route and reducing impacts in the event the North Falls and Five Estuaries construction programmes overlap.</p> <p>Taking together the co-ordination undertaken to: establish the feasibility of an offshore grid connection; the co-ordination on site selection with Five Estuaries with respect to the landfall, the onshore cable route, and the onshore substation; and the co-ordination in relation to the construction of the onshore cable route via the delivery scenarios, it demonstrates compliance with NPS EN-1 Paragraph 3.3.71.</p> <p>The site selection process has sought to avoid greater cumulative impacts that would likely occur from different cable routes and substations proximate to one another but not co-ordinated. The outcome of which is a wider corridor and larger onshore substation works area, but this is consistent with NPS EN-1, NPS EN-3, which both recognise coordination of offshore-onshore transmission infrastructure is likely to reduce the cumulative environmental impacts and impacts on coastal communities by installing a smaller number of larger connections.</p>								
Q3.1.3	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Appendix 4.1 Site Selection Golden Rules [APP-091] define the assumptions and principles which set the framework for the site selection. Paragraph 1 states that they have been derived using best practice guide for site selection. Whilst certain specific wording from the Horlock Rules has been imported and identified, the derivation of other principles and assumptions is unclear, although reference is also made to Crown Estate’s Cable Route Protocol, and NPS EN-1, EN-3 and EN-5. The ExA notes that the consultation responses [APP-091a] in relation to the ‘golden rules’ included reference to the avoidance of best and most versatile (BMV) land for the substation.</p> <p>(i) Please specify the derivation of each principle giving the NPS paragraph reference where appropriate.</p>	<p>(i) The derivation of each principle is provided below:</p> <table><tr><th>Principle</th><th>Derivation</th></tr><tr><td colspan="2"><b>Offshore cable corridor</b></td></tr><tr><td><ul style="list-style-type: none"><li>• The most direct route from the offshore array area to preferred landfall search area should be selected, in balance with the other key selection principles;</li></ul></td><td><ul style="list-style-type: none"><li>• The Electricity Act 1989</li><li>• The Holford Rules, Rule 3</li></ul></td></tr><tr><td><ul style="list-style-type: none"><li>• Avoid, or minimise direct impact to, designated/protected environmental sites, including SACs MCZs, SPAs, Ramsar sites and SSSIs, where possible;</li></ul></td><td><ul style="list-style-type: none"><li>• The Cable Route Protocol, Requirement 8</li><li>• Horlock Rules, Section III Paragraph 2</li></ul></td></tr></table>	Principle	Derivation	<b>Offshore cable corridor</b>		<ul style="list-style-type: none"><li>• The most direct route from the offshore array area to preferred landfall search area should be selected, in balance with the other key selection principles;</li></ul>	<ul style="list-style-type: none"><li>• The Electricity Act 1989</li><li>• The Holford Rules, Rule 3</li></ul>	<ul style="list-style-type: none"><li>• Avoid, or minimise direct impact to, designated/protected environmental sites, including SACs MCZs, SPAs, Ramsar sites and SSSIs, where possible;</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Requirement 8</li><li>• Horlock Rules, Section III Paragraph 2</li></ul>
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<ul style="list-style-type: none"><li>• Avoid, or minimise direct impact to, designated/protected environmental sites, including SACs MCZs, SPAs, Ramsar sites and SSSIs, where possible;</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Requirement 8</li><li>• Horlock Rules, Section III Paragraph 2</li></ul>										

	(ii) The ExA notes that there is no mention of seeking to use poorer quality agricultural land rather than Grades 1 to 3a BMV agricultural land, as advised by EN-1 paragraph 5.11.12. Please explain why this was not a factor considered worthy of inclusion within the Golden Rules. (iii) In addition, the avoidance of BMV land does not appear to have been one of the principles adopted for the selection of the initial cable corridor as set out in ES Chapter 4 [APP-018] paragraph 111, notwithstanding the advice set out in EN-1 paragraph 5.11.34. Please explain why this was not a factor considered worthy of inclusion within those principles.		<ul style="list-style-type: none"><li>• EN-1, Section 5.4</li></ul>
		<ul style="list-style-type: none"><li>• Minimise impact on other sea users and navigational safety;</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Principle 4</li></ul>
		<ul style="list-style-type: none"><li>• Avoid routing through significant sandbank features where a practicable alternative exists;</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Requirement 8</li><li>• EN-1, Section 5.4</li></ul>
		<ul style="list-style-type: none"><li>• Avoid routing through licensed aggregate dredging areas, dumping grounds, explosives dumping grounds and anchorages where possible;</li></ul>	<ul style="list-style-type: none"><li>• EN-1, Section 5.12</li></ul>
		<ul style="list-style-type: none"><li>• Avoid routing through offshore oil and gas sites subject to a lease agreement with The Crown Estate, to include offshore fields and infrastructure (including pipelines and offshore platforms);</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Section 6.1</li></ul>
		<ul style="list-style-type: none"><li>• Avoid locations, including wrecks, known to be of archaeological importance where practicable;</li></ul>	<ul style="list-style-type: none"><li>• EN-1, Section 5.9</li></ul>
		<ul style="list-style-type: none"><li>• Avoid routing within the offshore array development boundaries of existing operational offshore wind farm sites and those currently in planning or under construction;</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Section 6.1</li></ul>
		<ul style="list-style-type: none"><li>• Minimise the number of subsea cable/pipeline crossings required;</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Principle 7</li></ul>
		<ul style="list-style-type: none"><li>• Options that could minimise the cable infrastructure ‘footprint’ by working with other known developers who may be considering a similar route (subject to being able to make realistic assumptions about other developers’ proposals</li></ul>	<ul style="list-style-type: none"><li>• EN-1, Paragraph 4.11.7</li></ul>
		In addition to the principles above, all offshore cable corridor options will need to be technically and economically feasible and to that end will be subject to a constructability review as part of the site selection process.	<ul style="list-style-type: none"><li>• Horlock Rules, Section III Paragraph 1</li><li>• NPS EN-5, Paragraph 2.2.10</li><li>• Section 9 of the Electricity Act 1989</li></ul>
<b>Landfall</b>			
<ul style="list-style-type: none"><li>• Avoid direct significant impacts to internationally and nationally designated areas (e.g. SACs, SPAs, Ramsar sites, National Nature Reserves (NNRs) and SSSIs);</li></ul>	<ul style="list-style-type: none"><li>• The Cable Route Protocol, Requirement 8</li></ul>		

				<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 2</li> <li>• EN-1, Section 5.4</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid direct significant impacts to mature woodland and ancient woodland;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.4</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid scheduled ancient monuments and listed buildings;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.9</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid historic or active landfill sites;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.11</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid areas with substantial infrastructure or urban land use e.g. areas of housing, coastal defences, other energy infrastructure (including nuclear energy land);</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.11</li> </ul>
			<ul style="list-style-type: none"> <li>• Minimise number of crossings of existing cables and pipelines;</li> </ul>	<ul style="list-style-type: none"> <li>• The Cable Route Protocol, Principle 7</li> </ul>
			<ul style="list-style-type: none"> <li>• Maintain required separation distances with other cables and pipelines;</li> </ul>	<ul style="list-style-type: none"> <li>• The Cable Route Protocol, Principle 7</li> </ul>
			<ul style="list-style-type: none"> <li>• Maintain sufficient space for the transition from offshore cable to onshore cable</li> </ul>	N/A [Project design requirement]
			<ul style="list-style-type: none"> <li>• Ensure potential Horizontal Directional Drill (HDD) length is achievable.</li> </ul>	N/A [Project design requirement]
			<ul style="list-style-type: none"> <li>• Options that could facilitate co-location of cable landfall infrastructure with other known developers who may be connecting to the national grid at a similar location and therefore using a similar landfall (subject to being able to make realistic assumptions about other developers proposals).</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Paragraph 4.11.7</li> </ul>
			<p>In addition to the principles above, all landfall options will need to be technically and economically feasible and to that end will be subject to a constructability review as part of the site selection process.</p>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 1</li> <li>• NPS EN-5, Paragraph 2.2.10</li> <li>• Section 9 of the Electricity Act 1989</li> </ul>
			<b>Onshore cable route</b>	
			<ul style="list-style-type: none"> <li>• Routing should be kept as straight and as short as practicable – avoiding tight bends;</li> </ul>	<ul style="list-style-type: none"> <li>• The Electricity Act 1989</li> <li>• The Holford Rules, Rule 3</li> </ul>

			<ul style="list-style-type: none"> <li>• Avoid residential titles (including whole garden) where possible;</li> </ul>	<ul style="list-style-type: none"> <li>• The Holford Rules, Rule 7</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid direct significant impacts to internationally and nationally designated areas (e.g. SACs, SPAs, Ramsar sites, NNRs and SSSIs);</li> </ul>	<ul style="list-style-type: none"> <li>• The Cable Route Protocol, Requirement 8</li> <li>• Horlock Rules, Section III Paragraph 2</li> <li>• EN-1, Section 5.4</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid direct significant impacts to mature woodland and ancient woodland;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.4</li> <li>• The Holford Rules, Rule 5</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid scheduled ancient monuments and listed buildings;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.9</li> <li>• The Holford Rules, Rule 2</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid historic or active landfill sites;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.11</li> </ul>
			<ul style="list-style-type: none"> <li>• Minimise the number and length of trenchless crossings;</li> </ul>	N/A [Project design requirement]
			<ul style="list-style-type: none"> <li>• Minimise the number of crossings of assets (e.g. utilities);</li> </ul>	N/A [Project design requirement]
			<ul style="list-style-type: none"> <li>• Minimise the number of road and rail crossings;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.14</li> </ul>
			<ul style="list-style-type: none"> <li>• Minimise the number of hedgerow crossings;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.4</li> <li>• The Holford Rules, Rule 5</li> </ul>
			<ul style="list-style-type: none"> <li>• Minimise the number of watercourse crossings and number of ponds affected; and</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.16</li> </ul>
			<ul style="list-style-type: none"> <li>• Options that could facilitate co-location of cable infrastructure with other known developers who may be connecting to the National Grid at a similar location (subject to being able to make realistic assumptions about other developers' proposals).</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Paragraph 4.11.7</li> </ul>
			<p>In addition to the principles above, all onshore cable route options will need to be technically and economically feasible and to that end will be subject to a constructability review as part of the site selection process.</p>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 1</li> <li>• NPS EN-5, Paragraph 2.2.10</li> <li>• Section 9 of the Electricity Act 1989</li> </ul>
			<b>Onshore substation</b>	

			<ul style="list-style-type: none"> <li>Options to be located as close as possible to the National Grid substation – with a maximum distance of 3km from the National Grid substation set for site selection purposes;</li> </ul>	N/A [Project design requirement]
			<ul style="list-style-type: none"> <li>Options to include up to 0.2km<sup>2</sup> of land to accommodate the substation for North Falls only, temporary works/construction compound as well as landscaping, environmental enhancements and biodiversity net gain, flood defence and drainage and other necessary infrastructure;</li> </ul>	N/A [Project design requirement]
			<ul style="list-style-type: none"> <li>Options to include a requirement for temporary and permanent access to the highway network;</li> </ul>	N/A [Project design requirement]
			<ul style="list-style-type: none"> <li>To include the option of co-locating with National Grid, by locating within the National Grid connection location footprint;</li> </ul>	<ul style="list-style-type: none"> <li>EN-1, Paragraph 4.11.7</li> </ul>
			<ul style="list-style-type: none"> <li>All factors being equal, to seek to co-locate with National Grid to share land and minimise spatial extent of effects, subject to the agreement of National Grid;</li> </ul>	<ul style="list-style-type: none"> <li>EN-1, Paragraph 4.11.7</li> </ul>
			<ul style="list-style-type: none"> <li>Options that could facilitate co-location with other known developers who may be connecting to the national grid at a similar location (subject to being able to make realistic assumptions about other developers' proposals);</li> </ul>	<ul style="list-style-type: none"> <li>EN-1, Paragraph 4.11.7</li> </ul>
			<ul style="list-style-type: none"> <li>All factors being equal, options that result in the least environmental effects when combined with other known developers' proposed substation location;</li> </ul>	<ul style="list-style-type: none"> <li>Horlock Rules, Section III Paragraph 1</li> <li>NPS EN-5, Paragraph 2.2.10</li> </ul>
			<ul style="list-style-type: none"> <li>If locating outside of National Grid's connection location footprint, all factors being equal to seek to locate as close to National Grid's connection location as possible;</li> </ul>	<ul style="list-style-type: none"> <li>EN-1, Paragraph 4.11.7</li> </ul>
			<ul style="list-style-type: none"> <li>Options selected are to be technically feasible and economically viable and to that end will be subject to a constructability review as part of the site selection process.</li> </ul>	<ul style="list-style-type: none"> <li>Horlock Rules, Section III Paragraph 1</li> <li>NPS EN-5, Paragraph 2.2.10</li> <li>Section 9 of the Electricity Act 1989</li> </ul>
			<ul style="list-style-type: none"> <li>Avoid land within residential titles (including whole garden) where possible;</li> </ul>	<ul style="list-style-type: none"> <li>EN-1, Section 5.11</li> </ul>
			<ul style="list-style-type: none"> <li>Avoid direct significant impacts to internationally, nationally and locally designated areas (e.g. SACs, SPAs, Ramsar sites, NNRs SSSIs, Local Nature Reserves and Local Wildlife Sites);</li> </ul>	<ul style="list-style-type: none"> <li>Horlock Rules, Section III Paragraph 2</li> </ul>

				<ul style="list-style-type: none"> <li>• EN-1, Section 5.4</li> </ul>
			<ul style="list-style-type: none"> <li>• Minimise significant impacts to the special qualities of Areas of Outstanding Natural Beauty, National Parks or other designated landscapes;</li> </ul>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 2</li> <li>• EN-1, Section 5.10</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid mature woodland and ancient woodland;</li> </ul>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 3</li> <li>• EN-1, Section 5.4</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid scheduled ancient monuments and listed buildings;</li> </ul>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 2</li> <li>• EN-1, Section 5.9</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid historic or active landfill sites;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.11</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid areas that fall within Flood Zone 3;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.8</li> </ul>
			<ul style="list-style-type: none"> <li>• Avoid siting infrastructure within inner (SPZ1) and outer (SPZ2) source protection zones (SPZ), where possible;</li> </ul>	<ul style="list-style-type: none"> <li>• EN-1, Section 5.16</li> </ul>
			<ul style="list-style-type: none"> <li>• Areas of local amenity value, important existing habitats and landscape features including ancient woodland, historic hedgerows, surface and ground water sources and nature conservation areas should be protected as far as reasonably practicable (specific wording from Horlock Rules);</li> </ul>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 3</li> </ul>
			<ul style="list-style-type: none"> <li>• Locations should take advantage of the screening provided by land form and existing features and the potential use of site layout and levels to keep intrusion into surrounding areas to a reasonably practicable minimum (specific wording from Horlock Rules);</li> </ul>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 4</li> </ul>
			<ul style="list-style-type: none"> <li>• Options should keep the visual, noise and other environmental effects to a reasonably practicable minimum (specific wording from Horlock Rules); and</li> </ul>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 5</li> </ul>
			<ul style="list-style-type: none"> <li>• The space required should be limited to the area required for development consistent with appropriate mitigation measures and to minimise the adverse effects on existing land use and rights of way (specific wording from Horlock Rules).</li> </ul>	<ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 8</li> </ul>



			<p>The requirement for an economic and efficient solution are defined in the NPS EN-1, the National Grid's Guidelines on Substation Siting and Design (Horlock Rules) and The Electricity Act 1989.</p> <ul style="list-style-type: none"> <li>• Horlock Rules, Section III Paragraph 1</li> <li>• NPS EN-5, Paragraph 2.2.10</li> <li>• Section 9 of the Electricity Act 1989</li> </ul>
			<p>(ii) The golden rules described in ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b> are not intended to be an exhaustive list of criteria which require consideration during the site selection process, but instead set the first principles which will be used when identifying sites, which are then subject to further scrutiny through the site selection process as described in ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>. When identifying potential 'long list' options for the onshore substation, it was clear that to meet the other technical requirements for a connection to the national grid at NGET's proposed East Anglian Connection Node (EACN), all land which met other technical criteria in terms of footprint, access, opportunity to co-locate with other projects (see Section 2.4 of ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b>) within the required proximity to the EACN were all located entirely within Grade 1 agricultural land (i.e. BMV), and as such this factor was not able to be included within the list of parameters (see Paragraph 87 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>).</p> <p>(iii) Commitments made during the initial design of the onshore cable route included commitments to burying the cable at least 0.9m depth so land can be returned to its previous use following the completion of construction, and committing to the use of good practice soil handling measures secured through a Soil Management Plan (to be developed as part of the Code of Construction Practice, secured by DCO Requirement) to ensure that temporary impacts to soil resources are limited/minimised during construction (see the Outline Code of Construction Practice <b>[REP1-033]</b>). The land will therefore be available for reuse for its previous purpose and with the soil resource intact following the completion of construction. In light of this embedded mitigation, avoidance of BMV was not a core criteria during the selection of initial onshore cable corridors (with the selection process for the initial corridor focussing on the matters set out in paragraph 111 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>). However, BMV land was a consideration during onshore cable route refinement, as the project sought to minimise its temporary working footprint as far as practicable, and align the cable route to the edge of field parcels to minimise disruption on this land use type as far as practicable.</p>
Q3.1.4	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 20 states that: "although Option 1 considers North Falls infrastructure in isolation, if it is constructed, efficiencies arising from co-locating infrastructure with Five Estuaries through co-ordinated site selection will still have been realised". Please explain and summarise the efficiencies that would still be realised in those circumstances. Does that apply in the event that the Five Estuaries Offshore Wind Farm (VEOWF) does not proceed for any reason?</p>	<p>The efficiencies referred to in Paragraph 20 of ES Chapter 4 Site Selection and Alternatives <b>[APP-018]</b> are those that arise from using a shared onshore substation works area, adjacent onshore cable routes and a shared landfall location, and include:</p> <ul style="list-style-type: none"> <li>• minimising the severance of land parcels, which would be increased if both projects' cable routes routed through multiple land parcels;</li> <li>• minimising the number of receptors subject to disturbance by concentrating infrastructure in a single location, including (but not limited to):</li> </ul>

			<ul style="list-style-type: none"> <li>limiting highways works to a single access route, to minimise disruption to the wider road network;</li> <li>ensuring that any changes to the local landscape are localised and the effects geographically isolated;</li> <li>minimising the overall land take, by creating infrastructure which can be utilised by a second project (e.g. location of temporary construction compounds, landfall compounds, access routes, SuDS features, etc.);</li> </ul> <p>The efficiencies described above relate to the Five Estuaries project proceeding to construction, although they would also apply in the event of an alternative project co-locating with the North Falls project instead, in the event the Five Estuaries project does not proceed to construction. However the Applicant notes that during the identification of 'long list' options (see Section 4.8.2 of ES Chapter 4 Site Selection and Alternatives <b>[APP-018]</b>), the Applicant investigated options with sufficient space to accommodate a North Falls alone onshore substation option as well as an option which could accommodate co-location with other projects. The outcome of that process identified the same preferred 'alone' option as the co-located site.</p>
Q3.1.5	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] Table 4.2 explains that consideration was given to the insulation system to be used for the electrical infrastructure at the onshore substation. Gas Insulated Switchgear (GIS) uses Sulphur Hexafluoride (SF6) which is a greenhouse gas. However, Air Insulated Switchgear (AIS), which does not require the use of SF6, has been selected. Please summarise the reasons for that selection and set out the benefits of the preferred choice.</p>	<p>The amount of insulating gas is minimised in an AIS solution. This was primarily done for two reasons:</p> <ul style="list-style-type: none"> <li>Environmental – SF6 is a potent green-house gas, so minimising the amount of SF6 gas needed is of environmental benefit.</li> <li>Visual impact – the use of gas insulation systems (both SF6 and SF6-free) required housing within buildings. This is due to the nature of GIS switchgear. Such a building is very large, and can be as tall as 15m. Such buildings are likely to have a more significant impact on the landscape, and so by removing such large buildings, and replacing with lower busbars which are not solid, will have less impact on the landscape.</li> </ul> <p>The Applicant therefore considers that the selection of the AIS option minimises the impacts of the Project.</p>
Q3.1.6	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 40 states that the “site selection process for the Project’s transmission infrastructure under Options 1 and 2 is driven by the grid connection point offered to the Project by NGET.” The proposed new East Anglian Connection Node (EACN) substation would be located within the area adjacent to the NFOWF onshore substation works area. This is the location at which NFOWF will connect to the grid under grid connection Option 1 and Option 2.</p> <p>(i) Please provide an update on the progress of that project.</p> <p>(ii) Please explain the implications for the Proposed Development should the proposed Norwich to Tilbury</p>	<p>(i)</p> <p>The Norwich to Tilbury project, which includes the creation of the new East Anglia Connection Node (EACN) substation, is currently at the pre-application stage. National Grid Electricity Transmission plc ('NGET') conducted statutory consultation for the project from 10 April to 26 July 2024 and is currently undertaking a series of targeted consultations on changes in Norfolk and Suffolk from 30 January 2025 to 4 March 2025. Following this, NGET is proposing to conduct targeted consultations at locations in Essex and Thurrock for a period of 30 days.</p> <p>It is expected that NGET will submit the application for development consent for the Norwich to Tilbury Project between June and August 2025.</p> <p>(ii)</p>



		reinforcement project, including the EACN, not proceed for whatever reason.	<p>The Proposed Development is being pursued independently of the Norwich to Tilbury project and will be developed even if the Norwich to Tilbury project does not proceed.</p> <p>The Applicant has signed a connection agreement with NESO and the delivery of that connection is a matter for NGET and NESO (either through the Norwich to Tilbury project or via some alternative approach as NGET sees fit).</p> <p>The Applicant has also maintained optionality in its design envelope for an offshore connection point (i.e. the inclusion of Work No. 4(b) converter station in its Option 3) to ensure the offshore converter platform (being the offshore co-ordination connection point) required to facilitate a third parties offshore cable connection can be properly considered during Examination in recognition of the ever evolving technical and commercial grid landscape within Great Britain.</p>
Q3.1.7	The Applicant	<p><b><i>The ES assessment of alternatives</i></b>  <i>The ExA notes that the Essex County Council (ECC) [RR-093], SCC [RR-318] and Tendring District Council (TDC) [RR-327] amongst others have concerns about this project's reliance on an onshore connection and the EACN as a component part of the Norwich to Tilbury project. TDC state that "the EACN is unconsented and, as such this application is premature". ECC in consultation on the NFOWF [APP-215 and Appendices] has stated its clear preference for a coordinated approach between the different proposed offshore windfarm extension projects and multi-purpose interconnector and that the developers of these separate projects have not presented a comprehensive and conclusive set of evidence that the transmission objectives of this project cannot be met using alternative link(s) to reduce the impact of onshore infrastructure on the terrestrial environment in Essex or Suffolk. Many other IPs including Zena Marlow [RR-352], Emma Stimpson [RR-090], and John Glasse [RR-166] have also expressed the view that the provision of an alternative offshore connection should be examined.</i></p> <p><i>(i) Please comment on the concerns raised that the application for the Proposed Development is premature particularly in the light of the objections raised to the Norwich to Tilbury proposal.</i></p> <p><i>(ii) Please comment on the views expressed that greater integration on all the relevant projects could result in the adoption of an alternative offshore solution with reduced impacts that would negate the need for onshore transmission.</i></p>	<p>(i) In respect of National Grid's Norwich to Tilbury project, the Applicant has signed a connection agreement with NESO for a connection at the new proposed East Anglia Connection Node. The Applicant has therefore complied with paragraph 4.11.5 of NPS EN1 which requires the Applicant to liaise with National Grid (now NESO) to secure a grid connection. The selection and delivery of this connection is a matter for NESO and NGET. The Applicant does not consider that its DCO application for the Project is premature on the basis that there is a contractual obligation for the connection to be provided.</p> <p>(ii) The Applicant's Co-ordination Report <b>[REP1-004]</b> from page 13 comprehensively sets out the Applicant's long-term engagement in the Offshore Transmission Network Review, (OTNR commencing from 2020) and then subsequently, the Department of Energy Security and Net Zero (DESNZ) project, the Offshore Coordination Support Scheme (OCSS). The OCSS was a UK Government led project facilitated, managed and directly funded by DESNZ. Therefore, the Applicant has already invested over 5 years into examining, leading and reporting on the co-ordination of electricity transmission assets having previously set up a consortium with SeaLink and Five Estuaries Limited.</p> <p>On 3 September 2024 (approximately two months after the submission of the DCO application), the Secretary of State for DESNZ decided not to grant further funding to the consortia to explore the potential for offshore cable and offshore grid connection coordination as part of the OTNR "Early Opportunities" workstream and advised key stakeholders accordingly. Whilst the workstream and its technical report identified that an offshore cable and grid connection point was technically feasible, it identified the potential for <i>significant additional costs and delay</i>. Should the ExA require more detailed technical information on this topic, the Applicant requests that the ExA contacts DESNZ directly for a copy of the technical report DESNZ funded and subsequently relied upon in making its decision to withdraw funding from the OCSS. Please note the content and contact details in Appendix D of the Co-ordination Report <b>[REP1-004]</b>.</p>

		<p><i>(iii) The Applicant's response [AS-042] to the ExA's PD [PD-005] indicates that currently no third party is promoting a co-ordinated offshore cable option in collaboration with the NFOWF proposed grid connection point, its Option 3. Please provide an update and comment further on the scope for co-ordination with others within appropriate timescales and the prospect of such an alternative being achieved in the light of the submissions made on this topic in various RRs.</i></p>	<p>The Applicant therefore considers that it has fully explored the options for an integrated offshore connection but a viable option that can deliver a connection for the Project by 2030 has not been identified. Whilst the option to connect offshore remains part of the Project, at present to achieve the operational date of 2030 an onshore radial connection is required.</p> <p>(iii) LionLink (formerly EuroLink) is an electricity interconnector project being promoted by National Grid Ventures in the UK with Dutch transmission system operator, TenneT, in the Netherlands. It will connect national transmission systems between Great Britain and the Netherlands and will also connect to a Dutch offshore wind farm.</p> <p>Nautilus is an electricity interconnector project being promoted by National Grid Ventures in the UK with Belgian transmission operator Elia, in Belgium. It will connect national transmission systems between Great Britain and Belgium and will also connect to a Belgian offshore wind farm.</p> <p>They are described by Ofgem as Pilot Non-Standard Interconnectors (NSI) a sub-category of Offshore Hybrid Assets (OHA). Ofgem opened the OHA pilot scheme in September 2022, with the aim of creating a suitable regulatory framework to support the early development of OHAs connecting to Great Britain.</p> <p>In November 2024 (4 months following the Applicants' DCO submission) Ofgem announced it had approved the Initial Project Assessment (IPA) for the LionLink and Nautilus electricity interconnectors, which determines the needs case of new projects for British consumers. The Initial Project Assessment (IPA) is a consultation process run by Ofgem whereby the Regulator determines interconnector projects' suitability for the Cap and Floor regime.</p> <p>Nautilus and LionLink, which form the two Pilot NSIs, will comprise of <i>only</i> an interconnector cable within the UK jurisdiction and will be connected to offshore wind farms in the connecting European country. There are no offshore converter platforms proposed in UK waters as part of either project.</p> <p>It is understood that Nautilus is currently proposed to come onshore at the Isle of Grain in Kent and that LionLink is proposed to come onshore at the proposed Friston substation in Suffolk. The Secretary of State has exercised powers under section 35 of the Planning Act 2008 to direct that the Nautilus project and LionLink project be treated as development for which development consent is required and the Nationally Significant Infrastructure Project (NSIP) regime is applicable.</p> <p>LionLink, as a Non-Standard Interconnector (NSI) does not currently include an offshore converter platform within UK waters which would allow North Falls to connect into. Furthermore, LionLink as currently proposed would not connect into the North Falls' offshore converter platform (Option 3) nor provide the HVDC cable from the North Falls' offshore converter platform to an onshore converter station to facilitate connection to the grid. Therefore, at present it would not represent a viable offshore connection. Further, the extent and size of the onshore works and re-inforcement works to facilitate co-ordination are also unknown.</p>
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			Currently, the only grid connection agreement secured and in place is between the Applicant and NESO for a radial connection located at EACN.
Q3.1.8		<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 78 footnote 3 explains that the maximum distance of 3km from the project's grid connection point is set in order to minimise the length of cable between the project's onshore substation and the grid connection point. This is necessary to reduce the general impacts from cabling, to minimise electrical losses which improves overall system efficiency, to reduce/eliminate the need for additional equipment to compensate for losses and to minimise the overall cost of the connection. Paragraph 87 indicates that although a constraint which the project was seeking to avoid, all land falling within the 3km search area around the national grid connection point was BMV land, and therefore this constraint was not able to be avoided whilst meeting the project's technical site selection criteria.</p> <p>(i) Please provide further details and explanation for the 3km maximum search area given that the BMV constraint cannot therefore be avoided.</p> <p>(ii) Please provide further and full justification for the ultimate selection of the site of the onshore substation on Grade 1 BMV and the disturbance to Grade 2 and 3a BMV along the export cable corridor in the light of EN-1 paragraphs 5.11.12 and 5.11.34 and EN-5 paragraph 2.13.19.</p>	<p>(i)</p> <p>Underground cables, by their design, cause grid stability issues by generating reactive power, with the higher the voltage, the larger the reactive power generated. To compensate for this, equipment is needed at the substation to ensure the windfarm complies with the Grid Code requirements on the amount of reactive power it can inject into the grid.</p> <p>Therefore, the onshore substation needs to be located as close to the National Grid substation as possible, as the cables between the onshore substation and the National Grid substation generate 2-3 times the amount of reactive power per meter compared to the export cables (due to the higher voltage). The 3km parameter enables the windfarm to comply with the Grid Code whilst also ensuring the equipment needed (reactors and harmonic filters) is reduced to a minimum, minimising the onshore substation land take.</p> <p>(ii)</p> <p>As identified under point (i) above, to meet the Project's technical requirements an onshore substation is required to be located within 3km of the national grid connection point offered to the Applicant at NGET's EACN. All suitable land which meets the other technical criteria in terms of space requirements, separation distances from residential properties, access, drainage requirements as set out in ES Appendix 4.1 Site Selection Golden Rules [APP-091] within the area of search is classified as Grade 1 agricultural land, and as such no areas of poorer quality land are available. The Applicant has sought to minimise impacts on best and most versatile land by minimising the footprint of permanent infrastructure required, and also minimising the landtake for drainage, landscaping and biodiversity net gain as far as possible whilst still ensuring that these components fulfil their purpose in reducing environmental impacts. For example, the outline onshore substation design has incorporated shared design for permanent access with the Five Estuaries onshore substation.</p> <p>In respect of the onshore cable route, please see the Applicant's response to questions Q2.1.2 and Q2.1.12 above.</p>
Q3.1.9	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 96 explains that as regards co-ordination with VEOWF the first element of this work was to identify a refined onshore substation works area, within which all works associated with construction and operation of the onshore substations would take place. Please provide further explanation and justification for the selection of the proposed substation site in terms of the area required to accommodate the substations in comparison to all other locations considered.</p>	<p>The Applicant's response to Q6.1.6 lists the requirements for the substation. This includes ancillary items to mitigate the impact of the substation as well as the substation itself.</p> <p>The total area required for each substation is 280 x 210m (just under 6ha). The co-ordinated substations require just under 50ha together. is.</p> <p>The substation size is based on the size of the component equipment needed to meet the limits of set out by National Grid standards e.g. the Grid Code. The equipment needed to meet these requirements e.g. shunt reactors and harmonic filters are minimised by locating the substations as close as physically possible to the EACN substation. The ancillary items e.g. attenuation ponds and mitigation planting, can then be minimised as they are based on the substation size. This site therefore minimises land take and has therefore been selected by North Falls.</p>



			Therefore, the location closest to the EACN minimises the amount of land required for the substation.
Q3.1.10	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 104 in relation to the site selection for the onshore cable route indicates that the process has adhered to the recommendations regarding site selection described within the NPSs (especially EN-1 and EN5) and the Electricity Act 1989. Please provide further details of the way in which the process reflects the NPSs recommendations including NPS relevant paragraph references.</p>	<p>The Applicant assumes that this questions refers to Paragraph 108 in ES Chapter 4 Site selection and alternatives [APP-018], which refers to especially EN-1 and EN5) and the Electricity Act 1989.</p> <p>Please refer to the detailed response to question Q3.1.3 above, where a detailed explanation of how each principle within ES Appendix 4.1 Site Selection Golden Rules [APP-091] has been derived.</p>
Q3.1.11	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraphs 120 and 136 state that following the combining of the NFOWF and VEOWF cable corridors the 500m wide cable corridors were refined to 204m. The minimum 204m-wide onshore cable corridor(s) was subsequently refined down to a single, 72-130m wide onshore cable route connecting the NFOWF and VEOWF landfall and onshore substations and this forms the basis for the application. Paragraph 137 states that a 72m-wide onshore cable route is required in areas of open-cut trenching, 90m in areas of simple trenchless crossings, and up to 130m in areas of complex trenchless crossings. Please explain fully and summarise with ES references where relevant the need for a corridor of this width following the refinement process and how this has been reflected in the refined onshore cable route.</p>	<p>The 72m, 90m and 130m onshore cable route widths have been identified through engineering studies to identify the most efficient practical construction for the onshore cable route under three scenarios: open-cut trenching, simple (shallow) trenchless crossings and complex (deeper) trenchless crossings. These distances are based on the spacing of cables required to minimise the effects from one cable on the other.</p> <p>Plate 5.20 in ES Chapter 5 Project Description [APP-019] shows the indicative cross-section for 72m open-cut trenching cross-section, showing that the 72m width is required to allow for the required cable-spacing, haul road, topsoil and sub-soil storage bunds and fencing.</p> <p>Wider corridors are required for trenchless crossings as cables are buried deeper in these scenarios, and the deeper cables are buried, the greater the effect of electrical losses experienced, and the further apart the cables need to be to minimise these losses. Furthermore, additional space is required to allow for deviation of the bore within the onshore cable route width should HDD be used. The Applicant has concluded that a 90m width is the minimum onshore cable route width required to satisfactorily account for these two constraints for trenchless crossings of between 5-10m maximum depth (i.e. simple crossings), and a 130m width required for trenchless crossings of between 10-20m maximum depth (i.e. complex crossings). The Applicant has provided indicative cross-sections prepared for demonstrating the required widths for simple and complex trenchless crossings in 9.19.1 Appendix to Applicant's Response to Written Questions (ExQ1) submitted alongside this document.</p>
Q3.1.12	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ES Chapter 4 Site selection and alternatives [APP-018], paragraph 136 states that this approach to site selection has been undertaken to ensure that should commercial and regulatory constraints allow, the projects will have the option to undertake a single joint cable installation activity for the cable ducts for both projects, therefore realising efficiencies and minimising effects associated with two independent construction activities. Please provide further details of the commercial and regulatory constraints and explain why such an option cannot be secured as the sole option at this stage?</p>	<p>As set out in Section 6.4 of the Co-ordination Report [REP1-004], the North Falls construction scenarios are time dependent</p> <p>Given the early investment stage of the two individual projects, there is still significant risk and uncertainty in the investment and procurement programmes, associated milestones and investment stage gates of each project. There is also the obvious risk that one of the projects does not obtain a DCO. Both projects will need to obtain a DCO and both projects will need to have secured a Contract for Difference and a Final Investment Decision to proceed to construction. Each of these steps will need to be secured by each individual project in advance of committing to the very significant costs including turbine procurement, electrical procurement, civils contractor and construction teams. These investment milestones are not guaranteed for either project and thus full cable installation programme alignment between the two projects is also not guaranteed at this stage. However, both projects <b>will</b> continue to co-ordinate and collaborate in</p>

			<p>the event that post grant of the DCO, the investment, procurement, construction and cable installation campaigns align.</p> <p>Due to the two projects having two different sets of shareholders, the two projects are in effect competitors. Despite this, both projects jointly participated in OFGEMS May 2023 Offshore Co-ordination consultation on Anticipatory Investment. At the point of North Falls DCO submission (July 24), there was no government led support or mechanism for the recovery of any costs for cable installation works proceeding at risk i.e. there is no way to obtain government support or funding for anticipatory investment. Therefore, any costs and the risks of installing cables within the ducts for another project are borne by the installing project. As of February 2025, there remains no government support for Anticipatory Investment. Such a financial and investment risk is too significant for a project the size of North Falls to make without such support This risk combined with the other risks associated with such anticipatory works make having the a requirement to install cables simultaneously and within both projects ducts impossible to commit to at this stage, unless such costs can be underwritten as reported to OFGEM in May 2023, or both projects independent investment and procurement programmes fully align post grant of the DCO.</p>
Q3.1.13	The Applicant	<p><b>The ES assessment of alternatives</b></p> <p>The ExA notes that the key consultation to date relating to site selection and assessment of alternatives is summarised in ES Appendix 4.2 [APP-091a] and Table 1 sets out the consultation responses. The feedback received has been considered in refining the project location and design. ES Appendix 4.2 also provides a summary of how the consultation responses received to date have influenced the approach that has been taken. Notwithstanding the details and ES references in Table 1 column 5, please summarise giving specific examples of any changes made the response to feedback, if any, from the consultation exercise in relation to the site selection 'golden rules', the onshore substation site selection, the onshore cable corridor site selection, and the PEIR responses.</p>	<p>The following changes were made during the site selection process for the Project's onshore substation and onshore cable route in response to points raised through consultation (please refer to ES Appendix 4.2 Site Selection and Assessment of Alternatives Consultation Responses [APP-091a] for more detail on the specific responses received):</p> <p><b>Onshore substation and onshore cable route site selection (including 'golden rules')</b></p> <ul style="list-style-type: none"> <li>• In response to Essex County Council feedback, specific consideration of making a preference for co-ordinating with other projects where possible was included in the Golden Rules (see Section 2.4 of ES Appendix 4.1 Site Selection Golden Rules [APP-091]);</li> <li>• In response to Essex County Council feedback, consideration of an onshore substation access study was undertaken as part of the onshore substation site selection process (See Section 4.8.4 of ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018]);</li> <li>• In response to Environment Agency feedback, Source Protection Zones (SPZ) were included in the Golden Rules (See Section 2.4 of ES Appendix 4.1 Site Selection Golden Rules [APP-091]);</li> <li>• In response to Natural England feedback, locally designated and important sites (including Local Nature Reserves (LNR)) were considered during the onshore cable route site selection process (See Section 4.9.2.3 of ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018]);</li> <li>• In response to Natural England feedback, Public Rights of Way (PRoW) were considered during the onshore substation site selection process (See Section 4.8.2 of ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018]);</li> </ul>



			<ul style="list-style-type: none"><li>• In response to Natural England feedback, Ramsar sites and National Nature Reserves (NNR) were included in the Golden Rules (see Sections 2.3 and 2.4 of ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b>);</li><li>• In response to Natural England feedback, ancient woodland was included in the Golden Rules (see Sections 2.3 and 2.4 of ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b>);</li><li>• In response to Natural England feedback, Areas of Outstanding Natural Beauty (AONB) (now National Landscapes) were included in the Golden Rules (see Section 2.4 of ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b>);</li><li>• In response to Natural England feedback, minimising the number of hedgerow crossings for the onshore cable corridor was included in the Golden Rules (see Section 2.3 of ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b>);</li><li>• In response to Natural England feedback, a commitment was made to cross the Holland Haven Marshes Site of Special Scientific Interest (SSSI) using HDD, and to site the landfall compound and access routes outside of the SSSI (see Section 4.6 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>);</li><li>• In response to Historic England feedback, non-designated heritage assets and antiquity findspots were considered during the onshore substation site selection process (See Section 4.8.4 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>).</li></ul> <p><b>PEIR responses</b></p> <ul style="list-style-type: none"><li>• In response to Essex County Council PEIR feedback, a decision was made to include an option for a joint build-out of onshore cable ducts (Option 2) within the final assessment envelope (see Section 5.3.1 of ES Chapter 5 Project Description <b>[APP-019]</b>);</li><li>• In response to consultation feedback through PEIR and through targeted public consultation, a decision was made to preferentially select an onshore cable route option around Thorpe-le-Soken further from the Hamford Water SAC (See Section 4.9.4.2 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>).</li></ul>
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## 4.0 Aviation

ExQ1	Question to:	Question:	Applicant's Response
4. Aviation			
Q4.1.1	The Applicant  National Air Traffic Service (NATS)	<b>Aviation and Radar</b>  With regards to negotiations with the NATS it is noted that the NATS's objection [RR-242] relating to the Proposed Development's impacts on the air traffic radars at Cromer and Debden was withdrawn in their additional submission [AS-038].  (i) Provide here or in the SoCG, an up-to-date position with regards to negotiations with the NATS to include details of the refinement of the modelling and any mitigation related to the effects (including cumulative) on the air traffic radars at Cromer and Debden from the Proposed Development with reference to ES Chapter 17 [APP-031]? (ii) Is a solution for the mitigation realistically achievable within the time limit for the implementation of the DCO? (iii) Is a requirement needed in the dDCO to secure both the proposed mitigation and monitoring arrangements?	(i) The Applicant understands that NATS' objection related to the former array boundary, submitted at PEIR stage, and specifically the former Northern Array Area which was subsequently removed from the order limits in response to NATS' PEIR feedback prior to submission of the DCO application. The Applicant has since engaged with NATS and their objection has since been removed as confirmed by their additional submission <b>[AS-038]</b> . The withdrawal of NATS' objection was not contingent on any further mitigation and no mitigation is required in respect of air traffic radars at Cromer and Debden.  (ii) As above, no further mitigation is required as reflected by NATS removing their objection <b>[AS-038]</b> .  (iii) As above, there is no further mitigation or monitoring required which needs to be secured in the DCO.
Q4.1.2	The Applicant  Defence Infrastructure Organisation	<b>Aviation and Radar</b>  (i) Provide here or in the SoCG, an up-to-date position with regards to negotiations between the Applicant and the DIO/MOD and whether any concern or issues remain to the Proposed Development with reference to ES Chapter 17 [APP-031]? (ii) Has the applicant submitted a mitigation proposal to the DIO/MOD, but if not when will this likely happen? What is the likely timeframe in working towards this mitigation?	(i) It should be noted that on the 18 <sup>th</sup> Oct 2024 DIO (MOD) wrote to the Applicant stating that:  <b>Air Defence</b> - The MOD has carried out assessments using the currently proposed wind farm array area (as provided by the applicant by email dated 24 September 2024) and turbine dimensions (Chapter 5 Project Description of the applicant's Environmental Statement (document reference: 3.1.7, Vol. 3.1, Rev. 0, dated July 2024)) and can confirm that the wind turbines at this location and height will <b>cause no impact</b> to the AD Radar mentioned.  <b>Air Traffic Control</b> - The applicant identifies that the proposed wind farm would be visible to the Primary Surveillance Radar sited at Wattisham Station. The MOD assessments of the potential impacts has identified that the proposed development would have <b>no operational impact</b> on this radar.  <b>Physical Obstruction</b> - The Applicant has sought to address the potential for the development to form an obstruction by adding the requirement at Schedule 1, Part 3, Requirement 3 of the draft Development Consent Order (document reference 6.1, Vol. 6, Rev. 0 dated July 2024). Requirement 3 sets out that the wind farm will be lit to meet MOD aviation safety requirements and stipulates that sufficient information will be provided to ensure the development is appropriately charted.

			<p><b>Landfall and Onshore Export Cables</b> - It should also be noted that on the 11 Feb 2025, DIO (MOD) confirmed that “an assessment has concluded that the proposed onshore cable route and construction equipment will have <b>no detrimental impact</b> on the East WAM Network. Therefore, unless there are changes to the information that has been shared and covered by this email exchange, there is no longer the need for the submission and approval of this information to form the subject of a requirement in any future draft Development Consent Order”.</p> <p>(ii) Given the information above, there is no longer a need to submit a mitigation proposal to the MOD.</p>
Q4.1.3	The Applicant  Civil Aviation Authority (CAA)	<p><b>Aviation and Radar</b></p> <p>(i) Provide here or in the SoCG, an up-to-date position with regards to negotiations with the CAA and whether any concern or issues remain to the Proposed Development with reference to ES Chapter 17 [APP-031]? (ii) In particular, clarify the status of the two Required Navigation Performance Instrument Flight Procedures which are referred to in ES Chapter 17 [APP-031] Table 17.1 and paragraph 133 as currently with the CAA awaiting approval.</p>	<p>(i) The CAA were contacted by the Applicant on the 2<sup>nd</sup> December 2024 and 23<sup>rd</sup> January 2025 regarding a SoCG. A response was received on the 14<sup>th</sup> of February 2025, which stated that no SoCG is required between North Falls and the CAA.</p> <p>(ii) The status of the two Required Navigation Performance (RNP) Instrument Flight Procedures (IFP) is unchanged. They are currently with the CAA awaiting approval. However, as noted in Table 17.1 and paragraph 133 of ES Chapter 17 [APP-031], the RNP IFPs were designed by NATS, who confirmed to the Applicant in writing (email of 27 January 2023) that the WTGs are laterally well beyond the protected areas of the proposed RNP IFPs and as such there would be no impact if or when the RNP IFPs are approved by CAA. As such, the Applicant is not aware of any outstanding aviation issues or concerns.</p>
Q4.1.4	The Applicant	<p><b>Met Office Weather Radar</b> ES Chapter 17 [APP-031], paragraph 87 refers to a 20km safeguarded zone for weather radars.</p> <p>Can the Applicant provide the source of reference for the 20km zone and confirm that this has been agreed with the Met Office?</p>	<p>Maps of Met Office consultation zones are available online at <a href="https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding">https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding</a>. The maps for UK weather radar sites show a zone with a 20km radius around the weather radar within which Local Planning Authorities are required to consult with the Met Office on any developments involving wind turbines.</p> <p>The latest guidelines issued by OPERA (Operational Programme for the Exchange of Weather Radar Information) and the World Meteorological Organization in 2010 state that projects of wind parks should be submitted to an impact study when they concern ranges lower than 20km.</p> <p>Further confirmation from the Met Office regarding weather radar safeguarding requirements has been sought and an email response was received on 24<sup>th</sup> February 2025 which confirmed that their consultation zones broadly follow the OPERA guidelines, but also noted that more recently the Met Office has asked to be consulted regarding proposals for offshore wind farms, as set out in the overarching National Policy Statement for energy (EN-1).</p> <p>In their email response on 24<sup>th</sup> February 2025, the Met Office confirmed that the North Falls turbines will be comfortably below the beam of the closest weather radar (at Thurnham) and that there would not be any detrimental impact on the weather warnings and forecasts derived from the radar data.</p>

Q4.1.5	The Applicant	<p><b>London Southend Airport – instrument flight procedure assessment</b></p> <p>ES Appendix 17.2 [APP-111] states that “<i>The proposed offshore wind farm development does not impact the currently published IFPs for London Southend Airport.</i>”</p> <p>Confirm whether London Southend Airport are content with the ES assessment and its findings.</p>	<p>Feedback from London Southend Airport was received by email on 24<sup>th</sup> January 2024, stating: “<i>I have reviewed the charts with my senior ATC team and am pleased to confirm that we do not anticipate the proposed development to have an impact upon the RLoS of the radar operation at London Southend Airport.</i>”</p> <p>Further confirmation from London Southend Airport (LSA), specifically regarding impacts to their currently published IFPs, has been sought and an email response was received on 18<sup>th</sup> February 2025 which stated:</p> <p>“<i>I have reviewed the October 2022 IFP assessment, and I agree that there would be no anticipated impact to the current published IFPs at LSA.</i>”</p> <p>As a result, it is the Applicant’s understanding LSA are content with the assessment in the ES and its findings.</p>
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## 5.0 Climate Change and Resilience

ExQ1	Question to:	Question:	Applicant’s Response
5. Climate Change and Resilience			
Q5.1.1	The Applicant	<p><b>General climate change and policy issues</b></p> <p>NPS EN-1, paragraphs 4.10.9 and 4.10.11 state that the ES should set out how the proposal will take account of the projected impacts of climate change. This should include climate change adaptation and applicants should demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. The Planning Statement [APP-233], indicates that the Applicant has complied with those requirements and ES Chapter 33 Climate Change [APP-047] sets out the Climate Change Resilience Assessment (CCRA):</p> <p>(i) Please specify in summary all appropriate mitigation or adaptation measures that have been identified for the Proposed Development highlighting any relevant changes to the embedded mitigation since the preparation of the ES.</p>	<p>(i) Measures to increase the resilience and adaptation capacity of the Project are detailed in Section 33.3.3.2, 33.6.2.1.2 and 33.6.2.2.2 of ES Chapter 33 Climate Change [APP-047]. This includes measures that would be included as part of construction management plans, such as the Code of Construction Practice (CoCP) and Project Environmental Management Plan (PEMP), both secured under DCO Requirements, to reduce the risk of exposure of site workers and construction equipment to extreme weather events. This section also includes measures included as part of the design of the Project to account for future climatic changes.</p> <p>Examples of climate change resilience measures which are embedded into the Project design, as detailed in Section 33.3.3.2 of ES Chapter 33 Climate Change [APP-047] include:</p> <ul style="list-style-type: none"> <li>• Scheduling construction activities based on seasonality and timely weather forecasts;</li> <li>• Monitoring of on-site weather conditions and severe weather alert services;</li> <li>• Incorporating a severe weather protocol into construction management plans and assigning clear responsibilities in the event of an emergency; and</li> <li>• The WTGs and fixed substructures have been designed with sufficient safety margins to account for extreme weather events such as storm surges and high winds. The substructures, turbines and inter-array cables have been designed using metocean hindcast data as the basis for all loadcases.</li> </ul> <p>Section 33.6.2.1.2 of ES Chapter 33 Climate Change [APP-047] states that construction drainage infrastructure will be developed and agreed with the appropriate regulators, where relevant, and implemented to minimise water within the working areas, ensure ongoing drainage of surrounding land and that there is no increase in surface water flood</p>

		<p>(ii) Please confirm the period that they are intended to cover.</p> <p>(iii) Please summarise how the Applicant seeks to demonstrate that EN-1 paragraphs 4.10.8 - 4.10.13 would be satisfied.</p>	<p>risk. ES Appendix 21.3 Flood Risk Assessment <b>[APP-121]</b> considers the appropriate climate change allowances and concludes that mitigation measures to mitigate the risk of flooding over the Project's lifetime can be achieved. All WTG foundations will be designed in line with industry recognised codes and standards (DNV, Eurocode, Norsok, etc.). These codes and standards provide an inherent reliability of <math>1 \times 10^{-4}</math> through load factors and partial safety factors and are explicitly designed for 1-in-50-year storm events. To limit degradation of the level of reliability over the lifetime of the structures, corrosion will be limited by a combination of painted coatings and cathodic protection. A scour protection design will be carried out and implemented to prevent local scouring around the base of the foundations.</p> <p>The proposed wind turbine for the Project shall be type certified in accordance with IECRE OD-501, which shall require the design to incorporate an automatic safe shut-down of the wind turbine if wind speed threshold is exceeded. This is generally done within the turbine itself, via real time monitoring of local instruments on the turbine to measure the conditions in the vicinity of the turbine.</p> <p>Prior to the commencement of decommissioning activities, as part of health and safety protocols, a review of recent climate hazards and up-to-date climate projection data will be undertaken to develop suitable mitigation and management measures, which will be secured in management plans for this stage of works.</p> <p>(ii) The mitigation and adaptation measures proposed relate to the phase of the Project that they apply. Measures referenced in Section 33.6.2.1.2 are relevant to the construction phase, and those listed in Section 33.6.2.2.2 (notably Table 33.27) are relevant to the operational and maintenance phase.</p> <p>(iii) The CCRA, presented in Section 33.6.2 of ES Chapter 33 Climate Change <b>[APP-047]</b>, demonstrates how paragraphs 4.10.8 - 4.10.13 of EN-1 would be satisfied. The CCRA assesses the direct impact of climate change on the operational lifetime of the Project, across a range of climate scenarios, obtained from the UK Climate Projections database, accessed in 2024. This includes the high emissions scenario (RCP 8.5). Inherent to the assessment is the mitigation that has been adopted to ensure the resilience of the Project to the projected impacts of climate change. Further information specifically regarding the assessment of flood risk for the Project is provided in ES Chapter 21 Water Resources and Flood <b>[APP-035]</b> and ES Appendix 21.3 Flood Risk Assessment <b>[APP-121]</b>.</p>
Q5.1.2	The Applicant	<p><b>General climate change and policy issues</b></p> <p>The ES Chapter 33 <b>[APP-047]</b> indicates that climate change resilience mitigation measures have been considered as part of the assessment. In relation to NPS EN-1, paragraph 4.10.15: Please summarise how the ES demonstrates that there would be no critical features of the scheme which might be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections?</p>	<p>The CCRA was completed based on the worst case RCP 8.5% scenario, using data from the 90% percentile. This is considered to be an extreme scenario, particularly for a project with an expected 35 year operational lifespan, and is commonly adopted when considering future climate change projections. If the climate projections are updated to something more severe, this would be more likely to affect the far future rather than the timeline of the Project, as the different projection scenarios typically start to diverge beyond its operational lifespan.</p>



Q5.1.3	The Applicant	<p><b>General climate change and policy issues</b> The ES Chapter 33 [APP-047] Table 33.6 in relation to NPS EN-1 states: “The Project will seek to minimise, where practicable, GHG emissions during each phase through the use of best available techniques and efficient design/management”. It draws attention to mitigation measures proposed to reduce GHG emissions through the lifetime of the Proposed Development.</p> <p>(i) In the light of EN-1 paragraphs 5.3.9 and 5.3.10, summarise the steps taken to reduce the GHG emissions of the construction and decommissioning stage of the Proposed Development and explain why they should be regarded as being reasonable.</p> <p>(ii) Please highlight whether those steps embed nature-based or technological processes to mitigate or offset the emissions of construction within the Proposed Development.</p>	<p>(i) Mitigation to reduce emissions is being adopted into the design development process where practicable by following the principles of the GHG mitigation hierarchy in the IEMA guidance “<i>Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance</i>”. The Applicant refers to Table 33.4 of Chapter 33 Climate Change [APP-047] which sets out ways in which the Project has sought to minimise GHG emissions. In particular, the Applicant is seeking to reduce the quantity of materials used for both the offshore and onshore infrastructure components. The inclusion of the option to share an onshore cable route with Five Estuaries and co-locating of separate project onshore substation infrastructure will also reduce the quantity of materials used. These measures should be regarded as being reasonable as the Applicant is seeking to reduce emissions during the implementation of the Project, which, when operational, will provides benefits in terms the provision of renewable energy to the grid.</p> <p>(ii) As detailed in Table 33.4 of Chapter 33 Climate Change [APP-047], the Project will utilise where appropriate, new available proven technology. Construction of the Project relies on the use of specialised equipment, particularly for the offshore component such as vessels. The efficient use of vessels will be managed through the Vessel Management Plan. The Applicant also refers to the Outline Code of Construction Practice [REP1-033] which includes various measures relating to the reduction of emissions (such as a Construction Logistics Plan to manage the sustainable delivery of goods and materials, implementation of a travel planning measures, efficient fuel consumption, waste management etc).</p>
Q5.1.4	The Applicant	<p><b>General climate change and policy issues</b> NPS EN-3 paragraph 2.4.8 provides that applicants should demonstrate that any necessary land-side infrastructure (such as cabling and onshore substations) associated with offshore windfarms will be appropriately resilient to climate-change induced weather phenomena. Similarly, applicants should particularly set out how the proposal would be resilient to storms. The ES Chapter 33 [APP-047] confirms that a CCRA has been undertaken. Notwithstanding the details provided in section 33.6.2. and Table 33.27:</p> <p>(i) Please provide further details and explanation of the design features aimed to provide resilience including mitigation of storm events and the safety margins for the offshore infrastructure.</p> <p>(ii) Please also explain the means whereby all mitigation measures referred to including the management plans, real-time monitoring, and the shut-down of the wind turbines when high wind speeds occur will be secured through the dDCO [AS-022].</p>	<p>(i) The main items exposed to storm conditions are the wind turbine foundations, and the turbines themselves. Details of the design of these features can be found in Sections 5.3.3 of ES Chapter 5 Project Description [APP-019]. Furthermore, in relation to the onshore substation ES Appendix 21.3 Flood Risk Assessment [APP-121] considers the appropriate climate change allowances and concludes that mitigation measures to mitigate the risk of flooding over the Project’s lifetime can be achieved, including for storm events. Further details regarding the resilience of the Project’s infrastructure to climate change is summarised in the response to Q5.1.1. above.</p> <p>(ii) Details of where mitigation is secured are listed in the Schedule of Mitigation [APP-012]. The real-time monitoring and the shut down of turbines would be secured through the PEMP, and the following Sections of the dDCO:</p> <ul style="list-style-type: none"> <li>▪ Schedule 8, Part 2, Condition 21</li> <li>▪ Schedule 9, Part 2, Condition 22</li> <li>▪ Schedule 10, Part 2, Condition 22</li> </ul>

Q5.1.5	The Applicant	<p><b>Greenhouse Gas Emissions</b></p> <p>The ES Chapter 33 [APP-047] explains that the GHG assessment is undertaken in accordance with the Institute of Environmental Management and Assessment (IEMA) guidance. The IEMA guidance recommends comparing the magnitude of a project's carbon footprint against available carbon budgets. Please explain further how the magnitude of GHG impacts for the ES has been assessed and specifically identify those aspects of the GHG assessment for which professional judgment has been used; the outcome of those judgements, and the justification for the assumptions made in the exercise of any professional judgement.</p>	<p>As stated in paragraph 147 of ES Chapter 33 Climate Change [APP-047], “<i>The magnitude of impact is not defined in EIA terms but represented by the magnitude of GHG emissions released or saved as a result of Project activities.</i>” The magnitude of emissions released, or avoided in each phase of the Project have been compared to Carbon Budgets where relevant, or were evaluated as to whether they would contribute towards the UK's progress towards meeting its emission reduction targets.</p> <p>With respect to the GHG assessment, professional judgement was used to inform the GHG calculations where information gaps were present. A summary of the assumptions adopted for the GHG assessment are presented in Table 33.14 of ES Chapter 33 Climate Change [APP-047], and include aspects such as the recycled content of construction materials, the specific nature and composition of some materials, and waste disposal routes. Where there were uncertainties, conservative assumptions were adopted to provide a robust assessment.</p>
Q5.1.6	The Applicant	<p><b>Greenhouse Gas Emissions</b></p> <p>The ES Chapter 33 [APP-047] paragraph 101 states that the GHG assessment is inherently cumulative, and no additional consideration of cumulative effects is required. Please explain in further detail the inherent nature of the cumulative assessment within the GHG methodology and the approach to assessing the Proposed Development's GHG emissions against the UK carbon budgets.</p>	<p>The GHG assessment is inherently cumulative for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The impact arises from the change in GHG emissions when comparing the ‘Do Nothing’ scenario to avoided emissions enabled by the Project;</li> <li>▪ The location of emissions released from activities associated with the Project, and those it ‘avoids’ is not relevant to the impact arising from it. Any change in GHG emissions has the same impact despite the geographic location; and</li> <li>▪ Climate change impacts are derived from aggregated GHG levels in the global atmosphere, not the magnitude of change in GHG emissions in the local area.</li> </ul>
Q5.1.7	The Applicant	<p><b>Greenhouse Gas Emissions</b></p> <p>The ES Chapter 33 [APP-047] paragraph 106 in relation to the GHG assessment states that: “Where there are uncertainties regarding input data or information used in the assessment, a conservative approach has been adopted to provide a robust assessment”. Please provide further details and explanation to support that contention.</p>	<p>The Project has employed a conservative approach to managing the assumptions and limitations associated with a GHG assessment. Table 33.14 of ES Chapter 33 Climate Change [APP-047] details the specific assumptions or limitations for the GHG assessment that will have influenced the outcome of the assessment. As an example, emissions factors for the most recent year of available data at the time of assessment were used in the assessment to provide a precautionary assessment, even though most sectors are expected to decarbonise over the next 30 years, therefore, the emissions associated with the operation and maintenance and decommissioning phases of the Project are likely to be an overestimation. There are also a number of assumptions associated with the CCRA, some of which are due to the intrinsic uncertainty within climate change projections. As an example, the UKCP climate change projections have been presented as 10<sup>th</sup>, 50<sup>th</sup> and 90<sup>th</sup> percentiles, which represents the range of uncertainty in the model.</p>

Q5.1.8	The Applicant	<b>Cumulative Climate Effects Assessment</b> The ES Chapter 33 [APP-047] Table 33.29 'Realistic worst-case scenario of cumulative effects arising from development of North Falls and Five Estuaries Offshore Wind Farm – Scenario 3' summarises the realistic worst-case scenario for likely cumulative effects scoped into the EIA for the CCRA. Please explain what is meant by 'reasonable' in that context and provide further details to support the assertion that a 'worst-case' comparison has been made.	ES Chapter 5 Project Description [APP-019] provides full details on the cumulative build out scenarios that have been considered in the CCRA, where Scenario 3 is assessed as the worst-case scenario. In Scenario 3 there is no reuse in onshore temporary works between the two projects, and all onshore cable route associated works are rebuilt and reinstated in full by the second project. The CCRA assesses the impacts of climate change on the Project, therefore the largest footprint/area of land disturbance and/or works associated with an option is considered to the realistic worst-case scenario. The cumulative effects of Scenario 3 in relation to surface and groundwater flood risk have been assessed for the construction, operation and maintenance and decommissioning phases of the projects, which concludes that cumulative effects from both projects is not significant in EIA terms. This worst-case cumulative scenario has been developed using design information provided by Five Estuaries Offshore Wind Farm Limited, checked/updated against the submission of the Five Estuaries ES.
Q5.1.9	Essex Council Tendring Council County and District	<b>Cumulative Climate Effects Assessment</b> The ES Chapter 33 [APP-047] Table 33.28 provides a summary of projects considered for the Cumulative Effects Assessment (CEA) in relation to climate change. Please confirm that those applications referred to as being within the remit of your Council have been appropriately recorded and excluded from the CEA.	This question is not directed to the Applicant.
Q5.1.10	The Applicant	<b>HRA and Climate change resilience</b> The RR of Natural England (NE) [RR-243] in relation to ES Appendix 2 LBBG Compensation Document [APP-188], notes that Climate change resilience of any of the proposals is not discussed within this document. NE advises that if the Lantern marsh/Cobra Mist area is to be predator fenced, consideration needs to be given to the flood risk in this area. Please confirm that the factors raised by NE will be considered and a revised document including this information submitted.	The Lesser Black-backed Gull Compensation Document updated at Deadline 1 [REP1-017 (clean) and REP1-018 (tracked)] provides further information on the site selection process and it takes flood risk into consideration.

