



Application by North Falls Offshore Wind Farm Ltd for North Falls Offshore Wind Farm

The Examining Authority's written questions and requests for information (ExQ2)

Issued on 13 May 2025

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ2. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C to the Rule 6 letter of 10 December 2024 [PD-006]. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is on the website – link. Please contact northfalls@planninginspectorate.gov.uk with any questions.

Responses are due by Deadline 5: Friday 30 May 2025



Abbreviations used:

AIL	Abnormal Indivisible Loads	IFP	Instrument Flight Procedure
AIS	Automatic Identification System	IP	Interested Party
ALC	Agricultural Land Classification	LAs	Local Authorities
ALO	Agricultural Land Officer	LBBG	Lesser Black Backed Gull
BMV	Best and Most Versatile	LIR	Local Impact Report
BNG	Biodiversity Net Gain	LGPL	London Gateway Port Limited
CA	Compulsory Acquisition	LVIA	Landscape Visual Impact Assessment
CAA	Civil Aviation Authority	MCA	Marine and Coastguard Agency
CBRA	Cable Burial Risk Assessment	MMMP	Marine Management Mitigation Protocol
CEA	Cumulative Effects Assessment	MMO	Marine Management Organisation
CIMP	Compensation Implementation and Monitoring Plan	MOD	Ministry of Defence
CoCP	Outline Code of Construction Practice	NATS	National Air Traffic Service
dDCO	Draft Development Consent Order	NE	Natural England
DIO	Defence Infrastructure Organisation	NESO	National Energy System Operator Plc
DML	Deemed Marine Licence	NFOWF	North Falls Offshore Wind Farm
EA	Environment Agency	NGET	National Grid Electricity Transmission
EACN	East Anglia Connection Node	NPS	National Policy Statement
ECC	Essex County Council	NRA	Navigational Risk Assessment
EMF	Electro Magnetic Fields	NRIL	Network Rail Infrastructure Limited
ES	Environmental Statement	NSIP	Nationally Significant Infrastructure Project
ExA	Examining Authority	OCSIP	Outline Cable Specification and Installation Plan
HVAC	High Voltage Alternate Current	OCoCP	Outline Code of Construction Practice
HVDC	High Voltage Direct Current	OCTMP	Outline Construction Traffic Management Plan
HDD	Horizontal Directional Drilling	OFLaCP	Outline Fisheries Liaison and Coexistence Plan
HoT	Heads of Terms	OIPMP	Offshore In-Principle Monitoring Plan
HRA	Habitats Regulations Assessment	OSEP	Outline Skills and Employment Plan



OnSS	Onshore Substation	SoCG	Statement of Common Ground
OWF	Offshore Wind Farm	SoS	Secretary of State
PA2008	The Planning Act 2008	SoR	Statement of Reasons
PEIR	Preliminary Environmental Information Report	TDC	Tendring District Council
PLA	Port of London Authority	TTSA	Traffic and Transport Study Area
R	Requirement	TP	Temporary Possession
RNP	Required Navigation Performance	VEOWF	Five Estuaries Offshore Wind Farm
RSPB	Royal Society for the Protection of Birds	VHF	Very High Frequency
RR	Relevant Representation	WAM	Wide Area Multilateralisation
SCC	Suffolk County Council	WCS	Worst Case Scenario
SEP	Skills and Employment Plan	WTG	Wind Turbine Generator

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The [Examination Library](#) is updated as the examination progresses and can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010119/EN010119-000542-6.%20Examination-Library-North-Falls-PUBLISH.pdf>

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2 1.0.1 – refers to question 1 in this table.



Index		
1.	General and Cross-topic Questions.....	5
2.	Agriculture and other land uses, ground conditions and soils.....	6
3.	Alternatives	8
4.	Aviation	10
5.	Climate Change and Resilience	10
6.	Compulsory Acquisition	10
7.	Cumulative Effects	16
8.	Design.....	22
9.	Draft Development Consent Order.....	22
9.0	Articles Part 2 – Principal Powers.....	23
9.1	Schedule 1 Part 3 - Requirements.....	25
9.2	Schedules 8, 9 and 10 – Deemed Marine Licences under the 2009 Act	32
9.3	Schedule 12 – Documents to be Certified.....	34
9.4	Schedule 14 – Protective Provisions.....	34
9.5	Planning obligations and other agreements	36
10.	Ecology/Biodiversity/BNG/HRA	36
11.	Flood Risk, groundwater and surface water	64
12.	Historic Environment & Archaeology	65
13.	Human Health	67
14.	Landscape, Visual and Seascape Effects.....	68
15.	Navigation and Shipping.....	71
16.	Socio-economic Effects	74
17.	Terrestrial Traffic and Transportation.....	76

ExQ2	Question to:	Question:
1. General and Cross-topic Questions		
Q1.0.1	The applicant (Parts (i), (ii) and (iii)). Essex County Council and Tendring District Council (Part (iii) and iv) only).	<p>Outline Code of Construction Practice – Working Hours</p> <p>The Outline Code of Construction Practice (OCoCP) (Rev 2) (Tracked) [REP3-018] sets out the proposed Working Hours and timing of the works in Section 1.3.1. Paragraph 50 provides a list of exceptions for activities outside of these hours which includes “<i>daily start up or shut down</i>”. Given the concerns raised by Essex County Council (ECC) [REP4-072] regarding working hours and in particular noise levels before 7am:</p> <ul style="list-style-type: none"> (i) What consideration has been given to limiting the timings or noise levels of the daily start up or shut down activities? (ii) What consideration has been given to restrict high impact and noisy activities between 8am to 6pm? (iii) What is your view on what noise limits (and in what locations) would be appropriate to limit high impact and noisy activities outside of the hours of 8am to 6pm? (iv) Do you agree with the applicant's Response to Written Questions (ExQ1) Rev 0 [REP2-020] Q1.4.6 regarding the control of noise and vibration during construction? If not, what changes would you propose to the dDCO to secure additional measures, and / or sufficient certainty and detail regarding if and how monitoring would be undertaken?
Q1.0.2	The applicant	<p>Outline Code of Construction Practice – Procedure for investigating noise and vibration complaints during the Project’s construction</p> <p>Paragraph 181 of the OCoCP (Rev 2) (Tracked) [REP3-018] states that: “<i>The final CoCP will include a procedure for investigating noise and vibration complaints during the Project’s construction.</i>”</p> <p>Given that the Onshore substations operational noise and the outline noise complaints protocol [REP3-043] was provided at deadline 3, and the concerns raised by Tendring District Council (TDC) in their post hearing submission [REP4-093] regarding Q7.1.4 Noise Monitoring and Mitigation, can “<i>a procedure for investigating noise and vibration complaints during the Project’s construction</i>” be submitted at deadline 5.</p>
Q1.0.3	Essex County Council and Tendring District	<p>Works outside of general working hours</p> <p>ECC and TDC response [REP2-036] to ExQ1.4.3 states that “<i>Tendring District Council is of the</i></p>

ExQ2	Question to:	Question:
	Council.	<p><i>view that any works outside of agreed working hours should be subject to a written agreement in advance of such work taking place.”</i></p> <p>The applicant’s response to written questions [REP3-036] states <i>“In respect of works outside of agreed working hours, the applicant refers to paragraph 51 of the Outline Code of Construction Practice [REP1-033], which states that this must be agreed with the relevant local authorities in writing in advance:</i></p> <p><i>Save for emergency works, full details, including but not limited to type of activity, vehicle movements and type, timing and duration and any proposed mitigation, of all essential construction activities undertaken outside of the consented construction hours must be agreed with the relevant local authority in writing in advance, and must be carried out within the agreed time.”</i></p> <p>Could ECC and TDC confirm whether they are content with the wording in the Outline Code of Construction Practice regarding this matter?</p>
Q1.0.4	The applicant	<p>The Planning Balance</p> <p>The applicant’s response to ExQ1 Q 1.1.8 [REP2-020] includes a Table of residual adverse effects and residual beneficial effects.</p> <ul style="list-style-type: none"> (i) Please confirm that the weightings attributed to those factors still represent the applicant’s position at this stage of the examination. (ii) Please also clarify the position in relation to cumulative effects and how these have been taken into account in the Table.
2. Agriculture and other land uses, ground conditions and soils		
Q2.0.1	The applicant	<p>Soil surveys</p> <p>The Updated Code of Construction Practice [REP3-017] refers to soil surveys being undertaken at intervals of 100m. Please confirm whether there is the opportunity to undertake surveys at a greater density where required or where a landowner specifically requests this.</p>
Q2.0.2	The applicant	<p>Post Construction</p> <ul style="list-style-type: none"> (i) What consultation will be undertaken with the landowners to ensure that the proposals for the restoration and reinstatement of soils is carried out to a satisfactory standard and meets the requirements of the landowners and how will the standards be monitored; (i) Please confirm whether the landowners will receive detailed as built drawings once

ExQ2	Question to:	Question:
		<p>construction is completed and reinstatement works undertaken, with details of the depths, location of joint boxes and other equipment;</p> <p>(ii) How will the applicant be able to ensure that the same level of agricultural land classification can be achieved on the reinstatement of land and what is the anticipated period of aftercare for the soils following reinstatement; and</p> <p>(iii) How will the applicant address situations where the land cannot be returned to its original classification.</p>
Q2.0.3	The applicant	<p>Soil compaction</p> <p>(i) What proposals will be made for the haul roads to ensure that they do not suffer from soil compaction and damage to the soil structure arising from the use of the haul roads by heavy machinery and vehicles; and</p> <p>(ii) What surfaces will be used and how will the applicant and the contractors used ensure that the effect of the haul road drainage does not cause soil damage or create issues with drainage on adjoining land.</p>
Q2.0.4	The applicant	<p>Construction Practice Addendum</p> <p>Please clarify the purpose of the Construction Practice Addendum and confirm how this will be secured in the DCO</p>
Q2.0.5	The applicant	<p>Impact on farming activities</p> <p>What analysis has been undertaken to assess the potential impact on farming activities on land that will be affected by the construction of the onshore cable route, including loss of yield, impacts on planting schedules and impact on use of machinery in the fields and is that analysis available for consideration.</p>
Q2.0.6	The applicant	<p>Decommissioning</p> <p>Will a Soil Management Plan be provided for the decommissioning phase and how will the details of the reinstatement and restoration of soils following decommissioning be agreed and approved.</p>
Q2.0.7	The applicant	<p>BMV Land</p> <p>The T & R Fairley Farming Partnership in their Responses to any further information requested by the ExA [REP4-099] provided a plan to show the ALC grades on land within a 3km radius of the EACN site. ES Chapter 4, Site Selection and Assessment of Alternatives [APP-018] states,</p>

ExQ2	Question to:	Question:
		<p>“Although a constraint which the Project was seeking to avoid, all land falling within the 3km search area around the national grid connection point (see section 4.8.1) was BMV land, and therefore this constraint was not able to be avoided whilst meeting the Project’s technical site selection criteria”.</p> <p>ES Chapter 4 Figures [APP-050] shows the Onshore Substation Site Selection-Long List Options and Onshore Substation Zone.</p> <p>The applicant is requested to show the ALC grades for Figure 4.13 [APP-050] and provide further clarification on the selection of the proposed onshore substation site within the BMV land.</p>
Q2.0.8	The applicant	<p>Strutt & Parker (Farms) Ltd and Liana Enterprises Ltd</p> <p>(i) The submission made on behalf of Strutt & Parker (Farms) Ltd and Liana Enterprises Ltd [REP4-091] seeks the assurance with regards to the drainage for the fields such that the cables will not be above the position of the land drains. Please confirm whether land drains will be below the cables and if that is the case, what proposals does the applicant have to ensure that the land drains will be effective, accessible to the landowners and can be managed, without the need to either obtain consent or incur costs.</p> <p>(ii) The submission [REP4-091] provides further information about the proposed development which will be impacted by the cable corridor. What progress has been made between the applicant and the landowner’s agent in identifying a route for the cables which will minimise the potential impact on the proposed development?</p>
Q2.0.9	The applicant	<p>Monitoring and Aftercare</p> <p>The OCoCP [REP3-017] sets out that the ALO will be appointed for one year post construction.</p> <p>(i) What is the length of the aftercare period for the reinstated soils and land?;</p> <p>(ii) How will landowners be able to ensure that any issues arising after the period that the ALO is available will be dealt with?</p>
3. Alternatives		
Q3.0.1	The applicant, T & R Fairley Farming Partnership	<p>BMV Land</p> <p>The applicant’s response to EXQ 3.1.8 states that: “All suitable land which meets the other technical criteria in terms of space requirements, separation distances from residential properties, access, drainage requirements as set out in ES Appendix 4.1 Site Selection Golden Rules [APP-091] within the area of search is classified as Grade 1 agricultural land, and as such no areas of</p>

ExQ2	Question to:	Question:
		<p>poorer quality land are available.” Following the request made by the ExA at ISH1, T & R Fairley Farming Partnership submitted a plan indicating the Agricultural Land Classification grades in the location of the proposed EACN substation [REP4-099].</p> <ul style="list-style-type: none"> (i) In relation to the land shown as Grade 3, can it be specified which parts of that are Grade 3a and which are Grade 3b? (ii) The applicant is requested to indicate whether it agrees with the land classification shown and identify any alternative sites for substations associated with the EACN for NFOWF and VEOWF that were considered on areas of Grade 3 land outside or within the 3km radius and the reasons for rejection.
Q3.0.2	The applicant	<p>The ES assessment of alternatives</p> <p>The applicant’s response to EXQ3.1.6 [REP2-020] provided information in relation to the progress of the proposed new EACN substation.</p> <ul style="list-style-type: none"> (i) Please provide an update on the progress of that project and the proposed Norwich to Tilbury reinforcement project. (ii) The ExA notes that the applicant has a connection agreement with NESO, and it is stated that the delivery of that connection is a matter for NGET and NESO. However, has the applicant any information or clarification it can provide in relation to the connection being via any “alternative approach as NGET sees fit” should the Norwich to Tilbury project not proceed for any reason.
Q3.0.3	The applicant	<p>The ES assessment of alternatives</p> <p>The Deadline 4 submission of Sir Bernard Jenkin MP [REP4-090] provides background information in relation to the consideration of alternatives for the Norwich to Tilbury project including (Option 8) which modelled replacing HVAC via pylons with undergrounded HVDC lines which also had the consequence of removing the requirement for the EACN. He submits that an underground HVDC solution could deliver the Norwich to Tilbury capacity both more quickly and more cost-effectively than the proposed pylon-based Norwich to Tilbury due to less community resistance.</p> <p>The applicant is requested to set out its position as to whether the consideration of the dDCO for the NFOWF should be delayed until the alternatives being canvassed by the Essex Suffolk Norfolk Pylons (ESNP) campaign including alternatives to Norwich to Tilbury, such as the former Electricity Systems Operator’s (ESO’s) Option 8 have been fully considered.</p>

ExQ2	Question to:	Question:
4. Aviation		
Q4.0.1	The applicant	<p>Onshore construction height restriction assumed for assessment on East 2 Wide Area Multilateration (WAM) Network</p> <p>With reference to the Defence Infrastructure Organisation (DIO) / Ministry of Defence (MOD) responses to ExQ1 [REP2-032], given a 10m height restriction for onshore construction plant / equipment has been assumed for DIO / MOD's further assessments of the impacts for Aviation and Radar, please advise how it is proposed that this will be secured in the DCO?</p>
Q4.0.2	Civil Aviation Authority (CAA)	<p>Statement of Common Ground and Required Navigation Performance Instrument Flight Procedures</p> <p>The applicant's response to Written Questions (ExQ1) Q4.1.3 [REP2-020], states:</p> <p><i>“(i) The CAA were contacted by the applicant on the 2nd December 2024 and 23rd January 2025 regarding a SoCG. A response was received on the 14th of February 2025, which stated that no SoCG is required between North Falls and the CAA.</i></p> <p><i>(ii) The status of the two Required Navigation Performance (RNP) Instrument Flight Procedures (IFP) is unchanged. They are currently with the CAA awaiting approval. However, as noted in Table 17.1 and paragraph 133 of ES Chapter 17 [APP-031], the RNP IFPs were designed by NATS, who confirmed to the applicant in writing (email of 27 January 2023) that the WTGs are laterally well beyond the protected areas of the proposed RNP IFPs and as such there would be no impact if or when the RNP IFPs are approved by CAA. As such, the applicant is not aware of any outstanding aviation issues or concerns.”</i></p> <p>(i) Please advise whether any concerns or issues remain to the proposed development with reference to Environment Statement (ES) Chapter 17 Aviation and Radar [APP-031]?</p> <p>(ii) In particular, clarify the status and envisaged timescales for approval of the two Required Navigation Performance Instrument Flight Procedures (referred to in ES Chapter 17 [APP-031] Table 17.1 as currently with the CAA awaiting approval)?</p>
5. Climate Change and Resilience		
Q5.0.1		No ExA second questions.
6. Compulsory Acquisition		

ExQ2	Question to:	Question:
Q6.0.1	The applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The applicant's response to ExQ1 6.1.1 [REP2-020] in relation to whether the works which relate to provision for the proposed Five Estuaries Offshore Wind Farm (VEOWF) project are appropriately regarded as associated development draws support from the Norfolk Vanguard Offshore Wind Farm DCO (granted in 2022).</p> <ul style="list-style-type: none"> (i) The ExA notes from para 8.7.7 of the Examining Authority's report included in their reasoning the fact that the Norfolk Boreas development would be the subject of an application from the same applicant as in the Norfolk Vanguard proposed development. Please comment on whether that distinction has a bearing in this case on whether the inclusion of works for the VEOWF project should be regarded as associated development. (ii) In the Norfolk Vanguard case, was provision made for any other build option that did not incorporate the works for the other scheme. If not, does that have any bearing on the relevance of that case to this application? (iii) Please set out in detail the public interest benefits of the shared work referred to in bullet point 3 of the response to Q6.1.1.
Q6.0.2	The applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The applicant's response to ExQ1 6.1.2 [REP2-020] in relation to project efficiencies that would result from the co-ordination with VEOWF identifies that the reduction in the potential impacts would mainly be associated with avoiding duplication of construction access works and the associated reduction in construction traffic volumes. Is there any distinction between the different build options allowed for by the dDCO in terms of project efficiencies and minimising potential cumulative impacts. If so, please specify those differences and explain further how they would be achieved in practice.</p>
Q6.0.3	The applicant	<p>Meeting the conditions under s122 PA2008 for the substation site</p> <p>The applicant's response to ExQ1 6.1.2 [REP2-020] in relation to the provisions of s122 (2)(a) PA2008, notes that the project includes ducting works for VEOWF. In addition, the applicant's responses to ExQ1 6.1.6 and 6.1.7 in relation to the substation area are noted.</p> <ul style="list-style-type: none"> (i) However, please provide further justification in relation to s122 (2)(a) and the CA Guidance specifically in relation to the increase in the area over which compulsory powers are sought for both the Project and VEOWF substations and explain how the increased area relating to

