



NORTH FALLS

Offshore Wind Farm

Applicant's Response to ExA's Second Written Questions (ExQ2)

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1. INTRODUCTION

Introduction

- 1.1.1 This document has been prepared by North Falls Offshore Wind Farm Limited ('the Applicant') to respond to the Examining Authority's ('ExA') written questions and request for information (ExQ2) **[PD-012]**, in relation to the North Falls Offshore Wind Farm (herein referred to as 'North Falls' or the 'Project').

All of the questions raised in the ExA's ExQ2 **[PD-012]** have been included in this document, including questions not directed to the Applicant. In some limited cases the Applicant has made a comment on these questions where it considers it helpful to the ExA and other Interested Parties. These questions are identifiable via a 'grey' fill colour to the row in the table. Included as Appendix to this document is additional information provided in response to specific written questions. This document is titled Appendix to Applicant's Response to ExA's Second Written Questions (ExQ2) **[Document ref: 9.82, (Rev 0)]**. Where an entirely new document has been submitted this will be clearly referenced.

1. APPLICANT’S RESPONSE TO EXA’S SECOND WRITTEN QUESTIONS (EXQ2)

1.1 General and Cross Topic

1. General and Cross-topic Questions			
ExQ2	Question to	Question	Applicant’s Response
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?	<p>(i) and (ii) The working hours allow time for staff to arrive, sign in/out, attend meetings etc. which will result in periods (typically 30 minutes to 1 hour) of relatively low noise emissions at the start and end of the day. This is a practical reality of construction sites which does not require specific limitations in the DCO. Nevertheless, the assessment of construction noise impacts reported in ES Chapter 26 Noise and Vibration [APP-040], which has been undertaken in accordance with British Standard 5228-1:2009 +A1:2014 ‘Code of Practice for noise and vibration control on construction and open sites, Part 1 – Noise’ (BS5228-1), applies the appropriate noise level criteria for the proposed working hours and assumes a worst-case that all construction activities will be undertaken throughout the proposed working hours. The assessment concludes that sufficient mitigation is available to avoid significant effects. Hence, it is not necessary for the DCO to include the suggested limitations on construction works. It should also be noted that the final Code of Construction Practice, which will be in accordance with the Outline Code of Construction Practice [REP3-017] and which will be approved by the relevant discharging authority in consultation with Natural England under Requirement 8 of the Draft DCO [REP4-004], will include any required modelling or assessment to demonstrate that the final mitigation package ensures that residual construction noise effects due to the onshore cable route construction works are not significant in EIA terms.</p> <p>Compliance with the DCO working hours will be a contractual requirement imposed on the construction contractors to ensure that the Applicant complies with the DCO. Hence, there is no reason why noise should be generated outside of the working hours. Should any complaints occur about noise outside of the working hours, these will be dealt with in accordance with the complaints procedure to be included in the final Code of Construction Practice (see section 1.11.3 of the Outline Code of Construction Practice).</p> <p>Within the Outline Code of Construction Practice [REP3-017], the currently proposed working hours are 7am to 7pm Mon – Sat, with no high impact/noisy activities carried out between 1pm and 7pm on Saturday. To restrict this to between 8am and 6pm on all days would not allow any high impact/noisy activities to be undertaken, as this is effectively all allowable working hours.</p> <p>(iii) Construction noise limits are not recommended, due to the potential conflict with the requirement of the CoPA to implement Best Practicable Means (BPM) to minimise noise and vibration. This is explained in ‘Construction Noise A good practice guide to the preparation, submission and management of Section 61 consents’ (Association of Noise Consultants, 2021) as follows: ‘<i>Generally, it is not recommended that noise or vibration limits are included within the consent conditions. This is because the central mechanism for controlling construction noise and vibration under CoPA 1974 relies on the demonstration that BPM is being employed at all times to minimise noise and vibration. In situation where limits are applied, then it provides the circumstances for the contractor to plan its works to generate noise levels up to those limits and not necessarily plan to conduct its works in accordance with BPM. As such, the imposition of limits introduces legal uncertainty and can be considered to be incompatible with BPM. Furthermore, planning works to meet limits does not allow for flexibility in working which may be advantageous to nearby occupants of NSPs. For example, generating high noise levels but for only short periods of time with some periods of respite might be</i></p>

1. General and Cross-topic Questions			
ExQ2	Question to	Question	Applicant's Response
			<i>considered to be BPM and may reduce overall disturbance to neighbouring occupants. These periods of respite might not be available if noise limits are being made available to the contractor.'</i>
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: "The final CoCP will include a procedure for investigating noise and vibration complaints during the Project's construction."</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 "a procedure for investigating noise and vibration complaints during the Project's construction" be submitted at deadline 5.</p>	<p>The purpose of the Onshore substations operational noise and the outline noise complaints protocol [9.32 (Rev1)] is to show how complaints will be investigated and resolved in the recognition that there will be three substations close to each other, all of which will be emitting noise.</p> <p>Complaints handling in relation to construction works will be the responsibility of the construction contractor and will be part of their standard community liaison procedures, which will be included in the final CoCP secured under Requirement 8 of the Draft DCO [REP4-004], and to be submitted to the relevant discharging authority for approval prior to the commencement of onshore construction works. Contact details will be provided (for example, on the Project's website) for the submission of complaints, and complaints about construction noise will therefore be submitted directly to the contractor undertaking the works. There is no additional complexity to the situation which would require the preparation and inclusion of an additional complaints handling procedure in the DCO.</p>
Q1.0.3	Essex County Council and Tendring District Council.	<p>Works outside of general working hours</p> <p>ECC and TDC response [REP2-036] to ExQ1.4.3 states that "Tendring District Council is of the view that any works outside of agreed working hours should be subject to a written agreement in advance of such work taking place." The applicant's response to written questions [REP3-036] states "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:</p> <p>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." 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> <p>(i) Please confirm that the weightings attributed to those factors still represent the applicant's position at this stage of the examination.</p>	<p>(i) The Applicant confirms that the weightings attributed the factors identified in the table in response to ExQ1 Q 1.1.8 [REP2-020] still represents its position at this stage of the Examination.</p> <p>(ii) The table below provides a summary of residual beneficial and adverse effects for the Project as identified at the conclusion of each ES Chapter and now includes a separate column detailing the residual cumulative effects.</p>

1. General and Cross-topic Questions																																													
ExQ2	Question to	Question	Applicant's Response																																										
		(ii) Please also clarify the position in relation to cumulative effects and how these have been taken into account in the Table.	<table><tr><th colspan="3">Residual Effects</th></tr><tr><th>Topic</th><th>EIA Scale of Effect (Project)</th><th>EIA Scale of Effect (Cumulative)</th></tr><tr><td>Marine Geology Oceanography and Physical Processes (ES Chapter 8 [APP-022])</td><td>No greater than negligible adverse</td><td>No greater than negligible adverse (not significant)</td></tr><tr><td>Marine water and sediment quality (ES Chapter 9 [APP-023])</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr><tr><td>Benthic and Intertidal Ecology (ES Chapter 10 [APP-024])</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr><tr><td>Fish and Shellfish Ecology (ES Chapter 11 [AP-025])</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr><tr><td>Marine Mammals (ES Chapter 12 APP-026])</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr><tr><td>Offshore Ornithology (ES Chapter 13 [APP-027])</td><td>No greater than minor adverse (not significant)</td><td>Up to moderate adverse (species specific)</td></tr><tr><td>Commercial Fisheries (ES Chapter 14 [APP-028])</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr><tr><td>Shipping and Navigation (ES Chapter 15 [APP-029])</td><td>No greater than tolerable. (not significant)</td><td>No greater than tolerable. (not significant)</td></tr><tr><td>Offshore and Intertidal archaeology and cultural heritage (ES Chapter 16 [APP-030])</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr><tr><td>Aviation and Radar (ES Chapter 17 [APP-031]).</td><td>No significant effects (not significant)</td><td>Up to Major adverse (significant) (with mitigation not significant) Note: This assessment is in relation to WTG causing permanent interference on civil and military radars. The technical mitigation solution applied to impacted radars where significant effects are identified is to be agreed with operators. The residual effect after mitigation is not significant.</td></tr><tr><td>Infrastructure and Other Users (ES Chapter 18 [APP-032])</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr><tr><td>Ground conditions and contamination</td><td>No greater than minor adverse (not significant)</td><td>No greater than minor adverse (not significant)</td></tr></table>	Residual Effects			Topic	EIA Scale of Effect (Project)	EIA Scale of Effect (Cumulative)	Marine Geology Oceanography and Physical Processes (ES Chapter 8 [APP-022])	No greater than negligible adverse	No greater than negligible adverse (not significant)	Marine water and sediment quality (ES Chapter 9 [APP-023])	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)	Benthic and Intertidal Ecology (ES Chapter 10 [APP-024])	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)	Fish and Shellfish Ecology (ES Chapter 11 [AP-025])	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)	Marine Mammals (ES Chapter 12 APP-026])	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)	Offshore Ornithology (ES Chapter 13 [APP-027])	No greater than minor adverse (not significant)	Up to moderate adverse (species specific)	Commercial Fisheries (ES Chapter 14 [APP-028])	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)	Shipping and Navigation (ES Chapter 15 [APP-029])	No greater than tolerable. (not significant)	No greater than tolerable. (not significant)	Offshore and Intertidal archaeology and cultural heritage (ES Chapter 16 [APP-030])	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)	Aviation and Radar (ES Chapter 17 [APP-031]).	No significant effects (not significant)	Up to Major adverse (significant) (with mitigation not significant) Note: This assessment is in relation to WTG causing permanent interference on civil and military radars. The technical mitigation solution applied to impacted radars where significant effects are identified is to be agreed with operators. The residual effect after mitigation is not significant.	Infrastructure and Other Users (ES Chapter 18 [APP-032])	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)	Ground conditions and contamination	No greater than minor adverse (not significant)	No greater than minor adverse (not significant)
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1. General and Cross-topic Questions			
ExQ2	Question to	Question	Applicant's Response
			(ES Chapter 19[APP-033])
			Air Quality (ES Chapter 20 [APP-034])
			Water Resources and Flood Risk (ES Chapter 21 [APP-035])
			Land Use and Agriculture (ES Chapter 22 [APP-036])
			Onshore Ecology (ES Chapter 23 [APP-037])
			Onshore Ornithology (ES Chapter 24 [APP-038])
			Onshore Archaeology and Cultural Heritage (ES Chapter 25 [APP-039])
			Noise and Vibration (ES Chapter 26 [APP-040])
			Traffic and Transport (ES Chapter 27 [APP-041])
			Human Health – short term (ES Chapter 28 [APP-042])

1. General and Cross-topic Questions											
ExQ2	Question to	Question	Applicant's Response								
				Moderate beneficial effects identified for employment during the construction and operation and maintenance phase, and moderate wider societal benefits during operation. (significant)	Major beneficial effects on employment (significant)						
			Seascape, Landscape and Visual Impact (ES Chapter 29 [APP-043])	Up to major adverse (significant) Note: The project has sought to minimise potential impacts as far as is practicable, including by removing the northern array previously outlined in the PEIR; reducing the array area by almost half and thereby increasing the distance to the nearest land from 22km to circa 40km at the closest point. It is also highlighted that the anticipated harm is limited to seascape effects only within a 10km radius.	Up to major adverse (significant)						
			Onshore Landscape and Visual Impact (ES Chapter 30 [APP-044])	Up to moderate adverse (significant) Note: Impacts are localised and will reduce over time as proposed landscape planting matures. No areas designated for their landscape quality are unduly affected by the Project.	Up to moderate adverse (significant)						
			Socio-Economics (ES Chapter 31 [AS-010])	Minor beneficial (not significant)	Minor adverse (not significant) to Major beneficial (significant)						
			Tourism and Recreation (ES Chapter 32 [APP-046])	No greater than minor adverse	No greater than minor adverse (not significant)						
			Climate Change (ES Chapter 33 [APP-047])	Beneficial (significant in EIA terms)	Cumulative effects in relation to GHGs emissions do not require an assessment.						
			Major Accidents and Disasters (ES Chapter 34 [APP-048])	No significant effects	(Scoped out of CEA)						
			<table><tr><th colspan="2">Residual Beneficial Effect</th></tr><tr><th>Topic</th><th>EIA Scale / Policy Weight of Effect</th></tr><tr><td>Human Health ES Chapter 28 [APP-042])</td><td>Moderate beneficial (significant in EIA terms) effects identified for employment during the construction and operation and maintenance phase, and moderate wider societal</td></tr></table>			Residual Beneficial Effect		Topic	EIA Scale / Policy Weight of Effect	Human Health ES Chapter 28 [APP-042])	Moderate beneficial (significant in EIA terms) effects identified for employment during the construction and operation and maintenance phase, and moderate wider societal
			Residual Beneficial Effect								
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1. General and Cross-topic Questions				
ExQ2	Question to	Question	Applicant's Response	
				benefits (significant in EIA terms) during operation.
			Socio-economics - Economic development and job creation (ES Chapter 31 [AS-010])	Minor beneficial (not significant in EIA terms)
			Onshore Ecology – long-term biodiversity enhancement (ES Chapter 23 [APP-037])	Moderate beneficial (significant in EIA terms)
			Climate Change (ES Chapter 33 [APP-047])	Beneficial (significant in EIA terms)
			Contribution to the achievement of UK decarbonisation targets by 2030 and 2050 through approximately 1GW of new generating capacity, and a contribution towards the UK's global commitments to reduce the effects of climate change. (ES Chapter 2 Need for the Project ([APP-016]); ES Chapter 3 Policy and Legislative Context [APP-017] ; Needs Case and Project benefits Statement [REP2-005])	Substantial positive weight
			Contribution to the reduction of the UK's reliance on imported energy to improve UK energy security. (ES Chapter 2 Need for the Project ([APP-016]) and ES Chapter 3 Policy and Legislative Context [APP-017])	Substantial positive weight
			Cost of living impacts by contributing to decreasing reliance on fossil fuels, decreasing the wholesale electricity price and thereby household energy bills in the UK. Which in turn would help to decrease local and UK deprivation levels and fuel poverty by increasing affordability. (Needs Case and Project benefits Statement [REP2-005])	Moderate positive weight
			Social benefits to local communities through upskilling, income generation and thereby supporting a better quality of life. (Needs Case and Project benefits Statement [REP2-005])	Minor positive weight
			Extension to operational GGOW is an efficient way of developing more offshore	Minor positive weight

1. General and Cross-topic Questions			
ExQ2	Question to	Question	Applicant's Response
			<div>capacity. (Needs Case and Project benefits Statement [REP2-005])</div>

1.2 Agriculture and other land uses, ground conditions and soils

2. Agriculture and other land uses, ground conditions and soils			
ExQ2	Question to	Question	Applicant's Response
Q2.0.1	The applicant	Soil surveys 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>As detailed within the Outline Code of Construction Practice [Document ref: 7.13, (rev 3)], soil surveys are proposed to be undertaken at intervals of 100 metres. This is in line with the Natural England guidance “<i>Guide to assessing development proposals on agricultural land</i>” (February 2021), where samples should be taken “every hectare on a regular grid on agricultural land in the proposed development area”.</p> <p>The Applicant confirms that where a clear need is identified there is scope to undertake the surveys at a greater density. This may include where additional data is required to identify soil boundaries or where soil types fluctuate on a localised scale. Higher density soil sampling will be considered on a case-by-case basis, informed by desktop studies, site-specific considerations, and discussions with landowners. Where a landowner requests increased survey density, this will be assessed against the need for additional data and the justification provided.</p>
Q2.0.2	The applicant	Post Construction (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; (ii) Please confirm whether the landowners will receive detailed as built drawings once construction is completed and reinstatement works undertaken, with details of the depths, location of joint boxes and other equipment; (iii) 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 (iv) How will the applicant address situations where the land cannot be returned to its original classification.	<p>(i)</p> <p>The Outline Code of Construction Practice (OCoCP) [Document ref: 7.13, (rev 3)] provides detail on the Applicant's approach to restoration and reinstatement of soils. The OCoCP details that an Agricultural Liaison Officer (ALO) will be appointed by the Applicant to act as the primary point of contact with landowners about practical agricultural matters before and during the construction process. This will include holding meetings to discuss and agree reinstatement measures between landowners and the Applicant. To ensure such measures are implemented to the required standards, the ALO will remain in post for up to one year following the conclusion of construction works to manage any remediation issues. The land (including soils) will be reinstated to its pre-construction condition as far as is reasonably practicable and as determined by the information obtained through consultation with landowners and derived from the various surveys proposed pre-construction (e.g. soil condition surveys, position and condition of field boundaries, existing drainage, access arrangements, and private water supplies). All soil handling activities including reinstatement will be undertaken in accordance with a soil management plan, including a construction method statement for soil handling, submitted to and approved by the discharging authority in consultation with Natural England in advance of the works and in line with measures set out within the Ministry of Agriculture, Fisheries and Food (MAFF) (2000) and Good Practice Guide for Handling Soils and Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Once the land has been reinstated and where proposed for agricultural use, further soil surveys will be undertaken to</p>

2. Agriculture and other land uses, ground conditions and soils			
ExQ2	Question to	Question	Applicant's Response
			<p>allow comparison of the post-construction condition of soils against the pre-construction condition of soils.</p> <p>(ii)</p> <p>Where practicable and prior to construction, landowners will be provided with indicative plans detailing the extent of the land that shall form the working corridor. Following completion of construction works landowners will as soon as reasonably practicable be provided with plans showing the location of the easement. As built plans will be shared with landowners as soon as practicably possible post-construction and following reinstatement.</p> <p>(iii)</p> <p>The soils being excavated during construction will ultimately be the same soils as those being reinstated following completion of construction. Where practicable, excavated soils will be stored adjacent to where stripped and managed appropriately in line with the measures set out within section 1.6 of the OCoCP [Document ref: 7.13, (rev 3)] and adopting best practice measures as described in the Ministry of Agriculture, Fisheries and Food (MAFF) (2000) and Good Practice Guide for Handling Soils and Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Consequently, the inherent characteristics of the soils which will have informed the original agricultural land classification grade will be the same. To assist with management of remediation issues an ALO will remain appointed for up to a year following construction.</p> <p>(iv)</p> <p>In the unlikely scenario that reinstated soils cannot be returned to their original land classification and soil properties are found to substantially differ from pre-construction conditions then remediation works will need to be carried out. Typical remediation activities and treatments may include: cultivation (e.g. subsoiling), installation of land drainage schemes, seeding and/or fertilising, as and when required. The remediation works are to be agreed between the Applicant and landowner. Where it is not reasonably practical to undertake such remediation works compensation may instead be offered to the landowner. Alternatively, where appropriate and subject to agreement, the landowner may wish to undertake the reinstatement works themselves. In such instances the Applicant would reimburse the reasonable costs incurred in carrying out these works, subject to a standard being agreed between the parties.</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>	<p>(i)</p> <p>To minimise the risk of soil compaction, the Applicant will implement a range of soil protection measures. Such outline measures are specified with sections 1.6, 1.7 and 1.8 of the Outline Code of Construction Practice (OCoCP) [Document ref: 7.13, (rev 3)]. A final Code of Construction Practice (CoCP) will be produced prior to construction of the onshore works for Project and will be in accordance with the content of the OCoCP and the final design of the Project. The CoCP is secured by a Requirement of the Draft DCO [REP4-004].</p> <p>As part of the CoCP, a Soil Management Plan (SMP) and Construction Surface Water Drainage Plan (CSWDP) will be created and agreed with the relevant Authority in advance of the onshore works. These plans will define the site-specific mitigation measures and good industry practice techniques</p>

2. Agriculture and other land uses, ground conditions and soils			
ExQ2	Question to	Question	Applicant's Response
			<p>(e.g. Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites) required to be followed by all to protect soil resources. Typical measures are likely to include but are not limited to:</p> <ul style="list-style-type: none"> • Use of protective layers such as geotextile membranes and crushed stone to protect and reduce pressure on underlying soils; • Stripping of topsoil and following best practice soil handling techniques including handling of soils according to their characteristics to protect this resource during construction; • Monitoring of soil conditions, particularly during wet weather and limiting vehicle movements to protect soils when they are at their most vulnerable; • Ensuring effective drainage systems are used during construction to avoid water logging; • Reinstating as soon as practicable with subsoils loosened when dry to improve permeability prior to topsoil reinstatement. <p>(ii)</p> <p>The surface treatment of the haul road will be tailored to the site-specific conditions, anticipated use and facilitate drainage where required. There are expected to be two different types of haul road, one for cable duct construction along the entire onshore cable route from landfall to onshore substation, and an additional one for substation access from Bentley Road to the substation.</p> <p>For the cable duct construction, following an initial topsoil strip, the haul road will be formed of protective matting, temporary metalled road or permeable gravel aggregate dependent on the ground conditions, vehicle requirements and any necessary protection for underground services as detailed within section 5.7.3.1.5 of ES Chapter 5 Project Description [APP-019].</p> <p>For the substation access road, a temporary construction type haul road is unlikely to be suitable. A haul road that is built to permanent specifications is likely to be required. The exact surface will need to be defined in detailed design, to weigh up the benefits of load distribution, noise at adjacent properties and construction and maintenance requirements. The impact on the subsoil is likely to be similar for either a concrete road or a more typical granular subbase asphalt road. This is because at the interface between the capping layer and the soil subgrade, the loading is very similar due to dispersion loading from the vehicle wheels through the different road construction layers.</p> <p>As detailed within (i), an SMP and CSWDP will be produced with the express purpose of protecting soil and land. To protect adjoining land from soil damage or adverse effects caused by haul road drainage, typical measures would include:</p> <ul style="list-style-type: none"> • Designing haul roads with appropriate camber or cross-fall to direct surface water runoff into designated drainage schemes or watercourses; • Installation of pre-construction drainage such as interceptor drains, drainage swales, silt traps or fences to manage surface water runoff, prevent erosion or build-up of sediments; • Appointment of a specialist drainage contractor to design a drainage scheme that works with existing drainage systems taking into account landowner feedback, existing drainage plans and pre-construction surveys. <p>Such measures would be implemented in accordance with the relevant plans and following best practice guidance.</p>

2. Agriculture and other land uses, ground conditions and soils			
ExQ2	Question to	Question	Applicant's Response
Q2.0.4	The applicant	Construction Practice Addendum Please clarify the purpose of the Construction Practice Addendum and confirm how this will be secured in the DCO	<p>In early 2023 the Applicant was advised that a working group of agents, hereon known as 'LAG', would represent the majority of landowners where the Applicant would be seeking voluntary agreements. On 19 April 2023 initial HoTs for voluntary agreements were issued to members of LAG for its review and comment. During initial discussions LAG requested additional commitments on the proposed construction methodology ahead of submission of the North Falls application for development consent. Given the early stage of these discussions, the Outline Code of Construction Practice (OCoCP) [Document ref: 7.13, (rev 3)] which would inform the Code of Construction Practice (CoCP) had not yet been developed. In the absence of these documents, a construction practice addendum (CPA) was drafted to provide assurances to landowners on practical issues relating to construction and capture key principles that will be embedded within the final CoCP. While the CPA will help inform the CoCP, it is not intended to and will not be secured as part of the DCO, however it will be appended to option agreements where agreed with landowners.</p>
Q2.0.5	The applicant	Impact on farming activities 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 ⁶ for consideration.	<p>The Applicant refers the Examining Authority to ES Chapter 22 Land Use and Agriculture [APP-036], Sections 22.6.1 and 22.6.2, which outlines the analysis undertaken to assess the potential impact on farming activities, in particular on temporary loss of and disruption to agricultural land, and effects upon soil erosion and degradation. For temporary impacts during construction, where practicable and in order to reduce impacts on agricultural productivity, the planning and timings of works will be discussed with landowners and occupiers. The Outline Code of Construction Practice [Document ref: 7.13, (rev 3)] also includes the appointment of an Agricultural Liaison Officer who will undertake discussions with landowners to identify ways in which the impacts of construction works can be mitigated.</p> <p>Where impacts cannot be mitigated by changes to the construction methodology or detailed design, the Applicant has undertaken engagement with landowners to understand the potential private losses and compensation provisions have been included within voluntary terms offered to landowners. Provision has been made within the Property Cost Estimate, Appendix C to the Funding Statement [APP-008] for compensation which may be due in line with the compensation code.</p>
Q2.0.6	The applicant	Decommissioning 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>The Applicant is required, under Requirement 26 of the Draft DCO [REP4-004], to prepare a written scheme of decommissioning for the onshore works, which must be submitted to and approved by the discharging authority at least six months prior to any decommissioning works commencing. This written scheme is required to include a code of construction practice, which will include detailed soil management measures, including measures concerning the reinstatement and restoration of soils, as is required for the Code of Construction Practice for the construction phase works, secured by Requirement 8 of the Draft DCO [REP4-004]. As noted in Section 5.7.4.10 of ES Chapter 5 Project Description [APP-019], if at the time of preparing the written scheme of decommissioning for the onshore works the activities are concluded to be likely to lead to materially different effects to those assessed in the ES for the DCO, then further EIA would be required ahead of any decommissioning works being undertaken. The outcome of this EIA in terms of effects upon the soil resource would then be used to inform the soil management measures set out in the Code of Construction Practice for the onshore decommissioning works secured by Requirement 26.</p>
Q2.0.7	The applicant	BMV Land 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>The Applicant has prepared an updated version of Figure 4.13 from ES Chapter 4 Figures [APP-050] which now includes agricultural land classification as an additional layer. The updated version of Figure 4.13 is provided in Appendix to Applicant's Response to ExA's Second Written Questions (ExQ2) [Document ref: 9.82, (rev 0)], submitted at Deadline 5.</p> <p>Figure 4.13 shows the initial 'long list' of options for an onshore substation site. As can be seen in the updated version of Figure 4.13 [Document ref: 9.82, (rev 0)], all options are located on Grade 1 or</p>

2. Agriculture and other land uses, ground conditions and soils			
ExQ2	Question to	Question	Applicant's Response
		<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>	<p>Grade 2 agricultural land (i.e. best and most versatile agricultural land). This constraint could therefore not be avoided whilst meeting the Project's other technical and environmental criteria for a viable onshore substation option.</p> <p>All options identified during the 'long-listing' process had to meet the criteria to accommodate sufficient space for co-located onshore substations for both North Falls and Five Estuaries, and associated landscaping and environmental mitigation, access and drainage requirements, whilst also avoiding the other constraints identified through the Project's site selection 'golden rules' (see Section 2.4 of ES Appendix 4.1 Site Selection Golden Rules [APP-091]). As noted within ES Appendix 4.1, the site selection 'golden rules' are not an exhaustive list of technical and environmental criteria to be considered during the site selection process but rather contain an initial set of parameters which set the framework for identifying a viable site. Once a long list had been developed, then further studies were undertaken to help further refine the suitability of each option, as detailed in Section 4.8 of ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018].</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>	<p>(i)</p> <p>The Applicant refers the Examining Authority to its previous response to this matter, provided to AS-050_c within the Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 [REP4-027].</p> <p>In addition, the Applicant has engaged a specialist drainage contractor to design pre- and post-construction drainage solutions which will integrate into affected parties' existing systems. The Applicant confirms that the appointed specialist drainage contractor met with the land interest's farm manager on 20 May 2025 to discuss the proposed drainage design. This meeting marked the first occasion on which the Applicant was provided with existing drainage plans for the landholding, representing an essential step in the development of an effective and site-specific drainage solution. In addition to reviewing the plans and the feedback received during the meeting, the specialist drainage contractor will undertake a drainage survey of the landholding to further inform and refine the proposed drainage design.</p> <p>The Applicant is aware that existing land drainage systems vary across the Order Land with some land drains located at depths of approximately 3 metres while others are at 0.6 metres. While the Applicant will endeavour to locate the cables below land drains, the variability in depths of existing drainage and ground conditions means this may not always be practical or feasible. The final positioning of the cables in relation to the post-construction drainage scheme will be determined during detailed design post consent. Until this time, the Applicant is not in a position to comment further on this matter. Where applicable, the Applicant will engage with affected land interests to discuss appropriate post-construction drainage schemes, and ensuring the design is functional, accessible and tailored to the specific circumstances of each landholding.</p> <p>Following completion of the works and as set out within Article 24 of, and Schedule 5 to, the Draft Development Consent Order [REP4-004] a restrictive covenant will be sought to prevent activities which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development without the consent in writing of the undertaker save as are reasonably required for agricultural activities (being ploughing to no deeper than 0.6m for the purposes of arable farming). It is both common practice and necessary that works deeper than 0.6 metres are carried out in accordance with health and safety and asset protection procedures. These measures are in place not only to protect the authorised development but also ensure the safety of operatives and safeguard the land interest and their interests.</p>

2. Agriculture and other land uses, ground conditions and soils			
ExQ2	Question to	Question	Applicant's Response
			<p>(ii)</p> <p>The Applicant refers the Examining Authority to its previous response to this matter provided to AS-050_a_3, AS-050_a_4, AS-050_a_5, AS-050_a_7 and AS-050_a_8 within the Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 [REP4-027].</p> <p>The Applicant welcomes further discussions with the land interest to explore opportunities for coordination between the Applicant's proposals and the land interests' aspirations for a housing development, writing to them most recently on 13 May 2025. At the time of writing the Applicant has not had a response.</p> <p>The Applicant notes the plans submitted as part of Scott Properties Vision Document (April 2025) forming part of [REP4-091]. Based on the indicative site layout the Applicant notes the limited interaction between the two projects. Consequently, the Applicant sees no reason why the two projects cannot co-exist and will continue to engage with the land interest on this point.</p> <p>Additionally, the Scott Properties Vision Document states that parts of the land within which the North Falls Order Land is predominantly located "<i>could be made available for biodiversity net gain or other nature-based initiatives if required</i>". Whilst further engagement would be required on this point, such a use could co-exist with the Applicant's proposals.</p> <p>The Applicant further notes that no plans of the proposed phase 2 of the development were included by the land interest in the response [REP4-091] nor any evidence of planning consent for the proposed housing development (phase 1) depicted within the Vision Document [REP4-091]. In the absence of any planning consent or evidence to demonstrate the viability or deliverability of the scheme (including for example formal pre-application advice from the Local Planning Authority regarding the likely conformity or divergence of the proposals when assessed against the Development Plan and other material considerations), the Applicant contends there is no basis at this time to conclude that the proposed development will materialise or that it should be afforded significant weight in the assessment of the Applicant's proposals.</p> <p>The Applicant will continue to engage constructively with the land interest on their proposals and remains committed to minimising impacts on their future land use where this is feasible and supported by evidence. However, the Applicant must also ensure that their Project remains deliverable within the parameters of the proposed Order Land (as shown on the Land Plans [AS-018]) and the draft Development Consent Order [REP4-004].</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> <ul style="list-style-type: none"> (i) What is the length of the aftercare period for the reinstated soils and land?; (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>(i)</p> <p>The Applicant remains committed to ensuring that soils and land are returned to their former condition, or as close as reasonably practicable and that any necessary aftercare measures are implemented to achieve this outcome. The Outline Code of Construction Practice [Document ref: 7.13, (rev 3)] will inform development of the Code of Construction Practice (CoCP) post consent and is secured by Requirement within the draft Development Consent Order [REP4-004]. As part of the CoCP a Soil Management Plan (SMP) will be developed post consent and will set out the approach to reinstatement and aftercare programme as well as any relevant timescales. A flexible period of aftercare of minimum of 1 year is suggested. Any aftercare activities will be dependent on land-use, agricultural activities, site-specific conditions, and site-specific construction activities and is to be agreed between the principal contractor and landowner clearly defining who is responsible for which part of the programme. Additionally, as part of the SMP, a Construction Method Statement for soil handling will also be completed in advance of construction of the onshore works by a suitable and competent soil specialist (who will have experience of working in the Essex region if reasonably</p>

2. Agriculture and other land uses, ground conditions and soils			
ExQ2	Question to	Question	Applicant's Response
			<p>practicable) and agreed with the relevant authority in advance of the works. The Principal Contractor would be required to comply with the SMP.</p> <p>(ii)</p> <p>Beyond the one-year period during which the ALO is in place, landowners will continue to have recourse through established landowner engagement channels. Any issues arising after this period will be addressed in accordance with the aftercare provisions to be developed as part of the CoCP along with the Applicant's obligations as set out within the draft Development Consent Order [REP4-004].</p>

1.3 Alternatives

3. Alternatives			
ExQ2	Question to	Question	Applicant's Response
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 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> <p>(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?</p> <p>(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.</p>	<p>(i)_As noted in the Applicant's response to Q2.0.7 above, no viable options which met the Project's technical and environmental criteria for a co-located onshore substation site are located on Agricultural Land Classification (ALC) Grade 3 land, therefore the differentiation of agricultural land between 3a and 3b for the purposes of site selection would not have added any value to the site selection exercise in terms of determining where the boundary between BMV and non-BMV land lies. No differentiation between 3a and 3b land can therefore be provided.</p> <p>(ii) The plan provided by T& R Fairley Partnership [REP4-099] appears to use the Natural England post-1998 ALC survey data¹, which is the most-up-to data dataset available through Natural England for the ALC, and is the same dataset shown on the updated version of Figure 4.13 provided by the Applicant in Appendix to Applicant's Response to ExA's Second Written Questions (ExQ2) [Document ref: 9.82, (rev 0)], submitted at Deadline 5.</p> <p>The sites considered within the 3km zone during the site selection process are shown in the updated Figure 4.13 [Document ref: 9.82, (rev 0)]. The Applicant notes that site CO04 overlaps with a small area of Grade 3 agricultural land, but only in the north-west tip of the option footprint, with the vast majority being located within BMV, therefore this site would not be a viable option without predominantly siting the option on BMV. There is also an area of Grade 3 land located within the village of Great Bromley, but the unconstrained parcel of land in this area was not of sufficient scale to accommodate a co-located onshore substation option, including associated landscaping and environmental mitigation, access and drainage requirements. No further sites outwith 3km were considered, due to the technical restriction on needing to site the onshore substation within 3km of the EACN.</p>
Q3.0.2	The applicant	The ES assessment of alternatives	(i)

¹ Natural England (2024) Original survey data from the Agricultural Land Classification detailed Post 1988 ALC survey (1987-1999). Available at: <https://publications.naturalengland.org.uk/category/6249382855835648>.

