



N O R T H F A L L S

Offshore Wind Farm

Applicant's Response to Deadline 7 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 7 for the Examination was Tuesday 15 July 2025.
- 1.1.3 This document has been prepared by the Applicant for submission at Deadline 8 on 23 July 2025, and responds to submissions received at Deadline 7.

1.2 Purpose of the document

- 1.2.1 This document provides comments, where appropriate and relevant, on submissions that were made at Deadline 7 by all Interested Parties.

2. APPLICANT’S RESPONSE TO DEADLINE 7 SUBMISSIONS

2.1 Deadline 7 submissions where the Applicant has no comments

Table 2.1 Deadline 7 submissions where the Applicant has no comments

REF	PARTY	TITLE OF DOCUMENT	APPLICANT’S RESPONSE
REP7-071	Environment Agency	"Comments on the ExA’s schedule of changes to the dDCO "	Noted.
REP7-074	Essex County Council	Comments on any submissions received at the previous deadline 1 - Essex Local Nature Recovery Strategy Part 1	Noted.
REP7-075	Essex County Council	Comments on any submissions received at the previous deadline 1- Essex Local Nature Recovery Strategy Part 2	Noted.
REP7-076	Essex County Council	Comments on any submissions received at the previous deadline 3 Five Estuaries Offshore Wind Farm Limited Request for Information - SoS Letter	Noted.

2.2 Applicants Responses to Babergh District Council’s Responses to EXQ3s [REP7-069]

Table 2.2 Applicants Responses to Babergh District Council’s Responses to EXQ3s [REP7-069]

REF	QUESTION	RESPONSE FROM BABERGH DISTRICT COUNCIL	APPLICANT’S RESPONSE
REP7-069_a	<p>Q8.0.1 Good Design</p> <p>The Applicant confirmed in its response to ExQ2 8.0.1 [REP5-054] that changes would be made to the Design Vision [REP5-004] confirming that stakeholders and interested parties will contribute to the design process. The ExA notes guidance on the matter is set out in the guidance note: Nationally Significant Infrastructure Projects: Advice on Good Design .</p> <p>A good design process includes a number of components including the following:</p> <ul style="list-style-type: none">• <i>a collaborative, multi-disciplinary approach including positive community and land rights engagement</i>• <i>a succinct and ambitious vision for the project, underpinned by a clear analysis of the context for the place, its environment and the opportunities for creating social value, including for the local and wider economy</i> <p>(i) Please can the Applicant set out further information and practicalities for the arrangements to enable these components.</p> <p>(ii) Please can IPs provide views as to the arrangements either emerging or necessary in order for collaboration, community engagement and opportunities for creating social value.</p>	<p>Babergh District Council expects to be included in stakeholder collaboration and community engagement on design visions and suggests that the hybrid format of meetings would be appropriate.</p>	<p>Noted.</p>
REP7-069_b	<p>Q12.0.2 Public Benefit</p> <p>NPS EN-5, para 2.2.10 requires that public benefits should outweigh harm to heritage assets. Please can the Applicant elaborate on the</p>	<p>The secretary of state should be satisfied that the public benefits of the development outweigh heritage harm. The public benefits of the development are considered to be the contribution to the transition to a low carbon economy and</p>	<p>Noted, the Applicant's full list of benefits are set out in the Needs Case and Project Benefits Statement [REP2-004]. The Applicant submits that the benefits set out in that document strongly support the position that the Project would make a measurable contribution to the</p>

REF	QUESTION	RESPONSE FROM BABERGH DISTRICT COUNCIL	APPLICANT'S RESPONSE
	public benefits which it considers will outweigh any harm. IPs are invited to comment.	the UK's legally binding net zero targets' objectives of the government's Clean Power 30 agenda.	achievement of UK decarbonisation targets, which in turn contributes towards global commitments to mitigate climate change.
REP7-069_c	<p>Q14.0.1 Visual Mitigation at Substation</p> <p>The ExA notes the update to 9.30 Indicative Planting cross-sections at the onshore substation (Rev 2) [REP5-035] at Deadline 5. This confirms that planting would not be orchard planting but a series of woodland belts.</p> <p>(i) Please can the Applicant elaborate, setting out timescales to maturity and at what point the screening will have taken full effect.</p> <p>With regard to the Written Landscape Scheme, could the OLEMS clarify the details of trees, woodland and hedgerows, finished ground levels and bunding, and plant details including, where possible plant schedule will also be provided as drawings to illustrate the written details. Could boundary treatments also be included on the drawings for clarity.</p>	<p>The Council understands that the applicant has estimated that the woodland/shelterbelt planting will reach approximately 6-8m after 15 years. The Indicative Planting cross-sections at the onshore substation (Rev 2) [REP5-035] and the visualisations supplied with the ES demonstrate that the proposed planting never fully conceals the substation.</p> <p>The Council is concerned that without appropriate scaled drawings being required to associate with the Final LEMP, the full intention of the proposed landscape strategy and its successful implementation at the delivery stage cannot be guaranteed and risks not being successfully delivered.</p>	Please see Q14.0.1 in the Applicant's Response to ExA's Third Written Questions [REP7-051] .
REP7-069_d	<p>Q14.0.4 Duty to Enhance National Landscape</p> <p>The Applicant's response to ExQ2 Q14.0.1 confirmed that the Applicant is a statutory undertaker as defined in s85 of the CRowW Act, and that it is therefore a relevant authority for the purposes of the Act. The Applicant set out its position within its Position Statement [REP5 068], as well as [REP5-055] and in further information submitted at Deadline 6, in response the ExA's Rule 17 request dated June 6 2025 [PD-014].</p> <p>In summary, the response [REP6-062] considers, on a without prejudice basis, specific additional compensatory measures that could be applied to enable the Applicant and the Secretary of State to discharge the Duty should the Secretary of State consider that such measures are required, including consideration of principles to form the basis for the development and delivery of a National Landscape Enhancement Scheme (or similar) together with a list of projects identified and a mechanism for securing such a scheme [REP6-062].</p> <p>The Applicant considers that the effects on the SECHNL are visual in nature only. Environmental Statement (ES) Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] concludes that there will be significant effects on views from locations along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness. There will be no significant effects on landscape character, and no significant effects on the special qualities of the SECHNL [REP5-038].</p> <p>The ExA now seeks views from IPs on the response [REP6-062] including the without prejudice Requirement and the content of the National Landscape Enhancement Strategy. Further specific questions are also set out below.</p>	<p>Whilst the Council is not impacted in LVIA terms by the proposed offshore elements of the North Falls proposals we have concerns regarding how the approach to the 'Duty' is interpreted by the applicant.</p> <ul style="list-style-type: none"> The project types focus closely on promotion of the National Landscape through access rather than directly 'contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes' as identified in government guidance https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes. Projects should more closely help to deliver landscape restoration that in turn delivers visual benefits, rather than mainly physical access projects. The scope of the enhancement scheme should more closely align with the scale of the impact i.e. significant visual impacts over a 16km odd length of the coast (taken from the mouth of the Deben to Orford Ness). £10K appears a derisory sum in order to deliver appropriate enhancement. 	<p>The Applicant has made several submissions throughout Examination setting out and justifying its position in respect of the discharge of the duty under section 85(A1) of the <i>Countryside and Rights of Way Act 2000</i> (Duty). A list of key documents is available in the section of the Applicant's Closing Statement addressing the issue of National Landscapes [Document ref: 9.107, (rev 0)].</p> <p>An updated version of Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes is being submitted on a without prejudice basis at Deadline 8 [Document ref: 9.89, (rev 1)]. The updated version removes specific references to example projects in the 'Scope of Projects' principle and maintains that any National Landscape Environmental Scheme must deliver benefits to or to enhance the SECHNL in relation to the effects of the Project on the SECHNL and should therefore focus on projects and initiatives relating to enjoyment of the coast and coastal views.</p> <p>The Applicant considers that the draft National Landscape Enhancement Scheme Principles [REP6-062], submitted on a without prejudice basis, is commensurate with the scale of the potential effects upon the special qualities of the SECHNL, given that the offshore array will be located at least 40 km from the SECHNL, and that no significant effects on those special qualities are anticipated. The Applicant notes that Babergh District Council has not proposed an alternative sum or provided any justification as to why a larger sum is appropriate, reasonable or proportionate in the respect of North Falls.</p>
REP7-069_e	<p>Q14.0.5 National Landscape Enhancement Scheme Principles: Mechanism for Delivery</p> <p>The ExA notes the Applicant's suggested wording for a Requirement to deliver the National Landscape Enhancement Scheme (below), submitted on a without prejudice basis at Deadline 6 [REP6-062]:</p> <p><i>National Landscape Enhancement Scheme</i></p> <p>(1) <i>Work No. 1 and Work No. 2 must not be commenced until a National Landscape Enhancement Scheme has been submitted to and approved by the discharging authority in consultation with Suffolk & Essex Coast & Heaths National Landscape Partnership.</i></p>	Whilst Babergh District Council acknowledge the effort to address the statutory duty through he suggested requirement, the Council are concerned that this is insufficient to address the s.98 duty and does not address impacts on the Dedham Vale National Landscape, including its setting.	Please see Applicant's Response to Deadline 6 submissions [REP7-053] , items REP6-092_a and REP6-092_c on pp.41-43.

REF	QUESTION	RESPONSE FROM BABERGH DISTRICT COUNCIL	APPLICANT'S RESPONSE
	<p>(2) <i>The National Landscape Enhancement Scheme must accord with the principles and fund size set out in the National Landscape Enhancement Scheme principles document.</i></p> <p>(3) <i>The National Landscape Enhancement Scheme must be implemented as approved.</i></p> <p>(4) <i>In this Requirement "the National Landscape Enhancement Scheme principles document" means the principles set out in Table 1 of Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes.</i></p> <p>Comments from IPs are specifically sought in relation on the wording of above suggested Requirement, submitted on a without prejudice basis.</p>		
REP7-069_f	<p>Q14.0.6 National Landscape Enhancement Scheme Principles: Scope of Projects</p> <p>The scope of projects is set out in Table 1 of [REP6-062], with a focus on projects and initiatives relating to enjoyment of the coast and coastal views and those in line with the objectives of the Suffolk & Essex Coast & Heaths National Landscape Management Plan 2023-2028. Projects could include (but would not be limited to) enhancements to car parking, access or visitor facilities at coastal locations; footpath enhancements including to coastal paths; beach surveys and clean ups. These would be delivered as part of the National Landscape Enhancement Scheme will be selected at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership.</p>	<p>The Council are concerned that this is insufficient to address the s.98 duty and does not address impacts on the Dedham Vale National Landscape, including its setting. Whilst the Council is not impacted directly in LVIA terms by the proposed offshore elements of the North Falls proposals we have concerns regarding the approach to the scope of projects in that they focus closely on promotion of the National Landscape through physical access rather than 'contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes' (our underlining) identified in government guidance https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes.</p> <p>Although the significant impacts are visual, the intervisibility of the offshore infrastructure impacts indirectly on the character of the landscape. Landscape has a perceptual element. The gradual incremental closing down of the natural horizon with man-made structures gives the increasing effect of a tamed seascape rather than a perpetual natural element. This change has occurred rapidly this century. With this in mind, projects could more directly deliver landscape restoration that in turn delivers visual benefits, rather than just enabling physical access. Access could also be understood in terms of interpreting the change through art, music or writing.</p>	Please see Applicant's Response to Deadline 6 submissions [REP7-053] , items REP6-092-a and REP6-092_c on pp.41-43.
REP7-069_g	<p>Q14.0.7 National Landscape Enhancement Scheme Principles: Spatial Scope</p> <p>The spatial scope of the projects is set out in Table 1 of [REP6-062], and focuses on the area likely to be affected by views of the Project, ie. the coastal edge between the River Deben and Orford Ness. Table 1 states that "All projects and initiatives must therefore be located within this area".</p> <p>The ExA requests IPs comments on the spatial scope, and the suggestion that initiatives must be within the area between the River Deben and Orford Ness.</p>	<p>Whilst it would be preferable that projects are limited to areas that are directly significantly visually impacted, we suggest that it could be impractical in delivery terms to be so constrained and that some broader criteria or parameters may be required.</p> <p>The Council are concerned that this is insufficient to address the s.98 duty and does not address impacts on the Dedham Vale National Landscape, including its setting.</p>	Please see Applicant's Response to Deadline 6 submissions [REP7-053] , items REP6-092-a and REP6-092_c on pp.41-43.
REP7-069_h	<p>Q14.0.8 National Landscape Enhancement Scheme Principles: Fund Size</p> <p>The fund size of £10,000 is set out in Table 1 of [REP6-062]. The ExA requests IPs comments on the Applicant's proposed fund size, and whether or not the measures and fund size can be considered to be proportionate to the type and scale of development as it affects the National Landscape, reasonably related to the identified residual adverse effects, and sufficient to allow for the discharge of the statutory duty by both the Applicant and by the Secretary of State.</p>	<p>Whilst the Council is not impacted directly in LVIA terms by the proposed offshore elements of the North Falls proposals we have concerns regarding the scope of the enhancement scheme and suggest it should more closely align with the scale of the impact i.e. significant visual impacts over a 16km odd length of the coast (taken from the mouth of the Deben to Orford Ness). £10K appears a derisory sum.</p> <p>The Council are concerned that this is insufficient to address the s.98 duty and does not address impacts on the Dedham Vale National Landscape, including its setting.</p>	Please see Applicant's Response to Deadline 6 submissions [REP7-053] , items REP6-092-a and REP6-092_c on pp.41-43.
REP7-069_i	<p>Q14.0.9 National Landscape Enhancement Scheme Principles: Fund Timing</p> <p>The fund timing is set out in Table 1 of [REP6-062], which suggests a single one-off payment made by the Applicant to the Suffolk & Essex</p>	<p>It might be preferable to have a backstop on delivery timetable e.g. 5 years which is often used for Section 106 monies where environmental enhancements are involved.</p>	Please see Applicant's Response to Deadline 6 submissions [REP7-053] , items REP6-092-a and REP6-092_c on pp.41-43.

REF	QUESTION	RESPONSE FROM BABERGH DISTRICT COUNCIL	APPLICANT'S RESPONSE
	Coast & Heaths National Landscape Partnership prior to the commencement of construction of Work No. 1 or Work No. 2. The timing of projects and initiatives benefited by the fund would then be at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership. The ExA requests IPs comments on the fund timing.	The Council are concerned that this is insufficient to address the s.98 duty and does not address impacts on the Dedham Vale National Landscape, including its setting.	
REP7-069_j	<p>Q14.0.11 Impact on LCTs</p> <p>In response to ExQ2 14.0.5 the Applicant confirmed that in its view, at a distance of over 40km from any onshore LCT (Landscape Character Type), that it is satisfied that “the magnitude of change is correctly recorded as ‘low’” in each case.</p> <p>(i) Please can the Applicant confirm what, if any other criteria than distance have been used to estimate the magnitude of change.</p> <p>(ii) Please can NE (and others, optionally) comment on factors other than distance which they consider would contradict the Applicant's assertion regarding the 40km distance to any onshore LCT.</p>	Intervisibility is a critical element of landscape character and seascape assessment. Although the significant impacts are described as visual only, the intervisibility of the offshore infrastructure with the shore impacts indirectly on the character of the landscape. Perception of change in landscape or seascapes is therefore an important factor in assessing change. The gradual incremental closing down of the open horizon with man-made structures, no matter how far distant, gives the increasing effect of a tamed seascape rather than an unchanging natural element. This change has occurred rapidly this century. This could also be said to Impact on tranquillity which has a sensual not just an audible and visual element.	ES Chapter 29 SLVIA [APP-043] includes an assessment of effects on landscape and seascape character, which considers effects on the more perceptual characteristics of the landscape and seascape, including tranquillity.

2.3 Applicants Responses to Environment Agency Responses to ExQ3s [REP7-070]

Table 2.3 Applicants Responses to Environment Agency Responses to ExQ3s [REP7-070]

REF	QUESTION	RESPONSE FROM THE ENVIRONMENT AGENCY	APPLICANT'S RESPONSE
REP7-070_a	Q11.0.1 Outline Horizontal Directional Drilling Method Statement and Contingency Plan Risk and Control Measures	<p><u>Outline Horizontal Directional Drilling Method Statement and Contingency Plan</u></p> <p>Page 10 and 11 – Reference to Figure 1.1 – this does not appear to be included in the document</p> <p><u>Risk and Control Measures</u></p> <p>Will private water supplies be considered under the same umbrella as sensitive sites with respect to potential drilling mud breakout during the onshore HDD?</p>	<p><u>Outline Horizontal Directional Drilling Method Statement and Contingency Plan</u></p> <p>There is a typographical error in the Deadline 7 version of Outline Horizontal Directional Drilling Method Statement and Contingency Plan [REP7-029]. The text on page 10 and 11 which reads 'Figure 1-1' should read 'Figure 3-1'. An updated version of the Outline Horizontal Directional Drilling Method Statement and Contingency Plan [Document reference: 7.15 (Rev4)] with this typographical error corrected is being submitted into the Examination at Deadline 8.</p> <p><u>Risk and Control Measures</u></p> <p>Potential effects upon private water supplies from horizontal directional drilling works are considered within the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-048 – REP5-052], and monitoring of and mitigation for effects upon these receptors will be detailed within the Groundwater Monitoring Plan, secured under Requirement 15 of the Draft DCO [REP7-008].</p>
REP7-070_b	Q11.0.1 Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions	<p><u>2.14 Radius of Influence</u></p> <p>Considering the uncertainties in the empirical Sichardt formula we agree with conservative use of 250m to screen potentially impacted groundwater receptors.</p> <p><u>4 Preliminary Groundwater Risk Assessment</u></p> <p>Abstractions scoped-in (cf. Tables 11, 12 and 13) Agree with the general approach and level of detail and monitoring. This area is known for a large number of shallow wells which supply properties for potable water supply which may also be protected rights or lawful users.</p> <p><u>5 Hydrogeological Impact Assessment</u></p> <p>The assessments of these supplies relies heavily on the SLR Private Water Supply Monitoring Report (February 2025). Has this been made available? Has there been any additional groundwater levels monitoring or have the main inferences of groundwater levels across the DCO buffer zone been made from the Hungerdowns Farm monitoring borehole? For the applicant's information- other nearby monitoring points in the relevant aquifer in the Kesgrave Catchment Subgroup may be available on the Hydrology Data Explorer: Hydrology Data Explorer.</p>	<p>The Applicant's welcomes the Environment Agency's comment that they are satisfied with the assessment of effects upon Private Water Supplies.</p> <p><u>Hydrogeological Impact Assessment</u></p> <p>The SLR Private Water Supply Monitoring Report (February 2025) is not authored by the Applicant and is not in the public domain to allow the Applicant to provide it alongside the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-049] to [REP5-052]. The information utilised from the report was factual information which was checked for consistency before being used within the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-049] to [REP5-052].</p> <p>It is indicated in the Environment Agency's response that the summer period in 2024 was particularly wet, therefore the summer period headroom may be lower than measured. However, for the purposes of the risks being assessed in the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-049] to [REP5-052], the lower the water level the less likely that it will be above the level of trench</p>

REF	QUESTION	RESPONSE FROM THE ENVIRONMENT AGENCY	APPLICANT'S RESPONSE
		<p>The assessment is also based on a conservative Radius of Influence. The levels measurements taken in private water supplies were also performed in July/August 2024 which is typically a seasonal low in levels. However, due to the extremely wet Winter of 2023-24 groundwater levels in the high-storage Kesgrave Catchment Subgroup aquifer remained Above Normal (Cunnane Rankings) at Hungerdowns Farm (TM02_791), Glebe Cottages (TM03_900) and Lawford House Farm (TM03_900) in December 2024 and Exceptionally High during July and August 2024 so are not representative of low levels that may follow a poor recharge season and/or dry summer. This means the summer-period headroom in the private water supplies may not usually be as high as has been measured.</p> <p><u>5.2.1 to 5.2.4 Private Water supplies</u></p> <p>We are satisfied with the assessment of these water supplies. The use of trenchless crossing is effective mitigation to avoid potential issues caused by dewatering at these locations.</p>	<p>excavation and therefore the less likely that dewatering is required, therefore if the water levels are <i>higher</i> than average during the 2024 monitoring period it is likely that <i>on average</i> these will be below the depth of trench excavation. The Applicant also notes that, as proposed in Appendix D of the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-052] and as secured under Requirement 15 of the Draft DCO [REP7-007], a programme of monitoring is proposed during construction of the Project, which would provide an updated baseline for the potentially affected private water supplies, adding to the baseline collected to date.</p>
REP7-070_c	Q11.0.1 Risk Assessment	<p><u>6.1 Potential Effects (100.)</u></p> <p>During construction of trenched cable emplacement and substation the potential for dewatering operations causing drawdown in the shallow groundwater of the Kesgrave Catchment Subgroup and/or Cover Sands may also impact groundwater receptors. As the depths of the foundations and whether or not sheet piling will be used as part of construction and operation is also unknown at this time, the potential dewatering and its impacts cannot be assessed.</p> <p>We note potential dewatering will likely have no effect post-construction phase, although subsurface structures are still likely to impact groundwater flows during the operational phase.</p> <p><u>6.3 Impact on Groundwater Flows</u></p> <p>(112.) The statement here that levels collected in July/August 2024 are similar to levels following dry summer periods is not correct. Groundwater levels, specifically at Hungerdowns Farm were exceptionally high from March to October 2024, with record highs for respective months occurring from March to June of that year. I would strongly suggest a more complete review of data from this monitoring point (available on the Hydrology Data Explorer) to attempt to extrapolate a more conservative assessment. It is unfortunate that the applicant was only able to collect data from private water supplied in 2024 to submit at this time. At time of writing (July 2025) we are currently in a period of dry weather so I would suggest some comparative data could be collected this summer as levels are still in a recession from last year.</p> <p>(116.) As monitoring is also required at these sites, we suggest those sites visited last year and considered at-risk of dewatering during the construction phase to also be revisited.</p> <p><u>6.4 Impact on Groundwater Quality</u></p> <p>(119) We agree baseline level monitoring should be undertaken. RH07, RH17, RH18, RH30b, RH10, RH11a, RH14, RH24 and RH25 have all been identified as being at risk from adverse water quality impacts. Appropriate water quality monitoring should be carried out at these locations.</p> <p>(123) We agree monitoring for pH, Chromium including Chromium VI should be undertaken at PWS within 100m of any CBS placed during construction. Appendix D Outline Groundwater Monitoring and Mitigation refers to Schedule 1 and 11 of the Private Water Supply Regulations (England) 2016, Schedule I and II. The Schedules should be included in the Appendix.</p> <p>(125) The chemical composition of the drilling fluids should be provided and be suitable for drilling in proximity to PWS.</p> <p>6.4.4 We look forward to reviewing the Piling Risk Assessment when made available. Please note we have just published new guidance on piling risk on the CL:AIRE website: Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention</p> <p>(131) Private water supplies are not with in the 250 m radius supplied. However, as the depth of the substation excavation is currently unknown, radial impacts are also unknown. A new radius of impact should be reviewed at the piling risk assessment, when the required excavation depths and dewatering requirements are known.</p> <p><u>Additional Information</u></p> <p>The dewatering works may require an abstraction licence if more than 20m3/day is abstracted. Please refer to Regulation 5 of The Water Abstraction and Impounding (Exemptions) Regulations 2017 to assess whether the works may be exempt from abstraction licensing. Please note that the regulations apply to a single operation, not different dewatering locations within the same operation.</p>	<p><u>Potential Effects</u></p> <p>At this stage of the Project it is not known what the foundation arrangement will be i.e. shallow or deeper piled foundations. Once this has been evaluated to inform detailed design post-consent, if necessary these potential effects will be considered further during the development of the groundwater monitoring plan secured under Requirement 15 of the Draft DCO [REP7-007] and/or within the piling risk assessment which is secured through the Outline Code of Construction Practice (OCocP) [REP7-025].</p> <p><u>Impacts on Groundwater Flows</u></p> <p>It is indicated in the Environment Agency's response that the summer period in 2024 was particularly wet, therefore the summer period headroom may be lower than measured. However, for the purposes of the risks being assessed in the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-049] to [REP5-052], the lower the water level the less likely that it will be above the level of trench excavation and therefore the less likely that dewatering is required, therefore if the water levels are <i>higher</i> than average during the 2024 monitoring period it is likely that <i>on average</i> these will be below the depth of trench excavation. The Applicant also notes that, as proposed in Appendix D of the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-052] and as secured under Requirement 15 of the Draft DCO [REP7-007], a programme of monitoring is proposed during construction of the Project, which would provide an updated baseline for the potentially affected private water supplies, adding to the baseline collected to date.</p> <p><u>Impact on Groundwater Quality</u></p> <p>The Applicant has no further comment to make on the points raised by the Environment Agency, and these will be picked up in the final groundwater monitoring plan secured under Requirement 15 of the Draft DCO [REP7-007].</p>
REP7-070_d	Q11.0.2	<p>The Bentonite Breakout Plan appears thorough, incorporating both emergency contact details and a well-structured decision tree for managing potential leakage incidents. Additionally, the inclusion of mitigation measures to help prevent leaks is welcomed.</p>	<p>Noted.</p>

REF	QUESTION	RESPONSE FROM THE ENVIRONMENT AGENCY	APPLICANT'S RESPONSE
REP7-070_e	Q11.0.3	We can confirm that SoCG Item 4 [REP5-076] is now agreed.	Noted.

2.4 Applicants Responses to Essex County Council and Tendring District Councils Responses to ExQ3 [REP7-072]

Table 2.4 Applicants Responses to Essex County Council and Tendring District Councils Responses to ExQ3 [REP7-072]

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
REP7-072_a	<p>Q3.0.2</p> <p>The Deadline 6 submission of Sir Bernard Jenkin MP [REP6-094] raises concerns in relation to the siting of the proposed new substation at Ardleigh, directly adjacent to the Dedham Vale AONB. In terms of site selection and alternatives for the substation site:</p> <p>(i) Please comment on the compatibility of the sub-station site with the advice set out in NPS EN-5 paragraph 2.9.19.</p> <p>(ii) Please also summarise the consideration given to the level of mitigation proposed to be provided in this location and the consideration of an alternative site further from the Dedham Vale AONB and its setting.</p>	<p>(i) No comment</p> <p>(ii) The Councils do not consider the level of landscape and visual mitigation, and compensation is commensurate with the scale of the proposed substation and concur with the Design Council advice identified in Applicant's Deadline 5 Document 2.3 Design Vision Rev 1 [REP5-044] that proposed planting should extend beyond the red line.</p>	<p>(i) No response required.</p> <p>(ii) See Applicant's Response to Deadline 6 submissions [REP7-053], item REP6-081_e on p.7 for the Applicant's position on this matter.</p>
REP7-072_b1	<p>Q8.0.1</p> <p>Good Design</p> <p>The Applicant confirmed in its response to ExQ2 8.0.1 [REP5-054] that changes would be made to the Design Vision [REP5-004] confirming that stakeholders and interested parties will contribute to the design process. The ExA notes guidance on the matter is set out in the guidance note: Nationally Significant Infrastructure Projects: Advice on Good Design .</p> <p>A good design process includes a number of components including the following:</p> <ul style="list-style-type: none"> <i>a collaborative, multi-disciplinary approach including positive community and land rights engagement</i> <i>a succinct and ambitious vision for the project, underpinned by a clear analysis of the context for the place, its environment and the opportunities for creating social value, including for the local and wider economy</i> <p>(iii) Please can the Applicant set out further information and practicalities for the arrangements to enable these components.</p> <p>(iv) Please can IPs provide views as to the arrangements either emerging or necessary in order for collaboration, community engagement and opportunities for creating social value.</p>	<p>TDC</p> <p>(ii) Whilst North Falls (NF) and Five Estuaries (FE) are making efforts toward collaboration and community engagement, a succinct and ambitious overarching vision for the NF/FE projects— particularly in combination with the other Nationally Significant Infrastructure Projects (NSIPs) that will profoundly affect this area—remains conspicuously absent. At this late stage, neither the NF/FE applicants nor the affected communities and indeed the wider public have a clear understanding of the cumulative impacts of NF, FE, the Norwich to Tilbury corridor (including the EACN), and the Tarchon interconnector.</p> <p>As has been repeatedly stated, these projects are so deeply interlinked that they cannot realistically proceed in isolation. From the applicants' perspective, it is effectively an "all or nothing" scenario. Therefore, a comprehensive and integrated analysis is urgently needed— one that sets out the broader context of place, environmental considerations, and the opportunities to generate social value, including benefits to both the local and wider economy across all four projects – it is very concerning that at this late stage this remains completely absent.</p> <p>Meanwhile, affected communities remain on tenterhooks, particularly regarding the limited aspects of the NF and FE substations that they may still be able to influence. Although key information is said to be imminent, all current evidence suggests that the scope for meaningful community input will be minimal. This casts serious doubt on the effectiveness of the current approach to 'good design'—especially given the scale and nature of the infrastructure involved.</p> <p>Substations of this kind, (we understand that both substations will be air cooled therefore making the terrestrial looking coils, springs and multiple iron structures highly visible) together with their large, box-like structures, are inherently harsh and alien in appearance. In open rural landscapes with long views and high visibility, there is very little that can be done to mitigate their visual impact. We have raised these concerns repeatedly.</p> <p>To ensure genuine and effective engagement, developers must urgently clarify which design elements are open to influence. More importantly, they must present a far more honest, compelling and transparent vision of the overall picture – the 'end game'—not just in terms of design, but across all dimensions: noise levels, traffic movements, vibration, landscape impacts, and every other aspect that will affect local communities, and for all the NSIPs that are so interlinked.</p>	<p>At ISH1, the Applicant set out its position regarding cumulative effects with North Falls, Five Estuaries and other developments (see Applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 1 (ISH1) [REP4-026]). The Applicant has presented detailed information regarding project-alone and cumulative effects for the receptors listed in TDC's response (noise levels [APP-040], traffic movements [APP-041], vibration [APP-040], landscape impacts [APP-044]) within the relevant chapter of the Environmental Statement.</p> <p>Section 7.2 of the Design Vision [REP5-004] sets out those design parameters which are fixed to meet the required technical requirements for the Project's electrical infrastructure. Items not included in Section 7.2 will be developed taking into account comments from interested parties through the development of the Joint Design Guide process.</p> <p>The Applicant seeks to continue to engage TDC and other stakeholders through the development of the Joint Design Guide as outlined in the Applicant's response to Q8.0.1 and Q8.0.2 in Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p>

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
REP7-072_b2		<p>ECC</p> <p>(ii) Both Councils have repeatedly highlighted that the development, together with other nearby NSIP projects will completely transform the rural agrarian and open character of the substations site. A collaborative approach is essential to ensure that all the live and forthcoming DCOs within the locality contribute to a common vision of place-making, taking into account the local context, environment as well as opportunities arise to create social value while achieving a good design. Due to their close proximity and functional reliance with the grid, such a collaborative, multi-disciplinary approach should not be only limited to the design and construction stages, but also necessary to extend to operational and decommissioning stages.</p> <p>Monthly design meetings are now in place between the applicant of North Falls and Five Estuaries and both Councils to keep track of the design progress. We are pleased that the applicant agreed and started engaging with the Essex Quality Review Panel (EQRP) for an independent design review.</p> <p>The Councils would like to stress that the following are critical in order to achieve a good design for the development:</p> <ul style="list-style-type: none"> the Coordination Report should be listed as a certified document within the DCO to ensure that the applicant continues to work collaboratively with other nearby NSIP applicants and partners; continual and genuine means for the local authorities and local communities to get involved and able to influence (our highlight) throughout the design process; the emerging Joint Design Guide for the onshore substations for Five Estuaries and North Falls should not simply be a tender document for appointment of contractors; The Joint Design Guide should be supported by background paper(s), providing details on assessment of the local context, possibilities, alternatives as well as justifications for any discounted options. 	<p>In relation to the points identified by ECC as being critical in order to achieve a good design for the Project:</p> <ul style="list-style-type: none"> The Applicant notes that ongoing co-ordination and collaboration between North Falls and other developments is documented: through the dDCO [REP7-007] through for example Requirements 19 and 20, which allow for the Project to be able to construct elements of the onshore project infrastructure in co-ordination with Five Estuaries, through ES Chapter 5 Project Description [APP-019] which sets out the onshore Build Options for the Project which encapsulate the options to undertake joint construction of the onshore temporary works with Five Estuaries, integrated throughout relevant certified documents such as the Design Vision [REP5-004], the Outline Construction Traffic Management Plan [REP7-031], Outline Landscape and Ecological Management Strategy [REP7-027] and others which set out the specific commitments regarding collaboration between North Falls and other developments during construction; and through the development of the Onshore substations operational noise and the outline noise complaints protocol [REP5-036]. <p>In contrast, the Co-ordination Report [REP1-004] provides information on the extent of coordination and collaboration with other projects undertaken <i>to date</i> by the Applicant as part of the development of the Project's design, and summarises details of how co-ordination and collaboration has fed into the design and embedded mitigation presented in the North Falls ES and DCO application i.e. it is looking backwards at how the co-ordination undertaken to date has fed into the application being presented, rather than a commitment regarding forward-looking collaboration.. The Applicant submits that inserting the Co-ordination Report will not have the effect that TDC and ECC are seeking - certification is only required for documents actually referred to in the DCO itself. The sole purpose of certification is so that there is no dispute over the correct version of the document.</p> <p>In response to the other points raised, the steps outlined in the Applicant's response to Q8.0.1 in Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] set out the practical steps through which interested parties including the local authorities and local communities will be able to feed into the development of the Joint Design Guide.</p>
REP7-072_b3	<p>Q8.0.2</p> <p>Good Design – Essex Quality Review Panel (EQRP)</p> <p>confirm progress towards the EQRP site visit scheduled for 2nd July 2025, as referenced in [REP5-054] response to ExQ2 8.0.1, and update on progress for information days regarding design and joint design.</p>	<p>EQRP site visit and first meeting took place on the 2 July 2025. In discussions with the applicants of both windfarms, the following timeline for the Joint Onshore Substations Design Guide is as follows:</p> <p>Phase 1 engagement: Monday 18 August to Monday 29 September 2025 (6 weeks)</p> <p>Public Information Day: first week of September 2025</p> <p>Phase 2 engagement: Monday 13 October to Monday 24 November 2025 (6 weeks)</p> <p>Presentation of final design guide: December 2025</p>	Noted.
REP7-072_b4	<p>Q8.0.3</p> <p>Good Design – Design Champion</p> <p>The ExA notes that a Design Champion will be appointed in due course. A design champion is one of the component of a good design process set out in Nationally Significant Infrastructure Projects: Advice on Good Design. Their role is within design leadership, and the design champion ensures "design governance is secured and the design principles drive a structured design process and hierarchy of design control".</p> <p>Please can the Applicant provide further consideration to the timeline for the design champion's appointment. and confirm that this will allow sufficient time to assist with the discharging of Requirements 5 and 6 of the dDCO.</p>	For the Applicant to address.	The Applicant's response to Q8.0.3 is set out in Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] .
REP7-072_b5	<p>Q8.0.4</p> <p>Joint Design Guide, Design Vision and Hedgerows</p>	<p>(i) Please see our response to Q8.0.2 above for the update.</p> <p>(ii) It is unclear why openings of this scale are needed in the agrarian landscape as it appears far greater than the width of vehicles and</p>	(i) No response required.

