



NORTH FALLS

Offshore Wind Farm

Applicant's Response to Deadline 3 Submissions and Deferred Responses from Deadline 2

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1. INTRODUCTION

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 4 for the Examination is Friday 25 April 2025.
- 1.1.3 This document has been prepared by the Applicant for submission at Deadline 4 on Friday 25 April 2025, and responds to submissions received at Deadline 3.

Purpose of the document

- 1.1.4 This document provides comments, where appropriate and relevant, on submissions that were made at Deadline 3 by all interested parties.
- 1.1.5 It also provides comments on the late submissions accepted at the discretion of the Examining Authority:
- Margaret Parsons Comments on any submissions received at the previous deadline **[AS-049]**
 - Brockthorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liane Enterprises Ltd - Additional Submission - Accepted at the discretion of the Examining Authority **[AS-050]**
 - Marine Management Organisation - Additional Submission - Accepted at the discretion of the Examining Authority **[AS-051]**
 - Historic England Additional Submission - Accepted at the discretion of the Examining Authority **[AS-052]**
- 1.1.6 This document also provides the Applicant's response to the following written representations that were deferred.
- Port of London Authority Written Representation **[REP2-056]**
 - London Gateway Port Limited Written Representation **[REP2-041]**
 - Maritime and Coastguard Agency "Written representations (WR), including summaries of any WR exceeding 1500 words **[REP2-046]**"

2. APPLICANT’S RESPONSE TO DEADLINE 3 SUBMISSIONS

Deadline 3 submissions where the Applicant has no comments

Table 2-1:Deadline 3 submissions where the Applicant has no comments

Ref	Party	Title of Document	Applicant’s Response
REP3-055	Marine Management Organisation	Summary of comments on any submissions received at the previous deadline	The Applicant has responded in full within this document to matters raised by the Marine Management Organisation’s full submission titled ‘Comments on any submissions received at the previous deadline’ [REP3-056]. Therefore, no comments are provided in relation to the summary.
AS-049	Margaret Parsons	Comments on any submissions received at the previous deadline	Noted.

Applicant’s Response to National Highways’ Comments on responses to ExQ1 (REP3-053)

Table 2-2: Applicant’s Response to National Highways’ Comments on responses to ExQ1 (REP3-053)

Ref	Theme	National Highway’s Comments on Responses to ExQ1	Applicant’s Response
REP3-053_a	Employees per Vehicle Ratio	1. The Applicant has provided supporting evidence in a separate response to the concerns previously raised by National Highways regarding the use of the 1.5 employees per vehicle ratio, which is welcomed. This information should be presented in the oCTMP.	The Applicant followed up a meeting with National Highways on the 07 February 2025 with a further meeting on the 15 April 2025. Following these productive discussions, the Applicant is confident that the majority of residual matters relating to National Highways’ requests are addressed by the Deadline 4 Outline Construction Traffic Management Plan (OCTMP) (Rev3) [7.16 (Rev3)]. If there are any residual matters raised by National Highways once they have completed their review of the updated OCTMP (Rev3), the Applicant will seek to address these in further minor updates to the OCTMP at Deadline 5. In addition to the OCTMP requests, National Highways have requested minor clarifications on traffic models and assignments. The Applicant has provided the requested data and is awaiting a response. It is anticipated all transport matters can be closed out by Deadline 5 and this process is reflected in the Deadline 4 Statement of Common Ground (SoCG) between the parties.
REP3-053_b	Peak Hour Mitigation	2. In regard to paragraphs 112 and 117 of the oCTMP, wording should be provided concerning a mechanism being in place to ensure that mitigation is enforced should the assessed peak hour HGV / LGV trips be exceeded.	
REP3-053_c	Peak Hour Exceedance	3. In regard to paragraph 122 of the oCTMP: a. The first bullet point should refer to ‘peak hour vehicle numbers’. An incidence of ‘exceedance’ should be defined, and the course of action should exceedance occur should also be defined. b. The sixth bullet point should cover both staff trips and HGV trips.	

Applicant's Response to Essex County Council Comments received at the previous deadline (REP3-054)

Table 2-3: Applicant's Response to Essex County Council Comments received at the previous deadline

Ref	Theme	Essex County Council Comments on Responses Received at the Previous Deadline	Applicant's Response
REP3-054_a	Highways	<p>It is noted that the applicant has not respond to the highways comments in the Local Impact Report (LIR) at Deadline 2.</p> <p>REP2-020 - 9.19 Applicant's Response to Written Questions (ExQ1) (Rev 0)</p> <p>With regards to Q17.1.3, the Council have responded on this item in our Deadline 2 response [REP2-036]. We would welcome some clarity on this element of the assessment.</p> <p>With regards to Q17.1.4, the Council have responded on this item in our Deadline 2 response [REP2-036]. The Council have outlined our preferred routeing and would welcome consideration of this; however, note that the number of movements is low and would represent a small increase in hourly movements.</p> <p>With regards to Q17.1.5, the Council have responded on this item in our Deadline 2 response [REP2-036] regarding the need to ensure the mitigation is in place, and recommendation for a road safety review to be embedded within the CTMP.</p> <p>The Council have liaised internally with the road safety team and wanted to confirm that the carriageway markings (e.g. zig zag markings and crossing) have not been refreshed and so the work, as we understand it, has not been completed to date.</p> <p>With regards to Q17.1.6, the Council have responded on this item in our Deadline 2 response [REP2-036], with regards to inclusion of a mode share target to ensure sustainable travel behaviours.</p> <p>With regards to Q17.1.7, the Council have responded on this item in our Deadline 2 response [REP2-036], with regards to inclusion of a monitor and manage approach to shift patterns.</p> <p>With regards to Q17.1.8, the Council have responded in our Deadline 2 response [REP2-036].</p> <p>With regards to Q17.1.10, following a review, the Council are content with this process regarding the Stage 1/2 Road Safety Audit for the Bentley Road works prior to construction.</p> <p>With regards to Q17.1.15, the Council have responded in our Deadline 2 response [REP2 036].</p> <p>REP2-023 - 9.21 Applicant's Response to Local Impact Reports (Rev 0)</p> <p>With regards to LIR ECC 4.3 – A meeting has been arranged for 20/03/2025. The Council is keen to engage on any issues raised in our LIR and awaits further discussion with the Applicant.</p>	<p>The Applicant can confirm a meeting was held with Essex County Council (ECC) on the 21 March 2025 and a follow up meeting was held on the 31 March 2025. Informed by these productive discussions, an updated version of the OCTMP (Rev3) [7.16 (Rev3)] has been submitted at Deadline 4. The Applicant is confident that the majority of ECC transport concerns have been addressed, and any residual matters can be closed out by Deadline 5. The Applicant will submit a Statement of Common Ground with ECC detailing the areas of agreement at Deadline 5.</p>
REP3-054_b	Landscape	<p>Q7.1.1 Cumulative Impacts of the Proposed Onshore Substations for the Proposed Development, Five Estuaries and EACN</p> <p>The cumulative visualisations [APP-084 to APP-088], do not demonstrably include the overhead power lines for the Norwich to Tilbury project which would connect into EACN. Therefore, we do not agree that a demonstrably meaningful cumulative assessment has taken place.</p> <p>Q8.1.2 Detailed Design – Design Champion and Review Process</p> <p>The Councils would wish to have some meaningful involvement in the decision making/advisory guidance function of the Design Champion and any Design Panel that are appointed to ensure effective development and delivery of the Design Vision.</p>	<p>Q7.1.1</p> <p>Updated visualisations, which include the Norwich to Tilbury overhead line (OHL) when visible, have been provided at Deadline 4 [9.44 (Rev 0)]. These demonstrate the consideration of the Norwich to Tilbury overhead line, the cumulative landscape and visual effects of which are assessed within Section 30.8 of the Landscape and Visual Impact Assessment [APP-044].</p> <p>Q8.1.2</p> <p>Noted – the Applicant has provided a detail response to the proposed way forward regarding the process for development of a Design Guide (based on the Design Vision [APP-234]) in Applicant's Response to Actions List for ISH1 and ISH2 [9.50 (Rev 0)], which is being submitted at Deadline 4.</p>

Ref	Theme	Essex County Council Comments on Responses Received at the Previous Deadline	Applicant's Response
		<p>Q8.1.3 Design of proposed onshore substation – noise attenuation</p> <p>If the need for acoustic barriers within the landscape setting arises, particularly where this would be visible to key visual receptors, these should be placed as close to the infrastructure to be attenuated as possible, away from visual receptors and screened using appropriate scales native planting in keeping with local character.</p> <p>Q8.1.4 Onshore substation design principles</p> <p>In relation to the Holford Rules (1992), it is our understanding that these have not been reviewed since 1992, and do not currently support the approach to landscape value currently advised by the Landscape Institute and supported by the government through its promotion of landscape character assessment as opposed to local landscape designation.</p> <p>Q8.1.7 Local Authorities Design Mitigation – Earthwork Bunds</p> <p>In relation to the use of earthwork bunds, we agree with the Applicant that the guidance in the Tendring Landscape Character regarding the inappropriateness of trying to hide a building behind bunds within a landscape setting that is largely open and flat, should be followed, and for the reasons given in relation to effect on character, land take and success rate for planting.</p> <p>Q8.1.10 The Applicant Impact on Rural Setting</p> <p>Whilst we acknowledge that visual mitigation has been provided, this would be more effective if located further from the onshore substation as proposed by Five Estuaries, and more in keeping with landscape character if more closely follows existing boundaries. Small blocks of woodland and copses are characteristic of the local areas.</p> <p>Q14.1.2 Five Estuaries Offshore Windfarm Limited (VEOWFL) Onshore Substation Zone</p> <p>We agree that the Five Estuaries proposals mitigation planting around the south-eastern field, will mitigate visual effects for a range of visual receptors, including road-users along Ardleigh Road, walkers on surrounding PRoWs and residents in the local area as well as at Norman's Farm and Jennings Farm and that it will also mitigate some effects on local landscape character.</p> <p>When comparing to the landscaping proposal of Five Estuaries DCO, the Councils considered that the Applicant's outline mitigation planting (see Figure 30.1.6 of ES Chapter 30 Figures Part 1 of 6 [APP-083]) to retain the open fields within the foreground and use of layers of planting in closer proximity to the onshore substation, provides reduced visual screening and the arc of planting through the field is less in keeping with local character.</p> <p>Q14.1.3 Duty to seek to further the purpose of conserving and enhancing the natural beauty of the area.</p> <p>In the Applicant's response there is still no indication as to how their approach furthers the purpose of conserving and enhancing the natural beauty of the area rather than just mitigating the effects of their proposals that still leave the National Landscape with adverse effects even if these are judged as 'not significant' I EIA terms.</p> <p>Q14.1.4 The Applicant Landscape Value</p> <p>Whilst we concur with the judgement on value for Bromley Heaths LCA as 'medium' we suggest that how that judgement was arrived at should be specifically stated in Table 30.14 in ES Chapter 30 [APP-040] for clarity and transparency reasons.</p> <p>Q14.1.6 The Applicant Magnitude of Effect – Onshore Substation</p>	<p>Q8.1.3</p> <p>Noted.</p> <p>Q8.1.4</p> <p>Holford Rules provide guidance on the routing of overhead lines. There are no overhead lines proposed as part of the North Falls project. The Horlock Rules are a different set of guidelines established by National Grid in 2009 for the design and siting of substations. These informed the onshore substation siting exercise detailed in ES Chapter4 Site Selection and Assessment of Alternatives [APP-018], which also considered potential effects on landscape character.</p> <p>Q8.1.7</p> <p>Agreement noted.</p> <p>Q8.1.10</p> <p>The proposed approach to mitigation of the North Falls onshore substation seeks to maximise screening and minimise land take (and associated loss of farmland). Copses of woodland and hedgerows are a characteristic feature of the landscape. As the proposed mitigation planting matures it will be seen in that context, creating layers of screening whilst minimising the loss of farmland. Such an approach also leads to an appropriate balance of seeking to mitigate landscape and visual effects whilst also minimising the land take of BMV agricultural land.</p> <p>Q14.1.2</p> <p>See response to Q8.1.10, and the Applicant's response to Q14.1.2 in [REP2-020].</p> <p>Q14.1.3</p> <p>It is the Applicant's position that the Project will have no more than negligible impacts on the Dedham Vale National Landscape, and the Applicant has therefore complied with the duty. This point was discussed in detail at ISH1 (please refer to Applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 1 (ISH1) [9.41 (Rev 0)]).</p> <p>Q14.1.4</p> <p>Agreement noted. The justification for the judgement of medium value is set out in the Applicant's response to Q14.1.4 in [REP2-020].</p> <p>Q14.1.6</p> <p>As the proposed mitigation planting matures, this will help to screen views of the proposed onshore substation/ embed it in the landscape. This planting (woodland and hedgerows) will be seen in the context of woodland copses and hedgerows which are characteristic of the local landscape. As such, localised effects on landscape character will reduce from major to moderate. Moderate effects are still considered to be significant in the context of EIA but also recognise the reduction in effects as mitigation establishes. Further detail is provided in the Applicant's response to Q14.1.6 in [REP2-020].</p> <p>Q14.1.7</p> <p>Locating the mitigation planting in close proximity to the onshore substation provides effective screening for receptors as they move around the landscape. Providing localised screening at certain offsite locations is less effective in the round and will</p>

Ref	Theme	Essex County Council Comments on Responses Received at the Previous Deadline	Applicant's Response
		<p>We concur that the long-term landscape effects are identified as significant in EIA terms. However, we differ as to the judgement that they reduce down to 'moderate' at Year 15 due to the proposed mitigation as most of the current character of the landscape remains impacted.</p> <p>Q14.1.7 Mitigation Planting at 15 Years – Onshore Substation</p> <p>We agree the adverse nature of effects is partially as a result in the change in view from open agriculture to views of maturing landscape mitigation around the proposed substation site. However, where visual mitigation is located close to the onshore substation, to help maintain the open character of the landscape, it reduces its effectiveness as screening.</p> <p>Q14.1.8 Screening impact on surrounding residential receptors</p> <p>Comments as at previous question.</p> <p>Q14.1.10 Screening</p> <p>We welcome the proposed submission of indicative cross sections of planting at the OnSS. We ask that indicative heights of vegetation are included with scale.</p> <p>Q14.1.14 Cumulative Effects Tendring Colchester Borders Garden Community</p> <p>The Applicant's response regarding possible cumulative impacts on Tendring Landscape of the proposal focusses on visual impacts not landscape ones. Whilst Bromley Heaths is a large character area, the cumulative land take for North Falls, Five Estuaries, EACN and Tendring Colchester Borders Garden Communities is projected to be considerable.</p>	<p>notably change the character of the view from that location (from a more open rural view to a view enclosed by woodland/ vegetation).</p> <p>Q14.1.8</p> <p>See response to Q14.1.7 above.</p> <p>Q14.1.10</p> <p>Updated cross sections have been provided [9.31 (Rev1)] at Deadline 4. Indicative heights of planting are shown in relation to a vertical height scale bar.</p> <p>Q14.1.14</p> <p>Cumulative landscape effects on the Bromley Heaths LCA are considered in Table 30.31 and 30.32 of ES Chapter 30 LVIA [APP-044].</p>
REP3-054_c	Archaeology	<p>The Draft Development Consent Order (dDCO) [REP2-008] submitted at Deadline 2, fails to include the suggested wording of a separate Requirement by ECC in their LIR [REP1-065]. The wording would ensure that the post-excavation process can be monitored and discharged accordingly. As the fieldwork and post-excavation process will extend over a number of years this is essential to ensure the accurate and timely discharge of conditions to allow the development to proceed in areas where the archaeological requirements have been satisfied.</p> <p>This request was made in the LIR [REP1-065] and is the same request that was proposed to Five Estuaries Offshore Windfarm. Five Estuaries accepted the need for the additional Requirements and have included it in their final draft DCO submission. As both projects, if accepted, would be carried out jointly then it is imperative that the DCO wording is comparable. The wording proposed for Five Estuaries is below and is required for the North Falls scheme. The additions required are highlighted in bold.</p> <p>(4) Intrusive onshore site preparation works must not take place until an archaeological or geoarchaeological written scheme(s) of investigation in accordance with the outline written scheme of investigation as appropriate has been submitted to and approved by the discharging authority. The archaeological or geoarchaeological written scheme(s) of investigation required under this sub-paragraph must be implemented as approved.</p> <p>(5) The archaeological post investigation assessment must be completed in accordance with the programme set out in the archaeological mitigation strategy and any relevant written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition.</p> <p>It is clear from the Applicant's response to the LIR [REP2-023] that there continues to be a lack of agreement regarding the adequacy of the information supplied, specifically the level of intrusive archaeological and geoarchaeological fieldwork (paragraphs 4.8.49, 4.8.50 and 4.8.51) and how this can be effectively managed through mitigation. The Applicant considers the baseline to form a proportionate basis on which to inform on the potential impacts on known and potential archaeological remains however other linear schemes in Essex have completed extensive</p>	<p>The draft DCO and Outline Code of Construction Practice (OCoCP) are being updated to align with Five Estuaries' final draft DCO and OCoCP submissions. The updated version of the draft DCO is being submitted at Deadline 4 and the updated OCoCP will be submitted at Deadline 5, alongside the AMS and updated Outline Onshore Written Scheme of Investigation (Rev1) (see below).</p> <p>The Archaeological Mitigation Strategy (AMS) and updated Outline Onshore Written Scheme of Investigation (Rev1) was shared with ECC and Historic England for review and comment on 31 March 2025. Following consultation, the AMS and updated Outline Onshore Written Scheme of Investigation (Rev1) will be formerly submitted into Examination at Deadline 5, once ECC and Historic England have had the opportunity to review and respond.</p>

Ref	Theme	Essex County Council Comments on Responses Received at the Previous Deadline	Applicant's Response
		<p>archaeological and geoarchaeological evaluations which enabled a greater understanding of the nature, extent and significance of the heritage resource. It is acknowledged that areas of potential higher significance have been removed from the scheme which is welcomed. At present, the potential for further areas of significant archaeology that have not been detected through aerial photographic assessment or geophysical survey remains a potential risk to the Applicant.</p> <p>In response to paragraphs 4.8.52 and 4.8.53 [REP2-023] it is acknowledged that ongoing discussions with the Applicant, Five Estuaries and Historic England are leading towards an agreed programme of post-consent evaluation. An Archaeological Mitigation Strategy (AMS) and Outline Written Scheme of Investigation (OWSI) have been agreed with Five Estuaries Offshore Windfarm. The Applicant states they are following the same approach and will be using the same archaeological consultants as Five Estuaries, therefore it remains unclear as to why the updated OWSI will not be supplied until Deadline 5 when these documents have been completed and agreed for Five Estuaries. These documents should be submitted at the next deadline for review and agreement.</p> <p>In response to Paragraph 4.8.54 [REP2-023], the Applicant refers to a revised Outline Code of Construction Practice (OCoCP) [REP1-033] and draft Development Consent Order (dDCO) [REP1-011] which they state reflect ongoing discussions between the Applicant, Essex Place Services and Historic England, in combination with Five estuaries. At present, these documents do not accurately reflect the ongoing discussions and changes to the draft DCO [REP2-008] have been submitted at Deadline 2. Neither document has been approved and further changes are proposed before they could be considered acceptable. Further comments on the draft DCO submitted at Deadline 2 [REP2-008] are provided in this response.</p>	
REP3-054_c	Archaeology (Comments on the revised outline CoCP)	<p>The CoCP (REP1-033) submitted at Deadline 1 requires amendments to include the proposed addition of an Archaeological Mitigation Strategy and to align with the CoCP from Five Estuaries.</p> <p>Item 181 [REP1-033] should be revised to say “All Onshore Works will be carried out in accordance with the Outline Onshore Written Scheme(s) of Investigation (WSI(s)) and the Archaeological Mitigation Strategy (AMS). These will include details of specifically identified measures to mitigate the impact to known heritage assets and will also include a range of generic mitigation measures which would be applied to currently unknown heritage assets that could be physically damaged by construction.</p> <p>Item 184 [REP1-033] also needs to identify the Archaeological Mitigation Strategy.</p> <p>Section 1.12.1.1 [REP1-033] should include an additional point regarding appropriate protection measures for these areas including fencing to avoid damage to the deposits</p> <p>Item 187 [REP1-033] will need to be expanded to include all forms of mitigation: open area excavation, strip map and record and archaeological monitoring of construction strip. The mitigation required will be confirmed as further information from archaeological evaluation becomes available. The Onshore Works are designed to mitigate the potential impact from construction on the archaeological resource.</p> <p>Recommended wording revision for Item 188 [REP1-033] for consistency with the COCP from Five estuaries. “During construction the Principal Contractor(s) and the archaeological contractor will need to work together to ensure the archaeological programme of works to be defined and implemented. The Principal Contractor(s) will manage the construction process to allow for safe access for archaeological works to be carried out by the archaeological team as agreed with the relevant statutory consultees”.</p> <p>In advance of Section 1.12.1.4 [REP1-033] it is recommended that an additional section or paragraph is added to define the role of the Local Authority Archaeological Advisors and Historic</p>	<p>The Applicant is in the process of updating the OCoCP to align with the text within Five Estuaries' final OCoCP relating to archaeological management during construction and submit this into Examination at Deadline 5.</p> <p>The Applicant accepts the revised wording provided by ECC.</p> <p>In response to Q12.1.4, Q12.1.5 and Q12.1.9, following discussions with ECC, the SoCG will be updated to reflect the following points: 1) ECC and the Applicant agree that the baseline information is sufficient in areas of the onshore project area where trial trenching has been completed; and 2) ECC and the Applicant disagree regarding whether the baseline information is sufficient in areas of the onshore project area where trial trenching has not been completed. On the second point, although there is disagreement, the Applicant, ECC and Historic England have agreed a programme of trial trenching and geoarchaeological evaluation to be undertaken prior to construction, and an approach to mitigation which aligns with Five Estuaries, and will be reflected within the AMS and updated Outline Onshore Written Scheme of Investigation (Rev1) submitted into Examination at Deadline 5.</p>

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		<p>England within the project. This has been agreed within the Five Estuaries CoCP. The wording recommended is:</p> <p>'Archaeological curators will be afforded access to the archaeological mitigation sites to monitor the evaluation, and mitigation works and sign-off completed archaeological work in accordance with the OWSI and AMS. The detailed WSIs shall set out the arrangements and responsibilities for implementing, monitoring and sign off of the archaeological mitigation measures.'</p> <p>As stated in the Applicants Response to Written Questions (ExQ1) [REP2-020], there remains a lack of agreement on the level of survey data submitted with the application (Q12.1.4) and sufficiency of trial trench evaluation (Q12.1.5 and Q12.1.9). The Applicant does not propose to carry out any further investigations, including intrusive fieldwork, prior to the application being determined and so this lack of agreement is unlikely to be rectified during the application process and will be reflected in the Statement of Common Ground (SoCG).</p> <p>Q12.1.7 [REP2-020] With regard to onshore archaeology, the mitigation proposed is currently part of ongoing discussions and will require an amended OWSI and an AMS to be submitted for approval.</p> <p>Q12.1.8 [REP2-020] The results of the geophysical survey have not been ground truthed across much of the scheme and the effectiveness of the technique remains largely unknown in many areas. The effectiveness of this technique will only be determined following a programme of archaeological evaluation post-consent. It is acknowledged that the Applicants have removed areas from the scheme which were judged to be higher significance and the mitigation proposed recommends preservation in situ or by design for areas where archaeological remains are deemed to be of significance.</p>	
REP3-054_d	Built Heritage	<p>REP2-020 – 9.19 Applicant's Response to Written Questions (ExQ1) (Rev 0)</p> <p>The Applicant's response to Q12.1.3 refers to planting to the west of Jennings's Farmhouse which will provide screening for the North Falls Onshore Substation. This is incorrect as the existing planting is located to the southwest of Jennings's Farmhouse. The existing planting may provide screening for the Five Estuaries Onshore Substation but not the North Falls Onshore Substation.</p> <p>The location of the North Falls Onshore Substation is proposed to be located to the northwest of Jennings's Farmhouse whereby the landscape can be views and appreciated to and from. Furthermore, as previously noted, the field boundaries to the northwest of Jennings's Farmhouse comprise ditches and occasional tree planting which allow the open nature of the agrarian landscape setting to be appreciate.</p> <p>The proposed landscape mitigation would introduce areas of planting within the open agrarian landscape that would not align with the existing field boundaries but would lie within the fields themselves, thus eroding the agrarian landscape setting which contributes to the significance of Jennings's Farmhouse as a historic farmstead.</p>	<p>In discussion with ECC, an Addendum [9.49 (Rev 0)] to ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] is being submitted into Examination at Deadline 4 which presents further rationale and justification for the conclusions of the setting assessment and provides further detail on the mitigation planting proposed and how this has the potential to change the setting and associated heritage significance of Jennings's Farmhouse.</p> <p>The Applicant notes that the North Falls onshore substation is located to the northwest of Jennings's Farmhouse and there are gaps in the existing planting.</p>
REP3-054_e	Flood, Surface Water and Drainage (Flood)	No further comments. Temporary Drainage Strategy for construction works and an Operational Drainage Strategy would need to be agreed by the Lead Local Flood Authority.	<p>A Construction Surface Water Drainage Plan will be developed, as part of the final CoCP, and agreed with ECC (as Lead Local Flood Authority), prior to commencement of construction. This is secured in the OCoCP [REP3-017].</p> <p>Requirement 22 of the draft DCO [REP3-008] requires the submission of an Operational Drainage Strategy (based on the Outline Operational Drainage Strategy</p>

Ref	Theme	Essex County Council Comments on Responses Received at the Previous Deadline	Applicant's Response
			[APP-254] to ECC (as Lead Local Flood Authority) for discharge prior to commencement of construction of works No. 11 and 12.
REP3-054_e	Flood, Surface Water and Drainage (Protective Provisions)	Part 4 of the Protective Provisions of the dDCO [REP2-007] should be updated to reflect the Councils' wording.	The form of protective provisions agreed with ECC for Five Estuaries have been included in the draft DCO for North Falls submitted at Deadline 4 [Document Ref: 6.1 (Rev 5)] .
REP3-054_f	Other Matters - ExQ9.2.17 (iii) and (iv) - Requirement 19 Onshore Build Options	<p>(iii) Please explain how it is intended that R19 should operate in the event that the VEOWF DCO were to be made and commence development before NFOWF, or alternatively, that the NFOWF DCO were to be made and commence development first. Does the Requirement need amendment to preclude other options in those circumstances, or is it sufficiently robust as it stands?</p> <p>The Council will continue to review this question and will respond at Deadline 4 by 25 April 2025.</p> <p>(iv) To provide clarity in the event that Build Option 1 is the chosen option, should a revised set of Onshore Works Plans also be submitted to the relevant local planning authority to indicate precisely the land required to implement that 'lesser' option in land-take terms?</p> <p>Currently the submitted Onshore Works Plans indicate the worst-case scenario, in the event of only Build Option 1 is to be proceeded, the Councils would expect the applicant to submit a material change application of the DCO, should it be consented.</p>	The Applicant responded to these points in ISH2. Please refer to the Applicant's Written Summary of Oral Submissions Made at Issue Specific Hearing 2 submitted at Deadline 4 [9.48] .