## 6.0 Compulsory Acquisition

ExQ1	Question to:	Question:	Applicant's Response
6. Compulsory Acquisition			
Q6.1.1	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition Powers sought</b></p> <p>The Statement of Reasons (SoR) [AS-028], paragraph 3.1.8 states that the works to create the electrical connections from the proposed offshore generating station to the national grid are associated development. Please identify with reference to the Planning Act 2008 Guidance on associated development (AD Guidance) why those works which relate to provision for aspects of the proposed Five Estuaries Offshore Wind Farm (VEOWF) project are appropriately regarded as associated development for the purposes of this application?</p>	<p>Section 115 of the Planning Act 2008 prescribes the development for which consent may be granted in a development consent order ('DCO') which includes both 'development for which development consent is required' and 'associated development' (see section 115(1)(a) and (b)).</p> <p>Section 115(2) defines 'associated development' as development which is associated with the development for which development consent is required (or any part of it) and is carried out wholly in England (see section 115(2) and (3)(a)).</p> <p>The 'principal development' for the purposes of section 115(2) is the offshore generating station which is a Nationally Significant Infrastructure Project (NSIP) for which development consent is required under the Planning Act 2008. Any 'associated development' must therefore be associated with the NSIP.</p> <p>The term 'associated development' is defined very broadly. The <i>Planning Act 2008 Guidance on associated development</i> (April 2013) ('AD Guidance') notes that the Secretary of State should decide whether or not development should be treated as 'associated development' on a case-by-case basis taking into account the following four 'core principles':</p> <ul style="list-style-type: none"> <li>(i) There must be a 'direct relationship' between the associated development and the NSIP and the associated development should either support the construction or operation of the principal development or help address its impacts;</li> <li>(ii) Associated development should not be an aim in itself but should be subordinate to the principal development;</li> <li>(iii) Development should not be treated as associated development if it is only necessary as a source of additional revenue for the Applicant in order to cross-subsidise the cost of the principal development; and</li> <li>(iv) Associated development should be proportionate to the nature and scale of the principal development (noting that this should not be read as excluding associated infrastructure development such as a network connection that is on a larger scale than is necessary to serve the principal development if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project). The Secretary of State will have regard to all relevant matters including whether a future application is proposed to be made by the same or related developer as the current application, the degree of physical proximity of the proposed application to the current application and the time period in which a future application is proposed to be submitted.</li> </ul> <p>The Applicant submits that works to install the ducts for the electrical connections from the proposed offshore generating station to the national grid for the proposed VEOWF ('Shared Works') do not contravene core principles (ii) and (iii).</p> <p>In relation to core principles (i) and (iv), the Applicant notes that the Examining Authority and Secretary of State accepted the Applicant's argument during the examination stage for the East Anglia One Offshore Windfarm ('EA1') in 2014 that the laying of additional ducting (for two planned future projects) was development 'associated with' the</p>



EA1 NSIP because it would help address its cumulative impacts. Similarly, the Norfolk Vanguard Offshore Wind Farm DCO (granted in 2022) included the ability to install onshore ducts for the Norfolk Boreas Offshore Wind Farm (which was consented under a separate DCO). At paragraph 6.5 of the Vanguard decision letter, the Secretary of State stated that:

*“One of the issues covered was whether the ducting related to the proposed Norfolk Boreas offshore wind farm could be classed as ‘Associated Development’ as defined in the Planning Act 2008 and thus be subject to compulsory acquisition powers [ER 8.7.1 et seq.]. The ExA considered relevant legislation (the Planning Act 2008) and guidance (“DCLG Guidance on Associated Development Applications for Major Infrastructure Projects” which was issued in 2013) before concluding that ‘Boreas ducting’ could be classified as Associated Development and would, therefore, benefit from the compulsory acquisition powers that the Applicant sought [ER 8.7.3 et seq.]. The Secretary of State agrees with this conclusion.”*

The Applicant submits that this reasoning should be adopted in relation to the Shared Works noting that:

- The application for development consent for VEOWF is currently at the examination stage and the timing of VEOWF and the Project reflects a shared ambition for each project to be operational by 2030;
- The two projects are promoted by separate legal entities but there are clear relationships between them (note that RWE Renewables is a common shareholder in both projects and there is clear evidence of effective cooperation and coordination between the two projects in the Co-ordination Report **[REP1-004]**);
- The public interest benefits of the shared work include the further reduction of overall land take and adverse cumulative environment effects;
- NPS policy and associated guidance reflects the urgent need for new electricity generating capacity (specifically for new offshore wind generating capacity) as Critical National Priority Infrastructure which should be progressed as quickly as possible and establishes a policy expectation for undertakers of individual projects to collaborate and co-ordinate with other major infrastructure projects in close proximity or where there are direct overlaps between projects (see [4.1.4] of the Co-ordination Report **[REP1-004]**); and
- The practical effect of current NPS policy is that more offshore wind farm schemes will need to come forward quickly and will likely be clustered in certain parts of the country (including in the North Sea off the east coast of England). Accordingly, the need to avoid and reduce potential adverse impacts of those projects through cooperation and coordination between undertakers will likely become an increasingly important factor in decision-making.

The Applicant submits that, in light of the above and in accordance with the AD Guidance, the Shared Works constitute ‘associated development’ related to the Project for the purposes of section 115 of the Planning Act 2008 (and can therefore be granted development consent as part of the North Falls DCO).



Q6.1.2	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition Powers sought</b></p> <p>The SoR [AS-028], paragraph 3.3.2 states that the identification of the onshore cable route and substation location has been undertaken in co-ordination with proposed VEOWF. The Explanatory Memorandum (EM) [AS-024] section 3.3 also refers to the co-ordination with VEOWF and identifies project efficiencies that would result.</p> <p>(i) Please specify all environmental and social impacts of both projects associated with compulsory acquisition (CA) which would be minimised due to that co-ordination?</p> <p>(ii) How would this serve to address and minimise the potential cumulative impacts associated with the Proposed Development?</p>	<p>The Applicant refers to Sections 7 and 8 of the Co-ordination Report [REP1-004] which set out how the projects have co-ordinated on scheme development, design and siting including matters such as transport access, mitigation measures and enhancement measures.</p> <p>The shared design keeps the potential impacts from the projects to a single swathe of land and enables coordination during construction, which has the potential to significantly reduce the impacts associated with the construction phase.</p> <p>Whilst the width of the corridor which may be acquired is slightly wider than it would be for the North Falls development in isolation, the ability to install ducts for Five Estuaries would result in project efficiencies, with associated reduction in overall land take and environmental impacts. For example:</p> <ul style="list-style-type: none"> <li>• A single haul road for the onshore cable route to support construction of the onshore export cable;</li> <li>• Single access points at Temporary Construction Compounds (TCCs) from the highway network to service both projects, reducing both the number of physical works and reducing the extent of any traffic management measures required to ensure safety;</li> <li>• Single crossing points on roads where site access is not required;</li> <li>• Use of the same or sharing of TCCs therefore reducing the total number of overall TCCs and the area required; and</li> <li>• Coordinated service connection (such as mains power, water, sewage) for TCCs.</li> </ul> <p>Reduction in the potential impacts would mainly be associated with avoiding duplication of construction access works and the associated reduction in construction traffic volumes.</p>
Q6.1.3	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition Powers sought</b></p> <p>The SoR paragraph 5.2.2 refers to s122 PA2008 under the main heading of 'Enabling Powers'. Please explain giving full reasons the sub-section or subsections of s122(2) which the Applicant relies upon as justification for the exercise of CA powers in relation to those works which are required for the proposed VEOWF project?</p>	<p>The Applicant refers to its response to Q6.1.1 where it submitted that the works to create the electrical connections from the proposed offshore generating station to the national grid ('Shared Works') constitute 'associated development' related to the Project for the purposes of section 115 of the Planning Act 2008 and can therefore be granted development consent as part of the North Falls DCO.</p> <p>In light of that response, the Applicant relies on section 122(2)(a) as justification for the exercise of compulsory acquisition powers in respect of the Shared Works.</p> <p>The Shared Works (comprising Work Nos. 6B, 12B and 14) are included in Schedule 1 Part 1 of the draft DCO for North Falls [REP1-011] and therefore form part of the development for which consent is sought. This satisfies the condition in section 122(2)(a) of the Planning Act in respect of the land required for that development over which powers of compulsory acquisition are sought.</p>

Q6.1.4	The Applicant	<p><b>Meeting the conditions under s122 PA2008 for the Onshore Export Cable Corridor (OECC)</b></p> <p>The SoR paragraph 3.2.2 [AS-028], indicates that the Applicant is seeking CA powers that would facilitate the construction of onshore cable ducting for the proposed VEOWF. Having regard to:</p> <ul style="list-style-type: none"> <li>• the provisions of s122 PA2008, most particularly the condition stated in s122(2)(a) that the land "... is required for the development to which the development consent relates"; and</li> <li>• paragraph 11 of the "Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land" (Department for Communities and Local Government, September 2013) (CA guidance), stating:  <i>"... the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development."</i></li> </ul> <p>Please explain how the powers sought in connection with the onshore cable ducting for the proposed VEOWF would meet the conditions stated in s122 PA2008.</p>	<p>Please refer to the Applicant's responses to Q6.1.1 and Q6.1.3 in respect of how the powers sought in connection with the onshore cable ducting for the proposed VEOWF ('Shared Works') satisfy the condition in section 122(2)(a) of the Planning Act 2008 as the ducting is associated development.</p> <p>Please refer to section 7.8 of the Statement of Reasons <b>[AS-028]</b> which explains why the co-ordinated approach to the Shared Works requires an increase in the width of the cable corridor and area of substation site over which compulsory powers are sought. Please also refer to section 5 of the Statement of Reasons which outlines the source and scope of the land powers sought in the DCO and, among other things, describes how powers of temporary possession will be used to enable the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Project.</p> <p>Accordingly, the Applicant submits that the compulsory acquisition powers in the draft Order and the extent of Order land over which they apply are reasonable and proportionate and do not extend beyond what is required for the Project noting that the Project includes ducting works for Five Estuaries.</p> <p>The Applicant submits that, for these reasons, the conditions in section 122 of the Planning Act 2008 and paragraph 11 of the "<i>Guidance related to procedures for the compulsory acquisition of land</i>" (Department for Communities and Local Government, September 2013) are satisfied.</p> <p>For further information about how the compulsory acquisition powers sought by the Applicant comply with section 122 of the Planning Act 2008, please refer to the Statement of Reasons <b>[AS-028]</b>.</p>
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Q6.1.5	The Applicant	<p><b>Land required for the OECC for the Proposed Development and the OECC for the proposed VEOWF</b></p> <p>Within paragraph 7.8.2 of the SoR [AS-028] it is stated “... <i>The inclusion of Works to enable the installation of a second set of ducts for Five Estuaries means that the width of the corridor which may be acquired is slightly wider than it would be for North Falls in isolation...</i>”</p> <p>Please quantify the amount of land (in square metres) for each work shown on the onshore Works Plans respectively allocated to the OECC for the Proposed Development and the OECC for the proposed VEOWF. In answering to this question, the Applicant should:</p> <p>(i) Identify in a table the Land Plots and show on plan(s) the plots, subject to the CA powers being sought, required for the Proposed Development, intended for the proposed VEOWF and required for both projects; and</p> <p>(ii) Clarify the minimum amount of land that would reasonably be required to provide an OECC for the Proposed Development (assuming there was no proposal for VEOWF).</p>	<p>Schedule 1 Part 1 of the draft DCO [REP1-011] sets out the descriptions of the works numbers of the authorised development. These works numbers are shown on the Works Plans [AS-019].</p> <p>Work No. 6 is the relevant number for the onshore connection works and comprises 6A, which authorises the North Falls ducting and cable installation works and 6B which authorises the ducting installation works for Five Estuaries.</p> <p>The Works Plans [AS-019] show Work No. 6, incorporating 6A and 6B, as a single area as the exact location of each project’s (North Falls and Five Estuaries) ducts within this area is not currently known and will not be known until the detailed design stage post DCO consent. Whilst compulsory acquisition powers are sought over a wider area than will be required, this is necessary to allow the development to undertake detailed design. As more information on items becomes available, e.g. localised areas of difficult ground conditions or archaeological finds, the location of either or both projects’ ducts will need to be micro-sited within the area shown as Work No. 6 to avoid certain features. It is disproportionate to undertake detailed design ahead of consent being granted due to the substantial costs involved and additional ground investigation and archaeological trenching that may be required to fully identify any areas to avoid. The approach taken by North Falls is well precedented in DCO offshore wind farm projects, notably including Sheringham Shoal and Dudgeon Extension Projects consented in 2024 which comprised two separate wind farms and a variety of construction scenarios.</p> <p>Due to all of the above, it is not yet possible to differentiate the areas that would be required for each individual project until detailed design is completed.</p> <p>The plots subject to ducting and cable construction works are listed in Schedule 5 to the draft Order, identified as “Cable Route Onshore”.</p> <p>Please see Plate 5.20 in Chapter 5: Project Description of the ES [APP-019] and the response to Q3.1.11 for further details regarding the working width of the construction of the onshore cable corridor for the Project alone.</p>
Q6.1.6	The Applicant and Five Estuaries OWF	<p><b>Land required for the Proposed Development’s onshore substation and the proposed VEOWF’s onshore substation</b></p> <p>Having regard to the provisions of s122(2)(a) of the PA2008 and the CA guidance, please explain:</p> <p>(i) Why it is considered to be reasonably necessary to seek powers for the freehold acquisition of the entirety of Land Plots 15-014 (120 square metres (m<sup>2</sup>)), 15-016</p>	<p>Within the onshore substation works area, there is a requirement to provide the following items:</p> <ul style="list-style-type: none"> <li>- The onshore substation itself;</li> <li>- A construction compound to allow works within the onshore substation area to be managed and coordinated;</li> <li>- Drainage works including attenuation ponds;</li> <li>- Access roads to the onshore substation and construction compounds; and</li> <li>- Mitigation planting / earthworks to ensure the onshore substation visual impacts are mitigated.</li> </ul>

		<p>(250,896 m<sup>2</sup>) and 16-001 (182,197 m<sup>2</sup>) included in the Book of Reference (BoR) [AS-026] as part of the Proposed Development, when some of that proposed freehold acquisition would be for the construction of the onshore substation for the proposed VEOWF?</p> <p>(ii) The SoR [AS-028] paragraph 7.8.3 indicates that co-locating the onshore substation with VEOWF would have a lower overall land take when compared to locating the substations in different search areas. Has any assessment been made as to the anticipated quantum of reduced overall land take due to that co-ordination?</p>	<p>For Plot 15-014, the land falls in between the drainage outfall point (the drainage ditch in plot 15-002 to the east of Catsgreen Farm) and the onshore substation works area. As per the Outline Operational Drainage Strategy [APP-254], this area is earmarked for drainage pipework and hence has been fully included to allow for detailed design and construction of this pipework.</p> <p>For plot 15-016, areas of this land parcel will be needed for the cable connecting the onshore substation to the National Grid substation, export cabling from the landfall, access roads to the onshore substation and construction areas from Ardleigh Road, mitigation planting for screening of the onshore substation (see Design Vision [APP-243]) and attenuation drainage ponds with associated pipework (see Outline Operational Drainage Plan [APP-254]). As the final detailed design of all these items, and the final size and location of the Five Estuaries substation have yet to be finalised, it is not currently possible to identify the exact area required within this area. Given the proposed mitigation planting surrounding the Five Estuaries substation, dividing the land between the two projects is not feasible at this time and may lead to small areas of land left sterilized.</p> <p>For plot 16-001, this land parcel is the main North Falls substation location, its construction compound, access roads, mitigation planting and drainage pipework. The Design Vision [APP-234] shows the indicative locations for these items, which occupy most of this land parcel.</p> <p>As can be seen from the respective documents referenced above, the areas of land required are significant. By virtue of the works required, the Applicant needs sole control over the land to ensure safety of personnel. Therefore, the acquisition of the freehold of the entire land is proportionate.</p> <p>One of the reasons for the coordinated approach is to minimise the visual impact from the substations. Due to regulatory reasons (the requirement for the Applicant to transfer its transmission assets to an Offshore Transmission Operator), it is not possible to share significant infrastructure, and the two projects require distinctly separate electrical assets. Although the reduction in footprint which would arise through integration of the onshore substations themselves is relatively small, the benefits of co-ordination at the onshore substation can be achieved through co-ordinated landscape mitigation and environmental enhancements, co-ordinated drainage design and shared access.</p> <p><b>This response has been agreed with VEOWF.</b></p>
Q6.1.7	The Applicant	<p><b>Case for the freehold acquisition of Land Plots 15-014, 15-016 and 16-001</b></p> <p>Please identify where the case for the freehold acquisition on Land Plots 15-014, 15-016 and 16-001, associated with the Proposed Development's onshore substation and the substation for the proposed VEOWF can be found in the SoR [AS-028]. If no such case has been included in the SoR then an amended version of the SoR must be submitted that includes the Applicant's case for the freehold acquisition of Land Plots 15-014, 15-016 and 16-001.</p>	<p>Section 5.3 of the Statement of Reasons (SoR) [AS-028] provides a summary of the Applicant's case for powers to compulsorily acquire freehold interest in land for delivery of the Project. Appendix A, Table 1 'Freehold Acquisition' of the SoR identifies land plots 15-014, 15-016 and 16-001 as being subject to Work Nos. 11 and 12 and freehold acquisition. Paragraph 5.3.2 of the SoR [AS-028] summarises the Work Nos. identified for freehold acquisition and details that such powers are only sought where other powers would not be sufficient or appropriate to enable the construction, operation or maintenance of the Project.</p> <p>Article 21 of the draft DCO [REP1-011] is relied upon for the purpose of compulsory acquisition of land and Schedule 1, Part 1 of same details that Work Nos. 11 and 12 are associated with the onshore substation and associated works.</p> <p>Acquisition of these plots is essential to facilitate the development and operation of the NFOWF substation, including fencing, creation of new access, drainage, screening, ecological mitigation and landscaping. These changes will result in a permanent change of land use, transitioning it from its current agricultural purpose. The degree of interference required and the necessity for the Applicant to control the land, including restricting access to authorised personnel only, make it impractical for the current landowners to continue using this land. Therefore, freehold acquisition is both appropriate and justified. The VEOWF substation footprint will end up surrounded by mitigation works (landscaping</p>



			<p>and planting) and isolated from its current agricultural use. The Applicant considers it would be unreasonable not to acquire the entirety of this land also given it will form a stranded site surrounded by landscaping and planting maintained by the Applicant.</p> <p>This statement has been adapted from a jointly agreed statement with Five Estuaries Offshore Wind Farm and was submitted to their Examination as part of document <i>10.22 Applicant's Response to EXQ1</i>.</p>
Q6.1.8	The Applicant and NGET	<p><b>Acquisition of rights for the proposed National Grid East Anglia Connection Node (EACN)</b></p> <p>Having regard to the provisions of s122(2)(a) of the PA2008 and the CA guidance, please explain:</p> <p>(i) Why it is considered to be reasonably necessary to acquire any rights or acquire rights of the scale proposed in respect of Land Plots 16-006 (338,436 m<sup>2</sup>), 16-007 (34,524 m<sup>2</sup>) and 16-008 (35,988 m<sup>2</sup>) included in the BoR [AS-026] when the rights sought are intended to facilitate a connection between the Proposed Development's onshore substation and the proposed EACN.</p> <p>(ii) Should any such rights be sought in connection with the Proposed Development, or would it be more appropriate for National Grid Electricity Transmission (NGET) to include provision for a connection between EACN and the Proposed Development's onshore substation as part of the scheme NGET intends to promote?</p>	<p>i) The powers sought over Plots 16-006, 16-007 and 16-008, as listed within the Book of Reference <b>[REP1-013]</b> and Land Plans <b>[AS-018]</b> are necessary and proportionate as it is not yet known where within these plots National Grid Electricity Transmission's (NGET) East Anglia Connection Node (EACN) substation and its ancillary items e.g. attenuation ponds will be located, nor the details of the proposed connection point, save to say it is proposed somewhere within these plots. The Applicant therefore requires the flexibility to locate and facilitate a connection between the NFOWF onshore substation and any point that NGET determines within these plots. As the connection point and location of the EACN is not yet known there may be a scenario whereby NFOWF's onward cable connection crosses land that NGET acquire and land they do not. As a result, the rights are sought over the whole of these plots to enable development of NFOWF in accordance with Section 122(2)(a) of the Planning Act 2008. Once the design and detail of the EACN substation is known, the Applicant will only proceed with the rights that are required for the onward connection and access for operation and maintenance purposes.</p> <p>ii) The obligation for the installation and maintenance of the onward connection between the NFOWF substation to the EACN substation must be delivered by the Applicant and not NGET. The Norwich to Tilbury Project promoted by NGET is a proposal to reinforce the high voltage power network in East Anglia as well as providing a connection for offshore wind farm generators as part of the Great Grid Upgrade. This project does not extend to delivering onward connections for electricity generation developers such as NFOWF.</p> <p>Under the terms of the Bilateral Connection Agreement the Applicant holds with NESO, the Applicant is responsible for works up to the Transmission Interface Point. This is normally a point within the National Grid substation, and usually requires the Applicant to carry out some works within the substation (in this case the EACN). It would not be appropriate for NGET to provide a connection from the EACN to the NFOWF substation, as this would be beyond the scope of the Norwich to Tilbury Project and would require NGET to exercise powers outside of their statutory undertaking.</p> <p>As mentioned in response to i), there may be a scenario whereby the land included for the Norwich to Tilbury Project does not include land to facilitate an onward connection for NFOWF. To mitigate this, the Applicant requires the rights for the onward connection to ensure successful delivery of the development. For the above reasons the Applicant does not consider it appropriate for NGET to provide a connection for NFOWF.</p>



Q6.1.9	The Applicant	<p><b>The Construction Scenarios and the exercise of CA powers</b></p> <p>The SoR [AS-028] section 7.8 sets out the various construction scenarios. The dDCO [AS-022] R19 seeks to restrict the exercise of CA powers depending on the build option that the undertaker intends to commence. The ExA notes that the DCO granted in respect of East Anglia One includes R29 which requires the simultaneous installation of all cable ducts forming part of the onshore connection works. Please explain further:</p> <p>(i) Why it is necessary to make provision within the dDCO for the various build options 1, 2a and 2b?</p> <p>(ii) How is the co-ordination of the Proposed Development with VEOWF secured, for example, what would be the position should VEOWF proceed first but fail to make provision for the works required for the Proposed Development?</p>	<p><b>(i)</b></p> <p>The onshore export cable corridor and substation arrangement have been designed in co-ordination with the adjacent VEOWF, so that the authorised works include flexibility for the installation of a second set of cable ducts at the same time as the Applicant installs its ducts; which second set of ducts could then be used by VEOWF (Work Nos. 6B and 12B). Alternatively, the ducts for the Project could be installed by VEOWF.</p> <p>The onshore cables of the two projects will run immediately adjacent within the same cable corridor, and the substations have been co-located in the same location to the west of Little Bromley. Due to electrical requirements separate cables and transformers are required for each project. This approach allows for opportunities to minimise environmental and community disruption through co-ordinated delivery.</p> <p>In order to allow the flexibility for coordinated construction, the Order has been drafted to allow for build options 1, 2a and 2b based on the gap between the two projects meeting their respective Final Investment Decisions.</p> <p>For more information, please refer to section 3.3 of the Explanatory Memorandum <b>[AS-024]</b>.</p> <p>Requirement 19 has been amended in the draft DCO submitted at Deadline 2 to align with the drafting in the equivalent requirement in the draft DCO for Five Estuaries.</p> <p><b>(ii)</b></p> <p>Please refer to section 9 of the Co-ordination Report <b>[REP1-004]</b> which sets out the draft DCO provisions that are aligned between North Falls and VEOWF to deal with matters related to coordinating the construction and delivery of the two projects and to ensure compatibility with the proposed EACN.</p> <p>If VEOWF was to proceed first but does not undertake the ducting works required for North Falls, North Falls would proceed with build option 1 in which the undertaker only constructs those works required for the North Falls Offshore Wind Farm grid connection and does not construct Work Nos. 6B or 12B.</p>
Q6.1.10	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition Powers sought</b></p> <p>The SoR [AS-028] paragraph 5.4.2 states that it cannot yet be confirmed exactly where within the onshore cable route the export cables will be laid, or where only temporary possession (TP) would be sufficient. The CA powers are therefore sought over the entire onshore cable route. In addition, paragraph 5.5.2, indicates that the TP use powers would enable the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development. To assist with the consideration of whether the extent of the land to be acquired is no more</p>	<p><b>(i)</b></p> <p>Please refer to the Applicant's response to Q9.2.8 and Q6.1.11.</p> <p><b>(ii)</b></p> <p>The Applicant's powers of acquisition under Part 5 of the draft DCO <b>[REP1-011]</b> are limited by Article 21(1) (and Article 21(2)) to allow the Applicant to compulsorily acquire only so much of the Order land as is required for the authorised development, or to facilitate it, or as is incidental to it. The obligation to only acquire what is required applies at the point when the compulsory acquisition powers are exercised. The same principle applies to the acquisition of new rights and imposition of restrictions under Article 24. In the scenario where the Applicant proceeds with build option 1, it would be ultra vires for the Applicant to acquire land or rights for build option 2 and a breach of Requirement 19(1).</p> <p>This drafting is an appropriate and proportionate safeguard which is well precedented in respect of similar developments (see Part 5 of the Hornsea Three Offshore Wind Farm Order 2020, the East Anglia ONE North Offshore Wind Farm Order 2022, the Hornsea Four Offshore Wind Farm Order 2023).</p>

		<p>than is reasonably required for the purposes of the development to which the development consent will relate:</p> <p>(i) For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted application would allow in terms of parameters providing dimensions where relevant.</p> <p>(ii) How would it be ensured that powers of CA would not be exercised in respect of land not ultimately required following the detailed design process?</p>	
Q6.1.11	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition Powers sought</b></p> <p>The EM [AS-024], paragraphs 4.5.4 and 4.5.5, explain that dDCO Article 24 would allow the Undertaker to acquire rights over land and impose restrictive covenants which may be compulsorily acquired, including rights already in existence, or to create new rights. It is stated that the ability to acquire new rights ensures that the Undertaker would be able to seek a lesser interference with land where this would be appropriate. Paragraph 4.5.8 acknowledges that Article 24 is a departure from the model provisions.</p> <p>(i) Please explain further why the area of outright acquisition cannot be more precisely identified at this stage?</p> <p>(ii) How can it be ensured that Article 24 would be utilised in this way and that the Article 22 'Compulsory Acquisition of land' would not be exercised in respect of land that could instead be made the subject of new rights or covenants?</p> <p>(iii) What type of review process and/or control could be put in place to reflect this aim?</p> <p>(iv) Notwithstanding the inclusion of such an article in the East Anglia Three Offshore Wind Farm Order 2017 and the Hornsea Four Offshore Wind Farm Order 2023,</p>	<p>(i)</p> <p>Please refer to section 5.4 of the Statement of Reasons <b>[AS-028]</b> which explains why the area of outright acquisition cannot be precisely identified at this stage of the Project development.</p> <p>In summary, it cannot yet be confirmed exactly where within the onshore cable route the export cables will be laid, or where only temporary possession would be sufficient, as the exact alignment will be determined following the detailed design of the Project and ground investigations and other surveys along the route prior to the commencement of the laying of the cables. Compulsory acquisition powers are therefore being sought over the entire onshore cable route to enable the Applicant to carry out the surveys and microsite the cable installation works following detailed design. This will enable the construction of the Project within programme and with minimum disruption to landowners and the wider community. This is consistent with the approach taken for the onshore cables required for other offshore windfarm DCOs.</p> <p>The Applicant has considered how the Project will be constructed and operated and sought to acquire the minimum amount of land necessary to construct, operate and maintain and decommission the Project. Wherever practicable, compulsory acquisition of rights has been sought instead of compulsory acquisition of the freehold, that being a lesser power, and similarly where temporary possession powers are sufficient, for example, in respect of construction compounds, then only temporary possession powers are being sought rather than permanent rights.</p> <p>The Applicant will only seek to exercise compulsory acquisition powers over the land it actually requires for the installation of the cable once that detailed design is known. Temporary possession powers will typically be utilised during construction to ensure that the minimum amount of land required for permanent rights for the cable is sought.</p> <p>(ii) In respect of the land shown coloured blue on the Land Plans <b>[AS-018]</b> and referred to in Schedule 5 to the draft DCO, the Applicant can only acquire rights and impose restrictive covenants. In respect of the land coloured pink on the Land Plans <b>[AS-018]</b>, Article 24(1) enables the Applicant to acquire new rights and impose restrictions instead of acquiring the freehold pursuant to Article 21 where it is appropriate to do so.</p> <p>In respect of plots listed in Table 1 of Appendix A to the Statement of Reasons <b>[AS-028]</b>, compulsory acquisition powers are being sought in respect of the plots required for Work No. 9 to enable the widened sections of Bentley</p>

		<p>please provide full justification for its use in this case including setting out any justification that was given in those cases.</p> <p>(v) Whilst the SoR Table 2 sets out the purposes for new rights and restrictions, please provide an indication of the anticipated content and/or an initial draft of any restrictive covenants intended to be imposed.</p> <p>(vi) How would the reasonableness and proportionality of any restrictive covenant impose be assessed and controlled? Should a requirement for consultation with relevant owners/occupiers as regards the drafting of any such restrictive covenants be imposed?</p>	<p>Road to be dedicated as public highway. It is considered unlikely that the Applicant would seek to acquire rights only over these plots as that would not enable the land to be dedicated as highway.</p> <p>In respect of plots 15-014, 15-016 and 16-001, once the design of the onshore substations has been finalised post DCO consent, the Applicant will consider whether it is necessary to acquire the freehold of the entirety of the plot or whether rights (e.g. rights for access or services/drainage) would be sufficient over part of the plot.</p> <p>(iii) The Applicant does not consider that a control mechanism is required as the Applicant can only exercise the compulsory acquisition powers if it requires the land or rights for the Project.</p> <p>(iv) The Applicant refers to its response to (ii) above.</p> <p>The justification for the inclusion of the corresponding article in the Hornsea Four Offshore Wind Farm Order 2023 (article 21) is as follows, taken from paragraphs 5.34 to 5.39 of the Explanatory Memorandum <b>[REP7-040]</b>:</p> <p><i>5.34 Article 21 (Compulsory acquisition of rights etc.) entitles the undertaker to acquire rights over land and impose restrictive covenants which may be compulsorily acquired, including rights already in existence, or to create new rights.</i></p> <p><i>5.35 The article provides that in respect of the Order land specified in Schedule 6 of the Order the undertakers powers of acquisition are limited to the purposes specified in that same schedule. The ability to acquire new rights ensures that the undertaker is able to seek a lesser interference with land where this is appropriate (whether in the context of new or existing rights) as the Authorised Project is implemented.</i></p> <p><i>5.36 Sub paragraphs 5 and 6 provide, where the acquisition of new rights or the imposition of a restriction under the Order is required for a statutory undertaker, the undertaker may, with the consent of the SoS transfer the powers to the statutory undertaker.</i></p> <p><i>5.37 Sub-paragraph 8 provides that the special category land (being open space land) is discharged from rights, trusts and incidents so far as those are inconsistent with the exercise of the new rights acquired by the undertaker for the authorised development. Further details on the special category land and the application of section 132(3) of the 2008 Act are set out in the Statement of Reasons.</i></p> <p><i>5.38 This article is a departure from the model provisions, but is preceded in the East Anglia Three Offshore Wind Farm Order 2017 and the Cleve Hill Solar Park Order 2020.</i></p> <p><i>5.39 Article 22 (Private rights) is based on a model provision and has the effect of extinguishing private rights over land where: (1) land is subject to compulsory acquisition under article 18 of the Order; or (2) land is subject to compulsory acquisition of rights or the imposition of restrictive covenants under article 21. The article also suspends private rights for as long as the undertaker is in temporary possession of land under the Order.(v)</i></p> <p>The proposed restrictive covenants are set out in Schedule 5 to the draft DCO. Schedule 5 lists the plot numbers where the relevant restrictive covenants will be imposed. Any general vesting declaration or deed poll would utilise this drafting.(vi)</p> <p>As the drafting of the proposed restrictive covenants is already set out in Schedule 5 to the draft DCO there is no need to consult with landowners as to the drafting prior to the exercise of the powers.</p>
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Q6.1.12	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition Powers sought</b></p> <p>The SoR [AS-028] paragraph 5.5.6 explains that Article 32 provides that the Applicant may enter onto and temporarily occupy any of the Order Land that is reasonably required to maintain the authorised development during the operational period and to construct such temporary works and buildings on the land. Please explain why the 28 day notice period for the exercise of this power is considered to be reasonable and why a longer period could not be inserted in Article 32(3)?</p>	Please see the response to Q9.1.9 below.
Q6.1.13	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition powers sought</b></p> <p>For the avoidance of doubt, please confirm the total number of plots falling within each of Parts 1 to 5 of BoR [APP-007] and the SoR Appendix A Tables 1, 3 and 4 [AS-028].</p>	<p>The Applicant confirms the total number of plots within:</p> <p>Book of Reference <b>[REP1-013]</b>:</p> <ul style="list-style-type: none"> <li>• Part 1 – 334 plots</li> <li>• Part 2 – 227 plots plus 47 Category 3 properties identified without plots on the Land Plans <b>[AS-018]</b></li> <li>• Part 3 – 274 plots</li> <li>• Part 4 – 2 plots</li> <li>• Part 5 – 5 plots</li> </ul> <p>Statement of Reasons <b>[AS-028]</b>:</p> <ul style="list-style-type: none"> <li>• Table 1 – 18 plots</li> <li>• Table 3 – 170 plots</li> <li>• Table 4 – 146 plots</li> </ul>



Q6.1.14	The Applicant	<p><b>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO</b></p> <p>The SoR [AS-028], section 7 includes the Applicant's compelling case in the public interest for the proposed compulsory acquisition. The conclusion is reached in paragraph 13.1.4 that there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired.</p> <p>(i) Please provide a summary note setting all relevant environmental, social, and economic benefits and adverse impacts that have been assessed (including ES references where appropriate) and which are mentioned in the SoR paragraph 7.4.4 explaining how the adverse effects to the environment and local community have been considered individually or collectively so as to enable the conclusions in paragraphs 7.4.5 and 13.1.4 to be reached.</p> <p>(ii) What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of compulsory acquisition powers in each case?</p> <p>(iii) If no such exercise has been undertaken, please explain why it is considered unnecessary to do so?</p> <p>(iv) What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?</p>	<p>(i)</p> <p>Please refer to the Applicant's response to ExQ1 1.1.8 which sets out the Applicant's position in relation to the planning balance, including the weight attributed to the public benefits and where adverse effects have been identified (which includes effects on persons who own property within the Order Land for example in the case of noise impacts on residential receptors or impacts on agricultural land use).</p> <p>The Applicant has stated in response to Q1 1.1.8 that substantial weight should be given to the Project as CNP Infrastructure and the contribution it would make to decarbonisation targets in the UK as there is an urgent need for additional offshore wind capacity by 2030. These benefits are of significance at a national level and would outweigh any residual localised impacts including those impacts related to the interference with the private rights of those with an interest in the land affected.</p> <p>(ii) and (iii) Please see the response to Q6.1.27.</p> <p>(iv)</p> <p>The Applicant refers to the Needs Case and Project Benefits Statement (updated for Deadline 2) which sets out the need for, and public benefits of, the Project.</p> <p>The Applicant notes that the majority of the interference with private rights relates to the laying of the underground cables. Once construction has been completed, the land will be restored to its current use and agricultural activities can continue. Compensation will be payable for any loss or damage.</p> <p>Where the freehold of land is required (for the onshore substation and permanent highway works), the compulsory acquisition powers are reasonable and proportionate. The affected landowners will be entitled to compensation for their private loss.</p> <p>The Applicant therefore considers that the public benefits of the Project outweigh any private loss.</p>
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Q6.1.15	The Applicant	<p><b>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers sought</b></p> <p>The SoR [AS-028] paragraph 7.3.2 refers to the 'other benefits' that would result from the Proposed Development including biodiversity net gain, and employment during the construction phase. Please provide a complete list of all the public benefits that are anticipated to be delivered and indicate whether any require an update or revision or remain as set out in the application document.</p>	Please refer to the Applicant's response to Q1.1.8.
Q6.1.16	The Applicant	<p><b>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers sought</b></p> <p>The SoR section 7.9 refers to the negotiations that the Applicant is carrying out with landowners of the Order Land with a view to acquiring land by negotiation and a summary of those negotiations is provided at Annex B. Please provide further details, with examples where available:</p> <p>(i) Whether such engagement has helped to shape the proposals and enabled the Applicant to make changes to designs, including the extent of land-take, to minimise the private loss.</p> <p>(ii) Please provide details, where available, of any direct and indirect impacts thereby identified.</p>	<p>The Applicant has conducted extensive engagement to understand the impact of the proposals on landowners.</p> <p>i) The Consultation Report <b>[AS-015]</b> summarises the feedback the Applicant received from landowners and other consultees in response to non-statutory, statutory and targeted consultation. As a result of this consultation, in addition to engagement with landowners on both the Project and voluntary negotiations, the Applicant made changes where possible to mitigate the impacts on landowners, including a reduction in land take or rights in land and amendments to the proposed works. For example, the Applicant made the decision to reduce the onshore export cable circuits from four to two thereby decreasing the overall footprint of the onshore cable route and potential construction width from 243m (as shown at PEIR) to approximately 90m in the submitted proposals (except at certain HDD crossings).</p> <p>Where changes to the proposals and design are unable to mitigate impacts, the Applicant has undertaken engagement to understand the potential private losses and compensation provisions have been included within voluntary terms offered to landowners. Provision has been made within the Property Cost Estimate, Appendix C to the Funding Statement <b>[APP-008]</b> for compensation which may be due in line with the compensation code.</p> <p>ii) Impacts identified through engagement with landowners and their representatives include areas such as concerns over impacts to day-to-day business operations, potential development losses, future business opportunity losses, drainage and treatment of soils. The Applicant has engaged with landowners on such issues and where possible has made modifications to the project proposals or has sought to address or provide clarification through negotiations of voluntary agreements.</p> <p>For example, following engagement with landowners Adam Charles Brown and Joanna Marie Brown, the Applicant identified that the Project's proposals may interfere with the landowner's aspirations to develop land at Little Clacton Road closest to the village of Great Holland for residential use. Following this engagement, the Applicant sought to avoid this section of land and routed the onshore cable route away from it.</p> <p>The Applicant has sought to address concerns raised by landowners regarding the impact of the construction works on land drainage. Following engagement on such matters, the Applicant produced a Construction Practice Addendum (CPA) that will be appended to voluntary agreements. The CPA provides further detail and commitments on construction matters including drainage and will serve to capture principles that will be laid out within the Project's Code of Construction Practice which will be secured by the DCO.</p>

			<p>Another example is where, through engagement, the Applicant identified a direct impact with a horse paddock owned by landowners Cherie Ann Bomando &amp; Ricky Gerard Bomando. As a result of this engagement, the Applicant made a commitment to undertake trenchless crossing of this area to mitigate direct impacts (see ES Appendix 5.1 Crossing Schedule [APP-092] obstacle ID OOX-18).</p>
Q6.1.17	The Applicant	<p><b>Heads of Terms (HoTs) negotiations</b></p> <p>The SoR Annex B sets out the various categories of landowners to whom HoTs have been issued. The ExA notes that in relation to the National Grid Connection Works HoTs have not yet been issued to landowners on whose land the project is seeking to acquire permanent rights to facilitate the connection between the project's onshore substation and NGET's substation for the reasons set out in the Schedule of Negotiations [APP-010].</p> <p>(i) What progress has been made towards agreeing HoTs with all land interests following the Application's submission?</p> <p>(ii) Please indicate whether further details of the location of the EACN substation and the onward cable connection from the NFOWF substation has now been provided by National Grid, so as to enable the provision of HoTs to this category of landowner. If not yet provided, please give an update as to when it is anticipated that this will be available, and HoTs issued?</p>	<p>i) The Applicant's Land Rights Tracker updated for Deadline 2 sets out current progress on agreeing Heads of Terms (HOTs) with all land interests. For Category 1 owners identified within the Book of Reference updated at Deadline 2, where the acquisition of freehold land, permanent rights and temporary possession is required and the land interest is able to provide proof of title, 37 individual agreements are being progressed, of which 26 HOTs have been agreed, reflecting 70% of all agreements being sought with Category 1 owners.</p> <p>ii) Where the Applicant has sufficient certainty on the probable onward cable connection from the NFOWF substation to the National Grid Electricity Transmission PLC (NGET) East Anglia Connection Node (EACN) substation, populated HOTs were issued on 24 May 2024 to Michael Hughes and Rebecca Mason as Executors of the Estate of The Late Charles James Tabor. Signed HOTs were received on 11 February 2025 as detailed within the Land Rights Tracker (updated for Deadline 2). Further details of the location of NGET's EACN substation are required by the Applicant to issue populated HoTs to Timothy Ecott, Elizabeth Harris and Peter Harris. Draft HoTs have been issued to enable these landowners to review the terms, in advance of populated HoTs being issued. These draft HOTs were issued on 24 February 2025 as set out within the Land Rights Tracker (updated for Deadline 2).</p>

Q6.1.18	The Applicant	<p><b>Whether all reasonable alternatives to Compulsory Acquisition been explored</b></p> <p>The CA Guidance, paragraph 25, state that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>(i) Please demonstrate the Applicant's compliance with this aspect of the CA Guidance.</p> <p>(ii) Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the compulsory acquisition of their land or considered other means of involving those affected?</p>	<p>i) The Statement of Reasons <b>[AS-028]</b>, particularly sections 5, 7, 8 and Appendix B, sets out the Applicant's approach to acquire the relevant freehold interests, new rights and temporary use of land within the Order Limits by negotiation wherever possible. This approach is in compliance with paragraph 25 of <i>Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land (CA Guidance)</i>.</p> <p>The Applicant has sought to negotiate with all known interests who own land within the Order Limits, either through agreement of protective provisions or private agreements. The status of these negotiations is outlined within the Land Rights Tracker (updated for Deadline 2).</p> <p>In respect of the onshore cable corridor, 26 Heads of Terms (HOTs) have been agreed covering 82% of the linear route (and 70% of the landowners). Two landowners own land where solely temporary possession is proposed and it has been agreed that a licence will be entered into for these rights at the appropriate time. For landowners of the remaining affected land, the Applicant continues to positively and constructively engage on progressing voluntary negotiations. The only exception is for land within plot 13-015 as set out within the Book of Reference updated at Deadline 2 and Land Plans <b>[AS-018]</b> (Holly Marie Florence Johnson, John Paul Jeffery Traveller, Rachael Donna Thackery &amp; Russell Albert Johnson). While these landowners have refused to engage in negotiations to date, the Applicant will continue with correspondence and offer meetings to discuss the Project and HOTs that have been issued.</p> <p>ii) The Applicant remains in active discussions with owners of land within the Order Limits and meetings are ongoing to negotiate voluntary agreements where practicable. As part of its engagement the Applicant has agreed to meet the reasonable and proper costs of independent third-party professional advice to support landowners in relation to the Project and concerns about the potential compulsory acquisition of land. Within the voluntary agreement further provision has been made for the reimbursement of reasonable costs incurred in the negotiation of voluntary agreements and a clause has been inserted providing access to alternative dispute resolution (ADR) should it be needed.</p> <p>Presently, no disputes have been identified that would necessitate ADR. However, should any issues arise that cannot be resolved through negotiation, or at the request of a landowner, ADR will be offered as a means of progressing voluntary negotiations and agreement in line with paragraphs 27 and 28 of the CA Guidance.</p>
Q6.1.19	The Applicant	<p><b>Whether all reasonable alternatives to Compulsory Acquisition been explored</b></p> <p>The SoR [AS-028] section 7.5 'Alternatives to Compulsory Acquisition' paragraph 7.5.1 asserts that all reasonable alternatives to CA have been explored, including modifications to the Proposed Development following consultation events, stakeholder responses, and negotiations with landowners. In the light of the CA Guidance paragraph 8:</p> <p>(i) How can the ExA be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored?</p>	<p>(i), (ii) and (iii) The Applicant has explored reasonable alternatives to compulsory acquisition including modifications to the Project (see the response to Q6.1.16) and sought to acquire the necessary land and rights by agreement (see the response to Q6.1.17 and Q6.1.18). The Applicant will continue to progress voluntary agreements throughout the Examination.</p> <p>(iv) ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b> outlines the site selection process that was undertaken including the consideration of alternative options and the steps taken to reduce the land required for the Project.</p>

		<p>(ii) Please explain what, if any, account has been taken of responses to pre-application consultation (both in relation to statutory and non-statutory consultation) in the location, route, and design of the project in considering whether there are reasonable alternatives to CA?</p> <p>(iii) Please identify any modifications to the scheme that have resulted from the exploration of alternatives, highlighting any instances of location/ route changes and changes to design development options which resulted in reduced land-take within the application scheme in response to public consultation?</p> <p>(iv) Set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interests therein in each case.</p>	<p>As explained in paragraph 7.9 of the Statement of Reasons <b>[AS-028]</b>, and as is typical for NSIPs, whilst the Applicant is seeking to agree the terms for all land and rights required, it remains necessary for the Applicant to seek compulsory acquisition powers over all of the Order land. This is to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, and to provide for any circumstance where agreements are not adhered to. This approach ensures that the Project can be constructed, operated and maintained without impediment</p>
Q6.1.20	The Applicant	<p><b>Whether adequate funding is likely to be available</b></p> <p>In the light of the CA Guidance, paragraph 18, what evidence is there to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following any DCO being made?</p>	<p>The Applicant refers to the Funding Statement <b>[APP-008]</b> which details the nature of the claims that the Applicant may be liable for, the likely quantum of those claims, how the Applicant is funded and how it will meet any claims for compensation resulting from the exercise of compulsory acquisition powers.</p> <p>The Project is a joint venture by RWE Renewables ('RWE') and SSE Renewables ('SSER'). Section 3 of the Funding Statement sets out the corporate structures of RWE and SSER and summarises both companies' extensive experience developing, owning and operating renewable energy developments in the UK.</p> <p>The funds will be available within the statutory period for exercising compulsory acquisition as the Project will need to commence construction promptly to meet the grid connection date of 2030.</p>



Q6.1.21	The Applicant	<p><b>Whether adequate funding is likely to be available</b></p> <p>Please summarise the evidence relied upon to support the conclusion that there is a reasonable prospect that the scheme, if granted consent, would actually be taken forward and in what time period?</p>	<p>The Applicant is required to comply with the terms of its grid connection agreement with NESO for a radial connection located at EACN which mandates a connection date in 2030. If granted consent, the Project would need to commence construction promptly to meet the grid connection date.</p>
Q6.1.22	The Applicant	<p><b>Whether adequate funding is likely to be available</b></p> <p>The Funding Statement [APP-008], indicates that the Proposed Development has a most-likely estimate of £2.5 to £4.5 billion to cover all construction costs, operational costs, development costs, project management costs, financing costs, land acquisition costs and associated compensation payable to affected landowner.</p> <p>(i) Please provide further details to fully explain how the resource implications of the Proposed Development including the funding required for CA have been assessed.</p> <p>(ii) How can the ExA be satisfied as to the reliability of that estimated figure, and what is its degree of accuracy given the considerable variation between the lower and higher estimates?</p> <p>(iii) Are separate estimates available for Options 1, 2 and 3?</p> <p>(iv) Whilst the Funding Statement indicates that the Applicant has sufficient funds to meet any compensation due to a blight claim, please indicate what if any assessment has been made of the potential quantum of liability that could arise in that</p>	<p>(i)</p> <p>The Applicant refers to the Funding Statement <b>[APP-008]</b> which details the nature of the claims that the Applicant may be liable for, the likely quantum of those claims, how the Applicant is funded and how it will meet any claims for compensation resulting from the exercise of compulsory acquisition powers.</p> <p>The Project is a joint venture by RWE Renewables ('RWE') and SSE Renewables ('SSER'). Section 3 of the Funding Statement sets out the corporate structures of RWE and SSER and summarises both companies' extensive experience developing, owning and operating renewable energy developments in the UK.</p> <p>RWE and SSER have drawn on this experience and on their extensive knowledge of the expected cost base of a project of a similar nature to the Project in addition to current and ongoing interactions with the relevant supply chain to prepare the Funding Statement and its assessment of required resources / costs for the Project.</p> <p>The estimate of the compensation resulting from the exercise of compulsory acquisition powers has been informed by the Property Cost Estimate undertaken by Dalcour Maclaren who are chartered surveyors (see Appendix C to the Funding Statement).</p> <p>(ii)</p> <p>The Applicant refers to section 4 of the Funding Statement <b>[APP-008]</b> which sets out information relating to the estimated Project cost.</p> <p>The estimated costs of the Proposed Development includes construction costs, operational costs, development costs, project management costs, financing costs, land acquisition costs and associated compensation payable to affected landowners. There is variation in the estimated costs figure because the scope of that figure covers the estimated costs of the range of wind turbine generators that could be utilised and other associated capital costs as well as the differences between Options 1, 2 (including 2a and 2b) and 3.</p> <p>For example, Options 1 and 2 would likely have different requirements as to the extent of land and rights required for the Project, depending on the level of co-ordination with Five Estuaries – however the precise extent of land and rights acquisition will not be known until detailed design of the onshore elements. As Option 3 does not provide for an</p>



		respect and explain whether that has been taken account of in the overall cost estimate.	<p>onshore connection point, no compulsory acquisition powers would need to be exercised. This may have a resulting impact on project cost.</p> <p>(iii)</p> <p>The Applicant's Funding Statement <b>[APP-008]</b> includes the Property Cost Estimate (PCE) at Appendix C which estimates the costs associated with the construction of the Project. Five Estuaries will also have been required to complete a PCE to inform their own Funding Statement to ascertain their own costs. The two PCEs combined together would present a worst case scenario which would cover each of the three options.</p> <p>There are otherwise no separate estimates currently available for Options 1, 2 and 3. The Applicant notes, however, as set out above, that the expected costs for all three options are covered by the current estimate of £2.5 to £4.5 billion for all construction costs, operational costs, development costs, project management costs, financing costs, land acquisition costs and associated compensation payable to affected landowner.</p> <p>(iv)</p> <p>For a blight notice to be accepted and compensation to be payable, it must be supported by evidence that the claimant has made reasonable endeavours to sell the land or property in question and that the claimant has been unable to do so or could only do so at a reduced price substantially lower than that which it might reasonably have been expected to sell at.</p> <p>Throughout the course of consultations and negotiations with landowners and occupiers along the route, the Applicant has not been made aware of:</p> <ul style="list-style-type: none"> <li>• any attempts to sell any of the affected land or property that has resulted in the land or property only being able to be disposed of at a significantly lower value; or</li> <li>• any parties intending to serve a statutory blight notice.</li> </ul> <p>The Applicant has also considered the effect on Category 3 interests and considers that none of these interests fall within the legislation regarding statutory blight claims. Nonetheless compensation would be available to those entitled to claim for it under the relevant provisions of the compensation code.</p> <p>The Applicant therefore confirms that although consideration was given to the potential for statutory blight claims within the PCE, it considers that in this instance the quantum of liability should be nil.</p>
Q6.1.23	The Applicant	<p><b>Whether adequate funding is likely to be available</b></p> <p>The Funding Statement [APP-008] explains that the Applicant has included Article 48 in the dDCO [AS-022] which provides that CA powers contained in the DCO must not be exercised unless a guarantee or alternative form of security is approved by the SoS in respect of the liabilities of the undertaker to pay compensation in respect of the exercise of compulsory purchase powers.</p>	<p>(i)</p> <p>The Applicant has amended the wording of article 48(3) in the draft DCO submitted at Deadline 2 to address this issue.</p> <p>(ii)</p> <p>A 15 year limit has been included as this covers the time limit to implement the compulsory acquisition powers in Article 23 of the draft DCO (being 7 years) and the statutory time limit to bring a claim for compensation (being 6 years from the date the power is exercised). The 15 year limit on the duration of the guarantee or alternative form of restriction contained in article 48(4) has been agreed in several recently consented DCOs such as the East Anglia ONE North</p>

		<p>(i) The wording of Article 48(3) does not appear to make grammatical sense. Please indicate whether there are any words missing from that sub-paragraph?</p> <p>(ii) Please explain why it is considered reasonable for the duration of the guarantee or alternative form of security to be restricted to Article 48(4) to 15 years after the date on which the relevant power is exercised?</p>	<p>Offshore Wind Farm Order 2022, the Hornsea Four Offshore Wind Farm Order 2023 and the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>The Applicant therefore considers the 15 year limit contained within article 48(4) of the draft DCO <b>[REP1-011]</b> is reasonable as it is consistent with recently consented projects of the same nature.</p>
Q6.1.24	The Applicant	<p><b>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</b></p> <p>What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p>	<p>The Statement of Reasons <b>[AS-028]</b> paragraphs 9.1.1 to 9.1.12 sets out the justification for interfering with human rights and demonstrates that the inclusion of powers of compulsory acquisition in the Order (draft DCO <b>[REP1-011]</b>) for the purposes of the Project meets the requirements of Section 122 of the Planning Act 2008 as well as the considerations in the CA Guidance.</p> <p>In forming a view on whether the purpose of the proposed compulsory acquisition justifies interference with human rights of those with an interest in affected land and existing land use, the Applicant developed a series of assumptions and principles ('golden rules') which set out a framework to inform the site selection process. Such golden rules include:</p> <ul style="list-style-type: none"> <li>• Avoid residential titles (including whole gardens) where possible;</li> <li>• Avoid direct significant impacts to internationally and nationally designated areas (e.g. SACs, SPAs, Ramsar sites, NNRs and SSSIs);</li> <li>• Avoid direct significant impacts to mature woodland and ancient woodland;</li> <li>• Avoid scheduled ancient monuments and listed buildings;</li> <li>• Avoid historic or active landfill sites;</li> <li>• Minimise the number of hedgerow crossings;</li> <li>• Minimise the number of watercourse crossings and number of ponds affected; and</li> <li>• Options that could facilitate co-location of cable infrastructure with other known developers who may be connecting to the National Grid at a similar location (subject to being able to make realistic assumptions about other developers' proposals).</li> </ul> <p>For more detail on the golden rules see ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b>.</p> <p>The Applicant submitted a Planning Statement <b>[APP-233]</b> setting out the need for the Application in the context of the National Policy Statements (NPS) and national and local policy, as well as a planning assessment considering the relationship between North Falls and the relevant policies. NPS EN1 paragraph 5.11.8 requires the Applicant to identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Section 5.16 of the Applicant's Planning Statement <b>[AS-004]</b> considers this in the context of impacts to land use and agriculture and demonstrates compliance with the relevant NPSs and other relevant policy.</p> <p>NPS policy and associated guidance reflects the urgent need for new electricity generating capacity (specifically for new offshore wind generating capacity) as Critical National Priority Infrastructure (which North Fall is), which should be progressed as quickly as possible and establishes a policy expectation for undertakers of individual projects to</p>

			<p>collaborate and co-ordinate with other major infrastructure projects in close proximity or where there are direct overlaps between projects (see [4.1.4] of the Co-ordination Report <b>[REP1-004]</b>).</p> <p>Paragraph 3.3.63 of NPS EN-1 reinforces the urgent need for Critical National Priority infrastructure stating that together with the national security, economic, commercial, and net zero benefits, this will in general outweigh any other residual impacts not capable of being addressed by application of mitigation.</p> <p>Furthermore, the Applicant has conducted extensive engagement to understand the impact of the proposals and the likelihood of private loss. For examples, please see the response to Q6.1.14. This engagement has been taken into account when considering the type and extent of land and rights to be acquired for the Project.</p> <p>The Applicant therefore considers that the significant public benefits outweigh any interference with the private rights of those with interest on the Order Land.</p>
Q6.1.25	The Applicant	<p><b>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</b></p> <p>The SoR [AS-028] paragraph 9.1.6 indicates that the Order Land does not include, nor does the Proposed Development require the outright acquisition of any residential dwelling-houses. Since dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. Please confirm that although no residential dwelling-houses would be directly affected by outright acquisition, that no scope for the infringement of any rights protected by Article 8 has been identified?</p>	<p>As set out in the Statement of Reasons <b>[AS-028]</b>, the Applicant's position is that it is not anticipated that there will be any infringement of the rights protected by Article 8 of the European Convention of Human Rights. However, in the event that any infringement did occur, the Applicant's position is that the interference would be justifiable on the basis that it would be lawful and in the overriding public interest and benefit.</p>
Q6.1.26	The Applicant	<p><b>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</b></p> <p>The SoR [AS-028] paragraph 9.1.5 in relation to Article 1, states that the Applicant has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order Land. Whilst reference is made to 'significant public benefits arising from the grant of the DCO' and the source of the information in relation thereto in the</p>	<p>Please refer to the Applicant's response to Q1.1.8 which sets out the Applicant's position in relation to the planning balance, including the weight attributed to the public benefits and where adverse effects have been identified (which includes effects on persons who own property within the Order Land for example in the case of noise impacts on residential receptors or impacts on agricultural land use). The Applicant has stated in response to Q1.1.8 that substantial weight should be given to the Project as CNP Infrastructure and the contribution it would make to decarbonisation targets in the UK as there is an urgent need for additional offshore wind capacity by 2030. These benefits are of significance at a national level and would outweigh any residual localised impacts including those impacts related to the interference with the private rights of those with an interest in the land affected.</p> <p>The National Policy Statements Accordance Table <b>[REP1-053]</b> sets out how the Project complies with the NPS.</p> <p>The Applicant also refers to the Needs Case and Project Benefits Statement (updated for Deadline 2) <b>[2.1, (Rev 1)]</b>.</p>