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
	<p>The ExA notes that the Joint Design Guide is currently being developed by NFOWF and VEOWF, and it is expected to address the relationship to various other elements: roads, ditches, planting etc.</p> <p>The Design Vision [APP-234] has now been updated as [REP5-004]. At the onshore substation, the Design Vision considers that reinstatement of historic field boundaries will strengthen the historic landscape character, and planting along existing layers of natural screening to maintain the agrarian landscape.</p> <p>(i) Please provide a current update regarding the Joint Design Guide as close to Deadline 7 as to the current stage this is at, as well as a timeline envisaged for completion.</p> <p>(ii) Please can the Applicant (and other IPs, optionally) comment on the scope of this joint guidance to consider the requirement for wider (up to 12 metre hedge openings).</p> <p>(iii) Regarding the Design Vision, please explain whether or not wider access points (up to 12 metres) would affect the agrarian landscape.</p> <p>(iv) Noting ECC's comments that ECC welcomes the proposal of a Joint Design Guide but has concerns as to the extent and character of the proposed landscape strategy, please comment on how concerns that a wider vision for landscape is required, and how could be addressed in the Joint Design Guide.</p>	<p>loads allowed on the highway. The Councils note that the width of both Grange Road and Ardleigh Road as two examples in the local area is less and pattern, in visual unity and screening functions of a more intact hedgerow. It would also reduce green infrastructure and ecosystem connectivity. The Design Guidance should set quantifiable parameters that restrict hedgerow openings to the maximum required for normal agricultural operation in all hedgerows conserved, enhanced or recreated as part of the landscape and visual mitigation and /or enhancement for the substation.</p> <p>(iii) See point made at ii) above.</p> <p>(iv) The Councils consider the level of landscape and visual mitigation and compensation should be commensurate with the scale of the proposed substation, as identified by the Design Council in their advice identified in Applicant's Deadline 5 Document 2.3 Design Vision Rev 1 [REP5-004], that proposed planting should extend beyond the red line. We propose that some principles are identified within the Design Guide as to the scope and nature of an extended landscape strategy (e.g. restoration of hedgerows along the adjoining PRoW), identifying parameters for its extent, timing and delivery. These parameters should be drawn up in partnership with The Councils and in consultation with the local parishes.</p>	<p>(ii) We note the response and refer back to Q6.0.2 in the Applicant's response to ExQ3 [REP7-051].</p> <p>(iii) No response required.</p> <p>(iv) See Applicant's Response to Deadline 6 submissions [REP7-053], item REP6-081_e on p.7.</p>
REP7-072_c1	<p>Q9.1.1 Requirement 5 (Substation works)</p> <p>The ECC Deadline 4 submissions [REP4-073] requests that this requirement is renamed to align with the equivalent VEOWF requirement, namely, 'Onshore substation works and design'. The Applicant's Deadline 5 submissions [REP5-056] state that it does not propose to make this requested change to the title of requirement 5 because it is unnecessary and has no material impact on the effect of the provision.</p> <p>(i) Please can the parties indicate whether this matter has been agreed and resolved. If there are any objections to the change in title, please can the Applicant explain what they are?</p> <p>(ii) If the ECC still seek this amendment, please provide reasons.</p>	<p>(i) This matter has not been resolved.</p> <p>(ii) The Councils do not feel this is a material change but will provide clarity and consistency for the administering Authority as well as the local communities. ECC requests that as Five Estuaries and North Falls both move forward collaboratively on the joint onshore substation design, that Requirement 5 Substation Works is renamed to align with the equivalent VE DCO Requirement 5, i.e. 'Onshore substation works and design'.</p>	<p>The Applicant refers to the Applicant's response to Q9.1.1 in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] which provides further explanation as to why the Applicant does not propose to make this change.</p> <p>In short, the Applicant submits that the content of the corresponding requirements is not the same in the Five Estuaries draft DCO and North Falls draft DCO. In these circumstances, it would be confusing to mirror the title of the relevant requirement in the Five Estuaries draft DCO.</p>
REP7-072_c2	<p>Q9.1.2 Requirement 15 (Groundwater Monitoring)</p> <p>The ECC Deadline 4 submissions [REP4-073] sets out proposed wording for Requirement 15 which reflects the drafting for the same requirement in the VEOWF dDCO. The dDCO submitted at Deadline 5 [REP5-009] includes an amended version of requirement 15. However, it does not entirely reflect the drafting sought by ECC at Deadline 4.</p> <p>(i) For the avoidance of doubt, please can the parties indicate whether the amended requirement 15 is agreed. If not, please provide reasons to support any variation.</p> <p>(ii) Should it be specified that the groundwater monitoring plan must include a timetable for implementation and require the plan to be implemented in accordance with the approved timetable?</p>	<p>(i) The Councils note that pre-commencement trigger is now included, however, sub-paragraph 3 should be included to require implementation in accordance with the approved details.</p> <p>(ii) Yes.</p>	<p>(i) Noted.</p> <p>(ii) The Applicant has updated the draft DCO at Deadline 7 to include the ExA's proposed amendments to this requirement with one minor change (see the Applicant's Response to Comments on the ExA's Proposed Schedule of Changes to the dDCO [REP7-056] and the draft DCO [REP7-007]).</p> <p>These changes did not include a timetable for implementation of the groundwater monitoring plan or require that the plan must be implemented in accordance with that timetable.</p> <p>A precise timetable for groundwater monitoring is not appropriate, as the timing of the monitoring will need to be flexible in order to align with the timing of construction and specifically dewatering activities along the onshore cable route, the precise timing of which will be dependent on weather patterns and the height of the standing water table over the preceding months. Although a precise timetable is not appropriate, the frequency of monitoring visits and the proposed timing of the first and last monitoring visits will be set out within the groundwater monitoring plan, and these are already provided in Outline Groundwater Monitoring and Mitigation Plan included in Appendix D of the Groundwater Risk Assessment and Monitoring Plan - Private Water Supplies and Licenced Abstractions [REP5-052].</p>
REP7-072_c3	<p>Q9.1.3 Requirement 17 (Control of noise during operational stage)</p> <p>Is the intention to use the "Onshore substations operational noise and the outline noise complaints protocol" [REP5-036] as the basis for the "noise</p>	(Addressed to the Applicant)	The Applicant responded to Q9.1.3 at Deadline 7 (see the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051]).

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT’S RESPONSE
	investigation protocol” referred to in requirement 17? In which case will the document name be changed to be consistent with requirement 17?		
REP7-072_c4	<p>Q9.1.4 Requirement 17 (Control of noise during operational stage) The ECC Deadline 4 submissions [REP4-073] sets out proposed wording for requirement 17(2) to reflect a collaborative complaint handling approach in the noise investigation protocol. The dDCO submitted at Deadline 5 [REP5-009] does not include specific reference to a collaborative handling approach. The Applicant's Deadline 5 submissions [REP5-056] indicate that it does not propose to make this change.</p> <p>(i) Please can the Applicant provide further reasoning to support the drafting of requirement 17 without the inclusion of such a specific reference.</p> <p>(ii) Please can the ECC explain further the need for the amendment which they seek to requirement 17.</p>	<p>TDC</p> <p>(ii) TDC have repeatedly set out their concerns in respect of the challenges around noise control, both during construction and during the operational stage, both individually and from an in-combination perspective. An effective, clear, unambiguous collaborative approach to a noise investigation protocol is the least that the applicants can sign up to and it is essential to be included in the dDCO.</p>	<p>The Applicant refers to its response to Q9.1.4 in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p> <p>Section 6.3 of the Onshore substations operational noise and the outline noise complaints protocol [REP5-036] provides details as to the content of the final protocol (which will be jointly produced by all undertakers that obtain DCO consent) and includes information on the proposed approach to communication between the relevant undertakers, setting out how the operators will communicate with each other following receipt of a complaint so as to enable the efficient transfer of information and to minimise delays when investigation works are being transferred between operators.</p> <p>This demonstrates that an appropriate and functional level of cooperation and collaboration between the relevant operators when investigating a noise complaint relating to the onshore substations for all relevant projects will take place as part of the production of the final noise protocol.</p> <p>This also accords with the agreed drafting in the updated onshore substations operation noise and outline noise complaints protocol (between North Falls, Five Estuaries and NGET) submitted at Deadline 5 [REP5-036] and the corresponding requirement in the final draft DCO (rev I) submitted to the Five Estuaries Examination at Deadline 8a ([REP8-004] in the Five Estuaries Examination Library). The wording of the requirement needs to be the same across all three relevant DCOs in order to operate effectively.</p>
		<p>ECC</p> <p>(ii) Both Councils have repeatedly set out the importance of a joint noise complaint panel in order to deal with the unprecedented situation of co-location of 4 substations (including the existing Lawford substation in the vicinity), both during hearings as well as in our previous responses. This is a crucial element for consideration of the discharging authority and the suggested wordings help to clarify the expectation when discharging the requirement and to avoid further disputes.</p>	<p>Please see the Applicant's response to TDC's comments above. The updated onshore substations operation noise and outline noise complaints protocol (between North Falls, Five Estuaries and NGET) submitted at Deadline 5 [REP5-036] details an appropriate and functional level of cooperation and collaboration between the relevant operators when investigating a noise complaint relating to the onshore substations for all relevant projects.</p> <p>The existing Lawford Grid Substation was considered in the noise assessment undertaken in ES Chapter 26 Noise and Vibration [APP-040].</p>
REP7-072_c5	<p>Q9.1.6 Proposed new Grampian requirement (ECC, TDC) The ECC Deadline 4 submissions [REP4-073] sets out proposed wording for an additional phasing/Grampian requirement which they state is precedented in the recent Viking Carbon Capture and Storage Pipeline Order 2025. The Applicant's Deadline 5 submissions [REP5 056] states that it disagrees that the recent Viking CCS Carbon Dioxide Pipeline Order provides a precedent for the phasing requirement sought by ECC and TDC because the projects are not sufficiently similar and further details are set out in response to ExQ2 9.1.14. The ECC/TDC response to ExQ2 9.1.14 makes further submissions on this topic [REP5-091]. In the light of those submissions, the ExA seeks responses to the following points:</p> <p>(i) The Applicant's response to ExQ2 9.1.14 sets out what it states are key differences between the North Falls scheme and the current case including that the connection to the grid is not a part of the North Falls project that it is responsible for delivering. In relation to the existence of a commercial connection agreement with NESO, the Applicant's response to 3.0.2 (ii) states that no information is available as regards any alternative approach by NGET. Whilst the Applicant has maintained optionality in its design envelope for an offshore connection point a viable option that can deliver a connection for the NFOWF by 2030 has not been identified to date. Against that background, the parties are requested to comment on whether there is any realistic prospect other than the EACN connection that would enable the achievement of the 2030 date. In those circumstances, would the Grampian requirement proposed by ECC/TDC serve a legitimate purpose?</p> <p>(ii) Furthermore, given that background does the progress or otherwise of the National Grid's DCO application have any bearing on the Applicant's engagement with the supply chain and</p>	<p>(i) In response to the first question, TDC is firmly of the view that there is no realistic prospect of achieving the 2030 connection date other than through the proposed EACN connection in the area between Ardleigh and Little Bromley.</p> <p>Any alternative options—if they exist at all—are so unlikely to be deliverable within the required timeframe that it would be wholly irrational to consider them viable. On this basis, TDC maintains that the Grampian requirement proposed jointly by ECC and TDC serves a clear and legitimate purpose.</p> <p>(ii) This is for the applicant to respond to.</p> <p>(iii) Yes, but it does not change the fact that NF and FE is wholly dependent of Norwich to Tilbury gaining DCO consent and that the proposed Grampian requirement merely seeks evidence of development consent being granted for National Grid's EACN.</p> <p>(iv) For the applicant to respond to.</p> <p>(v) The condition is considered necessary in order to secure clarity—specifically, evidence that development consent has been granted for National Grid's EACN substation—given the clear and direct interdependence between the projects.</p> <p>It would be both irrational and highly risky for the NF and FE projects to commence works without confirmed DCO approval for the Norwich to Tilbury project. The condition is also entirely reasonable: no responsible developer would proceed with a project of this scale while such a significant uncertainty—namely, an unconsented and fundamentally linked DCO— remains unresolved.</p> <p>To omit this condition would therefore be both unreasonable and irrational in the context of sound planning and the overall combined projects delivery which are so interdependent.</p>	<p>(i) The Applicant rejects TDC's comments which respectfully do not appear to be provided on the basis of any relevant information from NESO which is the entity required to provide a point of connection to the grid for the Project.</p> <p>The Applicant maintains that there is no legitimate purpose for imposing the Grampian requirement probed by ECC and TDC for the reasons set out in its response to Q9.1.6(i) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p> <p>(ii) Please refer to the Applicant's response to Q9.1.6(ii) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p> <p>(iii) The Applicant does not agree that the Project is wholly dependent on the Norwich to Tilbury project gaining development consent. The Applicant refers to its response to (i) above and notes that it has reiterated across various responses that the Applicant and NESO have a signed connection agreement which requires NESO to provide a connection for the Project which can be via the East Anglian Connection Node or via an alternative as NESO sees fit.</p> <p>The Project can connect to the grid via an alternative means if development consent for the EACN substation is not granted as part of the Norwich to Tilbury project. The EACN connection point is the optimal connection point, but others would be made available as required.</p> <p>The effect of the proposed Grampian condition is that it would prohibit construction of the Project until development consent is granted for the EACN which would, in turn, create a significant delay to construction timeframes making the Project's delivery by 2030 unachievable and jeopardising its ability contribute to the UK's renewable energy targets in a timely manner.</p> <p>Please refer to the Applicant's response to Q9.1.5(iv) for further information about the impacts that the Grampian condition would have on the Project in the Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054]. The Applicant submits that the statement that the condition '<i>merely seeks evidence of development consent being granted for National</i></p>

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
	<p>placing orders. What would be the effect of delay to that project on the progress and delivery of the North Falls scheme?</p> <p>(iii) As regards the Secretary of State's decision in the Viking CCS Carbon Dioxide Pipeline Project, the Applicant makes the point that the onshore and offshore works for that project were all part of the Viking CCS project. Do ECC/TDC accept that this represents a key difference from the current case.</p> <p>(iv) The Secretary of State's decision in the Viking CCS Carbon Dioxide Pipeline Project paragraph 4.9 identifies the ExA's concern as being that the full benefits could not be realised until the entire CCS chain had been consented. Whilst the Applicant's points in relation to differences from the North Falls project are noted, as a matter of principle, is that concern not similar to the concern expressed by ECC/TDC in this case?</p> <p>(v) Please can ECC/TDC provide further justification for the inclusion of such a requirement in this case, in particular why they regard it as being necessary and reasonable to impose it.</p> <p>(vi) The Applicant in response to 9.1.14 (iv), disagrees with the statement and relies upon the NESO agreement to enable the North Falls project to connect to the grid via an alternative means if development consent for the EACN substation is not granted. The ECC/TDC response to 9.1.14 (i) asserts that if a DCO is not granted for the EACN substation, there will be no connection of the NFOWF to the grid and that EACN is currently the only option available to the project. The parties are requested to comment on the prospect of such an outcome and any alternative means of connection together with the implications that might have for the timing of the scheme.</p>	<p>(vi) There is currently no realistic alternative means of connecting to the Grid that would be operational within the required timescale—i.e., by 2030. TDC is of the view that, in the absence of such a viable alternative, the delivery of the various projects dependent on the EACN will face significant delays in achieving grid connection by 2030.</p>	<p><i>Grid's EACN</i> significantly mischaracterises the impact such a requirement could have on the Project.</p> <p>(iv) Please refer to the Applicant's response to Q9.1.6(iv) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p> <p>(v) The Applicant disagrees with the statement that the Project and the EACN substation are clearly and directly interdependent and refers to its response to (iii) above.</p> <p>In respect of TDC and ECC's submissions describing any uncertainty surrounding the consenting of the Norwich to Tilbury DCO, the Applicant refers to its response to Q7.0.1 and Q9.1.5(viii) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051]. These responses discuss the significance of the connection agreement in the context of the Sheringham Shoal and Dudgeon Offshore Windfarm Extension Project.</p> <p>In paragraphs 5.4.19 and 5.4.20 of the Sheringham Shoal Recommendation Report¹, the ExA notes that:</p> <ul style="list-style-type: none"> the signed connection agreement reflects the requirements of NPS EN1 (Paragraph 4.9.1) where an Applicant should ensure that there will be infrastructure capacity within an existing or planned distribution network to accommodate the electricity generated and liaise with the relevant distribution network operator to secure a grid connection; the ExA could (in Sheringham Shoal) be satisfied that the signed grid connection contract did not depend on the delivery of the Norwich to Tilbury project. The Applicant submits that the ExA and Secretary of State can also be satisfied of that fact in relation to the Project; the ExA is of the view that this is a matter for NGET to address and not the Applicant given the signed grid connection contract that is in place; and as set out in the National Policy Statement for electricity networks infrastructure (EN-5), [DESNZ, 2024] (EN-5) (then, paragraph 2.3.5; now, paragraph 2.8.5), NGET has a statutory duty to provide a connection whenever and wherever one is required. <p>The Applicant submits that these comments also apply to the signed connection agreement between the Applicant and NESO which allows for NESO to provide a grid connection through the Norwich to Tilbury project or via some alternative approach as NESO sees fit.</p> <p>These factors (particularly NGET's statutory duty to provide a connection where requested), combined with the application of the critical national infrastructure presumption and the signed connection agreement provide sufficient certainty that a grid connection will be provided for the Project to address this element of TDC and ECC's concerns.</p> <p>The Applicant submits that it is not necessary to insert a Grampian condition to provide the same comfort and it is certainly not irrational or unreasonable to oppose the inclusion of the Grampian condition as drafted in this context.</p> <p>(vi) The Applicant does not agree with TDC and ECC's submissions on this point and maintains the position set out in its response to Q9.1.6(vi) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p>
REP7-072_c6	<p>Q9.1.7 Other matters relating to DCO requirements</p> <p>The ECC/TDC in response to ExQ2 9.1.15 (vi) in relation to requirement 19, state that to give the public reassurance, it would be advisable to certify the latest Co-ordination Report in the dDCO.</p> <p>(i) Please can the Applicant indicate whether it agrees that this should be a certified document. If not, please give reasons.</p> <p>(ii) Please can ECC/TDC provide further reason and justification for the inclusion of the Co ordination Report in the list of certified documents in Schedule 12 of the dDCO.</p>	<p>The Councils notes that the Co-Ordination Report provides evidence of the coordination and collaboration undertaken by North Falls Offshore Wind Farm Ltd (NFOW) during the development of the North Falls project. It is also aiming to show how NFOW has worked with other NSIPs and stakeholders at both strategic and project levels and in support of NFOW's application for a DCO by seeking to demonstrate compliance with policy requirements related to coordination. It also aims to demonstrate how the project has been designed with consideration of other major infrastructure proposals in the region. It also seeks to demonstrate how coordination efforts aim to reduce environmental disruption and impacts on local</p>	<p>The Applicant refers to its response to Q9.1.7(i) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p> <p>The Co-ordination Report provides information on the extent of coordination and collaboration undertaken to date by the Applicant with other parties and projects as part of the development of the Project submitted to support the DCO Application. It is primarily a summary of actions already undertaken with a pledge at paragraph 11.1.7 to continue to engage with relevant parties to explore further co-ordination opportunities with the intention of updating the report as necessary during the Examination period.</p>

¹ Planning Inspectorate, Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project – Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero (17 October 2023). [Available at: [this link](#); Accessed: 21 July 2025)].

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
		<p>communities and to promote efficiencies in infrastructure delivery and energy distribution.</p> <p>This report is the only over-arching document within the submission to insert responsibility upon the applicant to coordinate and collaborate with all the stakeholders. Therefore the Coordination Report should be listed as a certified document within the DCO to ensure that the applicant is committed and continues to work collaboratively with other nearby NSIP applicants and partners, during all stages of the development, from detailed design all the way to decommissioning.</p>	<p>The Applicant submits that inserting the Co-ordination Report will not have the effect that TDC and ECC are seeking - certification is only required for documents actually referred to in the DCO itself. The sole purpose of certification is so that there is no dispute over the correct version of the document.</p> <p>The Applicant considers that a commitment to continue to work collaboratively with other NSIPs is already adequately captured by other sections of the draft DCO in conjunction with other supporting documents such as:</p> <ul style="list-style-type: none"> Requirement 5 (substation works) which secures the collaborative detailed design process outlined in the design guide; and the opportunity under build option 2 to coordinate the construction of elements the Project and the Five Estuaries Wind Farm Project. <p>Accordingly, the Applicant does not propose to list the Co-ordination Report as a certified document in the draft DCO.</p>
REP7-072_c7	<p>Q9.3.1 Protective Provisions</p> <p>With respect to negotiating Protective Provisions, advise on what the current position is with respect to agreeing a set of Protective Provisions in your favour with the Applicant. Where there is disagreement with the Applicant explain why that is the case and where any disagreement relates to matters of detailed drafting submit the version of your preferred text.</p>	ECC is content with the highway PPs, subject to agreement of the Framework Highways Agreement and/or other legal agreement(s).	The Applicant agrees that the protective provisions for the benefit of ECC as local highway authority are agreed. The Applicant refers to its response to Q9.3.2 in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] in respect of the Framework Highways Agreement / other required legal agreement(s).
REP7-072_c8	<p>Q9.3.2 Protective Provisions</p> <p>With reference to ECC's SoCG [REP6-074] Item 2.7 Transport, point 10, could you provide an update in respect of the progress with agreeing the Framework Highways Agreement?</p>	The applicants of both North Falls and Five Estuaries advised ECC that a side agreement could be agreed, however, given the tight timeframe of examination, it is acknowledged that a legal agreement could not be agreed at this stage. The applicant is proposing to secure some form of agreement by inserting text into the OCTMP, which the Highway Authority can agree in principle, subject to the exact wordings to be agreed and submitted at Deadline 8.	<p>The Applicant refers to its response to Q9.3.2 in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051].</p> <p>The Applicant, Five Estuaries and ECC had a call on 14 July 2025 to discuss the proposed Framework Highways Agreement and how it would interact with the protective provisions and management plans. It was agreed that the intention is not to duplicate any approval processes and that it would be preferable for the form of agreement to be negotiated once the detailed design has been progressed so that it could more accurately reflect the final build out option/scenario between North Falls and Five Estuaries.</p> <p>In order to secure the obligation to enter into such an agreement prior to the commencement of any works to the public highway, the Outline Construction Traffic Management Plan will be updated at Deadline 8 to include an obligation on the Applicant to enter into such an agreement (see [Document ref: 7,16, (rev 5)]). This drafting has been agreed with ECC.</p>
REP7-072_d	<p>Q11.0.1 Groundwater Risk Assessment and Management Plan</p> <p>The ExA notes the inclusion of the GRAMP in four parts [REP5-049 to REP5-052]. Please can the Environment Agency and LLFA confirm that this submission is to their satisfaction.</p>	LLFA considered that the information provided is sufficient at this time, it should be explored in the drainage strategy if infiltration is a viable option for dealing with surface water at the sub station.	Noted.
REP7-072_e1	<p>Q12.0.1 Archaeological Mitigation Strategy and Written Scheme of Investigation</p> <p>Please can HE and ECC confirm that they are now in agreement with the AMS (9.65 Archaeological Mitigation Strategy (Rev 0) Parts 1 to 3 [REP5-046 to REP5-048]) and 7.12 Onshore Outline Written Scheme of Investigation (Rev 1) Parts 1 to 3 [REP5-016, REP5-018, REP5-020]. Other IPs may, optionally, comment.</p>	ECC are in agreement with the submitted Archaeological Mitigation Strategy and the Outline Written Scheme of Investigation.	Noted.
REP7-072_e2	<p>Q12.0.2 Public Benefit</p> <p>NPS EN-5, para 2.2.10 requires that public benefits should outweigh harm to heritage assets. Please can the Applicant elaborate on the public benefits which it considers will outweigh any harm. IPs are invited to comment.</p>	The Councils will comment on the Applicant's response at Deadline 8.	Following discussions, the Applicant and ECC are now in agreement that the provisions in the Outline Code of Construction Practice (OCoCP) [REP7-025] are sufficient to address construction impacts on built heritage assets, and that with these provisions in place the Project's construction works will result in at most low to negligible adverse magnitude of impact following mitigation, which equates to less than substantial harm at the lower end of the scale. This Agreement is detailed in Table 2.8 of the final Statement of Common Ground with Essex County Council and Tendring District Council, being submitted at Deadline 8 [Document reference 10.17 (Rev3)].

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
REP7-072_e3	<p>Q12.0.3 Requirement 11 – Alignment with VEOWF</p> <p>The ExA notes that the Applicant states that Requirement 11 of the dDCO [REP5-008] now aligns with that of the equivalent for VEOWF. Please can Historic England and ECC (or other IPs, optionally) confirm that they have reviewed and are in agreement.</p>	ECC have reviewed and are in agreement with the applicant that Requirement 11 of the dDCO is now in alignment with that for VEOWF.	Noted.
REP7-072_e4	<p>Q12.0.4 Statement of Common Ground – Historic England</p> <p>The ExA notes that within the SoCG submitted at Deadline 5 [REP5-084], items 2,3 and 8 of the offshore impact, and item 2 of onshore impact, remain in discussion. Please can the Applicant and HE provide a further update in light of any changes following submission of the OOWSI and AMS.</p>	ECC have reviewed the mitigation measures that are set out in the OCoCP [REP5-022] which are secured by DCO Requirement 8 – Code of Construction Practice. The mitigation measures appear to largely relate to noise mitigation, opposed to vibration. However, it is noted in DCO Requirement 18 that protective works to buildings will provide sufficient mitigation for any potential vibration effects. ECC is satisfied that temporary effects can be sufficiently mitigated.	Noted.
REP7-072_f1	<p>Q14.0.1 Visual Mitigation at Substation</p> <p>The ExA notes the update to 9.30 Indicative Planting cross-sections at the onshore substation (Rev 2) [REP5-035] at Deadline 5. This confirms that planting would not be orchard planting but a series of woodland belts.</p> <p>(i) Please can the Applicant elaborate, setting out timescales to maturity and at what point the screening will have taken full effect.</p> <p>(ii) With regard to the Written Landscape Scheme, could the OLEMS clarify the details of trees, woodland and hedgerows, finished ground levels and bunding, and plant details including, where possible plant schedule will also be provided as drawings to illustrate the written details. Could boundary treatments also be included on the drawings for clarity.</p>	<p>(i) The Councils understand that the applicant has estimated that the woodland/shelterbelt planting will reach approximately 6-8m after 15 years. The Indicative Planting cross sections at the onshore substation (Rev 2) [REP5-035] and the visualisations supplied with the ES demonstrate that the proposed planting never fully conceals the substation.</p> <p>(ii) The Councils are concerned that without appropriate scaled drawings being required to associate with the Final LEMS, the full intention of the proposed landscape strategy and its successful implementation at the delivery stage cannot be guaranteed.</p>	<p>(i) Please see Q14.0.1 in Applicant's Response to ExA's Third Written Questions [REP7-051].</p> <p>(ii) Please see Q14.0.1 in Applicant's Response to ExA's Third Written Questions [REP7-051]. Drawings will be provided with the final written landscape scheme.</p>
REP7-072_f2	<p>Q14.0.2 Screening at Substation: VEOWF</p> <p>REP4-038 (10.20.8 Technical Note - Screen planting options for Land Plot 17-024) submitted to the VEOWF Examination (see [REP4-038]) provides indicative cross sections to illustrate the potential mix of screening planting, as well as how this might mature over 5, 10 and 20 years. The planted woodland areas would screen the onshore substation, and provide a landscape feature. Please can the Applicant provide commentary on principle differences between the VEOWF proposals and those of NFOWF, and what further steps can be taken to align them.</p>	Our understanding is that VEOWF and North Falls are in the process of aligning their proposals along the spatially broader lines of VEOWF landscape strategy, which we welcome. However, we would urge both parties to seek further enhancements in the wider landscape, particularly along the PROW to the north of the site, to provide landscape and visual mitigation and further the landscape and GI benefits.	Please see the response to Q8.0.4 in Applicant's Response to ExA's Third Written Questions [REP7-051] which provides further information around the Joint Design Guide.
REP7-072_f3	<p>Q14.0.3 Natural England Risk and Issues Log: Landscaping and Outline Landscape and Ecological Management Strategy (OLEMS)</p> <p>Natural England states in its Risk & Issues Log [REP6-089] that it expects <i>"the landscaping requirements to also cover survey methods, monitoring requirements and the requirement to maintain, including the potential for re-planting due to plant failures. Further, we would expect to be consulted on the plans prior to their approval by the relevant LPA"</i>. The ExA notes that the dDCO [REP6-005] was amended and now includes provision for consultation with the SNCB within Requirement 7.</p> <p>With reference to the Outline Landscape and Ecological Management Strategy [REP6-035], the ExA notes that it will form the basis for a final Written Landscape Scheme, which will both be prepared and submitted to the Local Planning Authority for approval prior to construction of the Project secured by DCO Requirement. It includes various survey methods and monitoring measures are referred to, for example:</p> <p><u>Survey Methods:</u></p> <p>Paragraph 12 sets out that the OLEMS has been drafted based on the findings of pre-consent surveys undertaken between 2021 and 2023. Further information and full survey results is found within the range of 17 documents listed, and informed by other documents e.g.</p>	<p>The OLEMS does include a number of surveys including Habitat, BNG, Marine Mammal, Benthic and Intertidal Ecology, Ornithological and Fish and Shellfish Ecology Surveys. The OLEMS outlines regular monitoring to ensure the success of planted vegetation and habitats. If any plants fail, the OLEMS specifies that re-planting will be carried out to maintain the intended ecological benefits. Green Infrastructure is not a statutory requirement, so OLEMS provide the outline guidelines and commitments that can secure the details for landscaping and GI via Requirement 7. The recent updates to OLEMS includes consideration of the Essex Local Nature Recovery Strategy, BNG and GI, which is welcomed.</p> <p>(i) The Councils understanding is that any existing and proposed planting that contributes to the landscape and visual mitigation and enhancements within the red line of the proposed substation will necessarily be 'maintained' for the lifetime of the installation. We also understand that any planting that contributes towards the BNG calculation will necessarily be maintained for 30 years in any case. Our further understanding is that the 10-year aftercare period relates to the period of establishment for new planting and not to the long term maintenance of the overall scheme.</p> <p>(ii) We propose that some clarification of terms is included in the OLEMS for the avoidance of doubt and confusion.</p>	Following on from previous comments, the Applicant has clarified these points in the Outline Landscape and Ecological Management Strategy (Clean) (Rev 6) [REP7-027] . It is understood by the Applicant that these points have now been agreed with ECC and TDC.