3. Alternatives			
ExQ2	Question to	Question	Applicant's Response
		<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. 	<p>The Norwich to Tilbury project, which comprises the creation of the new East Anglia Connection Node (EACN) and various other works including a new 400 kilovolt electricity transmission connection of approximately 180 kilometres in overall length, modifications to existing overhead lines and extension works to existing substations, is in the pre-application stage. The Applicant understands that NGET intends to submit the application for the Norwich to Tilbury Project in Q3 2025.</p> <p>(ii)</p> <p>No – as stated in the Applicant's response to EXQ3.1.6 [REP2-020], it is NESO's responsibility to deliver a connection for the Project under the connection agreement signed by the Applicant and NESO.</p> <p>The Applicant has not received, and is not expecting to receive, any information related to an alternative approach by NGET.</p> <p>The Applicant has maintained optionality in its design envelope for an offshore connection point but a viable option that can deliver a connection for the Project by 2030 has not been identified to date.</p>
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>	<p>The Applicant does not agree that the consideration of the Project should be delayed. The Applicant refers to its response to Q9.1.13 below.</p> <p>Sir Bernard Jenkin MP appears to refer to the ESO East Anglia Network Study (March 2024) in his submission [REP4-090] (the full reference has been redacted). That document sets out a feasibility assessment for Option 8 (onshore HVDC route) and includes an anticipated delivery date and projected capital cost for this option.</p> <p>The feasibility assessment identifies significant deliverability and operability concerns with this option on the basis that it would constitute a challenging delivery with multiple HVDC circuits with limited suppliers of HVDC and known supply chain delays. Further, the assessment noted that the requirement for significant HVDC converter stations at the ends of proposed routes (identified, for the purposes of the assessment, as Norwich, EACN, Friston and Tilbury) was likely to present a significant complexity to the consenting process.</p> <p>As a result, the assessment anticipated that this option could be delivered in 2034. This timeline was not considered to be acceptable because it threatens the implementation of the UK Government's Clean Power 2030 Action Plan (published in December 2024) which addresses the need for the rapid and mass deployment of new clean energy, including offshore wind, to deliver a clean power system by 2030 and would be a considerable constraint cost to electricity consumers.</p> <p>The generating capacity of North Falls is expected to be approximately 1GW which would contribute approximately 2% towards the Government's target of delivering 50 GW by 2030.</p> <p>Further evidence supporting the need for the delivery of North Falls and demonstrating the benefits of its pre-2030 delivery date as well as the potential impact of delaying delivery beyond 2030 is set out in the Needs Case and Project Benefits Statement [REP2-004].</p> <p>The Applicant notes that NGET will need to justify its site selection and consideration of alternatives as part of its DCO application. However, it is not clear what actions or processes would constitute 'fully considering' the alternatives being canvassed by the Essex Suffolk Norfolk Pylons including Option 8.</p> <p>The Applicant's position is that it would be unreasonable to delay the consideration of the Project's DCO solely on the basis that there are objections to the Norwich to Tilbury project..</p>

1.4 Aviation

4. Aviation			
ExQ2	Question to	Question	Applicant's Response
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>	<p>In respect of the location of where the Order limits interact with the WAM network, this is in a location where the only interaction is with duct installation and substation access.</p> <p>For vehicles installing the cable ducts, they will not be 10m high. The relevant location is where we will be open cut trenching the cable install, in the middle of a field, and, given these circumstances, the excavators and cranes associated with the works will not reach the 10m limit set by the MOD.</p> <p>For all traffic accessing the substation, they will have to be suitable for travelling on the public road network. This means that all traffic will be under 6m, even the AILs.</p> <p>Therefore, there will not be any reason to exceed the 10m limit.</p> <p>The MOD states in [REP2-032] that, assuming that works involved to implement the onshore cable route would not exceed a height of 10m above ground level, it sees no need for any requirements relating to this element of the Project. The Applicant has explained above why the relevant works would not exceed that threshold and agrees with the MOD's position that no requirements are necessary.</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>	

1.5 Climate Change and Resilience

5. Climate Change and Resilience			
ExQ2	Question to	Question	Applicant's Response
Q5.0.1		No ExA second questions.	

1.6 Compulsory Acquisition

6. Compulsory Acquisition			
ExQ2	Question to	Question	Applicant's Response
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> <p>(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.</p> <p>(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?</p> <p>(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.</p>	<p>(i)</p> <p>The Applicant notes that paragraphs 8.7.3 to 8.7.5 of the Examining Authority's report in respect of the Norfolk Vanguard Offshore Wind Farm DCO refer to Principle 5(iv) of the DCLG Guidance on Associated Development Applications for Major Infrastructure Projects (April 2013) which lists a number of issues that should be considered in relation to whether overcapacity infrastructure is capable of being associated development. Consideration as to "<i>whether a future application is proposed to be made by the same or a related developer</i>" is one of those issues.</p> <p>Paragraph 8.7.7 and 8.7.8 concludes that the future provision that is made in the draft DCO for the laying of ducts to facilitate the Norfolk Boreas project is "associated development" for the purposes of section 115(2) because of a number of factors including that:</p> <ul style="list-style-type: none"> the Norfolk Boreas proposed development would be the subject of an application from the same Applicant as the Norfolk Vanguard Offshore Wind Farm; a high degree of physical proximity would exist between the schemes and the onshore cable ducts to accommodate Norfolk Boreas would be laid along the same route as the onshore cables for the Norfolk Vanguard Offshore Wind Farm; and it was expected that the Norfolk Boreas application would be made within a reasonable timescale in relation to the Norfolk Vanguard Offshore Wind Farm and was received by the Planning Inspectorate on 11 June 2019. <p>However, it is noted that the first bullet point is not technically correct as whilst both Norfolk Boreas and Norfolk Vanguard were being promoted by Vattenfall, the applicant (and undertaker for the purposes of the DCO) were separate companies each with their own generation licence.</p> <p>VEOWF and the North Falls Offshore Wind Farm are being promoted by separate applicants but there are clear relationships between them (note that RWE Renewables is a common shareholder in both projects and there is clear evidence of effective cooperation and coordination between the two projects in the Co-ordination Report [REP1-004]).</p> <p>Further, the Applicant notes that, in any case, a common applicant was not the single determining factor in the Examining Authority and Secretary of State's conclusion that the relevant ducting work constituted "associated development". As set out in the Applicant's responses to ExQ6.1.1 and ExQ6.1.2 of the Applicant's Response to Written Questions (ExQ1) [REP2-020], the VEOWF and North Falls Offshore Wind Farm projects also meet the other two factors listed above.</p> <p>Sections 7 and 8 of the Co-ordination Report [REP1-004] set out how VEOWF and the North Falls Offshore Wind Farm projects have co-ordinated on scheme development, design and siting including matters such as transport access, mitigation measures and enhancement measures. The shared design means that the cables for each project are within a single swathe of land and in close proximity to each other and various project efficiencies (such as a single haul road for the cable route for both projects) can be implemented.</p>

6. Compulsory Acquisition			
ExQ2	Question to	Question	Applicant's Response
			<p>Finally, the consenting processes for both projects are closely aligned –VEOWF is currently in the Recommendation period of the consenting process.</p> <p>(ii)</p> <p>The relevant cable ducting works for the the Norfolk Boreas project comprise Works No. 5, 6 and 7 in Schedule 1, Part 1 of the Norfolk Vanguard Offshore Wind Farm DCO.</p> <p>Works No. 5, 6 and 7 relevantly allow for '<i>onshore transmission works consisting of up to four cables to be laid in ducts [for the Norfolk Vanguard Offshore Wind Farm] and <u>up to four additional cable ducts for the wind farm authorised by the Norfolk Boreas Development Consent Order</u></i>'.</p> <p>The Applicant understands that during the DCO Examination, Vattenfall committed to installing the ducts for Norfolk Boreas at the same time as constructing Norfolk Vanguard, assuming the Norfolk Boreas DCO was granted. However, in the Norfolk Boreas Offshore Wind Farm DCO, two different scenarios are considered:</p> <p>“scenario 1” means the scenario in which the Norfolk Vanguard Offshore Wind Farm proceeds to construction and carries out enabling works including the laying of onshore cable ducts, to benefit the Norfolk Boreas Offshore Wind Farm; and</p> <p>“scenario 2” means the scenario in which the Norfolk Vanguard Offshore Wind Farm does not proceed to construction and Norfolk Boreas Offshore Wind Farm is built out as an independent project including the laying of onshore cable ducts;</p> <p>In any event, the Applicant maintains its position that the decision by the Secretary of State that ducting for a second project in Norfolk Vanguard Offshore Wind Farm DCO constituted associated development is relevant to the Project.</p> <p>(iii)</p> <p>The Applicant submitted that the works to install the ducts for the electrical connections from the proposed offshore generating station to the national grid for the proposed VEOWF ('Shared Works') have public interest benefits including the further reduction of overall land take and adverse cumulative environment effects.</p> <p>As set out in the Applicant's response to ExQ6.1.2 of the Applicant's Response to Written Questions (ExQ1) [REP2-020], whilst the width of the corridor which may be acquired is slightly wider than it would be for the North Falls development in isolation, the ability to install ducts for Five Estuaries would result in project efficiencies, with associated reduction in overall land take and environmental impacts. For example:</p> <ul style="list-style-type: none"> • a single haul road for the onshore cable route to support construction of the onshore export cable;

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ExQ2	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> • single access points at Temporary Construction Compounds (TCCs) from the highway network to service both projects, reducing both the number of physical works and reducing the extent of any traffic management measures required to ensure safety; • single crossing points on roads where site access is not required; • use of the same or sharing of TCCs therefore reducing the total number of overall TCCs and the area required; and • coordinated service connection (such as mains power, water, sewage) for TCCs. <p>Reduction in the potential impacts would mainly be associated with avoiding duplication of construction access works and the associated reduction in construction traffic volumes.</p>
Q6.0.2	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>	<p>The reason for co-ordinating construction is to minimise the cumulative impacts to both the landowners and the local residents should the programmes allow. This is based on both duration and activities required. Such potential items for co-ordination are detailed in the response to ExQ1 6.1.2 [REP2-020], within Table 5.2 of the Project Description [APP-019] and the Co-ordination Report [REP1-004]. These are all based on the project timelines aligning.</p> <p>In scenario 1, the cable ducts for both projects will be installed at the same time, resulting in one haul road and one set of TCCs being used to facilitate this activity. This means that construction and deconstruction of the haul roads and TCCs occurs once. This limits the duration of impacts of the construction activities by reducing the length of time the projects are on the land. For this scenario, one potential option is that both projects use a common contractor to install the ducts for both projects. In this case, the construction requirements for both projects will be discharged under the DCO of one of the two projects. Therefore, in this instance, the Applicant requires CA powers over the entire Order Limits to facilitate this, as the construction could take place under the North Falls DCO.</p> <p>In scenario 2, similar to Scenario 1, haul roads and TCCs are constructed once, with ownership passing from one project to the other to allow the second project to reuse the infrastructure of the first. This minimises the quantum of disruption, so the projects are not excavating the same areas multiple times, which is in line with good practice.</p> <p>In scenario 3, the gap between the projects is significantly long that to retain the land within either project causes more disruption to landowners. To prevent access across the cable route will mean headlands being in place for longer than needed, disrupting farming activity both over the top of the cable route and in any fields bisected by the cable route.</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>	<p>(i)</p> <p>The <i>Guidance related to procedures for the compulsory acquisition of land</i> (DCLG, 2013) (CA Guidance) states that the Applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought in order to satisfy the requirement in section 122(2)(a) of the Planning Act. The CA Guidance states that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.</p>

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ExQ2	Question to	Question	Applicant's Response
		<p>(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 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>	<p>The Applicant refers to the justification provided in its responses to ExQ1 6.1.2, 6.1.6 and 6.1.7 in the Applicant's Response to Written Questions (ExQ1) [REP2-020] and to the summary of the technical reasons why two separate, but co-located, onshore substations are required for VEOWF and the North Falls Offshore Wind Farm project (see the Applicant's response to item 3.1.4 (Landscape and visual impact and design) of the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036]).</p> <p>As set out in section 7 of the Statement of Reasons [AS-028], the co-ordinated approach between VEOWF and North Falls necessitates an increased area of substation site over which compulsory powers are sought in order that certain works can be carried out under the first DCO to be implemented.</p> <p>The onshore substations for the projects have been co-located in one area and designed to co-ordinate with the National Grid substation proposals. Use of common access routes from Bentley Road, a common permanent access point and bellmouth from Ardleigh Road, and aligned screening principles and advanced planting will all help to reduce environmental impacts. Regardless of the construction scenario taken to deliver the onshore substation, co-locating with VEOWF allows North Falls to keep impacts to a single area when considering cumulative effects and have a lower overall land take when compared to locating the onshore substations in different search areas.</p> <p>By seeking to co-ordinate with Five Estuaries as far as practicable, the Applicant submits that the compulsory acquisition powers in the draft Order and the extent of the Order Land is reasonable and proportionate and does not extend beyond what is required for the Project.</p> <p>(ii)</p> <p>The Design Vision [APP-234] outlines the co-ordinated approach and design process the Applicant has undertaken in seeking to design a solution while taking into account the needs and requirements of VEOWF to agree a co-located layout for their two substations. This design process has evolved through consultation with statutory consultees, non-statutory consultees as well as through Expert Topic Group Meetings.</p> <p>The proposed coordinated onshore substation works area falls across two separate land holdings. The VEOWF substation predominantly falls within land owned by T. Fairley & Sons (plot 15-016), while the North Falls substation is located on land owned by The Executors of the Estate for Charles Tabor (plot 16-001), as identified on the Land Plans [AS-018]. At this early stage in the development of the co-ordinated design it is not feasible to divide the land between the two projects because the final substation layouts and associated landscape mitigation schemes have not yet been confirmed or approved by the relevant local planning authority. A coordinated approach is essential in ensuring that the two Project's schemes can be delivered effectively. Attempting to divide the land prematurely could result in fragmented, overlapping or conflicting schemes and a design that is sub-optimal. This could also give rise to irregular parcels of land between the two projects that will remain owned by the landowner. Such parcels could be inaccessible or of insufficient size or shape to be returned to productive agricultural use or any other purposes.</p> <p>Moreover, as the design process is still evolving and owing to the integrated nature of the proposals, the Applicant requires the full extent of the land identified to retain sufficient flexibility to develop a scheme that will be acceptable to the relevant local planning authority and other stakeholders. Reducing this flexibility at this stage could compromise the Applicant's ability to deliver a coherent, integrated, successful and acceptable design solution.</p> <p>(iii)</p>

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ExQ2	Question to	Question	Applicant's Response
			<p>See the Applicant's response to (ii) above.</p> <p>(iv)</p> <p>The Applicant has outlined through the Design Vision [APP-234] a co-ordinated approach to developing a design for landscaping and environmental enhancements which can accommodate North Falls and Five Estuaries' onshore substations. Through co-ordinating landscaping design, the Projects are able to have more flexibility in the placement of areas of woodland screening to achieve overall screening of the onshore substations from visual receptors, therefore allowing the landscape mitigation design to have an aspect more sensitive to the surrounding Landscape Character Area, in this case shelterbelts and woodland copses. Furthermore, by developing a joint landscape mitigation plan through project can also realise greater environmental enhancements by securing a better design mosaic of habitats, which can have greater connectivity to surrounding green infrastructure resources, and larger habitat features providing lower edges effects for woodland parcels and great niche diversity in habitats such as grassland, ponds and watercourses. Further details on the benefits of the joint landscape mitigation proposed can be found in the Design Vision [APP-234] and the Outline Landscape and Ecological Management Strategy [REP4-006]. The Applicant is in the process of moving forward with co-ordinated design at the onshore substation, through the development of a Design Guide, the current status of which is outlined in the updated version of the Design Vision [2.3 (Rev1)], being submitted at Deadline 5.</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>	<p>(i)</p> <p>There are two aspects to impact, duration and severity. In Build Option 1, the construction programme is lengthened, meaning the peaks of work are reduced. This could be a reduction in cumulative traffic and transport numbers accessing the substation or a reduction in noisy activities, by virtue of all these activities being spaced further apart. This potentially gives a benefit to the local community by reducing the severity of the peak impact.</p> <p>The Applicant refers to section 7.8 of the Statement of Reasons [AS-028] where Scenarios 2 and 3 relate to circumstances in which the Applicant proceeds with build option 1.</p> <p>In Scenario 2, the North Falls and VEOWF projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently. In these circumstances, there are still opportunities for North Falls (if proceeding after VEOWF) to reuse enabling infrastructure like haul roads / site accesses with VEOWF and then reinstating once complete.</p> <p>This scenario would still present a reduction in overall environmental impacts of the two projects from sharing infrastructure.</p> <p>In Scenario 3, the North Falls project proceeds to construction on a significantly different programme to VEOWF (over 3 years apart or with VEOWF not proceeding at all), with onshore cable trenching and ducting works undertaken independently. In these circumstances, it is likely that haul roads and temporary construction compounds would be reinstated prior to North Falls proceeding. Accordingly, there would be no reduction in overall impacts for the projects from the sharing of infrastructure.</p> <p>Both build option 2 and build option 1 (Scenario 2) allow for a coordinated approach between VEOWF and North Falls which would reduce the overall environmental impacts of the two projects so as to justify the extent of the compulsory acquisition powers sought.</p> <p>The Applicant submits that the extent of the compulsory acquisition powers under the draft DCO allows the flexibility for coordinated construction. The coordinated approach necessitates an increase</p>

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ExQ2	Question to	Question	Applicant's Response
			<p>in the width of the corridor and area of substation site over which compulsory powers are sought under the North Falls draft DCO so that the works can be carried out under the first DCO to be implemented.</p> <p>If, however, the Applicant must proceed with build option 1 under Scenario 3, its powers of acquisition under Part 5 of the draft DCO [REP4-004] are limited by Article 21(1) (and Article 21(2)) to allow the Applicant to compulsorily acquire only so much of the Order land as is required for the authorised development, or to facilitate it, or as is incidental to it. This drafting is an appropriate and proportionate safeguard which is well precedented in respect of similar developments (see Part 5 of the Hornsea Three Offshore Wind Farm Order 2020, the East Anglia ONE North Offshore Wind Farm Order 2022, the Hornsea Four Offshore Wind Farm Order 2023).</p> <p>The Applicant therefore submits that the compulsory acquisition powers in the draft Order and the extent of the Order Land is reasonable and proportionate and does not extend beyond what is required for the Project for all build options and all scenarios.</p> <p>(ii)</p> <p>Please see the Applicant's response to (i) above.</p> <p>There are multiple scenarios in which some form of co-ordinated construction between VEOWF and North Falls can occur including a scenario in which a gap between Financial Investment Decisions for the two projects means that the projects proceed between 1 and 3 years apart. For example, only one of the projects being successful at a Contract for Difference auction round, which is needed for FID as it gives certainty on the revenue stream for the project.</p> <p>It is important to allow the flexibility for coordinated construction so that opportunities to minimise environmental and social disruption outlined in sections 6.3 and 6.4 of the Co-ordination Report [REP1-004] can be realised.</p> <p>It is hoped that the projects can proceed on the same timeframe such that there is no issue with sequencing. However, given the two projects are separate, this cannot be guaranteed. There may be consenting, environmental mitigation or route to market issues for one project, which could mean that the aligned programmes slip. Therefore, the projects need to have the option for sequential in case of any of these issues occurring. It should be noted, it is not in the two projects interest to build out the onshore export cable route separately, due to potential commercial benefits of constructing at the same time. However, the commitments to do so are large, and needs project certainty for their spend. Therefore, such commitments can only be made once the projects have a CfD. The only way for the sequencing issue to be removed would be for an anticipatory mechanism to be created that would significantly de-risk the installation of a second set of cable ducts. Such a mechanism would need to be defined by Government in such a way that the risk to North Falls is mitigated.</p>
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>	<p>To clarify, the Applicant was referring to Article 21(1) (and Article 21(2)) of Part 5 of the draft DCO as the drafting that is precedented in respect of similar developments (see Part 5 of the Hornsea Three Offshore Wind Farm Order 2020, the Hornsea Four Offshore Wind Farm Order 2023).</p> <p>The Applicant was not suggesting that the Hornsea Three and Hornsea Four Orders have equivalent requirements to Requirement 19 in the draft DCO for the North Falls Offshore Wind Farm project.</p> <p>In respect of Requirement 19, the Applicant refers to</p>
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>As detailed in the Consultation Report [APP-215 to APP-231], the Applicant has undertaken non-statutory and statutory consultation with landowners, in addition to various meetings and other forms of correspondence to discuss the voluntary agreements (as detailed in the Applicant's Land Rights</p>

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		<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>	<p>Tracker (submitted at Deadline 5 [Document ref: 8.4, (rev 3)])). As part of this consultation, the Applicant has taken into account any representations made by landowners as to the impact of the compulsory acquisition powers being sought on their private rights. Please see the Applicant's response to Q6.0.9 below for further details.</p> <p>The Applicant notes that the majority of the interference with private rights relates to the laying of the underground cables across agricultural land. Once construction has been completed, the land will be restored to its current use and agricultural activities can continue. Compensation will be payable for any loss or damage. Where the freehold of land is required (for the onshore substation and permanent highway works), the affected landowners will be entitled to compensation for their private loss.</p> <p>Provision has been made within the Property Cost Estimate, Appendix C to the Funding Statement [APP-008] for compensation which may be due in line with the compensation code. The Property Cost Estimate includes possible heads of liability for: compulsory acquisition of land and rights in land and imposition of restrictions; severance; injurious affection; Part 1 Claims and all other potential claims. These heads of claim have been assessed per Affected Party, rather than on a plot-by-plot basis, given that compensation payable would not be restricted to specific plots.</p> <p>The Applicant is not aware of any private loss as a result of the Project that cannot be adequately compensated for under the compensation code.</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>	<p>From the National Grid PEIR submission, an indicative location for the substation has been provided, showing the substation straddling the 3 landowners proposed. The layout proposed appears to show the 400kV network (overhead lines and underground cables) entering to the west of the proposed site. This would suggest that the North Falls cables would enter from the East.</p> <p>The exact connection point for North Falls has not been defined within the proposed substation area as defined at PEIR. This will depend on the SQSS requirements on how many bus sections are needed within the substation, and which projects are connecting at the time of construction contracts being agreed.</p> <p>In the absence of further details on the location of the National Grid substation the Applicant issued draft Heads of Terms to affected landowners in order to commence early engagement on proposed voluntary agreements. As soon as detailed plans emerge the Applicant will issue updated populated Heads of Terms for a voluntary agreement.</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> <p>(i) Given that scenario what is the basis for the applicant remaining confident that the necessary land rights can be acquired through voluntary agreement?</p> <p>(ii) Please set out full details of all correspondence and meetings with these Affected Persons to date.</p>	<p>The Applicant has provided an update to the Land Rights Tracker at Deadline 5 detailing the status of negotiations in relation to Plot 13-015.</p> <p>(i) The Applicant has made concerted attempts to engage with the landowner and progress a voluntary agreement, as detailed in ii). The Applicant remains committed to pursuing constructive dialogue with the landowner and to progress Heads of Terms to a voluntary agreement, however it can only do so if the landowner is willing to engage. To date, the landowners have expressed an unwillingness to engage further with the Project. Nonetheless the Applicant will continue to consult, should the landowner's stance change.</p> <p>(ii) The below table sets out a summary of all meetings with the landowners along with correspondence since Heads of Terms were issued on 12 July 2024:</p>

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6. Compulsory Acquisition			
ExQ2	Question to	Question	Applicant's Response
		<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>	<p>Paragraph 8 of the <i>Guidance related to procedures for the compulsory acquisition of land</i> (DCLG, 2013) (CA Guidance) states that the Applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The Applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.</p> <p>The Applicant's response to ExQ1 Q6.1.16 (ii) in the Applicant's Response to Written Questions (ExQ1) [REP2-020] sets out examples of the modifications to the Project made following engagement with landowners and their representatives in respect of the potential impacts of the Project on day-to-day business operations, potential development losses, future business opportunity losses, drainage and treatment of soil.</p> <p>The Applicant has also sought, and continues to seek, to acquire the necessary land and rights required for the Project by agreement. The Applicant refers to its response to ExQ1 Q6.1.17 and Q6.1.18 and the Land Rights Tracker (submitted at Deadline 5 [Document ref: 8.4, (rev 3)]) which provides a summary of the Applicant's approach to acquire by agreement the relevant freehold interests, new rights and temporary use of land within the Order land and provides an update on the status of negotiations with relevant parties.</p> <p>The Applicant submits that this demonstrates that all reasonable alternatives to compulsory acquisition have been explored.</p> <p>Any proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land or rights over the land for the development of the Project and can satisfy the conditions set out in section 122(2) of the Planning Act 2008 (see Statement of Reasons [AS-028] and the Applicant's responses to ExQ1 Q6.1.1, Q6.1.3, Q6.1.6 and Q6.1.8 of the Applicant's Response to Written Questions (ExQ1) [REP2-020]). The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.</p> <p>The Applicant submits that the ExA can be assured that any interference is necessary and proportionate because all land included within the Order Land is needed to achieve the identified purpose of delivering the Project (see Appendix A of the Statement of Reasons [AS-028] which sets out a plot-by-plot analysis of why compulsory acquisition, the imposition of new rights or restrictions and temporary possession is required for the Project).</p> <p>(ii)</p> <p>A summary of engagement with landowners is set out in section 3.7 of the Consultation Report [AS-015] and includes meetings with landowners to review the Project's PEIR boundary and provide feedback and comment prior to and during stage 3 (statutory) consultation in April 2023 and various workshops and meetings. In August 2023, the Applicant wrote to landowners / people with an interest in land to advise of a number of changes, including the refinement of the preferred cable route around Thorpe-le-Soken and a reduction from four proposed cable circuits to two cable circuits. This decision meant that the joint onshore cable construction width for North Falls and Five Estuaries would now predominantly be 90 metres (m) wide rather than up to 250m. This change resulted in an overall reduction in the Project's footprint and reduced the number of landowners affected by the Project.</p> <p>Generally, Landowner knowledge and feedback was critical in influencing the Project's onshore design. This was demonstrated by a number of route iterations, with feedback being sought directly from landowners on proposals as the preferred route and design emerged.</p>

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ExQ2	Question to	Question	Applicant's Response
			<p>The Applicant submits that actions described above in addition to the ongoing work to secure required compulsory acquisition, other rights and temporary possession rights demonstrates the account taken by the Applicant of pre-application consultation (both in relation to statutory and non-statutory consultation) in the location, route, and design of the project in considering whether there are reasonable alternatives to compulsory acquisition.</p> <p>(iii)</p> <p>The Applicant confirms that the examples previously provided to ExQ1 6.1.6 (ii) [REP2-020] were intended to illustrate how the Applicant's proposals have been modified following engagement and consultation with landowners. These examples were not intended as an exhaustive list. The Applicant confirms that engagement and consultation with stakeholders including landowners has been an important part of the iterative design process as detailed within the Applicant's Consultation Report [AS-015]. While the Applicant has not been able to accommodate all feedback (for example requests to remove the proposals from individual landholdings in their entirety), the Applicant has sought to act on landowner feedback where practicable and appropriate to do so. Additional examples of design modifications made in response to landowner engagement include, but are not limited to:</p> <ul style="list-style-type: none"> • James Fairley & Sons – Following feedback regarding aspirations to develop additional agricultural barns at Wolves Hall, the cable corridor was realigned to avoid their development proposals. • David Salmon – Engagement led to amendments of the cable corridor to avoid impacting land they had identified for potential construction of a new reservoir. • Frank Leach – Through consultation with this landowner and the previous owner, this led to a commitment to trenchless crossing in order to minimise impacts on a potential livery business. <p>(iv)</p> <p>The Applicant refers to its response to ExQ1 Q6.1.19(iv) the Applicant's Response to Written Questions (ExQ1) [REP2-020].</p>
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>	<p>The Applicant confirms that it will provide the requested information by Deadline 6.</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: "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; 	<p>The Applicant refers the Examining Authority to the Consents and Licences Statement [AS-030] which sets out the Applicant's strategy for obtaining any consents, licences, permits or other agreements that may be necessary to construct, operate, maintain and decommission the Project.</p> <p>The statement identifies the relevant consents that are likely to be required (including those for which the Secretary of State is not the consenting body), sets out the Applicant's strategy for addressing them and includes an anticipated application date (see Table 2.1 for Offshore Consents and Table 2.2 for Onshore Consents).</p> <p>The information in the Consents and Licences Statement [AS-030] remains current and the Applicant has no further updates in respect of anticipated timeframes for consent.</p>