ExQ2	Question to:	Question:
		<p>the co-locating of the VEOWF substation can be said not to extend beyond what is required for the proposed development.</p> <p>(ii) Please explain in further detail why dividing the land between the two projects is not feasible at this time and how this might lead to small areas of land being left sterilized.</p> <p>(iii) Why can greater efforts at co-ordination between the two schemes at this time not be achieved so as to avoid this scenario?</p> <p>(iv) Please provide further details and explain how the benefits of co-ordination at the onshore substation could be achieved through coordinated landscape mitigation and environmental enhancement.</p>
Q6.0.4	The applicant	<p>The Construction Scenarios and the exercise of CA powers</p> <p>The applicant's response to ExQ1 6.1.9 [REP2-020] in relation to the various construction scenarios states that the approach allows for opportunities to minimise environmental and community disruption through co-ordinated delivery. The response explains that should VEOWF proceed first but does not undertake the ducting works required for NFOWF, NFOWF would proceed with build option 1 in which the undertaker only constructs those works required for the NFOWF grid connection.</p> <p>(i) Given the availability of that option, please explain how the Build Option 1 can still be said to minimise environmental and community disruption through co-ordinated delivery and the potential cumulative impacts associated with the proposed development, so as to justify the extent of the compulsory acquisition powers sought.</p> <p>(ii) Please explain in further detail the need to allow the flexibility for coordinated construction given the prospect of a gap between the two projects meeting their respective Final Investment Decisions and why a greater degree of co-ordination between the two projects in that respect cannot be achieved.</p>
Q6.0.5	The applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The applicant's response to ExQ1 6.1.10 [REP2-020] in relation to the exercise of CA powers not ultimately required following the detailed design refers to requirement 19 of the dDCO and Part 5 of the Hornsea Three Offshore Wind Farm Order 2020, and the Hornsea Four Offshore Wind Farm Order 2023. Please provide the equivalent requirements to requirement 19 in those development consent orders and any associated drafting.</p>

ExQ2	Question to:	Question:
Q6.0.6	The applicant	<p>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the dDCO</p> <p>The applicant's response to ExQ1 6.1.14 [REP2-020] (ii) and (iii) refers to the response to 6.1.27. That response indicates that whilst details of the works and CA powers sought have been provided on a plot-by-plot basis there has been no assessment of the effect upon individual Affected Persons and their private loss on a plot-by-plot basis. Whilst the response to 6.1.27 opines that it is not typical for the SoR to include a plot-by-plot assessment of the proportionality of the rights being sought against the interference with private rights, please set out and explain any other reasons why no such assessment of private loss has been made in this case.</p>
Q6.0.7	The applicant	<p>Heads of Terms (HoTs) negotiations</p> <p>The applicant's response to ExQ1 6.1.17 (ii) [REP2-020] explains the position in relation to the CA rights required in relation to the National Grid Connection Works. Whilst details have been provided in the Lands Rights Tracker [REP4-020] please provide an anticipated timeline for obtaining sufficient details of the location of NGET's EACN substation to enable the issue of populated HoTs to Timothy Ecott, Elizabeth Harris and Peter Harris.</p>
Q6.0.8	The applicant	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The applicant's response to ExQ1 6.1.18 [REP2-020] in relation to Plot 13-015 states that these landowners have refused to engage in negotiations to date. The Lands Rights Tracker [REP4-020] states that despite concerted efforts, the landowner has not yet engaged with the applicant and no comments, substantive or otherwise, have been received on the proposed terms.</p> <ul style="list-style-type: none"> (i) Given that scenario what is the basis for the applicant remaining confident that the necessary land rights can be acquired through voluntary agreement? (ii) Please set out full details of all correspondence and meetings with these Affected Persons to date.
Q6.0.9	The applicant	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The ExA finds the applicant's response to ExQ1 6.1.19 [REP2-020] to be insufficient. Please respond to (i) -(iv) of that question on a specific basis having regard to the drafting of the questions posed. If in response to (iii) if the only modifications are those set out in response to 6.1.16 (ii) then please confirm that to be the case.</p>

ExQ2	Question to:	Question:
Q6.0.10	The applicant	<p>The acquisition of Statutory Undertakers' land and extinguishment of rights and removal of apparatus – s127 and s138 PA2008</p> <p>The applicant's response to ExQ1 6.1.36 [REP2-020] (iii) and (iv) indicates that the applicant will, where representations are outstanding towards the end of the examination, set out its case in detail as to how the tests set out in section 127 PA2008 have been satisfied. The applicant is requested to provide this information by Deadline 6 to allow time for comments by the Statutory Undertakers concerned.</p>
Q6.0.11	The applicant	<p>Potential risks or impediments to the proposed development</p> <p>The applicant's response to EXQ1 6.1.38 [REP2-020], correctly identifies that paragraph 19 of the CA Guidance states that it would be helpful for applicants to be able to demonstrate that their application is firmly rooted in any relevant national policy statement. However, that paragraph continues as follows:</p> <p>"In addition, applicants will need to be able to demonstrate that:</p> <ul style="list-style-type: none"> • any potential risks or impediments to implementation of the scheme have been properly managed; • they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent." <p>Please provide an update to those aspects to paragraph 19 setting out the current position in relation to the disapplication of certain legislative provisions and the anticipated timeframe for the other consents and licences including those for which the SoS is not the consenting body.</p>
Q6.0.12	The applicant, Affinity Water Limited	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Affinity Water Limited D2 response [REP2-029] explains that the bespoke provisions in relation to right of access to the Affinity site at East Clacton Reservoir and Pumping Station have not yet been agreed and highlights other areas of concern. The Land Rights Tracker [REP4-020] states that the applicant continues to negotiate bespoke protective provisions with Affinity Water and is confident that the parties can reach agreement before the end of examination. Please set out and explain any outstanding issues in relation to the drafting of protective provisions, with each party providing preferred drafting of those clauses and giving reasons for that preference.</p>

ExQ2	Question to:	Question:
Q6.0.13	The applicant, Anglian Water Services Limited	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] states that the applicant continues to negotiate bespoke protective provisions with Anglian Water and is confident that the parties can reach agreement before the end of examination. Please set out and explain any outstanding issues in relation to the drafting of protective provisions, with each party providing preferred drafting of those clauses and giving reasons for that preference.</p>
Q6.0.14	The applicant, Eastern Power Networks PLC	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] states that the applicant is seeking written confirmation from Eastern Power Networks that the standard protective provisions will apply. Please set out the steps taken to obtain that written confirmation and whether there is any disagreement in relation to this.</p>
Q6.0.15	The applicant, Network Rail Infrastructure Limited (NRIL)	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] states that the applicant is currently reviewing NRIL's preferred set of protective provisions. Please set out and explain any outstanding issues in relation to the drafting of protective provisions, with each party providing preferred drafting of those clauses and giving reasons for that preference.</p>
Q6.0.16	The applicant	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] states that the applicant is currently considering whether protective provisions are required for OCU Group Limited. The ExA notes that that was the position at Deadline 2. Please provide further details in relation to apparatus in question together with the steps taken to alert this statutory undertaker to the examination and whether any conclusion has been reached as to whether protective provisions are required.</p>
Q6.0.17	The applicant, Thorpe Park Solar Farm Limited	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] states that the applicant is seeking written confirmation from Thorpe Park Solar Farm that the standard protective provisions will apply. The ExA notes that that was the position at Deadline 2. Please set out the steps taken to obtain that written confirmation and whether there is any disagreement in relation to this.</p>
Q6.0.18	The applicant, Holly Marie Florence Johnson & John Paul Jeffery	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>In relation to Plot 13-015 and the proposed Bentley Road Works, the Land Rights Tracker [REP4-020] indicates that no voluntary agreement has yet been reached with the landowners. The ExA</p>

ExQ2	Question to:	Question:
	Traveller & Rachael Donna Thackery & Russell Albert Johnson	notes that the applicant remains confident that the necessary land rights can be acquired through voluntary agreement. However, the applicant is requested to set out details of the “concerted efforts” that have been made to engage with these Affected Persons. The landowners are requested to set any additional grounds of objection to the proposed compulsory acquisition of their land that have not previously been mentioned in their relevant representations.
Q6.0.19	The applicant, Louis Fell on behalf of Strutt and Parker (Farms) Limited and Liana Enterprises Limited	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] indicates that the applicant remains committed to addressing the concerns raised by the landowner in relation to their aspirations for a proposed development. Strutt & Parker (Farms) Ltd and Liana Enterprises Ltd [REP4-091] have submitted plans showing their current development proposals referred to as the “first phase”. They seek assurance that the final cable corridor would be agreed with them and submit that there are alternative routes within their ownership that would have much less of an impact upon them.</p> <ul style="list-style-type: none"> (i) Does the applicant agree that the proposed easement area could be integrated with the landowner’s layout plans so that the easement area would be within areas of open ground, sports pitches, roads and the like? The applicant is requested to set out its consideration of the alternative routes proposed by the landowner including whether this could be accommodated by a modification to the scheme or otherwise. (ii) The parties are requested to set out their respective views as to how that could be achieved including any suggested drafting amendments to the application documents and/or dDCO. (iii) Notwithstanding the information provided at Deadline 4, the landowner is requested to submit further details and plans showing both phases 1 and 2 and explaining the stage of the planning application process that both phases have reached.
Q6.0.20	Tendring District Council (TDC)	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] indicates that the applicant remains confident that the necessary land rights can be secured by voluntary agreement. However, the applicant states that despite its concerted efforts to expedite matters, progress has been limited.</p> <p>Notwithstanding the information already submitted to the examination, the TDC is requested to set out any outstanding areas of disagreement and reasons for objection to the grant of compulsory acquisition powers for the acquisition of rights in plots 01-002, 01-003 and 01-006.</p>
7. Cumulative Effects		

ExQ2	Question to:	Question:
Q7.0.1	The applicant	<p>Noise mitigation for cumulative effects</p> <p>Paragraph 101 of the Outline Construction Traffic Management Plan (OCTMP) [APP-251] presents a list of mitigation measures that could be included which includes the resurfacing of Bentley Road. Given the required sequencing for the Bentley Road Improvement works and further to the applicant's response [REP2-020] to ExQ1 Q7.1.3 Noise mitigation for cumulative effects, could the applicant advise when a decision would be needed for the noise mitigation measure of resurfacing Bentley Road and how would the decision-making process and its timing be secured in the dDCO?</p>
Q7.0.2	The applicant	<p>Onshore substations operational noise and the outline noise complaints protocol</p> <p>Further to Essex County Council's post hearing submission [REP4-073] regarding the Onshore substations operational noise and the outline noise complaints protocol [REP3-043], could the applicant's response include responding to the request for a collective responsibility from the three developers (Five Estuaries, North Falls & National Grid) and proposed shortened timeframes for dealing with complaints.</p>
Q7.0.3	Essex County Council, National Highways	<p>Traffic and Transport Study Area – Cumulative effects</p> <p>SCC's Comments on any submissions received at the previous deadline [REP3-068] item LIR_SCC_08 states:</p> <p><i>"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. 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 [Traffic and Transport Study Area] 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 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."</i></p>

ExQ2	Question to:	Question:
		Could ECC and National Highways comment on SCC's concern regarding the potential for cumulative effects on the A12?
Q7.0.4	The applicant, Port of London Authority (PLA)	<p>The Cumulative Effects Assessment (CEA) Summary</p> <p>The PLA comments on any submissions received at the previous deadline [REP4-087] seek a number of amendments to Table 1.1 which lists projects that are included in the CEA for offshore technical assessments. Table 1.11 provides a summary of the CEA outcomes for shipping and navigation and Table 1.27 concerns socio-economics.</p> <ul style="list-style-type: none"> (i) Does the applicant agree the PLA's suggested corrections to Table 1.1 bullet points 1 to 5? If not, please given reasons. (ii) In relation to Table 1.11, the applicant is requested to explain why the only mitigation measures proposed are in relation to distances to be maintained from surface piercing structures and why there is no reference to embedded mitigation? (iii) In relation to Table 1.27, the applicant is requested to explain why there are only references to the ports of Felixstowe and Harwich and not to any other ports. (iv) In relation to Table 1.27, the PLA is requested to explain why it considers that reference to cumulative effects in relation to the Port of London should have been assessed and included in the summary.
Q7.0.5	The applicant	<p>Offshore Cumulative Effects Assessment Plan</p> <p>In the PLA Comments on any submissions received at the previous deadline [REP3-067], there is reference to the Offshore Cumulative Effects Assessment Plan in the Appendix to the applicant's Response to Written Questions [REP2-021]. Will the plan be updated to show the export cable corridor for NFOWF as requested by the PLA?</p>
Q7.0.6	The applicant	<p>Cumulative Impacts of the Proposed Onshore Substations for the proposed development, Five Estuaries and EACN</p> <p>The applicant's response to ExQ1 7.1.1 [REP2-020], states that the CEA for each ES chapter includes consideration of the effects of the Norwich to Tilbury project, including the EACN substation and the associated overhead lines and pylons and that although the design for the Norwich to Tilbury project will continue to evolve between National Grids PEIR and DCO submission, the substation parameters provided to North Falls in advance of publication of the NGET PEIR are considered sufficient to provide a robust cumulative effects assessment. The</p>

ExQ2	Question to:	Question:
		<p>Deadline 4 submission of Sir Bernard Jenkin MP [REP4-090] is critical of that response.</p> <ul style="list-style-type: none"> (i) Please provide further details and explanation to support the submission that the cumulative effects assessment is robust including in relation to the LVIA and the location and parameters for the EACN substation. (ii) Please comment on the outcome of recent judicial review proceedings between Dedham Vale Society (DVS) and the SoS regarding Manningtree Station Car Park and the protection of National Landscapes under section 85 Countryside and Rights of Way Act 2000 and any implications this might have for the Norwich to Tilbury project and hence the NFOWF. (iii) In relation to the NESO publication 'Clean Power 2030' Annex 2, and the prospect of the Norwich to Tilbury project being delayed by at least one year, what are the implications of any such delay for the NFOWF and the CEA.
Q7.0.7	The applicant	<p>The Cumulative Effects Assessment (CEA)</p> <p>The Essex, Suffolk, Norfolk Pylons responses to comments on WR and ExQ1 [REP4-074] refer to the Tarchon Interconnector having not been included in the CEA. In addition, the ECC post hearing summary of oral submissions made at ISH1 and ISH2 [REP4-072] notes that the CEA currently only identifies the offshore elements of the Tarchon project. Based on the current non-statutory consultation booklet, Tarchon has identified an area directly to the east of the EACN substation as proposed by National Grid for an interconnector substation of about 10 hectares in size.</p> <p>Given that scenario does the applicant agree that the onshore aspects of Tarchon also need to be assessed within the CEA due to its scale and its proximity to the NFOWF onshore substation proposal. If so, please update the assessment to include that information.</p>
Q7.0.8	The applicant	<p>The Cumulative Effects Assessment (CEA)</p> <p>The ECC Post hearing submissions including written summaries of oral submissions made at the hearings and comments on any submissions received at the previous deadline [REP4-073] refers to Table 1.1 Projects included in the CEA for offshore technical assessment. They note that Chapter 30 LVIA identifies Norwich to Tilbury project but only references the EACN and not the cumulative effects of the overhead lines. ECC also point out that the projects listed for TDC do not include the Tendring Colchester Borders Garden Community (TCBGC) and reference is also made to the facilitating road link.</p> <ul style="list-style-type: none"> (i) Please can the applicant indicate whether these been considered and, if not, is it proposed

ExQ2	Question to:	Question:
		<p>to update the CEA in that respect.</p> <p>(ii) Please can the applicant indicate whether an assessment has been made and/or is proposed in relation to any cumulative impacts with the TCBCG.</p>
Q7.0.9	The applicant	<p>The Cumulative Effects Assessment (CEA)</p> <p>The Essex, Suffolk, Norfolk Pylons (ESNP) responses to comments on WR and ExQ1 [REP4-074] assert that the functionally interdependent projects that include VEOWF, NFOWF, Tarchon Interconnector and National Grid's Norwich to Tilbury projects must be considered as a whole. In addition, the ECC post hearing summary of oral submissions made at ISH1 and ISH2 [REP4-072] confirms the ECC's position that the NFOWF application is premature as the onshore connection component, namely, the EACN has not been submitted. They submit that a single examination of all four separate NSIP applications in Tendring District would prevent potential piecemeal development and ensure that a holistic overview of the proposals would be assessed in their entirety.</p> <p>(i) Please provide a summary of how the cumulative effects of these other applications have been and/or would be assessed in the consideration of the NFOWF application and comment on whether the assessment that has been made is sufficiently reliable and robust.</p> <p>(ii) In the light of the criticism made by ESNP please explain how the CEA complies with NPS EN-1 paragraph 4.1.5 and the relevant guidance in relation to the mapping of ZOI.</p>
Q7.0.10	The applicant, ECC	<p>The Cumulative Effects Assessment (CEA)</p> <p>The ECC post hearing summary of oral submissions made at ISH1 and ISH2 [REP4-072] sets out why in terms of cumulative impacts on archaeology, they are not in a position to agree with the applicant that there would not be significant adverse impacts on archaeological grounds.</p> <p>(i) ECC is requested to provide further details of the level of intrusive fieldwork that it seeks and why the work carried out to date is considered to be insufficient to adequately assess cumulative impacts.</p> <p>(ii) The applicant is requested to provide further justification to support its position that the level of intrusive fieldwork carried out would be sufficient to assess such impacts.</p>
Q7.0.11	The applicant, Essex, Suffolk, Norfolk Pylons	<p>The Cumulative Effects Assessment (CEA)</p> <p>The ESNP responses to comments on WR and ExQ1 [REP4-074] make reference to 'functional interdependence' and the cases of <i>BurrIDGE v Breckland DC 2013</i> and <i>Wingfield, R v Canterbury</i></p>

ExQ2	Question to:	Question:
		<p><i>City Council 2019</i>. They submit that the VEOWF, NFOWF, Tarchon Interconnector and National Grid's Norwich to Tilbury projects must be assessed in the EIA. The applicant's Response to Relevant Representations Received from Members of the Public [REP1-048] (see 2.2 applicant's Responses to Recurrent Issues Raised – Response 008) responds to the matters raised in relation to functional interdependence and the cases of <i>Burridge v Breckland DC 2013</i> and <i>Wingfield, R v Canterbury City Council 2019</i>. The applicant also refers to the case of <i>R (Together Against Sizewell C Limited) v Secretary of State for Energy Security and Net Zero [2023] EWHC 1517</i>, and states that the Court held that separate developments with physical or functional connections resulting in likely cumulative effects did not automatically mean the developments should be considered as a single project.</p> <p>(i) Please comment on the relevance of the <i>Burridge</i> case to this application given that there is no dispute that the 2017 EIA regs apply in this case and that the <i>Burridge</i> case was decided in the context of the now superseded 2009 regulations.</p> <p>(ii) In the light of relevant case law on this topic, as a matter of law, does the fact that there is some interdependence of projects, in itself, conclusively mean that for the purposes of EIA or the Habitats regulations that these should be treated as a single project? If not, please identify all relevant factors that could be capable of influencing an exercise of judgement on the nature and scope of a project in this context.</p>
Q7.0.12	The applicant, and all IPs	<p>Natural England – Risk and Issues Log (Deadline 4 Submission) – Landscape, Seascape and Visual Effects</p> <p>The Natural England – Risk and Issues Log [REP4-067] submitted at Deadline 4, together with Natural England's SLVIA Advice in Appendix I4[REP4-067] provides a response to [REP2-024] and [REP3-044]. It contains the following regarding:</p> <ul style="list-style-type: none"> For issue I12 the applicant now concludes that “total cumulative effects on the special qualities of the SECHNL and the special character of the SHC may be significant”. This updates the previous judgement described in Table 29.39 of the SLVIA stating that “<i>the cumulative effect is predicted to be moderate-minor, which is not significant in EIA terms</i>”. Natural England advice on cumulative effects remains unchanged. <p>Landscape, Seascape and Visual Impact is considered later within ExQ2 (section 14, below). Regarding Natural England's concerns and the revised cumulative effect judgment, please can the applicant (and other IPs) provide further commentary on the judgment, and its relationship to the (a)</p>

