



**N O R T H F A L L S**

*Offshore Wind Farm*

# **Applicant's comments on responses to ExQ1**

Document Reference:	9.25
Volume:	9
Date:	March 2025
Revision:	0

**Project Reference: EN010119**



<b>Project</b>	North Falls Offshore Wind Farm
<b>Document Title</b>	Applicant's comments on responses to ExQ1
<b>Document Reference</b>	9.25
<b>Supplier</b>	NFOW

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<b>Revision</b>	<b>Date</b>	<b>Status/Reason for Issue</b>	<b>Originator</b>	<b>Checked</b>	<b>Approved</b>
0	March 2025	Deadline 3	NFOW	NFOW	NFOW

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# 1. INTRODUCTION

## 1.1 Introduction

- 1.1.1 This document has been prepared by North Falls Offshore Wind Farm Limited ('the Applicant') in relation to the North Falls Offshore Wind Farm (hereinafter referred to as 'North Falls' or the 'Project').
- 1.1.2 The Examining Authority's Rule 8 letter **[PD-008]** confirmed that Deadline 2 for the Examination was 4 March 2025.
- 1.1.3 This document has been prepared by the Applicant for submission at Deadline 3 on 18 March 2025, and provides the Applicant's comments on responses to the Examining Authority's First Written Questions (ExQ1) **[PD-009]**.

## 1.2 Purpose of the document

- 1.2.1 This document provides comments, where the Applicant considers it appropriate and relevant, on responses made by interested parties to the ExQ1s, that were made at Deadline 2.

2. SUBMISSIONS WHERE THE APPLICANT HAS NO COMMENT ON RESPONSES TO EXQ1

2.1 Submissions where the Applicant has no comment on responses to ExQ1

PINS Ref	Party	Document Title	Applicant's Response
REP2-031	Defence Infrastructure Organisation/Ministry of Defence	Responses to ExQ1	No comments.
REP2-045	Maritime and Coastguard Agency	Responses to ExQ1	No comments.
REP2-060	The Corporation of Trinity House of Deptford Strond	Responses to ExQ1	No comments.

3. APPLICANT'S COMMENTS ON RESPONSES TO EXQ1

3.1 Applicant's comments on Anglian Water's responses to ExQ1 [REP1-061]

Applicants Ref	ExQ1 Question	Comments from Anglian Water	Applicant's Response
REP1-061_a	<b>Q6.1.41 parts (i) and (iii)</b> <b>Objections to the grant of powers of compulsory acquisition and temporary possession</b> (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.	Anglian Water submitted relevant representations on 18th October 2024. A generic email was sent to Anglian Water on 2nd December 2024 stating contact would be made shortly regarding SofCG matters. To try and commence discussions on all matters raised, including agreeing Protective Provisions, Anglian Water subsequently wrote to the North Falls project team on 28th January 2025 making this request and awaits a response.	Please refer to the Applicant's response to Q6.1.41 in respect of the negotiation of protective provisions with Anglian Water.  The Applicant intends to address matters usually addressed by a Statement of Common Ground via agreed protective provisions with Anglian Water (see Progress with Statements of Common Ground [REP2-017].
REP1-061_b	(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.	Anglian Water set out its general approach to protective provisions in Development Consent Orders and explained why it is seeking bespoke protective provisions in relation to the Project and is not content to rely on the protective provisions for the protection of electricity, gas, water and sewerage undertakers contained in Schedule 14, Part 1 of the draft DCO (as updated at Deadline 3).	The Applicant notes Anglian Water's comments and will continue to negotiate bespoke protective provisions which it is confident will be agreed before the end of Examination.  Please refer to section 10.3 of the Statement of Reasons [AS-028] 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 including Anglian Water so that any representations can be withdrawn. The Applicant will, if representations are outstanding towards the end of the Examination, set out its case as to how the relevant tests have been satisfied.

### 3.2 Applicant's Response to Affinity Water Limited's comments on ExQ1 [REP2-029]

Applicants Ref	ExQ1	Comments from Affinity Water Limited	Applicant's Response
REP2-029_a	<p><b>Q6.1.40</b>  <b>Objections to the grant of powers of compulsory acquisition and temporary possession</b>  (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>The potential effects upon iron cast pipework from electromagnetic waves is a well-known issue. In particular they can have the following effects:</p> <p><b>Induced Voltage:</b> Electricity cables carry current, creating electromagnetic fields (EMFs) around them. If these cables run parallel to buried metallic pipes, the varying magnetic field can induce a voltage in the metallic pipe. This is called electromagnetic interference (EMI), and the induced voltage could cause issues with sensitive electronic equipment or create safety concerns. This would be a Health &amp; Safety risk.</p> <p><b>Electrolytic Corrosion:</b> One of the most significant risks is the increased likelihood of corrosion. Metallic pipes, when connected to the ground or exposed to water, can form a part of an electrochemical cell. When there is an induced current from the nearby electricity cables, it can accelerate corrosion through a process known as electrolytic corrosion. This can severely degrade the structural integrity of the pipes over time. To date, North Falls have not provided any reports in relation to electromagnetic waves and the potential effect upon our assets, therefore testing is needed to understand areas where these electromagnetic effects may be felt on our apparatus and where appropriate mitigation measures may be needed to protect Affinity's assets in prior to any works being carried out. The general protective provisions do not contain sufficient provisions for carrying out such testing. The current draft of the Bespoke Protective Provisions includes a requirement for North Falls to submit to Affinity a plan in respect of the specified works to be executed, including all effects, including but not limited to electromagnetic or high voltage effects that the construction, maintenance or operation may have on Affinity's apparatus and requires our approval which may be subject to reasonable conditions, including the requirement to make modifications to the plan to ensure the protection of Affinity's assets.</p>	<p>The Applicant attended a meeting between Affinity Water and Five Estuaries on the 22<sup>nd</sup> July 2024. After this meeting, a RINA report was submitted to Affinity Water. This report covers the induced voltage caused by both North Falls and Five Estuaries. Because it was shared, albeit by Five Estuaries with Affinity Water, this was assumed to be sufficient by North Falls.</p> <p>In terms of electrolytic corrosion, the Applicant confirms that bespoke Protective Provisions are being negotiated and agreed with Affinity Water that consider effects on Affinity Water's apparatus as a result of the construction, maintenance or operation of works (including but not limited to electromagnetic or high voltage effects).</p>
REP2-029_b	<p><b>Q6.1.40</b>  <b>Objections to the grant of powers of compulsory acquisition and temporary possession</b>  (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>It is understood that North Falls will require access down a road which also is the access to Affinity's East Clacton Reservoir and Pumping station. It is not clear to what extent that access to this road is to be restricted during the construction of the Project. Whilst Affinity do not need day to day access to this site, it is an operational site and therefore it may require access including during an emergency. Affinity also has statutory obligations in relation to its sites, including insuring safety under the Reservoirs Act 1975. It is therefore essential that Affinity be able to access the site promptly if necessary. The general protective provisions do not contain sufficient provisions that would ensure continuity of access to our sites. Therefore, the current Bespoke Protective Provisions includes provisions with regard to</p>	<p>The proposed access adjacent to the Clacton Reservoir and Pumping station is required for O&amp;M access. In the Works Plans, it is covered by Works No. 10. - – Permanent means of access. This is to allow access to the site to ensure the maintenance of the cables. Access is infrequent and not by large vehicles. Access to Clacton Reservoir and Pumping station will not be materially impacted.</p> <p>The Applicant confirms that bespoke Protective Provisions are being negotiated and agreed with Affinity Water which include provisions relating to access.</p>



Applicants Ref	ExQ1	Comments from Affinity Water Limited	Applicant's Response
		continuity of access, which is currently still being discussed with North Falls. Currently this includes a requirement not to unreasonably restrict or delay access, or to take reasonable steps to provide us access. Whilst this should be adequate for ordinary access to the site, it is not adequate should emergency access to the site be needed, therefore this term has yet to be agreed.	
REP2-029_c	<b>Q6.1.40</b> <b>Objections to the grant of powers of compulsory acquisition and temporary possession</b> (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.	Affinity Water explained why it is seeking bespoke protective provisions in relation to the Project and is not content to rely on the protective provisions for the protection of electricity, gas, water and sewerage undertakers contained in Schedule 14, Part 1 of the draft DCO (as updated at Deadline 3).	<p>The Applicant notes Affinity Water's comments and will continue to negotiate bespoke protective provisions which it is confident will be agreed before the end of Examination.</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 including Affinity Water so that any representations can be withdrawn. The Applicant will, if representations are outstanding towards the end of the Examination, set out its case as to how the relevant tests have been satisfied.</p>

### 3.3 Applicant's Response to Babergh District Council's comments on ExQ1 [REP2-030]

Applicants Ref	ExQ1	Comments from Babergh District Council	Applicant's Response
REP2-030_a	<b>Q1.1.4</b> <b>Development Plan policies</b> 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.	The applicant's ES Chapter Policy and Legislative Context APP-017 does not refer to the Babergh and Mid Suffolk Joint Local Plan 2023. The policies of this document are material considerations in the determination of this application. In particular, the ExA's attention is drawn to policies LP18 and LP25	<p>The onshore Order Limits lie wholly outside Babergh and Mid Suffolk district authorities' boundaries.</p> <p>The Applicant has not assessed the Project against any local plans within Suffolk County Council's administrative area (which includes the Babergh and Mid Suffolk Joint Local Plan 2023), given the Project's Order Limits are wholly outside of this area, and given the effects reported on relevant sensitive receptors (such as the Dedham Vale AONB) have been appropriately considered in the Planning Statement <b>[2.2, (Rev 2)]</b> and ES Chapter 30 Landscape Visual Impact Assessment <b>[APP-044]</b>.</p>
REP2-030_b	<b>Q1.1.5</b> <b>Neighbourhood Plans</b> In addition to the Ardleigh Neighbourhood Plan, are there other any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are, please: (i) Provide details, confirming their status and, if they are emerging, the expected timescales for their making. (ii) Provide copies of the relevant parts of any made plan or emerging plan.	<p>East Bergholt NP made 2016, including policies EB6 and EB9. Full weight: <a href="https://www.babergh.gov.uk/documents/d/babergh/east-bergholt-np-july16">https://www.babergh.gov.uk/documents/d/babergh/east-bergholt-np-july16</a></p> <p>Stutton NP made 2023, including policies SN9 and SN13. Full weight: <a href="https://www.babergh.gov.uk/documents/d/babergh/stutton-np-adopted-july23">https://www.babergh.gov.uk/documents/d/babergh/stutton-np-adopted-july23</a></p> <p>Following the Government's new National Planning Policy Framework announcement in December 2024, Babergh and Mid Suffolk District Councils are proceeding with a full Joint</p>	<p>East Bergholt Neighbourhood Plan and Stutton Neighbourhood Plan areas lie outside of the onshore Order Limits for the Project. The East Bergholt Neighbourhood Plan area lies approximately 4km north of the onshore substation works area, with Stutton Neighbourhood Plan area approximately 5km northeast of the onshore substation works area.</p> <p>The Applicant has not assessed the Project against any neighbourhood plans within Suffolk County Council's administrative area (which includes the East Bergholt Neighbourhood Plan and the Stutton Neighbourhood Plan), given the Project's Order Limits are wholly outside of this area, and given the effects reported on relevant sensitive receptors (such as the Dedham Vale AONB) have been appropriately</p>



Applicants Ref	ExQ1	Comments from Babergh District Council	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>	<p>Local Plan review. A new Local Development Scheme will be published on 5th March 2025 and will be available here: <a href="https://www.babergh.gov.uk/joint-local-plan">https://www.babergh.gov.uk/joint-local-plan</a></p>	<p>considered in the Planning Statement <b>[2.2, (Rev 2)]</b> and ES Chapter 30 Landscape Visual Impact Assessment <b>[APP-044]</b></p> <p>The Applicant acknowledges the publication of the Babergh and Mid Suffolk Local Development Scheme which sets out the timetable by which Babergh District Council and Mid Suffolk District Council will develop and adopt new planning documents including the new Joint Local Plan.</p>
REP2-030_c	<p><b>Q1.1.6</b></p> <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>	<p>Both the Norwich to Tilbury and Five Estuaries NSIPs are considered to be at a sufficiently advanced stage to be reasonably foreseeable, in a Vanguard sense. As such, all elements of those developments, including onshore substations, pylons and overhead lines, should be considered in the assessment of cumulative effects for this project.</p>	<p>The Applicant has undertaken a full cumulative effects assessment, including the Five Estuaries and Norwich to Tilbury projects where applicable, and has reported on this throughout each technical chapter of the ES.</p> <p>The Applicant notes that in the Essex County Council and Tendring District Council Responses to ExQ1 <b>[REP2-036]</b>, in their response to this question they state: “TDC can confirm that there are no relevant planning applications submitted or permissions granted since the submission of the Proposed Development application that could affect or be affected by the Proposed Development.”</p>
REP2-030_d	<p><b>Q8.1.7</b></p> <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 earthwork bunds would be reviewed on a location-by-location basis.</p>	<p>We cannot see reference to earthwork bunding in RR-227. In relation to their use generally, in landscape character and visual impact terms, bunding is out of keeping with most local landscapes and should primarily be used away from visual receptors and be carefully designed to have shallow slopes (1:5 maximum) in order to ensure they blend with the surrounding landscape. Steeper slopes are also harder to establish vegetation on and can suffer from erosion and/or tree losses due to roots being raised above the water table. There could be a place for bunds being used as a temporary measure during construction. The use or otherwise of bunds as part of the landscape strategy is not likely to have a significant impact one way or the other on Babergh District Council.</p>	<p>As noted in the Design Vision <b>[APP-234]</b>, 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 North Falls 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 <b>[APP-234]</b> acknowledges that some bunding may assist with visual screening (as well as cut and fill balance and reduction of waste), limited use of low-level bunds (up to 2m) will be considered on a location-by-location basis, based on the interaction with other forms of visual mitigation and potential effects on individual receptors. A review of the use of bunding will take place as part of the Design Guide process, post-DCO.</p> <p>Para 7.8.2 of the Design Vision <b>[APP-234]</b> also acknowledges that the soil of raised bunds tends to 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>
REP2-030_e	<p><b>Q9.2.7</b></p> <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</p>	<p>(ii) As the Design Vision includes the main landscape design strategy, which is not identified in any other documents, it would be preferable if the Design Vision was a certified document in the dDCO.</p>	<p>Please see comments on Essex County Council's responses to this Question below (Applicant's Ref REP2-036_f).</p>

Applicants Ref	ExQ1	Comments from Babergh District Council	Applicant's Response
	<p>document required to develop the detailed design for approval under R5?</p> <p>(ii) Does R5 provide sufficient control for all design aspects? ExQ1 issued: 4 February 2025 Responses due by Deadline 2: 4 March 2025 Page 54 of 103 ExQ1 Question to: Question:</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 production of that Design Guide be specifically secured by the dDCO?</p>	<p>(iii) As the Design Guide will identify detailed landscape guidance that will help deliver the main landscape strategy, it would be preferable if the Design Guide was secured in the dDCO.</p>	
REP2-030_f	<p><b>Q14.1.5</b></p> <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> <p>(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.</p> <p>(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.</p>	<p>NFOWF has the potential to significantly impact the special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SCHAONB) in particular when acting cumulatively with other existing, consented and proposed OWF projects. (i) Is the assessment provided robust, and what further information is expected in this regard. In relation to the offshore element of North Falls Offshore Wind Farm, significant landscape and visual impacts on Babergh District Council (BDC) have been scoped out of the LVIA [APP-044]. In relation to direct landscape impacts from the ONSSS, these will not occur on receptors in BDC. However, there remains an issue in relation to potential visual impacts, especially in relation to the likely cumulative impacts from Five Estuaries, the EACN and Overhead Line of N2T. BDC are concerned that there is the potential for residual visual impacts both during construction and during operation from the Onshore Substation on the National Landscape or its setting, due to its scale. Whilst the ES document figures identify the ZTV in relation to the proposed viewpoints, Figure 30.1.2, Substation Zone of Theoretical Visibility (18m in height) and Viewpoint Locations they do not identify either in relation to the boundaries of the AONB/National Landscapes. AONB/National Landscapes are shown on Figure 30.1.4, Designated Landscapes. However, this figure truncates the Dedham Vale AONB/National Landscape in the west/North-West, so an additional figure centred on the ONSSS is required with the AONB/National Landscapes overlying the ZTV and viewpoint locations.</p> <p>Viewpoint 1: Court Farm Stutton Road baseline and visualisation identifies these to be taken within Suffolk and Essex Coast and Heaths National Landscape, but this part of the National Landscape is not shown on the Designations Map, Fig 30.1.4. This needs to be rectified to aid understanding and scrutiny of the LVIA. Figure: 30.2.1c, Cumulative Assessment does not show the pylons associated with N2T and the EACN. This needs to be rectified.</p> <p>Viewpoint 8: Essex Way Dedham Road no Cumulative Assessment visualisation is shown from this viewpoint which is within Dedham Vale</p>	<p>Figure 30.1.2 of ES Chapter 30 Figures Part 1 of 6 [APP-083] shows the Zone of Theoretical Visibility (ZTV) for the onshore substation. The focus of this figure is on the landscape and Visual Impact Assessment (LVIA) study area, defined as a 2km radius around the onshore substation, as described in Section 30.3.1 of ES Chapter 30 LVIA [APP-044]. The Project will not give rise to significant effects on landscape and visual receptors beyond 2km. The 2km radius was agreed with stakeholders at the LVIA ETG in May 2022, as noted in Table 30.1 of ES Chapter 30 LVIA [APP-044].</p> <p>Figure 30.1.4 of ES Chapter 30 Figures Part 1 of 6 [APP-083] shows that a very small section of the Dedham Vale National Landscape (DVNL) will be within the 2km LVIA study area. This is the area north of the A137 Harwich Road, in the north of the study area. The Suffolk and Essex Coast and Heaths National Landscape (SECHNL) is entirely outside of the 2km LVIA study area.</p> <p>The visualisation for Viewpoint 1: Court Farm Stutton Road (Figure 30.2.1 of ES Chapter 30 Figures Part 1 of 6 [APP-083]) was included in the LVIA to demonstrate the lack of visibility of the Project in long views from the AONBs, despite what is shown in the ZTV. The ZTV indicates theoretical visibility but does not show where actual views would occur, nor where effects would be experienced. The Applicant does not propose to prepare an additional figure showing the ZTV across the DVNL.</p> <p>The residual visual impacts of the Onshore Substation are set out in ES Chapter 30 LVIA [APP-044]. Further to consultee requests (as detailed in Paragraph 73, ES Chapter 30 LVIA [APP-044]), a visualisation for Viewpoint 8: Dedham Road was added to show the view from the edge of the DVNL (Figure 30.2.8 of ES Chapter 30 Figures Part 6 of 6 [APP-088]). Effects on views from this location, one of the closest in the DVNL, are assessed as negligible.</p> <p>A cumulative assessment of the visual impacts of the onshore substation together with Five Estuaries, the EACN, and the Norwich to Tilbury overhead lines is included in Table 30.31 of ES Chapter 30 LVIA [APP-044]. Due to lack of visibility of the onshore substation, no</p>

Applicants Ref	ExQ1	Comments from Babergh District Council	Applicant's Response
		<p>National Landscape. This needs to be rectified. Our work with the applicants for Five Estuaries has shown there are some glimpsed views to be had from higher ground south of East Bergholt and north of Flatford Mill within Dedham Vale NL, and it is suggested that an additional viewpoint or two should be assessed and a wireframe visualisation be presented from this area to aid understanding and scrutiny of the LVIA.</p> <p>(ii) Do 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).</p> <p>Especially in light of Defra guidance published 16 December 2024 where relevant Babergh District Council (BDC) is aligned with Suffolk County Council (SCC) in judging that 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), and in light of Defra guidance published 16 December 2024, has not yet been fulfilled.</p>	<p>significant cumulative effects are anticipated at Viewpoint 8: Dedham Road.</p> <p>Effects on the DVNL are considered in Section 30.5.3 of ES Chapter 30 LVIA <b>[APP-044]</b>, which concludes the effects on the special qualities of this National Landscape are unlikely to be significant.</p> <p>The location of Viewpoint 1: Court Farm Stutton Road is clearly identified on Figure 30.2.1 of ES Chapter 30 Figures Part 1 of 6 <b>[APP-083]</b>, and this location can readily be verified as being within the SECHNL. The Applicant considers that no rectification of Figure 30.2.1 is required.</p> <p>Following a request from Essex County Council made during a consultation meeting on 25 February 2025, the Applicant intends to provide updated visualisations showing the Norwich to Tilbury overhead lines for certain viewpoints where there are views of the North Falls onshore substation. These updated visualisations will be provided for information only, to assist Essex County Council, and will be provided into the Examination at Deadline 4.</p> <p>These updated visualisations include one for Viewpoint 8 Dedham Road, showing the Norwich to Tilbury overhead line. As noted above, no significant cumulative effects are anticipated at this viewpoint. Given the lack of visibility of the onshore substation in Viewpoint 1, and the distance of the viewpoint from all of these developments, there is no potential for significant cumulative effects with other projects, including the Norwich to Tilbury overhead line. The Applicant does not intend to submit another version of the visualisation for this viewpoint.</p> <p>The Applicant has had the opportunity to review the additional visualisations provided by Five Estuaries showing the views from East Bergholt and north of Flatford Mill within DVNL. The Applicant's position is that any view of the Onshore Substation would be glimpsed at most, and would not lead to significant effects on views or on the Special Qualities of the DVNL, either on its own or cumulatively with other development. The Applicant considers that the assessments of effects on the DVNL are robust and provide sufficient information, and does not intend to submit additional visualisations or assessment for these locations.</p>
REP2-030_g	<p><b>Q14.1.7</b></p> <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 <b>[APP-044]</b>. 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</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 <b>[APP-044]</b>. 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. The baseline photographs demonstrate the open agricultural landscape with long, substantially uninterrupted views across it. The visualisations Year 1 53.5-degree views show, even from a distance, the extent of the proposed development of North Falls, a view that would remain substantially visible from close viewpoints, until Year 10-15. The visualisations Year 15, show that the proposed development</p>	<p>As planting matures it will help to soften and screen views of the proposed North Falls onshore substation. This will be the case during summer and winter months. It is recognised that when planting is not in leaf the screening potential is reduced. However, this planting will still offer filtering of views. The baseline winter photography for the ES Chapter 30 visualisations (ES Chapter 30 Figures <b>[APP-083]</b> to <b>[APP-088]</b>) demonstrate how existing woodland and hedgerows provide filtering of longer distance views during the winter months.</p> <p>ES Chapter 30 LVIA <b>[APP-044]</b> acknowledges, where relevant, where some of the taller elements of the onshore substation will be visible. The proposed planting will still have a role in helping to soften and screen views and integrate the onshore substation into the landscape. It</p>



