



NORTH FALLS

Offshore Wind Farm

Applicant's Response to Deadline 5 submissions

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1. INTRODUCTION

1.1 Introduction

- 1.1.1 This document has been prepared by North Falls Offshore Wind Farm Limited ('the Applicant') in relation to the North Falls Offshore Wind Farm (hereinafter referred to as 'North Falls' or the 'Project').
- 1.1.2 The Examining Authority's Rule 8 letter **[PD-008]** confirmed that Deadline 6 for the Examination is Tuesday 24th June 2025.
- 1.1.3 This document has been prepared by the Applicant for submission at Deadline 6 on Tuesday 24th June 2025, and responds to submissions received at Deadline 5.

1.2 Purpose of the document

- 1.2.1 This document provides comments, where appropriate and relevant, on submissions that were made at Deadline 5 by all Interested Parties.

2. APPLICANT'S RESPONSE TO DEADLINE 5 SUBMISSIONS

2.1 Deadline 5 submissions where the Applicant has no comments

Table 2.1 Deadline 5 submissions where the Applicant has no comments

REF	PARTY	TITLE OF DOCUMENT	APPLICANT'S RESPONSE
REP5-099	Marine Management Organisation	Deadline 5 submission summary- Responses to ExQ2 and Comments on any submissions received at the previous deadline	The Applicant notes this submission is a summary of the MMO's Responses to ExQ2 and Comments on any submissions received at the previous deadline [REP5-098] and has commented on the full version of the MMO's submission.
REP5-114	RSPB	Summary of Response to Deadline 3 Submissions	The Applicant notes this submission is a summary of the RSPB's Comments on any submissions received at the previous deadline [REP5-113] and has commented on the full version of the RSPB's submission.

2.2 Applicant's response to Environment Agency's *Appendix 2* within Responses to ExQ2 **[REP5-088]**

Table 2.2 Applicant's response to Environment Agency's Appendix 2 within Responses to ExQ2 **[REP5-088]**

REF	THEME	ENVIRONMENT AGENCY COMMENT	APPLICANT'S RESPONSE
REP5-088_e	Flood Risk Assessment Technical Note [9.47]	Following submission of the North Falls DCO application in July 2024, the Environment Agency published new national risk information for flooding and coastal erosion. Following a review of the updated Flood Zone extents against previous Flood Zone data used in ES Appendix 21.3 Flood Risk Assessment [APP-121] (see Figure 3.1 and Section 3.1), it is considered that there are no significant changes in the Flood Zone extents across the entire onshore project	Noted.

REF	THEME	ENVIRONMENT AGENCY COMMENT	APPLICANT'S RESPONSE
		area. This includes the landfall, onshore cable route and onshore substation works area.	
REP5-088_f	Flood Risk Assessment Technical Note [9.46]	<p>The technical note considers the flood risk associated with the watercourse crossings rather than leaving this until detailed design post consent. In our opinion the technical note is adequate to present to the Examining Authority for consideration. The assessment of flood risk within this note is appropriate to the scale and nature of the risk posed by the proposed crossings.</p> <p>We are satisfied that the culverts in both locations could be installed without flood risk to third parties. The proposed culverts at these locations will be designed to maintain or enhance the existing capacity of the watercourse, ensuring conveyance of flow. The work will require a FRAP or approval under protective Provisions if FRAPs have been disapplied.</p>	Noted.
REP5-088_g	Points to note 57 & 58	It is noted in Point 57 & 58 that there is an existing farm access / bridge where there is already a constraint to flow.	Noted.
REP5-088_h	Points to note 13	<p>Point 13 mentions an 'appropriately sized culvert may be installed within the channel to facilitate haul road construction, with the haul road installed over the top of the culvert to maintain access along the onshore cable route. The culvert would be installed in the channel bed so as to avoid upstream impoundment and would be sized to accommodate reasonable worst-case water volumes and flow, i.e. with an equivalent or larger capacity than the existing structures.</p> <p>We would recommend the culvert is able to contain the 1% (1 in 100) annual probability flow plus allowance for climate change. We note these haul roads would be temporary in nature.</p>	Noted.
REP5-088_i	Points to note 63	Point 63 states -It should be noted that the expansion to the bridge and culvert will be assumed as temporary in nature and will be reinstated upon completion of the installation of the onshore cable route.	Noted.

2.3 Applicant's response to ECC and TDC Comments for North Falls Windfarm Local Impact Report [REP5-089]

Table 2.3 Applicant's response to ECC and TDC Comments for North Falls Windfarm Local Impact Report [REP5-089]

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
REP5-089_a	Landscape: Summary	<p>This response is made with primary reference to document AP-044 3.1.32 Environmental Statement Chapter 30 Landscape and Visual Impact Assessment, and documents AP-083 to AP-088, 3.2.26 Environmental Statement Chapter 30, Figures Part 1 to 6. The key elements of North Falls project include the proposed Offshore Wind Farm, the Onshore Substation (OnSS), onshore Export Cable Corridor (onshore ECC) and the landfall (where the offshore export cables will meet the onshore export cables). Essex County Council and Tendring District Council are concerned that there is the potential for residual adverse landscape and visual impacts both during construction and during operation from the Onshore Substation on the local landscape character and visual receptors, due to its scale. We are concerned that it will take up to 15 years for the mitigation to take full effect, which is half the identified expected 30-year life of the substation. We also judge that the proposed mitigation planting does not reduce all the negative effects on the immediate landscape, its setting and visual receptors to non-significant.</p> <p>There are concerns that the cumulative effects of North Falls with the proposed Five Estuaries onshore substation, the East Anglian Connection Node (EACN), and the pylons that are proposed to connect to it from the Norwich to Tilbury (N2T) scheme would have a significant cumulative effect on both landscape and visual receptors. The N2T pylons do not appear to be identified in the cumulative LVIA visualisations, and therefore it is assumed they haven't formed part of the LVIA cumulative impact assessment itself. The pylons form will form part of the DCO for the Norwich to Tilbury project, along with the EACN so their cumulative impact needs to be considered.</p>	<p>The Applicant notes the additional Local Impact Report (LIR) text and considers that most of the points raised have been addressed in previous responses. The Applicant has provided cross-references to relevant documents in this Table.</p> <p>Please refer to the following points in Applicant's Response to Deadline 4 Submissions [REP5-056] in relation to the points raised here:</p> <ul style="list-style-type: none"> • point REP4-093_d with regards to mitigation and compensation; • point REP4-094_g with regards to cumulative effects.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		Essex County Council and Tendring District Council would expect to see compensation offered for any residual landscape and visual effects in line with National Policy EN1 Paragraph 4.1.5 'In considering any proposed development... the Secretary of State should take into account: • its potential adverse impacts...including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy' (Our emphasis)	
REP5-089_b1	Landscape: Onshore Substation	<p>The proposed Onshore Substation will represent a significant negative visual feature in the local landscape during construction and for up to 15 years operationally until proposed mitigation planting has established and matured due to its scale and height. Additional land is required for access, drainage, landscaping and environmental mitigation.</p> <p>Landscape Character: We disagree with the judgement in AP-044 Table 30.13 in the Baseline Description which states that '...the landscape susceptibility, to the type of development proposed, is judged to be medium-low'. Due to the flat and open, as well as rural nature of the landscape, we judge it has at least medium susceptibility to this type of development. Whilst there is an existing substation nearby, the setting remains overwhelmingly one of an open rural character. The statement that '...areas of woodland and hedgerows in the surrounding landscape ... help to screen and break up views' exaggerates the effect existing vegetation can have on a proposal of this scale, especially in the immediate vicinity of the site.</p>	<p>Please refer to the Design Vision [REP5-004] which provides information on access and landscape mitigation, and the Indicative planting cross sections at the onshore substation (Rev 2) [REP5-035] which identifies the screening impact of vegetation at years 5, 10 and 15. These show the buildings largely screened at year 10, with the slender lightning masts the only structure visible at year 15.</p> <p>The Applicant notes ECC's view on landscape susceptibility. The Applicant's findings on susceptibility, for the host Landscape Character Type (LCT) – 7A Bromley Heaths (Heathland Plateaux LCT) – are set out in Table 30.14 of ES Chapter 30 Landscape and Visual Impact Assessment (LVIA) [APP-044]. This is a large scale LCT, which is modified and displays many human influences, which influences susceptibility. Susceptibility is made with reference to the whole LCT, not just the landscape in the immediate vicinity of the onshore substation works area.</p> <p>Please also refer to response REP4-073_b-1 in the Applicant's Response to Deadline 4 Submissions [REP5-056] and specifically the response to paragraph 216, which covers landscape effects in relation to nationally significant infrastructure projects.</p>
REP5-089_b2	Landscape: Onshore Substation	AP-044 Table 30.13 in the Baseline Description also states, 'The onshore substation works area is not designated, indicating a lower value'. GLVIA3 (paragraph5.26) confirms that landscape value is not always signified by designation: 'the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value'. AP-044 Para 30.5.3.3 Local Level Landscape Designations	Please refer to the response to Q14.1.4 in the Applicant's Response to Written Questions (ExQ1) [REP2-020] for the Applicant's position on landscape value.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		<p>states: 'There are no relevant local landscape designations in Tendring which required detailed assessment.' However, local landscape designation has not been government policy for decades and many local authorities have accordingly removed these from their Local Plans. Detailed assessment should be carried out at the site and setting level based on landscape value as described in Technical Guidance Note (TGN) 02-21 'Assessing the Value of Landscapes Outside National Designations'</p> <p>It is not clear that landscape value has been assessed as part of the LVIA despite an ECC comment at the scoping stage identifying that the assessment should take into consideration '...Technical Guidance Note (TGN) 02-21 'Assessing the Value of Landscapes Outside National Designations'.</p>	
REP5-089_b3	Landscape: Onshore Substation	<p>GLIVA3 states in Para 5.27: 'Where local designations are not in use...reference to existing Landscape Character Assessments and associated Landscape strategies and guidelines may give an indication of which landscape types or areas, individual element or aesthetic or perceptual aspect of the landscape are particularly valued.' The Tendring Landscape Character Assessment (2001) describes the character of the Bromley Heaths LCA being of 'Moderate' strength albeit declining in condition, that it is sensitive due to its open rural character and that the strategy for its management should be one of conservation and enhancement.</p>	Please refer to the response to Q14.1.4 in the Applicant's Response to Written Questions (ExQ1) [REP2-020] for the Applicant's position on landscape value.
REP5-089_b4	Landscape: Onshore Substation	<p>Table 30.35 Summary of likely significant effects on LVIA: We agree that the Magnitude of the Impact on the landscape fabric of the Substation Works Area will be High adverse at the operational stage, however we disagree that the Significance of the Impact is only Moderate adverse at Year 1. We judge it is Major, as the fabric (e.g. ecosystem services relating to agricultural function) and key identified characteristics (in APP-044 Para 54) are permanently lost at the Site, particularly 'Deep, coarse, loamy and often stoneless brown soils which support a high-grade agricultural land' 'Large scale</p>	The Applicant notes ECC's view on effects on landscape and is in agreement that the effects will be significant at the site level and for the local landscape, as set out in Table 30.14 in ES Chapter 30 LVIA [APP-044] . Characteristics such as the brown soils will be lost at the site level, but not for the local landscape outside the site. Therefore it is reasonable to conclude that the effects on landscape character outside the site will be less than within the site.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		productive arable fields divided by low, gappy hedgerows where hedgerow oaks stand out as silhouettes against the skyline'; and 'Dramatic, dominating skyline.'	
REP5-089_b5	Landscape: Onshore Substation	We also disagree that the magnitude of impact on landscape character is just medium locally, that the Significance of Effect at Year 1 is Moderate adverse locally and that the significance declines to minor over 15 years. As the key characteristics described above are substantially lost through the development, planting a belt of trees cannot demonstrably mitigate the effects on character/landscape fabric itself but only on visual receptors.	Please refer to response REP4-073_b-1 in the Applicant's Response to Deadline 4 Submissions [REP5-056] and specifically the response to paragraph 216, which covers landscape effects in relation to nationally significant infrastructure projects.
REP5-089_b6	Landscape: Onshore Substation	Mitigation can substantially moderate visual impacts, but are limited in relation to the landscape impacts, particularly when the character of the mitigation proposed does not necessarily follow the pattern and character of the receiving landscape. For that reason, although by Year 15 the significance of visual impact can be mitigated, we judge that the significance of the landscape impact on the site remains at best at Major-Moderate and not just Moderate.	Please refer to the response to Q14.1.6 in the Applicant's Response to Written Questions (ExQ1) [REP2-020] for the Applicant's position in relation to the effectiveness of mitigation in relation to landscape effects.
REP5-089_b7	Landscape: Onshore Substation	We do not agree with the conclusions in the baseline description (APP-044 Table 30.13) that the sensitivity of the landscape to a development of this scale is 'medium-low'. The site and setting exhibit many of the characteristics of this type of landscape and we would assert it is of 'Medium' value as a result. This is the conclusion in the Five Estuaries LVIA as well. We judge that as a result the site and setting will be affected in a Major way at a local level due to the scale and character of the development and that residual significant impacts will remain.	Please refer to response REP4-073_b-1 in the Applicant's Response to Deadline 4 Submissions [REP5-056] and specifically the response to paragraph 216, which covers landscape effects in relation to nationally significant infrastructure projects.
REP5-089_b8	Landscape: Onshore Substation	Visual Impacts: generally, we are concerned that there are so few viewpoint baseline photographs, visualisations and assessments of such a substantial infrastructure development in an open rural landscape.	Please refer to response REP4-072_a in the Applicant's Response to Deadline 4 Submissions [REP5-056] , which summarises the Applicant's position in relation to the number and location of viewpoints, including viewpoints within the Dedham Vale National Landscape.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		Viewpoint No 2 from the bridleway to the north of the scheme is taken from 700m east from the development site when much closer viewpoints appear available. We suggest a series of closer viewpoints are required along the bridleway to demonstrate the sequential effect on the user as they move east-west along this important public route. We do not agree with the conclusion that the residual impact on bridleway users will be minor as, even from 700m, the tops of the substation and associated infrastructure remain visible over a wide section of the view giving the perception of an industrialised landscape beyond.	<p>In response to the Examining Authority's Second Written Questions [PD-013], the Applicant has prepared a visualisation from Grange Road to the north, and this has been submitted at Deadline 6 [9.93].</p> <p>This viewpoint highlights the nature of very close proximity viewpoints, especially for the year 15 view which shows the maturing landscape mitigation in very close proximity.</p> <p>The Applicant has provided a plan showing the boundary of the Dedham Vale National Landscape in relation to the location of the proposed onshore substation. This was submitted at Deadline 4 as [REP4-045].</p> <p>The Applicant has provided further detail on the likely visibility of the proposed onshore substation from within the Dedham Vale National Landscape in response to questions raised at ISH2. Please refer to pages 10-12 of Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036].</p>
REP5-089_b9	Landscape: Onshore Substation	It is unclear why no viewpoints have been taken from Grange Road to the west/north-west of the site when there are open views along much of the eastern boundary and the proposed facility lies closest to it. There appear to be no viewpoints to the north-west of the site within the study area at all, despite there being several PRoW as well in this direction. At least two viewpoints are needed along Grange Road close to the site. This is also the boundary around which the least mitigation is possible increasing the likelihood of significant impacts from this direction. Despite its name, Grange Road is a narrow lane at this point, characteristic of this landscape and so receptors using it should be assessed appropriately. VP6 is over 1.5km away so likely impacts judged from that distance are likely limited.	See response to REP5-089_b8 above.
REP5-089_b10	Landscape: Onshore Substation	We also suggest that at least one further viewpoint is needed from the PRoW network to the north of the development to demonstrate what impacts are likely between 1-1.5 km in this direction.	See response to REP5-089_b8 above.
REP5-089_b11	Landscape: Onshore Substation	We are concerned that there is only one viewpoint VP No8 that is taken from the Dedham Vale National Landscape and that is at a substantial distance from the development when other areas of theoretical visibility are	See response to REP5-089_b8 above.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		closer. It is not clear whether other viewpoints within the National Landscape or its setting were explored or whether the enhanced duty under LURA 2023 has been addressed. A figure should be provided combining the viewpoints with the ZTV and National Landscape boundaries, to make understanding of their relationship easier. We propose additional viewpoints are required to demonstrate that there are no significant impacts on the National Landscapes and their settings. Closer viewpoints and visualisations have been made available by the Five Estuaries applicant.	
REP5-089_b12	Landscape: Onshore Substation	Much of the success of the planting will depend on the nature of the aftercare in the LEMP, how replacement planting is monitored, especially in the final year of a maintenance period and whether the mitigation planting is maintained for the life of the installation. We understand that the LEMP is an iterative document and would wish to comment further on this document.	Requirement 7 of the Draft DCO [REP5-008] secures the development and implementation of a detailed written landscape scheme, including monitoring, to be substantially in accordance with the OLEMS [REP5-024] , and subject to the approval of the Local Planning Authority.
REP5-089_b13	Landscape: Onshore Substation	We are concerned that it will take up to 15 years for mitigation planting to take effect (effectively half the life of the proposed sub-station) and disagree that mitigation planting will reduce the negative effects on the immediate landscape and its setting to non-significant.	See response to REP5-089_b6 and REP5-089_b12 above.
REP5-089_c1	Cumulative effects	GLVIA3 (Landscape Institute and Institute of Environmental Management and Assessment, 2013) defines cumulative landscape and visual effects as those that 'result from additional changes to the landscape and visual amenity caused by the proposed development in conjunction with other developments (associated with or separate to it), or actions that occurred in the past, present or are likely to occur in the foreseeable future.' However, it is clear that the overhead element of the Norwich to Tilbury proposals have not been included in the visualisations provided with the assessment so we assume have not been assessed. The overhead pylons need to be included in the visualisations and the cumulative impacts re assessed.	Cumulative interactions with the proposed Norwich to Tilbury overhead line OHL were assessed within Section 30.8.3.2.1 of the ES Chapter 30 LVIA [APP-044] . Updated visualisations, which include the Norwich to Tilbury overhead line (OHL) when visible, were provided at Deadline 4 [REP4-029 and REP4-030] .