Applicant's Response to the Marine Management Organisation comments on any submission received at the previous deadline (REP3-056)

Table 2-4: Applicant's Response to the Marine Management Organisation comments on any submission received at the previous deadline (REP3-056)

Ref	Theme	Marine Management Organisation Comments on any Submission Received at the Previous Deadline	Applicant's Response
REP3-056_a	Responses to Examiner's Questions (ExQ1) Q9.1.3	<p>The MMO addressed 'Article 2' and the definition of 'maintain' in Section 2 of REP2-043.</p> <p>The MMO will always prefer more detail within the definition for it to be clear. It would also be welcomed if the maintain definition was linked to the outline Operations and Maintenance plan.</p> <p>In addition to this interpretation, Schedules 8-10, Part 1, Paragraph 9 Should be updated to:</p> <p><i>Any amendments to or variations from the approved details, plan or scheme must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially greater different environmental effects from those assessed in the environmental statement.</i></p>	<p>The Applicant has set out its position on this matter in its response to MMO RR's [RR-216]; please see MMO-30 of the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045].</p> <p>The Applicant considers the drafting of the definition for 'maintain' is clear as it directly references maintenance activities 'to the extent assessed in the environmental statement'. The Applicant does not consider it is necessary to link the definition of 'maintain' to the outline Operations and Maintenance Plan, and notes that is not the approach taken in the Five Estuaries DCO or Sheringham Shoal and Dudgeon Extension DCO.</p> <p>Regarding the drafting of Part 1, Paragraph 9, the MMO has subsequently confirmed it is now comfortable with the wording 'materially new or materially greater', as set out in the Statement of Common Ground between the Applicant and the MMO, submitted at Deadline 4 [10.19, (Rev 0)].</p>
REP3-056_b	Responses to Examiner's Questions (ExQ1) Q9.1.7	<p>The MMO provided comments on Article 5 Benefit of the Order in Section 2 of REP2 043.</p> <p>The MMO disagrees with the purpose of the inclusion of the DML as set out in previous representations. The creation of a new route to transfer the DML is unnecessary as there is</p>	The Applicant has set out its position on this point in detail in:

Ref	Theme	Marine Management Organisation Comments on any Submission Received at the Previous Deadline	Applicant's Response
		<p>already an established route to transfer and vary a marine licence and the Article will not work in practice.</p> <p>The MMO has pushed back on the inclusion of this provision for many of the DCOs and has continued to do so during the recent DCOs undergoing examination.</p> <p>The MMO also notes that it is not clearly explained within the Sheringham and Dudgeon Extension Recommendation report or Decision document on the inclusion of the Transfer of Benefit.</p> <p>With regards to Transfer of Benefit being included in other DCOs and setting a precedent, the MMO considers that this does not mean the provisions that are in other orders should be repeated here, especially if there is good reason why they should not be included. The MMO had model provisions, however it has moved away from them now as its stance has changed, and it has provided its reasoning why it is against this provision in previous submissions.</p> <p>The MMO acknowledges the ExA and Secretary of State (SoS) made amendments in Hornsea Four OWF recommendation report/decision and notes the only reasoning provided was to keep them consistent with other consents and the SoS removed the ability to transfer part of the DML, which the MMO welcomed.</p> <p>The MMO has provided further reasoning since that Examination including counsel comments from Rampion 2 Examination, that were incorporated into its relevant and written representations alongside further comments on the Planning Act.</p> <p>The MMO does not agree that because there is a provision in other DCOs that this is reason enough to include it in this one, as the drafting process is iterative.</p> <p>Even if the Secretary of State (SoS) approves a transfer of benefit for the DML the SoS has no power under the Planning Act 2008 to change the DML once consented. As set out in Schedule 6 Paragraph 2 (13) and Paragraph 5 (6):</p> <p><i>"The power may not be exercised in relation to provision included in an order granting development consent by virtue of paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009)."</i></p> <p>Therefore, the transfer and variation completed by the MMO is the right and proper way to amend the DML.</p> <p>As per Section 72 (7) & (8) of the Marine and Coastal Access Act 2009 (MCAA 2009):</p> <p>Variation, suspension, revocation and transfer</p> <p><i>(7) On an application made by a licensee, the licensing authority which granted the licence—</i></p> <p><i>(a) may transfer the licence from the licensee to another person, and</i></p> <p><i>(b) if it does so, must vary the licence accordingly.</i></p> <p><i>(8) A licence may not be transferred except in accordance with subsection (7).</i></p> <p>The reason MCAA 2009 says if the MMO transfer the licence must be varied is because it recognises that it is necessary to vary on transfer to maintain the enforceability of the licence. If DMLs are transferred under Article 5, but cannot be varied by the SoS, the MMO would have to review and then vary under its powers under Section 72(3)(d) (MCAA 2009) should a variation be required and it may well have to consider suspending the licence whilst that variation takes place, depending on what the nature of the required variation would be.</p>	<ul style="list-style-type: none"> its response to the MMO RR's [RR-216]; please see MMO-13 of the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045]; and its response to the MMO's Comments on the updated DCO/DML [REP2-043]; please see the Applicant's comments on other Deadline 2 submissions [REP3-038]. <p>The Applicant considers the Article 5 procedure for transfer of benefit is lawful, reasonable, enforceable, and aligns with the standard approach approved for numerous recent DCOs. It is important that the benefit of the DCO can be transferred as a whole, rather than having separate processes for the DML.</p> <p>The Applicant does not consider there would be any unnecessary duplication of process, as Article 5 expressly disapplies sections 72(7) and (8) of the 2009 Act.</p> <p>Regarding variation of a transferred DML, Article 5(9) carves out the ability for the MMO to amend the DML to correct the name of the undertaker to the name of the transferee or lessee. The Applicant considers that this, paired with the fact the MMO will be consulted by the SoS when a transfer of benefit of the DML(s) is sought, is sufficient to give the MMO comfort that it will be able to keep its records up to date in terms of who has the benefit of the DML.</p> <p>The Article 5 procedure does not impact the MMO's enforcement capabilities.</p> <p>As noted by the MMO, the MMO has argued its case on this point before on numerous occasions and repeated Examining Authorities and Secretaries of State have rejected the MMO's submissions.</p> <p>Most recently, the MMO made the same detailed submissions during the Rampion 2 DCO examination and expressly asked the Examining Authority and the Secretary of State determining the Rampion 2 DCO to consider its argument on this point as a 'test case'. The Examining Authority for Rampion 2 addressed the MMO submissions at length in their Recommendation Report (over 5 pages) and the Secretary of State expressly considered and disagreed with the MMO's position in the decision letter. Therefore, the Applicant considers this point has very recently been considered and addressed by the Secretary of State and this is not a matter which needs to be pursued further in this Examination.</p>

Ref	Theme	Marine Management Organisation Comments on any Submission Received at the Previous Deadline	Applicant's Response
		<p>There is no good reason to move away from the process already set out in MCAA 2009, save for operator convenience, and the MMO's strongest preference remains for the DMLs not to be made subject to the Transfer of Benefit provisions in the main body of the order, in full or in part.</p> <p>The MMO is not trying to be unduly difficult over the issue, and has not yet been in a position to use this route as for all other consented offshore wind farms, even those with the more recent proposed wording, the undertakers have provided a request to the MMO for a variation alongside the Transfer of Benefit request to the SoS, therefore the MMO is not entirely sure what consequences will be.</p> <p>The MMO believes there is more risk included the DML with the inclusion of Article 5 than managing it under the current process.</p>	
REP3-056_c	Responses to Examiner's Questions (ExQ1) Q9.2.4	<p>The MMO notes this comment is directed to the Applicant.</p> <p>The MMO has reviewed both the Applicant and NE comments.</p> <p>If the maximum figures are identified now, then the MMO would welcome drill arisings being included in the DML. The MMO notes this has been included within Norfolk Boreas Offshore Windfarm Order.</p>	The Applicant has updated the dMLs in Schedules 8, 9 and 10 of the draft DCO to specify the total volume of drill arisings. [6.1 (Rev 5)] .
REP3-056_d	Responses to Examiner's Questions (ExQ1) Q10.2.4	<p>(i)As noted in the response by NE, 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 High Water Springs. The MMO welcomes any voluntary measures that the Applicant would like to deliver in terms of ecological benefits to the marine environment, notwithstanding any existing licence permissions.</p> <p>The MMO directs the Applicant to the updates to the published Marine Restoration Potential (MaRePo) restoration potential maps and reports which may help any considerations for future restoration opportunities:</p> <p><u>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.</u></p>	<p>The MaRePo refers to habitats which are not applicable to the North Falls offshore project area. As stated in the Applicant's response to Written Questions [REP2-20], there is no requirement for MNG and no guidance on how it could be applied.</p> <p>Furthermore, the MaRePo report acknowledges the detrimental impacts of climate change on marine habitats. As the primary driver for Renewable Energy projects such as North Falls is to mitigate the impacts of climate change, there are already inherent benefits to the environment.</p>
COMMENTS ON RESPONSES TO EXAMINING AUTHORITY'S (EXA) QUESTIONS (EXQ1)			
REP3-056_e	9.4.1 Schedules 8-10 DMLs	<p>The MMO welcomed the Applicant's response at Deadline 2 and updates made to the DML, however noted that there were still outstanding concerns to be addressed by the Applicant in relation to definitions. The MMO does not agree that the reasoning that the definitions provided by the applicant 'aligns with the wording' of other offshore wind farm project provides enough justification for not updating the definitions. The MMO notes that previous DCOs may have similar definitions, however upon review, the definition has been expanded to provide clarity.</p> <p>The MMO also maintains the position that the Applicant should remove 'Subject to article 5' (Benefit of the Order). Please see section 2 of [REP2 043] for further detail on Benefit of the Order.</p> <p>The MMO has also previously requested the removal of Force Majeure because it unnecessarily duplicates the effect of Section 86 of MCAA 2009.</p>	<p>The Applicant's position on these matters remains unchanged.</p> <p>Please refer to:</p> <ul style="list-style-type: none"> the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045]; and the Applicant's comments on other Deadline 2 submissions [REP3-038]. <p>The Applicant's response regarding the definition of 'maintain' is set out above in response to REP3-056a.</p> <p>The Applicant's response regarding Article 5 (Benefit of the Order) is set out above in response to REP3-056b.</p> <p>The Applicant does not propose to amend the definition of 'undertaker', or any other definition where the matter at issue is the reference to Article 5, as it does</p>

Ref	Theme	Marine Management Organisation Comments on any Submission Received at the Previous Deadline	Applicant's Response
		Further detail on the comments that have been resolved and those that are still outstanding can be found in the MMO Deadline 2 response [REP2 043] .	not consider there is an issue referring to Article 5 and the benefit of the order in the DCO/DML. Regarding the force majeure condition (Schedules 8/10, condition 20, and Schedule 9, condition 21): the Applicant maintains that the condition is appropriate, and notes that the Secretary of State has determined the condition meets the applicable tests for other comparable DCOs including Sheringham Shoal and Dudgeon Extension, and most recently, Rampion 2. The condition does not replace, amend or duplicate section 86 of the 2009 Act – section 86 still applies and the condition sits alongside it. The condition does not confer a right on the undertaker to carry out unauthorised deposits, rather it introduces an obligation to notify the MMO of the unauthorised deposit and remove the deposit.
REP3-056_f	Q9.4.2 Condition 12 Maintenance of the authorised development	The MMO does not believe substantially should be included without an interpretation. The MMO believes that any final plan post consent starts with the outline plan as the base and is updated accordingly with justification being provided if something is not included.	The Applicant addressed this point at MMO-65 in the Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045] . The Applicant maintains the condition is appropriate as drafted. It is clear from the drafting that the Offshore Operations and Maintenance Plan (OOMP) will be based on the outline OOMP. The finalised plan must be submitted to the MMO for approval, therefore there is no risk the finalised plan will not be to the MMO's satisfaction.
REP3-056_g	9.4.3 Condition 21 Pre-construction plans and documentation	The MMO notes the commitment that the cable specification and installation plan will be submitted to and approved by the MMO, in consultation with, where relevant, Trinity House the Maritime and Coastguard Agency (MCA), UK Hydrographic Office and relevant SNCBs. The MMO would highlight that on other projects such as Five Estuaries Offshore Wind Farm an outline plan has been provided. The MMO does note that this plan is usually the most difficult plan to discharge post consent and would highlight that if an outline plan was created it may remove some of the issues that could occur during the consultation and discharge process.	Noted. The Applicant has submitted a draft outline Cable Specification and Installation Plan at deadline 4 [9.53 (Rev 0)] .
REP3-056_h	Q9.4.5 - Condition 21 Pre-construction plans and documentation	The MMO considers it necessary for Condition 21(1) to be submitted at least six months prior to commencement of piling. This is to allow time for necessary approvals to be obtained. The MMO notes Natural England comments ' <i>Natural England note that, due to the need to appropriately consider in combination impacts of other developments it is important that the Site Integrity Plan (SIP) should not be submitted too early as the plan needs to consider in combination issues and submission too early may mean significant in combination factors are not included.</i> ' The MMO understands this request is to ensure as much information is provided so a full review of in-combination impacts can be undertaken by the MMO in consultation with NE. The MMO would highlight that if submitted too early, this may be rejected as the information to discharge the document may not be provided or multiple updates to the SIP may be requested prior to the discharge.	The Applicant considers that there are already sufficient controls in place regarding timing of the Site Integrity Plan (SIP). As noted by the MMO, if the SIP were submitted too early, it could be rejected. In addition, if it were submitted too late it would be at the Applicant's risk that the condition would not be discharged in time for construction to commence. Table 1.2 of the Outline SIP [APP-243] provides an indicative programme showing consultation on a draft SIP around 12 months prior to foundation installation and submission of the SIP by 6 months prior. Therefore, timings are not required in the DCO.
REP3-056_i	Q10.1.8 - Offshore Construction Monitoring	(i)& (ii) The MMO believes any monitoring should show the worst-case scenario. The MMO acknowledges that it is not always possible to do the worst-case piles first. The MMO believes there should be some commitment to providing monitoring that validates the predictions of the ES. The MMO believes it is possible to at least have some evidence of the most impactful piles during the monitoring campaign. For example, Morgan Generation Offshore Wind Farm	(i)&(ii) The Applicant notes the MMO is having further discussions with consultees on this matter and is happy to further discuss the monitoring of underwater noise associated with piling with the MMO in light of those discussions. (iii) The MMO demonstrate in their response that they have sufficient control over the required mitigation, including the need or otherwise for NAS, via the process of

Ref	Theme	Marine Management Organisation Comments on any Submission Received at the Previous Deadline	Applicant's Response
		<p>has committed to monitoring the higher hammer energy piles along with the first four piles. The MMO's consultees have raised concerns on this requirement and is in discussion on changing this requirement. Until this time, the MMO would welcome further discussion with the Applicant on the possibility of providing monitoring data in line with the predictions.</p> <p>(iii) The MMO agrees that the MMMP and SNS SAC SIP will include the information on the mitigation, however would highlight at this stage that without firm commitment of noise abatement or mitigation solutions within these documents in line with the Defra policies the Applicant may struggle to ensure the mitigation required is able to be procured and therefore get a Wildlife Licence or discharge the SIP. The MMO would also note that the North Sea is getting progressively noisy so without this commitment now there could be a delay to the project.</p>	<p>approving the content of the final SIP in due course and through the process for determining any necessary application for a Wildlife Licence. Therefore, the Applicant maintains that the information contained within the draft MMMP [REP3-013/14] and Outline SNS SAC SIP [APP-243] regarding NAS is sufficient at this stage.</p>
REP3-056_j	Q10.1.10 - Offshore Construction – winter piling	The MMO is also in agreement with NE that the production and implementation of a MMMP will minimise the impacts of piling and unexploded ordnance clearance (if required). Any piling restriction should be included in the DML and refined using the Marine Mammal Mitigation Plan (MMMP).	<p>The Applicant agrees that mitigation is secured through approval and implementation of the Marine Management Mitigation Protocol (MMMP).</p> <p>The Applicant submitted an updated draft Marine Mammal Mitigation Protocol at deadline 3 [REP3-013 and REP3-014].</p>
REP3-056_k	Q15.1.12 - Further mitigation required for recreational craft	The MMO would highlight that if this is a major concern then this is a matter to be decided during the consenting process and not post consent. The MMO does not want to be in a position of having to manage conflicting views on something that could have been agreed during the consenting stage.	The Applicant does not consider this a major concern or a matter of conflict. The Royal Yachting Association (RYA) confirmed in their Statement of Common Ground (final version also submitted at Deadline 4 [10.10 (Rev 0)]) that they are content with the Applicant's approach to layout, noting the approach has also been agreed with the MCA. Therefore, there is no conflict of views on this matter.
MMO COMMENTS ON SUBMISSIONS AT DEADLINE 2			
REP3-056_l	3.1 Shellfisheries	<p>In providing this response, the MMO has reviewed the following documents:</p> <ul style="list-style-type: none"> EN010119-000774-9.1 Applicant's Response to Relevant Representations from Natural England (Rev 0).pdf [REP1-044] EN010119-000775-9.2 Applicant's Response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees (Rev 0).pdf [REP1-045] EN010119-000787-9.14 Further Information Regarding Marine Mammals (Rev 0).pdf [REP1-057] EN010119-000796-2.6 Schedule of Mitigation (Rev 1) (Clean).pdf [REP1-006] <p>The MMO notes that the embedded mitigation measures proposed for both shellfish and commercial fisheries include:</p> <ul style="list-style-type: none"> Provision of an offshore fisheries liaison officer and coexistence plans. A minimum depth of 0.6m for cable burial or cable protection where burial is not achieved to reduce the impacts of electromagnetic fields. The use of hard sediment. A soft start for pile driving to reduce the impact of underwater noise during construction. A winter piling restriction for fish species that will also reduce the impact occurring while female edible crabs (<i>Cancer pagarus</i>) are buried and have limited mobility to move away from a stressor. Good practice techniques and due diligence against accidental spills or contaminant releases. 	<p>The MMO's comments with regards to the embedded mitigation measures proposed are noted.</p> <p>The Applicant has undertaken consultation with regards to the fisheries baseline and fishing operations with both NFFO and the HHFA (Section 4.0) ES Chapter 14 Commercial Fisheries [APP-028]. In addition, Statements of Common Grounds are being progressed with the HHFA via the CFWG (at the request of HHFA) and with the NFFO.</p> <p>The Applicant notes the MMO's recommendations on the future reporting of fishermen's concerns regarding the Fisheries Liaison and Coexistence Plan. As described in the updated Outline Fisheries Liaison and Coexistence Plan, paragraph 33 [Document Reference 7.9, submitted at Deadline 4], one of the key responsibilities of the Fisheries Liaison Officer (FLO) is to obtain and transmit to the Project all relevant fishermen's concerns.</p>

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		<p>The MMO notes the comments raised by the National Federation of Fishermen's Organisation (NFFO) and Harwich Harbour Fishermen's Association (HHFA) on the impact on commercial shellfish fisheries from this project and in cumulation with other projects. Whilst in agreement that data presented should identify impacts of the proposed windfarm on key commercial species whose range occurs within primary area, the MMO defers specific comments on commercial fisheries operations to the NFFO and HHFA as the most relevant source of current fisheries interaction.</p> <p>The MMO has some recommendations for future reporting regarding the Fisheries Liaison and Co-existence Plan. It is important that issues raised with the Fisheries Liaison officers are reported and reviewed alongside any other ongoing monitoring to ensure any fisheries impacts are noted and examined. The MMO would be interested to see if any comments raised were documented, including but not limited to:</p> <ul style="list-style-type: none"> • reported changes in location/ access to fisheries, • trends in landings, • changes in sex ratio trends or size proportions in the landed catch, and • any notification of displaced effort impacting other fisheries. <p>There is limited evidence of impacts (both negative or positive) from windfarms on shellfish biology (Gill, et al, 2025), however there will be an impact on fisheries through the exclusion zones and restrictions of the physical footprint of the windfarm. Any further feedback included in monitoring considerations over a longer time frame such as the period of windfarm construction, operation and decommissioning, will strengthen evidence for windfarm and shellfish interactions and co-existence. This evidence will support any ES predictions and success of mitigations.</p>	
COMMENTS ON THE UPDATED DRAFT DEVELOPMENT CONSENT ORDER			
REP3-056_m	Decommissioning	<p>The MMO notes that decommissioning activities have not been fully considered. The MMO requests an outline decommissioning plan to be part of the consenting process. The recently published guidelines by Offshore Energies UK (OEUK, 2024) for 'Designing for Decommissioning of Offshore Wind' states that:</p> <p><i>"Assets should be designed to be decommissioned with a technology available at the time of commissioning"</i></p> <p>The MMO notes the Examining Authority for Five Estuaries Offshore Wind Farm Limited (project EN010115) has requested from the Applicant that:</p> <p><i>"Decommissioning is required to be assessed in order that the Examining Authority (ExA) and Secretary of State can have regard to the likely significant effects of the whole project over its lifecycle in making a recommendation and determination."</i></p> <p>This can be achieved by following the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines and assessing decommissioning based on available technologies now and not in the future.</p> <p>The MMO understands that there is a requirement for a decommissioning programme to be submitted to the Secretary of State (SoS) in Schedule 2, Requirement 19 (now 21), however believes that an outline plan with decommissioning information should be provided at this stage.</p>	<p>The Applicant considers it is not necessary to provide an outline decommissioning plan pre-consent.</p> <p>The Applicant rejects the inference by the MMO that decommissioning has not been properly assessed. The MMO appear to suggest that the lack of an outline Decommissioning Programme means there is no assessment of decommissioning. That is clearly not the case; the EIA for North Falls appropriately considered and assessed decommissioning activities so far as it is practicable and possible to do so when the activity is so far in the future. Each chapter of the Environmental Statement considers and assesses the potential for likely significant effects during decommissioning based on assumptions as to the known requirements and methodologies at this time.</p> <p>The Offshore Energy UK (OEUK) is a trade associate and the guidelines on decommissioning referenced by the MMO are not Government or regulator mandated policy or guidelines.</p> <p>Decommissioning activities will be appropriately addressed through the development of a Decommissioning Programme post consent, to be submitted prior to commencement of offshore works, as required by Schedule 1, Paragraph 25.</p> <p>The Applicant notes this is the approach taken in the recently made Sheringham Shoal and Dudgeon Extension and Rampion 2 DCOs.</p>

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REP3-056_n	Schedule 2 Requirement 1 – Time limits/Lifespan	<p>The MMO has noted that on some offshore windfarms the ES has not assessed a set number of years during the Operation and Maintenance (O&M) phase.</p> <p>This is not the case for the Project. However, the MMO wanted to highlight to the ExA and SoS that there may be a benefit to including an end date of the O&M phase within the DCO and DML in relation to the lifespan of the project, to ensure that it is clear that any repowering etc. would be subject to a new consent or variation. The MMO notes that Marine Licences have end dates for all construction and maintenance activities and there is a clear line when a new consent is required.</p> <p>The MMO is still discussing a position internally and may provide further comments during examination.</p>	<p>The Applicant does not agree with the MMO's suggestion and considers there would be no benefit in adopting this approach.</p> <p>The Applicant notes the MMO is still formulating a position internally on this point. Given the MMO has no settled view, the Applicant suggests no weight should be given to this suggestion in the absence of a clear position from the MMO supported by detailed reasoning as to why this would be necessary.</p> <p>In any event, the DCO and dDML do not grant the power to repower or decommission the project – only to construct and maintain – and therefore a further marine licence, and further environmental assessment, would be required for repowering or decommissioning activities. It is therefore already clear that any repowering or decommissioning would be subject to new consents or variations, and as such inserting an end date would not provide the benefit the MMO suggests.</p> <p>A fixed end date for the operational period is not normally included in DCOs and DMLs for offshore wind farms. For example, Rampion 2, Sheringham Shoal and Dudgeon Extension, Hornsea 3 and Hornsea 4 DCOs do not include a fixed end date for the operational period.</p> <p>The standard approach is that taken in Article 44 of the DCO Article, which leaves the operational life open but gives the Secretary of State the power to require the repair or decommissioning of the asset pursuant to the Energy Act 2004 provisions. It is the Applicant's position that any additional control is unnecessary.</p> <p>As per paragraph 3 of Chapter 5, Project Description of the Environmental Statement [APP-019], the 30-year operational period is indicative and approximate, based on design life and other assumptions. It is not a maximum parameter. The lifespan may be longer or shorter, depending on a range of technical, commercial and environmental factors that cannot be predicted with certainty now. It would be undesirable to curtail the lifespan of a generating asset based on an assumption.</p> <p>Contrary to the MMO suggestion, there are clear benefits to leaving the operational life span of the project open ended. It is common in the UK, and indeed often necessary, for generating assets to continue to operate beyond their original assumed design life. If a wind farm remains in good and serviceable condition and can safely continue to operate beyond 30 years within the parameters of the DCO and DMLs, it should be able to do so.</p>
REP3-056_o	Condition 19 (1) Chemicals	<p>The MMO requests that Condition 19(1) is removed and the following updates are made to Condition 21(1)(d) to include the following:</p> <p><i>(ii) a chemical risk register, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;</i></p> <p><i>(X) a site specific chemical risk assessment for all chemicals that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, to include;</i></p> <p><i>(aa) (the function of the chemical,</i></p> <p><i>(bb) the quantities being used and the frequency of use,</i></p>	<p>The Applicant is not proposing to make these changes to the draft DCO.</p> <p>The North Falls project is a HVAC system and has limited pathways for chemicals to the marine environment. The Project does not have any caissons to lift or discharge seawater, which is the main access point for chemicals into the marine environment. This is a similar proposal to Rampion 2 and Sheringham Shoal wind farms.</p> <p>Therefore, the Applicant believes the CRA process is an appropriate, proportionate process for the North Falls project, given that most of the chemicals used will be either exempted or covered by other regulations.</p>

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		<p><i>(cc) the physical, chemical, and ecotoxicological properties of the chemical. Chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) are exempt from this requirement;</i></p> <p><i>Submissions for approval must take place no later than ten weeks prior to use;</i></p> <p>This would also include adding the following definitions to the 'interpretation' section of the DML:</p> <p><i>"pathway to the marine environment" open systems or closed systems that require top up.</i></p> <p><i>"chemicals" comprise both substances and preparations.</i></p> <p><i>"preparation" means a mixture or solution composed of two or more substances.</i></p> <p><i>"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.</i></p> <p>Based on the best available evidence to date, the MMO aims to create a revised consistent and thorough approach to chemical consenting for OWF. This should proactively avoid last minute delays and provide robust evidence regarding environmental impacts.</p> <p>The current approach for consented OWF projects requires chemical information to be submitted in an inconsistent manner across different projects. This results in many chargeable hours from both the MMO and Centre for Environment Fisheries and Aquaculture Science (Cefas) for reviewing, assessing and requesting information from applicants.</p> <p>Past DML's (including the current Condition 19(1)) have referenced the Offshore Chemical Notification Scheme (OCNS) definitive ranked list of registered products (or otherwise incorrectly termed "approved list of chemicals") for offshore petroleum activities, stating that chemicals for use should be chosen from this list or consent sought where unable. However, the use of this list for offshore petroleum activities does not remove the need for approval and reporting, as such, the use of this list for OWF should also not remove the need for approval and reporting.</p> <p>Noting that the list contains chemicals considered to be a threat to the marine environment (Chemicals of Priority Action) (as reported by OSPAR), the list should not be relied upon for assumption of safe use. The MMO has reviewed this past way of working, alongside new available evidence and is proposing an improved process. The approach being sought through this new condition is explained below.</p> <p>For all chemicals, written approval from the MMO must be obtained before their use, regardless of the risk of entering the marine environment. This is already standard practice and is conditioned by the requirement for a chemical risk assessment (or risk register) to be submitted to and approved by the MMO before the licensed activities or any phase of those activities may commence (usually held within the pre-construction plans and documentation of the DML conditions, e.g. the Project Environmental Management Plan). The condition generally reads as follows "chemical risk assessment/register including information regarding how and when all chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards". For completeness, the MMO outlines that this should include information on chemical use, including function (meaning what the chemical will be used for, e.g., use within engines, paint, degreaser), methodology, quantity, and frequency of use.</p>	