Applicants Ref	ExQ1	Comments from Babergh District Council	Applicant's Response
	this effects the open agricultural character of the landscape.	would still show above the mitigation planting across the length of it. In winter this effect would be compounded. Whilst it is likely that the residual impacts on receptors within the AONB/National Landscape or its setting within BDC would be minor adverse (not significant), likely cumulative impacts from Five Estuaries, the EACN and Overhead Line of N2T, BDC remain a concern, both during construction and operation due to the scale of these cumulative projects.	is also acknowledged in the viewpoint assessment in ES Chapter 30 LVIA <b>[APP-044]</b> that this screen planting will itself have an impact on more open views. As planting matures it will typically help to reduce the adverse effects associated with the project. For certain views, such as Viewpoint 2, this will help to reduce effects below the level of significance.  For cumulative effects, please refer to response Q14.1.5 above (Applicant's Ref REP2-030_f).
REP2-030_h	<b>Q14.1.8 Onshore Substation – Screening impact on surrounding residential receptors</b> 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.	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. In terms of landscape character, the VEOWF proposal creates a more coherent strengthened landscape framework, whilst also extending the green infrastructure further into the wider landscape. In contrast that coherence is lacking in the NFOWF scheme, but it does have the advantage of providing better screening to the north/north-west of the scheme and has committed to a 20m width buffer as a parameter on the Outline Landscape Masterplan Figure 20. Whilst it is likely that the residual impacts on the AONB/National Landscape or its setting within BDC would be minor adverse (not significant) on visual receptors, in relation to the likely cumulative impacts from Five Estuaries, the EACN and Overhead Line of N2T, BDC are concerned that there is the potential for residual visual impacts on the National Landscape or its setting, both during construction and during operation from the Onshore Substation, due to the scale of these cumulative projects.	Five Estuaries Offshore Wind Farm Limited (VEOWF) and the Applicant undertook a co-ordination process in Spring 2024, to align the two projects' approaches to landscape and visual mitigation. A mutual approach was agreed, whereby visual mitigation would be achieved through creation of landscape features already present within the setting of the onshore substation, such as shelter belts, hedgerows with hedgerow trees etc. The principal differences between the onshore substation mitigation plans prepared by VEOWF and the Applicant can be summarised as follows: <ol style="list-style-type: none"> <li>1. The proposed DCO Order limits for VEOWF onshore substation extends up to the rear boundaries of Norman's Farm (VP3), Jennings Farm and Mulberry Lodge, whereas the proposed DCO Order limits for the Applicant's onshore substation follows a south-westerly direction to the west of Norman's Farm. The VEOWF approach to visual mitigation incorporates shelter belt planting of locally-native broadleaved woodland in close proximity to the residential properties identified above. Shelter belts are a characteristic of the landscape setting, as are open fields with hedgerows. The Applicant's proposals have considered the balance of these two elements 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 Applicant's 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, further design discussions for the Applicant 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 DCO Order limits.</li> <li>3. To the north of the onshore substation, planting of Traditional Orchard (small fruit trees) is utilised by VEOWF to meet BNG targets and provide additional visual screening. The Applicant's 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</li> </ol>

Applicants Ref	ExQ1	Comments from Babergh District Council	Applicant's Response
			<p>of shelter belt planting in closer proximity to the onshore substation.</p> <p>North Falls and VEOWF have committed to the production of a joint Design Guide, 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. The process for developing the Design Guide is set out in the Design Vision <b>[APP-234]</b>. For cumulative effects on the National Landscape, please refer to response Q14.1.5 above (Applicant's Ref REP2-030_f).</p>

### 3.4 Applicant's Response to East Suffolk Council's comments on ExQ1 [REP2-033]

Applicants Ref	ExQ1	Comments from East Suffolk Council	Applicant's Response
REP2-033_a	<p><b>Q10.2.3</b></p> <p><b>Ecological Enhancement/ BNG Strategy</b></p> <p>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. 'Ecological Enhancement/ BNG Strategy</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>East Suffolk Council (ESC) notes that no onshore infrastructure is proposed within our district. Therefore, no land within East Suffolk has been included by the Applicant in the submitted onshore order limits for this project. However, despite this, and as discussed within our earlier representations, it is felt that ESC should be considered a host authority in terms of the anticipated Lesser black-backed gull (LBBG) habitat compensation measures proposed by the Applicant at Orford Ness. The Report to Inform Appropriate Assessment (RIAA) concludes that 'the project, whether alone or in combination with other plans and projects, will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black-backed gull of the Alde Ore Estuary Special Protection Area (SPA).' Therefore, LBBG habitat compensation measures will likely be a requirement of any DCO consent granted and given that the Applicant identified such a requirement prior to the submission of the DCO application, it was expected that this provision would form part of the DCO order limits. Whilst no infrastructure is due to be located within our district, ESC's primary position on ecological enhancement and the provision of BNG remains that any such measures should be focussed on the development's location (or in the vicinity of) the harm which is occurring. In respect of the ESC district, the proposed harm upon LBBG associated with the Alde Ore Estuary SPA has resulted in habitat compensation measures which are primarily focussed in proximity to the SPA at Orford Ness. In respect of ecological enhancements and the provision of BNG associated with the proposed onshore infrastructure within</p>	<p>While the compensation area is not included in the Order limits, Schedule 15 of the draft DCO secures the commitment to LBBG compensation and states that the Planning Authority will be consulted on the LBBG Compensation Implementation and Monitoring Plan. This is the standard approach for offshore wind farms.</p>

Applicants Ref	ExQ1	Comments from East Suffolk Council	Applicant's Response
	<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>	Tendring, Essex, ESC defers to the relevant host authorities on these matters.	
REP2-033_b	<p><b>Q10.3.9</b></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. 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). 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 properly evaluated as well as ensuring potential choices have a holistic basis. The following information is therefore required: -</p> <p>(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.</p> <p>(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.</p>	<p>As stated above, ESC notes that no land was included in the order limits for the proposed LBBG habitat compensation at Orford Ness, within the East Suffolk district. It is also understood that any such provision is likely to be provided by the Applicant outside of the DCO, via a separate planning application (as deemed necessary). Should the Applicant rely on a Town and Country Planning Act (TCPA) 1990 planning application to deliver the required compensation, this means it will be determined under a separate consenting regime with no guarantee of success. The ExA should satisfy themselves that any proposed habitat compensation measures associated with this DCO will be deliverable, should a separate planning consent be required to secure its delivery. Any associated planning consent will also need to be strongly linked to the LBBG Implementation and Monitoring Plan produced by the Applicant. Additionally, the existing provision of LBBG habitat compensation at Orford Ness for the consented Vattenfall (RWE) and SPR projects (which took the form of predator-proof fencing) ESC application reference DC/22/3447/FUL, together with any such provision proposed by the Five Estuaries offshore wind farm DCO, may result in cumulative impacts being introduced associated with any such provision deemed necessary at this location for the North Falls project. The possibility of cumulative impacts (such as landscape impacts for example) requires assessment by the Applicant once precise details and locations for the compensation measures are known. The Applicant states in Lesser Black-backed Gull Compensation Document [APP-188] (Document Reference 7.2.2) Table 7.1 and paragraph 107 that 'There are no likely significant effects associated with the compensatory Measures'. However, such a claim may prove to be premature without undertaking detailed assessment of any associated cumulative or project alone impacts.</p>	<p>The approach taken by the Applicant and level of detail provided is consistent with various consented offshore wind farms, e.g. Sheringham and Dudgeon Extension Projects.</p> <p>Based on a site visit to Orfordness in Oct 2024, the existing LBBG compensation fence for the Norfolk Projects and East Anglia ONE North/TWO (EA1N/2) could not be distinguished from existing infrastructure associated with the radar station whilst at the closest location on National Trust land. It is therefore highly unlikely there will be any pathway for a cumulative effect of 1.8m high fences on views experienced by the public. This is in the context of the baseline environment which includes a number of telecommunication towers ranging in height from 210ft (64m) to 340ft (104m) located between the proposed North Falls compensation site at Lantern Marshes and the existing compensation site for the Norfolk Projects and EA1N/2. A landscape and visual appraisal will accompany any necessary TCPA application and will give due consideration to the effects of the fencing on landscape and visual receptors, including cumulative effects.</p>



Applicants Ref	ExQ1	Comments from East Suffolk Council	Applicant's Response
	<p>(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.</p> <p>(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.</p>		

### 3.5 Applicant's Response to Environment Agency's comments on ExQ1 [REP2-034]

Applicants Ref	ExQ1	Comments from Environment Agency	Applicant's Response
REP2-034_a	<p><b>Q6.1.43</b>  <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>The Environment Agency provided an update on the status of negotiations between the Applicant and the Environment Authority in respect of bespoke protective provisions. The response provides a brief overview of correspondence to date and notes that the Environment Agency has not been contacted by the Applicant's legal representatives to discuss the protective provisions.</p>	<p>The Applicant notes the Environment Agency's comments.</p> <p>As noted in the Statutory Undertakers table in the updated Applicant's Land Rights Tracker submitted at Deadline 2 [REP2-014], the Applicant is currently negotiating bespoke protective provisions with Five Estuaries Offshore Wind Farm Limited and the Environment Agency.</p> <p>The legal representatives for Five Estuaries have taken the lead role in day-to-day communication with the Environment Agency but North Falls' legal representatives have reviewed and commented on the draft protective provisions provided by the Environment Agency with the intention being that the same set of protective provisions will be included in the separate DCOs for the North Falls and Five Estuaries offshore wind farms.</p> <p>The Applicant agrees that negotiations are well advanced and that parties will be able to reach agreement before the end of Examination.</p>
REP2-034_b	<p><b>Q11.1.3</b>  <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 had advised that flood risk would be assessed post consent. We do not agree that this approach is best practice. The risk to third parties is an important consideration and so a flood risk assessment (FRA) should be made to enable decision makers to understand the risk, consider the feasibility of mitigation and consider the weight that should be given in the planning balance. Following a meeting with the</p>	<p>The Applicant notes the Environment Agency's comments.</p> <p>As noted in our response to Q11.1.8 in Applicant's Response to Written Questions (ExQ1) (Rev 0) [REP2-020], the locations under consideration appear to relate to the potential haul road crossings at WX22-A and WX-23.</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</p>



Applicants Ref	ExQ1	Comments from Environment Agency	Applicant's Response
		Applicants representatives we were provided with guidance that Chapter 5 paragraph 220 of the Environmental Statement stated that where culverts were placed in channel, they would be sized in line with reasonable worst-case scenarios to avoid upstream impoundment. It is the Environment Agency's view that this should be tested through an FRA to understand the risk and the feasibility of the mitigation proposed by sizing culverts etc.	<p>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>In our response the Applicant clarified 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.</p> <p>If these haul road crossings are required the culverts will be sized to ensure that they are equal to, if not larger than, any upstream or downstream constrictions or culverts that would themselves affect flow along the channel. It is the view of the Applicant that design measures can be implemented that would mitigate the flood risk at these crossings.</p> <p>The sizing and / or design of these haul road crossings would also be subject to agreement post-consent by the relevant drainage authority, as part of the Code of Construction Practice, which is secured under Requirement 8 of the Draft Development Consent Order [REP2-007].</p> <p>Furthermore, 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 [REP1-033]. 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 [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> <p>The Applicant continues to engage with the Environment Agency to provide clarification on the concerns outlined in their response.</p>
REP2-034_d	<p><b>Q11.1.9</b></p> <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>	In our meeting with the Applicant's representatives on 9 January 2025 it was confirmed that there is no DCO Requirement relating to piling risk assessments but that the Outline Code of Construction Practice (CoCP) includes a commitment to produce one should piling be required. We accept that a piling risk assessment is part of the CoCP but the Applicant has not yet shared with us proposals to ensure that we are consulted in the event that piling is required.	<p>Further to the Applicant's response to this question within the Applicant's response to Written Questions (ExQ1) [REP2-020], the Applicant has updated Paragraph 81 of the Outline Code of Construction Practice [7.13 (Rev2)] to include the following text committing to consulting with the Environment Agency during the development of any piling risk assessment, if required:</p> <p><i>"Furthermore, a piling risk assessment would be undertaken where piles are to be used (e.g., the onshore substation area) in areas of potential contamination, in line with the Environment Agency's Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention (Environment Agency, 2001). <u>The Environment Agency will be consulted during the development of any piling risk assessment.</u>"</i></p> <p>This updated version of the Outline Code of Construction Practice is being submitted into the Examination at Deadline 3.</p>

3.6 Applicant’s Response to Essex County Council and Tendring District Council’s comments on ExQ1 [REP2-036]

Applicants Ref	ExQ1	Comments from Essex County Council and Tendring District Council	Applicant’s Response								
REP2-036_a	<p><b>Q1.1.4</b></p> <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>	<p>TDC is not content with the Applicant’s policy analysis in some areas of their supporting statements. Section 1.10 and Table 5.5 of the Environmental Statement – Policy and Legislative Context (APP-017) omit a significant number of highly relevant TDC Local Plan policies. TDC is concerned that the Applicant has not fully considered all applicable provisions and policies from Sections 1 and 2 of the current TDC Local Plan 2013-2033 and Beyond. A comprehensive list of missing policies is provided in Appendix 1 of the Local Impact Report (LIR) [REP1-065].</p> <p>Furthermore, the Applicant incorrectly refers to the Ardleigh Neighbourhood Plan as a ‘draft’ document, the Ardleigh Neighbourhood Plan has been ‘made’ and formally adopted in October 2024. The Applicants consultants have acknowledged the above during recent virtual meetings and confirmed that they will attend to these omissions. There have been no changes to the TDC Development Plan policies since the submission of the DCO Application for the North Falls Development. Additionally, TDC does not anticipate any relevant policy changes before July 2025.</p>	<p>The Planning Statement <b>[APP-233]</b> provides an overview of the Projects’ compliance with relevant policy to assist the ExA and SoS in their decision-making. It identifies the overall needs and benefits of the Project in the context of the National Policy Statements (NPS EN-1, NPS EN-3, and NPS EN-5) and national, marine and local policy objectives. Mindful of the primacy of NPS (and the need for the SoS to decide any application in accordance with the relevant NPS as outlined in Section 104(3) of the Planning Act 2008), it has not sought to apply a comprehensive examination of each individual local plan policy.</p> <p>As outlined in Paragraphs 6.4.8-6.4.10 of the Planning Statement at the time of submission of the DCO Application in July 2024 the Ardleigh Neighbourhood Plan was in draft and not yet adopted. The Planning Statement has been updated at Deadline 3 to reflect the adopted status of the Ardleigh Neighbourhood Plan (2024) <b>[2.2, (Rev 2)]</b>.</p> <p>The following table provides a summary of the Project’s compliance with policies of the TDC Local Plan identified by the Applicant as relevant. Direction to relevant documentation submitted as part of the DCO is also provided.</p> <table><tr><th colspan="2">Shared Strategic Section 1 Plan (January 2021)</th></tr><tr><th>Policy</th><th>Compliance</th></tr><tr><td>SP1 Presumption in favour of Sustainable development</td><td><p>As set out in the ES Chapter 2 Need for the Project <b>[APP-016]</b> the Project would make a significant contribution to the achievement of both the national renewable energy targets and to the UK’s contribution to global efforts to reduce the effects of climate change. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a UK target for at least a 100% reduction of Green House Gas (GHG) emissions (compared to 1990 levels) by 2050. This ambitious ‘net zero’ target will only be met with contribution from the offshore wind industry.</p><p>By generating low carbon, renewable and low-cost electricity in the UK, North Falls would also help to reduce the UK’s reliance on imported energy and to improve energy security.</p><p>It would also create high-quality, long-term employment opportunities and economic benefits for the local community.</p></td></tr><tr><td>SP5 Employment</td><td>The Applicant’s socio-economic assessment in ES Chapter 31 Socio economics <b>[APP-045]</b> considers</td></tr></table>	Shared Strategic Section 1 Plan (January 2021)		Policy	Compliance	SP1 Presumption in favour of Sustainable development	<p>As set out in the ES Chapter 2 Need for the Project <b>[APP-016]</b> the Project would make a significant contribution to the achievement of both the national renewable energy targets and to the UK’s contribution to global efforts to reduce the effects of climate change. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a UK target for at least a 100% reduction of Green House Gas (GHG) emissions (compared to 1990 levels) by 2050. This ambitious ‘net zero’ target will only be met with contribution from the offshore wind industry.</p> <p>By generating low carbon, renewable and low-cost electricity in the UK, North Falls would also help to reduce the UK’s reliance on imported energy and to improve energy security.</p> <p>It would also create high-quality, long-term employment opportunities and economic benefits for the local community.</p>	SP5 Employment	The Applicant’s socio-economic assessment in ES Chapter 31 Socio economics <b>[APP-045]</b> considers
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Policy	Compliance										
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SP5 Employment	The Applicant’s socio-economic assessment in ES Chapter 31 Socio economics <b>[APP-045]</b> considers										

Applicants Ref	ExQ1	Comments from Essex County Council and Tendring District Council	Applicant's Response		
				<p>the potential impacts and effects of the Project on relevant receptors during construction, operation and decommissioning.</p> <p>Alongside the overall environmental benefits, the Project will contribute to further development in the offshore wind sector and will support the delivery of a skilled, diverse workforce, while strengthening the existing manufacturing base in the area.</p> <p>The Applicant has committed to the creation and implementation of a Skills and Employment Plan to be prepared substantially in accordance with the Outline Skills and Employment Plan <b>[APP –253]</b> and secured by a Requirement of the draft DCO <b>[REP2-007]</b> as a means of aiding in the development of skills locally.</p>	
			SP6 Infrastructure and Connectivity	<p>Compliance with the relevant various criterion of Policy SP6 is provided across the ES:</p> <ul style="list-style-type: none"> <li>• Potential effects on traffic and transport is assessed in Chapter 27 Traffic and Transport <b>[APP-041]</b>.</li> <li>• Potential effects on social infrastructure is considered within Chapter 31 Socio Economics <b>[APP-045]</b>.</li> </ul> <p>Potential effects on water infrastructure is assessed within Chapter 21 Water Resources and Flood Risk <b>[APP-035]</b>.</p>	
			SP7 Place Shaping Principles	<p>The Applicant has followed a robust site selection process that has considered and balanced the identified site selection considerations in relation to good design and mitigation as set out in ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>.</p> <p>Good design principles will be secured through the Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b> (and as updated at Deadline 3) which sets out several measures to enhance biodiversity and minimise any significant landscape effects.</p> <p>The protection and enhancement of cultural heritage assets has been assessed within ES Chapter 25 Onshore Archaeology and Cultural Heritage <b>[APP-039]</b>.</p> <p>Regarding flood risk, as set out in the Outline Operational Drainage Strategy <b>[APP-254]</b>, the detailed (post-consent) surface water drainage</p>	

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				<p>scheme design will be informed by a series of infiltration/soakaway tests.</p> <p>The mitigation measures required to address potential noise, vibration and air quality impacts have been considered in ES Chapter 20 Onshore Air Quality <b>[APP-034]</b> and ES Chapter 26 Noise and Vibration <b>[APP-040]</b> and will be appropriately secured through the DCO.</p>	
			<b>Strategic Section 2 Plan (January 2022)</b>		
			<b>Policy</b>	<b>Compliance</b>	
			SPL2 Settlement Development Boundaries	As set out in ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b> the onshore substation and cable route site selection exercise undertaken was multi-disciplinary, iterative and consultative, seeking to ensure that a breadth of information was used to inform the identification of locations for the Project's infrastructure. Due to the nature of the Project, it is not appropriate on operational or amenity grounds to locate onshore works within proximity to residential areas in defined settlement boundaries.	
			SPL3 Sustainable Design	<p>Across the ES, several of the technical chapters outline how the North Falls will make a positive contribution to the quality of the local environment as well as protecting and enhancing the local character.</p> <p>The Applicant has sought to respect the diverse character and appearance of the area through good design. The effective use of natural resources has been a key consideration to ensure impacts are minimised.</p> <p>The Design and Access Statement <b>[APP-235]</b> outlines the Onshore Design Principles which have been used to ensure elements respond to a variety of technical and environmental development criteria.</p> <p>ES Chapter 27 Traffic and Transport <b>[APP-041]</b> outlines several measures that have been proposed to appropriately manage increased traffic on the highway network during the construction period, whilst also promoting sustainable modes of transport.</p> <p>The GHG impact assessment presented in ES Chapter 33 Climate Change <b>[APP-047]</b> includes a comparison of the carbon intensity of the renewable energy generated from the Project to</p>	