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
REP5-089_c2	Cumulative effects	As it is clear not all residual impacts can be mitigated, Essex County Council and Tendring District Council would expect to see compensation offered for any adverse impacts as encouraged by National Policy EN1.	Please refer to response REP4-093-d in the the Applicant's Response to Deadline 4 Submissions [REP5-056].

2.4 Applicant's response to ECC and TDC Comments on any submissions received at the previous deadline [REP5-090]

Table 2.4 Applicants response to ECC and TDC Comments on any submissions received at the previous deadline [REP5-090]

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
REP5-090_a1	Highways 6.1 Draft Development Consent Order [REP4-004]	ECC welcomes the increase in timescales as set out at Article 12. This matter is considered to be closed.	Noted.
REP5-090_a2	Highways 7.16 OCTMP [REP4-008]	<p>ECC welcomes the inclusion of commitments around onshore site preparation works set out at paragraph 8. This matter is considered to be closed.</p> <p>ECC welcomes the additional wording around GPS tracking that has been included at paragraph 34. This is considered pragmatic and so this matter is considered to be closed.</p> <p>ECC welcomes the additional commitments included between paragraphs 55 to 57 and at Table 31 relating to single occupancy car trips and induction materials. These matters are considered to be closed.</p> <p>ECC welcomes the inclusion of a road safety review process (including at paragraphs 1.33 to 1.34), which is considered to be a reasonable and pragmatic approach for identifying and responding to any emerging issues. This matter is considered to be closed.</p> <p>ECC welcomes the changes made at paragraph 96 (highway safety management measures) and 102 (travel planning measures).</p> <p>ECC welcomes the inclusion of further commitments around forward planning of peak material deliveries to reduce impacts</p>	<p>The Applicant welcomes Essex County Council's comments and agrees with the list of matters which are now confirmed as 'closed'. In relation to the final point regarding management of employee vehicles that arrive prior to the 07:00, the Applicant would note that the Applicant has provided a detailed response on this matter direct to Essex County Council via email on the 5 June 2025 and also met to explain this further on the 16 June 2025. Essex County Council have agreed to consider these clarifications further and revert with any additional comments. The Applicant will continue to engage with ECC to seek agreement on this point prior to Deadline 7.</p> <p>The Applicant has provided a copy of the response provided to Essex County Council below:</p> <p><i>Working hours are restricted to 07:00 and 19:00 Monday to Saturdays, with no activity on Sundays and bank holidays, except specified circumstances. This commitment is captured within the Outline Code of Construction Practice, which is secured by DCO Requirement 8.</i></p> <p><i>To mitigate significant effects upon driver delay (capacity) associated with employees travelling to work in the morning, it was agreed with ECC and National Highways at an ETG meeting on the 05 September 2023 (detailed within ES Appendix 27.4) that 80% of</i></p>

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		<p>at seasonal periods as set out at paragraph 103 and Table 4.1. This matter is considered to be closed.</p> <p>ECC welcomes the addition of text around a Transport Working Group set out at Section 4.14. This is considered to be a reasonable and pragmatic approach to addressing cumulative impacts, encouraging coordination with other major projects and minimising disruption. This matter is considered to be closed.</p> <p>For posterity, the Council welcome the additional text at paragraph 126 (HGV recording), 129 (GPS tracking) and 132 (overspill parking). The additional text at paragraph 141 regarding definition of exceedance is considered to be acceptable.</p> <p>Generally, all matters relating to the OCTMP have been addressed. However, ECC is expecting further information to be provided by the applicant around management of employee vehicles that arrive prior to the 07:00 hours, to reduce the impacts of noise or potential queuing on the highway, as per Deadline 4 [REP4-072] response under Agenda 3.3 Traffic and Transportation, Code of Construction Practice.</p>	<p><i>employees would be managed to arrive prior to the morning network peak hour (07:15 to 08:15) and consequently, there would not be a requirement for capacity modelling (as delays would not be significant). To facilitate this strategy and to avoid impacts upon the network peak hour, it is necessary to permit employees to travel to work prior to the morning peak hour (07:15).</i></p> <p><i>The consequences of a restricting vehicle movements until after 07:00 would be that employees would travel in the network peak hour (which there has been a strong desire to avoid). The movement of employees prior to the network peak would also have the benefit of reducing vehicle movements during more sensitive hours for non-motorised users, e.g. children walking to school.</i></p> <p><i>Further consideration is that restricting employee movements until after 07:00 would lead to the following issues:</i></p> <ul style="list-style-type: none"> <i>Employees travelling to work experience day to day fluctuations in their journey times (e.g. as a result of road works or accidents) and will build in float such that they are not late. This runs the risk of employees arriving early some days and thus needing to wait on the highway until after 07:00 for entry. The only practicable methods of controlling this would be to either identify large holding areas or to ensure that works don't start until after 07:00 which will lead to workers travelling in the peak hour and also reducing productivity. Holding areas, also have the potential to increase traffic movements and associated environmental impacts.</i> <i>Additional restrictions on times will lead to an increase in the duration of the construction phase.</i> <i>Any restriction requiring workers not to travel prior to 07:00 could preclude the use of local workers. For example, it is common within the construction industry for local (home based) employees to travel longer distances for work than other industries. A local employee may need to travel over an hour, which would require them leaving home at precise time to comply with travel restrictions. In contrast, non-local worker could base themselves in nearby local accommodation and arrive earlier (due to the shorter commute). These scenarios would prove difficult to monitor and enforce. It is</i>

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
			<i>therefore proposed that works are restricted to not starting prior to 07:00 but employees can leave home prior to 07:00, arrive prior to 07:00 to avoid the peak hours and park in the compound carpark ready to commence work at 07:00, thus maximising productivity and not leading to an increase in construction durations.</i>
REP5-090_a3	Highways 9.25 Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 [REP4-027]	ECC notes the Applicant's response to Highways (Ref: REP3-054_a) in the Deadline 4 submission Applicant's Response to Deadline 3 submissions and Deferred Responses from D2 (Rev 0) [REP4-027]. ECC would agree with the position presented by the Applicant for highway matters. With regards to the assessment of transport impacts, there are a few minor issues that currently remain unresolved, however, these are currently considered unlikely to alter any conclusions. ECC will look to close these out before the close of examination.	The Applicant welcomes Essex County Council's comments and confirms that clarifications upon the matters that are unresolved have been provided to ECC (on the 5 June 2025). The Applicant is confident that all matters can be agreed, and is continuing to engage with ECC to ensure this is the case prior to Deadline 7. An updated Statement of Common Ground is being submitted at Deadline 6 detailing progress on these matters to date [10.23 (Rev1)] .
REP5-090_b1	Landscape Visual Impact [REP4-023]	ECC notes that part of the landscape comments were accidentally missing from the Local Impact Report (LIR), for completeness, a copy of the full landscape comments is attached at Appendix 1, which was sent to the applicant on 2 May 2025. The concerns were in line with our discussions with the applicant throughout the examination period and has been reflected in the agreed Statement of Common Ground. The Councils welcome the provision of scaled cross-sections. These help to demonstrate the scale of the proposed project in relation to the proposed landscape mitigation and/or compensation and how likely significant visual impacts will remain until circa Year 10 and, even after this, how the upper most elements of the infrastructure will remain visible as alien and detracting features in the rural landscape.	The Applicant notes the additional LIR text and considers that the majority of the points raised have been addressed in previous responses. The Applicant has provided cross-references to relevant documents in Table 2.3 of this document.
REP5-090_b2	Landscape Visual Impact [REP4-029]	Viewpoint (VP) 2 Bridleway Barn Lane c 600m distance <ul style="list-style-type: none"> • Demonstrates Year 1 would generate a likely Major negative i.e. significant impact. • The N2T pylons are substantially visible adding to the significant negative impacts. 	The Applicant notes the opinions of ECC, and is in agreement that effects on visual receptors at Viewpoints 2, 3 and 5 would be significant, as set out in ES Chapter 30 LVIA [APP-044] . It is agreed that, with proximity to the site, the scale of change is likely to increase. Updated visualisations, which include the Norwich to Tilbury overhead line (OHL) when visible, were provided at Deadline 4 [REP4-029 and REP4-030] .

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> These impacts will likely magnify for receptors moving closer to the installations along the bridleway. <p>VP 3 Norman's Farm c 350m distance</p> <ul style="list-style-type: none"> Demonstrates Year 1 would generate a likely Major negative i.e. significant impact The N2T pylons are substantially visible adding to the significant negative impacts. These impacts will likely magnify for receptors moving closer to the installations along the Ardleigh Road <p>VP 5 Public Rights of Way (PRoW) Lilley's Farm c 900m distance</p> <ul style="list-style-type: none"> Demonstrates Year 1 would generate a likely Mod/Major negative i.e. significant impact The N2T pylons are not visible but likely to become more visible as you move closer to the installations along the PRoW towards Ardleigh Road. 	
REP5-090_b3	Landscape Visual Impact [REP4-030]	<p>VP 6 Grange Road c 1600m distance north</p> <ul style="list-style-type: none"> Demonstrates Year 1 would generate a likely Moderate negative i.e. significant impact The N2T pylons are visible so add to the negative impacts but from this distance not significantly so. However, for receptors closer to the installations along Grange Road these impacts will likely magnify. A viewpoint previously requested from Grange Road west of the installations rather than due north. <p>VP 7 Public Right of Way near Little Bromley Hall c 1,200m southeast</p> <ul style="list-style-type: none"> Demonstrates Year 1 would generate a likely Moderate/Major negative i.e. significant impact The N2T pylons are visible so add to the negative impacts but from this distance not significantly so. 	<p>The Applicant notes the opinions of ECC, and is in agreement that effects on visual receptors at Viewpoint 8 would not be significant. At viewpoints 6 and 7, ES Chapter 30 LVIA [APP-044] has identified that effects would not be significant. ECC have not presented detailed evidence for why they consider that effects at viewpoints 6 and 7 are 'likely' to be significant.</p> <p>In response to the Examining Authority's Second Written Questions [PD-013], the Applicant has prepared a visualisation from Grange Road to the north, and this has been submitted at Deadline 6 [9.93].</p> <p>The Applicant has provided further detail on the likely visibility of the proposed onshore substation from within the Dedham Vale National Landscape in response to questions raised at ISH2. Please refer to pages 10-12 of Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036].</p>

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> These impacts will likely magnify for receptors as they move closer to the installation's northwest along the PRoW. <p>VP 8 – Essex Way,. Dedham Road c 2,400m north/northwest</p> <ul style="list-style-type: none"> Demonstrates Year 1 would generate a likely Minor/negligible negative i.e. not significant impact due to the distance, intervening vegetation or topography and existing detractors. The N2T pylons are visible so create negative impacts but from this distance and with existing detractors not significantly so. However, the negative effect is likely more enhanced away from the existing pylons and potential for cumulative impacts on the setting to the National Landscape. Other viewpoints are available from within the National Landscape. 	
REP5-090_b4	Landscape Visual Impact [REP4-047]	This demonstrates how the North Falls project by itself is potentially visible from additional points other than VP8 either within the National Landscape or within its setting. This visual impact will be enhanced in combination with Five Estuaries, the East Anglian Connection Node (EACN) and N2T.	The Applicant has provided further detail on the likely visibility of the proposed onshore substation from within the Dedham Vale National Landscape in response to questions raised at ISH2. Please refer to pages 10-12 of Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] .
REP5-090_b5	Landscape Visual Impact [REP4-007]	No comment. Any previously unaddressed comments still stand.	No response required.
REP5-090_b6	Landscape Visual Impact [REP3-028]	As part of the BNG Strategy, the Applicant has assessed BNG calculations in the scenario that this project would be constructed 'alone', without Five Estuaries on the adjacent plot. In Annex 2, Figure 3 indicates the proposals for the associated landscaping that would accompany this 'project-alone' scenario. The 'project-alone' scenario simply blank-out the Five Estuaries substation footprint and the surrounding landscaping proposal, which is entirely not acceptable. It fails to provide a holistic view on how the project alone will be progressed without the Five Estuaries scheme. There are many uncertainties in this scenario, including the siting of the facility, the project-specific landscaping proposals and the embedded mitigation measures such as the essential	<p>As stated within Section 4.2.3 of the Biodiversity Net Gain Strategy Technical Note (Rev1) [REP3-030] optionality has been retained by presenting Statutory Biodiversity Metric calculations for alternative scenarios to evidence the different BNG outputs for the Projects' different project build-out scenarios. The Project's Build Options 1 and 2 are represented by the following BNG scenarios presented:</p> <ul style="list-style-type: none"> North Falls alone being consented ('project-alone'): one metric for the North Falls onshore substation works area and onshore cable route; and

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		screening required along Ardleigh Road and the western part of Grange Road. The lack of such mitigation measures would have significant major landscape and visual impacts for the receptors as well as extending the impacts over a wider area to the southwest/west. Given that the draft DCO (dDCO) allows for Build Option 1 representing this project-alone scenario, there is currently insufficient information to demonstrate that this project-alone scenario will have lesser impacts in EIA terms and it is unclear whether it would constitute material change of the development.	<ul style="list-style-type: none"> North Falls and Five Estuaries both being consented ('cumulative'): one metric for the joint onshore substation works area and onshore cable route of both projects. <p>The 'project-alone' BNG calculation scenario was presented by the Applicant for illustrative purposes to show the estimated BNG requirements for one project. The Applicant has committed to providing updated calculations at the detailed design stage post-consent where the build-out option selected will be confirmed. This will be captured within the final BNG assessment, secured under Requirement 21 of the Draft DCO [REP5-008].</p> <p>The Applicant also reiterates that the outline landscaping scheme detailed in Figure 1 of the Outline Landscape and Ecological Management Strategy (OLEMS) [REP5-024] has been prepared to provide appropriate landscape and visual mitigation to account for either the North Falls project alone, or the North Falls and Five Estuaries onshore substations jointly.</p>
REP5-090_c1	Green Infrastructure [REP4-007] Green Infrastructure Standards	<p>It is noted that a number of or previous recommendations have been incorporated. However, our previous comments as part of Deadline 3 response (March 2025) in regard to including a reference to:</p> <ul style="list-style-type: none"> The Essex Green Infrastructure Standards (2022) as part of paragraph 174 is still relevant. As stated, we welcome the review of the OLEMS (section 3.9: table 3.2) against the Essex GI Strategy (Appendix B 10.1.1). The Essex GI Standards outlines nine principles and standards for the protection, enhancement, creation, and management of GI in Essex. As part of our previous response (March 2025) we provided a similar table summarising how the Landscape plans and strategy can meet directly or indirectly to the nine Essex GI Principles and standards. Aligning the OLEMS with the Essex Green Infrastructure Standards ensures a cohesive approach to enhancing biodiversity, improving ecological connectivity, and promoting sustainable development. 	<p>The Applicant has updated the OLEMS to include reference to the Essex Green Infrastructure Standards' nine principles, and will submit an updated version of the OLEMS [7.14 (Rev5)] into the Examination at Deadline 6.</p>