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
	<p>Biodiversity Net Gain (BNG) Strategy [REP3-028] and Green Infrastructure Plan [APP-134].</p> <p><u>Monitoring requirements and a requirement to maintain, including potential for re-planting:</u></p> <p>Section 3.11 of the OLEMS [REP6-035] includes maintenance of landscape planting. It includes that “<i>The success of landscape planting will be monitored over a 10-year aftercare period after planting. During this period any plants which fail, die, are removed, or become seriously damaged or diseased, shall be replaced in the first available planting season with a specimen of the same species and size as that originally planted</i>” (see Paragraph 248 and following).</p> <p>Please can the IPs identified comment on, and respond to, the following:</p> <p>(i) Does the OLEMS sufficiently cover survey methods, monitoring requirements and requirement to maintain, including potential for re-planting due to plant failures.</p> <p>(ii) Whether or not, in their view, the associated Requirement 7 for a Written Landscape Scheme can rely on the detail within the OLEMS to address NE's concerns regarding landscaping requirements as set out above.</p> <p>(iii) Regarding the replacement of failed planting, it is noted that the Applicants commit to the replacement of failed planting for a period of ten years. Given that the provided photomontages provide assessments of the effect of landscaping at 15 years, do you consider ten years to be long enough for this provision?</p>	<p>(iii) The Councils would not accept that long-term management of the planting around the substation does not happen beyond Year 10 and propose that clarification of terms 'maintenance' and 'aftercare' and the long-term intent of the landscape, GI and BNG strategies are recognised and will be delivered for the lifetime of the substation. For example, in the event of a severe weather event in Year 15, it needs to be required that the landscape, visual and ecological benefits of the proposals would be restored.</p>	
REP7-072_f4	<p>Q14.0.4 Duty to Enhance National Landscape</p> <p>The Applicant's response to ExQ2 Q14.0.1 confirmed that the Applicant is a statutory undertaker as defined in s85 of the CRoW Act, and that it is therefore a relevant authority for the purposes of the Act. The Applicant set out its position within its Position Statement [REP5 068], as well as [REP5-055] and in further information submitted at Deadline 6, in response the ExA's Rule 17 request dated June 6 2025 [PD-014].</p> <p>In summary, the response [REP6-062] considers, on a without prejudice basis, specific additional compensatory measures that could be applied to enable the Applicant and the Secretary of State to discharge the Duty should the Secretary of State consider that such measures are required, including consideration of principles to form the basis for the development and delivery of a National Landscape Enhancement Scheme (or similar) together with a list of projects identified and a mechanism for securing such a scheme [REP6-062].</p> <p>The Applicant considers that the effects on the SECHNL are visual in nature only. Environmental Statement (ES) Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] concludes that there will be significant effects on views from locations along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness. There will be no significant effects on landscape character, and no significant effects on the special qualities of the SECHNL [REP5-038].</p> <p>The ExA now seeks views from IPs on the response [REP6-062] including the without prejudice Requirement and the content of the National Landscape Enhancement Strategy. Further specific questions are also set out below.</p>	<p>Whilst the Councils are not significantly impacted in LVIA terms by the proposed offshore elements of the North Falls proposals we have concerns regarding the approach to the 'Duty' is interpreted by the applicant. We wish to make the following points:</p> <ul style="list-style-type: none"> The project types focus closely on promotion of the National Landscape through access rather than '<i>contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes</i>' identified in the Government guidance: Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes¹, published 16 December 2024. Projects should more closely help to deliver landscape restoration that delivers visual benefits, rather than mainly physical access projects. The scope of the enhancement scheme should more closely align with the scale of the impact i.e. <u>significant</u> visual impacts over a 16km odd length of the coast (taken from the mouth of the Deben to Orford Ness). £10K appears a derisory sum. 	<p>The Applicant has made several submissions throughout Examination setting out and justifying its position in respect of the discharge of the duty under section 85(A1) of the <i>Countryside and Rights of Way Act 2000</i> (Duty). A list of key documents is available in the section of the Applicant's Closing Statement addressing the issue of National Landscapes [Document ref: 9.107, (rev 0)].</p> <p>An updated version of Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes is being submitted, on a without prejudice basis, for review at Deadline 8 [Document ref: 9.89, (rev 1)]. The updated version removes specific references to example projects in the 'Scope of Projects' principle and maintains that any National Landscape Environmental Scheme must deliver benefits to or to enhance the SECHNL in relation to the effects of the Project on the SECHNL and should therefore focus on projects and initiatives relating to enjoyment of the coast and coastal views.</p> <p>The Applicant considers that the draft National Landscape Enhancement Scheme Principles [REP6-062], submitted on a without prejudice basis, are commensurate with the scale of the potential effects upon the special qualities of the SECHNL, given that the offshore array will be located at least 40 km from the SECHNL, and that no significant effects on those special qualities are anticipated. The Applicant notes that ECC and TDC have not proposed an alternative sum or provided any justification as to why a larger sum is appropriate, reasonable or proportionate in the respect of North Falls.</p>
REP7-072_f5	<p>Q14.0.5 National Landscape Enhancement Scheme Principles: Mechanism for Delivery</p> <p>The ExA notes the Applicant's suggested wording for a Requirement to deliver the National Landscape Enhancement Scheme (below), submitted on a without prejudice basis at Deadline 6 [REP6-062]:</p>	No comment.	Noted.

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
	<p><i>National Landscape Enhancement Scheme</i></p> <p>(5) <i>Work No. 1 and Work No. 2 must not be commenced until a National Landscape Enhancement Scheme has been submitted to and approved by the discharging authority in consultation with Suffolk & Essex Coast & Heaths National Landscape Partnership.</i></p> <p>(6) <i>The National Landscape Enhancement Scheme must accord with the principles and fund size set out in the National Landscape Enhancement Scheme principles document.</i></p> <p>(7) <i>The National Landscape Enhancement Scheme must be implemented as approved.</i></p> <p>(8) <i>In this Requirement "the National Landscape Enhancement Scheme principles document" means the principles set out in Table 1 of Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes.</i></p> <p>Comments from IPs are specifically sought in relation on the wording of above suggested Requirement, submitted on a without prejudice basis.</p>		
REP7-072_f6	<p>Q14.0.6 National Landscape Enhancement Scheme Principles: Scope of Projects</p> <p>The scope of projects is set out in Table 1 of [REP6-062], with a focus on projects and initiatives relating to enjoyment of the coast and coastal views and those in line with the objectives of the Suffolk & Essex Coast & Heaths National Landscape Management Plan 2023-2028. Projects could include (but would not be limited to) enhancements to car parking, access or visitor facilities at coastal locations; footpath enhancements including to coastal paths; beach surveys and clean ups. These would be delivered as part of the National Landscape Enhancement Scheme will be selected at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership.</p> <p>The ExA requests IPs comments on the scope of projects.</p>	<p>Whilst the Councils are not impacted directly in LVIA terms by the proposed offshore elements of the North Falls proposals, we have concerns regarding the approach to the scope of projects in that they focus closely on promotion of the National Landscape through physical access rather than 'contribute to the conservation and enhancement of the <u>natural beauty, special qualities, and key characteristics of Protected Landscapes</u>' (our underlining) identified in the Government guidance: Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes2, published 16 December 2024.</p> <p>Although the significant impacts are visual, the intervisibility of the offshore infrastructure impacts indirectly on the character of the landscape. Landscape has a perceptual element. The gradual incremental closing down of the natural horizon with man-made structures gives the increasing effect of a tamed seascape rather than a perpetual natural element. This change has occurred rapidly this century. With this in mind, projects could more directly deliver landscape restoration that in turn delivers visual benefits, rather than just enabling physical access. Access could also be understood in terms of interpreting the change through art, music or writing.</p>	Please see Applicant's Response to Deadline 6 submissions [REP7-053], items REP6-092-a and REP6-092_c on pp.41-43.
REP7-072_f7	<p>Q14.0.7 National Landscape Enhancement Scheme Principles: Spatial Scope</p> <p>The spatial scope of the projects is set out in Table 1 of [REP6-062], and focuses on the area likely to be affected by views of the Project, ie. the coastal edge between the River Deben and Orford Ness. Table 1 states that "All projects and initiatives must therefore be located within this area".</p> <p>The ExA requests IPs comments on the spatial scope, and the suggestion that initiatives must be within the area between the River Debden and Orford Ness.</p>	<p>Whilst it would be preferable that projects are limited to areas that are directly significantly visually impacted, we judge that it could be impractical in delivery terms to be so constrained and that some broader criteria or parameters may be required.</p>	Please see Applicant's Response to Deadline 6 submissions [REP7-053], items REP6-092-a and REP6-092_c on pp.41-43.
REP7-072_f8	<p>Q14.0.8 National Landscape Enhancement Scheme Principles: Fund Size</p> <p>The fund size of £10,000 is set out in Table 1 of [REP6-062]. The ExA requests IPs comments on the Applicant's proposed fund size, and whether or not the measures and fund size can be considered to be proportionate to the type and scale of development as it affects the National Landscape, reasonably related to the identified residual adverse effects, and sufficient to allow for the discharge of the statutory duty by both the Applicant and by the Secretary of State.</p>	<p>Whilst the Councils are not impacted directly in LVIA terms by the proposed offshore elements of the North Falls proposals, we have concerns regarding the scope of the enhancement scheme and suggest it should more closely align with the scale of the impact i.e. <u>significant</u> visual impacts over a 16km odd length of the coast (taken from the mouth of the Deben to Orford Ness). £10K appears a derisory sum.</p>	The Applicant considers that the draft National Landscape Enhancement Scheme Principles [REP6-062], submitted on a without prejudice basis, are commensurate with the scale of the potential effects upon the special qualities of the SECHNL, given that the offshore array will be located at least 40 km from the SECHNL, and that no significant effects on those special qualities are anticipated. The Applicant notes that ECC and TDC have not proposed an alternative sum or provided any justification as to why a larger sum is appropriate, reasonable or proportionate in the respect of North Falls.
REP7-072_f9	<p>Q14.0.9 National Landscape Enhancement Scheme Principles: Fund Timing</p> <p>The fund timing is set out in Table 1 of [REP6-062], which suggests a single one-off payment made by the Applicant to the Suffolk & Essex Coast & Heaths National Landscape Partnership prior to the</p>	<p>The Councils have no objection for the National Landscape Partnership to administer the fund based on their initiatives and timing. Given the proposed funding size, it is likely that additional funding sources may be required for the delivery of specific enhancement projects. The fund should be ring-fenced for Suffolk & Essex Coast & Heaths National Landscape.</p>	Noted.

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
	commencement of construction of Work No. 1 or Work No. 2. The timing of projects and initiatives benefited by the fund would then be at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership. The ExA requests IPs comments on the fund timing.		
REP7-072_f10	<p>Q14.0.11 Impact on LCTs</p> <p>In response to ExQ2 14.0.5 the Applicant confirmed that in its view, at a distance of over 40km from any onshore LCT (Landscape Character Type), that it is satisfied that “the magnitude of change is correctly recorded as ‘low’” in each case.</p> <p>(iii) Please can the Applicant confirm what, if any other criteria than distance have been used to estimate the magnitude of change.</p> <p>(iv) Please can NE (and others, optionally) comment on factors other than distance which they consider would contradict the Applicant's assertion regarding the 40km distance to any onshore LCT.</p>	Intervisibility is a critical element of landscape character and seascape assessment. Although the significant impacts are described as visual, the intervisibility of the offshore infrastructure impacts indirectly on the character of the landscape. Perception of change in landscape or seascapes is therefore an important factor in assessing change. The gradual incremental closing down of the open horizon with man-made structures, no matter how far distant, gives the increasing effect of a tamed seascape rather than an unchanging natural element. This change has occurred rapidly this century. This could also be said to impact on tranquillity which has a sensual not just an audible and visual element.	The SLVIA in ES Chapter 29 [APP-043] includes an assessment of effects on landscape and seascape character, which considers effects on the more perceptual characteristics of the landscape and seascape, including tranquillity.
REP7-072_f11	<p>Q14.0.15 New visualisation (VP9) from Barn Lane - Grange Road</p> <p>In response to ExQ2 14.04, the Applicant stated that it would be providing an additional photomontage visualisation from Grange Road, to be submitted at Deadline 6. The selected viewpoint is immediately north of the proposed onshore substation works area. The ExA notes [REP6-065] and [REP6-066] provide new visualisations for new Viewpoint VP9.</p> <p>This appears to currently be absent of corresponding narrative, such as that which accompanies VPs 1 to VP8 within Chapter 30 of the ES (see Tables 30.21 to 30.28).</p> <p>(i) In the interest of consistency and completeness, please can the Applicant provide an update to VP9, or signpost to where this information is contained by Deadline 7.</p> <p>(ii) IPs are invited to comment on VP9 photomontages at this stage, and following Deadline 7, to comment further on the accompanying narrative.</p>	The Year1 photograph indicates the extent of the impact which will occur during construction and on completion. The viewpoint plan is at such a small scale it is hard to tell exactly if this VP is exactly at the junction of Barn Lane and Grange Road. Assuming that it is, then the proposed mitigation is a hedgerow, and it is shown in full leaf in summer. It can be assumed that for up to ten years, there will remain the chance that users of Barn Lane will have a view over the top and that even in Year 15 that in winter that the substations will be visible through the hedgerow, as most native hedgerow plants are deciduous. The cumulative views do not show the N2T pylons. The baseline image demonstrates the openness of the current landscape and therefore the loss of this experience to the users of the PRow.	<p>An assessment has been provided alongside the visualisation for Viewpoint 9 Barn Lane - Grange Road [REP6-065]. This recognises that there will be Major (significant) effects at year 1 reducing to Moderate (significant) by year 15, due to the change in character of the view through close proximity views of landscape mitigation. The assessment recognises that there will be visibility through the hedgerow during winter.</p> <p>The Norwich to Tilbury pylons do not appear as they are not visible from this location, due to screening providing by existing vegetation.</p>
REP7-072_f12	<p>Q14.0.16 Tranquillity</p> <p>The ExA notes the Applicant's response to ExQ2 14.0.8 and the updated technical document on special qualities [REP5-038]. Please can IPs including SCC and SCHNLP respond to this update.</p>	See comment in relation to tranquillity at Q14.0.11.	See response to REP7-072_f10 above.
REP7-072_g	<p>Q16.0.3</p> <p>The Statement of Common Ground with Essex CC and Tendring DC [REP5-082] sets out the concerns of the Councils in particular the comments in section 2.9 relating to the commitments to education, training and employment. The Councils also raise points regarding the Harwich Green Energy Hub and the contribution the Proposed Development will make to research and the development of construction, renewable and sustainable sectors. Tourism is also specified as important to the local economy and the Council wish to have a dialogue to ensure contributions to improvement projects.</p> <p>What progress has been made with the Councils in respect of the requirements they have set out in relating to socio-economic and tourism impacts.</p>	<p>Following the discussions with the applicant on 11 July 2025, it is agreed between the parties that the applicant would provide an Addendum to the OSEP, outlining some quantifiable minimum targets of measures committed by the applicant in relation to skills and employment, which could be further elaborated in the final SEP. Additional measures could be further explored during the development of the final SEP with continual dialogue with stakeholders to identify other potential projects within Essex as well as wider geographical area in East of England.</p> <p>In view of the significant shortage of professionals and labour in the relevant industries and the growth agenda within Essex as well as Suffolk, the Councils also requested the applicant to provide more details on the labour forecast by types for the next few years, in addition to those already provided within the OSEP. These are essential for the Councils to assist in workforce development and training as well as to minimise labour competition among other NSIPs and strategic developments. These estimated figures will allow the Councils to strategically plan ahead to allow resources to be appropriately allocated, staggering project timelines to avoid peak demand overlaps and commence early dialogue with local</p>	<p>The Addendum to the Outline Skills and Employment Plan [REP7-057] was submitted at Deadline 7. The Applicant welcomes further comments from interested parties on the Addendum as part of the ongoing consultation and the collaborative development of the SEP, as secured under Requirement 18 of the Draft DCO [REP7-007]. This includes comments from interested parties on, and further development of, the proposals, monitoring, metrics and key performance indicators detailed within Table 2.1 of the Addendum to the Outline Skills and Employment Plan [REP7-057].</p> <p>Within Table 2.1 of the Addendum to the Outline Skills and Employment Plan [REP7-057], the Applicant acknowledges several interested parties' comments regarding workforce and skills projections. These include requests for more detailed, phase-by-phase workforce demand profiles by occupation, using Standard Occupational Classification codes, along with forecasts of timing, skill levels, and indicative geographic sourcing. Interested parties also asked for estimates of the non-local workforce based on supply chain and contractor commitments, as well as assessments of labour mobility and accommodation needs by role type. In response to concerns about workforce competition, the Applicant notes that strategies will be developed in collaboration with interested parties. Further details are not available at this stage of the Project's design development, however, as the Project progresses and more detailed design and procurement data become available, a more granular breakdown of workforce and skills projections will be possible and will be shared with interested parties once known.</p>

REF	QUESTION	RESPONSE FROM ECC AND TDC	APPLICANT'S RESPONSE
		employers, education sectors and skills providers to invest in upskilling and promoting sector growth.	
REP7-072_h	Q17.0.1 Outline Construction Traffic Management Plan (OCTMP) With reference to ECC's Comments on any submissions received at the previous deadline [REP6-081], ECC has proposed the following statement for inclusion in the final CTMP: "The final CTMP will set out the details of how employee vehicles arriving before 7AM will be managed". Could the Applicant confirm whether they accept this statement and propose to include it in the final OCTMP?	ECC has agreed with the Applicant on the additional text to be included in para. 60 of the OCTMP and expects those to be included in their Deadline 7 submission.	Noted.

2.5 Applicants Responses to Essex County Council and Tendring District Councils Comments on any submissions received at the previous deadline - Cover Letter [REP7-073]

Table 2.5 Applicants Responses to Essex County Council and Tendring District Councils Comments on any submissions received at the previous deadline - Cover Letter [REP7-073]

REF	THEME	ECC AND TDC COMMENT	APPLICANT'S RESPONSE
REP7-073_a1	1. Highways 7.13 Outline Code of Construction Practice (Rev 4) (Clean) [REP6-033]	No further comment from highways perspective.	Noted.
REP7-073_a2	1. Highways 9.87 Applicant's Response to Deadline 5 Submissions (Rev 0) [REP6-060]	REP5-090_a2 7.16 OCTMP [REP4-008] - The Councils discussed the working hours and management of employee arrival with the Applicant. ECC is content with the revised wordings. This matter is now closed from highways perspective. TDC remains their views that the construction hours to be reduced for amenity reason as stated in the Statement of Common Ground. REP5-090_a3 9.25 Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 [REP4-027]. The applicant had responded to our previous concerns outlined in the LIR and progress had been made in the previous deadlines to resolve outstanding comments. This matter has been addressed and is considered closed.	Noted.
REP7-073_a3	1. Highways 9.88 Applicant's Comments on Responses to ExQ2 [REP6-061]	With regards to the traffic modelling referred to at REP5-102_b, we requested that the outcomes of this modelling work are shared with ourselves. The Applicant shared this work on 2 July 2025. On the basis of National Highways acceptance, ECC makes no further comment.	Noted.
REP7-073_b1	2. Public Rights of Way REP6-065 9.93 New visualisation (VP9) from Barn Lane - Grange Road Part 1 of 2 (Rev 0), REP6-066 9.93 New visualisation (VP9) from Barn Lane - Grange Road Part 2 of 2 (Rev 0)	Both new visualisations reinforce the previous position that screening will be necessary along the byway.	The Design Vision [REP5-004] highlights proposed landscape proposals to the north of the proposed onshore substation. This includes reinforcement planting along the southern edge of the byway (Barn Lane) and woodland shelter belt planting further to the south.
REP7-073_b2	Public Rights of Way REP6- 036 7.14 Outline Landscape and Ecological Management Strategy (Rev 5) (Tracked)	ECC would like to re-iterate that the reinstatement/enhancement (planting) of natural features should be done so as to avoid obstructing any PROW or creating future maintenance issues from side/overgrowth, which while they remain a landowner responsibility, are nonetheless a drain on PROW Officer time to deal with any obstruction issue.	The Applicant' notes that PROWs will be a consideration during the design of any habitat reinstatement/enhancement, see for example Section 2.5.1 of the Outline Landscape and Ecological Management Strategy [REP7-027] .
REP7-073_b3	Public Rights of Way REP3-024 7.17 Outline Public Rights of Way Management Plan (Rev1) (Tracked)	ECC requests clarity on the proposed wording at 4.1.1 Managed crossings 15 bullet point reads <ul style="list-style-type: none"> Protective measures will be implemented for tracking light vehicles across the PROW, should they be required due to the conditions encountered at the time of use; and Is 'tracking' a reference to putting something down for vehicles to track over, or visual tracking to ensure damage is avoided? 	The term 'Tracking' used in the bullets in Section 4.1.1 of the Outline Public Rights of Way Management Plan [REP3-024] is meant to refer simply to vehicles driving over the ground (not to protective matting itself, or to monitoring of vehicle movements). However, it is noted that the 'protective measures' referred to in the same sentence could include protective matting, if the situation requires it, but this is not proposed to be used as a default, as in some cases if the ground is dry then matting is not necessary or appropriate. The Applicant has discussed this matter with ECC on 17 July 2025, and understands that this response is satisfactory to the ECC PROW team and the point is now resolved.

REF	THEME	ECC AND TDC COMMENT					APPLICANT’S RESPONSE
REP7-073_c	Biodiversity Net Gain	<p>The Councils request the applicant, in line with the mitigation hierarchy, to ensure that a measurable BNG for watercourse units will be achieved post-consent. This was agreed in principle following the discussion with the applicant on the 8 July 2025. It is expected that the hierarchy for securing watercourse units should be set out as follows:</p> <ul style="list-style-type: none">Watercourse units secured within the Order limits.Watercourse units secured off-site within Tendring District or same National Character Area within Essex.Watercourse units secured within the adjacent LPA or adjacent National Character Area, within Essex.Watercourse units secured anywhere within Essex.Watercourse units secured outside of Essex. <p>ECC has set out its position that 10% Biodiversity Net Gain is considered the minimum needed to avoid net loss, as such Essex is requesting 20%. This is supported in the Essex Biodiversity Net Gain Evidence for Need and the Viability Assessment of BNG in Essex Final Report, both are appended.</p> <p>Therefore, it is still expecting that watercourse units should ideally secure a 20% net gain when securing enhancement within Essex.</p> <p>It is noted that habitat units will not achieve a 20% biodiversity net gain, when not considering the enhancements to be secured as part of the cable route, which will be secured for 10-year period. However, a 10% net gain will be achieved for habitat units and a 20% net gain would be achieved if the cable route enhancements were included as part of the calculations. As a result, ECC acknowledges this precautionary approach and does not consider it reasonable to request that a 20% net gain for habitat units should be secured from the onshore substation site, when this will be achieved in principle.</p>					The Applicant discussed outstanding BNG matters with ECC in a call on 8 July 2025, during which the Applicant confirmed that when undertaking the final BNG Assessment required by Requirement 21 of the Draft DCO [REP7-007], with respect to watercourse units, the Applicant would follow the mitigation hierarchy as set out in its response to REP6-081_h in the Applicant's Response to Deadline 6 submissions [REP7-053] when exploring opportunities to achieve a net gain in biodiversity units.
REP7-073_d	Landscape	The Councils still have concerns on the landscape and visual impacts caused by the development and our detailed comments are provided at our responses to Section 14 of ExQ3.					Please refer to the Applicant’s responses to ECC comments on Q14.0.1 through Q14.0.16 in Table 2.4 above.
REP7-073_e1	Green Infrastructure REP6 –036 - 7.14 Outline Landscape and Ecological Management Strategy (Rev 5) (Tracked)	<p>ECC welcome the changes added to the OLEMs. We are pleased to see that the majority of recommendations and edits have been incorporated into sections 2. 6, and 4, particularly regarding refencing the Essex GI Standards and how the OLEMS aligns to the nine GI principles and standards (page 41). ECC welcome the references to the Essex Local Nature Recovery Strategy (LNRS) and the commitment to 30 years of GI management in line with BNG requirements within section 3.5.3 (page 52). The Essex LNRS which is now published and attached as an Appendix.</p> <p>A previous error on page 51, in section 3.9, paragraph 236"Consideration of GI," is still outstanding, the reference to “Place Services" should be replaced with "Essex County Council". Additionally, on Page 60 under section 4 "References," error is still outstanding, it should read “Essex County Council” and not Place Services.</p>					The Applicant corrected the reference for the Essex GI Strategy (from “Places Services, 2020” to “Essex County Council, 2020”) at Deadline 7 in the Outline Landscape and Ecological Management Strategy (Clean) (Rev 6) [REP7-027].
REP7-073_e2	Green Infrastructure REP6 – 060 - 9.87 Applicant's Response to Deadline 5 Submissions (Rev 0)	REF	THEME	ECC TDC COMMENT	APPLICANTS RESPONSE	GI TEAM RESPONSE	Noted.
		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	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	Noted and the updates to the OLEMS to include the financial security and management for the GI assets for the indicative lifetime of the project in line with BNG requirements.	

REF	THEME	ECC AND TDC COMMENT					APPLICANT’S RESPONSE															
				appropriate funding mechanisms are put in place to maintain high quality value and benefits of the GI assets.	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																	
REP7-073_f1	Noise REP6-034 7.13 Outline Code of Construction Practice (Rev 4) (Tracked)	The Councils note that the definition of ‘high impact’ activities referred to in Section 1.3.1 of the OCoCP has been expanded, however, to protect amenity, these should also include noisy/heavy machineries like excavators, cranes, saws, sanders or grinders etc.					The definition of high impact activities in Section 1.3.1 of the OCoCP [REP7-025] is ‘e.g. piling, breaking out, vibratory compaction, use of hydraulic hammer’, and does not include excavators, cranes, saws, sanders, grinders, as these activities fall more typically under the umbrella of general construction activities. The Applicant notes that the definition of ‘high impact’ will be revisited during the development of the final CoCP, secured under Requirement 8 of the Draft DCO [REP7-008], once a Principal Contractor has been appointed, and the noise levels of the plant proposed to be used for each element of the construction works is confirmed.															
REP7-073_f2	Noise REP5-037 9.32 Onshore Substations Operational Noise and the outline noise complaints protocol (Rev 1) (Tracked)	<p>The applicant has not addressed the Councils’ concerns raised at the Issues Specific Hearing (REP4-072) and Deadline 4 (REP4-073) that the protocol lacks a Joint Noise Panel to collectively deal with the potential cumulative noise impacts. The current approach proposed by the applicant is fragmented and down to individual operator to investigate any noise complaints, without considering that there could be a scenario that more than 1 operator(s) may also contribute to the noise issues, and the potential for all operators to act as swiftly as possible once complaint is received. This fragmented approach acts against the concept highlighted in the Co-ordination Report (REP1-005) and affirmed the piecemeal nature of these NSIPs, which have been repeatedly raised as a significant matter by the Councils as well as by the local communities. It is considered that such piecemeal investigation approach is inadequate to address any cumulative operational impacts.</p> <p>As there is no precedent case for collocation of so many substations in such close proximity and that cumulative impacts on the local residents could not be fully anticipated, the Councils strongly maintain the request that any noise complaints during operational stage are addressed by all three developers (Five Estuaries, North Falls & National Grid) concurrently. These projects are collocated and could be responsible for individual or cumulative noise breaches, this is a collective responsibility.</p> <p>While the Councils welcomed the retention of an acoustic consultant following commencement of operation, there is no reason why the overall investigation timeframe could not be shorten as requested. Moreover, it is also important to ensure that any investigation approach should apply to the entire operational period of the substation (with an indicative design life of 30 years), which is far beyond the 18 months as suggested for the retention period.</p> <table><tr><th></th><th>APPLICANTS PROPOSAL</th><th>COUNCILS PROPOSAL</th></tr><tr><td>Initial site walkaround</td><td>2 working days reduced to 48 hours</td><td>48 hours</td></tr><tr><td>Appointment of noise consultant</td><td>10 working days</td><td>5 working days</td></tr><tr><td>Noise measurement</td><td>10 working days</td><td>5 working days</td></tr><tr><td>Reporting to LPA</td><td>15 to 20 working days</td><td>10 working days</td></tr></table> <p>As shown in the above table, the new insertions do not significantly shorten the proposed timeframe for complaints to be investigated, and it is still around 8.5 weeks for a recommended mitigation. This is wholly unacceptable for the length of time that the complainant has to endure the problem. The Councils consider that</p>						APPLICANTS PROPOSAL	COUNCILS PROPOSAL	Initial site walkaround	2 working days reduced to 48 hours	48 hours	Appointment of noise consultant	10 working days	5 working days	Noise measurement	10 working days	5 working days	Reporting to LPA	15 to 20 working days	10 working days	<p>The Applicant refers to its response to Q7.0.2 in the Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054] and the response to Agenda Item 3.4.2 from Issue Specific Hearing 1 detailed in the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036], summarised as follows:</p> <ul style="list-style-type: none">The Onshore substations operational noise and the outline noise complaints protocol [REP3-043] proposes a collective responsibility for complaint investigation via the most practical method available and a Joint Panel would not improve this process.The cumulative operational noise level limits are so low that all evidence suggests complaints regarding normal operations of all the substations simultaneously are extremely unlikely to occur. The substation noise would only exceed these limits if a fault has developed in one or more items of plant. The likelihood that equipment faults have developed in more than one substation simultaneously is extremely low. It is therefore highly unlikely that multiple operators could contribute to a justifiable noise complaint.A complaint investigation would start with all three substation operators undertaking an independent site walkaround to identify any equipment operating incorrectly, within 48 hours of receipt of a complaint i.e. contrary to Essex County Council's comment, the investigations will be undertaken concurrently. It is only in the highly unlikely scenario that the complainant has detected a fault with the plant that the site walkaround could not identify, where the investigations would be undertaken consecutively, starting with the closest substation to the complainant. <p>The Onshore substations operational noise and the outline noise complaints protocol [REP3-043] sets out an outline approach, the purpose of which is to identify the method by which a complaint would be investigated, not to reach agreement on details such as timeframes for the investigation. The timeframes proposed by the Applicant are the expected maximum, based on extensive professional experience, accounting for practicalities such as weather condition requirements, availability of qualified individuals and equipment, and arranging access to the substation and amenity area of a residential dwelling. Nevertheless, the discharging authority will have the opportunity to review details such as timeframes in the final noise complaints protocol which will be submitted for their approval post-DCO consent.</p> <p>The proposed period for retention of an acoustic consultant is limited to 18-months because this is the maximum allowed timeframe from commissioning before the Applicant is required to transfer ownership to a holder of a transmission licence (an Offshore Transmission Owner (OFTO)) under The Electricity Act 1989. This does not imply that there will be no retained consultant after this period, only that the OFTO is likely to require that a different consultant is appointed.</p>
	APPLICANTS PROPOSAL	COUNCILS PROPOSAL																				
Initial site walkaround	2 working days reduced to 48 hours	48 hours																				
Appointment of noise consultant	10 working days	5 working days																				
Noise measurement	10 working days	5 working days																				
Reporting to LPA	15 to 20 working days	10 working days																				