		<p>application documents, similar information is not provided in relation to the effects upon persons who own property within the Order Land.</p> <p>Please explain more precisely all the factors which have been placed in the balance (including references to any paragraphs of the relevant NPS and Government Guidance) in order to reach the conclusion that those effects are outweighed by the public benefits?</p>	<p>The Statement of Reasons <b>[AS-028]</b> includes an assessment of the relevant legislation (Section 5 and 6), policy (Section 6), and guidance to justify the compulsory acquisition powers sought (Section 7), and explains the reasons (summarised in Section 9), why it is concluded that any infringement of the Convention rights of those whose interests are affected by the inclusion in the DCO of powers of compulsory acquisition, is proportionate, necessary and legitimate and is in accordance with national and European law, and that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.</p>
Q6.1.27	The Applicant	<p><b>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</b></p> <p>The SoR [AS-028], paragraph 9.1.11, states that to the extent that the DCO would affect individuals' rights, the proposed interference with those rights would be in accordance with law, proportionate and justified in the public interest. Please explain further how the proportionality test has been undertaken in this case and why it is considered reasonable not to do this on an individual plot by plot basis?</p>	<p>The Applicant notes that it is not typical for the Statement of Reasons to include a plot-by-plot assessment of the proportionality of the rights being sought against the interference with private rights.</p> <p>Instead, Table 1 of Appendix A to the Statement of Reasons <b>[AS-028]</b> sets out the relevant Work No for which compulsory acquisition powers are being sought on a plot-by-plot basis. Table 3 of Appendix A to the Statement of Reasons sets out the relevant Work No for which the acquisition of new rights and imposition of restrictions are being sought on a plot-by-plot basis. Table 4 of Appendix A to the Statement of Reasons sets out the purpose for temporary possession powers on a plot-by-plot basis.</p> <p>Chapter 5: Project Description of the ES <b>[APP-019]</b> describes each element of the Project and what is required in terms of construction, operation, maintenance and decommissioning. These requirements have been used to inform the nature and extent of the compulsory acquisition powers being sought.</p>
Q6.1.28	The Applicant	<p><b>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</b></p> <p>In relation to the Applicant's duties under s149 of the Equalities Act 2010:</p> <p>(i) Please explain how the Applicant has had regard to its public sector equality duty in relation to the powers of the CA sought and where this can be identified in the application documents.</p> <p>(ii) Have any Affected Persons been identified as having protected characteristics?</p>	<p>(i)</p> <p>The Applicant submitted an Equality Impact Assessment Report ('EqIA') <b>[REP1-049]</b> at Deadline 1.</p> <p>The EqIA was undertaken to determine the potential effects of the Project on equality in respect of the affected resident population and other socio-economic receptors, and to identify any action that needs to be taken by the Applicant to enable the Secretary of State to discharge their duties under the Equality Act 2010</p> <p>(ii)</p> <p>The Applicant understands that there will be Affected Parties who have protected characteristics and that are impacted by the Project. However, the Applicant's position is that none of these Affected Parties have been disproportionately impacted by the Project, disadvantaged through consultation or via negotiation for the acquisition of land and rights required due to their protected characteristics.</p>



		(iii) If so, what steps, if any, does the Applicant propose to take in respect of those persons?	(iii) In relation to the Applicant's response to (i) and (ii), no measures have been identified in the EqlA that specifically relate to Affected Persons. The mitigation measures identified in the EqlA have been secured in the draft DCO.
Q6.1.29	The Applicant	<p><b>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</b></p> <p>Please confirm that the BoR [AS-026] accurately sets out the various plots and interests and identify any inaccuracies that have come to light since the submission of the application and any further updates that need to be made at this stage.</p>	<p>The Applicant confirms that the Book of Reference (BoR) (updated at Deadline 2) accurately sets out the plots and interests within the Order Limits (as show on the Land Plans [AS-018]).</p> <p>The Applicant continues to carry out diligent inquiry to identify any inaccuracies or changes to Affected Parties including regular refreshes of the His Majesty's Land Registry data as well as engagement with Affected Parties and their appointed representatives. This is evidenced in updates to the BoR [AS-026] and Land Plans [AS-018] following Section 51 Advice and again to the BoR at Deadline 1 [REP1-013] and at Deadline 2.</p> <p>The BoR will continue to be reviewed at each subsequent deadline as set out within the examination timetable and should inaccuracies or new information be identified, updated versions (tracked and clean) will be submitted to reflect any changes at that point in time. Any changes enacted at each deadline will be captured within a Schedule of Changes to the Book of Reference (updated at Deadline 2) identifying any inaccuracies or new information that has come to light since the last submission along with an explanation as to why that change has been made.</p>
Q6.1.30	The Applicant	<p><b>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</b></p> <p>The SoR [AS-028], paragraph 8.1.1, states that diligent inquiry to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the PA 2008 through a land referencing process by the Applicant's appointed land agents. The methodology is included as Appendix B.1 to the Consultation Report [APP-APP-216].</p> <p>(i) Please comment on the reliability and accuracy of the BoR in the light of those inquiries.</p> <p>(ii) Please provide further details of the process for identifying Category 3 persons including the multidisciplinary approach, the</p>	<p>i) The Applicant is confident that the Book of Reference (BoR) (updated at Deadline 2) is accurate following the diligent inquiry approach set out within section 8.1 of the Statement of Reasons [AS-028] and Appendix B.1 to the Consultation Report [APP-216]. The Applicant will continue to update the BoR throughout this examination should this be required following ongoing engagement with Category 1, 2 and 3 interests and refreshes of His Majesty's Land Registry (HMLR) data.</p> <p>ii) The land referencing methodology is set out within Appendix B.1 to the Consultation Report [AS-015].</p> <p>Prior to environmental information becoming available (e.g. noise and air quality modelling data), the Applicant carried out consultation with potential Category 3 interests on the basis of the below extents:</p> <ul style="list-style-type: none"> <li>• all land within the Project's red line boundary at the time of statutory consultation (being broadly a 250 metre corridor);</li> <li>• all properties within a 100 metre buffer zone extending from and beyond the centre line of the main corridor alignments; and</li> <li>• all interests following a qualitative assessment to include properties which were considered to be proximate to the proposed project.</li> </ul>



		<p>identification of potential noise receptor locations that could be affected by noise from the works and the qualitative assessment.</p> <p>(iii) Explain why that process overall should be regarded as a satisfactory and robust approach towards identifying Category 3 persons.</p>	<p>Following conclusion of the Applicant's Stage 3 and 4 Consultations as set out within the Consultation Report <b>[AS-015]</b> potential Category 3 interests were further refined.</p> <p>Once noise modelling data became available, it was possible to identify properties that may experience a change in baseline conditions. ES Chapter 26 Noise and Vibration <b>[APP-040]</b> considers the likely significant effects of NFOWF regarding noise and includes an assessment of likely significant effects for the construction, operation, and decommissioning phases of the Project. As part of the assessment, Noise and Vibration Sensitive Receptors (NVSR) were identified with the potential to experience adverse effects due to the scheme. NVSRs with the potential to experience moderate or major (i.e. significant) effects due to noise from onshore cable route construction without mitigation during the day, evening and night, were retained as Category 3 interests. Where effects on NSVRs were assessed as no worse than minor, these potential Category 3 interests were removed as effects are not significant and therefore the interest would be unlikely to have a relevant claim. Figures showing the locations of NSVRs can be viewed within figure 26, parts 1 <b>[APP-073]</b> and 2 <b>[APP-074]</b> of chapter 26 Noise and Vibration.</p> <p>Following this assessment, a further qualitative assessment was completed based on professional experience and assessment to consider properties that the Applicant believed would or might be able to make a relevant claim based on proximity to the Order Limits, as defined by section 44 and section 57 of the Planning Act 2008.</p> <p>iii) Under Section 44 of the Act, Category 3 Interests include those who may have a relevant claim under:</p> <ul style="list-style-type: none"> <li>• Part 1 of the Land Compensation Act 1973;</li> <li>• Section 10 of the Compulsory Purchase Act 1965; and</li> <li>• Section 152 of the Act.</li> </ul> <p>On the basis that noise impacts typically have a wider geographical effect than any of the other physical factors listed in Part 1 of the Land Compensation Act 1973 (vibration, smell, fumes, smoke, artificial lighting, discharge on to land of any solid or liquid substance), it was assessed that the effects of any other factors would already be identified and accounted for by potential noise impacts. As such, the Applicant is of the opinion that the methodology employed as set out within section 8.1 of the Statement of Reasons <b>[AS-028]</b> and Appendix B.1 to the Consultation Report <b>[AS-015]</b> provides a satisfactory and robust approach to the identification and assessment of Category 3 Interests. For the avoidance of doubt, should a person not be identified as a Category 3 interest, this does not preclude them from making a relevant claim if they can demonstrate eligibility and a loss. While the Applicant considers the likelihood of such claims being low, an allowance has been made as set out within section 2.7 of Appendix C to the Funding Statement <b>[APP-008]</b>.</p>
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Q6.1.31	The Applicant	<p><b>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</b></p> <p>What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted and indicate whether there are likely to be any changes to the land interests, including the identification of further owners/interests or monitoring and update of changes in interests?</p>	<p>The Applicant's land referencing methodology and approach to diligent inquiry is set out within section 8.1 of the Statement of Reasons <b>[AS-028]</b> and Appendix B.1 to the Consultation Report <b>[AS-015]</b>. The Applicant is confident in the accuracy of the land interests identified within the Book of Reference (BoR) (updated at Deadline 2) as submitted.</p> <p>The Applicant continues to carry out diligent inquiry to identify any inaccuracies or changes to interests including regular refreshes of the His Majesty's Land Registry data as well as engagement with stakeholders including interested parties and their appointed representatives.</p> <p>For any new parties identified since issuance of notices under S56 of the Planning Act 2008 (the Act), letters will be sent in accordance with Section 102A of the Act, notifying them of their right to make a request to the Examining Authority to become an interested party. To date, two such letters have been issued.</p> <p>Given the length of the examination and based on the Applicant's experience of developing similar schemes, it is likely that further new interests will be identified during the course of this examination. Consequently, further updates to the BoR are expected and updates will be provided at each deadline as requested by the Examining Authority as set out within the Rule 8 letter dated 4 February 2025.</p> <p>At each deadline, should any inaccuracies or new information be identified, the BoR (updated at Deadline 2) will be updated, with clean and tracked versions being submitted to reflect such changes at that point in time. Any changes made to the BoR will be detailed within a Schedule of Changes to the Book of Reference(updated at Deadline 2), identifying any inaccuracies or new information that have come to light since the last submission along with an explanation as to why that change has been made.</p>
Q6.1.32	The Applicant	<p><b>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</b></p> <p>Please explain how the BoR [AS-026] complies with the guidance published by the former Department for Communities and Local Government – Planning Act 2008: Guidance related to procedures for the compulsory acquisition for land Annex D, paragraph 10?</p>	<p>Where the Applicant is proposing to create and acquire new rights compulsorily, these are clearly identified on the Land Plans [APP-198]. As explained in section 2.1.6 of the Book of Reference (BoR) (updated at Deadline 2), the colour of the plot indicates the purpose for which the land in that plot is required:</p> <ul style="list-style-type: none"> <li>a. <b>Pink:</b> Freehold to be compulsorily acquired and temporary use of land in relation to which it is proposed to extinguish easements, servitudes and other private rights;</li> <li>b. <b>Blue:</b> New rights (including restrictions) to be compulsorily acquired and temporary use of land in relation to which it is proposed to suspend or extinguish easements, servitudes and other private rights; and</li> <li>c. <b>Yellow:</b> Temporary use of land in relation to which it is proposed to temporarily suspend easements, servitudes and other private rights.</li> </ul> <p>Article 24 (Compulsory acquisition of rights) and Schedule 5 (Land in which only new rights etc. may be acquired) of the draft DCO <b>[REP1-011]</b> authorises the compulsory acquisition of new rights over land and imposition of restrictions. The descriptions of these new rights and restrictive covenants are set out within Table 1.1 of the BoR(updated at Deadline 2). In Table 1.1 the new rights sought are represented by a letter in the first column with the description in the second. This letter is then listed within Part 1 of the BoR itself under the column headed 'Extent of acquisition or use' indicating the new rights sought over each relevant plot of land. Where freehold acquisition is proposed, this is stated under the same column for each relevant plot of land.</p> <p>In following this process, the Applicant has complied with paragraph 10, Annex D of the guidance published by the former Department for Communities and Local Government – <i>Planning Act 2008: Guidance related to procedures for the compulsory acquisition for land</i>.</p>

Q6.1.33	The Applicant	<p><b>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</b></p> <p>Please explain how the proposed new rights and restrictive covenants have been identified in the BoR [AS-026] and cross-referenced to the relevant dDCO articles?</p>	<p>The Applicant refers to section 4 and Table 1.1 of the Book of Reference (updated at Deadline 2) describing the categories of new rights and restrictive covenants sought over land plots listed in schedule 5 of article 24 of the dDCO [REP1-011].</p> <p>Further details are given within the answer to Q6.1.32.</p>
Q6.1.34	The Applicant	<p><b>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</b></p> <p>The SoR [AS-028] paragraph 8.1.5 states that unregistered land interests were identified where possible by utilising public sources of information, erection of site notices, site visits and discussions with adjoining land interests sets out the parcels of land in unknown ownership. Please clarify whether there remain any plots of land where ownership still remains unknown and provide an up-to-date list of any such plots and, if there are any such plots, what further steps are intended to be carried out to ascertain the ownership of these unregistered parcels of land?</p>	<p>The Applicant can confirm that there are 104 land plots where ownership still remains unknown. Of these, 61 plots are classified as being adopted highway following diligent enquiry with Essex County Council as the Highway Authority. Unregistered plots are as follows:</p> <p>01-001, 01-004, 01-007, 01-009, 02-006, 02-007, 02-008, 02-009, 02-010, 03-003, 03-004, 03-006, 03-008, 03-014, 03-017, 03-021, 03-025, 04-002, 04-005, 04-006, 04-010, 04-013, 04-020, 05-002, 05-005, 05-006, 05-011, 05-015, 05-016, 05-020, 05-024, 05-025, 06-009, 06-010, 06-014, 06-015, 07-002, 07-003, 07-006, 07-010, 08-001, 08-004, 08-005, 08-007, 08-008, 08-011, 08-012, 08-014, 08-015, 08-016, 08-018, 09-011, 10-002, 10-003, 10-005, 10-011, 10-017, 10-019, 11-004, 12-001, 12-003, 12-004, 12-009, 12-011, 12-017, 13-009, 13-012, 13-019, 13-022, 13-026, 13-028, 13-029, 13-032, 13-037, 13-038, 13-039, 13-042, 13-043, 13-049, 13-050, 13-052, 13-053, 13-055, 13-056, 13-060, 14-001, 14-005, 14-007, 14-008, 14-011, 14-012, 14-015, 14-017, 14-018, 15-004, 15-005, 15-007, 15-008, 15-011, 15-012, 15-013, 15-014, 16-002, 16-005.</p> <p>Where it has not been possible to determine ownership, an “unknown” interest has been added as a reputed owner against the relevant unregistered plot within the Book of Reference (BoR)(updated at Deadline 2). All such unregistered plots where ownership is unknown are marked within the BoR.</p> <p>As per the response to Q6.1.29 the Applicant continues to undertake diligent inquiry to identify any inaccuracies or changes to interests within the BoR (updated at Deadline 2) including to ascertain ownership of unregistered plots. For example, the Applicant erected and maintained site notices on or near to all unregistered parcels of land along with a plan of that unregistered parcel under section 56 of the Planning Act 2008 and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Ownership of unregistered land has also been discussed with land interests during ongoing negotiations of the Heads of Terms. Further regular refreshes of His Majesty’s Land Registry have been undertaken which may reveal persons who hold ownership of unregistered plots.</p> <p>The Applicant is confident that it has and continues to carry out diligent inquiry to ascertain ownership of these unregistered plots and identify the persons labelled as "unknown" in the BoR(updated at Deadline 2).</p>

Q6.1.35	Affected Persons/Interested Persons	<p><b>Known inaccuracies</b></p> <p>(i) Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [AS-026], SoR [AS-028] or Land Plans [AS-018]?</p> <p>(ii) If so, please set out what these are and provide the correct details.</p>	This question is not directed to the Applicant.
Q6.1.36	The Applicant	<p><b>The acquisition of Statutory Undertakers' land and extinguishment of rights and removal of apparatus – s127 and s138 PA2008</b></p> <p>The SoR [AS-028], section 10.3 relates to Statutory Undertakers' land. In relation to s127 PA2008, paragraph 10.3.3 states that the Applicant considers that the Statutory Undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of the land or as a result of the CA of rights over land. Paragraph 10.3.4 indicates that the Applicant considers that the test set out in s138 PA 2008 is satisfied.</p> <p>(i) Please list any Statutory Undertakers where the relevant Protective Provisions, side agreements or asset protection agreements have not yet been agreed and identify any outstanding areas of disagreement together with anticipated timescales for reaching agreement.</p> <p>(ii) For each Statutory Undertaker, please explain why the protective provisions set out in the dDCO [AS-022] Schedule 14 are considered to provide adequate protection and why the Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking concerned.</p> <p>(iii) For each of the Statutory Undertakers listed in the SoR please indicate the nature</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2.</p> <p>(ii)</p> <p>As noted above, the Applicant is currently negotiating bespoke protective provisions with a number of statutory undertakers.</p> <p>At this stage, the Applicant has not progressed a bespoke form of protective provisions or side agreements with Apatura Ltd, Openreach Limited and Thorpe Park Solar Farm Limited and expects that it will be agreed between the parties before the end of examination that the standard protective provisions in the draft DCO will apply.</p> <p>These standard protective provisions have been based on and are broadly consistent with the corresponding standard protective provisions in development consent orders for nationally significant infrastructure projects such as the East Anglia ONE North Offshore Wind Farm Order 2022 (see Part 1 and Part 2 of Schedule 10), the Hornsea Three Offshore Wind Farm Order 2020 (see Part 1 and Part 4 of Schedule 9) and the Hornsea Four Offshore Wind Farm Order 2023 (see Part 1 and Part 2 of Schedule 9).</p> <p>Accordingly, the Applicant considers that these standard provisions provide adequate protection to the statutory undertakers listed above and enables the land and rights to be acquired without serious detriment to the carrying on of the undertaking concerned.</p> <p>(iii) and (iv)</p> <p>Please refer to section 10.3 of the Statement of Reasons <b>[AS-028]</b> for information about the Applicant's position in respect of the application of the tests under section 127 and 138 of the Planning Act 2008. The Applicant is seeking to agree protective provisions with each affected statutory undertaker so that any representations can be withdrawn. The Applicant will, where representations are outstanding towards the end of the Examination, set out its case in detail as to how the tests set out in Section 127 Planning Act 2008 have been satisfied.</p>



		<p>and purpose of the works to be carried out on their land and whether s127, 138 or both applies to the powers sought in respect of their interest.</p> <p>(iv) Please provide further explanation and reasons to support the assertion that the tests set out in s127 and 138 of the PA 2008 are satisfied.</p>	
Q6.1.37	<p>London Gateway Port, Centrica plc, Eastern Power Networks, Aputura Limited, Thorpe Park Solar Farm Limited, Essex County Council (as highway authority), Openreach Limited.</p>	<p><b>The acquisition of Statutory Undertakers' land and extinguishment of rights and removal of apparatus – s127 and s138 PA2008</b></p> <p>The relevant Statutory Undertakers are requested to set out their views as to whether the s127 and 138 PA2008 tests would be met or indicate and whether they are content with the protective provisions set out in the dDCO [AS-022]?</p>	<p>This question is not directed to the Applicant.</p>
Q6.1.38	<p>The Applicant</p>	<p><b>Potential risks or impediments to the Proposed Development</b></p> <p>In the light of the CA Guidance, paragraph 19, please demonstrate:</p> <p>(i) How potential risks or impediments to implementation of the Proposed Development have been properly managed?</p> <p>(ii) The account taken of any other physical and legal matters pertaining to the application, including the need to obtain any operational and other consents applicable to this type of development.</p>	<p>(i)</p> <p>Paragraph 19 of the CA Guidance states that it would be helpful for applicants to be able to demonstrate that their application is firmly rooted in any relevant national policy statement. The Applicant refers the Examining Authority to relevant sections of the National Policy Statements Accordance Table submitted at Deadline 1 <b>[REP1-053]</b>.</p> <p>The Statement of Reasons <b>[AS-028]</b> and Funding Statement <b>[APP-008]</b> have been prepared in accordance with Section 122 of the Planning Act 2008 and the relevant paragraphs of the CA Guidance. They are supported by a suite of documents submitted with the application and should be read in conjunction with the following documents:</p> <ul style="list-style-type: none"> <li>• Draft Development Consent Order <b>[REP1-011]</b> (and updated at Deadline 2);</li> <li>• Explanatory Memorandum <b>[AS-024]</b>;</li> <li>• Book of Reference <b>[REP1-013]</b> (and updated at Deadline 2);</li> <li>• Schedule of Negotiations <b>[APP-010]</b>;</li> <li>• Statutory Undertakers Schedule <b>[APP-011]</b>;</li> <li>• Land Plans <b>[AS-018]</b>; and</li> <li>• Works Plans (Onshore) <b>[AS-019]</b>.</li> </ul>



			<p>The Applicant submits that these documents adequately demonstrate how potential risks or impediments to the implementation of the Project relating to the proposed compulsory acquisition of land have been properly managed.</p> <p>(ii)</p> <p>The Applicant refers the Examining Authority to the Consents and Licences Statement <b>[AS-030]</b> which sets out the Applicant's strategy for obtaining any consents, licences, permits or other agreements that may be necessary to construct, operate, maintain and decommission the Project.</p> <p>The statement is intended to provide assurance to the Examining Authority and Secretary of State that there are no consenting matters which are likely to become an impediment to the implementation of the Project.</p> <p>The statement identifies the relevant consents that are likely to be required and sets out the Applicant's strategy for addressing them. It explains how the draft DCO <b>[REP1-011]</b> (and updated at Deadline 2) has been drafted to disapply certain legislative provisions, including disapplying a number of consents that would otherwise be required under a variety of different statutory regimes. It also seeks to provide assurances on the other consents and licences that will or may need to be obtained separately from the DCO process, including consents for which the Secretary of State is not the consenting body.</p>
Q6.1.39	The Applicant	<p><b>Potential risks or impediments to the Proposed Development</b></p> <p>The SoR [AS-028] section 11, refers to consents are or may be required in order for the Proposed Development to be constructed and subsequently operate and Consents and Licences Required document [AS-030]. Please indicate whether there are any changes to the status and/or timeframe for each consent, licence, permit, and agreement listed within that document since it was submitted.</p>	<p>At this stage there are no changes to the status of other consents that are, or may be, required for the Project.</p>

Q6.1.40	The Applicant, Affinity Water Limited	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of Affinity Water Limited (Affinity) [RR-005] states that should the Proposed Development come forward in its proposed form, that it would pose a significant risk to its ability to discharge its statutory water supply duties under the Water Industry Act 1991 and objects to the grant of the DCO on that basis. It considers the “standard” set of Protective Provisions for the benefit of Statutory Undertakers contained in Part 1 of Schedule 14 to the dDCO [AS-022] fall short of providing it with the necessary protections. Furthermore, Affinity indicates that no engagement between it and the Applicant has taken place on these to date.</p> <p>(i) Please provide an update as to progress on agreeing protective provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p> <p>(ii) Explain further the specific issue in relation to the Horsley Cross 21” Cast Iron Water Main during construction and operation including the potential effect of the high-voltage cables to be constructed as part of Proposed Development and whether any agreement of the measures required to the safeguard this asset has been reached?</p> <p>(iii) Please provide further information as to how the right of access to the Affinity site at East Clacton Reservoir and Pumping Station would be maintained during construction?</p> <p>(iv) Affinity Water Limited is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 dDCO do not yet provide it with the necessary protection.</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant’s Land Rights Tracker submitted at Deadline 2 and the Applicant’s response to Affinity Water Limited’s relevant representation <b>[RR-005]</b> at section 2.24 of the Applicant’s Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(ii)</p> <p>Please refer to the Applicant’s response (Applicant’s ref: AWL-06) to Affinity Water Limited’s relevant representation <b>[RR-005]</b> at section 2.24 of the Applicant’s Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(iii)</p> <p>Please refer to the Applicant’s response (Applicant’s ref: AWL-08) to Affinity Water Limited’s relevant representation <b>[RR-005]</b> at section 2.24 of the Applicant’s Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(iv)</p> <p>This part of Q6.1.40 is not directed to the Applicant.</p>
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Q6.1.41	The Applicant, Anglian Water	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of Anglian Water [RR-018] the statutory sewerage undertaker for the proposed onshore project area for the cable corridor between landfall and the onshore indicates that whilst a copy of its template Protective Provisions has been supplied to the Applicant these have not been included in the dDCO [AS-022].</p> <p>(i) Please provide an update as to progress on agreeing Protective Provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p> <p>(ii) Can the Applicant confirm that it does not require the use of the public sewer network to manage additional surface water flows on a temporary or permanent basis and that this will be reflected in the dDCO?</p> <p>(iii) Anglian Water is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 of the dDCO do not yet provide it with the necessary protection.</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 and the Applicant's response (Applicant's Ref: AWS-03) to Anglian Water Services' relevant representation <b>[RR-018]</b> at section 2.11 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(ii)</p> <p>No temporary or permanent connection to the sewerage system is anticipated for the Project's infrastructure.</p> <p>(iii)</p> <p>This part of Q6.1.41 is not directed to the Applicant.</p>
Q6.1.42	The Applicant, Cadent Gas	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of Cadent Gas [RR-039] explains why it will require its bespoke form of protective provisions to be included in the dDCO in its standard form and without amendment and indicates that at this stage, it is not satisfied that the tests under s127 PA 2008 can be met.</p> <p>(i) Please provide an update as to progress on agreeing protective provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 and the Applicant's response (Applicant's Ref: CGL-03 to CGL-05) to Cadent Gas Limited's relevant representation <b>[RR-039]</b> at section 2.12 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(ii)</p> <p>No diversions of Cadent Gas assets are proposed. The Project will currently cross 2 Cadent gas pipelines (UUX-13 and UUX-25) as set out in ES 3.3.2 Appendix 5.1 Crossing Schedule <b>[APP-092]</b>. As stated within the same document, the current proposed methodology to cross both pipelines is to use a HDD. Other options are being left open and will be discussed and agreed with Cadent during detailed design as more information becomes available.</p> <p>(iii)</p> <p>This part of Q6.1.42 is not directed to the Applicant.</p>

		<p>(ii) Has any progress been made on the assessment of proposed diversions to low and intermediate pressure gas pipelines and associated apparatus located within the Order Limits which would be affected by the proposed works and the inclusion within the dDCO [AS-022] of all land and rights required to accommodate such diversions?</p> <p>(iii) Cadent Gas is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 of the dDCO do not yet provide it with the necessary protection.</p>	
Q6.1.43	The Applicant, Environment Agency	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of the Environment Agency [RR-091] indicates that the Applicant had not at that stage engaged with it regarding the content of the Protective Provisions or in relation to the disapplication of the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers.</p> <p>(i) Please provide an update as to progress on agreeing Protective Provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p> <p>(ii) Please also provide an update on the proposed disapplication of the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers.</p> <p>(iii) The EA is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 3 dDCO [AS-022] do not yet provide it with the necessary protection.</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 and the Applicant's response to the Environment Agency's relevant representation <b>[RR-091]</b> set out at EA-05 at section 2.13 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(ii)</p> <p>Please see the Applicant's response to the Environment Agency's relevant representation <b>[RR-091]</b> set out at EA-05 at section 2.13 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(iii)</p> <p>This part of Q6.1.43 is not directed to the Applicant.</p>

Q6.1.44	The Applicant, National Grid Electricity Transmission Plc ("NGET")	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of NGET [RR-239] indicates that it requires Protective Provisions to be included within the dDCO [AS-022] to ensure that assets existing at the time of construction of the Proposed Development are adequately protected and to ensure compliance with relevant safety standards.</p> <p>(i) Please provide an update as to progress on agreeing protective provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement, and any supplementary agreements including crossing agreements which may be required.</p> <p>(ii) Please also advise as to the progress in relation to a Co-operation Agreement between NGET and the Applicant and the promoters of the VEOF</p> <p>(iii) NGET is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 of the dDCO do not yet provide it with the necessary protection.</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 and the Applicant's response (Applicant's Ref: NGET-02 and NGET-05) to NGET's relevant representation <b>[RR-239]</b> at section 2.15 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>The Applicant is in contact with Sealink with regards to the potential cable crossing offshore and will provide further updates on these discussions at a later deadline.</p> <p>(ii)</p> <p>The Applicant, NGET and Five Estuaries last met on 13 February 2025 to discuss and review a draft co-operation agreement. The Applicant will continue to work closely together with NGET, including in negotiating relevant Protective Provisions.</p> <p>(iii)</p> <p>This part of Q6.1.44 is not directed to the Applicant.</p>
Q6.1.45	The Applicant, National Highways	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of National Highways [RR-240] indicates that it requires Protective Provisions to be included within the dDCO [AS-022].</p> <p>(i) Please provide an update as to progress on agreeing Protective Provisions including the outcome of National Highways' review of the latest draft provisions provided to it by the Applicant.</p> <p>(ii) The Applicant is requested to explain the need for any CA powers sought in relation to the acquisition of the subsoil beneath the</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 and the Applicant's response (Applicant's Ref: NH-36 to NH-39) to National Highways' relevant representation <b>[RR-240]</b> at section 2.3 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(ii)</p> <p>Please refer to the Applicant's response (Applicant's Ref: NH-41) to National Highways' relevant representation <b>[RR-240]</b> at section 2.3 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>Powers sought for works to the A120 relate to plot 10-019 and includes rights package c cable route onshore as set out in Appendix A of the Statement of Reasons <b>[AS-028]</b>. This package includes the rights for the purpose of the construction, installation, operation, maintenance and decommissioning of the authorised development. The requirement for compulsory acquisition powers where National Highways have an interest is to secure such land, rights</p>



		<p>A120 and any other land in the ownership of Nationals Highways.</p> <p>(iii) National Highways is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 6 of the dDCO do not yet provide it with the necessary protection.</p>	<p>and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, and to provide for any circumstance where agreements are not adhered to, as explained in paragraph 5.1.4 of the Statement of Reasons <b>[AS-028]</b>. This approach ensures that the Project can be constructed, operated and maintained without impediment.</p> <p>(iii)</p> <p>This part of Q6.1.45 is not directed to the Applicant.</p>
Q6.1.46	The Applicant, Network Rail Infrastructure Limited (NRIL)	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of NRIL [RR-244] indicates that it requires its standard protective provisions to be included within the dDCO [AS-022] and for the parties to enter into various agreements. NRIL indicates that without those agreements and satisfactory protective provisions being in place NRIL considers the Proposed Development, if carried out in relation to Plots 4-010, 4-011, 4-013 and 4-014 in Schedule 5 of the dDCO, would have serious detrimental impact on the operation of the railway and an objection to the application is therefore maintained.</p> <p>(i) Please provide an update as to progress on agreeing protective provisions together with any supplementary agreements and the means whereby these would be secured, highlighting outstanding areas of disagreement.</p> <p>(ii) The Applicant is requested to indicate giving reasons whether there is any objection to the inclusion of NRIL's standard protective provisions in the dDCO?</p> <p>(iii) If agreement has not yet been reached, NRIL is requested to explain further why it asserts that without those agreements and satisfactory protective provisions being in place, there would be serious detriment to</p>	<p>(i)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 and the Applicant's response (Applicant's Ref: NRIL-03 to NRIL-06) to NRIL's relevant representation <b>[RR-244]</b> at section 2.4 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(ii)</p> <p>Please refer to the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 and the Applicant's response (Applicant's Ref: NRIL-03 to NRIL-05) to NRIL's relevant representation <b>[RR-244]</b> at section 2.4 of the Applicant's Response to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>If the Applicant requires any amendments to NRIL's standard protective provisions it will provide reasons for these changes to inform ongoing negotiations between the parties.</p> <p>(iii)</p> <p>This part of Q6.1.46 is not directed to the Applicant.</p> <p>(iv)</p> <p>This part of Q6.1.46 is not directed to the Applicant.</p>

		<p>the operation of the railway, and it would be prevented from operating the railway safely and efficiently and in accordance with its Network Licence.</p> <p>(iv) NRIL is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 5 of the dDCO do not yet provide it with the necessary protection.</p>	
Q6.1.47	Port of London Authority	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The RR [RR-272] of the Port of London Authority makes reference to various matters including Protective Provisions to safeguard its interests. Port of London Authority is requested to provide details of the Protective Provisions that it seeks to be included in the dDCO [AS-022].</p>	This question is not directed to the Applicant.
Q6.1.48	The Applicant, Brooks Leney	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The RRs of Brooks Leney on behalf of J B Fairley &amp; Son Ltd [RR-134], the Lawrence family [RR-193], and the Clachan family [RR-331] raise amongst other things the question of a lack of engagement on the part of the Applicant and the layout of the substations. They submit that the current proposal would take a substantial amount of their clients' land taken due to the irregular position of both NFOWF and VEOWF substations. The Clachan family's RR also questions why the substations cannot be constructed on land adjoining National Grid's existing infrastructure, or on brownfield land.</p>	<p>(i)</p> <p>The Applicant wishes to clarify that none of the respondent's land is required for the proposed substation as indicated by the Book of Reference <b>[REP1-013]</b> and Land Plans <b>[AS-018]</b>. The Applicant holds signed Heads of Terms for the cable corridor rights with the landowners named in the written question and is currently drafting an option agreement to be issued to the landowners' solicitors in due course. The Applicant is confident the necessary land rights can be acquired by voluntary agreement.</p> <p>(ii)</p> <p>The Applicant does not consider there to be any severed land for the reasons explained in (iii).</p> <p>(iii)</p> <p>The Applicant refers to section 4.8.1 and Table 4.3 of ES chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b> and section 5 of the Design Vision <b>[APP-234]</b> which details the site assessment undertaken to refine potential options for the onshore substation and explains why they were discounted. The Applicant has considered alternatives and modifications to the Project to minimise the potential land take such as locating the substation in</p>

		<p>(i) Please comment on the level of engagement that has taken place and indicate the current position in relation to the agreement of HoT with these various parties highlighting any outstanding areas of disagreement.</p> <p>(ii) Please explain further the need for the powers sought in respect of the land for the substations and the severed parcels of land around the substation and the land for the provision of environmental mitigation works referred to in the RR of the Clachan family.</p> <p>(iii) Please indicate whether a lesser or alternative area of land would meet those needs and, if not, why not.</p> <p>(iv) What consideration that has been given to impact upon, and the implications for the human rights of these particular Affected Persons in seeking these powers of acquisition.</p> <p>(v) Brooks Leney is requested to provide further details of any alternative substation layout or other solution that would serve to reduce the extent of the land to be acquired.</p> <p>(vi) The Applicant is specifically requested to provide further justification for the extent of the land sought for the siting of the substations and indicate whether alternative layouts that would require a reduced or alternative area of land have been considered.</p>	<p>proximity to EACN and refers to collaboration with NGET and Five Estuaries detailed in section 9.3 and 7.4 of the Co-ordination Report <b>[REP1-004]</b> respectively. However, all land within the Order Land is needed to deliver the Project including land for grassland habitat, trees and hedgerows and arable field margins to screen the substation and minimise landscape and visual impacts therefore a lesser area would not meet the Project's needs or mitigate its impacts.</p> <p>(iv)</p> <p>The Applicant refers to section 9 of the Statement of Reasons <b>[AS-028]</b> which outlines the consideration given to the human rights of Affected Persons when seeking powers of acquisition and considers the DCO strikes a fair balance between the public interest in the Project going ahead and the interference with the private rights that will be affected.</p> <p>(v)</p> <p>This question is not directed to the Applicant.</p> <p>(vi)</p> <p>The Applicant's response to Q6.1.6 lists the requirements within the substation area for its operation and for mitigation of impacts. The size of the items is fixed based on their requirements e.g. the substation size is based on the equipment required within it and the attenuation ponds are sized to restrict the flow at the outfall in line with Essex County Council guidance to prevent flooding downstream. The response to Q14.1.1 outlines why the layout has been selected. Alternative layouts were considered, however these required more land and therefore would result in an increase to the Order Land.</p>
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Q6.1.49	The Applicant	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The RR of Holmes and Hills LLP on behalf of the Estate of Mr Charles Tabor, Ms Rebecca Mason and Mr Michael Hughes [RR-335] in relation to the CA of their title interests in Plots 16-001/002/003 raises the question of the necessity or justification in the public interest for the CA of such a large swathe of property. They submit that the public benefit of bringing forward these proposals in their current form will outweigh the likely harm to private interests.</p> <p>(i) Please indicate the current position in relation to the agreement of HoTs with these parties highlighting any outstanding areas of disagreement.</p> <p>(ii) Please explain further the need and justification in the public interest for the powers sought in respect of these particular plots of land.</p> <p>(iii) Please indicate whether a lesser or alternative area of land would meet those needs and, if not, why not.</p> <p>(iv) What consideration that has been given to impact upon, and the implications for the human rights of these particular Affected Persons in seeking these powers of acquisition.</p>	<p>The Applicant refers to the Land Rights Tracker (submitted at Deadline 2) which outlines negotiations to date in respect of Heads of Terms (HOTs) being sought. In summary, the landowner is progressing two separate sets of HOTs, one for the onward cable connection needed to connect the Project's onshore substation to the proposed East Anglia Connection Node (EACN) substation and the second for freehold acquisition for the Project's substation site and associated screening and landscaping.</p> <p>In respect of plots 16-002 and 16-003 (for the onward cable connection), signed HOTs were received from the landowner on 11 February 2025. In respect of plot 16-001 in regard to the proposed substation site, revised HOTs were issued to the landowner on 17 December 2024, however, to date, no further feedback has been provided by the landowner or their representative on these terms. The Applicant remains confident the necessary land rights can be acquired by voluntary agreement.</p> <p>ii) The Applicant is proposing the freehold acquisition of plot 16-001 as detailed in Article 21 of the draft DCO <b>[REP1-011]</b> to facilitate the onshore substation and ancillary works required to transform and stabilise electricity generated by the Project so that it can be connected to the National Grid. As the design and precise location of EACN is unknown, the Applicant requires flexibility and security in its design and approach to ensure the connection can be delivered when EACN proposals become available. The Applicant wishes to highlight paragraphs 25 and 26 of "<i>Planning At 2008: Guidance related to procedures for the compulsory acquisition of land</i>" where it states that "...as a contingency measure, [The Applicant] should plan for compulsory acquisition at the same time as conducting negotiations." Furthermore, the Applicant's proposals are contributing to the need for new nationally significant electricity infrastructure in accordance with National Policy Statements evidenced in the National Policy Statements Accordance Table <b>[REP1-053]</b>.</p> <p>iii) The Applicant refers to section 4.8.1 and Table 4.3 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b> and Section 5 of the Design Vision <b>[APP-234]</b> which details the site assessment undertaken to refine potential options for the onshore substation and explains why they were discounted. The Applicant has considered alternatives and modifications to the project to minimise the potential land take such as locating the substation in proximity to EACN and refers to collaboration with NGET and Five Estuaries detailed in Sections 9.3 and 7.4 of the Co-ordination Report <b>[REP1-004]</b> respectively. However, all land within the Order Land is needed to deliver the Project including land for grassland habitat, trees and hedgerows and arable field margins to screen the substation and minimise landscape and visual impacts. Therefore, a lesser area would not meet the Project's needs or mitigate its impacts.</p> <p>iv) The Applicant refers to Section 9 of the Statement of Reasons <b>[AS-028]</b> which outlines the consideration given to the human rights of Affected Persons when seeking powers of acquisition and considers the DCO strikes a fair balance between the public interest in the Project proceeding and any interference with private rights.</p>
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## 7.0 Cumulative Impacts

ExQ1	Question to:	Question:	Applicant's Response
7 Cumulative Impacts			
Q7.1.1	The Applicant	<p><b>Cumulative Impacts of the Proposed Onshore Substations for the Proposed Development, Five Estuaries and EACN</b></p> <p>(i) What further discussions have taken place with NGET in respect of the proposed location of the onshore substation for EACN.</p> <p>(ii) How will the cumulative impact of the proposed EACN substation be assessed including the cumulative impacts of construction and the infrastructure required for its operation.</p> <p>(iii) How will the cumulative impacts of the pylons and overhead lines required for the EACN be assessed.</p>	<p>(i) Discussions with National Grid (NGET) are ongoing, with more information provided with respect to substation location and design. This is based on the information submitted in the Norwich to Tilbury PEIR, which has also been provided to North Falls. Further discussion about the specific bays allocated to North Falls within the NGET substation is ongoing, as there are specific requirements within NGETs Security and Quality of Supply Standards and also other connections that may or may not affect the final size and location of the North Falls connection point within the EACN.</p> <p>(ii) and (iii) The CEA for each onshore and project-wide technical chapter of the ES is reported in Section 8 of Chapters 19 – 34 <b>[APP-033 to APP-044, AS-010, APP-046 to APP-047, AS-012]</b>. The CEA for each chapter includes consideration of the effects of the Norwich to Tilbury project, including the EACN substation and the associated overhead lines and pylons. The CEA for each chapter was based on information provided by NGET based on NGET's early design work prepared to inform their own Preliminary Environmental Information Report (PEIR), which then in turn was published and consulted on in April 2024. The NGET early design work included, for example, a location and maximum dimensions for the EACN substation and pylon heights, details of predicted substation construction traffic numbers, temporary works footprint and a construction programme. Although the design for the Norwich to Tilbury project will continue to evolve between National Grids PEIR and DCO submission, the substation parameters provided to North Falls in advance of publication of the NGET PEIR are considered sufficient to provide a robust cumulative effects assessment. For example, ES Chapter 27 Traffic and Transport <b>[APP-041]</b> was able to use the construction vehicle numbers required to inform the CEA (and associated chapters, including noise, air quality, ecology), and ES Chapter 30 Landscape and Visual Impact Assessment <b>[APP-044]</b> was able to use the location and parameters for the EACN substation to include the substation within cumulative visualisations <b>[APP-084 to APP-088]</b>, and to undertake a meaningful assessment.</p>
Q7.1.2	The Applicant	<p><b>Cumulative Effects Assessment</b></p> <p>(i) Please provide updates, as appropriate, to the assessment of cumulative effects in the ES, having regard to the progress and further information submitted in respect of other projects</p> <p>(ii) Please provide a document to consolidate the information that has been set out in the cumulative effects assessment section of each topic chapter in the ES</p>	<p>(i) In accordance with Natural England's Relevant Representation <b>[RR-243]</b> (comments E7 and F13), an updated marine mammal cumulative effects assessment (CEA) has been provided in Further Information Regarding Marine Mammals <b>[REP1-057]</b> and an updated CEA for offshore ornithology will be submitted at Deadline 3.</p> <p>(ii) A Cumulative Effects Assessment Summary document is being prepared and will be submitted at Deadline 3.</p>



ExQ1	Question to:	Question:	Applicant's Response
Q7.1.3	The Applicant	<p><b>Noise mitigation for cumulative effects</b></p> <p>Paragraph 101, OCTMP [APP-251] presents a list of proposed mitigation measures that could be agreed to reduce the effect to a level that is not significant in the event of cumulative effects from Five Estuaries and / or Norwich to Tilbury.</p> <p>Should mitigation measures for cumulative effects not be implemented prior to the start of construction for the Proposed Development in noise sensitive locations, such as the section of Bentley Road to be widened, and specify the measures that 'will' rather than 'could' be taken?</p>	<p>The calculations which have been undertaken demonstrate that construction of North Falls Option 2 (e.g. up to 235 HGVs per day, as modelled based on the outline design information) would not result in significant noise effects. However, increases in cumulative traffic associated with the construction of Five Estuaries Scenario 1 and/or with Norwich to Tilbury could result in significant effects.</p> <p>At this stage, given the uncertainty regarding the final overlap of construction programmes, a worst case was assumed whereby the construction of North Falls, Five Estuaries and Norwich to Tilbury all result in concurrent peak construction along Bentley Road. Given the worst-case assumptions that have been made in these calculations, it is considered unlikely that these levels of peak cumulative traffic will actually occur.</p> <p>Consequently, paragraph 99 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> requires the Traffic Management Coordinator (TMCo) to undertake an updated assessment of whether these effects will be significant, using refined construction vehicle forecast once there is greater certainty regarding schedules. This approach is proposed noting that there may not be a temporal overlap or if there is a temporal overlap, once final construction numbers are known, peak flows may not exceed levels at which significant effects may occur.</p> <p>Should the forecasts identify that vehicle movements may exceed North Falls Option 2 numbers, an updated assessment would be undertaken.</p> <p>The Outline Construction Traffic Management Plan <b>[REP1-039]</b> outlines that if the updated assessment identifies a potentially significant effect, mitigation would be implemented. The word 'could' is only used when describing the types of mitigation measures, noting that the Outline Construction Traffic Management Plan <b>[REP1-039]</b> outlines a range of potential mitigation measures that could be adopted. The list is not intended to be prescriptive or exhaustive, rather it provides a range of good practice measures that could be adopted to ensure any significant effects can be mitigated. This approach allows the TMCo to work with Tendring District Council and other developers (e.g. Five Estuaries and National Grid) to develop and agree a final package of mitigation measures.</p>
Q7.1.4	Tendring District Council	<p><b>Noise mitigation for cumulative effects</b></p> <p>Paragraphs 100 and 101, OCTMP [APP-251] describe the baseline noise level monitoring and present a list of proposed mitigation measures that could be agreed to reduce the effect to a level that is not significant in the event of cumulative effects from Five Estuaries and / or Norwich to Tilbury.</p> <p>Please confirm if you are content with the procedures outlined in paragraphs 100 and 101?</p>	<p>This question is not directed to the Applicant.</p>

ExQ1	Question to:	Question:	Applicant's Response
Q7.1.5	The Applicant	<p><b>BESS on Land Adjacent to Lawford Grid Substation, Ardleigh Road</b></p> <p>Table 22.19 of Chapter 22 Land Use and Agriculture [APP-036] refers to the proposed BESS on land adjacent to the Lawford Grid Substation, Ardleigh Road. The assessment is that there is no cumulative impact as works will be completed before the construction work commences in respect of the Proposed Developments.</p> <p>(i) What evidence is there that the assumptions made in respect of the timing of the development of the BESS is correct.</p> <p>(ii) What is the current status of the development of the BESS.</p> <p>(iii) Has consideration been given to the cumulative impact assessment if the BESS is not completed prior to the Proposed Development commencing?</p>	<p>(i) The assumption regarding the start date for the Little Bromley BESS is based on the Planning Decision granted by Tendring District Council dated 28 September 2022 (Planning Reference: 21/02070/FUL), which states that “<i>The development hereby permitted shall be begun before the expiration of three years from the date of this permission</i>”, i.e. by 28 September 2025. (It is noted that the Application was registered on the 15 December 2021 but the decision is dated the 28 September 2022).</p> <p>(ii) Non-Material Amendment application (Planning Reference: 24/00112/NMA) relating to “<i>changes to the siting and appearance of the proposed batteries and PCS units within the site compound</i>” was approved on by Tendring District Council on 02 February 2024. From a review of the Tendring District Council online planning register it appears that no pre-commencement planning conditions have been discharged. The Applicant would need to defer to the Tendring District Council to understand if the planning permission has been lawfully implemented.</p> <p>(iii) The assessment presented in ES Chapter 22 Land Use and Agriculture [APP-036] has been based on the information available at the time of the submission of the DCO application. As noted in the responses to points (i) and (ii) above, to date we have no information to suggest that this has changed with regards Little Bromley BESS.</p>

## 8.0 Design

ExQ1	Question to:	Question:	Applicant's Response
8. Design			
Q8.1.1	The Applicant	<p><b>Update on Design Council design review 3</b></p> <p>Section 9.3.1 of the Design Vision [APP-234] includes the Design Council's letter dated 12 June 2024, in which it states “<i>Overall, the scheme has progressed positively since the first review. We were pleased with the way the presentation was structured to respond directly to questions and comments raised in previous reviews. We nevertheless think there remain areas for improvement, including where more detail could be provided, and list these here.</i>” Please provide an update, to include progress on the areas for improvement.</p>	<p>The Design Council letter dated 12 June 2024 identified nine areas for improvement:</p> <p><b>1. Design Vision Content;</b> Sections 1.4, 1.6 and 1.7 of the Design Vision [APP-234] set out the indicative design process post-DCO and function of the Design Guide, which will be prepared to inform the subsequent detailed design of the onshore substation. This will include more detail of suitable design options, including use of best practice examples for clarity. The Design Guide will be accompanied by diagrams to clearly communicate i.e. the design process, roles and responsibilities, review process etc.</p> <p><b>2. Social Value;</b> “<i>There is an opportunity for the scheme to communicate the social value it will create more clearly in the form of employment opportunities, sourcing of local products/services, and developing new green skills in the local area</i>”. An Outline Skills and Employment Plan [APP-253] has been prepared which set out the proposed approach to ongoing engagement with local communities, education institutions and economic development partners to help communicate and develop the social and economic value of the project to the local community.</p>

			<p><b>3. Design Champion;</b> A Design Champion will be appointed to inform the production of the Design Guide and subsequent detailed design process.</p> <p><b>4. Masterplan;</b> The Applicant and Five Estuaries are committed to the production of a joint Design Guide, to guide the development until such time as the detailed layouts are developed. This will cover aspects noted in the Design Council response (colour, planting, drainage etc). Where project timelines allow, further collaboration will take place with NGET's EACN team.</p> <p><b>5. Landscape Mitigation;</b> Further detail of the subtleties of planting mitigation will be developed within the Design Guide. Ensuring the technical requirements in respect of security fence lines are respected.</p> <p><b>6. Sustainability and Biodiversity Net Gain;</b> Where possible the Design Guide will identify locations for advance planting.</p> <p><b>7. Materiality;</b> The Design Guide will include an Environmental Colour Assessment to inform the choice of colours for buildings, boundary treatments etc. Consideration of embodied carbon will influence the material options included within the Design Guide.</p> <p><b>8. Land;</b> An Outline Landscape and Ecology Management Strategy (OLEMS) [APP-249] has been prepared for the onshore substation. The OLEMS will form the basis of the Ecological Management Plan, prepared post-consent and secured by DCO Requirement.</p> <p><b>9. Policy and Guidance Compliance;</b> the Design Guide will clearly identify alignment and accordance with the relevant policies related to Good Design (Section 2 of the Design Vision [APP-234] outlines those that are relevant at the national and local scale). This will also include alignment with the principles of "efficient in the use of natural resources", and "efficiency in the use of energy in construction and operation" (Section 4.7, EN-1).</p>
Q8.1.2	The Applicant	<p><b>Detailed Design – Design Champion and Review Process</b></p> <p>The Design Vision [APP-234] sets out the design review process to date which has arrived in the submitted Design Vision including the commissioning of a panel of Design Experts through the Design Council. Please can the Applicant advise how this would continue through to detailed design, including appointment of a Project Design Champion, and further use of a Design Review Panel, if applicable?</p>	<p>Sections 1.4, 1.6 and 1.7 of the Design Vision [APP-234] set out the indicative design process post-DCO and function of the Design Guide, which will be prepared to inform the subsequent detailed design of the onshore substation.</p> <p>The Applicant has committed to the appointment of an internal Project Design Champion to oversee this process. As stated within 1.4.2 and shown in Figure 1.7 Post-DCO Approval - Function of the Design Guide in the Design Vision [APP-234], the key function of the Design Champion role is to retain over-arching responsibility for design quality throughout the Project. The Design Champion will uphold the Design Vision principles, guide the production of the Design Guide, and ensure that design quality cascades through to the detailed design of the onshore substation.</p> <p>The Applicant and Five Estuaries have committed to the production of a joint Design Guide, which will encompass both onshore substations and their immediate settings. Five Estuaries will also appoint their own Design Champion to uphold Design Guide principles and maintain quality through to implementation.</p> <p>The preparation of the Design Guide will be led by a Chartered design professional with a background in landscape architecture, architecture or urban design and experience in infrastructure design.</p> <p>A suitably-qualified Design Review Panel comprising employees from North Falls and Five Estuaries will be appointed at commencement of the Design Guide to provide an informed review and guidance on design, based on in-depth knowledge of the technical requirements, the procurement and delivery process.</p>

			Local authorities will also form part of the wider Design Guide review team, as identified in the indicative timeline within Section 1.6 of the Design Vision <b>[APP-234]</b> .
Q8.1.3	The Applicant	<p><b>Design of proposed onshore substation – noise attenuation</b></p> <p>The design parameters for the site and key components are set out at para 7.2 of the Design Vision [APP-234], listing various fixed parameter and a range of options available at detailed design stage. The detailed design stage will need to include design implications of cumulative effects of the noise attenuation of the three substations (North Falls, Five Estuaries and National Grid’s East Anglia Connection Node) which would sit in close proximity to one another. Due to the rural and open nature of the landscape, please can the Applicant set out how any noise mitigation measures and on-site noise attenuation incorporate good design through natural or purpose-built barriers.</p>	<p>Paragraph 225 within ES Chapter 26 Noise and Vibration <b>[APP-040]</b> identifies a hierarchy of potential noise mitigation measures. These include use of electrical components with reduced sound power levels, enclosures or localised screening around selected noisy components, a noise barrier around some or all of the onshore substation and using buildings and other structures within the onshore substation to form a noise barrier.</p> <p>For the onshore substation, the hierarchy set out above will be followed wherever practicable, to minimise the requirement for acoustic barriers within the landscape setting. Should the need for barriers within the landscape arise, the use of aesthetically pleasing purpose-built options or natural solutions will be considered, as set out in para 7.9.12 of the Design Vision <b>[APP-234]</b>.</p> <p>The design of noise mitigation measures will not need to consider the cumulative effects of the Five Estuaries and East Anglia Connection Node design. This is because specific limits have been assigned to each substation which will need to be complied with. These limits ensure that cumulative noise from all three substations will not exceed a rating level of 35 dB.</p>
Q8.1.4	The Applicant	<p><b>Onshore substation design principles</b></p> <p>Please can the Applicant advise as to the location of the proposed OnSS with reference to application of the Horlock Rules which provide guidelines on siting and design of substations.</p>	<p>The location of the onshore substation was arrived at through a detailed process of site selection. This process was underpinned by a set of ‘Golden Rules’ (see ES Appendix 4.1 Site Selection Golden Rules <b>[APP-091]</b>), which were developed using best practice guidance for site selection of electrical transmission infrastructure for offshore wind, including The Crown Estate’s Cable Route Protocol (2017), the National Grid’s Horlock Rules (for the siting of substations) (2006) and the Holford Rules (for the siting of transmission infrastructure) (1992), as well as National Policy Statements (NPS), in particular EN-1, EN-3 and EN-5 and other relevant planning considerations. The Golden Rules were then used to set the parameters used to inform the selection of a preferred option for the onshore substation.</p> <p>Full details of the site selection process for the onshore substation are provided in Section 4.8 of ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>.</p>



Q8.1.5	The Applicant	<p><b>Good Design</b></p> <p>How does the design of the OnSS, and other design elements of the proposal, take account of “<i>Nationally Significant Infrastructure Projects: Advice on Good Design</i>” guidance published in October 2024 (available on Gov.uk). How do the design principles of the Proposed Development respond positively to climate, people, place and value, and how would the Proposed Development create a sense of place?</p>	<p>“<i>Nationally Significant Infrastructure Projects: Advice on Good Design</i>” was published in October 2024 following the submission of the DCO application.</p> <p>Sections 2.1-2.4 of the Design Vision [APP-234] reference the sources of guidance on ‘Good Design’ that have informed the Design Vision. These include the overarching National Policy Statement for Energy, EN-1 (DESNZ, 2024) which identifies the criteria for ‘good design’ for energy, and is closely aligned with the October 2024 guidance.</p> <p>The National Infrastructure Commission ‘Design Principles for National Infrastructure’ (NIC, 2020) is also referenced, which identifies the four key design themes of climate, people, place and value. Reference to these four key themes is reiterated within the Design Vision [APP-234], most notably within Section 7: Onshore Substation Design Principles, which provides a multi-criteria analysis identifying how individual principles positively respond to the four themes.</p> <p>The Design Vision [APP-234] has carefully considered how a sense of place can be created that aligns with the receiving landscape setting. The site strategy and design principles are informed by careful analysis of the underlying landscape characteristics present within the immediate site and its rural context. Design Principles align with, and reinforce, these positive characteristics wherever possible contributing to the creation of a sense of place.</p>
Q8.1.6	The Applicant	<p><b>Design Mitigation – Earthwork Bunds</b></p> <p>The ExA notes that the LVIA [APP-044] has identified that certain groups of receptors will experience a change in view as a result of the proposed development, and the scale of change is judged to be high in places. The Outline Landscape Mitigation Plan [Figure 30.1.6 of APP-083] proposals do not include the use of bunds. It is noted that the guidance for Tendring Landscape Character Area 7A - Bromley Heaths, stated that ‘in this very large scale, open landscape it would be inappropriate to try and hide a new building behind earth bunds or vegetation’ (TLCA, 2001). However, a number of IPs have drawn attention to historic use of bunding throughout the area, e.g. for agricultural screening purposes. Please can the Applicant provide further justification on the absence of bunding within context of the design mitigation.</p>	<p>As noted in the Design Vision [APP-234], the Tendring Landscape Character guidance highlights the inappropriateness of trying to hide a building behind bunds within a landscape setting that is largely open and flat. In this context, the use of high bunding would introduce an incongruous characteristic into the setting. Creation of bunding sufficiently high to screen onshore buildings and structures would also require significant land take. For example, a bund of 9m (half the height of the onshore substation structures) with 1:3 slopes on either side would require a minimum width of 54m.</p> <p>Para 7.8.2 of the Design Vision [APP-234] acknowledges that some bunding may assist with visual screening (as well as cut and fill balance and reduction of waste), however the limited use of low-level bunds (up to 2m) can only be considered on a location-by-location basis, based on the interaction with other forms of visual mitigation and potential effects on individual receptors.</p> <p>Para 7.8.2 also acknowledges that the soil of raised bunds tends to be more susceptible to drying out, therefore any woody vegetation planted on bunds will be at a higher risk of failure, jeopardising the long-term success of visual mitigation. This needs to be considered within the context of climate change, and the likelihood of hotter, drier conditions.</p>
Q8.1.7	The Applicant, Local Authorities	<p><b>Design Mitigation – Earthwork Bunds</b></p> <p>Although not proposed, the ExA notes that various RRs from IPs in close proximity to the OnSS state a preference for earthwork bunding as mitigation [RR-227]. These could screen and reorientate views in sensitive locations. Please can the Applicant comment on how the use of</p>	<p>The Applicant refer to the response to Q8.1.6 for general response discussing why bunds have not been pursued as a mitigation strategy.</p> <p>The Applicant and Five Estuaries have committed to the production of a joint Design Guide, which will encompass both onshore substations and their immediate settings. The limited use of low-level bunds (up to 2m) would be reviewed on a location-by-location basis as part of the Design Guide. The review will consider the interaction of bunding with other forms of visual mitigation, the impact on the landscape setting and potential effects experienced by individual receptors.</p>



		earthwork bunds would be reviewed on a location-by-location basis.	
Q8.1.8	The Applicant	<p><b>Acoustic fencing</b></p> <p>Acoustic fencing may be a requirement, dependent on the type of equipment specified at detailed design stage, it's location on site and in relation to acoustic receptors and the proximity of built form or other noise limiting structures within the site. Please can the Applicant provide further information on options design, materials and examples from similar schemes elsewhere in order to understand how this may affect design.</p>	Acoustic fencing which could be implemented includes super grid transformer and shunt reactor enclosures, which are typically constructed from modular steel frames and the colour can be selected to suit the landscape. Examples of acoustic enclosures from similar scheme include the transformers at Beatrice Offshore Wind Farm. Example acoustic fencing is also provided in Section 7.9.12 of the Design Vision <b>[APP-234]</b> . Other options for acoustic barriers would include landscaped bunds if required (and compatible with the OLEMS <b>[APP-249]</b> , noting the response to Q8.1.6 above).
Q8.1.9	The Applicant	<p><b>Inefficiency of Use of Land</b></p> <p>Due to the sequencing and interrelationship with other projects, the design of layout of North Falls substation, whilst at present indicative, appear somewhat poorly related to surroundings. How does the Applicant envisage improvements to the current indicative arrangements?</p>	<p>It is hoped that the projects can proceed on the same timeframe such that there is no issue with sequencing. However, given the two projects are separate, this cannot be guaranteed. There may be consenting, environmental mitigation or route to market issues for one project, which could mean that the aligned programmes slip. Therefore, the projects need to have the option for sequential in case of any of these issues occurring. It should be noted, it is not in the two projects interest to build out the onshore export cable route separately, due to potential commercial benefits of constructing at the same time. However, the commitments to do so are large, and needs project certainty for their spend. Therefore, such commitments can only be made once the projects have a CfD. The only way for the sequencing issue to be removed would be for an anticipatory mechanism to be created that would significantly de-risk the installation of a second set of cable ducts. Such a mechanism would need to be defined by Government in such a way that the risk to North Falls is mitigated.</p> <p>The co-ordination report <b>[REP1-004]</b> demonstrates how North Falls and other projects have tried to work together, in line with the relevant NPS requirements. The cable route being the same means that there is the opportunity to construct together which would not have been the case if the two projects had not collaborated.</p> <p>As described in 6.1.48 and 14.1.2, the substation is located as close as possible to the National Grid substation to minimise the land take by reducing the size of 400kV equipment. The layout is constrained due to a number of human and environmental factors e.g. the Roman Road to the north of the site and the overhead line to the west. These have contributed to the orientation, and minimise the impacts on the substation on the local community. Alternative layouts were considered, however, these resulted in more land being required e.g. due to more irregular areas for construction compounds to keep to field boundaries, thus requiring more land to get the same amount of useable space.</p>