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		<p>The MMO is proposing a change for chemicals with a pathway to the marine environment, where more information beyond the standard chemical risk assessment (above) is required.</p> <p>A more detailed chemical risk assessment (CRA) should be provided for any chemical with a “pathway to the marine environment”, this includes chemicals used in both open systems, and closed systems where “top-up” is required (i.e., repeated use or maintenance). The CRA should include information on the physical, chemical, and ecotoxicological (bioaccumulation, biodegradability and aquatic toxicity) properties, and function of the chemical, alongside the quantities and frequency of use. This should be submitted to the MMO no later than 10 weeks prior to use. The review of this information and/or in consultation with Cefas, will allow the MMO to make a determination on an approval for chemicals use by a project.</p> <p>The MMO is aware that concerns may be raised around the 10-week submission timescale proposed within the condition and provide the following justification. Based on the information intended to be assessed by Cefas obtained through this condition, the MMO has accounted for an 8-week period for their review. The MMO further anticipates a 2-week period within which to review the submission, regard Cefas advice, and make a determination. This is deemed to be acceptable considering the current timeframes for which projects currently receive post-consent chemical discharges.</p> <p>The definitions to be included within the consents pertaining to the new condition wording, come from the definition for ‘chemicals’, ‘preparation’ and ‘substance’ given within OSPAR Decision 2002/2 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals.</p> <p>The MMO further includes clarity on where other regulations/ agreements exempt chemicals from this process.</p> <p>This approach should exempt fluids used within gears and machinery (closed systems) from requiring a more detailed CRA, and disregards chemicals used on vessels and accommodation type chemicals (bleaches/toilet cleaners/grey water etc.), which are covered by alternative regulations.</p> <p>As the OSPAR Commission considers that the substances on the “OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR)” pose little or no risk to the environment and that they do not normally need to be strongly regulated they have been exempted from the need for approval.</p> <p>The MMO notes that the same CRA can be used for submission across both conditions, as long as they contain the necessary information and presented in a format allowing for clear distinction between the two requirements.</p> <p>The MMO is committed to supporting all of the UK Government's environmental goals, this includes both net zero targets and nature and biodiversity targets, by promoting sustainable practices to protect and enhance the marine environment. This new condition enables both, by ensuring the proactive collection, assessment and management of evidence regarding chemical use post-consent.</p>	
REP3-056_p	Condition 27 Adaptive Management	<p>The MMO requests a standard condition in relation to Adaptive Management is included within Condition 27.</p> <p>The MMO is requesting this to implement a more proactive process to manage issues, in the event that post construction monitoring shows a greater impact than that assessed in the Environmental Statement. The MMO is currently experiencing this on Round 1 and 2 offshore wind farms.</p>	<p>The Applicant does not agree that this is, or should be, a standard condition. Furthermore, the Applicant has significant concerns with the MMO's proposed drafting of any such condition.</p> <p>The condition proposed by the MMO is novel and has not been a feature of offshore wind farm consents to date. The Applicant is aware that an adaptive management condition is included in the DML for Rampion 2, however there</p>

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		<p>Example condition drafting is below:</p> <p><i>“(5). In the event that the reports provided to the MMO under sub-paragraph (3) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.</i></p> <p><i>(6). In the event that monitoring reports provided to the MMO under sub-paragraph (3), identifies impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment, adaptive management/mitigation may be required. An Adaptive Management/Mitigation Plan to reduce effects to within what was predicted within the Environmental Statement/Habitat Regulations Assessment, unless otherwise agreed in writing by the MMO, must be submitted alongside the monitoring reports submitted under sub-paragraph (3), including timelines and associated monitoring to test effectiveness. This plan must be agreed with the MMO in consultation with the relevant SNCB's, to reduce effects to a suitable level for this project.</i></p> <p><i>(7) Any such agreed or approved adaptive management/mitigation should be implemented and monitored in full. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent.”</i></p> <p>The additional conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage. It also allows the Applicant themselves to provide potential solutions when reviewing the results of monitoring, to then be discussed with the MMO and SNCBs.</p> <p>The aim of the condition is to provide a clear process to the Applicant, the MMO and any consultees if, in preparing the monitoring reports, the Applicant identifies greater impact than the Environmental Statement (ES) predicted rather than a report being submitted and then a discussion having to take place upon review/consultation of the reports.</p> <p>The MMO notes that if impacts are higher than predicted, the MMO can utilise Section 72 of 2009 Act and vary the marine licence to request Adaptive Management but believes the addition of this condition gives a clear process to all and allows for proactive management by the Applicant, rather than reactive management by the MMO.</p>	<p>appears to be a specific reason in that case, being that the ExA and Secretary of State did not agree with a particular EIA conclusion of no significant effect in respect of Greater Black-Backed Gull that the significance of effect from the Rampion 2 proposed development on offshore and intertidal ornithology would be Not Significant in terms of EIA. The ExA and the Secretary of State concluded that effects to Greater Black-Backed Gull would be “significantly higher” than assessed in the Environmental Statement for Rampion 2. For that reason, an adaptive management condition was imposed to secure post-consent monitoring and adaptive management such that in the event monitoring identifies impacts beyond the (non-significant effect) predicted in the Environmental Statement, an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement would be required.</p> <p>The factual circumstances in Rampion 2 are not relevant to North Falls, and therefore a similar adaptive management condition is not warranted.</p> <p>The anticipated adverse effects of the project have been thoroughly assessed in the EIA Report and sufficient mitigation for residual effects has been identified and will be secured through the relevant mitigation plan(s) and monitored in accordance with the post-construction monitoring plan and offshore monitoring plan. There is no identified reason why adaptive management is anticipated to be required.</p> <p>Further, as the MMO note, it has powers under section 72 of the MCCA 2009 to vary marine licences in certain circumstances, including where there is “a change in circumstances relating to the environment or health” or “because of increased scientific knowledge relating to either of those matters”.</p> <p>The Applicant therefore considers a general, pre-emptive requirement for adaptive management in relation to offshore post-construction monitoring is not necessary or proportionate and the Applicant is opposed to the condition in principle/its entirety. and as drafted is imprecise raising questions of compliance and enforceability.</p> <p>However, without prejudice, the MMO proposed condition as drafted is imprecise, raising questions of compliance and enforceability. the Applicant notes the following initial concerns with the MMO drafting:</p> <ul style="list-style-type: none"> • The condition is imprecise in numerous respects (e.g. what is to be deemed “suitable for this project”). It does not provide a clear or predictable process. • The condition is onerous as it is drafted to apply to “any impact” (not just impacts leading to significant effect) which “goes beyond those predicted”. Therefore, if a negligible and non-significant predicted impact were exceeded the condition would require adaptive management, when the implications of the exceedance of the impact prediction could be insignificant environmentally, while the cost of adaptive management could be significant and disproportionate. • SNCB advice changes over time and an impact measured using new advice may differ and exceed the same impact measured under old guidance.
REP3-056_q	Condition 29(1) Marine Noise Registry	The MMO has liaised with the Joint Nature Conservation Committee (JNCC) and requests that Condition 29(1) is updated as below to reflect timing updates to submissions. This is to	The Applicant has amended the drafting of Schedule 8 and 10, Condition 29(1) and Schedule 9, Condition 30(1) in the draft DCO, to incorporate the MMO's recommended changes. [6.1 (Rev 5)]

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		<p>ensure the information within the registry is the most up to date for both reporting and utilising the information for in-combination impacts.</p> <p><i>“(1) In the event that driven or part-driven pile foundations are proposed to be used as part of the foundation installation, the undertaker must provide the following information to the Marine Noise Registry—</i></p> <p><i>(a) no less than six months prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry’s Forward Look requirements,</i></p> <p><i>(b) within two weeks after commencement of each stage of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry’s Forward Look requirements;</i></p> <p><i>(c) at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry’s Close Out requirements by 7 April for winter season October – March inclusive and 7 October for summer season April – September inclusive, or within 12 weeks of completion of impact pile driving whichever is earlier.”</i></p>	
Comments on Deadline 2 Written Representations (WR)			
REP3-056_r	5.1 Maritime and Coastguard Agency	<p>The MMO notes that the MCA is satisfied that appropriate traffic data has been collected in accordance with MGN654.</p> <p>The MMO acknowledges that MCA welcomes the removal of the northern array for avoiding unacceptable risks to navigation safety.</p> <p>The MMO also notes that the Red Line Boundary (RLB) of the southern array was changed after the Preliminary Environmental Information Report (PEIR), as presented in Figure 1-1 of the NRA, to avoid encroaching into the International Maritime Organization (IMO) adopted Precautionary Area, and to increase the distance from two IMO-adopted Traffic Separation Schemes. MCA notes that, whilst these distances do not meet the guidance within MGN654 for mitigating collision and allision risks, a Structures Exclusion Zone (SEZ) is proposed to ensure no surface piercing or above surface infrastructure will be installed within 1 nautical mile (NM) of the IMO-adopted traffic routeing measure boundaries. This has been agreed by MCA as a necessary mitigation measure for reducing navigational risks.</p> <p>The MMO acknowledges that the mitigation measures in Table 19.1 of the NRA and Table 15.3 of the Chapter 15 are relevant and appropriate and will serve to reduce identified risks to As Low As Reasonably Practicable (ALARP).</p> <p>The MMO notes MCA’s position that a condition of consent must be included within the DCO/DML to ensure that no offshore construction that directly interacts with the Galloper Recommended Route can commence before the removal is in force and will maintain a watching brief on the wording for this.</p> <p>MCA notes that any consented cable protection works must ensure existing and future safe navigation is not compromised and MCA welcomes the preparation of a navigation installation plan (NIP) for the offshore Export Cable Corridor (ECC) in consultation with local ports and operators.</p>	<p>The MMO’s comments and position in relation to the MCA’s Deadline 2 submission [REP2-046] are noted.</p> <p>Regarding the proposed amendments from the MMO and MCA to Condition 19(10) regarding notification of debris or dropped objects, the Applicant has amended Schedule 8, 9 and 10, Condition 19(10) in the draft DCO to address the majority of these points. [6.1 (Rev 5)]</p> <p>Regarding proposed condition 19(10)(a) and (b), the Applicant considers it is appropriate for the requirement to be restricted geographically to the Order Limits.</p> <p>Regarding proposed condition 19(10)(c), the Applicant queries why the MMO has proposed a change from ‘removed from the seabed’ to ‘removed from the marine environment’, and does not propose to make this change, without further justification being provided by the MMO.</p>

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		<p>The MMO is aware that the Applicant will continue discussion with MCA and Trinity house in relation to turbine layout design and its compliance with MGN 654 which will require MCA and Trinity House approval prior to construction to minimise risk.</p> <p>The MMO notes that all lighting and marking arrangement, including identification markings, will need to be agreed with MCA and Trinity House.</p> <p>The MMO acknowledges the support of safety zones during the construction, maintenance and decommissioning phases by the MCA.</p> <p>The MMO supports the updates requested by MCA to the DML condition wording and requests that the Applicant update these.</p> <p>The MMO has liaised with MCA on Condition 19(10) dropped objects and this should be replaced with:</p> <p><i>'10(a) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (add number), and the UK Hydrographic Office email: navwarnings@btconnect.com.</i></p> <p><i>(b) All dropped objects, including those in (a), must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.</i></p> <p><i>(c) On receipt of notification or the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the marine environment at the undertaker's expense if reasonable to do so.'</i></p> <p>The MMO is currently reviewing the Dropped Object Procedure and there is a potential of a change of wording to align with Marine Directorate - https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-at-sea-form-and-guidance/ (The MMO can PDF this webpage if requested by the ExA). This change should not alter the requirement by the Applicant or any changes to the DML as (b) identifies what should be submitted, it would just be a change in wording.</p> <p>The aim of this update is to ensure that reports must be made no later than 6 hours after the incident has been discovered for more major 'deposits' i.e. those that may be hazardous to shipping and within 24 hours of the incident being discovered in all other cases. A defined list of major deposits cannot be provided due to the nature of the activity. If the Project is in doubt whether an object is a danger/hazard to navigation, then the MMO would encourage them to assume it is and report it within 6 hours as per the condition.</p>	
REP3-056_s	5.2 Historic England	<p>The MMO notes that the main concern raised by HE is in relation to the lack of site specific geotechnical samples collected to feed into the geoarchaeological baseline and assessment and has made recommendations in its written representation to address this matter, including that it is separately secured within the DCO/DMLs for geotechnical work and its geotechnical assessment and the condition should specify the completion of stages of analysis prior to construction to ensure that sufficient material across the project area is collected before any impacts occur.</p>	<p>This has been responded to at Deadline 3 in the Applicant's Comments on Written Representations [REP3-037], section 3.2 (response to REP2-039_n).</p>

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		<p>HE has addressed this Outline Marine Written Scheme of Investigation (WSI) as a mitigation action which should inform the production of a WSI to support archaeological assessment of further survey data acquired post consent (should consent be obtained).</p> <p>The MMO acknowledges that HE has offered comments in relation to specific DCO documents, clarifications and amendments which will be required in any subsequent document produced from the Outline DCO documents which HE has detailed for onshore and marine components in its Written Representation (WR).</p>	
REP3-056_t	5.4 Natural England	<p>NE notes the ExA comments regarding the need for prompt review and continued engagement, however NE highlights its response to the Rule 6 letter in relation to focusing on issue resolution rather than production of a SoCG at this point in the examination.</p> <p>The MMO notes that NE's advice remains unchanged on the basis of the information submitted, that an adverse effect alone or in-combination on the integrity of Stour and Orwell SPA and the Ramsar site can be excluded beyond reasonable scientific doubt. The MMO acknowledges that the features for which outstanding concerns remain are unknown as the impacts are yet to be assessed, and NE will update the Examination on this matter once the Applicant has carried out an assessment.</p> <p>The MMO notes NE's issues with regards to differing project life spans and different timelines for construction relating to the cumulative impact assessments within the Environmental Statement which NE has provided comments on in its RR and WR.</p> <p>NE has addressed the question relating to ornithology/methodology that NE has endorsed but the RSPB does not consider appropriate. NE has provided references to studies relating to macro-avoidance and advised that the evidence base informing the macro-avoidance was likely to be informative in this case and reducing densities considered in Collision Risk Modelling (CRM) was appropriate.</p> <p>NE has addressed the ExA questions relating to Marine Net Gain (MNG) noting that it is not possible to put together a MNG 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 NE 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.</p> <p>NE has detailed its reasoning why it considers there to be an adverse effect on integrity (AeOI) of the Orfordness Shingle Street Special Area of Conservation which 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, composition, and spatial distribution could lead to fragmentation and reduce the viability of the habitats to support the diversity of species connected with them. NE notes that the installation and maintenance of a predator exclusion fence and Proposed Compensation Site (PCS), should this be located within the SAC, could result in disturbance and changes within the shingle feature area.</p> <p>NE also advised that AeOI can be ruled out for the Northern Gannet Feature of the Flamborough and Filey Coast SPA and does not seek a derogation case for this species.</p> <p>NE notes that 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</p>	<p>With regards to the Stour and Orwell Estuary SPA, the Applicant has responded to this point in response to WQs (Q10.1.2) [REP2-020] and in our response to the NE RRs [REP1-044] to confirm that 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. In their Risk and Issues log, Natural England confirm that they have not yet reviewed the Applicant's submissions, and a response is expected at Deadline 4. The Applicant maintains the position presented in the RIAA that there would be no AEOL of the Stour and Orwell SPA and Ramsar.</p> <p>With regards to project life spans, this relates to written question 10.1.6, which the Applicant has responded to in REP2-020.</p> <p>With regards to MNG, see response to REP3-056_d above.</p> <p>An assessment of the Orfordness Shingle Street SAC and the Alde Ore Estuary SPA and Ramsar (including coastal lagoons, lichen, invertebrates and plant assemblages) is provided in HRA Annex 2B Lesser Black-backed Gull Compensation; Effects on Designated Sites (document reference 7.2.2.2) which concludes there will be no AEOL.</p> <p>The Applicant agrees with NE regarding macro-avoidance and the conclusion of no AEOL for Northern Gannet.</p>

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		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.	

Applicant's Response to the Marine Management Organisation Additional Submission [AS-051]

Table 2-5: Applicant's Response to the Marine Management Organisation Additional Submission [AS-051]

Applicant Ref	MMO Ref	Theme	MMO Representation	Applicant's Previous Response	MMO D3 Response	Applicant's Response to MMO D3 Response
AS-051_a	MMO-65	Draft DCO DML	<p>Part 2 – Conditions – Maintenance of the authorised development</p> <p>DML 1: Condition 12 (4)</p> <p>DML 2: Condition 13 (4)</p> <p>DML 3: Condition 12 (4)</p> <p>The MMO requests the wording of these conditions are updated to the following wording:</p> <p>(4) XXXX must not commence until an Offshore Operations and Maintenance Plan (OOMP) has been submitted to and approved by the MMO in accordance with the 'Outline Offshore Operations and Maintenance Plan' in writing. The OOMP must include, but is not limited to—</p> <p>(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;</p> <p>(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;</p> <p>(c) details of the typical frequency and timing of each maintenance activity; and</p> <p>(d) details of controls and mitigation that will be in place in order to protect the marine environment.</p> <p>(4) The OOMP must be reviewed every three years commencing from the date on which the OOMP was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.</p> <p>(5) The OOMP must be implemented as approved by the MMO. (6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—</p> <p>(a) the first OOMP at least 6 months prior to the proposed commencement of the works;</p>	<p>The Applicant notes that the details requested for inclusion in the OOMP in the proposed drafting are already provided for in the Outline OOMP [APP-255]. The current drafting of this condition in the dDCO means that these details would need to be included in the OOMP, which is required to be "substantially in accordance with the outline offshore operations and maintenance plan".</p> <p>The drafting provided in the dDCO is well precedented – see, for example, the Sheringham Shoal and Dudgeon Extension Projects Offshore Wind Farm Order 2024 (Schedule 11, Part 2, Condition 13(1)(f)), the Hornsea Four Offshore Wind Farm Order 2023 (Schedule 11, Part 2, Condition 4(4)), and the East Anglia TWO Offshore Wind Farm Order 2022 (Schedule 13, Part 2, Condition 17(1)(h)).</p> <p>The Applicant therefore does not agree that the MMO's proposed revision is necessary.</p>	<p>The MMO would highlight that not all the information requested in the updated condition in (4) a-d is clearly stated within the outline plan [REP3-025/6]. If this is updated within the plan the MMO would request that the condition only needs to be updated to the following:</p> <p>(4) An operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan must be submitted to the MMO for approval in consultation with the relevant SNCB at least six months prior to the commencement of operations and must provide for review and resubmission every three years during the operational phase.</p> <p>5) All operation and maintenance activities must be carried out in accordance with the plan approved under sub paragraph (4).</p>	<p>The Applicant does not propose to make any changes to the drafting of Condition 12(4) of Schedule 8 and 10 and Condition 13(4) of Schedule 9. The condition at subparagraph (4) already includes the requirements in the MMO's proposed subparagraphs (4) and (5).</p> <p>The exception to this is the requirement to provide the Offshore Operation and Maintenance Plan (OOMP) for review and resubmission every three years during the operational phase. The Applicant does not consider this requirement is necessary. The Operations and Maintenance (O&M) list within the OOMP is a live document which will be updated and agreed with the MMO as required – this is set out at paragraph 13 of the OOMP. The Applicant also notes that the 'review' text is not a requirement in the granted Rampion 2 DCO, or the latest draft DCO for Five Estuaries.</p> <p>Please note that the Applicant submitted an updated OOMP at deadline 3 – see [REP3-025] and [REP3-026]</p>

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			<p>(b) the updated OOMPs in paragraph (2), at least 6 months before such revised OOMP is required to be put in place; and</p> <p>(c) any updated OOMP covering additional activities as soon as possible after the need for such additional activities is identified.</p>			
AS-051_b	MMO-66	Draft DCO DML - MMO-66	<p>Extension of time periods</p> <p>DML 1: Condition 14</p> <p>DML 2: Condition 15</p> <p>DML 3: Condition 14</p> <p>The MMO requests this condition is removed from all the DMLs. Please see comments under 3.2.1-3.2.5 Determination dates.</p>	<p>The Applicant notes that comments under 3.2.1 – 3.2.3 relate to Unexploded Ordnance (UXO). Paragraphs 3.2.4 and 3.2.5 are not included in the MMO's representation.</p> <p>It is the Applicant's position that this condition should be detained in all three DMLs. It is well precedented and operates to allow extension of timeframes applying to both the undertaker and the MMO with consent of the other party. This therefore avoids arbitrary deadlines when parties are agreed an extension is necessary and operates to the benefit of both the Applicant and the MMO.</p>	The MMO notes the Applicant's response and although doesn't agree with it being included is content it can remain and has no further comments.	Noted.
AS-051_c	MMO-67	Draft DCO DML	<p>Notifications and inspections</p> <p>DML 1: Condition 15 (1) (b)</p> <p>DML 2: Condition 16 (1) (b)</p> <p>DML 3: Condition 15 (1) (b)</p> <p>The MMO requests this section of the condition is removed. It is the undertaker's responsibility to notify the MMO.</p>	This condition requires the undertaker to provide copies of the marine licences to agents, contractors and vessel masters and offshore operations managers. It is the undertaker's responsibility to provide the MMO with details of these agents, contractors and vessel masters and offshore operations managers. This condition requires those agents, contractors and vessel masters and offshore operations managers to confirm to the MMO that they have received a copy of the marine licence (and any variations). It remains the undertaker's responsibility to ensure that a copy of the marine licence is held on board any vessel being used to carry out the licensed activities, and has been	The MMO welcomes the clarification. However, the MMO would ask how the confirmation would be provided? Only the undertaker can access the Marine Case Management System where this document would need to be submitted to as this ensures transparency. The MMO suggests that it is the undertaker who gathers the confirmation and provides this as part of the condition not those who receive this. This has previously been done with a signed document of receipt by those identified submitted by the undertaker.	The Applicant has amended Schedule 8 and 10, Condition 15(1) and Schedule 9, Condition 16(1) to remove subparagraph (1), as originally requested by the MMO. [6.1 (Rev 5)]

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				read and understood by the masters of those vessels. The Applicant does not propose to remove this condition. It does not detract from any responsibility of the undertaker. Rather, it provides an added layer of confirmation to reassure the MMO that the undertaker has complied with its obligation to provide copies of the marine licence.		
AS-051_d	MMO-68	Draft DCO DML	<p>Notifications and inspections</p> <p>DML 1: Condition 15 (6)</p> <p>DML 2: Condition 16 (6)</p> <p>DML 3: Condition 15 (6)</p> <p>The MMO should be notified upon commencement and completion of any part of the licensed activities, particularly when works are being undertaken in phases. The MMO requests the condition is updated to:</p> <p>(6) The undertaker must inform the MMO Local Office in writing at least 14 days prior to the commencement of the licensed activities or any part of them including providing a programme of works for future activities and within five days of the completion of the licensed activities or any part of them.</p>	<p>The Applicant considers these amendments to be unnecessary. The time period of 5 days is standard including in the most recent Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 and the Hornsea Four Offshore Wind Farm Order 2023 and there is no valid administrative reason to increase the administrative burden on the Applicant. The Applicant also considers the provision of a programme of works to be unnecessary as this would create additional administrative burden for both the undertaker and the MMO, for little to no benefit, seeing as notification is required before the start of licensed activities in any event. Furthermore, the details of the programme of works will already have been provided to the MMO in the pre-construction plans and documentation conditioned in each of the DMLs (see Schedule 8, Part 2, Condition 21; Schedule 9, Part 2, Condition 22; Schedule 10, Part 2, Condition 22). Adding a requirement for a programme of works for future activities with each notification is unnecessary.</p>	<p>The MMO notes the Applicant's comments and agrees that the programme of works can be removed</p> <p>However, the timescale of 14 days should be updated. This request has come directly from the MMO enforcement officers, who have advised that since the offshore wind projects are larger in size and have the DMLs have more conditions, 5 days is not enough time to complete the planning and arrange a time with the undertaker for any compliance inspection. Therefore, the MMO maintains the position that this condition should be updated.</p>	<p>The Applicant does not support the proposed change from 5 to 14 days notification, as this unnecessarily delays the commencement of construction works.</p> <p>The MMO will be sufficiently informed of the impending commencement of works given its involvement in reviewing and consulting on the relevant pre-construction plans.</p> <p>For certainty, the Applicant's position on the MMO's other proposed amendments also remains unchanged, as set out in [REP2-043]. The Applicant is opposed to the addition of 'or any part of them' as an additional notification requirement, and considers this is unclear, unnecessary / duplicative, and onerous.</p>
AS-051_e	MMO-70	Draft DCO DML	<p>Notifications and inspections</p> <p>DML 1: Condition 15 (10)</p> <p>DML 2: Condition 16 (10)</p> <p>DML 3: Condition 15 (10)</p>	<p>The condition provides that the undertaker "<i>must make such notifications to the UK Hydrographic Office of the progress of the licenced activities</i></p>	<p>The MMO notes the Applicant's response. The MMO has reviewed a number of conditions with MCA, TH and UKHO and believes that</p>	<p>The Applicant considers the condition as originally drafted is clear, but has amended the condition in an effort to close out this point. [6.1 (Rev 5)]</p>

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			This condition states the undertaker must notify the UK Hydrographic Office (UKHO) of the progress of the licensed activities. The Applicant should clarify the reporting timeframe and what progress (stages) will require a notification. If this is agreed in a plan, this plan should be referenced and the condition the plan will be approved under.	<i>as are reasonably required in order that all necessary amendments to nautical and aeronautical charts are made</i> ". This requires the exercise of professional judgment in the context of the ongoing works, to ascertain whether amendments are necessary to nautical and aeronautical charts. Replacing this with a specified timeframe would be arbitrary and would not allow for the exercise of professional judgment, which would not serve the ultimate intention of the condition in ensuring that nautical and aeronautical charts are updated and fit for purpose. The Applicant's position is that the MMO's proposed revision is not necessary, noting this is in addition to the requirement to notify the commencement and completion of the licensed works.	this condition should be updated to the following: "The undertaker must notify the UK Hydrographic Office both of the commencement (ten days prior), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO and MCA within five days."	The Applicant does not agree with the suggestion to require notification 10 days prior / within 10 days, and considers the 14 day notification timeframe is appropriate, and in line with the Five Estuaries and Rampion 2 DCOs.
AS-051_f	MMO-72	Draft DCO DML	<p>Notifications and inspections</p> <p>DML 1: Condition 15 (13)</p> <p>DML 2: Condition 16 (13)</p> <p>DML 3: Condition 15 (13)</p> <p>'The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.'</p> <p>The MMO requests this is updated to 'at least 14 days prior to the commencement'... In addition, the condition should clearly define repair, replacement, and protection replacement. This should be defined under maintain and linked to the Outline Offshore Operations and Maintenance Plan (OOOMP) or those assessed in the Environmental Statement. We consider that these works should be restricted to those that have been assessed and consented and the definition should clearly demonstrate this.</p>	The Applicant considers its proposed timescales are appropriate, and well preceded e.g. in the Hornsea Four Offshore Wind Farm Order 2023. The other amendments sought are also not required as the terms referred to are included in the definition of maintenance works provided at Condition 12(2) (or Condition 13(2) in respect of Schedule 9). Cable repair, replacement, or protection replenishment activity are all assessed in the EIA (see document APP-019 3.1.7 Environmental Statement Chapter 5 Project Description). The operations and maintenance plan will be submitted for approval pursuant to the DMLs and all operation and maintenance activities must be carried out in accordance with the approved plan – providing the MMO with	The MMO notes the Applicant's response and as per the response to MMO-68, these comments are also relevant to the operational phase.	<p>The Applicant does not support the proposed change from 5 to 14 days notification. It is important that the Applicant can undertake cable repair, replacement, or protection works at short notice, for the security of the project and safety of marine users. It is considered that 14 days is an unnecessary time period to wait before such potentially important maintenance works can be commenced.</p> <p>For the avoidance of doubt, the Applicant's position on the other proposed amendments remains unchanged.</p>

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				control over the authorised maintenance activities.		
AS-051_g	MMO-75	Draft DCO DML	Chemicals, Drilling and Debris DML 1: Condition 19 (2) DML 2: Condition 20 (2) DML 3: Condition 19 (2) It should be noted that any paints coatings and chemicals with a pathway to the marine environment should be approved by the MMO prior to use. Part 2 section 12 also allows the undertaker at any time to maintain the authorised scheme at (b) allows for "Painting and applying other coatings to wind turbine generators or offshore accommodation platforms", as these may also contain plastics. Coatings and paints under OSPAR guidance should have their properties known and therefore should be notified to the MMO for approval prior to use. Therefore, the condition 13 (2) wording should be amended to reflect OSPAR guidance.	The Applicant is not aware of any precedent for the drafting the MMO is referring to, and no change is proposed to the drafting. If the MMO would like specific guidance referred to then the Applicant welcomes details of that guidance to be provided.	The MMO provided its position on chemicals in Section 4 of REP3-056.	See above response to the MMO's Deadline 4 submission at [REP3-056_o].
AS-051_h	MMO-77	Draft DCO DML	Chemicals, Drilling and Debris DML 1: Condition 19 (5) DML 2: Condition 20 (5) DML 3: Condition 19 (5) 'The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, vessels or cables and drilling mud is disposed of within the Order limits seaward of MHWS.' The Applicant should state the name of the disposal site that the material will be deposited in. The MMO is working to designate the disposal sites and will provide an update in due course. In the event that no activity has taken place during the reporting period the undertaker must provide a null (0) return to the MMO.	The DMLs provide for disposal within the Order limits. Please see Schedule 8, Part 1, Paragraph 2; Schedule 9, Part 1, Paragraph 2; and Schedule 10, Part 1, Paragraph 2.	The MMO is currently designating disposal sites and these will be allocated a reference number which should be included within the DML.	Noted. The Applicant will await a further update from the MMO on this point.
AS-051_i	MMO-82	Draft DCO DML	Pre-construction plans and documentation DML 1: Condition 22 (3) DML 2: Condition 23 (3) DML 3: Condition 22 (3) The MMO must determine an application for approval made under condition 21 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker such agreement not to be unreasonably withheld or delayed.	Please see response to MMO-66, which provides for an extension by consent which could apply in the circumstances raised in the MMO's representation. It is entirely appropriate to include timescales to provide for a degree of regulatory certainty and ensure the carrying out of the Project is not unnecessarily or unreasonably delayed given its nationally significant status, and the critical	The MMO acknowledges the Applicant's response and welcomes the longer timescale. The MMO still believes that a determination date is not required and believes this will remain an agree to disagree position at the end of the Examination.	Noted. The Applicant maintains its position that the requirement on the MMO to make a determination within six months is appropriate. The Applicant notes this condition is precedented and included in the DCOs for Rampion 2 and Sheringham Shoal and Dudgeon Extension.