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ExQ2	Question to	Question	Applicant's Response
		<ul style="list-style-type: none"> 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>	<p>The Consents and Licences Statement [AS-030] also explains how the draft DCO [REP4-004] (and updated at Deadline 5) has been drafted to disapply certain legislative provisions, including disapplying a number of consents that would otherwise be required under a variety of different statutory regimes.</p> <p>As stated in its oral submissions at Issue Specific Hearing 1, the Applicant confirms that it will not be applying for water abstraction licenses at this stage of development. The need for environmental permits for abstraction and discharge will be determined post-consent by the principal contractor and the relevant regulations will apply. The contractor will ensure all relevant licenses are in place. It is currently uncertain whether licenses will be required or if exemptions will apply but this will be determined post-consent by the principal contractor. The Applicant is aware of conditions related to volumes, durations, and proximity to designated sites, but the exact conditions, including water presence and weather impacts are currently unknown (see Applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 1 (ISH1) [REP4-026]).</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>	<p>Please refer to the Land Rights Tracker submitted at Deadline 5 [Document ref: 8.4, (rev 3)] for an update on the status of negotiations between the Applicant and Affinity Water in respect of the bespoke protective provisions.</p> <p>The Applicant shared an updated version of the bespoke protective provisions with Affinity Water on 20 May 2025. The Applicant considers that the protective provisions are close to agreement and has set out the remaining outstanding issues below.</p> <p>Paragraph 2 (Definition of 'specified works')</p> <p>This definition relevantly states that:</p> <p><i>"specified works" means any authorised works under the Order (including any works of maintenance) that may in any way adversely affect Affinity Water's apparatus.</i></p> <p>Affinity Water want to amend this text so that it relates to any authorised works that 'may in any way adversely affect any easement or other property interest held or used by Affinity Water's apparatus.'</p> <p>The Applicant submits that this addition is already covered by paragraph 6 of the protective provisions which requires the undertaker to obtain Affinity Water's consent before interfering with an easement or property interest. It is not therefore necessary to include this within the definition of 'specified works' and its inclusion creates a duplication of the consents required.</p> <p>Paragraph 6(b)(ii) (Acquisition of Land)</p> <p>This paragraph governs the consenting requirements in circumstances where works or activities carried out by Affinity Water on its apparatus may adversely affect the authorised works (as defined) or interrupt the transmission of electricity through the authorised works.</p> <p>The Applicant has sought to expand the application of this clause to apply not just to the cables but other associated apparatus such as ducts, protective slabbing, joint bays, link boxes, cathodic protection etc. The Applicant has a statutory obligation to ensure that its apparatus is safe and therefore needs to be able to consent works that may affect that apparatus.</p> <p>Paragraph 7(2) (Removal of apparatus)</p> <p>This paragraph has the same issue as paragraph 6(b)(ii). Please refer to the Applicant's explanation above.</p> <p>Paragraph 7(10) (Removal of apparatus)</p>

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ExQ2	Question to	Question	Applicant's Response
			<p>This paragraph requires the Applicant, when carrying out any work in connection with the construction or removal of Affinity Water's apparatus in any land of the Applicant, to comply with all statutory obligations which would have been applicable had the works been carried out by Affinity Water.</p> <p>The Applicant has added drafting to clarify that the Applicant is not required to undertake activities that can only legally be undertaken by a water undertaker.</p> <p>Paragraph 9(6) (Specified works)</p> <p>This paragraph enables Affinity Water to require that certain matters are carried out by Affinity Water rather than the Applicant as part of its consent for the Applicant to undertake the 'specified works' (as defined).</p> <p>The Applicant has inserted drafting which requires that those works are carried out by Affinity Water within an agreed timescale to prevent delays to the authorised development.</p> <p>Paragraph 10(1) (Expenses and Costs) and 11(1) (Indemnity)</p> <p>The Applicant has inserted drafting which excludes consequential or indirect losses. This accords with the approach taken with other statutory undertakers such as Anglian Water (see paragraph 120(1) and 121(1), in Part 9 of Schedule 14 in the draft DCO [REP4-004]).</p>
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>	<p>Please refer to the Land Rights Tracker submitted at Deadline 5 [Document ref: 8.4, (rev 3)] for an update on the status of negotiations between the Applicant and Anglian Water in respect of the bespoke protective provisions.</p> <p>The Applicant shared an updated version of the bespoke protective provisions with Anglian Water on 15 May 2025 and Anglian Water confirmed on 29 May 2025 that the protective provisions are now agreed.</p> <p>The protective provisions at Schedule 14, Part 9 of the draft DCO submitted at Deadline 5 [Document ref: 6.1, (rev 6)] have been updated accordingly.</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>	<p>The Applicant considers that Eastern Power Networks' statutory operations will not be detrimentally impacted by North Falls and that, in any case, Eastern Power Networks plc will have the benefit of the protective provisions at Part 1, Schedule 14 (Protection for electricity, gas water and sewerage undertakers).</p> <p>The Applicant understands that Eastern Power Networks plc has not made a representation to the Examining Authority in respect of the Project.</p> <p>The Applicant is in the process of reaching out to Eastern Power Networks plc to confirm the above and will provide a further update at Deadline 6.</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>	<p>Please refer to the Land Rights Tracker submitted at Deadline 5 [Document ref: 8.4, (rev 3)] for an update on the status of negotiations between the Applicant and NRIL in respect of the bespoke protective provisions.</p> <p>The Applicant is continuing to progress discussions regarding heads of terms for a separate voluntary land agreement which if agreed would negate the need to rely on compulsory acquisition or temporary</p>

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ExQ2	Question to	Question	Applicant's Response
			<p>possession powers. The Applicant understands that the heads of terms are largely in an agreed form, subject to resolution of certain commercial elements which the Applicant is seeking to conclude. For further details please refer to the Land Rights Tracker submitted at Deadline 5 [Document ref: 8.4, (rev 3)].</p> <p>Once sufficient progress has been made on the voluntary property agreement, the Applicant can include Network Rail's preferred drafting in the draft DCO which restricts the use of compulsory acquisition powers.</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>	<p>As stated in the Land Rights Tracker [REP4-020], the Applicant has written to OCU Group Limited to inform them of the Examination and their ability to request to become an interested party under s102A of the Planning Act 2008. The Applicant has not received any response to date.</p> <p>The apparatus relates to telecommunications equipment located on railway land belonging to Network Rail.</p> <p>In addition to the protective provisions in Part 2 of Schedule 14, the Applicant notes that telecommunications equipment connected with the railway is also covered in the protective provisions for the benefit of Network Rail in Part 5 of Schedule 14.</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>	<p>The Applicant considers that Thorpe Park Solar Farm Limited's operations will not be detrimentally impacted by North Falls and that, if the relevant licences are in place, Thorpe Park Solar Farm Limited will have the benefit of the protective provisions set out at Part 1 of Schedule 14 of the draft DCO [REP4-004].</p> <p>The Applicant understands that Thorpe Park Solar Farm Limited has not made a representation to the Examining Authority in respect of the Project.</p> <p>. The Applicant has been in discussions with Thorpe Part Solar Farm Limited and the matter is being dealt with in the voluntary agreement with the landowner.</p>
Q6.0.18	The applicant, Holly Marie Florence Johnson & John Paul Jeffery Traveller & Rachael Donna Thackery & Russell Albert Johnson	<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. Th ExA 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.</p>	<p>The Applicant refers the Examining Authority to its response given to Q6.0.8 (ii) which outlines the efforts made to engage with the owners of Plot 13-015 in regards to a voluntary agreement. The Applicant continues to make efforts to engage with the land interest and remains confident that should the landowners be willing to engage in discussions, sees no reason why a voluntary agreement could not be reached.</p>
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</p>	<p>(i)</p> <p>The Applicant has previously discussed with the landowner that in principle there would be few issues locating areas of open ground, sports pitches, greenspaces, or roads over the easement provided that access to the cables is maintained and there are no material impacts on the integrity or operation of the installed infrastructure. Any such proposals would need to be considered on a case-by-case basis and agreed between the parties as part of detailed design.</p>

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ExQ2	Question to	Question	Applicant's Response
		<p>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> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>The Applicant notes that as part of the landowner's submission [REP4-091], the Vision Document appears to show limited direct interaction between the Applicant's proposed Order Land and the landowner's current development aspirations. The Applicant further notes that, at present, no planning consents have been granted in relation to the proposed development and the only detail provided to date consists of high-level indicative plans. While the Applicant has sought to engage with the landowner on this matter requesting detailed proposals showing the specific activities or installations that would interact with the Order Land, no such information has been forthcoming. In the absence of planning consent or evidence to demonstrate the viability or deliverability of the proposed development, the Applicant contends there is no basis to conclude that the proposed development will definitely materialise in the size or form currently envisaged by the landowner.</p> <p>While the Applicant remains committed to mitigating impacts on the landowner's future land use (where feasible and supported by evidence), it must also ensure that the North Falls Project remains deliverable within the parameters of the proposed Order Land, as shown on the Land Plans [AS-018], and in accordance with the draft Development Consent Order [REP4-004].</p> <p>With regard to the alternative routes proposed by the landowner, the Applicant refers the Examining Authority to its previous responses to AS-050_a_3, AS-050_a_4, AS-050_a_5, AS-050_a_7 and AS-050_a_8 within the Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 [REP4-027].</p> <p>(ii)</p> <p>The Applicant sees no reason why the landowner's aspirations for development cannot coexist with the Applicant's proposals. The Applicant considers that the appropriate way to achieve this is through continued engagement and the provision by the landowner of detailed development proposals. Based on the information submitted to date, the landowner's proposals remain at a conceptual stage, with no planning consent granted. Consequently, there is no evidence to suggest that the landowner's proposed development will be delivered in advance of the North Falls Project. Given these timescales the landowner, in consultation with the Applicant, will be able to design their proposals in consideration of the location of the easement which is anticipated to precede the landowner's proposals. As such, the Applicant does not consider any amendments to the draft Development Consent Order [REP4-004] or any other application document to be necessary and the current drafting provides sufficient flexibility to allow for ongoing engagement with the landowner on this matter.</p> <p>(iii)</p> <p>The question is not directed at the Applicant; however the Applicant would welcome further details on phases 1 and 2 as requested by the Examining Authority.</p>
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</p>	

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ExQ2	Question to	Question	Applicant's Response
		<p>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>	

1.7 Cumulative Effects

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
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.</p> <p>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>	<p>Resurfacing of Bentley Road would mitigate potential noise impacts by removing any identified deflections (pot-holes) in the road surface. Paragraph 85 of the Outline Construction Traffic Management Plan (OCTMP) [REP4-008] states '<i>Prior to the construction of the Bentley Road improvement works, pavement coring and condition surveys will be undertaken, as requested by Essex County Council, to determine whether the road needs reconstruction or strengthening prior to construction commencing. These works would also include consideration of whether resurfacing to reduce road noise may be appropriate (Section 4.12).</i>' The road widening works along Bentley Road would also involve an element of needing to resurface the road to tie-in the new and existing surfaces.</p> <p>The Applicant's response to ExQ1 [REP2-020] Q7.1.3 sets out the process for determining whether additional mitigation measures such as screening are required, which will depend on forecast traffic flows. This process, including decisions regarding which parts of Bentley Road to resurface, are not dependent on these forecasts.</p> <p>The response to ExQ2 Q17.0.2 (see below) explains that the timing of the Bentley Road improvements (including any resurfacing of the carriageway) will be included in the final CTMP (which should be in accordance with the OCTMP [REP4-008] and is secured by a Requirement in the draft DCO [REP4-004]) and agreed with ECC prior to the commencement of the onshore works.</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>	<p>The cumulative noise levels of the co-located onshore substations are secured via Requirement 17 of the draft Development Consent Order [REP4-004]. The adoption of a cumulative noise limit and apportioning this between the substations is a highly precautionary approach. The cumulative noise limit (a rating level of 35dB $L_{A,T,r}$) is the lowest observed adverse effect level (LOAEL) i.e. the absolutely lowest noise level at which an adverse effect could occur. Planning policy only requires that exceedances of the LOAEL are "mitigated and minimised". Each substation operator has adopted noise level limits at its closest receptors which are below the LOAEL, irrespective of the fact that this is more onerous (i.e. expensive to mitigate) than planning policy requires, in order that the projects take collective responsibility for cumulative noise impacts.</p> <p>The Onshore substations operational noise and the outline noise complaints protocol [REP3-043] is considered to represent best practice and does provide a collective responsibility for complaint investigation. Each substation has independent noise limits which must be complied with, these ensure that cumulative noise does not exceed a rating level of 35dB $L_{A,T,r}$, unless there is a fault at one of the substations, in which case it would be the responsibility of that substation operator to investigate</p>

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
			<p>and resolve. A Joint Panel would not improve this process as it would still be the most practical way to undertake a complaint investigation.</p> <p>In order to minimise the duration of a complaint investigation, the Applicant has produced a revised version of the Onshore substations operational noise and the outline noise complaints protocol [Document ref: 9.32, (Rev1)] with the timeframe for the initial site walkaround reduced to 48-hours. The revised protocol also commits that each operator will retain an acoustic consultant for at least 18 months following the date of commencement of operation for the relevant onshore substation, which should reduce the timeframe to appointment.</p> <p>Complaints are most likely to arise in the immediate aftermath of commencement of operations and will become less likely as time progresses.</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.</i></p> <p><i>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> <p>Could ECC and National Highways comment on SCC's concern regarding the potential for cumulative effects on the A12?</p>	
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>	<p><u>Bullet points 1-2 of [REP4-087]:</u></p> <p>Despite updates in other plans and projects' status since the submission of these assessments (e.g. Sea Link is now undergoing examination and Five Estuaries Offshore Windfarm is waiting for its DCO decision) the outcome of the assessment remains unchanged. The assessments have considered the best available information at the time of writing and taken into account the potential for overlap between North Falls construction/operation activities and therefore it is the Applicant's position that no changes are required to Table 1.1.</p>

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
		<p>(i) Does the applicant agree the PLA's suggested corrections to Table 1.1 bullet points 1 to 5? If not, please given reasons.</p> <p>(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?</p> <p>(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.</p> <p>(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.</p>	<p><u>Bullet points: 3-4 of [REP4-087]:</u></p> <p>The Applicant clarifies that the distances are:</p> <ul style="list-style-type: none"> • North Falls array area to VE array area – 0km • North Falls offshore cable corridor to VE offshore cable corridor – 0km • North Falls array area to VE offshore cable corridor – 0.7km <p>North Falls offshore cable corridor to VE array area – 12.9km</p> <p>While these are not all listed in Table 1.1 of REP1-059 for brevity, the purpose of this table is to determine projects which are screened in/ out of the CEA, and the Five Estuaries project is clearly screened in. The cumulative effects of all aspects of North Falls and Five Estuaries, where applicable, have been fully assessed in the ES.</p> <p><u>Bullet point: 5 of [REP4-087]:</u></p> <p>The Applicant notes that the offshore projects which were assessed in the cumulative effects assessment in ES Chapter 31 Socio-economics have been omitted from the CEA Summary [REP1-059]. An update to the CEA Summary will be provided at Deadline 6. As these were assessed in the Socio-economics assessment, shown in ES Chapter 31 Socio-economics [AS-010/011] there will be no change to the assessment conclusions.</p> <p>(i) Embedded mitigation is described in Section 15.3.4 of ES Chapter 15 Shipping and Navigation [APP- 029], The tables in the CEA summary, including Table 1.11 list additional mitigation and the SEZ is included as it was not part of the embedded mitigation when undertaking the CEA. A full list of all mitigation is provided in the Schedule of Mitigation [document reference 2.6, Rev 2]</p> <p>(ii) The references to the ports of Felixstowe and Harwich have been made as these are indicative service ports for North Falls.</p> <p>With regards to the PLA comments, it should be noted that there are two deep water routes (Sunk and Trinity) into the London ports. The Outline Navigation and Installation Plan (oNIP) [REP4-011/012] prevents concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports. Further to this, the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days. Therefore, the potential socio-economic impacts on the London ports have been minimised as one route would always be open. The access routes are being discussed in ongoing meetings with the ports and the tables in the oNIP will be updated at Deadline 6.</p> <p>Not directed at the Applicant.</p>
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>	<p>An updated version of the Offshore Cumulative Effects Assessment Plan is presented in the Appendix to Applicant's Response to ExA's Second Written Questions (ExQ2), submitted at Deadline 5 [Document Reference 9.82, (rev 0)]. The Applicant notes that the PLA requested the Offshore Cumulative Effects Assessment Plan show the Five Estuaries cable corridor (as opposed to the North Falls cable corridor).</p>

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
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 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. 	<p>(i)</p> <p>The cumulative assessment of landscape and visual effects is set out in Section 30.8 of ES Chapter 30 Landscape and Visual Impact Assessment [APP-044]. The Norwich to Tilbury project, including both overhead lines and the EACN substation, are considered in this cumulative assessment. As noted in the Applicant's response to ExQ1 Q7.1.1 [REP2-020], the cumulative assessment in this and other Chapters was based on information supplied by National Grid and published as part of their Preliminary Environmental Information Report. The cumulative assessment in the LVIA is considered to be robust in relation to the location and parameters for the EACN substation, as currently proposed. The Applicant has no information from National Grid on any alternative proposal to deliver the Norwich to Tilbury project that would allow a meaningful cumulative assessment to be undertaken. The Applicant has produced additional visualisations including the Norwich to Tilbury overhead lines as well as the EACN, and these were submitted at Deadline 4 [REP4-029] and [REP4-030].</p> <p>(ii)</p> <p>The Applicant has no substantive comments on the outcome of R (The Dedham Vale Society) v Secretary of State for Levelling Up, Housing and Communities & ors (Manningtree Station Car Park matter) because the matter was determined by consent order after the Secretary of State accepted that the failure to apply the relevant statutory duty when making the relevant screening decision constitutes an error of law and the outcome might have been different had it been applied. Accordingly, there was no judicial consideration of the application of the relevant duty in section 85 Countryside and Rights of Way Act 2000.</p> <p>The Applicant cannot comment on whether the outcome of the Manningtree Station Car Park matter has implications for the Norwich to Tilbury project.</p> <p>Sir Bernard Jenkin submits that, in light of the outcome in the Manningtree Station Car Park matter, the Norwich to Tilbury project can no longer be considered a legal proposal which has implications for North Falls.</p> <p>The Applicant disagrees with this position. The Applicant has signed a connection agreement with NESO and the delivery of that connection is a matter for NGET and NESO (either through the Norwich to Tilbury project or via some alternative approach as NGET sees fit).</p> <p>North Falls can connect to the grid via an alternative means if development consent for the EACN substation is not granted as part of the Norwich to Tilbury project. The EACN connection point is the optimal connection point, but others would be made available in the event that the EACN was delayed or rejected.</p> <p>Further, the Applicant rejects any suggestion that the Project should be delayed (either in terms of the development consent process or construction) until after any possible judicial review proceedings are concluded in respect of the Norwich to Tilbury project. The Applicant refers to its response to REP4-090_c in the Applicant's Response to Deadline 4 Submissions [Document ref: 9.70, (rev 0)].</p> <p>(iii)</p> <p>The Applicant understands that the 2031 date for the Norwich to Tilbury project referred to in the NESO publication 'Clean Power 2030' refers to the ODI date rather than the operational date which remains at 2030. The Applicant has a contract with NESO (a Bilateral Connection Agreement) which currently provides for connection dates within 2030 for the Project. This is what the Applicant is working to as the Bilateral Connection Agreement is a legally binding document between NESO and the Applicant. That contract is broken down into two parts, a backfeed date at which point the Project can draw power from the Grid to facilitate commissioning, and an export of power, when the Project can start generating. Due to the amount of power required for commissioning, the backfeed date is</p>

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
			not expected to be significantly impacted, and this will still allow for the construction programme to proceed as is stated within ES Chapter 5 Project Description [APP-019] . NESO is currently going through a "Gate 2" process, where it is reforecasting the relevant connection dates. The outcome of this process is expected in Q1/Q2 2026. We are engaged with NESO and NGET on this matter.
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>	<p>The Applicant has provided their position regarding inclusion of the onshore elements of the Tarchon interconnector project within the CEA at item 3.8.4 in Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] and would direct the ExA to that submission for a detailed response on this question.</p> <p>In summary, the Applicant asserts that the limited spatial information available regarding the onshore aspects of the Tarchon interconnector is not sufficient to undertake a detailed cumulative assessment at this time (the search area of the Tarchon onshore substation is still over 1,000ha in size, with minimal information available about the nature of the development), and that the Tarchon interconnector would need to conduct its own detailed CEA, which would consider the North Falls, Five Estuaries and Norwich to Tilbury (if appropriate) projects, when the Tarchon interconnector project is brought forward.</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> <p>(i) Please can the applicant indicate whether these been considered and, if not, is it proposed 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 TCBGC.</p>	<p>(i) The cumulative effects of the Norwich to Tilbury project, including the East Anglia Connection Node (EACN) and the associated overhead lines, has been included within the CEA presented in Section 30.8.3.2 of ES Chapter 30 Landscape and Visual Impact Assessment [APP-044]. There is there no need for further updates to the CEA presented in ES Chapter 30 Landscape and Visual Impact Assessment [APP-044].</p> <p>(ii) The Tendring Colchester Borders Garden Community (TCBGC) has been considered at the project screening stage for the CEA for all onshore and project-wide EIA topics. As outlined within each technical chapter, all projects have been screened for their potential to give rise to cumulative effects with North Falls. The TCBGC is located approximately 3km from the North Falls onshore substation at its closest point, and as such was identified as being outside the zone of influence for the majority of topics considered within the EIA. This includes landscape effects, for which a 2km study area is used (the rationale for the 2km study area is set out in paragraph 7 of ES Chapter 30 LVIA [APP-044], and this study area was agreed with the Expert Topic Group during the Evidence Plan Process in May 2022, as detailed in Table 30.1 of ES Chapter 30 LVIA [APP-044]). The TCBGC was considered for inclusion within the Traffic and Transport CEA as the traffic and transport study area (i.e. the zone of influence) overlaps with the TCBGC footprint, however the TCBGC was not screened into the CEA as the site is allocated in the Tendring District local plan, and therefore vehicle trips would be already captured within TEMPro growth factors used during the trip generation for North Falls, as explained in paragraph 22 and Table 27.28 of ES Chapter 27 Traffic and Transport [APP-041]. As such, the development is already included within the baseline for the CEA presented ES Chapter 27 Traffic and Transport [APP-041]. As a consequence, the Applicant asserts that the TCBGC has been adequately considered in the CEA for each EIA topic.</p>
Q7.0.9	The applicant	The Cumulative Effects Assessment (CEA)	(i) and (ii) The overarching approach to cumulative effects assessment (CEA) is detailed in Section 6.7.3 of ES Chapter 6 EIA methodology [APP-020] , and then further detailed with the specific approach relevant for each topic within each relevant chapter of the ES. ES chapters have each

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
		<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>	<p>defined a 'study area' (zone of influence (ZOI)) for the relevant topic, which has then been used within the CEA section of each chapter to scope in projects relevant to that chapter.</p> <p>For example, ES Chapter 27 Traffic and Transport [APP-041] has defined a traffic and transport study area in Section 27.3.1, and then shown the traffic and transport study area on Figure 27.1 of ES Chapter 27 Figures [APP-075]. This study area was discussed and agreed with ECC and National Highways through the Evidence Plan process in July 2021 and June 2022, as outlined in Table 1.1 of ES Appendix 27.4 Traffic and Transport Consultation [APP-168]. Section 27.8 of ES Chapter 27 describes the process for screening in projects for inclusion in the traffic and transport CEA. Paragraph 222 describes how the Project's study area is then checked against the study area for other projects and if these overlap, and the other criteria for screening projects into the CEA is met, then they are screened in for assessment. The outcome of this screening process is then detailed in Table 27.28 of ES Chapter 27. This process is replicated across the chapters of the ES. The Applicant considers this process to be sufficiently reliable and robust, and to be compliant with the PINS' <i>Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment</i> (2024).</p> <p>Please refer to National Policy Statements Accordance Table [REP1-053], Part 4.1 General Policies and Considerations, for an explanation of how the Applicant has accorded with NPS EN-1 paragraph 4.1.5.</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>	<p>The intrusive fieldwork carried out to inform the assessment has been undertaken jointly with Five Estuaries and further intrusive fieldwork post-consent will also be undertaken jointly between the projects. As the archaeology would be evaluated and mitigated by both projects jointly there is not considered to be significant cumulative impacts on archaeology.</p> <p>The level of intrusive fieldwork undertaken in combination with the desk-based assessments, geophysical survey covering 97% of the onshore project area and monitoring of ground investigation work is considered sufficient to provide an adequate baseline and inform the assessment of the impacts.</p> <p>The Applicant does not believe the level of intrusive fieldwork to be an issue in terms of the assessment of cumulative effects but is instead a more general concern as raised by ECC previously [REP1-065].</p> <p>While it is acknowledged that there is disagreement between the Applicant and ECC on the level of intrusive fieldwork undertaken to date, the Applicant and ECC (and Historic England) have now agreed a programme of trial trench evaluation and an approach to informing mitigation to be undertaken post-consent and prior to construction in order to ensure that an appropriate baseline is collected prior to works commencing. This is set out in the Archaeological Mitigation Strategy [Document ref: 9.65, (rev 0)] and updated Onshore OWSI [Document ref: 7.12, (Rev1)], which are being submitted into Examination at Deadline 5. The content of these documents has been agreed between the Applicant and ECC (and Historic England).</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 City Council 2019</i>. They submit that the VEOWF, NFOWF, Tarchon Interconnector and National Grid's Norwich to Tilbury projects must</p>	<p>(i)</p> <p>The Applicant refers to its Common Response 008 contained in the Applicant's Response to Relevant Representations Received from Members of the Public [REP1-048] which addressed various relevant representations which referred to <i>Burridge v Breckland District Council v Greenshoots Energy Ltd</i> [2013] EWCA Civ 228 (Burridge case).</p>

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
		<p>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>	<p>The Applicant understands that, in the context of those relevant representations, the <i>Burridge</i> case was used to support arguments relating to the legal concept of functional interdependence.</p> <p>The fact that the <i>Burridge</i> case concerns a development that was subject to the now superseded Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 does not mean that it is not relevant to a discussion of the legal concept of functional interdependence and how it applies in relation to this Project and DCO application.</p> <p>(ii)</p> <p>The Applicant refers to its Common Response 008 contained in the Applicant's Response to Relevant Representations Received from Members of the Public [REP1-048] and maintains that there is no functional interdependence (as the term is understood in case law) between the North Falls project and the Five Estuaries Wind Farm, the Tarchon Interconnector and National Grid's Norwich to Tilbury project and do not constitute a single project.</p> <p>North Falls can connect to the grid via an alternative means if development consent for the EACN substation is not granted as part of the Norwich to Tilbury project. The EACN connection point is the optimal connection point, but others would be made available in the event that the EACN was delayed or rejected.</p> <p>Accordingly, these projects should not be treated as a single project for the purposes of environmental impact assessment or assessment under the Conservation of Habitats and Species Regulations 2017.</p> <p>The Applicant has set out reasons why it is appropriate to consider the Project and National Grid's Norwich to Tilbury project as separate, non-functionally interdependent projects in its Common Response 008 contained in the Applicant's Response to Relevant Representations Received from Members of the Public [REP1-048].</p> <p>The Applicant submits that similar arguments support its position that the Project and VEOWF and the Tarchon Interconnector project are also separate, non-functionally interdependent projects.</p> <p>The Applicant has endeavoured to co-ordinate development with VEOWF in an effort to minimise impacts on the environment and community as set out in the Co-ordination Report [REP1-004]. However, the projects are being developed by separate entities and are being pursued independently of each other. This is demonstrated by the build option flexibility contained in the draft DCO [REP4-004] which contemplates a scenario where VEOWF does not proceed. Further, the design of both projects includes various pieces of separate infrastructure including the requirement for two separate but co-located onshore substations. The two projects are both energy generation projects and are in no way dependent on each other to operate.</p> <p>The Tarchon Interconnector project is being promoted by Copenhagen Infrastructure Partners to connect Great Britain and Germany. The Applicant has a grid connection location which will be delivered by National Grid so any suggestion that the Project and the Tarchon Interconnector project are functionally interdependent is misconceived.</p> <p>The Applicant refers to Cumulative Effects Assessment Summary [REP3-042] and its response to item 3.8.4 (Cumulative Effects) in the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] which demonstrates that the cumulative effects of the Project, VEOWF, the Norwich to Tilbury project and the Tarchon Interconnector project are being appropriately and robustly assessed.</p>
Q7.0.12	The applicant, and all IPs	Natural England – Risk and Issues Log (Deadline 4 Submission) – Landscape, Seascape and Visual Effects	Where the Applicant states “ <i>total cumulative effects on the special qualities of the SECHNL and the special character of the SHC may be significant</i> ” in paragraph 35 of the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast

7. Cumulative Effects			
ExQ2	Question to	Question	Applicant's Response
		<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) NFOWF only, and (b) cumulatively with other OWFs.</p>	<p>– Technical Note [REP3-044], this assessment refers to the combined (or total) effects of all operational, consented and proposed offshore wind farms, taken together.</p> <p>As also stated in paragraph 35, “<i>the contribution of the North Falls project will be limited</i>”. The total cumulative effects for all operational, consented and proposed offshore wind farms will likely be significant regardless of whether the proposed North Falls offshore wind farm goes ahead or not.</p> <p>As such, the contribution the proposed North Falls offshore wind farm makes to ‘total’ cumulative effects is not judged to tip the balance towards total cumulative effects being significant. The additional cumulative effect of North Falls remains moderate-minor, as reported in ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043], and this judgement has not been updated. Further detail is provided in the updated version of the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note that has been submitted at Deadline 5 [Document ref: 9.33, (Rev1)].</p>

1.8 Design

2. Design			
ExQ2	Question to	Question	Applicant's Response
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> <p>(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.</p> <p>(ii) To what extent should the coordinated approach be made a binding requirement through the DCO?</p> <p>(iii) Who is likely to be the design champion?</p> <p>(iv) Will there be meaningful early engagement with stakeholders?</p>	<p>The Applicant considers that there has been considerable co-ordination with VEOWF on design to date as has been set out in section 7.5 of the Co-ordination Report [REP1-004] and section 1.5 of the Design Vision [APP-234]. In addition to the co-ordination outlined within the aforementioned documents both projects have now committed to developing a joint design guide with confirmed engagement from ECC/TDC and their recommended independent review panel, the Essex Quality Review Panel (EQRP) – a site visit and meeting is planned for the 2nd of July 2025.(i) Section 1.5.5 and 1.5.7 of the Design Vision [APP-234] details the stakeholders that will be included within the engagement process to develop the joint design guide as well as confirmed engagement with an independent design review panel (Essex Quality Review Panel) as recommended by ECC. The Applicant has to date had discussion with ECC/TDC on an engagement strategy around the development of the Joint Design Guide and regular meetings have been set up to finalise dates for information days planned to allow interested parties to provide feedback on proposed design guide. The Design Vision has been updated and submitted at Deadline 5 to identify the agreed engagement process, Joint Design Guide process and timescales for delivery (see [Document ref: 2.3, (rev 1)]).</p> <p>(ii) The Applicant does not intend to make any further changes to the DCO because it considers that a coordinated approach to design is already adequately secured.</p> <p>As noted at (i) above, the Applicant and Five Estuaries have committed to the production of a Joint Design Guide to support the development of detailed proposals for the two co-located onshore substations, and the wider site (see the updated Design Vision submitted at Deadline 5 [Document ref: 2.3, (rev 1)]). The updated Design Vision includes an indicative timeline for the production of the Joint Design Guide and provides further detail about how the projects and other parties will collaborate in the development of this document (see section 1.5).</p> <p>Requirement 5 (Substation works) of the draft DCO [REP4-004] requires that the written details of the construction of Work No. 11 (being the works related to the onshore substation) must be substantially in accordance with the Design Vision which is a certified document in the draft DCO (see Schedule 12, Part 3).</p> <p>The Applicant submits that this is sufficient and notes that this approach allows for a scenario where either the Project or VEOWF does not go ahead or are constructed on different timelines.</p> <p>(iii)The design champion will be a high level engineer, with significant experience in onshore substation design. Due to the shareholder makeup of North Falls, and to meet the requirements to challenge the project team but with sufficient knowledge of the project, the exact shareholder providing the role cannot be determined at this stage. A design champion will be confirmed in due course.</p> <p>(iv) As per section 1.5.2 of the Design Vision submitted at Deadline 5 [Document ref: 2.3, (rev 1)] it is one of the intentions of the design guide to allow stakeholders and interest parties to contribute meaningfully to the design process, where possible, through identifying where optionality exists for certain aspects of the design</p>
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]?</p>	<p>A design champion will be appointed by the Applicant to provide technical input to the discharging process. Whilst this person is yet to be named, a person will be appointed by the project in due course.</p>

2. Design			
ExQ2	Question to	Question	Applicant's Response
		Please provide commentary on the need for a Planning Performance Agreement to ensure that sufficient resources for discharging these requirements.	The Applicant considers that the Discharging Authority has sufficient expertise to discharge Requirements 5 and 6.
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 "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". Please provide further information on how this consideration would integrate structures and fencing into the landscape? What would this involve?</p>	<p>Section 7.9 of the Design Vision submitted at Deadline 5 [Document ref: 2.3, (rev 1)]. provides further details of the considerations when selecting boundary treatments, and the likely boundary treatments to be utilised at the onshore substation. This includes optionality for the secure boundary fencing (palisade or weldmesh), along with hedgerows and other specific boundary types.</p> <p>Details of the onshore substation boundaries will also be subject to detailed guidance set out within the Joint Design Guide, currently being developed by NFOWF and VEOWF. This will identify the following;</p> <ul style="list-style-type: none"> • Type of fencing; • Height of fencing; • Colour of fencing; and • Relationship to other elements (roads, ditches, planting, built form etc). <p>The guidance will also identify where optionality exists.</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>	<p>An internal risk/threat assessment must be carried out for all aspects of the windfarm, based on requirements from statutory bodies and international law enforcement/defence agencies. Such an assessment is dynamic and will be consistently updated based on the threats at the current point in time of the windfarm life.</p> <p>Offshore windfarm and export cable</p> <p>The above sea level offshore windfarm infrastructure is located at sea, and will have significant equipment to access. The access platforms and ladders are located to allow specific vessels to push on to the structures to allow access. Specialist equipment is needed to do this. Further to this, security measures and intruder detection will be provided at the access points based on the specific security status of the equipment based on the expected risk level of the specific equipment.</p> <p>For array cables and export cables, a CBRA will be carried out to obtain burial depths that should minimise the risk of damage to the cables from anchor strikes from vessels that are expected to transit in the vicinity of the export cable, and the design of the export cables will be in line with National Grid Security and Quality of Supply Standard to minimise impacts to the Grid of an incident occurring.</p> <p>Onshore cable route</p> <p>As per section 1.3.3 of the Outline Code of Construction Practice (document reference 7.13 as submitted at Deadline 5), all areas of the onshore cable route will be securely fenced to an appropriate level during construction. The only above ground infrastructure will be the link boxes, as described in paragraph 188 the Project Description [APP-019]. The link boxes will be made of concrete. The cover will be suitably rated from a security perspective given its location.</p> <p>Onshore substation</p> <p>As per section 1.3.3 of the Outline Code of Construction Practice (document reference 7.13 as submitted at Deadline 5), all areas of the onshore substation will be securely fenced to an appropriate level during construction, typically Heras fencing. Based on the risk/threat assessment carried out, the final substation will need appropriate security for the security rating the site is given e.g. intruder</p>

2. Design			
ExQ2	Question to	Question	Applicant's Response
			detection/CCTV. This will also depend on the infrastructure surrounding it i.e. the numbers and proximity of other projects.