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> For instance, the OLEMS aligns with the Essex GI Standards' nine principles by ensuring an evidence-led approach, enhancing biodiversity, and promoting sustainable development. It addresses community needs by protecting and creating GI features, thus fostering health, wellbeing, and social equity. The strategy also emphasizes ecological connectivity, climate resilience, and the integration of GI into planning and design processes, ensuring a cohesive and comprehensive approach to environmental stewardship. This will also align with the Five Estuaries Outline Landscape and Ecological Management Plan - Revision F (REV 1) (REP4-046) which has referenced the Essex GI Standards on page 12 (paragraph 1.2.11) and page 26 (paragraph 2.4.6) as shown below. <p><i>"2.4.6 As the mitigation proposals are further developed post consent, the process will be informed by the nine GI Standards set out in Table 1 of the Essex GI Standards Technical Guidance (Available at: https://www.essexdesignguide.co.uk/supplementary-guidance/essex-green-infrastructure-standards) including early engagement with all relevant stakeholders, ensuring the plans maximise connectivity and enhance multi functionality and that consideration is made around the long term management and stewardship."</i></p>	
REP5-090_c2	Green Infrastructure [REP4-007] Local Nature Recovery Strategy	The Essex Local Nature Recovery Strategy (LNRS) as part of first bullet point paragraph 3.5.3. The final version of the LNRS is expected to be published and adopted in July 2025. ECC is expecting to submit the adopted version at Deadline 7.	The Applicant has updated the OLEMS to include reference to the Essex LNRS, and will submit an updated version of the OLEMS [7.14 (Rev5)] into the Examination at Deadline 6.
REP5-090_c3	Green Infrastructure [REP4-007] Funding	That the funding for the GI has been considered for the lifetime of the proposal to be included with in the last bullet point, paragraph 3.5.3. To ensure appropriate funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.	The Applicant has updated the OLEMS to include clarification that GI assets created at the onshore substation will be secured financially for the indicative lifetime of the project (30 years), as this matches the 30-year monitoring and maintenance period for BNG. The Applicant will submit the updated version of the OLEMS [7.14 (Rev5)] into the Examination at Deadline 6.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
REP5-090_c4	Green Infrastructure [REP4-023] Indicative Planting	The provision of the indicative planting cross-sections at the onshore substation is welcomed. At detailed design stage, the locations and species of woodland trees, hedgerow, shrub and species rich grassland would require further investigation to ensure that the landscape/GI features demonstrate connectivity to the wider GI network and are designed to deliver multiple functions and benefits, such as contributing to biodiversity net gain (BNG), nature recovery, and flood and water management.	Requirement 7 of the Draft DCO [REP5-008] secures the development and implementation of a detailed landscape scheme, to be based on the OLEMS [REP5-024] , and subject to the approval of the Local Planning Authority.
REP5-090_d1	Built Heritage Clarification of ES Chapter 25	<p>The Applicant has submitted 9.49 Addendum to Environmental Statement Chapter 25 Onshore Archaeology and Cultural Heritage [REP4-035], further to the responses to LIR [REP1-065] and discussions held on 20 March 2025.</p> <p>This sets out:</p> <ul style="list-style-type: none"> the rationale for the level of detail of the setting assessment in 3.3.50 Environmental Statement Appendix 25.3 Onshore Infrastructure Settings Assessment Part 1 of 2 [APP-148] and 3.3.51 Environmental Statement Appendix 25.3 Onshore Infrastructure Settings Assessment Part 2 of 2 [APP-149] The rationale for not assessing the effects of construction activities on the setting and significance of Jennings's Farmhouse in ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] Further rationale for the conclusions of the 3.1.27 ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] <p>The information provided on the setting and significance of Jennings's Farmhouse can be agreed.</p> <p>However, there remains concern regarding the likely significant effects during construction which are listed in Table 2.1. The rationale provided focusses on visual impacts and fails to consider non-visual harm to their setting, in particular from noise, vibration and other nuisances, that would arise from the construction works as required by Historic England's Guidance 'The Setting of Heritage Assets' (GPA3, 2017) and</p>	<p>The Applicant welcomes the agreement on the assessment of effects upon Jennings's Farmhouse.</p> <p>The Applicant can confirm that the assessment presented in both ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] and the Addendum to ES Chapter 25 [REP4-035] did consider non-visual effects from the construction activities (see section 25.6.1.4.1 in ES Chapter 25 [APP-039]). The effects from noise, vibration and other nuisances will not be significant given the distance of the listed buildings set out in REP5-090_d2 below are more than 100m from the onshore project area and the embedded and additional mitigation proposed in the OCoCP [REP5-022] will reduce any significant effects from noise, vibration and dust to minor adverse or lower, which is not significant in EIA terms. The mitigation measures detailed in the OCoCP at Section 1.3.9 – Artificial Light Emissions, Section 1.9 – Air Quality Management and Section 1.11 – Noise and Vibration [REP5-022] are secured via DCO Requirement 8 – Code of Construction Practice [REP5-008].</p>

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		reinforced in Case Law under R. (on the application of Palmer) v Herefordshire Council [2016] EWCA Civ 1061.	
REP5-090_d2	Built Heritage Construction Noise Effects on Listed Buildings	<p>The construction effects on the significance of the identified heritage assets should be cross referenced with 3.1.28 Environmental Statement Chapter 26 Noise and Vibration [APP-040].</p> <p>This clearly states that significant effects arise from the construction works to several heritage assets along the Onshore Cable Route. This is particularly of relevance for:</p> <ul style="list-style-type: none"> • Ring Cottage and Tudor Cottage (NHLE 1317222 – Grade II Listed Building) • Barker's Farmhouse (NHLE 1322630 – Grade II Listed Building) • Hempstall's Farmhouse (NHLE 1240504 – Grade II Listed Building) • Church of St Mary (NHLE 1337175 – Grade II Listed Building) • Hannams Hall (NHLE 1265148 – Grade II Listed Building) • The Old Rectory (NHLE 1111420 – Grade II Listed Building) <p>Also, following mitigation, Ring Cottage and Tudor Cottage (NHLE 1317222 – Grade II Listed Building) would remain experiencing significant effects. The Examining Authority when making their recommendation to the Secretary of State is advised to take these into account.</p>	<p>The Applicant can confirm that ES Chapter 26 Noise and Vibration [APP-040] was considered as part of the assessment of temporary changes to heritage setting and associated heritage significance as a result of construction activities as set out in Section 25.6.1.3 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039].</p> <p>It should be noted that an assessment of a significant adverse noise effect cannot be simply translated to an adverse effect on setting as it measures an effect on a different receptor and is a purely quantitative assessment that does not consider the perceptual approach set out in Historic England's GPA3 guidance 'The Setting of Heritage Assets' (2017).</p> <p>The assessment in ES Chapter 26 Noise and Vibration [APP-040] concludes a negligible to minor adverse residual effect following embedded and additional mitigation, therefore the listed buildings referred to here by ECC would not experience significant effects as a result of temporary changes to heritage setting. This would also be the case for Ring Cottage and Tudor Cottage (NHLE 1317222 – Grade II Listed Building). These mitigation measures are set out in the OCoCP [REP5-022] and are secured via DCO Requirement 8 – Code of Construction Practice [REP5-008].</p> <p>The response from ECC takes the effects before the application of noise mitigation which would be secured by DCO Requirement 8 – Code of Construction Practice [REP5-008].</p>
REP5-090_e	Noise complaints protocol	Following recent discussions with the applicant on 29 May 2025, the Councils are expecting an updated version to be submitted by the applicant at D5, in response to our previous comments in terms of shorter time-frame for initial investigation of noise complaints as well as a collaborative approach in handling such complaints among Five Estuaries, North Falls as well as National Grid.	The Applicant updated the Onshore substations operational noise and the outline noise complaints protocol [REP5-036] at Deadline 5, which included the edits proposed by ECC.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
REP5-090_f	Skills and Employment	ECC and TDC are expecting a response to their comments submitted at Deadline 4 (REP4 073). Both Councils are pursuing active engagement with the Applicant and Five Estuaries to ensure a co-ordinated approach to; education and training that will meet the skills gap, embedding the role local suppliers can play and securing a Skills and Innovation Fund, are all clearly set out within the OSEP.	<p>The Applicant responded to the issues raised in REP4-073_h in the Applicant's Response to Deadline 4 Submissions [REP5-056], as follows:</p> <p>It was acknowledged that the representation makes constructive proposals for the further development of the Outline Skills and Employment Plan (OSEP) as it transitions into the detailed Skills and Employment Plan following DCO consent. These proposals include:</p> <ol style="list-style-type: none"> 1. A more detailed commitment to invest in a Skills Fund that could support a variety of functions to be developed. 2. Reference to the development of a green energy hub at Harwich. The Applicant has already engaged in preliminary discussions with Freeport East to understand its future development plans and the opportunities that could be created. 3. A commitment for the Project to contribute to R&D activity in green energy sectors associated with Harwich Port. 4. A related commitment to a ring-fenced Skills Fund for Tendring. 5. Comments on how local suppliers should be engaged, encouraged to bid, and evaluated at every stage of the Project, and how those opportunities will be shared and made known. The Applicant notes that it is already working to share these opportunities as early as possible. For example, the Applicant attended the East of England Energy Group Southern North Sea Conference on 21–22 May and engaged significantly with the local supply chain to help them access opportunities the Project can offer. 6. Comments on access to supply chain portals. The Applicant notes that the Project has an established portal for all potential suppliers to register, which is heavily promoted by the Applicant. 7. A call for more coordination with other NSIP applications in Tendring and further assessment of the Tendring supply chain. 8. Coordination with Five Estuaries to explore opportunities for funding appropriate training courses. 9. Collaboration with Suffolk County Council to address the risk of NSIP-related labour and skills shortfalls, and the use of the Tendring for Growth Scheme and future skills programmes to access local suppliers and employment.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
			The Applicant looks forward to working with Essex County Council, adjoining authorities such as Suffolk County Council, and other stakeholders to develop and obtain approval of the final Skills and Employment Plan. A log of all proposals and suggestions is being maintained to form the basis of discussions following the DCO grant in order to finalise the plan.
REP5-090_g	Community Benefits	Discussions on the provision of a Community Benefit fund have commenced with the applicant. It is not anticipated that these discussions will reach agreement prior to the close of the examination but will continue and be in place prior to the commencement of construction works.	The Applicant continues to engage with ECC on this matter and discussions are ongoing. The Applicant's position remains that at 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, as outlined in the Applicant's response to ExQ2 Q9.5.1 within Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054] .
REP5-090_h	Design Review	The applicant has confirmed that a Joint Design Guide will be produced for both North Falls and Five Estuaries Onshore Substations. Regular meetings are setup with both Councils with a view to facilitate further discussions. The 2 applicants had committed to seek independent design review from the Essex Quality Design Panel (EQRP). An initial meeting with the EQRP took place on 29th April 2025. The timeframe for the design review will be subjected to the determination of these 2 DCOs, taking into account any requirement imposed, should the projects be consented. The 2 applicants had been advised to commence dialogue with local communities and relevant Parish Councils as soon as possible.	Noted.
REP5-090_i	[REP4-036] ISH Actions List	ECC is requesting a phasing/Grampian requirement to tie the North Falls and Five Estuaries windfarms to the EACN, subject to EACN obtaining development consent. Each of the windfarm itself would have no tangible benefits if it were not able to connect to the grid via EACN. Therefore, the project is wholly dependent on the EACN to come forward as part of the N2T DCO in order to be successful to deliver the renewable energy generated. If the N2T were not consented, the windfarm substations would be of no functional value and	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) in the Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054] .

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		<p>would have no benefits. The harm caused by the windfarms therefore would not be outweighed.</p> <p>A pre-cautionary approach must be adopted given that the applicant of the N2T has yet to apply for or obtain all of the consents required to deliver the EACN. The timetable of the N2T has slipped already and other interested parties have already indicated their intention to lodge judicial review even if consent is granted on N2T. It is this ambiguity that has undermined confidence in the consenting process and whether a connection is ultimately available for the subject windfarm.</p> <p>Any un-anticipated delay to the N2T project would unavoidably cause delay to the wind farm projects, which is a risk that has been highlighted to the applicant at pre-application stage and should be reasonably be expected by the applicant.</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 Project and the EACN.</p> <p>The Applicant disagrees with the suggestion that the Project is dependent on the outcome of the DCO application for the Norwich to Tilbury project and that, if that project were not consented, the North Falls Offshore Wind Farm project '<i>would be of no functional value and would have no benefits.</i>'</p> <p>The Applicant has signed a connection agreement with NESO and the delivery of that connection is a matter for NGET and NESO (either through the Norwich to Tilbury project or via some alternative approach as NGET sees fit).</p> <p>North Falls could connect to the grid via an alternative future 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>
REP5-090_j1	Legal/dDCO Article 2	<p>ECC requests the following definition to be added:</p> <p><i>"the 1984 Act" means the Road Traffic Regulation Act 1984</i></p> <p>The DCO should include the above definition as '1984 Act' is referred to in Article 14 but has not been defined.</p>	The draft DCO has been updated at Deadline 6 to incorporate this amendment [6.1, (Rev 7)] .
REP5-090_j2	Legal/dDCO Article 6	ECC request the deletion of 'Essex County Council Act 1987' and replace with 'Essex Act 1987'	The draft DCO has been updated at Deadline 6 to incorporate this amendment [6.1, (Rev 7)] .
REP5-090_j3	Legal/dDCO Article 8	<p>ECC requests that the bullet points read as follows:</p> <p>(a) break up or open the street, or any sewer, drain or tunnel within or under it;</p> <p>(b) tunnel or bore under the street;</p> <p>(c) remove or use all earth and materials in or under the street;</p> <p>(d) place and keep apparatus in or under the street;</p> <p>(e) maintain apparatus in or under the street or change its position; and</p>	The draft DCO has been updated at Deadline 6 to incorporate this amendment [6.1, (Rev 7)] .

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		(f) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e).	
REP5-090_j4	Legal/dDCO Schedule 1 Part 4 Paragraph 34(2)	ECC requests deletion of paragraph 34(2). Paragraph 34(2) is seeking to recover fees which have been paid under paragraph 34(1) and provides for the repayment of fees within 4 weeks of rejecting an application as invalidly made. This is unreasonable. The authority will still have done the work necessary to reject the application. The relevant planning authority should not be punished financially if an applicant has incorrectly submitted an invalid application. The relevant planning authority would have already incurred the expense of reviewing the application and a refund of the fees would put a strain on the public purse. Therefore, paragraph 34(2) should be struck out of the DCO.	The draft DCO has been updated at Deadline 6 to incorporate this amendment [6.1, (Rev 7)] .
REP5-090_j5	Legal/dDCO Schedule 1 Part 4 Requirement 15	The current wording of Requirement 15 Groundwater Monitoring still lacks any trigger as to when the schemes will be submitted to the Discharging Authority. ECC request Requirement 15 is amended to the wording in italics below, as in the Five Estuaries DCO: Ground water monitoring 15.-(1) No stage of the onshore works for which a groundwater monitoring plan is required in accordance with the outline groundwater monitoring plan, must be commenced until, for that stage a groundwater monitoring plan has been submitted to and approved by the discharging authority (2) Sub-paragraph (1) does not apply to any works or surveying and investigation necessary to inform the preparation of a groundwater monitoring plan. (3) Any plan approved under sub-paragraph (1) must be implemented as approved.	The draft DCO was updated at Deadline 5 to address this concern [REP5-008] .
REP5-090_j6	Legal/dDCO Schedule 1 Part 4 Requirement 17(2)	ECC request the amendment of Requirement 17 (2) – to read: <i>(2) Prior to the commencement of operation of Work No. 11, the undertaker will consult and agree with Five Estuaries and National Grid a noise investigation protocol to be submitted to and approved by the discharging authority. The noise investigation protocol must identify how the undertaker, Five Estuaries and National Grid will jointly investigate noise.'</i>	The Applicant does not propose to make this change because it considers that the content of the Onshore substations operational noise and the outline noise complaints protocol [REP5-036] means that this change is unnecessary. The Onshore substations operational noise and the outline noise complaints protocol [REP5-036] was updated at Deadline 5 to include further information about how the Protocol will operate including how

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
			<p>the Applicant, Five Estuaries and NGET will investigate noise complaints.</p> <p>Section 6.3 of the Onshore substations operational noise and the outline noise complaints protocol [REP5-036] sets out what the final protocol (secured by a DCO Requirement) will confirm including various details relating to the joint investigation of noise complaints. For example, the final protocol must include details of the approach to communication, setting out how the operators will communicate with each other following receipt of a complaint and will enable the efficient transfer of information and minimise delays when investigation works are to be transferred between operators.</p> <p>Further, section 4.2 of the Onshore substations operational noise and the outline noise complaints protocol [REP5-036] sets out the agreed draft requirement to be inserted into the draft DCO for the Project, the Five Estuaries Offshore Wind Farm and the Norwich to Tilbury project. The requested drafting is not included in the agreed draft requirement and was not included in the final draft DCO (Rev I) submitted to the Five Estuaries Offshore Wind Farm Examination. The draft requirement must be the same across all DCOs to ensure consistency in approach.</p>
REP5-090_j7	Legal/dCO Schedule 1 Part 4 Drainage Protective Provisions	For 3(1), the drainage authority would require 21 days instead of 14 days to request for further information. The shortened period would not allow sufficient time for the drainage authority to consider the submission appropriately, taking into account resources and in case of annual leave. It appears that the applicant is trying to mirror the wordings in the latest wordings of Five Estuaries dCO (REP8A-004 of Five Estuaries Examination Library), the shortened period does not reflect the agreed position between the parties and such amendment has not been informed nor agreed by ECC.	The draft DCO has been updated at Deadline 6 to incorporate this amendment [6.1, (Rev 7)] .
REP5-090_j8	Legal/dCO Schedule 1 Part 4 Highway Protective Provisions	ECC have reviewed the Protective Provisions (PPs) for the Local Highway Authority. Although they mirror the provisions agreed within the latest Five Estuaries draft DCO, the suggested wording will only be acceptable if a Framework Highway Agreement (FHA) is signed between the parties. The purpose of a FHA is to be read alongside the PPs and provides details regarding ECC processes for highway works, which are not included in the PPs. It sets out how the DCO	The Applicant notes that discussions are ongoing with ECC in respect of a Framework Highways Agreement and expects these issues to progress before Deadline 7.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		<p>will operate in line with Highway Authority's current processes. ECC previous experience of NSIPs means that the FHA strikes a balance between the PPs and s278 agreements for the delivery of highway works, providing benefits to both the developer and subsequent contractor and the Highway Authority. Whilst the DCO provides the consent and requisite permissions for the development, a separate highways work agreement provides the mechanism regarding how the proposed works will be carried out within the boundary of the existing highway following the granting of the DCO. The highways work agreement can take the form of an FHA or a section 278 agreement.</p> <p>The FHA-model has been used in Essex previously, as preceded in the Bramford to Twinstead DCO. ECC does not wish to 'reinvent the wheel' with each DCO, therefore a FHA is sought. This will ensure standards and consistency with the way that highway works are carried out in Essex under DCOs. In the long term this will have benefits for all projects.</p> <p>Utilising processes that are already established within ECC for DCOs is expedient for both the development, contractors as well as ECC as the Highway Authority. It is also ECC's experience that in actual implementation, a contractor would be looking to enter into a legal agreement with ECC and to follow closely existing practices and processes for the delivery of developer highway works, which they are familiar with and therefore give them confidence in timeframes and outcomes. Neither the Highway Authority nor contractor are set up to follow ad-hoc processes, which will likely result in negative impacts on programmes. Given the urgency to meet the 2030 deadline, it is even more expedient to follow the FHA process.</p> <p>To date, the applicant has not commented on the FHA provided by ECC on 20th March 2025 nor indicate whether a FHA is in-principally agreeable, this remains uncertain for the Local Highway Authority to agree to exact wordings of the suggested PPs.</p>	
REP5-090_k	Conclusion	The Councils have signed a Statement of Common Ground with the applicant, which also highlights matters not agreed and still in discussion. The agreed version is expected to be	Noted, the Applicant continues to engage with ECC on the Statement of Common Ground.