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			The MMO requests this condition is removed from all the DMLs. This is not appropriate for the determination times to be conditioned. The MMO sets its own timescales, and this is dependent on the quality of the submission and the availability of primary advisors, please see comments under 3.2.1 3.2.5 Determination dates.	national priority need. The Applicant notes that the wording proposed is well precedented and indeed is longer than provided in some DCOs. It is noted that the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 provides for four months and the Hornsea Four Offshore Wind Farm Order 2023 provides for six months, which is the longer time period provided for in this draft DCO.		
AS-051_j	MMO-83	Draft DCO DML - MMO-83	Pre-construction plans and documentation DML 1: Condition 21 (7) DML 2: Condition 22 (7) DML 3: Condition 21 (7) The undertaker must, before submitting any pre construction plans and documentation required under this condition, provide a copy of the plans and documentation to any person to whom part of the benefit of the Order applying seaward of MHWS has been transferred or leased pursuant to article 5 (benefit of the order) of the Order. The MMO requests that the reference to benefit of the order should be removed.	The Applicant disagrees with this request. The condition as drafted ensures that the undertaker provides copies of relevant documentation to those with benefit of the Order. This is in keeping with Article 5 of the dDCO, in relation to which the Applicant has responded to above.	The MMO maintains its position that any reference to Benefit of the Order should be removed from this condition. The MMO has provided further detailed comments on Benefit of the Order in it's Deadline 2 response [REP2-043] .	The Applicant has set out its position as to why it disagrees with the MMO on this point. See the Applicant's response to [REP3-056_b] . The Applicant is not proposing any amendments to the drafting of this condition. The Applicant notes the referenced condition is now Condition 21(6) / Condition 22(6).
AS-051_k	MMO-90	Draft DCO DML	Post Construction Monitoring DML 1: Condition 27 (2)(a) DML 2: Condition 28 (2)(a) DML 3: Condition 27 (2)(a) The MMO recommends the post construction survey design is also informed by the construction benthic survey report. This is to account for any mobile benthic habitats which may shift in extent. Suggested wording: 'undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance or habitat with suitability for biogenic or geogenic reef feature identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and construction benthic surveys'.	The Applicant notes that no construction benthic survey report is provided for. There is a pre construction survey report, and a post construction survey report, with the design of the latter being informed by the results of the former. This is provided for in Condition 27(2)/Condition 28(2), as follows: <i>If the plan or plans submitted to the MMO under this condition contain survey proposals, the post construction survey plan or plans must include, in outline—</i> <i>(a) details of a survey to determine any change in the location, extent and composition of any biogenic or geogenic reef feature identified in the pre-</i>	The MMO acknowledges the Applicant comments. The MMO believes there is still ongoing discussions on the monitoring requirements, and this will remain open until these are agreed.	Noted. The Applicant maintains its position that additional monitoring beyond that committed to in the DCO and relevant plans is unnecessary. The current positions of the MMO and the Applicant on post-construction monitoring is as set out in section 2.2 of the Statement of Common Ground with the MMO submitted at Deadline 4 [10.19 (Rev 0)] .

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				<p><i>construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;</i></p> <p>The Applicant notes that the Order limits do not overlap with any designated site for benthic ecology and therefore considers any further provision to be unnecessary.</p>		
AS-051_I	MMO-100	Draft DCO DML	<p>4.6 Outline Fisheries Liaison and Co-existence Plan (Document 7.9 – [APP-244])</p> <p>4.6.2 The MMO requests that the below text in Section 1.2 paragraph 10 is updated to remove the word 'material'. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval.</p>	Noted - the text will be updated post-consent in the final FLCP [APP-244] before submission to the MMO for approval.	<p>The MMO requests this is be updated prior to the end of examination; it should be clear now that the MMO will have to have the most up to date plan being used to ensure compliance. This would even be for minor updates.</p> <p>It should also be clear within this document that the MMO will not be an arbitrator or part of any discussions on compensation matters and this should be updated during examination.</p>	The outline Fisheries Liaison and Co-Existence Plan submitted at Deadline 4 [7.9 (Rev 1)] has been amended to address this issue.
AS-051_m	MMO-106	Draft DCO DML	<p>4.10 Offshore In-Principal Monitoring Plan (IPMP) – APP-245</p> <p>4.10.1 The In-Principle Monitoring Plan (IPMP) has been produced to provide the basis for delivering the monitoring measures as required by the conditions contained within the DMLs for North Falls Offshore Wind Farm. The report confirms that if piled foundations are used in the final project design, underwater noise monitoring of the first four piles of each piled foundation type would be undertaken with the methods agreed with the MMO and relevant SNCB in the pre-construction period (point 53). This is in keeping with the standard requirements for OWF developments. The MMO would like the report updated to ensure a commitment that the first four piles monitored would be the worst-case scenario piles. Monitoring of less impactful piles would not validate the predictions of the worst-case scenario within the ES.</p>	<p>The build out sequence of North Falls will need to ensure safety of mariners. For the first four piles to be the worst case for underwater noise, this could lead to piles being scattered around the array area which could have safety implications for shipping traffic. The requirements would be that the build out sequence starts adjacent to the existing windfarm such that there are no isolated structures for a period of time. Therefore, it is the Applicant's position that this is not appropriate.</p> <p>The Applicant has updated the DMLs within the draft DCO at Deadline 1 to include this provision: [...]</p>	<p>The MMO notes the Applicant's comments and welcomes the update to the condition. However, the MMO still requires some commitment (two piles) to providing validation to the ES assessment and the worst case scenario.</p> <p>The MMO is currently reviewing this condition with the SNCB after feedback that the monitoring requested and timing of information provided is not fit for purpose. The MMO will provide an update as soon as possible and continue discussions with the Applicant.</p>	The Applicant maintains its position on this point, noting the MMO has stated it will provide an update on its position soon, which the Applicant will consider and respond to in full.

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				<p>(2) If the plan or plans submitted to the MMO under this condition contain survey proposals, the construction monitoring plan must include, in outline—</p> <p>(a) vessel traffic monitoring by automatic identification system for the duration of the construction period, with provision for a report to be submitted to the MMO, Trinity House, and the MCA annually during the construction period for the authorised development; and</p> <p>(b) where piled foundations are to be employed, unless otherwise agreed by the MMO in writing, details of proposed monitoring of the noise generated by the installation of the first four piled foundations of each piled foundation type to be constructed collectively under this licence and the deemed marine licences granted under Schedules 9 and 10 of the Order.</p> <p>(3) If, in the reasonable opinion of the MMO in consultation with the SNCB the monitoring carried out pursuant to condition 26(2)(b) above shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until either contingency measures approved within the marine management mitigation protocol have been implemented or an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</p>		
AS-051_n	MMO-132	MGOPP	5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	The PCB results are being provided to the MMO in the requested template.	The MMO notes this and will review and provide any further comments in due course once in receipt of the PCB results. The MMO would like to	Data in the MMO's requested format was provided by email on the 18 th February 2025.

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			5.3.4 The MMO further notes that the Applicant states, 'PCB data indicated that the sample were at or below the detection limits and therefore are not presented in the table' and would request the Applicant provides the Polychlorinated Biphenyl (PCB) data from the 2021 survey to support this statement.		understand when the Applicant will be providing this information?	
AS-051_o	MMO-133	MGOPP	<p>5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes [APP-022])</p> <p>5.3.5 The MMO notes that the Applicant has referred to a variety of Sediment Quality Guidelines (SQGs) in the assessment of their results (Appendix 10.1 Benthic and Intertidal Ecology Survey Report, Section 4) including UK Action Levels, Canadian SQGs and Coordinate Environmental Monitoring Programme (CEMP) OSPAR and National Oceanic and Atmospheric Administration (NOAA) levels. However depending on the extraction method used, the resultant concentration level in the sample will vary. Therefore, the contaminant level produced using the specific extraction method for each respective contaminant cannot be used for direct comparison with all SQGs.</p>	Given the cross over with the requirement for any sediment disturbed or dredged to be included in the disposal to sea application, sediment contaminant analysis has been undertaken by an MMO accredited lab that meets the analysis requirements for disposal to sea sampling. The ES Chapter 9 Marine Water and Sediment Quality [APP-023] then uses Cefas Action Levels to assess the potential risk to the marine environment alongside providing information regarding the suitability for disposal to sea assessment. For additional context and in line with comments on other offshore windfarm ES' from other consultees, sediment contaminant concentrations have also been compared to sediment guidelines used by the OSPAR Commission – Background Assessment Concentrations (BAC) and the United States (US) Environmental Protection Agency's Effects Range-Low (ERL). A full explanation regarding the use of sediment guidelines within the ES is provided in section 9.4.1.4 of Chapter 9 [APP 023] .	The MMO notes the Applicant's response. The MMO awaits the Applicant to send the sediment results in the MMO format.	Data in the MMO's requested format was provided by email on the 18 th February 2025.
AS-051_p	MMO-159	Benthic and Intertidal Ecology	<p>5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology [APP-024])</p> <p>5.4.11 The MMO recommends that the Applicant considers collecting scrape samples and assesses imagery from infrastructure monitoring alongside grab sampling to determine the presence and composition of the Invasive Non-Native Species assemblage that may colonise WTG infrastructure.</p>	The Applicant considers the proposed grab sampling approach to monitoring Invasive Non Native Species, outlined in the In Principle Monitoring Plan [APP-245] to be appropriate and this is consistent with other consented projects, such as Dudgeon and Sheringham Shoal Extension Projects.	The MMO notes that the Applicant has responded stating that there is no formal requirement to do this, and this has not been undertaken for other projects. While this might be the case, the MMO believes that the inclusion of this sampling would show a positive gesture to demonstrate that the industry is taking steps to identify, understand	<p>The Applicant maintains that the Offshore In-Principle Monitoring Plan [APP-245] is proportionate to the risk of Invasive Non-Native Species (INNS), noting the mitigation in place to avoid the spread of INNS, which is secured via the Outline Project Environment Management Plan [REP3-011], Section 7.2.2].</p> <p>In addition, drawing on lessons learned from the existing adjacent Greater</p>

Applicant Ref	MMO Ref	Theme	MMO Representation	Applicant's Previous Response	MMO D3 Response	Applicant's Response to MMO D3 Response
					and, potentially, reduce the impact should it materialise to be associated with the offshore renewables development.	Gabbard offshore wind farm which undertook a post construction turbine colonisation survey (2013), this survey recorded no INNS on the turbines surveyed. In accordance with NPS EN-1 (Paragraph 4.1.16) the Secretary of State should only impose requirements that are necessary, relevant and reasonable which we do not consider applies to INNS monitoring.
AS-051_q	MMO-163	MGOPP	5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology [APP-025]) 5.5.3 The MMO notes that the North Sea Sandeel Survey (NSSS) data could have also been used to supplement the characterisation of sandeel habitat for the ES. The NSSS is a targeted sandeel dredge survey that has been carried out annually in December since 2004. The NSSS data can be downloaded from the International Council for the Exploration of the Sea (ICES) at Datras: https://datras.ices.dk/Data_products/Download/Download_Data_public.aspx . The MMO would typically recommend that a minimum of 10 years of the most recently available data is used to inform the assessment.	The suitability of the NSSS to inform the PEIR was discussed during the Expert Topic Group meeting (November 2023). The data had been reviewed and was not considered representative as the spatial coverage of the NSSS does not extend as far south as the fish and shellfish ecology study area identified for ES Chapter 11 Fish and Shellfish Ecology [APP-025] . The NSSS area is focussed on the key sandeel grounds in the North Sea between Dogger Bank and Scotland, which is outside of the North Falls Array Area by approximately 118km.	The MMO notes the Applicant's response. The MMO awaits the Applicant to send the sediment results in the MMO format.	Data in the MMO's requested format was provided by email on the 18th February 2025.
AS-051_r	MMO-164	Fish Ecology	5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology [APP-025]) 5.5.4 The MMO notes that some clarifications and corrections are also needed regarding the Applicant's potential herring spawning habitat and potential sandeel habitats 'heat' maps which have been presented to support the habitat suitability assessments. Several data layers appear to have been omitted or misrepresented which represents a departure from the recommended 'heat' mapping approaches of MarineSpace (2013a and b) and means the Applicant's 'heat' map may be underrepresenting the true extent and importance of potential herring spawning habitat and potential sandeel habitats.	The Applicant notes that in the MMO's consultation response to the PEIR dated 14th July 2023, it was recommended that a heat map approach be undertaken and referenced MarineSpace (2013) as an example of a heat map approach. The approach was therefore tailored to fit using available data sources appropriate to sandeel and herring in areas relevant to the Project and is considered to be representative of potential herring spawning and suitable sandeel habitats.	Should the Applicant seek to refine the recommended temporal piling restriction during the Downs herring spawning season, it should be noted that the MMO would expect the Applicant to provide an accurate and updated herring potential spawning habitat 'heat' map using the updated mapping methodology for herring as detailed in Kyle-Henney et al., (2023) which draws on all appropriate layers as part of this process. The MMO supports the Applicant's acceptance of a temporal piling restriction during the Downs herring spawning season, however the Applicant's commitment to the piling restriction is framed as "restricting piling	The Applicant is content with the commitment to a piling restriction to cover the Down herring spawning period from 1st November to 31st January and would be happy to discuss a suitable wording for the final condition with the MMO. The Applicant would like to allow flexibility with regards to the refinement of this period post-consent, in the event that more detailed temporal data on herring spawning in areas of relevance to the Project becomes available. The Applicant notes that updated heat maps have already been produced and presented at Deadline 3 (Sandeel and Herring Habitat Heat Mapping). A Clarification Note has been submitted by the Applicant [REP3-047] including a

Applicant Ref	MMO Ref	Theme	MMO Representation	Applicant's Previous Response	MMO D3 Response	Applicant's Response to MMO D3 Response
					<p>activities during a suitable period of time between the 1 November and 31 January" which the MMO maintains is unacceptable. The phrasing that piling will only be restricted for a 'suitable period of time' between the 1 of November and 31 January, does not define when, or for how long, the restriction will be implemented. This leaves the commitment open to exploitation in that it could be fulfilled by restricting piling for only a few weeks during the three-month spawning season, when a restriction covering the full spawning season is the only appropriate implementation until further evidence is provided to the MMO.</p> <p>The MMO therefore maintains the request that this restriction is embedded in the marine licence and the DCO as the period of the recommended piling restriction should be from the 1 November to 31 January, inclusive. In order to temporally refine this period of restriction, the Applicant should provide a suitable 'heat' map of potential herring spawning habitat alongside or overlaid with the UWN contours for the range of behavioural impact from piling based on the 135dB single strike sound exposure level (SELss) behavioural response threshold as per Hawkins et al., (2014). Until such evidence is presented, a commitment to a piling restriction which covers "a suitable period of time' between the 1 November and 31 January is not acceptable by the MMO.</p>	<p>herring habitat heat map using the updated mapping methodology detailed in Kyle-Henney <i>et al</i> (2023).</p> <p>However, the Applicant however questions the relevance of the production of habitat mapping to inform the temporal refinement of the restriction suggested in the MMO Representation from 28th March 2025 [REP2-043] (Comment MMO-164), as this only provides information on spatial habitat use and no indication of the timing of the spawning.</p>
AS-051_s	MMO-194	Underwater noise	<p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>5.7.19 The MMO notes that when considering the maximum hammer energy of 6,000kJ for monopiles,</p>	The Applicant acknowledges the apparent inconsistency, and this is related to model resolution for each of these runs. The VHF PTS modelling was undertaken at a	The MMO notes this response and requests that this is made clear within the documents.	The Applicant acknowledges this response from the MMO, this clarification will be added to the final version of the MMMP.

Applicant Ref	MMO Ref	Theme	MMO Representation	Applicant's Previous Response	MMO D3 Response	Applicant's Response to MMO D3 Response
			the unweighted SPLpeak predictions at 750m range from 202.0 to 202.4dB depending on the modelling location (Table 4-2). These values slightly exceed the PTS threshold value of 202dB SPLpeak for VHF cetaceans under the Southall et al. (2019) impulsive criteria. This indicates that the maximum PTS ranges for VHF cetaceans would be slightly larger than 750m. However, the summary results in Tables 4-3 (East location), 4-7 (South location) 4-11 (West location), predict maximum ranges of only 680m, 660m, and 610m respectively for VHF cetaceans.	higher resolution to determine the impact ranges; a lower resolution was used for the predictions at specific distances, which leads to these small discrepancies. The results from the modelling undertaken at a higher resolution specifically for the VHF PTS impact ranges has been used to provide a robust assessment of PTS on VHF cetaceans.		

Applicant's Response to the Netherland Ministry of Infrastructure and Water Management Comments (REP3-065)

Table 2-6: Applicant's Response to the Netherland Ministry of Infrastructure and Water Management Comments (REP3-065)

Ref	Theme	Netherland Ministry of Infrastructure and Water Management Comments on Responses to submissions received at the previous deadline	Applicant's Response
REP3-065_a	Natura 2000	Up-to-date information of policy and spatial plans of other North Sea countries. The current report does not consider the Natura2000 area "Bruine Bank" in the Dutch EEZ (which lies near the North Sea Falls area) nor the more recent windfarm plans (Dutch offshore wind farm developments until 2030). Therefore, the current assessment of the environmental effects is deemed insufficient. Information on Dutch offshore wind development can be found here (the information will be further updated during this summer): https://www.noordzeeloket.nl/en/functions-and-use/offshore-wind-energy/energy-transition-north-sea/	The Bruine Bank Natura 2000 site was included in the transboundary Habitats Regulation Assessment (HRA) screening for offshore ornithology for North Falls, and screened out [APP-174, Table 8.5] . The transboundary HRA screening also included other Offshore Wind Farms (OWFs) from the Netherlands and other European Countries.
REP3-065_b	CEA	<p>An assessment of cumulative effects as part of the Environmental Impact Assessment. We refer here to cumulative impacts on several of the considered species of the windfarms from different North Sea countries. These should be considered to get a comprehensive picture of the transboundary effects in cumulation on:</p> <ul style="list-style-type: none"> - (migratory) birds, especially considering effects on the Natura2000 areas relevant for migratory species - mobile species such as the harbour porpoise (regarding underwater noise) <p>It is unclear how cumulative effects are assessed. The assessment indicates that habitat loss and collisions are included in the assessment, but also due to not all Dutch Offshore Wind Developments (planned windfarms) being included, the cumulative assessment is in our view insufficient. There is no cumulating of effects on an international level for birds, and certainly for Common guillemot and Northern garnets this would be of utmost importance.</p>	<p>Offshore birds:</p> <p>For UK Offshore Wind Farms (OWFs) there is a requirement within EIA for both a cumulative assessment and a transboundary assessment. The cumulative assessment, Section 13.8 of [APP-027], considers effects at the scale of the UK EEZ, based on estimated populations of seabirds using this area during different seasons (breeding, migration, non-breeding). The population estimates include birds that breed at UK colonies and birds from breeding colonies in other Countries that use the UK EEZ. Section 13.9 of ES Chapter 13 [APP-027] explains the approach to the transboundary assessment for offshore ornithology. To consider cumulative effects at a larger transboundary scale and to bring in OWFs from other Countries would enlarge the area of search to include the EEZ for other Countries. Seabird population estimates for this larger area are not currently available so there are no reference populations to facilitate a quantitative transboundary assessment, however these populations would be considerably larger than the UK BDMPS populations. Because of the increased reference populations, it is anticipated that expanding a quantitative assessment to include non-UK OWFs is highly likely to produce a similar or reduced cumulative effect for each species included in [APP-027] Section 13.8.3.</p> <p>Mobile species such as harbour porpoise:</p> <p>The wind farms within the link supplied by the Netherlands Ministry of Infrastructure and Water Management in the "Noordzeeloket Offshore Wind Energy Roadmap 21 GW" have been considered in the ES Appendix 12.6 CEA Screening [APP-101].</p> <p>These wind farms were screened out of the assessment of cumulative construction effects, due to differing construction dates compared to North Falls. Due to the low noise levels associated with operational OWFs, the cumulative effects from operational wind turbines noise was screened out from further consideration, as discussed in Section 1.5.1.2 [APP-101]. Therefore, as the CEA screened out operational noise effects the transboundary assessment also screened out operational wind turbine noise effects.</p> <p>The Borselle Wind Farm Zone, Hollandse Kust Zuid and Hollandse Kust (Noord) wind farm zone are all operational, therefore were screened out of the assessment. The Ten noorden van de Waddeneilanden wind farm zone, Ijmuiden Ver wind farm zone and Hollandse Kust (west) wind farm zone all have expected construction dates that are before the construction of North Falls, therefore there is no overlap and these projects are not considered further in the assessment. The Doordewind and Nederwiek wind farm zones are currently in the early permitting stages and therefore there is insufficient information available to assess their potential effects.</p>

Ref	Theme	Netherland Ministry of Infrastructure and Water Management Comments on Responses to submissions received at the previous deadline	Applicant's Response
REP3-065_c	Mitigation Measures	mitigation measures: including considering options on limiting underwater noise for marine mammals. The Netherlands (and Germany and Belgium) include this kind of information in EIAs including establishing a standard for underwater noise (impacts).	It should be noted this feedback was provided in response to the Preliminary Environmental Information Report (PEIR). Mitigation measures are now described fully in the Draft Marine Mammal Mitigation Protocol [REP3-013] . The document describes mitigation protocols for both piling and UXO clearance. The finalisation of the MMMP for piling, along with the SNS SAC SIP, will consider the latest UK policy on limiting underwater noise at the time.
REP3-065_d	Broader Ecosystems	(broader) ecosystem effects (e.g. stratification) in the assessment (those are missing now). In the current report it is not clear on the basis of which information the conclusion was drawn that there are no transboundary ecosystem effects to be expected.	Each offshore chapter of the ES provides a section on transboundary impacts, either explaining the reason for screening out or providing the transboundary assessment. With regards to stratification, the Applicant's Response to WQs [REP2-020] (Q10.1.2) stated that stratification is not relevant to the North Falls offshore project area. The southern North Sea where North Falls is located is a well-mixed water body due to the relatively shallow depths and the ability of winds and waves (surface stress) and tides (bottom stress) to continually stir water sufficiently to prevent the onset of any stratification. Therefore, North Falls will have no likely significant effect on stratification and there will be no transboundary effect.
REP3-065_e	Marine Mammals	effects on marine mammals, for instance related to underwater noise. More information over which species were included and on which information is available for (a part of) the species.	Noting this comment was provided at PEIR stage, the Applicant responded to this in ES Appendix 12.1 [APP-096] , Section 1.3.2 which confirmed that additional information was provided in response to this comment, in ES Chapter 12 [APP-026] and in ES Appendix 12.2 [APP-097] Marine Mammal Baseline Information. Environmental Statement Chapter 12 Marine Mammals [APP-026] considers the likely significant effects of the North Falls offshore wind farm on marine mammals, including impacts from underwater noise. The chapter provides an overview of the existing environment and species likely to be affected, Environmental Statement Appendix 12.2 Marine Mammal Baseline Information [APP-097] also provides further detail on the species considered within assessments.
REP-065_f	Effects on Bats	Effects on bats. Bats are only mentioned in relation to effects on ecology on land (linked to the planned infrastructure on land). The effects of offshore wind farms on migrating bats are not included in the assessment.	An assessment of the effects upon migratory Nathusius pipistrelle is included within Section 23.6.2.4 of ES Chapter 23 Onshore Ecology [APP-037] , which reaches a conclusion of no significant effect upon the species. The Applicant has concluded that the mitigation proposed within the OLEMS [REP3-019] in terms of habitat enhancement to hedgerows will lead to a beneficial effect on the available habitat resource for this species within Essex.
REP-065_g	Effects on Birds	Effects on birds: a. The Northern fulmar and the Sandwich tern are not considered concerning habitat loss, please do consider these as they are sensitive species. b. The Razorbill and the Sandwich tern are included, but they need some extra attention concerning cumulative impacts and the effects of international offshore windfarm developments. With the reasoning applied it is concluded that the ecological effects are lower. However, we do not agree with the reasoning. The effects should be assessed in a quantitative manner. c. For the Razorbill (<i>Alca torda</i>) birds there are quite high mortality rates. This is problematic. The same applies to the Northern gannet. How will this be taken into consideration in the developments? Will specific measures be taken or will the plans be altered in any way? Will this be assessed further?	a. The Applicant has considered both species in relation to the potential displacement effect (effective habitat loss) from North Falls (ES Chapter 13 [APP-027] , section 13.6.2.1). Fulmar was screened out due to its extensive foraging range, and flexibility in habitat use, so it is considered that it could find alternative suitable habitats in response to any displacement from OWFs. Sandwich tern is potentially susceptible to displacement from Wind Turbine Generators (WTGs) but recorded in very low numbers during baseline surveys at the proposed North Falls array site, so it was screened out on the basis that North Falls would not contribute to any displacement effects of OWFs on this species. b. The view of the Netherlands Ministry of Infrastructure and Water Management is noted. Sandwich tern has been screened out for both displacement effects (as per a. above) and collision risk (ES Chapter 13 [APP-027] , Section 13.6.2.2); due to the low numbers recorded during baseline surveys and very small number of predicted collisions, there would be no meaningful contribution to any cumulative effect of OWFs on this species. Razorbill has been screened in for displacement (ES Chapter 13 [APP-027] Section 13.6.2.1), and is subject to a quantitative cumulative effect assessment (ES Chapter 13 [APP-027] , Section 13.8.3.2.3). As noted above [REP3-065_b] , it is not possible to undertake a quantitative transboundary assessment because reference populations for offshore birds are not available.