ExQ2	Question to:	Question:
		NFOWF only, and (b) cumulatively with other OWFs.
8. Design		
Q8.0.1	The applicant, and other IPs	<p>Design Coordination with Five Estuaries</p> <p>IPs (TDC/ ECC) have concerns about the meaningfulness and transparency of design coordination, specifically coordination of design with VEOWF.</p> <ul style="list-style-type: none"> (i) Please explain the steps leading to formation of a design review panel that will include: ECC's landscape team, representatives from the National Landscape body, local communities. (ii) To what extent should the coordinated approach be made a binding requirement through the DCO? (iii) Who is likely to be the design champion? (iv) Will there be meaningful early engagement with stakeholders?
Q8.0.2	The applicant and ECC and TDC	<p>Good Design: Design Expertise</p> <p>Are you satisfied that the Discharging Authority would have access to sufficient design expertise to ensure good design of the OnSS when discharging Requirement 5 and 6 of the dDCO [REP4-004]? Please provide commentary on the need for a Planning Performance Agreement to ensure that sufficient resources for discharging these requirements.</p>
Q8.0.3	The applicant	<p>Good Design: Boundary Treatment</p> <p>The Design and Access Statement (DAS) [APP-235] states that palisade fencing will likely be used for boundary treatments. It states that "<i>Consideration will be given to the colour of the fencing to help better integrate it into the surrounding landscape. The height, position, and type of planting will be considered in the context of the palisade fencing to screen where practicable elements of the onshore substation</i>". Please provide further information on how this consideration would integrate structures and fencing into the landscape? What would this involve?</p>
Q8.0.4	The applicant	<p>Security and Design</p> <p>What consideration has been given to the protection through design of the proposed onshore and offshore infrastructure from acts of vandalism or other security threat?</p>
9. Draft Development Consent Order		

ExQ2	Question to:	Question:
9.0 Articles Part 2 – Principal Powers		
Q9.0.1	The applicant, Port of London Authority (PLA)	<p>Article 2 – (Interpretation) definition of commence</p> <p>The PLA's post hearing submissions [REP4-088] identifies that the definition of commence carves out preconstruction survey and monitoring from that definition and express concern at to how "commence" might be used. The PLA request that the point is covered in protective provisions in the same way as VEOWF which would mean the PLA would be comfortable with the definition as it currently stands. However, the applicant's position as set out in its 'position regarding protective provisions for the ports' [REP4-044] is that there is no need for protective provisions for the ports.</p> <ul style="list-style-type: none"> (i) Given that stance, the PLA is requested to indicate whether it is content with the Deadline 4 updated mitigation measures put forward by the applicant or whether, in the absence of protective provisions, any amendments to the Article 2 definition of commence are sought. (ii) The applicant is requested to explain and set out why the concerns of the PLA in relation to the Article 2 definitions have been addressed including by the updated mitigation measures submitted at Deadline 4 as set out in its submissions at that deadline [REP4-044].
Q9.0.2	PLA	<p>Article 2 (Interpretation) definition of maintenance</p> <p>The PLA's post hearing submissions [REP4-088] identify that the definition of "maintenance" as drafted 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. The definition is broadly the same as that for VEOWF, but the VEOWF dDCO was clear in the offshore design parameters requirement. The applicant's post hearing summary [REP4-034] confirms that the applicant has amended the offshore design parameters set out in requirement 2(3) at Deadline 4. Given the inclusion of such a requirement in the dDCO [REP4-004] are the PLA content that no amendment of the definition of maintenance in Article 2 is now required?</p>
Q9.0.3	The applicant, MMO	<p>Article 5 - Benefit of the Order</p> <p>The applicant's post hearing summary [REP4-034] includes reference to paragraph 6.23 of the Rampion 2 Decision Letter. The MMO Deadline 4 submissions [REP4-079] acknowledge that decision. However, they assert at 3.1.3 that, as a matter of law, a DCO cannot transfer the benefit of a DML as proposed and draw support from sub-sections 120(3) and 120(4) and Part 1 Schedule 5 PA2008. The ExA notes that sub-section 120(4) sets out that: "The provision that may be made under subsection (3) includes in particular provision for or relating to any of the matters listed in</p>

ExQ2	Question to:	Question:
		<p>Part 1 of Schedule 5". That schedule at 30A and 30B includes reference to marine licences but does not specifically mention the transfer of the benefit of such licences.</p> <ul style="list-style-type: none"> (i) How should this part of the Act be interpreted given the reference to "includes" in section 120(4). Does it render the inclusion of dDCO Article 5 unlawful? (ii) Can MMO clarify their position in relation to the Rampion 2 decision and confirm that the same submissions were made in that case. If not, please identify any differences. Is the MMO asserting that the SoS's decision in that case to retain the equivalent of Article 5 was unlawful? (iii) The MMO [REP3-056] Table 1 refers to Schedule 6 paragraph 2(13) and paragraph 5(6) PA2008. The MMO is requested to further explain why, as a matter of law, these provisions preclude the transfer of the benefit of a DML. (iv) The applicant is requested to respond to the points made in relation to Schedule 6 PA2008 and indicate whether it accepts that the transfer of the benefit of the Order/DML represents a change to the DCO within the scope of Schedule 6. (v) In the light of the applicant's response to Deadline 3 submissions [REP4-027] does the MMO agree that that there would not be any unnecessary duplication of process, as Article 5 expressly disapplies sections 72(7) and (8) of the 2009 Act; that 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 and the Article 5 procedure does not impact the MMO's enforcement capabilities. If not, please explain why?
Q9.0.4	The applicant, PLA	<p>Article 5 - Benefit of the Order</p> <p>The PLA's post hearing submissions [REP4-088] refer to them seeking notification of any sale, agreement or other transaction under Article 5. The concern is that if the PLA do not have protective provisions and Article 5 remains as drafted, then they question the protection they would have against the order being transferred (without the PLA's knowledge) and the DWRs subsequently being impacted. The applicant's position as set out in its 'position regarding protective provisions for the ports' [REP4-044] is that there is no need for protective provisions for the ports.</p> <ul style="list-style-type: none"> (i) Given that stance, the PLA is requested to indicate whether it is content with the Deadline 4 updated mitigation measures put forward by the applicant or whether, in the absence of protective provisions, any drafting amendments to Article 5 are sought? (ii) The applicant is requested to explain and set out why the concerns of the PLA in relation to

ExQ2	Question to:	Question:
		Article 5 have been addressed including by the updated mitigation measures submitted at Deadline 4 as set out in its submissions at that deadline [REP4-044].
9.1 Schedule 1 Part 3 - Requirements		
Q9.1.1	The applicant, London Gateway Port Limited (LGPL), PLA	<p>Requirement 2 (3) – Offshore design parameters</p> <p>The applicant's post hearing summary [REP4-034] confirms that the applicant has considered the ports' request for a dDCO requirement to ensure the seabed can be dredged to a depth of 22m Chart Datum further and the applicant has proposed drafting for a new requirement 2(3) in Schedule 1, Part 3 of the dDCO [REP4-004] to secure the cable burial depths in the Deep Water Routes. The applicant and the ports are requested to confirm that the drafting of this requirement is agreed, and the matter resolved. If not, please identify any amendments sought giving reasons.</p>
Q9.1.2	NE	<p>Requirement 2 (3) – Offshore design parameters</p> <p>The NE - Risk and Issues Log [REP4-067], item A4 recommends that the applicant considers an amendment to the dDCO to include the maximum volumes of drill arisings within the requirements and both DMLs. The applicant's Response to NE's Deadline 3 submissions [REP4-028] in relation to Schedule 1 Part 3 Para 2, Schedule 8 Part 1 Condition 2, and Part 2 Condition 10 indicates that the applicant has updated the DMLs in Schedules 8, 9 and 10 of the dDCO to specify the total volume of drill arisings [REP4-004].</p> <p>NE is requested to confirm that the dDCO requirement 2 Offshore design parameters submitted included in the dDCO [REP4-004] satisfactorily addresses this point. If not, please set out any drafting changes that are sought.</p>
Q9.1.3	NE	<p>Requirement 7 – Provision of landscaping</p> <p>The NE - Risk and Issues Log [REP4-067], item A5 states that they expect the landscape requirement set out in the dDCO Schedule 1 Part 3 requirement 7 provision of landscaping to also cover survey methods, monitoring requirements and the requirement to maintain, including the potential for replanting due to plant failures. The applicant's Response to Natural England's Deadline 3 submissions [REP4-028] indicates that it does not propose to make further changes to the drafting of the dDCO on this point for the reasons set out in that response. The applicant considers the level of detail sought by NE to be covered in the requirements is more appropriately addressed in the final Ecological Management Plan (EMP). Given the drafting changes that have been made to requirement 7 and an updated Outline Landscape and Ecological Management</p>

ExQ2	Question to:	Question:
		Strategy (OLEMS) at Deadline 4 [REP4-006] NE is requested to provide further justification for the inclusion of the matters referred to above on the face of requirement 7 and to specifically set out any further drafting changes to this requirement that they seek.
Q9.1.4	NE	Requirement 8 – Code of Construction Practice The NE - Risk and Issues Log [REP4-067], item A6 which relates to Schedule 1 Part 3 requirement 8 Code of construction practice identifies this item as partially resolved. The applicant's Response to Natural England's Deadline 3 submissions [REP4-028] points out that requirement 8(1) sets out that the code of construction practice (CoCP) must accord with the outline code of construction practice. In addition, NE has been added as a named consultee for this requirement. NE is requested to confirm whether or not this issue has now been resolved and, if not, set out any further drafting amendments that are sought.
Q9.1.5	The applicant, Historic England, Essex County Council	Requirement 11 - Onshore Archaeology The ExA notes that following discussion at ISH2 this requirement was updated in line with the Five Estuaries drafting at Deadline 4 [REP4-004]. <ul style="list-style-type: none"> (i) The parties are requested to confirm that the drafting of this requirement is now agreed and that no further drafting amendments are sought. (ii) Please provide an update in relation to the draft Archaeological Mitigation Strategy and Outline Onshore Written Scheme and whether it is agreed that these now provide satisfactory commitments to post-consent surveys and trial trenching.
Q9.1.6	NE	Requirement 12 – Ecological Management Plan The NE - Risk and Issues Log [REP4-067], item A7 which relates to Schedule 1 Part 3 requirement 12 Ecological management plan identifies this item as partially resolved. The requirement provides 12(1) for consultation with NE on the ecological management plan for the relevant stage and 12(3) requires that pre-commencement works must only take place in accordance with the relevant details set out in the outline landscape and ecology management strategy as certified. For the avoidance of doubt NE is requested to indicate whether they are content with the requirement as drafted, and if not, set out any further amendments that they seek.
Q9.1.7	The applicant	Requirement 18 – Skills and Employment Plan The SCC post hearing submissions including written summaries of oral submissions at ISH1 and ISH2 [REP4-095] provides further details in relation to its request to be a named consultee to the

ExQ2	Question to:	Question:
		discharging authority for the Skills and Employment Plan. They submit that being a named consultee, as opposed to an optional one, would ensure that SCC receives procedural fairness in its consultation as it would have more time to give an adequate response and be informed of any extra information. The applicant is requested to give further consideration to this aspect of requirement 18 and if it does not agree, please set out in full the reasons for that.
Q9.1.8	NE	<p>Requirement 21 – Ecological Management Plan</p> <p>The NE - Risk and Issues Log [REP4-067], item A9 which relates to dDCO Schedule 1 Part 3 requirement 21 Biodiversity net gain. The applicant's Response to Natural England's Deadline 3 submissions [REP4-028] points out that requirement 21 provides that the final biodiversity net gain assessment must be in accordance with the outline biodiversity net gain strategy, which is a secured document, and which contains the information sought by NE who is a consultee on the finalisation of the BNG assessment. In addition, requirement 21(2) requires that the BNG assessment must be implemented as approved. For the avoidance of doubt NE is requested to indicate whether they are content with the requirement as drafted, and if not, set out any further amendments that they seek.</p>
Q9.1.9	NE	<p>Requirements 25 and 26 – Offshore and Onshore decommissioning</p> <p>The NE - Risk and Issues Log [REP4-067], item A30 advises that an Outline Decommissioning Plan as requested for all other OWF NSIP applications is provided at the time of consent to ensure that decommissioning is achievable and environmentally sensitive. The dDCO [REP4-004] includes requirement 25 Offshore decommissioning and requirement 26 Onshore decommissioning. NE is requested to confirm that these requirements are sufficient to respond to its concerns in relation to decommissioning. If not, please set out any drafting amendments or additional requirements that they seek.</p>
Q9.1.10	The applicant, EA	<p>Requirements 8: Code of Construction Practice, 12: Ecological Management Plan, 14: European Protected Species; onshore, 15: Groundwater Monitoring, 22: Operational Drainage Strategy, 23: Horizontal Directional Drilling (HDD) Method Statement</p> <p>The applicant's post hearing summary [REP4-034] confirms that it does not propose to add the EA as a consultee for any specific requirements in the dDCO, but that updates had been made to various outline management plans which includes consultation with the EA in relation to the production of further, more detailed documents or plans relevant to the topics raised by the EA. The EA's post hearing summary [REP4-071] confirms that they remain concerned not to be named as</p>

ExQ2	Question to:	Question:
		<p>a consultee for these Requirements which they believe to be usual practice and would enable the discharging authority to obtain clear guidance and make informed decisions when considering discharge.</p> <ul style="list-style-type: none"> (i) Given the inclusion of other statutory consultees within the dDCO requirements, the applicant is requested to explain further the basis for not including the EA in those which relate to matters that fall within the EA's remit. (ii) The EA is requested to provide further details as to why they regard it as necessary to be named consultee within the requirements given that various outline management plans have been updated to include provision for consultation with the EA, and why the inclusion of such provisions within the requirements does not simply represent duplication of an obligation to consult that is already covered in the outline management plans and in the protective provisions.
Q9.1.11	The applicant	<p>Other matters relating to dDCO requirements</p> <p>Removal of Galloper Recommended Route - Request for draft wording for the DCO/DML</p> <p>The Maritime and Coastguard Agency's (MCA) Written Representation [REP2-046] states that: <i>"It is our 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."</i> At the Issue Specific Hearing 2 (ISH2) on 9 April 2025 the MCA was asked to provide its preferred wording for the condition of consent. At the ISH2 the applicant stated that the condition such has been proposed is not required. Subsequently at Deadline 4, the MCA's submission Information requested at ISH2 [EV6-009] suggests the following:</p> <p><i>"Offshore construction activity may not commence until confirmation has been received in writing from MCA that the removal of the Galloper Recommended Route has been approved by the International Maritime Organization."</i></p> <p>The applicant's Response to Actions List for ISH1 and ISH2 (Rev 0) [REP4-036] does not include an action item or a response in relation to <i>"Agenda Item 3.1.15 The drafting of any proposed requirement or condition that might be included within the dDCO and DMLs relating to the removal of the Galloper Recommended Route as a prerequisite to the grant of consent."</i></p> <ul style="list-style-type: none"> (i) For the approval process for removal of the Galloper Recommended route, given the risk of objections, are you able to provide any additional justification to support your position "that a

ExQ2	Question to:	Question:
		<p>condition of consent is not required”, other than that set out in the applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 2 (ISH2) [REP4-034] Agenda item 3.4.2?</p> <p>(ii) In addition, in your response to part (i) above, has consideration been given to paragraphs 2.8.183, 2.8.334 and 2.8.335 of the NPS for Renewable Energy (EN-3)?</p>
Q9.1.12	The applicant, MCA	<p>Other matters relating to dDCO requirements - Removal of Galloper Recommended Route</p> <p>The MCA's position is that a requirement/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. At the ISH2 the applicant's stated position was that this condition is not required. The ExA seeks the following further information in relation to the use of the route and the legal consequences, if any, of not formally removing it prior to the commencement of development.</p> <ul style="list-style-type: none"> (i) Under what existing powers or rights could shipping vessels continue to use the Galloper Recommended route up to the point when the removal would be in force? (ii) If offshore construction of the wind farm commenced that directly interacted with the Galloper Recommended Route in advance of the removal of the route, could any UK and/or international body enforce the route remaining open to shipping vessels and what form of enforcement action could be taken? (iii) If the DCO was granted in accordance with the relevant NPS without the MCA's proposed condition of consent, could that potentially lead to either the United Kingdom being in breach of any of its international obligations or the SoS being in breach of any duty imposed by or under any enactment as per s104(4) and (5) of the PA2008?
Q9.1.13	The applicant, SCC	<p>Other matters relating to dDCO requirements</p> <p>The SCC at ISH1 [REP4-094] and [REP4-095] confirmed that they seek a phasing requirements as set out in their LIR paragraph 7.3 [REP1-074]. SCC submit that this is reasonable in that it is formulated to trespass lightly on the undertaker's flexibility and the turbines are programmed to begin construction as late as year 4. The requirement would restrict the commencement of the offshore turbine works until it was clear that the East Anglian Connection Node (EACN) had been consented and was to be delivered as part of the Norwich to Tilbury project so as to avoid unnecessary impacts on the SCHAONB. The applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] contends that such a requirement fails the relevant legal tests for a requirement</p>

ExQ2	Question to:	Question:
		<p>because it is not necessary and is unreasonable.</p> <ul style="list-style-type: none"> (i) The SCC are requested to respond to the applicant's reasons for rejection of such a requirement as set out in [REP4-036]. (ii) The applicant relies upon their connection agreement with NESO which requires NESO to provide a connection which has been identified as the EACN. However, that is a commercial agreement which may have other consequences should its terms not be met. The applicant is requested to explain further its reliance upon the connection agreement as providing a basis for the assertion that a phasing requirement would be unreasonable in this case. (iii) Whilst the applicant states that it is not aware of any precedent for the imposition of a requirement of this sort, is it aware of any case where such a requirement has been suggested and rejected by the SoS? (iv) The applicant is requested to fully explain and provide time estimates of any delay to the proposed development that it submits would result from the imposition of the suggested requirement given the current programming of offshore turbine works and that only the commencement of those works would be restricted. (v) For the avoidance of doubt, can the applicant confirm that its position is that the precedent effect and the wider consequences that might flow from such a decision would render the imposition of the requirement unreasonable? Please also comment on whether subsequent decisions in relation to the imposition of such requirements would be based upon the particular circumstances and justification provided in each case? (vi) Please comment on whether the Hinkley Point C project referred to provides a reasonable comparison to the particular facts of this case in terms of the timing of that scheme and the related connection project and the applicable landscape protection policies. Is it known whether any equivalent requirement was suggested and considered by the SoS in relation to the Hinkley Point C application?
Q9.1.14	The applicant, ECC, Tendring District Council (TDC)	<p>Other matters relating to dDCO requirements</p> <p>The ECC Post hearing submissions including written summaries of oral submissions made at the hearings [REP4-073] confirms that the Councils are seeking the addition of a phasing/Grampian requirement, which they state is preceded in the recent Viking Carbon Capture and Storage Pipeline Order 2025. They point to the link between NFOWFs and the EACN. ECC and TDC are requested to provide further details and reasons to support their reliance upon the recent Viking</p>

ExQ2	Question to:	Question:
		<p>Carbon Capture and Storage Pipeline Order 2025 in support of the inclusion of such a phasing requirement. The proposed requirement as set out in ECC's post hearing submissions [REP4-073] states: "No part of the authorised development may commence until details of the following have been submitted to and approved by the Secretary of State — evidence of development consent being granted for the National Grid's East Anglian Connection Node substation which will connect the North Falls development to the grid."</p> <ul style="list-style-type: none"> (i) ECC and TDC are requested to provide further details and reasons to support their view that such a requirement would comply with NPS EN-1 paragraph 4.1.16 in that it would be necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. (ii) Is the proposed requirement as currently drafted sufficiently precise to be readily enforceable, and/or are any amendments required to make it so. (iii) Please can the applicant indicate whether it agrees that the recent Viking Carbon Capture and Storage Pipeline Order 2025 provides a precedent for such a phasing requirement in this case. (iv) Does the applicant agree that if a DCO is not granted for the EACN substation, the Council's would be in a position whereby there would be no benefit as there would be no connection of the NFOWF to NG's proposed EACN substation and such a requirement is necessary to provide a safeguard against that scenario?
Q9.1.15	The applicant, ECC, TDC	<p>Other matters relating to dDCO requirements</p> <p>The applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] asserts that the imposition of a DCO requirement of the type proposed by ECC requiring the coordination of the construction phases of the NFOWF and VEOWF projects would be inappropriate because it fails the relevant policy tests. The applicant's summary of oral submissions made at ISH1 [REP4-026] confirms that the additional impacts of a sequential build-out of the two projects which have been assessed in the ES.</p> <ul style="list-style-type: none"> (i) ECC and TDC are requested to provide further details and reasons to support their view that such a requirement would comply with NPS EN-1 paragraph 4.1.16 in that it would be necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. In particular, please explain why such a requirement would be necessary to make the development acceptable in planning terms and