REF	THEME	ECC AND TDC COMMENT	APPLICANT'S RESPONSE
		the timeframe must be reduced to ensure complaints are dealt with in an expedient manner.	
REP7-073_g	Emergency Planning	<p>In response to ExQ2 Q11.0.3, TDC's Emergency Planning considers that the proposed measures not adequate and has the following comments. These comments have been provided to the Applicant, for their inclusion into the OCoCP at Deadline 7.</p> <ul style="list-style-type: none"> 1.8.2 Flood Warning and Evacuation Plan (FWEP) Para. 139: The Councils recommend that the Principal Contractor not only monitors but also registers with both the Met Office to receive severe weather warnings and the Environment Agency (EA) to receive EA Flood Alerts and Warnings. The Councils recommend the Principal Contractor monitor EA Tide Tables, for an early indication of spring tide periods and the predicted tidal heights meters above Ordnance Datum Newlyn (mODN). These are not local navigation tide tables. Para. 140: The Councils recommend that the FWEP clearly states the actions to be taken on receipt of each level of warning. Para. 141: The FWEP should clearly state that alerts and warnings may not be issued in ascending order. A severe flood warning may be the first one received. Para. 142: The Councils request that the FWEP reinforces that at no time should anyone enter flood water on foot or in a vehicle. Para. 154: The Councils expect to see Emergency Services and HM Coastguard included in the list of important contacts in the FWEP. The basic strategies for protecting properties and moving assets to safety should include Recovery – when it is safe to turn systems on again. The Councils also request that the safe access and egress routes are clearly illustrated on maps. 	The Applicant has discussed this matter with ECC, and incorporated the recommendation on emergency planning into Section 1.8.2 of the OCoCP submitted at Deadline 7 [REP7-025] .
REP7-073_h	Tourism	<p>Following discussions with the applicant on 11 July 2025, the Councils maintain their position as outlined in REP6-081 that a tourism contribution will be required towards but not limited to the following:</p> <ul style="list-style-type: none"> provision of signage provision and/or improvement to coastal path and/or heritage trail Tourism Monitoring and Recovery Plan (to include a baseline of tourism performance prior to construction works, and to have continued monitoring of impacts on tourism related traders, as well as compensation or mitigation measures if required) Tourism marketing campaign <p>It is disappointing that the applicant has not agreed to secure such a contribution despite the continual discussions within the last 6 months. This is likely to remain to be a matter not being agreed by the parties before close of examination.</p>	As noted in the Applicant's Response to Deadline 6 Submissions (specifically the response to REP6-081_o) [REP7-053] , the Applicant's position is that no additional tourism mitigation measures are necessary as a result of the assessment (ES Chapter 32 Tourism and Recreation [APP-046]) identifying no significant tourism effects. While Tendring District Council (TDC) suggested monitoring tourism impacts, the Applicant has highlighted that meaningful monitoring would require complex, long-term studies carried out pre-, during and post-construction. One-off surveys are considered unreliable due to potential bias and lack of control methods. Since there is no evidence contradicting the ES conclusion of no significant effects, the Applicant has not proposed further tourism-related mitigation or compensation.
REP7-073_i	Skills and Employment	<p>The Councils strongly maintain their position as outlined in REP6-081.</p> <p>Following the discussions on 11 July 2025, it is agreed between the parties that the applicant would provide an Addendum to the Outline Skills and Employment Plan (SEP), outlining some quantifiable minimum targets of measures committed by the applicant in relation to skills and employment, which could be further elaborated in the final SEP. Additional measures could be further explored during the development of the final SEP with continual dialogue with stakeholders to identify other potential projects within Essex as well as wider geographical area in East of England.</p> <p>In view of the significant shortage of professionals and labour in the relevant industries and the growth agenda within Essex as well as Suffolk, the Councils also requested the applicant to provide more details on the labour forecast by types for the next few years, in addition to those already provided within the Outline SEP. These are essential for the Councils to immediately assist in workforce development and training as well as to minimise labour competition among other NSIPs and strategic developments. These estimated figures will also allow the Councils to strategically plan ahead to allow resources to be appropriately allocated, staggering project timelines to avoid peak demand overlaps and</p>	The Addendum to the Outline Skills and Employment Plan [REP7-057] was submitted at Deadline 7. The Applicant invites further feedback from stakeholders during the development of the final SEP, secured under Requirement 18 of the Draft DCO [REP7-007] . Comments in the Addendum and any comments received after the close of the Examination will be regularly reviewed. While workforce and skills information is included in Section 6 of the OSEP, detailed data, especially regarding procurement and labour forecasts, is not yet available. This level of detail would be developed during the Project's detailed design post DCO consent, and will be shared with interested parties once available, and used to inform the final SEP.

REF	THEME	ECC AND TDC COMMENT		APPLICANT'S RESPONSE
		commence early dialogue with local employers, education sectors and skills providers to invest in upskilling and promoting sector growth.		
REP7-073_j1	Legal/dDCO Requirement 15	PROVISION	ECC'S COMMENTS	<p>The Applicant refers to the Applicant's Response to the ExA's Proposed Schedule of Changes to the dDCO [REP7-056].</p> <p>The Applicant updated the draft DCO at Deadline 7 to include the amendment to Requirement 15(3) (see [REP7-007] and [REP7-008]).</p> <p>The Applicant does not propose to include a timetable for implementation within the outline groundwater monitoring plan or the drafting of the requirement for the reasons outlined above in response to item REP7-072_c2 above.</p>
		<p>ECC's suggested amendments as set out in bold:</p> <p>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.</p>	<p>The proposed amendment provides clarity that the plan is such that as approved under this provision, and that the obligation is to be implemented in line with the approval.</p> <p>This is also precedented in the Five Estuaries draft DCO.</p> <p>ECC would also expect a timetable to be provided within the Groundwater Monitoring Plan.</p>	
REP7-073_j2	Legal/dDCO Requirement 17(2)	PROVISION	ECC'S COMMENTS	<p>The Applicant refers to its response to Q9.1.4 in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] and to item REP7-072_c4 above.</p>
		<p>Amendment for requirement to read:</p> <p>(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.</p>	<p>The requested amendment requires the applicant to consult and agree with Five Estuaries and National Grid a noise investigation protocol, as this was not included in the NF dDCO.</p> <p>This provision is necessary to minimise the impact of multiple NSIPs on residents by having a consistent noise investigation protocol to be agreed by NF, VE and NG.</p>	
REP7-073_j3	Legal/dDCO Framework Highway Agreement	<p>ECC has previously outlined the reason and the necessity to have a FHA secured in place in our Local Impact Report (REP1-065) as well as during the Issues Specific Hearing in April 2025. It is understood that the applicant has entered into dialogue with ECC and Five Estuaries.</p> <p>At the meeting on 14 July 2025, the applicants of both North Falls and Five Estuaries advised ECC that a side agreement could be agreed. However, given the tight timeframe of examination, it is acknowledged that a legal agreement could not be agreed at this stage. The applicant is proposing to secure some form of agreement by inserting text into the OCTMP, which the Highway Authority can agree in principle, subject to the exact wordings to be agreed and submitted at Deadline 8.</p>		<p>The Applicant, ECC and Five Estuaries have continued to engage on this point since Deadline 7. The Applicant prepared draft text to insert into the OCTMP as noted by ECC and circulated an updated version of that text incorporating comments from Five Estuaries and ECC for review on 22 July 2025 and received comments from ECC on 23 July 2025.</p> <p>The parties have agreed to the updated text and the Applicant has updated the OCTMP submitted at Deadline 8 to reflect this [Document ref: 7.16, (rev 5)].</p>
REP7-073_j4	Legal/dDCO Requirement 21	<p>Both Councils note that, on 11 July 2025, the Secretary of State has invited comments on an amended BNG condition within the Five Estuaries DCO. As the two projects are of similar nature and in close proximity, the Councils request the same wording to also apply to North Falls DCO:</p> <p>(1) <i>No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) may commence until—</i></p> <p>(a) <i>a biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising the Onshore Biodiversity Net Gain Indicative Design Stage Report has been approved in writing by the relevant planning authority in consultation with Natural England; and</i></p> <p>(b) <i>at least 10% of the total number of biodiversity units as required for that stage of the development (calculated using a biodiversity metric 7</i></p>		<p>The Applicant does not propose to update the draft DCO to incorporate these amendments to Requirement 21.</p> <p>The Applicant submits that proposed requirement is not appropriate for the Project because the structure of the Requirement and obligations within it conflict with the way in which the Applicant proposes to build out the Project.</p> <p>The Applicant notes that its BNG delivery approach (as set out in the Biodiversity Net Gain Strategy [REP3-027]) intends to maximise BNG delivery at the onshore substation site through the Project's landscape mitigation and ecological enhancement works. These works are set out in the Outline Landscape and Ecological Management Strategy [REP 7-027] and secured by Requirement 7 of the draft DCO [REP7-007].</p> <p>The design and delivery of landscaping mitigation and ecological enhancement at the onshore substation site will have a material impact on the BNG metric and needs to be considered in the context of the wider Project rather than in discrete stages.</p>

REF	THEME	ECC AND TDC COMMENT	APPLICANT'S RESPONSE
		<p><i>approved by the relevant planning authority in consultation with Natural England) have been secured and where appropriate proof of purchase provided in accordance with the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority in consultation with Natural England.</i></p> <p>(2) <i>The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in the Onshore Biodiversity Net Gain Indicative Design Stage Report, with priority given to areas inside the proposed Order limits, or within Tendring District or same National Character Area within Essex.</i></p> <p>(3) <i>The biodiversity net gain strategy for each relevant stage must be implemented as approved.</i></p> <p>(4) <i>Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</i></p> <p>(5) <i>Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.</i></p>	<p>However, the Applicant notes that the final design of these works (and, therefore, the final calculations as to what percentage of BNG units can be delivered at the onshore substation site in accordance with the final BNG Assessment Report) is not currently finalised. Accordingly, the Applicant is not able, at this stage of the Project's development, to commit to the specific percentages of biodiversity units being secured for specific stages of construction as set out in the proposed requirement.</p> <p>In that context, the Applicant submits that it would not be appropriate or reasonable to adopt the proposed amendments.</p> <p>This current drafting of Requirement 21 (see draft DCO [REP7-007]) requires that Works No. 11 and Works No. 12 (which comprise the onshore substation works) must not be commenced until a biodiversity net gain assessment (which must accord with the outline biodiversity net gain strategy) in relation to that stage has been submitted to and approved by the discharging authority in consultation with the relevant SNCB.</p> <p>This drafting accords with the approach taken by the Secretary of State in respect of the Hornsea Four Offshore Wind Farm Order 2023 (see Requirement 6).² In that project, the delivery of BNG was also focused on the onshore substation area as set out in the Outline Net Gain Strategy³ and accepted by the ExA and Secretary of State.⁴</p>
REP7-073_j5	Legal/dDCO Grampian Condition	<p>The Councils maintain the position set out in ExQ2 that the legal test for a Grampian condition is met, i.e. it is reasonable, necessary, relevant to planning, related to the development, precise and enforceable.</p> <p>In terms of being precise, it is noted that "onshore site preparation works" is currently defined on page 12 of the latest dDCO. The onshore site preparation works would not trigger the commencement of the development, if consented. While there is no objection to conduct some of the preparatory works such as archaeological investigations, intrusive and other environmental surveys, ground conditions investigations, other works such as vegetation clearance/preparatory works to divert and laying of services/creation of temp. hardstanding/temporary means of access would have powerful impacts on the locality should the EACN (as part of the Norwich to Tilbury DCO) is not consented.</p> <p>In order to prevent unnecessary detrimental localised impacts associated with the onshore site preparation works, the following revised wordings are proposed for the Grampian condition:</p> <p><i>No part of the</i></p> <p>(a) <i>onshore site preparation works except for operations consisting of pre-planting of landscaping works, ecological mitigation works, archaeological investigations, intrusive and other environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, and the temporary display of site notices or advertisements may take place; and</i></p> <p>(b) <i>authorised development may commence,</i></p> <p><i>until evidence of development consent being granted for National Grid's East Anglian Connection Node substation which will connect the North Falls development to the grid.</i></p>	<p>The Applicant acknowledges the inclusion of proposed sub-paragraph (a) but submits that the proposed amendments to the text do not actually change the effect of the Grampian condition from what was put forward previously. Sub-paragraph (b) still refers to the whole authorised development such that, properly construed, the requirement states that no part of the authorised development may commence until evidence of development consent for the EACN substation is provided. The Applicant submits that sub-paragraph (b) recaptures all of the exceptions set out in sub-paragraph (a).</p> <p>The Applicant maintains its position that a proposed Grampian condition which prohibits construction of the Project until development consent is granted for the EACN fails the relevant legal tests for a Requirement because it is not necessary and is unreasonable for the reasons given in its response to item 3.1.32 (Draft Development Consent Order (draft DCO)) in the Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] and its responses to Q9.1.13(ii), (iv), (v) and (vi) in the Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054].</p> <p>The Applicant would also oppose a Grampian condition that stated that no part of the authorised development bar the exceptions identified in sub-paragraph (a) may commence until evidence that development consent is granted for the EACN for broadly the same reasons. The Applicant notes that under the revised Grampian condition, it would not be able to commence construction of the offshore elements of the Project prior to EACN development consent approval. The Applicant refers to its response to Q9.1.5(ix) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] which explains the delays to construction and delivery and increase in the level of risk for commercial decisions which would arise from this restriction in addition to an increase in the level of risk for commercial decisions for the Applicant.</p>

² PINS, The Hornsea Four Offshore Wind Farm Order 2023. (Available at: [this link](#); Accessed on: 22 July 2025).

³ Royal HaskoningDHV and Orsted, *Hornsea Project Four: Environmental Statement – Volume F2.16: Outline Net Gain Strategy* (September 2021). [Accessible at: [this link](#); Accessed on 22 July 2025].

⁴ Department for Energy Security and Net Zero, *Planning Act 2008: Application for Development Consent for the Hornsea Project Four Offshore Wind Farm* (12 July 2023), paragraphs 4.161 and 4.165. [Accessible at: [this link](#); Accessed on: 22 July 2025].

2.6 Applicants Responses to London Gateway Port Limited Responses to ExQ3 [REP7-077]

Table 2.6 Applicants Responses to London Gateway Port Limited Responses to ExQ3 [REP7-077]

REF	QUESTION	RESPONSE FROM LGPL	APPLICANT'S RESPONSE
REP7-077_a	<p>Q9.2.2 Schedule 9 – Condition 22(1)</p> <p>With reference to the draft DCO [REP5-009], Schedule 9, condition [22(1)] states: (1) The licensed activities for each stage of construction of the authorised development must not commence until the following (insofar as relevant to that activity or stage of activity) has been submitted to and approved in writing by the MMO, in consultation with, where relevant, Trinity House, the MCA, UK Hydrographic Office and, relevant SNCB and (in relation to the cable specification and installation plan, the navigation and installation plan and the sediment disposal management plan (under sub-paragraphs (h), (n) and (o)) only) the local harbour authorities—</p> <p>Could HHA and LGPL confirm whether they are content with the Applicant's proposed changes in bold above? If you are not content, could you propose alternative wording?</p>	<p>LGPL's position remains that it should have a right to approve the final forms of the CSIP, NIP and SDMP prior to submission to the MMO. Although the Applicant's wording is to be welcomed in so far as it now recognises a formal right for harbour authorities to be consulted on those plans, that does not amount to a right of approval.</p> <p>However, if, as the ExA, now proposes, the Protective Provisions (PPs) are included for the benefit of LGPL, that will include a right to approve the CSIP (and LGPL submits should also include a right to approve the other 2 plans) prior to its (their) submission to the MMO [See LGPL's 'Comments on Documents Submitted at Deadline 6' also submitted at Deadline 7]. In such case, the point will be dealt with there. Where there has been such agreement to the plans, the consultation stage set out in this condition can be satisfied by the parties merely confirming to the MMO that agreement.</p> <p>If the PPs are not included, then LGPL maintains it should have a right to approve the plans within this condition – the simplest way to achieve this in the drafting would be:</p> <p><i>"The licensed activities for each stage of construction of the authorised development must not commence until the following (insofar as relevant to that activity or stage of activity) has been submitted to and approved in writing by the MMO, in consultation with, where relevant, Trinity House, the MCA, UK Hydrographic Office, relevant SNCB and (in relation to the cable specification and installation plan, the navigation and installation plan and the sediment disposal management plan (under sub-paragraphs (h), (n) and (o)) only) the local harbour authorities—</i></p> <p>...</p> <p><i>(h) a cable specification and installation plan for the relevant stage, in accordance with the outline cable specification and installation plan and agreed with the local harbour authorities, to include—</i></p> <p>...</p> <p><i>(n) a navigation and installation plan for the relevant stage which accords with the principles set out in the outline navigation and installation plan and which has been agreed with the local harbour authorities; and</i></p> <p><i>(o) a sediment disposal management plan for the relevant stage which accords with the principles set out in the outline sediment disposal management plan and which has been agreed with the local harbour authorities."</i></p> <p>LGPL notes that the MMO supports such a right of approval for the harbour authorities – see para 7.1 of REP6-083.</p>	<p>To protect LGPL's interests the Applicant has incorporated appropriate controls in the dDCO and DMLs, including that the local harbour authorities (including LGPL) must be consulted by the MMO in respect the relevant plans (CSIP, NIP, SDMP), meaning MMO will need to consult, and receive input from LGPL, prior to the final approval of the relevant plans relating to activities that may impact LGPL.</p> <p>The above, taken together with the controls within the relevant outline mitigation plans (oNIP, oCSIP, and oSDMP), which the final mitigation plans must accord with, ensures points of concerns of the LGPL in respect of short-term, and long- term impacts have been addressed.</p> <p>It would not be appropriate to have LGPL be the approver of the relevant plans, as it is not the regulator of marine activities. The MMO which is the regulator of marine activities must approve the final plans as they are part of the control mechanisms ensuring the works carried out are within the scope of the licensed activities.</p>
REP7-077_b	<p>Q9.2.3 Schedule 9 – Condition 23(4)</p> <p>With reference to the draft DCO [REP5-009], Schedule 9, condition 23(4) states: "(4) 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 (provided that the MMO has consulted with any party that it was required to consult with in relation to a relevant plan, protocol, statement, scheme or details pursuant to condition 22)</p> <p>Could HHA and LGPL confirm whether they are content with the Applicant's proposed changes in bold above? If you are not content, could you propose alternative wording?</p>	<p>LGPL would propose one drafting amendment:</p> <p><i>"(4) 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 (provided that <u>before giving any such agreement the MMO has consulted must consult with any party that it was required to consult with, or who would have given a prior approval</u>, in relation to a relevant plan, protocol, statement, scheme or details pursuant to condition 22)"</i></p> <p>LGPL does not consider it needs to approve all subsequent changes to the various plans or waivers which may be in relation to matters that have no impact on LGPL – LGPL would not wish to make the process unnecessarily burdensome on the Applicant. Provided LGPL is consulted on any change or waiver, LGPL has confidence that the MMO would not proceed to permit a waiver to a material matter in a plan previously agreed by LGPL contrary to LGPL's reasonable concerns. LGPL is therefore content with a right only to be consulted by the MMO on waivers at this stage of the process.</p>	<p>As it is not appropriate that LGPL approve the relevant plans, this drafting amendment is not appropriate – see response above REP7-077_a</p> <p>The Applicant notes the LGPL's point relating to only being consulted on changes to the plans which are waiving (removing agreed commitments). However, whether a change is a 'waiver' of a commitment will necessarily require technical consideration of the change. As such, the Applicant suggests that the drafting should remain the same so that the MMO must consult LGPL on all changes, and at that time LGPL can decide whether the change is a 'waiver' and whether it will engage in consultation.</p>
REP7-077_c	<p>Q9.3.1 Protective Provisions</p>	<p>LGPL has not been able to agree a form of the PPs with the Applicant. The Applicant's representatives have explained that the Applicant's position remains that</p>	<p>The Applicant has considered the version of the PPs included in the draft DCO at Deadline 3 as amended by LGPL [REP7-079]. The Applicant's notes that the PPs previously proposed as</p>

REF	QUESTION	RESPONSE FROM LGPL	APPLICANT'S RESPONSE
	With respect to negotiating Protective Provisions, advise on what the current position is with respect to agreeing a set of Protective Provisions in your favour with the Applicant. Where there is disagreement with the Applicant explain why that is the case and where any disagreement relates to matters of detailed drafting submit the version of your preferred text.	they continue to fundamentally disagree with the need for PPs for the Ports in the DCO, and for the need for the Ports to have a right of approval in respect of the plans. The Applicant has therefore declined to meet to discuss the form of the PPs. However, in light of the ExA's position in [PD-019], the Applicant has indicated that if LGPL has any comments on the drafting of the protective provisions previously included in the draft DCO [REP3-008] the Applicant will consider them, without prejudice to the Applicant's position. We have now set out in full LGPL's requested amendments to the Protective Provisions in the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 and LGPL hopes the Applicant will consider those amendments accordingly and respond swiftly.	amended by LGPL requires that the LGPL approve the relevant plans before the Applicant submit to the MMO for approval under condition 22 of Schedule 9 of the dDCO. For the reasons given above (REP7-077_a) this is not appropriate. The Applicant has provided, on a without prejudice basis, PPs for LGPL at Deadline 7 [REP7-059] . This sees that the Applicant must consult the LGPL and consider requests for changes before submitting the plans for approval, in addition to notifying LGPL in the event of a transfer of benefit under article 5 of the dDCO [REP7-007] and that the Applicant provide the as-built details of the relevant cable works. The Applicant's position in respect of PPs remains as set out in Applicant's Response to the Ports' Request For Protective Provisions [REP4-044].
REP7-077_d	Q15.0.4 Contingency plans for crossing the port channels with the cable burial tool With reference to the applicant's response [REP5-054] to Q7.04 (ii), the applicant states "the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days." Further, the applicant's response [REP-054, Q16.06 part (ii)] provides information on if burial tools cannot achieve the required depth on their own. In the event that the expected time for crossing the port channels with the cable burial tool could take longer than 2 days, what contingency plans would need to be in place and have these been agreed with the Maritime and Coastguard Agency, the London Gateway Port Limited (LGPL), Port of London Authority (PLA) and Harwich Harbour Authority (HHA)?	No contingency plans have been agreed with LGPL. LGPL remains concerned regarding the lack of detail in the outline NIP [REP6-039] and, in particular, the lack of any principles in that document regarding minimising impacts on access to the London ports. LGPL cannot accept a period of 1.5 days (or possibly more) of blockage of either of the Sunk or Trinity DWRs. The Sunk and Trinity DWRs are not substitutes for each other – the Sunk DWR can accommodate vessels with a deeper draft than the Trinity DWR can. It should be noted too that there are a number of cables to be laid – LGPL understands that there will need to be 4 crossings. Please see further the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 London Gateway Port Limited.	The Applicant has provided their response to this same question in their D7 response to ExQ3 [REP7-051] . As stated there, the contingency plans will be discussed as further design activities are carried out to understand the best method of installation. Different methods have been captured within the Environmental Impact Assessment, including dredging. The final selected method will be discussed in the HAZOP prior to commencement of the works, as described in the Outline Navigation and Installation Plan (oNIP) (Document Reference 7.24, Rev 4). Further to this, the oNIP has been updated at Deadline 8 to formalise the ongoing communication between the Applicant and Interested Parties (including LGPL) required throughout the design phase. This ensures that discussions will take place while the final design is developing, the proposed dredging activities of the DWRs and the required operational windows of vessels entering the channels become known so that the Applicant can work out when cable lay will need to occur in certain areas; for some areas such as the Sunk Pilotage this may be at low tide, while the channel crossings will need to be at a specific times to maximise vessel transits through the tidal Thames estuary. The LGPL's understanding in respect of crossings is correct. The Project has committed to a maximum of 2 cable circuits in Chapter 5 Project Description [APP-019] . Due to the makeup of offshore HVAC cables, this will result in two offshore export cables. This means there will be 4 crossings, two crossings of the Sunk DW and two crossings of the Trinity DW.
REP7-077_e	Q15.0.5 Crossing the port channels with the cable burial tool With reference to the applicant's response [REP5-054] to Q7.04 (ii), the applicant states: " <i>With regards to the PLA comments, it should be noted that there are two deep water routes (Sunk and Trinity) into the London ports. The Outline Navigation and Installation Plan (oNIP) [REP4 011/012] prevents concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports. Further to this, the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days. Therefore, the potential socio-economic impacts on the London ports have been minimised as one route would always be open. The access routes are being discussed in ongoing meetings with the ports and the tables in the oNIP will be updated at Deadline 6.</i> " (i) Please advise if you agree with the Applicant's proposal to prevent concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports? Further, the applicant's response [REP-054, Q16.06 part (ii)] provides information on if burial tools cannot achieve the required depth on their own. (ii) In the event that the expected time for crossing the port channels with the cable burial tool could take longer than 2 days, what contingency plans would need to be in place?	Please see the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 London Gateway Port Limited.	Noted.

2.7 Applicants Responses to London Gateway Port Limited Comments on the ExA's schedule of changes to the dDCO [REP7-078]

Table 2.7 Applicants Responses to London Gateway Port Limited Comments on the ExA's schedule of changes to the dDCO [REP7-078]

REF	ARTICLE	EXA'S PROPOSED CHANGES	LGPL COMMENT	APPLICANT'S RESPONSE
REP7-078_a	Requirement 2(3)	<p>“(3) Any part of Work No. 3 and any associated development the authorised development located within the following areas 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 or impede dredging:</p> <p>(a) of the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer, to a level of 22 metres below Chart Datum;</p> <p>(b) of the area shown shaded in pink and labelled Trinity – Trinity DW Buffer, to a level of 22 metres below Chart Datum; and</p> <p>(c) to the area shown cross hatched purple and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum.</p>	LGPL supports these changes which were requested in [REP5 097] for the reasons set out there. The reference to wet storage in (4) is additional to LGPL's request but LGPL supports its inclusion further to the representations by the PLA. It would be contrary to the intention and purpose of the DWRs to permit wet storage there.	The change to sub-paragraph (3) was implemented at Deadline 7 [REP7-007].
REP7-078_b	Schedule 9 – Part 1 (1)	"Areas of Interest" means any part of those areas shown shaded orange, pink or hatched purple on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan;	LGPL agrees with the ExA's position. LGPL notes that this definition could also be used in other parts of the DML, but expects the Applicant will make the necessary changes accordingly.	This was implemented at Deadline 7 [REP7-007].
REP7-078_c	Schedule 9 – Part 2, Condition 10	<p>New Requirement (as proposed to be amended for Schedule 2 Requirement 2 (3)) should be included in the DML Schedule 9 at condition 10 as sub-paragraphs (4) and (5).</p> <p>“(4) Any part of the authorised development located within the following areas 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 or impede dredging: (a) of the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer, to a level of 22 metres below Chart Datum; (b) of the area shown shaded in pink and labelled Trinity – Trinity DW Buffer, to a level of 22 metres below Chart Datum; and (c) to the area shown cross hatched purple and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum. (5) 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 (4).”</p>	LGPL agrees with the ExA's position.	<p>In respect of sub-paragraph (4), it is not necessary to include as a condition of the DMLs what is already a Requirement in the DCO.</p> <p>For sub-paragraph (5), the Applicant may not carry out wet storage or relocate boulders or archaeological finds to or within these areas as a result of the oCSIP (Document Reference 9.53, Rev 4), which is secured by Condition 22(1)(h) of the DML in Schedule 9. It is not necessary to duplicate the same measure of control in two places.</p>
REP7-078_d	Schedule 9 – Part 2 Condition 13(3)	“(3) In undertaking activities under paragraphs (2)(a), (2)(d) , (2)(e) and (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.”	LGPL agrees with the ExA's position	This drafting is included in the dDCO [REP7-007], since Deadline 6.
REP7-078_e	Schedule 9 – Part 2 Condition 13(4)	13 (4) An operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan shall be submitted to the MMO for approval in consultation with the relevant SNCB, the MCA and the PLA at least six months prior to the commencement of operations. All operation and maintenance activities shall be carried out in accordance with the approved operations and maintenance plan and the approved cable specification and installation plan.	LGPL agrees with the ExA's position, however, LGPL suggests that the reference to “and the PLA” is changed to refer to “and the local harbour authorities” so that LGPL is also informed.	The Applicant has updated the draft DCO at Deadline 7 to include consultation of local harbour authorities in respect of the Operations and Maintenance Plan to the extent it relates to the relevant Deep Water Route (DWR) areas (now referred to as 'Areas of Interest') [REP7-007].