Q8.1.10	The Applicant	<b>Impact on Rural Setting</b> How has the design of the substation sought to minimise impact on rural setting of the surrounding farms at the OnSS proposed location, including: Badley Hall, Lilley's Farm, Norman's Farm, Jennings's Farm	<p>An appraisal of the baseline landscape and visual conditions experienced by receptors (including properties in the more immediate context), has influenced the extent, location and nature of visual mitigation around the onshore substation (see Design Vision <b>[APP-234]</b>). Mature vegetation within the landscape is typically associated with farmsteads, therefore many local farms will already experience a degree of perimeter screening. Barns and outbuildings also play a role in the setting of farms and degree of visual openness experienced by receptors.</p> <p>The proposals seek to minimise impact of the onshore substation on the rural setting of the surrounding farms. Where practicable, visual mitigation is located close to the onshore substation, to maintain the open character of the landscape. Visual mitigation proposals incorporate elements already present within the landscape, such as hedgerows, hedgerow trees and shelter belts to create layers of screening, rather than introducing uncharacteristic features such as large blocks of woodland or high bunds.</p>
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9.0 Draft Development Consent Order (DCO)

ExQ1	Question to:	Question:	Applicant's Response
9. Draft Development Consent Order (DCO)			
9.1 Articles			
Q9.1.1	The Applicant	<b>Part 1 Preliminary</b> <b>Article 2 Interpretation</b>  Within Article 2 'Interpretation' there is no definition of 'watercourse'. It is defined in Schedule 14 Part 3 and Part 4. However, it is used as a description before those parts within the text. The Applicant should consider defining it before Schedule 14 and review the dDCO [AS-022] to ensure that there are no other terms that require defining at the initial stage that have been omitted.	<p>The Applicant has updated the draft DCO at Deadline 2 to include the following definition of 'watercourse' within Article 2 'Interpretation':</p> <p><i>"watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, basins, sewers and passages through which water flows except a public sewer;</i></p> <p>The Applicant has also reviewed the draft DCO to ensure that there are no other terms that require defining at the initial stage that have been omitted.</p>

Q9.1.2	The Applicant	<p><b>Article 2 Interpretation</b></p> <p>The definition of “maintain” in the dDCO [AS-022] includes “replace”.</p> <p>(i) The Explanatory Memorandum (EM) [AS-024] paragraph 4.2.2 does not include an explanation as to why it is considered necessary and reasonable to include “replace” in this definition. Please provide such an explanation for this aspect of the definition.</p> <p>(ii) Given that the definition of “<i>maintain</i>” should not result in works being authorised which have not been assessed in the Environmental Statement (ES) in accordance with the EIA regulations, please confirm that all these works have been so assessed and identify where this is recorded.</p>	<p>(i) It is necessary and reasonable to include “replace” in the definition of “maintain” because of the possibility that component parts of the Proposed Development may be damaged beyond repair, suffer defects or fail, and in that event would need to be replaced as soon as practicable in order to ensure the continued operational efficiency of the Proposed Development and safety of personnel and other sea users. The need to replace parts of the Proposed Development as part of the maintenance regime, and types of replacement activity that may be required, is described in section 5.5.14.2 of Chapter 5 Project Description [APP-019] and has accordingly been considered and assessed in the Environmental Statement. It is common in recently granted development consent orders for offshore wind farms to include ‘replace’ in the definition of ‘maintain’. Please see, for example, The Hornsea Three Offshore Wind Farm Order 2020, The Hornsea Four Offshore Wind Farm Order 2023, The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>(ii) As recognised in the question, the definition of “maintain” used in the dDCO limits activities to the extent such has been assessed in the ES. With regards to offshore maintenance, the Outline Offshore Operations and Maintenance Plan (OOOMP) [APP-255] lists the maintenance works, along with cross references to the relevant ES chapters. The OOOMP also confirms works covered by the dDCO and works which may require additional licencing. Various works / activities to ‘maintain’ are set out in several parts of the ES. With regards to onshore maintenance, ES Chapter 5 Project Description [APP-019] details the onshore maintenance activities required for the Project which have then been assessed in each technical chapter of the ES.</p>
Q9.1.3	The Applicant, MMO	<p><b>Article 2 Interpretation</b></p> <p>The ExA notes that the MMO RR [RR-216] states that the activities authorised under the dDCO [AS-022] and DML [AS-022] should be limited to those that are assessed within the EIA, and the statement that activities will be limited to those that ‘do not give rise to any new or materially different environmental effects’ should be updated to clarify this. The definition of “maintain” in the dDCO is limited “to the extent assessed in the environmental statement”. The Applicant is requested to comment on the concerns raised in this respect. MMO is requested to indicate whether there are any outstanding concerns in relation to the definition of ‘maintain’ in the dDCO.</p>	<p>The Applicant has responded to the issues raised in this question in its response to MMO RR’s [RR-216], please see MMO-30 of the Applicant’s Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045].</p>

Q9.1.4	The Applicant	<p><b>Article 2 Interpretation</b></p> <p>Article 2 Interpretation includes a definition for ‘build option 3’. However, this option is not referred to elsewhere in the dDCO [AS-022]. Given the Applicant’s response to the ExA’s PD [PD-005] point 8 – ‘Request for an update on Option 3’ in the letter dated 16 December 2025 [AS-042], please clarify if any amendments are proposed to the dDCO in this respect? Should R19 include reference to “build option 3”?</p>	<p>The Applicant’s position remains as set out in the letter dated 16 December 2024 [AS-042]. Should a third party promote a co-ordinated offshore cable option in collaboration with the North Falls proposed grid connection point “build option 3” will be considered.</p> <p>Requirement 19 of the dDCO relates specifically to onshore works and the related exercise of powers of compulsory acquisition, therefore the Applicant does not consider it necessary or appropriate for R19 to include reference to “build option 3”.</p>
Q9.1.5	The Applicant	<p><b>Article 2 Interpretation</b></p> <p>The “environmental statement” is defined as “the documents listed in Part 1 and Part 2 of Schedule 12 (documents forming the environmental statement) and certified as the environmental statement by the Secretary of State for the purposes of this Order under article 41”. Please indicate whether there are any other documents that should be included in the definition at this stage and confirm that this will be appropriately updated as and when further documents are submitted that require inclusion during the course of the Examination.</p>	<p>No other documents than those already in Schedule 12 of the dDCO [REP1-011] form part of the Environmental Statement (ES) at this stage. The Applicant can confirm that any updates to the ES will be reflected by the Applicant making the necessary updates to any document(s) set out in Schedule 12.</p>
Q9.1.6	The Applicant	<p><b>Article 2 Interpretation</b></p> <p>Article 2 includes a definition of “street”. Please explain why it is necessary to include within this definition land on the verge of a “street”?</p>	<p>It is common in recently granted development consent orders to include ‘land on the verge of a street’ in the definition of “street” in Article 2. Please see, for example, Article 2 of the Hornsea Three Offshore Wind Farm Order 2020, the Hornsea Four Offshore Wind Farm Order 2023, the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 and the Net Zero Teesside Order 2024.</p> <p>The Applicant notes that this definition also accords with the corresponding definition in the Five Estuaries draft Development Consent Order (Rev G) submitted at Deadline 6 in the Five Estuaries Offshore Windfarm examination [REP6-007].</p>

Q9.1.7	The Applicant, MMO	<p><b>Part 2 Principal Powers</b></p> <p><b>Article 5 Benefit of the Order</b></p> <p>The EM [AS-024] paragraph 4.2.9 explains that the Marine and Coastal Access Act 2009 includes provisions relating to the transfer of a DML. Article 5(9) makes it clear that the procedure included in s72(7) and (8) of that Act do not apply, save that the MMO may amend any DML to update the name of the undertaker to the name of the transferee. The MMO RR [RR-216] states that it has major concerns over the drafting of Article 5. A key concern is that Article 5 would operate to override and/or unsatisfactorily duplicate provisions that already exist within the Marine and Coastal Access Act 2009 for dealing with variations to marine licences. MMO also submits that such provisions are inconsistent with the PINS Guidance on how DMLs should operate within a DCO.</p> <p>(i) The Applicant is requested to respond to the criticism made, explain any drafting amendments and provide further justification for the drafting of this article in its current form.</p> <p>(ii) The MMO is requested provide further explanation to support the position of that these provisions should be removed, and that any transfer should be subject to the existing regime under the 2009 Act, with the decision maker remaining the MMO.</p>	<p>(i) Please see the Applicant's response to the MMO's RR [MMO-216] set out at MMO-13, MMO-22 and MMO-29 of the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>. The Applicant's position is that the scope and drafting in article 5 (Benefit of the Order) of the dDCO <b>[REP1-011]</b> relating to the transfer of DMLs is appropriate and there is precedent for this drafting in multiple made DCOs for offshore wind farm projects.</p> <p>(ii) This question is not directed to the Applicant.</p>
Q9.1.8	The Applicant, EA	<p><b>Article 6 Application and modification of legislative provisions</b></p> <p>The EM paragraph 4.2.13 seeks to explain why certain specified provisions are disapplied by this article. However, please provide further details as follows:</p> <p>(i) Please comment generally on the effect of this Article given that its consequence would be that certain consents would no longer need to be obtained.</p>	<p>(i) Article 6 provides (pursuant to section 120(5)(a) of the Planning Act 2008 (2008 Act)) for the disapplication in relation to the authorised development of certain requirements which would otherwise apply under general legislation. Section 120(5)(a) provides that an order granting development consent may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order.</p> <p>An effect of article 6 is that some separate statutory consents in relation to certain activities (e.g. an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016 in relation to flood risk activities) are no longer required in addition to the broad-ranging statutory consent of the proposed DCO. The statutory process to prepare, consult on, examine and grant a DCO is very thorough and complex. Accordingly, the Applicant considers this to be an appropriate and proportionate approach.</p> <p>This approach has been accepted by the Secretary of State in a number of made Orders. Please refer to section 4.2.13 of the Explanatory Memorandum <b>[AS-024]</b> for more information.</p>



		<p>(ii) Explain whether and how there would still be sufficient regulation of the activities that fall within Article 6(a) to (i)?</p> <p>(iii) The EM [AS-024], paragraph 4.2.13 acknowledges that Article 6 disapplies the requirement for a separate statutory consent to be obtained from the Environment Agency (EA) in relation to these activities. The EA RR [RR-091] indicates that it will not consent to disapplication of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers and abstraction and dewatering activities. The EA also complains of a lack of engagement regarding an ‘in principle’ agreement for such matters and Protective Provisions. Please provide an update on the progress of any discussions and indicate whether an ‘in principle’ agreement and/or protective provisions have now been agreed?</p> <p>(iv) The EA is requested to comment generally on relevant aspects of Article 6 and whether relevant Protective Provisions have been discussed and agreed?</p>	<p>(ii) The activities related to the statutory provisions disapplied by article 6 will be subject to the controls and requirements (for example, protective provisions and management plans) within the DCO which, if approved and as noted above, will be the product of a lengthy and rigorous consenting process.</p> <p>There is ample opportunity across the consenting process, and particularly during examination, for interested parties and the Examining Authority to scrutinise and comment on the controls and requirements within the Order.</p> <p>Various relevant parties, including Natural England, local authorities, the drainage authority, statutory undertakers, Harwich Haven Authority, and other environmental organisations have made, and will continue to make, submissions and representations in relation to the draft DCO with various opportunities over the examination period for the Applicant to revise and update the provisions of the DCO as appropriate in addition to responding to submissions made by these parties and questions and requests from the Examining Authority in relation to proposed activities and the authorised development.</p> <p>The Applicant will be required to comply with the various controls and requirements of the made Order or risk committing a criminal offence.</p> <p>(iii) The Applicant submits that this constitutes sufficient regulation for the activities that fall within Article 6(a) to (i). Please see the Applicant’s response to the EA’s RR [RR-091] set out at EA-05 of the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>(iv) This question is not directed to the Applicant.</p>
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Q9.1.9	The Applicant	<p><b>Article 6 (b) Application and modification of legislative provisions</b></p> <p>The EM [AS-024], paragraph 4.2.13, indicates that Article 3 also disapplies the provisions of the Neighbourhood Planning Act 2017 relating to the temporary possession of land. This is on the basis that the TP of land is dealt with by Articles 31 and 32 and whilst the wording of those provisions is well established, the 2017 Act contains untested provisions.</p> <p>(i) Notwithstanding that previous DCOs have similarly disapplied the Neighbourhood Planning Act, please provide a reasoned justification as to why it is necessary and reasonable to disapply it in this case?</p> <p>(ii) Why is it not proposed to align the TP powers in the dDCO [AS-022] with the s20(3) Neighbourhood Planning Act 2017 three months' notice period?</p>	<p>(i)</p> <p>The disapplication in respect of the temporary possession provisions of the Neighbourhood Planning Act 2017 is required as the relevant sections of the Neighbourhood Planning Act 2017 have not been brought into force, subsidiary regulations to that Act have not yet been made, and there is therefore no certainty as to the requirements of the new temporary possession regime in respect of nationally significant infrastructure projects ('NSIPs'). As such, this disapplication enables the temporary possession regime set out in Articles 31 and 32 of the draft Development Consent Order <b>[REP1-011]</b> to apply.</p> <p>(ii)</p> <p>Schedule 1 section 28 of the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 provides drafting on which the Applicant's Article 32 of the draft DCO <b>[REP1-011]</b> is based. The general model provisions suggest a 14 day notice period for the exercise of temporary possession powers, however in more recent consented DCOs a 28 day notice period has been agreed. Example consented orders include the East Anglia ONE North Offshore Wind Farm Order 2022, the Hornsea Four Offshore Wind Farm Order 2023 and the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>The Applicant therefore considers the 28 day notice period proposed within Articles 31 and 32 of the draft DCO <b>[REP1-011]</b> to be reasonable, being longer than the model 14 day notice period and consistent with previously consented projects. The proposed 28 day notice period provides a balance between the needs of the project and the rights of landowners and occupiers and allows for reasonable time for any necessary arrangements to be made.</p>
Q9.1.10	The Applicant	<p><b>Part 4 – Supplemental Powers</b></p> <p><b>Article 20 Removal of human remains</b></p> <p>The EM [AS-024] paragraph 4.4.9 states that this article is included on a precautionary basis in case human remains are discovered while carrying out the authorised development. Please provide further explanation and justification for the inclusion of this article which would remove the requirement for authorisation of removal of remains from the appropriate Minister.</p>	<p>The Applicant refers to the explanation and justification contained at paragraph 4.4.9 of the Explanatory Memorandum <b>[AS-024]</b> including the references to recently granted development consent orders where this approach has been accepted by the Secretary of State.</p> <p>The Applicant considers that the process of notification of discovery and, as necessary, the removal of the remains (in accordance with any directions which may be given by the Secretary of State), is an appropriate mechanism to address these circumstances.</p> <p>The Applicant notes that this article also accords with the corresponding article in the Five Estuaries draft Development Consent Order (Rev G) submitted at Deadline 6 in the Five Estuaries Offshore Windfarm examination <b>[REP6-007]</b>.</p>

Q9.1.11	The Applicant	<p><b>Article 17 Discharge of water</b></p> <p>Article 21 enables the undertaker to discharge water into any watercourse, public sewer or drain in connection with the construction and maintenance of the Proposed Development subject to conditions including Article 21(6) that the undertaker must take reasonably practicable steps to ensure that any water that is discharged is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension. Please indicate how that would be achieved in practice and identify any other controls that would secure this.</p>	<p>Section 21.3.3 (Table 21.3) of ES Chapter 21 Water Resources and Flood Risk <b>[APP-035]</b> lists embedded mitigation measures relevant to ensuring water associated with construction activities is as free as possible from sediment or other substances. Standard good practice measures are included to control sediment supply, which includes on-site retention of sediment to be maximised by routing all drainage through the site drainage system, and measures to intercept sediment runoff at source in the drainage system using suitable filters to remove sediment from water discharged to the surface drainage network. Table 21.3 also includes mitigation measures relevant to the supply of contaminants.</p> <p>In addition, if a discharge licence is required at any stage, the Project will obtain that licence and comply with any conditions to ensure discharge water is free from sediment or other potential pollutants (please also refer to the Consents and Licences Statement <b>[AS-030]</b>).</p>
Q9.1.12	The Applicant	<p><b>Article 19 Authority to survey and investigate the land onshore</b></p> <p>The EM [AS-024] paragraph 4.4.7 explains that this is a modified model provision which allows the Undertaker to survey and investigate land, including bringing equipment onto the land and making trial holes, bore holes and trenches. Please reconsider whether the 14 days' notice period would provide a reasonable period for the landowner to prepare for the exercise of the power of entry, for example, where the land may be used for accommodating livestock. Please explain why a period of 28 days' notice of surveys or investigations could not be provided and set out any financial or timing implications that might be associated with that.</p>	<p>The Applicant considers the drafting included in Article 19 of the draft DCO <b>[REP1-011]</b> is well preceded among drafting in other offshore wind farm Orders as well as other NSIP Orders.</p> <p>Additionally, the drafting is aligned with statutory notice powers under section 53 of the Planning Act 2008 and section 172 of the Housing and Planning Act 2016.</p> <p>As such, the Applicant considers that 14 days provides reasonable notice to landowners to prepare for the exercise of the power of entry.</p> <p>Notwithstanding the Applicant's position set out above, through ongoing engagement with Affected Parties, the Applicant is of the understanding that (with the exception of plots 07-009, 08-006 and 08-013 which in any case are proposed for trenchless crossing) no livestock is present within the Order Land requiring additional notice to make alternative arrangements.</p>
Q9.1.13	The Applicant	<p><b>Part 5 – Powers of Acquisition</b></p> <p><b>Article 31 Temporary use of land for carrying out the authorised development</b></p> <p>The EM [AS-024] paragraph 4.5.20 confirms that before giving up occupation of land the Undertaker must remove the temporary works and restore the land to the reasonable satisfaction of the owner. However, the model provision has been modified to specify certain operations that are not required to be removed. In addition, the Undertaker is not required to replace any building, structure, drain or electric line removed under this article. The EM indicates that this approach is specific to the</p>	<p>Please refer to section 5.5.4 of the Statement of Reasons <b>[AS-028]</b>. Article 31 permits the Applicant to take temporary possession of any other part of the Order Land where it has not yet exercised powers of compulsory acquisition – this will allow the Applicant (for example) to initially take temporary possession of the whole width of corridors required for the onshore cable route. Once the Applicant has carried out detailed surveys and installed the relevant apparatus (such as pipes or cables) within the wider construction corridor, the Applicant can then acquire new rights (pursuant to the powers set out above) within only a narrower strip where permanent rights are required. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the apparatus.</p> <p>The aspects captured under Article 31(4)(a) to (e) are all works that it is anticipated will be constructed in the narrower strip where permanent rights are eventually secured. As drafted, Article 31 enables the Applicant to leave these works in situ once constructed which is required to facilitate the scenario outlined above.</p>

		<p>Proposed Development and is necessitated by it.</p> <p>(i) Please provide further justification for those aspects that the Undertaker is not required to remove or restore set out in Article 31 (4) (a) to (e).</p> <p>(ii) Provide further details to support the modification of the model provision in this instance, fully explaining why the Proposed Development necessitates such an approach.</p>	<p>Where permanent rights are not being obtained, Article 31(4) makes it clear that the Applicant is not required to undo improvements made to the land or the permanent diversion of utilities. However, Article 31 needs to be read in the context of the obligations set out in the various management plans secured in the Requirements.</p>
Q9.1.14	The Applicant	<p><b>Article 32 Temporary use of land for maintaining the authorised development</b></p> <p>The EM [AS-024] paragraph 5.5.22 explains that the maintenance period in which the power under Article 32 can be exercised means the period during which the Proposed Development is in operation after construction and commissioning is complete. The power cannot be exercised in respect of a house or any other building where it is occupied.</p> <p>(i) Please explain further the need for this power and justify the period of time within which it may be exercised.</p> <p>(ii) How is it intended that ‘occupied’ is to be interpreted, for example, would it include a building in which livestock are housed? Does it require specific definition?</p> <p>(iii) Whilst the Undertaker may only retain possession for as long as is reasonably necessary to carry out the maintenance there is no back-stop period within which the maintenance activities must be completed and hence no encouragement for the Undertaker to cease possession of the land sooner than later. Explain why that represents a reasonable approach and why a long-stop date by which the TP of this land must cease cannot be included?</p>	<p>(i)</p> <p>This power, which is based on the corresponding provision of the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, is required to enable the Applicant to temporarily access and use land to maintain the Project during operation after construction and commissioning is complete. This power is required during the operational life of the Project to reduce the need to permanently acquire land or rights over land. Article 32(4) restricts the duration of any period of possession to as “<i>long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken</i>”.</p> <p>The drafting has precedent in Article 28 of the Awel y Môr Offshore Wind Farm Order 2023.</p> <p>(ii)</p> <p>The term “occupied” has its natural meaning and refers to occupation by a person. This is consistent with the use of the term “occupied”, “occupier” and “occupation” in the Planning Act 2008.</p> <p>(iii)</p> <p>As the nature and the extent of any specific maintenance activity is not known at this stage, the Applicant considers that the requirement to only stay in possession as long as is reasonably necessary to carry out the particular activity is reasonable and proportionate.</p>



Q9.1.15	The Applicant	<p><b>Article 33 Statutory Undertakers</b></p> <p>The EM [AS-024] paragraph 4.5.25 indicates that this article is based on the model provision subject to some amendments. It provides for the acquisition of land belonging to statutory undertakers that is identified in the BoR [AS-026]. This includes a power to move the apparatus of those statutory undertakers and to extinguish their rights.</p> <p>(i) Please note that where a representation is made under s127 PA2008 and has not been withdrawn, the SoS will be unable to authorise Article 33 unless satisfied evidence that the tests in s127 would be met. The Applicant is requested to provide specific evidence in relation to each statutory undertaker that the tests in s127 or 138 PA2008, as appropriate, would be met.</p> <p>(ii) Please provide a full explanation of and justification for the amendments to the model provisions.</p>	<p>(i)</p> <p>Please refer to section 10.3 of the Statement of Reasons <b>[AS-028]</b> for information about the Applicant's position in respect of the application of the tests under section 127 and 138 of the Planning Act 2008. The Applicant is seeking to agree protective provisions with each affected statutory undertaker so that any representations can be withdrawn. The Applicant will, where representations are outstanding towards the end of the Examination, set out its case as to how the tests set out in Section 127 Planning Act 2008 have been satisfied.</p> <p>(ii)</p> <p>The material amendments to model provision 31 are required to:</p> <ul style="list-style-type: none"> <li>clearly indicate that the powers under article 33 are subject to the protective provisions contained in Schedule 14; and</li> <li>otherwise ensure that the Applicant has the following powers required to deliver the Project: <ul style="list-style-type: none"> <li>impose restrictive covenants over land belonging to statutory undertakers within the Order land; and</li> <li>suspend the rights of, or restrictions of the benefit of, or relocate (in addition to removing or repositioning per the model provision) the apparatus belonging to statutory undertakers over or within the Order land.</li> </ul> </li> </ul> <p>Please see sections 5.4.3 to 5.4.6 and 10.2.9 of the Statement of Reasons <b>[AS-028]</b> in relation to the need for a power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under the draft DCO.</p> <p>This amended drafting has precedent in the Hornsea Four Offshore Wind Farm Order 2023 (article 30). Similar drafting in relation to the power to impose restrictive covenants was included in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (article 27) and the Hornsea Three Offshore Wind Farm Order 2020 (article 28).</p>
Q9.1.16	The Applicant	<p><b>Part 7 Miscellaneous and General</b></p> <p><b>Article 38 Operational land for the purposes of the 1990 Act</b></p> <p>The EM [AS-024] paragraph 4.7.2 states that this article has the effect of ensuring that the land on which the Authorised Development is constructed will be "operational land" under s263 of the 1990 Act to ensure that planning rights attaching to the undertaker in relation to operational land have effect as they would do if planning permission had been granted for the authorised development. Please specify the particular planning rights that the Applicant seeks to safeguard in this way and explain why this article is necessary to ensure that those</p>	<p>Articles 37 to 46 include provisions relating to the application of statutes relating to leases, that the Order land will be 'operational land', allow for the felling or lopping of trees and removal of hedgerows, provide for the certification of documents relevant to the Order, arbitration in case of disagreements under the Order, provide an ability to use the appeal mechanism in s.78 of the 1990 Act where a party either refuses or withholds consent required under a requirement attached to the DCO, cover the abatement of works abandoned or decayed, secure saving provisions for Trinity House, and a provision in respect of Crown land. Please refer to section 4.7 of the Explanatory Memorandum <b>[AS-024]</b> for further information about the rights contained in those articles.</p> <p>Article 38 forms part of the model provisions and has precedent in numerous made Orders including the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (article 32), the Hornsea Four Offshore Wind Farm Order 2023 (article 35) and the Hornsea Three Offshore Wind Farm Order 2020 (article 33).</p> <p>Article 38 is required to give clarity as to the status of the land as a development consent does not automatically constitute a planning permission (as defined in s164(5) of the Town and Country Planning Act 1990). There are various provisions in the Town and Country Planning Act 1990 that either apply or expressly disapply to the operational land</p>



		rights are enjoyed given the particular circumstances of the Proposed Development.	of statutory undertakers. The Applicant considers it appropriate and necessary for the same protections to be applied as if the Project had been consented via a planning permission.
Q9.1.17	The Applicant	<p><b>Article 39 Felling or lopping of trees and removal of hedgerows.</b></p> <p>The EM [AS-024] paragraph 4.7.3 explains that paragraph (2) provides the power for the Undertaker to remove the hedgerows and important hedgerows listed in Schedule 11 to the extent and for the purposes specified in that Schedule.</p> <p>(i) Explain why this power is necessary in relation to hedgerows given the existing powers available to the Applicant to remove hedgerows under the Hedgerow Regulations 2024?</p> <p>(ii) Notwithstanding the details provided in the EM and Schedule 11 of the dDCO [AS-022], please explain in detail why it is necessary to remove those parts of the important hedgerows specified in that schedule?</p>	<p>(i)</p> <p>The powers under the Management of Hedgerows (England) Regulations 2024 relate to cutting and trimming of important hedgerows and restrict works to certain times of the year.</p> <p>In respect of the removal of hedgerows, the Hedgerows Regulations 1997 prohibit the removal of important hedgerows without consent of the local planning authority subject to a number of limited exceptions. Article 39 is required to ensure that the works necessary to facilitate the Project can be carried out without the need for any additional approvals. This is based on the principle that the DCO should (so far as is practicable) contain all of the consents required for a NSIP.</p> <p>(ii)</p> <p>The power in Article 39 must be read in conjunction with other provisions and obligations in the draft DCO including the requirement to submit for approval and comply with the Landscape and Ecological Management Plan. The Outline Landscape and Ecological Management Plan <b>[REP1-035]</b> sets out where the Applicant has committed to trenchless crossings of hedgerows. Please see the response to Q14.1.19 below.</p>

Q9.1.18	The Applicant	<p><b>Article 40 Trees subject to tree preservation orders</b></p> <p>The EM [AS-024] paragraph 4.7.6 states that this article is a model provision save that it applies generally to any tree subject to a tree preservation order made before and after the date of the Order coming into effect and either within or overhanging the Order limits. Notwithstanding the reference to the other Orders where this approach has been utilised, please explain in detail why it is necessary in this case to expand the scope of the article in this way and why the trees concerned cannot be identified at this stage and described in a schedule to the dDCO?</p>	<p>[</p> <p>The trees within the Order limits that are currently subject to tree preservation orders are shown on the Tree Preservation Order and Hedgerow Plan <b>[APP-207]</b>.</p> <p>The power in Article 40 is drafted so as to apply to both existing trees subject to a tree preservation order and any trees that may become subject to a tree preservation order in the future. This is required to ensure the deliverability of the Project.</p>
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## 9.2 Schedule 1 – Authorised Development

ExQ1	Question to:	Question:	Applicant's Response
9.2 Schedule 1 – Authorised Development			
Q9.2.1	The Applicant	<p><b>Schedule 1 Part 2 Ancillary works</b></p> <p>Please confirm that the ancillary works have been defined to ensure that they are restricted to what has been assessed in the ES and set out where within the ES that has been done?</p>	<p>“Ancillary Works” has been defined by reference to Part 2 of Schedule 1 (ancillary works), where the types of works are listed:-</p> <p>(a) intrusive ground investigations including the making of bore holes and trial pits which have been assessed in the ES in ES Chapters 19 – 33 <b>[APP-033 to APP-044, AS-010, APP-046 and APP-047]</b>.</p> <p>(b) temporary landing places, moorings or other means of accommodating vessels in the construction, maintenance and/or decommissioning of the authorised development, which have been assessed in the ES in Chapters 8 - 16 <b>[APP-022 to APP-030]</b>.</p> <p>(c) marking buoys, beacons, fenders and other navigational warning or ship impact protection works, which have been assessed in the ES in Chapter 15 Shipping and Navigation <b>[APP-029]</b>; and</p> <p>(d) temporary works for the benefit or protection of land, watercourses or structures affected by the authorised development, which have been assessed in the ES in Chapter 21 Water Resources and Flood Risk <b>[APP-035]</b> and ES Chapter 22 Land Use and Agriculture <b>[APP-036]</b>.</p>

Q9.2.2	The Applicant	<p><b>Schedule 1 Part 3 Requirements</b></p> <p><b>Requirement 1 Time limits</b></p> <p>The EM [AS-024] paragraph 5.2.5 states that this requirement is based upon the model provisions but substitutes a requirement to commence the Authorised Development within 7 years of the date of the Order coming into force. Please provide further explanation and justification for the 7-year time limit sought notwithstanding the made Orders referred to in which it has been utilised.</p>	Please see Applicant's answer to Q1.1.3 above.
Q9.2.3	The Applicant	<p><b>Schedule 1 Part 3 Requirements</b></p> <p><b>Requirement 2 Offshore design parameters</b></p> <p>R2(2) refers to a Maximum height of wind turbine generators when measured from MHWS to the tip of the vertical blade (m) of 377.39m which is below the 377.4m quoted in Table 5.3 of ES Chapter 5 [APP-019]. Footnote 1, page 31, ES Chapter 17 Aviation and Radar, refers to a maximum tip height of 377m above HAT and a tip height of 379m amsl. Please confirm that the maximum tip heights quoted in ES Chapter 17 [APP-031] take account of the maximum tip height quoted in R2(2)?</p>	<p>As Requirement 2(2) limits the tip height to 377.39m above MHWS but Chapter 5 captures a tip height of 377.4m above MHWS (Table 5.3 ES Chapter 5 [APP-019]), the parameters of the Project as secured by the DCO are within those assessed in the ES. The discrepancy can be attributed to rounding.</p> <p>Section 17.5.1 of ES Chapter 17 Aviation and Radar [APP-031] models a worst case scenario of 379m above mean sea level (amsl) (equivalent to 378.93m above MHWS). The Applicant's position is that modelling based on a tip height of 379m amsl (which includes an additional precautionary height buffer above the maximum tip height of 377.4m above MHWS (equivalent to 377m above HAT)) is sufficient for the Applicant to robustly assess the impact of the Project's WTGs (of a maximum tip height of 377.39m above MHWS) on aviation and radar operations in the area. The Applicant can therefore confirm that the maximum tip heights quoted in ES Chapter 17 [APP-031] take account of the maximum tip height quoted in Requirement 2(2).</p>
Q9.2.4	The Applicant	<p><b>Requirement 2 Offshore design parameters</b></p> <p>The NE RR [RR-243] queries why the maximum amount of drill arisings is not included within the design parameters of either the requirements of the DML. NE recommends that the Applicant considers an amendment to the dDCO [AS-022] to include the maximum volumes of drill arisings within the requirements and both DMLs. Please indicate whether this is agreed and, if not, explain why not?</p>	The position is not agreed as the Applicant's position is that NE's concern in respect of drill arisings is sufficiently addressed by limiting the volume of sediment disposal. Please see the Applicant's response NE-48 to the NE's RR (RR-243) of the Applicant's Response to Relevant Representations from Natural England [REP1-044].

Q9.2.5	The Applicant	<p><b>Requirement 4 Stages of authorised development onshore</b></p> <p>R4(3) requires that construction of the onshore works must follow the details provided under sub-paragraph (2) of this requirement. Should this not refer to the details ‘approved’ rather than ‘provided’?</p> <p>R4 does not specify how the details to be submitted for approval by the relevant planning authority should be presented, for example, by way of written details and/or plans. Please review this and the other Rs in Schedule 2 that require the submission of details for approval and amend their wording as appropriate in order to provide clarity as to the form in which those details must be submitted.</p>	<p>The Applicant has updated Requirement 4 and other Requirements in Part 3 of Schedule 1 as necessary to implement these amendments in the draft DCO submitted at Deadline 2.</p> <p>The requirement to provide “details” has precedent in numerous DCOs, however, the Applicant has amended the draft DCO to clarify that the details should be in writing.</p>
Q9.2.6	The Applicant	<p><b>Requirement 5 Substation works</b></p> <p>R5(2) includes “<i>substantially in accordance with the design vision.</i>” Please justify the inclusion of the term “substantially” in this requirement given the lack of precision this introduces for enforcement purposes?</p>	<p>The term “substantially in accordance” has precedent in numerous DCOs and reflects the fact that the detailed design for the Project will take place post consent.</p> <p>The Planning Inspectorate drafting guidance (Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects) provides that Requirements can impose an obligation on the applicant to seek approval of final details of the proposed development prior to construction (as is proposed for Requirement 5). However, these Requirements “<i>should not prevent the discharging authority from approving details which would lead to environmentally better outcomes where appropriate</i>”.</p> <p>The Applicant accordingly does not accept that the wording is imprecise for enforcement purposes and submits that this drafting follows the guidance in allowing for some flexibility and minor deviation. The Applicant also submits that the Requirement requires the approval of the final details and the discharging authority could refuse to approve the details of the substation works submitted under subparagraph (1) if they did not sufficiently accord with the design vision.</p>
Q9.2.7	LAs	<p><b>Requirement 5 Substation works</b></p> <p>(i) Please confirm that you are content with the Design Vision [APP-234] and the Design Process – Post-DCO Consent shown in Section 1.6 of that document required to develop the detailed design for approval under R5?</p> <p>(ii) Does R5 provide sufficient control for all design aspects?</p> <p>(iii) Should the Design Vision be a separate certified document within Schedule 12 Part 3 of the dDCO [AS-022]?</p> <p>(iv) The Design Vision paragraph 1.4.3 refers to the production of a Design Guide to inform the detailed design proposals. Should the</p>	<p>The Applicant has updated the draft DCO at Deadline 2 to include the Design Vision [APP-234] as a certified document.</p>

		production of that Design Guide be specifically secured by the dDCO?	
Q9.2.8	The Applicant	<p><b>Requirements 2 and 6 – Offshore design parameters and detailed onshore design parameters</b></p> <p>The MMO RR [RR-216] paragraph 3.4.5 includes reference to the ‘Rochdale Envelope’ case. The EM [AS-024] paragraph 1.5.1 states that: “<i>the design parameters secured in Requirements 2 and 6 of Part 3 of Schedule 1 provide flexibility in the delivery of the Authorised Development. This approach has been recognised as appropriate for a wide range of NSIPs and is described in PINS Advice Note 9: Rochdale Envelope (July 2018)</i>”. The Planning Inspectorate advice note nine: Rochdale Envelope (Planning Inspectorate, 2018) states: “<i>The ‘Rochdale Envelope’ approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty</i>”. However, it also indicates that the need for flexibility should not be abused.</p> <p>(i) Explain further how the parameters for the Proposed Development can be regarded as being ‘clearly defined’ and sufficiently detailed to enable a proper assessment to be carried out which considers the ‘worst case’ scenario.</p> <p>(ii) Explain further how the approach to the description of the development consistently</p>	<p>(i) The design envelope presented within ES Chapter 5 Project Description [APP-019] and considered within the ES is based on maximum and minimum parameters, where appropriate, to ensure the worst-case scenario can be quantified and is assessed in the EIA. The final design of North Falls will lie within the range of parameters assessed in the EIA and detailed in ES Chapter 5 Project Description [APP-019]. This follows the standard approach for offshore wind farms. The Applicant has continued to review the need for flexibility throughout the pre-application and post submission stages of the Project and made significant refinements to its design envelope, including for example, reducing the height and number of wind turbines following Section 42 consultation and removing gravity base foundations from the design envelope (secured through the draft DCO submitted at Deadline 1 [REP1-011 (Clean) and REP1-012 (tracked)]).</p> <p>(ii) Each technical chapter (Chapters 8 to 33 [APP-022 to APP-044, APP-046, AS-010, APP-047, AS-012]) of the ES outlines the relevant worst case scenario, noting that this will vary depending on the receptor and impact being considered. For example, with regards to duration of foundation construction (see Section 5.5.3.3 of ES Chapter 5 Project Description [APP-019]), the worst case scenario for underwater noise would be based on foundations installed using pile driving, whereas the worst case scenario for habitat loss would be based on gravity base foundations with the largest seabed footprint.</p> <p>(iii) The use of a ‘worst-case scenario’ approach outlined under (ii) above and described in detail in ES Chapter 5 Project Description [APP-019] allows for a detailed assessment to be undertaken within each chapter of the ES, whilst still ensuring the ‘worst case’ impacts are considered.</p> <p>For each technical chapter, the first stage of this process is to identify which of the three build options for the Project outlined in Section 5.3.1 of ES Chapter 5 Project Description [APP-019] represents the ‘worst-case’:</p> <ul style="list-style-type: none"> <li>• Option 1: Onshore electrical connection at a national grid connection point within the Tendring peninsula of Essex, with a project alone onshore cable route and onshore substation infrastructure;</li> <li>• Option 2: Onshore electrical connection at a national grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route and onshore duct installation (but with separate onshore export cables) and co-locating separate project onshore substation infrastructure with Five Estuaries; or</li> <li>• Option 3: Offshore electrical connection, provided by a third party.</li> </ul>



		<p>addresses the uncertainty and necessary flexibility across all relevant application documents.</p> <p>(iii) Please explain how notwithstanding the flexibility incorporated within the project, the ExA can be assured that the likely significant environmental effects from the Proposed Development have been properly assessed and presented in the ES.</p> <p>(iv) In relation to R6(2)(a), (b) and (c) and Work No 11 (onshore substation), fully explain and justify the need for the proposed maximum heights for the building, external electrical equipment or enclosure, lightning rods and area of the fenced compound specified therein.</p>	<p>Once the option which represents the worst case has been selected, then the relevant ‘worst-case’ parameters for that option from ES Chapter 5 Project Description <b>[APP-019]</b> are summarised in the ‘worst case scenario’ table for each ES chapter (see for example Table 8.2 in ES Chapter 8 Marine Geology Oceanography and Physical Processes <b>[APP-022]</b>). The detailed parameters presented in the worst case scenario table for each chapter then form the basis of the technical assessment presented in that chapter. This ensure that although the assessment is undertaken using a ‘worst-case’, it is precise and can reach a conclusion regarding the significance of the effects relating to the receptors considered in each chapter.</p> <p>(iv) The proposed building and equipment heights are based on initial design work for an AIS substation. These have been sized based on estimated equipment sizes from initial calculations of requirements e.g. initial estimates of reactive compensation needed for STATCOMs and reactors. Transformers have been sized based on previous experience of others similar sized offshore windfarm projects, and lightning masts sized based on typical requirements given previous experience. All sizes will need to be refined once more detailed sizing is available. The proposed substation area has then been defined based on the sizes of this equipment, spaced apart to allow for electrical safety clearances and with an allowance for mechanical handling of large components.</p>
Q9.2.9	The Applicant	<p><b>Requirement 7 Provision of landscaping</b></p> <p>The NE RR [RR-243] states that it would expect this requirement to also cover survey methods, monitoring requirements and the requirement to maintain, including the potential for replanting due to plant failures. NE also seeks to be consulted on the landscaping scheme prior to approval by the relevant LA. Please indicate whether the amendments suggested by NE to this requirement is agreed and, if not, explain why not?</p>	<p>Requirement 7 provides that the final landscaping scheme must be substantially in accordance with the Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b>, which is a secured document and contains the information sought by Natural England. As such, no amendment to Requirement 7 is required to address this point.</p> <p>The Applicant has amended Requirement 7 of the draft DCO <b>[REP1-011]</b> at Deadline 1 to include Natural England (as relevant statutory nature conservation body) as a consultee.</p>
Q9.2.10	The Applicant	<p><b>Requirement 8 Code of construction practice</b></p> <p>The NE RR [RR-243] requests a drafting amendment to include a requirement to consult the relevant Statutory Nature Conservation Body (SNCB) on the Code of Construction Practice (CoCP). NE also recommends that the requirement should require the final CoCP to be in accordance with the outline CoCP. Please indicate whether the amendments suggested by NE to this requirement is agreed and, if not, explain why not?</p>	<p>Requirement 8 already requires the Code of Construction Practice to be substantially in accordance with the Outline Code of Construction Practice <b>[APP-248]</b> and so no amendment to Requirement 8 is required to address this point.</p> <p>The Applicant has amended Requirement 8 of the draft DCO <b>[REP1-011]</b> at Deadline 1 to include Natural England (as relevant statutory nature conservation body) as a consultee.</p>

Q9.2.11	The Applicant	<p><b>Requirement 10 Permanent highway access</b></p> <p>Is R10 intended to also include the approval of written design details of permanently widening and improving Bentley Road from the A120 to Works No. 6, or is it limited to highway accesses? If the Bentley Road works are intended to be included in R10, please provide modified wording for this requirement to clarify this? If not, please clarify where this approval is covered.</p>	<p>Requirement 10 relates to new accesses or permanent alterations to existing accesses.</p> <p>Works to widen and improve existing highways are controlled via Articles 10 and 16 and the approval of the Construction Traffic Management Plan pursuant to Requirement 9 (see section 4.5 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b>).</p>
Q9.2.12	The Applicant	<p><b>Requirement 11 Onshore archaeology</b></p> <p>The Historic England RR [RR-130] requests that this requirement is amended to include consultation with Historic England and the County Council archaeological service (Essex Place Services), prior to approval. Furthermore, they recommend that the dDCO requirement should explicitly allow for a first, evaluation stage of archaeological work in each stage, before securing a detailed investigation stage to follow. Please indicate whether these amendments to R11 are agreed and, if not, explain why not?</p>	<p>The Applicant has amended Requirement 12 at Deadline 1 to include Historic England as a consultee, alongside the discharging authority. The Applicant is in consultation with Historic England to agree the revised wording to the dDCO.</p>
Q9.2.13	The Applicant	<p><b>Requirement 12 Ecological Management Plan</b></p> <p>The NE RR [RR-243] requests a drafting amendment to the provision to state that no pre commencement clearance works should be undertaken until a written EMP, as relevant to the stage of the works, has been submitted to, and approved by, the LA following consultation with the relevant SNCB. Please indicate whether the amendments suggested by NE to this requirement are agreed and, if not, explain why not?</p>	<p>Requirement 13(3) suitably controls ecological management in respect of pre-commencement works, which must be in accordance with the OLEMS <b>[REP1-035]</b>, submitted with the DCO application and available for review and comment now. There is no need for a further document as measures relevant to pre-commencement works are set out now. Such a provision would be administratively burdensome and unnecessary for minor works such as temporary fencing. The Applicant has amended Requirement 12 at Deadline 1 to include Natural England (as relevant statutory nature conservation body) as a consultee.</p>

Q9.2.14	The Applicant	<p><b>Requirement 13 Soil Management Plan</b></p> <p>The NE RR [RR-243] requests a drafting amendment to the provision to include a requirement to consult with it on this plan. Please indicate whether the amendment suggested by NE to this requirement is agreed and, if not, explain why not?</p>	<p>The Applicant has amended Requirement 13 at Deadline 1 to include Natural England (as relevant statutory nature conservation body) as a consultee.</p>
Q9.2.15	The Applicant	<p><b>Requirement 16 Restoration of land used temporarily for construction</b></p> <p>Please explain how it is intended that any such land reinstatement would be satisfactorily achieved and controlled?</p>	<p>Following construction, where land has been used temporarily the Project will reinstate the surface of the affected land to a condition similar to that which existed prior to entry being taken and as evidenced by a pre-entry Record of Condition.</p> <p>A Record of Condition will be undertaken prior to entry to assess the soil composition and depth of topsoil. This information will be used during reinstatement to ensure the soils are returned to their former condition suitable for previous use. A Soil Management Plan for managing top/subsoil during and after construction will be included within the project's Code of Construction Practice (CoCP), secured through Requirement of the draft DCO [REP1-011]. Please see Section 1.6 of the Outline Code of Construction Practice (OCoCP) [AREP1-033] for further details.</p> <p>Contractors will abide by Department for Environment, Food and Rural Affairs (Defra's) 2009 Construction Code of Practice for the Sustainable Use of Soils on Construction Sites PB13298 or latest relevant available guidance, ensuring the working area will be reinstated to its pre-existing condition as far as reasonably practical. Habitat reinstatement method statements will be implemented for all habitats reinstated following the completion of construction (including semi-improved grassland, hedgerows and arable field margins). Specific replanting measures are set out within the Outline Landscape and Ecological Management Strategy, which is secured via a Requirement of the Draft DCO [REP1-035].</p> <p>The Project's infrastructure has been designed to minimise impacts on receptors, including agricultural land. All cabling infrastructure will be buried below at least 0.9m depth to ensure that agricultural practices can continue following the completion of construction. Where agricultural land is used temporarily for construction, a pre-construction land survey would be undertaken by an Agricultural Land Officer (ALO) to record details of crop regimes, position and condition of field boundaries, existing drainage and access arrangements, and private water supplies. Land would be reinstated to its pre-construction condition as soon as reasonably practicable following onshore cable installation. Post-construction the ALO will remain appointed for up to one year in order to manage remediation issues.</p> <p>Existing land drains along the onshore cable route and at the onshore substation will be reinstated, where practicable and in agreement with each Landowner, following construction. A specialist drainage contractor will undertake surveys to locate drains and create drawings both pre- and post-construction and ensure appropriate reinstatement. The Construction Surface Water Drainage Plan, which will be developed as part of the CoCP, will include provisions to minimise water within the working area and ensure ongoing drainage of surrounding land. In the event reinstating existing land drains is not feasible, there will be an agreed post construction drainage scheme implemented.</p>

Q9.2.16	The Applicant	<p><b>Requirement 18 Skills and Employment Plan</b></p> <p>R18(1) includes “<i>substantially in accordance with the outline skills and employment plan.</i>” Clarify why this requirement is qualified by the term ‘substantially’ and justify its use in this context given the lack of precision this term introduces for enforcement purposes?</p>	<p>The term “substantially in accordance” has precedent in numerous DCOs and reflects the fact that the detailed design for the Project will take place post consent.</p> <p>The Planning Inspectorate drafting guidance (Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects) provides that Requirements can impose an obligation on the applicant to seek approval of final details of the proposed development prior to construction (as is proposed for Requirement 18). However, these Requirements “<i>should not prevent the discharging authority from approving details which would lead to environmentally better outcomes where appropriate</i>”.</p> <p>The Applicant accordingly does not accept that the wording is imprecise for enforcement purposes and submits that this drafting follows the guidance in allowing for some flexibility and minor deviation. The Applicant also submits that the Requirement requires approval of the final details and the discharging authority could refuse to approve the skills and employment plan submitted under subparagraph (1) if it did not sufficiently accord with the outline skills and employment plan.</p>
Q9.2.2	The Applicant, LAs	<p><b>Requirement 19 Onshore build options</b></p> <p>R19(1) appears to be designed to restrict the authorised development to one only of Build Option 1, 2a or 2b.</p> <p>(i) There would seem to be a typographical error as the clause uses “and” instead of “or” between 2a and 2b and there is no “or” between 1 and 2a. Please review and amend accordingly.</p> <p>(ii) Following notification to the LA under R19(2) should it be specified that thereafter no other option may be commenced?</p> <p>(iii) Please explain how it is intended that R19 should operate in the event that the VEOWF DCO were to be made and commence development before NFOWF, or alternatively, that the NFOWF DCO were to be made and commence development first. Does the Requirement need amendment to preclude other options in those circumstances, or is it sufficiently robust as it stands?</p> <p>(iv) To provide clarity in the event that Build Option 1 is the chosen option, should a revised set of Onshore Works Plans also be submitted to the relevant local planning authority to indicate precisely the land required to implement that ‘lesser’ option in land-take terms?</p>	<p>(i)</p> <p>The Applicant has updated the draft DCO at Deadline 2 to make the drafting consistent with the drafting of the equivalent requirement in the Five Estuaries draft DCO.</p> <p>(ii)</p> <p>The Applicant has updated the draft DCO at Deadline 2 to make the drafting consistent with the drafting of the equivalent requirement in the Five Estuaries draft DCO. The Applicant does not consider it appropriate to specify that the other build option cannot then be commenced under any circumstances.</p> <p>(iii)</p> <p>The Applicant submits that no amendment is necessary as the build options were designed to account for either development commencing first or VEOWF not commencing at all. As drafted, build option 1 covers a scenario where the Applicant only constructs those works required for the Authorised Development and build option 2 (being build option 2A and build option 2B) covers circumstances where the Applicant and Five Estuaries each consents ducts for their own and the other project, with the first to construct completing ducting for both projects and the later pulling electrical cables through pre-laid ducts at a later date.</p> <p>Please refer to section 3.3 in the Explanatory Memorandum <b>[AS-024]</b> for further information on coordination between the Applicant and VEOWF in respect of the build options in the draft DCO.</p> <p>(iv)</p> <p>All of the works identified in Part 1 of Schedule 1 of the draft DCO form part of the authorised development for which consent would be granted. If Build Option 1 is the chosen option, certain elements of the authorised development would not be taken forward but the approach to the plans would not change.</p> <p>The draft DCO adopts the ‘corridor approach’ which is common in offshore wind farm DCOs and other linear developments. Under this approach, the DCO order limits set out a corridor within which the relevant infrastructure can be delivered. The approach allows for a wider area than is necessary to carry out the development to facilitate</p>



			<p>detailed design and micro siting within the corridor with the final land take post-build being smaller in order to minimise the use of compulsory acquisition powers.</p> <p>The Applicant notes that Works Plans are documents certified by the Secretary of State post-consent but the version certified is the version that the Secretary of State approved when granting the DCO. Therefore, a 'new' set of works plans would not have any status and the certified plans would remain the Works Plans to which the DCO consent applies. Accordingly, the Applicant submits that a revised set of Onshore Works Plans should not be submitted in the event that Build Option 1 is the chosen option because that would be contrary to DCO practice and precedent and could not act to override the certified plans and provide the precision sought.</p>
Q9.2.18	The Applicant	<p><b>Requirement 19 Onshore build options</b>  The NE RR [RR-243] notes that nowhere within the DMLs does there appear to be any requirement to notify the MMO as regards the chosen build option. In addition, there does not appear to be any requirement for the NFOWF and the VEOWF developments to co-ordinate their response to the chosen build options. NE recommends consideration of including provisions for co-operation and for notification to the MMO as offshore enforcing body of the build option selected. Please indicate whether it is agreed that the dDCO should include such provisions, whether by way of amendment to R19 and/or the DMLs and, if not, explain why not?</p>	<p>The Applicant considers a requirement to notify the MMO to be unnecessary as this Requirement relates to onshore works only.</p> <p>The Applicant notes that there is a similar Requirement in the Five Estuaries draft DCO.</p> <p>By design, build options 2A and 2B require cooperation between the Applicant and VEOWF. However, the timing of the discharge of this Requirement will depend on the progress of each project and may not be concurrent. It is therefore not considered appropriate to add an obligation to co-operate on the timing of the discharge of this Requirement.</p>
Q9.2.19	The Applicant	<p><b>Requirement 19 Onshore build options</b>  The ExA notes that whilst R19 makes provision for the Undertaker to choose between different build options, in the case of East Anglia One DCO R29 (a) required all cable ducts forming part of the onshore connection works to be installed simultaneously together with the onshore cables for the authorised project forming part of the onshore connection works. Please explain why greater certainty could not be given in this case of the chosen option through a similar requirement and why that level of co-ordination with Five Estuaries cannot be achieved?</p>	<p>Please see the response to Q3.1.12 above which explains why the Applicant cannot commit to constructing the ducts for Five Estuaries at this stage.</p> <p>The Applicant notes that the Requirement 29 in the East Anglia One DCO relates to laying ducts and cables at the same time (as opposed to laying the ducts and then pulling through the cables at a later date). This Requirement does not deal with the situation where one project is laying the ducts for another project.</p>



Q9.2.20	The Applicant	<p><b>Requirement 20 Reuse of temporary works with the onshore works for Five Estuaries</b></p> <p>The EM [AS-024] paragraph 5.2.5 explains that this requirement enables the Undertaker to reuse any temporary works which have already been constructed pursuant to the development consent order for the Five Estuaries. Sub-paragraph (3) provides for similar reuse of temporary works constructed for the Proposed Development by Five Estuaries and provides that if such reuse is undertaken by Five Estuaries, then the Undertaker is not required to maintain, restore or reinstate any such temporary works. Should the requirement make it explicit that the contrary applies i.e. if the works are not so reused then the Undertaker must maintain, restore or reinstate any such temporary works? Is there a superfluous “be” in R20(3) line 2?</p>	<p>In the scenario where temporary works are not reused by Five Estuaries, the Applicant will be obliged to maintain, restore or reinstate such temporary works in accordance with the Requirement 16 and the Code of Construction Practice. The Applicant does not consider it necessary to duplicate the Requirement 16 or the requirement to comply with the Code of Construction Practice in Requirement 20.</p> <p>The Applicant has updated the draft DCO at Deadline 2 to delete the superfluous “be” in Requirement 20(3).</p>
Q9.2.21	The Applicant	<p><b>Requirement 21 Biodiversity Net Gain</b></p> <p>The NE RR [RR-243] notes that the relevant SNCB is not listed as a consultee. Given the nature of this plan NE requests consultation on it. NE also advises that the requirement should ensure the strategy is enforced for a period of thirty years, or for the lifetime of the development. Please indicate whether the amendment suggested by NE to this requirement is agreed and, if not, explain why not?</p>	<p>Requirement 21 provides that the final biodiversity net gain assessment must be in accordance with the Biodiversity Net Gain Strategy <b>[APP-257]</b>, which is a secured document and which contains the information sought by Natural England. Requirement 21(2) requires the approved biodiversity net gain assessment to be implemented as approved. As the biodiversity net gain assessment will specify the length of time that the measures need to be maintained, there is no need to include an additional obligation in the Requirement itself to ensure the measures can be enforced. As such, no amendment to Requirement 21 is required to address this point.</p> <p>The Applicant has amended Requirement 21 at Deadline 1 to include Natural England (as relevant statutory nature conservation body) as a consultee <b>[REP1-011]</b>.</p>

Q9.2.22	The Applicant	<p><b>Requirement 24 Public rights of way</b> R24(2) includes “<i>substantially in accordance with the outline public rights of way management plan.</i>” Explain and justify the inclusion of the term ‘substantially’ in this context?</p>	<p>The term “substantially in accordance” has precedent in numerous DCOs and reflects the fact that the detailed design for the Project will take place post consent.</p> <p>The Planning Inspectorate drafting guidance (Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects) provides that Requirements can impose an obligation on the applicant to seek approval of final details of the proposed development prior to construction (as is proposed for Requirement 18). However, these Requirements “<i>should not prevent the discharging authority from approving details which would lead to environmentally better outcomes where appropriate</i>”.</p> <p>The Applicant submits that this drafting follows the guidance in allowing for some flexibility and minor deviation. The Applicant also submits that the Requirement requires an approval of the final details and notes that the discharging authority could refuse to approve the public rights of way management plan submitted under subparagraph (1) if it did not sufficiently accord with the outline public rights of way management plan.</p>
Q9.2.23	The Applicant	<p><b>Requirement 29 (Obstacle free zone for navigational safety)</b> MCA’s RR [RR-217] regarding R29 states: “<i>It is important that the 1NM distances from the TSS and Precautionary Area boundaries are not measured to the turbines at sea level and that the blade overfly is not within the area defined by the coordinates. The distances must be measured to the blade tips. We request confirmation from the Applicant on this point and request Part 3 s.29 is amended accordingly.</i>” Please reconsider the wording in the dDCO in the light of the MCA’s RR.</p>	<p>Please see the Applicant’s response MCA-02 to the MCA’s RR [MCA-217] of the Applicant’s Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p>
Q9.2.24	The Applicant	<p><b>Requirement 29 (Obstacle free zone for navigational safety)</b></p> <ul style="list-style-type: none"> <li>(i) Please can you produce a new separate plan to include within the existing Offshore Order Limits and Boundary Coordinates Plan [APP-203] document which shows the coordinates for the obstacle free zone and the order limits and the boundary coordinates.</li> <li>(ii) Can a new separate plan also be provided to show the safety zones in relation to the obstacle free zone, the order limits and the boundary coordinates.</li> </ul>	<ul style="list-style-type: none"> <li>(i) The Offshore Order Limits and Boundary Coordinates Plan <b>[5.8, Rev 1]</b> has been updated to show the obstacle free zone and is submitted at Deadline 2.</li> <li>(ii) 500m safety zones, as assessed in ES Chapter 15 Shipping and Navigation <b>[APP-029]</b> will apply on a rolling basis around structures where active construction or major maintenance is occurring. This means the extent to which they intersect the obstacle free zone will depend on where the final structure positions are located. However, given the obstacle free zone ensures a minimum distance of 1nm (1.85km) between all infrastructure and the Sunk Outer Precautionary Area and Traffic Separation Schemes, no impact would be anticipated on the vessels using those routeing measures from the safety zones.</li> </ul>

Q9.2.25	The Applicant	<p><b>Requirements 8: Code of Construction Practice, 12: Ecological Management Plan, 14: European Protected Species; onshore, 15: Groundwater Monitoring, 22: Operational Drainage Strategy, 23: Horizontal Directional Drilling (HDD) Method Statement</b></p> <p>The EA in its RR [RR-091] submits that it should be listed as named consultees for the above Requirements because these processes fall under its remit. Please confirm that this is agreed and, if so, amend the dDCO [AS-022] to reflect this.</p>	<p>The Applicant is keen to consult with the Environment Agency during the development of the Outline Code of Construction Practice <b>[REP1-033]</b>, however the Applicant does not intend to add the Environment Agency as a named consultees to any of the Requirements of the Draft DCO <b>[AS-022]</b> at this stage. The Applicant will seek further discussion with the Environment Agency on this point during ongoing engagement on a Statement of Common Ground.</p>
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### 9.3 Schedule 3 – Traffic Regulation

ExQ1	Question to:	Question:	Applicant's Response
9.3 Schedule 3 – Traffic Regulation			
Q9.3.1	The Applicant	<p><b>Schedule 3 Traffic Regulation</b></p> <p>Clarify what amendments are proposed to the dDCO [AS-022] to incorporate how the existing 7.5 tonne weight restriction (except for loading) on Bentley Road will be affected at its junction with the A120.</p>	<p>The existing 7.5 tonne weight limit extends from the A120 north along Bentley Road toward the A137. The weight limit also includes other roads that head north from the A120 such as the B1035 (Clacton Road), Cansey Lane and Park Road. It is understood from conversations with Essex County Council that the weight limit was introduced to prevent HGVs travelling north from the A120 toward the A137 (cutting through). The weight limit has an except for loading exception which allows vehicles over 7.5 tonnes to enter the weight limit to make deliveries. This means that vehicles would only be contravening the weight limit if they were to pass through without making a delivery. Noting that the accesses to the Project are within the weight limit, under the existing exception for loading HGV drivers servicing the Project will also be permitted to enter and depart via the A120. The Outline Construction Traffic Management Plan (OCTMP) <b>[REP1-039]</b> includes details of measures to ensure the drivers only arrive and depart via the A120 and details of how this will be monitored and enforced. The Applicant's position is therefore that no amendments are required to the draft DCO <b>[REP1-011]</b> in regard to this matter.</p>

#### 9.4 Schedule 8 – Deemed Marine Licence under the 2009 Act – Generation Assets

ExQ1	Question to:	Question:	Applicant's Response
9.4 Schedule 8 – Deemed Marine Licence under the 2009 Act – Generation Assets			
Q9.4.1	The Applicant	<p><b>Schedules 8-10 DMLs</b> The MMO RR [RR-216] Table 1 contains criticism of various aspects of the DMLs and suggests amendments to the drafting thereof.</p> <p>Please comment on the criticisms made and outline any drafting changes to which the Applicant proposes to make to the DMLs in response.</p>	The Applicant considers it has addressed all the concerns of the MMO set out in Table 1 of the MMO RR [RR-216], please see the Applicant's responses MMO-44 to MMO-90 of the <i>Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees</i> [REP1-045].
Q9.4.2	The Applicant	<p><b>Part 2 Conditions</b> <b>Condition 12 Maintenance of the authorised development</b> Condition 12(4) includes “<i>substantially in accordance with the outline offshore operations and maintenance plan.</i>”</p> <p>Please explain and justify the use of the term ‘substantially’ in this condition?</p>	<p>‘Substantially’ reflects that the operations and maintenance plan will be in accordance with the Outline Offshore and Maintenance Plan [APP-255] but subject to any changes required as part of the finalisation of the operations and maintenance plan happening post-consent, in conjunction with submitting it to the MMO for approval in consultation with the relevant statutory nature conservation body.</p> <p>The drafting provided in the dDCO [REP1-011] is precedent – see, for example the Hornsea Four Offshore Wind Farm Order 2023 (Schedule 11, Part 2, Condition 4(4)).</p>

Q9.4.3	The Applicant	<p><b>Condition 21 Pre-construction plans and documentation</b></p> <p>Condition 21(1) (h) refers to a cable specification and installation plan. The ExA notes that this has not been included within the application documents. Please clarify when the cable specification and installation plan will be available and confirm it is intended to include this as a document to be certified in Schedule 12.</p>	<p>The cable specification and installation plan (CISP) will be prepared during the pre-construction phase, post-consent, as it will be informed by, amongst other things, the Cable Burial Risk Assessment which will inform key decisions such as final routing, cable installation method etc. As such, the Applicant does not propose to submit an Outline CSIP into Examination or include an Outline CSIP as a document to be certified in dDCO Schedule 12.</p> <p>The Applicant considers that this is appropriate in the context of the Project (noting, for example, that the offshore export cable corridor avoids designated sites for benthic habitats) and that the current wording of the DML condition provides robust protection, as the CISP developed post-consent must be submitted to and approved by the MMO, in consultation with, where relevant, Trinity House, the MCA, UK Hydrographic Office and relevant statutory nature conservation body.</p> <p>The approach of the Applicant is precedented – see, for example The East Anglia TWO Offshore Wind Farm Order 2022, and The East Anglia ONE North Offshore Wind Farm Order 2022, where no Outline CSIP was provided or required at the application stage.</p>
Q9.4.4	The Applicant	<p><b>Condition 21 Pre-construction plans and documentation</b></p> <p>Condition 21(1) (i) refers to the lighting and marking plan to be agreed by the MMO following consultation with Trinity House. ES Chapter 15 [APP-029] Shipping and Navigation, Table 15.3, refers to: “<i>A lighting and marking plan will be agreed with the Marine Management Organisation (MMO), in consultation with Trinity House, MCA, and the Civil Aviation Authority, and considering IALA G1162/O139 (IALA, 2021).</i>”</p> <p>Please clarify if the consultation covered by this condition should also include with the MCA and the CAA? The same question also applies to the conditions 22(1) (i) and (21) (1) (i) relating to Pre-construction plans and documentation in Schedules 9 and 10 respectively.</p>	<p>The dDCO has been updated for Deadline 2 in respect of the relevant condition across each of the DMLs in Schedules 8 – 10.</p>
Q9.4.5	The Applicant	<p><b>Condition 21 Pre-construction plans and documentation</b></p> <p>The NE RR [RR-243] advises that Condition 21 (1) (m) should be amended to give an individual timing requirement to be submitted no sooner than 9 months and no later than 6 months prior to commencement of piling.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>	<p>The suggested amendment is not agreed, as the Applicant considers it inappropriate to include a maximum timescale on submission of plans for approval under DML conditions and the Applicant is not aware of any offshore wind DCO/DML which imposes such a requirement.</p> <p>As Critical National Priority Infrastructure it is imperative that the Project can be delivered without unnecessary and undue delay, to ensure the construction programme can be maintained. Imposing a maximum time period for submission of pre-construction plans will provide less time for the necessary approvals to be obtained (including any amendments to the submitted plan which the MMO might require) and adds unnecessary risk to the construction programme.</p>



Q9.4.6	The Applicant	<p><b>Condition 25 Pre-construction monitoring and surveys</b> The NE RR [RR-243] advises that Condition 25 should be amended to include ornithological and marine mammal monitoring due to the potential for impact.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>	The suggested amendment is not agreed, as the drafting of Condition 25 is considered to be well preceded and appropriate, and because ornithological and marine mammal monitoring are secured by condition in each DML, please see paragraph 21(1)(j) of Schedule 8, paragraph 22(1)(j) of Schedule 9, and paragraph 21(1)(j) of Schedule 10, of the dDCO <b>[REP1-011]</b> .
Q9.4.7	The Applicant	<p><b>Condition 26 Construction monitoring</b> The NE RR [RR-243] advises that Condition 26 should be amended to include the requirement to stop should the noise impacts of the works be significantly in excess of those assessed.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>	<p>Please see the Applicant's response NE-45 to the NE's RR <b>[RR-243]</b>, in the Applicant's Response to Relevant Representations from Natural England <b>[REP1-044]</b>.</p> <p>The Applicant has updated the draft DCO at Deadline 1 (REV 2, <b>[REP1-011/ 12]</b> to include provision to cease piling works if monitoring required under each DML indicates noise impacts are significantly in excess of those assessed, see paragraph 26(3) of Schedule 8, paragraph 27(3) of Schedule 9, and paragraph 26(3) of Schedule 10, of the draft DCO <b>[REP1-011]</b>.</p>
Q9.4.8	The Applicant	<p><b>Condition 27 Post construction monitoring</b> The NE RR [RR-243] advises that Condition 27 does not have provision for marine mammal monitoring and sets out amended draft wording for particular impacts requiring remediation or further mitigation works.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>	Please see the Applicant's response NE-57 to the NE's RR <b>[RR-243]</b> , in the Applicant's Response to Relevant Representations from Natural England <b>[REP1-044]</b> .