ExQ2	Question to:	Question:
		<p>reasonable in the circumstances of this case given that the impacts of a sequential build-out of the two projects has been assessed in the ES.</p> <p>(ii) The applicant's position is that a DCO requirement for both projects to align their construction phases would increase the risk of delay to the NFOWF project which could jeopardise its ability to deliver the project by 2030 and contribute to the UK's renewable energy targets. The Councils are requested to comment as to whether in the light of the prospect of such delay it would still be reasonable to impose the requirement sought.</p> <p>(iii) The applicant is requested to provide further details of any delay to the proposed development that it submits would result from the imposition of the suggested requirement.</p> <p>(iv) The applicant submits that the imposition of such a DCO Requirement would put it at a competitive disadvantage in relation to other comparable proposed offshore wind farms. The parties are requested to comment on whether that represents a legitimate planning concern.</p> <p>(v) The applicant submits that the precedent effect of the decision to impose a requirement of this type could have wider consequences for the rapid delivery of offshore wind and the ability of the sector to meet the urgent need for increased generating capacity set out in the NPSs. Does this represent a serious concern given the particular circumstances of the NWOWF and VEOWF in terms of their common aspects which may not apply more generally to other offshore wind projects thus limiting the precedent effect?</p> <p>(vi) The applicant [REP4-026] mentions that there is already a requirement to notify which build option is being selected. The Councils are requested to comment on whether requirement 19 in the dDCO is sufficient to overcome their concerns in relation to co-ordination?</p>
Q9.1.16	The applicant	<p>Other matters relating to DDCO requirements</p> <p>The NE - Risk and Issues Log [REP4-067], A31 requests the dDCO include a condition or requirement to ensure that the project would not exceed the operational lifetime considered within the ES. The applicant is requested to explain how that would be ensured by the documentation and dDCO.</p>
9.2 Schedules 8, 9 and 10 – Deemed Marine Licences under the 2009 Act		
Q9.2.1	MMO, MCA, PLA and London Gateway Port Limited	<p>Depths in the Deep Water Routes</p> <p>The question of the permissible water depth reduction was discussed at the ISH2. The dDCO (Rev 5) [REP4-004] has been amended at Condition 12 (3) of Schedules 8 and 10 and Condition 13 (3)</p>

ExQ2	Question to:	Question:
		of Schedule 9 to include further wording in respect of the water depth not being reduced by more than 5% Chart Datum when carrying out maintenance activities. Please confirm if the amendments now made are acceptable and address the concerns raised.
Q9.2.2	NE, MMO	Volume of Arisings The dDCO (Rev 5) [REP4-004] has been amended at Condition 10 (8) of Schedule 8, Condition 11 (4) of Schedule 9 and Condition 11 (4) of Schedule 10 to include the total volumes. Are these amendments accepted?
Q9.2.3	PLA, applicant	In the written submission made by PLA [REP4-088], PLA requests parity of the DML's for NFOWF with the DML's for VEOWF. Please provide a schedule of the conditions where the parity is not achieved in the NFOWF DML's.
Q9.2.4	The applicant	The amendment to condition 11 (4) of Schedule 10 is not included in the Schedule of Changes to the dDCO [REP4-017]. Please can this be updated.
Q9.2.5	MMO, MCA	The applicant has amended Condition 19 (10) of Schedules 8 and 10 and Condition 20 (10) of Schedule 9 in relation to debris and dropped objects. Please confirm whether the amendments are accepted and resolve the concerns raised.
Q9.2.6	The applicant	In the MMO's additional submission [AS-051], the MMO comments on the wording of Conditions 12 (4) of Schedule 8 and 10 and Condition 13 (4) of Schedule 9 in respect of the Outline Offshore Operations and Maintenance Plan. Please confirm if the wording proposed by the MMO can be agreed and the conditions amended.
Q9.2.7	The applicant	Chemicals The MMO set out their position on chemicals in section 4 of their comments on submissions received at the previous deadline [REP3-056]. The applicant is requested to further clarify their position regarding the changes that have been sought by the MMO as set out in [AS-051] to Condition 19 (2) of Schedule 8 and 10 and Condition 20 (2) of Schedule 9.
Q9.2.8	MMO	Designation of Disposal Sites Please provide an update on the designation of disposal sites with the allocated reference numbers to be included in the DML's at Condition 19 (5) of Schedules 8 and 10 and Condition 20 (5) of Schedule 9.

ExQ2	Question to:	Question:
Q9.2.9	MMO and the applicant	Post Construction Monitoring Please provide an update as to the ongoing discussions in respect of Condition 27 (2)(a) of Schedules 8 and 10 and Condition 28 (2) (a) of Schedule 9 relating to post construction monitoring and whether it is anticipated that an agreement will be reached before the end of the examination.
Q9.2.10	MMO	The applicant has produced and amended Outline Fisheries and Co-Existence Plan [REP4-018]. Is this acceptable to the MMO?
Q9.2.11	MMO	Please confirm the timescale for the response of the MMO to the outstanding points relating to the Offshore In Principal Monitoring Plan [APP-245]
9.3 Schedule 12 – Documents to be Certified		
Q9.3.1	The applicant	Schedule 12 – Documents to be certified The NE - Risk and Issues Log [REP4-067], item A27 which relates to dDCO Schedule 12 Documents to be Certified notes the Schedule of Mitigation [REP1-006] and [APP-262] Cable Statement [REP4-015] are not a named documents in the dDCO, and NE considers that these documents should be certified under the DCO. The applicant is requested to explain its position in relation to the certification of these documents and their inclusion in Schedule 12.
9.4 Schedule 14 – Protective Provisions		
Q9.4.1	The applicant, LGPL, PLA	Protective provisions sought by the Port of London Authority and the changes to the protective provisions sought by London Gateway Port Limited The protective provisions for the ports were discussed at ISH2. The applicant has submitted a full response at Deadline 4 on its position regarding protective provisions for the ports [REP4-044]. The applicant's Deadline 4 Action Points [REP4-036] has removed the protective provisions for the LGPL from the dDCO at deadline 4 [REP4-004]. The applicant has included a new Requirement 2(3) in the dDCO submitted at Deadline 4. In addition, the applicant has made changes to the Deep Route Cable Installation Areas (Future Dredging Depths) Plan [REP4-043], the Outline Cable Specification and Installation Plan [REP4-039], the Outline Sediment Disposal Management Plan [REP4-038] and updated Navigation and Installation Plan [REP4-012]. Updates have also been made to the DML conditions to make reference to these plans. The applicant's position is that protective provisions are not necessary, appropriate or reasonable in the circumstances, and would be unprecedented.

ExQ2	Question to:	Question:
		<p>(i) Given the additional measures secured by the Deadline 4 updates to application documents, please can LGPL and PLA indicate whether they still seek protective provisions and, if so, explain why the package of mitigation measures committed to by the applicant would not appropriately address their concerns and whether there are any other mitigation measures in relation to the Sunk and Trinity DWR and Sunk Pilotage area that would preclude the need for protective provisions.</p> <p>(ii) Please indicate whether LGPL and PLA agree that there would no risk of detriment to the statutory undertaking of the ports arising from the powers conferred by the dDCO? If not, please identify the specific statutory functions that would suffer such detriment and/or explain why it is not necessary to do so.</p> <p>(iii) Do LGPL and PLA agree that the MMO is the appropriate regulator for the proposed works and not themselves?</p> <p>(iv) Can LGPL and/or PLA identify any precedent for such protective provisions in similar circumstances as for the proposed development?</p>
Q9.4.2	The applicant	<p>The protective provisions sought by London Gateway Port Limited</p> <p>The LGPL post hearing submissions [REP4-077] submits that the applicant's position is a fundamental misunderstanding of how the London Gateway Harbour Empowerment Order 2008 (the HEO). They explain the rationale for the need for LGPL to have protective provisions based on the need to protect its statutory powers to dredge and the need to protect the approach channel to London Gateway Port.</p> <p>(i) Does the applicant accept that the relevant statutory powers which LGPL seek to protect are set out in the HEO and that the need to protect the approach channel to London Gateway Port is fundamental to the exercise by LGPL of its statutory undertaking?</p> <p>(ii) Please explain why the Deadline 4 updated mitigation measures would provide sufficient detail and certainty in relation to preserving the future proofed dredge depth of the approaches to the port.</p>
Q9.4.3	The applicant, PLA	<p>The protective provisions sought by the Port of London Authority</p> <p>The PLA's post hearing submissions [REP4-088] seek some form of protective provisions, ideally in a form that reflect the protective provisions agreed in connection with VEOWF. Their position is that such protective provisions are fundamental and absolutely required so that the PLA can effectively</p>

ExQ2	Question to:	Question:
		<p>discharge its general and specific statutory duties.</p> <ul style="list-style-type: none"> (i) The PLA is requested to set out the general and specific statutory duties that it seeks to protect by way of protective provisions. (ii) The PLA is requested to submit, for the avoidance of doubt the two forms of protective provisions by both itself and VEOWF that were tabled at the close of the VEOWF examination. (iii) The applicant is requested to explain why it takes a fundamentally different approach to VEOWF in relation to protective provisions for the PLA and why it does not seek to achieve offshore consistency and equivalence with VEOWF on this matter.
9.5 Planning obligations and other agreements		
Q9.5.1	The applicant, Essex County Council (ECC)	<p>Planning obligations and other agreements</p> <p>At ISH 2 the prospect of a community benefit fund was discussed. The ECC Post hearing submissions [REP4-072] confirm that a community benefit fund is something that they consider would work to contribute towards a range of initiatives. ECC seek to replicate previous DCO arrangements whereby the fund is secured via a section 106 agreement during the DCO process. The applicant's Response to Actions List for ISH1 and 2 [REP4-036] confirms that the parties met on 8 April 2025 to discuss matters relating to community benefits and further discussions on this topic are anticipated.</p> <ul style="list-style-type: none"> (i) Please provide an update on the progress of those discussions and indicate whether it is anticipated that such a fund would be secured by means of an agreement before the close of the examination. (ii) Is it intended that any such agreement should be taken into account by the ExA and the SoS in the planning balance or would it sit entirely outside the examination process?
10. Ecology/Biodiversity/BNG/HRA		
Q10.0.1	NE MMO	<p>Marine Mammals – Methodology/Cumulative Assessment</p> <p>Appendix E4 of Natural England's Deadline 4 comments on the Information Regarding Marine Mammals [REP1-057] submitted by the applicant are noted. With regards to the interim Population Consequences of Disturbance (iPCoD) modelling and subsequent conclusions made, NE point to the applicant's over reliance on this as the main assessment tool. For clarity, what other specific</p>

ExQ2	Question to:	Question:
		assessment tools could/should be used by the applicant (if it was able to provide any other evidence) and why? Are other NSIP examples relevant? (Note: The ExA acknowledges dose assessment references made elsewhere).
Q10.0.2	NE MMO The applicant IPs	<p>Marine Mammals – Methodology/Cumulative Assessment/Transboundary aspects</p> <p>(i) Noting the comments of the Netherlands Ministry of Infrastructure and Water Management at [REP3-065] has the applicant adequately addressed cumulative effects/transboundary implications for marine mammals? As context the ExA acknowledges/highlights: ES Chapter 12 Marine Mammals [APP-026]; ES 12.1 Marine Mammal Consultation/Baseline information [APP-096 & 097 & [APP-160]; ES Appendix 13.3 Supplementary Information for CEA [APP-104]; Environmental Statement Appendix 12.6 Marine Mammal Cumulative Effect Assessment Screening [APP101] ; Further Information Regarding Marine Mammals (Rev 0) [REP1-057] & [REP3-046]; the useful Cumulative Effects Assessment Summary [REP3-042] at Deadline 3; and Updated Information for Offshore Ornithology Cumulative Effects Assessment (Rev 0) [REP3-040]; RIAA Part 3 Marine Mammals Annex II Species [APP-176] & [APP-177]; Draft Marine Mammal Mitigation Protocol [APP-242] & [REP3-013].</p> <p>(ii) Accounting for existing Issues Specific Hearing responses. The applicant is requested to give its full responses to [REP3-065] if not already done so by the next deadline.</p>
Q10.0.3	NE MMO The applicant	<p>Marine Mammals – Cumulative Assessment / Mitigation</p> <p>(i) Applicant. NE Deadline 4 commentary regarding Cumulative Assessment [REP1-057] also implies there is cherry picking of least impactful outcomes resulting in non-significant effects for marine mammals which runs counter to the precautionary principle of EIA methodology. Overall, because of these issues NE point out that the most conservative methods for project alone, cumulative and in-combination assessments have not been utilised by the applicant. They allege there are evidence gaps in the relationship between sound, disturbance and population impacts and assumptions and uncertainties built into the model. What information can the applicant provide to address/further justify its own case more robustly?</p> <p>(ii) Can the applicant further clarify/explain its position towards NAS modelling generally (relative to national best practice) and the range of marine mammal noise mitigation it is committing to presently? And does the applicant acknowledge the benefits of Noise Abatement System (NAS) modelling if fully applied?</p> <p>(iii) The ExA note the MMO supports the commitment of noise abatement in the Draft Marine</p>

ExQ2	Question to:	Question:
		<p>Mammal Mitigation Plan (MMMP) and Site Integrity Plan (SIP). The MMO also agrees that the effects of noise abatement systems in reducing the noise impacts should be included in the assessment at this stage including noise abatement systems (NAS) modelling. Furthermore, the MMO supports NE in recommending that the applicant revises the in combination assessment and applies the Effective Deterrent Radius (EDR) approach as per the Best Practice Guidelines Phase III and the Guidance for assessing the significance of noise disturbance against Conservation Objectives of Harbour Porpoises Special Areas of Conservation. What is the applicant's current/most up to date position on this issue?</p> <p>(iv) The ExA acknowledges that the national underwater noise policy papers have been published, by DEFRA, JNCC, NE and Cefas (documented by NE/MMO Deadline 1). These set out the direction of travel into reducing the noise at source for piling and sets out further detail on dealing with UXO mitigation. The applicant has said it has taken such advice into account up to D4. Does the applicant intend to further adapt its existing submissions to the most recent national/technical advice? Is it satisfied it can demonstrate best practice in adequately managing impacts/effects?</p> <p>(v) The applicant's commitment to using NAS/and soft starting of piling machinery clarification is requested by the ExA alongside commitment to up to date best practices in effective deterrent radius approach within an in combination assessment. Signpost/clarify/adjust where necessary.</p> <p>(vi) Natural England/applicant. The applicant has stated that UXO cannot be scheduled to avoid winter months though it does propose an amendment to the Draft MMMP [APP-242] to make clear that 'if High-order clearance is required then NAS must be used'. When will the revised version be submitted? Is NE content with this approach/resolution?</p>
Q10.0.4	The applicant	<p>Marine Mammals noise/disturbance/collision –Harbour Porpoise</p> <p>The risk of collision with vessels sensitivities for all species used in the Environmental Statement (ES) (Section 2.1.2 [REP1-057] –remains a point of disagreement with NE. NE indicates this should be medium. Plus, datasets mentioned by NE ("Frontiers- Pathological findings in stranded Harbour Porpoises (<i>Phocoena phocoena</i>) with special focus on anthropogenic causes") show that 4% of stranded harbour porpoises (25 out of 612) died due to anthropogenic causes (and most likely due to ship collisions). Thus, it appears potential injury or death to Harbour Porpoises therefore cannot completely be ruled out.</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> (i) Clarification is required as to if the applicant maintaining its position and calculations regarding the risks identified owing to increased vessel numbers based on current knowledge available and NE responses? Where necessary please further clarify/justify/give additional evidence for any variance from NE advice. (ii) Does the applicant accept a precautionary approach should be applied by the Recommendation/Decision Maker for the risk of collision with vessels to reliably inform the worst case scenario conclusion for the DCO development applied for?
Q10.0.5	The applicant	<p>Marine Mammals noise/disturbance – Harbour Porpoise</p> <p>In terms of the clarifications to the project alone impacts from underwater noise due to piling on Harbour Porpoise:</p> <ul style="list-style-type: none"> (i) How can the applicant be satisfied defining magnitude of impact from the iPCoD model for the project alone is sufficient when other threats such as bycatch, prey availability and shipping are not captured in the model relied on? Can the applicant provide further evidence/reasoned justification? (ii) Does the applicant agree/disagree that the impacts could have a greater ‘significance’ than ‘medium’ when applying precautionary principles? NE advice implies a greater significance. Please further clarify/give reasoned justification/additional evidence with precautionary principles in mind.
Q10.0.6	The applicant	<p>Marine Mammals – Cumulative assessment for Harbour Porpoise/ Mink Whale/Harbour Seal</p> <ul style="list-style-type: none"> (i) For cumulative assessment conditions (Section 2.6) Table 2.10 [REP1-057] indicating cumulative disturbance for harbour porpoise due to piling using dose response evidences that over 30,000 Harbour Porpoises could be disturbed during a single piling event. How can the applicant reasonably justify its own conclusions in relying on the iPCoD model in this regard? (ii) For Mink Whale - Table 2-14 -of the iPCoD modelling evidenced predicted a decline in the population of up to 7.25% over the modelled period and a decline of 3.49% over the first five years. How can the applicant maintain this is not significant in its conclusions? Please clarify. (iii) Table 2-17 [REP1-057]. The outputs of the modelling for ‘mean impacted as % of unimpacted’ are showing consistently that the impacted population of Harbour Seals is larger than unimpacted. But the population of harbour seals is highlighted as known to be declining

ExQ2	Question to:	Question:
		<p>by NE. How therefore can it be expected that an impacted population would be larger?</p> <p>(iv) The ExA requests Table 2.18 [REP1-057] should be amended to include the outcomes of 'all' the assessments not just iPCoD in line with NE's original advice. Notably the outcomes of the dose response assessment are not presently considered while they indicate greater effects. Can the applicant commit to this/or give further justifications for any variance?</p>
Q10.0.7	The applicant	<p>Marine Mammals - Worst Case Disturbance Matters</p> <p>With respect to Table 2-26 [REP1-057] iPCoD modelling is used to determine worse case disturbance. However, other activities cannot be added together. Thus, the total number of animals impacted appears to be questionable as a way to support the conclusion of low magnitude in all cases. The applicant is requested by the ExA to review/further clarify its current position and the possibility of using figures used from Table 2.10, 2.11 and 2.12 resulting in a higher magnitude (NE indicate a high magnitude). The robustness of the conclusions need to be further reviewed.</p>
Q10.0.8	The applicant	<p>Marine Mammals – Worst Case Assessment/Overall Effects</p> <p>Given all the overall concerns expressed by NE at Deadline 4 clarify:-</p> <ul style="list-style-type: none"> (i) Whether consistency within the EIA methodology is possible to fully address precautionary principle aims and whether there is recognition from the applicant of iPCoD as a supportive tool to aid conclusions rather than a definitive one? The ExA requests an updated case in this regard. (ii) The assessments made by the applicant are alleged to not be conservative. What other assessment methods can the applicant evidence/include to ensure the most conservative analysis and conclusions can be obtained relative to NE advice at Deadline 4? (iii) Does the applicant agree/disagree its Cumulative and In-Combination Assessment (Section 3) conclusions to date should be treated with caution in light of all NE concerns? Either way state the reasons. (iv) On 21 January, Defra published new guidance aimed at mitigating the impacts of underwater noise generated by activities such as offshore wind farm construction. Recognising the potential harm to marine life, particularly from piling during turbine and substation installations, the guidance outlines steps to manage and reduce noise pollution. The initiative aligns with the UK's policy commitments to protect marine ecosystems amidst the expansion of offshore renewable energy projects. Clarify further what has the applicant specifically