1.9 Draft Development Consent Order

9. Draft Development Consent Order			
9.0 Articles Part 2 – Principal Powers			
ExQ2	Question to	Question	Applicant's Response
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> <p>(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.</p> <p>(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].</p>	<p>(i) Question not addressed to the Applicant.</p> <p>(ii) The PLA's point in relation to the drafting definition of "commence" only arises in the event there are Protective Provisions as it relates specifically to how "commence" would be defined in any such Protective Provisions. The Applicant's understanding of the wider concern is that PLA is requesting to be consulted in relation to relevant pre-construction surveys and monitoring. The pre-construction surveys and monitoring relevant to the DWRs form part of the Outline CSIP [REP4-039] and Outline NIP [APP-259]. The Transmission assets DML, Schedule 9, Condition 22(1) has been updated at Deadline 5</p> <p>(iii) (dDCO Rev.6) so that the PLA must be consulted by the MMO in respect of the final CSIP and NIP (and sediment disposal management plan), which must be in accordance with the outline plans, before their approval.</p>
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</p>	

9. Draft Development Consent Order			
9.0 Articles Part 2 – Principal Powers			
ExQ2	Question to	Question	Applicant's Response
		dDCO [REP4-004] are the PLA content that no amendment of the definition of maintenance in Article 2 is now required?	
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 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> <p>(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?</p> <p>(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?</p> <p>(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.</p> <p>(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.</p> <p>(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?</p>	<p>(i) The use of the wording "includes" is non-exhaustive. The provisions that can be made under Section 120(4) includes provisions "<i>for or relating to</i>" those in Schedule 5. A provision made under the DCO under Section 120(4) can be for a matter listed in Schedule 5, such as a deemed marine licence under 30A, and its attached conditions under 30B, or it can be related to a matter listed in Schedule 5. A provision to transfer a marine licence is obviously 'relating to' the licence; and so Article 5 of the dDCO is within the scope of Section 120(4), as it relates to provisions inserted pursuant to paragraphs 30A and 30B of Schedule 5.</p> <p>The Applicant observes the Secretary of State's (SoS) comments in the Rampion 2 Decision Letter at paragraph 6.23, that the use of Article 5 aligns with the purpose of the Planning Act 2008 to "function as a one-stop shop process for obtaining consent for national infrastructure projects and to have one legal instrument" (the DCO) as its control.</p> <p>Lastly, the Applicant observes that the majority if not all made Orders for offshore wind farms contain provisions to transfer the benefit of the DML(s). The premise of the MMO submissions is that the relevant provisions of the Planning Act 2008 as applied in every such made Order for offshore wind farms is unlawful, not just the decision granting development consent in Rampion 2. By its own admission the MMO has repeatedly made similar submissions in DCO Examinations for offshore wind farms about the inclusion of such transfer of benefit provisions and their submissions have been repeatedly rejected by successive ExA and Secretary of State and the MMO has not challenged the lawfulness of those decisions. The present Examination is not the forum to challenge the lawfulness of the long established approach of the Secretary of State. .</p> <p>(ii) – (iii) Question not addressed to the Applicant.</p> <p>(iv) The Applicant does not accept that the transfer of the benefit of a DML is within the scope of Schedule 6 PA 2008. This is because the SoS's function is giving or withholding consent to a transfer. That cannot be characterised as the SoS '<i>making</i>' a non-material change within the terms of Schedule 6. Moreover, exercising Article 5 does not seek to change the DCO or the deemed marine licences in the way MMO suggests. Article 5 operates to transfer to the transferee the benefit of the DML(s). .</p>
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</p>	<p>(i) Question not directed at the Applicant</p> <p>(ii) Please refer to the Applicant's response to Q9.0.1. The dDCO has been updated at Deadline 5 (dDCO Rev. 6) addressing the concerns of the PLA and protecting its interests.</p>

9. Draft Development Consent Order			
9.0 Articles Part 2 – Principal Powers			
ExQ2	Question to	Question	Applicant's Response
		<p>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> <p>(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?</p> <p>(ii) The applicant is requested to explain and set out why the concerns of the PLA in relation to 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].</p>	<p>As those updated DCO provisions would continue to apply in the event of a Transfer of Benefit under Article 5, no drafting amendments are required.</p>

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
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>	<p>The Applicant has since Deadline 4 met with LGPL and received further proposed updates to the drafting from LGPL. The Applicant has considered the LGPL's requests and made further updates to Requirement 2(3) in the dDCO Rev. 6 submitted at Deadline 5.</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]</p>	

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		satisfactorily addresses this point. If not, please set out any drafting changes that are sought.	
Q9.1.3	NE	Requirement 7 – Provision of landscaping <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 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.</p>	
Q9.1.4	NE	Requirement 8 – Code of Construction Practice <p>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.</p>	
Q9.1.5	The applicant, Historic England, Essex County Council	Requirement 11 - Onshore Archaeology <p>The ExA notes that following discussion at ISH2 this requirement was updated in line with the Five Estuaries drafting at Deadline 4 [REP4-004]. (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.</p>	<p>The Applicant can confirm that the revised wording for Requirement 11 in the dDCO [REP4-004] was agreed in consultation with Historic England and ECC, and no further amendments are sought.</p> <p>The Archaeological Mitigation Strategy [Document reference: 9.65] and updated Onshore OWSI [Document reference: 7.12 (Rev1)] have been agreed in consultation with Historic England and ECC, and will be submitted into Examination at Deadline 5.</p>
Q9.1.6	NE	Requirement 12 – Ecological Management Plan	

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		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	<p>Requirement 18 – Skills and Employment Plan</p> <p>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 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.</p>	Currently, as the host authority, ECC is the discharging authority for the Skills and Employment Plan (SEP). However SCC has been engaged extensively throughout the development of the Outline Skills and Employment Plan (OSEP) [APP-253] and will continue to be engaged by the Applicant in the further evolution of the SEP. SCC are listed in Table 8.1 the OSEP [APP-253] as a key stakeholder on the production of the SEP, and in paragraph 65 of the OSEP the Applicant commits to ' <i>...continue to work with these stakeholders in development of the SEP in due course</i> '. As such the Applicant is of the position that ongoing engagement with SCC is secured already without being a named consultee, as is also the case with other key stakeholders.
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</p>	

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		respond to its concerns in relation to decommissioning. If not, please set out any drafting amendments or additional requirements that they seek.	
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 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> <p>(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.</p> <p>(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.</p>	<p>(i)</p> <p>The Applicant refers to its response to item 3.1.12 (Draft Development Consent Order (draft DCO)) of the Applicant's Written Summary of Oral Submissions at the Issue Specific Hearing 2 (ISH2) [REP4-034]. The Applicant reiterates that it considers that the obligation to consult in relation to those topics is sufficiently addressed because updates have been made to various outline management plans to include a requirement to consult with the Environment Agency in relation to the production of further, more detailed documents or plans relevant to the topics raised by the Environment Agency. For example, the Applicant refers to the Outline Code of Construction Practice [REP3-017] which includes commitments to consult with the Environment Agency during the preparation of a Materials Management Plan (Section 1.4), in the event of the Project requiring a piling risk assessment (Section 1.4), in the event of changes to the surface water runoff rate (Section 1.8), in the event of flood risk activity and discharge permits being required (Section 1.8), during the development of the Horizontal Directional Drill Method Statement and Contingency Plan (Section 1.8), during the preparation on any INNS plan (Section 1.10).</p> <p>The Applicant further notes that DCOs do not typically refer to all potential consultees in the drafting of a specific requirement and that the relevant consultees would be consulted as a matter of course by the discharging authority when reviewing and approving any management plans produced in accordance with the DCO requirements. The Applicant notes that the Environment Authority were not included as a named consultee in the equivalent requirements in the Five Estuaries draft DCO.</p> <p>(ii)</p> <p>This question is not directed to the Applicant.</p>
Q9.1.11	The applicant	<p>Other matters relating to dDCO requirements 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: "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." 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) The Applicant provides justification why a condition of consent is not required in respect of removal of the Galloper Recommended Route (GRR) in the Applicant's Position Statement on the Galloper Recommended Route (Document Reference 9.83, Rev 0) submitted at Deadline 5.</p> <p>(ii) The Applicant has considered 2.8.183, 2.8.334 and 2.8.335, and other relevant paragraphs of the NPS EN-3, as detailed in its Position Statement on the Galloper Recommended Route (Document Reference 9.83, Rev 0).</p>

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		<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 “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.”</p> <p>(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 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> <p>(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?</p> <p>(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?</p> <p>(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?</p>	(i) - (iii) Please refer Section 8 of the Applicant's Position Statement on the Galloper Recommended Route (Document Reference 9.83, Rev 0) submitted at Deadline 5.
Q9.1.13	The applicant, SCC	Other matters relating to dDCO requirements	(i)

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		<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 because it is not necessary and is unreasonable.</p> <p>(i) The SCC are requested to respond to the applicant's reasons for rejection of such a requirement as set out in [REP4-036].</p> <p>(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.</p> <p>(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?</p> <p>(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.</p> <p>(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?</p> <p>(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</p>	<p>This question is not directed to the Applicant.</p> <p>(ii)</p> <p>As explained during its oral submissions at ISH1, the Applicant submits that the significance of the reference to the connection agreement between the Applicant and NESO is that NESO is required to provide a connection for the Project. Ofgem's Accelerated Strategic Transmission Infrastructure (ASTI) decision on 15 December 2022 shows the mechanism by which NGET is required to develop and deliver a range of projects. Two of those ASTI projects, AENC and ATNC, form the Norwich to Tilbury Project.</p> <p>The importance of the connection agreement is reflected in the Recommendation Report prepared by the Examining Authority in the Sheringham Shoal and Dudgeon Offshore Windfarm Extension Project.</p> <p>In that matter, the applicant and NGET had a connection agreement in place to provide connection at the Norwich Main substation. This connection point required works / upgrades which did not have planning permission. At paragraph 5.4.20², the Examining Authority acknowledged that additional NGET infrastructure would be needed to accommodate future energy generation in the East Anglia area but that this was a matter for NGET to address and not the Applicant given the signed grid connection in place. Further, the Examining Authority noted that NGET (now NESO) has a statutory duty to provide a connection whenever and wherever one is required.</p> <p>Accordingly, when combined with the presumption in favour for granting consent for the Norwich to Tilbury project as set out in the relevant NPSs because it is critical national priority infrastructure, the Applicant submits it is not reasonable or necessary to impose the proposed Grampian restriction on the North Falls DCO.</p> <p>(iii)</p> <p>The Secretary of State considered and rejected a recommendation from the Examining Authority to impose a Grampian condition of similar effect in the Triton Knoll Offshore Wind Farm Order.</p> <p>The Secretary of State granted development consent for the Triton Knoll Offshore Wind Farm in July 2013. The DCO application for the proposed development concerned the offshore array elements only and did not include export cabling or onshore grid connection infrastructure. Those elements were eventually consented as part of the Triton Knoll Electrical System in September 2016.</p> <p>The Examining Authority stated in its recommendation report³ that it was concerned that if the wind farm were consented without any requirements that would mitigate the impacts of the onshore grid connection elements in respect of various issues including landscape and visual, there were likely to be serious consequences for both local communities and landowners (see paragraph 5.1.33). The Examining Authority therefore considered a Grampian style requirement proposed by Natural England and the MMO that no works shall commence until the Secretary of State had confirmed in writing that all necessary consents for the connection had been granted. The Examining Authority considered that this would overcome concerns that development of the offshore element could be commenced before all necessary connection applications had been made and granted and their impacts assessed. The Examining Authority was concerned that without the requirement there would also be a risk that any financial contributions made under any s106 agreement pursuant to a future permission, would be restricted in scale only to the subsequent applications and would not relate to the project as a whole.</p>

² Planning Inspectorate, *Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project – Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero* (17 October 2023). [Available at: [EN010109-002344-SADEP Recommendation Report.pdf](#) (Accessed: 27 May 2025)].

³ Planning Inspectorate, *Triton Knoll Offshore Wind Farm – Panel's Report to the Secretary of State for Energy and Climate Change* (17 April 2013). [Available at [this link](#) (Accessed: 27 May 2025)].

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		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?	<p>The Examining Authority subsequently recommended that the requirement should be applied to the DCO (see paragraphs 5.1.33, 5.1.34, 5.1.38 and 5.1.40).</p> <p>The Secretary of State rejected this recommendation and stated that they did not consider that:</p> <p><i>'...EN-1 requires that a Grampian-style requirement of the kind recommended by the Panel is imposed simply because the application envisages further onshore development. Rather, EN1 envisages that any impacts of such further development will normally be dealt with in the consenting procedure for that development.</i></p> <p><i>In the Secretary of State's view, the consenting procedures in place in relation to the onshore infrastructure are sufficiently robust to ensure that the impacts of the infrastructure are appropriately mitigated. In particular, the Secretary of State notes that any subsequent supporting EIA assessment for grid connection infrastructure would also need to consider cumulative impact with the offshore wind farm development.</i></p> <p><i>The Secretary of State therefore considers that the potential cumulative impact of the offshore element of the overall project is not likely to be a significant component of the impact of the onshore element of the project. He does not consider therefore that it is appropriate to impose a Grampian-style requirement in order to ensure that such cumulative impacts are taken into account when assessing the scale of contributions under a section 106 agreement.'</i>⁴</p> <p>The Applicant refers to various responses and other documents submitted to this Examination (including the Cumulative Effects Assessment Summary [REP3-040] and the Applicant's oral submissions at ISH1 in response to item 3.8 (Cumulative Effects) [REP4-026] which outline the robust nature of its cumulative effect assessment of the Project with other developments in the vicinity including the proposed Norwich to Tilbury project which is required to provide the Project's connection to the grid.</p> <p>(iv)</p> <p>The proposed Grampian restriction requires that Work No. 1 (comprising the offshore wind turbine elements of the Project) cannot commence until notification has been provided to the relevant planning authority that development consent has been granted for the EACN (which is a component of the Norwich to Tilbury project).</p> <p>The Applicant understands that NESO intends to submit the DCO application for the Norwich to Tilbury project in Q3 2025. It will take approximately 18 months for the Secretary of State to grant consent for the Norwich to Tilbury project which, assuming that the application is submitted by 30 September 2025, would be in March 2027.</p> <p>The Applicant plans to commence pre-construction works in 2027 with an aim for the Project to be operational by 2030.</p> <p>The Applicant notes that the construction of the offshore elements of the Project requires the Applicant to order a large number of long lead items at considerable cost prior to March 2027. This integral step cannot be completed on the basis of a DCO which cannot be implemented because the proposed Grampian requirement has not been fulfilled. This would create a significant delay to construction timeframes making the Project's delivery by 2030 unachievable and jeopardising its ability contribute to the UK's renewable energy targets in a timely manner.</p> <p>(v)</p>

⁴ Department of Energy and Climate Change, 'Planning Act 2008 – Application for the Proposed Triton Knoll Offshore Wind Farm Order' (11 July 2013) [Accessible at [this link](#), (Accessed: 27 May 2025)].

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
			<p>Yes, the Applicant submits that the decision to implement the proposed Grampian condition in the North Falls DCO could have precedent effect of wider adverse consequences for the rapid delivery of offshore wind projects (and other onshore renewable energy projects) required to meet the urgent need for electricity generating capacity set out in the NPSs by delaying delivery programmes as set out above.</p> <p>The Applicant submits that this factor, in conjunction with all other reasons listed its response to item 3.1.32 (Draft Development Consent Order (draft DCO)) in the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036], means that the proposed Grampian condition is unnecessary and unreasonable.</p> <p>The Applicant agrees that subsequent decisions in relation to the imposition of similar requirements would be based upon the particular circumstances and justification provided in each case. The Applicant expects, however, that the decision in respect of the Project (absent any unique distinguishing features to separate this matter from electricity generation NSIPs generally) would form part of that justification. This approach is reflected in the Applicant's own reference to made DCOs as examples of what restrictions or obligations have, or have not been, granted by the Secretary of State before.</p> <p>As previously noted in the Applicant's oral submissions at Issue Specific Hearing 1 (see [REP4-026]) and its response to item 3.1.32 in [REP4-036], offshore wind farm projects are typically ahead of the related connection works (such as new substations or transmission network upgrades) in the consenting process. There are many precedents for this including Hinkley Point C for which development consent was granted a year before the application for the related connection project was submitted.</p> <p>(vi)</p> <p>Timing</p> <p>The Applicant submits that the Hinkley Point C project application (and subsequent Hinkley Point C Connection project application) is comparable to the Project and its proposed connection to the grid via the EACN.</p> <p>The application for the Hinkley Point C Connection project was ultimately submitted to the Planning Inspectorate on 28 May 2014, just over a year after development consent was granted for the Hinkley Point C project on 19 March 2013.</p> <p>By the time the Examination closed for the Hinkley Point C project, National Grid had not made an application for a DCO for the new electricity lines that would be required. The Examining Authority for the Hinkley Point C project stated at [4.400]⁵ that while the details of the route of required were contentious, it was not aware of any obvious reason why a grid connection would not be possible. Accordingly, the Examining Authority saw no reason why this matter should adversely influence the Secretary of State's decision as to whether to make a DCO for a new generating station at Hinkley Point C.</p> <p>The Applicant currently understands that NGET intends to submit the application for the Norwich to Tilbury project in Q3 2025. The Examination period for the Project closes on 28 July 2025 (half-way through Q3 2025) which means that, similarly, NGET may not have submitted the DCO application for</p>

⁵ Planning Inspectorate, Hinkley Point C (Nuclear Generating Station) - Panel's Report to the Secretary of State (19 December 2012). [Accessible at: [EN010001-000011-121219_EN010001_SoS HPC Decision Letter Annex A.pdf](#) (Accessed on 27 May 2025).]

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
			<p>the Norwich to Tilbury project before the end of North Falls Examination period. Until the DCO application for the Norwich to Tilbury project is submitted subsequent timeframes for the consenting process will remain uncertain.</p> <p>On that basis, the Applicant submits that the factual circumstances of the Hinkley Point C project application and the Project are comparable.</p> <p>Landscape policies</p> <p>The Applicant submits that while certain pieces of legislation have changed since the Hinkley Point C project decision was handed down (such as the duty to seek to further the purposes of National Landscapes in section 85(A1) of the Countryside and Rights of Way Act 2000) the policy directly quoted in the Examining Authority recommendation report for the Hinkley Point C project decision remains the same.</p> <p>Relevantly, the proposed nuclear power station site to be constructed as part of the Hinkley Point C project itself was not subject to any specific landscape designations but there were several nationally designated landscapes in the area, including the Quantock Hills Area of Outstanding Natural Beauty (AONB), Mendip Hills AONB and Exmoor National Park. The Examining Authority noted that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape and the fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent (NPS EN-1, then para 5.9.8 and 5.9.13; currently para 5.10.5 and 5.10.34).</p> <p>Grampian condition</p> <p>The Applicant understands that an equivalent Grampian condition which would restrict commencement of the works for the Hinkley Point C project until the Hinkley Point C Connection project was granted development consent was not considered by the Secretary of State or the Examining Authority.</p> <p>However, a Grampian condition to impose a phasing requirement for the construction of the proposed electricity generating station was rejected by the Examining Authority.⁶ The Secretary of State did not deviate from that position.</p>
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 precedent 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 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 —</p>	<p>(i)</p> <p>This question is not directed to the Applicant.</p> <p>(ii)</p> <p>The Applicant maintains its position that a proposed Grampian condition which prohibits construction of the Project until development consent is granted for the EACN fails the relevant legal tests for a Requirement because it is not necessary and is unreasonable for the reasons given in its response to item 3.1.32 (Draft Development Consent Order (draft DCO)) in the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] and its responses to Q9.1.13(ii), (iv), (v) and (vi) above.</p> <p>(iii)</p>

⁶ Planning Inspectorate, Hinkley Point C (Nuclear Generating Station) - Panel's Report to the Secretary of State (19 December 2012), p. 253. [Accessible at: [EN010001-000011-121219_EN010001_SoS HPC Decision Letter Annex A.pdf](#) (Accessed on 27 May 2025).]

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		<p>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> <p>(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.</p> <p>(ii) Is the proposed requirement as currently drafted sufficiently precise to be readily enforceable, and/or are any amendments required to make it so.</p> <p>(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.</p> <p>(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?</p>	<p>The Applicant refers to the Secretary of State decision letter in respect of the Viking CCS Carbon Dioxide Pipeline project⁷ and the Viking CCS Carbon Dioxide Pipeline Examining Authority's recommendation report.⁸</p> <p>The proposed development authorised by the Viking Carbon Capture and Storage Pipeline Order 2025 comprises the construction of a carbon dioxide (CO2) intake facility at Immingham, construction and burial of a gas transportation pipeline to transport the CO2 to Theddlethorpe on the east coast of Lincolnshire, and the construction of a facility at Theddlethorpe to send the CO2 out to a subsea reservoir (the Viking CCS Pipeline).</p> <p>The Viking CCS Project, as a whole, constitutes three separate elements, not all of which are provided for in the Viking Carbon Capture and Storage Pipeline Order 2025. These include:</p> <ul style="list-style-type: none"> the infrastructure to capture CO2 at source; an onshore gas gathering and transportation pipeline; and an offshore transportation pipeline with subsequent subsea storage facilities. <p>The Viking Carbon Capture and Storage Pipeline Order 2025 only authorises the construction, operation and maintenance of the onshore gas gathering and transportation pipeline.</p> <p>In terms of the offshore pipeline, separate consents are required for the marine elements of the overall project and would be sought by the Applicant under the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020.</p> <p>The Grampian condition included in the DCO for the Viking Carbon Capture and Storage Pipeline Order 2025 requires that construction of the onshore works cannot commence until the consents for the offshore pipeline element of the Project had been obtained.</p> <p>The Applicant disagrees that the recent Viking Carbon Capture and Storage Pipeline Order 2025 provides a precedent for the phasing requirement sought by ECC and TDC because the projects are not sufficiently similar. Key differences include:</p> <ul style="list-style-type: none"> the onshore and offshore works subject to the Grampian condition are a part of the same project, being the Viking CCS Project, promoted by the same applicant. The North Falls project and the Norwich to Tilbury project (comprising the EACN substation) are entirely separate projects being consented under separate DCO processes and being promoted by separate Applicants under separate Electricity Act 1989 licences; in light of the above, it is arguable that the onshore and offshore works that comprise the Viking CCS project are functionally interdependent. The North Falls project and the Norwich to Tilbury project are not (the Applicant refers to the reasons outlined in the Applicant's common response 008 in the Applicant's Responses to Relevant Representations Received from Members of the Public [REP1-048]); as stated below in response to (iv), the Applicant has signed a connection agreement with NESO and the delivery of that connection is a matter for NGET and NESO (either through the Norwich to Tilbury project or via some alternative approach as NGET sees fit). Unlike the offshore works required as part of the Viking CCS Project, the connection to the grid is not a part of the North Falls project that North Falls is responsible for delivering; and

⁷ Department for Energy Security and Net Zero, Application for development consent for the Viking CCS Carbon Dioxide Pipeline project (9 April 2025), paragraphs 4.8 – 4.17. [Accessible at this [link](#), (Accessed on 27 May 2025).]

⁸ Planning Inspectorate, Viking CCS Carbon Dioxide Pipeline – Examining Authority's / Inspector's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero (5 December 2024) [Accessible at this [link](#), (Accessed on 27 May 2025).]

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> the Viking Carbon Capture and Storage Pipeline Order 2025 was determined under section 105 of the Planning Act 2008 (which applies to decisions where no national policy statement has effect). Accordingly, though the Viking CCS Pipeline is Critical National Priority infrastructure, the Examining Authority concluded at paragraph 3.2.59 that the 'full thrust' of the CNP policy presumption is not directly applicable to the Viking CCS Pipeline. This reservation does not apply to the North Falls DCO application (which is being determined under section 104 of the Planning Act 2008 (decisions in cases where national policy statements have effect)) and the Secretary of State must give the required weight to that policy when determining whether the Grampian condition proposed by TDC and ECC is reasonable and necessary. <p>(iv)</p> <p>The Applicant disagrees with this statement and refers to its response to ExQ3.1.6 in the Applicant's Response to Written Questions (ExQ1) [REP2-020].</p> <p>The Applicant has signed a connection agreement with NESO and the delivery of that connection is a matter for NGET and NESO (either through the Norwich to Tilbury project or via some alternative approach as NGET sees fit). Please also see the Applicant's response to ExQ Q3.0.2(ii) in this document.</p> <p>The Project can connect to the grid via an alternative means if development consent for the EACN substation is not granted.</p> <p>For example, the Applicant has also maintained optionality in its design envelope for an offshore connection point (i.e. the inclusion of Work No. 4(b) converter station in its Option 3) to ensure the offshore converter platform (being the offshore co-ordination connection point) required to facilitate a third party's offshore cable connection can be properly considered during Examination in recognition of the ever evolving technical and commercial grid landscape within Great Britain.</p>
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> <p>(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 reasonable in the circumstances of this case given that the</p>	<p>(i)</p> <p>This question is not directed to the Applicant.</p> <p>(ii)</p> <p>This question is not directed to the Applicant.</p> <p>(iii)</p> <p>Please see the Applicant's response to Q9.1.13(iv) above.</p> <p>(iv)</p> <p>The Applicant submits that being put at a commercial disadvantage by the proposed Grampian condition is a legitimate and relevant planning concern and it is therefore appropriate for the Applicant to rely on this point as part of its argument that the proposed Grampian condition fails the relevant policy tests for the imposition of a DCO requirement.</p> <p>Whilst there is a general presumption in favour of consenting NSIPs based on the Government's assessment of the need for electricity generating capacity as set out in paragraphs 3.3.57 – 3.3.63 of the Overarching National Policy Statement for Energy (EN-1), a strengthened presumption specifically in relation to critical national priority (CNP) infrastructure is also included. North Falls is a CNP infrastructure scheme and therefore the timely delivery of North Falls is relevant to planning policy.</p>

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
		<p>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>	<p>The Needs Case and Project Benefits Statement [REP2-004] demonstrates the evidence supporting the need for the delivery of North Falls and demonstrates the benefits of its planned pre-2030 delivery date as well as the potential impact of delaying delivery. The Project will provide a source of renewable energy with a wide range of benefits including economic growth, energy security and decarbonisation targets.</p> <p>The imposition of the proposed Grampian condition would put the Applicant at a competitive disadvantage in relation to other comparable proposed offshore wind farms when seeking a Contract for Difference (CfD) and investment because it would be tied to the construction phase of an entirely separate project. The Applicant notes that while it is hoped that the two projects can proceed on the same timeframe there may be separate consenting, environmental mitigation or route to market issues for one project which means that aligned programmes slip. This could delay construction of the Project and any integral pre-construction steps noting that construction of the offshore elements of the Project requires the Applicant to order a large number of long lead items at considerable cost.</p> <p>This is likely to delay the implementation of urgently needed critical national priority renewable energy infrastructure and/or hamper its delivery which is a legitimate planning concern.</p> <p>The Applicant submits that it is difficult to see how the proposed requirement could be found to be reasonable if the Secretary of State concludes that the imposition of the proposed Grampian condition is likely to delay the implementation of urgently needed CNP renewable energy infrastructure and/or impact its delivery by putting the Applicant at an unfair commercial disadvantage compared to other schemes.</p> <p>(v)</p> <p>The current suite of NPSs encourage applicants to collaborate with those undertaking other major infrastructure projects in close proximity for where there are direct overlaps between projects.</p> <p>The Applicant submits that the practical effect of the Government's British Energy Security Strategy (which aims to deliver up to 50 gigawatts of offshore wind by 2030) and the Critical National Priority Infrastructure policy as part of EN-1 (which applies to offshore wind farms) is that more offshore wind farms will need to be developed and constructed quickly and that many of these schemes will be clustered in certain parts of the country (such as the cluster of offshore wind farms in the North Sea off the east coast and the Irish Sea off the west coast that formed part of the Crown Estate's Leasing Round 4, projects forming part of Scotwind and projects forming part of the Crown Estate's Celtic Sea Leasing Round 5). In those circumstances, it can be reasonably expected that these projects will seek to avoid and reduce adverse cumulative effects arising from construction through cooperation and coordination between undertakers where practicable. This is consistent with, and reflected in, the strong policy support for this approach in the current suite of energy NPSs (see section 4 of the Co-ordination Report [REP1-004]).</p> <p>This scenario reflects the circumstances of the NFOWF and VEOWF and, for the reasons outlined above, it is likely that these circumstances will continue to apply to other offshore wind projects. Accordingly, the Applicant submits that the precedent effect of the decision to impose a requirement of this type is a material concern that is therefore relevant to the Applicant's argument that the proposed Grampian condition fails the policy tests for the imposition of a DCO requirement.</p> <p>(vi)</p> <p>This question is not directed to the Applicant.</p>

9.1 Schedule 1 Part 3 – Requirements			
ExQ2	Question to	Question	Applicant's Response
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>	The Applicant's position remains as set out in the Applicant's Response to Deadline 3 Submissions and Deferred Responses from Deadline 2 [REP4-027] , in response to the MMO in Table 2-4 at row REP3-056_n.