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				highlight the necessity of renewable energy infrastructure in meeting renewable energy targets.	
			HP3 Green Infrastructure	<p>ES Chapter 23 Onshore Ecology <b>[APP-037]</b> and the Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b> (and as updated at Deadline 3) outline the Applicant's proposals for mitigation and compensation, along with proposals for biodiversity enhancement that will strengthen the green infrastructure network and help with flood mitigation. The outline plan sensitively integrates the Project's development into the existing landscape through committed mitigation measures.</p> <p>Retention of existing trees and hedgerows will be maximised. Where removal is required these hedgerows will be replanted and restored post construction.</p> <p>The Applicant has also committed to delivering a minimum of 10% net gain for biodiversity. In general, the Project has also been the subject of an iterative site selection process, which has sought to avoid any locations where practically possible that would compromise the integrity of the any green infrastructure networks (ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>).</p>	
			PPL1 Development and Flood Risk	<p>Flood Risk Assessment is included within ES Chapter 21 Water Resources and Flood Risk <b>[APP-035]</b> and ES Appendix 21.3 <b>[APP-121]</b>.</p> <p>The documents assess the level of flood risk to and caused by the Project to be low and concludes that the Project would be safe, without significantly increasing flood risk elsewhere.</p> <p>Construction phase maintenance and management measures have been incorporated into the Outline Code of Construction Practice <b>[REP1-033]</b> including the storage and management of potentially polluting substances, emergency spill response procedures, clean up and control of any potentially contaminated surface water runoff and routine inspection to prevent or contain leaks of any pollutants during the operational phase.</p> <p>The Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b> (and as updated at Deadline 3) identifies provision for new blue and green infrastructure which will alleviate</p>	



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				flood risk, whilst simultaneously delivering biodiversity gains.	
			PPL3 The Rural Landscape	<p>ES Chapter 30 Landscape and Visual Impact Assessment <b>[APP-044]</b> has considered impacts across all phases of the Project including impacts upon agricultural land and the landscape character, estuaries, rivers and undeveloped coast, designated and non-designated heritage assets and historic landscapes and visual amenity associated with the landfall area, onshore export cable corridor and the onshore substation.</p> <p>The flat nature of the landscape and woodland and hedgerow cover limits the potential for wider effects on landscape character. No significant effects are predicted beyond this more localised area around the onshore substation works area, which is within LCA 7A Bromley Heaths.</p> <p>There will be no significant effects on landscape character as a result of the onshore export cables, haul road, or Bentley Road improvement works. Construction effects associated with the onshore export cables will be very localised and transient in nature. Once operational, landscape effects associated with the underground cable are not judged to be significant.</p> <p>The assessment concludes that there will be no significant effects on designated landscapes, including National Landscape designations.</p> <p>An Outline Landscape and Ecological Management Strategy<b>[REP1-035]</b> (and as updated at Deadline 3) has been prepared which outlines landscape and ecological mitigation to be applied as part of the Project. The outline plan seeks to sensitively integrate the Project into the existing landscape through committed mitigation measures.</p>	
			PPL4 Biodiversity and Geodiversity	<p>Designated sites in proximity to the onshore Order Limits include Special Protection Areas, Ramsar sites, Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites.</p> <p>ES Chapter 19 Ground Conditions and Contamination <b>[APP-033]</b> and Chapter 23 Onshore Ecology <b>[APP-037]</b> outline how designated sites will be protected.</p> <p>The principal approach was to avoid sites of biodiversity and geodiversity interest at the outset via the site selection process (ES Chapter 4 Site</p>	

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				<p>Selection and Assessment of Alternatives <b>[APP-018]</b>).</p> <p>A Marine Conservation Zone Assessment has been undertaken and supports the DCO Application <b>[APP-237]</b>.</p> <p>With regards to HRA, the Applicant has produced a Report to Inform Appropriate Assessment <b>[APP-173 to APP 182]</b>. Where there is a need to reduce impacts further following the outcome of the assessment, extra measures have been identified. With the application of the compensatory measures, there is no residual unacceptable HRA impact which would prevent consent being granted for the Project.</p>	
			PPL5 Water Conservation, Drainage and Sewerage	<p>Flood Risk Assessment is included within ES Chapter 21 Water Resources and Flood Risk <b>[APP-035]</b> and ES Appendix 21.3 <b>[APP-121]</b>.</p> <p>The documents assess the level of flood risk to and caused by the Project to be low and concludes that the Project would be safe, without significantly increasing flood risk elsewhere.</p> <p>Construction phase maintenance and management measures have been incorporated into the Outline Code of Construction Practice <b>[REP1-033]</b> including the storage and management of potentially polluting substances, emergency spill response procedures, clean up and control of any potentially contaminated surface water runoff and routine inspection to prevent or contain leaks of any pollutants during the operational phase.</p> <p>The Outline Landscape and Ecological Management Strategy <b>[REP1-035]</b> (and as updated at Deadline 3) identifies provision for new blue and green infrastructure which will alleviate flood risk, whilst simultaneously delivering ecological enhancements.</p>	
			PPL7 Archaeology	<p>The Applicant's Onshore Archaeology and Cultural Heritage assessment <b>[APP-039]</b> has utilised a wealth of data and information sources in establishing an understanding of the existing environment. This includes site specific surveys and digital datasets. The assessment concludes that there will be no significant effects on archaeology or cultural heritage.</p> <p>The chapter also sets out mitigation which demonstrate that the archaeological assets will be</p>	



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				<p>suitably protected from loss or harm and will be recorded via a written scheme of investigation. This will be secured for both onshore and offshore matters and an outline can be found in the following documents <b>[REP1-031 and APP 247]</b>.</p> <p>These plans are secured through a condition / requirement in the draft DCO <b>[REP2-007]</b>.</p>
			PPL8 Conservation Areas	<p>The Applicant's Onshore Archaeology and Cultural Heritage assessment <b>[APP-039]</b> has utilised a range of data and information sources in establishing an understanding of the existing environment including site specific surveys and digital datasets. The assessment concludes that there will be no significant adverse effects on cultural heritage including built heritage assets and conservation areas.</p>
			PPL10 Renewable Energy Generation and Energy Efficiency Measures	<p>As set out in ES Chapter 2 Need for the Project <b>[APP-016]</b>, the Project would make a substantial contribution, both to the achievement of UK decarbonisation targets and to global commitments to mitigating climate change. It will support the UK in its transition to a low carbon economy, helping meet the ambition of 50GW of offshore wind by 2030 and net zero emissions by the year 2050.</p>
			CP1 Sustainable Transport and Accessibility	<p>Measures to promote sustainable forms of transport and accessibility are detailed in:</p> <ul style="list-style-type: none"> <li>• ES Chapter 27 Traffic and Transport <b>[APP-041]</b></li> <li>• Outline Code of Construction Practice <b>[REP1-033]</b></li> <li>• Outline Construction Traffic Management Plan (updated at Deadline 3) <b>[7.6, (Rev 2)]</b></li> <li>• Outline Public Rights of Way Management Plan (updated at Deadline 3) <b>[7.17, (Rev 1)]</b></li> </ul> <p>These Plans are secured through requirements in the DCO.</p>
REP2-036_b	<p><b>Q1.1.5 Neighbourhood Plans</b></p> <p>In addition to the Ardleigh 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,</p>	<p>There are no other Neighbourhood Plans, apart from the adopted Ardleigh Neighbourhood Plan, referred to above, that the ExA should be aware of. The Ardleigh Neighbourhood Plan was made in October 2024 and now forms part of the TDC Development Plan. The relevant Ardleigh Neighbourhood Plan policies will be referred to in the Applicants revised Environmental Statement updates (of relevant areas). Copy of Ardleigh Neighbourhood Plan is attached at Appendix 1.</p>	<p>The Applicant has updated the Planning Statement <b>[2.2 (Rev 2)]</b> for Deadline 3 to reflect the adoption of the Ardleigh Neighbourhood Plan and considered the relevant policies in Appendix A of the Planning Statement <b>[2.2, (Rev 2)]</b>.</p>	

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	<p>the expected timescales for their making.</p> <p>(ii) Provide copies of the relevant parts of any made plan or emerging plan.</p> <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>		
REP2-036_c	<p><b>Q1.4.2</b></p> <p><b>Outline Code of Construction Practice</b></p> <p>The OCoCP [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 OCoCP is sufficiently robust, precise and enforceable to provide effective mitigation of potential adverse effects.</p>	<p>There appears to be no direct reference to protection of existing trees and other vegetation on site, no reference to protective fencing around appropriate trees and other vegetation to be conserved, no reference to preventing storage of materials etc around conserved trees and vegetation etc. No reference to a relevant Tree Survey or Tree Protection plan. If this information is contained within the OLEMP or other document, than the relevant paragraphs or plan numbers should be referenced in this document under a separate heading e.g. Trees and Vegetation to be Conserved, to demonstrate their importance at the construction stage. TDC has specific concerns regarding Section 1.3.1 on working hours and the timing of works. The OCoCP currently states: • Construction work for onshore works must only take place between 07:00 and 19:00, Monday to Saturday, with no activity on Sundays or Bank Holidays, except as specified. • Between 13:00 and 19:00 on Saturdays, no "high impact" activities (e.g., piling/breaking out) shall occur unless exceptional circumstances apply. TDC considers these provisions to be outside the standard working hours typically applied within the district. To ensure effective mitigation of potential adverse effects from onshore construction activities, and respite for nearby affected residents, we propose the following amendments: • No vehicles associated with the works should arrive on-site before 07:30 or leave after 19:00, except in emergencies. • Working hours for high-impact (noisy) activities should be restricted to 08:00–18:00, Monday to Friday, and 08:00–13:00 on Saturdays. • No construction activity of any kind should be permitted on Sundays or Public/Bank Holidays. These amendments align with local standards and would enhance the robustness, precision, and enforceability of the OCoCP, ensuring effective mitigation of potential adverse impacts on directly affected residents and the surrounding community.</p>	<p>The Applicant would like to note that reference to tree protection measures is found in Section 2.2.1 of the Outline Landscape and Ecological Management Strategy (OLEMS) [REP1-035]. However, following these comments the Outline Code of Construction Practice (OCoCP) [REP1-033] has been updated to include a summary of the onshore ecology and tree protection measures found in the OLEMS [REP1-035]. This updated version of the OCoCP [7.13 (Rev2)] is being submitted into the Examination at Deadline 3.</p> <p>With regards to amending construction working hours and timing of works, the Applicant is unable to accommodate Essex County Council and Tendring District Council's request. The Applicant's proposed working hours are standard for major infrastructure projects (including Five Estuaries) and provide a balance between avoiding the times which have the greatest potential to disturb people and enabling the works to be completed in a timely manner. Limiting the proposed working hours beyond the hours proposed in the Outline Code of Construction Practice [REP1-033] would increase the duration of construction, resulting in an increased duration of disturbance and potentially leading to additional cumulative impacts.</p> <p>Limiting the working hours would also have secondary impacts upon construction traffic movements where careful consideration has been given to demand management in order to allow the majority of construction traffic movements to be scheduled outside of the most sensitive network peak hours. A reduction in working hours would also result in HGV movements being compressed into fewer hours during the day, potentially leading to greater effects.</p> <p>Additionally, reducing working hours in proximity to residential properties would increase the works duration at these locations and therefore potentially result in increased disturbance.</p>
REP2-036_d	<p><b>Q1.4.3</b></p> <p><b>Works outside of general working hours</b></p> <p>Paragraph 51, OCoCP [APP-248], in the context of when work is required outside of the working hours specified in Paragraph 46, includes that "The relevant local planning</p>	<p>Given the concerns previously raised in respect of the impacts of construction hours, construction work and noise on nearby affected residents and communities, TDC is of the view that any works outside of agreed working hours should be subject to a written agreement in advance of such work taking place. Such agreement shall include the type of work to be performed, the frequency / length</p>	<p>In respect of works outside of agreed working hours, the Applicant refers to paragraph 51 of the OCoCP [REP1-033], which states that this will be agreed with local authorities in advance:</p> <p><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</i></p>

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	authorities will be advised of the likely timetable of works". 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?	of time, and the noise levels likely to be generated by the works to be performed.	<i>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>
REP2-036_e	<b>Q1.4.5</b> <b>General working hours and working hours in proximity to residential properties</b> Paragraph 46, OCoCP [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?	See response to Q1.4.2 . TDC is not content with the proposed working hours. A schedule of 0700-1900, six days per week, provides little respite and could significantly harm the living conditions of nearby residents. Therefore, tighter working hour restrictions should be implemented in locations affecting residential properties.	Please refer to REP2-036_c above, which provides the Applicant's response to Tendring District Council's position regarding working hours.
REP2-036_f	<b>Q9.2.7</b> <b>Requirement 5 Substation works</b> (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?  (ii) Does R5 provide sufficient control for all design aspects?  (iii) Should the Design Vision be a separate certified document within Schedule 12 Part 3 of the dDCO [AS-022]?  (iv) The Design Vision paragraph 1.4.3 refers to the production of a Design Guide to inform the detailed design proposals. Should the production of that Design Guide be specifically secured by the dDCO?	(i) The Design Vision [APP-234] purports to set out a strong vision in relation to landscape and the proposed enhancement opportunities the project presents. (Para 1.1.1). However, we remain sceptical as to whether the proposals offer a strengthening of landscape character when the site and its immediate setting are changed from an open, agricultural landscape to an industrial one fringed by vegetation. The landscape is more than the features at its boundaries, and the visualisations by the applicant show that, even after 15 years, there will remain views of the tops of the structures of the installation. Para 1.3.4 OLEMP (APP1-036) provides one of two main documents that identify the landscape strategy and proposals alongside the Landscape and Visual Impact Assessment [APP-044]. However, there is no spatial plan associated with the OLEMP. The written document cannot be read in isolation to the layout and spatial extent of the mitigation. It makes the text generic and meaningless. The only landscape strategy plan so far appears to be the Landscape Mitigation Plan (refer to ES Figure 30.1.6 (Document Reference: 3.2.26)). This plan dates from June 2024. The Landscape and Visual Impact Assessment [APP-044] makes reference to the Landscape Mitigation. The Design Vision in contrast, in 'Section 1.5 Design Process - Prior to DCO Submission' references an Outline Landscape Masterplan Figure 20. This masterplan identifies a series of fragmented buffer planted areas that do not follow the current landscape or boundary structure. It does not optimise the objectives of the Essex GI Strategy. In our LIR (REP1-065), we stated that delivery of GI should adhere to the 'Lawton Principle' which advocates for a landscape scale approach to conservation and the enhancement of connection between green sites- either through physical green corridors or through 'stepping-stones'. A bigger,	In response to individual points raised:  <b>Landscape Mitigation</b>  The Landscape Mitigation Plan (Figure 30.1.6, ES Chapter 30 Figures Part 1 of 6 [APP-083]) is the primary source of information in relation to the landscape mitigation proposals. This has been appended to an updated version of OLEMS [7.14 (Rev2)] to be submitted at Deadline 3 for consistency and to avoid any uncertainty about the extent and nature of the proposals. The Outline Landscape Strategy Masterplan shown in Section 5.5.10 of the Design Vision [APP-234] is a version of this plan, used to illustrate the application of the strategy layers to a developed site layout and to reflect the commentary contained within the Design Vision.  The Design Vision is referred to in Requirement 5 and was added as a certified document in the version of the draft DCO submitted at Deadline 2 [REP2-008].  <b>Green Infrastructure</b>  Sections 5.5.3-5.5.9 of the Design Vision [APP-234] set out the Landscape Strategy for the onshore substation works area, which includes mitigation and enhancement measures along with Biodiversity Net Gain. Existing green infrastructure assets both within and adjoining the site are identified in Section 5.5.4, whilst Section 5.5.7 shows how the connectivity of these GI assets is enhanced through the establishment of new planting within the site to provide the corridors or 'stepping stones' described under the Lawton Principle. This primarily utilises features readily found within the landscape, such as shelter belts, hedgerows and hedgerow trees. These features will also enhance the amenity of the local network of lanes and footpaths, solar shading and habitat for flora and fauna. Where possible they will reinstate lost field boundaries.



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		<p>better, and connected approach to GI delivery ensures the delivery of multiple functions and benefits to people and wildlife. We also identify how our understanding is that the Design Council Design Review Panel called for this approach and for the project team to think outside the red line boundary to create an integrated landscape approach which could include the planting of trees and renewal of hedgerows in the wider landscape area. This is confirmed in Paragraph 6.4.7, but we do not see how this feeds into the Landscape Strategy as claimed at 6.4.10. Works outside the project boundary could be facilitated through creation of a compensation fund that could be administered by local partners such as TDC, ECC, EWT, local parishes and landowners. Our judgement is that the scheme does not, as advised, move beyond a mitigation strategy to respond holistically to its context. The design does have the advantage of providing screening to the northern boundary and identifies the parameter of 20m width for the woodland buffer. The cross-section BB' and GG' on Pages 39 and 40 demonstrate that the top of the installation would still be visible once the vegetation has matured. Cross sections CC' and EE' do not show the installation so are meaningless. Sections DD' and FF' do not show a receptor so are meaningless.</p> <p>The Design Vision [APP-234] and the Design Process – Post-DCO Consent outlined in Section 1.6 of the document seems a reasonable baseline pulling together the relevant environmental and ecological information to inform and developing the detailed design for approval under Requirement 5. It outlines how design parameters, landscape and ecological mitigation and enhancements, and biodiversity net gain measures interact to create a vision for the development. The document references several supporting documents, including the Environmental Statement, Outline Landscape and Ecological Management Strategy, and Biodiversity Net Gain Strategy. It has evolved based on greater detail about the project and site constraints, as well as feedback from key stakeholders. It is welcomed that as part of the Design vision that they will continuing to engage with Five Estuaries to develop the co located site of the substations. Additionally, welcome the reference to the Essex Green Infrastructure Strategy as part of the design guidance documents which will be used in the development of the onshore substation where relevant. We would recommend consideration of the Essex Green Infrastructure Standards (2022). The Essex GI Standards outlines nine principles and standards for the protection, enhancement, creation, and management of GI in Essex. The application of these principles and standards through development management and planning policy will ensure the delivery of multifunctional, accessible high-quality GI. The National GI Framework Planning and Design Guidance offers evidence based, practical advice on planning and designing effective GI. It serves as a complement to both the National Model Design Code and the National Design Guide.</p>	<p>Larger belts of woodland providing the main form of visual mitigation, will be connected to this network, as shown in Section 5.5.8.</p> <p>This approach has been summarised and incorporated within the updated version of OLEMS [7.14 (Rev2)] submitted at Deadline 3.</p> <p><b>Works Outside the Red Line Boundary</b></p> <p>The Applicant is open to exploring measures to enhance further GI connectivity beyond the Order limits by agreement e.g. working in partnership with TDC, ECC, landowners, Essex Forest Initiative, Essex Wildlife Trust, during the development of the Project's Written landscaping Scheme post-consent, however any off-site planting would not be secured through the DCO.</p> <p><b>Cross Sections</b></p> <p>Detailed cross sections have been produced that show the effect of screening planting at Year 5, 10 and 15, and these are being submitted into the Examination at Deadline 3 [9.30].</p> <p><b>Design Guide</b></p> <p>Compliance of the Design with the Design Vision [APP-234] is secured through Part (2) of Requirement 5 of the Draft DCO [REP2-007]:</p> <p><i>(2) The details submitted under sub-paragraph (1) of this requirement must be in accordance with requirement 6 (detailed design parameters onshore) and substantially in accordance with the design vision.</i></p> <p>The Design Vision includes a commitment in Section 1.4.3 to produce a Design Guide post-consent.</p> <p>In addition delivery of landscaping is secured through Requirements 7 and 21 of the Draft DCO [REP2-007]. The draft DCO submitted at Deadline 3 has been updated to refer to the Design Guide in accordance with similar amendments made to the draft DCO for Five Estuaries.</p>