REF	ARTICLE	EXA'S PROPOSED CHANGES	LGPL COMMENT	APPLICANT'S RESPONSE
REP7-078_f	Schedule 9 – Part 2 Condition 17(2)	(2) The undertaker must during the period from the start of construction of the authorised development to completion of decommissioning of the authorised development seaward of MHWS keep Trinity House, and the MMO and the PLA informed in writing of progress of the authorised development seaward of MHWS including the following—...	LGPL agrees with the ExA's position, however, LGPL suggests that the reference to “and the PLA” is changed to refer to “and the local harbour authorities” so that LGPL is also informed.	The dDCO has been updated at Deadline 7 [REP7-007] so that the relevant Condition 17 of Schedule 9 requires keeping the LGPL (as one of the local harbour authorities) informed to the extent development relates to the DWR areas (referred to as the ‘Areas of Interest’).
REP7-078_g	Schedule 9 – Part 2 Condition 22(1)(a)(iii)	(iii) the length, depth and arrangement of cables comprising Work Nos. 2, 3 and 4A; including cable crossings;	LGPL agrees with the ExA's position	These amendments are not necessary. The depth of the cables will be determined post consent via the cable burial risk assessment (CBRA). The cable crossings are covered in the oCSIP (Document Reference 9.54, Rev 4), secured in DML under Condition 22 [REP7-007] .
REP7-078_h	Schedule 9 – Part 2 Condition 22(1)(h)(ii)-(v)	<p>(ii) a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum (excluding the 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) and, in the event that any area of cable protection exceeding 5% of navigable depth is identified (in areas other than those shown shaded orange, pink or hatched purple on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan), details of any steps (to be determined following consultation with the MCA 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;</p> <p>(ii) a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment demonstrating compliance with condition 10(4);</p> <p>(iii) proposals for the volume and areas of cable protection to be used for each cable crossing, and proposals for timing and methodology for reporting on actual volumes and areas post construction; and</p> <p>(iii) a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum (excluding the 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) and, in the event that any area of cable protection exceeding 5% of navigable depth is identified (in areas other than those shown shaded orange, pink or hatched purple on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan), details of any steps (to be determined following consultation with the MCA 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;</p> <p>(iv) proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised</p>	LGPL agrees with the ExA's position.	<p>The suggested changes (including those to 22(1)(a)(iii) referred to above) are not considered to be necessary for the following reasons: -</p> <ul style="list-style-type: none"> - The oCSIP (updated again at Deadline 8, (Document Reference 9.53, Rev 4)), which the final CSIP must accord with under Condition 22(1)(h), makes clear that details of cable crossings will be set out in the CSIP; and - Depth of the cable will necessarily be informed by the post-consent Cable Burial Risk Assessment (CBRA). <p>In respect (iv), the request for ‘depth’ of cable protection, and ‘actual depths’ of cable are both contained within the CSIP. In any case, the cable cannot 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), and must be in accordance with the design parameters under condition 10 as a result of that condition 10.</p>

REF	ARTICLE	EXA'S PROPOSED CHANGES	LGPL COMMENT	APPLICANT'S RESPONSE
		<p>development which includes a risk based approach to the management of unburied or shallow buried cables;</p> <p>(iv) 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 actual volumes, actual depths and areas post construction; and</p> <p>(v) proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised development which includes a risk based approach to the management of unburied or shallow buried cables;</p>		
REP7-078_i	Schedule 9 – Part 2 Condition 22(1)(n)	(n) a navigation and installation plan for the relevant stage which accords is substantially in accordance with the principles set out in the outline navigation and installation plan; and	LGPL agrees with the ExA's position.	The Applicant updated the draft DCO at Deadline 7 to include these amendments (see [REP7-007]).
REP7-078_j	Schedule 9 – Part 2 New Condition 30	<p>Pre-construction, Construction and Post-construction monitoring and the local harbour authorities</p> <p>(1) The undertaker must consult the local harbour authorities on the proposed activities and programme for any preconstruction monitoring, construction monitoring, postconstruction monitoring and related reporting within the Areas of Interest no less than 20 business days before such survey work is programmed to commence. The undertaker must have regard to any request made by the local harbour authorities for reasonable amendment to the proposed activities or programme, which request must be made to the undertaker within 5 business days of receipt of the details of the proposed activities and programme.</p> <p>(2) The undertaker must notify the local harbour authorities of the final planned programme for any pre-construction monitoring, construction monitoring, postconstruction monitoring within the Areas of Interest no less than 5 business days before such survey work is programmed to begin.</p> <p>(3) The undertaker must consult the local harbour authorities on any application for marine licensing for the clearance of unexploded ordnance within or which may affect the Areas of Interest before such applications are submitted to the MMO. The undertaker must have regard to any request made by the PLA for reasonable amendment to the proposed application, which request must be made to the undertaker within 10 business days of receipt of the details of the proposed application.</p> <p>(4) The undertaker must notify the local harbour authorities of the final programme for any clearance of unexploded ordnance to be undertaken within the Areas of Interest no less than 20 business days before such disposal is programmed to begin.</p>	LGPL agrees with the ExA's position.	The Applicant updated the draft DCO at Deadline 7 [REP7-007] with new condition 37 (to fit the DML provision numbering).
REP7-078_k	Schedule 9 – Part 2 New Condition 36	<p>Remediation</p> <p>(1) Where, following the installation or maintenance of cables forming Work No. 3, located within the following areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan</p>	LGPL agrees with the ExA's position.	<p>As the dDCO and relevant DML of Schedule 9 each limit the cable works and maintenance in respect of the DWR / 'Areas of Interest', a failure to adhere to such would require that the undertaker remediate the cable works to not be in breach of the licence or the DCO (committing a criminal offence).</p> <p>As such, this new condition is unnecessary.</p>

REF	ARTICLE	EXA'S PROPOSED CHANGES	LGPL COMMENT	APPLICANT'S RESPONSE
		<p>(a) the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer;</p> <p>(b) the area shown shaded in pink and labelled Trinity – Trinity DW Buffer;</p> <p>(c) the area shown cross hatched purple and labelled Sunk B – Sunk DW Buffer; it is identified by the undertaker (who shall notify the MMO and the local harbour authorities as soon as reasonably practicable of this fact and in any event within 2 business days) or, following inspection by a local harbour authority (and the same is notified to the undertaker as soon as reasonably practicable), that the level of any cable is such that the condition 10(4) has not been achieved or at any time following installation or maintenance the cable has moved such that the requirements of condition 10(4) are no longer being achieved, then, unless otherwise agreed in writing with the MMO and the local harbour authorities, the undertaker is required to carry out remediation works as specified in the cable specification and installation plan subject to subject to sub paragraph (2) below.</p> <p>(2) Unless otherwise agreed in writing with the MMO and the local harbour authorities, the undertaker will carry out the following arrangements for the carrying out the remediation works:</p> <p>(a) the undertaker will re-bury the cable to the required specification to achieve the requirements of condition 10(4); and</p> <p>(b) following the completion of the works in sub-paragraph (2)(a), if it is identified by the undertaker or the local harbour authorities (following inspection) that the required specification is not achieved, then the undertaker will remove the cable without unreasonable delay and thereafter relay a new cable pursuant to an updated cable specification and installation plan approved by the MMO and the local harbour authorities which updated cable specification and installation plan specifically identifies and addresses why the previous cable burial was not successful, how that has been addressed and what measures are to be used in relaying the cable to prevent the failure reoccurring.</p> <p>(3) The steps in this paragraph shall be repeated until the requirement in condition 10(4) is achieved or the cable is permanently removed from the areas referred to in paragraph 36(1).</p>		
REP7-078_I	Schedule 12 Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan (Rev 0) [REP4-043].	<p>PLA's amendments to Deep Water Route Plan [REP4-043] as described in PLA's [REP5-111] which includes a revised image showing additional areas to be included in green, namely:</p> <p>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>	LGPL agrees with the ExA's position.	The Applicant updated the Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan at Deadline 6 [REP6-055] to make the area around the sunk pilot diamond (shown coloured blue on that plan) protected from having its depth reduced to any less than -22m by Work No. 3 (see Requirement 2(3) of dDCO [REP7-007]).

REF	ARTICLE	EXA'S PROPOSED CHANGES	LGPL COMMENT	APPLICANT'S RESPONSE
				This, in effect, gives the same protection as proposed here, as the area around the sunk pilot diamond extends further than the areas proposed by PLA (even if not using the colour green).
REP7-078_m	Outline Cable Specification and Installation Plan (OCSIP) [REP4-039]	At paragraph 31 in relation to the Deep Water Routes (DWR) 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.	LGPL agrees with the ExA's position. Please see the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 - London Gateway Port Limited	The outline CSIP was updated at Deadline 7 to address this [REP7-040]
REP7-078_n	Outline Sediment Management Plan [REP5 042]	Outline Sediment Management Plan [REP5-042] – is there inconsistency in use of 'export cable corridor' and 'offshore cable corridor'.	LGPL agrees that there should be consistency in the terminology used. Please see the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 -London Gateway Port Limited	The Applicant updated the Outline Sediment Disposal Management Plan at Deadline 6 [REP6-049] and this update was made.
REP7-078_o	Schedule 14 – Protective Provisions Reinstall	Reinstall Protective Provisions for LGPL 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])	LGPL welcomes the ExA's position on the Protective Provisions for the benefit of LGPL. LGPL is of the view that they remain necessary for the reasons set out in [REP5-096]. LGPL notes that the ExA refers to the form of the Protective Provisions originally included by the Applicant in the dDCO, as set out in [REP3-008]. As noted in LGPL's original written submission [REP2-039] there are certain amendments to the form of the Protective Provisions that the Applicant originally submitted that LGPL requires. Unfortunately, due to the change of position by the Applicant on the inclusion of any Protective Provisions for LGPL's benefit in the dDCO, LGPL has never had the opportunity to discuss with the Applicant the changes it sought, but it has previously been indicated to the Applicant that the Protective Provisions should be in the same form as those submitted to the Five Estuaries examination. For clarity, we now submitted a full amended form of the Protective Provisions that LGPL requires. These are set out in the Schedule to the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 -London Gateway Port Limited.	See responses REP7-077_a and REP7-077_c above.

2.8 Applicants Responses to London Gateway Port Limited Comments on any submissions received at the previous deadline [REP7-079]

Table 2.8 Applicants Responses to London Gateway Port Limited Comments on any submissions received at the previous deadline [REP7-079]

REF	THEME	LGPL COMMENT	APPLICANT'S RESPONSE
REP7-079_a	1. Introduction	<p>This document sets out the comments of London Gateway Port Limited on the documents received at Deadline 6.</p> <p>It deals with the following documents:</p> <ul style="list-style-type: none"> (a) NFOWL – Cable Specification and Installation Plan (Rev 2) (Tracked) [REP6-052] (b) NFOWL – Outline Sediment Disposal Plan (Rev 2) (Tracked) [REP6-050] (c) NFOWL – Outline Navigation and Installation Plan (Rev 3) (Tracked) [REP6-040] (d) NFOWL – Draft Development Consent Order (dDCO) (Rev 7) (Tracked) [REP6-006] (e) NFOWL – National Policy Statements Accordance Table (Rev 1) (Tracked) [REP6-044] (f) NFOWL – Applicant's comments on responses to ExQ2 [REP6-061] (g) NFOWL – Applicant's Response to Deadline 5 submissions [REP6-060] (h) MMO – Comments on any submissions received at the previous deadline [REP6-082] 	Noted.
REP7-079_b	2. Cable Specification and Installation Plan	2.1 LGPL welcomes the changes made to the outline CSIP:	<p>2.1</p> <p>The Applicant welcomes LGPL's confirmations.</p>

REF	THEME	LGPL COMMENT	APPLICANT'S RESPONSE
		<p>(a) LGPL is to be consulted on the final form of the CSIP, but no right of approval (para 2) (although this is not a right of approval – see below).</p> <p>(b) The commitment regarding relocation of boulders outside DWRs is now corrected (para 17).</p> <p>(c) A commitment regarding archaeological finds and DWRs now included (para 19).</p> <p>(d) More comprehensive wording re cable depth is now included in para 30.</p> <p>2.2 There are some drafting points that need to be changed:</p> <p>(a) typo "London Gateway Port Authority" in para (2) – the reference should be London Gateway Port Limited; and</p> <p>(b) paragraph 30 - the same form of wording needs to be used for both 22m and 19m areas – presently the drafting is unclear / confused.</p> <p>2.3 The main point of principle is whether or not LGPL is to have a right of approval of the final form of the CSIP or only a right to be consulted upon it. LGPL's position is that it should have a right to approve the final CSIP. We note that the ExA in its Schedule of Changes to draft Development Consent Order [PD-009] has specified that the Protective Provisions (PPs) in favour of LGPL should be reinstated. LGPL of course supports that position. If those PPs are reinstated, they contain provision for LGPL to approve the CSIP, so that point will be taken care of. In such case the oCSIP should perhaps note that will happen but it does not matter substantively as the PPs will apply nevertheless. If the PPs are not, for whatever reason, included in the dDCO, we have set out in our Response to the Examining Authority's Third Written Questions (ExQ3) also submitted at Deadline 7 the necessary changes that LGPL submits are required to Condition 22(1) of the Deemed Marine Licence at Schedule 9 to the dDCO to provide LGPL with the necessary right of approval.</p> <p>In summary, depending on resolution of the position regarding consultation vs. approval, LGPL considers that the Outline CSIP is now satisfactory save for minor drafting points.</p>	<p>2.2 The Applicant has addressed these points in the updated oCSIP submitted at Deadline 8 (Document Reference 9.53, Rev 4).</p> <p>2.3 For the Applicant's position in respect of both PPs and why a right of approval of the CSIP is not appropriate see responses REP7-077_a and REP7-077_c above. The Applicant welcomes the LGPL's confirmation that the oCSIP is satisfactory subject to the minor drafting points, which the Applicant has now addressed at Deadline 8.</p>
REP7-079_c1	3.1	LGPL welcomes the changes made to the outline Sediment Disposal Management Plan (SDMP) – the wording of the commitment regarding disposals in the DWR in paras 21 and 23 is improved.	The Applicant welcomes LGPL's confirmation.
REP7-079_c2	3.2	<p>Some minor drafting points remain for clarity / certainty:</p> <p>(a) Paragraph 21 – amend to read "In response to this concern, the SDMP will require that all no disposal material that is created from construction activities will may not be disposed of within the areas proposed...."</p> <p>(b) Paragraph 23 – amend to read "In response to this concern, the SDMP will require that all no disposal material that is created from construction activities will may not be disposed of within the areas around...."</p>	The Applicant does not agree with the proposed changes. The dDCO requires in condition 22(1)(h)(ii) that there is no reduction in navigable depths in the areas requested within the SDMP, and that the final SDMP accords with the principles set out in the outline SDMP. Therefore, this wording does not add anything to additionally enhance the protections provided to LGPL.
REP7-079_c3	3.3	The main point of principle is whether or not LGPL is to have a right of approval of the final form of the SDMP or only a right to be consulted upon it. LGPL's position is that it should have a right to approve the final SDMP to the extent relevant as regards the DWRs.	<p>The LGPL will be consulted by the MMO on the SDMP (and other mitigation plans) to the extent they relate to the DWR / fall under Condition 22 of the cable works DML of Schedule 9 [REP7-007].</p> <p>For the Applicant's position in respect of why a right of approval of the SDMP is not appropriate, see response REP7-077_a above.</p>
REP7-079_c4	3.4	We note that the ExA in its Schedule of Changes to draft Development Consent Order [PD-009] has specified that the Protective Provisions (PPs) in favour of LGPL should be reinstated. LGPL of course supports that position. If those PPs are reinstated, LGPL submits that certain changes are necessary and sets out in the Schedule to this document those amendments. Those amendments would provide for LGPL to approve the SDMP. In such case the oSDMP should perhaps note that will happen but it does not matter substantively as the PPs will apply nevertheless. If the PPs (with the requested amendment) are not, for whatever reason, included in the dDCO, we have set out in our Response to the Examining Authority's Third Written Questions (ExQ3) also submitted at Deadline 7 the necessary changes that	For the Applicant's position in respect of both PPs and a right of approval of the SDMP see responses REP7-077_a, REP7-077_c and REP7-079_c3 above.

REF	THEME	LGPL COMMENT	APPLICANT'S RESPONSE
		LGPL submits are required to Condition 22(1) of the Deemed Marine Licence at Schedule 9 to the dDCO to provide LGPL with the necessary right of approval.	
REP7-079_c5	3.5	In summary, depending on resolution of the position regarding consultation vs. approval, LGPL considers that the Outline SDMP is now satisfactory save for minor drafting points.	Noted.
REP7-079_d1	4.1	LGPL remains unclear regarding the central purpose of the Outline Navigation and Installation Plan (NIP). At paragraph 2 it states that "The NIP is required to ensure that North Falls activities within the AOI minimise impact of third-party vessels..." [our emphasis]. LGPL hopes and believes that this is a typo and that that the purpose of the NIP is to minimise the impact on third-party vessels, but looking at the content of the NIP more broadly presently it is not clear that that is the case. We would be grateful if this point could be confirmed and corrected.	<p>The Applicant can confirm this should state "on" rather than "of". This has been corrected in the version of 7.24 submitted at Deadline 8.</p> <p>The purpose of the oNIP is set out in paragraph 2 and the Applicant has added a new paragraph in Section 1 to further clarify.</p>
REP7-079_d2	4.2	Although a definition of Third Party Vessels now included in the outline NIP, it refers to "named ports" which does not appear to be defined. If specified ports need to be defined, then clearly LGPL wishes to be one of them.	The Applicant has added clarifying wording into the definition, namely that ports mentioned within the oNIP (including LGPL) are captured.
REP7-079_d3	4.3	The outline NIP includes content regarding concurrent activities at section 2.3. This is still quite oblique and unclear. Our understanding is that this section is to capture the Applicant's commitment that the Applicant will not deploy RAM vessels in both the Sunk DWR and the Trinity DWR at the same time, so as to avoid impacts on both routes to London Gateway Port (and other London ports) at the same time. However, that commitment is not expressly or clearly set out. Instead, we have to look at Table 2.2 which, as now amended, is less clear and LGPL is not sure whether it now in fact captures the commitment at all (the 'No' appears to be deleted). The outline NIP needs to be explicitly clear (in terms) on this point.	The Applicant has made an amendment in the Deadline 8 version of 7.24 to an error in Table 2.2 which it believes clarifies any confusion. A line has also been added below Table 2.2 to state clearly that concurrent working will not occur in both the Sunk and Trinity DWRs.
REP7-079_d4	4.4	<p>LGPL is of the view that the NIP does also need to set out explicitly some principles for the treatment of the DWRs beyond the concurrent activities commitment referred to above. Those principles must as a minimum:</p> <ul style="list-style-type: none"> (a) recognise that the Sunk and Trinity DWRs are not substitutes for each other – the Sunk DWR can accommodate vessels with a deeper draught than the Trinity DWR can; (b) recognise and confirm that the access or egress of vessels to the Port of London including London Gateway Port must not be disrupted by any activities in the DWRs carried on pursuant to the DCO (whether individually or concurrently with other activities in the DWR) and that no delay to the access or egress of such vessels should be caused; and (c) require that the Applicant work very closely with LGPL and the PLA as regards the timing of any cable burial crossings and the period of time that those crossings require – with such close working it may be possible to avoid disruption or delay by having regard to scheduled calling times and states of the tide. 	<p>The oNIP does not make any claim that the Sunk and Trinity DWRs are direct substitutes for each other. The Applicant would also like to clarify that a cable installation vessel on or near either DWR would not necessarily preclude any third party vessel usage of it, and the Applicant has never sought any temporary closure of either route.</p> <p>The oNIP secures the necessary means to ensure the ports will have sufficient information with sufficient notice to plan accordingly around the time of any temporary impact, and the concurrent working commitments by the Applicant maximise optionality for the ports during the installation process.</p> <p>Additional text has also been added to Section 4 of the oNIP (7.24) on communication protocols.</p>
REP7-079_d5	4.5	In terms of a right to agree the NIP or a right only to be consulted on it, paragraph 24 provides that the final NIP will be agreed with the Interested Parties, including LGPL, but paragraph 26 then provides that the final NIP can nevertheless be submitted to the MMO for approval in the absence of agreement – essentially this is therefore more of a right to be consulted. That accords with the current provisions of the DML in the dDCO.	The Applicant notes the LGPL's comments. The wording reflects the Applicant's commitment to cooperation and consulting IPs and seeking to agree the NIP is part of that wider commitment. The Applicant points out that in the event of disagreement the Applicant needs to provide a copy of the IP's comments to the MMO in relation to any matters not agreed, to ensure they have an understanding of such matters, and can make a decision accordingly, as the regulator of activities in the marine area
REP7-079_d6	4.6	However, LGPL's position is that it should have a right to approve the final NIP to the extent relevant as regards the DWRs. We note that the ExA in its Schedule of Changes to draft Development Consent Order [PD-009] has specified that the PPs in favour of LGPL should be reinstated. LGPL of course supports that position. If those PPs are reinstated, LGPL submits that certain changes are necessary and sets out in the Schedule to this document those amendments. Those amendments would provide for LGPL to approve the NIP. In such case the outline NIP should perhaps note that will happen and not be subject to the provisions of paragraph 26 but it does not matter substantively as the PPs will apply nevertheless. If the PPs (with the requested amendment) are not, for whatever reason, included in the dDCO, we have set out in our Response to the Examining Authority's Third Written Questions (ExQ3) also submitted at Deadline 7 the necessary changes that LGPL	For the Applicant's position in respect of both PPs and a right of approval of the NIP see responses REP7-077_a, REP7-077_c and REP7-079_c3 above.

REF	THEME	LGPL COMMENT	APPLICANT'S RESPONSE
		submits are required to Condition 22(1) of the Deemed Marine Licence at Schedule 9 to the dDCO to provide LGPL with the necessary right of approval.	
REP7-079_d7	4.7	Some minor drafting points at Section 3.1.6: (a) Paragraph 35 – amend to “noting that this will may not prevent dredging as provided in the Cable Specification and Installation Plan within the DWR areas...”. (b) Paragraph 36 – amend to “so as to again ensuring dredging as provided in the Cable Specification and Installation Plan is not restricted...”	The updates have been made to the updated version of the oNIP submitted at Deadline 8 (Document Reference 7.24, Rev 4).
REP7-079_d8	4.8	The HAZAP workshop provisions at paragraph 44 provide that the workshop will only consider ongoing maintenance dredging by LGPL, not any additional capital dredge. This restriction is not understood any on-going or planned capital dredging by LGPL down to the assumed reasonable future case of 22m should also be considered by the workshop.	A new bullet referencing capital dredging has been added to the oNIP (Document Reference 7.24, Rev 4) submitted at Deadline 8.
REP7-079_d9	4.9	In summary, LGPL considers that the outline NIP lacks significant detail and does not provide the necessary protections for London Gateway Port Limited to safeguard the on-going operation of the Port. LGPL wishes to discuss with the Applicant and the Port of London Authority further changes to the outline NIP as a matter of urgency.	<p>The Applicant considers that the oNIP as further updated at Deadlines 7 and 8 (Document Reference 7.24, Rev 4) and the dDCO [REP7-007] sufficiently secures the necessary mitigations and procedures to suitably manage the temporary impact of the cable installation on port access and egress as, in summary:</p> <ul style="list-style-type: none"> - The oNIP commits to the ongoing communications protocols with Interested Parties including LGPL, so that liaison of timings of work can take place taking account of vessel access and egress can take place as more design information becomes available; - LGPL (as one of the local harbour authorities) must also be consulted with on the final NIP by the MMO under Condition 22(1) of Schedule 9, and the LGPL (as one of the local harbour authorities) must be notified under condition 16 of Schedule 9 in respect of activities in the relevant areas; and - The Applicant has included in the dDCO submitted at Deadline 7 [REP7-007] new condition 37 of Schedule 9 that requires LGPL's consultation on the programme for monitoring during all phases and UXO clearance. - Further clarifications on concurrent working within the Sunk DWR and Trinity DWR to explicitly clarify the position (contained in the oNIP).. <p>These changes, as highlighted above, of the provisions in the oNIP together with the dDCO/DML ensure that the points of concerns of LGPL respect of both short-term, and long-term impacts in terms of navigation / access of vessels in the DWR area have been addressed.</p>
REP7-079_e	5. dDCO	<p>LGPL welcomes the changes made to the dDCO since the previous version:</p> <ul style="list-style-type: none"> (a) The wording of Requirement 2(3) has had the drafting amendments LGPL requested included. (b) A clear right for 'local harbour authorities' to be consulted (but not to agree) on the CSIP, NIP and SDMP has been included in para 22 of the DML at Schedule 9 to the dDCO. Local harbour authorities is defined and includes LGPL (as well as PLA and HHA). (c) The CSIP now applies to maintenance activities (including cable repairs and replacement) as well – para 13 of the DML. (d) The application of the 5% dredge depth reduction provision has been removed from the DWRs – para 22(h)(ii) of the DML. (e) The power of the MMO to agree to waive provisions of the various plans has been amended as we requested to require the MMO to consult before it does so. <p>However, the PPs for LGPL remain omitted. LGPL is of the view that they remain necessary for the reasons set out in [REP5-096]. Accordingly, LGPL welcomes the ExA's position on the PPs for the benefit of LGPL set out in the ExA's Schedule of proposed changes to the draft Development Consent Order (dDCO) published on 1 July 2025.</p> <p>However, LGPL notes that the ExA refers to the form of the PPs originally included by the Applicant in the dDCO, as set out in [REP3-008]. As noted in LGPL's original written submission [REP2-039] there are certain amendments to the form of the PPs that the Applicant originally submitted that LGPL requires. Unfortunately, due to the change of position by the Applicant on the inclusion of any PPs for LGPL's benefit in the dDCO, LGPL has never had the opportunity to</p>	<p>The Applicant notes that LGPL welcomes the changes to the dDCO.</p> <p>For the Applicant's position in respect of a right of approval of the NIP (/relevant mitigation plans) please see response REP7-077_a.</p> <p>The Applicant has adequately addressed concerns of the LGPL in appropriate alternative ways:</p> <ul style="list-style-type: none"> - by committing to not reduce depth more than the levels agreed with the PLA, and not impede or prevent or otherwise preclude dredging (with specific drafting amendments per the request of LGPL), in the Deep Water Route areas (Requirement 2(3)); - by committing to not reducing navigable depth at all in the DWR areas (Condition 13(4) and Condition 22(1)(h)(ii)); and - by condition requiring that PLA are consulted with by the MMO in respect of all the mitigation plans activities that may affect PLA, (Condition 22(1)). <p>Moreover, the Applicant has included in the dDCO submitted at Deadline 7 [REP7-007]:</p> <ul style="list-style-type: none"> - extended consultation and notifications in relation to activities and programme relating to monitoring and UXO, to ensure that the cable remains in place as it should (see new condition 37); - LGPL (as one of the 'local harbour authorities') must be consulted on the operations and maintenance plan, see updated condition 13(4); and - updated notification requirements in respect of surveys, the progress of development, and aids to navigation, under condition 16 and 17 of Schedule 9, in respect of LGPL (as one of the 'local harbour authorities').

REF	THEME	LGPL COMMENT	APPLICANT'S RESPONSE
		<p>discuss with the Applicant the changes it sought. LGPL has previously been indicated to the Applicant that the PPs should be in the equivalent form to those submitted to the Five Estuaries examination [REP6-080 in that Examination]. For clarity, we now submit a full amended form of the PPs that LGPL requires. These are set out in the Schedule to this document.</p> <p>The amendments proposed to the PPs as set out in the Schedule to this document are:</p> <ul style="list-style-type: none"> (a) to provide LGPL with a right of approval ahead of submission to the MMO of the navigation and installation plan and the sediment disposal management plan, as well as the cable specification and installation plan; (b) to clarify that LGPL area of interest is not only its area of jurisdiction (for the reasons explained in REP5-096) but the limits of deviation for dredging set out in the London Gateway Port HEO; (c) to provide better clarity and detail on the process for the grant of the approvals; (d) to include provision that the final CSIP should set out details of how any impacts on shipping to and from London Gateway Port will be minimised (e.g. by the choice of methodology and process) so far as reasonably practicable during the carrying out of the works; (e) to recognise that the grant of development consent for the authorised development does not affect the exercise of the powers granted to LGPL under the London Gateway HEO – it would be pointless making effort to secure a certain dredge-depth ability if LGPL's powers to carry out dredging in more general terms might inadvertently be seen to be affected or limited by this Order. We trust this clarifying amendment will not be controversial. 	<p>As a result, the Applicant has committed to and secured appropriate mitigation such that there would not be any unacceptable permanent or temporary impacts to LGPL, and so it is the Applicant's position that PPs are not necessary nor reasonable and if PPs are to be imposed, that should only be as an alternative (and not in addition to) the suite of other control measures already committed to and contained in the dDCO and DML and associated control plans.</p> <p>The version of the PPs submitted at Deadline 3, and which LGPL has amended are unnecessary.</p> <p>The Applicant has provided, on a without prejudice basis, PPs for LGPL at Deadline 7 [REP7-059]. This sees that the Applicant must consult the LGPL and consider requests for changes before submitting the plans for approval, in addition to notifying LGPL in the event of a transfer of benefit under article 5 of the dDCO [REP7-007] and that the Applicant provide the as-built details of the relevant cable works.</p> <p>However, the Applicant's position in respect of PPs remains that they are an excessive layer of control when comprehensive controls are contained in the dDCO and DMLs, and relevant mitigation plans, as set out above and in response REP7-077_a, and for the reasons set out in Applicant's Response to the Ports' Request For Protective Provisions [REP4-044].</p>
REP7-079_f	6. National Policy Statements Accordance Table	<p>LGPL notes that there have been no amendments to the Accordance Table in relation to paragraphs 2.3.326 to 2.8.340 of the National Policy Statement. LGPL refers to its submissions in relation to those paragraphs at ISH2 (9 April 2025) [REP4-077]. LGPL believes that the Applicant's conclusions in relation to those paragraphs can only be robust with:</p> <ul style="list-style-type: none"> (i) the inclusion of the amendments since secured to the dDCO; (ii) the inclusion of the PPs (as amended as set out in the Schedule to this document); and (iii) the improvement of the outline NIP as sought above. 	<p>The two points made by LGPL in relation to ISH2 (9 April 2025) [REP4-077] centre on:</p> <ul style="list-style-type: none"> - Adequate mitigation; and - The robustness of the assessment methodology in ES Chapter 15 Shipping and Navigation. <p>The Applicant's position with respect to NPS EN-3 paragraphs 2.8.326 – 2.8.340 in the context of the points made by LGPL remains that with the implementation of mitigation measures, North Falls is predicted to have 'tolerable' or 'broadly acceptable' effects on shipping and navigation receptors during all its phases (not significant in EIA terms). The effects are also as low as reasonably practicable (ALARP).</p> <p>There is potential for cumulative effects to occur with a number of other offshore wind farms and other projects. However, taking into account the mitigation commitments, it is not anticipated that cumulative effects are likely to be significant in EIA terms.</p> <p>The methodology for establishing effects was based on a comprehensive Navigation Risk Assessment process [APP-106, APP-107, APP-108] undertaken for ES Chapter 15 Shipping and Navigation [APP-029] ensuring all necessary mitigations have been identified to reduce all risk to navigational safety, including to vessels associated with transits to or from London Gateway. The NRA also provided a screening process to determine which projects are considered into the cumulative assessment for shipping and navigation at ES stage based on a routeing assessment undertaken on the refined array area. For the cumulative effect assessment for Shipping and Navigation, with the additional mitigation measures applied, the residual risk was assessed as Broadly Acceptable or Tolerable for all shipping and navigation hazards and as low as reasonably practicable (ALARP).</p> <p>ES Chapter 31 Socio-economics [AS-010] is informed by ES Chapter 15 Shipping and Navigation [APP-029] for the assessment of impacts associated to wider economic effects from disruption to shipping and navigation. ES Chapter 31 Socio-economics [AS-010] concluded that during the construction phase wider economic effects from disruption to shipping and navigation were of minor adverse (not significant) and for the operation and maintenance phase were also minor adverse (not significant). Additionally, further Information on socio-economic impacts on vessels to/from Tidal Thames [REP7-055] discussed potential temporary and permanent socio-economic impacts of works intersecting the Deep Water Routes (DWRs), which provide access into the Thames, demonstrating that given the mitigations proposed by the Project, temporary and permanent impact are also deemed not significant.</p>

REF	THEME	LGPL COMMENT	APPLICANT'S RESPONSE
			<p>The Applicant's position with respect to the level of effects is unchanged for the reasons outlined above. Taken together with the comprehensive controls contained in the dDCO and DMLs, and relevant mitigation plans, s at Deadline 8 (as set above at REP7-077_a, and in the Applicant's Response to the Ports' Request For Protective Provisions [REP4-044]), Protective Provisions are unnecessary.</p> <p>Considering the above, the Applicant has satisfied NPS EN-3 paragraphs 2.8.326 to 2.8.340, and there are no unacceptable effects on navigation and shipping.</p>
REP7-079_g	7. Applicants Comments on Responses to ExQ2	<p>Table 2.9 of REP6-090 deals with LGPLs' responses to ExQ2 [REP5-097].</p> <p>The points made there by the Applicant have now been superseded by the ExA's schedule of proposed changes to the draft Development Consent Order (dDCO) published on 1 July 2025 [PD-009], as such, LGPL does not deal with them further here. For the avoidance of doubt, LGPL does not consider any of the points made in REP6-090 to change LGPL's position as set out in REP5-097.</p>	Noted.
REP7-079_h	8. Applicants Response to Deadline 5 Submissions	Table 2.5 of REP6-060 sets out the Applicants' response to LGPL's Deadline 5 submissions in relation to the need for PPs. As set out above, LGPL maintains that PPs are necessary and agrees with the position of the ExA in this regard in the ExA's schedule of proposed changes to the draft Development Consent Order (dDCO) published on 1 July 2025 [PD-009]. LGPL notes the Applicants comments in Table 2.5, but does not feel that they raise any additional points and in light of the position of the ExA on PPs, does not feel that it useful to response individually to them, however, for clarity, LGPL does not agree to the points made.	Please see Applicant's response REP7-079_e above.
REP7-079_i	9. Comments on any submissions received at the previous deadline	LGPL notes that at paragraph 7.1. the MMO would welcome LPGL having a right to approve plans such as the final CSIP and final NIP before they are submitted to the MMO for approval.	For the Applicant's position in respect of a right of approval of the relevant mitigation plans, please see response REP7-077_a.
REP7-079_j	Schedule – amendments sought to the protective provisions	<i>[Please note schedule of amendments not reproduced here]</i>	Please see Applicant's response REP7-079_e above.