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE
		submitted by the Applicant at Deadline 5. The Councils look forward to continuing the dialogue with the applicant, in an attempt to further minimise and resolve those outstanding matters.	

2.5 Applicant's response to London Gateway Port Limited's Comments on any submissions received at the previous deadline [REP5-096]

Table 2.5 Applicant's response to London Gateway Port Limited's Comments on any submissions received at the previous deadline [REP5-096]

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
Background			
REP5-096_a	1-3	<p>In their submission 'Applicant's Response to Ports' Request for Protective Provisions' [REP4 044] (Applicant's Response), North Falls Offshore Wind Farm Limited (Applicant) considers the position put forward by the Port of London Authority (PLA), London Gateway Port Limited (LGPL) and Harwich Haven Authority (HHA) (collectively the Ports) in their respective relevant representations and written submissions.</p> <p>The Applicant's Response acknowledges the agreement with the Ports that a Requirement should be included in the draft Development Consent Order (dDCO) and has made such provision in the most recent form of the dDCO submitted at Deadline 4. However, the Applicant's Response contends that protective provisions for the protection of London Gateway Port Limited as previously included in Part 7 of Schedule 14 to the dDCO [REP3-008] (Protective Provisions) are not necessary or appropriate to the circumstances and that their imposition would be unprecedented.</p>	No response required.

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		This submission is made on behalf of LGPL only and responds to each argument set out in the Applicant's Response from LGPL's perspective. It does not make any comment in relation to the position of any other harbour authority.	
LGPLs Status and Powers			
REP5-096_b	4-6	<p>4 LGPL is, by virtue of art. 8 of the London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261) (the HEO), the statutory harbour authority for London Gateway Port. It has a defined area of jurisdiction, but its harbour master enjoys certain powers outside that area of jurisdiction under the Harbours, Docks and Piers Clauses Act 1847. LGPL has various powers and associated obligations in relation to the good order and regulation of London Gateway Port and its availability to port users under the open access duty under s.33 of the 1847 Act (subject to the terms and conditions applicable at London Gateway Port).</p> <p>5 London Gateway Port is the UK's most advanced container port. Its highly productive deep water berths are built to handle the world's largest vessels and its state-of-the-art technology means that it can do this in the safest, most reliable and efficient way. Advanced automated technology provides market leading turnaround times for maximum efficiency, as does onsite inspection facilities with clearance taking just three days on average. The port comprises four berths giving 1667m of quayside using quay cranes that are among the largest in the world. It offers the UK's best tidal access, largest port rail terminal, and easily accessible road connections across the country. A reasonable estimate of UK container throughput in 2025 is 9.1m TEU and London Gateway Port presently handles 3.1m TEU of that – representing just over a third. Moreover, 54% of the UK's Refrigerated container imports arrive in UK via London Gateway Port. Refrigerated container</p>	<p>Points 4 and 5: Noted.</p> <p>Point 6: The Applicant notes these comments, but the provisions of the HEO are only relevant to the extent that they inform the current statutory undertaking of the LGPL.</p> <p>The installation of the cables (Work No. 3), to the depths required by dDCO requirement 2(3) within the Deep Water Routes, would not interfere with the existing dredging powers in the HEO. As set out in the Applicant's Response on Protective Provisions [REP4-044], The HEO 2008 (schedule 3) permits dredging to a maximum depth "in The Sunk" of 16.5m CD, noting also that charted water depths are currently in excess of 16.4m. There is no existing power or ability for LGPL or any of the ports to dredge beyond 16.5m CD currently. The Applicant cannot interfere with, impede or fetter a statutory power or right which does not currently exist.</p>

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		<p>imports are amongst the most time critical and their supply chains are the most adversely affected by any delay. Works to berth 5 are underway. Further berths are already consented under the HEO.</p> <p>6 LGPL enjoys specific statutory powers under the HEO (art. 13 and Schedule 13) to dredge the channel all the way from its quayside along the Yantlet Channel, The Oaze, the Knock John Channel and parts of the Black Deep through to the area of the sea known as The Sunk, as well as to provide a deep water anchorage at Zulu 3, 0.54 nautical miles from Shoebury Beacon. The grant of such extensive powers in the HEO reflected the importance and significance of the channel in providing deep water access to London Gateway Port.</p>	
LGPLs concerns			
REP5-096_c	7	<p>We do not reiterate here in full LGPL's concerns in relation to the impacts on navigation and to the capacity and operation of the Port that may arise from the North Falls Offshore Windfarm Project which are set out in detail in LGPL's written representation [REP2-041]. However, in summary of the principal issues:</p> <p>(a) the dDCO must contain an absolute parameter to ensure that the Applicant's cables or their protection are not laid at too shallow a depth as to preclude the use of the Deep Water Routes (DWRs) by certain vessels or interfere LGPL's statutory undertaking or its powers to dredge under the HEO; and</p> <p>(b) the methodology for carrying out the Applicant's works, in particular Work No. 3 must not give rise to unacceptable permanent or temporary impacts on navigation to and from London Gateway Port.</p>	<p>(a) – (b) The Applicant has updated the DCO [REP5-008] Requirement 2(3) so that Work No. 3 (the cable) cannot be installed at too shallow a depth in the relevant DWR areas and that it must not preclude or impede of dredging in the relevant DWR areas, protecting navigation interests.</p>

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
Mitigation Proposed by the Applicant			
REP5-096_d1	8	<p>The Applicant's Response acknowledges the legitimacy of LGPL's Concerns and has sought to address them through a package of mitigation measures set out in the table at paragraph 2.2 of the Applicant's Response (Proposed Measures). This summarises the new measures proposed by the Applicant as of Deadline 4. Of the Proposed Measures, the addition of a new Requirement (the New Requirement) to the dDCO in appropriate terms¹ to secure that the dredging of the seabed within the DWRs to a depth of at least 22m below Chart Datum (CD) is not precluded will adequately deal with LGPL's concerns at paragraph 7(a) above.</p>	The Applicant welcomes LGPL's confirmation.
REP5-096_d2	9-9.1	<p>However, all the other aspects of the Proposed Measures set out in the table are of little value and collectively do not address LGPL's Concern in paragraph 7(b) above. For example:</p> <p>Reference to Commitments in the outline Cable Specification and Installation Plan (CSIP) – the commitment in the outline CSIP adds very little to the provision set out in the New Requirement. There is no detail of how or what cable protection measures will be deployed in the Deep Water Routes and very little reference to the methodology to effect the cable burial – there is only reference in that regard to a cable burial risk assessment which we understand does not yet exist. In any event, the final CSIP is only to be "in accordance with" the outline CSIP (see Condition 22(1)(h) of the DML at Part 2 of Schedule 9 to REP4-004) – there is no certainty as to whether any particular commitment within the oCSIP needs to make its way into the final CSIP or how (the final CSIP could be said to accord with the outline CSIP 'in the round' notwithstanding particular things have not been included).</p>	<p>It is a well-precedented approach for DCOs to use Outline plans, certified under the DCO which the final plan(s) must be in accordance with, as a means to address concerns and identify mitigation and the suggestion that these are of "little value" is surprising and should be rejected. The Applicant disagrees with the LGPL that the relevant condition 22 of the DML of Schedule 9 does not provide sufficient certainty, as the final plan would need to be made in accordance with the outline plans and its commitments. Moreover, as noted below (REP5-096_d3) LGPL must be consulted on the final plans by MMO before their approval, providing LGPL with a further mechanism by which to assure that the plans are adequate.</p>

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
REP5-096_d3	9.2	Final CSIP approval – under Condition 22 of the DML at Part 2 of Schedule 9 to REP4-004 LGPL is to play no role in the approval of the final CSIP – it is submitted to the MMO for its approval without regard to, or consultation of LGPL (or the Port of London Authority). It is, however, recognised that the outline CSIP itself provides at paragraph 2 that it will be developed in consultation with LGPL and the PLA but the status of that provision in the absence of corresponding provision in the DML is uncertain and does not provide LGPL with sufficient comfort. In any event, it is LGPL's position that a right to approve the final CSIP before its submission to the MMO is necessary.	The Applicant has updated the relevant DML condition 22 of in Schedule 9 [REP5-008] so that LGPL must be consulted by the MMO prior to final approval of the relevant plans, addressing the concerns of LGPL by providing them a mechanism through which to input to the final plans.
REP5-096_d4	9.3	Commitments in outline Sediment Disposal Management Plan (SDMP) – again, under Condition 22(1)(o) of the DML at Part 2 of Schedule 9 to REP4-004 the final SDMP needs only to 'accord with the principles set out' in the outline SDMP' – similar concerns as to those express in regard of the final CSIP above apply (and are amplified by the even looser language) and, again, LGPL is to play no role in the approval of the final SDMP – it is submitted to the MMO for its approval without regard to, or consultation of LGPL (or the Port of London Authority).	See responses to REP5-096_d2 and REP5-096_d3 above; the LGPL will be consulted in relation to the final SDMP and this is now stated on the face of the DML in Schedule 9 of the dDCO [REP5-008] .
REP5-096_d5	9.4	Commitments in the outline Navigation and Installation Plan (NIP) – there is very little content in the outline NIP submitted at Deadline 4 [REP4-011] – it sets out no principle to seek to ensure ongoing access for vessels to and from London Gateway Port via the dredged channel or any other principles as to, for example, the maximum period of any blockage and their frequency. However, LGPL is pleased to note that the outline NIP provides at paragraph 22 that the final content of the NIP will be agreed with, amongst others, LGPL and if that is to be the case, that will provide comfort to LGPL, but a statement in the outline NIP as to future process is of only limited value – LGPL would wish to see this right of approval expressly set out in	The oNIP has been further updated at Deadline 6 with additional detail (Rev 3). As noted above, the DML (Schedule 9 of the dDCO) was updated at Deadline 5 [REP5-008] to provide that LGPL must now be consulted by the MMO in relation to the plans before their approval (see also responses to REP5-096_d2 and REP5-096_d3 above).

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		amendment to Condition 22 of the DML at Part 2 of Schedule 9.	
REP5-096_d6	10	In light of the above, the Applicant's wholesale removal of the Protective Provisions from the dDCO (which would have addressed LGPL's Concerns) without prior discussion with LGPL is of significant concern and LGPL strongly refutes the Applicant's justifications for the removal on the basis of the Proposed Measures.	The Applicant's position is that protective provisions are not necessary for the reasons set out in [REP4-044] and especially considering the further updates to the DCO/relevant DML (including those explained above) and the oNIP, oCSIP and oSDMP. LGPL's concerns are addressed and their interests adequately protected in a number of appropriate alternative ways.
Applicants Justification for removal of Protective Provisions			
REP5-096_e1	11	<p>The Applicant's Response argues that the inclusion of Protective Provisions in the dDCO is not necessary or appropriate on the basis that:</p> <ul style="list-style-type: none"> (a) There is no risk of detriment to the statutory undertaking of LGPL given the Mitigation Measures the Applicant has agreed to; (b) The MMO is the appropriate regulator for authorising works and LGPL would be consulted as part of this process; (c) Inclusion of Protective Provisions would result in an unnecessary duplication of control; and (d) Inclusion of Protective Provisions would be unprecedented. <p>LGPL fundamentally disagrees with this position as set out below</p>	Noted.
REP5-096_e2	12-13	<p>Existing property interests or apparatus required to benefit from protective provisions / Works outside of statutory harbour / jurisdictional limits.</p> <p>At paragraph 3.1.2 of REP4-044, the Applicant considers that an existing property interest or apparatus within the Order limits is necessary for a</p>	The operational concerns, relating to ensuring access by vessels, are safeguarded by the updated dDCO Requirement 2(3), ensuring that dredging is not precluded or impeded, and condition 22 of the DML in Schedule 9, ensuring that the LGPL (and PLA) as statutory undertakers are consulted on the oCSIP, oSDMP, and NIP before approval by MMO [REP5-008] .

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		<p>statutory undertaker to benefit from protective provisions and asserts that there is no serious detriment to LGPL's statutory undertaking. It is acknowledged in LGPL's responses to ExQ1 [REP2-040] that it does not hold any interests in land or have any relevant apparatus or relevant rights in land over which acquisition is sought. However, we do not accept that this is relevant in this case – LGPL does not need property interests in the area of the Sunk or the Trinity as rights of navigation of the seas are universal and require no property rights. LGPL's statutory undertaking is the operation and maintenance of the harbour of London Gateway Port. That harbour relies upon the deep water routes – if the deep water routes are impeded, London Gateway Port does not function. It is due to the importance of those areas to the functioning of LGPL's statutory undertaking that LGPL has been given special powers in relation to those specific areas. It is therefore untenable to state as the Applicant does that there can be no serious detriment to LGPL's statutory undertaking from activities carried out in the deep water routes.</p> <p>The concern raised by LGPL is not purely an economic one (cf. paragraph 3.1.9 of the Applicant's Response) – it is a fundamental operational one – whatever the economics may be, without adequate protection in place, vessels may simply be unable to access to or leave from London Gateway Port, cutting to the very heart of LGPL's statutory function to provide a harbour.</p>	There would be no detriment to the statutory undertaking of LGPL.
REP5-096_e3	14	<p>Furthermore, LGPL's powers to dredge under the HEO, including in the area of the Sunk, can be exercised by LGPL at any moment and without any requirement for a marine licence. However, the exercise by the Applicant of its powers under the dDCO will mean that there are times when such dredging activity could not take place. As such the powers proposed to be granted to the Applicant under the dDCO will interfere with the exercise by LGPL of its</p>	<p>The Applicant's submission, as set out in 3.1.8 of [REP4-044] was made in respect of the ports needing a licence to dredge to depths beyond 16.5m CD, which is the extent of the current power under the HEO 2008. Charted water depths are currently in excess of 16.4m, the Project would not interfere with LGPL's statutory powers.</p>