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		<p>(ii) It is recommended that under requirement 5 that the list of the details work to include a bullet point for the delivery of landscaping and ecological enhancements to ensure the landscaping, BNG and GI delivery is part of the onshore substation design as set out in the Design Vision.</p> <p>iii) As the Design Vision includes the main landscape design strategy, which is not identified in any other documents, it would be preferable if the Design Vision was a certified document in the dDCO.</p> <p>(iv) As the Design Guide will identify detailed landscape guidance that will help deliver the main landscape strategy, it would be preferable if the Design Guide was secured in the dDCO, in line with requirement 5 and requirement 7: Provision of landscaping..</p>	
REP2-036_g	<p><b>Q10.1.6</b>  <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. Moreover, the ExA acknowledges that Suffolk County Council (SCC) have stated in their RR that they are seeking a “coordinated approach between different proposed offshore windfarm projects and multi-purpose interconnector projects within the vicinity of this project” (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</p>	<p>Whilst we are satisfied that North Falls have worked in partnership with other NSIP applicants including sharing ecological data on cable corridors, greater interaction would have avoided the situation where 2 separate landscaping layouts on land surrounding the substations despite the agreement to share BNG.</p>	<p>The Applicant notes that although North Falls and Fives Estuaries have developed outline landscape mitigation proposals which do differ in some aspects, both projects have been in dialogue regarding landscape matters and are aligned in the overall principles both projects’ outline landscape mitigation proposals seek to achieve. The two projects’ commitment to develop a co-ordinated Design Guide (outlined within the Design Vision <b>[APP-257]</b> and to continue to co-ordinate landscape proposals during the development of each project’s written landscaping schemes post-consent will ensure that the final landscape mitigation proposals and on-site ecological enhancement measures are developed in a co-ordinated manner.</p> <p>Further detail regarding how the two projects’ outline landscape mitigation proposals align is provided in the response to Applicant’s Ref REP2-030_h in this document.</p>

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	<p>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> <p>(i) Applicant/NE/SCC/IPs – Clarify if the Applicant's cumulative impact assessments properly factor scheme variance between operational and decommissioning stages? (ii) Applicant –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. (iii) SCC/Relevant Planning Authorities - 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.</p>		
REP2-036_h	<p><b>Q10.2.1</b> <b>Ecological Enhancement/ BNG Strategy</b> 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. 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> <p>(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.</p> <p>(ii) Can the Applicant set out how potentially it could further boost and achieve meaningful overall biodiversity enhancements above the</p>	<p>(i) In our LIR (REP1-065), we stated that delivery of GI should adhere to the 'Lawton Principle' which advocates for a landscape-scale approach to conservation and the enhancement of connection between green sites- either through physical green corridors or through 'stepping stones'. A bigger, better, and connected approach to GI delivery ensures the delivery of multiple functions and benefits to people and wildlife. In that respect we would argue that in principle BNG should exceed 10% and that further delivery should be sought close to and be connected to the onsite BNG wherever possible.</p> <p>The Design Council Design Review Panel called for this approach into the landscape strategy and for the project team to think outside the red line boundary to create an integrated landscape approach which could include the planting of trees and renewal of hedgerows in the wider landscape area.</p> <p>July 2024 (APP-257) sets out a strategy for assessing and securing BNG for 'onshore' elements and aims only for delivery of minimum 10 per cent. A GI Plan (APP-134) has been produced and this should adhere to the 'Lawton Principle' which advocates for a landscape-scale approach to conservation and the enhancement of connection between green sites – either through physical green corridors or through 'stepping stones'. A bigger, better, and connected approach to GI delivery ensures the delivery of multiple functions and benefits to people and wildlife. In that respect we would argue that in principle BNG should exceed 10% and that further delivery should be sought close to and be connected to the onsite BNG wherever possible.</p>	<p>(i) When designing the proposed landscaping within the onshore substation works area, the multi-criteria analysis set out in the Design Vision [APP-234] considers the location of biodiversity features and GI assets, ensuring a landscape-scale approach has been followed which enhances the quality and connectivity of GI assets present. By exploring opportunities to achieve a minimum of 10% BNG, the Applicant is considering ecological and GI connectivity at a scale proportionate to the baseline habitats being permanently lost at the onshore substation. The BNG calculations detailed in the Biodiversity Net Gain Strategy [APP-257] are not limited to a 10% net gain in biodiversity units, and the BNG calculations at the detailed design stage will likely experience an uplift of baseline units to those presented within the DCO application, due to a reduction in Project boundary compared to the DCO Order Limits.</p> <p>Land available for landscaping within the DCO Order Limits is limited to the onshore substation works area, 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. Impacts on habitats along the onshore cable route and at landfall are temporary and will be reinstated post-construction; habitat creation is focused at the onshore substation where permanent habitat losses are experienced, following the mitigation hierarchy.</p> <p>The 'Viability Assessment of Biodiversity Net Gain in Essex' report referred to by ECC recognises the difficulties of achieving 10% BNG for linear energy transmission NSIPs, including North Falls, stating in paragraphs 11.34 and 11.35 "there is a need for greater clarity in national planning policy for NSIPs to support local host authorities and NSIP promoters seeking to justify the additional cost and value for money to the local economy, environment and health and wellbeing of host communities of delivering greater than the mandatory biodiversity objective for NSIPs. Future national planning policy and</p>



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	<p>minimum 10% level it is referring to? Is it technically/financially possible to do that? If not, state why not.</p> <p>(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.</p> <p>(iv) Does the Applicant agree that s106 (Town and Country Planning Act 1990) obligation/agreement use involving a commuted sum mechanism or other bespoke 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>	<p>The BNG Strategy (APP-257) summarised the potential net gains for options 1 (project alone) and 2 (joint with Five Estuaries), which both options will result in significant net gains for habitat and hedgerow beyond the 10% minimum. However, the BNG strategy indicated a net loss of -0.26 units (-29.19%) of watercourse. The BNG Technical Note (REP1-050), submitted with the Deadline 1 submissions, has recalculated the BNG units, leading to a significant reduction in provision. The project alone fails to meet the statutory 10% requirement for habitat and watercourses. However, it just meets the 10% statutory requirement for habitats within the joint option. Therefore, additional investigation into achieving a positive net gain for habitat and watercourses is necessary.</p> <p>The Essex Local Nature Partnership commissioned a study to explore the viability assessment of biodiversity net gain in Essex. The "Viability Assessment of Biodiversity Net Gain in Essex" report evaluates the feasibility of increasing biodiversity net gain (BNG) from 10% to 20% in Essex. This looks at residential commercial and NSIPs. The assessment reveals that the additional costs for achieving 20% BNG are relatively low for both residential and commercial developments, with minimal impact on development viability and land value. The report includes a case study on the Norwich to Tilbury (N2T) project, highlighting manageable costs for 20% BNG. The report concludes that a shift to 20% BNG is viable and recommends local authorities consider both onsite and offsite BNG solutions, engage with local landowners, and ensure a balanced approach to managing biodiversity units.</p> <p>(ii) ECC is the 'Responsible Authority' for delivering the Essex Local Nature Recovery Strategy (ELNRS) working closely with the Essex Local Nature Partnership to provide direction and ensure key stakeholders are engaged. The emerging LNRS will form the baseline for habitat information, which in turn will generate action to promote biodiversity management and improvement (including identifying strategic opportunity areas) and will provide further useful information. The LNRS plays a crucial role in Biodiversity Net Gain (BNG) by offering a strategic approach to off-site BNG delivery. The LNRS includes strategic opportunity maps highlighting areas with the highest potential for environmental benefits for new habitat creations across Essex. Sites of strategic significance offer a 15% uplift in biodiversity units compared to other sites, providing a 15% bonus on units purchased in these locations. The ELNRS is set to be published and adopted in July 2025. Although the maps are not yet made publicly available, the ELNRS includes two main types of maps:</p> <ul style="list-style-type: none"> <li>• Areas of Particular Importance for Biodiversity (APIB) Maps: These maps highlight national conservation sites, local nature</li> </ul>	<p><i>guidance should be clearer on the expectation of delivering BNG for NSIPs, including greater than the mandatory biodiversity objective... This study has highlighted how challenging it is for promoters of some NSIPs to assess the cost and justify value for money to government bodies and other regulators of delivering beyond 10% BNG for NSIPs". Additionally, paragraph 10.18 of the report states "As demonstrated in Table 9-2, NSIPs could make a major and valuable contribution to habitat enhancement in Essex due to their size. However, this is only possible if sufficient local biodiversity units are available at an affordable price. It would be extremely difficult for NSIP promoters to justify in value for money terms the provision of BNG in excess of the mandatory 10% were the costs excessive, and therefore if higher levels of BNG are to be targeted it is essential that a sufficient supply of local and affordable biodiversity units can be secured at design stage".</i></p> <p>The Applicant therefore does not agree that the report concludes a BNG percentage above 10% is viable for linear energy NSIPs, and in fact highlights the difficulties in securing a minimum of 10% BNG, particularly for those modules which are harder to deliver (such as the watercourse module). The Applicant therefore believes that exploring opportunities to achieve a minimum of 10% BNG provides enhancements and habitat creation proportionate to the baseline habitats being permanently lost at the onshore substation, considering the various extraneous factors present which limit BNG opportunities for NSIPs.</p> <p>(ii) The Applicant will consider the Combined Strategic Habitats Maps provided by ECC within any further updates to the early design BNG assessment during Examination. Additionally, once published, the final ELNRS will be considered in the BNG calculations at detailed design to inform strategic significance assigned to each habitat. This is secured in the BNG Strategy <b>[APP-257]</b>.</p>



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		<p>reserves, local wildlife sites, and irreplaceable habitats in Essex, covering a total of 56,226.27 hectares, which is 14% of the county.</p> <ul style="list-style-type: none"> <li>• Opportunity Maps: These maps identify areas in Essex that could become important for biodiversity and help connect existing habitats. They outline potential measures to create larger, better-connected habitats in line with biodiversity priorities. The opportunity maps in the Essex Local Nature Recovery Strategy (LNRS) are divided into two types: <ul style="list-style-type: none"> <li>• All Creation Opportunities Maps: These maps show all locations of particular importance for biodiversity, including areas that overlap with Areas of Particular Importance for Biodiversity (APIB).</li> <li>• Strategic Creation Opportunities Maps: These maps highlight the top locations within all available opportunities that have the greatest potential to benefit nature and the environment. These strategic sites, selected by Local Authorities, are eligible for a 15% uplift on standard biodiversity units and do not overlap with APIBs. They cover 119,172.53 hectares (30.18% of Essex) and aim to increase green and blue infrastructure to 25% of Essex by 2030. Below is a screen shot of the All Creation Opportunities maps taken from the consultation document (image)</li> </ul> </li> </ul> <p>The following is a zoomed-in view of the Combined Strategic Habitats creation maps. While there are no strategic opportunities identified for the substation area that are eligible for a 15% uplift on standard biodiversity units, the maps do show nearby habitats such as freshwater and grassland connectivity opportunities. However, the all creation opportunities map may offer a broader scope of the types of habitat opportunities that could be implemented to connect to wider GI/landscape network for the area.</p>	
REP2-036_i	<p><b>Q10.2.2</b>  <b>Ecological enhancement/BNG Strategy</b>  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</p>	<p>As stated in our LIR (REP1-065), ECC promotes the delivery of GI though the ‘Lawton Principle’ which advocates for a landscape-scale approach to conservation and the enhancement of connection between green sites- either through physical green corridors or through ‘stepping stones’. A bigger, better, and connected approach to GI delivery ensures the delivery of multiple functions and benefits to people and wildlife.</p> <p>We support the requirement to explore the opportunities for additional woodland planting, ensuring maintenance is secured for a 10-year period and the connectivity between hedgerows, individual trees and woodlands within a development site. The Essex LNRS opportunity area mapping also included woodlands and will highlight potential connectivity opportunities.</p>	<p>The Applicant has addressed ECC’s specific recommendations regarding GI in Applicant’s Response to Local Impact Reports <b>[REP2-023]</b> (Applicant’s Ref LIR_ECC_4.7).</p>

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	<p>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>		
REP2-036_j	<p><b>Q10.2.3 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</p>	<p>(i) As stated above and in the LIR (REP1-065), ECC promotes the delivery of GI through the 'Lawton Principle' which advocates for a landscape-scale approach to conservation and the enhancement of connection between green sites, either through physical green corridors or through 'stepping-stones'. A bigger, better, and connected approach to GI delivery ensures the delivery of multiple functions and benefits to people and wildlife.</p> <p>The ES and dDCO page 41 (par ix in connection with such Work Nos. 4B, 4C, 4D, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14) recommend other ecological enhancements not captured by the metric, such as bird and bat boxes and hibernacula. These enhancement and mitigation measure identified, along with landscaping are instrumental in producing quality GI, therefore all these GI threads should be carried through to detail stages of the application and secured through suitably worded condition.</p> <p>GI should be considered and prioritised throughout the planning process to ensure it is effectively designed and integral to the whole development from the outset. Through the right design, right GI, and right location of GI it can deliver more than one function and contribute to more than one priority, providing cost efficiency in the long term to deliver better outcomes</p>	<p>The Applicant has addressed ECC's specific recommendations regarding GI in Applicant's Response to Local Impact Reports <b>[REP2-023]</b> (Applicant's Ref LIR_ECC_4.7).</p> <p>The Applicant also notes that ecological enhancements not captured by the metric, such as bird and bat boxes and hibernacula, are described and secured through the OLEMS <b>[REP1-035]</b> (see Section 2.6).</p>

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	<p>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) NE – 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) The Applicant – Does the Applicant consider the use of the register to be 'likely'? What is the expected probability, at this stage, of the register mechanism being required and is it the Applicant's preferred/expected position to rely on the register mechanism or not? The Applicant is invited to demonstrate the likelihood/need for such an option being utilised within the Examination period.</p>		
REP2-036_k	<p><b>Q11.1.3</b>  <b>Other Flood Risk</b>  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>No. In our LIR (REP1-065), para. 4.13.9 highlighted that further information and clarification are required in relation to surface water drainage.</p> <p>Noting that Requirement 22 of the dDCO (REP1-011) for an Operational Drainage Strategy, the LLFA also requests a requirement on temporary surface water drainage strategy for construction activities covering the whole project area, not just the onshore substation. This document is required to be submitted to and approved by the LLFA prior to commencement.</p> <p>The applicant has committed to providing further information as the project progresses. The latest documents state "Norwich to Tilbury FRA will outline the proposed mitigation measures / commitments to ensure no detrimental effects on flood risk from rivers and the sea or the functioning of flood defences. Implementation of these would reduce potential negative effects on the flood storage and floodplain flow attributes of watercourses in the study area." The document also commits to working to the LLFA's discharge requirements.</p>	<p>Measures to manage surface water drainage from construction activities in the onshore project area are included in the Outline Code of Construction Practice (OCoCP) <b>[REP1-033]</b>. As described in the OCoCP (Section 1.8), a Construction Surface Water Drainage Plan will be developed, as part of the CoCP, and agreed with the relevant regulators and implemented to minimise water within the cable trench and other working areas and ensure ongoing drainage of surrounding land. This typically includes interceptor drainage ditches being temporarily installed parallel to the trenches and soil storage areas to provide interception of surface water runoff and the use of pumps to remove water from the trenches during cable installation. Further detailed measures are set out in Section 1.8 of the OCoCP. The CoCP is secured by Requirement 8 of the draft DCO <b>[REP2-007]</b>.</p> <p>The Applicant considers that this approach is proportionate and appropriate and therefore does not agree that the proposed amendments are necessary.</p>

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REP2-036_I	<p><b>Q12.1.3 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>Jennings Farm is located on Ardleigh Road, an access route for the cabling corridor and substation site. The Grade II Listed Farmhouse is approximately 300m south of the proposed underground cabling corridor/easement. Given this proximity, TDC asserts that both the farmhouse and its residents will experience impacts during the construction and operational phases. Therefore, a revision to the Environmental Statement's (ES) summary of effects is required.</p> <p>Furthermore, recent planning history and land ownership records suggest that Jennings Farmhouse remains associated with some of the surrounding farmland, particularly to the south. The proposed screening planting should contribute positively to the farmhouse's historical significance.</p> <p>The proposed mitigation planting as identified by the Applicant in the Schedule of Mitigation (APP-012), section 2.18.5, Page 99 states: The onshore substation will be designed to reduce the overall height and massing of associated structures and other elements as far as practicable. Landscape proposals will include measures for the enhancement of local biodiversity during the operational phase of the onshore substation. This will include landscape screening of the onshore substation through hedgerow and woodland planting. Once matured, this will help to integrate the onshore substation into the existing landscape of arable fields and boundary trees/hedgerows. Secured by: Onshore substation design details and landscaping are secured through Requirements 6 and 7 of the Draft DCO (Schedule 1, Part 3, Requirements, 6 &amp; 7)</p> <p>Historic England's Guidance – The Setting of Heritage Assets (GPA3, 2017) is clear that: 40. Where attributes of a development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm. As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection. Management measures secured by legal agreements may be helpful in securing the long-term effect of screening. [own emphasis] The location of the Onshore Substation is to be to the south of Grange Road, as shown on Figure 25.1f of 3.2.21 Environment Statement Chapter 25 Figures (APP-072) (excerpt below).</p>	<p>The Applicant would like to highlight that Jennings Farmhouse is located to the north of the onshore cable route, not the south as noted in ECC's response.</p> <p>The effects of construction upon Jennings Farmhouse were not assessed to give rise to adverse effects as it was considered that any effects would only 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 potentially give rise to adverse effects 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 [APP-148]. 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. Views are also restricted to the south by the continuation of the tall hedge along the property boundary limiting any change to setting during construction which, by its nature, will be temporary.</p> <p>The Applicant can confirm that the location of the onshore substation in Cultural Heritage Viewpoint 1 Figures 25.3.2c and 25.3.2d of ES Appendix 25.3 Onshore Infrastructure Settings Assessment [APP-148] is positioned in the correct location to the east of Grange Road. The hedgerow referred to in the Local Authorities' response is in fact the proposed mitigation planting at Year 1 (Figure 25.3.2c) and at Year 15 (Figure 25.3.2d). In Figure 25.3.2c, the Year 1 planting is smaller but nearer therefore looks the same size as the baseline hedgerow along Grange Road, which is taller but further away.</p>



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		<p>Furthermore, how this is illustrated within Cultural Heritage Viewpoint 1 Figures 25.3.2c and 25.3.2d of 3.3.49 Environmental Statement Appendix 25.3 Onshore Infrastructure Settings Assessment (APP-148) places the Onshore Substation behind the existing hedgerow to the north of Grange Road. The existing hedgerow to the north of Grange Road would not screen the Onshore Substation like it is shown in the Viewpoint 1 Figures 25.3.2c and 25.3.2d. The actual location of the Onshore Substation would in fact be to the south of Grange Road within the open field system and would therefore be more prominent within the immediate landscape setting to the northwest of Jennings's Farmhouse. The existing field pattern to the southeast of Grange Road comprises large, open fields with ditches and occasional trees as field boundaries (Figures 2 and 3 below). Hedgerows are only present to the north of Grange Road and along the bridleway of Barn Lane to the north and do not appear as historic field boundaries within field systems, only along roads or bridleways. The introduction of landscape screening through hedgerow and woodland planting as proposed is therefore in itself harmful to the significance of Jennings's Farmhouse as it would erode the open agrarian landscape which forms a key part of the setting of the listed building and how it is experienced. Additionally, any screening provided will take time to establish and would only be effective during winter months when the planting is not in leaf. This is most evident from the upper floors of Jennings's Farmhouse. Whilst it is accepted that there is no 'right to a view' in planning terms, Figure 2 demonstrates the impact of the Onshore Substation on the agrarian setting of Jennings's Farmhouse."</p>	
REP2-036_m	<p><b>Q12.1.4</b>  <b>Survey Data</b>  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>	<p>The Applicant has provided sufficient desk-based data including full coverage of the scheme by aerial photographic (AP) assessment to enable a baseline assessment of the known archaeological resource within the scheme.</p> <p>Non-intrusive evaluation methods carried out prior to submission consist of geophysical survey. The geophysical survey covered approximately 85% of the proposed scheme and so a small amount of geophysical survey remains to be completed.</p> <p>The geophysical survey results have been ground truthed at two locations within the scheme. The results from the trial trench evaluation were fairly corroborative at one location though less successful at the second location. The trial trench evaluations were conducted in areas where there was a relatively low incidence of archaeological remains as identified through geophysical survey and so have not positively contributed to the assessment of this technique as an evaluation method.</p>	<p>The Applicant is in discussion with Historic England and Essex County Council (Places Services) (in combination with Five Estuaries) to agree a programme of project-wide trial trenching and geoarchaeological evaluation post-consent to inform the detailed design phase and archaeological mitigation approaches. The Applicant is following the approach discussed with Five Estuaries and is in the process of drafting an Archaeological Mitigation Strategy (AMS) and Trial Trench Plan and updating the Outline Onshore WSI [APP-247] to be submitted into the Examination at Deadline 5.</p>