2.9 Applicant's Response to Marine Management Organisation Responses to ExQ2, Responses to ExQ3, Comments on the ExA's schedule of changes to the dDco and Comments on any submissions received at the previous deadline [REP7-080]

Table 2.9 Applicant's Response to Marine Management Organisation Responses to ExQ2, Responses to ExQ3, Comments on the ExA's schedule of changes to the dDco and Comments on any submissions received at the previous deadline [REP7-080]

REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
Responses to ExQ2			
REP7-080_a1	<p>Q9.0.3</p> <p>Article 5 Benefit of the Order</p> <p>The applicant's post hearing summary [REP4-034] includes reference to paragraph 6.23 of the Rampion 2 Decision Letter. The MMO Deadline 4 submissions [REP4-079] acknowledge that decision. However, they assert at 3.1.3 that, as a matter of law, a DCO cannot transfer the benefit of a DML as proposed and draw support from sub-sections 120(3) and 120(4) and Part 1 Schedule 5 PA2008. The ExA notes that sub-section 120(4) sets out that: "The provision that may be made under subsection (3) includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5". That schedule at 30A and 30B includes reference to marine licences but does not specifically mention the transfer of the benefit of such licences.</p>	<p>Deadline 7 Response</p> <p>(i) The MMO considers that the use of the term "includes" is intended as a non exhaustive list. The MMO is of the opinion that such flexibility does not extend to the transfer of the DML as Article 72 of the Marine and Coastal Access Act 2009 (MCAA) already provides for this statutory procedure. Respectfully the MMO is of the opinion that Section 120(4) and Part 1 of Schedule 5 limits what the Order can contain providing a deeming provision only for the marine licence and such conditions.</p> <p>(ii) The MMO did not provide comments on PA2008 Schedule 5 and 6 in relation to this matter within the Rampion 2 Examination. The MMO acknowledges the Rampions 2 Decision letter but remains of the opinion that the provision set out in the Planning Act only allows for the marine licence to be deemed, once deemed the Planning Act does not sufficiently provide the Secretary of State with the virus to transfer/vary the marine licence in the same manner as set out in Article 72 of MCAA. Respectfully the MMO is still of the opinion that the transfer provision for marine licensing should remain in MCAA.</p> <p>(iii) The MMO is still of the opinion that Schedule 6 of the Planning Act 2008 (paragraph 2(13) and 5 (6)) sets out that the deemed marine licence is</p>	<p>(i) The Applicant and the MMO are in agreement that the term "includes" is intended as a non exhaustive list. The Applicant notes that in interpreting legislation it is a fundamental rule to assume clear legislative intent and to rely on the plain meaning of the instrument's wording. If the relevant provision did not extend to the transfer of a DML, then it should be assumed that the provision would have been drafted to explicitly prevent this. Please see also the Applicant's response to Q9.0.3 in Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054]</p> <p>(ii) and (iii)</p> <p>The Applicant notes that the MMO has failed to provide any legal authority or cogent further explanation why, as a matter of law, these provisions preclude the transfer of the benefit of a DMLs. The MMO is arguing, and asking the ExA to conclude, that the consistent and long-standing approach of the Secretary of State in respect of the transfer of benefit of DMLs in Rampion 2 and all other made OWF DCOs is unlawful. The Secretary of State's position on this matter is beyond clear and it is regrettable that the MMO continues to repeatedly pursue this point (without success) in successive DCO Examinations for OWF projects.</p>

REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
	<p>(i) How should this part of the Act be interpreted given the reference to “includes” in section 120(4). Does it render the inclusion of dDCO Article 5 unlawful?</p> <p>(ii) an MMO clarify their position in relation to the Rampion 2 decision and confirm that the same submissions were made in that case. If not, please identify any differences. Is the MMO asserting that the SoS's decision in that case to retain the equivalent of Article 5 was unlawful?</p> <p>(iii) The MMO [REP3-056] Table 1 refers to Schedule 6 paragraph 2(13) and paragraph 5(6) PA2008. The MMO is requested to further explain why, as a matter of law, these provisions preclude the transfer of the benefit of a DML.</p> <p>(iv) The applicant is requested to respond to the points made in relation to Schedule 6 PA2008 and indicate whether it accepts that the transfer of the benefit of the Order/DML represents a change to the DCO within the scope of Schedule 6.</p> <p>(v) In the light of the applicant's response to Deadline 3 submissions [REP4-027] does the MMO agree that that there would not be any unnecessary duplication of process, as Article 5 expressly disapplies sections 72(7) and (8) of the 2009 Act; that Article 5(9) carves out the ability for the MMO to amend the DML to correct the name of the undertaker to the name of the transferee or lessee and the Article 5 procedure does not impact the MMO's enforcement capabilities. If not, please explain why?</p>	<p>separate from the DCO and as such may not be modified via a non-material change procedure. It remains the MMO's view that the transfer of the marine licence should follow the established procedure in Article 72 of MCAA.</p> <p>(iv) Question not addressed to the MMO</p> <p>(v) Whilst Article 5(9) carves out the ability for the MMO to amend the DML to correct the name of the undertaker to the name of the transferee or lessee the MMO remains of the opinion that this does not fully mitigate the procedural duplication and burden previously referred to. There remains regulatory uncertainty across the overall marine licencing framework.</p> <p>The MMO has concerns that our enforcement capabilities maybe delayed/compromised should transfers occur without our involvement. The MMO is of the opinion that all our concerns and difficulties could be avoided by retaining the existing procedure for transfer as set out in Article 72 of MCAA which could be established through minimal changes to each marine licence.</p>	<p>(v) Article 5 requires that the MMO are consulted on any transfer of the DMLs and therefore a transfer could not occur without their involvement. The Applicant does not agree that any regulatory uncertainty would arise, and it is clear that the Secretary of State also does not share the concerns raised by the MMO. Please refer to the Applicant's response to Q9.0.3 in Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054].</p>
REP7-080_a2	<p>Q9.2.1</p> <p>Depths in the Deep-Water Routes</p> <p>The question of the permissible water depth reduction was discussed at the ISH2. The dDCO (Rev 5) [REP4-004] has been amended at Condition 12 (3) of Schedules 8 and 10 and Condition 13 (3) of Schedule 9 to include further wording in respect of the water depth not being reduced by more than 5% Chart Datum when carrying out maintenance activities. Please confirm if the amendments now made are acceptable and address the concerns raised.</p>	<p>Deadline 6 Response</p> <p>The MMO has liaised with the PLA regarding their response submitted at Deadline 5. The MMO notes the concerns raised by PLA in relation to engagement with the Applicant. The MMO is aware from the response by PLA at deadline 5 [REP5-111] that the area for deeper cable burial is still not agreed.</p> <p>The MMO notes that the PLA have a number of comments regarding the Outline Navigation and Installation Plan which still need to be addressed.</p> <p>The MMO is aware that the PLA have approached the Applicant on more than one occasion to discuss the matter of Protective Provisions for the PLA and the Applicant has refused to engage with the PLA on this matter. The MMO would encourage the Applicant to engage with the PLA on this matter given the approach to the end of Examination.</p> <p>The MMO is also aware that the PLA plan to include further requirements at Deadline 6 in their submission. The MMO notes that their submission may include DML updates and the MMO is currently reviewing the proposed updates. The MMO is content for the PLA to be included as a consultee within the DML and is reviewing the more detailed proposed DML updates internally.</p> <p>The MMO believes the ongoing issue is for the SoS to decide on and that the MMO should not be in a position post consent to resolve this matter through a plan and the DCO/DML should be updated accordingly. The MMO will provide further comments at Deadline 7 after reviewing all Deadline 6 submissions.</p> <p>Deadline 7 Update</p> <p>The MMO has provided further comments below in section 5.</p>	<p>The Applicant has continuously engaged constructively with the PLA in discussions regarding its cable burial requirements and related mitigation in respect of the Deep Water Routes. In discussions, and throughout Examination, the PLA have not shown that PPs are reasonable or necessary. The Applicant has declined requests for meetings in respect of PPs only, and that is because the Applicant's position has remained that PPs are not necessary (see the Applicant's Response to the Ports' Request For Protective Provisions [REP4-044].</p> <p>The Applicant has addressed PLA's comments made at Deadline 6, and updated the dDCO (and relevant DML in Schedule 9) extensively at Deadline 7 [REP7-007]. Now the PLA (as one of the local harbour authorities) must be consulted with by the MMO under Condition 22(1), and 23(4) in respect of the relevant mitigation plans, and in respect of the operations and maintenance plan under Condition 13(4). The Applicant has also included new condition 37 proposed by PLA, in addition to the extensive notification requirements under Condition 16 and 17.</p> <p>It is only appropriate that the MMO, as the regulator of marine activities, must approve the final mitigation plans (CSIP, NIP, and SDMP) as they are part of the control mechanisms ensuring the works carried out are within the scope of the licensed activities.</p> <p>Condition 22(1) requires that the final plans that the MMO approve must be in accordance with the outline versions of mitigation plans (oCSIP, oNIP, and oSDMP).</p> <p>These plans have been updated throughout Examination and adequately address the PLA's (and other shipping stakeholders' concerns). The MMO must consult the PLA (and other local harbour authorities) on the final version of these plans and this must necessarily be done post consent when plans are finalised for each stage of the activities.</p> <p>As such there is no 'ongoing issue to resolve' in respect of the mitigation plans.</p>
REP7-080_a3	<p>Q9.2.6</p> <p>In the MMO's additional submission [AS-051], the MMO comments on the wording of Conditions 12 (4) of Schedule 8 and 10 and Condition 13 (4) of Schedule 9 in respect of the Outline Offshore Operations and Maintenance Plan.</p>	<p>Deadline 6 Response</p> <p>The MMO notes from the Applicant's Deadline 5 response that they will be updating the Outline Operations and Maintenance Plan at Deadline 6 to address the concerns raised by the MMO. The MMO welcome this and will review and provide comments at Deadline 7.</p>	<p>Please see the Applicant's response REP6-082_c in Applicant's Response to Natural England's Deadline 6 submissions [REP7-052].</p> <p>Please note that the Applicant stated in error that the Outline Offshore Operations and Maintenance Plan (oOOMP) was updated at Deadline 7, which is not the case as an updated version was not submitted.</p>


REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
	Please confirm if the wording proposed by the MMO can be agreed and the conditions amended.	<p>In relation to the condition wording the MMO is largely content with condition 13 and condition 31.</p> <p>One discussion point has been sent to the Applicant to review after a meeting on 11 June 2025. This is in relation to resubmission of the O&M Plan. Generally, the O&M condition includes a provision for review and resubmission:</p> <p><i>An operations and maintenance plan in accordance with the outline offshore operations and maintenance plan and including a chemical risk assessment must be submitted to the MMO for approval in writing at least six months prior to commencement of the operation of licensed activities and must provide for review and resubmission every three years during the operational phase.</i></p> <p>The MMO notes reporting, including a review is covered within Condition 31 but if there are any changes after this review period these aren't linked to a resubmission of the O&M report as per the condition above. The MMO does not propose to include both a review and resubmission every three years in Condition 13 and the annual and 5 year consolidated review due to the onerous nature but would like confirmation that if any changes are identified this would be updated in a new version of the O&M plan.</p> <p>The MMO would highlight due to the length of the operation phase there could be a number of changes required to the plan and each plan would need approved by the MMO.</p> <p>The MMO also believes the following condition should be added to Condition 13:</p> <p><i>(5) No maintenance works whose likely effects are not assessed in the environmental statement may be carried out, unless otherwise approved in writing by the MMO.</i></p> <p>The MMO notes 'shall' is also used within condition 13(4) and this should be updated to 'must'.</p> <p>Deadline 7 Update</p> <p>The MMO welcomes the clarifications of the content of the final OOMP in response to feedback from the MMO [AS-051] in Section 1.2 of the updated document [REP6-037].</p>	The oOOMP has now been updated for Deadline 8 to address the MMO's concerns, incorporating the three-yearly review period (Document Reference 7.20, Rev 3).
REP7-080_a4	<p>Q9.2.9</p> <p>Post Construction Monitoring</p> <p>Please provide an update as to the ongoing discussions in respect of Condition 27 (2)(a) of Schedules 8 and 10 and Condition 28 (2) (a) of Schedule 9 relating to post construction monitoring and whether it is anticipated that an agreement will be reached before the end of the examination.</p>	<p>Deadline 6 Response</p> <p>Discussions are still taking place between the MMO and NE in relation to the wording and worst-case piles, however there are several changes required to align with the requirement post consent below:</p> <p>The writing in red are the proposed changes</p> <p>(1) The undertaker must, in discharging condition 20(1)(c) for each stage of construction, submit details (which accord with the offshore in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results to be carried out during the construction of the authorised scheme. The monitoring proposals must specify each monitoring proposal's objectives and explain how it will assist in either informing a useful and valid comparison with the pre construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.</p> <p>(2) The construction monitoring plan must include:</p> <ol style="list-style-type: none"> 1. No changes b. where piled foundations are to be employed, unless otherwise agreed by the MMO in writing, details of proposed monitoring of the noise generated by the installation of the first four piled foundations of each piled foundation type to be constructed collectively under this licence and the deemed marine licences granted under Schedules 9 and 10 of the Order <p>(3) The undertaker must carry out the surveys specified within the approved construction monitoring plan or plans in accordance with that plan or plans, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO in consultation with the relevant SNCB.</p> <p>(4) The results of the initial underwater sound measurements monitored in accordance with sub-paragraph (2)(b) must be provided to the MMO within six weeks of the installation of the first four piled foundations. If, in the reasonable opinion of the MMO in consultation with the SNCB the monitoring carried out pursuant to condition 26(2)(b) above shows impacts significantly in excess different to those assessed in the</p>	Please see the Applicant's response REP6-082_f in Applicant's Response to Natural England's Deadline 6 submissions [REP7-052] .



REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
		<p>environmental statement and or there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until either contingency measures approved within the marine management mitigation protocol have been implemented or an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</p> <p>In relation to the six-week timescale - if it is identified while compiling the report that there has been a larger impact or the mitigation has failed, we would need to know prior to receiving the report to ensure changes are implemented for the remaining piling. The MMO is continuing discussions with the Applicant and NE on wording that would allow for this notification as part of the condition.</p> <p>Deadline7 Update</p> <p>The MMO notes the stage of the examination and has no further update, and this is unlikely to be updated before the end of Examination. The MMO would welcome comments within the IPMP if a condition cannot be agreed.</p>	
Responses to ExQ3			
REP7-080_b1	<p>Q9.0.3</p> <p>Article 5 (Benefit of the Order)</p> <p>The ExA note the MMO seek a Deadline 7 response on this matter. The reason for any requested change needs to be properly reasoned.</p>	Please see comments in Table 1 above.	Noted.
REP7-080_b2	<p>Q10.0.7</p> <p>Report on the Implications for European Sites (RIES)</p> <p>The ExA notes that the Report on the Implications for European Sites (RIES) was published 1 July 2025. The ExA requests that the series of questions featuring within the RIES are answered by the relevant parties. The questions within the RIES detail to whom each question is asked. All responses must be submitted by no later than Examination Deadline 7 which is 15 July 2025.</p>	Please see Section 8 of this document below for comments.	Noted.
REP7-080_b3	<p>Q15.0.7</p> <p>Outstanding concerns on plans relating to Shipping and Navigation</p> <p>Are there any outstanding concerns that have not been addressed by the Applicant in the following documents:</p> <ul style="list-style-type: none"> • Site Characterisation Report [REP4-014] • Supporting Information on Offshore Additional Mitigation [REP4 041] • Deep Water Route Cable Installation Areas [REP4-043] • Outline Navigation and Installation Plan [REP5-028] • Outline Sediment Disposal Management Plan [REP5-042] • Cable Specification and Installation Plan [REP5-044] 	<p>The MMO has provided comments on the documents in Section 7.-7.7 and Section 9 of this document.</p> <p>The MMO notes that there are a number of outstanding issues and has provided some comments on the PLA's submission in Section 10.1 & 10.2 of this document.</p> <p>10.2 of this document. The MMO will review other responses to this question and may provide further comments at Deadline 8.</p>	Noted.
Comments on ExA Schedule of Changes to dDCO			
REP7-080_c1	<p>Schedule 2 Requirements</p> <ul style="list-style-type: none"> • Requirement 2(3) • New <p>Schedule 8, 9, & 10</p> <ul style="list-style-type: none"> • Part 1 – Preliminary Interpretation (2)(1) 	<p><i>(MMO's comments have not been reproduced here, please see MMO's document [REP7-080]).</i></p>	<p>Please see the Applicant's responses in Applicant's Response to the ExA's Proposed Schedule of Changes to the dDCO [REP7-056].</p> <p>The Applicant's has considered the proposed change under "Part 1 – Preliminary Interpretation (2)(1). Schedule 8, 9 and 10" to the definition of Mean High-Water Springs (MHWS).</p>

REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> Schedule 8, 9, & 10 Part 1 – Preliminary Interpretation (2)(1) Part 2 – Conditions – Maintenance of the authorised development DML Condition 12 (4) Part 2- Conditions – Condition 21 Pre-construction plans and documentation Schedule 8, Part 2, para 15 Schedule 8 Part 3 Condition 21 (1) (m) Schedule 8 Part 2 Condition 25 Schedule 8 Part 2 Condition 27 and 28 Schedule 9 – Part 1 (1) Schedule 9 – Part 1 (5) Schedule 9 – Part 2, Condition 10 Schedule 9 – Part 2, Condition 13 (3) Schedule 9 – Part 2, Condition 13(4), Schedule 9 – Part 2, Condition 16 (8) to (14), Schedule 9 - Part 2, 17(2) Schedule 9 – Part 2, Condition 22(1) (a) (iii) Schedule 9 – Part 2, Condition 22(1)(h) (ii), (iii) & (iv) Schedule 9 – Part 2, Condition 22 (1) (n) Schedule 9, part 2, para 22 Schedule 9, part 2 Schedule 9, part 2, para 24 Schedule 9 - Part 2, 26(1) Schedule 9 - Part 2, 28(1) 28(3), 28(4) & 28(5) Schedule 9 - Part 2, New Condition 30 Schedule 9 - Part 2, New Condition 36. New <p>Other Schedules</p> <ul style="list-style-type: none"> Environmental Impact Assessment - Document Used: 7.20 Outline Offshore Operations and Maintenance Plan Environmental Impact Assessment - Document Used: 7.20 Outline Offshore Operations and Maintenance Plan Environmental Impact Assessment – Document Used: 2.6 Schedule of Mitigation Environmental Impact Assessment – Document Used: 2.27 Cable Statement Environmental Impact Assessment General DCO 		The Applicant considers that the updated wording is not necessary, as the current wording is sufficiently clear and precise; noting also that this definition is standard and aligns with that used in granted offshore wind farm DCOs (e.g., Mona Offshore Wind Farm, Sheringham and Dudgeon Extension Projects, Hornsea 4 and more).
Comments on Applicants Response to the MMO Responses to ExQ2			
REP7-080_d	4.1 General Comments	The MMO has no further comments. The MMO responses which were deferred to Deadline 7 are detailed above in Section 1.	Noted.

REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
Comments on Applicants Response to Deadline 5 Submissions			
REP7-080_e	5.1 General Comments	The MMO notes the Applicant's response and comments. The MMO provided further comments at Deadline 6 and await responses from the Applicant.	Noted.
Outline Site Integrity Plan for the Southern North Sea SAC			
REP7-080_f	6.1 General Comments	<p>The MMO welcomes the update to Table 1.2.</p> <p>The MMO welcomes the inclusion of 'then North Falls will be in a position (from a programme execution perspective) to implement such measures', as financial and timescales is not enough justification to prevent using the measures.</p> <p>The MMO notes NE requests further commitment at this stage. This is not the type of mitigation to be used but more a commitment within the DML to state that the mitigation will be fully reviewed.</p> <p>The MMO proposes the following wording is updated in Condition 22(1)(g), this has widely been accepted by NE and other Developers during Examination:</p> <p><i>g) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol (in accordance with the outline marine mammal mitigation protocol), the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant SNCB and which must include details of noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment;</i></p> <p>The MMO believes this could alleviate the concerns and provides commitment that the document will include these requirements post consent.</p>	<p>Noted.</p> <p>The Applicant does not consider this addition to condition 22(1)(g) of the DML is necessary, as the MMMP is appropriately secured in the DML and the draft MMMP addresses noise reduction methods and their proposed application to the Project, including updates made to address comments raised by Natural England and the MMO at previous deadlines. The Applicant also notes that the current drafting aligns with the drafting in the DCOs as made for Mona and Sheringham and Dudgeon Extension Projects.</p>
Applicants Deadline 6 Submissions			
REP7-080_g1	7.1 Outline Project Environmental Management Plan	<p>The MMO welcomes the updates to Section 7.2.3 Boulder Clearance and asks the Applicant if reference to no boulders within the Deep Water Route should also be included?</p> <p>The MMO welcomes the update to 7.3.1 Winter piling restriction.</p>	<p>The requirement on boulders within the Deep Water Routes is contained within the oCSIP. and hence it is not required to be within the oPEMP. The oPEMP will not be updated for deadline 8.</p> <p>The Applicant notes the comment on the Winter piling restriction.</p>
REP7-080_g2	7.2 Draft Marine Mammal Management Protocol	<p>Please see comments relating to the SIP in Section 6 of this document. The same comments in relation to NAS are relevant for this document.</p> <p>The MMO welcomes the updates Plate 1.2 to ensure it matches the text regarding soft-start and ramp up procedures, and to make clear that piling will only continue after a break if there are no marine mammals present.</p>	Noted.
REP7-080_g3	7.3 Offshore In-Principle Monitoring Plan	The MMO welcomes the updates to this document and defers to NE in relation to any outstanding issues.	Noted.
REP7-080_g4	7.4 Outline Offshore Operations and Maintenance Plan	The MMO welcomes the updates to this document.	Noted.
REP7-080_g5	7.5 Outline Navigation and Installation Plan	The MMO defers to MCA and the interested parties in relation to this plan.	Noted.
REP7-080_g6	7.6 Site Characterisation Report	The MMO are aware the Applicant has updated the Site Characterisation Report and will be submitting the updated version at Deadline 7. The MMO will review and provide comments at Deadline 8.	The comment is noted by the Applicant.
REP7-080_g7	7.7 Outline Sediment Disposal Plan	The MMO welcomes the updates to this document.	Noted.
REP7-080_g8	7.8 Cable Specification and Installation Plan	The MMO welcomes the updates to this document and defers to interested parties on any other information required in this document.	Noted.

REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
Comments on Report on Implications for European Sites			
REP7-080_h1	8.1 Disturbance of harbour porpoise RIES Q17: To NE, EWT and MMO Please review the applicant's amendments to the Outline SIP and Draft MMMP submitted at Deadline 5 and provide comment. Are you content with the applicant's wording in respect of NAS? If you have concerns, please expand. Does this document address your concerns regarding AEol?	<p>The MMO welcomes the update to the SIP document and has provided comments in Section 6 of this document, with further comments in response to ExA schedule of changes and NE's comments in Section 3 and 10.3 onwards respectively.</p> <p>The MMO notes the MMMP has been updated for Deadline 6 and has provided comments in Section 7.2 of this document.</p> <p>The MMO has suggested a further commitment within the DML in Section 6.1.4 of this document.</p> <p>The MMO defers to NE in relation to Adverse Effect on Integrity, but notes that NAS will likely be required as standard to ensure no AEol.</p>	Noted and responded to where relevant throughout this document.
REP7-080_h2	8.2 Mitigation measures – MMMP and Working in Proximity to Wildlife Plan RIES Q18: To applicant, EWT, local authorities: Please confirm whether it has been agreed the Outline PEMP contains the necessary guidance and procedures in respect of marine mammal collision and that a separate Working in Proximity to Wildlife Plan is not deemed necessary.	The MMO defers to NE as the SNCB in relation to this question.	Noted.
Updated Cable Specification and Installation Plan			
REP7-080_i1	9.1.1	<p>The MMO notes that the Applicant does not appear to have included an Electromagnetic Field (EMF) Attenuation in the CSIP outline which is necessary to provide a discussion around EMF fields emitted by the proposed subsea export cables, with reference to field strength in the context of EMF-sensitive fish receptors. The discussion would benefit from the inclusion of some examples of thresholds or limits of detection for electro-sensitive fish receptors, to put the manufacturer's predicted field strengths into context. The discussion should also cite sources relating to the EMF-sensitivities of pelagic, demersal and diadromous migratory fish species and incorporate that the known effects of EMF on elasmobranchs and other EMF sensitive species are inconclusive as there is a lack of robust evidence. The Applicant should ensure that a suitable Electromagnetic Field (EMF) Attenuation Study is included in the CSIP to ensure that EMF effects on fisheries receptors have been appropriately discussed.</p>	<p>The Applicant notes ES Chapter 11 Fish and Shellfish Ecology [APP-025], assesses the impacts of Electromagnetic Fields (EMFs) over fish and shellfish species, including sensitive receptors, concluding there would be no significant effects due to the Project at the minimum cable burial depth. If the cable is buried deeper than the minimum depth due to the requirements of the cable burial assessment, this will lessen any impacts from the project than have been assessed.</p> <p>The project is utilising HVAC technology. The emissions of EMFs within a HVAC cable are significantly less than those for a HVDC cable, and due to the alternating current within the cable, is not a continuous magnetic field (i.e. giving a new continuous new north pole) to route the fish off course whilst they're passing over the top. Due to the makeup of an offshore HVAC cable (all 3 cores are within a common overall metallic screen), the EMF emissions are lower than for a single core cable. Assessments of the flat arrangement of the single core cables is available in [REP4-024].</p> <p>The exact burial depths will be confirmed post consent pursuant to the detailed cable burial assessment (under Condition 22(1)(h)). This can only be carried out post consent once the soil strength is known, to understand the penetration of anchors and the risk experienced by the cable.</p> <p>The assessment presented in ES Chapter 11 Fish and Shellfish Ecology [APP-025], is based on the realistic worst-case scenario (shown in Table 11.2 of the chapter). This takes account of the maximum length of array and export cables and maximum proposed voltage. In addition, it considers for assessment the minimum burial depth of 0.6 m.</p>
REP7-080_i2	9.1.2	<p>The Applicant does not define what their target burial depth is within the CSIP. The MMO believes it would be helpful to know what the target cable burial depth is to understand the potential effects of EMF on sensitive species. The MMO recommends the Applicant considers aiming for a cable burial depth of >1.5 metres (m) (subject to local geology) to reduce the potential effects of EMF on sensitive species e.g., elasmobranchs. The MMO notes that Chapter 5 of the Environmental Statement (ES) [APP-019] states 'A minimum depth of 0.6m for cable burial or cable protection where burial is not achieved to reduce the impacts of electromagnetic fields'. The MMO requests the Applicant states their target burial depth within the CSIP and discuss this depth in the context of EMF field strengths and potential impacts to fish in their EMF attenuation study.</p>	<p>As explained above, the final cable burial depths are defined by a cable burial risk assessment which is based on the soil type and strength, the anchor size and weight of ships passing over the cable..The output from the cable burial risk assessment will inform the content of the final CSIP post-consent.</p> <p>For the purposes of the EIA, under ES Chapter 11 Fish and Shellfish Ecology [APP-025], consideration is given to the minimum burial depth of 0.6 m as this is considered to represent the worst-case scenario.</p>

REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
REP7-080_j3	9.1.3	The MMO notes that in Section 3.2, paragraph 14, 15 and 16 are almost identical to each other (they include the same statements) so there is a lot of repetition in Section 3.2 – this could be written more succinctly and avoid confusion over the repetition, the MMO notes these are only minor comments and understands there may not be enough time to make these amendment.	Noted. Amendments to the drafting have been made for the Deadline 8 version of the oCSIP (Document Reference 9.53, Rev 4).
REP7-080_j4	9.1.4	In line with best practice for the marine environment the Applicant should make a commitment to minimise the use of plastics in the marine environment, this would include consideration of avoiding plastics used in the construction of the offshore wind farm (e.g. fronded concrete mattresses or plastic gabion baskets etc.). This is to prevent the release of plastics from the construction, operation and maintenance of the offshore wind farm in line with the OSPAR task for the release of hazardous substances from offshore renewables to which the UK is a contracting party. This should be reflected in the CSIP post consent and include an assessment of impact if plastics are used.	The Applicant will minimise the use of plastics as reasonably practicable. This will be captured in the final version of the CSIP developed post consent, once the detailed assessment of cables has been undertaken and the proposed methods of installation known, and which the MMO will need to approve pursuant to Condition 22(1) (Document Reference 6.1, Rev 8).
REP7-080_j5	9.2.1-9.2.6	<p>The MMO is content with the updates to the sediment contaminant analysis for trace mentals, inclusion of polychlorinated biphenyls (PCBs) and the updates to the Site Characterisation Report regarding the disposal site as requested at Deadline 5 [REP5 098].</p> <p>A revised disposal site has been prepared for the Five Estuaries Export Cable Corridor (ECC) (TH019) disposal site to include the ECC for North Falls. The MMO has requested a new disposal site for the array area.</p>  <p>Figure 1. Five Estuaries ECC (TH019) disposal site in yellow bounded by a light blue highlight, and the proposed North Falls Offshore Windfarm disposal site area is yellow.</p> <p>In Figure 2 the area in the middle of the ECC shows an unhighlighted yellow area that is to be included in the Five Estuaries (TH019) disposal site for use with either construction project. The MMO notes that the section in Purple was not included in the shape file for the ECC and therefore has not been included. The MMO will continue discussions on if this area should be included in the ECC or the Array area.</p> <p>The new area for a combined disposal site overlaps DCO/2019/00008 Five Estuaries Array (TH018) and Cable Corridor (TH019) but not entirely, as well as the array area for Galloper OWF (TH057) in the North – dark areas not highlighted in pale blue (Figure 2).</p>	A revised Site Characterisation Report with a combined disposal site with Five Estuaries was provided at Deadline 7 [REP7-033/034].

REF	QUESTION	RESPONSE FROM MMO	APPLICANT'S RESPONSE
		 <p>Figure 2 DCO/2019/00008 Five Estuaries Array (TH018) and Cable Corridor (TH019) and Galloper OWF (North) - dark blue areas not highlighted in pale blue, yellow areas are additional North Falls sites requiring designation.</p> <p>The MMO is currently designating the updated Five Estuaries ECC (TH019) area. The yellow area in for the Array area is also being designated as we would expect a new area to be included for the array (bottom yellow area under the ECC).</p> <p>The area in the North Falls shape file provided that goes past land fall on the Essex coast has not been included in the designated area for the Five Estuaries ECC (TH019) disposal site (Figure 3).</p>  <p>Figure 3. Area of North Falls shapefile past Essex land fall not anticipated to be included in the Five Estuaries ECC (TH019) extension.</p>	
REP7-080_j6	9.2.7	<p>The MMO requests that the following is updated to the DML so that confirmation of designation and use of these sites can be confirmed by the MMO, due to the timescales this won't be provided prior to the end of Examination but the MMO will provide this to the Applicant via email as soon as possible.</p> <p>Part 1, Details of licensed marine activities, Paragraph 2(a)</p> <p>(a) the deposit at sea at disposal site reference provided in writing by the MMO within the extent of the Order limits seaward of MHWS of the substances and articles specified in paragraph 4 below and in Work Nos. 2 to 4A of up to 6,309,638 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works and cable installation preparation and excavation of drilling pits for trenchless installation techniques;</p> <p>Part 2 Condition</p> <p>(4) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, vessels or cables and drilling mud is disposed of at disposal site reference provided in writing by the MMO within the extent of the within the Order limits seaward of MHWS.</p>	<p>The change to sub-paragraph (4) is not necessary as the Applicant must deposit of the material within the disposal sites as set out in the outline SDMP (updated again at Deadline 8 (Document Reference 9.52, Rev 3)).</p> <p>The oSDMP is certified under Schedule 12 of the DCO and is secured by Condition 21 / 22 / 21 of Schedule 8 / 9 / 10 respectively [Document Reference 6.1, Rev 9), whereby the MMO is the one that must approve of, and ensure, that the final SDMP accords with the oSDMP, including the disposal sites.</p>
REP7-080_j	10. Responses to Interested Party Submissions at Deadline 6	[Text not reproduced here]	Noted, the Applicant has no comments on the MMO's comments on other IPs' submissions. Where relevant the Applicant has responded to the IPs directly.