## 9.5 Schedule 9 – Deemed Marine Licence under the 2009 Act – Transmission Assets

ExQ1	Question to:	Question:	Applicant's Response
9.5 Schedule 9 – Deemed Marine Licence under the 2009 Act – Transmission Assets			
Q9.5.1	The Applicant	<p><b>Condition 13 Maintenance of the authorised development</b>            Condition 13(4) includes the wording “<i>substantially in accordance with the outline offshore operations and maintenance plan.</i>”</p> <p>Please explain and justify the use of the term ‘substantially’ in this condition?</p>	Please see the Applicant's response to Q9.4.2 above.
Q9.5.2	The Applicant	<p><b>Condition 22 Pre-construction plans and documentation</b>            Condition 22(1) (h) refers to a cable specification and installation plan. The ExA notes that this has not been included within the application documents. Please clarify when the cable specification and installation plan will be available and confirm it is intended to include this as a document to be certified in Schedule 12.</p>	Please see the Applicant's response to Q9.4.3.

## 9.6 Schedule 10 – Deemed Marine Licence under the 2009 Act – Transmission Assets (Offshore Converter Platform)

ExQ1	Question to:	Question:	Applicant's Response
9.6 Schedule 10 – Deemed Marine Licence under the 2009 Act – Transmission Assets (Offshore Converter Platform)			

Q9.6.1	The Applicant	<p><b>Condition 12 Maintenance of the authorised development</b></p> <p>Condition 12(4) includes “<i>substantially in accordance with the outline offshore operations and maintenance plan.</i>”</p> <p>Please explain and justify the use of the term ‘substantially’ in this condition?</p>	Please see the Applicant’s response to Q9.4.2 above.
Q9.6.2	The Applicant	<p><b>Condition 21 Pre-construction plans and documentation</b></p> <p>Condition 21(1) (h) refers to a cable specification and installation plan. The ExA notes that this has not been included within the application documents. Please clarify when the cable specification and installation plan will be available and confirm it is intended to include this as a document to be certified in Schedule 12.</p>	Please see the Applicant’s response to Q9.4.3.

9.7 Schedule 15 – Compensation to protect the coherence of the National Site Network

ExQ1	Question to:	Question:	Applicant's Response
9.7 Schedule 15 – Compensation to protect the coherence of the National Site Network			

Q9.7.1	The Applicant	<p>The EM [AS-024] paragraph 5.4.16 explains that this schedule secures the submission and approval of a compensation, implementation and monitoring plan, which is to be in accordance with the outline compensation, implementation and monitoring plan as certified, unless otherwise approved by the Secretary of State. The NE RR [RR-243] contains criticism of Schedule 15, paragraphs 3, 4, 5 and 8 and recommends various drafting amendments including that this schedule should be amended to the 'relevant SNCB' to ensure consistency with the rest of the DCO. NE also includes details at Annex A1 of proposed draft wording for a strategic benthic provision.</p> <p>Please indicate whether these proposed drafting changes are agreed and, if not, provide a full explanation of any reasons for their rejection.</p>	<p>Please see the Applicant's responses NE-60 to NE-66 in the Applicant's Response to Relevant Representations from Natural England [REP1-044], which address the comments on Schedule 15 made in NE's RR [RR-243].</p> <p>The Applicant has updated Schedule 15 of the draft DCO [REP1-011] at Deadline 1 so that all references to Natural England are now to the "relevant SNCB". The other drafting changes proposed by NE are not agreed and have not been made for the reasons set out in NE-16 to NE-66 of [REP1-044].</p> <p>The Applicant's firm position is that there is no risk of an adverse effect on integrity on any designated site as a result of predicted effects on qualifying benthic features and as such no wording to secure strategic benthic compensation is necessary.</p>
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## 9.8 Other Matters

ExQ1	Question to:	Question:	Applicant's Response
9.8 Other matters			
Q9.8.1	The Applicant	<p><b>Section 106 and other agreements</b></p> <p>Please indicate whether it is anticipated that any s106 or other agreements will be required to secure mitigation and other matters that are considered to be necessary in connection with the Proposed Development? If so, please provide an update in relation to progress on any such agreements</p>	<p>It is currently not anticipated that any section 106 or other similar agreements will be required to secure mitigation or other matters in connection with the Project. All mitigation required for the Project is secured via the DCO. The Applicant will continue to liaise with ECC and provide any updates at later deadlines as required.</p>

## 10.0 Ecology

ExQ1	Question to:	Question:	Applicant's Response
10. Ecology			
10.1 Baseline/information			
Q10.1.1	The Applicant Natural England	<p><b>Information/Applicant's Procedural Decision Response 16 December 2024</b></p> <p>For the avoidance of any doubt, whilst the ExA acknowledges the Applicant's Procedural Decision response dated 16 December 2024 now received a fuller Applicant response to all the points raised by NE RR [RR-243] is still expected to be undertaken and is requested.</p> <p>The in-combination assessment for Guillemot from the Farne Islands SPA (as per NE RR individual Reference point number F26) agreed to be submitted at Deadline 1 is welcomed. With respect to Guillemot and Razorbill Compensation Document (Document Reference 7.2.5, Section 3) regarding 70% displacement and 2% mortality reference the further anticipated updates towards compensation at Deadline 1 are also noted. As are the updates for: Lesser Black Backed Gull compensation; and Five Estuaries OWF documentation consideration.</p> <p>Those updates and the expected Deadline 3 submission comparisons of the Secretary of State's conclusions for Dudgeon and Sheringham Extension Projects will need prompt evaluation from Natural England.</p> <p>The updated cumulative assessment for marine mammals to be provided at Deadline 1 alongside Population Consequences of Disturbance clarification will also require early review by Natural England/Marine Management Organisation and the ExA encourages continued engagement by all parties.</p> <p>The ExA acknowledges topic specific SoCGs between Natural England/and or MMO and the Applicant would be</p>	<p>In relation to offshore ornithology, responses to the following documents were provided at Deadline 1: NE RRs, [REP1-044], in-combination assessment for guillemot at the Farne Islands SPA [REP1-056], Guillemot and Razorbill Compensation Document (tracked and clean) [REP1-027 and REP1-028] and Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) (tracked and clean) [REP1-029 and REP1-030] and Lesser Black-backed Gull compensation document [REP1-018] and Outline Lesser Black-backed Gull CIMP [REP1-020].</p> <p>With regards to comparison with the Five Estuaries OWF documentation, the Applicant accepts the position of Natural England on the population estimate for LBBG at the AOE SPA (RR-243, F24). It is noted however that the difference between the population estimate of 1880 AON used by North Falls in the RIAA Part 4 [APP-178]) and that of 1749 AON used by VE is relatively small and would not change the conclusion of the North Falls RIAA of no AEol for the project alone, but that an in-combination AEol cannot be ruled out. Updated calculations of the predicted change in baseline mortality rate of the LBBG breeding population due to collisions at North Falls are provided in the Updated apportioning for Lesser Black-backed Gull at the Alde Ore Estuary submitted at Deadline 1 [REP1-058].</p> <p>As noted, the requested comparisons with the Sheringham Shoal and Dudgeon Extension Projects conclusions will be provided at Deadline 3.</p> <p>The updated cumulative assessment for marine mammals and Population Consequences of Disturbance clarification were provided at Deadline 1 in Further Information Regarding Marine Mammals [REP1-057]. NatureScot were included in Section 42 consultation which included HRA Screening and no response was received. One or more qualifying bird species from 29 Scottish SPAs were screened in for LSE in relation to North Falls, see Table 8.4 of the HRA Screening [APP-174], however it was concluded that AEol could be ruled out in each case, for the Project alone and in combination, due to the very small predicted effects from North Falls, see Section 4.6 of RIAA Part 4 [APP-178]. Therefore no further consultation was undertaken with NatureScot on the shadow appropriate assessments carried out for Scottish SPAs. This is the standard approach for offshore wind farms in English waters.</p>



		<p>beneficial covering ecological matters as suggested by the Applicant.</p> <p>Separate to those points, the ExA highlights that Nature Scotland (NS), should be consulted on any potential predicted impacts to Scottish SPAs and seeks the Applicant's acknowledgement.</p>	
Q10.1.2	Natural England Relevant Councils	<p><b>Baseline Information – Stour and Orwell SPA and Ramsar</b></p> <p>(i) Are NE/Relevant Councils satisfied that the full features/basis of the Stour and Orwell SPA/Ramsar are recognised by the Applicant?</p> <p>(ii) If not the ExA requests updated background information explaining the full features/basis to inform the overall Examination.</p> <p>(iii) For the Stour and Orwell Ramsar - the ExA notes that this has been screened out for Habitat Regulation Assessment (HRA) purposes by the Applicant. However, there are bird varieties which are qualifying species akin to the SPA. Therefore, do NE/Relevant Council's agree with the screening out of the Ramsar site from HRA? State your reasons why either way.</p>	This question is not directed to the Applicant, however it is noted that the Stour and Orwell SPA and Ramsar is assessed in the Report to Inform Appropriate Assessment Part 4 [APP-178], Section 4.5 and Part 5 [APP-181], Section 5.4.3.
Q10.1.3	Natural England	<p><b>NE Update</b></p> <p>The Applicant's response to Advice Provided under section 51 of the PA2008 (Document Ref. No. 8.1) – Accepted by the Examining Authority on 16 October 2024 does not appear to have been fully considered by NE. NE is invited to comment on the most up to date Examination information available.</p>	This question is not directed to the Applicant.

Q10.1.4	The Applicant	<p><b>Baseline data – fish and shellfish ecology</b></p> <ul style="list-style-type: none"> <li>(i) Useful North Sea Sandeel survey data from International Council for the Exploration of the Sea has not been used for the characterisation of Sandeel habitat within the ES. Moreover, heat mapping for Sandeel habitat and fishing layer data applied should be more robustly clarified as per the commentary of the Marine Management Organisation. Can the Applicant confirm due updates and clarify the robustness of the data which informs the ES?</li> <li>(ii) For herring, the ES appears to have omitted key fishing ground layer information in heat mapping and presented inaccurate vessel monitoring data. Therefore, the extent of herring spawning habitat may not be fully accounted for. The ExA requests further clarification on these issues and a reassessment of the likely impact(s).</li> </ul>	<p>(i) The Applicant considers that the data used for and the assessment presented in ES Chapter 11 Fish and Shellfish Ecology [APP-025] is robust. The Applicant notes that the MMO's Relevant Representation confirms that the Applicant has used generally appropriate data sources to inform their assessment for fish and while it is suggested that the North Sea Sandeel Survey (NSSS) data "could have also been used to supplement the characterisation of sandeel habitat for the ES", the MMO's RR does not highlight a specific concern. As set out in the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees (Rev 0) [REP1-045, at MMO-163], the suitability of the North Sea Sandeel Survey (NSSS) to inform the Fish and Shellfish Ecology baseline was discussed during a Seabed Expert Topic Group meeting (November 2023). The data was reviewed by the Applicant and was not considered of relevance as the spatial coverage of the NSSS does not extend as far south as the fish and shellfish ecology study area identified for ES Chapter 11 Fish and Shellfish Ecology [APP-025], see Figure 11.1 [APP-056]. The NSSS area is focused on the key sandeel grounds in the North Sea between Dogger Bank and Scotland, with sampling locations 118km from the North Falls Array Site at the closest point.</p> <p>The Applicant has responded to the MMO's commentary on the sandeel heat mapping at MMO-164 to MMO-169 of the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees (Rev 0) [REP1-045] and set out why the heat mapping approach taken by the Applicant is considered appropriate. However, the Applicant confirms that a sandeel habitat heatmap, in line with the 2024 methodology (Reach et al., 2024), is in the process of being produced for discussion with the MMO to allow comparison with the ES submissions and to demonstrate the robustness of the conclusions of the assessment in the ES. The updated sandeel habitat heatmap will be submitted by Deadline 3.</p> <p>(ii) The fishing ground layer omitted for herring referred to is one of the data layers produced as part of Eastern Sea Fisheries Joint Committee's (ESFJC) Fisheries Mapping Project (2010), which aimed to describe, using best available data and fishermen's knowledge, the extent of the main fisheries within the ESFJC District. At the time of publication, the ESFJC noted that the data layers associated with the project were not exhaustive and that they should be used with discretion, and not in replacement of full and proper consultation within the fishing industry, but rather be seen as illustrative of the types of activity within the district and, where information is available, an indication of seasonality (ESFJC, 2010). The Applicant notes that the report and data layers associated with this project were removed from the Eastern Inshore Fisheries and Conservation Authority (IFCA) (formerly ESFJC) website over 5 years ago. It is understood from communication between the Applicant with Eastern IFCA (on 29 January 2024) that this was purposely removed to avoid confusion, as the IFCA were made aware that the data was often used without the appropriate caveats.</p> <p>Furthermore, the Applicant notes that the boundary and jurisdiction of the Eastern IFCA extends out to 6nm, with its southern limit in Felixstowe (Suffolk) and its northern limit in Haile Sand Fort (Lincolnshire). Therefore, there is no overlap between the Eastern IFCA (formerly ESFJC) and the Project.</p> <p>With the above in mind and considering the nature, limitations and scope of the information included in ESFJC dataset, it was not considered appropriate for inclusion to inform the herring spawning habitat heat-mapping originally submitted with the Application.</p> <p>The Applicant notes that there was a typo in the information presented in Table 6.16 Appendix 11.1 Fish and Shellfish Ecology Technical Report [APP-095] with regards to the vessel monitoring system (VMS)</p>
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			<p>data used to inform the herring spawning heat mapping. The VMS data used in the heat map is for UK pelagic trawls and covers the years 2016 – 2020, this is in line with the methodology used in Reach et al. 2013.</p> <p>The heatmap for herring habitat suitability is in the process of being updated in line with the updated 2024 methodology (Kyle-Henney et al., 2024) for discussion with the MMO to allow comparison with the ES submissions and to demonstrate the robustness of the conclusions of the assessment. The updated heatmap for herring habitat suitability will be submitted by Deadline 3.</p>
Q10.1.5	The Applicant MOD IPs	<p><b>Baseline data – ecology/noise</b></p> <p>(i) Are any existing acoustic deterrent devices in place for birds or other wildlife present in the vicinity of the DCO area, or which are otherwise relevant to mention to inform the accuracy of ES baseline conditions?</p> <p>(ii) The ExA during its unaccompanied site visit noted what could be described as a noticeable high/low frequency noise/vibration/field ‘type’ emission from unknown source in proximity to existing the coastline communication infrastructure opposite the existing wind turbine arrays and proposed dDCO array location. In light of the ExA’s observation:- (a) Would potential alteration to the baseline noise/vibration/environmental conditions as described as experienced in the locality during the site visit have any implication to species movements, irrespective of the Scheme applied for? (b) The applicant is requested to make all updates or provide additional environmental information as necessary.</p>	<p>(i) The Applicant is not aware of any existing acoustic deterrent devices in place for birds or other wildlife present in the vicinity of the DCO area.</p> <p>(ii) Even though the Applicant does not know the exact source of the described emission, from the description provided the source would have been in proximity to Baseline Sound Survey Measurement Locations LFM1, LFM2, and LFM3 and is therefore already considered in the baseline environment set out in ES Chapter 26 Noise and Vibration <b>[APP-040]</b>. The assessment carried out in ES Chapter 23 Onshore Ecology <b>[APP-037]</b> considers this noise and vibration baseline, thus also accounting for the presence of the emission described. As the emission has already been accounted for in the ES, the Applicant does not need to update or provide additional environmental information.</p>
Q10.1.6	The Applicant Natural England (NE) Nature Scotland (NS) Suffolk County Council (SCC) Relevant Local Authorities	<p><b>Cumulative impacts/Co-ordination/In-combination assessments</b></p> <p>The ExA highlights the variance between different relevant project design life spans referred to in the wider vicinity. The North Falls the project lifespan is stated to be 30 years, for Five Estuaries 20-40 years, and National Grid Electricity Transmission 40 years, respectively.</p> <p>Moreover, the ExA acknowledges that Suffolk County Council (SCC) have stated in their RR that they are seeking a “<i>coordinated approach between different</i></p>	<p>(i) The worst case scenario used for the CEA for each topic is based on temporal overlap of decommissioning of all selected projects and therefore if decommissioning is undertaken for one project while the other remains operational, the impacts would be less than assessed.</p> <p>(ii) Following the Applicant’s response to point (i) above, no further updates relating to the effects of variance are proposed to be provided.</p> <p>(iii) This question is not directed to the Applicant.</p>

	IPs	<p><i>proposed offshore windfarm projects and multi-purpose interconnector projects within the vicinity of this project</i>" (including the Norwich to Tilbury project).</p> <p>The ExA also notes the 'golden rules' stated to be applied for site selection, including The Crown Estate's Cable Route Protocol, the national grid's Horlock Rules (for the siting of substations) and Holford Rules (for the siting of transmission infrastructure), as well as NPS EN-1, EN-3 and EN-5 and other relevant planning considerations which are presented in ES Appendix 4.1 (Document Reference: 3.3.1.1).</p> <p>That said, the cumulative impacts of the Proposed Development and two other associated Nationally Significant Infrastructure Projects – Five Estuaries and the East Anglian Connection Node as part of the Norwich to Tilbury upgrade are cited as not being properly considered by IPs (including the RR of Tendring District Council). They suggest greater integration on all NSIP projects could negate the need for onshore transmission.</p> <ul style="list-style-type: none"> <li>(i) <b>Applicant/NE/SCC/IPs</b> – Clarify if the Applicant's cumulative impact assessments properly factor scheme variance between operational and decommissioning stages?</li> <li>(ii) <b>Applicant</b> –when are any updates expected giving a further assessment of the effects of the variance? Explain any position to the contrary of not providing updates.</li> <li>(iii) <b>SCC/Relevant Planning Authorities</b> - Have your overarching preferences been met with respect to ecological impacts including avoidance, mitigation, and compensation triggers/outcomes? If not explain the specific reasons why.</li> </ul>	
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Q10.1.7	The Applicant	<p><b>Offshore Pre-construction Surveys</b></p> <p>For ornithological impacts confirm/signpost the timing, scope, and a 'full' species list of all anticipated pre-construction survey work to take place.</p>	<p>At this stage it is not possible to give more detail on the likely target species for pre-construction surveys beyond that included in the Offshore In-Principle Monitoring Plan (OIPMP) [APP-245,]. Section 5.8.3 and Table 5.4 of the Plan shows that that offshore ornithology monitoring for the Project would likely focus on the potential displacement of Red-throated divers (RTDs) and collision risk impacts on seabird species.</p> <p>Pre-construction surveys would be Digital Aerial Surveys and would be carried out over the array area and a buffer, including an extended buffer to the west to cover the area where displacement effects from North Falls might occur within the Outer Thames Estuary SPA to RTD. As noted at Section 5.8.3 of the OIPMP [APP-245,], a power analysis may be appropriate to determine the survey coverage that would be required for a pre-construction baseline against which to detect any changes in seabird numbers and distribution which might occur during and post-construction. The aim would be to collect 1-2 years of data pre-construction and to continue surveys during and for a number of years post-construction. Surveys might take place year round, or be targeted to particular months – for example for RTDs the focus would likely be November to March, the period when most red-throated divers were recorded during baseline surveys [APP-103, Table 2.9].</p> <p>The species targeted for collision risk would include Lesser black-backed gull, and any other species where the SoS concludes that an Adverse Effect on Integrity (AEol) on an SPA cannot be ruled out for predicted collision mortality at North Falls in combination with other OWFs. Monitoring might also include monitoring of displacement for other species if the SoS concludes that an AEol cannot be ruled out at one or more SPAs for predicted displacement mortality at North Falls in combination with other OWFs.</p> <p>Details of monitoring for compensation proposals, including any pre-construction surveys, are also provided in the following documents:</p> <ul style="list-style-type: none"> <li>• Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (clean [REP1-019] and tracked [REP1-020]), including information on programme (Section 3.5) and monitoring (Section 3.8.1);</li> <li>• Outline Red-throated Diver Compensation Implementation and Monitoring Plan (clean [REP1-023] and tracked [REP1-024]), including information on programme (Section 3.5) and monitoring (Section 3.8.2);</li> <li>• Outline Kittiwake Compensation Implementation and Monitoring Plan (clean [REP1-025] and tracked [REP1-026]), including information on programme (Section 3.4) and monitoring (Section 3.7); and</li> <li>• Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (clean [REP1-029] and tracked [REP1-030]), including information on programme (Section 3.5) and monitoring (Section 3.8.1).</li> </ul>
Q10.1.8	The Applicant	<p><b>Offshore Construction Monitoring</b></p> <p>(i) Having regard to the Offshore In-Principal Monitoring Plan (IPMP) [APP-245] would the first four piles monitored be the worst-case scenario piles?</p>	<p>(i) The Applicant understands the question relates to the issue of worst-case scenario for underwater noise also raised by the MMO in their Relevant Representations [RR-216] at paragraph 4.10.1. The build-out sequence of North Falls will need to ensure safety of mariners. For the first four piles to be the worst case for underwater noise, this could lead to piles being scattered around the array area</p>



		<p>(ii) If so, how is this to be formally demonstrated as committed to at Examination stage? Provide all IPMP updates necessary to ensure this.</p> <p>(iii) Signpost/list the precise noise mitigation methods to be imposed during any pre-commencement piling activity for the worst-case scenario conditions identified by the ES and clarify how the mitigation would differ moving to better case scenarios.</p> <p>(iv) Would the mitigation be 'tailored' accordingly?</p> <p>(v) How would any commitment to tailoring be appropriately formalised?</p>	<p>which could have safety implications for shipping traffic. Therefore, it is the Applicant's position that this is not appropriate and the IPMP has not been updated to include this.</p> <p>(ii) As above.</p> <p>(iii) Mitigation for piling noise is secured through the conditions to the deemed Marine Licences which requires a Marine Mammal Mitigation Protocol (MMMP) in accordance with the draft MMMP [APP-242] and a Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC), in accordance with the Outline SIP for the SNS SAC [APP-243] (see paragraph 21 of Schedule 8; paragraph 22 of Schedule 9; paragraph 21 of Schedule 10, of the dDCO [REP1-011]).</p> <p>Section 1.3.2 of the draft MMMP [APP-242] lists mitigation which will be considered to mitigate auditory injury of marine mammals.</p> <p>Section 1.7 of the Outline SIP for the SNS SAC [APP-243] lists the mitigation which will be considered to mitigate the contribution of North Falls to an in-combination effect on the SNS SAC (designated for harbour porpoise) to ensure there will be no adverse effect on the site integrity.</p> <p>Both documents will be updated post consent to reflect the actual piling scenario for North Falls and taking into account the latest information on the in-combination scenarios. This approach reflects the standard procedure for offshore wind farms. The deemed Marine License conditions require that the MMMP and SIP are agreed with the MMO in consultation with the relevant SNCB.</p> <p>How the mitigation would differ moving to better case scenarios is described below.</p> <p>(iv) In accordance with the draft MMMP [APP-242], the final MMMP to be produced post consent will provide details of the maximum predicted impact (Permanent Threshold Shift) ranges and areas for piling based on the final design. This will enable mitigation to be tailored, where appropriate.</p> <p>With regards to piling mitigation secured by the MMMP to reduce auditory injury, a 'better case' piling scenario could result from the final design of North Falls, for example if hammer energies less than the 6,000kJ assessed for monopiles or the 4,400kJ hammer assessed for pin-piles are required. This might arise if smaller pile sizes are selected during the final design and/or due to findings of a pile driveability study to be undertaken post consent. The majority of the mitigation would remain as described in the draft MMMP, however the final design would inform the required monitoring area and the actual soft start and ramp up hammer energies. It should be noted that the maximum hammer energy is unlikely to be required for all piles and the minimum hammer energy required to install piles would be used, however this would be determined during piling and cannot be predetermined, therefore mitigation would be based on the relevant maximum hammer energy required for the final design.</p> <p>With regards to the mitigation secured by the SIP, the scenarios are based on the Effective Deterrent Radius (EDR) of 26km for monopiles and 15km for pin-piles, regardless of the size of piles and hammer energies used, in accordance with JNCC et al., 2020. Therefore a 'better case' piling scenario of relevance to the SIP would relate to the in-combination scenario with other projects piling at the same time as North Falls, considering the distance between piling locations, the number of piles installed per day and/or number of piling days in the relevant season (North Falls is in the winter season for harbour porpoise of the Southern North Sea SAC). If the scenario exceeds the thresholds identified by JNCC</p>
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			<p>et al., (2020), thereby triggering the need for mitigation, mitigation would be selected in accordance with the Outline SIP for the SNS SAC [APP-243].</p> <p>(v) As per point (iii) the deemed Marine License conditions require that the MMMP and SIP are agreed with the MMO in consultation with the relevant SNCB. Therefore, any tailoring of mitigation would have to be agreed with the MMO prior to piling commencing.</p>
Q10.1.9	The Applicant	<p><b>Offshore Construction Monitoring –for marine mammals</b></p> <p>There appears inadequate justification to explain why the cumulative sound exposure of two piles is not required in the outline Marine Management Mitigation Protocol (MMMP).</p> <p>The ExA notes that the MMO strongly recommends that mitigation is required prior to piling of foundations at each pile location, and the mitigation requirements should be based on the predicted ranges for the cumulative exposure for three monopiles and six pin piles installed sequentially (or the worst-case number of monopiles/pin piles installed in 24-hours). The Applicant is asked to either provide robust justification or include the additional mitigation into the MMMP.</p> <p>For underwater sound monitoring during construction the MMO is seeking confirmed ‘plots’ to enable noise monitoring comparisons (for comparable hammer strike energies) be provided with the associated envelopes of variability. The ExA requests that this step is incorporated into the outline MMMP.</p>	<p>The Applicant notes the MMO's comment and will amend the Draft MMMP for Deadline 3 so that the sequential piling impact results are presented and mitigation measures are based on these. It must be noted the Draft MMMP [APP-242] impact ranges will remain largely the same, as by the time the subsequent piles are installed, the fleeing receptor is at such a distance that the additional exposure is small.</p> <p>The requested plot will be provided with the updated Draft MMMP.</p>
Q10.1.10	The Applicant	<p><b>Offshore Construction –winter piling</b></p> <p>Paragraph 73, Outline Project Environmental Management Plan [APP-241] states “In order to reduce impacts to Downs herring the Applicant is committed to restrict piling activities during a suitable period between 1 November and 31 January, the duration of which will be discussed with the MMO and their advisors.”</p> <p>Clarify what the restrictions to piling activities will be and how these have been determined?</p>	<p>To reduce impacts to Downs herring, the Applicant is committed to no piling activities over a suitable period (to be determined post-consent) between 1 November and 31 January. The 1 November to 31st January timeframe represents the overall established key spawning period of the Downs herring (ICES 2005; ICES, 2023). The specific duration of the piling restriction within the period between 1 November and 31 January will be discussed post consent with the MMO and their advisors, with the refinement of key spawning dates being subject to the availability of new data on spawning activity specific to areas of relevance to the Project (i.e. Southern Bight spawning grounds).</p>

Q10.1.11	The Applicant	<p><b>Ornithology/in-combination effects</b>  The RSPB via its RR makes the following conclusions about the project in-combination with other plans and projects:-</p> <p>(i) There will be an adverse effect on site integrity on the following features of the Alde-Ore Estuary SPA: The impact of collision mortality on the Lesser Black-Backed Gull population;</p> <p>(ii) There will be an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA from: the impact of mortality arising from collision and distributional change combined on the Kittiwake population; the impact of mortality arising from distributional change on the Guillemot population; and the impact of mortality arising from distributional change on the Razorbill population.</p> <p>(iii) A potential (not able to be discounted) adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA from: the impact of mortality arising from collision and distributional change combined on the Northern Gannet population; and the impact of combined collision and displacement mortality on the seabird assemblage;</p> <p>(iv) A potential (not able to be discounted) adverse effect on site integrity on the following features of the Outer Thames Estuary SPA in terms of: the impact of distributional change on the Red-throated Diver population, arising from vessel movement during construction, decommissioning and operations and maintenance.</p> <p>Confirm the areas of agreement/disagreement with the RSPB's conclusions. In doing so signpost relevant parts of the ES/any ongoing survey work or information components which will be updated considering all ornithological concerns made.</p>	<p>In relation to the points made by RSPB:</p> <p>(i) The Applicant has also concluded that AEol cannot be ruled out for collisions to the LBBG breeding population of the AOE SPA at North Falls in combination with other OWFs [APP-178, Section 4.4.2.5.4] and hence a derogation case including compensation measures has been provided with the DCO Application [latest versions REP1-017, REP1-019].</p> <p>(ii) As set out in the RIAA Part 4 [APP-178], it is the Applicant's position that due to the very small predicted impacts of North Falls alone, there would be no meaningful contribution to any AEol on kittiwake [APP-178, Section 4.4.4.5.3.2] and guillemot [APP-178, Section 4.4.4.6.3.2] at the FFC SPA. For kittiwake, only collision risk and not displacement (or distributional change) is considered as a potential impact, in accordance with advice from Natural England. For razorbill it is also the Applicant's position that due to the very small predicted effects of North Falls, there is no meaningful contribution to any in combination effect [APP-178, Section 4.4.4.7.3.2]. It is noted further that for the most recently consented OWF in the North Sea and Channel, Sheringham Shoal and Dudgeon Extension Projects (SEP&amp;DEP), the Secretary of State concluded no AEol for razorbill in the HRA (DESNZ, 2024).</p> <p>Acknowledging that Natural England and RSPB do not agree with the Applicant's conclusions in the shadow appropriate assessment for kittiwake, guillemot and razorbill at the FFC SPA, a without-prejudice derogation case is provided in the Habitats Regulations Derogation Provision of Evidence [APP-183], including compensation proposals which are provided in the latest versions of the Outline CIMPs (clean/tracked), respectively [REP1-025/026 and REP1-029/030]. Further information on compensatory measures is provided in the Kittiwake Compensation Document [7.2.4, Rev 1] submitted at Deadline 1 and the Guillemot and Razorbill Compensation Document (clean/tracked) [REP1-027/028].</p> <p>(iii) As set out in the RIAA Part 4 [APP-178], it is the Applicant's position that the predicted effects of North Falls on the FFC gannet population (from collision and displacement or distributional change) are so small as to make no material contribution to any in combination effect [APP-178, Section 4.4.4.4.3.1.3]. An in combination assessment has been provided nevertheless with Population Viability Analysis, and the results indicate that the predicted effects would be highly unlikely to prevent the conservation objectives of the SPA for gannet being met. Furthermore, it is noted that for SEP&amp;DEP, the most recently consented OWF in the southern North Sea, Natural England advised at the end of the DCO examination that the '<i>FFC gannet population is believed to be robust enough to allow the conservation objective to maintain the population at (or above) designation levels and sustain additional alone and in-combination mortalities from the offshore wind farms</i>' [APP-178, Section 4.4.4.4.3.2.3]. Since the SEP&amp;DEP Examination, Natural England advice on collision risk modelling for gannet has been updated, to incorporate 70% macro-avoidance (an assumption based on post-construction monitoring studies that on average only 30% of gannets encountering an OWF array will enter) and an increased rate of avoidance of turbines by gannets which do enter an OWF array. Thus, the SEP&amp;DEP in combination totals for gannet in terms of predicted mortality from collision and displacement are larger than those calculated for North Falls.</p> <p>For the seabird assemblage feature of FFC SPA, it is also the Applicant's conclusion that AEol can be ruled out for North Falls, both alone and in combination [APP-178, Section 4.4.4.8.2].</p> <p>In consenting SEP&amp;DEP, the SoS was satisfied that an AEol could be excluded for gannet and the seabird assemblage at the FFC SPA (DESNZ, 2024).</p>
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			<p>(iv) The Applicant's position is that an adverse effect on the integrity of red-throated diver within the OTE SPA can be ruled out during construction/decommissioning and operation, in the context of existing sources of disturbance and displacement to this species within the SPA within the zone of influence (12km buffer) of North Falls, as discussed in the RIAA Part 4 Offshore Ornithology [APP-178, Sections 4.4.1.4.3.1.1, 4.4.1.4.3.1.2, 4.4.1.4.3.2.1, 4.4.1.4.3.2.2, 4.4.1.4.4.1 and 4.4.1.4.4.2].</p> <p>Acknowledging that Natural England and RSPB do not agree with the Applicant's shadow appropriate assessment for red-throated diver at the OTE SPA, a without-prejudice derogation case is provided [latest versions REP1-021 and REP1-023].</p>
Q10.1.12	<p>The Applicant</p> <p>RSPB</p> <p>Natural England</p> <p>Nature Scotland</p> <p>IPs</p>	<p><b>Ornithology/methodology</b></p> <p><b>Applicant</b> – provide the following to the Examination:-</p> <p>(i) Clarification/ further explanation of the specific methodology for all digital aerial survey work applied in the examination inclusive of regard to industry best practice (and what this entails) having regard to the full RR commentary of RSPB and NE. This should include: how spatial autocorrelation has been evaluated; disturbance from the survey itself; all quality assurance measures adopted.</p> <p>(ii) A fuller explanation/account of the methodology of applying macro-avoidance correction factor to predicted Northern Gannet populations and the rationale to the Applicant's steps/choices in this regard including best practice advice. This should include regard to: season variation.</p> <p>(iii) Signpost in the ES/ further clarify why Kittiwake collision mortality has been excluded at Flamborough and Filey Coast SPA having regard to the findings/experience of recent Belgian offshore windfarms toward collision rates referred to by other Examination parties.</p> <p>(iv) Clarify/sign post the full and precise conservation 'objectives' of the Outer Thames Estuary SPA considered by the ES.</p> <p>(v) Provide an update regarding the potential for wider ecological impacts through changes in water column stratification arising from the wind farm which 'may' affect birds of prey.</p> <p>(vi) <b>RSPB/IPs</b> – with respect to the above points (i)-(v) whatever additional comments you wish to make are invited. Highlight any specific conservation objectives of</p>	<p>(i) Offshore Digital Aerial Surveys (DAS) for North Falls have been carried out in accordance with Industry best practice, with reference to Natural England (2022).</p> <p>In their RR, Natural England has not commented on the North Falls digital aerial survey methodology.</p> <p>Responses to methodological concerns raised by RSPB in their RR are provided in REP1-045, Section 2.17. These are considered to address the concerns expressed by RSPB (including all issues referred to by the ExA in this question) and are not repeated here.</p> <p>(ii) A macro-avoidance correction factor of 70% has been applied in collision risk modelling for gannet. This was based on advice provided by Natural England during the Evidence Plan Process (see ES Chapter 13 Offshore Ornithology [APP-027], section 13.8.3.3.1). <i>Natural England Interim Advice on updated Collision Risk parameters</i> provided in July 2022, states that 'there is a clear evidence base that gannets display macro-avoidance. The methodology thus requires the reduction of density of birds in flight by an agreed macro-avoidance rate as an input to the CRM... An evidence report has been commissioned by NE to inform this rate using best available evidence. Until this is available, we suggest reducing the density of gannet in flight going into the CRM, either by a representative range of macro-avoidance rates of between 65% - 85% or by selecting a single rate of 70%'. Thus monthly flight densities recorded within the proposed North Falls array area during Digital Aerial Surveys were reduced in accordance with the assumption that on average 70% of gannets that encounter the turbine arrays of OWFs do not enter – such that with the turbine array in place, flight densities within the OWF would be 30% of those recorded in DAS. Natural England's advice on macro-avoidance did not refer to any consideration of variations between seasons and it was therefore applied to gannet collision risk in all seasons. The evidence report referred to by Natural England in their 2022 interim guidance was published in 2023. That evidence report, Pavat et al. (2023), reviewed all available studies of gannet behaviour in relation to OWFs and selected ten studies of appropriate quality for further analysis. The data collected in these shortlisted studies included the breeding and non-breeding seasons. From these studies, an overall mean macro-avoidance rate for gannet was calculated of 85.64 % (95% confidence limits 53.49 – 97.36%). While Pavat et al. (2023) refers to the possibility of seasonal variation in macro-avoidance by gannets, no evidence for this is presented.</p>

		<p>the Outer Thames Estuary SPA that may be missing from the Applicant's assessment (if that is the case).</p> <p>(vii) <b>NE/NS/RSPB</b> –the applied reduction of 70% to the baseline densities inputted into the Northern Gannet collision risk modelling to account for macro avoidance by amending the avoidance rates used in the collision risk modelling agreed at scoping stage is contended by the RSPB. What are the specific technical reasons NE have endorsed this approach, but the RSPB do not consider it appropriate?</p>	<p>(iii) None of the kittiwake collision mortality predicted at North Falls during the breeding season is considered to apply to kittiwakes breeding at the Flamborough and Filey Coast SPA because available evidence indicates that kittiwakes nesting at the SPA would not travel as far as North Falls during the breeding season. A detailed rationale for this is set out in the RIAA Part 4 Offshore Ornithology <b>[APP-178]</b> Section 4.4.4.5.2.1. Outside the breeding season, some of the predicted collisions at North Falls are attributed to the FFC SPA, as explained in the RIAA Part 4 Offshore Ornithology <b>[APP-178]</b> Section 4.4.4.5.2.2.</p> <p>The Applicant is not clear on the question about recent findings/ experience from Belgian OWFs as referred to by other Examination Parties. It may be that this refers to the comment by RSPB, in their RR, for gannet, that <i>'Any evidence of macro-avoidance should also be seen in the context of recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines'</i> (see Applicants Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>, Section 2.17, RSPB-07). The Applicant is not aware of any studies that provide clear evidence of habituation to OWFs by gannet. RSPB does not cite the study that they refer to. A 2023 report on displacement monitoring of seabirds in the Belgian OWF concession zone between February 2021 and April 2023 (Vanerman et al. 2023) reports that within the survey area, densities of gannet were much higher outside OWFs (0.4 birds per km<sup>2</sup>) compared with inside (0.10 birds per km<sup>2</sup>), pointing to wind farm avoidance.</p> <p>(iv) The conservation objectives are considered in the RIAA Part 4 Offshore Ornithology, Section 4.4.1.2 <b>[APP-178]</b>. These align with the conservation objectives listed in the Natural England and JNCC Conservation Advice for Marine Protected Areas Outer Thames Estuary SPA.</p> <p>(v) Stratification in the North Sea is not relevant to the North Falls offshore project area. The southern North Sea where North Falls is located is a well-mixed water body due to relatively shallow depths and the ability of winds and waves (surface stress) and tides (bottom stress) to continually stir water sufficiently to prevent the onset of any stratification. Therefore North Falls will have no likely significant effect on stratification and no resulting indirect effects on birds as a result of stratification.</p> <p>(vi) Question not directed to the Applicant</p> <p>(vii) Question not directed to the Applicant</p>
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## 10.2 Ecological Enhancement

ExQ1	Question to:	Question:	Applicant's Response
10.2 Ecological Enhancement			
Q10.2.1	The Applicant All relevant Councils IPs	<p><b>Ecological Enhancement/ BNG Strategy</b></p> <p>The ExA notes the content of the submitted BNG Strategy, July 2024 [APP-257]. The statutory provisions relating to BNG in Nationally Significant Infrastructure Projects (NSIPs) (i.e. section 99 and Schedule 15 of the 2021 Act) are not yet in effect and are not anticipated to come into effect until late 2025.</p> <p>Nonetheless, biodiversity interests and the wider policy/ statutory context those interests sit within, remain important and relevant considerations whereby significant enhancement could still potentially be secured. In that the context:-</p> <ul style="list-style-type: none"> <li>(i) The report sets out the strategy of assessing and securing BNG for 'onshore' elements on land and a minimum 10% BNG delivery is referred to. The figure is low. Could a more ambitious percentage figure not be pursued? What are the precise reasons why a more ambitious upper/lower figure band has not been utilised the starting point.</li> <li>(ii) Can the Applicant set out how potentially it could further boost and achieve meaningful overall biodiversity enhancements above the minimum 10% level it is referring to? Is it technically/financially possible to do that? If not, state why not.</li> <li>(iii) Explain what scope remains for the proposed DCO Scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</li> <li>(iv) Does the Applicant agree that s106 (Town and Country Planning Act 1990) obligation/agreement use involving a commuted sum mechanism or other bespoke</li> </ul>	<p>(i) Due to the linear nature of the Project and the majority of habitat impacts being temporary, the current landscaping scheme described in the Outline Landscape and Ecological Management Strategy [REP1-035] has carefully considered the available land to use in order to generate on-site Biodiversity Units. Such available land is limited to the onshore substation, as areas along the onshore cable route will be reinstated post-development and returned to relevant landowners, majority of which will be used as active agricultural land. The Applicant believes exploring opportunities to achieve a minimum 10% BNG provides a suitable balance between maintaining land functionality and providing a meaningful uplift in ecological value by generating Biodiversity Units.</p> <p>(ii) As the Project's boundary at the detailed design stage will be more refined and smaller than that presented pre-consent, it is likely that the percentage BNG provided by the Project will increase post-consent. As such, the Applicant believes that it may potentially exceed the 10% being explored as a minimum threshold. Post-consent calculations will be done in collaboration with Five Estuaries following detailed design.</p> <p>(iii) Due to the final calculations being carried out post-consent at the detailed design stage, no local schemes have been specifically investigated for the purposes of BNG and, in line with the mitigation hierarchy, the Applicant has prioritised accounting for habitat impacts on-site in the first instance. If required at the detailed design stage, local schemes will be considered in BNG calculations. The Essex Local Nature Recovery Strategy (LNRS) is currently in consultation and a draft version is available, the final LNRS is predicted to be published in summer 2025 and therefore will be considered in the final BNG calculation post-consent. The draft LNRS was not published at the time of DCO submission and therefore strategic significance has been assessed using alternative designations and lists, in order to avoid Project impacts on valuable sites and habitats through micro-siting. These designations and lists include (as described in the BNG Strategy [APP-257]):</p> <ul style="list-style-type: none"> <li>• <b>High strategic significance:</b> Sites of Specific Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Special Protected Areas (SPA), as identified in PPL 4 of the Tendring District Local Plan; locally important sites, ancient woodland and veteran trees flagged as being important for nature conservation in PPL 4 of the Tendring District Local Plan; Local Wildlife Sites (LoWS), as they are classed as GI within the Essex GI Strategy; and NERC Act 2006 Section 41 priority habitats.</li> <li>• <b>Medium strategic significance:</b> Areas and habitats immediately adjacent to the above sites for nature conservation, with potential to support the features of interest of the site or buffer impacts to them; areas which meet LoWS selection criteria but are not designated as such, and areas of land and habitats identified in Natural England's habitat network mapping data including information on habitat restoration-creation, restorable habitat, plus fragmentation action, and network enhancement and expansion zones.</li> </ul>

		<p>mechanisms via s111 (Local Government Act 1972) to facilitate local biodiversity enhancements may be a feasible/ suitable option available? If not explain why not.</p>	<ul style="list-style-type: none"> <li>• <b>Low strategic significance:</b> All remaining habitats which do not meet the above criteria.</li> </ul> <p>Furthermore, the Applicant is working with landowners along the Project's route for habitat reinstatement measures to ensure they are bespoke and consider land use post-development, with the purpose of including such options in the final BNG assessment post-consent.</p> <p>(iv) The Applicant considers that Requirement 21 of the draft DCO <b>[REP1-011]</b> is the appropriate mechanism for securing the delivery of BNG for the Project. This is consistent with the approach taken by other consented offshore windfarm NSIPs.</p> <p>A section 106 agreement may be an appropriate mechanism for securing the delivery of BNG on identified land outside the Order limits. However, for the reasons set out above, off-site BNG options will not be considered until the amount of on-site BNG has been established at the detailed design stage.</p>
Q10.2.2	<p>The Applicant</p> <p>All relevant Councils</p> <p>IPs</p>	<p><b>Ecological enhancement/BNG Strategy</b></p> <p>The ExA highlights that the UK Biodiversity Action Plan was superseded but relevant woodland priority status remains under the Natural Environment &amp; Rural Communities Act 2006 (NERC) Sect 40 with a “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”.</p> <p>The Forestry Commission via its representation have suggested further woodland planting, with maintenance being secured for a period of 10 years. Hedgerows, individual trees and woodlands within a development site should also be considered in terms of their overall connectivity between woodlands affected by the development.</p> <p>For example, the creation of some larger woodland blocks and hedgerow/hedgerow trees between the existing woodland blocks on site, to ensure maximum gains to increase habitat connectivity and benefit biodiversity across the whole site, not solely in specific areas just to be used as screening could be undertaken. This could involve bunded areas also.</p> <p>The ExA is seeking the Applicant to fully explore such options within the Examination period alongside the subsequent mechanisms of delivery with the overarching aim of maximising nature recovery.</p>	<p>As part of the Project's landscaping scheme described in the Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b>, various landscaping options were considered to provide connectivity whilst maintaining the functionality of screening. Land available for landscaping within the Order Limits is limited to the onshore substation, as areas along the onshore cable route will be reinstated post-development and returned to relevant landowners, majority of which will be used as active agricultural land. The Project's landscaping scheme provides a mosaic of habitats, rather than a larger woodland block, in order to maximise the ecological benefit within the limited area available for landscaping interventions. Habitat creation within the onshore substation area include planting of native hedgerows, hedgerow trees and native woodland which, as well as screening visual impacts, connect to the wider existing network of hedgerows present in the landscape surrounding the onshore substation area.</p> <p>As stated in Section 2.6 of the Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b>, all habitats created as part of ecological compensation or enhancement within the onshore substation area will be subject to a 30 year monitoring and maintenance period. Reinstated habitats will be subject to an aftercare period of up to 10 years following reinstatement, to be extended (if required) if reinstatement is not deemed to have been successful. In Section 2.5.1 of the Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b>, it is stated future hedgerow management along the onshore cable route will include allowing standard trees (with the exception of a 6m buffer from each cable centre) to develop during the period of aftercare (up to 10 years) to improve quality of the hedgerow as a foraging resource. Additionally, all retained hedgerows within the onshore project area should, where practicable, be allowed to thicken up during construction and operation to facilitate use as feeding and commuting corridors for wildlife.</p> <p>The Applicant believes the options set out in Q10.2.2 have already been fully explored and therefore do not require further consideration.</p>

Q10.2.3	All relevant Council's (including Suffolk County Council/ East Suffolk District Council/ Essex County Council) Essex Wildlife Trust RSPB Natural England Forestry Commission National Trust Marine Management Organisation IPs	<p><b>Ecological Enhancement/ BNG Strategy</b></p> <p>(i) All relevant Council's (including Suffolk County Council/East Suffolk District Council/Essex County Council)/Essex Wildlife Trust/RSPB/NE/Forestry Commission/National Trust/IPs submit your views on seeking any further ecological enhancement/ facilitating BNG, or wider environmental gains inclusive of any future proofing (even if dual purpose for meeting wider design principles, climate change/adaption and resilience purposes) which may be desirable including regard expected local climatic conditions.</p> <p>(ii) Submit your views on boosting the level of BNG or other ecological enhancement proposals that could be delivered factoring all relevant local initiatives and scope to secure betterment. This may be linked to existing development plans, planned revisions to those, or stand-alone initiatives.</p> <p>(iii) Explain what scope remains for the scheme to further complement existing ecological enhancement initiatives within the local areas the scheme passes through; or which may be relevant to in-combination considerations; or wider ecological enhancement possibility.</p> <p>(iv) If relevant local/ regional or national initiatives have not been fully considered to date, provide an Examination update on how potential integration could be achieved.</p> <p>(v) The ExA specifically highlights that the scheme is projected to deliver a net loss for watercourses. Thus, further consideration should be given to BNG for watercourses in tandem with the above.</p> <p>(vi) <b>NE</b> – Biodiversity credits. The ExA acknowledges the Applicant's intention that if 'bespoke' mechanisms of off-site habitat enhancement or creation cannot be achieved in area habitat and hedgerow modules through consultation with relevant bodies and stakeholders on or off-site, biodiversity credits could be purchased through NE's register. Is there confidence from NE that scope for such contingency can/should be reasonably relied upon in those circumstances?</p> <p>(vii) <b>The Applicant</b> – Does the Applicant consider the use of the register to be 'likely'?</p>	This question is not directed to the Applicant.
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Q10.2.4	<p>The Applicant Natural England Marine Management Organisation Crown Estate IPs</p>	<p><b>Ecological enhancement/Marine Net Gain (MNG)</b> The ExA notes that Chapter 2 of the UK Marine Policy Statement (2011) states that the vision for the marine environment is for 'clean, healthy, safe, productive, and biologically diverse oceans and seas'. The UK high level marine objectives published in April 2009 set out the broad outcomes for the marine area in achieving this vision, and reflect the principles for sustainable development.</p> <p>In that context, UK Government consultation June 2022 sought views on the high-level principles of MNG. This showed broad support for MNG as well as a range of recommendations around what MNG could cover, how it could be applied to developments and which Net Gain interventions would be most appropriate at sea. Defra's "Consultation outcome Government response updated 9 December 2023" is a relevant consideration.</p> <p>The ExA is aware MNG could represent a feasible opportunity/consideration for delivering nature recovery/ecological enhancement at sea even at a nascent stage. Moreover, based on public consultation statements an industry wide Offshore Wind Environmental Improvement Package to support the accelerated deployment of offshore wind is anticipated to potentially come forward.</p> <p>(i) <b>Applicant/NE/Marine Management Organisation/Crown Estate/IP's</b> – Is it possible/feasible (in principle) for a MNG strategy to be produced for this development to compliment the onshore BNG Strategy; or in the</p>	<p>There is currently no requirement for MNG to be provided for NSIPs and no available guidance on how MNG could be delivered, if it were required. Therefore, the Applicant considers this is not currently required or feasible. The Government response (9 December 2023) sets out actions (for Government to undertake) and states: "<i>After we have developed the policy in conjunction with stakeholders, we will hold a further consultation with stakeholders prior to any implementation.</i>" No such consultation has taken place to date.</p> <p>Response applies to points (i), (ii) and (v).</p>



		<p>interests of pursuing other offshore ecological enhancements possible currently? If not, why not?</p> <p>(ii) <b>Applicant/NE/IP's</b> – Clarify/signpost what cross-cutting work with NE/Crown Estate/MMO or other consultees has occurred to explore due offshore ecological enhancement opportunity? If it has not occurred, state why not.</p> <p>(iii) <b>NE</b> – At what stage are the ongoing investigations to which habitats and species have the most potential for restoration, recovery and enhancement through the Marine Restoration Potential and Enhancement Project?</p> <p>(iv) <b>NE</b> – At what stage/status/availability is the mapping provision for Marine Irreplaceable Habitats and would this be relevant to have regard to?</p> <p>(v) <b>Applicant/NE</b> – Is it technically possible, presently, to measure and compare marine development impacts which allows robust/meaningful marine environmental gains (or offsets) to be delivered from this development?</p>	
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10.3 Habitats Regulations Assessment

ExQ1	Question to:	Question:	Applicant's Response
10.3 Habitats Regulations Assessment			
Q10.3.1	<p>The Applicant</p> <p>IPs</p> <p>Natural England</p> <p>Nature Scotland</p> <p>RSPB</p> <p>National Trust</p>	<p><b>Habitats Regulations/Derogation Implications</b></p> <p>(i) IPs/NE/Nature Scotland (NS)/RSPB/National Trust – Have all relevant designated sites (including SACs/SPAs/Ramsar sites) been properly addressed inclusive of all defining features within the Applicant's ES and associated material? If not, state why not.</p> <p>(ii) The ExA notes that the Provision of Evidence Annex 1A HRA Compensation Consultation [APP-185] does not appear to have included NS as a consultee (even on a precautionary basis). Give your reasoning for this omission (deliberate or otherwise).</p>	<p>(i) This question is not directed to the Applicant.</p> <p>(ii) A discussion was held with NatureScot on 13 February 2024 (noted in paragraph 82 of the Red-throated Diver Compensation Document 7.2.3, Rev 0 [APP-188]. Further consultation has been undertaken on 17<sup>th</sup> December 2024, as shown in the Compensatory Measures Overview (clean/tracked) [REP1-015/016]) and consultation with NatureScot is ongoing.</p> <p>(iii) This question is not directed to the Applicant.</p>



		(iii) IPs/NE/NS – Has the consultation undertaken been adequate? If not, explain your views for the Examination record.	
Q10.3.2	Natural England IPs	<b>Orfordness Shingle Street Special Area of Conservation</b> (i) The ExA requests NE give their precise/detailed reasons why they consider there to be an adverse effect on integrity to the Orfordness Shingle Street Special Area of Conservation. (ii) What are NE's views of how any concerns could be potentially remedied? (iii) All relevant Councils/IPs make whatever comments you wish to in relation to this matter.	This question is not directed to the Applicant.
Q10.3.3	Natural England The Applicant	<b>Without prejudice derogation Flamborough and Filey Coast SPA/Gannet</b> The RSPB seek a derogation case for 'gannet' in relation to the Flamborough and Filey Coast SPA. (i) Do NE agree with this position? Clarify the reasons why either way. (ii) Applicant – the ExA highlights that a without prejudice derogation case for Gannet may be required to be submitted during the Examination period and seeks precautionary provision to be made.	(i) N/A  (ii) As discussed in response to Q10.1.11 (iii), it is noted that for Sheringham Shoal and Dudgeon Extension Projects (SEP&DEP), the most recently consented OWF in the southern North Sea, Natural England advised at the end of the DCO examination that the ' <i>FFC gannet population is believed to be robust enough to allow the conservation objective to maintain the population at (or above) designation levels and sustain additional alone and in-combination mortalities from the offshore wind farms</i> ' [APP-178, Section 4.4.4.4.3.2.3]. Since the SEP&DEP Examination, Natural England advice on collision risk modelling for gannet has been updated, to incorporate 70% macro-avoidance (an assumption based on post-construction monitoring studies that on average only 30% of gannets encountering an OWF array will enter) and an increased rate of avoidance of turbines by gannets which do enter an OWF array. Thus, the SEP&DEP in combination totals for gannet in terms of predicted mortality from collision and displacement are larger than those calculated for North Falls. The Applicant therefore maintains its position that a derogation case is not required for gannet.