9.2 Schedules 8, 9 and 10 – Deemed Marine Licences under the 2009 Act			
ExQ2	Question to	Question	Applicant's Response
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) 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.</p>	
Q9.2.2	NE, MMO	<p>Volume of Arisings</p> <p>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?</p>	
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.	It is not clear to the Applicant what the PLA means by 'wishing to secure parity' with the VE DML. The Applicant has made further updates to the dDCO and Schedule 9 DML at Deadline 5 which address a number of the comments made by PLA. The Applicant proposes that PLA set out the points in respect of which it thinks there is 'disparity' with justification as to why the changes are reasonable and necessary in the context of North Falls (as opposed to simply for the sake of 'parity').
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.	The Applicant has rectified this in the Schedule of Changes (Rev. 5) submitted at Deadline 5.
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	The MMO's submission concerns whether the activities set out in (a) - (d) of Conditions 12 (4) of Schedule 8 and 10 and Condition 13 (4) of Schedule 9 are not captured by the Outline Operations and Maintenance Plan [REP3-025] .

9.2 Schedules 8, 9 and 10 – Deemed Marine Licences under the 2009 Act			
ExQ2	Question to	Question	Applicant's Response
		Operations and Maintenance Plan. Please confirm if the wording proposed by the MMO can be agreed and the conditions amended.	The Applicant will be updating the Outline Operations and Maintenance Plan at Deadline 6 to address the MMO's concerns.
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.	The Applicant is engaging in further discussions with the MMO to understand the risk assessment process.
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.	
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.	The Applicant discussed this matter with the MMO on the 15 th May 2025. The Applicant understands that this question relates to a request from the MMO to include consideration of the construction monitoring results when planning the post-construction monitoring e.g. if reef appeared during construction, the effects on it would need to be monitored post-consent. However if reef appeared during construction that was not present pre-construction, there is clearly not an adverse effect on it from the Project. Therefore, it is appropriate to retain the existing wording for the post construction surveys and monitoring " <i>The survey design must be informed by the results of the pre-construction benthic survey</i> ". The Applicant understands the MMO is considering this matter further.
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			
ExQ2	Question to	Question	Applicant's Response
Q9.3.1	The applicant	<p>Schedule 12 – Documents to be certified</p> <p>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.</p>	<p>The Applicant's position is that the Schedule of Mitigation and the Cable Statement should not be included as certified documents in Schedule 12.</p> <p>The Schedule of Mitigation is a summary of the embedded and secondary mitigation measures proposed to address the likely significant effects of the proposed development, which are set out in detail in each relevant technical chapter of the Environmental Statement. As the ES chapters are included in Schedule 12 as certified documents there is no need to also include the Schedule of Mitigation. The embedded and secondary mitigation measures are secured in other documents such as the outline management plans.</p> <p>The Cable Statement provides an overview of the route and method of installation of the cable(s) connecting the offshore generating station to the onshore transmission network. The cable statement does not need to be certified as the technical detail is covered by the plans which are certified in Schedule 12, including the onshore works plans, outline code of construction practice, outline landscape and ecological management strategy, outline horizontal directional drill method statement and contingency plan, the outline onshore written scheme of investigations and archaeological mitigation strategy, and the outline cable specification and installation plan.</p>

9.4 Schedule 14 – Protective Provisions			
ExQ2	Question to	Question	Applicant's Response
Q9.4.1	The applicant, LGPL, PLA	<p>Protective provisions sought by the Port of London Authority and the changes to the protective provisions sought by London Gateway Port Limited</p> <p>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.</p> <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>	The Applicant notes that none of questions (i) – (iv) are directed to it.
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) The Applicant accepts that LGPL has a power to dredge under the HEO to a depth of 16.5m CD (plus 1m tolerance), as set out in the Applicant's Response to the Ports' Request For Protective Provisions [REP4-044]. However, based on the bathymetry gathered by the Project, the areas where the Project crosses the HEO are already deeper than the limits in the HEO, including any tolerance allowed for. Furthermore, the Applicant has committed to install and maintain the export cables to a depth well below the existing powers of LGPL in the HEO. LGPL has no existing power to dredge to the depth at which the export cables are now required to be installed and maintained pursuant to dDCO requirement 2(3). A power that does not exist cannot be fundamental to LGPL's statutory undertaking as it</p>

9.4 Schedule 14 – Protective Provisions			
ExQ2	Question to	Question	Applicant's Response
		<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>	<p>presently exists. The Applicant considers that LGPL's undertaking is sufficiently protected, by the control measures now incorporated in the dDCO/ dDML (Schedule 9) (Rev 6).</p> <p>(ii) The updates at Deadline 4, and further updates to the draft DCO at Deadline 5, (Document Reference 6.1 draft DCO Rev. 6) provide certainty that the export cables must be installed and maintained at levels below the requested 'future proofed dredge depths' and provide further protections for LGPL (and PLA) in respect of the Deep Water Routes, whereby navigable depth may not be reduced in the relevant areas.</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 discharge its general and specific statutory duties.</p> <p>(i) The PLA is requested to set out the general and specific statutory duties that it seeks to protect by way of protective provisions.</p> <p>(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.</p> <p>(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.</p>	<p>(i)-(ii) Not directed at the Applicant.</p> <p>(iii) The Applicant cannot speak to the reasoning for the approach taken by another project. To achieve consistency with another project is not in of itself a reason to include the same provisions. The Applicant has committed to ensure that there would be no interference with the Deep Water Routes now or in future by securing commitments in respect of the cable burial, and related mitigation commitments to ensure water depths in the relevant areas are safeguarded via the CSIP and SDMP, and to manage concurrent working under the NIP.</p> <p>At Deadline 5 the Applicant has provided further updates to the DCO and relevant DML in Schedule 9 to ensure the ports will be consulted on the relevant plans, see Schedule 1, Part 3, Requirement 2(3), Schedule 9, Conditions 13(3)-(4), 16(15), 22(1), 22(1)(h), and 23(4) (Document Reference 6.1 dDCO Rev. 6). Any PPs would add an additional unnecessary and excessive layer of control, as well as inappropriate for all the reasons set out in the Applicant's Response to the Ports' Request For Protective Provisions [REP4-044].</p>

9.5 Planning obligations and other agreements			
ExQ2	Question to	Question	Applicant's Response
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> <p>(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.</p> <p>(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?</p>	<p>(i)</p> <p>The Applicant reported in its Response to Actions List for ISH1 and 2 (REP4-036] that it awaits a paper from ECC setting out the Council's interpretation of the Department of Energy and Net Zero's guidance published on 10 March 2025 (Community funds for transmission infrastructure). This paper is still awaited, and the Applicant looks forward to continuing to engage with ECC and other consultees to develop the community benefit fund arrangements.</p> <p>The development and finalisation of the fund is an engagement led process and will not be completed prior to close of examination in July 2025 and thus is expected to be outside the examination process.</p> <p>(ii)</p> <p>On 22 May 2025 DESNZ published a working paper titled the 'Community Benefits and Shared Ownership for Low Carbon Energy Infrastructure' [DESNZ 2025]. This working paper is open for consultation which is due to close on the 16 July 2025. The Introduction Page 6 Paragraph 3 states:</p> <p><i>"It is critical the planning process remains a robust system through which communities can continue to have a say on any proposals in their area. That is why community benefits are legally immaterial to planning decisions and cannot be considered when deciding whether to grant planning consent."</i></p> <p>The Applicant's position is that any agreement relating to a community benefit fund for the Project should not be taken into account in the planning balance and would sit entirely outside of the decision-making process under the Planning Act 2008.</p>

1.10 Ecology/Biodiversity/BNG/HRA

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
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 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).</p>	
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</p>	<p>i and ii) The Applicant responded to the comments of the Netherland Ministry of Infrastructure and Water Management in the Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 [REP4-027 (page 33-36)].</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>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>	<p>The Applicant has adequately addressed cumulative effects/transboundary implications for marine mammals. As noted in the ExA question, a substantial volume of assessment material has considered and assessed effects on marine mammals including cumulative and transboundary.</p> <p>As discussed in ISH2, the submission from the Netherland Ministry of Infrastructure and Water Management did not raise new issues but attached an email dating from 2023. The feedback in 2023 was provided to the Applicant in response to the Preliminary Environmental Information Report and was taken into account by the Applicant in the production of the ES and RIAA. Therefore, cumulative/transboundary effects have been adequately assessed.</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 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</p>	<p>i) The Applicant maintains that considering the overall evidence base, including the number of animals impacted at any one time and the duration of effects, the magnitude of the effect based on the population modelling is the most appropriate and proportional to determine the overall significance of effects. Other relevant consented offshore windfarms (OWFs) that have taken this approach include Awel Y Mor and Sheringham Shoal Extension Project and Dudgeon Extension Project. However, further information has been provided for the cumulative assessment using the dose response approach in Table 2.3 of the Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81]. In addition, the Project's stance on mitigation options have been clarified in the updated Draft MMMP (Revision 2 of Document Reference 7.7) and Outline SIP (Revision 1, of Document Reference 7.8), submitted at Deadline 5.</p> <p>Comparison tables have been provided showing the significance of the disturbance impact presented for each approach. See Table 2.2 of Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81] for the approaches and results for project-alone. Table 2.4 of Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81] shows the approaches used for the cumulative assessment and the differences between the significances of effect.</p> <p>ii) Underwater noise modelling will be undertaken post consent as part of the production of the final MMMP and SIP, taking into account the final design of the Project and NAS (if required). This has been discussed with the MMO on the 15th May 2025 and the Applicant understands this approach is welcomed by the MMO.</p> <p>iii) The Draft MMMP (Revision 2 of Document Reference 7.7, submitted at Deadline 5) and Outline SIP (Revision 1, of Document Reference 7.8, submitted at Deadline 5) has been updated to include clarification of the Project's stance on noise reduction measures. The in-combination assessment was updated to include the EDR approach for assessing the Southern North Sea SAC for harbour porpoise, this update was included within 9.14 Further Information Regarding Marine Mammals [REP1-057].</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>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>	<p>iv and v) The Applicant has updated the draft MMMP [Document Reference 7.7, Rev 2] and Outline SIP [Document reference 7.8, Rev 1] at Deadline 5 to incorporate the following clarification regarding NAS: <i>"If it is deemed necessary to apply noise reduction measures and /or a NAS for piled foundations in order to comply with Government policy on underwater sound, or it is identified (during discussions with the MMO on the final plan following the final scheme design freeze post consent) as necessary mitigation to manage any predicted significant effects due to underwater sound from piling, then the North Falls will be in a position (from a programme execution perspective) to implement such measures."</i></p> <p>vi) This update was included in the Draft MMMP submitted at Deadline 3 ([REP3-013/014], Section 1.4.2, para 118, 3rd black bullet point).</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 (Phocoena phocoena) 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> <p>(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.</p> <p>(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?</p>	<p>(i) The Applicant maintains its position regarding the risk of collision sensitivities used in the ES, as discussed in the 9.14 Further Information Regarding Marine Mammals [REP1-057]. The approach applied in the ES is precautionary and proportional to the impact taking into account each species' behaviour and sensitivity.</p> <p>However, for information purposes, results are presented in the Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81] Table 2.1 with the sensitivity set as medium. The change in sensitivity would change the significance of (unmitigated) effect for harbour seal, however with the mitigation proposed applied the residual effect remains as minor adverse as presented in the ES Chapter 12 [APP-026].</p> <p>(ii). As stated for (i), the Applicant maintains that the assessment presented in the ES Chapter 12 is appropriately precautionary and with the proposed mitigation there is no change to the assessment conclusions with either approach.</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
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> <p>(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?</p> <p>(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.</p>	<p>(i) The magnitude of effect for the project alone is assessing disturbance effects due to piling. The assessment methods used (in the ES Chapter 12 [APP-026] and 9.14 Further Information Regarding Marine Mammals [REP1-057]) to assess for potential disturbance from project-alone piling, includes the Effective Deterrence Range approach, the dose-response curve approach, and the population modelling approach. For all species, all the different methods resulted in a minor adverse significance of effect. This assessment is of disturbance effects due to piling, however, the ES Chapter 12 [APP-026] assessed interactions with other topics in Section 12.11 and inter-relationships between impacts in Section 12.12. In relation to other potential long-term threats to marine mammals, this has been reviewed and a summary of findings has been provided in Section 2.2.1 in Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81].</p> <p>(ii) The Applicant notes Natural England's comment but must clarify the magnitude of impact for harbour porpoise using the dose response method for the project alone impacts was assessed as negligible due to less than 1% of the reference population being disturbed, as seen in Table 12.34 in the ES Chapter 12 Marine Mammals [APP-026]. Therefore, the conclusions using the iPCoD model, EDR and dose response approach remain the same; all conclude a minor adverse significance of effect (see Table 2.2 in Section 2.2.1 in Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81].</p>
Q10.0.6	The applicant	<p>Marine Mammals – Cumulative assessment for Harbour Porpoise/ Mink Whale/Harbour Seal</p> <p>(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?</p> <p>(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.</p> <p>(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 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>	<p>(i) The Applicant maintains that considering the overall evidence base, including the number of animals impacted at any one time and the duration of effects, the magnitude of the effect based on the population modelling is the most appropriate and proportional to determine the overall significance of effects. However, further assessment information has been provided within Table 2.3 of the Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81]. The dose response outcome has been taken into consideration accordingly. The Project's stance on mitigation options have been clarified in the updated Draft MMMP (Revision 2 of Document Reference 7.7, submitted at Deadline 5) and Outline SIP (Revision 1, of Document Reference 7.8, submitted at Deadline 5). With the proposed mitigation measures, the residual effects of the cumulative assessments will be reduced to a non-significant effect.</p> <p>(ii) This assessment was updated in Section 2.6.2.2 of 9.14 Further Information Regarding Marine Mammals [REP1-057] to include the updated screening information. The results indicated a decline of less than 1% of the population per year within the first six years, and a predicted decline of 6.52% over the full 25-year period. As less than 1% of the population was predicted to be affected after the first six years but not over the full period the magnitude of effect was assessed as low rather than negligible. There is a lack of guidance for assessing outputs of population modelling, however, a Natural Resources Wales (NRW) position statement (2023)⁹ indicates, if as a result of permanent threshold shift (PTS), which has been incorporated in to all population modelling, a population shows a continued annual decline of >1% per year (versus a modelled unimpacted reference population) over a set period of time (e.g., the first six years, based on the former Favourable Conservation Status (FCS) reporting period), then there is a high likelihood that a significant effect cannot be ruled out (NRW, 2023). The 2023 position statement by NRW notes that this threshold could be used as one possible method to determine the significance of behavioural disturbance on a population, based on the iPCoD outputs. However, this guidance is intended for consideration of PTS and remains under development. In the absence of other guidance, the Applicant considers that a 1% decline per year threshold remains a valid way to review results of population modelling to draw overall assessment conclusions for disturbance.</p>

⁹ NRW. (2023). PS016 NRW's Position on Assessing the effects of Hearing Injury from Underwater Noise on Marine Mammals. Position statement. May 2023.

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
			<p>(iii) As described in the ES Chapter 12 Marine Mammals [APP-026], the recent declines in harbour seal populations were incorporated into the iPCoD model by using the worst-case demographic parameters for the similarly decreasing population on the Scottish East coast. Therefore, the model using these parameters assumes the population to be gradually declining over time, which is shown by the decreasing un-impacted population numbers within Table 2-9 and Table 2-17 in 9.14 Further Information Regarding Marine Mammals [REP1-057]. Due to the iPCoD model indicating there is no effect on the harbour seal population, differences between the un-impacted and impacted populations is likely due to slight variations between the populations because of variations in environmental and demographic stochasticity. This is discussed further within Section 2.2.3 of the Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81].</p> <p>(iv) Further assessment information has been provided within Table 2.4 of the Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81]. The dose response outcome has been taken into consideration accordingly.</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>	<p>The Applicant maintains that considering the overall evidence base, including the number of animals impacted at any one time and the duration of effects, the magnitude of the effect based on the population modelling is the most appropriate and proportional to determine the overall significance of effects.</p> <p>However, further assessment information has been provided within Table 2.3 of the Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81].</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> <p>(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.</p> <p>(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?</p> <p>(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.</p> <p>(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</p>	<p>(i) The Applicant maintains that considering the overall evidence base, including the number of animals impacted at any one time and the duration of effects, the magnitude of the effect based on the population modelling (iPCoD) is the most appropriate and proportional to determine the overall significance of effects. However further information is provided in the Marine Mammal Assessment Clarification submitted at Deadline 5 [Document Reference 9.81].</p> <p>(ii) & (iii) The overall cumulative assessment provided by the Applicant is conservative due to the number of different projects/activities included in the assessment. It is unlikely for all other OWFs assessed to be piling at the same time as North Falls, as well as other OWF's construction activity, geophysical surveys, seismic surveys, UXO clearance and other offshore project activity to all be occurring at the same time. Therefore, this assessment only provides a snapshot of a highly precautionary worst case scenario. Particularly as the Applicant has already provided details within the Outline SIP and will use the final SIP to manage the Project with simultaneous activities, to ensure no adverse effects are caused. Within the final SIP, the in-combination assessment will be based on the precautionary EDR approach, as per best practice guidelines, therefore at the time of construction a worst-case scenario will be addressed. The assessments do not need to be 'treated with caution' for the reasons described above and as the Project's commitment to mitigation measures will ensure significant effects will be avoided. Mitigation measures are secured through the updated Draft MMMP (Revision 2 of Document Reference 7.7, submitted at Deadline 5) and Outline SIP (Revision 1, of Document Reference 7.8, submitted at Deadline 5).</p> <p>(iv) The Draft MMMP (Revision 2 of Document Reference 7.7, submitted at Deadline 5) and Outline SIP (Revision 1, of Document Reference 7.8, submitted at Deadline 5) has been updated to include clarification of the Project's commitment to noise reduction measures. The final MMMP and SIP prior</p>

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ExQ2	Question to	Question	Applicant's Response
		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 done to meet the latest guidance to ensure its proposed mitigation is fit for purpose?	to construction will take into account the latest guidance at that time to ensure 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> <p>(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?</p> <p>(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).</p>	<p>(i) The revised volumes were provided in the Supporting Information on Offshore Additional Mitigation [REP4-041] and updated in the draft DCO at Deadline 4 [REP4-005], taking into account the refinement of sand wave levelling, as well as the deep water route dredging requested by shipping stakeholders.</p> <p>(ii) The Applicant will provide an update to the IPMP at Deadline 6.</p>
Q10.0.10	The applicant MMO NE Essex Wildlife Trust	<p>Marine environment/Benthic/Seabed matters</p> <p>(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?</p> <p>(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?</p>	<p>i) The Applicant provided further evidence at Deadline 4, to support the conclusions that North Falls will not hinder the conservation objectives of the Kentish Knock East Marine Conservation Zone, in the Supporting Information on Offshore Additional Mitigation [REP4-041]. This was further informed by the Hydrodynamic and Dispersion Modelling Report [REP4-040] also submitted at Deadline 4.</p> <p>ii and iii) The Planning Statement [REP3-004] confirms North Falls' compliance with the Marine Strategy Framework, and therefore, the project would not hinder the UK's measures to achieving or maintaining Good Environmental Status (GES). This is further confirmed with reference to Defra (2025) Marine Strategy Part Three: 2025 UK Programme of Measure in the Appendix to Applicant's Response to ExA's Second Written Questions (ExQ2) [Document Reference 9.82, (rev 0)].</p> <p>iv) As discussed in ISH2, during the site selection process, in consultation with Natural England, the Applicant avoided any overlap with Margate and Long Sands SAC and therefore there will be no direct effects on the SAC, whereas the updated condition assessment by Natural England focuses on the effects of infrastructure within the SAC. Therefore, this is not applicable to North Falls.</p> <p>With regards to indirect effects on the SAC, at Deadline 1 the Applicant committed to further mitigation in the form of a buffer such that all cables and cable protection will be 150m or more away from Margate and Long Sands SAC, and provided further information at Deadline 4 in the Supporting Information on Offshore Additional Mitigation [REP4-041] to support its conclusions of no AEOI. This was informed by modelling provided in Hydrodynamic and Dispersion Modelling Report [REP4-040] and discussed further in Hydrodynamic and Sediment Dispersion Modelling Results Interpretation [REP4-042].</p>

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ExQ2	Question to	Question	Applicant's Response
		<p>(iii) Applicant/MMO. Does the applicant need to address these context in further detail relative to 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>	<p>It should also be noted that the Margate and Long Sands SAC is not designated for Annex I Reef such as <i>Sabellaria spinulosa</i>.</p> <p>v) As discussed above, it is the Applicant's position that there is no AEOL on the Margate and Long Sands SAC and therefore that no compensation is required for this site.</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</p> <p>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 EN-1).</p>	<p>ii) The Applicant has provided substantial further evidence at Deadline 4 [REP4-040, REP4-041 and REP4-042] which support the Applicant's conclusions that there will be no AEOL of the Margate and Long Sands SAC and no significant risk of North Falls hindering achievement of the conservation objectives for Kentish Knock East MCZ . The Applicant ensured that the Project avoided the Margate and Long Sands SAC and Kentish Knock East MCZ, informed by feedback from Natural England during the site selection process, to avoid any direct impacts on these sites. In addition, at Deadline 1, to further mitigate indirect impact, the Applicant committed to a minimum 150m buffer from Margate and Long Sands SAC, noting there is an inherent minimum 50m buffer from Kentish Knock East MCZ. Together, the further evidence and mitigation support the Applicant's RIAA and MCZ Assessment conclusions of no AEOL / and no significant risk of hindrance. The RIAA Part 2 Benthic Ecology [APP-175] and the MCZA Report [APP-237] will be updated by Deadline 8, to incorporate the information provided at Deadline 4. The Applicant additionally notes that there is no other precedent of derogation and compensation being required for indirect effects on sites designated for benthic qualifying features.</p> <p>vi) Because of the potential timeframe between seabed preparation and cable install, it may be that there need to be a number of versions of the CSIP for relevant stages of the construction process. All versions of the CSIP will be secured by Schedule 8, Condition 21(1)(h), Schedule 9, Condition 22(1)(h) and Schedule 10, Condition 21(1)(h) of the DCO which requires a CSIP be prepared 'for the relevant stage'.</p> <p>vii) The outline CSIP for the Export Cable Corridor is specifically required due to the interaction of the export cable routes with the Sunk and Trinity Deep Water Routes and location in proximity to (albeit outside) sensitive areas of seabed, in order to transparently identify and secure the mitigation measures requested by relevant stakeholders. The Array Area does not include these same sensitivities or interactions, with reductions to the RLB and the inclusion of a Structures Exclusion Zone to allow the safety requirement of 1nm to IMO shipping measures e.g. Sunk routes and the</p>

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ExQ2	Question to	Question	Applicant's Response
		<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 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</p>	<p>precautionary area. Therefore, it is proportionate and appropriate for the CSIP for the array area to be prepared post-consent.</p> <p>viii) The modelling provides the worst case scenario for all locations at any one point in time, therefore there will not be an occasion where the full plume shown in the figures is all happening at the same time. This therefore provides a conservative assessment of the sediment plumes for the whole project. In addition, for the majority of the construction activities shown in the Hydrodynamic and Sediment Dispersion Modelling Report, [REP4-040], Table 1.1 these will not occur at the same time. For example, the levelling of sand waves along the Offshore Cable Corridor needs to occur before trenching to bury those cables.</p> <p>Where concurrent activities could occur e.g. works in the array area in parallel with works in the offshore cable corridor, the potential for spatial overlap is low and the spatial extent of sediment plumes shown in the model would not increase.</p> <p>Within the array area, the modelling for seabed preparation or drilling for foundation installation has been run for all foundations being installed at the same time, rather than one followed by another in sequence and therefore this is a highly conservative cumulative scenario.</p> <p>ix) The sediment dispersion model presented in [REP4-040] has been run using mass flow excavation as the worst case scenario throughout the Offshore Cable Corridor and Array Area. In addition, a worst case disposal location was modelled to confirm that the mass flow excavation method would be worse than a dredge and disposal method. The design envelope includes the possibility of disposal along the Offshore Cable Corridor, but the effects will be less than the mass flow excavation modelled and therefore the modelling results provide the worst case scenario.</p> <p>xii) The RIAA Part 2 Benthic Ecology [APP-175] and the MCZA Report [APP-237] will be updated by Deadline 8, to incorporate the information provided at Deadline 4.</p>

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ExQ2	Question to	Question	Applicant's Response
		<p>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. (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 AEol. 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 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</p>	<p>i) A revised IPMP will be provided at Deadline 6.</p> <p>iii) ES Chapter 10 Benthic and Intertidal Ecology considers the effects of cable protection being left in situ permanently and shows that the effects will be not significant. It is therefore considered that a commitment to removal is disproportionate and unnecessary in the context of an insignificant effect. It should also be noted that, through the Applicant's commitment to avoid MCZs and SACs designated for benthic habitats and species, there will be no cable protection placed within these sites.</p> <p>vi) The avoidance of the Margate and Long Sands SAC and Kentish Knock East MCZ is secured through the order limits of the Project. A further buffer of 150m from the Margate and Long Sands SAC is secured by condition 36 of the draft Deemed Marine Licence contained in Schedule 9 of the draft DCO. Removal of GBS foundations is secured, with gravity base foundations having been removed from the draft DCO.</p>

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ExQ2	Question to	Question	Applicant's Response
		<p>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 advise 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	<p>MMO NE The applicant Essex Wildlife Trust Essex County Council/Tendring District Council</p>	<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 to the examination and secondly, can EWT/relevant Essex Council's indicate the status/weight of this document/role in local decision making?</p> <p>(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?</p> <p>(ii) MMO/NE's concerns regarding overlap with the dDCO requirements/Deemed Marine Licences are relevant in that it is</p>	<p>vii and i) The Applicant understands EWT is referring to the Working in Proximity to Wildlife Plan provided by Five Estuaries, however the North Falls Outline Project Environmental Management Plan (PEMP) [REP3-011] (Sections 7.4 and 7.5 and Appendices B and C) includes comparable information to that provided within Five Estuaries' 'Working in Proximity to Wildlife Plan'. The PEMP also cross references the draft MMMP [REP3-013] and Outline SIP [APP-243] with the aim of bringing the commitments together without duplication.</p> <p>ii) The maximum parameters of all important metrics are appropriately secured in the dDCO/DMLs, please refer to Requirement 2 of Schedule 1 of the dDCO [REP4-004], and by the 'Design parameters' condition in each respective DML, which includes maximum drill arisings as updated at Deadline 4 (see Condition 10 and 11 in Schedule 8; Condition 10,11 and 12 in Schedule 9, and , Condition 10 and 11 in Schedule 10 [REP4-004]. The Applicant considers no further amendments are necessary to the parameters within the DCO/DMLs.</p> <p>iii) Table 1.2 of the Outline SIP [document reference 7.8, Rev 1] provides an indicative programme for consultation on the Outline SIP around 12 months prior to foundation installation, and submission of the final SIP to the MMO for written approval by 6 months prior to installation. This consultation process for the SIP will ensure it is not submitted too soon, therefore, timings are not required in the DCO. The MMO state [REP3-056] that if the SIP were "submitted too early, this may be rejected as the</p>

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ExQ2	Question to	Question	Applicant's Response
		<p>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?</p> <p>(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).</p> <p>(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.</p> <p>(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?</p> <p>(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 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>	<p><i>information to discharge the document may not be provided or multiple updates to the SIP may be requested prior to the discharge.</i>" If the SIP is required, the rejection would prevent the Project proceeding with the relevant works. Therefore, it is the Applicant's position that there are already adequate controls in place. Following discussion with the MMO on the 15th May 2025, the Applicant understands this is agreed with the MMO.</p> <p>v) In accordance with Condition 21(1)(c) of Schedule 8; Condition 22(1)(c) of Schedule 9; and Condition 21(1)(c) of Schedule 10 of the draft DCO, a construction method statement, including details of the foundation installation methodology must be approved by the MMO.</p> <p>vi) The Applicant has observed the Rampion 2 decision and notes that the 'species specific monitoring' for that DCO relates to ornithology. An ornithological monitoring plan is secured for North Falls in Schedule 8 Conditions 21(1)(j) and 27(2)(c). Species specific monitoring in respect of marine mammals is also secured separately through the SIP, to be based on the Outline SIP [APP-243] and the MMMP, based on the draft MMMP [REP3-013]..</p> <p>vii) The monitoring commitments secured in the draft DCO [REP4-004], In-Principle Monitoring Plan [REP2-053] and draft MMMP are appropriate to cover all piling activity.</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</p>	The Applicant's position remains that it is most appropriate for an outline decommissioning plan to be submitted post-consent, prior to the commencement of offshore works, as secured by Requirement 25