Ref	Theme	Netherland Ministry of Infrastructure and Water Management Comments on Responses to submissions received at the previous deadline	Applicant's Response
			<p>c. The predicted mortality rates for all species considered in the EIA are set out in the ES offshore ecology chapter (ES Chapter [APP-027]), and are based on best practice guidance for predicting mortality for seabirds from displacement and collision from the UK Statutory Nature Conservation Agencies (SNCBs), as described in the chapter. The predicted mortality rates at North Falls are similar to mortality rates reported for other OWFs in the North Sea that have recently been consented or are undergoing DCO examination. Where appropriate, in presenting the assessment, the Applicant has described sources of precaution in the assessment methodology, which are likely to lead to precautionary (over-) estimates of mortality.</p> <p>The Applicant maintains that the predicted cumulative impacts on Razorbill (displacement) and Gannet (combined collision and displacement), are minor adverse and not significant in EIA terms.</p> <p>In terms of specific measures, the assessment for North Falls is based on embedded mitigation as set out in the ES Offshore Ornithology Chapter ([APP-027], Table 13.2). These include:</p> <ul style="list-style-type: none"> Following PEIR, the array area has been reduced from 149.5km² down to 95km², which reduces the area from which seabirds could be displaced and the predicted number of seabirds at risk of displacement. A minimum air gap (the distance between the lower rotor tip of a WTG and the sea, surface) of 27m above MHWS (26.6m above HAT). This is an increase of 5m above the minimum of 22m MHWS required for navigation purposes. The purpose of raising the air gap is to reduce collision risk for birds (as most seabirds tend to fly low to the sea surface).
REP3-065_h	Effects on commercial fisheries	<p>effects on commercial fisheries. There is an impact on the Dutch commercial fisheries as chapter 14 of the offshore PEIR describes. The area consists of important fishing grounds for various demersal and pelagic fisheries that use beam trawls and seine netting (demersal) and midwater otter trawls (pelagic). Chapter 14 already analyses the expected short- and long-term impact for different fisheries on the access to the fishing grounds.</p> <p>The Netherlands would like to request that the analysis also looks at the economic value of the fisheries and accounts for possible economic losses that may occur due to lack of or lesser access to important fishing grounds. It is important to note that whilst the Dutch do not have historic rights in the given area, the Netherlands does have a share in the quota in these waters, for instance mackerel (MAC/2A34) and horse mackerel (JAX/4BC7D and JAX/2A-14). The construction of North Falls poses the risk that fisheries may fail to take advantage of fishing their share of quota due to the construction in these specific areas. Therefore, the Netherlands would like to know what the government or wind farm operators can do to further mitigate potential losses and facilitate commercial fisheries in the area.</p>	<p>Due consideration has been given to the potential impacts of the Project on the Dutch fishing fleet during construction (Section 14.6.1.1.3) and operation (Section 14.6.2.1.3) in ES Chapter 14 Commercial Fisheries [APP-028]. The assessment was informed by baseline information on landings by species and method as well as VMS data from Dutch fishing vessels that operate in the study area and the wider North Sea (see Section 6.4. Commercial Fisheries Technical Report [APP-105]).</p> <p>The Applicant notes that available landings data indicate that activity in the Commercial Fisheries Study Area by Dutch vessels occurs at comparatively low levels and that Dutch vessels in the Commercial Fisheries Study Area target primary sole and other flatfish species using beam trawls. From the available data there is no evidence of the Study Area supporting significant mackerel/horse mackerel fisheries.</p> <p>The assessment did not identify impacts above minor significance on the Dutch fleet. The Applicant notes, however, that incorporated into the assessment are a range of embedded mitigation measures (Table 14.4 of Chapter 14: Commercial Fisheries [APP-028]) and that a Fisheries Liaison and Co-existence Plan (FLCP) in line with the updated Outline FLCP submitted with the Application [7.9 (Rev 1)] submitted at Deadline 4] will be produced post-consent. The measures proposed within the plan will be applicable to all fisheries of relevance to the Project, including Dutch fisheries.</p>
REP3-065_i	Aspects concerning safety of navigation	<p>aspects concerning safety of navigation: Transboundary effects on shipping are not expected. However, multiple conflicts with local ships' routing measures require attention. International coordination is recommended, and the Netherlands likes to be involved. The following conflicts are identified:</p> <p>a. The distances between the traffic separation schemes and the planned wind farms may not comply with paragraph 3.14 of the general provisions on ship routing. To</p>	<p>a. The Applicant has committed to a Structure Exclusion Zone (SEZ) as detailed in Section 14.4.3.2 of the Navigation Risk Assessment (NRA) [APP-107]. The SEZ ensures there will be a minimum of 1nm between the Traffic Separation Schemes (TSS) and all surface piercing infrastructure within the array area. This distance has been agreed with the Maritime and Coastguard Agency as being suitable to reduce hazards to As Low As Reasonably Practicable (ALARP) noting it exceeds the precedent set by the existing</p>

Ref	Theme	Netherland Ministry of Infrastructure and Water Management Comments on Responses to submissions received at the previous deadline	Applicant's Response
		<p>ensure safe distances, it is recommended to adopt the NCSR 7 INF.15 report from the World Association for Waterborne Transport Infrastructure (PIANC).</p> <p>b. The impact of the irregular shapes on ships' situational awareness.</p> <p>c. The overlap between the southern wind farm and the precautionary area.</p> <p>d. The positioning of the western border of the northern wind farm that is located within the boundaries of the adjacent traffic separation scheme.</p> <p>e. The galloper recommended route (ferries) located within the southern wind farm area.</p>	<p>turbines of the Greater Gabbard OWF of 0.82nm Closest Point of Approach (CPA) to the routeing measures (see Figure 14-11 of [APP-107]).</p> <p>b. In response to shipping and navigation effects, the Applicant has made significant reductions to its Red Line Boundary (RLB) and implemented the SEZ to reduce the spatial extent of the buildable area for surface piercing infrastructure. The NRA [APP-106, APP-107, and APP-108] has assessed a worst case layout within the array area with the conclusion being that all hazards are ALARP.</p> <p>c. Any overlap with the Sunk Outer Precautionary Area has been removed through the significant RLB reductions made by the Applicant. Further, the SEZ ensures there will be a minimum of 1nm between the Sunk Outer Precautionary Area and all surface piercing infrastructure within the array area (inclusive of blades).</p> <p>d. The northern array has been removed in its entirety meaning there is no longer any direct interaction with the Sunk TSS North.</p> <p>e. The Applicant has demonstrated through the NRA [APP-106, APP-107, APP-108] and its work with the Belgian Maritime Authorities [REP2-025] that there are safe and viable alternative routes that could be used if the Galloper Recommended Ferry Route is removed.</p>

Applicant's Response to Network Rail Infrastructure Limited Comments (REP3-066)

Table 2-7: Applicant's Response to Network Rail Infrastructure Limited Comments (REP3-066)

Ref	Theme	Network Rail Infrastructure Limited Comments on Protected Provisions	Applicant's Response
REP3-066	Protected Provisions	Network Rail Infrastructure Limited submitted a tracked version of the protective provisions at Deadline 3.	The Applicant is currently reviewing the form of protective provisions and an associated Framework Agreement and is confident that agreement can be reached prior to the end of the Examination on the majority of the provisions. In respect of any restriction on the use of compulsory acquisition powers, the Applicant can only agree to such a restriction if sufficient progress has been made on the voluntary agreement for the necessary property rights. Heads of Terms are currently being negotiated.

Applicant's Response to Port of London Authority Comments (REP3-067)

Table 2-8: Applicant's Response to Port of London Authority Comments (REP3-067)

Ref	Theme	Pot of London Authority Comments on Submissions Received at the Previous Deadline	Applicant's Response
REP3-067_a	Applicant's Response to Written Questions EXQ1	The PLA notes the Applicant's response to Q9.4.2 regarding the use of the term 'substantially in accordance with'. The PLA supports the use of substantially in accordance within Condition 12 of the Deemed Marine Licence Transmission Assets in Schedule 9 of the dDCO ("DML"). The PLA would further note that there are various references to plans being "in accordance with the principles set out in the relevant outline plan" in Condition 22 of the DML. The PLA would wish to see reference to	Noted.

Ref	Theme	Pot of London Authority Comments on Submissions Received at the Previous Deadline	Applicant's Response
		substantially in accordance with, particularly in the case of the Navigation and Installation Plan ("oNIP").	
REP3-067_b	Applicant's Response to Written Questions EXQ1	The PLA notes in response to Q9.4.3 and Q9.5.2 that the Applicant has advised that the Cable Specification and Installation Plan ("CSIP") will be prepared during the pre-construction phase, post consent and that the Applicant does not propose to submit an oCSIP into Examination or include an oCSIP as a document to be certified in the draft development consent order ("dDCO"). Whilst the Applicant draws on precedent, the PLA would draw attention to the oCSIP submitted for Five Estuaries and the important commitments that are secured within the oCSIP in relation to the Deep Water Routes ("DRWs"). These relate to matters such as cable installation and maintenance, boulder clearance, cable jointing, archaeological finds, disposal of dredge material, cable crossings, wet storage and the need to allow for over-dredging of the DWR's. With these commitments clearly set out in the oCSIP, Interested Parties have a degree of confidence that the commitments will then be carried forward into the CSIP at the post consent stage. Without an oCSIP it is difficult to see how and whether these important commitments will be secured for North Falls ("NF"). The PLA also seeks approval of the CSIP before it is approved by the MMO. The PLA would therefore urge the Applicant to re-consider its position on an oCSIP.	<p>The Applicant has submitted an outline Cable Specification and Installation Plan (CSIP) into examination at Deadline 4 [9.53 (Rev 0)] and it is now included as a document to be certified in the draft development consent order ("dDCO"). The outline CSIP includes commitments in relation to cable burial, boulder clearance etc.</p> <p>The Applicant has also submitted an outline Sediment Disposal Management Plan (SDMP) at Deadline 4 [9.52, (Rev 0)] and it also included as a certified document in the dDCO. The outline SDMP includes a commitment to avoid disposal of sediment in the Deep Water Route areas.</p>
REP3-067_c	Applicant's Response to Written Questions EXQ1	In response to Q15.1.1 regarding potential concurrent working in the Sunk area, the Applicant signposts to the oNIP [APP-259] . As set out in the PLA's deadline 2 response [REP2-056] updates are required to the oNIP and the PLA awaits discussions with the Applicant concerning this important document. The Applicant also signposts to the Export Cable Crossing Zone Plan [REP1-059] and that the indicative cable crossing between NF and Five Estuaries is <i>'prior to any location around the pilot boarding station location, approximately 10km along the cable route from the pilot boarding station (just over 9km as the crow flies). This means that it will be virtually impossible to have any concurrent working in the vicinity of the Sunk Pilot Boarding Area between the projects, as the crossing works would necessitate a sequential arrangement of the works, with sufficient time in between projects cabling activities to construction the crossing. Given the time required to prepare the crossing and the speed of cable install for the respective projects, the second project is expected to be starting with a sufficient delay on the first project such that there will not be any construction activities between the projects in the vicinity of the Sunk Pilots Boarding Station buoy.'</i> The Applicant's response is focusing solely on any cable crossing being the limiting factor, but there are works other than cable laying to consider which, if running concurrently, could obstruct vessels approaching the port (for example, pre-construction works, surveys, clearance etc some of which may be restricted ability to manoeuvre ("RAM"). The Navigation and Installation Plan ("NIP") could be the appropriate document to mitigate and manage this issue with it setting out project activities from initial activities such as surveys, UXO clearance etc through to cable lay, repair and reburial and it being clear whether concurrent activities are allowed. This is shown in table 2.2 of the Five Estuaries oNIP. Updates are therefore required to the oNIP to properly deal with the issues associated with concurrent activities. The PLA also requires approval of the NIP before it is approved by the Marine Management Organisation.	The Applicant notes the comment. The oNIP has been updated at Deadline 4 with additional updates on concurrent working. [7.24 (Rev 1)]
REP3-067_d	Applicant's Response to Written Questions EXQ1	In relation to cable depth in the Sunk Area (Q15.1.7) the Applicant states: <i>'When crossing the Traffic Separation Scheme (TSS) South and the Precautionary area, the water depths of the locations have been selected such that the cable burial will be below the 22m, CD. The crossings of the Sunk Deep Water and Trinity Deep Water</i>	After further discussions, the Applicant has included a design requirement in the draft DCO to ensure that at the crossing of the Sunk DW and Trinity DW areas the cables are buried to permit future dredging to -22m CD for both the Sunk DW and the Trinity DW (with the

Ref	Theme	Pot of London Authority Comments on Submissions Received at the Previous Deadline	Applicant's Response
		<i>channels are being investigated from an environmental perspective, with further discussions with HHA planned for the 20th March. The Applicant is not crossing the Sunk Inner, and is proposing to keep south of the main charted routes, outside of 1km from the charted locations' (emphasis added).</i> It is concerning that the fundamental issue of cable installation and maintenance levels at the Sunk and Trinity DWRs are not being discussed with the PLA given that the Sunk and Trinity DWR's are the entrance and exit to the UK's largest Port, the Port of London. Whilst the environmental impacts of the export cable corridor must of course be assessed, the cables must be installed at a level that will ensure that the Sunk and Trinity DWRs can be dredged to 22m below CD (with allowance for over dredge).	additional area either side of the Sunk DW to restrict burial to below -19m CD). This is secured through Requirement 2(3) in the draft DCO submitted at Deadline 4 [6.1 (Rev 5)] .
REP3-067_e	Applicant's Response to Written Questions EXQ1	The PLA notes the Applicant's response to Q15.1.8 and would welcome engagement with the Applicant regarding the potential impacts of the proposed development on the PLA's equipment.	The comment is noted and further discussions are being undertaken.
REP3-067_f	Applicant's Response to Written Questions EXQ1	In response to Q15.1.13, the PLA would highlight its concerns about offshore buried cables becoming exposed and its recent experience with another cable project where the Applicant wanted to place material on top of the exposed cable rather than try to re-bury it because of the age of the cable. This would not be acceptable at the DWR's where the Sunk and Trinity DWR's must be capable of being dredged to 22m below CD over the lifetime of the project. It is essential therefore that the PLA have protective provisions and that these include a requirement to re-bury the cable if the required cable installation depth is not achieved or at any time following installation or maintenance if the cable has moved such that the required installation depth is no longer being achieved.	The Applicant notes the comments. Requirement 2(3) of the draft DCO requires installation and maintenance of the cable within the DWRs at the required depths. The proposed wording in the outline Cable Specification and Installation Plan also requires installation and maintenance below the required depths. See the draft DCO [6.1 (Rev 5)] and the outline Cable Specification and Installation Plan [9.53 (Rev 0)] submitted at Deadline 4.
REP3-067_g	Appendix to Applicant's Response to Written Questions (REP2-021)	The Offshore Cumulative Effects Assessment Plan on page 6 only shows the Five Estuaries array areas, it does not show the export cable corridor ("ECC"). For completeness, the plan should be updated to show the ECC.	Noted.
REP3-067_h	Draft Development Consent Order ("dDCO") (REP2-007)	The dDCO does not include protective provisions for the benefit of the PLA. The PLA understands that the Applicant's position is that protective provisions are not required. The PLA has set out in detail why protective provisions are required and included the form of the protective provisions which the PLA advocated for the adjacent Five Estuaries scheme (see section 14 of [REP2-066]). To not include protective provisions would be wholly inconsistent with the dDCO for Five Estuaries. Whilst certain provisions of the protective provisions for Five Estuaries are not agreed by the PLA, Five Estuaries Offshore Wind Farm Limited ("FEOWFL") did include protective provisions in its dDCO at Deadline 7. An extract from that dDCO as submitted by FEOWFL is annexed to this submission. The PLA would expect the Applicant to at least start negotiations on the form of the protective provisions on the basis of those agreed by FEOWFL as appropriate. In line with the approach taken at VE, the PLA and the Marine Management Organisation are in discussions regarding amendments to the Deemed Marine Licence (transmission assets) to reflect amongst other things the requirements relating to the Sunk and Trinity DWR's and when consultation needs to take place with the PLA. It is anticipated that both parties will make formal submissions on this point at deadline 4.	The Applicant's position remains that protective provisions are not necessary to safeguard the PLA's statutory undertaking. The Applicant has addressed this point in full, in the Applicant's Response to Ports' Request for Protective Provisions [9.58 (Rev 0)] .

Applicant's Response to Suffolk County Council Comments (REP3-068)

Table 2-9: Applicant's Response to Suffolk County Council Comments (REP3-068)

Ref	Theme	Suffolk County Council's Comments on Submissions Received at Deadline 2	Applicant's Response
REP3-068_a	Applicant's Response to Written Questions (ExQ1) (Rev 0) [REP2-020]	<p>SCC notes the Applicant's comments regarding construction materials for the wind turbine generators ("WTGs") typically being delivered offshore. SCC would be satisfied that a Port Traffic Management Plan ("PTMP") would be unnecessary if heavy goods vehicles ("HGVs") would not be involved in offshore construction. However, SCC notes that the Applicant has made these comments on a without prejudice basis and is not committed to this method of construction in any control document. SCC therefore requests clarification as to what the Applicant's course of action would be if HGV movements were to be required for the offshore construction aspect of the project.</p> <p>SCC believes that the Applicant's comments do not undermine the request for the production of a Port Travel Plan ("PTP"). This is because of the environmental benefits to be gained by implementing a PTP which would be of a similar vein to the provisions in the Outline Construction Traffic Management Plan ("OCTMP") regarding a minimum of 1.5 workers per vehicle for the Applicant's offshore activities. This type of plan would be distinct from a traffic management plan as it would not seek to restrict the routing and movement of HGVs and workforce vehicles. Instead, a PTP would encourage workers to take more sustainable forms of transport such as by incentivising car sharing, controlling car parking and informing workers of public transport routes. If the Applicant's approach involves multiple ports with relatively small numbers of workers using each port, then monitoring measures may be unnecessary. If the number of employees expected to travel to a certain port passed a certain threshold where contextual monitoring and strategies would be effective, then a more detailed PTP with context-specific sustainable transport and monitoring strategies for that port would best accord with the sustainability objectives included in EN-1. Therefore, SCC believes that some form of PTP would be beneficial for promoting the sustainable travel of workers associated with this project.</p> <p>In its Local Impact Report ("LIR"), SCC recommended the introduction of measures aimed to improve the sustainability of the Applicant's transportation methods in relation to its port activities via a PTP. The wording of the requirement suggested by SCC allows for a PTP to be waived by the relevant planning authority.</p> <p>The requirement for a Port Travel Plan to ensure compliance with EN-1 in relation to the offshore activities of offshore wind farms is well-precedented and has been successfully implemented to promote sustainable development. SCC has appended examples of PTPs from East Anglia ONE North ("EA1N"), East Anglia TWO ("EA2"), East Anglia ONE ("EA1") and East Anglia THREE ("EA3") offshore wind farms as appendices L, M, N and O respectively to its LIR [REP1-074]. The purpose of these plans is to promote strategies such as car sharing, public transport and providing a genuine modal choice to its workers. The primary purpose of these plans is to comply with the government's sustainability goals as set out in EN-1. SCC has made this point in detail in paragraphs 8.37 and 8.38 of its LIR [REP1-074].</p> <p>Section 2.6 of EN-1 sets out how energy infrastructure should contribute to the government wider sustainability objectives, "including contributing to sustainable development" as defined by the World Commission on Environment and Development report Our Common Future which is referenced in footnote 35 in paragraph 2.6.1:</p> <p><i>2.6.1 The government's wider objectives for energy infrastructure include contributing to sustainable development³⁵ and ensuring that our energy infrastructure is safe.</i></p>	<p>The Applicant gave further justification for its position that a Port Traffic Management Plan or Port Travel Plan is not proportionate or necessary during questioning at ISH1 (please refer to Applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 1 (ISH1) [9.41 (Rev 0)]).</p> <p>In response Suffolk County Council indicated they noted the further evidence presented on likely low levels of traffic and travel demand and accepted the Applicant's position. In accordance with ExA ISH1 actions, the Applicant will confirm both parties' position in a Statement of Common Ground, to be submitted at Deadline 5.</p>

Ref	Theme	Suffolk County Council's Comments on Submissions Received at Deadline 2	Applicant's Response
		<p>The report titled "Our Common Future" defines sustainable development and sets out strategies and objectives governments should undertake to ensure development is sustainable, which includes reducing transportation greenhouse gas emissions resulting from development. Paragraph 2.6.1 of EN-1 requires energy infrastructure projects to contribute to sustainability objectives which, according to the referenced report, includes reducing greenhouse gas emissions from development.</p> <p>Paragraph 5.14.7 of EN-1 requires the following:</p> <p><i>5.14.7 The applicant should prepare a travel plan including demand management and monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to:</i></p> <ul style="list-style-type: none"> <i>• reduce the need for parking associated with the proposal</i> <i>• contribute to decarbonisation of the transport network</i> <i>• improve user travel options by offering genuine modal choice</i> <p>SCC considers this paragraph to impose two distinct requirements on the Applicant to be addressed with travel plans. The first is to mitigate and measure transport impacts, the second is to "improve access by active, public and shared transport". In its Policy Compliance document [REP1-053], the Applicant claims to comply with this paragraph of EN-1 due to demand management measures to be adopted according to the OCTMP. SCC does not dispute the validity of the claim that these particular documents contribute to compliance with this paragraph of EN-1 but notes that these documents and their measures solely relate to the proposed onshore activities of the Applicant. The Applicant does not "provide details of proposed measures to improve access by active, public and shared transport" in relation to its offshore activities, hence justifying the need for a PTP to ensure full, rather than partial, compliance with the policy.</p> <p>SCC notes that the existing traffic management provisions of ports are unlikely to be of relevance in relation to travel plans insofar as the latter promotes sustainable transport for a specific set of workers and the former does not. Moreover, EN-1 does not provide any exception of contributions towards sustainability objectives to projects which have workers travelling to facilities with existing planning permissions. Nor will the planning requirements of ports regarding traffic ensure that the Applicant complies with the sustainability requirements of EN-1 as they do not contain contextualised measures to promote sustainable travel for the Applicant's port activities to which the Applicant is accountable. Consequently, EN-1 cannot be interpreted in this way to rule out a requirement of Port Travel Plans for offshore wind farms.</p> <p>Suffolk ports have not been considered for assessment and expected workforce vehicle movements are not given. It is also not clear whether the Applicant intends to achieve 1.5 workers per vehicle for its offshore works as it does for the onshore works.</p> <p>A PTP would provide clarification on this issue and would demonstrate how the Applicant will achieve this target.</p>	
REP3-068_b	Offshore ecology - bats	<p>SCC attaches the representation made by the German Federal Maritime and Hydrographic Agency during the Five Estuaries examination as Appendix A.</p> <p>The Secretary of State ("SoS") will need to demonstrate that any decision made is compliant with the UK's treaty obligations in regard to both Eurobats and the Aarhus convention on migratory species. This is a matter on which Natural England ("NE") will need to advise the Examining Authority ("ExA") and SoS, not a matter for Suffolk County Council. Given the relative simplicity and established nature of the mitigation required, and the potential implications for treaty obligations, (on which Natural England can advise the ExA), SCC suggests that it would be both reasonable and appropriate to consider the application</p>	<p>The Applicant will await Natural England's advice on this issue, once it has been provided.</p> <p>A response regarding the potential for monitoring measures is provided under item reference 3.2.3 in Applicant's responses to Actions List from ISH1 and ISH2 [9.50 (Rev 0)], being submitted alongside this document at Deadline 4.</p>

Ref	Theme	Suffolk County Council's Comments on Submissions Received at Deadline 2	Applicant's Response
		of a precautionary approach in this instance. This would have the advantage of ensuring the matter is closed rapidly, and that a decision is not delayed, because additional data, evidence, or advice, is required to be gathered to allow the SoS to make a decision. SCC also considers the implementation of monitoring measures beneficial to better understand the presence of migrating bats in relation to offshore wind farms. However, of course, SCC defer to Natural England on this matter, as they are the advisor to His Majesty's Government ("HMG") on these matters.	
REP3-068_c	Seascape, Landscape and Visual Amenity	<p>SCC notes that the Applicant has not engaged with its detailed representations on Seascape, Landscape and Visual Amenity impacts and only responds to the summaries given in SCC's LIR. SCC directs the Applicant to section 7 of its LIR [REP1-074] and Annex 1 of its response to ExQ1 [REP2-059] for SCC's detailed representations on its position regarding Seascape, Landscape and Visual Amenity issues.</p> <p>SL02: SCC appreciates that the Applicant will produce an explanation for its assessment of the special qualities of the Suffolk Coast & Heaths Area of Outstanding Natural Beauty ("SCHAONB") and expects that this will account for SCC's concerns over the methodology used. SCC directs the Applicant to paragraph 7.20 of its LIR [REP1-074] and SCC's response to question 14.1.11 from ExQ1 [REP2-059] which address why SCC considers that there is potential for significant adverse effects on the SCHAONB to arise as a result of the proposed development given the findings of the Applicant's Seascape, Landscape and Visual Impact Assessment ("SLVIA").</p> <p>SL05: SCC directs the Applicant to paragraph 7.26 of its LIR [REP1-074] in which SCC makes the point that there are unassessed zones of theoretical visual influence in the Dedham Vale Area of Outstanding Natural Beauty ("DVAONB"). Whilst this is unlikely to meet the threshold of a significant effect, the Applicant must nevertheless ensure that it complies with the updated wording of s85 of the Countryside and Rights of Way Act ("CROWA") 2000 which requires the Applicant to seek to further the purposes of protected landscapes affected by the proposed development. The duty, as written, is not limited in its application only to instances where significant adverse effects on designated landscapes are identified. Adverse cumulative effects should also be considered, particularly the proposed pylons as part of the Norwich to Tilbury Grid Reinforcement project which will provide the East Anglia Connection Node ("EACN") to which North Falls will connect. SCC made this point in paragraph 7.27 of its LIR [REP1-074].</p>	<p>SL02:</p> <p>The Technical Note referred to in this response (Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note [REP3-044]) was submitted at Deadline 3. This Technical Note provides further clarity relating to the assessment of effects on the SECHNL (formerly the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (SCHAONB)).</p> <p>SL05:</p> <p>Figure 30.1.4 of ES Chapter 30 Figures [APP-083] highlights the location of the Dedham Vale National Landscape (DVNL) in relation to the proposed North Falls onshore substation. The southern extents of the DVNL (the boundary of which follows Harwich Road) is just within the 2km Landscape and Visual Impact Assessment (LVIA) study area for the proposed North Falls onshore substation, as described in ES Chapter 30 Landscape and Visual Impact Assessment [APP-044].</p> <p>Following discussion during ISH1, a figure has been prepared [9.62 (Rev 0)] and is provided alongside the Applicant's Response to Actions List for ISH1 and ISH2 [9.50 (Rev 0)] to be submitted at Deadline 4, which maps the full extents of the DVNL in relation to the proposed North Falls onshore substation and the associated 2km study area.</p> <p>Figure 30.1.2 of ES Chapter 30 Figures [APP-083] provided within the DCO application highlights the very limited and fragment nature of theoretical visibility from the DVNL. Actual visibility will be further reduced due to the flatter and higher terrain; and intervening woodland and hedgerows, between Harwich Road and the proposed North Falls onshore substation, to the south of the DVNL.</p> <p>Viewpoint 8 of the LVIA demonstrates the very limited nature of visibility in views from the southern edge of the DVNL. Any views will be very glimpsed in nature, and with increasing distance the scale of change will also reduce. As such, it is not considered necessary to assess all locations with theoretical visibility from the DVNL. Any effects on the DVNL will be indirect and are not judged to be significant. The Applicant notes that Suffolk County Council agree with this position.</p>
REP3-068_d	Traffic and Transport Study Area	<p>SCC recognises and accepts that the Applicant's TTSA was agreed with National Highways and defers to their judgement given that the A12 south of Ipswich is within National Highways' ("NH's") administration. SCC appreciates the clarification given by the Applicant on the worst case peak increase in traffic flows and that the project is not likely to cause significant effects on the A12.</p> <p>Regarding cumulative impacts, SCC notes that several nationally significant infrastructure projects ("NSIPs") in Suffolk will be using the A12 concurrently with the Applicant. The fact that the TTSA's of these projects do not overlap with the Applicant's does not necessarily mean that there will be limited potential for cumulative impacts. East Anglia ONE North, East Anglia TWO and Sizewell C each include the A12 in their study areas which the Applicant will also have to use to access the A120. There will also be other projects using the A12 concurrently with the Applicant, including Five Estuaries, Norwich to Tilbury, and</p>	<p>The Applicant has provided a detailed response to SCC's Traffic and Transport Study Area (TTSA) enquiry within Table 2.4 of Applicant's Response to Local Impact Reports (LIRs) [REP2-023] LIR_SCC_08. To reiterate, the study area has been agreed with National Highways in full consideration of where the likely Project traffic impacts will have dissipated on the network.</p>