ExQ2	Question to:	Question:
		done to meet the latest guidance to ensure its proposed mitigation is fit for purpose?
Q10.0.9	The applicant	<p>Marine environment/Seabed matters</p> <p>Having regard to [REP3-045] 9.34 Further Information Regarding Seabed and Bedform Mobility, and Implications for Sand Wave Recovery after Levelling:-</p> <ul style="list-style-type: none"> (i) Can the applicant clarify whether the Worst Case Scenario sand wave levelling disturbance volumes can be reduced in line with the refinement of anticipated sand wave levelling areas? (ii) Consistent with NE responses the ExA seek further bedform survey analysis with the incorporation timelapse bathymetry to be carried out during pre and post construction monitoring and captured in the Offshore In-Principle Monitoring Plan (IPMP) [APP-245]. Such surveys are needed to verify all predicted conditions. The applicant is requested to comply with the request via updating the IPMP by no later than Deadline 6 (with Deadline 5 as the preferred submission date).
Q10.0.10	The applicant MMO NE Essex Wildlife Trust	<p>Marine environment/Benthic/Seabed matters</p> <ul style="list-style-type: none"> (i) What does the applicant further propose to fill in the evidence gaps referred to by NE/MMO towards the Kentish Knock East Marine Coastal Zone? (ii) On 8 January, the Office for Environmental Protection Investigation (OEP) announced that it was launching an investigation into a suspected failure by Defra to take the necessary measures to achieve Good Environmental Status (GES) of marine waters by the statutory deadline of 31 December 2020, as mandated by regulation 4(1) of the Marine Strategy Regulations 2010. Additionally, Defra did not provide an updated report on the UK Marine Strategy by 20 December 2024, nor did it issue a formal assessment confirming whether the 2020 deadline was met. The OEP's investigation, conducted under section 33(2) of the Environment Act 2021, seeks to ensure accountability for the suspected failure and, if confirmed, secure a comprehensive plan to achieve GES as soon as possible. On 29 January, Defra published an updated Marine Strategy Part Three: 2025 UK Programme of Measures. strategy outlining the measures to achieve GES in UK seas. Several of the measures referred to are still in the process of being development, and where there are uncertainties or knowledge gaps, the strategy sets out plans to address these gaps. Is the applicant aware of this background? (iii) Applicant/MMO. Does the applicant need to address these context in further detail relative to

ExQ2	Question to:	Question:
		<p>the ES? Or adapt any of its mitigation provision accordingly?</p> <p>(iv) The ExA also notes that NE has updated the Margate and Long Sands SAC condition assessment (January 2025) which has determined the site to be in unfavourable condition due to existing anthropogenic pressures on the designate site feature. This is key context the ExA is drawing attention to. According to NE Risk Register Point P7 there is insufficient evidence of the potential worst case area of impact of impact on benthic communities within the MLS SAC. What is the applicant's most up to date position? The ExA acknowledges the presence of reef-forming ross worm (<i>Sabellaria spinulosa</i>) in the vicinity, which when formed as a reef qualifies as an Annex I habitat (biogenic reef). Areas of high <i>S. spinulosa</i> density support a diverse attached epifauna of bryozoans, hydroids, sponges and tunicates, and additional fauna including polychaetes, bivalves, amphipods, crabs and lobsters.</p> <p>(v) NE/MMO/applicant/Essex Wildlife Trust - Is any form of benthic/marine related compensation warranted/anticipated? If so, what should that comprise of?</p>
Q10.0.11	NE The applicant	<p>Seabed matters/Margate Long Sands & Kentish Knock East MCZ & NE advice</p> <p>(i) NE – The applicant has submitted updated hydrodynamic and dispersion modelling [REP4-040] [REP4-042] and information about additional offshore mitigation with a view to addressing your outstanding concerns regarding effects from sediment deposition and seabed level change, which have implications for habitats regulations assessment (Margate and Long Sands (MLS) SAC) and marine conservation zone assessment (Kentish Knock East (KKE) MCZ). The ExA requests a detailed response on the additional information at DL5. In doing so, confirm your advice on AEol for MLS SAC and hindrance of the conservation objectives for KKE MCZ. If you consider that AEol and/ or hindrance of conservation objectives cannot be excluded, set out what specific additional information you consider is needed and indicate your view as to whether it is likely this can be resolved prior to close of examination.</p> <p>(ii) Applicant – NE's latest Risk and Issues Log [REP4-067] indicates that it is still not able to advice that AEol can be excluded for MLS SAC, or hindrance of the conservation objectives of KKE MCZ. Confirm if any consideration has been given to preparation of a without prejudice derogations case for the MLS SAC, or Stage 2 assessment for KKE MCZ, in the event that NE's advice remains unchanged. If not, explain why not, noting the requirement in paragraph 5.4.27 of Overarching National Policy Statement for Energy (NPS</p>

ExQ2	Question to:	Question:
		<p>EN-1).</p> <p>(iii) NE – The applicant has submitted an outline Sediment Disposal Management Plan (SDMP) [REP4-038] and Cable Specification and Installation Plan [CSIP] [REP4-039] for the export cable. The ExA requests comments on the outline plans at DL5. In your response, please set out your view as to whether the measures proposed are sufficient to manage construction effects to avoid AEoI and/ or hindrance of the conservation objectives of the MLS SAC and KKE MCZ respectively from relevant construction phase impact pathways.</p> <p>(iv) NE –The ExA noted at ISH2 that NE published an updated condition assessment for MLS SAC in January 2025. The applicant has set out its position on the implications of this for its HRA in [EV6-007] and [REP4-042]. NE is requested to provide its view on the implications of the updated condition assessment for the HRA, and the response provided by the applicant. In doing so, confirm any additional information that you consider would be required by the SoS to carry out the HRA.</p> <p>(v) NE – It is proposed that material from the export cable corridor can be disposed of anywhere in the disposal site (as shown on Figure 2-1 of the Outline Sediment Disposal Management Plan [REP4-038] subject to constraints listed in section 3 of [REP4-038]. Comment on whether you consider this an appropriate approach given the proximity of the export cable corridor to the MLS SAC. Please identify any concerns and, if so, how you consider these could be addressed.</p> <p>(vi) Applicant – In the Outline Cable Specification and Installation Plan (CSIP) [REP4-039] it is stated that a separate CSIP for seabed preparation works may be prepared dependent on timing of works. Explain how this would separate CSIP is proposed to be secured and who would be consulted on this plan.</p> <p>(vii) Applicant – The Outline CSIP [REP4-039] states that it does not cover the array cables and these would be covered by separate construction management plans. The ExA notes that Condition 21(h) of Schedule 8 DML for Generation Assets of the draft DCO [REP4-004] provides for a CSIP to submitted but is unclear if any outline principles with which the final plan will accord have been submitted to examination. The applicant is requested to explain its approach, including how the ExA can have confidence in the measures proposed if an outline has not been provided.</p> <p>(viii) Applicant - The sediment dispersion modelling in [REP4-040] considers different</p>

ExQ2	Question to:	Question:
		<p>construction phase activities separately. Confirm if there is potential for some or all activities to occur simultaneously, and if so explain why it does not also consider cumulative effects.</p> <p>(ix) Applicant - Sediment disposal has been modelled for the array area (Simulations 11 and 12) in [REP4-040] but does not appear to have been modelled for activities related to the export cable. Explain why disposal from the export cable has not been modelled.</p> <p>(x) NE – You sought further information from the applicant about how the buffer zone of 50m to KKE MCZ was determined. The applicant states in its Supporting Information on Offshore Additional Mitigation [REP4-041] that a standard buffer of 50m for Sabellaria reef is advised by NE, and therefore the same distance for coarse sediment, sand and mixed features of KKE MCZ is considered conservative. Confirm if you are satisfied with this explanation and/ or if the applicant's additional modelling provided in [REP4-040] [REP4-042] is sufficient to support the use of a 50m buffer to avoid hindrance of the conservation objectives. If not, please set out in detail what further information is needed.</p> <p>(xi) NE – You sought further information from the applicant about how the buffer zone of 150m to MLS SAC was determined. Confirm if you are satisfied that the applicant's additional modelling provided in [REP4-040] [REP4-042] is sufficient to support the use of a 150m buffer to avoid AEoI. If not, please set out in detail what further information is needed.</p> <p>(xii) Applicant - Supporting Information on Offshore Additional Mitigation [REP4-041] includes further assessment of relevance to the RIAA Part 2 Benthic Ecology [APP-175] and MCZA Report [APP-237]. Provide updated versions of the RIAA and MCZA Report incorporating this information by the close of examination.</p>
Q10.0.12	NE The applicant	<p>Outstanding matters in NE's Risk and Issues Log [REP4-067]:</p> <p>(i) Applicant – NE [REP4-067] has indicated that item P5 of its Principal Areas of Disagreement Summary Statement (PADSS) (which also relates to several items of its advice for marine processes and benthic ecology) could be partially addressed with a commitment to pre- and post-construction bedform migration analysis, secured through updates to the In Principle Monitoring Plan (IPMP) [APP-245]. Comment on NE's request. If such a commitment can be made, provide an updated IPMP by DL6. If not, explain why.</p> <p>(ii) NE – You indicate in P5 in [REP4-067] that information about the worst-case scenario parameters for sediment deposition due to construction is still required for you to finalise</p>

ExQ2	Question to:	Question:
		<p>advice for the MLS SAC and KKE MCZ. Confirm what specific information is required and why this is necessary.</p> <p>(iii) Applicant – Item P12 of NE’s PADSS [REP4-067] advised that use of readily removeable cable protection options is considered, which could reduce or mitigate impacts. The ExA notes your responses in [REP1-044] and at ISH2 [EV6-007] on this point, and that cable protection is not expected to be needed as burial is the preferred approach. However, noting that the draft DCO [REP4-004] allows for installation of cable protection, the ExA requests a fuller response to NE’s advice, including an explanation of the predicted impacts of each cable protection option over the lifetime of the proposed development (and beyond if there is no commitment to removal) and consideration of the options against the mitigation hierarchy.</p> <p>(iv) NE – Clarify if your advice about readily removable cable protection has a bearing on your advice regarding AEol and/ or hindrance of conservation objectives for the MLS SAC and KKE MCZ respectively. Do you consider that if cable protection is installed, and not removed, this could result in an impact pathway for AEol and hindrance of conservation objectives? If so, explain why.</p> <p>(v) NE – In P8 of your PADDS [REP4-067] you request full consideration of the likely nature of impacts upon SPA supporting habitats and prey availability. The applicant [REP1-044] set out where impacts on benthic supporting habitats in the Outer Thames Estuary SPA were assessed in its RIAA [APP-175] and ES Chapter 13 [APP-027]. Confirm what further assessment you consider is needed beyond this information.</p> <p>(vi) Applicant – Item A27 of NE’s PADDS [REP4-067] provides advice on the use of caveats such as “where practicable” in the Schedule of Mitigation [APP-262]. The ExA notes your response in [REP1-044] but seeks assurance that any mitigation proposed to avoid AEol and/ or hindrance of conservation objectives is adequately secured and there is no flexibility retained that could result in the mitigation being reduced to a level that would render it ineffective in this regard. Explain how the discharging authority can have confidence in the mitigation and final effect level can have if such caveats are used.</p>
Q10.0.13	MMO NE The applicant	<p>Marine Environment/ Deemed Marine Licensing/dDCO</p> <p>(vii) Essex Wildlife Trust (EWT)/Councils - the “Working in Proximity to Wildlife Plan” (is referred to by EWT’s Relevant Representation). Firstly, the ExA request this document is submitted</p>

ExQ2	Question to:	Question:
	Essex Wildlife Trust Essex County Council/Tendring District Council	<p>to the examination and secondly, can EWT/relevant Essex Council's indicate the status/weight of this document/role in local decision making?</p> <ul style="list-style-type: none"> (i) EWT/NE advise that the applicant should commit to specific mitigation measures, particularly NAS, in the MMMP. The MMO acknowledges that EWT consider that this should sit alongside a Working in Proximity to Wildlife Plan to reduce the risk of disturbance from ships, boats and other vessels and the risk of them colliding with marine mammals. Can EWT clarify why the inclusion of the document is an important? Secondly, what is the applicant's most up to date position to these points? (ii) MMO/NE's concerns regarding overlap with the dDCO requirements/Deemed Marine Licences are relevant in that it is alleged they are not accurately capturing all the required maximum parameters of the proposed works and submits that the applicant should update the DCO and DMLs to ensure maximum parameters of all important metrics are appropriately secured. Can the applicant guarantee/signpost/update/provide further evidence maximum parameters "are" addressed or "can be" addressed? (iii) Applicant. The Site Integrity Plan Condition is advised to be no sooner than 9 months and no later than 6 months owing to in-combination impacts. – Is the applicant in agreement to ensure that formally? If so, signpost the alteration(s). (iv) MMO. In relation to requirements to cease works should noise impacts be exceeded, how is this achieved/regulated? NB:- The MMO agreed that a key mitigation for marine mammals should be included in the condition wording for the DML is that piling activity must cease in the event that the monitoring highlights that noise impacts are in excess of the predicted impacts. The MMO was said to be reviewing the Condition. Are the MMO now content dDCO/DML wise? Please clarify. (v) Applicant/MMO. Would the MMO be notified formally over which piling method is to be up taken in advance of any commencement independent of DML provision? And by which mechanism dDCO/DML would that be achieved? (vi) MMO/applicant. In relation to the technical requirements/conditions for species specific "monitoring" of benthic ecology/fish and shellfish/marine mammals & birds overall and other related matters. Briefly explain if they would/should be independent/interdependent of dDCO requirements/articles covered in the content of any DML or other Licensing mechanisms or vice versa? The applicant is asked to review the approach in the recent Rampion 2 SoS Decision in relation to the administration of the dDCO/DMLs that was

ExQ2	Question to:	Question:
		<p>secured toward ecology on a species specific level and amend its approach where necessary.</p> <p>(vii) Applicant/MMO/NE. With respect to monitoring. Does the monitoring strategy need to be further tailored given piling methodology changes or any other interests/technicalities at this stage? Can the applicant explain what is intended/options are available and via Adaptive Monitoring with respect to marine wildlife and signpost where it is presently secured? Adjust where necessary. (NB: the ExA acknowledges IPMP [APP-245] outlines the monitoring which would inform mitigation requirements. The detailed methodology for the monitoring presently states it would be developed post consent, in consultation with NE and agreed with the MMO).</p>
Q10.0.14	The applicant MMO	<p>Outline Decommissioning Plan</p> <p>The MMO based on its submissions understands that there is a requirement for a decommissioning programme to be submitted to the Secretary of State (SoS), however they believe that an outline plan with decommissioning information should be provided at this stage. (This could 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). Given there may be potential overlap to HRA assessment overall, the ExA requests an Outline Decommissioning Plan is provided during the examination to reduce uncertainty.</p>
Q10.0.15	The applicant NE	<p>Overall ornithological/ecological harm avoidance</p> <p>AEol cannot be ruled out for lesser black-backed gull from the Alde Ore Estuary because of predicted mortality owing to collision risk, when considered in-combination with other OWFs. In terms of further improving avoidance or existing mitigation available. (i) Has painting the rotor blades or single blade another colour (such as Black) ever been considered by the applicant's assessments before seeking derogations/compensatory arrangements? (ii) Would such action reduce bird deaths? (iii) Is there flexibility/scope to do that ES assessment wise/dDCO wise and commit to it if it is beneficial to ecology? (iv) Could the applicant give evidence on this matter and clarify why it has been ruled out where necessary. The ExA is requesting to know why novel avoidance measures can/cannot be pursued.</p>
Q10.0.16	NE RSPB	<p>Overall Ornithological Compensation (without prejudice or otherwise)</p> <p>(i) Can NE/RSPB clarify to the ExA why collaborative measures would be preferable for any form of compensation sought as necessary? Is this purely policy/best practice based</p>

ExQ2	Question to:	Question:
		<p>rationale?</p> <p>(ii) Are greater ecological benefits possible via collaborative approach if so what are they and why? If the reasons are species specific/case by case specific, if so, why? Are there any other project specific reasons for the stated preference?</p>
Q10.0.17	<p>The applicant</p> <p>NE</p> <p>MMO</p> <p>Essex County Council/ Tendring District Council</p> <p>RSPB/National Trust</p> <p>IPs</p>	<p>Overall HRA derogation/Ecological Compensation/Schedule 15 Wording</p> <p>The ExA notes the applicant's point that in the Secretary of State's decision letter (DESNZ, 2024) for the Sheringham Shoal Extension Project and Dudgeon Extension Project (SEP & DEP), it is stated that "The Secretary of State agrees with the applicant and NE that strategic compensation represents the best option for delivering compensation for impacts of OWFs. Given all relevant technical disputes with Natural England/MMO (as statutory consultees) as well as other representations such as from the National Trust and the RSPB combined -mixed with the risks/uncertainty of other scheme outcomes the ExA acknowledge these are important examination factors.</p> <p>(i) NE/MMO – a) Does any further HRA related derogation case (without prejudice or otherwise) above what is already provided in the examination material need to be addressed by the applicant? b) Secondly, does any other designated site/species specific compensation measure need to be requested from the applicant? For the avoidance of any doubt please confirm if there is any omission presently or not having regard to all marine life and related protected sites.</p> <p>(ii) Applicant. How can the ExA be satisfied compensation measures can be in place before any negative effect on a European site or sites begins given there is no control over when MRF funding systems will become functional nationally?</p> <p>(iii) Applicant. Expanded Schedule 15 compensation wording was requested from the applicant by the ExA during the recent Issue Specific Hearings for the proposal. Please provide that if not already undertaken. For without prejudice Schedule 15 wordings dealing with compensation purposes to be provided, the ExA notes that the definition of 'relevant planning authority' (which could be taken as meaning Tendring District Council, or any successor planning authority) may not be adequate to ensure the inclusion of any existing strategic nature board or all relevant Councils. Does the applicant intend to cover this issue?</p> <p>(iv) IPs. The UK Government 29 January issued interim guidance for the Marine Recovery Fund (MRF), a mechanism designed to support strategic compensation measures for offshore</p>

ExQ2	Question to:	Question:
		wind activities that impact marine habitats. The guidance provides information on ornithological and benthic compensation measures available in the Library of Strategic Compensation Measures. It serves as a resource for offshore wind developers to reference appropriate compensatory strategies prior to the MRF becoming fully operational. Do NE/RSPB/MMO Local Councils/IPs have any other views on the potential adequacy compensatory measures overall? Is there anything else that should be included to ensure effectiveness/the most suitable delivery outcomes?
Q10.0.18	The applicant NE	<p>Lesser Black Backed Gull (LBBG) – Compensation/HRA</p> <ul style="list-style-type: none"> (i) NE. [REP4-010] regarding LBBG compensation having Likely Significant Effect/Adverse Effect on Integrity (AEoI) on Orfordness Shingle Street SAC. The applicant states the compensation works will not have AEoI and provide justifications for this at section 3.2.3.1. of [REP4-010]. What is the response from NE on this matter? (ii) NE and applicant. There is some discussion regarding effects from use of Lantern Marshes for LBBG compensation, but what about Gedgrave Marshes or VE2 are you content? (iii) Has the applicant assessed whether compensation for LBBG at Gedgrave Marshes may have LSE/AEoI on: • Alde-Ore Estuary Special Protection Area (SPA); • Alde-Ore Estuary Ramsar site; • Alde-Ore Estuary Site of Special Scientific Interest (SSSI); • Orfordness-Havergate National Nature Reserve (NNR); • Orfordness-Shingle Street Special Area of Conservation (SAC); and • Suffolk and Essex Coast and Heaths National Landscape. Please confirm/evidence/clarify. (iv) Whilst NE are broadly supportive of the updated LBBG compensatory details with respect to apportioning and general approach there appears potential for stronger measures to be delivered collaboratively with respect to scale and benefits. In particular –a contribution to a share measure 0.2ha is likely to be deemed insufficient as an alternative to a project alone 4ha site proposal. The ExA is highlighting that a shared measure may not be compliant with HRA legislation and is seeking a stronger alternative in collaboration with other operators. Please update the examination record accordingly. (v) In terms of scaling compensatory measures for LBBG. There still appears some shortcomings with using the Hornsea 3 Part 2 ('H3pt2') method for calculating breeding pairs required to generate sufficient recruits to compensate for the project. In light of submissions, the issue remains contentious in the submissions, plus there is British Trust