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		<p>The limited trial trench evaluations have provided sufficient information in the areas where they were completed, however this information is lacking from the remainder of the scheme.</p> <p>The lack of intrusive archaeological and geoarchaeological evaluation across the remainder of the scheme means there are gaps in the data and insufficient information has been provided to determine the full impact of the scheme on the archaeological resource.</p> <p>The geoarchaeological information provided is based on a low and uneven number of interventions located largely at the far ends of the route. This is not sufficient for the creation of a robust deposit model on which to propose mitigation.</p>	
REP2-036_n	<p><b>Q12.1.6</b>  <b>Offshore Archaeological Exclusion Zones (AEZ)</b>            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>ECC Place Services provide advice on behalf of the local authority for the land above Mean Low Water (Springs), including the intertidal zone, and so comments will be relevant to this area only.</p> <p>The geophysical surveys seem to have provided good coverage of the offshore areas. The assessment has identified Archaeological Exclusion Zones (AEZs) within the areas covered by geophysical survey where significant archaeological remains will be protected from any impact where possible, however these largely focus on the sites of wrecks and debris fields and no palaeogeographical landscapes have been included in the AEZs. The assessment has identified areas of potential archaeological significance towards the coastline, including buried complex channel features and possible organic deposits where archaeological material may be preserved in situ. At present these palaeogeographic areas of archaeological significance have no protection proposed and the continuation of these features onshore has not been explored.</p> <p>Further assessment of data in areas of high archaeological/geoarchaeological significance should be carried out specifically in the nearshore/intertidal zone where in situ archaeological or palaeoenvironmental remains would be of national or international significance. These should be assessed for inclusion as AEZ's prior to any construction commencing.</p>	<p>A commitment to a programme of further assessment is established through the Outline Offshore Written Scheme of Investigation (WSI) (which has been revised and submitted at Deadline 3) (Document Reference: 7.1, Rev 2).</p> <p>Should any in situ prehistoric sites, or palaeoenvironmental material associated with specific palaeolandscape features or with archaeological material, which would be of national or international significance, be identified during the planned programme of survey and assessment then mitigation measures to record and / or protect (i.e. through the application of AEZs) such sites will be agreed in consultation with Historic England, and with Essex County Council Place Services as relevant to any works above Mean Low Water (Springs).</p>
REP2-036_o	<p><b>Q12.1.7</b>  <b>Construction Phase – Disturbance of Archaeological Remains</b>            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</p>	<p>The mitigation proposed includes a programme of archaeological and geoarchaeological evaluation across the scheme. Until this is completed the nature, extent and significance of the archaeological resource, cannot be fully understood.</p> <p>The proposed mitigation focuses on avoidance of any significant archaeological deposits. Where this is not possible then preservation would be by record (archaeological excavation). This may result in the disturbance and loss of a significant number of archaeological deposits which, at present, remains undetermined.</p>	<p>As presented in the Applicant's Response to Written Questions (ExQ1) ([REP2-020]), 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.</p>

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	mitigation has addressed these impacts.	It will be important to identify any sites which are of high significance as soon as possible, and prior to construction work commencing to ensure mitigation measures are effective and can be implemented.	<p>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 <b>[APP-030]</b>.</p> <p>The Outline Onshore Written Scheme of Investigation <b>[APP-247]</b> 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 <b>[APP-039]</b>.</p>
REP2-036_p	<p><b>Q12.1.13 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>(ii) 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>(i) At present the investigations carried out and information submitted have not provided a suitable level of information on the potential for archaeological remains along the entire route and it remains to be demonstrated that the embedded mitigation through micro-siting will be feasible or achievable in all areas.</p> <p>The mitigation proposed presents considerable risk should extensive and important archaeological deposits be identified post consent. Archaeological excavations, should they be required, could have a detrimental impact on the project timetable. In addition, the embedded mitigation of micro-siting to avoid areas of significant archaeological remains will depend on the spatial extent of those remains within the project boundaries and avoidance through directional drilling could have cost implications for the project.</p> <p>In this case, if the proposed location of the Onshore Substation were located to the north of Grange Road it would be at a greater distance from Jennings Farmhouse and proposed landscape screening mitigation may be more suitable. Furthermore, it would locate the Onshore Substation closer to the East Anglia Connection Node. It is not clear why location CO02 as shown in Figure 4.13 in 3.2.2 Environmental Statement Chapter 4 Figures Part 4 (APP-050) was discounted in Section 4.8 of 3.1.6 Environmental Statement Chapter 4 Site Selection and Assessment of Alternatives (APP-018).</p> <p>(ii) In discussions with the Applicant an indicative trench plan has been requested. At present the percentage coverage for an archaeological evaluation has not been agreed. In Essex the</p>	<p>The Applicant is in discussion with Historic England and Essex County Council (Places Services) (in combination with Five Estuaries) to agree a programme of project-wide trial trenching and geoarchaeological evaluation post-consent to test the geophysical anomalies and cropmarks features identified from aerial imagery, as well as sample apparent blank areas. The results of the trial trenching and geoarchaeological evaluation will inform the detailed design phase and archaeological mitigation approaches and manage risk in delivery. The Applicant is following the approach discussed with Five Estuaries and is in the process of drafting an AMS and Trial Trench Plan and updating the Outline Onshore WSI <b>[APP-247]</b> to be submitted into the Examination at Deadline 5.</p> <p>As noted in the response provided at Applicant's Ref REP2-036_I above, the assessment presented in ES Appendix 25.3 Onshore Infrastructure Setting Assessment <b>[APP-148]</b> concluded that the change in view resulting from the development of the Project is unlikely to significantly alter the asset's setting in a way that would impact the heritage significance. As reported in ES Chapter 4 Site Selection and Assessment of Alternatives <b>[APP-018]</b>, a comprehensive site selection process was undertaken to identify the preferred option for the location of the onshore substation. Option CO02 (as shown on Figure 4.13 in ES Chapter 4 Figures Part 4 <b>[APP-050]</b>) was considered in detail during the site selection process. A number of factors were identified in relation to CO02 which identified it as less favourable than the preferred option, including viable options for construction traffic access, increased proximity to properties and to the landscape designations to the north, increased surface water flood risk and the increased risk of interaction with known buried heritage, based on information available from desk-based information and the Historic Environment Record.</p>



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		<p>regional standards for percentage coverage would be 4% with 1% contingency.</p> <p>The OWSI states that the evaluation will focus on anomalies identified through geophysics and AP with “several trenches” to sample and investigate blank areas. This would not be considered a meaningful evaluation methodology, areas where there is currently no identified data remain the highest risk in terms of encountering unexpected archaeological deposits.</p>	
REP2-036_q	<p><b>Q14.1.7</b></p> <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>VP02 is located at the junction of the PRoW/Bridleway and Ardleigh Road, nearly 700m from the proposed installation, so the impacts from this distance will necessarily be lower. It is still not clear to us why this VP is located so far from the installation. The PRoW comes within 240m of the proposed project. We need evidence that users of the PRoW do not get more significant adverse impacts the closer they get to and from the installation.</p> <p>The baseline photographs demonstrate the open agricultural landscape with long, substantially uninterrupted views across it. The visualisation Year 1 53.5-degree view shows, even from this distance, the extent of the proposed development of North Falls, a view that would remain substantially visible until Year 10-15. The visualisation Year 15 shows that the proposed development, would still show above the mitigation planting across the length of it. These views, even from this distance, give the perception of an extensive industrial landscape, albeit partially hidden, which could significantly affect the perception of rurality and tranquillity. In winter this effect would be compounded.</p> <p>We judge that the residual impacts would not be minor adverse (not significant) but likely moderate adverse (significant) and a receptor closer to the project could have impacts that are even more significant.</p> <p>VP03 Baseline photograph demonstrates the open agricultural landscape with long, substantially uninterrupted views across it. The Visualisation Year 1, 53.5-degree view, demonstrates the substantial impact the installation would pose for up to 10 years. The visualisation Year 15 shows that the proposed development would show above the mitigation planting after the tree belt has matured. The view has been truncated so the key characteristic of openness, one identified in the Tendring Landscape Character Assessment, has been lost, and the perception is of an extensive industrial landscape, albeit partially hidden, which could significantly affect the perception of rurality and tranquillity. In winter this effect would be compounded.</p>	<p>Viewpoint 2 Bridleway at Barn Lane was chosen over a closer location as having an unobstructed view towards the onshore substation site as a whole. A closer view would not have shown the wider landscape context in which the onshore substation will sit.</p> <p>The magnitude of impact is judged to be medium at year 1 (see Table 30.22 in ES Chapter 30 LVIA [APP-044]). Taking account of the medium sensitivity, effects are judged to be moderate adverse, which is significant in EIA terms. People walking along the PRoW to within 240m of the onshore substation would experience a larger magnitude of change.</p> <p>Viewpoint 3 Norman's Farm represents a closer location, around 400m from the onshore substation. At this viewpoint, magnitude of impact is judged to be medium and the effect will be major at year 1 (see Table 30.23 in ES Chapter 30 LVIA [APP-044]). The impacts of the landscape planting on the openness of views are noted in the assessment.</p> <p>Paragraph 72 of ES Chapter 30 LVIA [APP-044] notes that the viewpoints have been identified as “a representative selection of locations agreed with the statutory consultees”, and not as “an exhaustive list of locations from which the onshore components of the Project will be visible.” The viewpoint list was agreed with stakeholders through consultation, as noted in Table 30.1 of ES Chapter 30 LVIA [APP-044]).</p>
REP2-036_r	<p><b>Q14.1.8</b></p> <p><b>Onshore Substation – Screening impact on surrounding residential receptors</b></p>	<p>In terms of landscape character, the VEOWF proposal creates a more coherent strengthened landscape framework, whilst also strengthening the green infrastructure further into the wider</p>	<p>North Falls and Five Estuaries have committed to the production of a joint Design Guide, which will encompass both onshore substations and their</p>

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	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>landscape. In contrast that coherence is lacking in the NFOWF scheme, but it does have the advantage of providing better screening to the north/north west of the scheme and has committed to a 20m width buffer as a parameter on the Outline Landscape Masterplan Figure 20.</p> <p>ECC and TDC requested the applicants of both proposals to continue their dialogue and to outline how the differences could be reduced and incorporated into the OLEMP.</p>	<p>immediate settings. This will provide an opportunity to review the approach to visual mitigation across both schemes.</p> <p>Please refer to the Applicant's response to Babergh District Council's comments on Q14.1.8.</p>
REP2-036_s	<p><b>Q17.1.2</b></p> <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]? If not, what are your concerns and how might they be addressed?</p>	<p>As set out in the LIR [REP1-065], the content of the OCTMP does reduce our concerns; however, we are looking for the following changes:</p> <ol style="list-style-type: none"> <li>1) Clarity on what pre commencement works will be covered by the management plan (as per the current Five Estuaries OCTMP) we are looking for a commitment where if the scale of any works exceeds 20 two-way movements on the same day, the workforce would be required to adhere to use of the agreed OCTMP construction routes.</li> <li>2) That the approval of the CTMP would be discharged by the highway authority.</li> <li>3) Confirmation that the timing of HGV movements will be monitored and reported.</li> <li>4) Confirmation that a high proportion of HGVs will be equipped with GPS (or another suitable method) to monitor routing.</li> <li>5) Further commitments towards monitoring of staff mode share and commitments towards achieving at least the 1.5 persons car share ratio or equivalent sustainable travel percentage, with aspirations for higher proportions.</li> <li>6) A review process to ensure the staff exhibit the shift patterns or if they do not that the impacts are not material.</li> <li>7) Timing of any AIL movements through Colchester to be 'off-peak'.</li> <li>8) Reference to a Framework Highways Agreement for technical approval of the highway works.</li> <li>9) Clarity around the road safety commitments at paragraph 84 and 85 in terms of the extent of the mitigation and how it will be delivered. As per our response to ExA question 17.1.5 below.</li> <li>10) Inclusion of a Road Safety Review process.</li> <li>11) Agreement on a road inspection and remediation process.</li> <li>12) Provision of monitoring reports to the highway authority.</li> </ol> <p>The Council is looking for proportionate, pragmatic management measures to reduce the likelihood of the development exceeding its assessed impact and to achieve reasonable levels of sustainable travel (reflecting EN-1) taking into consideration the relative accessibility of the site.</p>	<p>The Applicants have scheduled a meeting with Essex County Council on the 20 March 2025 where it is proposed to discuss the content of the Outline Construction Traffic Management Plan (and Requirement drafting) with an aim of agreeing where updates may be required.</p>
REP2-036_t	<b>Q17.1.3</b>	Further clarity has been requested by the Council on this issue within our LIR [REP1-065] i.e. confirming the numbers that are being	The Applicant would clarify that the proposal is to limit the number of HGV movements along these links from the peak assessed of 106 and 126 HGVs

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	<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, 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>	<p>adhered to and that they do not result in a calculated environmental impact. For instance, it is assumed this would still result in a low impact on a high sensitivity link for Link 25 and a high impact on a low sensitivity link for Link 35. It is also unclear how technically HGV movements can be limited to an average.</p>	<p>per day for Link 25 and 35 respectively, to no more than 71 and 83 HGVs per day respectively (equivalent to the average number of HGV movements). This commitment represents a significant reduction in peak HGV movements that could occur via these links (approx. 33% reduction).</p> <p>It can be noted from Table 27.20 of ES Chapter 27 Traffic and Transport [APP-041] that the average flows would result in an assessed negligible magnitude of impact, as opposed to a low magnitude of impact for the peak flows.</p> <p>This commitment to controlling the numbers of HGV movements along Links 25 and 35 to no more than 71 and 83 HGVs per day would be managed through the measures outlined within Section 2.2.1 of the Outline Construction Traffic Management Plan [REP1-039], which is secured by Requirement 9 of the draft DCO [REP2-007].</p>
REP2-036_u	<p><b>Q17.1.4</b></p> <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. 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>Five Estuaries DCO did not route HGVs through the more constrained part of Thorpe Le Soken (e.g. northwest of the B1414 / B1033 junction), but rather routed some through Weeley Heath and then turned right out of B1414 bypassing this section avoiding this constrained part of the network. This is an inconsistency between the projects. Our preference is for consistency and therefore the Five Estuaries routeing. However, it is noted that the peak daily HGV flows along this link are approximately 30 HGVs and average are 20 HGV (so between 2 and 4 an hour), as such they are low and the likelihood of conflicts is reduced as a result. Any change would require an updated Traffic and Transport Environmental Statement Chapter or at least a sensitivity test on its implications.</p>	<p>The Applicant welcomes Essex County Council's agreement that the HGV movements are low and likelihood of conflict is reduced.</p> <p>The Applicant acknowledges that there is a difference in routing between North Falls and Five Estuaries but would initially note that both routes are via main B roads, both pass through communities that are assessed to be of high sensitivity (Thorpe-le-Soken for North Falls and Weeley for Five Estuaries) and both have areas of on-street parking.</p> <p>The Applicant and Five Estuaries have discussed this matter and consider that it is appropriate to have different routes noting that doing so would avoid the potential for cumulative impacts through Weeley Heath and Thorpe-le-Soken.</p> <p>The Applicant would note that this route has been presented to and discussed with Essex County Council at a number of Expert Topic Group meetings and no objections were raised to the route and no alternatives were proposed. Essex County Council did raise the requirement to avoid school hours along this link which the Applicant accepted and has included within the Outline Construction Traffic Management Plan [REP1-039].</p>
REP2-036_v	<p><b>Q17.1.5</b></p> <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: “Enhanced maintenance measures as well as enhanced driver inductions” 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</p>	<p>(i) It is the Council's expectation that the mitigation would be undertaken by the Council as part of routine maintenance prior to the project; however, if not, the Council would support some form of commitment to delivery by the Applicant in advance of the works. As set out in the LIR [REP1-065], our recommendation is that a Road Safety Review is undertaken prior to commencement, and an ongoing review is undertaken during construction to identify any reasonable management measures that can be implemented as a result of any identified issues. The Road Safety Review would identify whether the mitigation has been delivered, whether it is still required, and if not, the Applicant would be required to implement or fund it.</p>	<p>(i) The Applicant has scheduled a meeting with Essex County Council on the 20 March 2025 where it is proposed to discuss the content of the Outline Construction Traffic Management Plan (and Requirement drafting) with an aim of agreeing where updates may be required. This would include discussions upon how Essex County Council consider that the Road Safety Review would be expected to operate.</p> <p>(ii) The Applicant welcomes Essex County Council's views on how the enhanced driver inductions would work and notes that the views of the Council align with those of the Applicant. The Applicant is willing to update the Outline Construction Traffic Management Plan [REP1-039] to extend this commitment to all construction workers who will be driving to work and will make these</p>



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	<p>Progress Way) and 23 (A133 south of Progress Way to the B1032). The OCTMP [APP-251], paragraph 84 states: "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."</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 indicates that mitigation for Links 22 &amp; 23 would be covered by enhanced driver inductions and training measures</p> <p>(i) Please clarify what enhanced maintenance measures are proposed for Links 22 &amp; 23, and are they sufficient?</p> <p>(ii) Given the reliance in the OCTMP on driver inductions and training, how will the effectiveness of these be measured?</p>	<p>(ii) The Council's assumption is that the enhanced driver inductions would include identification of the specific concerns at any road accident clusters for drivers to be aware of including the road collision history, so that they are specifically conscious of issues at these locations. As set out in our LIR [REP1-065], we would recommend that this is widened to workers as well. As above, a road safety review process may identify additional concerns, or may identify that some issues have been addressed, which would help inform these discussions, as well as identify any other management measures that could be implemented by the project (e.g. HGVs travelling outside of peak hours or outside of school hours).</p>	<p>updates following the meeting with Essex County Council on the 20 March 2025.</p>
REP2-036_w	<p><b>Q17.1.6</b>  <b>Travel plan measures to reduce single occupancy vehicle trips</b>  The OCTMP [APP-251] states in paragraph 43 that: "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)."</p> <p>Furthermore, while Table 3.1 Personnel Travel Measures includes "Identify car share, pick up locations" and "Walking / cycling facilities",</p>	<p>(i) The Council have previously raised our concerns around the car share ratio [REP1-065] (both in this submission and Five Estuaries DCO). Importantly, the Council are looking for a mechanism to be put in place that looks to ensure that both assessed impacts on the highway network are not exceeded and the development exhibits reasonably sustainable travel patterns.</p> <p>EN-1 sets out that the Applicant should set out the measures to improve access by active, public and shared transport to offer genuine modal choice. It is recommended that use of the Park and Ride at Colchester is explored for operating a shuttle service between sites to minimise impacts of vehicle movements. With reference to Section 3.2.2 of the CTMP, the plan does not currently look to minimise worker impacts of</p>	<p>The Applicant refers to its response to Q17.1.6 in Applicant's Responses to Written Questions (ExQ1) <b>[REP2-020]</b> which outlines the mechanism within the Outline Construction Traffic Management Plan <b>[REP1-039]</b> to ensure that assessed impacts are not exceeded.</p> <p>With regard to comments on the Outline Construction Traffic Management Plan <b>[REP1-039]</b> "not minimising worker impacts" or "offering access by non-car modes", the Applicant would respond as follows:</p> <p>The Outline Construction Traffic Management Plan <b>[REP1-039]</b> includes targets for the numbers of vehicle movements, based upon an employee to vehicle ratio of 1.5. An employee to vehicle ratio of 1.5 equates to a 67% car driver percentage. In contrast the average car driver percentage from Census for Tendring is 71%<sup>1</sup> (equivalent to an employee to vehicle ratio of 1.4). The approach adopted by the Applicant therefore represents a significant</p>



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	<p>these are qualified in paragraph 50 as measures that could be adopted.</p> <p>(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?</p> <p>(ii) To what extent will walking /cycling facilities be provided at the various construction compounds to support sustainable travel?</p>	<p>vehicle movements on the highway network and community. There is currently no commitment to offer access by non-car modes. In addition, the vehicle movement figures are worst case for a moment in the lifetime of the project where movements are at peak and so on that basis should be very unlikely to be breached, meaning that there is little or no incentive to achieve any form of sustainable transport credentials for the site for the majority of its build out as the number of workers, and subsequently movements, is lower (i.e. if the number of workers is 80% of the peak figure then they could exhibit much worse travel patterns and not exceed the figure). There should be a commitment to monitor against the assessed car share or modal split, and to implement additional management measures if the proportions are not achieved.</p> <p>(ii) It is expected that there will be limited numbers of staff walking and cycling to site, and that car sharing / use of staff mini-buses is likely to be the most effective mechanism for reducing single occupancy car trips and achieving relatively sustainable travel patterns.</p>	<p>commitment to minimising worker impacts beyond the established baseline for Tendring.</p> <p>With regard to the comments on non-car modes, the Applicant refers the Council to Table 3.1 Outline Construction Traffic Management Plan <b>[REP1-039]</b>. Table 3.1 includes a range of non-car based travel plan measures such as measures to promote walking, cycling, bus and train travel. The Applicant would highlight that the primary metric for measuring compliance is to minimise peak vehicle trips, rather than focusing upon discrete methods of travel.</p> <p>With regard to comments upon monitoring car-share and modal split, the Applicant refers Essex County Council to Section 5.2.4 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b>, which includes commitments to monitoring employees' methods of travel.</p> <p>With regard to comments upon implementing measures if the mode share targets are not met, the Applicant directs Essex County Council to Section 5.3 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> which defines an exceedance of target daily vehicle numbers (which are based upon a car-share ratio of 1.5) as non-compliance requiring corrective action.</p> <p><sup>1</sup> Source: <a href="http://www.nomisweb.co.uk">www.nomisweb.co.uk</a>. Table: QS701EW - Method of travel to work dataset from the 2011 census, noting the 2021 census was impacted by Covid-19.</p>
REP2-036_x	<p><b>Q17.1.7</b></p> <p><b>Travel outside of known peak times (Light Vehicles)</b></p> <p>ES Chapter 27 Traffic and Transport [APP-041] paragraph 52 includes "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)." Paragraph 52 of the OCTMP [APP-251] states that: "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)." The OCTMP paragraph 53 includes: "To ensure that there would not be an adverse impact upon capacity, the TMCo would limit these movements to no more than</p>	<p>(i) The Council have previously raised concerns on the potential impacts if shift patterns are not realised. The assessment (as well as Five Estuaries) relies on impacts occurring outside of the peak hours, and as a result no junction modelling is undertaken. The Council do not dispute this approach, albeit there is limited evidence that justifies the assessed shift patterns, as set out in the LIR [REP1-065] our preference is for these shift patterns to be monitored and managed during construction, as per our answer to (ii) below to ensure they occur and to ensure that impacts do not exceed those assessed.</p> <p>(ii) If the development fails to achieve its assessed shift patterns, then a review process should be put in place (based on the 20% figure referred to at paragraph 53 of the OCTMP). It is recommended that a monitor and manage process is embedded to check the shift patterns are commensurate with those assessed, and, if not, to either assess to see if the impacts are material or preferably to identify additional management measures that can be put in place to address these impacts (e.g. minibuses).</p>	<p>The Applicant refers the Council to section 3.2.2 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> which includes a commitment to ensuring that no more than 20% of the peak daily vehicle movements occur during the network peak hours.</p> <p>With regard to comments upon monitoring shift times and by extension arrival and departure times, the Applicant refers the Council to section 5.2.4 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b>, which includes commitments to monitoring employees arrival and departure times.</p> <p>With regard to comments upon implementing measures if the shift patterns (arrival/departure times) are not met, the Applicant directs the Council to Section 5.3 of the Outline Construction Traffic Management Plan <b>[REP1-039]</b> which defines construction traffic operating outside agreed hours as non-compliance requiring corrective action.</p>