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		statutory powers, contrary to the Applicant's assertion in paragraph 3.1.8 of the Applicant's Response.	
REP5-096_e4	15	<p>There are multiple examples of protective provisions having been secured where the entity did not have a property interest or apparatus within the boundaries of an order. By way of a recent one, protective provisions were secured for the benefit of Network Rail Infrastructure Limited within The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 where Network Rail did not have apparatus or interests within the boundaries of the order. Here protective provisions set out the process for obtaining engineer approval for a lighting scheme that could otherwise impact on the operation of Network Rail's network. By way of additional example, protective provisions for the benefit of highway authorities will routinely cover all highways, notwithstanding that the highway authority may have no property interest or apparatus within that highway (which may be owned by a third party).</p>	<p>The Applicant has not asserted that a lack of property interests within Order limits is an absolute test against which the need for protective provisions is measured, but that it is one of various factors including that the relevant works, Work No. 3, and the DWRs sit outside the jurisdictional limits of LGPL . Another factor is that the Applicant has addressed concerns regarding the effect of Work No. 3 and the DWRs on ports – see response REP5-096_d3 and REP5-096_e3 above; and as a result of these protections being provided through the DCO and relevant DML, protective provisions are an unnecessary additional control.</p>
REP5-096_f	16-18	<p>Paragraphs 3.1.7 – 3.1.9 of the Applicant's Response consider that the LGPL's concern as to the potential to dredge to 22m CD in the future is based on a baseline scenario 'which may or may not occur' due, in part to the need for future consents.</p> <p>Although LGPL does not accept the characterisation of future dredging in the Sunk or Trinity channels as speculative, the principle of protecting future infrastructure through protective provisions is nevertheless well established. In the Awel Y Môr Offshore Wind Order 2023 (S.I. 2023/1033) protective provisions were secured for the benefit of National Grid in relation to the construction, operation and maintenance of the Bodelwddyan substation extension and associated works which is to be located within the order limits but had not yet been constructed. The same was secured in The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396) for the benefit of National Grid Carbon</p>	<p>It is entirely accurate to describe the future baseline scenario of dredging to 22m CD in the DWR as something that may or may not occur, and it is also accurate to note it would require future consents.</p> <p>The Applicant does not agree that the examples given are analogous to the present circumstances, or that there is any inconsistency in the Applicant's position.</p> <p>In any case, please see response REP5-096_e3 above in relation to dredging to 22m; as the concerns of LGPL to avoid any impediment to a future dredging scenario of 22m CD have been addressed, there is no need for protective provisions in relation to this point.</p>

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		<p>Limited for future infrastructure and has been requested by the Applicant for the Mona Offshore Wind Farm Order for National Grid Electricity Transmission plc, again for future infrastructure.</p> <p>Notably the Applicant does also retain in the dDCO protective provisions for the benefit of the proposed Five Estuaries Project (see Part 7 of REP4-004) even though that project is not consented (at all), so the Applicant's position does not appear consistent.</p>	
REP5-096_g	The MMO is the appropriate regulator 19-21	<p>At paragraph 3.2, the Applicant considers that the MMO is the appropriate regulator to authorise works, such as cable installation, through the marine licence application process, that LGPL would be consulted as part of that process, and the MMO would need to have regard to their submissions and any objections.</p> <p>LGPL acknowledges that the appropriate regulator for such applications is the MMO. It is possible that once an application is submitted the MMO may choose to consult LGPL on any such application, but that is not set out anywhere and cannot be guaranteed. LGPL's position is that given the fundamental nature of the issues at stake, in order to protect both heads of LGPL Concerns, LGPL must have a right to approve plans such as the final CSIP and final NIP before they are submitted to the MMO for its approval and that right must be made express on the face of the DML.</p> <p>Such a mechanism should lead to expedited decision-making under the DML – plans can be swiftly agreed between LGPL and the Applicant ahead of submission to the MMO and LGPL's agreement can be signified to the MMO on submission to the MMO, thereby avoiding protracted consultation processes with LGPL and/or the need for the MMO to spend time coming to a decision on a contested submission.</p>	Please see the Applicant's response at REP5-096_d5.
REP5-096_h	Unnecessary duplication of control 22-23	The Applicant's Response considers that the Protective Provisions would be an additional unnecessary and excessive layer of control which are	Please see the Applicant's response at REP5-096_d5.

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		<p>otherwise adequately dealt with through the Mitigation Measures.</p> <p>Whilst the Requirement sets out the parameters for dredging levels, as we have set out above, there is insufficient detail within the Plans or sufficient certainty of the content of the final form of the Plans to provide LGPL, the ExA or the SoS with sufficient certainty that LGPL's Concerns will be safeguarded. It is simply not sufficient for the Applicant to argue that details will be dealt with in future plans that are yet to be produced and for which no parameters or principles are presently specified and in relation to which LGPL may have no involvement. Recognising the Applicant's apparent difficulty in providing details of methodologies etc at this stage, LGPL has reasonably proposed that its interests be safeguarded by an approvals mechanism as was set out in the Protective Provisions. It should be noted that provision to the same effect could be included in the DML if the Applicant preferred and LGPL would not be adverse to that as an approach.</p>	
REP5-096_i	Precedent 24-26	<p>The principle of approval of plans before their submission to the appropriate regulatory authority is well established – see for example the Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935) (see Part 1 of Schedule 9). For a right to require reasonable amendments to plans prior to their submission to the MMO see paragraph 10 of Part 5 to Schedule 10 to the East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433). For provisions which have the same (or greater) effect in practice (a right to approve plans for specified works whether before or after MMO approval) see the Hornsea Two Offshore Wind Farm Order 2016 (Part 12 of Schedule 12) and the Hornsea Four Offshore Wind Farm Order 2023 (S.I.2023/800) (Part 11 of Schedule 9).</p> <p>Specifically in relation to harbours and ports, the principle is also seen in the HEO which contains protective provisions for the protection of the Port of London Authority (Schedule 8). Under these</p>	<p>The Applicant does not accept that the examples cited are analogous to the present circumstances. The HEO example, where plans must be approved by LGPL before submission to Secretary of State, relates to works in the 'tidal' area within the jurisdictional limits of the LGPL, in stark contrast with the present situation where the areas concerned (are outwith the jurisdictional limit of the LGPL as a statutory undertaker.</p> <p>The Applicant's position remains that the MMO, as the regulator, is the appropriate person to approve the relevant plans. The Applicant has adequately addressed LGPL's concerns regarding input on the finals plans by condition in the DML that they will be consulted on them by the MMO (see response at REP5-096_d5).</p>

REF	THEME	LGPL'S COMMENT	APPLICANT'S RESPONSE
		<p>provisions, prior to the submission of any plans and sections for any "tidal work" to the Secretary of State for approval and prior to the commencement of construction or maintenance of any tidal work, LGPL must submit plans and sections of the tidal work to the Port of London Authority for approval. This acknowledges that, whilst the ultimate decision maker is the Secretary of State, the practical implications for the statutory undertaking of the Port of London Authority and the operation of its site are such that it must approve such plans prior to any submission being made.</p> <p>LGPL is therefore not seeking to exert a level of control beyond that which it is itself willing to submit to and considers appropriate in the circumstances. Protective provisions are the appropriate means of securing review and approval of works in proximity to statutory undertaker assets or that may otherwise detriment or adversely affect statutory undertaker assets.</p>	
REP5-096_j	Conclusion 27	<p>Although the inclusion of the New Requirement can address in part LGPL's Concerns, it does not address other important aspects. The other Proposed Measures are of little value for the reasons set out above. To address the remaining part of LGPL's Concerns the retention of the Protective Provisions based on the form included in the versions of the dDCO up to deadline 4 (see Part 7 of Schedule 14 to the dDCO [REP3-008]) is necessary, appropriate and precedent. Alternatively, provision to the same effect, to give LGPL rights of approval to the relevant plans (CSIP, NIP, SDMP and, if relevant, the operations and maintenance plan), should be included in the DML.</p>	<p>For the reasons set out in responses above, the Applicant's position is that LGPL's interests are appropriately and sufficiently protected because of the protections afforded in the dDCO and relevant DML, and as a result protective provisions are not necessary.</p>

2.6 Applicant's response to Marine Management Organisation's Responses to ExQ2 and Comments on any submissions received at the previous deadline [REP5-098]

Table 2.6 Applicant's response to Marine Management Organisation's Responses to ExQ2 and Comments on any submissions received at the previous deadline [REP5-098]

REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
Comments on Applicant's Response to Deadline 3 Submissions and Deferred Responses from Deadline 2			
REP5-098_a	2.1-2.20	(Deliberately blank – text not copied here)	Noted. The Applicant has considered the responses from the MMO on the matters listed in section 2 of their submission and has no comments. Where relevant matters have been raised these have been addressed elsewhere in this response document.
Offshore In-Principal Monitoring Plan [APP-245]			
REP5-098_b1	Benthic ecology 3.1.1-3.1.2	<p>The MMO is broadly satisfied with the information provided in the Offshore In-Principal Monitoring Report (IPMP). The proposed approach to surveying biogenic and geogenic reef features, whereby potential reef features are identified through geophysical survey, and their presence and extent are verified through acquisition of seabed imagery, appears robust and the survey programme(s) with detailed methods will be provided to MMO in advance of survey operations for review and agreement.</p> <p>The MMO notes that the Applicant proposes to conduct grab sampling at potential reef features should underwater visibility prevent the collection of adequate imagery. However, the MMO would recommend that a freshwater lens style camera system is sourced and</p>	Noted. The Applicant has discussed this feedback with the MMO, and the comments on the detailed methodology will be considered during the post consent development of the monitoring plans.

REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
		used when underwater visibility prevents the use of a more standard drop down video system. While a suitable device, such as the Hamon grab, may collect and retain representative samples of the seabed from coarser sediments, sampling geogenic 'stoney' reefs using grabs may result in limited success, returning excessive 'no samples'. Furthermore, deploying a suitable grab to collect physical samples from biogenic reefs could be destructive and may affect the results of any subsequent post construction assessment of their condition.	
REP5-098_b2	Benthic ecology 3.1.3	Within Section 5.5 of the In-Principle Monitoring Plan, the Applicant discusses post construction benthic monitoring whereby 10% of the Wind Turbine Generator (WTG) foundations are proposed to be surveyed (grab sampling) to assess change from the pre-construction condition and the MMO welcomes this assessment.	Noted
REP5-098_b3	Benthic ecology 4.1	The Applicant has proposed to combine engineering related monitoring with environmental survey and monitoring, and the MMO welcomes this approach. The MMO recommends that the Applicant assesses imagery from engineering related infrastructure monitoring (e.g., WTG imagery from Remotely Operated Vehicle survey), in addition to the proposed grab sampling, to determine the presence of large, easily identified, Invasive Non-Native Species (INNS) that may colonise WTG infrastructure.	The Applicant maintains that the Offshore In-Principle Monitoring Plan [7.10, Rev 1] is proportionate to the risk of Invasive Non-Native Species (INNS), noting the mitigation in place to avoid the spread of INNS, which is secured via the Outline Project Environment Management Plan [7.6, Rev 1] . In addition, drawing on lessons learned from the existing adjacent Greater Gabbard offshore wind farm which undertook a post construction turbine colonisation survey (2013), this survey recorded no INNS on the turbines surveyed. In accordance with NPS EN-1 (Paragraph 4.1.16) the Secretary of State should only impose requirements that are necessary, relevant and reasonable which we do not consider applies to INNS monitoring.
REP5-098_b4	Benthic ecology 3.1.4	Furthermore, the MMO would recommend the Applicant considers collecting scrape samples from built infrastructure e.g., at the same 10% subset of WTGs, or deploying settlement plates for subsequent assessment, to determine the composition of the colonising assemblage.	
REP5-098_b5	Benthic ecology 3.1.5	It is the MMO's understanding that the Applicant proposes to monitor the condition of Project infrastructure to assess flaking paint. The MMO encourages the Applicant to include details of this	Noted. In accordance with the Offshore In-Principle Monitoring Plan [7.10, Rev 1] , monitoring of infrastructure condition will be considered in the post consent monitoring plan.

REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
		proposed assessment in the post-construction monitoring plan and to consider collecting sediment samples, to retain for subsequent analysis, to determine a baseline for the amount of sediment bound microplastics prior to construction.	
3.2 Comments in Relation to Fisheries			
REP5-098_c1	3.2.1-3.2.2	<p>The Offshore In-Principle Monitoring Plan does not propose any monitoring or independent surveys for fish and shellfish ecology receptors. The MMO is generally content with this as the key fish ecology receptors which are sensitive to proposed works are herring and sandeel. Whilst sandeel are sensitive to habitat disturbance as a result of construction works, in the MMOs previous advice it agreed with the Applicant's overall impact assessment conclusion that impacts to sandeel were likely be temporary, localised to the boundary of the OWF array site, and would not anticipate significant impacts on sandeel at the population level. The MMO remains content with this assessment and so would not expect to see any monitoring proposed with regard to sandeels.</p> <p>With regard to herring, the MMO is supportive that if piled foundations are used in the final project design, then underwater noise monitoring of the first four piles of each piled foundation type will be undertaken, and that the methods of such monitoring will be agreed with the MMO prior to construction. This is consistent with monitoring employed at other offshore windfarms. Specific monitoring is not required with respect to herring as the Applicant has accepted a temporal piling restriction during the Downs herring spawning season.</p>	Noted.
REP5-098_c2	3.2.3	Although not a form of monitoring, the Applicant's commitment to a piling restriction framed as "restricting piling activities during a suitable period of time between the 1st November and 31st January" remains unacceptable. This was raised in the MMOs previous advice at Deadline 3.	The Applicant is content to commit to a piling restriction to cover the Downs herring spawning period (from 1st November to 31st January) however would like to allow flexibility so that post-consent, the final restriction period can be refined in the event that more detailed temporal data on herring spawning in areas of relevance to the Project becomes available. Any post-

REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
			consent refinement of the temporal piling restriction would be done in consultation and agreement with the MMO and their scientific advisors and would be informed by additional evidence, in accordance with the updated Outline Project Environmental Management Plan [7.6, Rev 2] .
REP5-098_c3	3.2.4	The MMO has reviewed the Sandeel and Herring Habitat Heat Mapping clarification note submitted by the Applicant at Deadline 3 (REP3-047) and note that this document does not temporally refining the restricted period.	The Applicant notes that the Herring Habitat Heat Mapping only provides a spatial representation of potential herring habitat use, with no indication of the timing of spawning and therefore is not intended as a means to refine the duration of the piling restriction. The Sandeel and Herring Habitat Heat Mapping clarification note [REP3-047] was produced in response to MMO-165, which requested that "the Applicant redoes their herring spawning habitat 'heat' map following the updated version of the MarineSpace methodology (Reach <i>et al.</i> , 2023) ² , in order to allow comparison between the heat map included in Chapter 14 Commercial Fisheries [APP-028] and heatmaps produced using the updated methodology.
REP5-098_c4	3.2.5	The phrasing that piling will only be restricted for a 'suitable period of time' between the 1st of November and 31st January, does not define when, or for how long, the restriction will be implemented. This leaves the commitment open to exploitation in that it could be fulfilled by restricting piling for only a few weeks during the three-month spawning season, when a restriction covering the full spawning season is the only appropriate implementation until further evidence is provided. The MMO therefore maintains its recommendation that this restriction is embedded in the marine licence and the DCO as the period of the recommended piling restriction should be from the 1st November to 31st January, inclusive, which the MMO is aware the Applicant has agreed.	Noted, the Applicant is content with the commitment to a piling restriction to cover the Down herring spawning period from 1st November to 31st January. The Applicant would like to allow flexibility so that post-consent, the final restriction period can be refined in the event that more detailed temporal data on herring spawning in areas of relevance to the Project becomes available. Any post-consent refinement of the temporal piling restriction would be done in consultation and agreement with the MMO and their scientific advisors and would be informed by additional evidence, in accordance with the updated Outline Project Environmental Management Plan [7.6, Rev 2] .
REP5-098_c5	3.2.6	If the Applicant wishes to pursue a temporal refinement in the piling restriction, i.e. for a shorter period than 1st November – 31st January, then they will need to provide further data and evidence to justify why piling during this period would not impact spawning herring.	Noted. The Applicant has reviewed Outline Project Environmental Management Plan [7.6, Rev 2] submitted at Deadline 6) to state the necessary requirements to propose a refinement to the piling restriction.

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		<p>This usually takes the form of a back-calculation exercise using at least 10 years of International Herring Larval Survey (IHLS) data. In order to temporally refine this period of restriction, the Applicant should provide a suitable 'heat' map of potential herring spawning habitat alongside or overlaid with the UWN contours for the range of behavioural impact from piling based on the 135dB single strike sound exposure level (SELss) behavioural response threshold as per Hawkins et al. (2014). If the Applicant wishes to pursue a spatial refinement in the piling restriction then as per previous advice at Deadline 3, the Applicant needs to provide a suitable 'heat' map of potential herring spawning habitat, ideally following Kyle-Henney et al. (2024) (MarineSpace, 2013 would be acceptable) overlaid with the 135 dB single strike sound exposure level (SELss) modelled noise contour overlaid, which will provide an indication of the range of impact for behavioural responding herring, as per Hawkins et al. (2014). This heat map is required to provide a spatial understanding of how far the noise disturbances extends, i.e. how much the noise contours overlap the herring spawning ground.</p>	
Comments in Relation to Shellfisheries			
REP5-098_d	3.3.1-3.3.2	<p>The MMO is satisfied with the monitoring plan in relation to shellfish. The Applicant has noted that no residual effects greater than minor adverse have been identified in the ES, no concerns in relation to this have been raised in previous shellfish advice. Therefore, no monitoring is proposed in relation to shellfish ecology.</p> <p>As noted in previous advice at Deadline 3, while monitoring is not required, the MMO recognises the importance of noting and examining issues raised with the Fisheries Liaison officers. Evidence for the impacts on shellfish in relation to offshore wind farms is limited and therefore any feedback provided will support any</p>	<p>Noted. The Applicant responded to the MMO's comment in the Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 ([REP4-027], Comment Ref: REP3-056_I).</p>

REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
		evidence bases for future ES predictions and improve the success of mitigation measures.	
Comments in Relation to Marine Physical Processes			
REP5-098_e1	3.4.1	The IPMP sets out general guiding principles for the monitoring in Section 3, including that it should be 'necessary, relevant, enforceable, precise and reasonable'. The document (paragraph 29, Section 5.3) also notes that "No residual effects greater than negligible were predicted within the ES Chapter 8 Marine Geology, Oceanography and Physical Processes (Document Reference: 3.1.10)". Monitoring is therefore mostly 'necessary and relevant' for ensuring that these impact assessments can be shown to have been adequate.	Noted.
REP5-098_e2	3.4.2-3.4.6	<p>The Applicant proposes (paragraph 30) to conduct swath bathymetry surveying within the DCO limits for monitoring, informing both coastal process impact and benthic habitats monitoring needs. This is a standard method and entirely typical for this type of development. More detailed, higher-resolution surveys will also be carried out at installation locations.</p> <p>Together these surveys will allow for detection of direct impacts (construction-phase sediment disturbance and post-installation development of scour) and for some interpretation of post-construction residual impacts on sediment bed processes i.e., whether projected sandwave reformation is occurring.</p> <p>There are limits to the scope of the monitoring e.g., the proposed monitoring is largely confined to the development order limits and so no direct data will be obtained on potential downstream impacts. It is standard practice to infer these from the monitoring within the development; there remains, therefore, a small risk of unseen impacts on large-scale physical process systems. However, as per the conditions for 'reasonable, precise and enforceable' monitoring, it is</p>	Noted.

REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
		<p>very unlikely that any such impact could be detected and demonstrated unequivocally to be a consequence of the development using any more extensive monitoring programme.</p> <p>The MMO notes that further development of specific detailed plans will be conducted post-consent and in consultation with the relevant statutory bodies. Table 5-1 of the In Principal Monitoring Plan [APP-245] gives several reasons for monitoring, but the monitoring proposal itself suggests that post-construction monitoring is largely to be targeted toward sites with highest potential for scour, which indicates the primary focus is impact verification on the development itself, rather than the wider environment. However, the reasons for monitoring listed in Table 5-1 [APP-245] are sufficient to capture coastal process concerns.</p> <p>Should the specified impacts around the development itself (that are covered by the plan) be found to deviate from and substantively exceed the assessments in the ES, then the monitoring may need to be expanded to assess whether wider impacts are also underestimated.</p>	
Applicants Response to the MMO Additional Submission			
REP5-098_f1	4.1 [AS-051_a]	The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.	The Applicant is continuing discussions with the MMO regarding this point.
REP5-098_f2	4.2 [AS-051_c]	The MMO welcomes the amendment to Schedule 8 and 10, Condition 15(1) and Schedule 9, Condition 16(1) to remove subparagraph (1), as requested by the MMO.	The Applicant welcomes the MMO's confirmation.
REP5-098_f3	4.3 [AS-051_d]	The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.	Noted.

REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
REP5-098_f4	4.4 [AS-051_e]	The MMO welcomes the amendments to the condition made by the Applicant. The MMO would prefer the wording be updated to require notification 10 days prior/within 10 days, the MMO is content it can remain as 14 days and has no further comments.	The Applicant welcomes the MMO's confirmation.
REP5-098_f5	4.5 [AS-051_f]	The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.	Noted.
REP5-098_f6	4.6 [AS-051_g]	The MMO has provided a response to this above [REP3-056_o].	Noted
REP5-098_f7	4.7 [AS-051_h]	The MMO has provided further clarification on this point in 9.2.8 above. The MMO will provide a further update on this question once it has reviewed the updated site characterisation report.	Noted.
REP5-098_f8	4.8 [AS-051_i]	The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.	Noted.
REP5-098_f9	4.9 [AS-051_j]	The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.	Noted.
REP5-098_f10	4.10 [AS-051_k]	The MMO maintains its position as set out in the Statement of Common Ground submitted at Deadline 4.	Noted.
REP5-098_f11	4.11 [AS-051_l]	The MMO welcomes the updates to the Outline Fisheries Liaison and Coexistence Plan submitted at Deadline 4 and will review and provide comments at Deadline 6.	The Applicant welcomes the and will review the MMO's comments.
REP5-098_f12	4.12 [AS-051_m]	The MMO has provided comments on the In-Principal Monitoring Plan above in Section 3.	Noted.
REP5-098_f13	4.13 [AS-051_n]	The MMO has reviewed the PCB results in the requested MMO template received on 18 February 2025 and provided comments at Deadline 4 [REP4-079].	Noted.

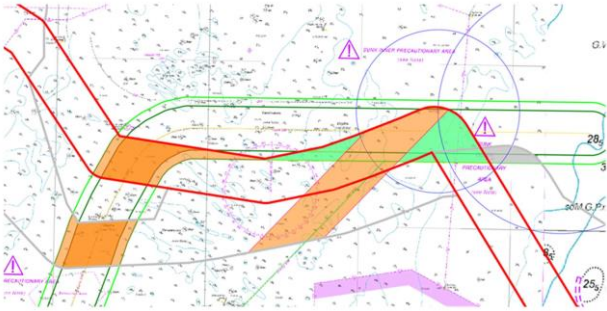
REF	THEME	MMO'S COMMENT	APPLICANT'S RESPONSE
REP5-098_f14	4.14 [AS-051_p]	The MMO notes the Applicant's response, the MMO maintains its position that the inclusion of this sampling would show a positive gesture to demonstrate that the industry is taking steps to identify, understand and, potentially, reduce the impact should it materialise to be associated with the offshore renewables development. The MMO position remains unchanged.	Noted. The Applicant maintains its position, that in accordance with NPS EN-1 (Paragraph 4.1.16) the Secretary of State should only impose requirements that are necessary, relevant and reasonable, which the Applicant does not consider applies here; the existing sampling approach In-Principle Monitoring Plan (updated at Deadline 6 [7.10, Rev 1]) is proportionate to the risk of Invasive Non-Native Species.
REP5-098_f15	4.15 [AS-051_r]	The MMO welcomes the commitment by the Applicant to a piling restriction to cover the Down herring spawning period from 1st November to 31st January. The MMO would be happy to discuss wording for the final condition in the upcoming meeting with the Applicant on 11 June 2025. The MMO will provide further comments at Deadline 6.	Noted, the Applicant will await the further comments.
REP5-098_f16	4.16 [AS-051_s]	The MMO welcomes this comment by the Applicant that clarification will be added to the final version of the MMMP and may provide further comments once the MMO has reviewed the final version of the MMMP	Noted.

2.7 Applicant's response to Port of London Authority Comments on any submissions received at the previous deadline [REP5-111]

Table 2.7 Applicant's response to Port of London Authority Comments on any submissions received at the previous deadline [REP5-111]

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
REP5-111_a	Introduction 1.1-1.2	This is a written submission made on behalf of the Port of London Authority ("PLA") in respect of comments on Deadline 4 submissions. Documents referred to in this submission are: (a) Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan (REP4 043);	Noted.

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> (b) Outline Sediment Disposal Management Plan (REP4-038); (c) Supporting Information on Offshore Additional Mitigation (REP4-041); (d) Site Characterisation Report (REP4-014); (e) Outline Cable Specification and Installation Plan (REP4-039) and Cable Statement (REP4-016); (f) Outline Navigation and Installation Plan (REP4-012); (g) Statement of Common Ground Port of Tilbury London Limited (REP4-050); (h) Applicant's Response to Deadline 3 submissions and Deferred responses from D2 (REP4-027); (i) Applicant's Response to the Ports' request for Protective Provisions (REP4-044); and (j) Draft Development Consent Order (REP4-005). 	
REP5-111_b	Deep water cable installation 2.1-2.2	<p>The PLA welcomes the general approach that the Applicant took to the Deep Water Routes ("DWRs") future dredging depths, continuing the Sunk DWR seaward on the same basis as the Five Estuaries Offshore Wind Farm ("VEOWF") i.e 1km width at - 22m Chart Datum ("CD") and an additional 200m each side at -19m CD. However, given the location of the North Falls red line boundary the Applicant's proposed approach would leave areas at the top of the Trinity/Sunk diamond which are not subject to the deeper cable installation/maintenance requirement. The image on the next page shows the North Falls red line boundary for the order limits in red, the VEOWF order limits in grey, the combined areas subject to requirement in orange and the extension of the Sunk DWR and additional areas that need to be included in green. The area in grey relates to VEOWF and that area is already deep. The majority of the green area will need to allow for dredging to -22m CD and the PLA could otherwise accept the 200m buffer to the south at -19m CD.</p> <p>The PLA has provided the Applicant with its comments on the Deep Water Route Plan [REP4 043] and awaits a response. Once agreement has been reached on the</p>	<p>This comment is noted. In response, the Applicant has additionally committed to make the area around the sunk pilot diamond, shown coloured blue on the Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan)) protected from having its depth reduced to any less than -22m by Work No. 3 (see updated Requirement 2(3) (dDCO [6.1, Rev 7])). This, in effect, gives the same protection as the proposal stated here by PLA, as the area around the sunk pilot diamond extends further than the areas proposed by PLA. An updated 9.57 Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan (Rev 1) has been submitted at Deadline 6 to secure this additional commitment and consequential amendments made to dDCO requirement 2(3).</p>

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		<p>extent of the area required for deeper cable burial, plans and documents (including the outline Navigation and Installation Plan ("oNIP") and outline Sediment Disposal Management Plan ("oSDMP")) will need updating accordingly.</p> 	
REP5-111_c1	Outline Sediment Disposal Management Plan 3.1-3.2	<p>The PLA welcomes the production of the oSDMP [REP4-038]. The oSDMP sets out the key constraints and measures proposed that will be included in the final SDMP.</p> <p>The oSDMP sets out in figure 3-1 the disposal zone constraints, including the 'Sunk DW Buffer', the 'Trinity DW Buffer' and the 'Pilot Boarding Station Buffers'. The PLA welcomes the clear commitment in paragraph 21 of the oSDMP that "all disposal material that is created from construction activities will not be disposed of within the areas proposed for deeper burial of the export cable as shown on figure 3-1." Such disposal material should, however, also not be placed in areas that could migrate into such areas.</p>	This comment is noted, the oSDMP has been updated for Deadline 6 [9.52, Rev 2] to provide that disposal material will not be placed in areas that could migrate into the disposal zone constraint areas.
REP5-111_c2	Outline Sediment Disposal Management Plan 3.3	<p>The proposal in relation to the Pilot Boarding Station Buffers is less clear. The PLA has provided comments to the Applicant concerning paragraph 23. The PLA believes that there is an error when paragraph 23 refers to the areas proposed for the deeper burial of the export cable and that this should instead refer to the Pilot Boarding Station Buffers. If the PLA is correct, then paragraph 23 is providing a clear commitment not to</p>	This comment is noted. The "where possible" was removed from paragraph 25 in the Deadline 5 submission version of the oSDMP (which has been updated again at Deadline 6 [9.52, Rev 2]).

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		dispose of material within the Pilot Boarding Station Buffers. However clarification is then required on the statement in paragraph 25 about "seeking to not reduce navigable depth within the pilot boarding area through avoiding, where possible, the disposal of material in this area." (our emphasis); since this implies that material could be disposed of within the Pilot Boarding Station Buffers which would not be acceptable to the PLA.	
REP5-111_c3	Outline Sediment Disposal Management Plan 3.4	As a general point which requires consideration across all of the Applicant's documents, paragraph 4 refers to the export cable corridor ("ECC"), but paragraph 7 relates to the offshore cable corridor ("OCC"). The PLA has no preference on which wording is used, but would recommend that it is used consistently across all documents.	Reference to the OCC has been removed from the submission at Deadline 5. This aligns with the outline CSIP, updated again at Deadline 6.
REP5-111_d	Supporting information on offshore additional mitigation 4.1-4.2	The Applicant has also produced a new document at deadline 4: Supporting Information on Offshore Additional Mitigation [REP4-041]. The document includes "information on the implications of mitigation commitments made at Deadline 4 to address concerns of Harwich Haven Authority, Port of London Authority and London Gateway Port Ltd regarding cable burial depths in the Sunk and Trinity Deep Water Routes." Paragraph 23 advises that "Dredged sediment deriving from the areas crossing the Sunk and Trinity DWRs would be deposited in the array area to ensure they do not reduce navigable water depth within the DWRs". The document is silent concerning dredged material deriving from the Pilot Boarding Station Buffers. The document should therefore be updated to include information on this important mitigation commitment.	Updated modelling to incorporate dredging at the pilot boarding area is provided in the Hydrodynamic and Dispersion Modelling Report [9.54, Rev 1]. Dredging in the vicinity of the sunk pilot diamond area has been committed to at Deadline 6, and the relevant documents have been updated to reflect this, including the Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan [9.57, Rev 1] and oSDMP [9.52, Rev 2].
REP5-111_e	Site Characterisation Report 5.1-5.2	The Site Characterisation Report [REP4-014] was updated at deadline 4 and now includes, amongst other things, cross references to the oSDMP and to the Applicant's commitments in relation to cables at the DWRs. It is recommended that paragraphs 32 and 184 are updated to mirror the wording used in paragraph 112. As currently drafted paragraphs 32 and 184 give the	The disposal constraints are secured through the Outline Sediment Disposal Management Plan [REP4-038], therefore the Applicant does not consider these minor amendments to the Site Characterisation Report are required.

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		<p>impression that the cable just needs to be below 22m CD, rather than being at a depth that does not preclude dredging to -22m CD within the Sunk A and Trinity DWR and -19m CD within the Sunk B DWR.</p> <p>The Site Characterisation Report is clear at for example paragraph 108 that disposal of dredged material will avoid the Sunk and Trinity DWRs however it is silent on the Pilot Boarding Station Buffers.</p>	
REP5-111_f1	oCSIP 6.1-6.2	<p>The PLA welcomes the production of the outline Cable Specification and Installation Plan ("oCSIP") [REP4-039]. The oCSIP sets out the principles with which the final CSIP must accord. Given the importance of this document, the CSIP must be in strict accordance with the oCSIP. The scope of the document needs to be made clear – currently it is stated at paragraph 3 that it covers the installation and cable route preparation (there is no reference to maintenance). At paragraph 31 in relation to the DWRs the reference is to the cables being installed and maintained but in paragraph 32 the reference is only to installation. The oCSIP and CSIP must be clear that any commitments relating to the DWRs apply to both installation and maintenance.</p> <p>It is noted that the CSIP will be submitted for approval by the Marine Management Organisation ("MMO"). Consistent with its approach to VEOWF, the PLA seeks protective provisions in relation to the CSIP including the undertaker obtaining the PLA's approval in writing of the CSIP before it is submitted to the MMO.</p>	<p>The oCSIP has been updated for Deadline 6. Paragraph 4 as per [REP5-044], which is what the Applicant believes the comment is regarding due to the overlapping timing of submissions, is noted and will be updated.</p> <p>In terms of paragraph 32 of [REP5-044], that has not been updated as that relates to the construction and installation programme, and so is not in relation to maintenance. Paragraph 30 of [REP5-044], which equates to paragraph 31 mentioned in the comment will remain as is, covering design, installation, maintenance and operation.</p> <p>DML condition 22 (Schedule 9 of the dDCO) was updated at Deadline 5 [REP5-009] to provide that PLA and other harbour authorities must be consulted by the MMO on the CSIP.</p> <p>Considering the further mitigation and commitments secured, the Applicant firmly maintains that protective provisions are not necessary or appropriate for the reasons set out in [REP4-044].</p>
REP5-111_f2	oCSIP 6.3-6.5	<p>Paragraph 13 requires an update to make it clear that in relation to any UXO relocation, that this will not occur to or within the DWRs.</p> <p>It should be clarified if any wet storage is proposed and if it is, then the oCSIP should be updated to commit to no wet storage within the DWRs. Similarly the document should be updated to commit to not relocating archaeological finds to or within the DWRs.</p> <p>At section 4.3 the text should be updated to make it clearer in relation to the Applicant's approach to cable</p>	<p>The oCSIP submitted at Deadline 5 [REP5-044] now references no relocation of archaeological finds (paragraph 19) into the DWRs.</p> <p>In terms of cable protection in the DWRs, these are covered by Requirement 2(3) Schedule 1 Part 3 of the draft Development Consent Order, to ensure that sufficient depth is maintained for the future case vessels. This has been updated at Deadline 6 to include the sunk pilot diamond area.</p>