ExQ2	Question to:	Question:
		<p>for Ornithology information yet to be formalised. Therefore, case specific NE advice will need to be factored by the ExA (as indicated by NE) until it closes. The ExA requests the applicant to apply flexibility in this regard and to seek updated responses from NE until the close of examination which will help finalise compensation details.</p> <p>(vi) NE advises that the scale of implementation of seabird compensatory measures should be sufficient to address the 95% Upper Confidence Limit (UCL) predicted impact value. And the mean or central impact value (CIV) should be used to inform and define success criteria. NE advise that the measures under consideration should demonstrate:- 1. They could compensate for the UCI value should the impacts of the project be greater than the CIV; 2. Are scaled using a ratio to increase confidence that sufficient benefits will still arise, should the measure underperform; 3. Takes account of 'philopatry' if necessary, to increase the prospect of a significant contribution to National Site Network (NSN) coherence; and 4. That the target for the compensatory measure should be set with respect to the CIV. They advise the application of the Hornsea 4 (H4) method, with additional consideration being made for philopatry if necessary. NE advise that for the proposed sites within or immediately adjacent to the AOE SPA, no account needs to be made for natal dispersal. This is because they are content that measures here will directly and demonstrably contribute to the coherence of the NSN. However, if a measure is implemented at a location outside of, and remote from the NSN (e.g. Outer Trial Bank) NE advise that the calculation of scale and targets should relate to birds expected to disperse, and thus potentially recruit back into the NSN. NE do continue to consider that Outer Trial Bank offers significant benefits, by restoring an important colony that will export additional LBBG into NSN sites. Moreover, the compensatory measure should be scaled using the UCI impact value, applying the H4 method with additional consideration of philopatry (if required) to derive the quantum, and finally applying a 3:1 ratio to generate the number of pairs the measure should, theoretically, be able to accommodate. In addition, likely nesting densities should be considered to define a minimum area. Can the applicant further clarify and update its compensation package to ensure points 1-4?</p> <p>(vii) Tables 2 and 3 of NE's Deadline 4 comments highlight a series of resolution steps and further refinements for the applicant to make. The applicant is requested by the ExA to undertake due adjustment to its proposals in light of all of those suggestions – this includes the need for caution over the applicant relying on a 0.2ha collaborative measure compared</p>

ExQ2	Question to:	Question:
		<p>to a 4ha project alone measure, as well as more rigorous monitoring overall. Presently it is questionable if the collaborative measure is sufficiently evidenced or robust for providing adequate compensation. The applicant is invited to address this issue in full.</p> <p>(viii) Compensation measures envisaged are stated to include: predator exclusion via fencing around a pre-selected area to aid colonisation efforts by LBBG into a 'safe' area; predator control e.g. by lethal means/eradication of rats; disturbance management - awareness campaigns, warden use during the breeding season and/or signage; and Habitat management - planting, grassland cutting and/or scrub clearance to create optimal ground cover and sward height. Yet, the information regarding specific predator frequency and the effects on existing bird populations is light. It is asserted foxes and possibly rats are the main LBBG predators but what indication of local fox /rat numbers can be evidenced?</p> <p>(ix) Other predator eradication approaches are mentioned as potentially falling under adaptive management? Would this equate to predator culling for both foxes and rats? Any other predatory bird species?</p> <p>(x) Lantern Marshes are already isolated areas with no public footpaths (seemingly recreational visits are not allowed by the landowner) – so how would awareness campaigns/disturbance discouragement prove effective relative to existing circumstances?</p> <p>(xi) What would the predator fencing most likely look like? Please provide height, extent/examples. Plus, would natural plantings be able to be established to disguise fencing. Say hedges?</p> <p>(xii) Monitoring would be towards LBBG occupied nests as well as monitoring predator activity generally. If following monitoring the compensation was unsuccessful the Outer Trial Bank proposal may be triggered. What is the grace monitoring period allowed before such additional measure would be applied? Can this be secured to in the outline document?</p>
Q10.0.19	The applicant East Suffolk Council	<p>Lesser Black Backed Gull (LBBG) – Compensation Implementation and Monitoring Plan (CIMP)</p> <p>(i) The Outline LBBG CIMP [referred to in REP1-018, REP1-020, and REP1-044] does not appear to include a 'clear' commitment to undertaking pre-construction surveys plus any other field surveys. As opposed to merely 'considering' undertaking them. The applicant is requested by the ExA to update the CIMP.</p> <p>(ii) The applicant/East Suffolk Council. Suffolk Coastal Local Plan (September 2020) Policy</p>

ExQ2	Question to:	Question:
		SCLP10.1 is referred to in the East Suffolk Council's LIR (Appendix B) [REP1-064] – what has been done/evidenced to address the local policy requirements triggered? Or address any other local best practice issue arising from that?
Q10.0.20	NE	<p>Guillemot and Razorbill in combination assessment/population analysis for the Flamborough and Filey Coast Special Protection Area (FFC SPA)/Stour and Orwell Estuary SPA/Ramsar</p> <ul style="list-style-type: none"> (i) Is NE content with the response provided by the applicant in Table 2.1 [REP3-039] regarding differences in the in-combination assessment and Population Viability Analysis for guillemot and razorbill at FFC SPA? (ii) NE are requested provide clarification to the applicant regarding figures for guillemot and razorbill. The reduction in growth rate quoted by NE appears therefore not to be based on a specific PVA run, but the nearest equivalent mortality total in Table 9-122 in the SADEP RIAA (Royal Haskoning DHV, 2022). (iii) At D2, NE stated that the applicant is yet to assess impacts from the proposed development on the Stour and Orwell Estuary. Yet, these sites are assessed in the applicant's RIAA. At D3, the applicant maintains its position that there will be no AEoI to either the Stour Estuary SPA or Stour Estuary Ramsar. Can NE confirm if you agree with the conclusions of the applicant as set out in the RIAA [APP-181]? NE: Please clarify (i) to (iii) by Deadline 5. (iv) NE in its D4 submission [REP4-063] states that the proposed development would lead to mortality of 3 adult guillemot due to displacement. NE further state that the applicant's compensatory measure for guillemot at FFC SPA can be sufficiently scaled to also compensate for the Farne Islands SPA impact. As such, a separate derogations case for the Farne Islands is not necessary. Can NE explain how it considers the applicant's compensation measures can be scaled to compensate?
Q10.0.21	The applicant	<p>Guillemot and Razorbill – Compensation (without prejudice)</p> <ul style="list-style-type: none"> (i) Collaborative measures are highlighted by NE as preferable. What is the status of any collaborative approach to Guillemot and Razorbill compensation with other wind farm operators/developers? Is collaboration likely? (ii) The ExA notes that Table 1 of NE's Deadline 4 advice sets out some useful potential resolution steps. Can the applicant commit to the suggested steps and update its proposal

ExQ2	Question to:	Question:
		<p>accordingly?</p> <ul style="list-style-type: none"> (iii) Because of uncertainty toward productivity rates in a HRA sense will the applicant be committing to 'national average' productivity rate rather than a regional range rate - as a precaution? The national average appears to be more suitable (without prejudice). (iv) In terms of colony counts and baseline monitoring. Further contemporary baseline data is requested to inform decisions. Can the applicant supply this alongside commitments to undertake a) counts and b) disturbance monitoring pre implementation of compensation measures if applied? (v) Site specific correction factors at colonies where compensation measures are potentially implemented would be beneficial/seem reasonable – can the applicant include this? (vi) The ExA note NE advice that disturbance impacts are cited as a major factor at shortlisted sites but other factors such as food availability/predation cannot be excluded at this point. Therefore, the ExA requests the applicant include appropriate monitoring and adaptive management measures that would provide security in the compensation scheme for any misapplied assumption. This is required to demonstrate effectiveness. (vii) Disturbance data is required during implementation as a measure. Can the applicant update/explain/formalise how this is to be undertaken? (viii) In terms of compensation options stated by the applicant within REP1-027: 1. Reduction of recreational disturbance at a breeding colony (e.g., human disturbance - from walking, rock climbing, birdwatching, boats, aircraft) 2. Contribution to a strategic fund is preferred. But not 'both' 1 and 2; is the ExA understanding, correct? Also 5 measures were identified in Table 6.1 but could any breeding projects be considered in addition? (ix) Bearing in mind Table 8.1 [REP1-027] a long list of sites of Auk Colonies in Devon could be considered for small colony intervention compensation (some being SSSIs). A 12 site short list is shown in Figure 2 & 3[REP1-027]. With the final site selection to be incorporated in the Final Compensation Implementation and Monitoring Plan (CIMP). Delivery would be - wardens; fencing; signs; seasonal restrictions to prevent disturbance by people. Delivery could be project alone or in collaboration. Is collaboration preferred by the applicant? Why? What collaboration is occurring presently? (x) In the absence of specific plans to date. What land area sizes of the sites would this potentially involve? Can indicative plans be produced of the sites shortlisted to inform the

ExQ2	Question to:	Question:
		<p>examination.</p> <ul style="list-style-type: none"> (xi) Has the applicant carried out any significant amounts of on-site monitoring and engagement with local experts to establish a baseline for disturbance at the proposed compensation sites in the south west of England? (xii) How far does the surveying work submitted to the examination carried out in the 2024 breeding season, as reported on in [REP1-054], address Natural England's request? (xiii) Delivery would be 3 breeding seasons prior to North falls operation. But what about licensing issues or other timing issues for example public footpath closure/diversion, etc? Would the compensation proposal definitely be able to in place prior to operation of the wind farm? How is this managed by the dDCO? (xiv) Some the sites may/may not have existing disturbance restrictions already in place. Is the applicant mindful of preventing duplication/safeguarding against any notion of duplication? And any local interface with potential CIL delivery plans/local initiatives – does the applicant have evidence about that relative to the short listed sites being highlighted for compensation delivery? Clarify by way of update of duplication safeguards relative to existing local initiatives CIL based or otherwise. (xv) To be clear - is the disturbance avoidance strategy is preferred by the applicant? and the Strategic Fund is an alternative in whole, or in part, if needed as a backup plan? Thus, would initiatives like local chick rearing not necessarily prevented either way (for further flexibility)? (xvi) Potential Adaptive management/additional measures/ are mentioned in the text. Clarify what could adaptive management potentially equate to – is this reference to artificial nesting structures or predator control paid for through the Marine Recovery Fund? What are the shortlisted locations/details of this route? A fuller response of locational detail and background information to what a delivery plan would be is requested by the Panel with associated plan information. (xvii) Strategic long term monitoring post implementation longer than 3 years is also requested by NE, which appears reasonable. Can this be committed to? And can a strategic collaborative agreement between operators be applied/relied upon to aid this request by way of correspondence between the operators? Please also indicate the likelihood and applicant's own preference for such an approach.

ExQ2	Question to:	Question:
Q10.0.22	The applicant	<p>Guillemot at the Farne Islands SPA</p> <p>The ExA notes that in the recently consented Rampion 2 Offshore Wind Farm decision the Secretary of State agreed with Natural England in concluded that Adverse Effect on Integrity AEOL, in-combination with other plans and projects, could not be ruled out beyond reasonable scientific doubt for the guillemot feature at Farne Islands SPA and consent was granted with derogations. This included SoS acknowledgement that the values of displacement and mortality for the assessment of displacement impacts on guillemot of 70% and 2% are, at the current time and based on current evidence, suitably precautionary for an assessment to be made.</p> <ul style="list-style-type: none"> (i) NE have urged caution in the application of a 0.67 correction factor to transform counts of individuals in breeding habitat to estimates of breeding adults at a colony. Especially when populations are being derived for the purposes of Habitats Regulations Assessment (HRA), where impacts could be significantly underestimated if inflated population sizes are considered. They indicate a generic correction factor is probably best used to estimate an indicative number of breeding pairs at a colony unless a colony-specific correction factor has been derived from, for example, mapped and photographed productivity plots. Does the applicant agree/disagree? Please state the reasons. (ii) NE are unable to rule out AEOL beyond scientific doubt for guillemot at the Farne Islands SPA in-combination with other plans and projects. Does the applicant acknowledge the NE advice/finding with HRA implication? or wish to add anything further to the examination record?
Q10.0.23	The applicant NE RSPB Essex Wildlife Trust	<p>Kittiwake – Compensation (without prejudice)</p> <ul style="list-style-type: none"> (i) Scale vs Target compensation arrangements. NE cite Hornsea 3 Part 2 ('H3pt2') methodology to be the most ecologically complete for compensatory measures where it is necessary to calculate the number of breeding pairs required to compensate for a specified mortality impact. H3pt2 method is referred to as conceived to inform the design parameters of artificial nesting structures (ANS) for kittiwake. Additionally, NE advise the scale of implementation of compensatory measures for seabirds should be sufficient to address the 95% Upper Confidence Limit (UCL) predicted impact value. This is highlighted by NE as different to a 'target' figure to achieve set by the central impact value (CIV) which HRA have generally utilised. Thus, for case by case pragmatism a 1:1 ratio would only likely to be appropriate where there is a high confidence in the likelihood of success. Therefore, the

ExQ2	Question to:	Question:
		<p>scale of without prejudice compensation offered remains contentious as an examination theme the ExA is conscious of. The ExA requests that a cautious updated non-prejudicial approach is applied by the applicant – i.e. it should be prepared based on its own preferred calculations if no other approach is to be applied to deliberately overcompensate rather than to undercompensate given the HRA risks to the likelihood of effectiveness and success for unproven and untested measures. What are the applicant's views on this? Can a buffer/safeguard be provided?</p> <p>(ii) The applicant indicates, “between seven and ten breeding pairs are required to produce sufficient fledglings per year that survive to breeding age to compensate for the predicted annual collision mortality for breeding adult kittiwakes from the Flamborough and Filey Coast Special Protection Area (FFC SPA).” The ExA requests further clarification how this is to be achieved at a shared artificial nest structure (ANS) at the Gateshead Kittiwakery with an undocumented/limited capacity?</p> <p>(iii) What (if any) apportioning benefits arise at the ANS?</p> <p>(iv) If Five Estuaries OWF share an ANS equivalent to 48 nesting spaces (Five Estuaries examination document REP5-018) how would the scale of compensation be possible for North Falls impacts (broadly similar)?</p> <p>(v) Clarify if there would be sufficient breeding pairs present to compensate the CIV? And the reasons why given NE advice. (CIV value of 0.76 results in a target of 5 pairs per a 1:1 ratio).</p> <p>(vi) The applicant is required by the ExA to demonstrate they could compensate for the UCL value should the impacts of the proposal be greater than the CIV, and the measure is scaled using a ratio to increase confidence that sufficient benefits will still arise, should the measure underperform. Note: A UCL impact value of 2.72 results in a requirement for 17 pairs, again on a 1:1 basis. If a 2:1 or 3:1 ratio is applied the required scale of the measure is the provision of 34 or 51 nest spaces on an ANS, respectively.</p> <p>(vii) Agreement for use would be through other wind operators who own the kittiwake nesting structure. An agreement in principle (APP-182] has been submitted. But it doesn't stipulate the number of nest spaces agreed for North Falls? Can this be confirmed?</p> <p>(viii) Monitoring. This would be through observation/ counting occupied nests and numbers of chicks per nest? Would this involve drone footage for record or direct assessment visits by</p>

ExQ2	Question to:	Question:
		<p>a designated person? Who would verify the reliability of the monitoring data obtained and what would be their expected credentials? How would duplication/human counting errors be safeguarded against in future monitoring.</p> <p>(ix) Who would be the independent chair of the steering group for future monitoring/Governance purposes? What is the applicant's preferred option? How does the dDCO secure effective monitoring delivery without it being stipulated at least indicatively?</p> <p>(x) Explain how would the ANS (which is already built and is proposed to be occupied by other parties as well) has capacity to be shared in a formal sense with other parties when there are limited spaces available? Is there sufficient space, if so, what is the breakdown? or is space to be created via an extension to the structure? How would a formal obligation for the number of spaces be secured and is an in-principle agreement able to be submitted? And how would such an agreement be potentially enforced for HRA purposes/ is the applicant confident it can secure sufficient ANS for kittiwake? And does the applicant accept calculations from NE at D4 using the Hornsea 3 part 2 method?</p> <p>(xi) Furthermore, what assurances/confidence/additional evidence (if any) can be given the ANS will be sufficiently colonised?</p> <p>(xii) Kittiwake Compensation Steering Group (KCSG) refers to the Marine Management Organisation (MMO), Natural England, Gateshead Council, the RSPB and the Tyne Kittiwake Partnership - are there any other expected representatives/participants? Are other offshore wind operators themselves not part of the group for collaborative delivery purposes? In this case Five Estuaries. Why are the Crown Estate/Wildlife Trusts not part of this arrangement (and for any other compensatory Steering Group pertinent to this examination)?</p> <p>(xiii) Artificial nests to be established three breeding seasons prior to operation. Would that be adequate -RSPB/NE/Wildlife Trusts?</p> <p>(xiv) If the compensatory approach is unsuccessful adaptive management measures and monitoring is referred to. Would this be at any stage in the life of the windfarm assuming it becomes operational? Please clarify. Also clarify what specific adaptive management option is in mind and how they would be effective?</p> <p>(xv) Applicant/RSPB/NE/Wildlife Trusts. If 17 breeding pairs are envisaged at 1:1 scale as required based on the applicant's calculations/NE advice effective compensation may be</p>

ExQ2	Question to:	Question:
		<p>difficult without a minimum delivery threshold specified if 2:1 or 3:1 scaling ratios are applied thereafter. For example, can the applicant commit to an appropriate maximum breeding pair threshold for safeguard purposes? NE. Confirm what ratio is advised as needed?</p> <p>(xvi) On a without prejudice basis RSPB/NE make whatever comments you wish to potentially furthering or securing the most robust compensatory details possible.</p>
Q10.0.24	The applicant NE RSPB NatureScot	<p>Red Throated Diver (RTD) – Compensation (without prejudice)</p> <ul style="list-style-type: none"> (i) In terms of breeding enhancement. Artificial nesting rafts/and or habitat measures for “up to 20” RTD breeding lochs” are mentioned. The applicant/NE are asked to clarify how many lochs/artificial rafts would be required as minimum/maximum commitments. (ii) The applicant’s response to NE D3 submissions [REP4-028] states that options are habitat management of peatland in Shetland which could increase from 0 to 0.77 chick per loch occupied by a pair of RTD. Compensation at 20 lochs would produce additional 4.3 adults per annum. Clarify when will the applicant decide which option to use? (iii) The ExA requests indicative raft design/loch information to inform the examination and regard to all innovations/best practice post 2013 as per the information in the CIMP. (iv) Habitat Management is referred to reduce peat erosion. What land areas would be involved? Is plan information available? Would this solely be bog restoration? And who would be the potential delivery body? Would it likely be via the land owner/a public body? (v) Applicant/NE. Why would the compensation measure (if required) be needed to be set up only one breeding season prior to the construction of the North Falls array area? With precautionary interests in mind clarify further, if this is adequate? (vi) In terms of both routine management/maintenance and monitoring who would be the likely undertaker of those tasks and what would their expected professional qualification be? How could the monitoring information be reliably independently verified/logged? And is digital recording possible for remote areas given disturbance problems? Could the outline plan give further evidence of the effectiveness of such measures? (vii) In the event of nest failure (RTDs can take up to 3 years to use a raft) – adaptive management is referred following reporting to the RTD Steering Group. Could some rafts with protection roofs not be utilised in the first instance to reduce prospect of predators