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	<p>20% of the peak daily LV demand (outlined in Appendix A)."</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>		

### 3.7 Applicant's Response to Historic England's comments on ExQ1 [REP2-038]

Applicants Ref	ExQ1	Comments from Historic England	Applicant's Response
REP2-038_a	<p><b>Question 12.1.6 (The Applicant, ECC)</b></p> <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>Although this question is directed to the applicant and Essex County Council (ECC), Historic England, as the relevant archaeological advisor for English inshore marine planning area (i.e. 12 nautical mile territorial sea limit) and English offshore marine planning area, we wish to offer comments on this question</p> <p>We note the geophysical data collected in 2021 to inform the Development Consent Order (DCO) application were assessed to be of good quality, although the line spacings meant that coverage was not as high in all areas, as recommended within the Historic England publication Marine Geophysics Data Acquisition, Processing and Interpretation: Guidance Notes (2013). However, we are content that those data are of an acceptable standard and coverage for the establishment of a baseline to inform Chapter 16 (Offshore and Intertidal Archaeology and Cultural Heritage) [Examination Ref: APP-030] of the Environmental Statement within the DCO application. We therefore appreciate that AEZs will allow for the protection of presently identified high potential archaeological sites within the proposed development area.</p> <p>We would, however, like to reiterate the importance of the collection of higher resolution geophysical survey data with greater than 100% coverage within areas that might be impacted by construction activities. It is important to highlight the importance of pre-construction surveys with data produced subject to professional archaeological assessment to further investigate both known sites and to identify any previously unknown heritage assets that might be encountered within the project area. This archaeological analysis will provide the mechanism to ensure a robust mitigation strategy is designed and</p>	<p>A commitment to the requested programme of further survey and analysis is established through the updated Outline Offshore Written Scheme of Investigation (WSI) submitted at Deadline 1 [REP1-031].</p> <p>DCO Schedule 8 condition 21 (2) and DCO Schedule 9 condition 22 (2) require a 'marine written scheme of archaeological investigation', in accordance with the outline offshore WSI, to be submitted to and agreed with the MMO.</p> <p>DCO Schedule 8 condition 21(3) and DCO Schedule 9 condition 22(3) require that pre-construction archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a method statement produced under the written scheme of investigation specific to the relevant pre-construction activities (which must accord with the details set out in the outline offshore written scheme of investigation).</p>

Applicants Ref	ExQ1	Comments from Historic England	Applicant's Response
		implemented. The provision for this mitigation should be secured through the relevant deemed marine licence conditions to provide for the production of a post-consent Written Scheme of Investigations (WSI), in line with the Outline Offshore WSI [Examination Ref: APP-246], submitted as part of this DCO application.	
REP2-038_b	<p><b>Q12.1.12 (The Applicant, Historic England)</b></p> <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 topographies, pedologies, hydrologies, archaeologies and geologies along the route.</li> <li>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.</li> <li>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,</li> </ul>	<p>We note the Examining Authority has requested for us to respond to this question. In relation to the matters detailed in parts i-v, we are currently waiting for a response by the Applicant on these points, which are being addressed through the Statement of Common Ground. This is currently a work in progress.</p>	<p>The Applicants response to these questions was submitted at Deadline 2 [REP2-020] (Document Reference 9.19).</p>

Applicants Ref	ExQ1	Comments from Historic England	Applicant's Response
	<p>v. and the monitoring and maintenance of no dig areas are highlighted within. 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>		

### 3.8 Applicant's Response to London Gateway Port Limited's comments on ExQ1 [REP2-040]

Applicants Ref	ExQ1	Comments from London Gateway Port Limited	Applicant's Response
REP2-040_a	<p><b>Q6.1.37</b></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>The Book of Reference [REP1-013] does not indicate that any land in which an interest is held by LGPL is subject to any powers of compulsory purchase, or the compulsory acquisition of rights, under the dDCO. As such section 127 PA 2008 is not engaged in respect of LGPL. Similarly, LGPL does not have relevant apparatus or relevant rights in any land the acquisition of which is authorised by the dDCO. As such, section 138 PA 2008 is not engaged in respect of LGPL. LGPL does however have statutory powers to dredge under the London Gateway Port Harbour Empowerment Order 2008 (SI 2008/1261) in an area within which Work No. 3 may be carried out under the dDCO and the carrying on of LGPL's statutory undertaking at London Gateway Port is affected by the exercise of the powers under the dDCO more broadly. In order to protect the exercise of those powers and its statutory undertaking at London Gateway Port, LGPL seeks protective provision. A form of protective provisions for the benefit of LGPL is set out in Part 7 of Schedule 14 to the current draft dDCO [REP1-011] but they require further amendment to be acceptable to LGPL and LGPL hopes to discuss the necessary changes with the Applicant shortly.</p>	<p>The Applicant agrees with LGPL that the section 127 and section 138 tests in the Planning Act 2008 are not engaged. No land or apparatus which LGPL owns or has an interest in would be subject to compulsory acquisition and no such land/interest or apparatus of LGPL is identified in the Book of Reference [REP2-009].</p> <p>The Applicant will continue to seek to engage with LGPL on the matters it has raised.</p>
REP2-040_b	<p><b>Q9.5.2</b></p> <p><b>Condition 22 Pre-construction plans and documentation</b></p> <p>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</p>	<p>The cable specification and installation plan (CSIP) will be of particular interest to LGPL and LGPL will wish to comment upon it once it is provided.</p>	<p>Noted. The dDCO secures that LGPL need to provide approval to the Applicant of the draft CISP to the extent it affects relevant area(s) of London Gateway jurisdiction, see Schedule 14, Part 7, paragraph 84.</p>



Applicants Ref	ExQ1	Comments from London Gateway Port Limited	Applicant's Response
	intended to include this as a document to be certified in Schedule 12.		
REP2-040_c	<b>Q15.1.1</b> <b>Potential concurrent working in the Sunk area</b> 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.	The timetable referred to regarding concurrent works in the Sunk will be of particular interest to LGPL and LGPL will wish to comment upon it once it is provided.	Please see the Applicant's response to Q15.1.1 in [REP2-020]. Any concurrent works will be managed via the Navigation and Installation Plan ( <b>NIP</b> ). LGPL are identified in the Outline NIP [APP-259] as one of the 'Interested Parties' who would be consulted on any updates to the NIP prior to submission to the MMO for approval (see sections 2.5 and 2.6 of the Outline NIP).
REP2-040_d	<b>Q15.1.7</b> <b>Cable depth in Sunk Area</b> 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: (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." (ii) "In the Sunk area, cable depth needs to consider that the world's largest vessels may anchor and dredge anchors in emergency scenario.	As per the written representation of LGPL provided at the same time as this response, LGPL seeks a Requirement ensuring that adequate depths are maintained in the Sunk area. This Requirement mirrors the Requirement presently proposed to be included in the Five Estuaries Offshore Wind development consent order currently under Examination.	The Applicant will continue to seek agreement on burial depths of cables with the relevant statutory stakeholder, in this case PLA. The Five Estuaries position is noted by the Applicant, and further discussions with PLA are scheduled this month (19 March).

### 3.9 Applicant's Response to National Grid Electricity Transmission PLC comments on ExQ1 [REP2-048]

Applicants Ref	Theme	Comments from National Grid Electricity Transmission PLC	Applicant's Response
REP2-048_a	<b>Q1.1.2</b> <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.	The Connection Offer is entered into between the Applicant and National Energy System Operator Plc ("NESO"). In September 2024, the Government agreed to acquire the Electricity System Operator (ESO) from National Grid. NESO was launched on 1 October 2024 and has responsibility for making connection offers after this date. Accordingly, it is for the Applicant to respond to this question to confirm the limits set out in their contract with NESO.	Noted. Please see the Applicant's response to Q1.1.2 in the Applicant's response to Written Questions (ExQ1) [REP2-020]. The Applicant is in discussions with NESO regarding its Bilateral Connection Agreement and the corresponding connections reforms that are underway.

### 3.10 Applicant's Response to National Highways comments on ExQ1 [REP2-049]

Applicants Ref	ExQ1	Comments from National Highways	Applicant's Response
REP2-049_a	<p><b>Q6.1.45</b></p> <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 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>(i) National Highways provided an update on the progress of negotiation of the protective provisions with the Applicant. It also notes that it is seeking to agree a series of Land Agreements with the Applicant to enable a Compulsory Acquisition clause to be removed from the draft Protective Provisions which will enable National Highways to remove their objection to the DCO.</p> <p>(iii) National Highways explained why it is not content to rely on the protective provisions for the protection of National Highways currently contained in Schedule 14, Part 6 of the draft DCO (as updated at Deadline 3).</p>	<p>(i)</p> <p>The Applicant notes National Highway's comments in respect of the negotiation of protective provisions and agrees that negotiations are progressing positively and that protective provisions are almost in an agreed form.</p> <p>The Applicant has been in technical discussions with National Highways over the technical aspects of the crossing of the strategic road network and is confident the necessary land rights can be acquired by voluntary agreement.</p> <p>(iii)</p> <p>The Applicant will continue to negotiate bespoke protective provisions with National Highways which it is confident will be agreed before the end of Examination.</p> <p>Please refer to section 10.3 of the Statement of Reasons [AS-028] 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 including National Highways so that any representations can be withdrawn. The Applicant will, if representations are outstanding towards the end of the Examination, set out its case as to how the relevant tests have been satisfied.</p>
REP2-049_b	<p><b>Q17.1.2</b></p> <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]? If not, what are your concerns and how might they be addressed?</p>	<p>National Highways has previously raised a number of concerns with the Applicant regarding the proposed outline Construction Management Plan (oCTMP), specifically in relation to the measures referenced, which lack sufficient strength, and the effectiveness of the proposed enforcement. National Highways notes that Applicant has responded to these concerns, and these are currently being reviewed. National Highways will provide an update on its position to the ExA at Deadline 3.</p> <p>Specifically, the principal concerns related to the following issues:</p> <ul style="list-style-type: none"> <li>National Highways considers that the travel plan measures and incentives do not provide sufficient assurance that the vehicle occupancy of 1.5 for employee trips can be achieved. To address this, we require more targeted and robust travel plan measures and incentives to be incorporated into the oCTMP to provide some assurance that the proposed vehicle occupancy ratio can be met, along with some evidence that the proposed measures have been effective elsewhere. Should this not be provided, it is recommended that the vehicle occupancy 1.5 ratio for employee trips is reduced as appropriate.</li> <li>The CTMP also states that it is possible that, once appointed, the Principal Contractor would require that more employees travel during peak hours than is planned (ie 20% of the peak</li> </ul>	<p>The Applicant provided a detailed response to all comments raised by National Highways on the 5 February 2025 and also met with National Highways on the 7 February 2025 to discuss these matters. National Highways confirmed that they would consider the responses and review the clarifications provided, and provide a response on any residual matters.</p> <p>It is the Applicant's understanding from the meeting with National Highways on the 7 February 2025 that of the matters raised in National Highways comments, all are considered to be resolved and agreed with the exception of the travel plan measures, which National Highways have committed to considering further and providing an update to the Applicant if they consider further amendments are required to the Outline Construction Traffic Management Plan [REP1-039].</p> <p>The Applicants consider that the Outline Construction Traffic Management Plan [REP1-039] provides appropriate, proportionate and enforceable controls to address all comments from National Highways.</p>

Applicants Ref	ExQ1	Comments from National Highways	Applicant's Response
		daily Light Vehicle demand). If the Principal Contractor does require more employees to travel during peak hours, National Highways should be consulted and the scope of any required further capacity assessments agreed. We would also request that mechanism is put in place so that both HGV and Light vehicle flows can be managed should the assessed worst-case scenario be exceeded (i.e. avoidance of peak hours etc).	
REP2-049_c	<p><b>Q17.1.11</b></p> <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>Update on level of risk in respect of the use of heavy Abnormal Indivisible Loads (AILs) on the A120 from Harwich. 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>The Wix Bypass section of the A120 remains of concern to National Highways regarding its use by AILs over 300 tonnes. It is 12 years beyond its design life and is included in the Concrete Roads Replacement Programme, but it is extremely unlikely that the replacement will have been completed before the construction phase of North Falls, which could be as early as 2027. The surface condition of this section is poor, with a number of cracks and other defects. Whilst surface dressing has ensured that the road remains safe for normal operation, there is a high risk of further damage arising from use by exceptionally heavy vehicles, causing unsafe conditions for all users. The Applicant has been assessing the implications and considering potential mitigations that can be put in place jointly with the Five Estuaries Applicant. A constructive meeting was held on 14 January 2025 between the Applicant, their consultants and National Highways specialists. During the meeting, National Highways explained the concerns they had about the ability of the road surface to withstand the vehicular movements of some of the particularly heavy AILs proposed during construction of the proposed wind farm. The Applicant and their consultants presented some initial thoughts about how the risks could potentially be mitigated. National Highways' response was positive, and the specialists were encouraged by the thinking that had been undertaken to date. It was agreed that a more detailed assessment would be undertaken by the Applicant's consultants of the expected loadings and the potential mitigations that could be provided to assure National Highways that the proposed AILs would be able to operate safely on the A120. A draft report is anticipated be provided to National Highways imminently for review and consideration. It is hoped that the report will provide sufficient comfort to National Highways that AILs above 300 Tonnes will be able to use the A120 in a safe manner.</p>	<p>The Applicant welcomes National Highways acknowledgement on the extensive work that has been undertaken by the Applicant on this matter and the ongoing dialogue to agreeing suitable management measures. The Applicant acknowledges that further information needs to be submitted to National Highways and this will be discussed in future meeting on this topic during Examination, and a further update provided at an appropriate future deadline.</p>

### 3.11 Applicant's Response to National Trust comments on ExQ1 [REP2-051]

Applicants Ref	ExQ1	Comments from National Trust	Applicant's Response
REP2-051_a	<p><b>Q10.3.9</b></p> <p><b>Compensation - all ornithology</b></p>	<p>The National Trust has been discussing potential compensation proposals for Lesser Black Backed Gulls on land which is within our freehold interest at Lantern Marshes on Orford Ness. These discussions are ongoing, and no formal agreement is in place. The</p>	<p>The Applicant notes that the National Trust broadly supports the proposed compensation measures and welcome their feedback confirming that Lantern Marshes is an appropriate location.</p>

Applicants Ref	ExQ1	Comments from National Trust	Applicant's Response
	<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 4 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. 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 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</li> </ul>	<p>National Trust is in principle broadly supportive of the compensation scheme and feel that Lantern Marshes is an appropriate location for such a scheme given it was historically home to a large population of Lesser Black Backed Gulls and the National Trust is keen to support attempts to increase this population again. We note that the proposed compensation measures include predator exclusion fencing, predator control and habitat management. We must defer decisions on the suitability of the scheme to Natural England as the statutory body. However, the National Trust believe that a larger area than the 4ha scheme proposed would be beneficial to the long-term success of the scheme. The National Trust has also had discussions with the applicant about potential compensation for Guillemot and Razorbill at sites owned by us in the southwest of England. However, no specific measures have been proposed. It is understood that the applicant has yet to carry out and breeding or disturbance surveys. The National Trust agrees with the Examining Authority that these proposals are not sufficiently advanced. Without seeing the results of these surveys, we are unable to comment further.</p>	<p>The Applicant considers that 4ha is an appropriate commitment as described in Section 5 of the LBBG Compensation Document [REP1-017]. This is comparable to the existing 5.1ha site which provides compensation for four offshore wind farms (Norfolk Vanguard, Norfolk Boreas, East Anglia ONE North and East Anglia TWO).</p> <p>With regards to the without prejudice guillemot and razorbill compensation proposals, the level of detail provided is comparable with that required of other consented offshore wind farms e.g. Dudgeon and Sheringham Shoal Extension Projects. It is therefore the Applicant's position that these are sufficiently advanced. In addition, the Applicant is planning surveys for 2025 to inform the post consent development of the Guillemot and Razorbill Compensation Implementation and Monitoring Plan (if required).</p>



Applicants Ref	ExQ1	Comments from National Trust	Applicant's Response
	<p>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.</p> <p>(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 5 to maximise optimal wider natural resource/nature recovery outcomes.</p>		
REP2-051_b	<p><b>Q14.1.17</b></p> <p><b>Orford Ness – landscape impact</b></p> <p>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.</p>	<p>Details of the precise location and design of the proposed compensation measures for Lesser Black Backed Gulls have not yet been provided. The National Trust will comment further on this matter once the details have been provided, at a later deadline.</p>	<p>The Applicant is in discussion with the National Trust regarding the compensation proposal at Lantern Marshes, including location and design of the measure.</p>

### 3.12 Applicant's Response to Port of London Authority comments on ExQ1 [REP2-058]

Applicants Ref	ExQ1	Comments from Port of London Authority	Applicant's Response
REP2-058_a	<p><b>Q6.1.47</b></p> <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>	<p>The Port of London Authority ("PLA") is at an advanced stage of discussing protective provisions for the PLA in relation to the Five Estuaries Offshore Wind Farm project. The parties have been unable to reach agreement on the drafting of the protective provisions and as a result, the PLA submitted at deadline 7 of the Five Estuaries examination (03 March 2025) its preferred drafting. A copy of the PLA's preferred drafting for Five Estuaries is appended to the PLA's Written Representation for North Falls. The PLA would expect to see similar protective provisions incorporated for North Falls and will approach the Applicant with a view to agreeing the changes required to the Five Estuaries protective provisions to reflect the North Falls proposals. The protective provisions will also need to deal with the potential impacts of the vessels required to undertake the horizontal directional drilling at landfall interfering with the PLA's radio link and lowering its reliability (RR-272).</p>	<p>The Applicant notes that no land or apparatus which PLA owns or has an interest in would be subject to compulsory acquisition and no such land/interest or apparatus of PLA is identified in the Book of Reference [REP2-009]. The Applicant further notes that no part of North Falls is within the PLA's Jurisdictional Limits set by the Port of London Act 1968 or the London Pilotage District Limits.</p> <p>The Applicant's position is that Protective Provisions (<b>PPs</b>) are not necessary to safeguard PLA's statutory undertaking. The Applicant intends to submit a full response to PLA's submissions insofar as they relate to proposed PPs at Examination Deadline 4.</p> <p>In respect of PLA's radio link, please see the Applicant's response to the PLA Relevant Representation at PLA-17 and PLA-18 in [REP1-045]. The Applicant expect that any impact to the radio link from vessels undertaking HDD is very unlikely (as PLA acknowledge in RR-272), noting that the southern extent of the</p>

Applicants Ref	ExQ1	Comments from Port of London Authority	Applicant's Response
			<p>landfall of the Offshore ECC is located 1km northeast from Holland Haven.</p> <p>The Applicant continues to engage with PLA on cable burial and other matters raised, including the radio link, and the parties have a further technical meeting scheduled for 19 March.</p>