Q10.3.4	The Applicant Five Estuaries Offshore Windfarm Limited	<p><b>Alde Ore Estuary SPA/Lesser Black-Backed Gull (LBBG) impacts</b></p> <p>Natural England (RR point F25) highlights that the Applicant has used population counts relating to the Alde Ore Estuary SPA which does not follow best practice.</p> <p>(i) Has apportioning been further discussed with NE and Five Estuaries? If not, why not? The ExA notes NE's point that the estimated project alone impacts to LBBG at AOE SPA should be reduced.</p> <p>(ii) What matters are being discussed/collaborated on with Five Estuaries Offshore Wind Farm Limited. The ExA requests that the Applicant explains all stages are anticipated and will require updates throughout the Examination.</p>	<p>(i) An Update to Breeding Season Apportioning of Lesser Black-backed gull at the Alde-Ore Estuary Special Protection Area was submitted at Deadline 1 [REP1-058]. This aligns the apportioning approach and the SPA population count with Five Estuaries, as requested by Natural England. As the ExA has noted, the revised apportioning for North Falls reduces the number of predicted lesser black-backed gull predicted collisions.</p> <p>(ii) The Applicant is in regular discussions with Five Estuaries to share information and explore areas of potential collaboration, in particular regarding compensatory measures for lesser black-backed gull and without prejudice compensatory measures for kittiwake, guillemot and razorbill.</p>
Q10.3.5	Natural England	<p><b>Alde Ore Estuary SPA &amp; Ramsar impacts</b></p> <p>For the Alde Ore Estuary SPA and Ramsar NE cite wetland invertebrate and plant assemblage as other qualifying features in the submitted RR, yet only LBBG is then focused on. Do NE have any outstanding concerns regarding any other qualifying features?</p>	This question is not directed to the Applicant.
Q10.3.6	The Applicant	<p><b>Avoidance/Mitigation/Alternatives</b></p> <p>The ExA notes there are a range of additional avoidance/mitigation measures identified by NE which could be adopted by the Applicant to reduce the project's overall environmental impacts. This extends to a reduction in the Rochdale Envelope currently applied.</p> <p>(i) Can the Applicant confirm whether it is considering such additional avoidance/mitigations to be committed to and their incorporation within the dDCO? The Applicant's rationale is sought for its intended approach either way.</p> <p>(ii) The Applicant is requested to update/signpost the ES/environmental information to reflect avoidance strategy and 'all' additional avoidance/mitigation(s) provisions triggered by ecological impacts to be committed to on a without prejudice basis or otherwise.</p>	<p>(i) Additional mitigation has been provided by the Applicant and secured in the draft DCO at Deadline 1 [REP1-011/12], relating to mitigating any indirect effects on the Margate and Long Sands (MLS) Special Area of Conservation (SAC) and Kentish Knock East (KKE) Marine Conservation Zone (MCZ). These include:</p> <ul style="list-style-type: none"> <li>The area within which cables and cable protection can be laid within the offshore cable corridor will be at least 150m from the edge of the MLS SAC (see new condition at paragraph 36 of the Deemed Marine Licence in Schedule 9 of the dDCO).</li> <li>Gravity Base foundations have been removed from the design envelope which will mitigate impacts on marine physical processes and the associated indirect effects on the KKE MCZ.</li> </ul> <p>The Applicant's position in response to additional mitigation suggested by NE is set out further in the Applicant's Response to Relevant Representations from Natural England (Rev 0) [REP1-044].</p> <p>With regards to NE RR-243 comments on additional mitigation for ornithology, significant mitigation is already built into the Project design:</p> <ul style="list-style-type: none"> <li>As stated in the ES chapter ([APP-027], Table 13.2) and acknowledged by NE, a reduction to the North Falls array area has been made from the boundary at PEIR, which has resulted in a reduction in displacement impacts.</li> </ul>

			<ul style="list-style-type: none"> <li>An air gap of 27m above MHWS, 5m above the minimum of 22m (ES Chapter 13 [APP-027], Table 13.2) has been committed to. While some OWF projects have committed to higher air gaps, as stated in the Habitats Regulations Derogation: Provision of Evidence ([APP-183], Section 5.51), increasing the air gap beyond 27m would limit the number of available vessels for turbine installation. Given the number of wind farms that are expected to be constructing in the late 2020s, there will be high competition for installation vessels and therefore an increase in turbine height, whilst maintaining the Project programme, is unfeasible.</li> <li>Following Section 42 feedback the Applicant reduced the number of turbines from 72 to 57 of the smallest turbines in the design envelope (or from 40 to 34 of the largest turbines).</li> </ul> <p>(ii) Further information on the Assessment of Alternative Solutions to mitigate collision risk is described in Section 5 of the Habitats Regulations Derogation: Provision of Evidence [APP-183].</p>
Q10.3.7	The Applicant	<p><b>Noise impacts – harbour porpoise</b></p> <ul style="list-style-type: none"> <li>(i) The ExA requests that the Applicant provide an updated assessment on noise impacts to harbour porpoise using the Effective Deterrent Radius approach as set out in the best practice guidelines Phase III by NE, by Deadline 2, and shared with NE.</li> <li>(ii) The Applicant is requested to confirm if the outcomes of using the Effective Deterrent Radius approach affect the conclusions of its assessment on harbour porpoise.</li> <li>(iii) Noise assessment locations are referred to in the ‘East’ and ‘South’. However, locations in the South and ‘North’ would reflect the Worst Case Scenario as there is more overlap in these locations. The ExA requests that the Applicant updates the worst case scenario assessment using North and South piling locations for simulating scenarios and revisit mitigation measures arising from those.</li> <li>(iv) Can the Applicant clarify/confirm why it does not propose to use noise abatement systems at this stage? If the noise assessment of North and South piling is undertaken it may well be warranted relative to the worst case scenario.</li> </ul>	<ul style="list-style-type: none"> <li>(i) Taking into account Natural England’s comment, the Applicant has adapted the in-combination assessment accordingly in Further Information Regarding Marine Mammals submitted at Deadline 1 [REP1-057], considering the Effective Deterrent Radius (EDR) approach as per the Best Practice Guidelines, Phase III (Parker <i>et al.</i> 2022) and the Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs (JNCC, 2020).</li> <li>(ii) The conclusion of the re-assessment is in line with what was assessed within the RIAA Part 3 Marine Mammals [APP-176].</li> <li>(iii) The assessments are based on the worst-case locations, i.e. the locations with the maximum potential impact range as indicated by the underwater noise modelling. When simulating the piling scenarios for the SNS SAC assessment, the Applicant used the maximum area of disturbance in the assessments based on simultaneous piles at maximum potential separation from each other, these were not based on specific north/east/south locations. The maximum area of overlap with the SNS SAC was calculated using GIS as seen in the RIAA Part 3 Marine Mammals Table 3.18 [APP-176]. Therefore, the assessments and areas of potential disturbance represent the worst-case scenarios.</li> <li>(iv) The finalisation of the Site Integrity Plan for the Southern North Sea Special Area of Conservation (in accordance with the Outline SIP [APP-243]) for piling will consider the latest policy on mitigation, such as Noise Abatement Systems (NAS) at the time. The Applicant notes that potential mitigation options, including NAS, are listed within the Outline Site Integrity Plan for the Southern North Sea Special Area of Conservation [APP-243] which would be finalised post-consent in line with the final design of the Project. It is recognised that upon further assessment of the final design information, any requirement for the implementation of NAS will be decided in consultation with the licencing authority. The Applicant is planning appropriately for the potential requirement for NAS but maintains the position that the effects will be suitably mitigated through further design refinement and embedded mitigation. The Applicant has already committed to only pile at one monopile location in any one day during the winter season, unless NAS is utilised. The Applicant has also included the mitigation option of no piling during the winter season, as detailed in the Outline Site Integrity Plan for the Southern North Sea Special Area of Conservation [APP-243].</li> </ul>

Q10.3.8	The Applicant	<p><b>Compensation – Alde Ore SPA &amp; Ramsar/LBBG</b></p> <p>NE cite that adverse effects on the integrity of the Alde Ore Estuary SPA and Ramsar cannot be excluded for impacts on LBBG. Nonetheless, the Applicant's compensation document only discusses the SPA. The Applicant is requested to clarify if it is intended compensation for both designated sites and correct any variance.</p>	<p>The RIAA Part 4 Offshore Ornithology [APP-178] assesses Alde-Ore Estuary SPA and Ramsar site. As the SPA and Ramsar designation cover the same site and birds, there is no change to the compensation proposals.</p> <p>It is also noted that the DCOs for consented projects with compensation for lesser black-backed gull from this site, refer to the Alde Ore Estuary SPA only. This includes East Anglian ONE North, East Anglia TWO, Norfolk Vanguard and Norfolk Boreas.</p>
Q10.3.9	<p>The Applicant</p> <p>Five Estuaries Offshore Windfarm</p> <p>All relevant Councils</p> <p>National Trust</p>	<p><b>Compensation - all ornithology</b></p> <p>NE/RSPB RR's combined consider that compensation measures would be required for the following species: 1. Lesser Black Backed Gull (LBBG); 2. Kittiwake; 3. Northern Gannet; 4. Guillemot; 5. Razorbill; and 6. Red-throated Diver, should the Secretary of State decide to consent the Application as it is currently proposed.</p> <p>The Applicant has identified potential compensation measures for impacts on the following species: - Kittiwake (due to collision risk impacts on the Flamborough and Filey Coast SPA) - Guillemot and Razorbill (due to displacement impacts on the Flamborough and Filey Coast SPA) – LBBG (due to collision risk impacts on the Alde-Ore Estuaries SPA); and Red-Throated Diver (due to displacement impacts on the Outer Thames Estuary SPA).</p> <p>All of those compensation measures, with the exception of those for LBBG, are proposed on a “without prejudice” basis. Nonetheless, the ExA notes that the compensation proposals (on a without prejudice basis or otherwise) do not appear to be sufficiently advanced at this stage.</p> <p>Notwithstanding any potential HRA outcome, the ExA requests that compensation proposals are updated to allow due analysis/comment within the Examination period itself. This is to enable the likelihood of compensation effectiveness to be</p>	<p>Updated information on the compensatory measures has been provided at Deadline 1 and Deadline 2 in the following documents:</p> <ul style="list-style-type: none"> <li>• Appendix 1 Compensatory Measures Overview (Clean &amp; Tracked) [REP1-015 &amp; REP1-016]</li> <li>• Appendix 2 Lesser Black-Backed Gull Compensation Document (Clean &amp; Tracked) [REP1-017 &amp; REP1-018]</li> <li>• Annex 2A Outline Lesser black backed gull Compensation Implementation and Monitoring Plan (Clean &amp; Tracked) [REP1-019 &amp; REP1-020]</li> <li>• Appendix 3 Red Throated Diver Compensation Document (Clean &amp; Tracked) [REP1-021 &amp; REP1-022]</li> <li>• Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (Clean &amp; Tracked) [REP1-023 &amp; REP1-024]</li> <li>• Appendix 4 Kittiwake Compensation Document [Document reference 7.2.4, Rev 1]</li> <li>• Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (Clean &amp; Tracked) [REP1-025 &amp; REP1-026]</li> <li>• Appendix 5 Guillemot and Razorbill Compensation Document (Clean &amp; Tracked) [REP1-027 &amp; REP1-028]</li> <li>• Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Clean &amp; Tracked) [REP1-029 &amp; REP1-030]</li> </ul> <p>(i) The updated Outline Compensation Implementation and Monitoring Plans listed above describe the proposed compensatory measures for all relevant species, including location(s), design and how measures can be secured, where required.</p> <p>(ii) Lesser black-backed gull compensation is secured through the draft DCO (Schedule 15) [REP1-011/12]. Subject to any potential HRA outcome for other species/sites, the “without prejudice” compensation could also be secured in a similar manner through the DCO, to be delivered in accordance with the Outline Compensation Implementation and Monitoring Plans provided.</p>



		<p>properly evaluated as well as ensuring potential choices have a holistic basis. The following information is therefore required: -</p> <ul style="list-style-type: none"> <li>(i) The precise/detailed ecological compensation package expected to be committed to for all relevant species including location/design/how effective delivery would be secured against any delivery risks (collaboration with other windfarm operators and potential operators in the vicinity is also invited to be committed to). Alongside existing Ramsar/SPA/SAC site management obligation expectations.</li> <li>(ii) The precise mechanisms by which 'all' detailed ecological compensation proposals evidenced to the Examination would be formally secured within the DCO 'if' the ExA recommended this being undertaken to the Secretary of State.</li> <li>(iii) Confirmation from relevant Councils (host Councils, or otherwise, including East Suffolk Council) of the sufficiency of the mechanism and details committed to accounting for collaboration with them where it is appropriate and beneficial to wider ecological interests.</li> <li>(iv) All relevant Councils (including East Suffolk Council) /Five Estuaries Offshore Windfarm make whatever comments you deem to be necessary on the scheme's compensation proposals. This would include any suggestions to maximise optimal wider natural resource/nature recovery outcomes.</li> </ul>	<p>(iii) Question not directed to the Applicant.</p> <p>(iv) Question not directed to the Applicant.</p>
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Q10.3.10	The Applicant	<p><b>Compensation – LBBG</b></p> <p>The Applicant’s proposed compensation for LBBG in relation to the Alde-Ore Estuary Special Protection Area (SPA) is set out in submitted document [APP-188] – 7.2.2 Appendix 2. It is noted that the mechanism for securing the LBBG compensation is set out in Schedule 15 of the draft Development Consent Order [APP-005].</p> <p>The ExA acknowledges that the National Trust advocates it would not support proposals that would give rise to an adverse effect on the integrity of the LBBG feature of the Alde-Ore Estuary SPA without satisfactory compensation.</p> <p>The ExA is therefore seeking to invite compensation proposals (species wide) which demonstrably avoid a ‘piece meal’ approach in the various site options referred to by the National Trust or by any other parties. Limitations arising from any ‘inalienable’ land considerations are a further factor for the Examination.</p> <p>What does the Applicant propose to ensure a ‘holistic approach’ is pursued as well as demonstrating an effective overall compensation package is capable of being procured?</p>	<p>The Applicant is in discussion with National Trust and Five Estuaries regarding potential collaboration with either party, however it is noted that Five Estuaries has not selected the site preferred by National Trust (Lantern Marshes) and therefore it is not possible for the Applicant to satisfy the requests of National Trust to take forward their preferred site whilst also collaborating with Five Estuaries on the same site. The Applicant has therefore retained within its options, the site preferred by National Trust (Lantern Marshes) and the site selected by Five Estuaries (“VE2”) to facilitate potential collaboration with either party on a shared site in a holistic approach.</p> <p>North Falls and Five Estuaries are also collaborating on potential compensation at the Outer Trial Bank.</p> <p>Wider collaborations can also be considered with Five Estuaries, such as sharing monitoring data and lessons learned across separate sites to ensure a holistic approach regardless of the sites selected by each project.</p> <p>Further information regarding the LBBG compensation site selection for North Falls, including evidence of the proposed measures/locations being effective is described in the Lesser Black-Backed Gull Compensation Document (clean and tracked) [REP1-017 and REP1-018].</p>
Q10.3.11	The Applicant	<p><b>Compensation/Monitoring – LBBG</b></p> <p>(i) Paragraph 6 of Annex 2 Outline LBBG Compensation Implementation and Monitoring Plan (LBBG CIMP) [APP-189] indicates that the document will be developed in consultation with stakeholders through a Steering Group. Is there due scope to obtain relevant Steering Group input within the Examination period? The ExA requests such a step to be committed to.</p> <p>(ii) Provide an update to on the development of the Applicant’s preferred measure of delivery of breeding enhancement (Paragraph 104, Appendix 2 LBBG Compensation Document [APP-188]) and any alternative measures warranted, to include consultation with the steering group and timescales for the next steps.</p>	<p>(i) The final CIMP will be developed post consent, in accordance with the Outline CIMP and in consultation with the steering group (Section 2.2 of the Outline Lesser Black-Backed Gull CIMP (clean/tracked) [REP1-019/20]. The steering group will be formally convened post consent and consulted on the proposed CIMP in accordance with the requirements of dDCO Schedule 15 [REP1-011/12]. Schedule 15 of the dDCO secures that the steering group (referred to in Schedule 15 as the “offshore ornithological engagement group”) include representatives from the MMO, Natural England (as relevant SNCB), the relevant planning authority and the RSPB. The Applicant notes that all these parties are Interested Parties in the Examination, with the opportunity to comment on the Outline CIMP. In addition, consultation with the expert topic group (Natural England, RSPB and East Suffolk Council) was undertaken on the 15<sup>th</sup> January 2025 to discuss updates on the compensatory measures (e.g. site selection) which were subsequently submitted into the Examination at Deadlines 1 and 2. Consultation will continue throughout the Examination period, as required.</p> <p>(ii) The following updated documents were submitted at Deadline 1 in response to comments received from Natural England, RSPB and other IPs:</p> <ul style="list-style-type: none"> <li>Appendix 2 Lesser Black-Backed Gull Compensation Document (Clean &amp; Tracked) [REP1-017 &amp; REP1-018]</li> </ul>

			<ul style="list-style-type: none"> <li>Annex 2A Outline Lesser black backed gull Compensation Implementation and Monitoring Plan (Clean &amp; Tracked) [REP1-019 &amp; REP1-020]</li> </ul>
Q10.3.12	RSPB Natural England IPs	<p><b>Compensation - Kittiwake</b> The RSPB via its RR disagrees with the approach of excluding compensated for projects from 'in-combination' assessment considering paragraphs 17 and 18 in APP-192 (Habitats Regulations Assessment Appendix 4, Kittiwake Compensation Document).</p> <p>Although a further submission is indicated as expected from the RSPB, the ExA requests full and early specific clarification (by no later than Deadline 2) as to why the RSPB make such conclusions. Applicant/NE/IPs make whatever comments you deem necessary.</p>	The in-combination assessment for kittiwake at the FFC SPA presented in the RIAA Part 4 [APP-178] Section considers the in-combination effect both including and excluding the effects of consented projects with compensation for kittiwake. While it is mentioned in the Kittiwake Compensation Document (paragraphs 17 and 18 in APP-192) that the in combination total predicted mortality can be reduced to take account of OWFs which have recently been consented subject to compensation for kittiwake collisions, this does not affect the proposed without prejudice North Falls compensation for kittiwake, which is based on the predicted project alone effect, and not the in-combination effect.
Q10.3.13	The Applicant	<p><b>Mitigation/Compensation – Red-throated Diver</b></p> <p>(i) Can the Applicant confirm if construction/decommissioning/maintenance activity would take place outside of November – March inclusive and how this is to be committed to formally?</p> <p>(ii) If there is expected variation to the above the ExA requests a full justification.</p> <p>(iii) The compensation proposal should be updated accordingly.</p>	<p>(i) With regards to red-throated diver, no seasonal restrictions are proposed.</p> <p>(ii) The Applicant considers that a seasonal restriction on the installation of the export cable within the OTE SPA is not merited. This is based on the conclusion of the RIAA Part 4 Offshore Ornithology Birds Directive Annex 1 and Migratory Species [APP-178], section 4.4.1.4.3.2, that there would be no AEol from construction works in the Export Cable corridor. As the effects in the array area primarily relate to the presence of infrastructure over the life of the Project, a seasonal restriction is not feasible.</p> <p>(iii) The without prejudice compensation proposals reflect the worst case scenario assessment provided in the RIAA Part 4 [APP-178] which reflects that there would be no seasonal restriction.</p>

Q10.3.14	The Applicant	<p><b>Unexploded ordnance – Red-throated Diver</b></p> <p>Can the Applicant confirm if unexploded ordinance provision would be restricted to not take place within winter months given likely impacts on Red-throated Diver and the Outer Thames Estuary SPA?</p>	<p>The Applicant cannot make the commitment that UXO in the OTE SPA will not take place in winter months.</p> <p>From a safety perspective, UXO surveys and removal has to be scheduled such that it takes place suitably prior to cable installation. If it takes place too far in advance, then there is a risk of more UXO appearing due to seabed mobility, and if it is too late, then there would be delays in cable laying, thereby potentially impacting shipping and navigation stakeholders due to the infrastructure needed. Due to the non-concurrent working zones, as stated in the Outline Navigation and Installation Plan [APP-259], and the uncertainty around construction timeframes of North Falls and Five Estuaries, programme flexibility is needed.</p> <p>In line with Natural England’s comment, paragraph 104 in Section 1.4.2 of the Draft MMMP [APP-242] will be amended to make clear that ‘if High-order clearance is required then NAS must be used’.</p> <p>UXO clearance will be subject to a separate marine licence which will be submitted post-consent, once further information on the locations and extent of UXO required to be cleared is known. This application will also secure relevant mitigation.</p>
Q10.3.15	The Applicant	<p><b>Compensation/Monitoring - Harbour Porpoise</b></p> <p>As per NE RR, can the Applicant confirm if it has considered options for monitoring of harbour porpoise, other than the 700m radius for monitoring currently set out in the MMMP [APP-242]. Also provide an update for any discussions held with NE on this matter.</p>	<p>Alternative monitoring strategies will be considered in the final MMMP post-consent. MMO and PAM techniques are developing and changing, and technologies are already available including night vision binoculars and cameras that are already regularly used for research and mitigation purposes, and alternative visual strategies could be considered.</p> <p>Appropriate options will be considered, and this will be developed in consultation with relevant stakeholders, including Natural England, post-consent.</p>
Q10.3.16	The Applicant MMO	<p><b>Compensation - Site Implementation Plans</b></p> <p>(i) NE advise that Site Implementation Plans are submitted to the MMO for consideration. Has this happened?</p> <p>(ii) Either way, the ExA requests a clear/committed timescale to be set out by the Applicant to allow facilitation of due documentation agreement with the MMO within the Examination period itself by Deadline 2.</p>	<p>(i) The MMO defers to Natural England for matters relating to ornithology (i.e. including compensation) as stated in Paragraph 1.9.9 of the MMO’s Comments on Relevant Representations from other Interested Parties, Initial Statements of Common Ground and Further Comments [APP-067]. Extensive consultation has been undertaken with Natural England during development of the compensatory measures as described in the Habitats Regulations Assessment Appendix 1 Compensatory Measures Overview (Rev 1) (Clean) [REP1-015] and Annex 1A Habitats Regulations Assessment Compensation Consultation [APP-185].</p> <p>(ii) Updated Compensation Implementation and Monitoring Plans were submitted at Deadline 1 and Deadline 2. It is expected relevant stakeholders will comment on these at an early deadline of the Examination, which the Applicant will then consider and provide further updates if required.</p>

Q10.3.17	The Applicant Natural England Local Authorities	<p><b>Compensation/ecological enhancement - all relevant species/dDCO</b></p> <p>The ExA acknowledges the species and the extent of the provisions within Schedule 15 of the dDCO [APP-005] pertaining to ‘compensation to protect the coherence of the national site network’ as well as their subsequent limitation.</p> <ul style="list-style-type: none"> <li>(i) If any further compensation strategy documentation is accepted or sought either by the ExA or the SoS through necessity, how would such provision be formally secured and delivered by the dDCO?</li> <li>(ii) Does the dDCO allow sufficient flexibility for any fuller without prejudice compensation package to be secured and delivered if it is required?</li> <li>(iii) The ExA’s considerations of such provisions would also extend to the nature of financial contribution mechanisms indicated as being potential options which would be reliant on secondary legislation yet to be issued by Government. In light of that situation has potential s106 Town and Country Planning Act 1990 or s111 of the Local Government Act 1972 or similar bespoke obligation/agreement use been fully factored as potential options for both compensation and ecological enhancement? If not state why not.</li> <li>(iv) NE/Local Planning Authorities do you have any comments to make on this issue?</li> </ul>	<ul style="list-style-type: none"> <li>(i) As the Applicant’s position is that (with the exception of the compensation in relation to Lesser Black-backed Gull (LBBG) which Schedule 15 of the dDCO <b>[REP1-011]</b> currently relates to) no other compensation is required, there is only so much that the Applicant can reasonably progress and seek to secure in terms of measures.</li> </ul> <p>However, the Applicant has at Deadline 1 provided, in addition to the updated documentation in respect of its position that no compensation is required for species other than LBBG, provided updated documents for its without-prejudice case for Red-throated diver from the Outer Thames Estura SPA, Kittiwake from Flamborough and Filey Coast (FFC) SPA; and Guillemot and razorbill from FFC SPA – see [REP1-021] to [REP1-030].</p> <p>Those documents show that the relevant measures are progressing, so that the ExA and Secretary of State (SoS), can have confidence that they would deliver a sufficient level of compensation for any impacts due to North Falls, in the event that it is concluded that compensation is required.</p> <p>At that point the dDCO drafting would be updated to include provisions in the relevant schedule whereby the SoS would have to confirm that compensation has been delivered to the SoS’s satisfaction, or by approving the Applicant’s relevant compensation documentation, in consultation with the relevant statutory nature conservation body.</p> <ul style="list-style-type: none"> <li>(ii) The Applicant’s position is that the dDCO is flexible, as its wording can be updated should it be concluded that compensation is required, as set out under (i). The Applicant has also included in the dDCO provision in respect of strategic compensation measures, see paragraph 3(1)(j) and 10 of Schedule 15 <b>[REP1-011]</b>. This in accordance with “Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance”, DESNZ (2025), whereby a contribution to the Marine Recovery Fund (MRF) could be made in whole or partial substitution for any project-led measure, provided that the MRF becomes operational and appropriate compensation can be secured via the MRF for the relevant species. In the event that compensation for other species is required, the provisions relating to strategic compensation would be updated to apply to those other species.</li> <li>(iii) It has not been necessary to consider using a s106 agreement or similar, as the sites identified and the respective measures at those sites that could adequately deliver compensation does not require using such mechanisms, and instead the measures would be delivered by way of direct agreements, e.g. with the landowners of the land where measures would be implemented, and by the obligation placed on the Applicant via relevant DCO provision. Moreover, no planning permissions to which a s106 would be attached is anticipated to be required; however that is kept under review and should that change, the position would be updated.</li> <li>(iv) Question not directed at the Applicant.</li> </ul>
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## 11.0 Flood Risk, groundwater and surface water

ExQ1	Question to:	Question:	Applicant's Response
11 Flood Risk, groundwater and surface water			
Q11.1.1	The Applicant	<p><b>Flood risk assessment</b> ES Appendix 21.3 Flood Risk Assessment [APP-121]:</p> <ul style="list-style-type: none"> <li>(i) Consideration not provided in relation to the cable and surround becoming an unintentional flow route for ground water, sea water or surface water and possible flood risk consequences.</li> <li>(ii) Consideration not provided as to the practicality of regulated surface water discharge rates of 1 l/s into watercourses</li> </ul> <p>The Applicant should explain how these points have been considered.</p>	<p>(i) The Applicant notes that consideration of the onshore cable becoming a conduit for flows has been considered and includes embedded mitigation measures within the design to ensure this does not occur.</p> <p>(ii) With regard to the surface water discharge rate of 1l/s the Applicant notes that this is a requirement of Essex County Council, as the Lead Local Flood Authority, as outlined in section 5.4.3 of the Outline Operational Drainage Strategy [APP-254]. The Applicant notes that this will be achieved through the use of a vortex control flow device, which can reduce the flow rate to the required levels.</p>
Q11.1.2	The Applicant	<p><b>Well water contamination</b> Various IPs have raised, through their RRs, the issue of water supply (see various examples such as [RR-203], [RR-226], [RR-331]). In areas such as Little Bromley and Ardleigh, examples of well water reliance have been cited, where no mains connection is supplied. How has the proposed development taken account of these residents whose water supply is only guaranteed through well water supply? Please explain the guarantees to continuity of supply, as well as to quality and quantity of sources, and how these have been taken into account.</p>	<p>The Applicant is aware that there are twenty three domestic and one commercial potable abstraction wells within 1km of the onshore project area which rely on well water or boreholes. Water testing has been carried out at properties in proximity to the Order Limits to establish a baseline dataset. The Applicant refers to ES Chapter 19 Ground Conditions and Contamination [APP-033] which identifies sensitive receptors to ground condition impact including groundwater and management and mitigation measures proposed to reduce impacts.</p> <p>Potential impacts from the supply of contaminants to surface and groundwaters, and changes to surface and groundwater flows and flood risk during construction, are assessed in Sections 21.6.1.3 and 21.6.1.4 of ES Chapter 21 Water Resources and Flood Risk [APP-035]. Potential impacts from groundwater contamination and changes to groundwater flows during operation are assessed in Sections 21.6.2.1 and 21.6.2.2 of ES Chapter 21. Potential impacts on the Essex Gravels groundwater body are also assessed in Section 3.2.3 (scoping) and Section 4.3 (detailed compliance assessment) of ES Appendix 21.2 Water Environment Regulations Compliance Assessment [APP-120].</p> <p>As set out in ES Chapter 21 Water Resources and Flood Risk [APP-035], the assessment for impacts on surface and groundwater catchments during construction is based on the maximum estimated area of the groundwater body that would be occupied by the onshore project area. For operation it is based on the maximum area of permanent infrastructure in the groundwater catchment. These parameters provide a qualitative assessment of the area over which accidental spills or leaks could occur, and ground conditions could change, leading to changes in flows.</p> <p>As described in ES Chapter 21, the Essex gravels groundwater body is extensive (~1,275 km<sup>2</sup>), and construction and operation activities would only affect a maximum of 0.16% (construction) and 0.016% (operation) of the water body. In this context, for groundwater quantity, it has been assessed that trenching would be shallow (&lt;2m) and any dewatering would be unlikely to significantly alter the movement or level of groundwater in the wider groundwater body or affect gross patterns of groundwater flow which supply small-scale private abstractions.</p>



			<p>Given the temporary nature of any dewatering and likely slow response time of the groundwater body, impacts on domestic groundwater supplies within 1km of the onshore project area are not anticipated. The very small area of permanent infrastructure is also considered unlikely to affect gross patterns in the groundwater body that supply private abstractions.</p> <p>In terms of potential contamination, the area over which spills and leaks could occur is small and embedded mitigation would be in place to minimise the likelihood of an accidental release and put in place procedures for an effective response to any pollution event that could affect the water quality of private abstractions.</p> <p>Embedded mitigation measures are set out in Section 21.3.3 (Table 21.3) of ES Chapter 21. These include measures relevant to the supply of contaminants (construction and operational maintenance phases); changes to surface and groundwater flows and flood risk (construction and operational maintenance phases) and groundwater quality and abstractions for public water supply (construction and operational maintenance phases).</p> <p>Potential impacts on groundwater and abstractions are also assessed in Chapter 19 Ground Conditions and Contamination <b>[APP-033]</b>.</p> <p>All licensed abstractions with 250m of the onshore project area have been considered within the assessment. As part of the mitigation outlined in ES Chapter 19 <b>[APP-033]</b>, where the Applicant identified the potential to impact a potable water supply, the Applicant has committed to undertaking a groundwater risk assessment. The Applicant is working with Five Estuaries to minimise effects on owners of private water supplies, and the projects are in the process of jointly undertaking groundwater monitoring looking at the effects upon private water supplies of residents of Little Bromley in the period since submission of the DCO application. The Applicant is in the process of preparing a groundwater risk assessment and construction monitoring plan using the ongoing groundwater monitoring data collected to date, and intends to submit this into the Examination at an appropriate future deadline. The Applicant notes that the monitoring plan is proposed to align with that contained within the Five Estuaries groundwater risk assessment and submitted into the Five Estuaries DCO Examination (6.6.6.1 <i>Ground Water Risk Assessment - Revision B. Five Estuaries Examination Reference: REP6-017</i>).</p> <p>The mitigation proposals to be implemented during construction to minimise impacts upon ground water resources will be captured in the final Code of Construction Practice, secured by DCO Requirement. Groundwater monitoring, following the recommendations in the Outline Plan, is also secured within the Draft DCO <b>[REP1-011]</b> as Requirement 15.</p>
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Q11.1.3	The Applicant, Environment Agency, Essex CC (Lead Local Flood Authority)	<p><b>Other Flood Risk</b></p> <p>Has the Applicant adequately addressed matters relating to risk of flooding from all sources including those which are outwith the EA's responsibility?</p>	<p>The Applicant continues to engage with both the Environment Agency and Essex County Council, as the Lead Local Flood Authority.</p> <p>The Applicant notes that discussions are ongoing in relation to the queries raised in the Environment Agency's Relevant Representation <b>[RR-091]</b>.</p> <p>In addition, the Applicant understands there are no outstanding flood risk concerns raised by Essex County Council.</p>
Q11.1.4	The Applicant, Environment Agency	<p><b>Protective Provisions and Environmental Permitting Regulations – engagement with EA</b></p> <p>The ExA notes the at the time of submitting its RR [RR-091] the EA had not been engaged regarding the content of Protective Provisions. Nor is there an in-principle agreement to disapply the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers. The RR also states that the EA will not consent to disapplication of the Environmental Permitting Regulations in respect of abstraction and dewatering activities.</p> <ul style="list-style-type: none"> <li>(i) Please can both the Applicant and the EA provide an update and how this may be resolved during the Examination.</li> <li>(ii) Please can the Applicant provide a comment on the disapplication of the Environmental Permitting Regulations in respect of abstraction and dewatering facilities. Is there sufficient availability for abstraction of water for the purposes of HDD where required?</li> </ul>	<p>Please refer to the Applicant's response to the Environment Agency's relevant representation [RR-091] set out at EA-05 of the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees <b>[REP1-045]</b>.</p> <p>The Applicant continues to seek to engage with the Environment Agency in relation to relevant Protective Provisions. Please refer to the Statutory Undertakers tab in the updated Applicant's Land Rights Tracker submitted at Deadline 2.</p>

Q11.1.5	The Applicant	<p><b>Village Drainage – Little Bromley</b></p> <p>IPs have drawn attention to a high water table at Little Bromley, and during wet periods in this can result in localised flooding and drainage problems [RR-203]. Please can the Applicant explain how this has been assessed, and/or if necessary signpost to relevant sections of the FRA.</p>	<p>Potential impacts from the changes to surface and groundwater flows and flood risk during construction are assessed in Section 21.6.1.4 of ES Chapter 21 Water Resources and Flood Risk [APP-035]. Potential impacts from changes to surface and groundwater flows and flood risk during operation are assessed in Section 21.6.2.2 of ES Chapter 21 Water Resources and Flood Risk [APP-035]. In addition, ES Appendix 21.3 Flood Risk Assessment [APP-121] provides a detailed assessment of flood risk both from and to the Project for all onshore infrastructure.</p> <p>As set out in ES Chapter 21 Water Resources and Flood Risk [APP-035], the assessment of impacts on changes to surface and groundwater flows and flood risk during construction is based on the maximum estimated area of each catchment that would be occupied by the onshore project area. For operation it is based on the maximum area of permanent infrastructure in each catchment. These parameters provide a qualitative assessment of the area over which ground conditions could change, leading to changes in flows.</p> <p>The parish of Little Bromley is located in the catchments of Holland Brook and Tenpenny Brook and underlain by the Essex gravels groundwater body. As assessed in ES Chapter 21 Water Resources and Flood Risk [APP-035], maximum areas of these catchments that would be occupied by the onshore project area during construction are 2.4% and 2.1% (surface water catchments) and 0.16% for the groundwater catchment. During operation the figures are 2.21% and 0.32% for surface water catchments, and 0.016 for the groundwater catchment.</p> <p>As assessed in ES Chapter 21 Water Resources and Flood Risk [APP-035], at a catchment scale, construction and operation activities are considered very unlikely to lead to significant changes in surface water drainage, groundwater flows or flood risk.</p> <p>Embedded mitigation measures are set out in Section 21.3.3 (Table 21.3) of ES Chapter 21 Water Resources and Flood Risk [APP-035]. These include measures relevant to changes to surface and groundwater flows and flood risk (construction and operational maintenance phases).</p> <p>It should be noted that the onshore cable route is located to the south of Little Bromley and the pattern of surface water drainage is such that water from this location, in times of wet weather / heavy rainfall, would be downstream and away from the village. As such, the Applicant concludes that there would be no increase in surface water flood risk to Little Bromley as a result of the onshore cable route.</p> <p>In addition, the main area of permanent infrastructure will be at the onshore substation. In this location surface water drainage flows to the south into Tenpenny Brook via an ordinary watercourse i.e. away from Little Bromley. Potential surface water flow paths at the onshore substation have been considered in section 4.8.7 of ES Appendix 21.3 Flood Risk Assessment [APP-121].</p> <p>Furthermore, to ensure no off-site impact as a result of changes to surface water drainage a surface water drainage design has been developed for the Project, as set out in the Outline Operational Drainage Strategy [APP-254], which collects, attenuates and discharges water at a controlled rate into the Tenpenny Brook.</p>
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Q11.1.6	The Applicant	<p><b>Agricultural water supply in Little Bromley</b></p> <p>IPs (e.g. [RR-331]) have raised concerns regarding the impact of the proposed development on the importance of soil to farming businesses. Where agricultural water supply is also reliant on wells and springs, how has the Applicant considered the effects of the proposed development on water supply?</p>	<p>Requirement 13 of the Draft Development Consent Order [REP1-011] secures that onshore works may not commence until a Soil Management Plan (SMP) has been approved by the relevant planning authority. The SMP is embedded mitigation as part of ES Chapter 21 Water Resources and Flood Risk (Section 21.3.3 (Table 21.3)) [APP-035]. Impacts from increased sediment supply to watercourses are assessed in Section 2.6.1.2 of ES Chapter 21. In addition, as described in Table 21.3, the Applicant will and has now appointed a land drainage consultant to develop pre- and post-construction drainage plans. Additionally, land drainage systems will be maintained during construction and land drainage would be reinstated following completion of construction works during the reinstatement phase.</p> <p>Details of baseline agricultural abstractions within the onshore project area are provided in Section 21.5.4 of ES Chapter 21 and water supplies within 1 km of the onshore project have also been assessed in ES Chapter 19 Ground Conditions and Contamination [APP-033] and ES Chapter 21 Water Resources and Flood Risk [APP-035].</p> <p>As set out in ES Chapter 21 Water Resources and Flood Risk [APP-035], the assessment for impacts on changes to surface and groundwater flows and flood risk (which could affect abstractions) during construction is based on the maximum estimated area of each catchment that would be occupied by the onshore project area. For operation it is based on the maximum area of permanent infrastructure in each catchment. These parameters provide a qualitative assessment of the area over which ground conditions could change, leading to changes in flows. Abstractions for each catchment area are assessed in Table 21.18 and Table 21.21 of ES Chapter 21.</p> <p>Given the relatively shallow depths of construction activities, construction activities are unlikely to disrupt groundwater supplies. However, before detailed design, boreholes and monitoring will be conducted to inform the detailed design. It has been assessed that when considered at a catchment scale, construction activities and operation activities are considered very unlikely to lead to significant changes in surface water drainage, groundwater flows or abstractions.</p>
Q11.1.7	The Applicant	<p><b>The schedule of mitigation</b></p> <p>The schedule of mitigation does not specify where the water quality monitoring proposals would be set out, or how this process would be secured. Please provide clarification and explanation of both these aspects.</p> <p>The Applicant has indicated that monitoring of groundwater is ongoing. Provide a plan or annotate the existing plans identifying the monitoring locations in and around the OECC and OnSS?</p>	<p>The Applicant is working with Five Estuaries to minimise effects on private water supplies. Since submission of the DCO application, the projects have been jointly undertaking groundwater monitoring, looking at the effects upon private water supplies of residents of Little Bromley. The Applicant is in the process of preparing a groundwater risk assessment and construction monitoring plan using the ongoing groundwater monitoring data collected to date and intends to submit this into the Examination at an appropriate future deadline. The Applicant notes that the monitoring plan is proposed to align with that contained within the Five Estuaries groundwater risk assessment and submitted into the Five Estuaries DCO Examination (6.6.6.1 <i>Ground Water Risk Assessment - Revision B. Five Estuaries Examination Reference: REP6-017</i>).</p> <p>The mitigation proposals to be implemented during construction to minimise impacts upon ground water resources will be captured in the final Code of Construction Practice, secured by DCO Requirement. Groundwater monitoring, following the recommendations in the Outline Plan, is also secured within the Draft DCO [REP1-011] as Requirement 15.</p> <p>A plan showing the location of ongoing monitoring of private water supplies is provided in 9.19.1 Appendix to Applicant's Response to Written Questions (ExQ1).</p>

Q11.1.8	The Applicant, Environment Agency	<p><b>Environment Agency concerns regarding third party risk of flooding</b></p> <p>ES Appendix 21.3 [APP-121] confirms that all main rivers and the majority of ordinary watercourses will be crossed using HDD methods as set out in Appendix 5.1 Crossing Schedule. However, haul road crossing and the remaining trenched crossings and any associated flood risk will not be considered until the detailed design stage post consent. These have the potential to interfere with the flow of flood water can increase the risk of flooding to third parties. The EA [RR-091] disagrees with the approach. Please can the Applicant advise as to how these associated risks to third parties have been, or will be assessed. The EA is also invited to provide further comment.</p>	<p>In Paragraph 111 of ES Appendix 21.3 Flood Risk Assessment [APP-121], the Applicant notes that the approach to the haul road crossing of the Tendring Brook Main River at crossing WX22-A is not intended to be considered until the detailed design stage post -consent.</p> <p>Furthermore, in Paragraph 113 the Applicant notes there may need to be a haul road crossing over other Ordinary Watercourses (i.e. WX-23). It is correct that the details of these haul road crossings will not be confirmed until detailed design has been undertaken.</p> <p>In paragraph 220 of ES Chapter 5 Project Description [APP-019], the Applicant has confirmed measures will be in place to ensure any haul road crossing does not restrict flow i.e. that if the haul road crossings are needed the culverts will be sized accordingly to ensure continued conveyance of flow.</p> <p>However, the Applicant would like to clarify that ES Appendix 21.3 Flood Risk Assessment [APP-121], has been undertaken on a worst-case assumption that these potential haul road crossings are required. If these haul road crossings are needed, the appointed Contractor will be required to adopt the appropriate mitigation measures as outlined in Section 1.8.1.3 of the Outline Code of Construction Practice (OCoCP) [REP1-033].</p> <p>This includes measures to limit the impact of trenched crossings by restricting the timescales that works are in place, avoiding adverse weather and ensuring over pumping has sufficient capacity as outlined in paragraph 123 of the Outline Code of Construction Practice (OCoCP) [REP1-033].</p> <p>This is to ensure that the flood risk associated with the haul road crossings of WX-22A and WX-23 is appropriately mitigated and to ensure there is no increase in flood risk as a result of the Project.</p>
Q11.1.9	The Applicant, Environment Agency	<p><b>Groundwater impacts - Mitigation</b></p> <p>ES Ch19 - Ground Conditions and Contamination [APP-033], at Table 19, includes the Code of Construction Practice to be secured by requirement, as mitigation, whilst embedded mitigation is provided through a Piling Risk Assessment. The ExA notes that the EA wishes to be consulted on both these forms of mitigation, in the interests of potential impacts on groundwater and the source protection zone. Please can the Applicant and EA provide a comment on progress to any form of agreement.</p>	<p>The Applicant engaged with the Environment Agency on 9 January 2025 to continue discussion on matters raised in the Environment Agency's Relevant Representation. At this meeting, the Applicant confirmed that it is not intending to add the Environment Agency as a named consultees to the Code of Construction DCO Requirement.</p> <p>A Piling Risk Assessment is not intended to be submitted to the local planning authority for discharge, but rather the Code of Construction Practice will include a commitment to produce one, should it be determined through detailed design that piling is required for the onshore substation foundations. If required, the Applicant will engage with the Environment Agency during the drafting of a Piling Risk Assessment with regards impacts upon groundwater.</p>



Q11.1.10	The Applicant, Environment Agency	<p><b>Landfall – flood protection measures</b></p> <p>Landfall is at a point where drawings for the flood defence pre-date the formation of the Environment Agency and therefore there may be some variation to what is shown on the drawings and information held by the EA. Crossing flood defences can cause harm including for future potential works and needs. The EA [RR-091] confirms that these can be agreed post-consent, but is seeking an approach similar to discussions progressing with the Five Estuaries OWF proposal. Please can the Applicant and EA provide a progress update on these parallel discussions, and advise how this issue is being considered within the application.</p>	<p>Five Estuaries have undertaken a landfall design in the area, which has been shared with North Falls. The landfall design is therefore very similar. This design, as show in the Outline Horizontal Directional Drill Method Statement and Contingency Plan <b>[APP-250]</b> includes allowance and contingency for uncertainties in the seawall detailed drawings. This is also the reason the Applicant is not proposing an intertidal exit, as this would take the drill too close to the foundations of the seawall.</p> <p>Further ETG meetings with the EA will take place during the course of Examination. However, detailed design work, including intrusive surveys, will be needed to understand the actual construction and depths of the seawall. This will ensure that any proposed design does not interact with the seawall, as the wall may have moved or settled since the drawings were created.</p>
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## 12.0 Historic Environment & Archaeology

ExQ1	Question to:	Question:	Applicant's Response
12 Historic Environment & Archaeology			
Q12.1.1	The Applicant	<p><b>NPS EN-1: Balancing Exercise</b></p> <p>Paragraph 5.9.32 of NPS EN-1 requires a balancing exercise to be carried out where a proposal would result in less than substantial harm to the significance of designated heritage assets. It is the Applicant's view that the proposed development would not result in any substantial harm to designated heritage assets. Please can the Applicant explain how the identified less than substantial harm to the significance of the designated heritage assets has been balanced.</p>	<p>The Applicant has assessed the harm to the significance of designated heritage assets in accordance with industry guidance detailed in Section 25.4.3 of ES Chapter 25 Onshore Archaeology and Cultural Heritage <b>[APP-039]</b>.</p> <p>Balancing the harm to the significance of the designated heritage assets is set out in the Planning Statement at paragraph 5.19.18 <b>[APP-233]</b>, which states that direct impacts on designated heritage assets have been avoided by the Project. The Applicant's position is that the benefits of the Project outweigh any less than substantial harm (negligible adverse residual effects) identified as a result of the temporary change to the setting of designated heritage assets during construction or any less than substantial (minor adverse effects) identified (in a worst case scenario) as a result of a permanent change to the setting of designated heritage assets.</p>

Q12.1.2	The Applicant	<p><b>Level and scale of Harm to Heritage Assets</b></p> <p>Please confirm that the following designated built heritage assets have been assessed as experiencing less than substantial harm to significance (at lower end of scale):</p> <ul style="list-style-type: none"> <li>- Great Holland Mill House</li> <li>- Hempstalls Farm House</li> <li>- Abbotts Hall</li> <li>- Great Holland Lodge</li> <li>- Church of St Mary's</li> <li>- Bounds Farmhouse</li> <li>- Jennings Farmhouse</li> </ul>	<p>The Applicant can confirm that the designated built heritage assets listed in the question were assessed as part of ES Appendix 25.3 Onshore Infrastructure Setting Assessment <b>[APP-148]</b> as experiencing less than substantial harm, or no harm in the case of Abbotts Hall and Bounds Farmhouse which are located outside the Zone of Theoretical Visibility and screened out of the setting assessment.</p>
Q12.1.3	The Applicant Local Authorities	<p><b>Jennings Farm</b></p> <p>(i) It is unclear whether or not the ES considers that Jennings Farm would experience an effect during the operational phase, or, whether an effect would also be experienced during the construction phase. Please provide any commentary necessary to account for the impact on Jennings Farm during the construction phase, and confirm whether or not a revision is required to the summary of effects contained within the ES. Please either rectify the omission, or explain what is required in your view to rectify this, or why you consider it has been addressed.</p> <p>The ExA understands that Jennings Farmhouse (Grade II Listed) no longer has an associated farm. Nonetheless, its setting within an agrarian landscape may still allow an appreciation of its historical functional connection to the surrounding landscape. Please can the Applicant and Local Authority provide commentary on the effect of proposed mitigation planting which, whilst seeking to screen the proposed development from Jennings Farmhouse, could curtail views of a previously open agrarian landscape which surrounds the farmhouse and could also be seen to contribute to its significance.</p>	<p>ES Chapter 25 Onshore Archaeology and Cultural Heritage <b>[APP-039]</b> assesses the significance of effect on Jennings Farmhouse during operation to be minor adverse. The effects of construction were not assessed as harmful as it was considered that any effect would arise from the lasting change to setting caused by the presence of the completed onshore substation above ground structures. Therefore changes to the setting of Jennings Farmhouse were only considered to be harmful during operation as a result of the permanent change to setting.</p> <p>The Applicant assessed the setting of Jennings Farmhouse in ES Appendix 25.3 Onshore Infrastructure Setting Assessment <b>[APP-148]</b>. It was considered that the key views which incorporate the open, agrarian landscape are those to the east. These views will be maintained during operation. While the current agrarian landscape and views to the west form part of the asset's setting they are restricted by a tall hedge which is located along the property boundary. Therefore, the mitigation planting within this area would not result in an increased sense of enclosure.</p>

Q12.1.4	ECC and Local Authorities	<p><b>Survey Data</b></p> <p>Please comment on the extent to which the provided desk-based research and non-intrusive evaluation is sufficient, and provide commentary on any gaps or data that is missing in order to form comprehensive views on the archaeological survey.</p>	This question is not directed to the Applicant.
Q12.1.5	The Applicant	<p><b>Trial Trench Evaluation</b></p> <p>To what extent has trial trench evaluation and geoarchaeological assessment at the substation site sufficient to assess cultural heritage across the entirety of the OECC route? Is the Applicant proposing a further, more extensive, programme of trial trenching across the OECC?</p>	<p>The assessment of effects on onshore archaeology and cultural heritage was informed by a combination of desk-based assessments and non-intrusive survey (including geophysical survey) which was undertaken across the onshore project area. The trial trench and geoarchaeological test pit evaluation was completed at the onshore substation, which informed the assessment of effects in these areas. This approach of providing desk-based information and non-intrusive survey data for the full onshore project area, with intrusive survey data in areas of permanent above ground infrastructure and in areas of archaeological sensitivity combined with engineering pinch-points is considered a proportionate basis on which to base the ES assessment to make an informed judgement on the impacts of the development upon the heritage significance of known and potential archaeological remains.</p> <p>Trial trenching has since been completed across a section of the onshore export cable corridor on land north of Little Clacton Road. A further project-wide programme of trial trenching and geoarchaeological test pit evaluation is planned post-consent, as detailed in the Outline Onshore Written Scheme of Investigation <b>[APP-247]</b> which will be secured by the DCO Requirement. This project-wide programme of trial trench and geoarchaeological test pit evaluation will be undertaken immediately post-consent to inform the detailed design phase. The Applicant (in combination with Five Estuaries) is in consultation with County Council archaeological service (ECC Place Services) to agree the trench plan.</p>
Q12.1.6	The Applicant, ECC	<p><b>Offshore Archaeological Exclusion Zones (AEZ)</b></p> <p>To what extent is ECC content with off-shore geophysical survey, and potential Archaeological Exclusion Zones? Given that previously unidentified sites or features of interest or significance may also be present in as yet unsurveyed areas, what assurance is there that AEZs would allow further sites to be avoided?</p>	<p>There are no unsurveyed areas within the offshore project boundary (excluding the intertidal area which will be avoided through the use of Horizontal Directional Drilling (HDD)).</p> <p>As set out in the Outline (Offshore) Written Scheme of Investigation (WSI) <b>([REP1-031],</b> submitted at Deadline 1) the archaeological assessment of pre-construction survey data, including high resolution geophysical data undertaken for the purposes of UXO identification, will further clarify the nature and extent of the heritage assets and geophysical anomalies of possible archaeological interest identified in ES Chapter 16 Offshore Archaeology and Cultural Heritage <b>[APP-030]</b>. It is also anticipated that further investigation post-consent may result in the identification, or confirmation of, further marine heritage assets, which would be avoided through the application of additional AEZs. Equally this may result in the removal of, or modification to, AEZs that have been recommended in the ES.</p> <p>The Applicant considers that the parameters of the project are sufficiently broad to accommodate both existing and any further recommended AEZs. Assurance is provided through the requirement for AEZs through DCO Schedule 8 condition 21 (2)(d), DCO Schedule 9 condition 22 (2)(d) and DCO Schedule 9 condition 21 (2)(d) <b>[REP1-011/12]</b>.</p>

Q12.1.7	The Applicant and Local Authorities	<p><b>Construction Phase – Disturbance of Archaeological Remains</b></p> <p>During the construction phase there is identified potential disturbance to both on and off-shore archaeological remains. Activity at the substation and along the cable trench could impact on archaeological and geoarchaeological remains. Please provide a commentary on the extent to which proposed mitigation has addressed these impacts.</p>	<p>The Outline (Offshore) WSI [APP-246] sets out the approach to further investigation and mitigation post-consent. The archaeological assessment of pre-construction marine geophysical data, followed by ground-truthing of features of possible archaeological interest which could be impacted during development related activities, is designed to ensure avoidance of all impacts to heritage assets. This process will also reduce, as far as possible, the risk of encountering further heritage assets during activities, with the potential for unexpected discoveries anticipated to be limited to isolated finds. A Protocol for Archaeological Discoveries will be implemented during activities to ensure that unexpected discoveries are addressed in a timely manner.</p> <p>A commitment to the progression of geoarchaeological assessment post-consent is also included in the Outline (Offshore) WSI.</p> <p>The Applicant considers that these mitigation measures will address impacts on offshore archaeological and geoarchaeological remains as set out in the impact assessment in ES Offshore and Intertidal Archaeology and Cultural Heritage [APP-030].</p> <p>The Outline Onshore Written Scheme of Investigation [APP-247] commits to a programme of project-wide trial trench evaluation and geoarchaeological assessment to inform the detailed design phase and mitigation approaches. The types of mitigation, including preservation in situ (avoidance by design) and preservation in record (archaeological excavation and recording) are also detailed within the Outline Onshore Written Scheme of Investigation.</p> <p>The Applicant considers these mitigation measures will address impacts on onshore archaeological and geoarchaeological remains as set out in the impact assessment in ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039].</p>
Q12.1.8	The Applicant	<p><b>Non-intrusive survey - Methodology</b></p> <p>To what extent are the non-intrusive survey sufficient as a methodology to provide an assessment of significance, and identify potential adverse effects on any heritage asset, in particular those which are sub-surface?</p>	<p>The baseline presented within Section 25.5 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] follows industry standards and is considered to form a proportionate basis upon which to assess the significance of known and potential archaeological remains and identify the potential adverse effects.</p> <p>The geophysical survey has been used in combination with contextual data from the Essex Historic Environment Record (HER), Historic England's National Mapping Programme (NMP), aerial photographs, Lidar, historic maps, and from a study of comparable landscape and site types within the study area, and has not produced any evidence for site types that would be considered potentially schedulable within the onshore project area.</p> <p>In addition to this, the Applicant has avoided, as far as reasonably practicable, areas of substantial archaeological remains which were identified through the desk-based and non-intrusive evaluation techniques as part of the iterative design process.</p>



Q12.1.9	The Applicant	<p><b>Archaeology</b></p> <p>ECC and TDC [RR-093] believe that the impact on the historic environment, specifically archaeology, cannot be effectively managed based on the level of investigation and information submitted and that the district contains nationally significant archaeological remains and a diverse built heritage resource. They state that the proposal therefore has potential to impact on both known and presently unknown heritage assets whose significance remains difficult to state with confidence at this time. ECC believes that to determine the impact of the proposal on archaeological remains and provide an effective mitigation strategy further assessment is required.</p> <p>Please confirm how much of the onshore area has now been assessed by trail trenching and geophysical survey. Please explain why the level of information submitted is considered sufficient to determine impacts on archaeological remains.</p>	<p>The Applicant has committed to undertaking a further project-wide programme of trial trench evaluation and geoarchaeological assessment as set out in the Outline Onshore Written Scheme of Investigation [APP-247] which will be secured by the DCO Requirement. This programme of evaluation will be undertaken immediately post-consent to inform the detailed design phase and inform mitigation measures including preservation in situ (avoidance by design) or preservation by record (archaeological excavation). The Applicant (in combination with Five Estuaries) is consulting with County Council archaeological service (ECC Place Services) to agree the post-consent trench plan.</p> <p>The geophysical survey has been completed across approximately 97% of the onshore project area, with trial trenching completed at the onshore substation and along a section of the onshore cable route to the north of Little Clacton Road. In combination with the desk-based assessment data, this information has informed the site selection and route refinement process and is considered sufficient and proportionate to determine the impacts on archaeological remains.</p>
Q12.1.10	The Applicant	<p><b>St Mary's Church</b></p> <p>Various IPs have expressed concern that the proposed development and associated facilities will disrupt day-to-day village life including at the village social gathering point of St Mary's Church (Grade II* Listed). There is a concern that the Church will be virtually cut off and in danger of serious damage due to the HGV traffic.</p> <p>Please provide a comment on the impact on the Church, and any additional commentary relating to how the impact of underground cabling and proposed haul road may affect this, and how the impact on village amenity has been addressed by the ES.</p>	<p>ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] does not assess the effects on residents and residential amenity as this is considered in ES Chapter 26 Noise and Vibration [APP-040], Chapter 30 Landscape and Visual Impact Assessment [APP-044] and ES Chapter 31 Socio-economics [APP-045] impact assessments.</p> <p>With regard to HGV traffic the Applicant would note that no Project HGV traffic is proposed to pass along Barlon Road past St Mary's Church. The Outline Construction Traffic Management Plan (OCTMP) [REP1-039] includes details of the proposed routes to be used by HGVs and measures to control and monitor and enforce HGV routeing. The Applicant would also note that the temporary haul road would also be located over 150m from St Mary's Church.</p> <p>The Applicant would clarify that access would be maintained to St Mary's Church at all times and there are no proposals to limit access.</p> <p>The closest approach of the onshore project area is over 150m away from St Mary's Church. ES Chapter 26 Noise and Vibration [APP-040] includes an assessment of construction vibration impacts which, in accordance with the Design Manual for Roads and Bridges LA111 Noise and Vibration (National Highways, 2020), limits the study area for this impact to 100m from the project. Beyond this distance, vibration impacts are expected to be negligible.</p>



Q12.1.11	The Applicant	<p><b>Impact on Foundations of Listed Buildings</b></p> <p>An IP [RR-203] has raised concerns regarding the lack of substantial foundations at properties along the proposed route of construction, and that in particular Mulley's Cottage (Grade II Listed) has no foundations. Please can the Applicant provide a comment on the impact of the proposed development on the property (and others if necessary) regarding how the impact of vibration has been assessed.</p>	<p>The Applicant has assumed Mulley's Cottage to relate to Historic England's NHLE record 1111418 (Pair of cottages approximately 10m south of the Fox and Hound public house) located at Mulley's Farm on Bentley Road.</p> <p>With regard to HGV traffic the Applicant would note that no Project HGV traffic is proposed to pass along Bentley Road past Mulley's Cottage. The Outline Construction Traffic Management Plan (OCTMP) [REP1-039] includes details of the proposed routes to be used by HGVs and measures to control and monitor and enforce HGV routeing. The Applicant would also note that the temporary haul road would also be located over 300m from Mulley's Cottage.</p> <p>ES Chapter 26 Noise and Vibration [APP-040] includes an assessment of potential structural damage from construction vibration. The criteria adopted within the assessment account for potential vulnerability of buildings due to structural instability. The assessment identifies that, for the worst-case construction activity, effects are negligible at buildings further than 23m from the works. Mulley's Cottage is over 200m from any proposed construction works; hence, effects on this building will be negligible. Nevertheless, additional mitigation identified within ES Chapter 26 Noise and Vibration [APP-040] and incorporated into the Outline Code of Construction Practice [REP1-033], such as using non-vibratory compaction methods, to avoid significant disturbance effects will also minimise the potential for structural damage to occur.</p>
Q12.1.12	The Applicant, Historic England	<p><b>Historic England Relevant Representation: RR-130</b></p> <p>Historic England has registered as an IP and the Applicant will be aware of RR-130 which contains 21 points to be addressed. This includes:</p> <ul style="list-style-type: none"> <li>(i) A marine geotechnical survey work has not been conducted. Please clarify how the Outline Offshore Written Scheme of Investigation (WSI) provides for geoarchaeological analysis of geotechnical survey materials. Additionally, confirm that geoarchaeological investigations would be secured through the DCO and draft Marine Licences.</li> <li>(ii) Some archaeological evaluation work has been undertaken, for example geophysical survey, to determine the significance and therefore the degree of harm to those assets. Historic England raised concerns during the pre-application process (See comments in Table 25.1) about the limited extent of many surveys, in the context of the large scale of the scheme. Please set out how the Application information overcomes Historic England's concerns whether the detailed magnetometry technique adopted is suitable for all of the diverse local</li> </ul>	<p>(i) Section 1.5.2 of the Outline (Offshore) WSI [APP-246] details the approach to marine geoarchaeological assessment including the project specific objectives which the assessment will aim to address. The specific approach will be set out in a survey specific method statement which will be agreed with Historic England prior to geotechnical survey, once the timing and scope of these surveys are known. The requirement for a 'marine written scheme of archaeological investigation', in accordance with the Outline (Offshore) WSI (and consequently also the marine geoarchaeological assessment described in Section 1.5.2 of the Outline Offshore WSI) is secured through DCO Schedule 8 condition 21 (2), DCO Schedule 9 condition 22 (2) and DCO Schedule 9 condition 21 (2) [REP1-011].</p> <p>(ii) Detailed magnetometry was considered an appropriate survey technique to inform the assessment as it can quickly evaluate large areas and, under favorable conditions, identify a wide range of archaeological features. Alternative geophysical survey methodologies would be considered where the geoarchaeological assessment, or the results of the detailed magnetometry survey, identified the need for it, as was detailed within the Written Scheme of Investigation (WSI) for Geophysical Survey approved by the Onshore Cultural Heritage Expert Topic Group, with Essex County Council and Historic England. The WSI for Geophysical Survey will be appended to the Outline Onshore Written Scheme of Investigation [APP-247], and an updated version of which will be submitted at a future deadline.</p> <p>(iii) The desk-based assessments, non-intrusive surveys and targeted intrusive evaluation is considered sufficient to inform the heritage values assigned to individual heritage assets and to make an informed judgement on the impacts of the development upon heritage significance, and inform an effective mitigation strategy.</p> <p>(iv) The Applicant has updated the Outline Code of Construction Practice (OCoCP) [APP-248] to include a section about the archaeological works and the procedures to be followed by all contractors. The updated OCoCP [REP1-033] was submitted at Deadline 1.</p> <p>(v) The Applicant has amended the wording of the draft DCO [REP1-011] to include Historic England as a consultee.</p>