ExQ2	Question to:	Question:
		<p>taking eggs?</p> <p>(viii) In the hearings, the applicant explained that after the three year monitoring period for RTD, adaptive management would be undertaken if the compensation measures employed hadn't been successful. Can the applicant explain what these adaptive management measures would consist of and have these been discussed/agreed with NE/NatureScot?</p> <p>(ix) RTD breeding success is highlighted it may decline as predation may become more frequent due to recovery of the great skua population. If this does occur, productivity at the control nests would be expected to decrease, i.e. monitoring of control nests would be important. Would predator control itself be applied in the compensation arrangement?</p> <p>(x) NE seek a longer term commitment to monitoring if rafts are successful - for the lifetime of the project. The ExA seeks applicant's reasoned response.</p> <p>(xi) Confirm the frequency of anticipated monitoring. Adjust documentation where necessary.</p> <p>(xii) Confirm who is likely to be the independent chair of the RTD Steering Group (as well as any other Steering Group for any other without prejudice compensated bird species) to ensure future Governance is fit for purpose.</p> <p>(xiii) What collaborative opportunities are presently available for existing undetermined NSIPs or consented NSIPs? Is Five Estuaries collaboration likely?</p> <p>(xiv) Would the Marine Recovery Fund (MRF) be used to pay for a different type of compensation if it was up taken; or would it be the same breeding enhancement/habitat management approach settled via the MRF mechanism?</p> <p>(xv) NE. Is NE content with adaptive management measures proposed by the applicant if compensation measures for RDT are not successful -as referred to in the Hearings and accounting for Deadline 4 submissions from the applicant?</p> <p>(xvi) Overall are Natural England/RSPB satisfied compensation delivery for LBBG; Guillemot and Razorbill; Kittiwake; RTD would be effective in principle?</p>
Q10.0.25	NatureScot The applicant	<p>Red Throated Diver Compensation Consultation</p> <p>Applicant and NatureScot. What involvement has applicant had with NatureScot compensation measures for RTD in Scotland? Please clarify and resolve where necessary.</p>
Q10.0.26	NE	<p>Seasonal Restrictions</p> <p>NE. The applicant does not propose seasonal restrictions for birds during construction. Do NE have</p>

ExQ2	Question to:	Question:
		remaining concerns over this point, considering the information provided by the applicant in paragraphs section 4.4.1.4.3.2.1 of Part 4 of the RIAA [APP-178]? Presumably this is why compensation is asked for/proposed? Please clarify.
Q10.0.27	The applicant NE	<p>Bats</p> <ul style="list-style-type: none"> (i) Applicant. Noting the comments of the Netherlands Ministry of Infrastructure and Water Management at [REP3-065] has the applicant considered a zone of influence for European sites in the UK designated for bat features that could be affected by off-shore pathways? If so, can the applicant confirm the zone of influence used, and reasons why, and if any bat features of sites within the zone are migratory. If this assessment has not been performed, can the applicant explain why that is the case? Update the CEA where necessary. (ii) NE/applicant. The effects on migratory bats is noted in the submission from the Netherlands [REP3-065] can Natural England confirm whether or not it considers that the proposed development would result in any adverse effects on migratory bats. If not, why not? If so, what mitigation would be required (if any)? (iii) The LIR's from Essex County Council and Suffolk County Council cite likely harm to migratory bats – in particular Nathusius' pipistrelle, caused by the wind turbine rotor blades. It appears that migratory bats and especially juveniles, could potentially be vulnerable to death from collision with, or proximity to, moving wind turbine blades based on the assertions made. Considering the LIR's does the applicant think that its surveys and current evidence base are adequate to respond to and address this issue? What is its response concerning the successful protection of bats including migratory bats? Please detail in full. (iv) Suffolk County Council have suggested that due adjustment to wind cut-in speeds secured through addition of parameters in the DCO or a suitable control document as a requirement. Is the applicant able to confirm the suitability such a potential requirement and its preferred wording if it is required by the SoS at any stage? (v) NE. As a migratory species, the ExA notes that Nathusius' pipistrelle is protected by the Convention on the Conservation of Migratory Species, to which the UK is a signatory state. What obligations under these treaties in relation to Nathusius' pipistrelle are relevant to the proposal? Are they met or capable of being met through requirements if they were deemed necessary? NE advise by Deadline 5.

ExQ2	Question to:	Question:
Q10.0.28	Tendring District Council Essex County Council The applicant	<ul style="list-style-type: none"> (i) Councils. Is a Community Infrastructure Levy (CIL) Charging Schedule in place in the affected DCO administration area? If so, provide the charging details. (ii) Councils. Is there any proposal to set a Charging Schedule up? if so, what is the timescale? (iii) Has the applicant made any provision for CIL compliance in the administrative areas being discussed? Or elsewhere to deliver compensation.
Q10.0.29	Essex County Council Tendring District Council Essex Wildlife Trust IPs	<p>Biodiversity Net Gain (BNG)/Ecological Enhancement</p> <ul style="list-style-type: none"> (i) Councils. With respect to the indicative BNG Calculations: Natural England has reviewed both versions of the BNG Technical Note [REP1-050 and REP3-028] and does not oppose the technical figures initially given. BNG calculations and metric scores are indicated to be updated as the detailed design is refined. Do you have any further comments on the calculations? Do you find the figures to be reliable for the purposes of the examination record? (ii) Essex County Council via their LIR accepted that watercourse biodiversity units are difficult to create or enhance on site. But are referring to the identification of local offsite measures to deliver the missing units. Can Essex County Council cite practical examples within its administration area for the applicant to at least consider through the submission of plan location material? (iii) The emerging Essex Local Nature Recovery Strategy (LNRS) is also referred to in Essex County Council's LIR –the ExA requests that the full detail of the document be submitted to the examination record by the next timetable deadline? (iv) Toward tree planting endeavours - Essex Forest Initiative and Big Green Internet are mentioned in Essex County Council's LIR. Explain what these are and how there could be an opportunity (if any) to tie in with requirements/commitments within the dDCO? (v) Consideration towards any other local projects headed by Essex Wildlife Trust or those in forthcoming financial years is requested by the ExA. The ExA is mindful there are active seagrass and saltmarsh restoration projects which may be pertinent to mention. (vi) Do Councils/IP's have any other local projects or initiatives or information for the ExA to consider which would further enhance ecological gain or effectiveness which the applicant should be invited to include/consider?

ExQ2	Question to:	Question:
Q10.0.30	Essex County Council Tendring District Council	BNG Habitat Management Period <p>Essex County Council - are seeking appropriate reassurance that all BNG habitats created or enhanced will have at least 30 years secured for management not just their establishment phase - to avoid being considered as losses from the development. Does Essex County Council maintain that view, please explain? Please make any other comments you deem to be pertinent.</p>
Q10.0.31	The applicant	BNG/Watercourses/Local Strategy <ul style="list-style-type: none"> (i) BNG Options: NE at Deadline 4 have noted that the applicant's metric predicts a watercourse loss of -29%. The applicant has stated that they do not intend to compensate for this loss due to the difficulties in securing offsite watercourse units. As BNG is not yet mandatory for NSIPs, the applicant would be unable to register any offsite gains or qualify for a statutory credit purchase (as noted in para.86 of the BNG Strategy). NE have suggested that they may be able to explore with the applicant potential projects that align with relevant Local Nature Recovery Strategy (LNRS) watercourse actions that the applicant could fund or contribute towards. This could enhance the proposed BNG to help address the loss albeit outside of the applicant's present commitments. Can the applicant agree to further progress/explore this idea, (if not why not)? (ii) Explain what tailoring towards the most up to date local ecological need and policy requirements/focus been achieved by the applicant by its present strategy? (iii) What can the applicant detail/evidence how 'local' benefits could be achieved to tie in with 'local' climate change resiliency strategy delivery as well as wildlife recovery interests? (iv) How can potential use of biodiversity credits be relied upon by the applicant or given any weight if it is not evidenced that all local opportunities available have been exhausted? There appears more opportunity available. (v) Essex Wildlife Trust have made representation on environmental protection recovery and enhancement of marine and terrestrial habitats, species and carbon stores. Has the applicant had any regard to the Offshore Transmission Network Review (OTNR) Expert Advisory Group or similar local forums to reducing marine and terrestrial ecology impacts? If not why not. The ExA encourages consideration. (vi) Has the applicant taken the LNRS into account/ or any changes in local circumstances in formulating its proposals thus far? if so to what extent?

ExQ2	Question to:	Question:
		<p>(vii) The ExA is seeking that the applicant fully recognises and responds to local strategy in the forthcoming response. The ExA note that the BNG Strategy (page 10, par 21) states that LNRS for Essex does not exist. Yet, the Public Consultation for the Essex LNRS closed on 24 October 2024 and will be published Summer 2025. Can the applicant commit to inclusion and response to the LNRS as a basis for its next steps?</p> <p>(viii) Moreover, there is potential overlap with other important and relevant local documents (emerging or otherwise) which may not be fully accounted for. The Suffolk and Essex Coast and Heaths Management Plan 2023-2028 seeks to conserve and enhance the special landscape (and seascape) characteristics of the National Landscape and ensure that they are considered and enhanced by the planning process, with impacts of major infrastructure development avoided, mitigated or offset. The main landscape character types are defined as: Sand dunes and shingle ridges, saltmarsh and intertidal flats, coastal levels, open coastal and wooded fens, valley meadowlands, estate sand lands and farmlands. It promotes and recognises the importance of sustainable recreation and tourism within the National Landscape and seeks to enhance the understanding of its historic and cultural assets. It appears ecological capital is part of that. Plus, the Dedham Vale Area of Outstanding Natural Beauty and Stour Valley Project Area Management Plan 2021-26 has been mentioned by Suffolk County Council in their submitted LIR. Can the biodiversity enhancement case be made more robust having regard to those Plans?</p> <p>(ix) Does the applicant acknowledge there would be relevant opportunities to explore/available within such overlapping project areas? And separate to that, beneficial outcomes to reduce, minimise and mitigate the impacts of climate through securing meaningful ecological capital enhancement locally? For the avoidance of any doubt. If a community fund is to be utilised for any aspect and will not form the overall planning balance please clarify.</p>
Q10.0.32	The applicant Essex County Council Tendring District Council	<p>BNG/Ecological Management and Maintenance</p> <p>(i) Applicant. The applicant's documents suggest a 5-year management and maintenance plan would be in place for reinstated hedgerows, which is stated as typical for NSIPs. However, para.101 in the revised BNG Strategy states the project would provide up to 10 years of post-reinstatement surveys only. Thus, would the surveys refereed to be linked to potential further maintenance as well, if surveys indicate the need for further action? Clarify.</p> <p>(ii) Applicant. A 10-year management plan proposal is indicated. Would it be possible to have</p>

ExQ2	Question to:	Question:
		<p>management plans in place until the end of operations? If not why not?</p> <p>(iii) Para 156 of The Outline Ecological Management Strategy (OEMS) [REP4-006] states reinstated habitats will be subject to an aftercare period of “up to” 10 years following reinstatement, to be extended (if required) if reinstatement is not deemed to have been successful. Moreover, during the establishment phase, failed plants will be replaced like-for-like as required to prevent any significant gaps in planting and as agreed with landowners for “up to” 10 years post-construction. Para 250 indicates that Habitats created as part of the landscaping within the onshore substation works area will be subject to a 30-year management and maintenance period, to ensure habitats created can contribute towards BNG targets. All other reinstated habitats would be subject to the 10-year aftercare period only. The specific details of the 30-year management and monitoring period for created habitats would be detailed in the Project’s final BNG Assessment Report, submitted post consent and secured through DCO Requirement. The ExA request could the “ up to” terms/ the aims of habitat reinstatement be better formalised i.e. minimum and maximum timeframes? Please review having regard to local climatic factors/local planning policy for the area.</p> <p>(iv) Could 15 years aftercare not be committed to as a safer alternative? Given the 30 year management of BNG referred to. Please review.</p>
11. Flood Risk, groundwater and surface water		
Q11.0.1	Environment Agency and Essex County Council as Lead Local Flood Authority	<p>Ground Investigation for infiltration rates</p> <p>The Outline Operational Drainage Strategy [APP-254] states that further ground investigation is required to determine infiltration rates at the site. This will determine the suitability of infiltration-based SuDS components which could be considered at detailed design. Infiltration testing shall follow the methodology outlined BRE Digest 365</p> <p>(i) Are BRE Digest 365 Guidelines the most appropriate for a project of this scale, both individually and cumulatively with other proposed projects in and around the proposed Onshore substation?</p> <p>(ii) If BRE Digest 365 Guideline are not appropriate for this project individually or in combination with other proposed projects what would be the most appropriate test or tests to accommodate, to date unknown, attenuation volumes?</p>

ExQ2	Question to:	Question:
Q11.0.2	ECC (as LLFA)	Other Flood Risk The site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater which are the responsibility of the LLFA. Has the applicant adequately addressed matters relating to risk of flooding from sources that are not under the EA's jurisdiction?
Q11.0.3	ECC (as LLFA)	Flood Evacuation Plan Are the measures contained within the Outline Code of Construction Practice [REP3-017], specifically those which relate to the Flood Warning and Evacuation Plan, considered adequate, and in accordance with best practice?
Q11.0.4	The applicant and Environment Agency	Statement of Common Ground: Water Resources and Flood Risk Table 2.8 Items 3, 4 and 5 of Table 2.8 remain 'in discussion' [REP4-053]. Please can the applicant and Environment Agency outline progress in respect of each, together with a summary of steps needed to enable these items to be agreed.
Q11.0.5	The Environment Agency	FRA Update and Technical Note Following ISH1, the applicant has submitted: <ul style="list-style-type: none"> • [REP4-032] 9.46 Flood Risk Assessment (Clarification regarding flood risk associated with watercourse crossings) - Technical Note, and • [REP4-033] Flood Risk Assessment (Updated NaFRA2 dataset) - Technical Note (Rev 0). Please can the Environment Agency confirm that this further information is sufficiently adequate for the purposes of assessing flood risk at watercourse crossings, and that these are based on latest published data.
12. Historic Environment & Archaeology		
Q12.0.1	The applicant	Clarification of Changes Made to Outline Offshore Written Scheme of Investigation Please can the applicant provide clarification as to what, if any, changes have been made to paragraph 99 of the OOWSI [REP3-016] regarding the residual effects to "A2"
Q12.0.2	The applicant	Outline Offshore WSI The OOWSI [REP3-015], section 1.5.2, para 75, acknowledges that no geotechnical surveys have been undertaken to date. There is a commitment to geoarchaeologically assess geotechnical data collected. Historic England has set out in [REP4-076] that it is important that any subsequent WSI

ExQ2	Question to:	Question:
		produced is in accordance with the OOWSI and clearly sets out the expectations for all geotechnical surveys. Please confirm whether or not this will include retained archaeological advice service to support analysis of data produced at surveys. Further, that it will include the scope of any and all geotechnical surveys conducted post-consent, and that the involvement of a retained archaeological advice service and application of an agreed WSI would inform all geotechnical survey planning.
Q12.0.3	The applicant	<p>NPS EN-1</p> <p>NPS EN-1, paragraph 5.9.9 states that the applicant should “<i>undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these along with how the mitigation hierarchy has been applied in the ES</i>”.</p> <p>Please can the applicant confirm where in the ES the mitigation strategy has been applied or, if it has not been applied, can you provide this information? Additionally, please summarise where opportunities have been taken to enhance or better reveal the significance of heritage assets affected by the proposed development in accordance with NPS EN-1 paragraph 5.9.15?</p>
Q12.0.4	Historic England	<p>Impacts on Sediments and Geoarchaeological Potential</p> <p>There is potential for significant impacts on preserved paleochannels and deposits with high geoarchaeological potential. What, if any, further investigations and evaluation do you consider necessary and proportionate at this stage?</p>
Q12.0.5	Historic England	<p>Geoarchaeological Cores</p> <p>Please advise whether you consider the geoarchaeological coring to be sufficient in relation to the size and complexity of the project. What further information/investigation do you consider is required and at what stage?</p>
Q12.0.6	Historic England and The applicant	<p>Draft Development Consent Order</p> <p>Please provide an update on discussions between the applicant and Historic England in relation to the wording for Requirement 11(1) of the draft Development Consent Order. Advise on whether any progress is being made to agree wording within the dDCO and any unresolved matters.</p>
Q12.0.7	Historic England	<p>NPS EN-5 and the Electricity Act 1989</p> <p>Do you consider that the applicants have had regard to the desirability of protecting sites, buildings and objects of architectural, historic or archaeological interest, and have done what they reasonably</p>

ExQ2	Question to:	Question:
		can to mitigate any effects in accordance with NPS EN-5 paragraph 2.2.10 and Schedule 9 of the Electricity Act 1989?
Q12.0.8	The applicant, and other IPs including ECC	Temporary effects on the setting of designated and non-designated heritage assets Can the applicant provide further justification for its view that any impact during construction would be “short term and reversible” and that impacts would be “slight due to the perceptibility of the works from the identified receptors”. On this basis, it is considered that any change to setting and associated heritage significance would result in a negligible adverse magnitude of impact [APP-039 para 355]. Please can IPs also comment on the temporary nature of effects.
Q12.0.9	Historic England, ECC	Archaeological mitigation Are you satisfied with the wording of Requirement 11 of the dDCO [REP4-004]? If not, could you provide details of what you would wish to see included and why?
Q12.0.10	The applicant, Historic England and ECC. Other IPs may optionally comment.	Archaeological Mitigation Strategy and WSI Please provide an update on the updated version of the Archaeological Mitigation Strategy and Outline WSI referred to at ISH1.
13. Human Health		
Q13.0.1	The applicant	Top soil bunds assumption for noise reduction Table 26.3 ES Chapter 26 [APP-040] assumes a 5dB reduction in noise emissions due to creation of top soil bunds. Please clarify how this assumption is derived and how the creation of the top soil bunds will be secured in the DCO?
Q13.0.2	The applicant	Health and Wellbeing Whilst the ExA note the socio-economic benefits as set out in ES Chapter 31 [AS-010] that are associated with the job opportunities arising from the construction and operational phases of the proposed development, what opportunities have been identified that will enhance or improve the health and wellbeing of the population in the locality, particularly in respect of vulnerable groups and those identified as having protected characteristics under the Equality Act 2010, in accordance with NPS EN1, paragraph 4.4.6
Q13.0.3	The applicant	EMF The Electro Magnetic Fields Technical Statement [REP4-024] and Electromagnetic Fields Non-