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		protection in the DWRs and in the vicinity of the Sunk pilot boarding area. Currently the document is silent on the DWRs and states in relation to the vicinity of the Sunk pilot boarding area that "reasonable endeavours" will be made to avoid the use of cable protection. Given the implications of cable protection in terms of reduced water depths, there could be significant implications if water depths were reduced in the area where pilots were trying to board deeper draughted vessels.	
REP5-111_f3	oCSIP 6.6	Given the indicative locations for the cable crossings of North Falls, Sealink and Neuconnect but reflecting that these locations are indicative, the applicant should commit in the oCSIP at paragraph 46 to not crossing these projects within the DWRs.	It should be noted that the red line boundaries for North Falls, and the mentioned projects do not cross/overlap in the DWRs. Therefore, if a crossing were to occur within the DWRs, one or more of the projects would be installing cables outside their DCO limitations, meaning that they would be in breach of their DCO. Such a comment is therefore not required, and would only be required if at a later date the projects mentioned change their red line boundaries via a material change approved by the Secretary of State.
REP5-111_f4	oCSIP 6.7	The PLA notes that as a result of the production of the oCSIP there have been a number of amendments made to the Cable Statement [REP4-016]. These amendments remove detail from the Cable Statement on matters relating to seabed preparation and offshore cable installation and replace them with references to the oCSIP. The PLA has no objection to this approach.	This comment is noted.
REP5-111_g1	oNIP 7.1 a	The oNIP [REP4-012] was updated at deadline 4. The PLA still has a number of comments about the oNIP including: (a) The NIP applies "from the start of offshore construction activities." It needs to be clear when this is i.e. is it from "commencement" see the PLA's comments on commence as set out in its Written Representation [REP2-056]	The PLA's concern is not clear. The Applicant notes that the relevant condition 22(1)(n) of the DML under Schedule 9 [REP5-008] requires a NIP for the relevant stage of construction, before the licensed activities for that stage construction commences; as a result a NIP will always apply from commencement / the start of each stage of construction activities, including the first stage.
REP5-111_g2	oNIP 7.1 b	(b) The NIP will be submitted for approval by the MMO. Consistent with its approach to VEOWF, the PLA seeks protective provisions in relation to the NIP including the undertaker obtaining the	The Applicant's position remains that the MMO as the regulatory authority is the appropriate person to approve the NIP (and SDMP and CSIP). However, in order to address concerns of the PLA, and the other harbour authorities, the

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		PLA's approval in writing of the NIP before it is submitted to the MMO.	Applicant has provided for the relevant DML (Schedule 9), condition 22, that the MMO must consult with the PLA (and the other harbour authorities) before approving the final NIP (see Condition 22 of dDCO [REP5-008]).
REP5-111_g3	oNIP 7.1 c	(c) Use of consistent terminology - there are references in the oNIP to concurrent activity but also references to concurrent working for example, use of 'working' in para 1 and 'activity' in para 8 and fig 2.	This has been updated to "concurrent working" throughout the version submitted at Deadline 5 [REP5-029] .
REP5-111_g4	oNIP 7.1 d	(d) Para 8 Clarification should be provided on what is meant by "Further areas".	Para 8 has been reworded to clarify in the version submitted at Deadline 5 [REP5-029] .
REP5-111_g5	oNIP 7.1 e	(e) Para 9. This paragraph splits the concurrent activity areas into four. It should be clarified why the Sunk DWR Area has been split into East and West particularly when table 2.2 does not have this same distinction in terms of the Sunk DWR	The Sunk DWR Area has been combined into one in the version submitted at Deadline 5 [REP5-029] .
REP5-111_g6	oNIP 7.1 f	(f) Fig 2.1 The Trinity DWR full extent is not clear currently due to the overlap of the Pilotage Area circles	The figure has been amended in the version submitted at Deadline 5 [REP5-029] .
REP5-111_g7	oNIP 7.1 g	(g) 2.2.1 para 11. It should be clarified whether any freespan clearance is proposed as it is not currently provided for	Due to the burial requirements, it is not anticipated there will be any freespan clearance over the DWRs.
REP5-111_g8	oNIP 7.1 h	(h) 2.3.2 paras 14 and 15 – The projects referred to include VEOWF and SeaLink. Other known projects which could overlap with North Falls (e.g. Tarchon) should also be referenced.	It is not appropriate to include Tarchon given that it has not been scoped and information on route options is not available.
REP5-111_g9	oNIP 7.1 i	(i) Table 2.3 The indicative construction programme is the high level programme for the project rather than the high level programme for offshore activities. The PLA would have expected the entries in the table to then form the basis for the various tables in section 3 (surveys, UXO, PLGR etc).	A precise timeline cannot be provided at this stage. However, the Applicant added further details to the oNIP submitted at Deadline 6 in relation to the speeds at which vessels are expected to cross the DWRs therefore providing indication of durations over the DWRs.

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
REP5-111_g10	oNIP 7.1 j	(j) Tables in section 3. It should be explained why none of the vessel details have been included in the tables.	Further vessel details have been added to oNIP submitted at Deadline 6.
REP5-111_h	SoCG Port of Tilbury London Limited 8.1	In the SoCG between the Applicant and the Port of Tilbury London Limited, there is an entry relating to the Protective Provisions. The Applicant's position is "on the understanding that the Port of Tilbury will align with PLA's position, the Applicant is engaging with the PLA on the suitability and appropriateness of Protective provisions for the PLA." The PLA has approached the Applicant on more than one occasion since Issue Specific Hearing 2 to discuss the matter of Protective Provisions for the PLA. The Applicant has refused to engage with the PLA on this matter.	The Applicant has engaged with the PLA in discussions regarding its cable burial requirements and related mitigation in respect of the Deep Water Routes. The Applicant has declined requests for meetings only in respect of Protective Provisions (PPs) and that is because the Applicant's position has remained that PPs are not reasonable and are disproportionate in the circumstances (see the Applicant's Response to the Ports' Request For Protective Provisions [REP4-044]). The Applicant has adequately addressed concerns of the PLA in appropriate alternative ways (e.g. by Requirement to not reduce depth, nor impede or prevent dredging, in the Deep Water Route areas (Requirement 2(3)), and by Condition requiring that PLA are consulted by the MMO, see response above, (REP5-111_g2)).
REP5-111_i	Applicant's response to Deadline 3 submissions and deferred responses from Deadline 2 9.1-9.2	The Applicant's response to the PLA's comments are set out in Table 2-8 on pages 36-38 of REP4-027. The PLA does not comment on each point in turn in detail here. Many of the Applicant's responses signpost to documents such as the oCSIP, oSDMP and oNIP which the PLA has commented on elsewhere within this representation. References are also made to Requirement 2(3) and comments on this are provided in relation to the dDCO below. Comments on protective provisions are provided in section 10 below and the response to the Examining Authorities Second Written Questions ("ExAQ2"). The PLA and the Applicant continue to discuss the potential for its on-shore navigational equipment to be impacted.	Noted. The project's interaction with the PLA onshore navigation equipment has been set out in 9.94 Technical Note on the interaction of North Falls with the PLA onshore communication links and submitted at Deadline 6.
REP5-111_j1	Applicant's Response to the Ports' Request for Protective Provisions 10.1-10.3	The first point the Applicant raises in REP4-044 against the ports having protective provisions is that mitigation is appropriately secured by other means and a summary of mitigation measures is set out in tabular form at	Noted.

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		<p>paragraph 2.2. This table includes reference to Requirement 2(3), the CSIP, the SDMP and the NIP.</p> <p>The Examining Authority has raised a specific question in ExAQ2 Q9.4.1(i) namely</p> <p><i>"(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."</i></p> <p>In light of the full response presented to that question we do not seek to repeat the PLA's arguments as to why the mitigation measures proposed do not address the PLA's concerns in the same way as protective provisions.</p>	
REP5-111_j2	Applicant's Response to the Ports' Request for Protective Provisions 10.4-10.7	<p>The second limb to the Applicant's argument is that there is no detriment to any statutory undertaking. The ports are statutory harbour authorities and as per the PLA response to ExAQ2 Question 9.4.1(ii), the northern approaches for deeper draughted vessels into the Port of London (i.e the DWRs through which deeper draughted vessels must pass through to get into the Port of London) and the Port of London (the largest port in the UK) accounted for 12% of all UK major port tonnage traffic handled in 2023.</p> <p>The Order Limits also include the Sunk Pilot Diamond and pilotage is compulsory for large vessels within the London Pilotage District. The approaches and boarding and landing of pilots takes place in the general vicinity of the Sunk Pilot Diamond rather than at a specific point.</p> <p>It is disingenuous to suggest that there is no detriment to any statutory undertaking. It is only through protective provisions that the PLA will have certainty that the proposals will not have detrimental impacts on the UK's largest port.</p>	<p>The Applicant's position on protective provisions remains as set out in [REP4-044].</p> <p>The Applicant has updated the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan to cover the Sunk Pilot Diamond, in turn ensuring the depths in that area will not be reduced to less than 22m by Work No. 3 (see updated dDCO [6.1 Rev 7], and 9.57 Deep Water Route Cable Installation Area (Future Dredging Depths) Plan (Rev 1), submitted at Deadline 6).</p>

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		The PLA also address in its response to ExAQ2 the Applicant's contention that the MMO is the appropriate regulator and duplication of control is inappropriate and, finally, that protective provisions would be unprecedented.	
REP5-111_k1	dDCO 11.1 a-d	<p>At deadline 4 the PLA note that a number of updates have been made to the draft development consent order ("dDCO") [REP4-005]. These include:</p> <p>(a) New definitions: "Deep Water Route Cable Installation Area (Future Dredging Depths) Plan", "outline cable specification and installation plan" and "outline sediment disposal management plan." The oCSIP and oSDMP definitions have also been added to Deemed Marine Licence at Schedule 9 ("DML").</p> <p>(b) Part 3 Requirements – a new Requirement 2(3) which reads:</p> <p><i>(3) Any part of Work No. 3 and any associated development located within the following areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, must be installed and maintained at a level which would not preclude dredging:</i></p> <p><i>(a) of the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer, to a level of 22 metres below Chart Datum;</i></p> <p><i>(b) of the area shown shaded in pink and labelled Trinity – Trinity DW Buffer, to a level of 22metres below Chart Datum; and</i></p> <p><i>(c) to the area shown cross hatched purple and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum ("the New Requirement").</i></p> <p>(c) Schedule 9 condition (13) (3) In undertaking activities under paragraph (2)(f), other than in areas shown shaded orange, pink or hatched purple on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan where navigable depth may not be reduced to any extent, the undertaker must</p>	No response required.

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		<p>not reduce water depth by more than 5% Chart Datum unless agreed with the MMO and the MCA in writing</p> <p>(d) Schedule 9 – CSIP needs to be in accordance with the oCSIP. The SDMP needs to accord with the principles set out in the oSDMP.</p>	
REP5-111_k2	dDCO 11.2 a	<p>Further changes are required to the dDCO (in addition to protective provisions for the benefit of the PLA and points previously raised by the PLA regarding the definitions of maintain and commence). These are as follows:</p> <p>(a) Regarding the New Requirement, as indicated in the PLA's response to ExAQ2 the Requirement should be amended as follows:</p> <p><i>"(3) Any part of Work No. 3 and any associated development the authorised development located within the following areas</i></p> <p><i>shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, must be designed, installed, operated and maintained at a level which would not preclude dredging:</i></p> <p><i>(a) of the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer, to a level of 22 metres below Chart Datum;</i></p> <p><i>(b) of the area shown shaded in pink and labelled Trinity – Trinity DW Buffer, to a level of 22 metres below Chart Datum; and</i></p> <p><i>(c) to the area shown cross hatched purple and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum.</i></p> <p><i>(4) The undertaker must not carry out wet storage or relocate any boulders or archaeological finds to or within the three areas referred to in paragraph (3)."</i></p>	<p>It is only Work No. 3 that can be carried out within the areas identified on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, and a reference to the "authorised development" is unnecessary and redundant.</p> <p>The outline CSIP [REP5-044] provides (paragraph 17) that boulders and (paragraph 19) that archaeological finds may not be relocated into the Deep Water Routes.</p>
REP5-111_k3	dDCO 11.2 b	<p>(b) A new definition of: "Deep Water Route Cable Installation Area (Future Dredging Depths) Plan", "should also be added to the DML as a definition and the New Requirement (as proposed to be amended)</p>	<p>Deep Water Route Cable Installation Area (Future Dredging Depths) Plan has been added to the DML (Schedule 9 of the dDCO [REP5-008].</p>

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		should be included in the DML at condition 10 as sub-paragraph (3).	See above response regarding PLA's proposed amendments to the condition.
REP5-111_k4	dDCO 11.2 c	(c) The PLA is not referenced as a consultee in the DML, nor are they referenced in condition 16 regarding notifications and inspections, nor is there reference to the consultation with the PLA in the preamble to condition 22(1) nor that final plans should be agreed with the PLA prior to submission to the MMO. Consistent with the PLA's representations on the VEOWF the PLA would expect to be referenced in the following Conditions: Condition 13(4), 16(8) to(14), 17(2), 22, 26(1), 28(1) 28(3) and 28(4).	The Applicant updated the dDCO/DML at Deadline 5 so that the MMO must consult the PLA on relevant plans (CSIP, NIP, SDMP), see condition 22(1) and 23(4) of the DML in Schedule 9 [REP5-008] .
REP5-111_k5	dDCO 11.2 d	(d) Condition 13 (3) as amended records that "in undertaking activities under paragraph (2)(f), other than in areas shown shaded orange, pink or hatched purple on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan where navigable depth may not be reduced to any extent, the undertaker must not reduce water depth by more than 5% Chart Datum unless agreed with the MMO and the MCA in writing". The maintenance works referenced in f) only relate to cable protection and replenishment but consistent with the New Requirement (d) cable remedial burial and (e) cable repairs and replacement would be equally relevant and should be referenced.	The Applicant updated the DML at Deadline 5 to include the (2)(e) 'cable repairs and replacement' and have at Deadline 6 included (2)(d) 'cable remedial burial' as works which may not reduce depth by more than 5% CD, unless agreed in writing with MMO and MCA (dDCO [6.1, Rev 7]).
REP5-111_k6	dDCO 11.2 e	(e) As currently drafted the DML only requires the NIP and the oSDMP to accord with the principles of the oNIP and oSDMP and the CSIP to accord with the oCSIP (condition 22). There is the potential therefore for the final documents to change and for those changes to detrimentally impact the Port of London either temporarily or permanently. The final documents must be in strict accordance with the relevant outline document.	See the Applicant's response to REP5-096_d2 above.
REP5-111_k7	dDCO 11.2 f	(f) Condition 22(1)(iii) should reference the length, depth and arrangement of cables comprising Work Nos. 2, 3 and 4A including cable crossings;	These changes are not necessary as: - Work No. 2 / 4A have no bearing on the PLA concerns relating to the Deep Water Routes.

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
			<ul style="list-style-type: none"> - The oCSIP (updated at Deadline 6, [9.53, Rev 2]), which the final CSIP must accord with under Condition 22, makes clear that details of cable crossings will be set out in the CSIP (see paragraph 46 of the oCSIP); and - Depth of the cable will necessarily be informed by the post-consent Cable Burial Risk Assessment (CBRA), but must in any case not be at a depth so as to reduce the depth to less than 22m/19m CD in the DWR areas of concern to the PLA, as secured by Requirement 2(3). See also Applicant's response to REP5-111_b above.
REP5-111_k8	dDCO 11.2 g	<p>(g) Condition 22(1)(h) which sets out the requirements for the CSIP needs to be updated to include the following:</p> <p>"a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment demonstrating compliance with condition 10(4)" i.e the design parameter.</p> <p>and limb (iii) this needs to be updated to read <i>"a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment demonstrating compliance with condition 10(4) above in the case of cable protection within the located within areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan and otherwise encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA, the PLA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;</i></p> <p>limb (iv) should be updated with the changes in red</p> <p>"proposals for the volume, depth and areas of cable protection to be used for each cable crossing, and proposals for timing and methodology for reporting on</p>	<p>It is presumed that PLA refers that 22(1)(h)(ii) and (iii) (not (iii) and (iv)).</p> <p>There is no Condition 10(4) in Schedule 9, and it is not clear the purpose of the first change, but please note that 22(1)(h)(ii) was updated at Deadline 5 [REP5-009].</p> <p>In respect of depths, the change is unnecessary as a detailed cable laying plan informed by the CBRA would necessarily include depth. In any case, the depths of cables may not interfere with the depths of the relevant DWR areas, see response REP5-111_k7 above.</p>

REF	THEME	PORT OF LONDON AUTHORITY'S COMMENT	APPLICANT'S RESPONSE
		actual volumes, actual depths and areas post construction;"	
REP5-111_k9	dDCO 11.2 h-11.3	<p>(h) Condition 23(4) of the DML requires that the licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 22, unless otherwise agreed in writing by the MMO with no reference to further consultation with the local harbour authorities.</p> <p>The PLA is in discussion with the MMO regarding the above changes to the DML with the expectation that the MMO will support the amendments as it did on VEOWF and the PLA will keep the ExA appraised of those discussions.</p>	Noted.