		<p>topographies, pedologies, hydrologies, archaeologies and geologies along the route.</p> <p>(iii) At present the values set out in Chapter 25, Table 25.11 and assigned to individual heritage assets is, in Historic England's view, are based on a partial assessment because of the limited locations of the field evaluation undertaken. Please clarify whether these heritage values are therefore only interim or draft, and set out any risk to any implementation stage of the project.</p> <p>(iv) The Outline Code of Construction Practice (APP-248) does not address archaeology other than by cross-reference to the Onshore WSI. Please amend the CoCP to include a section on archaeology, so that headline principles around its role in site inductions, the timings, scope and implementation of fieldwork, as well as protocols for unexpected discoveries, public engagement, County Archaeologist sign-off of investigations, and the monitoring and maintenance of no dig areas are highlighted within.</p> <p>(v) Draft Development Consent Order 19. The Draft Development Consent Order (APP-005), Schedule 1, Part 3, Requirement 11(1) – Onshore Archaeology. In addition to submission to the LA, Historic England has recommended that the approval of the document is sought from both the County Council (ECC Place Services) and Historic England. Please amend to confirm that consultation will also be undertaken with these organisations.</p> <p>Please can the Applicant and Historic England provide an update to all of the outstanding points.</p>	
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Q12.1.13	The Applicant and Local Authorities	<p><b>Mitigation</b></p> <p>(i) The primary mitigation for heritage is avoidance. Further details and design of the proposed development would emerge over time, post consent. To what extent would avoidance of heritage assets be a practical option, taking into account all other factors which need to be considered in design and engineering of the proposed works?</p> <p>The OWSI provides mitigation strategies including a programme of archaeological evaluation completed across the scheme post consent to inform the nature of mitigation. However, details of coverage and extent if trenching and locations are not yet confirmed. Therefore, please provide a commentary on how the gaps in data would be completed and ground truthed.</p>	<p>The trial trench evaluation will be undertaken post-consent to inform detailed design. Various options are available to avoid areas of archaeology through micro-siting of the cable trench, reducing the width of the working corridor and trenchless methodologies.</p> <p>The Applicant is consulting with the County Council archaeological service (ECC Place Services) and Historic England (in combination with Five Estuaries Offshore Wind Farm Limited) regarding the programme of trial trench evaluation post-consent and the approach to informing an appropriate form of mitigation. In line with recent discussions, the Applicant is drafting an Archaeological Mitigation Strategy (AMS) which will detail a phased approach to further evaluation and subsequent mitigation approaches, and include a programme of when the phases of evaluation work will take place and how this feeds into the wider project programme. The Applicant (in combination with Five Estuaries) is also drafting a trench plan to be consulted on with the County Council archaeological service (ECC Place Services) and Historic England. The AMS and trench plan will be submitted at a future deadline.</p>
Q12.1.14	The Applicant	<p><b>Historical and Archaeological landscape surrounding Arleigh</b></p> <p>IPs through their RRs (RR-160) have raised concern regarding the impact of the proposed development on Arleigh which is reported as having “<i>a rich historical and archaeological landscape, which would be ruined by the building of the substation here</i>”. More historic artefacts remain to be found. Roman roads and Bronze Age burial sites are also nearby. Please set out the measures which the Applicant considers form part of the proposal which mitigate or provide assurance that such artefacts have been considered through the application.</p>	<p>The Applicant is aware of the archaeological sites recorded around Arleigh (see ES Appendix 25.2 Onshore Cable Corridors and Onshore Substation Zone Historic Environment DBA [<b>APP-145</b>]) and took these into account as part of the site selection process. The Applicant has undertaken a suite of desk-based, non-intrusive and intrusive archaeological survey work to further establish the presence of archaeological remains and inform their assessment and an appropriate mitigation strategy, including preservation in situ (avoidance by design) or preservation by record (archaeological excavation).</p>

Q12.1.15	The Applicant	<p><b>Cumulative Effects</b></p> <p>The OECC, substation and cable routes would follow and share the same or similar onshore locations as Five Estuaries OWF proposal. How would the proposed North Falls OWF avoid archaeological remains of high significance without the use of intrusive fieldwork? This would be particularly important for any paleolithic sites on, or off-shore.</p>	<p>The Applicant (in combination with Five Estuaries) has undertaken geoarchaeological test pitting across the onshore substation and identified a limited potential for palaeolithic archaeology within the upper 3m below ground level. Deposits of high importance are recorded below 3m where any impact from the onshore substation works at this depth would be limited in extent and therefore not considered to significantly impact palaeolithic material which is likely to survive as extensive deposits. See section 25.5.11 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [<b>APP-039</b>].</p> <p>In respect of the onshore cable route, the baseline presented in ES Chapter 25 Onshore Archaeology and Cultural Heritage [<b>APP-039</b>] considers the onshore project area for both North Falls and Five Estuaries as the desk-based and evaluation data was collected jointly. The impact assessment therefore, in effect, considers both cable routes as they will be located adjacent to each other within the same onshore project area.</p> <p>The Applicant has also committed to further geoarchaeological assessment post-consent as detailed within the Outline Onshore Written Scheme of Investigation [<b>APP-247</b>].</p> <p>Offshore, there are no known in situ seabed prehistory sites within the study area, although a number of finds of prehistoric material have been reported from the study area and the immediate vicinity of the offshore cable corridor.</p> <p>Further investigation of seabed prehistory post-consent, including the progression of geoarchaeological assessment, as set out in the Outline (Offshore) WSI, has the potential to contribute to an overall cumulative beneficial impact. This corresponds to an ongoing, industry wide, build-up of data with the completion of studies to professional archaeological standards for offshore renewables projects. This (publicly available) body of data will facilitate the management of prehistoric archaeology offshore with account of current research agendas, policy frameworks and academic or industry led research initiatives.</p>
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13.0 Human Health

ExQ1	Question to:	Question:	Applicant's Response
13 Human Health			
Q13.1.1	The Applicant	<p><b>Onshore air quality management</b></p> <p>The OCoCP [APP-248] identifies control measures to be applied in order to ensure that any potential effects upon receptors that are potentially sensitive to air and dust emissions are adequately mitigated.</p> <p>(i) Regarding dust management, please clarify what the suitable levels described in paragraph 154 are, how they will be monitored and whether this been agreed with the relevant local planning authority?</p> <p>(ii) What air quality monitoring regime will be undertaken on the site to ensure that the mitigation is effective and has this been agreed with the relevant local planning authority?</p>	<p>(i) The dust control measures as identified in the OCoCP <b>[REP1-033]</b>, are designed in accordance with good practice guidance (IAQM, 2024) and aim to avoid annoyance<sup>2</sup> or exposure to particulate matter over a time period relevant to the air quality objectives, as defined in the Government's technical guidance for Local Air Quality Management (Defra, 2022). It should be noted, it is not possible to guarantee that the dust mitigation measures will be effective all the time, and if, for example, dust emissions occur under adverse weather conditions, or there is an interruption to the water supply used for dust suppression, the local community may experience occasional, short-term dust annoyance. However, the effectiveness of mitigation will be continually monitored and managed in accordance with a Dust Management Plan (DMP).</p> <p>With regards to how dust will be monitored, as detailed in paragraph 156 of the Outline Code of Construction Practice <b>[REP1-033]</b>, a DMP will form part of the CoCP for each phase of the works setting out measures to control emissions, including details of the monitoring regime. The purpose of the DMP is to ensure that the dust mitigation is effective. The DMP will be produced post-consent at detailed design stage and will be approved by the Local Planning Authority as part of the Code of Construction Practice before construction works commence. It is therefore not known at this stage the exact details of the air quality monitoring strategy; however, it will be designed in accordance with good practice guidance (IAQM, 2018) and will be commensurate with the risk category assigned to each construction activity (earthworks, construction and trackout) identified in Section 20.6.1.1 of ES Chapter 20 Onshore Air Quality <b>[APP-034]</b>, or as per any subsequent assessment of dust risk that may be undertaken as part of detailed design.</p> <p>(ii) Please refer to response (i) above.</p>
Q13.1.2	LAs	<p><b>Onshore air quality management</b></p> <p>The OCoCP [APP-248] identifies control measures to be applied in order to ensure that any potential effects upon receptors that are potentially sensitive to air and dust emissions are adequately mitigated.</p> <p>Please confirm if you are content with the air quality management proposals in paragraphs 148 to 158 (inclusive) and that the measures to be included are sufficiently precise and enforceable?</p>	<p>This question is not directed to the Applicant.</p>

<sup>2</sup> 'Loss of amenity due to dust deposition or visible dust plumes, often related to people making complaints, but not necessarily sufficient to be a legal nuisance' IAQM (2024)



ExQ1	Question to:	Question:	Applicant's Response
Q13.1.3	The Applicant	<p><b>EN-1, 5.7 Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation</b></p> <p>(i) To what extent has EN-1 Section 5.7 Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation been considered in the ES?</p> <p>(ii) In developing the measures specific to Non-Road Mobile Machinery in the OCoCP [APP-248] paragraph 158, with reference to EN-1 paragraph 5.7.9, what consideration has been given to making the use of low emission mobile plant during construction mandatory?</p>	<p>(i) There are no historic landfill sites located within the onshore project area, as identified in ES Chapter 19 Ground Conditions and Contamination [APP-033]. Therefore, there are not anticipated to be any significant impacts in relation to odour and as such impacts from odour were scoped out of the assessment, as detailed in Table 20-1 of ES Chapter 20 Onshore Air Quality [APP-034].</p> <p>The ES has considered the emissions of dust during the construction, operation and decommissioning of the Project in ES Chapter 20 Onshore Air Quality [APP-034] in accordance with EN-1 Section 5.7. With regards to impacts during operation, the Planning Inspectorate agreed to scope out the assessment of dust and particulate matter during operation, as detailed in Table 20-1 of ES Chapter 20 Onshore Air Quality [APP-034]. Emissions of dust during operation and decommissioning were considered in Section 20.6.1.1 and 20.6.3 respectively of ES Chapter 20 Onshore Air Quality [APP-034], which concluded that with mitigation there will be no residual significant effects arising from construction dust. The potential impacts arising from artificial lighting have been considered in Section 23.6 of ES Chapter 23 Onshore Ecology [APP-037], Section 29.3.2 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043] and Section 30.6 in ES Chapter 30 Landscape and Visual Impact Assessment [APP-044].</p> <p>ES Chapter 23 Onshore Ecology [APP-037] states that during the operation of the onshore substation, there is a low risk that operational lighting may result in disturbance and/or illumination of adjacent habitats and species. An Operational Lighting Plan will be developed in line with current guidance including produced by the BCT and ILP (2023) and Exmoor National Park (2011).</p> <p>ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043] concludes that whilst red aviation lighting on turbines will be visible from certain viewpoints at night during the Project's operation and maintenance phases, the resulting effects are negligible.</p> <p>ES Chapter 30 Landscape and Visual Impact Assessment [APP-044] states that no lighting would be required during normal operation of the onshore substation, although low level movement detecting security lighting may be utilised for health and safety purposes.</p> <p>The Project activities are highly unlikely to result in an insect infestation. Any signs of the beginnings of an infestation will be identified through routine maintenance checks during the construction and operational phases of the Project.</p> <p>(ii) The measures specific to Non-Road Mobile Machinery were developed in accordance with the Government's technical guidance for Local Air Quality Management (Defra, 2022). As detailed in the OCoCP [REP1-033], the use of low emission mobile plant will be used where practicable. However, the final construction methodology will not be known until a Principal Contractor is on board which will happen at detailed design stage post-consent. Therefore, it is not possible to commit to low emission mobile plant being mandatory at this stage.</p>

## 14.0 Landscape, Visual and Seascape Effects

ExQ1	Question to:	Question:	Applicant's Response
14 Landscape, Visual and Seascape Effects			
Q14.1.1	The Applicant	<p><b>Onshore Substation</b></p> <p>Please explain the rationale for the siting of the proposed substation, including an explanation of the rationale for the siting orientation for the proposed Onshore substation.</p>	<p>As discussed in ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018], the site has been chosen to select the most “<i>economical and efficient</i>” option.</p> <p>The substation is constrained by a number of human and environmental factors. The Roman road to the north of the site constrains the site to the north. The overhead line running from the south west to north east constrains the site along Grange Road. The field boundaries naturally constrain the site to the east.</p> <p>Given these constraints, and to minimise the amount of land affected, the preferred orientation for the substations was for their longest edge to run parallel to the overhead line to the west of the site. This is so the projects would not have to divert this line, thereby introducing more pylons and disturbing more land to facilitate the project.</p> <p>Alternative orientations, including those where substations were entirely within one field were considered, however these made the construction compounds irregular shapes or required compounds spanning multiple fields, resulting in more land being taken to get the same result.</p>
Q14.1.2	The Applicant and Five Estuaries Offshore Windfarm Limited (VEOWFL)	<p><b>Onshore Substation Zone</b></p> <p>Various IPs, through their RRs have expressed concern regarding the layout of the VEOWF and NFOWF substations including [RR-134], [RR-142], [RR-143], [RR-334]. In particular they draw attention to the irregular position of both North Falls and Five Estuaries substations. IPs have requested that the positioning to be reconsidered, which could safeguard some agricultural land. Please can the Applicant, and VEOWFL clarify any steps taken to collaborate on design of OnSSs. Please explain why there is a difference of approach, and how any issues of incompatibility between the different designs could be reconciled were two DCOs to be made and both projects were to be implemented.</p>	<p>Please see response to Q14.1.1 for the response on the orientation. Whilst it may appear irregular, it is to prevent the projects requiring more work to divert overhead lines.</p> <p>The onshore substation proposals are similar, and the outline concept design has been carried out under a joint contract between NFOWF and VEOWF. Each project is proposing the same size of onshore substation due to the similarity in the projects sizes. The drainage work has also been jointly contracted by NFOWF and VEOWF resulting in similar drainage infrastructure proposals.</p> <p>The key difference between the two projects' proposed designs is the mitigation planting. Five Estuaries have advised that the mitigation planting around the south-eastern field has been included to mitigate visual effects for a range of visual receptors, including road-users along Ardleigh Road, walkers on surrounding PRowWs and residents in the local area as well as at Norman's Farm and Jennings Farm. It has also been included to mitigate effects on local landscape character. Through discussions with the landowners at Norman's Farm, alternative layouts for planting are being discussed that retain open space around the farm. Jennings Farm is already enclosed by planting on the western boundary. The location of the planting around the perimeter of the field makes it closer to the visual receptors and this in turn creates a more effective screen in shorter space of time. It also allows for advanced planting and the retention of the open field. The Applicant's outline mitigation planting (see Figure 30.1.6 of ES Chapter 30 Figures Part 1 of 6 [APP-083]), whilst largely aligning with Five Estuaries, has taken the approach of retaining the open fields within the foreground and use of layers of planting in closer proximity to the onshore substation to provide visual screening.</p>

			<p>Discussions on voluntary agreements between North Falls, Five Estuaries and the landowners of the proposed VEOWF and NFOWF substations are ongoing. For details on the current position, please see the Applicant's Land Rights Tracker submitted at Deadline 2 (Document Ref: 8.4, (rev 1)).</p> <p><b>This response has been agreed with VEOWF.</b></p>
Q14.1.3	The Applicant, Suffolk & Essex Coast & Heaths National Landscape Partnership (SECHNLP)	<p><b>Duty to seek to further the purpose of conserving and enhancing the natural beauty of the area</b></p> <p>In its RR, SECHNLP [RR-316] refers to the obligation on relevant authorities to seek to further the purposes of an AONB when undertaking activities, as written in section 245 of the Levelling Up and Regeneration Act (2023). SECHNLP consider this an active duty. Please explain how this duty to further the purpose of conserving and enhancing the natural beauty of the area could be considered compatible with OWF proposals.</p>	<p>Please refer to the Applicant's Response to the Relevant Representation from Suffolk &amp; Essex Coast &amp; Heaths National Landscape Partnership [RR-316]. The response to Part ii) is copied below here and can also be found within the Applicant's Response Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045].</p> <p>Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) came into effect on 26 December 2023. It changed the wording to section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) and amends the duty placed on relevant authorities when undertaking any function in relation to, or so as to affect, land in Areas of Outstanding Natural Beauty which are now known as 'National Landscapes'.</p> <p>Relevant authorities must now 'seek to further' the purpose of conserving and enhancing the natural beauty of National Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes.</p> <p>Section 85 (A1) of the CRoW Act (2000) (as amended by the LURA 2023) states: <i>"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."</i></p> <p>It is noted that to date no draft regulations have been published to provide further details as to how a relevant authority is to comply with the duty. However, the Applicant notes that guidance was recently published by Defra on the 16 December 2024 titled 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes', for which regard has been had in this written response.</p> <p>It is noted that the Defra Guidance explicitly states that the duty applies to decision making in respect of nationally significant infrastructure projects. It is also noted that the Defra Guidance states that:</p> <p><i>"Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised."</i> (emphasis added).</p> <p>The duty does not over-ride other statutory duties and this is noted in the Defra Guidance:</p> <p><i>"The duty does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities. The duty is intended to complement these requirements by ensuring that the purposes for which Protected Landscapes are designated for are recognised in reaching decisions and undertaking activities that impact these areas."</i></p>

			<p>The Defra Guidance confirms that the duty applies to functions undertaken outside of the designation boundary including the setting of a National Landscape. This is consistent with paragraph 5.10.8 of NPS EN1 which states that:</p> <p><i>“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. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. 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.”</i></p> <p>It is therefore the Applicant’s position that a relevant authority must exercise judgment as to whether the measures proposed as part of the Project to avoid and reduce impacts on the statutory purposes of the SECHNL are appropriate, reasonable and proportionate and whether it would be appropriate, reasonable and proportionate to require any further measures to further the purpose of the SECHNL.</p> <p>This includes consideration of:</p> <ul style="list-style-type: none"><li>• the scale, extent and significance of any harm to the SECHNL;</li><li>• the policies in NPS EN1 and EN3 regarding minimising and mitigating landscape effects and Critical National Priority (CNP) infrastructure; and</li><li>• whether the Project has been designed sensitively taking into account siting, engineering, operational and other relevant constraints.</li></ul> <p>It is the Applicant’s position that the duty does not oblige a relevant authority to give less weight to other important relevant considerations nor to reduce the scale of a proposed development to minimise the potential impacts on the SECHNL.</p> <p>The Project offshore and onshore infrastructure is not within the boundary of the SECHNL but the offshore array will be visible from within it, albeit some distance away (circa 40km). As outlined in paragraph 37 of ES Chapter 4 Site Selection and Alternatives <b>[APP-018]</b> the former northern array for North Falls was removed to reduce impacts on the SECHNL. The maximum number of turbines has also reduced since the PEIR stage to 57 of the smallest turbines (down from 72); or 34 of the largest turbines in the design envelope (down from 40). The site selection process has given due weight to the SECHNL, as a National Landscape, and has sought to further its purposes by reducing the potential effects arising from the array area.</p> <p>Given the Project’s Order Limits do not fall within the SECHNL and the distance from the array area to the coastline within the boundary of the National Landscape, of circa 40km, the inclusion of any other measures specifically to further the purposes of the SECHNL would not be considered reasonable, proportionate or appropriate, in the context of concluding no significant effects on the special qualities of the SECHNL from the Project (as detailed in the Applicant’s response to part i) of <b>[RR-316]</b>.</p>
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Q14.1.4	The Applicant	<p><b>Landscape Value</b></p> <p>Please provide further explanation regarding the landscape value attributed to Bromley Heaths, which is valued as medium due to the absence of national, county or district level landscape designations. It appears that the conclusion is based solely on local landscape designations which should not be the only criteria.</p>	<p>The approach to determining landscape value is set out on page 5 of ES Appendix 29.1 Seascape, Landscape and Visual Impact Assessment and Visualisation Methodology [APP-170], which states:</p> <p><i>“The value of seascape/ landscape receptors is determined with reference to:</i></p> <ul style="list-style-type: none"> <li><i>- Review of relevant designations and the level of policy importance that they signify (such as landscapes designated at international, national or local level); and/or</i></li> <li><i>- Application of criteria that indicate value (such as scenic quality, rarity, recreational value, representativeness, conservation interests, perceptual aspects and artistic associations) as described in GLVIA3, paragraphs 5.44-5.47.”</i></li> </ul> <p>ES Chapter 30 Landscape and Visual Impact Assessment [APP-040] refers to GLVIA3 as well as the Landscape Institute Technical Guidance Note 02-21 “Assessing the Value of Landscapes outside National Designations”. The latter document expands on the criteria from GLVIA3 which are noted in the methodology as quoted above.</p> <p>Following site work, the Bromley Heaths Landscape Character Area was considered to have some scenic value, limited rarity, some recreational value, limited conservation interest, some tranquillity, limited visual diversity and no clear artistic associations.</p> <p>While not specifically stated in Table 30.14 in ES Chapter 30 [APP-040] these factors contributed to the judgement of medium value for the Bromley Heaths LCA.</p>
Q14.1.5	The Applicant, and other IPs	<p><b>Impact on AONB and Heritage Coast</b></p> <p>The ExA notes Natural England’s concern that NFOWF has the potential to significantly impact the special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SCHAONB) and Suffolk Heritage Coast (SHC), in particular when acting cumulatively with other existing, consented and proposed OWF projects.</p> <ul style="list-style-type: none"> <li>(i) To what extent is the Applicant satisfied that the assessment provided is robust, and what further information does it expect to provide in this regard.</li> <li>(ii) Please set out how, in your view, whether or not the proposals comply with local and national policy, in particular the obligation on relevant authorities to 'seek to further the purposes of an AONB' when undertaking activities, required by section 245 of the Levelling Up and Regeneration Act (2023). Please refer to relevant Defra guidance published 16 December 2024 where relevant.</li> </ul>	<p>(i) Table 29.21 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] provides a detailed assessment with regard to effects on the SCHAONB (now Suffolk and Essex Coast and Heaths National Landscape (SECHNL)), including cumulative effects. This assessment is supported by a Zone of Theoretical Visibility (ZTV) plan (refer to Figure 29.1.6b in [APP-077]). Viewpoints 1-10 are located within the National Landscape, and visualisations are provided (refer to Figures 29.22 to 29.31). The Applicant considers this assessment to be comprehensive and robust.</p> <p>Table 29.21 of the ES Chapter 29 provides an assessment of cumulative effects on the SECHNL and concludes that effects would not be significant. It states “<i>The Offshore Above-sea Development will extend and intensify the influence of offshore wind turbines, seen in large scale and long distance views to the south-east, from the National Landscape. This intensification will be a matter of degree rather than a change in influence, and the effects will not be materially different in relation to the special qualities of the SECHNL.</i>”</p> <p>As of February 2025, the Applicant is not aware of any changes in the baseline or other context that would merit the provision of further information in this regard. The Applicant considers that there is sufficient information to allow the Examining Authority to reach an informed recommendation.</p> <p>It is noted that Suffolk County Council in their Relevant Representation [RR-318] conclude that “SCC finds that there is not likely to be a significant effect on seascape and landscape or the Suffolk Coast and Heaths National Landscape Area.” It is noted that this conclusion is in line with the findings of the SLVIA [APP-043].</p>



			<p>The Applicant also notes that Natural England has now submitted its Appendix I2 to the Relevant Representations of Natural England Seascape, Landscape and Visual Impact Assessment [REP1-071] at Deadline 1. The Applicant has provided a response to this document in 9.22 Applicant's Response to Natural England's Relevant Representation Appendix I2 Seascape, Landscape and Visual Impact Assessment, submitted alongside this document at Deadline 2.</p> <p>(ii) See response to Q14.1.3.</p>
Q14.1.6	The Applicant	<p><b>Magnitude of Effect – Onshore Substation</b></p> <p>The landscape effects on the site of the OnSS and its immediate setting would be permanently changed from an open agricultural landscape, which is the defining characteristic of the area. Whilst mitigation planting seeks to reduce visual effects, how has character of the landscape been weighed within the magnitude of effects to non-significant?</p>	<p>Table 30.13 of ES Chapter 30 Landscape and Visual Impact Assessment (LVIA) [APP-044] provides an assessment of effects on the landscape of the onshore substation site during construction, operation and decommissioning. This assessment concludes that “<i>the landscape effect during operation (year 15) is judged to be moderate adverse, which is significant in EIA terms. Effects would be long-term.</i>” The LVIA therefore clearly acknowledges the permanent change to the landscape.</p> <p>Moderate adverse effects are also identified for the Bromley Heaths LCA at Year 1 (see Table 30.14 of the LVIA [APP-044]). By year 15, these effects are judged to reduce to minor and not significant as landscape mitigation around the proposed substation matures. This will screen and soften views of the onshore substation, reducing its influence on the character of the landscape. Areas of woodland and shelterbelts are recognised in the key landscape characteristics for this area in the Tendring Landscape Character Assessment (LUC, 2001). The Landscape Management Strategy set out in the same document includes a recommendation to “<i>Enhance the wooded character of the landscape by promoting the creation of new woodlands...</i>” The maturing planting around the proposed onshore substation would not be out of keeping with existing character, and would contribute to an established aim for the landscape.</p> <p>It is therefore reasonable to conclude that after 15 years, the impact of the onshore substation on local landscape character will have reduced.</p>
Q14.1.7	The Applicant and Local Authorities, and other IPs	<p><b>Mitigation Planting at 15 Years – Onshore Substation</b></p> <p>The LVIA identifies beneficial effects of planting after 15 years. VP02 and VP03 reduce in impact at the 15 year point to minor and not significant, and moderate respectively [APP-044]. Please provide further comment on the benefits, especially with regard to winter months. Please distinguish between the mitigation and screening of planting which seeks to obscure the view of the proposed OnSS and how this effects the open agricultural character of the landscape.</p>	<p>The landscape mitigation, once established, will help to screen and soften views of the proposed onshore substation. This will, for certain viewpoints including VP02 and 03, reduce the level of visual effect associated with the proposed onshore substation. It is recognised that during winter, when intervening planting is not in leaf, there will be a slight reduction in the level of screening provided. However, this is not likely to alter the level of effect identified in the year 15 assessments. As highlighted in the winter baseline photography for each viewpoint, hedgerows and vegetation, even when not in leaf, provide a level of screening.</p> <p>As noted at paragraph 97 of the ES Chapter 30 Landscape and Visual Impact Assessment [APP-044] “<i>All operational effects associated with the onshore substation are considered to be long-term, non-reversible and adverse, unless stated otherwise.</i>” The adverse nature of effects is partially as a result in the change in view from open agriculture to views of maturing landscape mitigation around the proposed substation site.</p> <p>Where possible, visual mitigation is located close to the onshore substation, to help maintain the open character of the landscape. Visual mitigation proposals incorporate elements already present within the landscape, such as hedgerows, hedgerow trees and shelter belts to create layers of screening, rather than introducing uncharacteristic features such as large blocks of woodland or high bunds.</p>

Q14.1.8	The Applicant and other IPs	<p><b>Onshore Substation – Screening impact on surrounding residential receptors</b></p> <p>The ExA is aware of a difference in approach to screening of the proposed OnSS within the VEOWF proposal and that of NFOWF. Please set out the principal differences and any rationale for the approach, as well as any measures taken to incorporate elements within either scheme which would mitigate these visual impacts.</p>	<p>The principal differences between the onshore substation mitigation plans prepared by Five Estuaries and North Falls can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. For Five Estuaries, the mitigation planting around the south-eastern field has been included to mitigate visual effects for a range of visual receptors, including road-users along Ardleigh Road, walkers on surrounding PRowFs and residents in the local area as well as at Norman's Farm and Jennings' Farm. It has also been included to mitigate effects on local landscape character. Through discussions with the landowners at Norman's Farm, alternative layouts for planting are being discussed that retain open space around the farm. Jennings' Farm is already enclosed by planting on the western boundary. The location of the planting around the perimeter of the field makes it closer to the visual receptors and this in turn creates a more effective screen in shorter space of time. It also allows for advanced planting and the retention of the open field.</li> <li>The North Falls proposals have considered the balance of these two characteristic elements (shelter belts, and open fields) within the landscape. Bearing in mind the existing screening of mature vegetation and built form in proximity to residential receptors, and the direction of primary views (to the south and east), the North Falls approach has been to retain the open fields within the foreground and use of layers of planting in closer proximity to the onshore substation to provide visual screening.</li> <li>2. Due to the different timescales in submission of the DCO applications, further design discussions for North Falls identified that local narrowing of the onshore cable route to the south of the onshore substation was possible. This facilitated the introduction of an additional layer of screening planting along the southeastern red line boundary.</li> <li>3. To the north of the onshore substation, planting of Traditional Orchard (small fruit trees) is utilised by Five Estuaries for the purposes of biodiversity enhancement and to provide additional visual screening. The North Falls approach uses layers of vegetation to provide visual screening. This encompasses infill of existing poor-quality hedgerows with new hedge planting and additional hedgerow trees and creation of shelter belt planting in closer proximity to the onshore substation.</li> </ol> <p>The Applicant and Five Estuaries have committed to the production of a joint Design Guide, as outlined within the Design Vision [APP-234], which will encompass both onshore substations and their immediate settings. This will provide an opportunity to review the approach to visual mitigation across both schemes.</p> <p><b>This response has been agreed with VEOWF.</b></p>
Q14.1.9	The Applicant and VEOWF	<p><b>Onshore Substation – Co-ordination</b></p> <p>The Co-ordination Report [APP-236] section 8.4 relates to landscape and visual shared mitigation, enhancement and mitigation measures.</p> <p>(i) Please explain further the different landscape concepts for VEOWF and NFOWF for the onshore substations and why the same concept could not be utilised for this location.</p> <p>(ii) Paragraph 8.4.3 states that whilst each project will have their own outline planting schemes for the onshore</p>	<p>(i) North Falls and Five Estuaries undertook a co-ordination process in Spring 2024, to align the approach to the landscape and visual mitigation. A mutual approach was agreed, whereby visual mitigation would be achieved through use of landscape features already present within the setting of the OnSS, such as shelter belts, hedgerows with hedgerow trees etc. These concepts are described further within North Falls Design Vision [APP-234] and will be secured through the OLEMS [APP-249]. See also Five Estuaries Onshore Substation Design Principles Document (Five Estuaries application reference: APP-234) and OLEMP (Five Estuaries application reference: APP-254).</p> <p>The different landscape concepts and the reasons for these are described in the Applicant's response to Q14.1.8.</p>

		substations, VEOWF and NFOWF are co-ordinating their approaches to landscape screening. In the light of oral submissions made by IPs on the issue of the proposed screening for the onshore sub-station at OFH1, please identify and explain how the approaches to landscape screening can be said to be co-ordinated and how a coherent design approach to landscaping in this location can be ensured and secured by the dDCO.	(ii) The Applicant and Five Estuaries have committed to the production of a joint Design Guide, as outlined within the Design Vision [APP-234], which will encompass both onshore substations and their immediate settings. This will provide an opportunity to review the approach to visual mitigation across both schemes.  <b>This response has been agreed with VEOWF.</b>
Q14.1.10	The Applicant	<b>Onshore Substation – Screening</b> Please submit indicative cross section of planting at the OnSS.	Indicative cross sections are being prepared by the Applicant, and will be submitted at Deadline 3.
Q14.1.11	The Applicant and Local Authorities	<b>Suffolk Seascape Sensitivity Study to Offshore Wind Farms</b> SCC states that at previous consultation stages, it was concerned that the proposed development had not addressed the potential harm on the Suffolk Coast & Heaths National Landscape [RR-318] It has referred to 2 no. commissioned studies (Suffolk Seascape Sensitivity Study to Offshore Wind Farms and a 2023 addendum). Its conclusion, based on the assessment is that SCC finds that there is not likely to be a significant effect on seascape and landscape or the SCHNLA. Please can a copy of the Assessment be submitted to the ExA, together with any necessary supporting information or narrative.	A copy of each of the following documents is being submitted alongside this response in 9.19.1 Appendix to Applicant's Response to Written Questions (ExQ1), submitted at Deadline 2: <ul style="list-style-type: none"> <li>White Consultants (2020). <i>Suffolk Seascape Sensitivity to Offshore Wind Farms</i>. Suffolk County Council and Suffolk Coast and Heaths AONB Partnership; and</li> <li>White Consultants (2023). <i>Suffolk Seascape Sensitivity to Offshore Wind Farms – Update Addendum</i>. Suffolk County Council, East Suffolk Council and Suffolk Coast and Heaths AONB Partnership.</li> </ul> <p>These reports, including the 2023 addendum, are referenced throughout ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043] as “White Consultants, 2020”. The findings of these reports informed the evaluation of sensitivity of Marine Character Areas, as set out in Section 29.5.1.3 and Section 29.6.3.1 in [APP-043].</p> <p>The 2023 addendum concludes that, in order to avoid significant impacts on the National Landscape, “Wind farms with turbines over 400m high should be at least 40km away from the coast and preferably more” (paragraph 5.4). The Proposed Development comprises turbines with a maximum tip height of 377m, which will be located a minimum of 40km away from the coast.</p> <p>We note the conclusion of [RR-318] that “SCC finds that there is not likely to be a significant effect on seascape and landscape or the Suffolk Coast and Heaths National Landscape Area.” This is in</p>

			agreement with the conclusions of the SLVIA as presented in Table 29.21 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043].
Q14.1.12	The Applicant	<p><b>Landscape Impact – Dedham Vale AONB</b></p> <p>IPs including ESC [RR-084] have expressed concerns that the proposed substation search area is located to the south of the Dedham Vale AONB and therefore may adversely contribute towards its setting. How has the Applicant carefully considered the siting and design impacts on the AONB, given the flexibility within the submitted design parameters.</p>	<p>Various sites for the onshore substation were explored as set out in ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018]. The appraisal considered landscape and visual factors including National Landscapes, and was informed by a landscape walkover of the short-listed options. Consultation took place with local authorities and Natural England as set out in ES Appendix 4.2 [APP-091a].</p> <p>Following the identification of the preferred onshore substation site, effects on the Dedham Vale AONB (now National Landscape) are considered in Section 30.5.3.2 of ES Chapter 30 Landscape and Visual Impact Assessment [APP-044]. The assessment also includes a viewpoint from the southern edge of the National Landscape (see Viewpoint 8: ES Figure 30.2.8 in [APP-088]). The LVIA concludes that, based on the assessment parameters, effects on the special qualities of the Dedham Vale National Landscape will not be significant.</p>
Q14.1.13	The Applicant	<p><b>Zone of Theoretical Visibility - Outer limits of significance for Seascape, Landscape and Visual Impacts (SLVIA) receptors</b></p> <p>There is no justification provided for the 30km Zone of Theoretical Visibility used to establish the outer limit of significance for SLVIA receptors, as described in Table 29.15 [APP-043]. Figure 29.1.6b [APP-077] shows that at the coast, 40km from the proposed array, 31-34 WTGs may still be visible. Natural England has stated in its RR [RR-243] that it requires further consideration and assessment to demonstrate that no significant impacts could arise beyond 30km on the special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SCHAONB) and Suffolk Heritage Coast (SHC), could arise beyond 30km. NE also draws attention to significantly larger ZTV used on other projects for similar size turbines. Please can the Applicant respond, and clarify whether or not an</p>	<p>Table 29.15 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043] provides an assessment of effects on the Suffolk Coastal Waters Seascape Character Area (SCA) 10. The extents of this SCA are mapped on Figure 29.1.4 [APP-077]. This Figure also shows the project Zone of Theoretical Visibility (ZTV) which has been generated to provide potential coverage over the full Study Area for the SLVIA, and which extends out to a 60km radius from the array area. The Study Area, and associated ZTV which has been generated to cover the full extents of the 60km Study Area, is considered to be proportionate for the size of project under consideration. The study area was agreed with Natural England and others through consultation, as set out in Table 29.1 in ES Chapter 29 SLVIA [APP-043].</p> <p>The assessment of effects on this specific SCA concludes that the magnitude of impact on seascape character will be medium to low up to 30km distance from the array area, reducing with distance to low at the coastal edge (which, as highlighted on Figure 29.1.4b, is approximately 40km from the proposed array area).</p>



		<p>increased ZTV should be assessed. Please also confirm any risks to underestimation of the significance of impact on receptors.</p>	<p>The proposed array area is not located within the SCA, and the SCA has been influenced by existing offshore wind farms through the operational Galloper and Greater Gabbard Wind Farms, both of which lie in closer proximity to the east of this SCA.</p> <p>When defining the geographical extent of the magnitude of impact, and particularly for seascapes where there are no features such as changes in terrain or areas of vegetation cover, the change from one magnitude of impact level to another (from moderate to low, for example) will not be a definitive line but more a zone of gradual change.</p> <p>Given that any effects on the Suffolk Coastal Waters SCA will be indirect; the range of viewing distances towards the array area from across this large SCA; and the influence of existing offshore wind farms, then a magnitude of impact which ranges between medium to low, with impacts judged to be low at distances beyond approximately 30km, is considered appropriate.</p> <p>Table 29.21 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043] provides a detailed assessment with regard to effects on the SCHAONB (now National Landscape), including cumulative effects. This assessment is supported by a Zone of Theoretical Visibility (ZTV, see Figure 29.1.6b [APP-077]) and a number of assessment viewpoints located within the National Landscape designation. This assessment considers the SCHAONB (now National Landscape) in its entirety and concludes that effects will not be significant. Given that the full extents of the SCHAONB (now National Landscape) has been considered in the assessment, within the 60km study area, the Applicant does not consider there to be any risk of underestimation in the assessment.</p> <p>The Applicant also notes that Natural England has now submitted its Appendix I2 to the Relevant Representations of Natural England Seascape, Landscape and Visual Impact Assessment [REP1-071], which makes reference to the SCHAONB (now National Landscape), at Deadline 1. The Applicant has provided a full response to this document in 9.22 Applicant's Response to Natural England's Relevant Representation Appendix I2 Seascape, Landscape and Visual Impact Assessment, to be submitted at Deadline 2.</p>
Q14.1.14	The Applicant	<p><b>Cumulative Effects</b></p> <p>Tendring Colchester Borders Garden Community (TCBGC) is a major allocation within the TDC adopted Local Plan and emerging DPD. Please advise on the possible cumulative impacts on Tendring Landscape of the proposal.</p>	<p>The 'site allocation boundary' for the TCBGC is located to the east of Colchester, and contained to the south of the A701. This is fully outside the LVIA Study Area for the proposed onshore substation, at a distance of approximately 3km. The intervening landscape between the two proposals is relatively flat, with screening provided by hedgerows and woodland. The A701 also provides a notable boundary through the landscape, and further separation between the projects. As such, there are considered to be no likely significant cumulative landscape and visual effects arising from the two projects.</p>



Q14.1.15	Local Authorities	<b>Public Rights of Way (PROW) - Mitigation</b> The approach to mitigation for impact on the PROW network is set out in the Outline Public Rights of Way Management Plan (OPRoWMP) [APP-252] covering a temporary closure and diversion process. Please provide commentary on the approach, including <ul style="list-style-type: none"> <li>(i) Is sufficient information provided to identify/locate PROWs to provide required notices?</li> <li>(ii) Is sufficient notice of temporary diversions provided, including the recipients of notices?</li> </ul>	This question is not directed to the Applicant.
Q14.1.16	The Applicant	<b>Visual impact of lighting</b> A number of RRs, particularly those in close proximity to the OnSS have stated that they currently enjoy open, agricultural views. Many roads have no street lighting, and there are concerns around security and lighting during night-time, creating added visual impact, and reducing enjoyment of night sky. Please can the Applicant set clarify the measures and mitigation proposed to reduce the impact of this aspect of the proposal.	<p>Table 30.2 of ES Chapter 30 Landscape and Visual Impact Assessment [APP-044] provides information on realistic worst case scenarios. It states that: “<i>Normal operating conditions would not require lighting at the onshore substation, although low level movement detecting security lighting may be utilised for health and safety purposes. Temporary lighting during working hours would be provided during maintenance activities only.</i>”</p> <p>The Applicant has committed to including security lighting only at the onshore substation, with no permanent night-time lighting see Paragraph 304, ES Chapter 5 Project Description [APP-019]. The details of any operational external lighting will be approved pursuant to Requirement 5 in the draft DCO.</p>
Q14.1.17	The Applicant, National Trust	<b>Orford Ness – landscape impact</b> Orford Ness is a National Trust (NT) National Nature Reserve wholly within the Suffolk Coast and Heaths National Landscape. The NT, in its RR [RR-241] describes this as a focal point within the area of the Alde-Ore estuary, and that it is also the location for designated heritage assets including listed buildings and scheduled monuments. Please can the Applicant set out or signpost to the assessment if the visual impact of the proposed measures on this landscape and associated heritage assets. The NT is also invited to comment further with specific concerns.	The proposed LBBG mitigation measures will be subject to a landscape and visual impact assessment, which will be undertaken in support of a planning application for the compensation measures at the Orford Ness site. This will be secured through a separate application for planning permission under the Town and Country Planning Act 1990.

Q14.1.18	The Applicant	<p><b>Farm Woodland Premium Scheme</b></p> <p>The Forestry Commission, in its RR [RR-102] notes the use of trenchless HDD crossing techniques and that buffers and protection measures proposed. It has drawn attention a 1.28ha area of woodland within the area marked for the Project's National Grid Connection Point that was established or managed with the support of the Farm Woodland Premium Scheme (FWPS). It is understood that this grant is still in obligation. Please can the Applicant clarify how it would address any grant repayment required arising, should the terms of the funding agreement be breached.</p>	<p>The Applicant is not proposing to undertake any woodland removal within the proposed National Grid connection point (see Works no. 14, Sheet 16, Works Plans Onshore <b>[APP-201]</b>); this is the location for connection work into pre-constructed infrastructure constructed by NGET only.</p>
Q14.1.19	The Applicant	<p><b>Hedgerows</b></p> <p>Please clarify the definition the Applicant has used for important hedgerows within the landscape and visual assessment? Additionally, please confirm whether or not the status of any hedgerows would be likely to change between now and when construction would start.</p> <p>As a worst-case scenario, how many metres of hedgerow would be removed across the whole of the Order Limits? Please clarify whether there is sufficient opportunity space in the Order Limits to accommodate replanting at similar levels to that lost.</p>	<p>The definition of important hedgerows used within ES Chapter 30 Landscape and Visual Impact Assessment <b>[APP-044]</b> is in reference to hedgerows which are assessed as important according to the criteria set out in the Hedgerow Regulations 1997, reflecting their heritage and/or ecological value.</p> <p>The status of these 'important hedgerows' is unlikely to change between now and the beginning of construction.</p> <p>As stated in ES Chapter 23 Onshore Ecology <b>[APP-037]</b> Section 23.6.1.6, in the worst case scenario a total length of 1,041.75m of hedgerow would be removed within the Order Limits; 1,011.75m of which are subject to temporary losses and 30m of which are subject to permanent loss at the onshore substation.</p> <p>As stated in ES Chapter 23 Onshore Ecology <b>[APP-037]</b> Section 23.6.1.6, hedgerows subject to temporary losses will be replanted with locally important and native species, in the first season following the completion of construction. All hedgerow sections permanently removed at the onshore substation would be replaced elsewhere, alongside the creation of additional hedgerows, as part of the Project's landscaping scheme described in the Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b>.</p>
Q14.1.20	The Applicant	<p><b>Replacement Trees and Hedgerows</b></p> <p>Are there instances where the removal of trees or hedgerow that cannot be replanted in the same location would have a harmful effect on landscape character?</p>	<p>A Written Landscape Scheme will be prepared, secured by DCO Requirement. This will be based on the Outline Landscape and Environmental Management Strategy (OLEMS) <b>[APP-249]</b>, and will be submitted for the approval of the Local Planning Authority prior to commencement of the works.</p> <p>All hedgerows temporarily removed will be replanted in the same location. Trees which cannot be replanted in the same location due to the cable easements, will be replanted in a nearby location with the agreement of the Local Planning Authority through the Written Landscape Scheme.</p> <p>It is not anticipated that there will be significant permanent effects on landscape character as a result of trees that cannot be replanted in the same location.</p>

## 15.0 Navigation and Shipping

ExQ1	Question to:	Question:	Applicant's Response
15. Navigation and Shipping			
Q15.1.1	The Applicant	<p><b>Potential concurrent working in the Sunk area</b></p> <p>Further to the Harwich Haven Authority's RR [RR-126] concerning potential concurrent offshore works for the Proposed Development, the proposed VEOWF and National Grid's Sea Link, provide an indicative timetable for the offshore construction works for the three previously mentioned projects. The indicative timetable should show any expected concurrency for the three projects' offshore construction works.</p>	<p>The Applicant is not in a position to comment on indicative offshore construction timelines for projects other than its own. However, the proposed construction programme for on SeaLink's website appears to show them installing cable in 2029. This agrees with the Applicant's understanding that Sea Link is required to be operational for 2030 for constraint relief in East Anglia and Essex. To be operational for a 2030 timeframe, and given its an HVDC project and the long commissioning time required, the Applicant is assuming that Sea Link programme will need its cables in prior to 2030 to ensure it can maintain its regulatory requirements, resulting in limited interactions between the two projects, as North Falls grid connection date is October 2030.</p> <p>As both the Project and Five Estuaries have the same grid connection date, these two projects are more likely to be working in the same vicinity at the same time. However, as per document 9.17 – Export Cable Crossing Zone Plan [REP1-059], the indicative cable crossing between the two projects is prior to any location around the pilot boarding station location, approximately 10km along the cable route from the pilot boarding station (just over 9km as the crow flies). This means that it will be virtually impossible to have any concurrent working in the vicinity of the Sunk Pilot Boarding Area between the projects, as the crossing works would necessitate a sequential arrangement of the works, with sufficient time in between projects cabling activities to construct the crossing. Given the time required to prepare the crossing and the speed of cable install for the respective projects, the second project is expected to be starting with a sufficient delay on the first project such that there will not be any construction activities between the projects in the vicinity of the Sunk Pilots Boarding Station buoy.</p> <p>The definition of concurrent and the area of interest for concurrent working are defined within Section 4.2 of the Navigation and Installation Plan [APP-259].</p>
Q15.1.2	The Applicant	<p><b>Navigational Risk Assessment (NRA) indicative worst-case layout</b></p> <p>With reference to the NRA, Section 6.2.1 Indicative Worst-Case Layout [APP-106], explain the reasoning for the minimum crosswind and downwind spacing between Wind Turbine Generators (WTGs) of 944 metres and 1,180 metres respectively, and provide and explain the reasoning for the minimum spacing between the WTGs and the Offshore Substation Platforms (OSPs)?</p>	<p>The windfarm layout will be developed once turbines have been selected. This will happen post-consent and will be subject to approval by the MMO in consultation with the MCA and Trinity House (DML condition 21, dDCO Schedule 8 [REP1-011]). However, the principles are demonstrated below.</p> <p>Generally, windfarms want wind turbines to be spaced as far apart as possible to increase their energy output. The most efficient layout will depend on the proportion of time the wind is in each direction and how the wakes from upstream turbines impact on downstream ones.</p> <p>Given this, the windfarm layout will depend on the proportion of time the wind blows from any single direction and how the turbines generate their wakes. If there is no distinct prevailing wind, it is beneficial to have a common spacing in both the prevailing wind and cross wind directions (normally a minimum of 5 times the rotor diameter of the turbines is chosen – notionally set at 236m for the project). However, if the prevailing wind is more dominant, there may be a benefit to increasing the spacing in that orientation as it will generate more energy. To ensure capacity is maximised, it may be necessary to reduce the distance in the cross wind direction, typically reducing it by a rotor diameter from the common</p>

			<p>spacing. In addition to this, turbine technology is improving such that adaption of the wakes may be possible to mitigate impacts from one turbine to the next.</p> <p>The exact spacing requirements will depend on the specific turbine selected, understanding the impacts from the upstream turbines on the downstream ones. This could lead to either scenario being the most optimal, and hence the worst case spacings assumes the closest of these two scenarios.</p> <p>The prevailing wind is perpendicular to the Galloper Recommended Ferry Route, and hence the current single line of orientation is based on that ferry route.</p> <p>Due to the wind shadow created by the OSP, the spacing required between the OSP and downstream WTG does not need to be as large as the spacings between two WTGs. The OSP will be placed in the same single line of orientation as the WTGs, and hence the spacing between OSPs and the nearest wind turbines will be a minimum of half the cross-wind spacing of between WTGs i.e. 522m.</p>
Q15.1.3	Trinity House, UK Chamber of Shipping and any other IP	<p><b>Navigational Risk Assessment methodology</b></p> <p>Are you content with the methodology that has been applied to assess the Proposed Development's shipping and navigational risks in the submitted NRA Chapter 3 in [APP-106]? The ExA notes the MCA responded in their RR [RR-048] that: <i>"A completed MGN 654 Checklist has been provided as part of the NRA, and we are content the recommended NRA methodology process has been followed."</i> However, the views of other stakeholders on this matter are sought.</p> <p>If you are not content, what are your concerns and how might they be addressed?</p>	This question is not directed to the Applicant.
Q15.1.4	Trinity House, UK Chamber of Shipping and any other IP	<p><b>NRA data sources</b></p> <p>Are you content that the NRA has been informed by the correct sources of data (Chapter 5 in [APP-106])? The ExA notes the MCA confirmed in their RR [RR-048] that <i>"MCA is content that the traffic data collection is suitable for the assessment."</i> However, the views of other stakeholders on this matter are sought.</p> <p>If you are not content, what other data do you think should be taken into account when assessing the navigational and shipping risks associated with the Proposed Development?</p>	This question is not directed to the Applicant.
Q15.1.5	Trinity House, Maritime and Coastguard	<p><b>Navigational Safety</b></p> <p>Paragraph 852, Chapter 21 Summary, from the NRA Part 2 of 3 [APP-107] states that <i>"The significance of risk has been</i></p>	This question is not directed to the Applicant.



	Agency, UK Chamber of Shipping Interested Parties	<p><i>determined as either Broadly Acceptable or Tolerable for all shipping and navigation hazards assessed. With additional mitigation measures applied, the residual risk is Broadly Acceptable or Tolerable with Mitigation for all shipping and navigation hazards and ALARP.”</i></p> <p>(i) Are you satisfied that the Proposed Development, subject to implementation of management plans and the level of mitigation proposed by the Applicant, reduces the risks to navigational safety to ‘as low as reasonably practicable’ (ALARP)?</p> <p>Are you content with the NRA and that the MGN 654 checklist has been satisfactorily completed to demonstrate compliance? If not, what more needs to be done to give you reassurance?</p>	
Q15.1.6	Maritime and Coastguard Agency, Trinity House, UK Chamber of Shipping	<p><b>Layout principles - search and rescue</b></p> <p>Are you satisfied that the dDMLs contained with the dDCO would secure the necessary commitments to enable safe and practical search and rescue operations? If not, what additional wording/ drafting would you wish to see inserted?</p>	This question is not directed to the Applicant.
Q15.1.7	The Applicant	<p><b>Cable depth in Sunk Area</b></p> <p>In your response to Harwich Haven Authority’s RR [RR-126] include confirmation that their concerns below have been addressed and if not, what actions are proposed:</p> <p>(i) “The cable (and any covering material e.g. rock armour) must be at least 22 metres below Chart Datum to allow future vessel with a draught of 20 metres.”</p> <p>(ii) “In the Sunk area, cable depth needs to consider that the world's largest vessels may anchor and dredge anchors in emergency scenario.”</p>	<p>When crossing the Traffic Separation Scheme (TSS) South and the Precautionary area, the water depths of the locations have been selected such that the cable burial will be below the 22m, CD. The crossings of the Sunk Deep Water and Trinity Deep Water channels are being investigated from an environmental perspective, with further discussions with HHA planned for the 20<sup>th</sup> March.</p> <p>The Applicant is not crossing the Sunk Inner, and is proposing to keep south of the main charted routes, outside of 1km from the charted locations.</p>
Q15.1.8	The Applicant	<p><b>Impacts on communication and shipborne and shore-based radar systems</b></p> <p>(i) Confirm that both shipborne and shore-based radar systems have been considered in the NRA Part 2 of 3 [APP-107] or elsewhere in other application documents. NRA Annex C Hazard Log includes “<i>Interference with Marine Navigation, Communication and Position Fixing Equipment</i>” for the project in isolation.</p> <p>(ii) Has the Cumulative case also been considered? If so, what was the outcome?</p>	<p>Impacts on shipborne radar have been assessed in Section 12.7 of the NRA Part 2 of 3 [APP-107]. The Port of London Authority (PLA) raised potential temporary impacts on their shore-based radar sites during cable installation in their Relevant Representation [RR-272]. The Applicant does not anticipate any impact on the functionality of these shore-based assets based on proximity, however discussions will be held with PLA on this point as part of ongoing engagement.</p> <p>Fig 12-4 of the NRA Part 2 of 3 [APP-107] shows the expected impact accounting for North Falls with the existing Greater Gabbard and Galloper WTGs. No cumulative impacts are anticipated based on expected routing patterns (Section 14.4.2.4 of APP-107) when considered with proximity and locations of other screened in developments.</p>



Q15.1.9	The Applicant	<p><b>Maritime database</b></p> <p>EN-3 Paragraph 2.8.188 states that: “<i>Applicants should refer in assessments to any relevant, publicly available data available on the Maritime Database.</i>” This doesn’t appear to be referenced in either ES Chapter 15 Shipping and Navigation [APP-029], or the NRA [APP-106-108].</p> <p>Please indicate whether the Maritime Database has been referred to and, if not, why not?</p>	<p>The Applicant has followed the Maritime and Coastguard (MCA) Marine Guidance Note (MGN) 654 for appropriate data sources to inform the NRA [APP-106, APP-107, APP-108]. These include multiple vessel traffic surveys and long term AIS analyses to establish vessel routing patterns, and use of United Kingdom Hydrographic Organisation (UKHO) Admiralty Charts to identify relevant International Maritime Organization (IMO) routing measures. These data sources are considered as providing an overall superior baseline understanding to the equivalent aspects of the Maritime Database. The MCA confirmed in their Relevant Representation [RR-217] that they are “content that the traffic data collection is suitable for the assessment”. The data collection was also presented to stakeholders during NRA consultation including at the hazard workshop.</p>
Q15.1.10	UK Chamber of Shipping	<p><b>Deviation of routes for vessels</b></p> <p>Paragraph 487 of the Navigational Risk Assessment [APP-107] summarises that for commercially routed vessels: “...<i>the worst case deviations are low, with changes within the study area estimated at 1%...</i>”. Table 14.4 [APP-107] presents the cumulative routing summary as &lt;1% increase and 3% increase for Routes 10 and 42 respectively.</p> <p>Do you agree with the estimated 1% as a likely worst case deviation of existing commercial vessel routes due to construction of NFOWF and the cumulative routing summary, and if so, what would be the impacts of this to the shipping industry that uses this area?</p>	<p>This question is not directed to the Applicant.</p>
Q15.1.11	The Applicant	<p><b>Provision to formally remove the Galloper Recommended Ferry Route</b></p> <p>ES Chapter 15 [APP-029] Table 15.1 Consultation responses (page 30) records the following from the Applicant’s meeting with the MCA dated 27 June 2024:</p> <p><i>Comment: “The MCA stated provision would need to be in place to formally remove the Galloper Recommended Ferry Route before construction commenced.”</i></p> <p><i>Response: “Consultation has been undertaken with the Belgian Authorities to discuss the Galloper Recommended Ferry Route. This process will be progressed at the appropriate time with the IMO in consultation with the relevant stakeholders as the Project moves forward.”</i></p> <p>(i) Provide an update on the consultation undertaken and timescales for next steps to include any further risk assessments required.</p> <p>(ii) What are the implications if agreement cannot be reached before the close of examination?</p>	<p>(i) The Applicant has undertaken extensive stakeholder engagement on the topic of the removal of the Galloper Recommended Ferry Route with the both the MCA and the Belgian Directorate General of Shipping. At a meeting on 9<sup>th</sup> September 2024, the Belgian Directorate General of Shipping requested the Applicant produce a Formal Safety Assessment (FSA) on the removal of the Galloper Recommended Ferry Route. The Applicant supplied the FSA to the Belgian Directorate General of Shipping on the 26<sup>th</sup> November 2024, who subsequently confirmed via email on the 20<sup>th</sup> January 2025 that their “consultation on the FSA is closed and the result is positive”. The Applicant has submitted the FSA into examination for reference at Deadline 2 (Document Reference 9.24), and will progress discussions with the MCA on formally removing the Galloper Recommended Ferry Route.</p> <p>(ii) The MCA stated in their relevant representation [RR-217] that they would support the removal of the route if the Secretary of State grants consent for the Project. Given that the Belgian Directorate General of Shipping have now confirmed a positive response to the FSA as per point (i) above, the Applicant considers that there is no impediment to discussions on removing the route progressing.</p>

Q15.1.12	The Applicant	<p><b>Further mitigation required for recreational craft</b></p> <p>The NRA [APP-107] Annex C Hazard Log records the following additional comments on pages 281-282 and 291-292: <i>“The MCA noted concern that recreational vessels would be displaced into the TSS lanes and therefore increase potential for encounters with commercial vessels. The potential for a marked channel for recreational vessel use was discussed.”</i> The Further Mitigation Required presented includes: ‘e.g., a marked channel or line of orientation aligning with typical recreational vessel transits.</p> <p>Has agreement been reached with RYA and MCA on the most effective option and how this will be secured in the DCO?</p>	<p>The RYA and the Cruising Association indicated a marked channel may be preferable from a recreational vessel perspective at meetings held on the 27<sup>th</sup> October 2024 and the 29<sup>th</sup> November 2024 respectively. However, it was agreed with the MCA, Trinity House, and Chamber of Shipping in a meeting on the 27<sup>th</sup> June 2024 that either option could be acceptable, and that a final decision could be agreed as part of post-consent layout discussions. It is also noted that both solutions could be implemented (i.e., a marked channel <u>and</u> a sympathetic line of orientation).</p> <p>The requirement for the MMO to approve the layout of wind turbine generators post-consent in consultation with the MCA is secured under Schedule 8 Part 2 paragraph 21(1)(a)(i) of the dDCO <b>[REP1-011]</b>.</p>
Q15.1.13	The Applicant	<p><b>Concerns about offshore buried cables becoming exposed</b></p> <p>Concerns raised by Harwich Harbour Fishermen’s Association in their RR [RR-125] include sections of cables on other existing wind farms where cables were originally buried but have become exposed.</p> <p>How will this risk be mitigated for the Proposed Development to prevent cables becoming a snagging hazard to fishing vessels?</p>	<p>As set out in the <i>Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees</i> (Rev 0) <b>[REP1-045]</b>, the Project has proposed a wide range of embedded mitigation measures (Table 4-4) which will reduce impacts on commercial fishing and have been accounted for when identifying effect significance (ES Chapter 14 Commercial Fisheries, [APP-028]). These are listed in Section 14.3.3 of ES Chapter 14 Commercial Fisheries, <b>[APP-028]</b> and in the Outline Fisheries Liaison and Co-Existence Plan (<b>FLCP</b>) <b>[APP-244]</b>, and include, in relation to cable exposure, commitments to bury cables to a minimum of 0.6m where practicable and to evaluate appropriate protection measures for cables that cannot be buried to this depth. The final burial depth will be based on the Cable Burial Risk Assessment to ensure that every cable is sufficiently protected from any hazards that may occur above it. As set out in the Outline FLCP, where rock placement is required for cable protection, designs that minimise potential gear snagging risk (i.e. use of graded rock and 1:3 profile berms) will be used, where practicable. This will facilitate co-existence and minimise potential damage to and from fishing gear and associated safety risks</p> <p>Additionally, under the following conditions of the deemed Marine Licences of the draft DCO <b>[REP1-011]</b>, :</p> <p>Schedule 8 Part 2 Condition 21(1)(h)(iv);</p> <p>Schedule 9 Part 2 Condition 22(1)(h)(iv); and</p> <p>Schedule 10 Part 2 Condition 21(1)(h)(iv),</p> <p>the Applicant must provide proposals for approval by the MMO in consultation with the MCA and Trinity House in relation to “monitoring offshore cables including cable protection during the operational lifetime of the authorised development”. Therefore, the measures also include post-lay and cable burial inspection surveys and, as set out in the Outline FLCP, in the event that cable exposures are identified during the operational phase, the location of these will be published via the standard notices with additional liaison to be undertaken with fisheries stakeholders. Where appropriate, additional temporary measures would also be put in place (e.g., surface marker buoys, use of guard vessels, etc).</p>

Q15.1.14	The Applicant	<b>Offshore buried cable depth</b>  Clarify if the “ <i>target minimum export cable burial depth is 0.6m</i> ” with reference to the Table 2-3, Cable Statement [APP-262] or “ <i>burying offshore export cables where practicable to a minimum burial depth of 0.5m</i> ” with reference to Table 4.1, Outline Fisheries Liaison and Coexistence Plan (OFLaCP) [APP-244]?	It is noted that Table 4.1, Outline Fisheries Liaison and Coexistence Plan (FLCP) [APP-244] refers to both 0.5m and 0.6m. 0.5m is a typing error, 0.6m is correct. This will be corrected and an updated Outline FLCP will be submitted at an appropriate Deadline.
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## 16.0 Socio-economic Effects

ExQ1	Question to:	Question:	Applicant's Response
16. Socio-economic Effects			
Q16.1.1	The Applicant	<b>East Suffolk and Essex coast visibility of North Falls Offshore Wind Farm</b> Paragraph 116 of ES Chapter 32 Tourism & Recreation [APP-046] states “ <i>There are several areas of the East Suffolk and Essex coast which will have no to visibility of North Falls due to their location.</i> ” The Applicant should confirm the wording of this sentence.	There are a number of areas of the East Suffolk and Essex coast that would have no visibility of the proposed North Falls offshore wind farm array. For example, coastal areas of Southend-on-Sea in Essex, areas of Maldon District on the River Blackwater and coastal areas in East Suffolk such as Brightlingsea, would all have limited to no visibility of North Falls offshore wind farm array. This statement is based on a review of the zone of theoretical visibility set out in Figure 29.1.2b Blade Tip Height Zone of Theoretical Visibility and Viewpoint Locations [APP-077].
Q16.1.2	The Applicant	<b>Accommodation for non-resident workforce</b> Under the heading of 32.6.1.3 of ES Chapter 32 [APP-046], it is suggested additional demand for accommodation from a non-resident workforce could affect accommodation available in the tourism sector but there appears to be no comment for the non-tourist rented sector.  The Applicant should clarify if this has been considered.	Pressure on local onshore infrastructure and services (housing and health) is assessed as an impact within ES Chapter 31 Socio-economics [AS-010]. This includes an assessment of the impact on private rented and owner-occupied housing. The Chapter finds (Section 31.6.1.3, paragraph 172) that construction workers are expected to primarily use temporary visitor accommodation (onshore) or accommodation vessels (offshore), with the implication that there is likely to be very low demand for private rented or owner-occupied housing during the construction phase of North Falls. Impacts on visitor accommodation are assessed in ES Chapter 32 Tourism and Recreation [APP-046].