Ref	Theme	Suffolk County Council's Comments on Submissions Received at Deadline 2	Applicant's Response
		Bramford to Twinstead. SCC recognises that this section of the A12 is within Essex and under the administration of NH and so defers to NH and Essex County Council ("ECC") on this issue and the discretion of the Examining Authority as to whether they wish to explore this matter further.	
REP3-068_e	AILs	<p>SCC notes that the Applicant has identified preferred routes for Special Movement Order ("SMO") abnormal indivisible load ("AIL") deliveries and that if such routes are suitable for SMO AILs then that provides an envelope for lighter AILs. However, the OCTMP does not include commitments to specific AIL routes, so SCC cannot rule out that SMO and non-SMO AILs may be delivered using the Suffolk local road network. In particular, AILs delivered from the ports in Lowestoft or Ipswich will use Suffolk's local road network.</p> <p>SCC points out that the status of the suitability of highway structures for AIL deliveries can change over time. For instance, Sizewell C is currently facing delays in AIL deliveries due to a new Special Type General Order ("STGO") restriction for the A12 Darsham culvert. Therefore, the Applicant should not assume that all structures deemed suitable for AILs now will remain as such when the time comes for deliveries. Early stakeholder engagement and route assessment, as the Applicant has done for transformers and shunt reactors, regarding potential AIL routes through Suffolk will minimise the risk of delays caused by structural inadequacies.</p> <p>SCC appreciates the Applicant's willingness to add some provisions to the OCTMP based on SCC's concerns. SCC would like to see updated wording which commits the Applicant to stakeholder engagement and route assessment prior to notification of AIL deliveries. The amount of time should allow for sufficient input from SCC as the Local Highways Authority for Suffolk both in relation to minimising impacts on road users and ensuring routes are structurally sound. The Suffolk Constabulary should also be considered a relevant stakeholder in this provision.</p>	<p>The Applicant confirmed at ISH1 that the preferred Port for Special Order AIL deliveries is the Port of Harwich and the A120 through Essex would be the route (please refer to Applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 1 (ISH1) [9.41 (Rev 0)].</p> <p>The updated OCTMP (Rev3) being submitted at Deadline 4 contains provisions for advance consultation with the relevant highway authorities to agree appropriate timings, routes (taking into consideration structures) and asset protection measures appropriate to the type of load. The document also notes the relevant police authority will be notified as part of the (mandatory) Electronic Service Delivery for Abnormal Loads (ESDAL) system.</p>
REP3-068_f	Economic development and skills	<p>SCC appreciates the engagement with the Applicant on employment and skills matters which took place on 14th February 2025 and welcomes further engagement on the formation of the Skills and Employment Plan ("SEP"). SCC has recommended collaborative working with its Regional Skills Coordination Function ("RSCF") to ensure that the Applicant's skills and employment activities are effective and not duplicate or discordant with those of other NSIPs in Suffolk. SCC welcomes the Applicant's commitment to do this.</p> <p>SCC notes that it requested to be a named consultee to the discharging authority for Requirement 18 relating to the SEP in its LIR [REP1-074], including suggested wording to amend the draft Development Consent Order ("dDCO"). Paragraphs 9.34 to 9.39 explain SCC's reasoning behind this request which includes ensuring procedural fairness for SCC during the consultation period and to maximise the potential positive impacts from this project both for the Applicant and SCC.</p>	<p>Essex County Council is the host authority and therefore is the discharging authority for the final Skills and Employment Plan (to be substantially in accordance with the Outline Skills and Employment Plan (OSEP) [APP-253]). The Applicant has engaged numerous times with Suffolk County Council on the OSEP and will continue to engage with Suffolk County Council during development of the Skills and Employment Plan as the socio-economic impacts, including local supply chain opportunities and direct jobs associated with the O&M base (which could be located in Suffolk), extends into Suffolk. Details on the proposed approach to continue engagement with Suffolk County Council throughout the development of the Skills and Employment Plan are captured within the OSEP) [APP-253].</p>

Applicant's Response to Gillian Christmas's Additional Submission (AS-048)

Table 2-10: Applicant's Response to Gillian Christmas's Additional Submission (AS-048)

Ref	Theme	Gillian Christmas's Additional Submission	Applicant's Response
AS-048_a	Well Water	The whole of [REDACTED] is on Well Water.....nobody can answer the question as to what will happen to our water supply once you start digging. If we lose our water, what are you going to do about it?	<p>An e-mail was received by the project on 23 September 2024. This was in relation to a similar matter in terms of well water. The Applicant responded to this on 1 October 2024, but no follow up response was received. At the time, the North Falls and Five Estuaries projects were undertaking targeted sampling of wells to understand the depths of wells, inflow levels and water quality. The purpose of this initiative was to establish a baseline understanding of conditions. A second round of sampling took place in January 2025, for which the stakeholder's property was sampled. The Applicant is currently awaiting the results from the testing to understand the Project's potential impacts on well water supply and if mitigation measures are required.</p> <p>As stated in Table 19.3 of ES Chapter 19 Ground Conditions and Contamination [APP-033]:</p> <p><i>'a hydrogeological risk assessment will be undertaken where earthworks / excavations are within 50m (or 250m dependent upon the volume abstracted) of private potable groundwater abstractions and pose a potential risk from either existing or potentially introduced contamination.</i></p> <p><i>Further hydrogeological risk assessments will be undertaken where earthworks / excavations are within influencing distance of abstractions whereby they may interrupt flow pathways due to dewatering or other associated activities.</i></p> <p><i>The risk assessment, which would be desk-based, follows a tiered approach with more detailed assessments carried out in areas considered to pose a potentially greater risk to groundwater. The hydrogeological risk assessment will meet the requirements of the Environment Agency's Approach to Groundwater Protection 2018 Framework and be completed post consent dependent on further design information.</i></p> <p><i>The need for hydrogeological risk assessment will be determined following detailed design based on the final proximity in relation water abstractions. The hydrogeological risk assessment will be secured through DCO Requirement.'</i></p> <p>Outside of this, there should be no impact on the water supplies. It should be noted that the stakeholder's well is located circa 350m from the temporary construction compounds and circa 400m from the onshore cable route.</p>
AS-048_b	House Footings	Also, there are a lot of houses in this road that have NO conventional footings.....our house has stood for over three hundred years with no footings and, as you can imagine, we are VERY concerned about what is going to happen to our house once the increased traffic starts to come through past our house.	<p>From a traffic and transport perspective, the stakeholders' property falls to the north of the onshore project area on Bentley Road. As stated in Table 27.2 of Chapter 27 Traffic and Transport [APP-041], the proposed access route to the site for HGVs is along the A120, along Bentley Road to the south of the onshore project area (and the stakeholder's property) and along the haul road.</p> <p>Table 27.16 of Chapter 27 Traffic and Transport [APP-041], outlines that there would be no forecast increase in HGVs, and only limited light vehicle demand to the north of the onshore project area along Bentley Road (Link 5), equivalent to a peak change in traffic of 6.3%. The salient guidance for the environmental assessment of road traffic (the Environmental Assessment of Traffic and Movement (EATM), published by the Institute of Environmental Management and Assessment in 2023) outlines that day-to-day variation of traffic are frequently at least + or -10% and that projected changes in traffic of less than 10% create no discernible environmental impact.</p> <p>An outline approach to managing, controlling and monitoring the routing of vehicle movements is detailed within the Outline Construction Traffic Management Plan (OCTMP) [updated for Deadline 4 [7.16 (Rev 3)]. The requirement to produce a final Construction Traffic Management Plan in accordance with the OCTMP is secured by Requirement 9 of the draft DCO [REP3-008].</p>

Applicant's Response to Brock Thorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liane Enterprises Ltd Additional Submission (AS-050)

Table 2-11: Applicant's Response to Brock Thorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liane Enterprises Ltd Additional Submission (AS-050)

Ref	Theme	Brock Thorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liane Enterprises Ltd Additional Submission	Applicant's Response
AS-050_a_1	Land	<p>The ExA stated that they are only considering as part of this DCO, the North Falls project in isolation. However, the applicant is seeking rights that would be sufficient for both the Five Estuaries and North Falls DCO applications. We do not see how the ExA are able to make a decision on the application by North Falls in isolation when it also includes necessary land rights over my client's land that also facilitate the Five Estuaries development. The scheme on its own would have much less land take and impact on my client's land if this were to be an application by North Falls only. We therefore wish to challenge this DCO process on the basis that the land rights requested are much wider and greater than required by the North Falls project.</p> <p>I would like to know what would happen if Five Estuaries does not proceed? Would the land rights area reduce? Given that the current land plans are wide enough to include Five Estuaries, then the land area is too great, and this application should fail or be limited to just the North Falls project. At the Five Estuaries hearings, I noted that the Applicants agent confirmed that they would not change the planning boundary, which we find at odds with this process of trying to accommodate valid concerns of those parties affected.</p>	<p>NPS EN-1 Paragraph 3.3.71 states:</p> <p><i>'The historical approach to connecting offshore wind resulted in individual radial connections developed project-by-project. This may continue to be the most appropriate approach for some areas with single offshore wind projects that are not located in the vicinity of other offshore wind and / or offshore infrastructure that is planned or foreseen in the near future. For regions with multiple windfarms or offshore transmission projects it is expected that a more coordinated approach will be delivered. For these areas, this approach is likely to reduce the network infrastructure costs as well as the cumulative environmental impacts and impacts on coastal communities by installing a smaller number of larger connections, each taking power from multiple windfarms instead of individual point-to-point connections for each windfarm.'</i></p> <p>The North Falls Offshore Wind Farm (North Falls) project is consistent with the coordinated approach and the move away from a standard radial connection. The measures outlined in the Co-ordination Report [REP1-004] demonstrate how North Falls and Five Estuaries Offshore Wind Farm (Five Estuaries) have and will continue to work together to seek to deliver new infrastructure in a manner that seeks to reduce impacts, in particular through the provision of a shared onshore cable route and the co-location of the onshore substations for both Projects.</p> <p>A detailed cumulative effects assessment (CEA) has been carried out and reported on within each ES chapter [APP-033 to APP-047]. Paragraphs 4.8 and 4.9 of ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018], outlines how a joint cable corridor study was undertaken with Five Estuaries that sought to combine both cable corridors and refine the width and identify suitable options for the Project's onshore infrastructure that can accommodate either the North Falls project alone or co-located infrastructure for North Falls and the Five Estuaries project.</p> <p>As set out in Coordination Report [REP1-004], the Applicant and Five Estuaries have and continue to collaborate on a coordinated solution to minimise the impact on farmland in respect of the onshore substation and cable corridor. Build Option 2 detailed within paragraph 6.3 of Coordination Report [REP1-004], represents the most coordinated construction between the two projects. This involves the first project constructing and completing duct installation works for both the North Falls and Five Estuaries. The ducts for the second project form part of the authorised development in Schedule 1 of the draft DCO for both North Falls and Five Estuaries. The second project would then pull its electrical cables through the pre-laid ducts at a later date. The draft DCO [REP3-008] includes a requirement for the Applicant to notify the relevant planning authority as to which build option will be taken forward before onshore works commence.</p> <p>This shared design keeps the potential impacts from the projects to a single swathe of land and enables coordination during construction, which has the potential to significantly reduce the impacts associated with the construction phase. Whilst the width of the corridor which may be acquired is slightly wider than it would be for the North Falls development in isolation, the ability to install ducts for Five Estuaries would result in project efficiencies, with associated reduction in overall land take and</p>

Ref	Theme	Brock Thorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liane Enterprises Ltd Additional Submission	Applicant's Response
			<p>environmental impacts. Paragraph 6.3.4 of Coordination Report [REP1-004] sets out the project efficiencies associated to Build Option 2.</p> <p>The Applicant has set out the justification for the land and rights required to deliver the project in the Statement of Reasons [AS-028], Works Plans Onshore [AS-019] and response to ExQ6.1.1 in the Applicants' Response to Written Questions (ExQ1) [REP2-020]. All the land included within the Order Land is needed to achieve the identified purpose of delivering the Project.</p> <p>Section 115 of the Planning Act 2008 prescribes the development for which consent may be granted in a development consent order ('DCO') which includes both 'development for which development consent is required' and 'associated development' (see section 115(1)(a) and (b)).</p> <p>Section 115(2) defines 'associated development' as development which is associated with the development for which development consent is required (or any part of it) and is carried out wholly in England (see section 115(2) and (3)(a)).</p> <p>The Applicant submits that works to install the ducts for the electrical connections from the proposed offshore generating station to the national grid for the proposed VEOWF qualifies as associated development related to the North Falls project as:</p> <ul style="list-style-type: none"> • The application for development consent for Five Estuaries is currently at the Recommendation stage and the timing of Five Estuaries and the Project reflects a shared ambition for each project to be operational by 2030; • The two projects are promoted by separate legal entities but there are clear relationships between them (note that RWE Renewables is a common shareholder in both projects and there is clear evidence of effective cooperation and coordination between the two projects in the Co-ordination Report [REP1-004]); • The public interest benefits of the shared work (i.e. duct installation) include the further reduction of overall land take and adverse cumulative environment effects; • NPS policy and associated guidance reflects the urgent need for new electricity generating capacity (specifically for new offshore wind generating capacity) as Critical National Priority Infrastructure which should be progressed as quickly as possible and establishes a policy expectation for undertakers of individual projects to collaborate and co-ordinate with other major infrastructure projects in close proximity or where there are direct overlaps between projects (see [4.1.4] of the Co-ordination Report [REP1-004]); and • The practical effect of current NPS policy is that more offshore wind farm schemes will need to come forward quickly and will likely be clustered in certain parts of the country (including in the North Sea off the east coast of England). Accordingly, the need to avoid and reduce potential adverse impacts of those projects through cooperation and coordination between undertakers will likely become an increasingly important factor in decision-making. <p>This co-ordinated approach and the development of the possible build-out scenarios (as set out within section 6.4 of the Coordination Report [REP1-004]) demonstrates compliance with NPS EN-1 Paragraph 3.3.71.</p> <p>Under build option 1 where North Falls proceeds with the work for its Project alone, the land required for the Project's infrastructure will ultimately reflect what is required solely</p>

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			for that Project. However, as set out within section 5.3 of ES Chapter 5 Project Description [APP-019] and in accordance with NPS EN-3, the design envelope for North Falls is based on parameters for a worst-case scenario. This approach has been widely successful in the consenting of offshore wind farms and is consistent with Planning Inspectorate Advice Note Nine: Rochdale Envelope (Planning Inspectorate, 2018) which states that: "The Rochdale Envelope assessment approach is an acknowledged way of assessing a Proposed Development comprising EIA development where uncertainty exists and necessary flexibility is sought".
AS-050_a_2	Land	Having said the above, should both projects proceed, then we would welcome and encourage that both projects be built at the same time to limit the damage to the land. We think it completely impractical that the land be destroyed twice on the same parcel of land due to the timings being slightly different. This is not a new process and has been done in Yorkshire to date to good effect. This could easily be achieved by the second developer laying ducts at the same time as the construction of the first developer. This would have massive reduction in impact to the soil structure and drainage and disturbance to the local community. If the ExA are minded to proceed to include land sufficient for Five Estuaries, we request that they ensure that the land is only opened up once during construction and ducts laid for the second developer.	<p>As detailed in response to AS-050_a_1, the Applicant is seeking to co-ordinate and collaborate with Five Estuaries where practicable. The draft DCO [REP3-008] has been drafted to allow scenarios based on the gap between North Falls and Five Estuaries meeting their respective Final Investment Decisions. When developing a co-ordinated design onshore, North Falls and Five Estuaries have developed three possible build-out scenarios for both projects as detailed within sections 6.3 and 6.4 of the Co-ordination Report [REP1-004]. These are:</p> <ul style="list-style-type: none"> • Scenario 1 – North Falls proceeds to construction and undertakes the additional onshore cable trenching and ducting works for Five Estuaries as part of a single construction activity (i.e. ducting for four electrical circuits). North Falls would undertake the cable installation and onshore substation construction for its project only (i.e. two electrical circuits). The two projects would share accesses from the public highway for onshore cable installation and substation construction. The projects would utilise and share the same Temporary Construction Compounds (TCC) for the cable installation works. • Scenario 2 – Both North Falls and Five Estuaries projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently but opportunities for reuse of enabling infrastructure e.g. haul roads / site accesses etc., with the other project then reinstating once complete. • Scenario 3 – Five Estuaries does not proceed to construction; or both Five Estuaries and North Falls projects proceed to construction on significantly different programmes (over 3 years apart). In the latter case the significantly different programmes would mean that haul roads and TCCs are reinstated prior to the second project proceeding. In such case cumulative impacts are for a potential construction period of 6 years+. This scenario presents no reduction in overall impacts for the projects from the sharing of infrastructure. <p>ES Chapter 5 Project Description [APP-019] sets out that the cable duct installation works will be a continuous activity with a 'work front', with installation being undertaken within one section of the onshore cable route before moving on to the next. In any given location, once the cable ducts have been installed the trenches would be backfilled and the work front would continue moving onto the next section. This would minimise the amount of land being worked on at any one time.</p> <p>It is hoped that the projects can proceed on the same timeframe such that there is no issue with sequencing. However, given the two projects are separate, this cannot be guaranteed. There may be consenting, environmental mitigation or route to market issues for one project, which could mean that the aligned programmes slip. Therefore, the projects need to have the option for sequential construction in case any of these</p>

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			<p>issues occur. It should be noted, it is not in the two projects interest to build out the onshore export cable route separately, due to potential commercial benefits of constructing at the same time. However, the financial commitments to do so are large, and there needs to be project certainty to justify the spend. Therefore, such commitments can only be made once the projects have a CfD. The only way for the sequencing issue to be removed and commitments capable of being made at this stage in the process would be for an anticipatory mechanism to be created at a regulatory level that would significantly de-risk the installation of a second set of cable ducts. Such a mechanism would need to be defined and regulated by Government in such a way that the risk to North Falls is mitigated.</p>
AS-050_a_3	Land	<p>We do not think that the applicant has considered alternative routes across my client's land holding. We have grave concerns that this proposal will conflict with a proposed development by my client. We have put forward alternative proposals and suggested alternative routes but each time they have been discounted. We are disappointed that the developer has not sought to enter into meaningful discussions to avoid the conflict.</p>	<p>The Applicant has considered a number of location and design alternatives as part of the site selection and assessment of alternatives process, which is described further in the ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018].</p> <p>The Applicant has held and continues to have productive discussions with the landowner's representative regarding the impact of the Project on their client's land and aspirations for developing the land. To fully understand the potential impacts, the Applicant is seeking further information about the landowner's development proposals and has, to date, met with the landowner's representative on 11 occasions.</p> <p>The alternative proposals advanced by the landowner and their agent were raised during a meeting on 13 November 2023 and included locating the cable route either under or north of two existing reservoirs. While the alternative was explored by the Applicant, this route was discounted as it deviated from the route selection principles set out within the Site Selection Golden Rules [APP-091] and was affected by a number of constraints. The Applicant responded to the landowner and their agent in writing on 14 December 2023 providing an explanation as to why it would not be possible to accommodate the landowner's alternative proposals. Reasons included that the proposals would result in:</p> <ul style="list-style-type: none"> • Additional land take • Additional cable length and increased construction activities and disruption • Crossing of an existing water main (the main supply of water to the Tendring peninsula) at acute angles which could cause issues with the large water main due to the special type of material the water main is made from • Potential trenching across water bodies and reinstated land of currently unknown composition • Interaction with archaeology features <p>Based on feedback and following the conclusion of the North Falls statutory consultation, both North Falls and Five Estuaries revised their project boundaries to mitigate impacts on the landowner's development aspirations by:</p> <ul style="list-style-type: none"> • Reducing the number of cable circuits for each project from 4 to 2. Thereby reducing the easement to 20 metres per project where open cut is proposed; • Reducing the overall corridor width. Where open cut is proposed a working width of 60 metres for both projects is proposed opposed to 120 metres initially proposed;

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			<ul style="list-style-type: none"> Aligning the Five Estuaries & North Falls corridors to promote cooperation with the aim of progressing a joint corridor; and Locating the cable trenches as close as feasibly practicable to the existing reservoirs and water main (adhering to allowable electrical offsets to ensure the integrity of the water main), to reduce the impact on the area proposed for the landowner's housing development. This means the cable trenches are proposed to be located at the minimum separation distance to the water main, rather than the edge of the proposed cable route to minimise impacts on the proposed housing development. <p>The Applicant has sought to engage with the landowner and has made changes to the Project boundary to mitigate impacts on the landowner's aspirations for proposed development. The Applicant acknowledges that some level of interaction between the North Falls project and the landowner's proposed development remains but the Applicant cannot further amend its route where identified constraints do not allow.</p>
AS-050_a_4	Land	<p>This development is directly impacting on a residential and social development scheme that my clients and a land promoter are developing. The proposals are being split into 2 phases of development. During negotiations with the applicant's agent, it appears that we are able to potentially build out our Phase 1 development alongside the applicants development proposals, subject to agreeing the routes of temporary land take and access for maintenance routes in the future. At present, there is verbal commitment to ensure that both schemes do not impact, but this is still in development. This phase 1 of the development includes building of a new school and link road for the local community. However, the second phase of development, which will include potential build of a new bypass, play areas, green space for amenity and social wellbeing, will be significantly impacted by the applicants proposals. As mentioned above, we have suggested alternative routes that are within my client's land and have been included within the survey area by Five Estuaries and North Falls, which would mean that the cable route would not impact on our development scheme. My client has been happy to promote this alternative land within their boundaries and within the survey boundary area.</p> <p>It is worth noting that the draft Issues and Options Consultation Document (2024) identifies six Growth Options for the District, three of which propose significant residential allocations in Thorpe-le-Soken up to 800 new homes. Thorpe-le-Soken is a sustainable settlement and the land to the north of the village is likely to be an area of focus for housing allocations through the Local Plan review.</p> <p>However, those routes have been rejected on the grounds of cost. It appears that the applicant is seeking the most cost-effective route which will mean significant impact to my clients proposals and to the local community with a potential loss of a new school, new road schemes, amenity areas etc. we believe that that ExA should understand the impacts of our proposals on the cable route and alongside the developer and the landowner, seek to investigate the alternative routes to avoid such conflict. Cost should not be the underlying decision on the cable route, especially when there are other such cost alternatives. It is our opinion that the route of the cable has been fixed for some time now and the applicant is just not willing to consider any alternatives.</p>	<p>Please refer to the Applicant's response to [AS-050_a_3] for a summary of how the Applicant has revised the Project design to mitigate impacts on the landowner's aspirations for development and has considered alternative cable routes proposed by the landowner and their agent.</p> <p>The Applicant has engaged with the landowner and their agent to understand the extent of the landowner's aspirations for development and to mitigate impacts. While limited draft plans of phase 1 of the proposed development have been shared with the Applicant, no further plans or details have been shared pertaining to a second phase of development. The Applicant has requested details of discussions regarding plans for the proposed developments and would welcome further discussion and receipt of detailed plans from the landowner in order to explore how the schemes may work together. The Applicant notes that the ExA requested at ISH1 that plans of the proposed development be submitted into the Examination by the landowner's agent Mr Fell.</p> <p>The Applicant acknowledges the <i>Issues and Options Consultation Document</i> released by Tendring District Council on 3 March 2025 for public consultation, which closed on 14 April 2025.</p> <p>As outlined in the Applicant's Response to Local Impact Reports [REP2-023] (Table Reference LIR_ECC_3.5) in response to Tendring District Council, the Applicant's position remains that the <i>Issues and Options Consultation Document</i> represents early preparations for the new Tendring District Council Local Plan and for this reason carries limited weight. This includes the growth area options identified and indicative housing numbers associated with the growth areas.</p> <p>The Applicant notes that at the time of site selection, refinement of the Project boundaries and submission of the DCO application, the landowner's proposed development was and currently remains outside of the settlement boundary for Thorpe-le-Soken and is unallocated for development according to sections 1 and 2 of the <i>Tendring District Local Plan 2013-2033 and Beyond</i> (adopted in January 2021 and January 2022 respectively). Furthermore, the site was not included within the Strategic Housing Land Availability Assessment (2022), and it is understood was not part of the Call for Sites register that informed said assessment.</p>

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			<p>Based on the information available to the Applicant at the time of site selection, a housing development of the scale that the landowner has ambitions for is unlikely in the short term (0-5 years) or medium term (6-11 years).</p> <p>The Applicant will continue to engage with the landowner but at this stage, for the reasons outlined above and those detailed in AS-050_a_3, it does not consider further changes or amendments to the Project design to be appropriate.</p>
AS-050_a_5	Land	<p>The applicant is seeking a very large cable corridor to give them flexibility to locate the cable route as they state that they are not at a stage that they can decide where to place it. We do not feel that is fair and reasonable when they are requesting such large land rights. Our client would much prefer the cables and thereafter the easement to be located on the northern boundary of the cable corridor. As a bare minimum this would mean much less disruption to my client's land and would seek to mitigate the impact on my clients development proposals. At present the Applicant is not willing to commit, despite our requests on many occasions to locate the cable easement to the north of the cable corridor.</p>	<p>The Applicant refers to its responses to [AS-050_a_2] and [AS-050_a_3] which sets out how the onshore cable corridor route was amended following statutory consultation and through ongoing engagement. The Applicant has explained the constraints and site selection parameters considered as noted above. The Applicant cannot further amend its route where identified constraints do not allow.</p> <p>The Applicant also refers to its response to AS-050_a_1 which provides a justification for the inclusion of a cable corridor at the current dimensions.</p>
AS-050_a_6	Land	<p>Ideally, our preference is for the developer to go further north (outside the current cable corridor land), indeed, North Falls initially were consulting and using this route, but we have been told that this is a longer cable route and will therefore mean more cost. We do not think that this should be a reason to just dismiss this route, and we request that the ExA request that the Applicant seeks to cross over my client's land in a location that would minimise the impact on our future development proposals. There is an option for the developer to go under our client's water bodies – we have been told that is not possible to put the cable under a pond by directional drilling; although I know from other offshore wind farm cables, that they have directional drilled under water courses and water bodies and therefore this seems perfectly possible.</p>	<p>The Applicant refers to its response to [AS-050_a_3].</p>
AS-050_a_7	Land	<p>It is our position that this housing, education, health and wellbeing development is of equal weight and significance to the applicants proposals and that every effort should be made to avoid the conflict of land use. The cable route can be located on an alternative route (within the survey area) on my client's land that will not create the same impact that the chosen route is.; however, it is much more difficult to change my client's proposed development; in doing so it would not be joined up with the local community in Thorpe-le-Soken.</p>	<p>The Applicant has not been provided with any plans or detailed drawings for any subsequent phases of the landowner's proposed development beyond a high-level plan for phase 1. However, as per the response given to [AS-050_a_3], there are a number of constraints preventing the cable corridor to be routed under the existing reservoirs on the landowner's land or further to the north. The Applicant would welcome further dialogue with the landowner on their development aspirations along with receipt of detailed plans and any other relevant planning information to explore how the two schemes can work together and coexist. As mentioned above, the Applicant notes that the ExA requested at ISH1 that plans of the proposed development be submitted into the Examination by the landowner's agent Mr Fell.</p>
AS-050_a_8	Land	<p>I also question the requested easement width. I am involved with the Eastern Green link 1 cable bringing power via a 525kV, 2GW HVDC cable. National Grid state that they only need 2 cable ducts each adjacent to each other, in a 900mm trench. So 1.8m in width. They are needing a 30m easement for maintenance in the future with the cable being laid in the middle of that easement. If NG can give me that detail, then I'm not sure why the Applicant can't here. North Falls could easily have their 16 cables within ducts adjacent at 900mm, which is 14.4m. an easement width therefore of 30m is more than sufficient. We believe that the Applicant is requesting too wide ranging land rights and that there is plenty of scope to reduce the cable corridor and easement; the Applicant is seeking as wide as possible rights to cover all eventualities, but if they are so uncertain, then they should have done more pre-DCO surveys to be able to firm up the actual route. It is interesting to note that they have been very specific ecology surveys which determine that there are certain areas that no development can occur which from our</p>	<p>North Falls will use High Voltage Alternating Current (HVAC) technology, whereas the project the landowner references (Eastern Green Link 1) employs High Voltage Direct Current (HVDC) technology. These two technologies have differing technical requirements and constraints making direct comparison inappropriate.</p> <p>HVAC technology requires multiple circuits due to technical limitations on cable size and consequently greater space is required to ensure safe and reliable operation. Placing the circuits as close together as the landowner suggests would have significant impacts on cable sizing and create adverse magnetic effects (the interaction between North Falls and Five Estuaries could exacerbate these magnetic field impacts) and also impact on the current in the cable. Such impacts would lead to an increased risk of cable failure and result in increased disruption to the landowner in the long-term owing to increased access and cable repair activities.</p>