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		<p>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>	<p>of the DCO. This is the standard approach taken for OWF NSIPs, including Sheringham Shoal and Dudgeon Extension and Rampion 2.</p> <p>The 'guidelines' referred to by the MMO is a report produced by Offshore Energies UK (formally Oil and Gas UK), only available behind a paywall. As set out at ISH2, the Applicant is not aware that this has been endorsed by Government. Given it is a non-publicly available document produced by a private organisation it is not a reasonable basis on which to inform the process for considering offshore decommissioning in the statutory context.</p> <p>The UK Government has guidelines (Decommissioning of Offshore Renewable Energy Installations under the Energy Act 2004) which the Applicant will follow in producing a decommissioning plan in line with the well established process under the Energy Act 2004.</p> <p>The Applicant considers that the Examining Authority has the necessary information before it to assess the potential effects of decommissioning at this time. The Environmental Statement appropriately considers and assesses decommissioning activities so far as it is practicable and possible to do so when the activity is so far in the future. Each chapter of the ES considers and assesses the potential for likely significant effects during decommissioning based on assumptions as to the known requirements and methodologies at this time.</p> <p>With respect to HRA, North Falls does not propose to lay cables or construct turbines within or in close proximity to an SAC, and as such decommissioning activities will not have a direct effect on site integrity.</p> <p>Therefore, the Applicant is of the view an outline decommissioning plan is unlikely to provide additional value at this stage in the process.</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>	<p>i-iv) There is currently insufficient information on the effects (beneficial or negative) associated with painting a rotor blade(s). This is evidenced by the fact that Defra has recently commissioned a four-year trial to determine whether blade painting is effective and has no unintended negative impacts on the environment or engineering practices, as well as there being a number of other studies around the world into this as well (e.g. in Holland, South Africa and the USA). It is therefore not appropriate to include this as mitigation for North Falls as the different studies are ongoing and may conclude different outcomes.</p> <p>As there is currently insufficient evidence of any increased avoidance rate/decreased collision risk that might arise from painting a rotor blade and no available guidance, it is not possible to provide an assessment of this mitigation.</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 rationale?</p> <p>(ii) Are greater ecological benefits possible via collaborative approach if so what are they and why? If the reasons are species</p>	

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		specific/case by case specific, if so, why? Are there any other project specific reasons for the stated preference?	
Q10.0.17	The applicant NE MMO Essex County Council/ Tendring District Council RSPB/National Trust IPs	<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?</p> <p>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 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</p>	<p>ii) The Applicant has provided project led and collaborative compensatory measures which do not rely on the MRF. Therefore, the ExA can be satisfied compensation measures are secured and can be implemented in the unlikely event the MRF is substantially delayed or does not proceed.</p> <p>iii) At Deadline 5 the Applicant has submitted <i>without prejudice</i> compensation schedules for Kittiwake, Razorbill, Guillemot, and Red-throated diver [Document Reference 9.73 (Rev 0)]. 'Relevant planning authority' is separately defined in Schedule 15 of the DCO to mean 'the district local planning authority for the area in which the relevant compensatory measure is to be located' – this definition was added to Schedule 15 of the draft DCO at Deadline 3.</p>

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ExQ2	Question to	Question	Applicant's Response
		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> <p>(i) NE. [REP4-010] regarding LBBG compensation having Likely Significant Effect/Adverse Effect on Integrity (AEol) on Orfordness Shingle Street SAC. The applicant states the compensation works will not have AEol and provide justifications for this at section 3.2.3.1. of [REP4-010]. What is the response from NE on this matter?</p> <p>(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?</p> <p>(iii) Has the applicant assessed whether compensation for LBBG at Gedgrave Marshes may have LSE/AEol 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.</p> <p>(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.</p> <p>(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 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</p>	<p>ii and iii) An impact assessment for Gedgrave Marshes is provided in LBBG Compensation - Gedgrave Marshes Impact Assessment (Document Reference 9.84).</p> <p>iv) The Applicant will update the compensation scale calculations for Deadline 6, but maintains that the required contribution for North Falls is c. 0.2ha, however project alone sites of at least 4ha are being pursued by the Applicant as the preferred option. Should a shared location be taken forward, the scale and North Falls contribution would be discussed with the LBBG compensation steering group.</p> <p>v) The Applicant notes the advice from NE [REP4-060] states that they have tested the H3pt2 method for LBBG but due to uncertainty in the available demographic information for this species this method is not recommended. Therefore, NE agree the H4 method, as used by the Applicant, is appropriate. The Applicant will update the scale of compensation calculations for LBBG for D6, based on the revised apportioning for this species at North Falls [REP1-058] and the Deadline 4 comments from Natural England [REP4-060], and will consider any further feedback from Natural England received before the end of Examination, including with regards to the draft BTO report (noting that this focuses on kittiwake).</p> <p>vi) In updating the scale of compensation for LBBG for Deadline 6, the Applicant will provide a range of values which include those requested in points 1-4 based on the advice from Natural England [REP4-060]. It is noted in this context that while NE has advised scaling compensation to the UCI, in consenting Rampion 2 (DESNZ 2025), the Secretary of State considered that the mean or CIV was an appropriate basis for calculating the compensation quantum for all species where compensation was required.</p> <p>vii) The Applicant has provided responses to comments from Natural England [REP4-060] in the Applicant's Response to Natural England's Deadline 4 submissions [document reference 9.69] and will update the LBBG compensation scale predictions and other parts of the compensation document and CIMP, as appropriate for Deadline 6. Should a shared location be taken forward, the scale and North Falls contribution would be discussed with the LBBG compensation steering group.</p> <p>viii) Engagement with the National Trust has identified the presence of foxes on Orford Ness and, based on their long-term experience of managing this site, that although lethal control can reduce their numbers, an antipredator fence at Lantern Marshes combined with habitat management is a more appropriate long-term solution for protecting ground-nesting birds. Gedgrave Marshes is currently grazed (or previously grazed) farmland and therefore the compensatory measure is to create suitable breeding habitat for LBBG. Gedgrave Marshes is more accessible to foxes, being on the western side of the River Alde and there is therefore a high likelihood of predator presence. Consequently, it is similarly more appropriate to provide antipredator fencing along with the habitat management than to rely on other forms of fox control. Surveys are being undertaken of Outer Trial Bank in the summer of 2025 to inform post-consent development of this site, should it be selected, this includes investigation of evidence of rat predation.</p> <p>ix) The Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan [REP1-019/020], Section 3.8.2 discusses potential adaptive management. This states "<i>If avian predation is identified as causing significant loss of eggs then options for reducing this which are not detrimental either to LBBGs or other AOE SPA conservation objectives will be investigated</i>", i.e. this does not include predator eradication, noting all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). As discussed in Section 3.8.1, of the Outline LBBG CIMP, regular monitoring will be undertaken to ensure the integrity of the antipredator fence is maintained to avoid predator</p>

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		<p>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 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</p>	<p>incursion. Monitoring of predator activity will also be undertaken. Should a predator breach the fence, culling or relocation would be undertaken. This can be clarified in the updated Outline LBBG CIMP at Deadline 6.</p> <p>x) There is no reference to awareness campaigns/disturbance discouragement in the Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan [REP1-019/020].</p> <p>xi) Details of the fencing is provided in HRA Annex 2B Lesser Black-backed Gull Compensation Effects on Designated Sites [REP4-010] and LBBG Compensation - Gedgrave Marshes Impact Assessment (Document Reference 9.84). These show the effects on landscape and visual will not be significant and therefore screening is not required.</p> <p>xii) As set out in the Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan [REP1-019/020], the adaptive management (including any grace period), would be determined in consultation with the LBCSG.</p>

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ExQ2	Question to	Question	Applicant's Response								
		<p>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 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?</p>	<div><div><p>i) The Outline LBBG CIMP will be updated at Deadline 6 to clarify the field survey commitments.</p><p>ii) In their LIR (Appendix B) [REP1-064], East Suffolk Council quote the following aspects of policy 10.1 of the Suffolk Coastal Local Plan:</p></div><table><tr><th>Suffolk Coastal Local Plan</th><th>The Applicant's Response</th></tr><tr><td>‘All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy should be demonstrated.</td><td>This policy aligns with the requirement of the Habitats Regulations to demonstrate that there are no alternative solutions (i.e. to avoid or reduce/mitigate impacts). The Applicant's Assessment of Alternative Solutions is provided in the Habitats Regulations Derogation Provision of Evidence [document reference 7.2, Rev 1].</td></tr><tr><td>Proposals that will have a direct or indirect adverse impact (alone or in-combination with other plans or projects) on locally designated sites of biodiversity or geodiversity importance, including County Wildlife Sites, priority habitats and species, will not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss.</td><td>This policy aligns with the requirement of the Habitats Regulations to demonstrate Imperative Reasons of Overriding Public Interest (IROPI). The Applicant’s IROPI case is provided in the Habitats Regulations Derogation Provision of Evidence [document reference 7.2, Rev 1]. It should be noted that North Falls will not have an adverse effect on integrity of priority habitats or species.</td></tr><tr><td>Where compensatory habitat is created, it should be of equal or greater size and ecological value than the area lost as a result of the development,</td><td>The compensatory measures are provided on a greater scale than the scale of effect. The basis of the LBBG compensation scale is provided in</td></tr></table></div>	Suffolk Coastal Local Plan	The Applicant's Response	‘All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy should be demonstrated.	This policy aligns with the requirement of the Habitats Regulations to demonstrate that there are no alternative solutions (i.e. to avoid or reduce/mitigate impacts). The Applicant's Assessment of Alternative Solutions is provided in the Habitats Regulations Derogation Provision of Evidence [document reference 7.2, Rev 1].	Proposals that will have a direct or indirect adverse impact (alone or in-combination with other plans or projects) on locally designated sites of biodiversity or geodiversity importance, including County Wildlife Sites, priority habitats and species, will not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss.	This policy aligns with the requirement of the Habitats Regulations to demonstrate Imperative Reasons of Overriding Public Interest (IROPI). The Applicant’s IROPI case is provided in the Habitats Regulations Derogation Provision of Evidence [document reference 7.2, Rev 1]. It should be noted that North Falls will not have an adverse effect on integrity of priority habitats or species.	Where compensatory habitat is created, it should be of equal or greater size and ecological value than the area lost as a result of the development,	The compensatory measures are provided on a greater scale than the scale of effect. The basis of the LBBG compensation scale is provided in
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ExQ2	Question to	Question	Applicant's Response	
			<p>be well located to positively contribute towards the green infrastructure network, and biodiversity and/or geodiversity and be supported with a management plan</p> <p>Where there is reason to suspect the presence of protected UK or Suffolk Priority species or habitat, applications should be supported by an ecological survey and assessment of appropriate scope undertaken by a suitably qualified person. If present, the proposal must follow the mitigation hierarchy in order to be considered favourably. Any proposal that adversely affects a European site, or causes significant harm to a Site of Special Scientific Interest, will not normally be granted permission.</p> <p>Any development with the potential to impact on a Special Protection Area, Special Area for Conservation or Ramsar site within or outside of the plan area will need to be supported by information to inform a Habitat Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).'</p>	<p>the LBBG Compensation Documents [REP1-017/018].</p> <p>North Falls will not have an adverse effect on the integrity of priority habitats or species (RIAA Parts 2-5 [APP-174 to APP-181]; Lesser Black-backed Gull Compensation Effects on Designated Sites [REP4-010] and LBBG Compensation - Gedgrave Marshes Impact Assessment (Document Reference 9.84).</p> <p>Ecological habitat and species surveys will be undertaken of the compensation site prior to installation of the compensatory measure, in accordance with the Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan [REP1-019/020], Section 3.4.1.</p> <p>The North Falls application is supported by a Report to Inform Appropriate Assessment [APP-173 to APP-182] and Habitats Regulations Derogation: Provision of Evidence, [document reference 7.2 Rev 1].</p>
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> <p>(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?</p> <p>(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).</p> <p>(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 is position that there will be no AEol to either the Stour Estuary SPA or Stour Estuary Ramsar. Can NE confirm if</p>		

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ExQ2	Question to	Question	Applicant's Response
		<p>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.</p> <p>(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?</p>	
Q10.0.21	The applicant	<p>Guillemot and Razorbill – Compensation (without prejudice)</p> <p>(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?</p> <p>(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 accordingly?</p> <p>(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).</p> <p>(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?</p> <p>(v) Site specific correction factors at colonies where compensation measures are potentially implemented would be beneficial/seem reasonable – can the applicant include this?</p> <p>(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.</p> <p>(vii) Disturbance data is required during implementation as a measure. Can the applicant update/explain/formalise how this is to be undertaken?</p> <p>(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</p>	<p>i) The Applicant submitted a Letter of Comfort from Cornwall Wildlife Trust [REP3-010] which shows the proposed collaboration between North Falls, Outer Dowsing, Five Estuaries, Rampion 2 and Dogger Bank D, with Cornwall Wildlife Trust as the delivery partner. This approach is continuing to be developed.</p> <p>ii) A response is provided in the Applicant's Response to Natural England's Deadline 4 submissions [document reference 9.69].</p> <p>(iii) The Applicant notes that Natural England has advised [REP4-061] that the more precautionary 'national average' productivity rate is most appropriate for the calculation of compensation quantum. The Applicant will update the Guillemot and Razorbill Compensation Document and Outline CIMP for Deadline 6, and will continue to present both the 'national average' and the higher 'west region' rates.</p> <p>(iv) The Applicant has commissioned surveys of the shortlisted guillemot and razorbill colonies ([REP1-027], Table 5.6) during the 2025 breeding season. These surveys will include updated baseline counts of guillemot and razorbill at each colony, as well as productivity, monitoring of disturbance and reactions to disturbance.</p> <p>(v) As acknowledged by Natural England ([REP4-061], Table 1, NE ref 4), a substantial amount of survey work is required to determine site-specific correction factors that can be used to estimate the number of breeding pairs present from counts of individuals on nesting ledges during the breeding season. There would potentially be value in aiming to identify site specific correction factors for colonies at compensation sites. This will be added to the updated Outline CIMP for guillemot and razorbill for Deadline 6, for consideration post consent, in consultation with the Compensation Steering Group.</p> <p>(vi) Surveys commissioned by North Falls are ongoing in the 2025 breeding season. These aim to collect information on disturbance levels at the shortlisted potential compensation sites ([REP1-027], Table 5.6), and to record colony counts and productivity of guillemot and razorbill. The intention would be to continue these surveys at the selected compensation site(s) in future years (either by the Project alone, or in collaboration with other OWF developers), as compensation measures to reduce disturbance are introduced, to gather a time series of data on disturbance levels, productivity and population size of colonies, to facilitate the investigation of links. While it is obviously not possible to pre-empt the results of the surveys in 2025 and future years, existing evidence of negative effects of human disturbance on productivity of various species of auks including guillemot (see [REP1-027], section 7.1.2), together with information on the range of recreational activities (sightseeing/wildlife boat tours, kayaking, climbing, coasteering and walking) in the vicinity of razorbill and guillemot colonies in</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>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?</p> <p>(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?</p> <p>(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 examination.</p> <p>(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?</p> <p>(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?</p> <p>(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?</p> <p>(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.</p> <p>(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</p>	<p>Devon and Cornwall (e.g. GoBe 2025 , 2024)¹⁰ suggests that effects of human disturbance on nesting guillemot and razorbill are likely. Also, given that reduction of recreational disturbance as a compensation measure was recommended by Natural England for auk colonies in the south-west of England, this indicates that they consider it likely that there is an effect of human disturbance on breeding colonies in this area. As set out in [REP1-029], the survey and monitoring methodology, and any adaptive management required would be further developed in consultation with the GRCSG/GCSG.</p> <p>(vii) Collection of data on disturbance events will be undertaken during surveys of shortlisted potential compensation sites for guillemot and razorbill commissioned in 2025 ([REP1-027], Table 5.6). The survey methodology is to undertake timed watches at survey sites (over periods of at least 3 hours per survey visit) during multiple survey visits throughout the breeding season. During these surveys the time, nature, distance from the colony and duration of all disturbance events (human - boats, rock-climbers etc.- and other – e.g. potential predators such as gulls) will be recorded, as well as the reaction of guillemot and razorbills to disturbance. Specifically in relation to disturbance events, these surveys will provide data on the frequency of disturbance at each potential compensation colony. As noted above, subject to confirmation of requirements for compensation for North Falls, and consultation with the GRCSG/GCSG, the intention would be to continue these surveys in future years (either by the Project alone, or in collaboration with other OWF developers), as compensation measures to reduce disturbance are introduced, to gather a time series of data on disturbance levels.</p> <p>(viii) As set out in [REP1-027], Section 12, should compensation be required, the Applicant's preferred project led or collaborative compensation measure is the reduction of recreational disturbance at a colony or colonies for guillemot and/or razorbill in the southwest of England. Alternatively, the Applicant considers that strategic compensation (such as the MRF) for guillemot and razorbill is a measure that could be wholly or partly substituted in place of the Applicant's proposed measure or as an adaptive management measure, if required. Partial substitution could mean that both recreational disturbance reduction and a proportionate contribution to a strategic fund could be undertaken. Additional 'breeding projects' is assumed to refer to captive rearing and release of chicks. As far as the Applicant is aware, captive rearing is not a feasible technique for guillemot and razorbill, and it has not been suggested for these species in any review of potential compensation measures for UK seabirds.</p> <p>(ix) The Applicant is currently progressing baseline surveys for potential guillemot and razorbill compensation sites on a project alone basis, and is involved in discussions over a potential collaborative approach with other OWF developers and the Cornwall Wildlife Trust as a delivery partner [REP3-010]. A collaborative approach would potentially allow consideration of a wider range of potential compensation sites for guillemot and razorbill and additional scope in terms of the strategic delivery of management measures to reduce disturbance. It is noted that Natural England has expressed their preference for a collaborative approach ([REP4-061], Table 2, NE Ref 1).</p> <p>(x) Maps of the extent of the potential compensation sites shortlisted by North Falls are shown in [REP1-027]. There is at present no systematic information available to refine the boundaries of any of these sites, or to identify preferred sites from the shortlist.</p> <p>(xi) The Applicant has sought information and data from a range of sources in identifying the shortlist of potential compensation sites and developing methodology for the surveys of guillemot and razorbill</p>

¹⁰ GoBe (2024). FIVE ESTUARIES OFFSHORE WIND FARM 10.11 GUILLEMOT AND RAZORBILL - SURVEY REPORTS. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010115/EN010115-000737-Five%20Estuaries%20Offshore%20Wind%20Farm%20Ltd%20-%20Any%20other%20submission%20from%20the%20Applicant%2029.pdf>

Gobe (2025). FIVE ESTUARIES OFFSHORE WIND FARM VOLUME 5, REPORT 5.5: GUILLEMOT AND RAZORBILL COMPENSATION - EVIDENCE, SITE SELECTION & ROADMAP – REVISION D (CLEAN) Available at: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010115/EN010115-001673-5.5%20Guillemot%20and%20Razorbill%20-%20Evidence,%20Site%20Selection%20and%20Roadmap%20-%20Revision%20D%20\(Clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010115/EN010115-001673-5.5%20Guillemot%20and%20Razorbill%20-%20Evidence,%20Site%20Selection%20and%20Roadmap%20-%20Revision%20D%20(Clean).pdf)

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>local chick rearing not necessarily prevented either way (for further flexibility)?</p> <p>(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.</p> <p>(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.</p>	<p>colonies which are ongoing in 2025. This includes engagement with local experts such as employees of the National Trust and Natural England.</p> <p>(xii) The reference appears to be to [REP1-054] submitted to the Five Estuaries DCO Examination. These surveys were not commissioned by North Falls although they do provide some useful contextual information on some of the sites included on the North Falls shortlist. The surveys commissioned by North Falls in 2025 are designed to address Natural England's requests for information in relation to North Falls.</p> <p>(xiii) As set out in [REP1-029] Section 3.6, the majority of proposed measures for disturbance reduction are not anticipated to require planning permission or licences, however this will be kept under review as the plans are developed post-consent. <i>Without prejudice</i> compensation schedules have been submitted at Deadline 5 which include the guillemot and razorbill compensation and propose to commit to the compensation measure being implemented for at least three breeding seasons prior to operation, unless commencement of operation at an earlier date is approved in writing by the Secretary of State. (document reference 9.73).</p> <p>(xiv) The Applicant has considered existing schemes such as the Wildlife Safe (WiSe) Scheme and will continue to review any existing disturbance reduction measures as part of the site selection process.</p> <p>(xv) See response to (viii) above.</p> <p>(xvi) Adaptive management would be tailored based on the likely reason for failure, informed by the monitoring. Should it not be possible to resolve issues at the selected compensation site(s), adaptive management could be developed at an alternative site(s) or a contribution could be made to the MRF. Further information on the process for development of adaptive management measures will be provided in an updated Outline Guillemot and Razorbill CIMP to be provided at Deadline 6.</p> <p>(xvii) The commitment to monitoring post-implementation is being reviewed and will be updated in the revised Guillemot and razorbill Compensation Document and CIMP to be provided at Deadline 6. The Applicant accepts that more than three years may be required, and that some level of monitoring will be required throughout the life of the compensation measures. This would be deliverable whether compensation is implemented on a Project Alone or Collaborative basis.</p>
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 AEOI, 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> <p>(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</p>	<p>(i) The Applicant has noted and agrees with the Natural England comments about using caution in application of the 0.67 correction factor for guillemot. Natural England has also acknowledged that in the Departmental Brief for the Farne Islands SPA and in their Supplementary Advice for Conservation Objectives for the Farne Islands (Natural England Designated Sites View) they have applied this correction factor, and that the 'corrected' Farne Islands SPA guillemot population estimate used for the Applicant's assessment can be justified. Based on this advice the Applicant does not intend to update the shadow AA for Guillemot at the Farne Islands SPA [REP1-065].</p> <p>(ii) The Applicant is reviewing this position and will respond at Deadline 6. The Applicant has submitted into examination a <i>without prejudice</i> compensation schedule for Guillemot at the Farne Islands SPA at deadline 5 (document reference 9.73).</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>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.</p> <p>(ii) NE are unable to rule out AEoI 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?</p>	
Q10.0.23	The applicant NE RSPB Essex Wildlife Trust	<p>Kittiwake – Compensation (without prejudice)</p> <p>(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 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</p>	<p>(i) The applicant notes the NE advice on the use of the H3pt2 (hereafter referred to as H3) methodology for kittiwake compensation numbers. This methodology has been replicated by the Applicant and the kittiwake compensation document will be updated for Deadline 6 to include H3 and H4 methods. The Applicant also notes the NE advice on use of the 95% UCL and is considering this. In this context, the Applicant notes that in consenting Rampion 2, the SoS accepted the use of the Hornsea 4 approach for kittiwake, and calculation of a compensation quantum based on the mean or CIV and a 2:1 ratio (DESNZ, 2025).</p> <p>ii) The Gateshead Kittiwakery can accommodate 240 nests. It is expected that this will be shared equally between five projects (i.e. 48 nests each). It is noted that in consenting Rampion 2 (R2), the Secretary of State concluded that the provision of 10 nesting spaces would sufficiently compensate for the predicted effect on the kittiwake feature of the FFC SPA (0.72 adults per year) (DESNZ, 2025). This is comparable to the predicted effect of North Falls on the kittiwake feature of the FFC SPA (076 adults per year).</p> <p>iii) As above and below, North Falls would have a 20% share of 240 nests (i.e. 48 nests), which is anticipated to exceed the compensation requirement for this species for North Falls.</p> <p>iv) As stated above, there is 240 spaces available on the Gateshead Kittiwakery and it is anticipated that five projects will have an equal share of these spaces. It should be noted that the Five Estuaries Kittiwake Compensation – Evidence, Site Selection and Roadmap [REP5-018], states the scale of compensation required for Five Estuaries is between 7 and 46 pairs, subject to the Secretary of State's conclusion. As above, it is also noted that in consenting R2, the Secretary of State concluded that the provision of 10 nesting spaces would sufficiently compensate for the predicted impact to the kittiwake feature of the FFC SPA (0.72 adults per year) (DESNZ, 2025). This is comparable to the predicted effect of North Falls on the kittiwake feature of the FFC SPA (076 adults per year).</p> <p>v) The Applicant will update the kittiwake compensation document at Deadline 6 to include both H3 and H4 methodologies for calculating compensation quantum based on the mean and 95% UCL. The NE advice that at a 1:1 ratio, five pairs would be required to compensate for the CIV of 0.76. is based on the H3 methodology, and the Applicant has replicated this calculation to obtain a similar result.</p> <p>vi) As above, the Applicant will update the kittiwake compensation document at Deadline 6 to include both H3 and H4 methodologies for calculating compensation quantum based on the mean and 95% UCL and a range of ratios. In the kittiwake compensation document submitted at D2 ([REP2-12] tracked, [REP2-011] clean), the Applicant has recommended that between 7 and 10 pairs are required to compensate for predicted losses of the FFC breeding population to collision at North Falls, based on the H4 method taking account of philopatry.</p> <p>The NE calculations of numbers required to compensate for the UCL at various ratios based on the H3 methodology are noted, and the Applicant has replicated the H3 calculations to obtain a similar result.</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>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 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>The Applicant notes that in commenting on the kittiwake compensation document ([REP2-12] tracked, [REP2-011] clean) NE has advised [REP4-062] '<i>Given the modest contribution that the Applicant's proposal makes to the in-combination collision total for the kittiwake feature at FFC SPA, Natural England considers the general proposal proportionate and appropriate</i>'.</p> <p>Specifically, the Applicant considers that scaling the 'most ecologically complete' H3 method to a 3:1 ratio based on the 95% UCL is not appropriate. Also, as above, in this context it is noted that that in consenting R2, the SoS has accepted the use of the Hornsea 4 approach for kittiwake, and calculation of a compensation quantum based on the mean or CIV and a 2:1 ratio, resulting in a compensation quantum of 10 pairs for a CIV of 0.72 predicted losses per year at R2 to the FFC breeding population (DESNZ, 2025)</p> <p>vii) As above, North Falls would have a 20% share of the 240 nests on the Gateshead Kittiwakery (i.e. 48 nests), which is anticipated to exceed the compensation requirement for this species for North Falls.</p> <p>viii) Monitoring would primarily be by direct assessment by an experienced ornithologist and the Kittiwakery has been designed to allow internal access for monitoring nests. The monitoring reports will include photographic evidence of successful nesting. Results of the monitoring will be presented to and discussed with the KCSG, with this process providing appropriate governance.</p> <p>ix) The Applicant will procure a senior consultant/ scientist with appropriate expertise in planning and policy. The independent chair will have had no material involvement in the Project during the consenting phase and will therefore be commissioned post-consent.</p> <p>The <i>without prejudice</i> compensation schedule submitted at Deadline 5 (document reference 9.73) would secure the kittiwake compensation, including the need for the Kittiwake CIMP to include details of monitoring (<i>inter alia</i>).</p> <p>x)As discussed above, the ANS is proposed to be shared equally between five projects. There is sufficient space in the existing structure and no extension would be required. The ANS is owned by Dogger Bank South and a letter of agreement is provided in [APP-187]. The Applicant is in discussions with DBS OWF to reach formal agreement for a defined share (20% / 45 nests) of the kittiwake tower at Gateshead that will cover the required quantum of compensation. Draft heads of terms have been exchanged and are currently being negotiated. Therefore, the Applicant is confident it can secure sufficient space in an ANS for kittiwake. In relation to whether the Applicant accepts calculations from NE at D4 using the H3 methodology, see response to (vi) above.</p> <p>xi) As with any compensation, there is an element of uncertainty which is a key reason for the Applicant's recommended use of a 3:1 ratio based on mean values or use of upper confidence intervals at a 1:1 ratio, to account for this uncertainty (see Section 5 of the Kittiwake Compensation Document [REP2-011/012]). However, monitoring of the Gateshead Kittiwakery in 2024 showed over 200 daytime observations of kittiwake visiting the Kittiwakery installed in 2023, which demonstrates potential for future colonisation (Stevenson, 2025¹¹). In addition, the Gateshead Kittiwakery is c. 33m from an existing kittiwake tower at Saltmeadows (shown in Figure 8.1 in the Kittiwake Compensation Document [REP2-011/012]) which is used by over 100 breeding pairs (Rickeard, 2025¹²). Due to its success, the existing Saltmeadows tower is designated as a Local Nature Reserve.</p> <p>xii) Each offshore wind farm has its own CIMP and requirement to have a KCSG or equivalent. Should it be deemed appropriate by the members of each group to combine these groups, this could be</p>

¹¹ Stevenson N (2025). Kittiwakes upon the Tyne; Kittiwakery Tower – Saltmeadows – Gateshead. Available at: <https://www.tynekittiwakes.org.uk/tyne-kittiwake-colonies/kittiwakery-tower-saltmeadows-gateshead/>

¹² Rickeard A. (2025). Kittiwakes upon the Tyne; Saltmeadows Tower in Gateshead. Available at: <https://www.tynekittiwakes.org.uk/tyne-kittiwake-colonies/kittiwake-tower/>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<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 difficult without a minimum delivery threshold specified if 2:1 or 3:1 scaling rations 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>	<p>considered. However, to ensure the governance of each project is secured, it is deemed appropriate that the Outline Kittiwake CIMP, including the KCSG, is specific to North Falls. The proposed invitees for the KCSG is comparable with that for other consented offshore wind farms where the final kittiwake compensation implementation and monitoring plan has been agreed with the Secretary of State e.g. the Norfolk Boreas and Norfolk Vanguard (Royal HaskoningDHV, 2022¹³; BEIS, 2023¹⁴).</p> <p>xiv) Adaptive management would be required at any stage of the project life, should the compensatory measure be deemed unable to deliver the required compensation scale. Adaptive management may be measures to further enhance the Gateshead Kittiwakery (such as adjustments to individual nesting spaces, additional decoy birds and playback calls). Following adaptive measures at the Gateshead Kittiwakery, should the compensatory measure still be unsuccessful, an alternative onshore or offshore location for an ANS would be selected or a contribution could be made to the MRF.</p> <p>xv) The Applicant's proposed compensation scale is 7-10 breeding pairs based respectively on mean mortality (0.76) and a 3:1 ratio and the 95% UCL (2.72) and a 1:1 ratio [REP2-.011/012]. Further information on the range of compensation scale information requested by Natural England will be provided at Deadline 6.</p>
Q10.0.24	The applicant NE RSPB NatureScot	<p>Red Throated Diver (RTD) – Compensation (without prejudice)</p> <p>(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.</p> <p>(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?</p>	<p>(i) The Applicant intends to provide breeding enhancement at 20 lochs, unless otherwise agreed with the Secretary of State, in consultation with the RTD Compensation steering group.</p> <p>(ii) Surveys of sites on Shetland and mainland Scotland are being undertaken from May to September 2025 which will inform the detailed site selection and commercial arrangements post consent, if RTD compensation is required, noting it is not reasonable to expect landowners to enter into agreements for land which may not be required.</p> <p>(iii) Information on raft design and peat management works is provided in the Outline Red-Throated Diver Compensation Implementation and Monitoring Plan (CIMP), Sections 3.4.1 and 3.4.2 [REP1-023].</p> <p>(iv) It is expected that the Applicant would enter lease agreements with the landowners and that the Applicant would commission contractors to undertake the works. As discussed in Section 3.4.2 of the Outline RTD CIMP [REP1-023], habitat management may include peatland restoration in proximity to lochs, raising water levels by reducing outflow and/or enlarging waterbodies which are currently too</p>

¹³ Royal HaskoningDHV (2022). Kittiwake Implementation and Monitoring Plan; Annex 1 Kittiwake Compensation consultation report. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-003014-The%20Norfolk%20Projects%20KIMP%20Annex%201%20Consultation%20Report.pdf>