### 3.13 Applicant's Response to Suffolk County Council comments on ExQ1 [REP2-059]

Applicants Ref	ExQ1	Comments from Suffolk County Council	Applicant's Response
REP2-059_a	<p><b>Q1.1.4</b></p> <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>	<p>Suffolk County Council is not aware of any upcoming changes to the development plan in Suffolk which would be relevant to the proposed development prior to 28 July 2025. SCC defers to the Essex local planning authorities<sup>1</sup> ("LPAs") on the topic of the Applicant's policy analysis, insofar as it relates to the development plan in Essex. Because the proposed development does not fall within Suffolk, SCC is content that the policy analysis does not consider development plan policies in Suffolk.</p>	Noted.
REP2-059_b	<p><b>Q1.1.5</b></p> <p><b>Neighbourhood Plans</b></p> <p>In addition to the Ardleigh 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>(v) Provide details, confirming their status and, if they are emerging, the expected timescales for their making.</p> <p>(vi) Provide copies of the relevant parts of any made plan or emerging plan.</p> <p>(vii) Indicate the weight that you consider should be given to these documents.</p> <p>(viii) 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>	<p>(i) The proposed development is not located within any Neighbourhood Planning Areas in Suffolk, so Suffolk County Council cannot identify any further Neighbourhood Plans of relevance.</p> <p>(ii) Not applicable.</p> <p>(iii) As a general point about the weight to be given to neighbourhood plans, SCC would note that they are part of the local development plan framework in much the same way as a district council's local plan is, or indeed a county council's minerals and waste local plan. However, as the Examining Authority ("ExA") will be aware, the local development plan does not have direct application to the Planning Act 2008 ("PA 2008") regime. Section 38 of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004"), which imposes the requirement for determinations to be made in accordance with the development plan, only applies to determinations made under 'the planning Acts', which as defined in section 117, does not include the Planning Act 2008. The Planning Act 2008 does not directly refer to the development plan (except in relation to amendments to the PCPA 2004, which are irrelevant to Nationally Significant Infrastructure Projects ("NSIPs")). However, policies of the development plan could be considered to be matters which are both important and</p>	<p>The Applicant notes SCC's position in relation to the weight afforded to Neighbourhood Plans and would agree with their comment to (iii) with respect to the status of Development Plan policies in the context of the Planning Act 2008.</p> <p>The Applicant has updated the Planning Statement <b>[2.2, (Rev 2)]</b> in consideration of the relevant policies within the now adopted Ardleigh Neighbourhood Plan that falls within Tendring District Council area.</p> <p>The Applicant has not assessed the Project against any individual neighbourhood plans within Suffolk County Council's administrative area, given the Project's Order Limits are wholly outside of this area, and given the effects reported on relevant sensitive receptors (such as the Dedham Vale AONB) have been appropriately considered in the Planning Statement <b>[2.2, (Rev 2)]</b> and ES <b>[APP-013] – APP-048]</b>.</p>

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		<p>relevant for the purposes of section 104 of the Planning Act 2008. The extent to which the development plan, including neighbourhood plans, are important and relevant will be a matter of planning judgement. The decision-maker is likely to have to consider (among other issues) the degree to which the specific policy addresses the issues of the present case, the extent to which they are in conflict with the National Policy Statements ("NPSs"), and how up-to-date they are. Some neighbourhood plans in Suffolk do include policies which seek to protect the Suffolk Coast and Heaths Area of Outstanding Natural Beauty ("SCHAONB"), but SCC does not consider that they are necessary to consider for this proposed development separately to the policy and legal protection afforded to AONBs by the NPSs and legislation such as the Countryside and Rights of Way Act 2000. This is both due to the limited territorial extent of neighbourhood plans in relation to this development, and because the policies in the NPSs are more specific and relevant to the decision at hand than policies in the neighbourhood plans.</p>	
REP2-059_c	<p><b>Q10.3.9</b>  <b>Compensation - all ornithology</b> 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. 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). 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. 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 properly evaluated as well as ensuring potential choices</p>	<p>(iii) From SCC's perspective, it would have been helpful for lesser black-backed gull ("LBBG") compensation measures to have been included as part of the application for the proposed development. This would have allowed consideration of the compensation measures alongside the project by reason of which they would be necessary. However, Schedule 15 of the draft DCO (which provides for LBBG compensation in future) is drafted in such a way that the parts of the development which would impact LBBGs (i.e. Work No. 1) could not be built unless compensation measures had been in place for three breeding seasons. As a minor drafting point, SCC would invite the applicant to consider whether the definition of "relevant planning authority" in Schedule 15 should be amended to encompass the district LPA for the area in which the compensation measure is to be located. As presently drafted, Schedule 15 will inherit its definition from article 2 of the DCO which provides that "relevant planning authority" means Tendring District Council, or any successor to it as the planning authority for the land in question'. It is not clear to SCC what the intention is given that 3(1) of Schedule 15 refers to 'the relevant planning authority for the compensation measure', (emphasis added) which might not be Tendring District Council.</p>	<p>The LBBG Compensation Document [APP-188] and Outline Compensation Implementation and Monitoring Plan [APP-189] were submitted with the DCO application and updated at Deadline 1 with further information in relation to the measures under consideration and the location options being explored and progressed by the Applicant (see [REP1-017], [REP1-018], [REP1-019] and [REP1-020]).</p> <p>The Applicant is grateful to SCC for the drafting point made in respect of the use of the term 'relevant planning authority' in dDCO Schedule 15. SCC is correct that it is intended to encompass the LPA for the area in which the compensation measure is to be located. This has been amended in Revision 4 of the dDCO submitted at Deadline 3.</p>

Applicants Ref	ExQ1	Comments from Suffolk County Council	Applicant's Response
	<p>have a holistic basis. The following information is therefore required: -</p> <ul style="list-style-type: none"> <li>(ix) 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/SACsite management obligation expectations.</li> <li>(x) 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>(xi) 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>(xii) 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>		
REP2-059_d	<p><b>Q10.3.17</b>  <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> <p>(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?</p>	<p>SCC does not understand that the applicant is currently proposing a further compensation or enhancement package in the form of an agreement under s106 of the Town and Country Planning Act 1990 ("TCPA 1990") or s111 of the Local government Act 1972 ("LGA 1972"). However, if one is required, SCC would be happy to be party to such an agreement if it would be necessary to deliver measures within Suffolk. In particular, if any measures which seek to further the purposes of the SCHAONB are proposed, it is likely that SCC will need to be a party because it hosts legal and budget functions on behalf of the Suffolk &amp; Essex Coast &amp; Heaths National Landscape Partnership ("SECHNLP").</p>	<p>The Applicant is not proposing any compensation or enhancement package that would be the subject of an agreement under section 106 of the TCPA 1990 or section 111 of the LGA 1972.</p> <p>In relation to the SCHAONB, please see further response below.</p>



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	<p>(ii) Does the dDCO allow sufficient flexibility for any fuller without prejudice compensation package to be secured and delivered if it is required?</p> <p>(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.</p> <p>(iv) NE/Local Planning Authorities do you have any comments to make on this issue?</p>		
REP2-059_e	<p><b>Q14.1.3</b></p> <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>SCC strongly holds the view that this duty is compatible with Offshore Wind Farm ("OWF") proposals. SCC considers the duty applicable to OWF proposals as evidenced by the wording of the legislation, relevant DEFRA guidance and EN-1. The wording of the duty does not specify that proposals must be within the boundary of a Protected Landscape for the obligation to comply with the duty to apply. Rather, the duty applies to a relevant authority "in exercising or performing any functions in relation to, or so as to affect land in an area of outstanding natural beauty". SCC considers that the finding of non-negligible adverse effects is sufficient to satisfy the condition that the Secretary of State ("SoS") would be exercising a function so as to affect land in an AONB in consenting the proposed development. In the case of the North Falls OWF, moderate/minor adverse effects on the SCHAONB have been found in the Applicant's Seascape, Landscape and Visual Impact Assessment ("SLVIA") [APP-043]. As these effects are well above the threshold of non-negligible in magnitude, SCC considers it clear that the duty is engaged in relation to the proposed development. DEFRA guidance is clear that proposals outside of the boundaries of designated landscapes may engage the duty. The guidance includes the following in the list of when to apply the duty:</p> <ul style="list-style-type: none"> <li>• "functions outside of a Protected Landscape which may have an effect on land in a Protected Landscape"</li> <li>• "decision making in respect of development management, planning applications and nationally significant infrastructure projects"</li> </ul> <p>Paragraph 5.10.8 of EN-1 echoes this point, stating "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" Since it is clear from the</p>	<p>The Applicant's comments in relation to the amended duty under Section 85 of the Countryside and Rights of Way Act (2000) regarding National Landscapes is set out in response to the relevant representation from the Suffolk and Essex Coast and Heaths National Landscape Authority [RR-316] as outlined within the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045].</p> <p>The Applicant's position is not to suggest that the duty does not apply because the Order Limits fall outside of the boundary of the SECHNL National Landscape, but that it has complied with the amended duty by giving due weight to the SECHNL during development of the Project.</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.</p> <p>The measures suggested by SCC in their LIR paragraph 7.36 are copied below but for the reasons outlined above are not considered reasonable, proportionate or appropriate.</p> <p>SCC LIR [REP1-074] suggested measures:</p> <p><i>"7.36 Approaches that would normally be available to deliver such measures include: • a requirement for the undertaker to directly deliver conservation or enhancement measures within the AONB;</i></p> <ul style="list-style-type: none"> <li><i>• a planning obligation which secures financial contributions towards conservation or enhancement measures within the AONB; or</i></li> <li><i>• a requirement or obligation for the Applicant to remove existing features which detract from the special qualities of the AONB."</i></li> </ul> <p>The Applicant has also provided an Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [9.33 (Rev 0)] at Deadline 3. This Technical Note provides</p>

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		<p>Applicant's assessment that its proposal will adversely affect and impact land within the SCHAONB, the decision on whether to grant development consent for the proposed development must demonstrate compliance with the duty in relation to the SCHAONB. SCC also holds the view that the duty is compatible with OWF proposals in practical terms; that is to say that it is possible for promoters of OWF proposals to undertake measures which are "sufficient, appropriate and proportionate" (paragraph 5.10.8 of EN-1).</p> <p>SCC refers the ExA to paragraphs 7.31 to 7.38 of SCC's LIR [REP1-074] for SCC's detailed position on what type of measures the Applicant could explore to show compliance with the duty whilst meeting these criteria. SCC also suggests that the Applicant should engage with SECHNLP regarding possible measures to be undertaken as per the Defra guidance which states that those persons subject to the duty should address the question: "Has the relevant Protected Landscape team been approached for their view on whether or not measures help to deliver the Protected Landscape's Management Plan and further the purposes of the designation?"</p>	<p>further clarification on the assessment of effects upon the special qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast presented in ES Chapter 30 Seascape, Landscape and Visual impact Assessment <b>[APP-043]</b>.</p> <p>This in response to specific points I5 and I6 (Applicant's reference NE-405 and NE-406) raised by Natural England, regarding effects on the Suffolk and Essex Coast and Heaths National Landscape (SECHNL) and the Suffolk Heritage Coast (SHC) contained within Appendix I2 to the Relevant Representation of Natural England Seascape, Landscape and Visual <b>[REP1-071]</b> and the associated Risk and Issues Log <b>[REP1-070]</b>.</p>

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REP2-059_f	<p><b>Q14.1.11</b>  <b>Suffolk Seascope 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 &amp; Heaths National Landscape [RR-318] It has referred to 2 no. commissioned studies (Suffolk Seascope 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 seascope 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.</p>	<p>SCC has attached the Suffolk Seascope Sensitivity Study to Offshore Wind Farms and its 2023 addendum to its LIR [REP1-074] as appendices J and K respectively. Following the conclusions of these studies, SCC held the position that it is not likely for there to be significant visual effects from offshore windfarms of the turbine height and distance offshore as proposed by the Applicant. This position did not rule out the possibility of significant visual effects arising from the offshore turbines and it is explained in paragraph 7.20 of SCC's LIR [REP1-074] the basis upon which SCC concurred with the conclusion of the study. SCC considers the Applicant's SLVIA [APP-043] to be a more robust source of evaluation of the visual effects of the proposed development given its focus on the particular variables of the project as opposed to the broad scope of the Seascope Sensitivity Study and its addendum.</p> <p>SCC's position in relation to the findings of significant effects on several viewpoints within Suffolk and the SCHAONB can be found in section 7 of its LIR, such as at paragraph 7.16. SCC also takes issue with the Applicant's methodology regarding its assessment of effects on the SCHAONB as detailed in paragraphs 7.18 and 7.19 of its LIR [REP1-074]. The Applicant appears to aggregate the magnitude of effects upon the special qualities of the SCHAONB to reach a single conclusion on the magnitude of change regarding the SCHAONB as opposed to assessing the magnitude of change, and the significance of the impact, for each special quality indicator. SCC does not believe that one can claim that a negligible effect on one special quality can in any way dilute, reduce, or otherwise affect the magnitude of impact on another special quality indicator of the SCHAONB. Regarding the cumulative effects assessment of the SCHAONB ([APP-043], table 29.21), it is not clear to SCC why the intensification of effects caused by the proposed Five Estuaries and East Anglia TWO offshore wind farms do not affect the cumulative assessment of magnitude of impact, despite the Applicant's claim of taking a precautionary approach. SCC agrees with the assessment's claim that the intensification is a matter of degree but queries why this degree is stated to be the same cumulatively as the conclusion reached when considering the magnitude of impact of the North Falls Offshore Wind Farm ("NFOWF") alone.</p>	<p>The Applicant has reviewed SCC's comments in its LIR in relation to effects on views ([REP1-074], paragraph 7.16), and notes that these do not differ from the findings of the ES Chapter 29 Seascope and Landscape Visual Impact Assessment (SLVIA) [APP-043].</p> <p>The Applicant notes SCC's comments in its LIR in relation to effects on the special qualities of the SECHNL. The comments are similar to those made by Natural England in their Relevant Representation Appendix I2 [REP1-071]. The Applicant considers that the assessment of effects on the SECHNL, presented in Table 29.21 of the ES Chapter 29 SLVIA [APP-043], is robust. The Applicant has provided a clarificatory note on the effects on the special qualities of the SECHNL, setting out methodology, potential impact in relation to each special quality, and conclusions on the significance of effects at Deadline 3 (see Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [9.33 (Rev 0)]).</p> <p>In relation to cumulative effects, SCC query why a stated intensification of an effect does not lead to an increase in the stated magnitude of change. Magnitude of change can be understood as a continuum from no change through to a very high magnitude of change. The grades of negligible, low, medium and high described in Table 29.7 of ES Chapter 29 SLVIA [APP-043] represent stages on this continuum. This is illustrated in Plate 29.1 of ES Chapter 29 SLVIA [APP-043]. There may be occasions where there is an increase (or intensification) of an impact, but that this is not great enough to shift the judgement of magnitude up to the next stage. In the case highlighted by SCC, the cumulative impact is noted as being an intensification of the same effect, but this is not judged to increase the magnitude of change above 'low'.</p>
REP2-059_g	<p><b>Q16.1.6</b>  <b>Supply Chain Plan</b>            (i) Is there a draft Supply Chain Plan available [APP-045]?            (ii) Are the local authorities satisfied with the proposals in respect of the Supply Chain?</p>	<p>Suffolk County Council</p> <p>(ii) SCC has set out its detailed position on what it expects in terms of the Applicant's approach to activities with Suffolk's supply chain in paragraphs 9.19, 9.20, 9.43 and 9.44 of its LIR [REP1-074]. However, a brief summary of SCC's position is provided here. SCC is pleased that the Applicant identifies the strengths of Suffolk's supply chain in</p>	<p>As per the Applicant's ExQ1 response to part 1 of this question, on 12 November 2024 the UK 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 is intended to ensure 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</p>

Applicants Ref	ExQ1	Comments from Suffolk County Council	Applicant's Response
		its OSEP (section A.2, [APP253]). SCC is also satisfied that the Applicant recognises the increasing challenges to Suffolk's supply chain (section 2.3, [APP253]) and expects the Applicant to adapt its approach to activities with Suffolk's supply chain accordingly, especially in regards to activities undertaken by other NSIPs in Suffolk such as Sizewell C. SCC expects the Applicant to be including Suffolk's supply chain in the term "local supply chain" in the OSEP in relation to commitments to promote opportunities in and engage the supply chain on proposed activities to boost skills and recruitment (table 8.3, [APP-253]).	<p>of a Supply Chain Plan as noted under point 7.2 of the Environmental Statement – Chapter 31 Socio-economics- [AS – 010].</p> <p>As set out in paragraphs 72 to 77 within ES Chapter 31 Socio-economics [AS-010] there are significant existing supply chain capabilities in Essex and Suffolk, which in turn offer the potential for local businesses to capture North Fall's supply chain expenditure. The economic impact assessment [APP-171] provides a more detailed assessment of the capabilities of the local impact area to capture expenditure.</p> <p>The OSEP [APP-253] discusses measures to maximise the employment benefit of North Falls. Suggestions already provided by local stakeholders including Suffolk County Council are useful and are noted for North Falls as part of the continuing process of engagement on employment and skills, and the development of relevant future plans and procurement approaches. It should be noted that supply chain opportunities are not just limited to the construction phase, as there are also indirect (supply chain) impacts through the operational phase of North Falls and this would be expected to present longer term opportunities for local businesses.</p> <p>The Applicant will consider businesses located in Suffolk as part of the procurement of local supply chain businesses. The Applicant is engaged in consultation with other projects and this will be part of the consultation on the SEP. This would include further close collaboration with Five Estuaries. There is no agreement in place to produce a collaborative (employment and skills) strategy with other projects in Suffolk (for example with Sizewell C) and North Falls have not been approached by other projects to do so.</p> <p>Section 5.13.6 notes that "<i>Applicants are encouraged, where possible, to demonstrate that local suppliers have been considered in any supply chain.</i>" The Applicant has presented the strengths of the local supply chain within Sections 2.1 and A.2 of the OSEP [APP-253] and this would be further considered post-consent. This will include all phases of the project.</p>
REP2-059_h	<p><b>Q17.1.2</b></p> <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 [APP041] and Appendix 27.1 Transport Assessment [APP-165]?</p>	SCC has made several representations (in response to statutory consultation (table 1.1, [APP-168]), in relevant representation [RR 318] and in its LIR [REP1-074]) regarding the need for assessment of the proposal's onshore traffic and transport impacts resulting from offshore activities. SCC also believes that a travel plan for the Applicant's offshore activities would be beneficial in promoting sustainable transport. SCC notes and supports the scoping opinion provided by the Planning Inspectorate ("PINS") ([APP-260], sections 5.9.1 and 5.9.3) which recommends including assessment of onshore traffic associated with offshore construction. While SCC recognises that the port(s) for the Applicant's offshore activities has not yet been chosen, it considers it possible	The Applicant has provided a detailed response to all these matters as part of its response to Suffolk County Council Local Impact Report, within Table 2.4 of Applicant's Response to Local Impact Reports (LIRs) [REP2-023] submitted at Deadline 2. The Applicant has no further comments at this stage.



Applicants Ref	ExQ1	Comments from Suffolk County Council	Applicant's Response
	If not, what are your concerns and how might they be addressed?	<p>for the Applicant to assess a reasonable worst-case scenario of impacts on a port to give some indication of what the onshore traffic impacts may be as a result of offshore activities. SCC notes that the scoping out of this impact was agreed with National Highways and Essex County Council (table 1.1, [APP-168]). SCC does not agree with this scoping decision as the relevant highways authority for Suffolk and is concerned about the possible magnitude of impact given the proximity of Suffolk to the offshore array area. In lieu of such an assessment, SCC has recommended a requirement for a Port Traffic Management and Travel Plan in its LIR [REP1-074] with examples from the consented East Anglia ONE North ("EA1N") and EA2 OWFs appended to that document.</p> <p>SCC has also recommended the production of a dedicated workforce travel plan for onshore construction and operational traffic to promote sustainable travel (paragraphs 8.17 and 8.39 of SCC's LIR [REP1-074]). Though the onshore elements of the proposed development are in Essex, it is anticipated that part of the workforce will originate in Suffolk given its proximity to the onshore works and so it is in SCC's interest for sustainable travel strategies and monitoring to be implemented insofar as it relates to the workforce originating from Suffolk.</p> <p>SCC has given its detailed position on why the provisions of the Outline Construction Traffic Management Plan ("OCTMP") are insufficient to mitigate the potential impacts arising from abnormal indivisible load ("AIL") deliveries in paragraphs 8.20 to 8.31 of its LIR [REP1-074]. SCC's concerns can be summarised as relating to the insufficient required notice period, the lack of commitment to an engagement and assessment period prior to notification and the unnecessary impacts which can occur to road users as a result of these concerns. SCC notes section 5.9.7 of the scoping opinion provided by PINS [APP-260] which refers to AILs and recommends a worst-case assessment of deliveries and to secure mitigation measures. The OCTMP currently fails to reflect this and nor does the AIL access report [APP-166]. This report refers to Special Movement Order ("SMO") routes from Harwich and routes from Hull for shunt reactors, though these details are not secured in a control document but does not name routes for other Special Types General Order ("STGO") AILs, nor are indicative numbers, timetables or axle weights given. SCC believes that the OCTMP should be updated to address its concerns, including commitments to engage relevant stakeholders early (preferably at least six months in advance) to identify potential impacts and how they can be</p>	

Applicants Ref	ExQ1	Comments from Suffolk County Council	Applicant's Response
		mitigated, including whether alterations to the route would reduce impacts on road users. The Applicant should also commit to undertaking route assessments in a similar timeframe for the same reasons and to ensure that the proposed routes are fit for purpose so that late changes to the route and subsequent delays are avoided. Due to the exclusion of the A12 from the TTSA, there are no monitoring activities regarding traffic utilising the A12 in the OCTMP meaning there is neither assessment nor control over the impact this proposal will have on the A12. SCC, as the highways authority for Suffolk, has made several representations (in response to statutory consultation (table 1.1, [APP-168]), in relevant representation [RR-318] and in SCC's LIR [REP1-074]) on its interest regarding impacts on the A12 as they relate to residents and businesses in Suffolk who rely on the vital connection to Essex and beyond. In conjunction with this, SCC notes that several other NSIPs will be using the A12 at the same time as the Applicant including Sizewell C, Norwich to Tilbury, Bramford to Twinstead, Five Estuaries, EA1N and EA2. Therefore, there are growing cumulative pressures on the A12 and SCC has not seen evidence to suggest that cumulative significant effects are not likely. Given the A12's importance to Suffolk, SCC would like to see adequate assessment and monitoring measures which ensure that impacts on the A12 are at acceptable levels and do not exceed the levels assessed.	