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		land, is causing significantly diversion of the temporary possession land away from the cable corridor, yet the developer cannot say where in the cable corridor the cable will go. In my experience of other schemes, this is because the developer will seek a design and build contractor with a 3rd party; and will therefore wish to keep the options open which I think is not right given they are seeking compulsory powers which should only be given where necessary and should minimise disruption to the landowner affected.	The construction parameters the landowner has set out are not feasible and are technically impossible due to the fact that the North Falls and Five Estuaries projects use HVAC and not HVDC. The Applicant further refers to its response to [AS-050_a_1] , which provides a justification for the inclusion of a cable route at the current dimensions. The Applicant also notes that where open-cut is proposed, the Applicant is seeking an easement of 10 metres for each cable circuit and therefore the total easement width will be 20 metres for the North Falls project. Where trenchless installation is employed, the final easement width is not yet known but will be proportionate and no greater than required to meet engineering requirements.
AS-050_a_9	Land	In terms of design, under land parcel 07-011, you will note that on the south eastern boundary, the cable corridor takes a right hand turn after entering onto my clients land after it crosses Damants Farm lane. We believe that the cable corridor could at this point head north west and go either underneath my clients ponds and then taken a left hand turn to join back up to the crossing point on B1414 or head slightly further north around the ponds and join back up with the application boundary.	Plot 07-011 relates to land east of Tendring Road. We understand the land parcel the landowner is referring to is 05-026. Please see Land Plans (sheet 5 of 15) [AS-018] and Book of Reference [REP2-009] . The Applicant refers to the response given to [AS-050_a_3] .
AS-050_a_10	Land	We wish to request that to mitigate the impact on the land, that a stone haul road is constructed and traffic (except the soil stripping and restoration teams) use only the haul road for construction. Secondly, I think that construction traffic should be limited to working hours in the spring through to autumn as has been the case on other projects in the country and means less impact to the local community and farming business. I have firsthand experience of the lack of haul road and construction all year round; the effect was that works had to cease due to pollution of local water courses, land getting completed saturated and badly damage by large construction traffic getting stuck in subsoil. The soil structure (and that is not just the topsoil) is my client's vital asset in growing crops and root crops; this must be protected as far as possible, and this can only be done with the construction of a haul road.	As described in ES Chapter 5 Project Description [APP-019] , the Project will utilise a haul road to provide safe access for construction vehicles along the onshore cable route, between temporary construction compounds and the work fronts. This will minimise the amount of vehicle movements between work areas on the existing road network and reduce soil damage. Paragraph 219 of ES Chapter 5 Project Description [APP-019] states that following an initial top soil strip, the haul road would be formed of protective matting, temporary metalled road or permeable gravel aggregate dependent on the ground conditions, vehicle requirements and any necessary protection for underground services. Where land is used temporarily for construction, the Project has designed the onshore cable route sections so that a number of them can be constructed in a single Spring to Autumn season. This is not practicable for all sections, as access is limited to certain parts of the onshore cable route and is difficult due to the nature of the road network in some areas, requiring longer cable route sections. In these areas, and where activity duration dictates, infrastructure will need to remain in place over winter due to the impacts of activities such as haul road construction/decommissioning. Therefore, restricting construction during the winter season will lengthen the overall programme and the impacts of construction. For activities that will impact the soil over winter months and where practicable, the planning and timings of works will be discussed with landowners and occupiers in order to reduce impacts on agricultural productivity. The Applicant refers to its Outline Code of Construction Practice [REP3-017] which details a list of management plans that will be produced as part of the final Code of Construction Practice which will be a requirement secured by the draft DCO [REP3-008] . Example management plans include a Construction Method Statement, Contaminated Land and Groundwater Scheme, Soil Management Plan and Materials Management Plan which will ensure adherence to construction industry good practice guidance such as Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).
AS-050_b	Cable Depth	we note during discussions with the Applicant that they cannot guarantee that the cable will be buried at below 1.2m in depth. I cannot understand why they cannot guarantee that. Surely if they have done the appropriate soil surveys on my client's land before this	As described in ES Chapter 5 Project Description [APP-019] , the Applicant will aim to lay cables at a depth not shallower than 1.2m to top of duct. This is in line with UK Power Networks (UKPN) requirements which are stated in the Engineering and

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		DCO application, then they would know the underlying geology. My clients are seriously concerned that their future farming operations will be affected if the cable is not buried at 1.2m deep. We request that the ExA ensure that the cable is buried on agricultural farmland to a minimum depth of 1.2m.	Construction Standard 02-0019. This is designed to take into consideration the requirements for standard agricultural activities such as drainage and deep ploughing. Where issues with the ground conditions are identified, the Applicant will still aim to bury the cable as deep as is reasonably practicable. The Applicant will ensure that no infrastructure is shallower than 0.9m, including marker tape.
AS-050_c	Drainage	we request that the DCO imposes an obligation on the developer to install both pre and post construction drainage on the agricultural land. This should be developed in conjunction with the landowners existing drainage schemes and in consultation with the landowners existing drainage contractors. Land drains are vital to the effective management and growing of crops on this land in particular and without a working system both during construction and after construction, then the land use will be impacted in the future. There is bound to be subsidence as the top soil re-settles after construction; again there needs to be sufficient time period for repairs and claims to be bought after the scheme ends, I would suggest a 10 year aftercare period on drainage.	The Applicant refers to paragraph 132 of the Outline Code of Construction Practice [REP3-017] which details that a specialist drainage contractor will be appointed. This requirement is secured by Schedule 1, Part 3(8) of the draft DCO [REP3-008] . Existing land drains along the onshore cable route and at the onshore substation will be reinstated, where practicable and in agreement with each Landowner, following construction. As specified within the Outline Code of Construction Practice [REP3-017] a specialist drainage contractor will undertake surveys to locate drains and create drawings both pre- and post-construction and ensure appropriate reinstatement. A Construction Surface Water Drainage Plan will be developed as part of the CoCP and will include provisions to minimise water within the working area and ensure ongoing drainage of surrounding land. In the event that reinstating existing land drains is not feasible, this will be discussed with the landowner and an agreed post construction drainage scheme implemented. Post-construction an Agricultural Land Officer will remain appointed for up to one year in order to manage remediation issues and any further remediation would be covered or compensated for in accordance with the terms of the voluntary property agreement or under the Compensation Code.
AS-050_d	Contamination and Soil Analysis before Construction	Contamination – we are concerned that there is no mechanism to ensure that vehicles passing between land holdings are wheel washing or washing down to prevent the spread of soil borne disease and pests between land holdings. For example, PCN is a problem and soil borne and we would not want contaminated vehicles moving between holdings both during construction and during maintenance. We request that the ExA ensure that appropriate vehicle washing procedures are following where the developer is crossing between land holdings. Soil analysis before construction – the soil is so key for the landowner and farmer. We request that the ExA ensure that before construction occurs a detailed topsoil analysis is carried out along the cable corridor; this should include a detailed soil depth analysis at regular intervals, say every 25m to ensure that the soil returned is to the same depth. In addition, soil ph, N, P K, Mg, soil organic matter etc, is all done at the same regular intervals. I have first hand experience of bad top soil management during construction and in some places, there is up to 30cm of top soil missing upon soil placement after construction.	As described in the Outline Code of Construction Practice [REP3-017] , all construction vehicles and machinery entering and leaving the working area(s) will follow the biosecurity measures of the Great Britain Invasive Non-native Species Strategy (Defra, 2015) “check, clean, dry” guidance. The Outline Code of Construction Practice [REP3-017] provides a summary of the biosecurity protocols which will be adopted, for example all vehicles will be kept clean, in particular removing any accumulated mud/material before entering and leaving the working areas. A Soil Management Plan for managing top/subsoil during construction will be included within the project's Code of Construction Practice, secured through the draft DCO. The Code of Construction Practice [REP3-017] also details that a pre-construction soil condition survey will be undertaken by a competent soil specialist to identify the physical characteristics of the soils to support land reinstatement.
AS-050_e	Restorative aftercare	there should be at least a 10 year after care programme on replacement of hedgerows and trees. This is standard practice in mineral aftercare and I do not see why that should be any different here.	As detailed in the Outline Landscape and Ecological Management Strategy [REP3-019] , hedgerows that are re-instated would be monitored once a year for the minimum of 10 year aftercare period post construction to ensure that the hedgerow has fully established. If it has not, then remediation works should be undertaken to ensure that it is achieved, including the replanting failed plants.
AS-050_e_1		I wish to bring to the attention of the ExA an issue over the haul road going off line. We were told at the public hearing at Five Estuaries that the relevant ecology assessment would be forwarded on to me by the applicant – this has not been done which is very disappointing. However, we are lead to believe that the applicant does not wish to take out a small section of hedgerow in order to take the haul road through during construction instead they wish to divert around to the nearest point. This means a significant extra	When defining the onshore cable route, the Applicant has considered a number of factors. This includes the requirement for the proposed housing development, the requirements of Affinity Water and their water main as well as ecological constraints. To mitigate the impact on the proposed housing development, the Applicant has tried to move the onshore cable route as far north as possible in this location. This can be seen in the crossing of hedgerow 2174 as shown in Appendix 1 of [AS-50] (this hedgerow is

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		<p>land take and significant disturbance to my client and his farming operations. We are told by the developer that we cannot use the same access areas, this is going to make farming in the area of land around both these land takes, extremely difficult leading to a much wider claim and disturbance to this farming business – the developers are suggesting that as their application is to deprive us of the use of the existing farm road, that a new farm road will have to be temporarily built adjacent to the existing farm road – this does not seem practical.</p> <p>We know (although again, this has not been confirmed by the Applicant just yet) that they intending to directional drill these hedgerow areas. The area needing to be cleared of hedgerow for the construction period would be a matter of m's (4m at most) to allow the construction traffic to move around along the cable corridor. I understand that one of the problem areas (is relating to dormice. There are various mitigation techniques that could be adopted (see English Nature (now Natural England) advice note on Dormice dated 2006). It is possible to mitigate the impact which we believe would be much less than taking significant additional temporary land and future maintenance access routes (it is not just temporary but rights of the future as well).</p> <p>I have read the report and you'll note that there were lots of nesting boxes set along the hedgerow running north south. Only one nest box had a dormouse in. it would therefore be possible to create a short removal of the hedgerow to the north of the cable corridor, which is a significant distance from the nest location without impacting on the dormouse. If the construction of this bit was reduced or controlled, then a new hedgerow with cuttings etc could be installed asap to re-create the corridor.</p> <p>At present, the proposal is for the temporary haul road to be located just to the south the nest box, so surely having the haul road much further to the north will create this disturbance for the dormouse. There seems to be a lack of practical solutions being considered and when question, we are just told "its what the ecologist have said".</p> <p>Please also note, that in the survey, there were no adults or juveniles present (that is coloured green on the plan).</p> <p>As you will see they have found nests and dormice present on certain lengths of the hedgerow. However if they were to take the haul road just to the north of the most northerly nest (roughly marked by orange line in Map 2) (a similar distance to the proposed haul road from the nest found in Appendix 1), then this would significantly reduce the excessive temporary land take and would have a significantly reduced impact on our clients farming business. It is disappointing that no consultation with the landowner has been had to seek alternative routes that have less of an impact. Clearly there are other options here that the developer should have considered in discussion with the Landlord.</p>	<p>labelled as H100 within the North Falls application documents, as noted below), where on the Applicant's Onshore Works Plans [AS-019], the entire area proposed is Works No. 6 i.e. cable installation (there is no Works No. 8 in this location, signifying an off route haul road). This has been done at the request of the landowner to move the cable route as far north as possible. In this instance, the haul road is within Works No. 6, with the Applicant's intention is to limit, as far as is practicable, the land take to the south of the onshore project area when it comes to the micro siting the working corridor (which is less than the onshore project area width).</p> <p>In terms of crossing methodology proposed at these hedgerows, the proposals are shown in the Crossing Schedule [APP-092]. Hedgerow 2174 in the plan provided by Brockthorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liana Enterprises Ltd [AS-050] correlates with EOX-41 in the Crossing Schedule (which is shown as a HDD crossing) and hedgerow 2204, which is EOX-44 in the Crossing Schedule where both HDD and open trench crossing options have been retained.</p> <p>The Applicant has continued to engage with the landowner's representative on this point and on the routing of the off-route haul road (plot 7-008 identified on Sheet 7 of the Land Plans [AS-018]). Hedgerow numbered H136 identified on Figure 23.11e within ES Chapter 23 Figures Part 3 of 3 [APP-070] was recorded as having confirmed presence of hazel dormice (see also Figure 2.4 in ES Appendix 23.5 [APP-128], which shows the locations of the nests recorded). Hedgerows H214 and H100 on Figure 23.5d within ES Chapter 23 Figures Part 3 of 3 [APP-070] (labelled as 2204 and 2174 in the plan from the Five Estuaries application documents provided in Appendix 1 by Brockthorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liana Enterprises Ltd [AS-050]) was recorded as supporting an assemblage of commuting and foraging bats (see also ES Appendix 23.9 Bat Activity Survey Report [APP-132], for further details).</p> <p>Hazel Dormice and all UK bat species are protected under The Conservation of Habitats and Species Regulations (2017) (the 'Habitats Regulations') as amended and are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and dormice and selected bat species are listed as UK species of principal importance. The Applicant has therefore sought to mitigate impacts on these species by seeking alternatives and reduce impacts wherever practicable. Under the European Protected Species Licence (EPSL) test, the Applicant must consider whether, amongst other factors, there are no satisfactory alternatives before seeking a licence to undertake works that might affect species protected under the Habitats Regulations. Consequently, the Applicant has sought to consider alternatives and has developed a route in line with the mitigation hierarchy, aiming to avoid these hedgerows by routing the haul road around them.</p> <p>Removal of these hedgerows would also not align with the design principles listed within the Applicant's Site Selection Golden Rules [APP-091] of minimising the number of hedgerow crossings.</p> <p>The Applicant notes that, for hedgerow H214 (2204 in the plan provided by Brockthorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liana Enterprises Ltd [AS-050]), the Applicant has committed in the Outline Landscape and Ecological Management Strategy (OLEMS) (Rev3) [7.14(Rev3)] to undertaking pre-construction dormice and bat surveys of this hedgerow (and all hedgerows). Should the pre-construction surveys no longer find these species to be present, then alternative options</p>

Ref	Theme	Brock Thorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liane Enterprises Ltd Additional Submission	Applicant's Response
			<p>could be considered for this hedgerow, including routing a haul road through a different location.</p> <p>Further details on the surveys undertaken can be viewed within ES Chapter 23 Onshore Ecology [APP-037]. Details of the hazel dormouse surveys are outlined in ES Appendix 23.5 [APP-128]. Details of bat surveys can be found within ES Appendix 23.8 Bat Emergence Re-entry Survey Report [APP-131] and ES Appendix 23.9 Bat Activity Survey Report Parts 1 and 2 [APP-132, APP-133].</p> <p>The Applicant confirms that during construction a temporary access track will be provided to the landowner. The details of any alternative access will be discussed and agreed with the landowner in accordance with the principles set out within the Outline Code of Construction Practice [REP3-017]. An ALO will be appointed by the Applicant prior to the commencement of the construction works and will be the primary contact for ongoing engagement about practical agricultural matters and will ensure landowners, occupiers and their agents are consulted in respect of requirements to field entrances, access and crossing points across the Works Corridor, in particular to severed land parcels before and during the construction process.</p>
AS-050_f	Construction with Five Estuaries	<p>Our first point relates to the double land take – we do not wish to see the land taken, restored and then re-taken by the Five Estuaries project. We believe that this DCO should ensure that if Five Estuaries project is also consented within a 2-year timetable of this DCO, that both projects should be at least ducted at the same time to minimise disruption. In addition, we do not believe that the applicant should take land, restore and then re-open the same land again. Once it is opened, all works should happen and the land only restored once, unless required for future maintenance.</p> <p>We believe that the developer should only have the land opened for a maximum time of 18months to minimise the disruption. Interestingly, I am told by National Grid that their contractors can dig and lay at least 100m of cable ducting a day. An 18-month period should be more than sufficient for the construction of cable ducts and thereafter restoration.</p> <p>We request that the ExA also put a timetable on the development to progress after the DCO has been confirmed of 3 years. This is because otherwise the landowners are left not knowing what is happening, not enabling them to plan for the future. Whilst we appreciate that the developer will need to raise finance etc, unless they can commit to the scheme during this DCO process, then they should not be given such powers, especially if they are stating that they are not able to confirm progress due to financial reasons.</p>	<p>The Applicant refers to the response given to AS-050_a_1 and AS-050_a_2.</p> <p>The Applicant and Five Estuaries are committed to on-going co-ordination at the construction stage where there is the potential for co-ordination in delivery of the two projects, which has been facilitated within each DCO application (including the ability for one project to lay ducting for the other, and shared use of accesses and compounds).</p> <p>Section 5.3.2 of ES Chapter 5 Project Description [APP-019] sets out commitments made by North Falls and Five Estuaries to co-ordinate and collaborate where practicable in order to minimise both projects' environmental and social effects. Of note, Scenario 1 sets out the possibility for either project to proceed to construction and undertake additional onshore cable trenching and ducting works for the other project as part of a single construction activity. Each project would undertake their own cable installation and onshore substation construction however the two projects would share accesses from the public highway for these activities. The projects would also utilise and share the same Temporary Construction Compounds.</p> <p>The Co-ordination Report [REP1-004] summarises the extent of co-ordination and collaboration undertaken to date as the Project has evolved alongside Five Estuaries.</p> <p>The Applicant refers to ES Chapter 5 Project Description [APP-019] which confirms in paragraph 231 that cable duct installation works would be a continuous activity with a 'work front', with installation being undertaken within one section of the onshore cable route before moving on to the next. In any given location, once the cable ducts have been installed the trenches would be backfilled and the work front would continue moving onto the next section. This would minimise the amount of land being worked on at any one time.</p> <p>Paragraph 257 of ES Chapter 5 Project Description [APP-019] confirms cables would be pulled through the pre-installed ducts later in the construction programme. During the cable pulling works, trenches would not need to be completely reopened and the cable pull would take place from joining bays located approximately every 500m along the onshore cable route.</p> <p>Following completion of the works, all areas of the onshore cable route including cable trenches, spoil storage, haul road and temporary construction compounds will be</p>

Ref	Theme	Brock Thorpe Consultancy Ltd on behalf of Strutt and Parker (Farms) Ltd and Liane Enterprises Ltd Additional Submission	Applicant's Response
			<p>reinstated to a condition no worse than the condition that existed prior to the commencement of construction works. This process will be continuous during construction as each area of the works is completed.</p> <p>Within the draft DCO [REP3-008] there are various requirements relating to the construction programme. For example, Requirement 1 provides a 7 year time limit as preceded by previous projects. Requirement 19 specified that compulsory acquisition powers cannot be used nor can the onshore works commence until the build option has been confirmed to the discharging authority.</p> <p>Agreeing such a request of 3 years would be unprecedented for offshore wind farm projects. Even if DCO consent was granted on time, delays can be caused by judicial review of the decision; delays in applications for CfD; unsuccessful applications for CfD; potentially ongoing Five Estuaries works; and delays to National Grid's Norwich to Tilbury consent. All of these are reasons supporting the requirement for a 7 year time limit under the draft DCO [REP3-008].</p>

Applicant's Response to Historic England Comments (AS-052)

Table 2-12: Applicant's Response to Historic England Comments (AS-052)

Ref	Theme	Historic England's Comments on Responses to ExQ1	Applicant's Response
AS-052	Historic England Current Position	<p>Historic England would like to acknowledge the requested presence at the ISH 1 in relation to historic environment matters, unfortunately due to the pressure of casework, we are unable to field an officer at this time. Please accept our apologies. We would however like to be included at ISH2.</p> <p>In relation to the agenda, we note Item 3.2 includes Historic Environment and Archaeological matters. We can therefore confirm we have received today (31/03/2025) an updated version of the DRAFT Archaeological mitigation Strategy and Outline WSI from the applicant. The effectiveness of the archaeological mitigation strategy is subject to the new documentation and is therefore still under review at this time. Other matters are currently subject to review in the SoCG.</p> <p>Our Marine Planners have also noted in relation to your question "Whether the proposed offshore cable corridor from the proposed development would adversely affect sediment and geoarchaeological potential.", that in our Written Representation (see REP2-039) we highlighted the absence of geotechnical data collected pre-application to support the DCO application which presents risk in consideration of the geoarchaeological potential identified within the development area.</p> <p>We acknowledge the response made by the Applicant at Deadline 3 (REP3-037). Their position states that sufficient measures exist within the current DCO conditions (REP3-009). In this instance, if the Examining Authority is not minded to include a specific condition, we would accept that geoarchaeological investigations and mitigation measures are provided for through the existing DCO condition and Outline Offshore WSI (REP3-016). We will therefore review the latest versions of these documents submitted by the Applicant at Deadline 3 and will offer more detailed comments and amendments we may have at Deadline 4.</p> <p>We are however also anticipating revised wording for the DRAFT DCO Requirements that will take into account the new AMS and the revised Outline WSI. This will need to be agreed prior to being submitted to the ExA.</p>	<p>The Applicant notes Historic England is currently reviewing the updated outline Onshore Written Scheme of Investigation (OWSI) (Rev1) and draft Archaeological Mitigation Strategy, which the Applicant has provided to Historic England and ECC for comment on 31 March 2025. The Applicant awaits further comments from Historic England and ECC and intends to submit these documents into the Examination at Deadline 5.</p> <p>Schedule 12, Part 3 (other documents to be certified) of the DCO will be updated to list the most up to date versions of the Written Scheme of Investigation and Archaeological Mitigation Strategy.</p>

3. APPLICANT'S RESPONSE TO DEFERRED DEADLINE 2 SUBMISSIONS

Applicant's Response to the Port of London Authority's Written Representation [REP2-056]

Table 3-1: Applicant's Response to the Port of London Authority's Written Representation [REP2-056]

Applicant Ref	Theme	Key paragraphs from Port of London Authority's WR	Applicant's Response
REP2-056_a	Marine Policy Statement and Marine Plans	4.16 The PLA is unable to agree with this policy conclusion as it has not been demonstrated that the DWRs into the Port of London have been safeguarded now and into the future and that the cables, cable protection and cable crossings would ensure vessels of 20m draught could enter the Port. The PLA considers that it should be possible to do this, but the dDCO and the application documents do not at this time sufficiently reassure the PLA. Currently decisions made by others at the detailed design stage could significantly and detrimentally impact the future of the Port.	The Applicant considers the suite of measures submitted into examination as at Deadline 4 (outlined below) appropriately secure the cable burial depth within the Deep Water Routes, and in turn address the PLA's concerns.
REP2-056_b	Cable burial depths	<p>5.1 The OCC is shown as Work No. 3, on the Works Plans [APP-202]. The OCC includes the Sunk and Trinity DWRs and the Sunk Pilot Diamond Area as shown in Figure 2.1 of the oNIP [APP-259]. The DWRs are used for entry and exit of vessels into/from the Port of London.</p> <p>5.2 The depth of the NF cables where they cross the DWRs is therefore critical. The PLA requires future access for vessels with a draught of 20m at the DWR and accounting for 10% under keel clearance this means that a water depth of 22m below Chart Datum ("CD") must be maintained by NF. There must be certainty in the NF application that this requirement will be met because if it is not, then it will limit the quantum of trade within the Port. The impact of this would be significant, detrimentally impacting the future of the UK's largest port.</p> <p>5.5 The depth of the NF cables where they cross the DWRs; the approach to cable laying and repair; cable protection and cable crossings are therefore all critical if the DWRs into the Port of London are not going to be impacted by NF. There are areas of the OCC where certainty is required at this stage on cable burial depths, cable protection and cable crossings to ensure that there will be no significant effects on shipping and navigation arising from the OCC, in isolation or cumulatively with other projects, during construction, operation, maintenance and decommissioning.</p> <p>5.8 The PLA seeks to secure an agreed position in relation to the DWRs and for the agreed position to be clear and consistent within the application documents and within the DCO. There needs to be a specific requirement relating to the cables where they cross the DWR (see para 13.4 below for wording); the PLA requires protective provisions which set out amongst other things what happens if cable depths are not achieved, and an outline cable specification and installation plan ("oCSIP") needs to be produced and submitted to the examination which sets out information in relation to cable installation and maintenance, cable crossings, cable protection and temporary works such as boulder relocation and archaeological finds. The oCSIP and CSIP will essentially provide a technical specification of offshore cables, including a desk-based assessment of cable burial depth in accordance with good industry practice. It should also include a detailed cable laying plan for the DWRs which demonstrates how cable installation and maintenance will ensure that the DWRs can be dredged to 22m below CD. The application documents, dDCO and the Deemed Marine Licence need to be clear</p>	<p>The Applicant is committed to a cable burial depth below 22m chart datum within the Sunk A and Trinity Deep Water Routes (DWR), and a depth of below 19m CD within the Sunk B, to meet the Ports' future expectation of vessels with a draught of up to 20m using the DWR. This commitment is proposed to be secured by:</p> <ul style="list-style-type: none"> • Specification of the cable burial depth within the Cable Specification and Installation Plan (CSIP). An outline CSIP has been submitted at Deadline 4 for review and comment [9.53 (Rev 0)]. The CSIP is secured in the DMLs. Schedule 9 Condition 22(1)(h) has been amended in the draft DCO submitted at Deadline 4, to require the CSIP to be 'in accordance with' the outline CSIP. A definition for the outline CSIP has been added to the DCO and DML [6.1 (Rev 5)]. • A Sediment Disposal Management Plan (SDMP) which will prevent disposal of sediment within the DWR. An outline SDMP has been submitted at Deadline 4 for review and comment [9.52 (Rev 0)]. A new subparagraph of condition 21(1) in Schedule 8 and 10 and condition 22(1) in Schedule 9 secures the SDMP, which must be in accordance with the outline SDMP. A definition for the outline SDMP has been added to the DCO and DMLs [6.1 (Rev 5)]. • The Navigation and Installation Plan (NIP) regarding management of cable installation and maintenance activities. Updates have been made to the outline NIP and submitted at Deadline 4 [7.24 (Rev 1)]. • A requirement in the DCO – see new requirement at Schedule 1, Part 3, Requirement 2(3) which requires installation and maintenance of the cables at depth, and associated definition in Part 1 for "Deep Water Route Cable Installation Area Future Dredging Depth Plan" in the latest draft DCO [6.1 (Rev 5)], as well as a new Deep Water Route Cable Installation Area Future Dredging Depth Plan, submitted at Deadline 4 [9.57 (Rev 0)]. • Condition 13 of Schedule 9 regarding reduction of water depth has been amended to make it clear navigable depth may not be reduced within the Deep Water Routes [6.1 (Rev 5)]. <p>For completeness, the Applicant notes updates have also been made to the Cable Statement, submitted at Deadline 4 [7.27 (Rev 1)], removing content regarding offshore cabling activities from the Cable Statement, to avoid duplicating the information now in the outline CSIP.</p>