¹⁴ BEIS (2023). Approval of the Kittiwake Implementation and Monitoring Plan under Part 1 of Schedule 19 to the Norfolk Boreas Order and Part 1 of Schedule 17 to the Norfolk Vanguard Order. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-003007-NB%20NV%20-%20Kittiwake%20Implementation%20and%20Monitoring%20approval%20-%20January%202023.pdf>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>(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.</p> <p>(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?</p> <p>(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?</p> <p>(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?</p> <p>(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 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>small for RTD breeding. These measures are informed by the Viking Wind Farm Implementation Plan for the Habitat Management Plan (Plantecol Ltd, 2019). The area required to undertake peat management would be site specific, subject to the existing condition of the loch/peat habitat, and therefore the extent and nature of works required to create a suitable breeding loch(s).</p> <p>(v) RTDs that breed in Scotland tend to winter around Scotland and Northern Ireland (Duckworth et al., 2022). This means that the additional fledglings could potentially be using non-breeding season marine SPAs as soon as they fledge.</p> <p>(vi) The Applicant will commission monitoring to be undertaken by experienced red-throated diver experts with Schedule 1 licenses under the Wildlife and Countryside Act 1981, in accordance with Section 3.8.1 of the Outline RTD CIMP [REP1-023]. Remote monitoring techniques will be used where possible (e.g. nest temperature probes and remote cameras) as discussed in Section 3.8.2.1 of the Outline RTD CIMP [REP1-023]. Obtaining independent verification of monitoring information will be challenging as having additional surveyors visiting nest sites would create additional disturbance and increase the risk of birds failing to breed successfully. Where feasible, camera video footage will be shared with the RTD Compensation Steering Group. Assessment of peat erosion following measures to stabilise peat habitat will be assessed by an experienced surveyor with extensive knowledge of peat habitat management.</p> <p>(vii) Monitoring using remote cameras will be used to establish the cause of nest failure for birds breeding on rafts. Camera footage would show that avian predators were the cause of nest failure at particular lochs. Where this is the case, adaptative management in the form of roofing will be implemented. The detailed design of the rafts will be developed in consultation with the RTD Compensation Steering Group. Where avian predation is not an issue, roofing is unnecessary.</p> <p>(viii) The Applicant provided further information on adaptive management in the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036]. As discussed in Section 3.8.3.2 of the Outline RTD CIMP [REP1-023], the nature of the adaptive management would be tailored based on the reasons for the failed measure. This would be informed by the monitoring, and the adaptive management would be developed in consultation with the RTD Compensation steering group. Examples of potential reasons for needing adaptive management and potential adaptive measures are provided in the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036], Agenda item 3.2.5.</p> <p>(ix) All wild birds are protected under the Wildlife and Countryside Act 1981 so there would be no control of avian predators. Predation by great skuas would be a natural process and therefore understanding the levels of this at control sites (i.e. areas monitored by North Falls but not subject to any intervention) would enable comparison of whether the compensation sites are providing a net benefit beyond any natural variation of RTD.</p> <p>(x) and (xi) The Outline RTD CIMP [REP4-036] states “<i>monitoring of RTD breeding success will be required for the first three years or until the measure is deemed to be operating successfully. The need for ongoing monitoring will be discussed with the RTDCSG and agreed with the SoS.</i>” As discussed in the Applicant's Response to Natural England's Deadline 3 submissions [REP4-028], the Applicant accepts that periodic monitoring of breeding success will be required to ensure that breeding success remains high but that the frequency of this monitoring may reduce after the first 3 years and will be balanced against unnecessary disturbance of this sensitive species. Lochs at which compensation has been implemented will be checked every year, outside of the breeding season, to confirm that rafts remain in good condition and that no further peatland habitat restoration works are required to stabilise water levels. The Applicant will update the Outline RTD CIMP at Deadline 6 to clarify this matter.</p>

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ExQ2	Question to	Question	Applicant's Response
		<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 RTD 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>	<p>(xii) The Applicant will procure a senior consultant/ scientist with appropriate expertise in planning and policy. The independent chair will have had no material involvement in the Project during the consenting phase and will therefore be commissioned post-consent.</p> <p>(xiii) Five Estuaries is not providing without prejudice red-throated diver compensation and therefore collaboration is not applicable for this species.</p> <p>(xiv) The Applicant understands Defra has established a working group to develop potential options for red-throated diver which could be added to their library of compensatory measures. The type of compensatory measure which could be delivered by the MRF is therefore subject to Defra's process.</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>	Meetings have been held with the Marine Energy Manager and Marine Sustainability Manager from NatureScot on the 17 th December 2024 and 11 th March 2025. The Applicant is also seeking to engage with the NatureScot local area manager (covering Shetland and north mainland) and the Peatland Restoration Team.
Q10.0.26	NE	<p>Seasonal Restrictions</p> <p>NE. The applicant does not propose seasonal restrictions for birds during construction. Do NE have 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.</p>	
Q10.0.27	The applicant NE	<p>Bats</p> <p>(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.</p> <p>(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)?</p> <p>(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</p>	<p>(i) As described in Chapter 23 Onshore Ecology [APP-037], the primary Zone of Influence (Zol) used when defining impacts on bat species is the Core Sustenance Zones (CSZ) calculated by the Bat Conservation Trust (BCT) (2016). These are the mean-maximum foraging radius for UK bat species. Only one UK bat species, Nathusius pipistrelle, has been recorded reliably migrating between the UK and mainland Europe, therefore the response provided here is provided with respect to this species only. The CSZ for Nathusius pipistrelle is 3km. As all elements of the offshore infrastructure lie beyond this 3km Zol, effects upon the viability of this this species are considered unlikely to occur.</p> <p>In response to the point regarding the Zol for European sites (rather than bat individuals), the Applicant notes that there are no UK Special Areas of Conservation (SAC) designated under the Conservation of Habitats and Species Regulations 2017 or the Offshore Marine Habitats and Species Regulations 2017 (each as amended) for which the Nathusius pipistrelle is a designated feature, and therefore no sites have been considered within this assessment (see Table 23.12 of ES Chapter 23 Onshore Ecology [APP-037]).</p> <p>(ii) The response provided by the Netherlands Ministry of Infrastructure and Water Management [REP3-065] reiterates their original response in 2023 in relation to the North Falls Preliminary Environmental information Report (PEIR), which states in regard to offshore bats: "<i>Bats are only mentioned in relation to effects on ecology on land (linked to the planned infrastructure on land). The effects of offshore wind farms on migrating bats are not included in the</i></p>

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ExQ2	Question to	Question	Applicant's Response
		<p>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.</p> <p>(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?</p> <p>(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.</p>	<p><i>assessment.</i>" The Applicant responded to the Netherlands Ministry of Infrastructure and Water Management's original point in 2023 by including impact assessment of migratory bats within Section 23.6.2.4 of ES Chapter 23 Onshore Ecology [APP-037]. It is the conclusion of the impact assessment presented in Section 23.6.2.4 of ES Chapter 23 that likely significant effects would not result upon migratory bats, and mitigation is not required. This is because any migration across the Southern North Sea, if it is taking place, would represent only a small component of the resident Nathusius pipistrelle's ecology, with activity predominantly being focussed in foraging locally within their CSZ, and migrating along the coastline rather than across open water (Lagerveld <i>et al.</i>, 2023).</p> <p>(iii) The degree of risk and likelihood that bats could physically collide with offshore wind turbines is unknown, as there is currently not a reliable nor practical method for modelling bat collision risk with offshore wind farms. As stated in Section 23.6.2.4 of ES Chapter 23 Onshore Ecology [APP-037], the majority of bat species recorded offshore have been observed flying at altitudes lower than the rotor swept zone (Ahlén <i>et al.</i>, 2007; Brabant <i>et al.</i>, 2018; and Troxell <i>et al.</i>, 2019), reducing the risk of physical collision occurring. Additionally, Baerwald <i>et al.</i> (2008) found that most bat mortalities at offshore wind farms are due to barotrauma, not direct collisions.</p> <p>In regard to barotrauma, research conducted by Lawson <i>et al.</i> (2020) aimed to quantify and model air pressure changes and flightpaths which could result in barotrauma at offshore wind farms. Using data from similarly sized mammals (i.e. rats and mice) - the study concluded that areas of extreme pressure changes occur close to the surface of turbine blades, requiring bats to take very specific and improbable flight paths that skim the surface of the blades in order to increase their risk of barotrauma and mortality. Therefore, if this model of pressure changes is representative of bats, it is unlikely that barotrauma is responsible for a significant number of bat fatalities due to the need for very specific circumstances.</p> <p>As stated in Section 23.6.2.4 of ES Chapter 23 Onshore Ecology [APP-037], the Applicant recognises the current data deficiencies and resulting uncertainty in Nathusius' pipistrelles migration over the North Sea and their subsequent interactions with offshore wind farms. Due to various constraints with survey equipment and probability in detecting offshore bats, there is currently a lack of standardised methodology for offshore bat surveys which would yield meaningful results for the project. The conclusions drawn in regard to migratory bats are therefore as a result of examining existing evidence available from a range of sources, combined with professional judgement. Considering the paucity of evidence, the design of potential mitigation and monitoring to successfully protect migratory bats is unlikely to be possible in a proportional manner to the potential impacts predicted on offshore bats. However, as noted in (ii) above the number of migratory Nathusius' pipistrelles recorded crossing the Southern North Sea is very low, so it can be assumed impacts (both adverse and beneficial) will not have wider impacts on the overall Nathusius' pipistrelle population.</p> <p>(iv) As stated in ISH2, this would cause a significant loss of available power. To increase the cut in speed would mean losing a significant amount of potential power generation. This is captured within Transcript of Issue Specific Hearing 2 (ISH2) - Part 3 - 8 April 2025 at 00:39:16:18 [EV6-007]. Considering the very low number of migratory bats, the assessment conclusions (no significant effects) and also the data limitations highlighted in (i) - (iii) above, set against the implication of significant loss of power generation from a project which is Critical National Priority infrastructure, the Applicant does not consider it would be feasible, reasonable or proportionate to impose any such requirement.</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
Q10.0.28	Tendring District Council Essex County Council The applicant	<p>(i) Councils. Is a Community Infrastructure Levy (CIL) Charging Schedule in place in the affected DCO administration area? If so, provide the charging details.</p> <p>(ii) Councils. Is there any proposal to set a Charging Schedule up? if so, what is the timescale?</p> <p>(iii) Has the applicant made any provision for CIL compliance in the administrative areas being discussed? Or elsewhere to deliver compensation.</p>	<p>(iii) The Applicant is unaware of a Charging Schedule in place for Essex County Council or Tendring District Council.</p> <p>The Applicant has considered whether any elements of the Authorised Development would be liable for CIL. The Applicant's position is that there is no CIL liability on the basis that the works proposed would not amount to 'development' under regulation 6 of The Community Infrastructure Levy Regulations 2010.</p> <p>The Authorised Development would either amount to:</p> <ul style="list-style-type: none"> • works classified as a 'structure' and not a 'building'; or • comprise of buildings into which people do not normally go (regulation 6(2)); or • comprise of buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (regulation 6(2)). <p>There are limited works as part of the Authorised Development which would amount to construction of a 'building' and these are confined to the onshore substation zone under Work No. 11 of the draft Development Consent Order. The buildings authorised by Work No. 11 would comprise of welfare and control, plant, and noise attenuation buildings which relate directly to the substation itself. These buildings would be accessed infrequently or to inspect or maintain plant. It is considered these works would qualify under regulation 6(1)(a) and 6(2) as buildings into which people do not normally go or for the purpose of inspecting plant, and therefore not carry a CIL liability.</p> <p>For the reasons outlined above, the Authorised Development would not be liable for CIL.</p>
Q10.0.29	Essex County Council Tendring District Council Essex Wildlife Trust IPs	<p>Biodiversity Net Gain (BNG)/Ecological Enhancement</p> <p>(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?</p> <p>(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?</p> <p>(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?</p> <p>(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?</p> <p>(v) Consideration towards any other local projects headed by Essex Wildlife Trust or those in forthcoming financial years is requested</p>	

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ExQ2	Question to	Question	Applicant's Response
		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?	
Q10.0.30	Essex County Council Tendring District Council	BNG Habitat Management Period 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.	
Q10.0.31	The applicant	<p>BNG/Watercourses/Local Strategy</p> <p>(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)?</p> <p>(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?</p> <p>(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?</p> <p>(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.</p> <p>(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.</p>	<p>(i) The Applicant will consult with Natural England and other relevant stakeholders during the development of final BNG assessment post-consent to further explore the potential options for watercourse enhancement within the local area, should such opportunities be available.</p> <p>(ii) In the absence of a final Essex LNRS at the time of DCO submission, the Applicant has primarily considered local ecological needs and policy requirements through the assignment of strategic significance levels to each baseline and post-development habitat. Such strategic significance levels are detailed in Table 4.2 of the Biodiversity Net Gain Strategy (Rev 1) [REP3-027]. The use of up-to-date local policy to supplement the lack of a LNRS is in line with the methodology set out in the Statutory Metric User Guide (Defra, 2024). Additionally, Appendix A Section 4.1 of 7.22 Biodiversity Net Gain Strategy (Rev 1) [REP3-027] explicitly states that local and national biodiversity strategies have been considered in the indicative habitat plan, including use of the Essex Tree Palette (ECC, 2018) and Essex Green Infrastructure Strategy (Places Services, 2020). The Project's final BNG assessment prepared post-consent and secured under Requirement 21 of the Draft DCO [REP4-004] will consider any changes in policy between DCO submission and the detailed design stage to ensure local requirements are considered, including the finalised Essex LNRS.</p> <p>(iii) As stated in Section 2 of the Biodiversity Net Gain Strategy (Rev 1) [REP3-027], BNG is mentioned in objective four of the Essex Climate Action Commission: Land Use and Green Infrastructure Technical Annex (ECC, 2021), which states "<i>to ensure the substantial proposed landscape scale changes also delivers multiple benefits such as net gain for biodiversity, improved soil health, improved air quality, reduced flooding, reduced urban heat island effect, and improved amenity, liveability, and wellbeing of Essex communities.</i>" The Technical Annex (ECC, 2021) also recognises the overall importance in uplifting biodiversity as a tool for absorbing carbon, improving natural functioning of ecosystems and habitat resilience. By prioritising on-site compensation for losses of habitat (temporary or otherwise), the Project's habitat creation and subsequent climate change and resilience benefits will be experienced locally to where habitat impacts occur. Section 3.5.3 of the Outline Landscape and Ecological Management Strategy (Rev 3) [REP4-006] discusses how habitats created within the onshore substation works area will constitute creation of new Green Infrastructure (GI) features and connection through the site to surrounding linear features, such as hedgerows, screening belts and woodland clusters. Section 3.9 of the Outline Landscape and Ecological Management Strategy (Rev 3) [REP4-006] further describes the Project's consideration of GI, in line with the Essex GI Strategy (Places Services, 2020). Habitat creation within the onshore substation works area therefore provides benefits to wildlife recovery, by improving habitat connectivity</p>

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ExQ2	Question to	Question	Applicant's Response
		<p>(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?</p> <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>	<p>and resource for protected and notable species in the local area. The BNG metric as a quantification tool evidences this uplift in habitat resource.</p> <p>(iv) The Applicant does not rely on the purchase of biodiversity credits and states in Section 4.4.3.2 of Biodiversity Net Gain Strategy (Rev 1) [REP3-027] that biodiversity credits will only be used "if bespoke mechanisms of off-site habitat enhancement or creation cannot be achieved in area habitat and hedgerow modules through consultation with relevant bodies and stakeholders on or off-site". Off-site habitat creation / enhancement through bespoke means or credit purchase as compensation will only be used if there is no suitable alternative on-site, in order to adhere to the mitigation hierarchy. As stated above in response to Q10.0.31 (i), the Applicant will consult with Natural England and other relevant stakeholders during the development of final BNG assessment post-consent to further explore the potential options for off-site enhancement where required.</p> <p>(v) The Applicant has not explicitly consulted with the Offshore Transmission Network Review (OTNR) Expert Advisory Group on this matter, however has consulted with Essex Wildlife Trust, Natural England, Tendring District Council, ECC, the Environment Agency, and Places Services throughout the Evidence Plan Process (EPP) via Onshore Ecology Expert Topic Group (ETG) meetings. Similar ETGs were held for offshore ecological matters, with the addition of Cefas and the Kent & Essex International Fishing and Conservation Authorities (IFCA). Discussions between North Falls and key stakeholders in these ETGs allowed for agreement and discussion of key off and onshore impacts throughout the Project's pre-application stage. This included sharing ecological baseline results and proposed mitigation with relevant parties to agree an approach to reducing marine and terrestrial ecological impacts.</p> <p>(vi) The Essex LNRS has only been available to date in its draft form and has therefore not been considered within the Applicant's BNG assessment, provided in the Biodiversity Net Gain Strategy (Rev 1) [REP3-027]. The Project's final BNG assessment post-consent will consider any changes in policy between DCO submission and the detailed design stage to ensure local requirements are considered, including the finalised Essex LNRS.</p> <p>(vii) As stated in the above response to Q10.0.31 (vi), the Project's final BNG assessment post-consent will consider any changes in policy between DCO submission and the detailed design stage to ensure local requirements are considered, including the finalised Essex LNRS. The Applicant also refers back to its response under Q10.0.31 (ii) above, where it is made clear that in the absence of a draft LNRS at the time of drafting, 'strategic significance' for each habitat was determined using other available resources, and this determination is considered adequate for the pre-consent BNG assessment stage.</p> <p>(viii) If the Applicant determines there is a need to deliver off-site enhancement measures during the final BNG assessment post-consent, these should ideally be in the Tendring District to align with the core values of BNG. The Applicant will consult with Natural England and other relevant stakeholders during the development of final BNG assessment post-consent to further explore the potential options for local biodiversity enhancements.</p> <p>No habitat impacts can occur on sand dunes, shingle ridges, intertidal flats, valley meadowlands or estate sandlands as they are not within the onshore project area for North Falls. As assessed within Section 23.6 of ES Chapter 23 Onshore Ecology [APP-037], no likely significant effects are predicted to occur in regard to saltmarsh and lowland fens (including both wooded and coastal) as such habitats are avoided through the Project's design (i.e. through the onshore cable route taken or use of trenchless techniques). Similarly, effects on Dedham Vale National Landscape are considered in ES Chapter 30 LVIA [APP-044]. Due to the limited nature of visibility from Dedham Vale National Landscape, towards the Project, no significant visual (including cumulative visual) effects are predicted. Enhancing these areas would not</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
			<p>make the biodiversity enhancements proposed more robust, as the habitats highlighted in the Suffolk and Essex Coast and Heaths Management Plan 2023-2028 are not directly related to the habitat impacts of the Project. To ensure biodiversity enhancements are proportional to the Project impacts, on-site enhancements will be prioritised in the first instance in line with the mitigation hierarchy. As stated above in response to Q10.0.31 (iv), it is currently unclear what local opportunities will be present post-consent and therefore such biodiversity enhancement opportunities cannot be evidenced at this time but will be consulted on with relevant stakeholders post-consent. The beneficial outcomes of local enhancements, their location and place within local plans (e.g. the LNRS) will entirely depend on the opportunities available post-consent.</p> <p>(ix) As stated above in response to Q10.0.31 (i), the Applicant will consult with Natural England and other relevant stakeholders during the development of final BNG assessment post-consent to further explore the potential options for off-site enhancement where required. The Applicant would ideally seek biodiversity enhancements within the Tendring District to align with the core values of BNG and the mitigation hierarchy. As stated above in response to Q10.0.31 (iv), it is currently unclear what local opportunities will be present post-consent and therefore such biodiversity enhancement opportunities cannot be evidenced at this time. The beneficial outcomes of local enhancements, their location and place within local plans will entirely depend on the opportunities available post-consent.</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 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</p>	<p>(i) Neither the Biodiversity Net Gain Strategy (Rev 1) [REP3-027], Outline Landscape and Ecological Management Strategy (Rev 3) [REP4-006] or ES Chapter 23 Onshore Ecology [APP-037] refer to a 5-year management and maintenance plan for reinstated hedgerows. Instead, all three documents align with paragraph 101 of Biodiversity Net Gain Strategy (Rev 1) [REP3-027], which states post-reinstatement surveys of hedgerows will be carried out up to ten years, after which it will be assumed that the landowner will continue to maintain the area as they deem fit. This is due to the difficulties acknowledged by Natural England in Appendix H4.2 to the Natural England Deadline 4 Submission Natural England's Biodiversity Net Gain Advice on the Applicant's Deadline 1 and 3 Documents [REP4-065] surrounding land ownership during maintenance and monitoring. Therefore, post-reinstatement hedgerow surveys will not be linked to potential further maintenance if surveys indicate the need for further action beyond the 10-year period.</p> <p>(ii) As stated in paragraph 101 of Biodiversity Net Gain Strategy (Rev 1) [REP3-027], management of reinstated hedgerows is limited as North Falls would not have the appropriate rights to manage the hedgerows in question beyond the 30 m extent needed to deliver the Project, therefore meaning different management regimes would be in place along the hedgerow's length. Additionally, reinstated hedgerows are only subject to temporary works and will be returned to landowners' ownership following the completion of construction and reinstatement. Committing to a 10-year management plan for reinstated habitats, rather than until the end of operations, in light of such issues ensures North Falls' reinstatement plans are achievable and realistically consider the need for such areas to remain functional as agricultural land. Natural England agreed with the Applicant's position on this in their Deadline 4 Submission Natural England's Biodiversity Net Gain Advice on the Applicant's Deadline 1 and 3 Documents [REP4-065], stating a 10-year management plan is reasonable given the lack of clarity on land that is temporarily acquired for NSIPs. This is not an issue at the onshore substation works area as the land is being acquired rather than rights only, habitats created in this area will be subject to an extended 30-year maintenance period (which includes the initial 10-years monitoring). This 30-year maintenance period ensures habitats created within the onshore substation area are maintained at the target condition set within BNG calculations during this period and long-term benefits are experienced</p>

10. Ecology/Biodiversity/BNG/HRA			
ExQ2	Question to	Question	Applicant's Response
		<p>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>	<p>from the habitats created. As stated within Section 5.1 of ES Chapter 5 Project Description [APP-019], the Project has an indicative design life of approximately 30 years. The 30-year maintenance period applied at the onshore substation works area would therefore be in place for the indicative design life of the Project.</p> <p>(iii) The Applicant in their Biodiversity Net Gain Strategy (Rev 1) [REP3-027], Outline Landscape and Ecological Management Strategy (Rev 3) [REP4-006] and ES Chapter 23 Onshore Ecology [APP-037] is committing to a 10-year aftercare period only for all reinstated habitats. The wording "up to" used by the Applicant aimed to provide clarity that this period is the maximum committed to given the landowner constraints present, however it is also the minimum period. The Applicant can confirm they are committing to a 10-year aftercare period for all reinstated habitats.</p> <p>(iv) Due to the constraints on landownership rights highlighted above in response to Q10.0.32 (i) and (ii), the Applicant's commitment to a 10-year management period for reinstated habitats along the onshore cable route is considered realistic and balances ecological reinstatement with the need for such areas to remain functional as agricultural land. This 10-year commitment is already above the 5-year management and maintenance period cited by Natural England in their Deadline 4 Submission Natural England's Biodiversity Net Gain Advice on the Applicant's Deadline 1 and 3 Documents [REP4-065] which is typical for NSIPs.</p>

1.11 Flood Risk, groundwater and surface water

11. Flood Risk, groundwater and surface water			
ExQ2	Question to	Question	Applicant's Response
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>	
Q11.0.2	ECC (as LLFA)	<p>Other Flood Risk</p> <p>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</p>	

11. Flood Risk, groundwater and surface water			
ExQ2	Question to	Question	Applicant's Response
		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.	<p>Item 3 – The Environment Agency has advised the Applicant that their outstanding comments regarding the Outline HDD Method Statement and Contingency Plan [REP1-037] will need to be picked up for the final version of the plan, submitted under Requirement 23 of the Draft DCO [REP4-004]. Further details on the latest status on discussions around the Outline HDD Method Statement and Contingency Plan is provided in the Statement of Common Ground with the Environment Agency [10.4 (Rev2)] being submitted at Deadline 5. Please note that the Applicant has been in consultation with Natural England regarding the Outline HDD Method Statement and Contingency Plan [7.15 (Rev2)], and is submitting an updated version addressing Natural England's further comments at Deadline 5.</p> <p>Item 4 - The Applicant notes that a Technical Note entitled Flood Risk Assessment (Clarification regarding flood risk associated with watercourse crossings) - Technical Note [REP4-032] was submitted at Deadline 4. This Technical Note aimed to provide clarification to address the Environment Agency's concerns related to the haul road crossings, known as WX-22A and WX-23. The assessment set out within the Technical Note demonstrated that this risk has been appropriately considered as part of Appendix 21.3 Flood Risk Assessment [APP-121] by discussing and demonstrating how the flood risk will not be exacerbated at each of the crossings. The Applicant considers that this provides sufficient clarification to address the Environment Agency's concerns, and the Environment Agency has confirmed the Statement of Common Ground between the Environment Agency and the Applicant being submitted at Deadline 5 [Document ref: 10.4 (Rev2)] that this is the case.</p> <p>Item 5 -</p> <p>Protective provisions</p> <p>The Applicant refers to its response to REP4-071_b in the Applicant's Response to Deadline 4 Submissions [Document ref: 9.70, (rev 0)].</p> <p>The Environment Agency stated in its post hearing submissions including written summaries of oral submissions made at the hearings [REP4-072] that it will accept Protective provisions that match those agreed for the Five Estuaries project.</p> <p>The Applicant confirms that the protective provisions for the Protection of the Environment Agency were updated at Deadline 4 to match those agreed for the Five Estuaries Offshore Wind Farm project (see [REP4-004] and [REP4-005] for a version of the draft DCO showing tracked changes).</p> <p>DCO requirements</p> <p>The Applicant refers to its response to REP4-071_a in the Applicant's Response to Deadline 4 Submissions [Document ref: 9.70, (rev 0)] which address the Environment Agency's most recent submissions on this point.</p>

11. Flood Risk, groundwater and surface water			
ExQ2	Question to	Question	Applicant's Response
Q11.0.5	The Environment Agency	<p>FRA Update and Technical Note</p> <p>Following ISH1, the applicant has submitted:</p> <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). <p>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.</p>	

1.12 Historic Environment & Archaeology

12. Historic Environmental & Archaeology			
ExQ2	Question to	Question	Applicant's Response
Q12.0.1	The applicant	<p>Clarification of Changes Made to Outline Offshore Written Scheme of Investigation</p> <p>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"</p>	No changes were made to Paragraph 99 of the Outline Offshore WSI [REP3-016]. The Applicant's response to paragraph 16.15 refers to the revision of the Outline Offshore WSI document itself, rather than this specific paragraph. However, as Historic England's response indicates, this matter has been resolved and no additional changes are required.
Q12.0.2	The applicant	<p>Outline Offshore WSI</p> <p>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 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.</p>	<p>Section 1.5.2 para 76 of the OOWSI [REP3-015] describes the following as a key task and aim of the marine geoarchaeological assessment: 'Geoarchaeological input into geotechnical survey planning (to ensure archaeological objectives are considered in the planning stage of the geotechnical survey)'. Section 1.5.2 paras 77-79 of the OOWSI [REP3-015] describe specific objectives for North Falls, identified through the assessment of marine geophysical data undertaken to date, and set out how post-consent geoarchaeological assessment will be undertaken with reference to palaeolandscape assessments undertaken for North Falls together with adjacent projects, such as Galloper and Five Estuaries OWFs. Section 1.5.2 para 80 of the OOWSI [REP3-015] specifically states how, for all future surveys, advice will be obtained from the retained archaeologist, to ensure that archaeological considerations are taken into account.</p> <p>The OOWSI [REP3-015] section 1.1.2 para 12 states that, post-consent, a final, agreed WSI (or WSIs) (in accordance with the OOWSI) would set out the overarching approach to pre-construction survey and archaeological investigations. As such, the final WSI will necessarily need to include the expectations for all geotechnical surveys (as described in the OOWSI) and the involvement of the retained archaeologist in all geotechnical survey planning.</p>
Q12.0.3	The applicant	<p>NPS EN-1</p> <p>NPS EN-1, paragraph 5.9.9 states that the applicant should "undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these</p>	An overview of the mitigation strategy is set out in section 25.6.1.2.3 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039], with further details of the mitigation approaches provided in the Archaeological Mitigation Strategy [9.65] and updated Onshore OOWSI [7.12 (Rev1)] which will be submitted into Examination at Deadline 5.

12. Historic Environmental & Archaeology			
ExQ2	Question to	Question	Applicant's Response
		<p>along with how the mitigation hierarchy has been applied in the ES".</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>	<p>Opportunities to enhance or better reveal the significance of heritage assets have been considered as part of the Design Vision [APP-234] for the onshore substation with the reinstatement of historic field boundaries to strengthen the historic landscape character, and planting along existing layers of natural screening to maintain the agrarian landscape which forms part of the wider heritage setting of Jennings Farmhouse.</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>	<p>The revised wording for Requirement 11 in the dDCO [REP4-004] was agreed in consultation with Historic England and ECC. The revised wording aligns with that agreed for Five Estuaries and was submitted into Examination at Deadline 4.</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 can to mitigate any effects in accordance with NPS EN-5 paragraph 2.2.10 and Schedule 9 of the Electricity Act 1989?</p>	
Q12.0.8	The applicant, and other IPs including ECC	<p>Temporary effects on the setting of designated and non-designated heritage assets</p> <p>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.</p>	<p>The duration of the construction period is 27 months based on a worse-case scenario (see Table 25.2 in ES Chapter 25 [APP-039]). The construction activities undertaken during this period will move along the onshore cable route with the maximum duration of construction-related activities taking place in any one location relating to a major HDD which could be 8 months. This timeframe is considered short term.</p> <p>The effects of the construction activities are considered reversible in relation to the onshore cable route as the agricultural farmland will be restored and hedgerows reinstated as part of the programme of backfilling and reinstatement work.</p> <p>The impacts are considered slight as the agrarian landscape which forms part of the setting of the identified heritage assets (see paragraph 351 in ES Chapter 25 [APP-039]) can still be appreciated</p>

12. Historic Environmental & Archaeology			
ExQ2	Question to	Question	Applicant's Response
			and will not detract from the significance of the heritage assets, which derives mainly from their historic and architectural interests. The level of magnitude of impact was therefore assessed as negligible adverse as this change in setting would not materially affect its cultural significance (see Table 25.8 in ES Chapter 25 [APP-039]).
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.	The Archaeological Mitigation Strategy [9.65] and updated Onshore OWSI [7.12 (Rev1)] has been agreed in consultation with Historic England and ECC, and will be submitted into Examination at Deadline 5.