### 3.14 Applicant's Response to The Crown Estate comments on ExQ1 [REP2-061]

Applicants Ref	ExQ1	Comments from The Crown Estate	Applicant's Response
REP2-061_a	<p><b>Q10.2.4</b></p> <p><b>Ecological enhancement/Marine Net Gain (MNG)</b></p> <p>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</p>	<p>Full response not copied. Applicant's summary:</p> <p>TCE acknowledges that the policy for Marine Net Gain (MNG) is still in development in England and guidance is not yet available for Applicants. TCE is engaging in work related to developing MNG policy, and exploring how MNG can be implemented within the complexities/mechanics of the existing marine regulatory processes.</p> <p>TCE has been exploring opportunities to integrate delivery for nature into our leasing. For OW Leasing R5 for example TCE have included an obligation for Developers to deliver Positive Environmental Value. This approach was not a consideration for previously leasing rounds and as such does not apply to existing lease agreements such as that for North Falls OWF.</p> <p>Although policy has yet to be finalised, given the amount of work completed to date and active research underway in</p>	<p>As noted by TCE (and also by Natural England in response to this question), there is currently no policy or requirement for projects such as North Falls to provide MNG, and the approach taken by TCE to OW Leasing R5 is not applicable to North Falls. The Applicant strongly disagrees with TCE's statement that the amount of work completed by them to date enables Developers to explore MNG. There is currently 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: "After we have developed the policy in conjunction with stakeholders, we will hold a further consultation with stakeholders prior to any implementation." No such consultation has taken place to date.</p>

Applicants Ref	ExQ1	Comments from The Crown Estate	Applicant's Response
	<p>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>this space, it is the opinion of TCE that it is in principle possible for Developers to explore options that could deliver some other offshore ecological enhancements. TCE recognise however that it may be difficult to formally articulate how such measures could constitute Net Gain in the absence of agreed metrics and standards which remain in development. TCE will continue to defer to Defra and the SNCBs on the specifics of how the delivery of MNG should be formalised.</p>	

### 3.15 Applicant's Response to The Royal Society for the Protection of Birds comments on ExQ1 [REP2-062]

Applicants Ref	ExQ1	Comments from The Royal Society for the Protection of Birds	Applicant's Response
REP2-062_a	<p><b>Q10.1.12 Ornithology/methodology</b></p> <p>To the Applicant - 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</p>	<p>(vi) In addition to our comments in the Relevant Representation with regard to Digital Aerial Survey, the RSPB would also highlight the review and subsequent guidance carried out by a sub-group of NatureScot's Scientific Advisory Committee which provides more detail on these concerns (<a href="https://www.nature.scot/doc/offshore-wind-ornithological-impact-assessment-review-digital-aerial-survey-methods">https://www.nature.scot/doc/offshore-wind-ornithological-impact-assessment-review-digital-aerial-survey-methods</a>) The RSPB would highlight the conservation objective of the Outer Thames Estuary SPA, to maintain the distribution of qualifying features within the site. This objective is unlikely to be fulfilled if there are distributional responses (such as displacement) by red-throated divers to the presence of turbines. (vii) The RSPB set out its reasoning with regard to the Gannet macro-avoidance Correction Factor in its Relevant Representation and repeats its position below.</p> <p>The Applicant has applied a reduction of 70% to the baseline densities inputted into the Northern Gannet collision risk modelling in order to account for macro-avoidance by amending the Avoidance Rates used in Collision Risk Modelling. This approach follows the scoping advice of Natural England, but is not recommended by NatureScot or the RSPB. The current evidence of a strong macro avoidance of wind farms by gannets, established from observed behaviour, is almost entirely derived from non breeding birds (Cook 2021). The evidence for macro avoidance during the breeding season is limited with the</p>	<p>The Applicant notes the NatureScot document which the RSPB refers to was published in 2023, whereas the North Falls Digital Aerial Surveys were undertaken from 2019-2021 in order to inform the EIA and HRA. The methodology for the North Falls surveys was discussed with Natural England in consultation session dated 22<sup>nd</sup> July 2019, 22<sup>nd</sup> December 2020 and 16<sup>th</sup> September 2021 and prior to the surveys commencing.</p> <p>It is the Applicant's position that North Falls would not hinder the conservation objectives of the Outer Thames Estuary SPA as described in the RIAA Part 4 [APP-178], Section 4.4.1.3. As stated in the RIAA Part 4 [APP-178], the Applicant's position is that due to existing sources of displacement (other OWFs and International Shipping Lanes) in the area of the OTE where North Falls may exert displacement effects on RTD (the 12km buffer), there would be no detectable effect of North Falls on the distribution of RTDs in this area of the SPA</p> <p>With regards to Gannet, see the response from Natural England to Q10.1.11 which confirms the Applicant has followed Natural England's advice. "Natural England advised that the evidence base informing macro-avoidance rates was likely to be informative in this case, and reducing densities considered in CRM was appropriate." Furthermore, Natural England's response to Q10.3.2 states "Natural England advise that in this case, AEol can be ruled out for the Northern gannet feature of FFC SPA. Accordingly, we do not seek a derogations case for this species..... The Applicant has demonstrated that mean (plus 95% CLs) project alone impacts lead to a 0.05% (0.00-0.12) increase in baseline mortality for the Northern gannet feature of FFC SPA. Thus, the level of project alone</p>

Applicants Ref	ExQ1	Comments from The Royal Society for the Protection of Birds	Applicant's Response
	<p>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) RSPB/IPs: with respect to the above points (i)-(v) whatever additional comments you wish to make are invited. Highlight any specific conservation objectives of the Outer Thames Estuary SPA that may be missing from the Applicant's assessment (if that is the case).</p> <p>(vii) NE/NS/RSPB: 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>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>exception of a single German study. It is, however, unclear from this study what the breeding status of the tracked birds was, or how their behaviour differed from what would have been expected pre-construction as two of the three wind farms were already operational during the first year of tracking. What the study does clearly show is that breeding Northern Gannets do fly through offshore wind farms, often showing no avoidance behaviour at all. As Northern Gannets can show macro avoidance Natural England recommend that a correction factor is applied to the baseline densities, and then collision risk modelling was carried out using an 'all gull' avoidance rate, so effectively applying avoidance twice.</p> <p>The RSPB does not agree with the approach. Firstly, it does not consider seasonal variation. Secondly, by basing the 'within wind farm' avoidance rate on the 'all gull' rate, it assumes that Northern Gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. This should be reflected in the 'within wind farm' avoidance rate if any further changes are to be made. 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. This effectively results in lower macro avoidance and so an elevated risk of collision.</p> <p>The RSPB would also highlight that this approach is not agreed across the SNCBs, and NatureScot do not advise its use in the breeding season. Consequently, the RSPB are concerned that the predicted Northern Gannet mortalities arising from collision are not robust, and therefore cannot come to any conclusions with regard to any adverse effects on site integrity.</p>	<p><i>impact is considered undetectable against natural variation. Natural England conclude that any contribution to an in-combination AEoI would be immaterial. Furthermore, we note that we have not yet advised any Examinations that there is a potential for AEoI for gannet at FFC SPA."</i></p>
REP2-062_b	<p><b>Q10.2.3</b> <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</p>	<p>The RSPB's Relevant Representation is focused solely on offshore ornithology matters and associated compensation requirements. Therefore, the RSPB has no comment to make with respect to terrestrial ecological enhancement and Biodiversity Net Gain matters.</p>	<p>Noted</p>



Applicants Ref	ExQ1	Comments from The Royal Society for the Protection of Birds	Applicant's Response
	<p>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) NE – 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) The Applicant – Does the Applicant consider the use of the register to be 'likely'? What is the expected probability, at this stage, of the register mechanism being required and is it the Applicant's preferred/expected position to rely on the register mechanism or not? The Applicant is invited to demonstrate the likelihood/need for such an option being utilised within the Examination period.</p>		
REP2-062_c	<p><b>Q10.3.1</b></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>	Due to capacity constraints, the RSPB is unable to respond to question (i) at this time but will endeavour to include our answer to this question in our Written Representation when that is submitted.	Noted

Applicants Ref	ExQ1	Comments from The Royal Society for the Protection of Birds	Applicant's Response
	(iii) IPs/NE/NS – Has the consultation undertaken been adequate? If not, explain your views for the Examination record.		
REP2-062_d	<p><b>Q10.3.12</b></p> <p><b>Compensation - Kittiwake</b></p> <p>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>	<p>The RSPB disagrees with the approach of excluding compensated for projects from "in-combination" assessments for the reasons set out below.</p> <p>Compensatory measures only enter the equation when it has been determined that there will be adverse effects on the integrity of the site (under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)) or there is a lack of certainty as to the absence of adverse effects and the need for the competent authority to decide whether consent should be granted under regulation 64. It therefore follows that if compensation measures have been required for a project then that project has been identified as giving rise to potential adverse impacts on the integrity of a protected site. Therefore, potential adverse effects from that project are also relevant when considering whether a later project is:</p> <ul style="list-style-type: none"> <li>- likely to have a significant effect on a designated site, whether on its own or in combination with other plans and projects, and subsequently - whether the competent authority can be satisfied that there will not be adverse effects on the integrity of the European site whether taken alone or in combination with other projects. It is difficult to see on what basis the fact that compensation has been (or will be) provided for potential adverse effects of the first scheme should mean that the effects of that scheme should be removed from the equation when carrying out the assessments required by regulation 63 for a later scheme, although it may well be relevant when considering whether consent should be granted under regulation 64 for the second scheme and/or what compensation measures should be required at that stage. There are two points we would stress in that context:</li> <li>- Firstly, the admonition of Advocate General Sharpston in Sweetman (No 1) at AG47. To exclude the adverse effects of scheme 1 when considering whether a later scheme would be likely to have significant effects / would not have an adverse effect on the integrity of a protected site in combination with other projects would seem to risk perpetuating the "death by a thousand cuts" phenomenon discussed in that case. (For the avoidance of doubt, we would stress that the starting point would always need to be the scheme itself – and there would need to be some effect from the scheme which when combined with effects from the earlier scheme could give rise to likely significant effects / outcome); and</li> <li>- Secondly, the uncertainty as to the effectiveness of measures that are designed to compensate for (for example) loss of habitat rather than to mitigate the harm which might otherwise be caused:</li> </ul>	<p>The RIAA Part 4 [APP-178] provides the in-combination totals including and excluding the predicted collision mortality of the relevant species for offshore wind farms that have been consented subject to compensatory measures (e.g. Table 4.24 and paragraph 225 of [APP-178]). This is in line with advice from Natural England.</p>

Applicants Ref	ExQ1	Comments from The Royal Society for the Protection of Birds	Applicant's Response
		<p>see C-164/17 Grace v Sweetman at 52-3. Such an approach would also seem inconsistent with the clear ruling of the CJEU in C-164/17 Grace v Sweetman that compensatory measures should not be taken into account at the Article 6(3) stage when carrying out an appropriate assessment for a particular project.</p> <p>It is difficult to see why the compensatory measures associated with an earlier scheme could, therefore, be taken into account (by effectively removing the adverse effects of scheme 1 from consideration) where the competent authority is deciding on a later scheme whether it was likely to have significant effects or would / would not have adverse effects on the integrity of the site in combination with other projects.</p>	

### 3.16 Applicant's Response to Natural England's comments on ExQ1 [REP2-054]

Applicants Ref	ExQ1	Comments from Natural England	Applicant's Response
REP2-054_a	<p><b>Q10.1.2</b>  <b>Baseline Information – Stour and Orwell SPA and Ramsar</b>  i. Are NE/Relevant Councils satisfied that the full features/basis of the Stour and Orwell SPA/Ramsar are recognised by the Applicant?  ii. If not the ExA requests updated background information explaining the full features/basis to inform the overall Examination.  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>	<p>We refer the Examining Authority to the Cover Letter (REL REPS) Part II – Natural England's Advice [RR-243].</p> <p>Our advice currently remains unchanged. Therefore, on the basis of the information submitted, Natural England is not satisfied that an adverse effect alone or in combination on the integrity of the Stour and Orwell SPA and the Ramsar site can be excluded beyond reasonable scientific doubt.</p> <p>The features for which outstanding concerns remain are unknown as the impacts are yet to be assessed. We will update the Examination on this matter once the Applicant has carried out an assessment.</p>	<p>The Stour and Orwell SPA and Ramsar is assessed in the Report to Inform Appropriate Assessment (RIAA) Part 4 [APP-178], Section 4.5 and the RIAA Part 5 [APP-181], Section 5.4.3. The Applicant maintains the position presented in the RIAA that there would be no AEOL of the Stour and Orwell SPA and Ramsar.</p>
REP2-054_b	<p><b>Q10.2.1</b>  <b>Ecological Enhancement/ BNG Strategy</b>  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. Nonetheless, biodiversity interests and the wider policy/statutory context those interests sit within,</p>	<p>For the ExA awareness - For all planning applications subject to mandatory BNG under Schedule 7A of the Town and Country Planning Act, a BNG of 10% must be delivered. As , Biodiversity Net Gain is not yet mandatory for NSIP schemes, although the expectation is that the process will follow the same broad principles as applied to TCPA developments. As 10% is specified as the 'relevant percentage' in the BNG statutory guidance, there is no obligation on an Applicant to go over and above this target. However, schemes and projects do have the discretion to go above a 10% target if they wish and the opportunity allows – for example to support the delivery of Local Nature Recovery Strategies (we are aware the Applicant are currently reviewing offsite options). It is</p>	<p>The Applicant has provided a detailed response (see Applicant's Ref REP2-036_h, above) to the points made here in Q10.2.1 elsewhere in this document. The Applicant believes that exploring opportunities to achieve a minimum of 10% BNG provides enhancements and habitat creation proportionate to the baseline habitats being permanently lost at the onshore substation, considering the various extraneous factors present which limit BNG opportunities for NSIPs of this nature. By considering the industry standard of 10% BNG, the Project can ensure that the BNG targets can feasibly be delivered in practice. Commitments above and beyond the 10% standard BNG cannot be guaranteed to be delivered in practice.</p>

Applicants Ref	ExQ1	Comments from Natural England	Applicant's Response
	<p>remain important and relevant considerations whereby significant enhancement could still potentially be secured. In that the context:-</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>iv. Does the Applicant agree that s106 (Town and Country Planning Act 1990) obligation/agreement use involving a commuted sum mechanism or other bespoke 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>	<p>important to ensure that any commitment to a higher BNG target can be delivered in practice. For background / context, where Local Plans are considering a BNG target above 10%, the recommendation is that they carry out a viability assessment to assess how they can practically deliver a greater BNG% and any cost implications of doing so. An Applicant wishing to exceed 10% may wish to consider a similar assessment.</p>	
REP2-054_c	<p><b>Q10.2.4</b></p> <p><b>Ecological enhancement/Marine Net Gain (MNG)</b></p> <p>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</p>	<p>i. At the moment it is not possible to put together a Marine Net Gain plan, as policy on MNG has not been set out by Government. There is currently no mandatory requirement on developers to deliver net gain below Mean Low Water, but we would welcome working with developers on any voluntary measures that they would like to deliver in terms of ecological benefits to the marine environment, notwithstanding any existing licensing permissions. We may have evidence resources available that might be able to help with this.</p> <p>ii. Natural England provides links to the following updates to the published MaRePo restoration potential maps and reports which may help any considerations of restoration opportunities, Marine Restoration Potential plus (MaRePo+) - MF6006; 2023, Natural England, Environment Agency, JNCC, and Cefas, Offshore Wind Evidence and Change Programme, Marine Restoration Potential (MaRePo)   Marine Data Exchange.</p>	<p>The Applicant agrees with Natural England that there is currently no requirement on developers to deliver marine net gain and it is not possible to provide a MNG plan as policy on MNG has not been set out by Government. Per the Applicant's response to this question in [REP2-020], it is not currently considered required or feasible.</p>



Applicants Ref	ExQ1	Comments from Natural England	Applicant's Response
	<p>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.Applicant/NE/Marine Management Organisation/Crown Estate/IP's – 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 interests of pursuing other offshore ecological enhancements possible currently? If not, why not?</p> <p>ii.Applicant/NE/IP's – Clarify/signpost what crosscutting 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.NE – 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.NE – At what stage/status/availability is the mapping provision for Marine Irreplaceable Habitats and would this be relevant to have regard to? v.Applicant/NE – 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>	<p>iii. It is hoped that further reports of restoration potential of species and habitat restoration guides will also be available by summer 2025.</p> <p>iv. A report has been published on Marine Irreplaceable Habitats, and maps will likely be available later in the spring. Report here: Defining Irreplaceable Marine Habitats - NECR474 v. There is not currently any agreed method for measuring and comparing losses and gains in a way comparable to Biodiversity Net Gain on land, although Natural England has been leading some work on investigating initial concepts around this which we hope to publish in Spring 2025.</p>	
REP2-054_d	<p><b>Q10.3.1</b> <b>Orfordness Shingle Street Special Area of Conservation</b></p> <p>i.The ExA requests NE give their precise/detailed reasons why they consider there to be an adverse effect on integrity to the</p>	<p>i) Orfordness Shingle Street SAC is designated for three Annex I coastal habitat types [1150] Coastal lagoons, [1210] Annual vegetation of drift lines and [1220] Perennial vegetation of stony banks. These features are geographically constricted in range and reliant on natural processes to maintain hydrological, morphological and sedimentary functions. Impacts on extent, structure,</p>	<p>The Applicant is working with the National Trust and an experienced fencing contractor to consider the design of the fence to enable further assessment of the environmental impacts of the compensation measure to inform a post consent Planning Application. Orfordness Shingle Street SAC is not within the Order limits and, while Schedule 15 of the dDCO [REP2-007 and REP2-008] places obligations on the Applicant to ensure delivery of the compensatory</p>

Applicants Ref	ExQ1	Comments from Natural England	Applicant's Response
	<p>Orfordness Shingle Street Special Area of Conservation. ii.What are NE's views of how any concerns could be potentially remedied?</p> <p>iii.All relevant Councils/IPs make whatever comments you wish to in relation to this matter.</p>	<p>composition, and spatial distribution could lead to fragmentation and reduce the viability of the habitats to support the diversity of species connected with them. Installation and maintenance of a predator exclusion fence and PCS site, should this be located within the SAC, could result in disturbance and changes within the shingle feature area. Disturbance to the mix of sediment and ratio of coarse to fine material of the shingle damages the shingle matrix and alters the communities the habitats are able to support. This disturbance would include compaction from vehicle and pedestrian movements across the habitats, physical changes to morphology and elevation from fence installation, reduction in grazing changing community structure, changes in nutrient levels, hydrological changes as fencing is blocked by material effectively forming a dam, etc. These habitats are the result of natural processes with natural sorting of sediments by wave action a key feature and have a characteristic range of natural features representing natural succession. There is no evidence that restoration and manual re-sorting of the sediment matrix can be successful, particularly for the landward edge of the shingle banks where coastal process are no longer active. ii) Therefore, based on the evidence provided to date an adverse effect on the integrity of the designated features of the Orfordness and Shingle Street SAC cannot be ruled out, beyond reasonable scientific doubt. The onus is on the Applicant to demonstrate through provision of further project detail and/or evidence as to how impacts can be avoided, reduced and mitigated to ensure that an AEOI can be excluded.</p>	<p>measure, the dDCO does not itself grant consent or otherwise authorise the Applicant to undertake any works within Orfordness Shingle Street SAC. This approach is consistent with that of other consented offshore wind farms including Dudgeon and Sheringham Extension Projects, Norfolk Vanguard, Norfolk Boreas, East Anglia ONE North and East Anglia TWO.</p> <p>It is noted that an area of 4ha is required for compensation and Lantern Marshes is c. 65ha of predominantly rank grassland and therefore the Applicant is confident that a suitable location and design can be achieved, while ensuring there will be no adverse effect on the designations at Lantern Marshes. In addition, the Applicant has alternative location options (e.g. Gedgrave Marshes or Outer Trial Bank) and is therefore confident that a suitable location can be secured and delivered without any adverse effect on the integrity of any European site.</p>
REP2-054_e	<p><b>Q10.3.4</b></p> <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>	<p>Invertebrates associated with coastal lagoons are a noted feature in the Ramsar citation along with the unique lichen communities of East Anglian beaches and shingle habitats. Evidence would be necessary to ensure that these communities along with other invertebrate and plant assemblages would not be impacted by the installation and maintenance of predator fencing and the management of the PCS area, should that be located within those parts of the Ramsar site that host these features.</p>	<p>See response to 10.3.1.</p>



**NORTH FALLS**

*Offshore Wind Farm*



**RWE**

## **HARNESSING THE POWER OF NORTH SEA WIND**

*North Falls Offshore Wind Farm Ltd*

*A joint venture company owned equally by SSE Renewables and RWE.*

*To contact please email [contact@northfallsoffshore.com](mailto:contact@northfallsoffshore.com)*

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