Applicant Ref	Theme	Key paragraphs from Port of London Authority's WR	Applicant's Response
		and consistent regarding what is required at the DWRs and what might be possible in other locations – for example, currently there are references to a 5% reduction in water depths, but this would not be appropriate at the DWRs.	
REP2-056_c	Deposits of dredged material	10.1 In order to install the cables within the OCC it will be necessary to dredge. The Deemed Marine Licence (Transmission Assets) (Schedule 9) allows for up to 3,019,856 cubic metres of inert material to be deposited within works no.2 to 4A (work no. 3 is the OCC which includes the DWRs). There is a real concern about a lack of controls in relation to the placing of inert material within the OCC and the implications of this for navigable depths at the DWRs. The PLA supports the approach taken at VE where an Outline Sediment Disposal Management Plan ("oSDMP") was produced to ensure that the dredging and drilling material that is created from construction activities will not be disposed of with the DWR section of the OCC or impact the pilot station. The PLA understands from the Applicant's deadline 1 submission (REP1-045) that an oSDMP, setting out the criteria for dredge disposal location(s), will be developed and submitted as soon as possible into Examination	Sediment disposal within the DWR will be prevented, controlled through a Sediment Disposal Management Plan (SDMP). An outline SDMP has been submitted at Deadline 4 for review and comment [9.52 (Rev 0)] . A new subparagraph to condition 21(1) in Schedules 8 and 10 and condition 22(1) in Schedule 9 secures the SDMP, which must be in accordance with the outline SDMP [6.1 (Rev 5)] .
REP2-056_d	Protective provisions	14.1 The dDCO (REP1-011)) does not include any protective provisions for the benefit of the PLA. Protective provisions are required to ensure that the PLA can effectively discharge its general and specific statutory duties as set out in section 2 above. 14.2 The PLA has appended the form of the Protective Provisions that have been sought on VE. The form of the Protective Provisions to be included in the dDCO for the benefit of the PLA need to cover the following: 14.3 Importantly it is not appropriate for others such as the MMO or the MCA to be making decisions on matters that are fundamental to the PLA and the operation of the Port of London/River Thames and the DWRs.	The Applicant's position remains that protective provisions are not necessary to safeguard the PLA's statutory undertaking. The Applicant has addressed this point in full in the Applicant's Response to the Ports' Request for Protective Provisions and the ports [9.58 (Rev 0)] .
REP2-056_e	DCO Drafting	Article 2 (Interpretation) definition of Commence 13.1 In order to amount to commencement under the proposed definition an offshore work needs to be a licensed activity authorised by the deemed marine licences. As noted above, the PLA would want to be consulted about any surveys or monitoring that affect the DWRs in line with the process for the VE surveys and monitoring that affect the DWRs. The PLA will be seeking protective provisions within Schedule 14 as explained below and would note that the definition of commencement would not be appropriate for that part of Schedule 14. Article 2 (Interpretation) definition of maintenance 13.2 The definition of maintain is broad and includes adjusting and altering. In the context of the export cable works to adjust or alter could result in a change in location and/or depth which would not be acceptable to the PLA for the reasons explained above. Article 5 (Benefit of the Order) 13.3 The PLA would, in line with the position agreed at VE, expect within its protective provisions to contain a requirement for the undertaker to notify the PLA in writing within 7 days of any sale, agreement or other transaction under Article 5.	As the Applicant's position is that protective provisions are not necessary for the PLA, the Applicant has not further considered the PLA's comments on the drafting of these provisions of the DCO.
REP2-056_f	DCO drafting	Schedule 1 Part 3 Requirements 13.4 Akin with VE and in recognition of multiple interested parties view on the future use of the DWRs, the PLA would wish to see a requirement and associated certified plan to the effect of:	As set out above, the Applicant has amended the draft DCO [6.1 (Rev 5)] to introduce a new requirement 2(3) as follows: Offshore design parameters

Applicant Ref	Theme	Key paragraphs from Port of London Authority's WR	Applicant's Response
		<p><i>"The undertaker must ensure that in the design, implementation, operation and maintenance of the authorised development and ancillary works, a dredged depth of the Deep Water Routes to a depth of 22 metres below Chart Datum is not precluded or impeded." ("the Requirement")</i></p>	<p>2.—(1) ...</p> <p>(2) ...</p> <p><u>(3) Any part of Work No. 3 and any associated development located within the following areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, must be installed and maintained at a level which would not preclude dredging:</u></p> <p><u>(a) of the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer, to a level of 22 metres below Chart Datum;</u></p> <p><u>(b) of the area shown shaded in pink and labelled Trinity – Trinity DW Buffer, to a level of 22 metres below Chart Datum; and</u></p> <p><u>(c) to the area shown cross hatched purple and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum.</u></p> <p>A corresponding definition has been added to Part 1 of the DCO, as follows: <u>"Deep Water Route Cable Installation Area (Future Dredging Depths) Plan" means the document certified as such by the Secretary of State under article 41 (certification of plans, etc.) for the purposes of this Order;</u></p> <p>A corresponding "Deep Water Route Cable Installation Area Future Dredging Depth Plan" has been introduced to the examination at Deadline 4.</p>
REP2-056_g	DCO drafting	<p>Schedule 9 Deemed Marine Licence Transmission Assets</p> <p>13.5 Whilst the PLA would expect its own approvals, the PLA has the following broad comments:</p> <p>(a) PLA contact details need to be listed at paragraph 5;</p> <p>(b) Paragraph 2 allows for disposal of up to 3,019,856 cm2 of material within Work Nos. 2 to 4A. This means that it could be disposed within Work No 3 the OCC. This must be coupled with checks and balances to make sure that there is no reduction in water depth over the DWRs.</p> <p>(c) The PLA request that a DWR parameter consistent with the Requirement is an express condition within the Deemed Marine Licence ("DML") for the Transmission Assets (Schedule 9).</p> <p>(d) Part 2 Condition 13 (maintenance of the authorised development) the PLA's comments above regarding maintenance are equally applicable to the dML. There needs to be a requirement when undertaking maintenance to protect water depths that would ensure a vessel of 20m draught could enter the Port of London.</p> <p>(e) Part 2 Condition 16 (Notification and inspections) there is no requirement to notify the PLA of commencement or within subparagraph (11) to notify the PLA if there has been damage to a cable or subparagraph (12) exposure of a cable.</p> <p>(f) Part 2 Condition 22 (Pre construction plans and documents):</p> <p>(i) There are a suite of documents submitted to the MMO but no requirement to consult with the PLA or other port authorities such as Harwich or for the Applicant to demonstrate that they have consulted the PLA on any relevant plans prior to their submission nor a requirement to explain how those comments have been addressed.</p> <p>(ii) In sub-paragraph (1)(iii) of Condition 22 the Applicant has to provide details of length and arrangement but no details are required regarding depth nor the crossing of other cables.</p>	<p>The Applicant's position is that the suite of measures introduced to examination at Deadline 4 to secure the cable burial depth within the Deep Water Routes (for both installation and maintenance) is sufficient to address the PLA's points on Schedule 9.</p> <p>Sediment disposal within the DWR will be prevented, controlled through a Sediment Disposal Management Plan (SDMP). An outline SDMP has been submitted at Deadline 4 for review and comment [9.52 (Rev 0)]. A new subparagraph of condition 21(1) in Schedules 8 and 10 and condition 22(1) in Schedule 9 secures the SDMP, which must be in accordance with the outline SDMP [6.1 (Rev 5)].</p> <p>The Applicant does not agree that the DWR parameter needs to be repeated as a condition within the DML, as it is included as a requirement within the DCO, and the CSIP is conditioned within the DML.</p> <p>Condition 13 of Schedule 9 regarding reduction of water depth has also been amended to make it clear navigable depth may not be reduced within the Deep Water Routes [Document Ref: 6.1 (Rev 5)].</p> <p>The Applicant has also submitted an updated outline navigation and installation plan at Deadline 4 [7.24 (Rev 1)].</p>

Applicant Ref	Theme	Key paragraphs from Port of London Authority's WR	Applicant's Response
		<p>(iii) In sub-paragraph (1)(f) of Condition 22 there is no requirement to demonstrate that they have consulted the PLA prior to submission nor a requirement to explain how those comments have been addressed.</p> <p>(iv) In sub paragraph (1)(h) a cable specification and installation plan for the relevant stage must be provided but there is no requirement to demonstrate that they have consulted the PLA prior to submission nor a requirement to explain how those comments have been addressed. The submitted details also refer to exceedance of 5% reduction in navigable depth – as set out elsewhere within this Written Representation there can be no reduction in navigable depth at the DWRs.</p> <p>(v) Sub paragraph (1)(j) requires an offshore monitoring plan for the relevant stage which accords with the principles set out in the outline offshore in-principle monitoring plan but there is no requirement to demonstrate that they have consulted the PLA prior to submission nor a requirement to explain how those comments have been addressed.</p> <p>(vi) (Sub paragraph (1)(n) requires a navigation and installation plan for the relevant stage which accords with the principles set out in the outline navigation and installation plan. The comments made regarding the oNIP, as cited previously in this Written Representation must be taken into account for this to be acceptable by the PLA.</p>	

Applicant's Response to the London Gateway Port Limited Written Representation [REP2-041]

Table 3-2: Applicant's Response to London Gateway Port Limited Written Representation [REP2-041]

Ref	Section of WR	London Gateway Port Limited Written Representation	Applicant's Response
REP2-041_a	DGWLG Concerns	<p>7. The proposed export cable corridor (the "ECC") crosses the Deep Water Routes into the Port of London – comprising the Sunk and Trinity which lead to Black Deep (referred to as the "DWRs"). The DWRs are the only approaches available for larger vessels to access the Port. The DWRs are currently both used for entry and exit into/from the Port but in the future, as vessels get bigger, it may be necessary for one DWR route to be used for entry and one for exit. As shown on Sheet 2 of the Work Plans (Offshore) [AS-020], Work No. 3 crosses through both the Sunk and Trinity areas.</p> <p>8. The North Falls Offshore Windfarm Project works have the potential to cause short and long-term impacts to navigation and to the capacity and operation of the Port, particularly from the works associated with the ECC. These impacts include permanent (P) and temporary (T) impacts arising from:</p> <ul style="list-style-type: none"> (a) cable depths (P) (b) survey activity, cable laying and repair/maintenance (T) (c) installation activities effects on depths (T) (d) interaction with third party schemes (cable crossings (P) and simultaneous operations (T)) (e) the safety zones (P and T) 	See below in response to [REP2-041_d] – The Applicant is committing to secure the required cable burial depth in the DWR via a requirement in the DCO, and a related definition and plans.

Ref	Section of WR	London Gateway Port Limited Written Representation	Applicant's Response
		<p>(f) dredging (T)</p> <p>(g) changes in cable depth due to changes in riverbed/sea (P)</p> <p>9. The range of impacts vary from vessel displacement and delays to placing a constraint on the size of vessel that achieve access to the Port and thus, its future growth and overall capacity.</p> <p>10. Presently in the dDCO [REP1-011] there is no parameter regarding the depth at which the cables and any cable protection must be placed to maintain appropriate dredged depths in the DWRs. For example, no relevant parameter is set out in the requirements at Part 3 of Schedule 1 to the dDCO and nor in the DML at Part 1 of Schedule 9 to the dDCO. (Similarly, there is no detail on cable depth in the Cable Statement [APP-262] save only for a reference to a 'target minimum cable burial depth of 0.6m below the seabed surface depending on the outcome of the cable burial risk assessment' – see para 19 of [APP-262]). If the cables or their protection are laid at too shallow a depth, they will preclude the use of the DWRs by certain vessels and will interfere with LGPL's statutory undertaking at DP World London Gateway Port and the exercise by LGPL of its powers to dredge under the HEO.</p>	
REP2-041_b	DGWLG Concerns	11. LGPL is also concerned regarding the temporary impacts on navigation to and from the Port caused by the carrying out of the works for Work No 3.	The Applicant considers temporary impacts to navigation to and from the port due to the construction of the offshore cables is appropriately managed through the Navigation and Installation Plan [7.24 (Rev 1)] , which is secured in the DML by condition 21(1)(n) / condition 22(1)(n) [6.1 (Rev 5)] .
REP2-041_c	Relevant Policy	<p>12. Detrimental impacts to shipping would conflict with the policies and objectives set out in the National Policy Statement for Ports, which demonstrates the essential role that UK ports play in supporting the regional and national economy.</p> <p>13. Any such impacts would also conflict with the policies and objectives in respect of navigation and shipping set out in the National Policy Statement for Renewable Energy Infrastructure (EN-3). In particular, we make reference to Paragraph 2.8.326 to 2.8.331 and 2.8.335 of the National Policy Statement for Renewable Energy Infrastructure (EN-3).</p>	<p>The Applicant's position is that the proposed development is in accordance with the relevant policies in NPS-Ports and NPS-EN3.</p> <p>The proposed development will not cause interference with the use of recognised sea lanes essential to international navigation – interactions between shipping and project activities have been limited through project design and are appropriately managed through the Navigation and Installation Plan (NIP) [APP-259]. As set out in the Navigational Risk Assessment [App-106, APP-107 & APP-108], risks to navigational safety have been reduced to as low as reasonably practicable.</p>
REP2-041_d	Modifications sought by LGPL	<p>14. LGPL are of the view that a Requirement must be added to the draft DCO [REP1-011] to secure a position that the passage of vessels with drafts of up to 20m should not be precluded by the authorised development and, for that purpose, to secure that the seabed within the DWRs can be dredged to a depth of at least 22m below CD.</p> <p>15. The Requirement not to preclude the specified dredge depth should be seen as a fundamental parameter to, or restriction on the carrying out of the authorised development – it is in a sense akin to an upwards limit of deviation. It is for the Order itself to specify such a restriction – this is in accordance with the Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project [Paragraph 003, Reference ID 04-003- 20240430 and Paragraph 008, Reference ID 04-008-20240430] and would follow accepted practice across other development consent orders and harbour orders under the Harbours Act 1964.</p> <p>16. It is not appropriate for such a restriction only to be secured in a third-hand way by virtue of being a factor set out in plan (the cable specification and installation plan – referenced in Condition 22(h) of the DML in Part 2 of Schedule 9 to the dDCO [AS-022]) not yet seen but to be approved in the future by the MMO. Such an approach provides no guarantee to the Secretary of State (or interested parties such as LGPL)</p>	<p>The Applicant is committed to a cable burial depth below 22m chart datum within the Sunk A and Trinity Deep Water Routes (DWR), and a depth of below 19m CD within the Sunk B, to meet the Ports' future expectation of vessels with a draught of up to 20m using the DWR. As at Deadline 4, this commitment is secured by:</p> <ul style="list-style-type: none"> • Specification of the cable burial depth within the Cable Specification and Installation Plan (CSIP). An outline CSIP has been submitted at Deadline 4 for review and comment [Document Ref: 9.53 (Rev 0)]. The CSIP is secured in the DMLs. Schedule 9 Condition 22(1)(h) has been amended in the draft DCO submitted at Deadline 4, to require the CSIP to be 'in accordance with' the outline CSIP. A definition for the outline CSIP has been added to the DCO and DML [6.1 (Rev 5)]. • A Sediment Disposal Management Plan (SDMP) which will prevent disposal of sediment within the DWR. An outline SDMP has been submitted at Deadline 4 for review and comment [Document Ref: 9.52 (Rev 0)]. A new subparagraph of condition 21(1) in Schedule 8 and 10 and condition 22(1) in Schedule 9 secures the SDMP, which must be in accordance with the outline SDMP. A definition for the outline SDMP has been added to the DCO and DMLs [Document Ref: 6.1 (Rev 5)].

Ref	Section of WR	London Gateway Port Limited Written Representation	Applicant's Response
		<p>that this restriction will be applied – it may end up diluted or conditioned in a way that is not presently contemplated.</p> <p>17. Accordingly, we would propose a requirement be added to Part 3 of Schedule 1 in the following terms:</p> <p><i>'Maintenance of Navigation</i></p> <p><i>3A-(1) The undertaker must ensure that in the design, implementation, operation and maintenance of the authorised development and ancillary works, a dredged depth of the Deep Water Routes to a depth of 22m below CD is not precluded or impeded.</i></p> <p><i>(2) The undertaker must ensure that in the design, implementation, operation and maintenance of the authorised development and ancillary works, a dredged depth of the Deep Water Routes Buffer to a depth of 19m below CD is not precluded or impeded.</i></p> <p><i>(3) The undertaker must not relocate any boulders or archaeological finds to the Deep Water Routes or the Deep Water Routes Buffer.'</i></p> <p>18. This would also require the inclusion of the following definitions:</p> <p><i>'Deep Water Routes' means those parts of the Order limits within the Sunk and Trinity channels that are respectively more particularly shown [xxxxx] on [plan];'</i></p> <p><i>'Deep Water Routes Buffer' means those parts of the Order limits within an area 200m either side of the Sunk channel that are more particularly shown [xxxxx] on [plan];'</i></p> <p>(Plan showing those parts of the Sunk and Trinity channels within the limits of Work No. 3 to be agreed with the Applicant)</p>	<ul style="list-style-type: none"> The Navigation and Installation Plan (NIP) regarding management of cable installation and maintenance activities. Updates have been made to the outline NIP and submitted at Deadline 4 [Document Ref: 7.24 (Rev 1)]. A requirement in the DCO – see new requirement at Schedule 1, Part 3, Requirement 2(3) which requires installation and maintenance of the cables at depth, and associated definition in Part 1 for “Deep Water Route Cable Installation Area Future Dredging Depth Plan” in the latest draft DCO [Document Ref: 6.1 (Rev 5)], as well as a new Deep Water Route Cable Installation Area Future Dredging Depth Plan, submitted at Deadline 4 [Document Ref: 9.57]. Condition 13 of Schedule 9 regarding reduction of water depth has been amended to make it clear navigable depth may not be reduced within the Deep Water Routes [Document Ref: 6.1 (Rev 5)]. <p>For completeness, the Applicant notes updates have also been made to the Cable Statement, submitted at Deadline 4 [Document Ref: 7.27 (Rev 1)], removing content regarding offshore cabling activities from the Cable Statement, to avoid duplicating the information now in the outline CSIP.</p>
REP2-041_e	Modifications sought by LGPL	<p>19. Following on from the above proposals for an additional Requirement to protect future dredge depths, certain amendments to the Protective Provisions for the Protection of London Gateway Port in Part 7 of Schedule 14 to the dDCO [REP1-011] necessarily flow. In addition to the inclusion of the Requirement set out above to secure the dredge depth, there remains the need for LGPL's involvement in the draft cable specification and installation plan as is already contemplated in the protective provisions to the Order. This is largely due to its importance in relation to programme and methodology for the relevant works. However, the logic of this must also be applied across to any future maintenance activities for cable remedial burial, cable repairs and replacement and cable protection replenishment which falls within the conditions set out within Schedule 9, Part 2 to the Order and which is within the scope of the operations and maintenance plan, not the cable specification and installation plan (see condition 13 to the DML in Part 1 of Schedule 9 to the dDCO [REP1-011]).</p>	<p>The Applicant's position is that protective provisions are not required for LGPL. The Applicant has set out its detailed position on this in the Applicant's Response to the Ports' Request for Protective Provisions and the ports [9.58 (Rev 0)].</p> <p>The Applicant has now committed to securing the required cable burial depth via a DCO requirement 2(3) which applies to both cable burial and cable maintenance, therefore addressing the LGPL's concerns regarding ensuring cable depth is achieved at installation as well as maintained.</p> <p>Regarding LGPL's involvement in the draft cable specification and installation plan, the outline CSIP sets out the commitment for the Applicant to consult with the PLA and LGPL on the finalisation of the plan [9.53 (Rev 0)].</p>
REP2-041_f	Modifications sought by LGPL	<p>20. There are certain other amendments to the Protective Provisions in Part 7 of Schedule 14 which LGPL seeks to protect its powers under the HEO which LGPL hopes to be able to agree with the applicant shortly.</p>	<p>As above, the Applicant's position is protective provisions are not required for the LGPL.</p>
REP2-041_g	Modifications sought by LGPL	<p>21. In relation to Condition 13(3) of the DML in Part 2 of Schedule 9 to the dDO [REP1-011], following through from our representations with regard to the need for a Requirements in Part 3 of Schedule 1 above, the permissible reduction in water depth of up to 5% must not apply to the DWRs, where such reduction would have the effect of inhibiting the ability to dredge the seabed to a depth of at least 22m below CD.</p>	<p>The Applicant has updated Condition 13(3) of Schedule 9 in the draft DCO submitted at Deadline 4 to address this concern [6.1 (Rev 5)].</p>

Applicant's Response to the Maritime Coastguard Agency [REP2-046]

Table 3-3: Applicant's Response to the Maritime Coastguard Agency [REP2-046]

Ref	Section of WR	Maritime Coastguard Agency	Applicant's Response
REP2-046_g	Draft Development Consent Order (DCO) (APP-005)	As per our above advice and Relevant Representation, there must be a condition of consent within the DCO/DML to secure the removal of the Galloper Recommended Route before any offshore construction work can commence.	<p>The Applicant's position remains that there is no need for a DCO requirement or DML condition relating to removal of the Galloper Recommended Route.</p> <p>The Applicant maintains that removal of the route is a procedural matter which should not be a pre-requisite to commencement of development. It is practically unnecessary to have the route removed prior to commencement, and as such the removal should not delay construction, which would have serious financial and programme implications for the project and impact to the UK's electricity generation.</p> <p>The Applicant has confirmed the route is not used for its intended purpose as a ferry route between the UK and Belgium. It has not been active since 2009, and there are no plans to reactive it. Long-term AIS data shows extremely limited usage in recent years, with no vessels using the route to travel between the UK and Belgium. As such there are no navigation safety concerns resulting from the commencement of construction prior to the removal of the route. The Belgian Maritime Authorities have accepted the Formal Safety Assessment [REP2-025] produced by the Applicant on the removal of the route. As set out in the Applicant's response to Q15.1.11 [REP2-020], the Belgian Directorate General of Shipping confirmed on the 20th January 2025 that their "consultation on the FSA is closed and the result is positive".</p> <p>The Applicant has and continues to do what it can to move the process forward to have the route removed as soon as possible. The Applicant understands the process to have the route removed is time controlled, with one meeting of the International Maritime Organization per year to consider the removal, with the next meeting being in Spring 2026, proposals required to be submitted 6 months prior, and submission to the UK Navigational Safety Committee prior to that. This is why the Applicant urges the MCA to begin the process of removal prior to consent being granted.</p> <p>However, a concern around removal process timing does not necessitate a condition requiring removal prior to commencement of development, given there is no navigation safety concern and no practical implications should construction begin before the route has formally been removed, if that circumstance should arise.</p> <p>The Applicant considers the possibility of the IMO refusing to grant the route removal is incredibly low, given the IMO membership vote using a percentage system, not a veto system, and the key impacted party, Belgium, has a positive position on the removal. It is not the case that objection by any member would prevent the removal of the route as appeared to be suggested at ISH2.</p> <p>The Applicant is continuing to engage with the MCA to resolve this issue.</p>
REP2-046_h	Draft Development Consent Order (DCO) (APP-005)	<p>Sch 8, Part 2, Condition 12(3);</p> <p>Sch 9, Part 2, Condition 13(3);</p> <p>Sch 10, Part 2, Condition 12(3)</p> <p>Amend to; <i>by more than 5% <u>Chart Datum</u> unless agreed with the MMO in writing.</i></p>	This amendment has been made in the latest draft DCO submitted at Deadline 4 [6.1 (Rev 5)] .
REP2-046_i	Draft Development Consent	<p>Sch 8, Part 2, Condition 15(11);</p> <p>Sch 9, Part 2, Condition 16(11);</p> <p>Sch 10, Part 2, Condition 15(11);</p>	The Applicant does not propose to make this amendment.

Ref	Section of WR	Maritime Coastguard Agency	Applicant's Response
	Order (DCO) (APP-005)	add ' <i>regional fisheries organisations</i> ' after ' <i>UK Hydrographic Office</i> '.	<p>It is not necessary to require the notification of 'regional fisheries organisations' as the undertaker is required to notify the Kingfisher Information Service under subsection (11) and mariners under subsection (12).</p> <p>The proposed requirement to notify regional fisheries organisations is imprecise, as it is not sufficiently clear as to which parties would need to be notified, and unnecessary given the existing standard notification requirements noted above.</p> <p>Additionally, justification has not be provided as to why this addition notification requirement is necessary and appropriate in the case of North Falls. The Applicant notes the DML for Sheringham Shoal and for Five Estuaries do not include the requirement to notify these parties and the MCA do not appear to have requested this notification requirement in other cases.</p>
REP2-046_j	Draft Development Consent Order (DCO) (APP-005)	<p>Sch 8, Part 2, Condition 15(12);</p> <p>Sch 9, Part 2, Condition 16(12);</p> <p>Sch 10, Part 2, Condition 15(12);</p> <p>add '<i>regional fisheries organisations</i>' after '<i>notify mariners</i>'</p>	As above in response to REP2-046_i
REP2-046_k	Draft Development Consent Order (DCO) (APP-005)	<p>Sch 8, Part 2, Condition 19(10);</p> <p>Sch 9, Part 2, Condition 20(10);</p> <p>Sch 10, Part 2, Condition 19(10);</p> <p>amend to "...as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation..."</p>	These conditions have been amended in the latest draft DCO submitted at Deadline 4 [Document Ref: 6.1 (Rev 5)], with the amendments based on the proposed text provided by the MMO in its Deadline 3 submission [REP3-056] .
REP2-046_l	Draft Development Consent Order (DCO) (APP-005)	<p>Sch 8, Part 2, Condition 21(1)(i)</p> <p>MCA must also be consulted on the lighting and marking plan to confirm requirements for turbine identification markings and SAR aviation.</p>	<p>The Applicant considers the current drafting of Condition 21(1)(i) addresses the MCA concerns.</p> <p>Necessary lighting and markings are covered by the aids to navigation management plan required by Condition 21(1)(i), which must be agreed in writing by the MMO following consultation with Trinity House, the MCA, and the CAA. Aid to navigation are further detailed in Schedules 8 and 10, Condition 16 and Schedule 9, Condition 17. There is no separate lighting and marking plan proposed.</p>
REP2-046_m	Draft Development Consent Order (DCO) (APP-005)	<p>Sch 8, Part 2, Condition 23(2);</p> <p>Sch 9, Part 2, Condition 24(2);</p> <p>Sch 10, Part 2, Condition 23(2).</p> <p>It is not necessary to include a separate condition for the preparation of an Emergency Response Cooperation Plan. MCA will ensure this is completed under Condition 14(1). We ask for 14(2) to be removed.</p>	<p>The Applicant assumes that the MCA's reference to Condition 14(1) and (2) is intended to be a reference to Condition 23(1) and (2).</p> <p>The Applicant has amended the latest draft DCO submitted at Deadline 4 to remove Sch 8 and 10, Condition 23(2) and Sch 9, Condition 24(2). [6.1 (Rev 5)].</p>
REP2-046_n	Draft Development Consent Order (DCO) (APP-005)	<p>Sch 9, Part 2, Condition 28</p> <p>A post-construction bathymetric survey of the export cable route must be conducted, as per MGN654 Annex 4, and we request the following condition is added:</p> <p><i>"The undertaker must conduct a swath bathymetric survey to IHO S44ed5 Order 1a of the installed export cable route and provide the data and survey report(s) to the MCA and UKHO. The MMO should be notified once this has been done, with a copy of the Report of Survey also sent to the MMO."</i></p>	This amendment has been made to the latest draft DCO submitted at Deadline 4, with the addition of a new Condition 28(3) (and the renumbering of existing Condition 28(3) and (4). [6.1 (Rev 5)] .

Ref	Section of WR	Maritime Coastguard Agency	Applicant's Response
REP2-046_o	Draft Development Consent Order (DCO) (APP-005)	MCA contact details in Schedules 8,9 and 10 Part 1 to be amended to: Maritime and Coastguard Agency UK Technical Services Navigation Spring Place 105 Commercial Road Southampton SO15 1EG Email: navigationsafety@mcga.gov.uk	This amendment has been made to the latest draft DCO submitted at Deadline 4. [6.1 (Rev 5)] .



NORTH FALLS

Offshore Wind Farm



HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Ltd

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

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