2.8 Applicant's Response to RSPB's Comments on any submissions received at the previous deadline [REP5-113]

Table 2.8 Applicant's Response to RSPB's Comments on any submissions received at the previous deadline [REP5-113]

REF	THEME	RSPB'S COMMENT	APPLICANT'S RESPONSE
[REP4-010]			
REP5-113_a	2.1- 2.3	<p>The RSPB welcomes the submission into the examination of REP4-010 (Habitats Regulations Assessment Annex 2B Lesser Black-backed Gull Compensation; Effects on Designated Sites). Within this, the Applicant states that Lantern Marshes is the preferred location for compensation, albeit with other options also being taken forward. We have made comments on the suitability of Lantern Marshes in our Written Submission (REP4-089).</p> <p>In the event that Gedgrave Marshes is selected as the Applicant's preferred option, further assessment will be required including assessment similar to that presented at REP4-010. There are significant differences between the two sites and suggest that close consideration is given to the potential for recreational disturbance at Gedgrave Marshes, a factor which is</p>	Habitat Regulations Assessment Lesser Black-backed Gull Compensation - Gedgrave Marshes Impact Assessment [REP5-072] was provided at Deadline 5.

REF	THEME	RSPB'S COMMENT	APPLICANT'S RESPONSE
		<p>somewhat less prominent at Lantern Marshes. We would welcome further information being presented to the Examination at the next deadline.</p> <p>In both locations evidence of the Applicant's progress with securing the necessary landowner agreements would be valuable evidence for the Examining Authority and Interested Parties.</p>	
[REP4-060]			
REP5-113_b	3.1-3.2	<p>The Applicant is currently exploring options for compensatory measures for Lesser Black-backed Gulls, which may involve project-led, collaborative or strategic measures. We question North Falls assertion regarding their relative contribution to collaborative measures in the event they select that route, and support NEs questioning of this contribution (see Table 1, Row 1).</p> <p>We anticipate further submissions from the Applicant at Deadline 5 on this issue.</p>	<p>Further information on the scale of LBBG compensation is provided in the LBBG Compensation Document [7.2.2, Rev 2] and secured through the Outline LBBG Compensation Implementation and Monitoring Plan [7.2.2.1, Rev 2] submitted at Deadline 6.</p>
[REP4-061]			
REP5-113_c	3.3-3.4	<p>We note NE's general support of these measures. In our Written Submission (REP4 089) we highlight the considerable uncertainty attached to the Applicant's proposed measures for compensating for effects on Guillemot and Razorbill.</p> <p>We support NE's criticism of these measures (see Table 1, Rows 4, 5 and 6) and suggest that currently these are measures that cannot be given weight.</p>	<p>The Applicant notes that the compensatory measure proposed is the same as that which has been accepted by the Secretary of State in consenting Rampion 2.</p> <p>Further information is provided at Deadline 6 in the Guillemot and Razorbill Compensation Document [7.2.5, Rev 2] and the Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan [7.2.5, Rev 2].</p>
[REP4-063]			
REP5-113_d	3.5-3.6	<p>NE raises the issue of the recent Secretary of State decision on the Rampion 2 Offshore Wind Farm and the implications for the North Falls project in respect of in-combination effects on Guillemot. The RSPB supports NE's position on this matter.</p> <p>We are aware from correspondence with the Applicant that North Falls has accepted the need to provide</p>	<p>The following documents have been updated at Deadline 6 to reflect the Applicant's revised position that it accepts in light of the SoS's Rampion 2 decision that the SoS will conclude an AEOI on guillemot from FFC SPA and the Farne Islands SPA:</p> <ul style="list-style-type: none"> Habitats Regulations Derogation Provision of Evidence [7.2, Rev 1]

REF	THEME	RSPB'S COMMENT	APPLICANT'S RESPONSE
		compensatory measures for Guillemot in connection with in combination effects on the Farne Islands SPA. We anticipate further submissions from the Applicant at a future deadline.	<ul style="list-style-type: none"> Appendix 1 Compensatory Measures Overview [7.2.1, Rev 2]; Guillemot and Razorbill Compensation Document [7.2.5, Rev 2]; and Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan [7.2.5, Rev 2].
[REP4-064]			
REP5-113_e	3.7-3.8	<p>Natural England highlight the requirements to understand the full environmental implications of progressing Gedgrave Marshes as a potential compensation site. The RSPB support the position taken by NE in regard of the necessity of further assessment including field surveys.</p> <p>The RSPB has made comments on the general suitability of Gedgrave Marshes as a compensation site in our Deadline 4 submission, REP4-089 (section 6).</p>	Habitat Regulations Assessment Lesser Black-backed Gull Compensation - Gedgrave Marshes Impact Assessment [REP5-072] was provided at Deadline 5.

2.9 Applicant's response to Suffolk County Council's Comments on any submissions received at the previous deadline **[REP5-116]**

Table 2.9 Applicant's response to Suffolk County Council's Comments on any submissions received at the previous deadline **[REP5-116]**

REF	SCC REF	THEME	SCC'S COMMENT	APPLICANT'S RESPONSE
Table 1				
REP5-116_a	1a	Cumulative Visual Impacts Figures 30.2.6c & 30.2.7c	<p>SCC welcomes the additional wirelines showing the Norwich to Tilbury Pylons.</p> <p>Only two viewpoints relate to views from directions of the National Landscapes: VP6, Grange Road, for the SECHNL and VP8, Essex Way, Dedham Road for the DVNL. From both viewpoints the pylons would be visible, but in neither view would they introduce a</p>	The Applicant has provided further detail on the likely visibility of the proposed onshore substation from within the Dedham Vale National Landscape in response to questions raised at ISH1 and ISH2. Please refer to pages 10-12 of Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] .

REF	SCC REF	THEME	SCC'S COMMENT	APPLICANT'S RESPONSE
			<p>completely new element to the view or be dominant in the view. It is noted that VP6 is not located within the DVNL and therefore does not relay a view from within the DVNL.</p> <p>With regards to VP8, the question remains as to why this location was chosen, where the ZTV suggests limited visibility, and not a location on the Essex Way further south-west where the ZTV suggests greater visibility. In ISH1 and the Applicant's corresponding written summary [REP4-026], the Applicant states that unassessed ZTV are outside of the 2km study area. However, the location referenced here by SCC is closer to the proposed substation than viewpoint 8, meaning that it is within the 2km study area. SCC considers that the inclusion of this viewpoint would benefit the examination in deciding whether the DVNL is affected by the proposed development.</p>	
Table 2				
REP5-116_b	2a	Socio-economic effects 3.7.1	Suffolk County Council is expected to be a part of the OSEP steering group in the capacity of Regional Skills Co-ordination Function which covers Suffolk, Norfolk and Essex boundaries.	Suffolk County Council was identified as a key consultee from the outset of the development of the OSEP. The Applicant wishes to continue engaging with Suffolk County Council and other stakeholders to develop and discharge the final Skills and Employment Plan. A log of all proposals and suggestions is being compiled by the Applicant to form the basis for discussions following the DCO award, with the aim of finalising the plan.
REP5-116_c	2b	Cumulative effects 3.8.4	Cumulative effect assessment is not undertaken as the Applicant deems there to be insufficient evidence. Socio-economic impacts (on skills/employment/training) are being investigated by the Regional Skills Co ordination Function as referenced by the applicant under 3.7.1. In this discussion with SCC the Applicant was made aware of a major infrastructure skills group that SCC is developing to gather better evidence and resources to inform and respond to cumulative impact. The Applicant is expected to support and contribute to this	The cumulative effects assessment on (beneficial) employment and GVA impacts was undertaken within ES Chapter 31 Socio-economics [AS-010]. The Applicant considered other major infrastructure projects as part of the OSEP, which was a key topic of discussion during the consultations held during the development of the OSEP, and will build on this work—particularly in relation to skills capacity in the context of wider major infrastructure development—when preparing the final Skills and Employment Plan. The Applicant has been made aware of a major infrastructure skills group currently being developed by

REF	SCC REF	THEME	SCC'S COMMENT	APPLICANT'S RESPONSE
			objective of better understanding and addressing the cumulative skills/employment/training impact.	Suffolk County Council and notes that it will support and contribute to a greater understanding of the cumulative impacts of major infrastructure, such as North Falls, on Suffolk.
REP5-116_d	2c	Methodology used for determining magnitude and significance of effects 3.5.2	<p>The Applicant agrees that impacts on parts of the SECHNL should be treated as impacts on the SECHNL as a whole. The Applicant proceeds to state that its findings of low magnitude of impact despite medium scale of change are justified on the basis of the small geographical extent of the SECHNL affected. SCC would appreciate some clarification as to how the SECHNL is considered 'as a whole' despite the assessment's findings appearing to diminish the magnitude of the effects due to some parts of the SECHNL not being affected by the turbines.</p> <p>SCC recognises that the Guidelines for Landscape and Visual Impact Assessments ("GLVIA") recommends conclusions of magnitude of impact to account for geographical extent. However, in paragraph 5.50, GLVIA emphasises that there are 'no hard and fast rules' on how to consider geographical extent in landscape and visual impact assessments. SCC has given its reasoning on how the materiality of adverse impacts on the special qualities of the SECHNL should be considered in its written summary of oral submissions made at ISH2 [REP4-096]:</p> <p><i>"SCC disagrees that with the Applicant's view that it is appropriate to reduce the materiality of impacts on special qualities of the Area of Outstanding Natural Beauty ("AONB") (particularly those arising in the coastal parts of the AONB with views out to the proposed development) by reference to the fact that they are only a part of the overall AONB. SCC considers that the materiality of an adverse impact on a special quality stands in its own terms, because that is an intrinsic part of the AONB. SCC does not consider it appropriate to say that because some parts of the AONB are not adversely impacted because they</i></p>	The Applicant's position on effects on the SECHNL is set out in the updated Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note (Rev 1) [REP5-038].

REF	SCC REF	THEME	SCC'S COMMENT	APPLICANT'S RESPONSE
			<i>do not have views out to the turbines, the effect is diminished."</i>	
REP5-116_e1	2d	Conserve and enhance 3.5.2	<p>SCC does not accept the Applicant's reasoning that findings of no significant effects on the SECHNL entails that the Applicant has sought to further the purpose of conserving the SECHNL. SCC refers to Appendix A of its written summary of oral representations for ISH1 [REP4-094] which details SCC's position on the duty in relation to the Five Estuaries application. In particular, paragraphs 4.13, 4.20 and 4.23 refer to how an application can be considered to have sought to further the purpose of conserving the natural beauty of a national landscape. The duty, as written, makes no reference to the status of significance of impacts in EIA terms. As the Applicant's SLVIA [APP-043] and technical note [REP3-044] state, a multitude of adverse effects on the special qualities of the SECHNL have been found, including a medium scale of change on several of these special qualities. The fact that the Applicant determines these effects to not be significant does not mean that these effects are not relevant to the application of the new duty.</p>	<p>The Applicant refers to its response to item 4 of the Applicant's Position Statement on various issues relating to National Landscapes [REP5-068] which sets out its response to the submissions at Appendix A to [REP4-094].</p> <p>The Applicant also refers to its response to item 13 of the Applicant's Position Statement on various issues relating to National Landscapes [REP5-068].</p> <p>The Applicant has not submitted that effects on the SECHNL that are not significant in EIA terms are irrelevant to a consideration of the application of the duty set out in section 85(A1) of the Countryside and Rights of Way Act 2000 (Duty).</p> <p>However, in line with the Applicant's oral submissions at Issue Specific Hearing 2 [REP4-034], the Duty is an obligation on a relevant authority to <u>seek to</u> further the purpose of conserving and enhancing the natural beauty of the relevant National Landscape.</p> <p>It is not a requirement to conserve or enhance the natural beauty of the relevant National Landscape or even a requirement that the relevant authority must further the purpose of the conservation and enhancement of the relevant National Landscape.</p> <p>Further, the Duty must be considered alongside (and does not override) other statutory duties, such as those under the Planning Act 2008, and relevant policy relating to the need for renewable energy.</p> <p>The Applicant maintains that the actions taken by the Applicant (such as giving due consideration to the SECHNL during the site selection process and removing the northern part of the original offshore array) means that it has complied with the Duty as properly construed and that the Secretary of State can be confident that the Duty can be discharged in relation to determination of the DCO Application for the Project.</p>

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REP5-116_e2	2d	Conserve and enhance 3.5.2	During ISH 2 and SCC's corresponding written summary [REP4-096], SCC made reference to the recent London Luton Airport Expansion Development Consent Order decision on 3rd April 2025 in which the Secretary of State concluded that the effects on the special qualities of the Chilterns AONB would not be significant. Nonetheless, the Secretary of State still required a compensation payment of a financial sum to fund the conservation or enhancement measures within the AONB, in order that she could be satisfied that the duty was discharged. SCC attached relevant extracts from that decision in Appendix A of that document [REP4-096].	The Applicant refers to its response to item 12 of Applicant's Position Statement on various issues relating to National Landscapes [REP5-068] which addresses this submission.
REP5-116_e3	2d	Conserve and enhance 3.5.2	<p>Findings of a medium scale of change across a small geographical area indicate that some areas of the SECHNL will be substantially affected in relation to their special qualities which indicate natural beauty. Not considering these effects to be relevant to the duty solely due to their small geographical extent risks diluting the adverse effects on those areas of the SECHNL closest to the offshore element of the proposed development; a point which SCC made in its post-hearing submission for ISH2 [REP4-096]. Therefore, SCC rejects the Applicant's reasoning in its post-hearing submission for ISH 2 [REP4-034] that a lack of compensatory measures is justified based on the 'minimal harm' of the project on the special qualities of the SECHNL.</p> <p>It should be noted that Natural England disagrees with the Applicant's conclusions on the magnitude of impact on the SECHNL's special qualities and instead finds significant adverse effects as a result of the proposed development [REP4-066].</p> <p>The proposed development cannot be said to result in the natural beauty of the SECHNL to be left in no worse of a state than it would be without the proposed development, meaning it cannot be said to conserve the natural beauty of the SECHNL.</p>	<p>The Applicant's position on effects on the SECHNL is set out in the updated Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note (Rev 1) [REP5-038].</p> <p>The Applicant refers to its response to item 10 of Applicant's Position Statement on various issues relating to National Landscapes [REP5-068].</p> <p>The Applicant notes that SCC agrees in [REP4-096] that measures which seek to further the purposes of nationally designated landscapes must be sufficient, appropriate and proportionate to the type and scale of the development when considering applications for developments. The Applicant has set out its position in multiple responses that actions taken by the Applicant to reduce impacts on the relevant National Landscapes and to give due consideration to the National Landscapes are sufficient to enable the discharge of the Duty by the Applicant and the Secretary of State in respect of the Project.</p> <p>There is nothing in policy documents to suggest that the Duty <i>automatically</i> requires compensatory measures to be provided for <i>any level</i> of harm and the Applicant contends that each case should be considered individually.</p>

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				<p>In that context, (being the Applicant's position that the actions already taken are sufficient to enable the Duty to be discharged and the minimal extent of harm identified), the Applicant believes that compensatory measures are not appropriate or proportionate in this circumstance.</p> <p>The Applicant refers the Applicant's Response to Natural England's Deadline 4 submissions which sets out its response to the Natural England's [REP4-066].</p> <p>The Applicant refers to item 13 of Applicant's Position Statement on various issues relating to National Landscapes [REP5-068] which reiterates that Duty is an obligation on a relevant authority to <u>seek to further</u> the purpose of conserving and enhancing the natural beauty of the relevant National Landscape. It is not a requirement to conserve or enhance the natural beauty of the relevant National Landscape or even a requirement that the relevant authority must further the purpose of the conservation and enhancement of the relevant National Landscape.</p> <p>As noted above, the Applicant maintains that it has complied with the Duty as properly construed and that the Secretary of State can be confident that the Duty can be discharged in relation to determination of the DCO Application for the Project.</p>
REP5-116_e4	2d	Conserve and enhance 3.5.2	<p>SCC's Appendix A of its written summary of oral representations for ISH 1 [REP4-094] also explores the nature of the duty being an "active" one using evidence from the Defra guidance, EN-1 and the duty as written. SCC refers the ExA to its argument in this document regarding the notion that the relevant policy and guidance indicates that the duty requires more than just the avoidance and minimisation of adverse effects to be discharged. Notably, the wording of the duty includes 'seek to further the purposes...' rather than merely 'have regard to the purposes' as was the previous wording of the duty. The Applicant must demonstrate what measures are proposed which actively seek to improve the purposes of the designation of the SECHNL. Currently, SCC considers</p>	<p>The Applicant refers to its response to item 4 of Applicant's Position Statement on various issues relating to National Landscapes [REP5-068] which addresses this submission.</p>

REF	SCC REF	THEME	SCC'S COMMENT	APPLICANT'S RESPONSE
			that the application lacks such measures and instead will result in adverse effects on the purposes of the designation.	
REP5-116_e5	2d	Conserve and enhance 3.5.2	SCC notes that the Applicant omits any reference to what measures are included in the proposed development which seek to enhance the natural beauty of the SECHNL. The Applicant should demonstrate what measures are proposed which seek to further the purpose of enhancing the natural beauty of the SECHNL in addition to those which seek to conserving the SECHNL's natural beauty.	The Applicant refers to its response to item 15 of Applicant's Position Statement on various issues relating to National Landscapes [REP5-068] which addresses this submission.



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