2.10 Applicants Response to Maritime and Coastguard Agency Responses to ExQ3 [REP7-081]

Table 2.10 Applicant’s Response to Maritime and Coastguard Agency Responses to ExQ3 [REP7-081]

REF	QUESTION	RESPONSE FROM MCA	APPLICANT’S RESPONSE
REP7-081_a	<p>Q15.0.2</p> <p>Without Prejudice Proposed DCO Requirement – Galloper Recommended Route</p> <p>With reference to the above document [REP6-068], could the MCA provide their view on whether or not they would be able to accept the Applicant’s proposed DCO requirement in respect of the Galloper Recommended Route, which has been submitted on a without prejudice basis.</p>	<p>MCA has reviewed the proposed condition and we would like to make amendments to both parts before we are able to accept it, as follows:</p> <p>(1) <i>Unless otherwise agreed by the Secretary of State in consultation with the MCA, the undertaker must not commence any part of Work No. 1 or Work No. 2 unless the NCSR3 has adopted a resolution recommending or approving the minor amendment to the “Sunk area traffic routeing scheme” until the Maritime Safety Committee (MSC) has ratified the proposal to remove the Galloper Recommended Route.</i></p> <p>Reason: Approval from the IMO is a two-stage process. It is first discussed by the Experts Group on Ships Routeing during the IMO’s sub-committee on Navigation, Communication and Search and Rescue (NCSR). If no objections are received it is recommended for ratification by the Maritime Safety Committee (MSC). Once accepted by the MSC the removal will be in force within 4-6 months. The Applicant’s draft omits the second part of the approval process where the removal of the routeing measure is secured once it has been accepted by the MSC.</p> <p>(2) <i>Unless otherwise agreed by the Secretary of State in consultation with the MCA, the undertaker must not install any surface-piercing infrastructure forming part of Work No. 1 or Work No. 2 until the MSC has adopted a resolution for or otherwise endorsed the minor amendment to the “Sunk area traffic routeing scheme” to remove the Galloper Recommended Route has come into force.</i></p> <p>Reason: Once a routeing measure amendment has been accepted by the MSC, a period of 4-6 months is required to ensure all navigational charts and nautical publications are updated. Construction of any surface piercing infrastructure must not commence until all necessary safety information has been published and mariners are made aware that the Recommended Route has been removed.</p>	<p>The Applicant updated the dDCO as submitted at Deadline 7 [REP7-007] to include the new DCO Requirement 30 - Galloper Recommended Route Requirement, incorporating the MCA’s proposed amendments.</p>
REP7-081_b	<p>Q15.0.3</p> <p>Applicant’s Response to ExA’s Request for further information (Rule 17) - Galloper</p> <p>With reference to the above document [REP6-063], could the MCA advise if they have any comments or concerns regarding the Applicant’s responses.</p>	<p>The Galloper Recommended Route (IMO routeing measure) is available for use by all vessel types and other vessel types do use the route. Regarding PD-015c of the Applicant’s response to ExA’s Request for further information (Rule 17), the Princess Elisabeth project does not interact directly with the Galloper Recommended Route. As the UK’s representative at IMO MCA has not been, and would not expect to be, approached for formal approval of the removal of the Galloper recommended route as part of the Princess Elisabeth Island project.</p>	<p>The Applicant notes that the MCA’s view regarding the Princess Elisabeth Zone (PEZ) aligns with the Applicant’s submission [REP6-063]. The Applicant would like to highlight as per [REP6-063] in the event that a ferry service from Ostend to certain UK ports was opened, it would still be necessary for a new timetable to be developed to account for the PEZ, regardless of the presence (or otherwise) of the Galloper Recommended Ferry Route.</p>
REP7-081_c	<p>Q15.0.5</p> <p>Crossing the port channels with the cable burial tool</p> <p>With reference to the applicant’s response [REP5-054] to Q7.04 (ii), the applicant states:</p> <p><i>“With regards to the PLA comments, it should be noted that there are two deep water routes (Sunk and Trinity) into the London ports. The Outline Navigation and Installation Plan (oNIP) [REP4-011/012] prevents concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports. Further to this, the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days. Therefore, the potential socio-economic impacts on the London ports have been minimised as one route would always be open. The access routes are being discussed in ongoing meetings with the ports and the tables in the oNIP will be updated at Deadline 6.”</i></p>	<p>(i) MCA agrees with the Applicant in principle regarding the timings of works in the area of the two deep water routes. The production of the oNIP is an additional mitigation to ensure that timings of any works within the areas covered by the oNIP are managed between the projects accordingly to keep any potential socio-economic or navigation safety issues to a minimum.</p> <p>The applicant is demonstrating continued engagement with the relevant stakeholders and as the oNIP is intended to be a ‘live document’ we would expect this engagement to continue throughout the post consent period until the works are complete.</p> <p>(ii) The MCA is willing to provide comments on the Applicant’s contingency plan; however, the plan should clearly demonstrate the ability to cease operations and remove vessels from the area to ensure uninterrupted port access at all times.</p>	<p>(i) The comments are noted by the Applicant and we welcome MCA’s recognition that the oNIP is mitigation that will minimise impacts, and that the Applicant is demonstrating continued engagement with relevant stakeholders.</p> <p>(ii) To carry out the approach suggested by the MCA, would mean cutting the export cable. To enable connection of the windfarm to the grid, the cut cable would then need to be jointed to another cable, resulting in far more disruption to the shipping lane. The contingency plan proposed by the Applicant ensures the design approach is considered. If the approach using the cable burial tool for crossing the port channels presents unacceptable risks, , an alternative method (e.g. dredging) would need to be undertaken. This has been accommodated within the disposal material volumes assessed as part of the Environmental Statement, and secured within the description of Associated Development in Schedule 1, Part 1 of the DCO, and Part 1, paragraph 2 of the Schedule 9 DML (Document Reference 6.1, Rev 9). In addition to this, the oNIP (Document Reference 7.24, Rev 4) has been updated for Deadline 8 with a commitment to further communications between the Project and Interested Parties to ensure that planning for activities can be achieved. This communication ensures that all parties are aware of the types of windows needed by each other (e.g. North Falls to understand vessel transit windows and approaches, ports to understand cable durations etc.). Such planning cannot be done until nearer the time of install, which is circa 5-6 years away, once further design work has been carried out, and the exact burial requirements of the cable are known.</p>

REF	QUESTION	RESPONSE FROM MCA	APPLICANT'S RESPONSE
	<p>(i) Please advise if you agree with the Applicant's proposal to prevent concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports?</p> <p>Further, the applicant's response [REP-054, Q16.06 part (ii)] provides information on if burial tools cannot achieve the required depth on their own.</p> <p>(ii) In the event that the expected time for crossing the port channels with the cable burial tool could take longer than 2 days, what contingency plans would need to be in place?</p>		
REP7-081_d	<p>Q15.0.7 Outstanding concerns on plans relating to Shipping and Navigation</p> <p>Are there any outstanding concerns that have not been addressed by the Applicant in the following documents:</p> <ul style="list-style-type: none"> • Site Characterisation Report [REP4-014] • Supporting Information on Offshore Additional Mitigation [REP4-041] • Deep Water Route Cable Installation Areas [REP4-043] • Outline Navigation and Installation Plan [REP5-028] • Outline Sediment Disposal Management Plan [REP5-042] • Cable Specification and Installation Plan [REP5-044] 	<p><u>Site Characterisation Report [REP4-014]</u></p> <ul style="list-style-type: none"> • No comments <p><u>Supporting Information on Offshore Additional Mitigation [REP4-041]</u></p> <ul style="list-style-type: none"> • MCA supports the Port of London Authority, Harwich Haven Authority and London Gateway request for the Applicant to commit to cables being installed at sufficient depth so as not to preclude future dredging to 22m below chart datum (CD) within the Sunk A and Trinity Deep Water Routes (DWR)s and 19m in the Sunk B to facilitate potential future vessel keel depths over the life of the Project. <p><u>Deep Water Route Cable Installation Areas [REP4-043]</u></p> <ul style="list-style-type: none"> • No comments <p><u>Outline Navigation and Installation Plan [REP5-028]</u></p> <ul style="list-style-type: none"> • No comments, subject to the applicant maintaining their commitment to continued consultation with relevant navigation stakeholders during the post-consent stage. <p><u>Outline Sediment Disposal Management Plan [REP5-042]</u></p> <ul style="list-style-type: none"> • No comments <p><u>Cable Specification and Installation Plan [REP5-044]</u></p> <ul style="list-style-type: none"> • No comments, subject to consultation during the post-consent stage. 	<p>Noted.</p> <p>In respect of the MCA supporting the local harbour authorities in their position of protecting future dredging depths within the Deep Water Route areas, this is secured by Requirement 2(3) of the dDCO (Document Reference 6.1, Rev 9) and the Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan [REP6-055]. These controls address the local harbour authorities concerns in respect of this point.</p>
REP7-081_e	<p>Q15.0.8 Control measures proposed by Harwich Haven Authority</p> <p>Please could the MCA advise if they agree with the seven control measures proposed by Harwich Haven Authority (HHA) in their response to ExQ2 submission [REP5-094] and that they need to be contained within the body text of the DCO and embedded marine licence as protective provisions and not just referenced as required for a plan or document such as the Outline Navigation and Installation Plan?</p>	<p>MCA has the following comments on the seven control measures:</p> <ol style="list-style-type: none"> 1. <i>We request that no Restricted Ability to Manoeuvre (RAM) works conducted by the North Falls project should run concurrently with RAM works already planned by the Five Estuaries, Sealink and Tarchon project developers (or other development projects) in the Sunk area. It is our opinion that this would cause an unacceptable level of navigational risk. Therefore, we insist that the Sea Link project liaise with other planned project teams and ourselves to avoid this situation. This requirement for no RAM concurrent works, operations or activity must be written into the DCO.</i> <p>MCA comments: MCA agrees with this approach and inclusion in the DCO would secure the condition, otherwise the HHA (and other navigation stakeholders) will rely on the MMO including them in the post-consent consultation of the relevant plans to confirm the North Falls project intends to implement the condition. Alternatively, it could be included within the Outline Navigation and installation Plan.</p> <ol style="list-style-type: none"> 2. <i>Exclusion zone(s) must not be put in place in the Sunk area or channel that would restrict 24/7/365 vessel access requirements or pilot boarding operations etc.</i> <p>MCA comments: The Applicant will not have the authority to establish mandatory exclusion zones in the Sunk area or channel. Exclusion zones are established under separate legislation e.g. Merchant Shipping Act 1995, therefore it is not necessary to include it within the DCO.</p> <ol style="list-style-type: none"> 3. <i>Safety zone(s) will not be able to impede vessel traffic movements within the Sunk area or normal operations such as pilot boarding.</i> <p>MCA comments: Safety zones may be established around wind turbines which will be outside the Sunk Precautionary Area, and therefore they will not impede vessel movements and pilot operations in the Sunk area. Safety zones are established under the Energy Act 2004 and Safety Zone Regulations (SI 2007 1948) and therefore it is not necessary to include it within the DCO.</p>	<p>Please refer to the Applicant's response to Q15.0.8 in Applicant's Response to the ExA's Proposed Schedule of Changes to the dDCO [REP7-056]. The Applicant agrees with the MCA that the matters raised by HHA are controlled through the oNIP and oCSIP.</p> <p>In respect of 4. the Applicant notes that the MCA agrees that the control measures in respect of cable joints can be contained in the oCSIP, which it currently is (Document Reference 9.53, Rev 4).</p>

REF	QUESTION	RESPONSE FROM MCA	APPLICANT'S RESPONSE
		<p>4. <i>We suggest that no cable joints to be in locations in the Sunk area, due to extra work required in this busy shipping area, leading to increased navigational safety risk.</i></p> <p>MCA comments: MCA agrees with this approach and inclusion in the DCO would secure the condition, otherwise the HHA (and other navigation stakeholders) will rely on the MMO including them in the post-consent consultation of the relevant plans to confirm the North Falls project intends to implement the condition. Alternatively, it could be included in the Outline Cable Specification and Installation Plan.</p> <p>5. <i>In the Sunk area, cable depth needs to consider that the world's largest vessels may anchor and dredge anchors in emergency scenario.</i></p> <p>MCA comments: This is addressed through the condition in the Cable Specification and Installation Plan – see below.</p> <p>6. <i>The cable depth must take into account the draught of current and future vessels and future dredging. The DCO should provide for a maximum draught of 20m plus 10% UKC, as such minimum depth required 22m below chart datum.</i></p> <p>MCA comments: Whilst it could be beneficial to have a specific reference to 22m below CD, it is noted that Schedule 8, Part 2, 22(h) requires the cable specification and installation plan to be in accordance with the outline cable specification and installation plan where it confirms: “Cables will be installed and maintained so as not to impede dredging to a depth of at least 22m below CD within the DWR areas Sunk A and Trinity”.</p> <p>7. <i>Suggest that no project vessels with Restricted Ability to Manoeuvre (RAM) (cable laying, UXO clearance, survey etc) are to operate in the wider Sunk area when visibility below nautical 2 miles.</i></p> <p>MCA comments: MCA agrees with this procedure. This could be secured within the Outline Navigation and Installation Plan.</p>	
REP7-081_f	Comments on additional submission from the Applicant	<p>The Applicant submitted an updated DCO condition in respect of the removal of the Galloper Recommended Route that was published by the ExA on 10 July 2025. In addition to sub-paragraphs (1) and (2) as shown in our response to Q.15.0.2 above, the Applicant added:</p> <p>(3) Sub-paragraphs (1) and (2) are subject to sub-paragraphs (4), (5) and (6).</p> <p>(4) If at any time the Secretary of State, in consultation with the MCA, approves a layout for Work Nos 1 and 2 which safeguards sufficient sea space to allow vessels to continue to safely navigate via the Galloper recommended route, the restrictions in sub-paragraphs (1) and (2) do not apply.</p> <p>(5) [Unless the Secretary of State directs otherwise, the restrictions contained in sub-paragraphs (1) and (2) cease to have effect on 30 November 2028.</p> <p>(6) If the secretary of state's agreement or approval is obtained pursuant to sub-paragraphs (1), (2) or (4) above, the undertaker must install any infrastructure in accordance with the terms and conditions of any such agreement or approval.</p> <p>MCA is able to accept sub-paragraph (4); however we do not accept sub-paragraph (5). The IMO is the specialist agency of the United Nations responsible for setting international standards on the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. The IMO provides regulatory frameworks for the shipping industry that are universally adopted and implemented by Member States. IMO-adopted ships' routeing, as defined by Resolution A.572(14) General Provisions on Ships' Routeing¹, aims to “improve the safety of navigation in converging areas and in areas where the density of traffic is great or where freedom of movement of shipping is inhibited by restricted sea-room, the existence of obstructions to navigation, limited depths or unfavourable meteorological conditions”. They can include Traffic Separation Schemes, Inshore Traffic Zones, Deep-Water Routes, Precautionary Areas, Areas To Be Avoided, Roundabouts and Recommended Routes.</p> <p>Recommended Routes are defined in Resolution A.572(14) as “A route of undefined width, for the convenience of ships in transit, which is often marked by centre line buoys”. The Galloper Recommended Route was established in 2006 to enable regular ferry traffic sailing to and from the port of Ostend to enter and leave the Sunk Outer Precautionary Area without unnecessarily deviating to use the Traffic Separation Scheme. Other vessel types can and do use the route. Resolution A.572(14) goes on to say:</p> <p><i>3.10 Governments are recommended to ensure, as far as practicable, that oil rigs, platforms and other similar structures are not established within routeing systems adopted be(sic) IMO or near their terminations.</i></p>	Please see the Applicant's response to REP7-081_a above. The Applicant has removed sub-paragraph (4) from the requirement as incorporated in the dDCO at Deadline 7. The wording of the requirement for the Galloper recommended route is therefore agreed between the MCA and the Applicant.

REF	QUESTION	RESPONSE FROM MCA	APPLICANT'S RESPONSE
		<p>This recommendation is reflected in the port and shipping policies in UK marine plans. The following is from the East Marine Plan:</p> <p>Policy PS1</p> <p><i>Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.</i></p> <p>The Applicant maintains its position that the requirement for a condition in the DCO “should only be imposed in the event that the Galloper Recommended Route is a ‘recognised sea lane essential to international navigation’ [i.e. a Traffic Separation Scheme] and that a requirement is necessary in order to grant development consent in terms that would avoid any risk of breach of any international obligations”. There is no clear reason why the Applicant believes the requirement for a DCO condition “should only be imposed in the event that the Secretary of State concludes that the Recommended Route is a ‘recognised sea lane essential to international navigation’”. It is MCA’s position that as an IMO-adopted routeing measure the Galloper Recommended Route is a recognised sea lane under UNCLOS Article 22 and Policy PS1 of the East Marine Plan, which is consistent across marine plans in the UK, fulfils the obligation of UNCLOS Article 22.3(a):</p> <p><i>3. In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account:</i></p> <p><i>(a) the recommendations of the competent international organization;</i></p> <p>It is also MCA’s position that as an IMO-adopted routeing measure the Galloper Recommended Route is a ‘strategic route essential to regional, national and international trade’ under paragraph 2.8.318 of EN-3 National Policy Statement for Renewable Energy Infrastructure.</p> <p>As explained during Issue Specific Hearing 2 and in our Deadline 4 response, MCA will not propose the removal of the Recommended Route to IMO until the project receives Ministerial consent. The proposal will be a joint submission from the UK and Belgian Governments and therefore it is not considered to be a minor amendment as suggested by the Applicant in their proposed condition wording. If agreement to remove the Recommended Route is not received from the IMO because of, for example, delays or objections from Member States, the IMO-adopted routeing measure will continue to exist and the UK’s obligations in regard to its operation (ref. East Marine Plans PS1 policy) will also continue to exist, regardless of whether the DCO condition has a timebound clause.</p> <p>Should the Secretary of State grant development consent without an appropriately worded DCO condition, the construction of the wind farm over the Galloper Recommended Route would contradict IMO recommendations and contravene the Government’s East Marine Plan policy. Should the Secretary of State grant development consent with a DCO condition using the Applicant’s suggested wording for sub-paragraph (5), it potentially consents the Applicant to construct the wind farm after 30 November 2028 without IMO approval to remove the Recommended Route, contrary to IMO recommendations, the East Marine Plan ports and shipping policy, and MCA advice. Sub-paragraph (5) is therefore unacceptable to MCA and we request it is removed from the condition.</p> <p>MCA has provided updates to the Statement of Common Ground which will be submitted by the Applicant.</p>	

2.11 Applicants Response to National Grid Electricity Transmission Plc Response to ExQ3 [REP7-082]

Table 2.11 Applicants Response to National Grid Electricity Transmission Plc Response to ExQ3 [REP7-082]

REF	QUESTION	RESPONSE FROM NATIONAL GRID ELECTRICITY TRANSMISSIONS PLC	APPLICANT'S RESPONSE
REP7-082_a	<p>Q9.3.1</p> <p>Protective Provisions</p> <p>With respect to negotiating Protective Provisions, advise on what the current position is with respect to agreeing a set of Protective Provisions in your favour with the Applicant. Where there is disagreement with the Applicant explain why that is the case and where any disagreement relates to matters of detailed drafting submit the version of your preferred text.</p>	<p>National Grid Electricity Transmission (NGET) has agreed protective provisions for their benefit in the North Falls Development Consent Order with the promoter. These have already been included in the dDCO at Schedule 14 Part 11 (REP6-005). NGET request that these protective provisions are contained in the confirmed order for the protection and benefit of NGET.</p>	Noted.

2.12 Applicants Response to National Highways Comments on any submissions received at the previous deadline [REP7-083]

Table 2.12 Applicants Response to National Highways Comments on any submissions received at the previous deadline [REP7-083]

REF	THEME	NATIONAL HIGHWAYS COMMENT	APPLICANT'S RESPONSE
REP7-083_a	Junction Modelling and Construction Traffic	<p>The Applicant's transport consultants have undertaken modelling of additional junctions on the A120 due to concerns raised by National Highways and this information has been reviewed in depth by National Highways and our consultants AECOM.</p> <p>I am pleased to advise that National Highways is now satisfied that the modelling demonstrates that the junctions on the A120 are expected to be able to accommodate safely the additional traffic arising from the construction of the North Falls project.</p> <p>This matter is therefore resolved, and this is reflected in the latest version of the SOCG to be submitted by the Applicant at Deadline 7.</p>	Noted.
REP7-083_b	Protective Provisions	<p>The discussions on National Highways Protective Provisions are almost complete and we envisage being able to confirm that they have been agreed and finalised at Deadline 8.</p> <p>Whilst this matter continues to be marked as ongoing in the SOCG, National Highways does not foresee any difficulties in closing this matter out before the end of the Examination.</p>	Noted. The Applicant considers that the protective provisions are agreed and is in the process of arranging for the execution of the related side agreement.

2.13 Applicants Response to National Trust Comments on any submissions received at the previous deadline [REP7-084]

Table 2.13 Applicants Response to National Trust Comments on any submissions received at the previous deadline [REP7-084]

REF	THEME	NATIONAL TRUST COMMENT	APPLICANT'S RESPONSE
REP7-084_a	Concerns of 4ha LBBG Scheme at Lantern Marshes	Black-backed Gull Compensation Implementation and Monitoring Plan' (REP6-013), in accordance with advice from Natural England. The Examining Authority will be aware that the Trusts position has always been that we believe a larger area than the 4ha scheme proposed would be required to ensure the long-term success of the scheme, as set out in our response to the first round of Examiners Questions (REP2-051) and our draft Statement of Common Ground with North Falls (REP3-051). We do not consider that a site of 4 ha would be in the conservation interests of the site or species and would not align with our ambitions for the site.	<p>The Applicant notes National Trust's revised position and has update the Lesser black backed gull Compensation Document [7.2.2, Rev 3] and the Outline Lesser black backed gull Compensation Implementation and Monitoring Plan [7.2.2.1, Rev 3] to reflect that Lantern Marshes is no longer a project-led option for North Falls. The option to use the MRF, wholly or partly in substitution of a project-led option is retained.</p> <p>The Applicant has retained a number of options throughout the Examination process to ensure there is resilience in the ability to deliver compensatory measures and the Applicant remains confident that a suitable site can be secured. Positive liaison with landowners for the other site options is ongoing, as reflected in the Habitats Regulations Assessment Land Rights Tracker [9.75, Rev 2].</p> <p>Final site selection will be undertaken post consent, in consultation with the LBBG compensation steering group, as secured by the Outline Lesser black backed gull Compensation Implementation and Monitoring Plan [7.2.2.1, Rev 3].</p>
REP7-084_b	Strategic Shift and Alignment Toward Marine Recovery Fund Over Project-Based Compensation	<p>would not align with our ambitions for the site. As an organisation, the National Trust is currently transitioning into a new 10-year Strategy called 'People and Nature Thriving' and also reviewing its position on project-based compensation schemes. The Trust is committing a significant amount of resource to major infrastructure projects at pre application, examination, and post consent stage, using limited charitable funds. Given that provisions for a Marine Recovery Fund (MRF) are now advancing, it is felt that the organisation should be looking to focus on securing delivery partner status for MRF schemes, rather than enabling project-based proposals.</p> <p>It is considered that the MRF has the potential to deliver better outcomes for nature which would align with our new strategy. We have responded to the MRF consultation and are supportive of its establishment, recognising that done well, the MRF has the potential to improve the delivery of compensation, focussing on areas where the greatest benefits will be felt and at an appropriate scale and pace. We would hope that this new compensation mechanism can be put in place swiftly to support the drive towards net zero and decarbonisation, while ensuring the natural environment is protected, and where possible enhanced.</p> <p>We also note that North Falls are keeping the MRF option open and that if this measure is selected, it would wholly or partly replace a project led measure. It is unclear at what stage that decision would be made.</p>	
REP7-084_c	Concerns Over Readiness of Lantern Marshes Compensation Scheme	We acknowledge that the DCO process provides the opportunity to progress with compensation schemes post consent and subject to subsequent approval from the	

REF	THEME	NATIONAL TRUST COMMENT	APPLICANT'S RESPONSE
		Secretary of State. We have engaged positively in discussions with North Falls for approximately a year now and consider that the compensation proposals are not at an advanced enough stage to provide comfort to the Trust that an appropriate scheme will be delivered at Lantern Marshes in order for us to be able to commit further resource. There is still a significant amount of work to be undertaken in terms of site selection, survey work, design, land agreements, future management etc.	
REP7-084_d	Withdrawal from Orford Ness LBBG Compensation Discussions	We are grateful to North Falls for the opportunity to try and work together to deliver a meaningful seabird recovery scheme, but for the reasons set out above, the Trust has taken the decision to step back from project specific discussions about compensation proposals at Orford Ness. We have made North Falls aware of this. We understand that they are actively pursuing discussions with other landowners and have therefore suggested that they focus on pursuing the alternative options available to deliver compensation for Lesser Black Backed Gulls. Should opportunities arise through the MRF, we would be happy to engage positively with the applicant and other developers as we are keen to support the development of renewable energy projects and can see there may be the potential to deliver benefits for nature	

2.14 Applicants Response to Port of London Authority Responses to ExQ3 [REP7-093]

Table 2.14 Applicants Response to Port of London Authority Responses to ExQ3 [REP7-093]

REF	QUESTION	RESPONSE FROM PLA	APPLICANT'S RESPONSE
REP7-093_a	Q9.0.1 Article 2 (Interpretation) Definition of 'maintenance' The dDCO [REP5-008] requirement 2(3) provides that the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, must be designed, installed, operated and maintained at a specified level. Please can the PLA confirm that this provision overcomes its concerns in relation to the definition of 'maintenance' in Article 2. If not, please explain any outstanding concerns in that respect.	<p>The PLA's concern was that the definition of maintain in Article 2 Interpretation allowed for the cable to be adjusted and altered and that meant that the cable could be installed at one level and then maintained at a different level.</p> <p>With the wording proposed in the dDCO [REP5-008] that the Deep Water Route must be maintained at a level which would not preclude or impede dredging to a specific level, the PLA is content that even though the depth of the cable might alter as a result of maintenance, the Deep Water Route dredging depths would be safeguarded.</p>	The Applicant welcomes the PLA's confirmation.
REP7-093_b	Q9.0.2 Article 2 (Interpretation) Definition of 'commence' The ExA notes the PLA's response to ExQ2 9.0.1(i) where it is stated that the PLA is not content to solely rely on the updated mitigation measures submitted at Deadline 4 as set out in its submissions at that deadline [REP4-044]. For the avoidance of doubt, please can the PLA confirm that its concerns in relation to the Article 2 definition could be satisfactorily overcome by the inclusion within the dDCO of protective provisions along the lines of those included within the VEOWF dDCO?	<p>The PLA welcomes the ExA's inclusion of protective provisions for the PLA and would advise that the form of protective provisions recommended by the ExA [REP5-112, Appendix 2] include a definition of commence which overcomes the PLA's concerns in relation to the Article 2 definition of commence. The requested form of the definition has been included in the Appendix appended to this submission.</p>	<p>The PLA's concern in respect of the definition of 'commence' was that surveying and monitoring were not, as a result of not being licensed activities, captured by the definition – see the PLA's submissions at Deadline 2, [REP2-056] and [REP2-057]. The PLA's concern was that the PLA would expect to be consulted on such activities. The Applicant has now addressed this by incorporating the new condition 37 of Schedule 9, proposed by the PLA at Deadline 6, into the dDCO at Deadline 7 [REP7-007]. This conditions requires consultation with the PLA (as one of the local harbour authorities) on the programme for monitoring and surveying, during all phases and UXO clearance.</p> <p>For the Applicant's response on why Protective Provisions, please see response REP7-077_a.</p>
REP7-093_c	Q9.3.1 Protective Provisions With respect to negotiating Protective Provisions, advise on what the current position is with respect to agreeing a set of Protective Provisions in your favour with the Applicant. Where there is disagreement with the Applicant explain why that is the case and where any disagreement relates to matters of detailed drafting submit the version of your preferred text.	<p>Unfortunately despite the PLA's attempts to get the Applicant to engage with the PLA regarding protective provisions, the Applicant has been unwilling to do so.</p> <p>Despite multiple approaches by the PLA, there has been no discussion (and therefore no agreement) on the form of protective provisions.</p>	<p>The Applicant has continuously engaged constructively with the PLA in discussions regarding its cable burial requirements and related mitigation in respect of the Deep Water Routes. In discussions, and throughout Examination, the PLA have not shown that PPs are reasonable or necessary. The Applicant has declined requests for meetings in respect of PPs only, and that is because the Applicant's position has remained that PPs are not necessary (see the Applicant's Response to the Ports' Request For Protective Provisions [REP4-044].</p> <p>The Applicant has addressed PLA's comments made at Deadline 6, and updated the dDCO (and relevant DML in Schedule 9) extensively at Deadline 7 [REP7-007] resulting in that:</p> <ul style="list-style-type: none"> - The PLA (as one of the local harbour authorities) must be consulted with by the MMO under Condition 22(1), and 23(4) of Schedule 9 in respect of the relevant mitigation plans; - The PLA (as one of the 'local harbour authorities') must be consulted by the MMO in respect of the operations and maintenance plan under Condition 13(4) of Schedule 9;