ExQ1	Question to:	Question:	Applicant's Response
Q16.1.3	The Applicant	<p><b>National Federation of Fishermen's Organisation's concerns</b></p> <p>Provide here or in your SoCG, your response to concerns in the National Federation of Fishermen's Organisation's RR [RR-238] to include confirmation about how the concerns extracted below have been addressed and if not, what further action is proposed:</p> <p>(i) <i>"Further displacement of commercial fishing in the region will result in economic harm, through direct displacement, loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project as well as contributing to the spatial squeeze on fisheries in the region."</i></p> <p>(ii) <i>"Concerns about the lack of contemporary and site-specific data presented in the fish and shellfish ecology assessments, and a lack of focus on key commercial species that have a range that overlaps with the development area, specifically shellfish."</i></p> <p>(iii) <i>"We feel that the commercial fisheries</i></p>	<p>The Applicant confirms that key concerns raised by the NFFO in their relevant representation <b>[RR-238]</b> and previous feedback provided during the pre-application stage are being considered for discussion in the SoCG.</p> <p>Notwithstanding this, a summary of the Applicant's position on these matters is provided below:</p> <p>(i) The potential impacts of the Project on commercial fishing during construction, operation and decommissioning both alone and cumulatively with other projects/activities are assessed in Sections 14.6.1 and 14.7 Chapter 14 Commercial Fisheries <b>[APP-028]</b>. This includes specific assessments for loss of access to fishing grounds and associated displacement of activity to other areas, as well as increased steaming times, amongst other aspects. The assessments identified potential for impacts of negligible to minor significance, depending on the fleet under consideration. The Applicant notes that the assessments take account of the wide range of embedded mitigation measures that have been proposed (and listed in Table 14.4 of Chapter 14 Commercial Fisheries <b>[APP-028]</b>), including the development of a Fisheries Liaison and Co-existence Plan (FLCP) in accordance with the Outline FLCP already submitted as part of the Application <b>[APP-244]</b>.</p> <p>(ii) The Applicant notes that the sources of data and information used to inform ES Chapter 11 Fish and Shellfish Ecology <b>[APP-025]</b> were discussed with the Seabed Expert Topic Group (ETG) as part of the Evidence Plan Process (EPP). Following detailed discussions on this matter during a meeting held on 20<sup>th</sup> June 2022, it was agreed that the existing available data was suitable to characterise the fish and shellfish ecology baseline and that there was no requirement to collect additional or more contemporary fish and shellfish data. The appropriateness of the data sources used in Chapter 11 Fish and Shellfish Ecology is further supported by the statement included under paragraph 5.5.2 of the Relevant Representation issued by the MMO <b>[RR-216]</b>.</p> <p>(iii/iv) The potential impacts of the project on commercial fisheries have been assessed in Sections 14.6.1, 14.6.2 and 14.7 of ES Chapter 14 Commercial Fisheries <b>[APP-028]</b>, including cumulative effects arising from other projects/activities in the region. The assessment was carried out using the standard EIA methodology described in Chapter 6 EIA Methodology <b>[APP-020]</b> and in line with the established methodology used for assessment on commercial fishing for offshore wind farm projects across the UK. The conclusions on impact significance take account of the sensitivity of the receptors and the magnitude of the impact in the context of the commercial fisheries baseline identified in areas of relevance to the Project and the wide range of mitigation measures already embedded into the assessment and described in Table 14.4 of Chapter 14 Commercial Fisheries <b>[APP-028]</b>.</p> <p>(v) Consideration has been given to the potential for sections of cables to become exposed during the operational phase in the assessment (Section 14.6.2.6 ES Chapter 14 Commercial Fisheries <b>[APP-028]</b>). As described in embedded mitigation measures included in Table 14.4 ES Chapter 14 Commercial Fisheries <b>[APP-028]</b>, in the event that cable exposures are identified during the operational phase, the location of these will be published via the standard notices with additional liaison to be undertaken with fisheries stakeholders. Where appropriate, additional temporary measures would also be put in place (e.g. surface marker buoys, use of guard vessels, etc) Additionally, North Falls must notify mariners in the event of cable exposure, as required by condition under each of the deemed Marine Licences – see paragraph 15(12) of Schedule 8, paragraph 16(12) of Schedule 9, and paragraph 15(12) of Schedule 10.</p>



ExQ1	Question to:	Question:	Applicant's Response
		<p><i>assessment underestimates the impacts at almost every stage."</i></p> <p>(iv) <i>"Displacement effects are assessed as not significant for all fisheries assessed, we disagree with this assessment."</i></p> <p>(v) <i>"If it is not actually safe to return to fish due to cables becoming exposed then this mitigation strategy needs reviewing with alternatives suggested."</i></p>	
Q16.1.4	The Applicant	<p><b>Restrictions to Fishing</b></p> <p>Paragraph 40, Outline Fisheries Liaison and Coexistence Plan (OFLaCP) [APP-244] includes <i>"that North Falls does not intend to apply for restrictions on fishing activity within the offshore project area beyond necessary safety zones."</i></p> <p>Clarify the extent of any restrictions on fishing fleets within the wind farm areas once they are operational and whether the existence of the turbines would result in any significant impingement or practical difficulties on fishing activities in these areas?</p>	<p>As noted in the Outline Fisheries Liaison and Coexistence Plan (FLCP) [APP-244], North Falls do not intend to apply for restrictions on fishing activity within the offshore project area beyond necessary safety zones.</p> <p>Restrictions and/or loss of access for fishing during the operational phase of North Falls will only be as a result of the safety zones and the physical footprint of the Project' offshore infrastructure</p> <p>Safety zones applicable during the operational phase will be limited to 500 m exclusion around major maintenance activities as described in Section 14.6.1 Chapter 14 Commercial Fisheries [APP-028].</p> <p>The maximum area lost to fishing as a result of the introduction of the Project's offshore infrastructure has been assessed in Section 14.6.2.2 Chapter 14 Commercial Fisheries [APP-028] under "Long term loss or restricted access to fishing grounds", and the worst-case scenario is presented in Table 14.3 of Chapter 14 Commercial Fisheries [APP-028] and includes the combined footprint of each WTG and OSP/OCP, the area of seabed directly over the array and export cables and any cable protection.</p> <p>The Applicant notes that the choice to fish within the array will be at the discretion of the vessel's master or skipper. As described in Table 14.3 Chapter 14 Commercial Fisheries [APP-028] the minimum turbine spacing is 1180m and 944m (for downwind and crosswind respectively) which is comparable to other offshore wind farms where both static and mobile methods have been recorded fishing. Evidence of records of vessels operating static and mobile fishing gears within operational wind farms was included in Figure 14.31 to Figure 14.34 [APP- 059] which support the assessment presented in Chapter 14 Commercial Fisheries [APP-028].</p>
Q16.1.5	The Applicant	<p><b>Outline Skills and Employment Plan</b></p> <p>(i) ES Chapter 31 [APP-089] and the OSEP [APP-253] refer to monitoring of the plan and the Applicant is requested to provide</p>	<p>(i) The Applicant will continue to develop the approach to implementing the activities detailed in the OSEP [APP-253] and propose measures for monitoring them, with timeframes where appropriate. This will be detailed within the final SEP, which will be secured under a DCO Requirement. Methods of monitoring skills and employment benefits could include undertaking surveys, monitoring training and certification, monitoring engagement with educational institutions, keeping detailed employment metrics, monitoring feedback from local communities and publishing reports on workforce development, training outcomes and community benefits.</p>



ExQ1	Question to:	Question:	Applicant's Response
		<p>further clarification as to how the effective monitoring of the plan will be undertaken and the outcomes assessed?</p> <p>(ii) How will the Applicant be able to ensure that the objectives set out in the plan are achieved?</p> <p>(iii) How will the Applicant be able to respond to post construction evaluation exercises in respect of the objectives being met and what action will be taken if objectives are not met or the predicted outcomes not achieved?</p> <p>(iv) Does the information provided take account of the up to date Open Data provided by Essex County Council?</p>	<p>(ii) The Applicant is continuing to engage with stakeholders on the next steps of the OSEP [APP-253]. The Applicant will look to monitor outcomes using key performance indicators (and explore the other monitoring measures outlined above). The Applicant will explore partnerships with education and training providers and seek to build in flexibility to these programs. The Applicant has conducted detailed research into the local context as part of the OSEP and will continue to update and build on the existing local needs evidence base.</p> <p>(iii) Section 10 of the OSEP [APP-253] details the approach to implementing the activities described in the plan, and the outline measures for monitoring and evaluating their implementation. The need to develop a monitoring and evaluation framework, including performance indicators and actions to identify and address issues in meeting specific objectives and targets, will be further addressed in consultations with stakeholders as work on the development of the full Skills and Employment Plan (SEP) progresses. The SEP is secured under a DCO requirement and will be finalised post-consent. The Applicant recognises that a finalised SEP would need to provide for adaptation and flexibility so that commitments can be adapted as the project progresses.</p> <p>(iv) The Applicant consulted with Essex County Council during the Evidence Plan Process. Essex County Council highlighted key data sources such as the Open Data provided by Essex County Council. This data is presented within Appendix A Skills and Employment Baseline of the OSEP [APP-253], and has been considered when developing the OSEP.</p>
Q16.1.6	The Applicant and Local Authorities	<p><b>Supply Chain Plan</b></p> <p>(i) Is there a draft Supply Chain Plan available [APP-045]?</p> <p>(ii) Are the local authorities satisfied with the proposals in respect of the Supply Chain?</p>	<p>(i) On 12 November 2024, the government launched the Clean Industry Bonus (CIB), which offers extra Contracts for Difference (CfD) revenue support to fixed and floating offshore wind applicants who choose to invest in more sustainable supply chains. This process ensures that all fixed and floating offshore wind applicants entering a CfD round have met the CIB Minimum Standard of investment in supply chain sustainability. The CIB scheme supersedes the previously required provision of a Supply Chain Plan as noted under point 7.2 of the Environmental Statement – Chapter 31 Socio-economics- [APP – 045]</p> <p>(ii) This question is not for the Applicant</p>
Q16.1.7	The Applicant	<p><b>Tourist Accommodation</b></p> <p>ES Chapter 32 Tourism and Recreation [APP-046] refers to the Visit Britain accommodation stock audit of 2016.</p> <p>Is the Applicant aware of any proposals to produce a more up to date audit of the availability of tourist accommodation?</p> <p>Paragraph 215 of ES Chapter 32 Tourism and Recreation [APP-045] refers to the</p>	<p>The Applicant is not aware of a recent update to the Visit Britain accommodation stock audit, or any alternative sources that have the same detail required for the purposes of the ES assessment on tourism, or any plan or programme to produce an audit of tourism accommodation stock data.</p> <p>(i) The assessment (ES Chapter 32 Tourism and Recreation, Section 32.6.1.3 [APP-046]) found a negligible (not significant) impact on reductions in tourist accommodation availability due to a non-resident workforce as well as a negligible (not significant) cumulative effect. The assessment did not therefore identify a requirement for additional mitigation relating to the supply of tourist accommodation. The Applicant has engaged and will continue to engage with key local stakeholders as the project progresses. As detailed in the OSEP [APP-253], the Applicant is committed to working with local stakeholders to maximise local skills and employment benefits of the Project. Such measures could potentially reduce the requirement for a non-local workforce, and the related demand that would be generated from that non-local workforce for temporary housing in tourist accommodation. ES Chapter 32 Tourism and Recreation [APP-046] assumed a realistic worst-case scenario in which up to 91% of the construction workforce</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>development of an accommodation plan, together with coordination with local businesses.</p> <p>(i) Please clarify what action has been taken in respect of the community engagement to deal with the potential reduction on tourist accommodation as a result of the Proposed Development and the cumulative effects with other projects in the area.</p> <p>(ii) What progress has been made in the development of an accommodation plan and how would such a plan be secured and monitored during implementation?</p>	<p>could be non-local workers. Action which results in a lower proportion of the construction workforce being non-local would in turn be likely to result in lower demand for local tourism accommodation for the temporary construction workforce.</p> <p>(ii) As noted under part (i), ES Chapter 32 Tourism and Recreation <b>[APP-046]</b> assesses the impact of reductions in tourist accommodation availability due to a non-resident workforce. The assessment predicts a negligible effect from North Falls alone. In addition, the cumulative effect is assessed as negligible for the reasoning set out in Section 32.8 of ES Chapter 32 Tourism and Recreation. The Overarching National Policy Statement for energy (EN-1, paragraph 5.13.7) states that “<i>Applicants should consider developing accommodation strategies where appropriate, especially during construction and decommissioning phases, that would include the need to provide temporary accommodation for construction workers if required.</i>” Given that there are no significant effects or cumulative effects predicted related to accommodation the Applicant has not considered it to be necessary to develop an accommodation strategy at this stage of the Project. The Applicant is aware that larger energy infrastructure projects such as the Sizewell C Project have produced detailed accommodation strategies (EDF Energy, 2020) as part of the DCO application. However, the assessment of effects on tourism accommodation from North Falls identifies no significant effects, and the potential size of the temporary construction workforce even at peak demand is considerably smaller than that required by Sizewell C. Furthermore, a review of recent offshore wind farm applications (for example, Five Estuaries, Rampion 2, Sheringham Shoal and Dudgeon Extension Projects, East Anglia ONE North and Hornsea Project Four) shows there to be no accommodation strategies submitted as part of their DCO applications.</p>
Q16.1.8	The Applicant	<p><b>Skills Strategy and Socio-Economic Issues</b></p> <p>Suffolk County Council raises numerous matters in their representation [RR-318]. Please provide responses to points raised in relation to:-</p> <p>(i) Community benefits;</p> <p>(ii) Legacy opportunities;</p> <p>(iii) Documents and sources of data for the socio-economic assessment;</p> <p>(iv) Request for further work on the number and nature of employment opportunities during each phase of the project and the expected availability of labour;</p> <p>(v) Preparation of an Employment, Skills and Education Strategy;</p>	<p><b>(i) Community Benefits</b></p> <p>North Falls Offshore Wind Farm Limited is an equal joint venture backed company, with 50% owned by RWE and 50% by SSER. Both owners have a significant and long track record in engaging with communities and hard to reach groups during construction and throughout operations. It is typical that communities which directly host infrastructure are supported by community liaison officers. North Falls will consult on a community benefit fund post DCO grant.</p> <p>ES Chapter 29 Seascape, Landscape and Visual Impact Assessment <b>[APP-043]</b> records the assessment of impacts on the communities along the Suffolk coast. Table 29.14 (page 54) to Table 29.19 records (page 61) the magnitude of visual effect on coastal communities. Generally, the visual impacts are low to medium. It is common that community benefit is offered to those communities which are directly impacted by the presence of infrastructure during construction. During the operation phase, community benefit is targeted to those communities which will continue to host infrastructure during the operational phase. North Falls will consult on a community benefit fund post DCO grant.</p> <p><b>(ii) Legacy Opportunities</b></p> <p>The Applicant has considered legacy opportunities in Essex where the onshore elements of the project are located. Permanent road improvements along Bentley Road that are proposed to help facilitate the construction of the North Falls onshore substation are considered by North Falls Offshore Wind Farm Ltd to be a road safety legacy benefit. In addition, the delivery of BNG is also considered as a legacy benefit. North Falls will also consult on a community benefit fund post DCO grant.</p> <p><b>(iii) Documents and Sources of Data for the Socio-Economic Assessment</b></p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(vi) <i>“Need for a full assessment of environmental and socio-economic impacts of the cumulative effects of the project in conjunction with the other projects”;</i></p> <p>(vii) <i>“lack of reference to the potential impact on businesses and supply chains of other construction projects in the local area and region due to additional workforce displacement and churn resulting from the project”;</i></p> <p>and</p> <p>(viii) Further assessment of the cumulative effects of projects in the area.</p>	<p>The Applicant has considered a wide range of relevant published material, including policies and strategies, to establish the socio-economic context for the project and to inform the assessment of baseline conditions.</p> <p>The relevance of key policy and strategy documents (including the Economic Strategy for Norfolk &amp; Suffolk, Suffolk County Council Energy Infrastructure Policy) to the socio-economic assessment is considered in Table 31.7 of ES Chapter 31 Socio-Economics <b>[AS-010]</b>.</p> <p>The Technical Skills Legacy Report sets out the workforce needed within the construction and engineering sectors to deliver the forecast regional infrastructure over the next 15 years in Suffolk and Norfolk. This report was considered in Section 3.2, paragraph 54 and the Appendix Section A.6.2, paragraph 143 of the Outline Skills and Employment Plan (OSEP) <b>[APP-253]</b>. The Applicant notes the importance that such strategies and evidence provide which are relevant to employment and skills planning, and they will continue to be important reference points for further developing the Outline Skills and Employment Strategy <b>[APP-253]</b> into a full Skills and Employment Plan (post DCO consent), as secured by DCO Requirement.</p> <p>It should be noted that, while Suffolk is part of the construction labour market, the Project is likely to draw to a greater extent on Essex's construction sector and its labour force.</p> <p><b>(iv) Request for further work on the number and nature of employment opportunities during each phase of the project and the expected availability of labour</b></p> <p>A study was undertaken by BVG Associates to assess the economic impact of North Falls. BVG Associates have significant experience in assessing the economic impact of offshore wind farms. The study followed good practice approaches to assessing the economic impact of offshore wind farms by assessing the potential expenditure of the project and the extent to which this expenditure would be retained in the local area under different scenarios. It then applied economic multipliers to the assumed level of retained expenditure in different scenarios to derive the economic impacts.</p> <p>The study report is provided in ES Appendix 31.1 Socio-Economics Technical Baseline <b>[APP-171]</b>. It identifies the gross level of Full Time Equivalent (FTE) employment and Gross Value Added (GVA) estimated to result from the construction, operation and decommissioning of North Falls. A methodology is included within ES Appendix 31.1 (Section 2) and detailed information is provided on local content in the supply chain (Section 3), which can provide a useful indication of the types of jobs which may be required. The outputs of this study have been used to determine the effects on employment and economic value within Section 31.6 of ES Chapter 31 Socio-Economics <b>[AS-010]</b>.</p> <p>In addition, Table 6.1 within the Outline Skills and Employment Plan (OSEP) <b>[APP-253]</b> provides an overview of the types of local direct employment opportunities that may be available to local people as a result of the development, project management, installation, commissioning and operations, maintenance and service of North Falls.</p> <p><b>(v) Preparation of an Employment, Skills and Education Strategy</b></p> <p>It is noted and welcomed that Suffolk County Council and other stakeholders are willing to work with the Applicant to ensure alignment between the Skills and Employment Plan for North Falls and actions to support local education, skills and employment opportunities. This will contribute to North Falls maximising the potential socio-economic benefits for local communities (in Essex and Suffolk).</p> <p>Section 8 of the Outline Skills and Employment Plan (OSEP) <b>[APP-253]</b> provides further information about how the Applicant has engaged, and will continue to engage, with key consultees (listed in Table 8.1) on the content of the OSEP as it is further developed.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Subject to securing DCO consent the OSEP would be developed into the final Skills and Employment Plan, as secured through DCO Requirement.</p> <p><b>(vi) Need for a full assessment of environmental and socio-economic impacts of the cumulative effects of the project in conjunction with the other projects</b></p> <p>A detailed cumulative effects assessment (CEA) has been carried out, the results of which are set out in Section 31.8 of ES Chapter 31 Socio-Economics <b>[APP-045]</b>. Cumulative effects of North Falls in combination with other offshore wind farms and related infrastructure, and Sizewell C Nuclear Power Station, are assessed in Tables 32.26 and 32.27 of ES Chapter 32 Tourism and Recreation <b>[APP-046]</b>, identifying at most minor adverse effects, which are not significant in EIA terms.</p> <p><b>(vii) Lack of reference to the potential impact on businesses and supply chains of other construction projects in the local area and region due to additional workforce displacement and churn resulting from the project</b></p> <p>Cumulative effects of North Falls' construction considered alongside other major infrastructure projects, including Sizewell C Nuclear Power Station, are assessed in Table 31.53, ES Chapter 31 Socio-Economics <b>[AS-010]</b>. The potential for the construction of North Falls and other construction projects in Essex and Suffolk to generate employment opportunities is assessed as a major beneficial effect, recognising their combined potential to generate thousands of jobs across the area over an extended period of time, driven primarily by the construction of Sizewell C Nuclear Power Station.</p> <p>The Applicant recognises that a strategy to prepare the area to manage the labour, skills and supply chain demand expected to be generated is necessary. The need for workforce planning and measures to respond to sustained demand for construction skills and labour, and the challenges and opportunities this presents for the development of the supply chain, are identified in the OSEP <b>[APP-253]</b>. Section 2.2 to 2.4 in particular points to current challenges in terms of construction recruitment, and to the scale of the demand that infrastructure projects are likely to create in future. The Applicant has committed to working with Suffolk County Council and other key stakeholders to further develop the OSEP, which would become a full Employment and Skills Plan to be secured as a requirement of the DCO.</p> <p>Churn is part of a functioning labour market and a characteristic of the construction sector which has to be responsive to the timing and flow of projects and contracts. The suggestion of additional displacement implies that a loss of business would occur in other parts of the study area economy as result of the project and its in-combination effects. The Applicant does not accept that this is an inevitable outcome, and the development of an Employment and Skills Plan is intended to ensure that measures will be put in place to capitalise on the business opportunities the projects present, and to provide the capacity of the study area's economy to respond to these opportunities.</p> <p><b>(vii) Further assessment of the cumulative effects of projects in the area</b></p> <p>Reference to the scope of the assessment of cumulative effects is provided in our response at point (vi) above.</p>



## 17.0 Terrestrial Traffic and Transportation

ExQ1	Question to:	Question:	Applicant's Response
17 Terrestrial Traffic and Transportation			
Q17.1.1	The Applicant	<p><b>Scope of the traffic and transportation issues assessed</b></p> <p>ES Chapter 27 Traffic and Transport [APP-041] focuses on the implications of the onshore works for terrestrial traffic and transportation.</p> <p>(i) Are the offshore elements of the Proposed Development anticipated to generate any onshore vehicular movements, particularly during the construction phase?</p> <p>(ii) If yes, what would be the expected volume of onshore vehicular movements resulting from offshore activities during the construction and operational phases? Why do these not appear to have been acknowledged in the ES assessment of onshore traffic and transport implications?</p> <p>(iii) If yes to (i), has consideration been given to produce an Outline Port Construction Management Plan as has been requested by Suffolk County Council's in their RR [RR-318] to manage traffic impacts that arise at any port as a result of the offshore elements of the proposal.</p>	<p>(i) and (ii) ES Appendix 27.4 Traffic and Transport Consultation [APP-168], outlines that the preferred base port (or ports) for the offshore construction, operation and decommissioning of the Project is not known and any decision would not be expected until post-consent. Such facilities would be existing or would be provided or brought into operation by means of one or more planning applications by port operators or as port operations with permitted development rights. It has therefore been agreed with National Highways (at a meeting on the 7 June 2022) and Essex County Council (at a meeting on the 9 July 2021) to scope out of the assessment the onshore impacts of traffic and transport associated with offshore construction, operation and decommissioning activities. This approach to scoping out the onshore traffic and transport impacts of offshore construction, operation and maintenance and decommissioning has been accepted by the Secretary of State for other recently consented offshore wind farm projects.</p> <p>The Applicant would clarify that no decision on preferred base port (or ports) for the offshore construction, operation and decommissioning of the Project will be made until post-determination.</p> <p>Post-consent (subject to the granting of the DCO), the Applicant will run a competitive tendering process to identify the contractors and suppliers to deliver the required elements of the Project. This will include the identification of the relevant port facilities. These could be located across multiple ports within the UK or mainland Europe. The final numbers of vehicle movements cannot be confirmed at this stage until contracts are signed and suppliers are known. The Applicant however offers the following 'without prejudice' clarification to the ExAs question: The nature of the offshore wind industry is such that wind turbine components are typically manufactured in port-centric facilities before being transhipped to their final assembly location. Consequently, it is unlikely that the Project traffic would lead to significant volumes of HGV or abnormal load movements on the road network. Typically, onshore vehicle movements would however be expected in association with employees travelling to a port or airports to transfer offshore.</p> <p>(iii) The Applicant acknowledges that a Port Traffic Management Plan (PTMP) Requirement has been adopted for some offshore wind farm applications, in particular the East Anglia ONE, TWO and THREE projects where Suffolk County Council has been the host authority to the onshore elements of these projects. However, the Applicant would also note that no PTMP or assessment of onshore effects from offshore construction and operation was required by the Secretary of State for multiple offshore wind farms elsewhere and the Applicant offers the following recent examples:</p> <ul style="list-style-type: none"> <li>○ The Hornsea Three Offshore Wind Farm Order 2020;</li> <li>○ The Norfolk Vanguard Offshore Wind Farm Order 2022;</li> <li>○ The Awel y Môr Offshore Wind Farm Order 2023;</li> <li>○ The Hornsea Four Offshore Wind Farm Order 2023;</li> <li>○ The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</li> </ul> <p>The Applicant does not consider that a PTMP Requirement is required noting that the DCO is not seeking permission for a base port for the construction or operation of the Project.</p> <p>Noting that the DCO would not grant permission for a base port(s), the means by which a base port would be brought into operation would therefore be as follows:</p> <p>a) A preferred port(s) is selected which has the requisite planning permissions; or</p>



ExQ1	Question to:	Question:	Applicant's Response
			<p>b) A preferred port(s) is selected where permissions are not in place and new permissions would be sought from the respective planning authority.</p> <p>With regard to option a) the effects of operating this port will have been historically considered. The port would therefore form part of the existing baseline situation i.e. it is assumed working within the port(s) permitted activity would avoid the potential for significant effects in the context of Environmental Impact Assessment (EIA). With regard to option b), new permissions would need to be sought and as part of this there would be a requirement to consider any effects that could occur. In summary, noting the above, the Applicant does not consider that a PTMP meets the test of being necessary.</p>
Q17.1.2	National Highways, Essex County Council, Suffolk County Council and any other IP	<p><b>Assessment of onshore traffic and transport impacts</b></p> <p>Do you consider that the Outline Construction Traffic Management Plan (OCTMP) [APP-251] and the proposed approval as the CTMP under Requirement 9 of the DCO [APP-005] addresses all relevant issues, including cumulative effects, from the assessment of onshore traffic and transport impacts for the Proposed Development, as set out in ES Chapter 27 [APP-041] and Appendix 27.1 Transport Assessment [APP-165]?</p> <p>If not, what are your concerns and how might they be addressed?</p>	This question is not directed to the Applicant.
Q17.1.3	The Applicant	<p><b>Proposed mitigation - limiting Heavy Goods Vehicle (HGV) numbers</b></p> <p>ES Chapter 27 Traffic and Transport [APP-041], Table 27.42 presents proposed mitigation measures of "Commitment to limit HGV numbers no greater than the average HGVs per link" for Link 25 (B1032 from Holland Road to Kings Parade) &amp; 35 (B1035 north of B1033 to Whitehall Lane). The OCTMP [APP-251] Appendix A: Peak Vehicle Movements Per Link – Option 2 and Appendix B: Peak Vehicle Movements Per Link – Scenario 1, only show mitigated flows for Links 20 and 35.</p> <p>(i) For Link 25, confirm if the HGV numbers in Appendices A and B,</p>	<p>(i) The Applicant acknowledges that the mitigated numbers for Link 25 have not been correctly carried forward to the Outline Construction Traffic Management Plan (OCTMP) [APP-251]. The Applicant submitted a revision to the OCTMP at Deadline 1 to address this matter [REP1-039].</p> <p>(ii) The Applicant clarifies that this was an error and Link 25 should have been highlighted for mitigation not Link 20. This matter has been corrected as part of the update to the OCTMP at Deadline 1.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>are in accordance with the above commitment?</p> <p>(ii) For Link 20, advise how the need for the mitigated flow has been derived?</p>	
Q17.1.4	The Applicant	<p><b>HGV movements through Thorpe-le-Soken</b></p> <p>ES Chapter 27 [APP-041] identifies that there will be delivery time restrictions (outside of school start and finish times) for HGV movements through Thorpe-le-Soken and that these will be managed through the OCTMP [APP-251] which would be secured by the DCO.</p> <p>Has consideration also been given as to whether HGVs can safely pass in opposing directions given the potential for on-street parking and / or deliveries to businesses, which may temporarily restrict the available width at certain points along this route?</p>	<p>The Applicant would note that the route via Thorpe-le-Soken is a main distributor B-road and is defined by Essex County Council (applying their duties as the local highway authority) as a Primary Route 1 (PR1) road, routes which provide the main arteries for the flow of commerce, goods and people, and therefore carries high volumes of traffic through and around the county. By definition, the route is designated as suitable for two-way traffic.</p> <p>In this context, Table 27.16 of the ES Chapter 27 Traffic and Transport [APP-041] outlines that the B1033 through Thorpe-le-Soken is forecast to carry in the region of 151 HGVs per day without the Project.</p> <p>To mitigate the potential for HGV impacts careful consideration has been given to demand management.</p> <p>To minimise the volume of HGV traffic passing through Thorpe-Le-Soken, Table 27.2 of the ES Chapter 27 Traffic and Transport [APP-041] outlines an extensive commitment by the Applicant to the provision of a temporary haul road and vehicular crossovers to allow the majority of construction traffic to bypass the community and travel via the temporary haul road from the north. With the application of these embedded mitigation measures Table 27.16 of the ES Chapter 27 Traffic and Transport [APP-041] identifies that there would be a peak of no more than an additional 33 HGV movements per day (in addition to a background of 151 HGVs per day). On average there would be 22 additional HGVs per day.</p> <p>When considering the existing baseline profile of HGV traffic throughout the day, it can be calculated from Annex 27.1.1 of the Transport Assessment [APP-165] that the two network peak periods for HGV traffic occur at school start and finish times (08:00 – 09:00 and 15:00 – 16:00). During these periods, there are currently 20 and 15 baseline HGV movements per hour. This compares to an average of 10 baseline HGV 'interpeak' movements between 07:00 – 19:00 (excluding 08:00 – 09:00 and 15:00 – 16:00) when the Project's traffic is proposed to move. It can therefore be evidenced that the addition of Project traffic of up to three HGVs per hour to the interpeak baseline would be less than currently experienced during the baseline peak periods.</p> <p>It is therefore the Applicant's position that avoiding the peak hours will ensure that HGV movements are no worse than those during the peak periods.</p>

ExQ1	Question to:	Question:	Applicant's Response
Q17.1.5	The Applicant (All questions), Essex County Council (Questions (i) and 2 <sup>nd</sup> part(i))	<p><b>Proposed mitigation - enhanced maintenance and driver inductions</b></p> <p>ES Chapter 27 Traffic and Transport [APP-041], Table 27.42 for Impact 3: Highway Safety and Table 27.43 for Cumulative Effect 3: Highway Safety, state that: <i>“Enhanced maintenance measures as well as enhanced driver inductions”</i> are proposed as mitigation measures for Cluster 8 (St John’s Roundabout junction, A133/St John’s Road/London Road) and Links 22 (A133 south of the B1033 to Progress Way) and 23 (A133 south of Progress Way to the B1032).</p> <p>The OCTMP [APP-251], paragraph 84 states: <i>“With regard to Cluster 8 it is proposed that prior to the commencement of construction of the relevant phase, the condition of the road marking and surfacing upon the approach to the roundabout will be reviewed and if markings and high friction surfacing (on the A133 approach to the roundabout) are deemed to require refreshing, the Applicant will facilitate conversations with Essex County Council to prioritise the delivery of these maintenance measures.”</i></p> <p>(i) Given that the above maintenance measures have been identified as mitigation for safety reasons, can this be made into a commitment and secured in the OCTMP for this aspect? Can the wording be revised and agreed such that it is precise and enforceable.</p> <p>ES Chapter 27 Traffic and Transport [APP-041], Table 27.42 identifies that enhanced maintenance measures as well as enhanced driver inductions are proposed for separately for Cluster 8 and Links 22 &amp; 23. Paragraphs 193 and 253</p>	<p>(i) The Applicant would clarify that the ES Chapter 27 Traffic and Transport [APP-041] outlines that North Falls have discussed the existing observed pattern of collisions at Cluster 8 with Essex County Council’s road safety engineering team at a meeting on the 08 February 2024. During this meeting it was advised that road safety improvements have recently been implemented at this location comprising of refreshing and enhancing the road and cycleway markings to ensure priorities are clear. Essex County Council also advised that they continue to monitor the effectiveness of these improvements.</p> <p>Paragraph 191 of the ES Chapter 27 Traffic and Transport [APP-041], outlines that it is proposed that prior to the commencement of construction the condition of the approach to the roundabout will be reviewed and if markings and high friction surfacing (on the A133 approach to the roundabout) are deemed to require refreshing the Applicant will facilitate conversations with Essex County Council to prioritise the delivery of these maintenance measures. With regard to summarising the proposed mitigation in Table 27.42 these measures have been referred to as “enhanced maintenance measures”.</p> <p>With regard to making the ExA’s question about making the wording “precise and enforceable”, noting the clarifications provided above the Applicant responds as follows:</p> <p>Prior to commencement of construction, there are two possible scenarios, scenario a) the measures implemented by Essex County Council continue to be of an acceptable standard and therefore will not require refreshing, or scenario b) the measures have deteriorated and need to be refreshed to ensure their continued effectiveness. The Applicant considers that it is therefore not possible to make this wording more precise at this stage noting it is not possible to foresee future highway conditions, but that the wording does require the delivery of these maintenance measures in the event that they require refreshing.</p> <p>(ii) Section 5.2.5 of the Outline Construction Traffic Management Plan (OCTMP) [ REP1-039] details the proposed approach to monitoring of road safety. In summary, this includes the implementation of a near miss reporting system where drivers will be required to report all accidents and near misses. These records will be retained and if emerging issues are identified the Traffic Management Co-Ordinator will discuss these matters with the stakeholders to promote a zero-harm culture.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>indicates that mitigation for Links 22 &amp; 23 would be covered by enhanced driver inductions and training measures.</p> <ul style="list-style-type: none"> <li>(i) Please clarify what enhanced maintenance measures are proposed for Links 22 &amp; 23, and are they sufficient?</li> <li>(ii) Given the reliance in the OCTMP on driver inductions and training, how will the effectiveness of these be measured?</li> </ul>	
Q17.1.6	The Applicant	<p><b>Travel plan measures to reduce single occupancy vehicle trips</b></p> <p>The OCTMP [APP-251] states in paragraph 43 that: <i>“ES Chapter 27 Traffic and Transport (Document Reference: 3.1.29) assessed a worst case scenario of all employees travelling by vehicle, with a car share ratio of 1.5 employees per car (or three employees per every two cars).”</i> Furthermore, while Table 3.1 Personnel Travel Measures includes <i>“Identify car share, pick up locations”</i> and <i>“Walking / cycling facilities”</i>, these are qualified in paragraph 50 as measures that could be adopted.</p> <ul style="list-style-type: none"> <li>(i) Given the importance of the above car share assumption in determining the effects from construction traffic, how will this be effectively implemented and controlled in the CTMP?</li> <li>(ii) To what extent will walking /cycling facilities be provided at the various construction compounds to support sustainable travel?</li> </ul>	<p>(i) The primary metric that will inform compliance with the EIA assessment is the number of daily construction traffic movements generated and it is by this metric that compliance of the contractor and Applicant will be monitored.</p> <p>Appendix A and B of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> define these vehicle numbers (which are based upon a ratio of 1.5 employees per vehicle) as targets against which compliance will be monitored.</p> <p>The car-share ratio is just one of a number of options available to the contractor to achieve compliance with the target vehicle numbers (and the EIA). Alternatives could include reducing the numbers of vehicles by encouraging any local employees to walk/cycle or use public transport, and/or optimising the resource programme to reduce peak demand for employees (and thereby vehicles). It is proposed that the final CTMP, secured by DCO Requirement, will contain an agreed suite of measures to manage traffic generation.</p> <p>The Outline Construction Traffic Management Plan <b>[REP1-039]</b> sets out a commitment to monitor employees' method of travel and report this to National Highways and Essex County Council as part of monthly Monitoring Reports. Furthermore, the Outline Construction Traffic Management Plan <b>[REP1-039]</b> also defines an exceedance of the daily vehicle targets as a non-compliance whereby corrective action would be required.</p> <p>(ii) The Applicant would initially note that as outlined in Table 3.1 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> the transient nature of the construction workforce reduces the potential opportunities for walking and cycling. Notwithstanding, Table 3.1 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> outlines a range of measures (appropriate to a temporary construction project) to encourage walking and cycling.</p>



ExQ1	Question to:	Question:	Applicant's Response
Q17.1.7	The Applicant	<p><b>Travel outside of known peak times (Light Vehicles)</b></p> <p>ES Chapter 27 Traffic and Transport [APP-041] paragraph 52 includes “<i>During this engagement it was agreed with the relevant highway authorities at an ETG meeting on the 05 September 2023 (detailed within ES Appendix 27.4 (Document Reference: 3.3.67)) that no detailed assessment of driver delay (capacity) would be required. The rationale for this agreement was a commitment by the Applicant to ensuring that 80% of employees arrive prior to the morning network peak hour (07:15 to 08:15) and depart before or after the evening peak hour (16:30 to 17:45).”</i> Paragraph 52 of the OCTMP [APP-251] states that: “<i>The assessment of driver delay (capacity) presented within ES Chapter 27 Traffic and Transport (Document Reference: 3.1.29) is predicated upon industry experience that highlights that the majority of the construction workforce would arrive before the morning network peak hour of (07:15 to 08:15) and depart before or after the evening peak (16:30 to 17:45).”</i> The OCTMP paragraph 53 includes: “<i>To ensure that there would not be an adverse impact upon capacity, the TMCo would limit these movements to no more than 20% of the peak daily LV demand (outlined in Appendix A).”</i></p> <p>(i) Has consideration been given to how the workforce arrival and departure times might vary in the winter, due to shorter daylight hours, compared with the summer?</p> <p>(ii) What further mitigation could be implemented to retime travel outside of peak periods?</p>	<p>(i) The Applicant would initially note that the nature of these types of construction projects is such that the contractor will aim to programme works so peak activities occur during the drier summer months to maximise progress, with reduced deliveries and workforce demand during the shorter and wetter winter period. Construction traffic movements during the winter would therefore typically be lower and also coincide with periods where background traffic flows are also typically lower. The traffic demand assessed within the ES Chapter 27 Traffic and Transport <b>[APP-041]</b> is based upon the worst case peak daily demand.</p> <p>The Applicant would note that pre 07:15 arrival time is consistent throughout the year as there are mobilisation activities prior to the arrival of materials. During the longer daylight and drier months, employees will generally work longer days and typically depart after the evening peak hour (17:45 onward). However, during the shorter daylight and wetter months, employees would generally depart before the network peak (16:30). The sun sets after 17:45 in Essex between March and October and before 16:30 from November to January.</p> <p>The Applicant would note that whilst it is common practice to maximise productivity during hours of daylight, there will be requirements for working during hours of darkness, e.g. time critical activities and in these instances, it is normal construction practice to use task lighting.</p> <p>Notwithstanding, the Applicant notes the primary metric that will inform compliance with the EIA for driver delay is the maximum number of construction traffic movements generated during the peak hour and it is by this metric that compliance of the contractor and Applicant will be monitored. In this regard, during the winter months where construction demand is typically lower there is the possibility for a higher percentage of workers to leave during the peak period whilst still ensuring that the total number of vehicles is less than permitted and will occur in the summer. The requirement to limit vehicle movements during the peak hours is captured within the Outline Construction Traffic Management Plan <b>[REP1-039]</b> and this metric will be monitored and controlled.</p> <p>(ii) The Environmental Assessment of Traffic and Movement (EATM) is the principal guidance that informs ES Chapter 27 Traffic and Transport <b>[APP-041]</b>. EATM notes that delays are only likely to be significant when the surrounding highway network is at, or close to capacity of the system.</p> <p>The Applicant would note that the primary metric impacting junctions operating at or close to capacity is the number of vehicles passing through the junction during network peak hours. The approach that was agreed with National Highways and Essex County Council was to limit vehicle movements during these sensitive peak periods through the use of demand management measures to retime the majority of employee movements to occur outside of these peak periods.</p> <p>There are however, alternative demand management measures that could be adopted to manage the numbers of vehicles through these junctions at peak periods, these could include, enhanced travel planning measures for employees and/or delivery management measures for HGVs.</p> <p>Enhanced travel planning measures could include greater use of buses and minibuses to transport workers and/or the promotion of walking, cycling and public transport for local users.</p> <p>Delivery management measures could include, a reduction in peak HGV trips through measures such as, stockpiling of materials, refinements to programme to reduce overlapping activities, engineering refinements to reduce material quantities, use of local suppliers, etc.</p>



ExQ1	Question to:	Question:	Applicant's Response
Q17.1.8	The Applicant (All questions) and Essex County Council (Question (iii))	<p><b>Bentley Road Improvement Works – Temporary provision of area for non-motorised user access (footway /cycleway)</b></p> <p>For Work No. 9 the dDCO [APP-005] includes “temporary provision of area for non-motorised user access.” Page 41 of ES Chapter Appendix 27 Traffic and Transport Consultation [APP-168] states: “At this stage, following the completion of construction it is proposed that the road widening would be retained and transferred to Essex County Council and the footway/cycleway removed.”</p> <p>(i) What is the anticipated timing and sequencing for the Bentley Road improvement works to include the installation and removal of the non-motorised user access and how will this be undertaken to minimise any disruption?</p> <p>(ii) How would this be affected by the three possible build out Scenarios for both NFOWF and VEOWFs, described in Paragraph 20 of ES Chapter 5 Project Description?</p> <p>(iii) Please confirm if ECC do not seek retention of the footway/ cycleway post works and / or is there other NMU facility that they consider beneficial?</p>	<p>(i) Table 5.29 of the Chapter 5 Project Description <b>[APP-019]</b> outlines an indicative timeline for the construction of the Bentley Road improvement works relative to the onshore cable route and onshore substation. It should be noted that the Bentley Road improvement works would be implemented prior to the commencement of construction of the onshore cable route and onshore substation. It is identified from Table 5.29 that the Bentley Road improvement works would take approximately six to nine months to implement.</p> <p>The requirement to deliver the Bentley Road improvement is captured within Section 4.5 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> which is secured by Requirement 9 of the Draft DCO <b>[REP1-011]</b>. Requirement 9 outlines that no stage of the onshore works can commence until the CTMP has been approved. The final designs for the Bentley Road improvement works would need to be agreed with both National Highways and Essex County Council. Section 4.8 of the Outline Construction Traffic Management Plan <b>[ REP1-039]</b> outlines that to construct the highway works, temporary traffic management would be implemented to maintain highway safety and to ensure minimal delays to existing road users and that details of this traffic management would be developed by the Contractor in liaison with Essex County Council and National Highways. The highway authorities (Essex County Council and National Highways) would therefore be required to ensure that in providing consent to these traffic management proposals, they are satisfied the expeditious movement of traffic is maintained (in accordance with their duties as the street authority under the Traffic Management Act 2004).</p> <p>(ii) The package of improvement works at Bentley Road have been developed jointly between the two parties. The requirement for North Falls to deliver the Bentley Road improvement works is captured within the Outline Construction Traffic Management Plan <b>[REP1-039]</b> which is secured by Requirement 9 of the Draft DCO <b>[REP1-011]</b>. The same requirement to deliver the Bentley Road improvements is also captured by Five Estuaries within their Outline Traffic Management Plan [Five Estuaries reference, REP5-035] which is secured by Requirement 7 of the Draft DCO [Five Estuaries reference REP6-007]. Both parties are therefore required to provide the improvement works.</p> <p>Both parties also have a Draft DCO Requirement to notify the relevant planning authority of the preferred construction scenario prior to commencement of construction. North Falls Requirement 19 of the Draft DCO <b>[REP1-011]</b> and Five Estuaries Requirement 17 Draft DCO [Five Estuaries reference: REP6-007].</p> <p>Based upon the selected construction scenario, the Applicant and Five Estuaries will enter into an agreement upon who will install the Bentley Road improvements and who will remove any of the non-retained elements (e.g. the non-motorised user route and temporary speed limit).</p> <p>With regard to each of the scenarios, the Applicant offers the following initial clarifications as to how the works would be expected to be delivered:</p> <p><b>Scenario 1:</b> the project that undertakes the additional onshore cable trenching and ducting works for the other project would be expected to install and then decommission the non-retained elements for both parties.</p> <p><b>Scenario 2:</b> the project that comes first installs the Bentley Road improvement works with the improvements for both projects and the improvements are then retained in place for the second project. The second project would then be responsible for decommission the non-retained elements for both parties.</p> <p><b>Scenario 3:</b> The first project installs the Bentley Road improvement works and then decommissions the non-retained elements. The second project would then re-install the non-retained elements prior to construction before removing the non-retained elements upon completion.</p>

ExQ1	Question to:	Question:	Applicant's Response
			(iii) The Applicant and Five Estuaries have discussed this matter with Essex County Council during Expert Topic Group meetings. Essex County Council have confirmed that at this stage they would not wish to retain the Non-motorised User (NMU) route.
Q17.1.9	The Applicant	<p><b>Highway Works Designs interaction with Hedgerow and Tree Preservation Order Plans</b></p> <p>(i) Confirm if the Highway Works Designs included as Annex D, OCTMP [APP-251] take account of the Tree Preservation Order and Hedgerow Plan [APP-207]?</p> <p>(ii) Are there any conflicts and how will these be resolved? For example, Sheet 13 [APP-207] shows 13l to 13m - an important hedgerow to be retained, along the southwest side of Bentley Road near to Welhams Farm; however, this is not noted, shown or cross referenced on the Highway Works Design drawings Sheet 01 and 02 which show the proposed carriageway widening in this vicinity.</p>	<p>(i) and (ii) The Applicant welcomes the ExA drawing this matter to the Applicant's attention and is undertaking an audit of the Tree Preservation Order and Hedgerow Plan <b>[APP-207]</b> to understand if there are areas that may require amendments. The Applicant will provide an update on these findings to the ExA at Deadline 3.</p> <p>Subject to the granting of the DCO, further detailed design work will be progressed, during this stage topographical surveys of hedges and further detailed design of the NMU route will be developed. These will allow the exact extents of hedges requiring removal to be refined and, in many locations, it may be possible that hedges marked for removal can instead be trimmed or coppiced. The detailed design of these works will be agreed with the relevant planning authority in consultation with Essex County Council and National Highways through the development of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> which is secured by Requirement 9 of the Draft DCO <b>[REP1-011]</b>.</p>
Q17.1.10	The Applicant	<p><b>Road Safety Audits (RSA)</b></p> <p>Appendix 27.1 Transport Assessment [APP-165] includes separate Stage 1 Road Safety Audit Designer's Responses for Early Design of Ardleigh Road Junction and Bentley Road; the Audit Response Statements on pdf pages 438 and 455 respectively are incomplete and uncertified. ES Chapter 27 Traffic and Transport [APP-041] Table 27.4, page 20, states that: "<i>The TA also includes a Stage 1 Road Safety Audit for all the outline designs</i>". The RSAs provided are limited to construction access junctions and haul road crossings, and do not appear to</p>	<p>(i) A copy of the Stage 1 RSA for the junction of the A120 and Bentley Road is provided within Appendix D of the OCTMP submitted at Deadline 1 <b>[REP1-039]</b>.</p> <p>The Applicant can confirm that the documentation provided within Appendix D of the OCTMP submitted at Deadline 1 represents the final position of the Auditors, Designers and Applicant. The Applicant acknowledges that the statements need to be signed and will be updated for completeness at an appropriate future deadline.</p> <p>(ii) The scope of Road Safety Audits (RSA) required for the Project has been discussed with Essex County Council as the local highway authority. It was agreed at a meeting on the 18 December 2024 that no RSA was required for the Bentley Road Improvement works at this stage of the (concept) design. Section 4.5 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> details that prior to the commencement of construction, a Stage 1/2 RSA would be undertaken. The process of undertaking a RSA requires that the RSA brief is agreed with the highway authority prior to commencement of the audit. Essex County Council would therefore be consulted to agree the terms of reference for the RSA. It is the Applicant's consideration (at this stage) that the RSA brief would be expected to include consideration of the two phases of the works,</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>include the Bentley Road improvement works.</p> <p>(i) Can fully completed and certified Audit Response Statements be provided for both of the above Designer's Responses?</p> <p>(ii) Has an RSA been undertaken for the Bentley Road improvement works and if so, was the proposal to remove the non-motorised user access (footway/cycleway) considered?</p>	<p>e.g. phase 1 with the road widened with NMU route in place and the North Falls and Five Estuaries construction traffic present, and phase 2 with the road widened with no NMU route and the Projects' construction traffic removed.</p>
Q17.1.11	National Highways	<p><b>Update on level of risk in respect of the use of heavy Abnormal Indivisible Loads (AILs) on the A120 from Harwich.</b></p> <p>Further to your RR [RR-240], please can National Highways provide an update on the above level of risk associated with using the A120 from Harwich as a route for AILs given the expected future condition of the concrete road surface?</p>	<p>This question is not directed to the Applicant.</p>
Q17.1.12	The Applicant	<p><b>Possible abnormal load access in the event of substation transformer replacement</b></p> <p>ES Chapter 27 Traffic and Transport, paragraph 207 states: <i>"The Project's transformers are designed not to require replacement during the lifetime of the Project and as such, operational access to the onshore substation for abnormal loads is not anticipated to be required, however in the unlikely event that replacement is required access would either be via the new National Grid access or if not available, the temporary haul road would be reinstated from Bentley Road. Should the Project's</i></p>	<p>The Applicant would reiterate that the Project's transformers are designed not to require replacement during the lifetime of the Project.</p> <p>National Grid (as part of the Norwich to Tilbury project) are proposing to construct a new permanent access road from Bentley Road to Ardleigh Road and to widen Ardleigh Road. However, at this point in time the DCO application for this project has not been submitted. Subject to this project securing consent and agreement with National Grid, this access road could also be used by North Falls. The Applicant is in discussions with National Grid on this matter and it is anticipated that agreement will be reached prior to the close of the Examination.</p> <p>Notwithstanding, in the very unlikely event that the transformers require replacement during the Project's operational lifetime, and no agreement is reached with National Grid, the temporary construction haul road would need to be reinstated from Bentley Road to the onshore substation. The Applicant would note that the lead time for the supply of transformers is at least 12 months, and this should provide sufficient time to secure any necessary consents. In terms of the consenting processes, the Applicant provides the following clarifications:</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p><i>transformers require replacement, traffic movements would be planned and managed to ensure there are no significant traffic and transport effects."</i></p> <p>Can you advise if National Grid has agreed to provide access for the transformer replacement and, if not, what the proposed consenting process would be for reinstating the temporary haul road from Bentley Road?</p>	<ul style="list-style-type: none"> <li>The movement of abnormal loads is consented by National Highways on behalf of the Secretary of State for Transport through the ESDAL (Electronic Service Delivery for Abnormal Loads) process whereby hauliers are required to apply for permissions from the relevant authorities prior to the movement of the load.</li> <li>Planning permission would be required for the temporary haul road or a change application could be submitted for the DCO.</li> <li>Part 5 Article 32. (1) 'Temporary use of land for maintaining the authorised development' of the draft DCO <b>[REP1-011]</b> provides the Applicant with the necessary powers to access the land within the Order Limits for the purposes of maintaining the Project. This includes the powers to reinstate the haul road if required from a property perspective.</li> <li>To facilitate safe access from and across the public highway, accesses and crossing points would need to be reinstated. These would be consented through a Section 278 (of the Highways Act 1980) agreement between the Applicant and Essex County Council.</li> </ul>
Q17.1.13	The Applicant	<p><b>Implications of the onshore cable route for railway services</b></p> <p>(i) How would the safe running of the Sunshine Coast Line train service during construction (and also any subsequent maintenance) of the onshore cable route be ensured where it intersects with the railway track between the Thorpe-le-Soken and Kirby Cross stations?</p> <p>(ii) Would there be any disruption to the timetable for this service as a result of the proposed works?</p>	<p>(i) and (ii) Table 27.2 of the ES Chapter 27 Traffic and Transport <b>[APP-041]</b> outlines that the Project's cables would be installed under the railway line towards Walton-on-the-Naze and Frinton-on-Sea (known as the 'Sunshine Coast Line') and main roads using trenchless technology such as horizontal directional drilling (HDD). HDD allows ducts to be installed under the railway and the cables to then be pulled through these ducts. Prior to commencement of the HDD works the Applicant is also required to gain Network Rail's approval. Discussions with Network Rail are currently ongoing. Draft Protective Provisions for Network Rail are included within the draft DCO <b>[REP1-011]</b>.</p> <p>In the unlikely event that cables need to be replaced during the Projects operational phase, the old cables can be pulled through the ducts and new cables pulled through. The use of horizontal directional drilling and ducts ensures that rail services can continue to operate with no disruption.</p>
Q17.1.14	The Applicant	<p><b>Sufficient provision for HGV parking facilities</b></p> <p>The OCTMP [APP-251] states that: "Any HGVs which are projected to arrive on site prior to 0700 would be required to park at an appropriate lorry park, services and other designated overnight parking locations until they can complete their journey within appropriate restrictions. These locations would be agreed with the relevant highway authorities prior to the commencement of construction and would be communicated to drivers within their delivery instructions (outlined within Section 2.4.1)".</p>	<p>The Applicant would initially note that any perceived shortfall in existing HGV facilities is a matter for National Highways and the local highway authorities and is not a matter for the Applicant. Notwithstanding, the Applicant would clarify that the Outline Construction Traffic Management Plan <b>[REP1-039]</b> outlines a range of stages to manage the Project's contribution to HGV parking and waiting and these can be summarised as follows:</p> <ul style="list-style-type: none"> <li>The first stage is the use of a booking system, this will require all deliveries to be booked in advance. This system has multiple uses, those relevant to this question include ensuring that the numbers of vehicles per day does not exceed the target, and to schedule deliveries to avoid 'bunching'. The booking system would have the benefit of ensuring that deliveries are not scheduled to arrive before 0700.</li> <li>The second stage is to issue drivers with delivery instructions, these will include details of delivery times and restrictions.</li> <li>The third stage is to ensure that there is space on site for HGVs to load/unload so drivers do not need to wait on the highway.</li> </ul>



ExQ1	Question to:	Question:	Applicant's Response
		<p>Essex Police's RR [RR-094] states: <i>"The existing facilities for lorry parking for any duration is inadequate for vehicles servicing local businesses and the main ports in the Southeast of England. The A120 has no HGV parking facilities and the use of laybys along this road would not be encouraged. Essex Police request consideration to identifying and/or providing adequate facilities to ensure the safety of the construction workforce and all road users."</i></p> <p>Given these concerns can more details be provided to ensure adequate facilities will be provided?</p>	<p>With these measures in place, drivers would plan their trips such that they do not arrive prior to 0700 and are not required to wait on the highway. However, there could be occasional instances where drivers are travelling from further afield and are scheduled to arrive early. It is for these rare instances that the Applicant has proposed proactive measures within the Outline Construction Traffic Management Plan [REP1-039] to identify locations where drivers could wait.</p> <p>Whilst the Applicant notes that Essex Police state in their RR [RR-094] that the use of laybys would not be encouraged, the Applicant is not aware of any national or local policy, or local traffic restrictions preventing their use and notes that they are regularly used throughout the UK by HGV drivers for both breaks and overnight parking. It is the Applicant's position that laybys would form a potential option for drivers to wait if required.</p> <p>Should drivers be required to park overnight the delivery instructions can be used to confirm that there are no parking facilities along the A120 and drivers should plan to identify locations accordingly.</p> <p>Notwithstanding, the Applicant would also clarify that it can be calculated from Annex 27.1.6 and 27.1.7 of the Transport Assessment [APP-165] that the majority of deliveries for the Project (approximately 80 to 85%) comprise of bulk materials such as aggregates. The economics of transporting bulk aggregates means that they would likely either be drawn from local quarries or from local ports such as Harwich (with materials being transhipped to the port by sea). When considering local quarries and ports (e.g. within an approximate 15 to 30 minute travel time) there would not be a requirement for overnight parking or drivers to wait. Notably, many suppliers e.g. quarries also have 0700 to 1900 operating restrictions.</p>
Q17.1.15	Tendring District Council (TDC), Essex County Council (ECC)	<p><b>Methodologies – Noise and Vibration</b></p> <p>Do TDC and ECC agree with the Baseline Noise Survey, Road Traffic Noise Assessment, Construction Noise and Vibration calculations, and Operational Noise Calculations Methodologies adopted in the ES Chapter 26 [APP-040], including the predicted noise and vibration levels?</p>	This question is not directed to the Applicant.



ExQ1	Question to:	Question:	Applicant's Response
Q17.1.16	The Applicant, TDC, ECC	<p><b>Assessment of vibration impacts due to construction traffic using public roads</b></p> <p>Paragraph 87 of ES Chapter 26 [APP-040] states: <i>"The DMRB LA111 states that "a maintained road surface will be free of irregularities as part of project design and under general maintenance, so operational vibration will not have the potential to lead to significant adverse effects". On this basis, the assessment of vibration impacts due to construction traffic using public roads has been excluded from the assessment scope."</i></p> <p>Can the Applicant confirm that this approach has been agreed with ECC and TDC?</p>	<p>The Applicant consulted with ECC and TDC on the scope for the assessment of noise and vibration impacts via the Traffic and Transport, Air Quality, Climate Change and Noise and Vibration Expert Topic Group (ETG) prior to submission of the DCO application. ECC did not suggest any amendments to the assessment scope.</p> <p>The Applicant is in the process of agreeing a Statement of Common Ground (SoCG) with ECC and TDC, and this point will be reflected in the SoCG, which will be submitted into the Examination at an appropriate deadline.</p>

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