1.13 Human Health

13. Human Health			
ExQ2	Question to	Question	Applicant's Response
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?	Open-cut trenching will require the excavation of topsoil, with stockpiles located at the outside of the combined construction easement, as shown in Plate 5.20 of Environmental Statement Chapter 5 Project Description [APP-019] . These bunds are expected to block line of sight between the noise source and the receiver. British Standard 5228-1:2009 +A1:2014 'Code of Practice for noise and vibration control on construction and open sites, Part 1 – Noise' (BS5228-1) states that this would provide 5dB of attenuation. The Outline Code of Construction Practice [Document reference: 7.13 (Rev3)] states ' <i>The final CoCP will detail standard measures to control construction noise emissions (best practicable means) and where applicable, mitigation measures. The CoCP will be developed based on the confirmed list of plant and equipment proposed by the appointed Principal Contractor for that phase of the works i.e. confirming the actual expected noise levels and location of works during construction activities.</i> ' Mitigation measures such as screening will therefore be introduced, where required, to avoid significant residual effects. This could include locations at which works without bunding are proposed. Hence, creation of topsoil bunds does not need to 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	ES Chapter 31 Socio-economics [APP-045] finds the local employment impacts of the Project's construction, operation and decommissioning would not be significant in EIA terms, having been assessed as minor and beneficial. The Applicant notes that ES Chapter 31 assesses the worst-case scenario, and it presents in Table 31.33, for example, scenarios in which local employment could be significantly higher. The Equality Impact Assessment (EqIA) [REP1-049] , undertaken to assess the differential effects of the Project of those with protected characteristics under the Equality Act 2010, concludes in paragraphs 7.2.29-7.2.30 that a small, positive effect on health in a vulnerable group (people living in the area of working age on low incomes or unemployed) would result from

13. Human Health			
ExQ2	Question to	Question	Applicant's Response
		under the Equality Act 2010, in accordance with NPS EN1, paragraph 4.4.6	employment opportunities generated by the Project. It finds the effect to be not significant for vulnerable groups in EIA terms, and that it would have a marginal, positive effect on delivering health policy linked to good quality employment and on contributing to narrowing health inequalities. The EqIA draws on the findings of ES Chapter 28 Human Health [APP-042] which identifies the positive relationship between improved socio-economic circumstances which might result from employment and mental and physical health benefits. The EqIA also recognises that the Outline Skills and Employment Plan [APP-253] identifies proposed skills and employment themes which consider local needs. Should the DCO be approved, the development of a full Skills and Employment Plan (secured by Requirement 18 of the Draft DCO [REP4-004] would be undertaken which would include specific measures to enable local residents to secure jobs generated by the Project.
Q13.0.3	The applicant	<p>EMF</p> <p>The Electro Magnetic Fields Technical Statement [REP4-024] and Electromagnetic Fields Non-Technical Statement [REP4-025] are noted. In connection with the information provided:-</p> <p>(i) Who will be responsible for the monitoring of the EMF levels and compliance with the limits set out in the guidelines;</p> <p>(ii) When will the monitoring be undertaken and at what intervals;</p> <p>(iii) Where will testing be undertaken and at what locations;</p> <p>(iv) How will complaints relating to EMF levels be dealt with;</p> <p>(v) How will residents and landowners be able to raise issues relating to EMF levels ; and</p> <p>(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.</p>	<p>(i) – (vi) There is no statutory requirement in England for routine monitoring of EMFs from underground cables. The modelling conducted in the EMF Technical Statement [REP4-024] (submitted in the Examination at Deadline 4) shows that the highest level of the <i>magnetic fields</i> at ground level for the North Falls underground cable system has been calculated as 106.2 µT. This is within the compliance level of 360 µT as set by:</p> <ul style="list-style-type: none"> • Health Protection Agency (now UKHSA) guidance on exposure to EMFs; and • International Commission on Non-Ionizing Radiation Protection (ICNIRP) exposure limits, which the UK government has adopted for public exposure. <p>The Applicant has conducted calculations using cable design and the load to model the EMF levels at surface level which will be accessible to the general public.</p> <p>The Applicant has prepared an EMF Non-Technical Statement [REP4-025] (submitted in the Examination at Deadline 4) to provide an accessible explanation of the level of EMF that will be created and the low level of exposure for the general public.</p> <p>Complaints about EMF are not considered likely but any concerns about EMF will be addressed by the Community Liaison Officer.</p> <p>The Applicant has consulted with the UK Health Security Agency regarding calculations presented in the for the onshore cables in the EMF Technical Statement [REP4-024], and it is agreed that the levels predicted are within safe limits, and no further monitoring is required. A Statement of Common Ground with the UK HSA [10.3 (Rev1)] covering these matters is being submitted into the Examination at Deadline 5.</p>

1.14 Landscape, Visual and Seascape Effects

14. Landscape, Visual and Seascape Effects			
ExQ2	Question to	Question	Applicant's Response
Q14.0.1	The applicant. Additionally, SECHP, Natural England and SCC, or other IPs may optionally respond.	<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 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> <ul style="list-style-type: none"> (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. (iii) 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>(i) and (ii)</p> <p>The Applicant currently holds an electricity generation licence (Licence No. 12435947 issued on 3 August 2021) under section 6(1) Electricity Act 1989. Accordingly, the Applicant is a “statutory undertaker” as defined in section 85(3) of the CRoW Act because it is deemed to be a statutory undertaker for the purposes of Part 11 of the Town and Country Planning Act 1990 (TCPA 1990) by virtue of holding that licence (see section 262(6) of the TCPA 1990).</p> <p>The Applicant therefore considers that it is a relevant authority for the purposes of the CRoW Act.</p> <p>The Applicant notes that paragraph 1 of Schedule 9 to the Electricity Act 1989 requires that a generation licence holder, when formulating any proposals to construct a generating station over 10MW:</p> <ul style="list-style-type: none"> (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. <p>(iii)</p> <p>The Applicant is an SPV set up solely for the development of the Project and when developing its proposals for the Project took into account the obligations in Schedule 9 to the Electricity Act 1989 and s85 of the CRoW Act.</p> <p>Further details are set out in the Applicant's Position Statement on Various Issues Relating to National Landscapes [Document ref: 9.78, (rev 0)] submitted at Deadline 5.</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</p>	<p>The Guidelines on Landscape and Visual Impact Assessment – 3rd Edition (GLVIA3) paragraph 2.19 notes that landscape character “<i>is not just about the physical elements and features that make up a landscape, but also embraces the aesthetic, perceptual and experiential aspects of the landscape that</i></p>

14. Landscape, Visual and Seascape Effects			
ExQ2	Question to	Question	Applicant's Response
		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><i>make different places distinctive</i>". ES Chapter 30 LVIA [APP-044] contains an assessment of the effects of the Project on local landscape character, as defined in the Tendring Landscape Character Assessment, which incorporates these perceptual aspects.</p> <p>The Applicant acknowledges in ES Chapter 30 LVIA that it would not be feasible to fully screen a development of this type. The outline Landscape Mitigation Plan (Appendix A of the OLEMS [REP4-006]) has been designed to fit with the farmed and partially wooded character of the landscape, whilst providing maximum screening of the proposed North Falls onshore substation. As such, the outline landscape mitigation planting has been designed to respond to the perceptual rural characteristics of the receiving environment. Requirement 7 of the Draft DCO [REP4-004] secures the development and implementation of a detailed landscape scheme, to be based on the OLEMS, and subject to the approval of the Local Planning Authority.</p> <p>National Policy Statement (NPS) EN-1 paragraph 4.2.12 states that "<i>applicants should set out how residual impacts will be compensated for as far as possible.</i>" NPS EN-1 discusses compensation under certain specific topics. For example, section 5.4 on Biodiversity and Geological Conservation refers to compensation throughout. By contrast, section 5.10 on Landscape and Visual does not mention compensation at all. Instead, paragraph 5.10.5 states: "<i>Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation.</i>" NPS EN-1 does not require compensatory measures for such adverse effects. The Applicant is not aware of other Nationally Significant Infrastructure Projects where compensatory measures have been required in relation to localised impacts on non-designated landscapes.</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>	<p>Overhead lines transmitting electricity to and from the proposed East Anglia Connection Node substation are part of the proposed Norwich to Tilbury project. Information supplied by National Grid has been used to generate additional visualisations including the Norwich to Tilbury overhead lines, and these were submitted at Deadline 4 [REP4-029] and [REP4-030]. The Norwich to Tilbury pylons, shown in blue in these visualisations, are modelled at between 48m and 60m in overall height.</p> <p>The Applicant cannot provide definitive information on the height of existing NGET and UK Power Networks pylons in the area. Experience from elsewhere suggests that pylons carrying similar voltages are generally around 30m in height, though substantial variation exists. The Norwich to Tilbury pylons are likely to be considerably taller than the existing pylons in the area. The aforementioned visualisations are helpful in showing how the two sets of pylons will be viewed together in the landscape.</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>	<p>(i) To clarify, orchard planting is not currently proposed as part of the North Falls onshore substation proposals.</p> <p>The Applicant is proposing, in the northwest of the onshore substation works area, a series of woodland belts in proximity to the onshore substation compounds, supplemented with additional woodland belts at the Grange Road perimeter, where they would provide visual continuity with shelter belts to neighbouring properties. The constraints of the Norwich to Tilbury overhead transmission lines and new North Falls / Five Estuaries underground cables will restrict the planting of trees and large shrubs. However, planting locations have been considered carefully to achieve a layered effect to the visual screening.</p> <p>Enhancements to the existing poor-quality hedgerows along Grange Road will include infill of gaps and planting of hedgerow trees. This will provide a filter to views experienced by vehicle users, with the improved hedgerows providing a visual screen to pedestrian users.</p> <p>In respect of an alternative option of planting traditional orchard habitat within the northwest of the onshore substation works area between the onshore substation and Grange Road:</p>

14. Landscape, Visual and Seascape Effects			
ExQ2	Question to	Question	Applicant's Response
			<p>the UK Biodiversity Action Plan Priority Habitat Descriptions for Traditional Orchards describes the key components of the habitat:</p> <ul style="list-style-type: none"> • Managed in a low intensity way by grazing or cutting of grassland for hay; • Planting of fruit and nut species, typically apple, plum, pear, damson, cherry, walnut and cobnut (hazel); • Trees planted on vigorous rootstocks that allow trees to reach their full size (up to 15m for Walnut); • Tree form will include standards and half standards; and • Lower planting densities than intensive orchards, typically 8m centres for apple, pear and cherry. <p>In comparison to the Applicant's proposed treatment to the northwest area, the following observations are made:</p> <ul style="list-style-type: none"> • The planting of traditional orchard within this zone has the potential to provide visual screening. • Restrictions to planting in proximity to overhead transmission lines will apply. These state that only slow and low growing species of trees and shrubs shall be planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances. • Restrictions to planting in proximity to underground transmission cables will apply. These state that deciduous trees, such as apple and pear trees shall not be planted within 6 metres of an underground cable. <p>Bearing the above factors in mind and the 8m typical spacing, the Applicant believes that a change to traditional orchard planting would not offer any enhanced screening over and above the current North Falls proposal.</p> <p>(ii) The Applicant will provide an additional photomontage visualisation from Grange Road, to be submitted at Deadline 6. The selected viewpoint is immediately north of the proposed onshore substation works area at approximate grid reference 608257, 229241. Given the timing of the request, it will not be possible to provide winter baseline photography.</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[REP4-066] provides a response to [REP2-024] and [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 	<p>(i) The Applicant has responded to the specific comments made by Natural England in Table 1 of their Appendix I4 to the Natural England Deadline 4 Submission [REP4-066]. These responses are set out in Table 11 of Applicant's Response to Natural England's Deadline 4 submissions [9.69], being submitted into the Examination at Deadline 5 alongside these responses to written questions. The Applicant concludes that the judgements in Table 4 of the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [REP3-044] are appropriate.</p> <p>(ii) Appendix I4 to the Natural England Deadline 4 Submission [REP4-066] refers to 'Table 3 of our Natural England RR', which is contained in Appendix I2 to the Relevant Representations of Natural England [REP1-071]. This Table 3 provides Natural England's opinion on the effects of the Project on a number of landscape and visual receptors, including three landscape character types (LCTs).</p> <p>The Applicant responded to Table 3 in the Response to Natural England's Relevant Representation Appendix I2 [REP2-024]. Please refer to NE-408 on page 11 of [REP2-024], which concludes that "<i>The additional justification provided by Natural England for this and the other LCTs has already been considered by the authors of the SLVIA. At a distance of over 40 km from any onshore LCT, the Applicant is satisfied that the magnitude of change is correctly recorded as 'low' in each case.</i>"</p>

14. Landscape, Visual and Seascape Effects			
ExQ2	Question to	Question	Applicant's Response
		<p>impacts to the Landscape Character Types identified in Natural England's RR [RR-243].</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 "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>	<p>Table 5 of the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [REP3-044] outlines the landscape characteristics and commentary on potential effects for each LCT in the Suffolk Heritage Coast (SHC). This information is provided so that the effects on the special character of the SHC can be understood. Natural England's comments in Table 3 of [REP1-071] do not relate to effects on the SHC.</p> <p>In response to the ExA's question, the Applicant has provided commentary in relation to Table 3 of [REP1-071] within Table 5 of an updated version of the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [Document reference: 9.33 (Rev1)] that is being submitted into the Examination at Deadline 5.</p> <p>(iii) Please see the response to Q7.0.12 above, where the Applicant has provided an answer to this question.</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>	<p>The Applicant has considered Natural England's position on issues I1 to I12 within the Applicant's Response to Natural England's Relevant Representation Appendix I2 Seascape, Landscape and Visual Impact Assessment [REP2-024], and in the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note [REP3-044]. These documents provide further information on the Applicant's position with regard to seascape, landscape and visual effects as presented in ES Chapter 29 SLVIA [APP-043].</p> <p>Natural England have identified some 'precise steps', for example on issue I2 they state that "<i>the Applicant should revise the assessment in accordance with NE's advice</i>". The Applicant has set out in the documents noted above the reasons why such revisions are not necessary or appropriate.</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>	<p>The Design Vision [APP-234] makes reference to the Dedham Vale National Landscape Lighting Design Guide (2023), which is also applicable to the Suffolk and Essex Coast and Heaths National Landscape, and is subtitled "Guidance to reduce light pollution and protect our dark skies".</p> <p>Section 2.3.7 of the Design Vision provides further information on the key principles around lighting identified in this document. Section 7.11.2 of the Design Vision provides further information on the principles of any lighting at the proposed onshore substation. This states:</p> <p><i>"Within the onshore substation lighting should be directional and limited to areas that require lighting for functional purposes such as key routes, wayfinding and buildings and building entrances. Luminaires should be situated to provide the most efficient spread of light, with lighting integrated into the built form where practicable to reduce visual clutter within the site. Lighting should only operate when required where practicable, through the use of motion sensors or timed controls to reduce the site being lit unnecessarily."</i></p>

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ExQ2	Question to	Question	Applicant's Response
			<p><i>"The use of artificial light will be minimised to levels that are sufficient to ensure that safety and security requirements are met but light scatter outside of the substation compound is minimised. Dark corridors around the site boundary and unlit areas should be maintained as to not disturb any local wildlife such as bats. Whilst not located within the Dedham Vale National Landscape, lighting design and specification should adhere to the guidance set out in the Lighting Design Guide wherever possible, to preserve the dark sky environment."</i></p> <p>The Applicant considers that the Dedham Vale National Landscape Lighting Design Guide is not relevant to the offshore elements of the Project.</p>
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> <p>(i) The ExA invites IPs to comment on this rationale.</p> <p>(ii) Please can the applicant update REP3-044 on the basis of information submitted, specifically to address the contributors to, and detractors from, tranquillity.</p>	<p>(ii) The Applicant has updated the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [Document reference: 9.33 (Rev1)] to incorporate the Applicant's responses on this matter into the assessment of effects on the SECHNL and SHC. This is being submitted into the Examination at Deadline 5.</p>

1.15 Navigation and Shipping

15. Navigation and Shipping			
ExQ2	Question to	Question	Applicant's Response
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	Interference with the use of recognised sea lanes essential to international navigation	

15. Navigation and Shipping			
ExQ2	Question to	Question	Applicant's Response
		<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> <p>(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?</p> <p>(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)?</p>	
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>	<p>In a scenario where the project could connect to a 3rd party's HVDC interconnector, the cables for any 3rd Party HVDC interconnector will be owned by the 3rd Party, and hence any requirements on the burial/separation will be with the 3rd Party and a matter to be secured by conditions in applicable marine licence(s) obtained by that 3rd Party.</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>	<p>Agreement of a SAR checklist (of which use of AIS and VHF are potential elements) with the MCA is a requirement of Marine Guidance Note (MGN) 654. Compliance with MGN 654 is a mitigation commitment in Chapter 15 Shipping and Navigation [APP-029] and compliance with it is secured through the condition Offshore Safety Management, in each respective DML, see Schedule 8, Part 2, paragraph, 23 / Schedule 9, Part 2, paragraph 24 / Schedule 10, Part 2, paragraph 23 of the dDCO (Document Reference 6.1 (Rev. 6)).</p>

15. Navigation and Shipping			
ExQ2	Question to	Question	Applicant's Response
			Associated discussions with the MCA will occur as part of the SAR Checklist process undertaken post-consent (pre-construction) noting that the specific requirements and recommendations (including any potential AIS and VHF) are agreed with the MCA on a case-by-case basis.
Q15.0.5	The applicant	Formal Safety Assessment – Removal of the Galloper Recommended Route 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> ".	The associated email correspondence is presented in Appendix to Applicant's Response to ExA's Second Written Questions (ExQ2) submitted at Deadline 5 [Document Reference 9.82, (rev 0)]. The submitted email chain followed a meeting held with the Belgian Maritime Authorities and the MCA in September 2024, and includes provision of the Formal Safety Assessment (FSA) on the Removal of the Galloper Recommended Ferry Route (submitted into examination as [REP2-025]) to the Belgian Maritime Authorities as they requested, and their subsequent confirmation that the " <i>consultation on the FSA is closed and the result is positive</i> ".
Q15.0.6	The applicant	Sunk Area - Emergency Scenario Harwich Haven Authority [RR-126] and subsequently ExQ1 Q15.1.7 [PD-009] included that " <i>In the 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. Could the applicant advise if this meeting has been held and if so please provide an update on this issue?	<p>The Applicant can confirm this meeting took place on the 20th March in Harwich. As part of this meeting the Applicant presented its proposals on routing and cable burial in the Sunk area, specifically in the areas of intersection with the Deep Water Routes (DWR). These proposals are presented and discussed in further detail in the Outline Cable Specification and Installation Plan [REP4-039] and Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan [REP4-043] that were submitted at Deadline 4.</p> <p>These plans and compliance with them are secured via the dDCO (Document Reference 6.1 (Rev 6.)) and ensure the DWR could be dredged to 22m in the future while still ensuring the cables would remain buried deep enough to mitigate risk of anchor interaction, with burial depths below the 22m to be determined via the Cable Burial Risk Assessment (CBRA). The burial requirements will be confirmed by the final CBRA, as per Q15.0.9 of this document.</p> <p>The Project will aim to be as far away from the Sunk area as practicable, subject to confirmation from data sources. Initial archaeology shows there to be contacts requiring us to be as far away from the Sunk Inner area as practicable, and this will be confirmed as further survey work is undertaken throughout the design of the Project.</p> <p>The Applicant is continuing to engage with the Harwich Haven Authority.</p>
Q15.0.7	The applicant	Deep Water Route Cable Installation Areas (Future Dredging Depths) Plans 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?	An updated revision of this will be provided for Deadline 6.
Q15.0.8	Harwich Haven Authority	Offshore Operational conditions and constraints 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. <ul style="list-style-type: none"> Draft Development Consent Order (Rev 5) (Clean) [REP4-004] 	

15. Navigation and Shipping			
ExQ2	Question to	Question	Applicant's Response
		<ul style="list-style-type: none"> • 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] <p>Environmental Statement Appendix 15.1 Navigational Risk Assessment Part 1, 2 and 3 [APP-106, APP-107, APP-108]</p>	
Q15.0.9	The applicant	<p>Cable Burial Risk Assessment</p> <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> <ul style="list-style-type: none"> (i) The applicant is requested to submit an Outline Cable Burial Risk Assessment (CBRA) by Deadline 5. (ii) How does the applicant propose that the content of the CBRA will be secured in the dDCO? 	<p>Cable Burial Risk Assessments (CBRAs) are a calculation tool used to define how deep into the specific seabed conditions a cable needs to be buried to reduce the risk of it being damaged to an acceptable level. This is based on a methodology developed by the Carbon Trust, which is available here: https://ctprodstorageaccountp.blob.core.windows.net/prod-drupal-files/documents/resource/public/cable-burial-risk-assessment-guidance.pdf.</p> <p>It utilised the size and weight of anchor and the material of the seabed to give the risk of damage at different depths below the seabed. The acceptable risk is then defined as per DNV-OS-F101 as per the guidance, so that suitable protection of the cable is achieved by burial. As per the guidance, there are a number of different aspects to the CBRA, ranging from routing to probabilistic modelling. All aspects are based on the information in the area, some of which has been collected by the project, some of which has not as yet due to significant cost at a stage where the Project does not yet have development consent. The project has conducted a geophys survey in 2021, the results of which show the types of soils within the seabed to be low risk in terms of burying the cable. This information needs truthing with the Geotech data that is planned for this year. Therefore, it is not possible to confirm burial depths at this stage, and any oCBRA will be a repetition of the guidance document provided by the Carbon Trust, which at a high level is being used by the project.</p> <p>Further to this, a routing exercise will take place to ensure we located the cables in positions that avoid constraints e.g. boulders, seabed contacts and potential UXOs, archaeology and mobile seabed features. This cannot be fully captured within the CBRA, and will be a separate part of the exercise to try to minimise interaction.</p>

1.16 Socio-economic Effects

16. Socio – economic Effects			
ExQ2	Question to	Question	Applicant's Response
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> <ul style="list-style-type: none"> (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? (ii) Whether there are any additional mitigation measures and/or safeguards necessary, to include project alone and cumulative effects? 	
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 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	<p>Restrictions to Fishing and Fisheries Liaison and Coexistence Plan</p> <ul style="list-style-type: none"> (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 	

16. Socio – economic Effects			
ExQ2	Question to	Question	Applicant's Response
	Harwich Harbour Fishermen's Association	<p>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>	<p>All the points raised by HHFA in REP4-075, including those of relevance to the Outline FLCP [APP-244], have been responded in detail in Section 2.8 of the Applicant's Response to Deadline 4 Submissions (Document Reference 9.70). The Applicant is of the view that the responses provided in (Applicant's Response to Deadline 4 Submissions (Document Reference 9.70)) appropriately clarify the points raised by HHFA in REP4-075. Updates to the Outline FLCP to address the specific points raised in REP4-075 are therefore not considered necessary.</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>	<p>(i) In [REP2-056] the Port of London Authority (PLA) raised concerns that North Falls may cause economic disbenefits to the port and disagreed with the Applicant's conclusion in ES Chapter 31 Socio Economics [APP-045] that the potential economic impacts of the Project would be concentrated on the ports of Felixstowe and Harwich, with all other ports being scoped out of the assessment. The PLA noted that, to accommodate existing and predicted future vessel sizes, it needs to safeguard access via the deep water routes (DWRs) for vessels with a draught of 20m. They noted that, in the event that it is not possible for vessels of this size to enter the port via the DWRs, it would limit the quantum of trade within the Port. It should be noted that there are two deep water routes (Sunk and Trinity) into the London ports. The Outline Navigation and Installation Plan (oNIP) [REP4-011] prevents concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into the ports. Further to this, the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days. Therefore, the potential socio-economic impacts on the London ports have been mitigated as one route would always be open. The access routes are being discussed in ongoing meetings with the ports and the tables in the oNIP will be updated at Deadline 6.</p> <p>(ii) The assessment was carried out based on a typical burial rate required to achieve a notional depth. The crossings of the Sunk DW route is circa 1400m long, and the crossing of the Trinity is circa 2100m long. Based on a cable lay rate of circa 150-450m/hr, the length of time taken to cross even the longest routes is a few hours. Cable burial will be added to the final NIP, but is expected to be of the order of 50-150m/hr. Therefore, the length of time expected to cross the longest crossing (Trinity) is expected to be less than a couple of days.</p> <p>If, after ground investigations, it is found that burial tools cannot achieve the required depth on their own, the assumed volumes of material allow for dredging to take place in the vicinity. This would mean construction of a trench to allow the cable to sit at the required depth below the future seabed depth. This is around 2m and depends on the outcomes of the CBRA, and the volumes required are captured by the environmental assessment. If dredging was needed, this would be an episodic task, as it would mean the filling of a hopper that has a discrete volume. This material would need disposing prior to continuing, and hence there would be flexibility to work with the ports and authorities to schedule tasks based on vessel movements. The exact duration would depend on the size of the dredging vessels available for construction.</p>

16. Socio – economic Effects			
ExQ2	Question to	Question	Applicant's Response
Q16.0.7	The applicant	<p>Port of London Authority – Permanent impacts</p> <p>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?</p>	<p>It should be noted that the cable crossing locations known at this time are stated in the Export Cable Crossing Zone Plan [REP1-059].</p> <p>By comparing the red-line boundaries (RLBs) of the various projects, it should be clear that there are to be no crossings within the DWRs (the RLBs of the projects do not overlap in these areas), and the intention of the Export Cable Crossing Zone Plan is to show that any crossing of Five Estuaries would take place away from the Sunk Pilot Diamond due to water depth reasons. Therefore, there would be no impacts from crossings on the ability of a 20m draft vessel to access port.</p> <p>The crossing zones shown Export Cable Crossing Zone Plan are indicative because all projects which the Applicant is crossing are still in development stages and hence have not got a fixed location of their infrastructure on the seabed. Therefore, the Export Cable Crossing Zone Plan assumes that the cables being crossed could be anywhere within the indicated zone. It should be noted that the zone extends outside the respective project boundaries as the grade-in/grade-out distances (to bring the cable to the seabed) need to be considered. As the cable location could be anywhere within the boundary, the Applicant may need protection to extend beyond that to allow for the grading in/out of the Applicant's cable and associated protection.</p>
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>	<p>The Applicant would like to clarify that the reference to Route 14 in ExA question appears to be a typo, the Applicant believes that this should instead read Route 42. For clarity Table 14.3 Deviation Summary within Study Area and Table 14.4 Cumulative Routeing Summary of the Navigational Risk Assessment (Part 2) [APP-107] references routes 10 and 42.</p> <p>Route deviations are assessed within ES Chapter 15 Shipping and Navigation [APP-029]. The socio-economic assessment (ES Chapter 31 Socio-economics [APP-045]) of wider economic effects from disruption to shipping and navigation relied on information presented in the Shipping and Navigation assessment, including information on route deviations for which no likely significant effects were assessed within ES Chapter 15 Shipping and Navigation [APP-029].</p>
Q16.0.9	The applicant	<p>Skills and Employment Plan</p> <p>(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.</p> <p>(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</p>	<p>(i) Suggested changes provided by SCC to the OSEP [APP-253], will be taken into account in future iterations of the SEP, which will be produced post DCO consent. The Applicant looks forward to working with Essex County Council, adjoining authorities such as Suffolk County Council and other stakeholders to develop and discharge the final Skills and Employment Plan. The Applicant is developing a log of all proposals and suggestions to form the basis of discussion post DCO award to develop the final plan.</p> <p>(ii) Please see Q9.1.7 above, where the Applicant has provided a full response to this question.</p>

16. Socio – economic Effects			
ExQ2	Question to	Question	Applicant's Response
		request will be agreed and if not, provide clear reasons that they will not be added as a named consultee.	

1.17 Terrestrial Traffic and Transportation

17. Terrestrial Traffic and Transportation			
ExQ2	Question to	Question	Applicant's Response
Q17.0.1	National Highways	Review of traffic models of Horsley Cross and Bentley Road junctions (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 required?	
Q17.0.2	The applicant	Widening of Bentley Road 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>The commitment to the Bentley Road improvements (including widening of the carriageway) is captured within section 4.4 of the Outline Construction Traffic Management Plan (OCTMP) [REP4-008]. Requirement 9 of the draft DCO [REP3-008] outlines that no stage of the onshore works may commence until a final CTMP (which should be in accordance with the OCTMP) has been agreed with the highway authorities.</p> <p>The timing and delivery of the Bentley Road improvements will form part of the final CTMP and will therefore need to be agreed with ECC prior to the commencement of the onshore works.</p>
Q17.0.3	The applicant	Vibration impacts from Abnormal Indivisible Loads 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>The Design Manual for Roads and Bridges LA111 Noise and Vibration (LA111) (National Highways, May 2020) is the relevant guidance for assessing and reporting the effects of highways noise and vibration from construction, operation and maintenance projects. With respect to vibration, the guidance notes that:</p> <p><i>“Operational vibration is scoped out of the assessment methodology as a maintained road surface will be free of irregularities as part of project design and under general maintenance, so operational vibration will not have the potential to lead to significant adverse effects”</i></p> <p>The Applicant has therefore scoped out vibration effects on the basis of this guidance.</p> <p>Notwithstanding, with specific respect to Bentley Road, section 4.5 of the Outline Construction Traffic Management Plan (OCTMP) [REP4-008] includes a commitment that prior to the commencement of construction of the Bentley Road improvement works, pavement coring and condition surveys will be undertaken to determine whether the road needs reconstruction or strengthening prior to construction commencing (i.e. to ensure the structural integrity of the road for the duration of the Project's construction phase). These works would therefore support Essex County Council in its duty under</p>

17. Terrestrial Traffic and Transportation			
ExQ2	Question to	Question	Applicant's Response
			<p>Section 41 of the Highways Act 1980 to maintain the highway in a condition that is safe for users (which includes being free of irregularities).</p> <p>To ensure that a regular surface is maintained and to support Essex County Council in its duty under Section 41 of the Highways Act 1980, Section 4.11 of the OCTMP [REP4-008] also includes a commitment to the contractor for the Project undertaking regular inspections of the highway to identify any emerging issues (such as potholes forming). Where emerging issues are identified as a result of the Project's construction traffic, the contractor would be required to notify Essex County Council and either repair the issue or ask Essex County Council to undertake the repairs.</p> <p>Noting the commitments outlined above, the Applicant's position is that Bentley Road would be provided free of irregularities and maintained in accordance with the OCTMP, thus ensuring the vibration from the Projects traffic (including abnormal loads) will not have the potential to lead to significant adverse effects.</p> <p>Finally, with regard to abnormal loads, there are a range of abnormal loads that would need to be moved along Bentley Road. This could include non-special order abnormal loads associated with items of plant, cable drums etc. Typically, in line with the Special type enforcement guide (Driver & Vehicle Standard Agency, 2018) these loads would be subject to a speed limit of 30mph along Bentley Road, i.e. significantly less than the current speed limit of 60mph and less than the proposed speed limit of 40mph. With regard to the Special Order loads (for the movement of the Project's transformer), this would be a single load and would be required to travel at reduced speed, typically 12mph and less. These reduced speeds for abnormal loads, together with the requirement for escorts (to manage conflict) would serve to reduce the need for heavy breaking and slowing and thereby reducing the dynamic loading and associated vibration effects. 'Traffic calming: Vehicle generated noise and ground-borne vibration alongside sinusoidal, round-top and flat-top road humps' (Transport Research Laboratory, 1999) evidences the correlation between vehicle speed and vibration emissions from surface deflections.</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>	<p>The Applicant would note that the movements of abnormal loads is managed by National Highways on behalf of the Secretary of State for Transport. National Highways policy for the movement of Special Order abnormal loads is governed by the 'Water preferred policy' (National Highways, 2019) requiring the use of coastal shipping for moving the largest and heaviest abnormal loads from the nearest convenient port. This policy is also referenced within EN-1 as something that should be considered when preparing an application.</p> <p>For the Project, the nearest suitable port is identified as Harwich, with ports at Ipswich (which require the use of Ostrich Creek bridge) being significantly further away. Noting that Harwich is the closest port, the Applicant appointed Wynns (specialist in the assessment of abnormal loads) to confirm the feasibility of using this port and test the route and structures for suitability. This assessment presented in the ES Appendix 27.2 Abnormal Indivisible Load Access Report [REP1-008] confirms that the port and route are viable and also that the National Highways abnormal Loads Team has provided an agreement in principle for Special Order deliveries to the proposed onshore substation works area via Harwich Port. The Applicant therefore asserts that it has been demonstrated that Special Order abnormal loads can be accommodated in line with the Water preferred policy and avoid the need to traverse Ostrich Creek bridge.</p> <p>The requirement to agree the final abnormal load routes with the relevant highway authorities through which the load will pass is also secured via Section 2.5 of the Outline Construction Traffic Management Plan (OCTMP) [REP4-008]. Future applications for Special Order movements would therefore need to demonstrate to the highway authorities compliance with the Water preferred policy.</p>

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