ExQ2	Question to:	Question:
		<p>Technical Statement [REP4-025] are noted. In connection with the information provided:-</p> <ul style="list-style-type: none"> (i) Who will be responsible for the monitoring of the EMF levels and compliance with the limits set out in the guidelines; (ii) When will the monitoring be undertaken and at what intervals; (iii) Where will testing be undertaken and at what locations; (iv) How will complaints relating to EMF levels be dealt with; (v) How will residents and landowners be able to raise issues relating to EMF levels ; and (vi) What methods of enforcement will be used if the EMF levels are found to be in breach of the limits set out in the guidelines.
14. Landscape, Visual and Seascape Effects		
Q14.0.1	<p>The applicant.</p> <p>Additionally, SECHP, Natural England and SCC, or other IPs may optionally respond.</p>	<p>Whether or not the applicant is a Statutory Undertaker for the purpose of CROWA 2000</p> <p>s.85(A1) CROWA 2000 applies when a “<i>relevant authority</i>” (which includes “<i>any statutory undertaker</i>” as defined by s.85(3) CROWA 2000) is “<i>exercising or performing any function</i>” relating to or affecting an Area of Outstanding Natural Beauty (“AONB”). There is no requirement for the “<i>relevant authority</i>” to be exercising a <i>statutory</i> function.</p> <p>The definition of “<i>relevant authority</i>” includes “<i>any Minister of the Crown</i>”. Because some ministerial functions are undertaken by virtue of prerogative powers rather than statutory provisions, the exercise of prerogative powers could just as much impact on an AONB as could the exercise of statutory powers. Is s.85(A1) CROWA 2000 limited only to the exercise or performance of <i>statutory</i> functions by the relevant authority?</p> <p>SCC has noted that no limitation appears in the legislative provision itself and nor, in this context, should such a limitation be implied. SCC’s view is that the applicant is a statutory undertaker, and so a relevant authority. It contends that this is a sufficient basis to bring it within the scope of s.85(A1) CROWA 2000 when it exercises or performs “<i>any function</i>” which relates to or affects an AONB, irrespective of whether that function flows from or involves the discharge of a statutory power or duty.</p> <p>In response to submissions made by SCC at ISH2, the applicant said that it would confirm the applicant’s position on whether it is a statutory undertaker for the purposes of the duty and set</p>

ExQ2	Question to:	Question:
		<p>these out at applicant's Response to Actions List for ISH2 [REP4-036]. It does not appear to be set out within this document, although it is noted that at ISH2 the applicant's view was that it is a special purpose vehicle set up solely for the Project and does not have wider statutory undertaker functions.</p> <p>(i) Please set out whether or not the applicant considers itself as a "statutory undertaker" and, (ii) whether or not the applicant is therefore a relevant authority.</p> <p>The implications of being subject to the new duty in s.85(A1) CROWA 2000, if what it was proposing would "affect" any land within an AONB.</p>
Q14.0.2	TDC/ECC and the applicant	<p>Screening During Operation</p> <p>TDC and ECC [REP2-036, REP4-072] suggest that full screening is unachievable given the size and industrial nature of the substations. Please can the applicant set out any further enhanced compensatory measures. In particular please identify steps to assess and mitigate the perceptual element to landscape assessment.</p>
Q14.0.3	The applicant and NGET	<p>Cumulative effects for the proposed onshore substations for North Falls OWF, VEOWF and the East Anglia Connection Node</p> <p>Please advise on the likely height of any pylons supporting overhead wires transmitting electricity to and from the proposed East Anglia Connection Node substation, based on best available information. Please can the applicant also advise how the height of those pylons is likely to compare with existing NGET and UK Power Networks pylons in the area.</p>
Q14.0.4	The applicant, TDC and ECC	<p>Visual mitigation within the substation zone</p> <p>(i) With respect to the visual mitigation within the substation zone, how effective do you consider orchard planting combined with hedgerows and hedgerows with trees (Indicative Planting Cross-sections at the Onshore Substation [REP4-023]) would be, having regard to the likely height of the proposed substations and their proximity to Grange Road?</p> <p>(ii) Please can the applicant provide an additional VP from the north, at Grange Road.</p>
Q14.0.5	The applicant	<p>Natural England – Risk and Issues Log (Deadline 4 Submission)</p> <p>The Natural England – Risk and Issues Log [REP4-067] submitted at Deadline 4, together with Natural England's SLVIA Advice in Appendix I4[REP4-067] provides a response to [REP2-024] and</p>

ExQ2	Question to:	Question:
		<p>[REP3-044]. It contains a number of conclusions including minor comments on the contents on REP2-024, and the following regarding [REP3-044]:</p> <ul style="list-style-type: none"> Natural England disagrees with the judgements applied in Table 4 Potential Effects on Each of the Selected Special Qualities of the SECHNL. For each special quality listed, the scale of effect is reported and the magnitude of change to these special qualities is stated as low and concludes that “the project will give rise to moderate-minor (not significant) effects on the Scenic Quality and Relative Wildness aspects of the natural beauty of the SECHNL”. Natural England has reviewed Table 5 of REP3-044 and has not changed its advice on the significance of impacts to the Landscape Character Types identified in Natural England’s RR [RR-243]. For issue I12 the applicant now concludes that “total cumulative effects on the special qualities of the SECHNL and the special character of the SHC may be significant”. This updates the previous judgement described in Table 29.39 of the SLVIA stating that “the cumulative effect is predicted to be moderate-minor, which is not significant in EIA terms”. Natural England advice on cumulative effects remains unchanged. <p>(i) Please can the applicant review these conclusions with reference to Natural England’s Table 1 examples of how special qualities could be impacted by the project.</p> <p>(ii) Please can the applicant set out the Table 5 Landscape Character Types and impact with direct reference to Natural England’s advice</p> <p>(iii) Regarding Natural England’s concerns and the revised cumulative effect judgment, please can the applicant (and other IPs) provide further commentary on the judgment, and its relationship to the (a) NFOWF only, and (b) cumulatively with other OWFs.</p>
Q14.0.6	The applicant, Natural England.	<p>Natural England – Risk and Issues Log (Deadline 4 Submission)</p> <p>Following the submission of the Natural England – Risk and Issues Log [REP4-067] submitted at Deadline 4, it appears that no changes have been made to issues I1 to I12, with a similar number of red and amber risks. Please can Natural England and the applicant set out precise steps which they consider would reduce the risk, and therefore RAG rating, of each issue.</p>
Q14.0.7	The applicant, SECHP	<p>Guidance on lighting within the National Landscape</p> <p>Please confirm that, following ISH2, parties are satisfied that the proposed development has (a) taken account of relevant guidance regarding lighting within the National Landscape area, or (b) that the guidance is not relevant for the purposes of the proposed development.</p>

ExQ2	Question to:	Question:
Q14.0.8	The applicant, SECHP and other IPs	<p>Consideration of Tranquillity</p> <p>At ISH2 IPs raised the issue regarding the consideration of tranquillity within REP3-044. The ExA requested a written response from the applicant explaining its position in relation to effects on tranquillity and its approach to assessment in the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast. This has been provided within (pp 80-84) of the applicant's Response to Actions List for ISH1 and ISH2 [REP4-036].</p> <ul style="list-style-type: none"> (i) The ExA invites IPs to comment on this rationale. (ii) Please can the applicant update REP3-044 on the basis of information submitted, specifically to address the contributors to, and detractors from, tranquillity.
15. Navigation and Shipping		
Q15.0.1	UK Chamber of Shipping	<p>Response to ExQ1 Q15.1.10 - Deviation of routes for vessels</p> <p>Paragraph 487 of the Navigational Risk Assessment [APP-107] summarises that for commercially routed vessels: "...the worst case deviations are low, with changes within the study area estimated at 1%....". Table 14.4 [APP-107] presents the cumulative routeing summary as <1% increase and 3% increase for Routes 10 and 42 respectively.</p> <p>Do you agree with the estimated 1% as a likely worst case deviation of existing commercial vessel routes due to construction of NFOWF and the cumulative routeing summary, and if so, what would be the impacts of this to the shipping industry that uses this area?</p>
Q15.0.2	MCA	<p>Interference with the use of recognised sea lanes essential to international navigation</p> <p>Under Agenda item 3.4.2 in the applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 2 (ISH2) [REP4-034] it states: "<i>Mr McGovern stated that the applicant was happy to meet with the MCA and would expand on points made by Mr Foster in written submissions. He further added that in the applicant's submission the route come under the scope of NPS-EN3 paragraph 2.8.330, being a less strategically important route, as the route is no longer in active use, and therefore this is a circumstance where which Secretary of State should take a pragmatic approach to the potential impacts of the project.</i>"</p> <ul style="list-style-type: none"> (i) For the case where the Galloper Recommended Ferry Route would be formally removed, could the MCA confirm whether they consider that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the development?

ExQ2	Question to:	Question:
		(ii) Could the MCA also advise whether they consider the Galloper Recommended Ferry Route to be a less strategically important route as defined in paragraph 2.8.330 of the NPS for Renewable Energy Infrastructure (EN-3)?
Q15.0.3	The applicant	<p>Third party High Voltage Direct Current cables - Potential impact on ships compasses</p> <p>The MCA in its written representation [REP2-046] regarding Cables Routes and Cable Protection, stated: <i>"It is noted in the Glossary of Chapter 15 (APP-029) that the offshore substation platform(s) will contain High Voltage Alternate Current (HVAC) equipment which is not expected to have an impact on electro-magnetic fields and ships' magnetic compasses. It is also noted that connection to a third-party High Voltage Direct Current (HVDC) cable(s) and a platform may be necessary. There is a potential impact on ships compasses from the electro-magnetic field generated from HVDC cables and a pre-construction compass deviation study may be required on the expected electro-magnetic field. Should this go ahead, we [MCA] would be willing to accept a three-degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five-degree deviation will be attained."</i></p> <p>Could the applicant clarify their position regarding the MCA's concerns and how this will be secured in the dDCO?</p>
Q15.0.4	The applicant	<p>Emergency Response and Search and Rescue</p> <p>The MCA in their written representation [REP2-046] regarding Emergency Response and Search and Rescue stated that: <i>"It will be expected that the applicant will provide this AIS (Automatic Identification System) and VHF (Very High Frequency) capability to the MCA with direct access to HM Coastguard systems."</i></p> <p>Could the applicant clarify their position regarding the MCA's expectation and how this will be secured in the dDCO?</p>
Q15.0.5	The applicant	<p>Formal Safety Assessment – Removal of the Galloper Recommended Route</p> <p>With reference to the applicant's response to ExQ1 Q15.1.11 [REP2-020], could the applicant provide a copy of the email from the Belgian Directorate General of Shipping dated 20th January 2025 which confirmed that their <i>"consultation on the Formal Safety Assessment is closed and the result is positive"</i>.</p>
Q15.0.6	The applicant	<p>Sunk Area - Emergency Scenario</p> <p>Harwich Haven Authority [RR-126] and subsequently ExQ1 Q15.1.7 [PD-009] included that <i>"In the</i></p>

ExQ2	Question to:	Question:
		<p><i>Sunk area, cable depth needs to consider that the world's largest vessels may anchor and dredge anchors in emergency scenario.</i>" In the applicant's response [REP2-020] to this question they refer to a meeting planned with Harwich Haven Authority for 20 March.</p> <p>Could the applicant advise if this meeting has been held and if so please provide an update on this issue?</p>
Q15.0.7	The applicant	<p>Deep Water Route Cable Installation Areas (Future Dredging Depths) Plans</p> <p>For clarity and consistency with the Offshore Order Limits and Boundary Co-ordinates Plan [REP2-006], could the applicant update the Deep Water Route Cable Installation Areas (Future Dredging Depths) Plans [REP4-043] with coordinates for the Sunk A & B Deep Water Buffers and the Trinity Deep Water Buffer?</p>
Q15.0.8	Harwich Haven Authority	<p>Offshore Operational conditions and constraints</p> <p>Further to Harwich Haven Authority's comments on any submissions received at the previous deadline [REP3-069], to aid understanding of the offshore operational conditions and constraints, including the area covered by the Sunk Inner and Sunk Outer Precautionary Areas, please advise if you have any information in addition to that contained in the documents referenced below.</p> <ul style="list-style-type: none"> • Draft Development Consent Order (Rev 5) (Clean) [REP4-004] • Outline Navigation and Installation Plan [REP4-011] • Outline Sediment Disposal Management Plan (Rev 0) [REP4-038] • Outline Cable Specification and Installation Plan [REP4-039] • Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan (Rev 0) [REP4-043] • Outline Offshore Operations and Maintenance (Rev 1) (Clean) [REP3-025] • Environmental Statement Chapter 15 Shipping and Navigation [APP-029] • Environmental Statement Chapter 15 Figures [APP-060] • Environmental Statement Appendix 15.1 Navigational Risk Assessment Part 1, 2 and 3 [APP-106, APP-107, APP-108]
Q15.0.9	The applicant	Cable Burial Risk Assessment

ExQ2	Question to:	Question:
		<p>The Outline Cable Specification and Installation Plan [REP4-039], paragraph 30, refers to <i>“The cables will be buried below the seabed wherever possible, with a target burial depth informed post consent by the Cable Burial Risk Assessment (CBRA) that will support the CSIP.”</i></p> <p>(i) The applicant is requested to submit an Outline Cable Burial Risk Assessment (CBRA) by Deadline 5.</p> <p>(ii) How does the applicant propose that the content of the CBRA will be secured in the dDCO?</p>
16. Socio-economic Effects		
Q16.0.1	Marine Management Organisation	<p>Commercial Fisheries – sufficiency of mitigation</p> <p>For commercial fisheries, could the Marine Management Organisation (MMO) advise:</p> <p>(i) Has the mitigation shown in ES Chapter 14 Commercial Fisheries [APP-028] Table 14.4 and ES Chapter 11 Fish and Shellfish Ecology [APP-025] Table 11.3 been designed sufficiently to enhance where reasonably possible any potential medium and long-term positive benefits to the fishing industry, commercial fish stocks and the marine environment?</p> <p>(ii) Whether there are any additional mitigation measures and/or safeguards necessary, to include project alone and cumulative effects?</p>
Q16.0.2	UK Chamber of Shipping	<p>Shipping and navigation - mitigation of economic loss</p> <p>With reference to ES Chapter 15 Shipping and Navigation [APP-029], Appendix 15.1 Navigational Risk Assessment [APP-106, APP-107 and APP-108] and Formal Safety Assessment Removal of the Galloper Recommended Ferry Route [REP2-025], given the economic importance of the shipping and navigational industries, has the proposed mitigation for shipping and navigation been developed sufficiently to minimise disruption or economic loss for the project alone and cumulative effects? If not, what further work or additional mitigation measures or safeguards would be required?</p>
Q16.0.3	National Federation of Fishermen's Organisation	<p>National Federation of Fishermen's Organisation's concerns</p> <p>The applicant's response [REP2-020] to Ex Q16.1.3, noted that key concerns from the National Federation of Fishermen's Organisation [RR-238] are being considered for discussion in the Statement of Common Ground and provided a summary of applicant's position on these matters. From the Progress with Statements of Common Grounds [REP4-022] at deadline 4, the draft Statement of Common Ground is being prepared by the applicant and the draft is expected for</p>

ExQ2	Question to:	Question:
		<p>examination at deadline 5 / 6.</p> <p>Is the National Federation of Fishermen's Organisation satisfied with the applicant's response to ExQ1 Q16.1.3 [REP2-020] concerning economic harm, the estimated effects in the Environmental Statement and the offshore cables becoming exposed in future?</p>
Q16.0.4	National Federation of Fishermen's Organisation and Harwich Harbour Fishermen's Association	<p>Restrictions to Fishing and Fisheries Liaison and Coexistence Plan</p> <p>(i) Please advise if you are satisfied with the applicant's response to ExQ1 Q16.1.4 [REP2-020] Restrictions to Fishing to include the embedded mitigation measures in Table 4.1 of the Outline Fisheries Liaison and Coexistence Plan (OFLaCP) [REP4-019]?</p> <p>(ii) Are there any changes to the OFLaCP [REP4-019] that could make it more effective and, if so, explain why this would be the case?</p>
Q16.0.5	The applicant	<p>Fisheries Liaison and Coexistence Plan</p> <p>Following Harwich Harbour Fishermen's Association's Responses to any further information requested by ExA [REP4-075], are there any changes to the OFLaCP [REP4-019] that could make it more effective and, if so, explain why this would be the case?</p>
Q16.0.6	The applicant	<p>Port of London Authority – Temporary impacts</p> <p>Environmental Statement Chapter 31 Socio-economics [APP-045] Table 31.58 presents a minor adverse effect (not significant) for wider economic effects from disruption to shipping and navigation for the construction stage.</p> <p>(i) Could the applicant advise to what extent has the socio economic assessment in Environmental Statement Chapter 31 [APP-045] considered the concerns raised by the Port of London Authority (PLA) [REP2-056], regarding temporary impacts, resulting from cable laying and repair, pre and post construction surveys and interactions with third party schemes (simultaneous operations)?</p> <p>(ii) What assumptions were made for cable depths and crossings and do these need to be reviewed in light of the PLA's requirement for a water depth of 22m below Chart Datum [REP2-056]?</p>
Q16.0.7	The applicant	Port of London Authority – Permanent impacts

ExQ2	Question to:	Question:
		Could the applicant advise to what extent has the socio-economic assessment in Environmental Statement Chapter 31 [APP-045] considered the concerns raised by the Port of London Authority [REP2-056] regarding permanent impacts, resulting from cable depths and interaction with third party schemes at cable crossings?
Q16.0.8	The applicant	<p>Disruption to shipping and navigation for the operation stage</p> <p>Environmental Statement Chapter 31 Socio-economics [APP-045] Table 31.58 presents a minor adverse effect (not significant) for wider economic effects from disruption to shipping and navigation for the operation stage. The navigational risk assessment [APP-107] presents the deviations to Routes 10 and 14 in Table 14.3 Deviations Summary within Study Area and Table 14.4 Cumulative Routeing Summary. Table 14.5 presents the potential indicative deviation summary for route options for the removal of the Galloper Recommended Ferry Route.</p> <p>Could the applicant advise if the deviations to Routes 10 and 14, and the removal of the Galloper Recommended Ferry Route have been assessed as part of the disruption to shipping and navigation in Environmental Statement Chapter 31 Socio-economics [APP-045]?</p>
Q16.0.9	The applicant	<p>Skills and Employment Plan</p> <ul style="list-style-type: none"> (i) SCC in its post hearing submissions [REP4-094] sets out their proposed changes to the OSEP [APP-253] as detailed in their Response to Action Points [REP4-095]. Please confirm whether the amendments are agreed and provide an updated OSEP. (ii) SCC have requested that they be included as a named consultee for the purpose of the discharge of the final SEP. This was set out in the SCC LIR [REP1-074] and SCC has added further justification to this request in its Response to Action Points [REP4-095]. Please confirm whether this request will be agreed and if not, provide clear reasons that they will not be added as a named consultee.
17. Terrestrial Traffic and Transportation		
Q17.0.1	National Highways	<p>Review of traffic models of Horsley Cross and Bentley Road junctions</p> <ul style="list-style-type: none"> (i) With reference to the Statement of Common Ground between the applicant and National Highways [REP4-056], could National Highways confirm the timescales for confirming its position following the review of the above traffic models? (ii) What are the implications if the review is not concluded before the completion of the examination of the application on 28 July 2025 or that further modelling of other junctions is

ExQ2	Question to:	Question:
		required?
Q17.0.2	The applicant	<p>Widening of Bentley Road</p> <p>Environmental Statement Chapter 27 Traffic and Transport [APP-041] Paragraph 76 refers to “<i>Table 27.2 outlines a commitment to widening of Bentley Road (Link 4), therefore within the Traffic and Transport Study Area this is not identified as being of constrained width and no further consideration of driver delay (highway geometry) is provided</i>”. To validate this assumption, in terms of the construction sequence, could the applicant identify when the widening of Bentley Road needs to be operational by and how this dependency is secured in the Development Consent Order?</p>
Q17.0.3	The applicant	<p>Vibration impacts from Abnormal Indivisible Loads</p> <p>Given the applicant’s intention to use Bentley Road as a route for Abnormal Indivisible Loads (AILs) and that ES Chapter 26 Noise and Vibration [APP-040] paragraph 87 includes that “<i>On this basis, the assessment of vibration impacts due to construction traffic using public roads has been excluded from the assessment scope.</i>”, could the applicant advise how the potential for vibration effects from AILs has been assessed and if any mitigation is required and proposed?</p>
Q17.0.4	The applicant	<p>Use or otherwise of the A137 within Suffolk</p> <p>SCC in its Local Impact Report [REP1-074] highlights that special order vehicular movements across the A137 Ostrich Creek bridge require a temporary structure, the installation and removal of which creates significant disruption to local traffic. Given this concern from SCC, can the applicant confirm that it will not use the A137 within Suffolk for transporting Abnormal Indivisible Loads?</p>