REF	QUESTION	RESPONSE FROM PLA	APPLICANT'S RESPONSE
			<ul style="list-style-type: none"> - The PLA (as one of the 'local harbour authorities') must be consulted under new Condition 37 of Schedule 9 in respect of surveying, monitoring, and UXO clearance (as proposed by PLA); - The PLA benefits from extensive notification requirements in respect of surveys, the progress of development, and aids to navigation, under Conditions 16 and 17 of Schedule 9); - The PLA (as one of the 'local harbour authorities') must be provided with post-construction monitoring surveys, under Condition 28 of Schedule 9; <p>This is in addition to Requirement 2(3) of the dDCO, which protects the future dredging depth in the DWR areas to 19m/22m, and which the Applicant updated further at Deadline 6 (by also updating the Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan at Deadline 6 [REP6-055]) to make the area around the sunk pilot diamond (shown coloured blue on the plan) protected from having its depth reduced to any less than -22m by Work No. 3 [REP7-007], and condition 13(3) and 22(1)(h)(ii) requiring that navigable depth may not be reduced in the relevant areas, addressing the remaining concerns of the PLA in respect of the cable depth.</p>
REP7-093_d	<p>Q9.3.3 PLA's preferred form of protective provisions</p> <p>With reference to the PLA's response to ExQ2 [REP5-112] Q9.4.3, could the PLA:</p> <p>(i) Compare Appendix 1(PLA's preferred form of protective provisions) with Appendix 2 (Protective Provisions included by VEOWF Ltd in the draft DCO) and provide a justification for the differences to include the insertion of the Indemnity clause.</p> <p>(ii) For Appendix 1, review the references to Work No, 2(c) which is not referenced in the dDCO and Schedule 11 Transmission Assets which is referred to in Schedule 9 of the dDCO.</p>	<p>The outcome of the PLA's review of the two sets of protective provisions, the changes which the PLA would wish to see made and the justification for the changes is set out in the Appendix to this document.</p>	<p>The Applicant's position in respect of PPs is as set out above in response REP7-093_c, and in the Applicant's Response to the Ports' Request For Protective Provisions [REP4-044].</p> <p>Without prejudice to that, the Applicant has considered the PLA's PPs in the Appendix to the PLA's Responses to ExQ3 [REP7-093] and considers that they are excessive in that they duplicate and are rendered unnecessary by controls already contained in the dDCO, dDML and mitigation plans (oNIP, oCSIP and oSDMP) and seek an absolute approval (veto) right. The Applicant is also strongly opposed to the inclusion of any form of indemnity.</p> <p>The Applicant has provided, on a without prejudice basis, PPs for LGPL at Deadline 7 [REP7-059]. This sees that the Applicant must consult the LGPL and consider requests for changes before submitting the plans for approval, in addition to notifying LGPL in the event of a transfer of benefit under article 5 of the dDCO [REP7-007] and that the Applicant provide the as-built details of the relevant cable works.</p>
REP7-093_e	<p>Q15.0.5 Crossing the port channels with the cable burial tool</p> <p>With reference to the applicant's response [REP5-054] to Q7.04 (ii), the applicant states:</p> <p><i>"With regards to the PLA comments, it should be noted that there are two deep water routes (Sunk and Trinity) into the London ports. The Outline Navigation and Installation Plan (oNIP) [REP4-011/012] prevents concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports. Further to this, the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days. Therefore, the potential socio-economic impacts on the London ports have been minimised as one route would always be open. The access routes are being discussed in ongoing meetings with the ports and the tables in the oNIP will be updated at Deadline 6."</i></p> <p>(i) Please advise if you agree with the Applicant's proposal to prevent concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports?</p> <p>Further, the applicant's response [REP-054, Q16.06 part (ii)] provides information on if burial tools cannot achieve the required depth on their own.</p> <p>(ii) In the event that the expected time for crossing the port channels with the cable burial tool could take longer than 2 days, what contingency plans would need to be in place?</p>	<p>The PLA agrees there cannot be concurrent working in both DWRs. However, it is important to note that the Sunk DWR is deeper than the Trinity DWR and therefore both routes are not equal and interchangeable.</p> <p>If the Sunk DWR is not available there will be times when certain deeper draughted vessels will not be able to enter or exit the port due to the works involved in this project. As many of these vessels are deep sea and travel long distances their passages are planned well in advance and are extremely hard to alter. If a vessel has been loaded to discharge in the Port of London prior to visiting another port on the continent they may not be able to easily alter their passage to the other port first due to conflicts in the location of the cargo on board and the carefully calculated stability of the vessel.</p> <p>Conversely, if a deeper draughted vessel is restricted to departing via the Sunk DWR and cannot due to overrunning project works, then it would have to remain on the berth as there is nowhere else within the Port to stage it. This could cause the next vessel due to use that berth to be delayed if another berth cannot be found.</p> <p>In order to avoid these situations occurring careful planning and close communications between the project team and the PLA will be critical to ensure that vessels are not adversely affected, particularly at short notice.</p>	<p>This comment is noted. The outline Navigation and Installation Plan (oNIP) has been updated for Deadline 8 to include a specific statement in Section 2.3.3 that concurrent working will not occur in both DWRs at the same time.</p> <p>It also will acknowledge that the Sunk is not a replacement for the Trinity. A further update within Section 4 ensures the ongoing communication is captured. This is to ensure that this planning can happen to minimise the impact. Given the timeline of the project, there is significant time in between now and proposed construction works, due to the requirements for planning to be in advance of activities such as detailed design, and hence as more information becomes available, this will be communicated to all Interested Parties.</p> <p>The Applicant considers that the impact on the DWRs can be managed through the concurrent working commitments, and close liaison and communication with the relevant port authorities. These are both secured through the oNIP.</p>

REF	QUESTION	RESPONSE FROM PLA	APPLICANT'S RESPONSE
REP7-093_f	<p>Q15.0.7</p> <p>Outstanding concerns on plans relating to Shipping and Navigation</p> <p>Are there any outstanding concerns that have not been addressed by the Applicant in the following documents:</p> <ul style="list-style-type: none"> • Site Characterisation Report [REP4-014] • Supporting Information on Offshore Additional Mitigation [REP4-041] • Deep Water Route Cable Installation Areas [REP4 043] • Outline Navigation and Installation Plan [REP5-028] • Outline Sediment Disposal Management Plan [REP5 042] • Cable Specification and Installation Plan [REP5-044] 	<p>See PLA's Response to Deadline 6 submissions where comments are provided on the latest version of the:</p> <ul style="list-style-type: none"> • Deep Water Route Cable Installation Areas [REP6 055] • Outline Navigation and Installation Plan [REP6-040] • Outline Sediment Disposal Management Plan [REP6 050] • Cable Specification and Installation Plan [REP6-052] <p>The Site Characterisation Report [REP4-014] has not been updated since the PLA commented on the document at deadline 5. The PLA's comments remain outstanding.</p> <p>The PLA and the Applicant have discussed the PLA's comments and the PLA understands that the Site Characterisation Report will be updated at deadline 7 to address the PLA's comments. The PLA also considers that this document will require a general update to reflect the changes made at deadline 6 in relation to The Deep Water Route Plan [REP6-055] and has raised this matter with the Applicant as well.</p> <p>The Supporting Information on Offshore Additional Mitigation document [REP4-041] has not been updated since the PLA commented on the document at deadline 5. Therefore the PLA's comment remains outstanding.</p> <p>The PLA and the Applicant have discussed the PLA's comments and that the Supporting Information on Offshore Additional Mitigation document will require a general update to reflect the changes made to the oSDMP (REP6-050). The PLA expects amendments to be made to the Additional Offshore Mitigation Report at either deadline 7 or 8 to address the PLA's comments.</p>	<p>The following documents were updated at Deadline 7:</p> <ul style="list-style-type: none"> • Outline Cable Specification and Installation Plan [REP7-039] • The Site Characterisation Report [REP7-014] <p>.Further updates to the below documents have been submitted at Deadline 8, and the Applicant expects that the open comments on these documents will be addressed by these updates:</p> <ul style="list-style-type: none"> • Outline Navigation and Installation Plan (Document Reference 7.24, Rev 4) • Outline Sediment Disposal Management Plan (Document Reference 9.52, Rev 3) • Outline Cable Specification and Installation Plan (Document Reference 9.53, Rev 4) <p>Due to limited time, the Supporting Information on Offshore Additional Mitigation Report has not been updated. Instead, the oSDMP has been updated to reflect the current position and the Applicant's commitments.</p>
REP7-093_g	Appendix	(Note the Appendix has not been copied here)	Please see response REP7-093_d in respect of Protective Provisions (PPs), including the PLA's appendix with a marked-up version of the PPs in [REP5-112 Appendix 2]

2.15 Applicants Response to Port of London Authority Comments on any submissions received at the previous deadline [REP7-094]

Table 2.15 Applicants Response to Port of London Authority Comments on any submissions received at the previous deadline [REP7-094]

REF	THEME	PLA COMMENT	APPLICANT'S RESPONSE
REP7-094_a	1. Introduction (1.1-1.2)	<p>This is a written submission made on behalf of the Port of London Authority ("PLA") in respect of comments on Deadline 6 submissions.</p> <p>Documents referred to in this submission are:</p> <ul style="list-style-type: none"> • Technical Note on the interaction of North Falls with the PLA onshore communication links (REP6-067); • Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan (REP6-055) and Offshore Order Limits and Boundary Co-ordinates Plan (REP6-004); • Outline Sediment Disposal Plan (REP6-050) and Hydrodynamic and Dispersion Modelling Report (REP6-054); • Outline Cable Specification and Installation Plan (REP6-052); • Outline Navigation and Installation Plan (REP6-040); • Applicant's Response to Deadline 5 Submissions (REP6-060) and Applicant's Comments on Responses to ExQ2 (REP6-061); • Cumulative Effects Assessment Summary (REP6-048); and • Draft Development Consent Order (REP6-006) 	Noted.
REP7-094_b	2. Technical note on the interaction of NF with the PLA onshore communication links	The PLA welcomes the dialogue with the Applicant and technical note that was produced at deadline 6 [REP6-067] which demonstrates that there is no impact on the PLA's Holland Haven to Walton Pier radio link. The PLA considers this matter resolved and has no further comments on this matter.	Noted, the Applicant welcomes PLA's confirmation that this matter is resolved.
REP7-094_c	3. Deep water cable installation areas plan, Offshore order limits and boundary co-ordinates plan	Sheet 2B was included in the Offshore Order Limits and Boundary Co-ordinates Plan [REP6-004] at deadline 6. This provides co-ordinates for the Sunk (500m and	The comments are noted.

REF	THEME	PLA COMMENT	APPLICANT'S RESPONSE
		<p>700m) and Trinity Deep Water Route Buffers and a new Sunk Pilot Diamond Buffer. The Deep Water Route Plan [REP6-055] has also been updated.</p> <p>The PLA had recommended in its deadline 5 response [REP5-111] an extension to the deep water area at the top of the Trinity/Sunk diamond with the majority of it at -22m CD and the buffer to the south at -19m CD. Whilst the Applicant has presented the PLA's requirement in a different way (through the inclusion of a Sunk Pilotage Area – Sunk Pilot Diamond in addition to an extension of Sunk A and Sunk B) the effect is the same in terms of safeguarding water depths. The PLA welcomes the Applicant's engagement with the PLA on this matter.</p> <p>The dDCO [REP6-006] has had consequential updates which the PLA welcomes see section 9 below.</p> <p>[Table 1 not reproduced by the Applicant – please see PLA's [REP7-094]]</p> <p>As a consequence of the Applicant's different approach, however, there now appear to be slightly different commitments across the various certified documents and the dDCO. This has been discussed with the Applicant and is summarised in table 1 below. The PLA expects the commitments to apply to all areas (Sunk A and B, Trinity and the Sunk Pilotage Area). The PLA understands that the Applicant will be making further updates to the outline cable specification and installation plan ("oCSIP") at deadline 7 which should resolve the points highlighted below.</p> <p>The PLA and the Applicant have discussed further the issue of cable protection. As cable protection would, as a result of the ExA's schedule of proposed changes to the dDCO, be subject to Requirement (2)(3) due to the Requirement applying to any part of the authorised development located within the areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, the PLA is satisfied that even if cable protection was placed within the DWR's or the Sunk Pilot Diamond Buffer it could not be placed at a level that would preclude or impede dredging to the relevant depths as set out in the Requirement.</p> <p>The PLA and the Applicant have also discussed further the issue of cable crossings. Whilst the PLA maintain it would be clearer for all to have a sentence in the oCSIP addressing the point, Five Estuaries ("VE") and Sealink's red line boundaries do not overlap with North Falls at the deep water route or the pilot station buffer and as such the PLA will not make further comments on this point.</p>	<p>In terms of the table 1, this was addressed, where necessary, in the Deadline 7 version of the Outline Cable Installation and Specification Plan [REP7-039] and in full by the version submitted at Deadline 8 (Document Reference 9.53, Rev 4).</p>
REP7-094_d	4. Outline sediment disposal management plan and hydrodynamic and dispersion modelling repor	<p>The outline sediment disposal management plan ("oSDMP") [REP6-050] has been updated at deadline 6 in line with the updates to the Deep Water Route Plan [REP6-055]. There are minor typos in paras 19 and 21 in relation to the name of the buffers when compared with the description in the Deep Water Route Plan, highlighted in underline below:</p> <p><i>"The locations for deeper burial are shown as the buffers from the "Sunk A – Sunk DW Buffers", "Sunk B – Sunk DW buffers", and "Trinity - Trinity DW buffers"</i></p> <p>The PLA welcomes the update at paragraph 21 that disposal material will not be placed in areas where material could migrate into the deep water routes. At paragraph 23 an update is needed to make the reference to the Sunk Pilotage Area – Sunk Pilot Diamond Buffer (rather than the current reference to the Pilot Boarding Station buffers which was the terminology used on the REP4 version of the Deep Water Route plan).</p> <p>The PLA is content that the various scenarios have been appropriately modelled and assessed within the Hydrodynamic and Dispersion Modelling Report [REP6-054]. With the amended Requirements and DML conditions, the size of the safeguarded areas provides sufficient protection to deal with any modelling/assessment uncertainty. Subject to the minor amendments outlined above, the PLA therefore has no further comments on the oSDMP and the Hydrodynamic and Dispersion Modelling Report.</p>	<p>The oSDMP has been updated at Deadline 8 (Document Reference 9.52, Rev 3) to address the minor amendments.</p> <p>The Applicant welcomes the PLA's confirmations that there is nothing else outstanding.</p>
REP7-094_e	5. Outline cable specification and installation plan	<p>The PLA welcomes the updates to the oCSIP that now make it clear at paragraph 4 the scope of the oCSIP and CSIP and that this extends to maintenance. The PLA understands that an update will be made to paragraph 32 to commit to cables in Sunk B being designed, installed, operated and maintained at a gradient of no more</p>	<p>The Applicant welcomes the PLA's confirmations in respect of paragraphs 31, 32 and 56 of the oCSIP, and refer to the Applicant's response REP7-080_a2 for its position on why it is not appropriate that PLA is not the approver of the final plans.</p>

REF	THEME	PLA COMMENT	APPLICANT'S RESPONSE
		<p>than 1:5 from Sunk A. The commitment to providing as built documents of the export cables to the PLA and any updates is also welcomed (para 56)</p> <p>A new paragraph has been inserted (paragraph 31) that commits to cables crossing the Trinity, Sunk A and Sunk B Deep Water routes being routed as far south within the red line boundary and as far away from the Sunk Pilot Diamond as is reasonably practicable. It also commits to the cable between the DWR's being routed as far south as possible within the red line boundary as is reasonably practicable. The PLA is supportive of this general approach to cable routing.</p> <p>With the amendments that the PLA understands are being made to the oCSIP at deadline 7 and taking into consideration paragraphs 3.5 and 3.6 above, the PLA is hopeful that it can agree to the technical content of the oCSIP at deadline 8. This would then leave the legal matters outstanding in relation to approval of the document and the CSIP needing to be in strict accordance with the oCSIP.</p>	
REP7-094_f	6. Outline Navigation and Installation Plan	<p>The PLA and the Applicant have discussed further the content of the outline navigation and installation plan ("oNIP"). At deadline 7 the following points remain outstanding:</p> <ul style="list-style-type: none"> Figure 2.1 The Trinity DWR full extent is not clear currently due to the overlap of the Pilotage Area circles. Figure 2.1 should be updated to show the extent of each area, perhaps in line with the DWR Cable Installation Area (Future Dredging Depths) Plan, to clearly show the areas where concurrent activity is not permitted. A hatching of any overlapping areas would make it clear as to the extent of the areas that cannot be worked concurrently for this and other projects working in the area. It should be clarified that no freespan clearance will be carried out, or if there is the possibility of the activity then it should be included in this document under Section 3. 2.3.2 paragraph 15 – The projects referred to are VEOWF and Sea Link. There are other projects which may take place in the area and depending on timelines may lead to concurrent activities. For future proofing of this document it would be prudent to include a general reference to any other projects which would be taking place in the area rather than a limited list of projects. <p>The PLA is confident that bullet point 1 will be resolved at deadline 7 and is working with the Applicant to try to resolve bullet points 2 and 3.</p>	<p>Figure 2.1 has been updated in the Deadline 8 version of the oNIP (Document Reference 7.24, Rev 3).</p> <p>For the comment on 2.3.2, the Applicant will require any other projects to make the same commitment, as it requires co-ordination with any and all projects named. North Falls can do so for Five Estuaries and SeaLink, as they have very similar oNIPs in their DCO submissions. However, given the status of Tarchon and other projects (e.g. Tarchon is not even at the stage of statutory consultation), they are not in a position to do so at this stage.</p> <p>Given the NIP is an evolving document, on which the PLA must be consulted, this point can be fed into the final NIP, if and when there is further information on the other projects, including defined on Red Line Boundaries of those projects. At this stage, there is not way in which this commitment can feasibly be made by the Applicant.</p>
REP7-094_g	7. App Response to D5 Submissions, App Response to EXQ2	<p>For brevity, the PLA has not sought to respond to each point in turn as most of the points made by the Applicant are either responded to in the PLA's Response to ExAQ3 or are addressed to the PLA's satisfaction through the ExA's inclusion of protective provisions for the PLA or through the ExA's wider schedule of changes to the dDCO. Any outstanding matters are either highlighted in this response or in the PLA's response to ExQ3.</p>	Noted.
REP7-094_h	8. Cumulative Effects Assessment Summary	<p>The Cumulative Effects Assessment Summary [REP6-048] was updated at deadline 6 to clarify the most recent status of other projects and to clarify the way the distance of North Falls to other projects is presented. As a result of these updates, which include (i) an update to the status of Sea Link (ii) various updates to the distances of various projects to the North Falls array area and offshore cable corridor and (iii) inclusion of reference to the Port of London Authority in table 1.28 (potential cumulative impacts identified for socio-economics) the PLA has no further comments on this document.</p>	The Applicant welcomes the PLA's confirmation that there are no further comments on the Cumulative Effects Assessment Summary.
REP7-094_i	9. dDCO	<p>9.1 The changes made by the Applicant to the dDCO [REP6-006] and which are relevant to the PLA include:</p> <p>(a) the change to Requirement 2(3) so this now reads as set out below. The PLA support the changes, although as noted above this does mean that there now appear to be slightly different commitments across the various certified documents and the dDCO.</p>	<p>In respect of paragraphs 9.1-9.2, the Applicant welcomes the PLA's confirmations.</p> <p>In respect of paragraph 9.3, to impose these amendments are unnecessary, as the Applicant has updated the dDCO / relevant DML at Deadline 7 [REP7-007] to include the PLA's proposed new condition 37, which sees that PLA must be consulted on monitoring and UXO clearance throughout all phases. The Applicant has also updated condition 28(6), so that the PLA must be provided with copies of post-construction surveys submitted to the MMO to the extent they relate to the Deep Water Route areas (now referred to as 'Areas of Interest' per PLA request), so that the PLA (and the other local harbour authorities) can see that the cable-related works remain in place and do not impact it.</p>

REF	THEME	PLA COMMENT	APPLICANT'S RESPONSE
		<p>(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 designed, installed, operated and maintained at a level which would not preclude or impede dredging:</p> <p>(a) of the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer, to a level of 22 metres below Chart Datum;</p> <p>(b) of the area shown shaded in pink and labelled Trinity – Trinity DW Buffer, to a level of 22 metres below Chart Datum; and</p> <p>(c) too of the area shown cross-hatched-purple <u>shaded in green</u> and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum; <u>and</u></p> <p><u>(d) of the area shown shaded in blue and labelled Sunk Pilotage Area – Sunk Pilot Diamond Buffer, to a level of 22 metres below Chart Datum.</u></p> <p>(b) The following changes to the Deemed Marine Licence at Schedule 9 of the dDCO</p> <p>(i) condition 13(1)(3) has been updated as follows:</p> <p>(3) In undertaking activities under paragraphs (2)(a), <u>(2)(d), (2)(e) and (2)(f)</u>, other than in areas shown shaded orange, pink or hatched purple, <u>green or blue</u> 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.</p> <p>The PLA welcomes the change to add paragraph 2(d) and can confirm that the colour reference updates are correct.</p> <p>(ii) condition 16(15) has been added and reads:</p> <p><u>(15) In a case of any exposure of cables in the areas shown shaded orange, pink, green or blue on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, the undertaker must send copies of the notices required by paragraphs (12), (13) and (14) to the local harbour authorities within five days of such notices.</u></p> <p>The PLA welcomes this addition.</p> <p>(iii) condition 22(h)(ii) has been amended to read:</p> <p>(ii) a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum (excluding the areas shown shaded orange, pink or hatched purple, <u>green or blue</u> on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan where navigable depth may not be reduced) and, in the event that any area of cable protection exceeding 5% of navigable depth is identified (in areas other than those shown shaded orange, pink or hatched purple, <u>green or blue</u> on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan), details of any steps (to be determined following consultation with the MCA 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;</p> <p>Again the PLA can confirm that the colour updates are correct.</p> <p>9.2 Since the publication of dDCO [REP6-006] the ExA has published its "Schedule of Changes to the draft Development Consent Order" [PD-019]. The PLA welcomes the suggested changes which respond to the changes the PLA has been seeking, subject to the comments below and the colour changes referred to above being adopted.</p> <p>9.3 On the Schedule of Changes to the draft Development Consent Order [PD-019] that relate to the Deemed Marine Licence at Schedule 9 of the dDCO the PLA did request in its mark-up of the DML at deadline 6 [REP6-090] insertion of reference to the PLA as a consultee as highlighted in yellow in the below. These additions have not been carried forward into the suggested changes in [PD-019]. The PLA would ask that the dDCO is updated to include these additions, as the PLA should be involved in all pre and post construction monitoring, as well as construction monitoring.</p> <p>"26</p>	<p>In respect of paragraph 9.5 and Protective Provisions, please see response REP7-093_d above.</p> <p>In respect of paragraph 9.6, please see response REP7-093_b above.</p>

REF	THEME	PLA COMMENT	APPLICANT'S RESPONSE
		<p>(7) The pre-construction survey(s) carried out pursuant to paragraphs (2)(a) and (2)(b) must fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developer' (as relevant).</p> <p>(8) The undertaker must carry out the surveys specified within the approved monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant SNCB and the PLA.</p> <p>(9) Following completion of a survey carried out pursuant to this condition and prior to construction of the relevant stage, the undertaker must provide a report and full density data of the survey outcomes to the MMO, the relevant SNCB, the MCA, the PLA and UK Hydrographic Office as relevant.</p> <p>Construction monitoring</p> <p>(1) The undertaker must, in discharging condition 22(1)(f) in respect of construction monitoring, submit a construction monitoring plan or plans for that stage in accordance with the outline offshore in-principle monitoring plan for written approval by the MMO in consultation with the relevant SNCB and the PLA, which must include details of any proposed construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in accordance with the principles set out in the outline offshore in principle monitoring plan and must specify the objectives for each survey and explain how the survey will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.</p> <p>(2) If the plan or plans submitted to the MMO under this condition contain survey proposals, the construction monitoring plan must include, in outline—</p> <p>(a) vessel traffic monitoring by automatic identification system for the duration of the construction period, with provision for a report to be submitted to the MMO, Trinity House, and the MCA annually during the construction period for the authorised development; and</p> <p>(b) where piled foundations are to be employed, unless otherwise agreed by the MMO in writing, details of proposed monitoring of the noise generated by the installation of the first four piled foundations of each piled foundation type to be constructed collectively under this licence and the deemed marine licences granted under Schedules 8 and 10 of the Order.</p> <p>(3) If, in the reasonable opinion of the MMO in consultation with the SNCB and the PLA the monitoring carried out pursuant to condition 27(2)(b) above shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until either contingency measures approved within the marine management mitigation protocol have been implemented or an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</p> <p>(4) The undertaker must carry out the surveys specified within the approved construction monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant SNCB and the PLA."</p> <p>9.4 The ExA changes to Requirement 2(3) need to pick up the colour changes put forward by the Applicant in the dDCO [REP6-006] as does the colour references in the DML as referenced above.</p> <p>9.5 The ExA in ExAQ3 question 9.3.3 (i) asks the PLA to compare Appendix 1 (the PLA's preferred form of protective provisions) in REP5-112 with Appendix 2 (Protective Provisions included by VEOWF Ltd in the dDCO) in REP5-112 and provide a justification for the differences to include the insertion of the Indemnity clause. The outcome of the PLA's review of the two sets of protective provisions, the changes which the PLA would wish to see made and the justification for the changes is set out in the Appendix to the PLA's Response to ExAQ3.</p> <p>9.6 The PLA's response to ExAQ3 also deals with the points raised previously on the definition of maintain and commence.</p>	

2.16 Applicants Response to Suffolk and Essex Coast and Heaths National Landscape Partnership Response to ExQ3 [REP7-095]

Table 2.16 Applicants Response to Suffolk and Essex Coast and Heaths National Landscape Partnership Response to ExQ3 [REP7-095]

REF	QUESTION	RESPONSE FROM SECHNLP	APPLICANT'S RESPONSE
REP7-095_a	<p>Q12.0.2</p> <p>NPS EN-5, para 2.2.10 requires that public benefits should outweigh harm to heritage assets. Please can the Applicant elaborate on the public benefits which it considers will outweigh any harm. IPs are invited to comment.</p>	<p>The Suffolk & Essex Coast & Heaths National Landscape consider the nationally designated Area of Outstanding Natural Beauty (branded as a National Landscape) to be a heritage asset</p>	<p>The Applicant notes that National Landscapes are not designated or non-designated heritage assets under the definitions used in Section 5.9 of Overarching National Policy Statement for Energy (EN-1) (NPS EN-1) and Conserving and enhancing the historic environment (Ministry of Housing, Communities & Local Government, 2019)), as outlined in ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039]. As such, National Landscapes are not considered as heritage assets within the assessment of effects upon heritage assets set out in ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039], in line with good practice guidance on heritage impact assessment (Principles of Cultural Heritage Impact Assessment in the UK (Institute of Environmental Management & Assessment (IEMA), Institute of Historic Building Conservation (IHBC) and Chartered Institute for Archaeologists (CIfA), 2021).</p> <p>The Applicant notes that although not 'heritage assets' in the NPS definition, the special qualities for which a National Landscape is designated often includes special qualities related to cultural heritage. In Table 4 of the Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [REP5-038], the cultural heritage special qualities of the Suffolk and Essex Coast and Heaths National Landscape are subject to a detailed assessment, and it is concluded that there is no change to these special qualities as a result of the Project's construction or operation.</p> <p>The Applicant also notes that a comprehensive assessment of the landscape and visual effects upon of the Suffolk & Essex Coast & Heaths National Landscape is provided in ES Chapter 30 Landscape and Visual Impact Assessment [APP-044], ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043], and in Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast - Technical Note [REP5-038].</p>
REP7-095_b	<p>Q14.0.4</p> <p>Duty to Enhance National Landscape.</p> <p>The Applicant's response to ExQ2 Q14.0.1 confirmed that the Applicant is a statutory undertaker as defined in s85 of the CRoW Act, and that it is therefore a relevant authority for the purposes of the Act. The Applicant set out its position within its Position Statement [REP5-068], as well as [REP5-055] and in further information submitted at Deadline 6, in response the ExA's Rule 17 request dated June 6 2025 [PD-014].</p> <p>In summary, the response [REP6-062] considers, on a without prejudice basis, specific additional compensatory measures that could be applied to enable the Applicant and the Secretary of State to discharge the Duty should the Secretary of State consider that such measures are required, including consideration of principles to form the basis for the development and delivery of a National Landscape Enhancement Scheme (or similar) together with a list of projects identified and a mechanism for securing such a scheme [REP6-062].</p> <p>The Applicant considers that the effects on the SECHNL are visual in nature only. Environmental Statement (ES) Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] concludes that there will be significant effects on views from locations along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness. There will be no significant effects on landscape character, and no significant effects on the special qualities of the SECHNL [REP5-038].</p> <p>The ExA now seeks views from IPs on the response [REP6-062] including the without prejudice Requirement and the content of the National Landscape Enhancement Strategy.</p>	<p>The Suffolk & Essex Coast & Heaths National Landscape consider that as a statutory undertaker the applicant needs to demonstrate that it 'seeks to further the purpose of the Area of Outstanding Natural Beauty (branded as a National Landscape) in its decision making in relation to where those decisions impact the designated landscape. The document appears to be making (limited) compensatory proposals rather than seeking to conserve and enhance natural beauty. The proposed enhancement scheme appears to lack ambition, scope and magnitude consummate with impacts that may be experienced by the National Landscape. While recognising efforts to lessen the impact the Suffolk & Essex Coast & Heaths National Landscape draw the Examining Authorities attention to other NSIPs and how they have addressed the strengthened duty. Eg Second Thames Crossing, Norwich to Tilbury and prior to the strengthening of the duty Sizewell C and East Anglia One North and East Anglia Two.</p>	<p>The Applicant maintains that the actions taken by the Applicant (such as giving due consideration to the relevant National Landscapes during the site selection process and removing the northern part of the original offshore array) means that it has complied with the duty under section 85(A1) of the <i>Countryside and Rights of Way Act 2000 (Duty)</i> 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> <p>The Applicant prepared the draft National Landscape Enhancement Scheme Principles in the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [REP6-062] on a without prejudice basis in response to a direct request from the Examining Authority. The Applicant maintains that the Duty in respect of the Project can be discharged by the Applicant and the Secretary of State without the inclusion of any additional compensatory measures.</p> <p>In this context, the Applicant submits that the without prejudice draft principles for the National Landscape Enhancement Scheme (including the proposed £10,000 fund) are commensurate with and appropriate for the anticipated scale of effect of the Project on the special qualities of the Suffolk and Essex Coast and Heaths National Landscape (SECHNL). The Applicant submits that the draft principles (including the restriction on the spatial scope of any scheme and the scope of projects covered) ensures that there is a clear, direct and appropriate connection between the fund and the potential effects of the Project on the SECHNL.</p> <p>The Applicant refers to its response to item 12 of its Position Statement on various issues relating to National Landscapes [REP5-068] which submits that the Secretary State must consider the specific context of the Project when determining whether actions taken to seek to further the statutory purposes of the Dedham Vale National Landscape (DVNL) and SECHNL are sufficient, appropriate and proportionate and whether an additional financial contribution or other measure is required to enable the discharge of the Duty.</p> <p>For the Project, that includes consideration of:</p> <ul style="list-style-type: none"> the scale, extent and significance of any harm to the DVNL and SECHNL;

REF	QUESTION	RESPONSE FROM SECHNLP	APPLICANT'S RESPONSE
	Further specific questions are also set out below.		<ul style="list-style-type: none"> relevant planning policies including the Overarching National Policy Statement for Energy (EN1) [DESNZ, 2023] and the National Policy Statement for renewable energy infrastructure (EN3) [DESNZ, 2023] regarding minimising and mitigating landscape effects and Critical National Priority (CNP)) infrastructure; and whether the Project has been designed sensitively taking into account siting, engineering, operational and other relevant constraints. <p>The Applicant submits that conclusions made in relation to the discharge of the Duty in respect of other developments such as those listed by the SECHNLP must be made on a case-by-case basis and that there will be factual distinctions between cases (i.e. type of development, relevant policy, actions / measures already taken).</p> <p>The Applicant submits that it does not follow that all parties should be required to make a financial contribution in all cases simply because Secretary of State imposed a requirement on a party to make a financial contribution to satisfactorily discharge the Duty on another project.</p>
REP7-095_c	<p>Q14.0.5 National Landscape Enhancement Scheme Principles: Mechanism for Delivery</p> <p>The ExA notes the Applicant's suggested wording for a Requirement to deliver the National Landscape Enhancement Scheme (below), submitted on a without prejudice basis at Deadline 6 [REP6-062]: National Landscape Enhancement Scheme (1) Work No. 1 and Work No. 2 must not be commenced until a National Landscape Enhancement Scheme has been submitted to and approved by the discharging authority in consultation with Suffolk & Essex Coast & Heaths National Landscape Partnership. (2) The National Landscape Enhancement Scheme must accord with the principles and fund size set out in the National Landscape Enhancement Scheme principles document. (3) The National Landscape Enhancement Scheme must be implemented as approved. (4) In this Requirement "the National Landscape Enhancement Scheme principles document" means the principles set out in Table 1 of Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes. Comments from IPs are specifically sought in relation on the wording of above suggested Requirement, submitted on a without prejudice basis.</p>	It is welcomed that the Suffolk & Essex Coast & Heaths National Landscape is to be consulted on work no. 1 and work no.2 by the discharging authority. However, it notes that the Suffolk & Essex Coast & Heaths National Landscape staff team is small and the additional burden will require an assessment of priorities if not provided resources to undertake this work.	Noted.
REP7-095_d	<p>Q14.0.6 National Landscape Enhancement Scheme Principles: Scope of Projects</p> <p>The scope of projects is set out in Table 1 of [REP6 062], with a focus on projects and initiatives relating to enjoyment of the coast and coastal views and those in line with the objectives of the Suffolk & Essex Coast & Heaths National Landscape Management Plan 2023 2028. Projects could include (but would not be limited to) enhancements to car parking, access or visitor facilities at coastal locations; footpath enhancements including to coastal paths; beach surveys and clean ups. These would be delivered as part of the National Landscape Enhancement Scheme will be selected at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership.</p> <p>The ExA requests IPs comments on the scope of projects.</p>	<p>The Suffolk & Essex Coast & Heaths National Landscape manager considers the scope of projects to be inappropriate. The statutory purpose of an Area of Outstanding Natural Beauty (branded as a National Landscape) is to conserve and enhance natural beauty. It does not consider the three bullet points (noting the suggestion is not limited to these) appropriate for delivering statutory purpose.</p> <p>It suggests that the scope of the project be reworded to say that say the scope is to deliver statutory Area of Outstanding Natural Beauty (National Landscape) purpose</p>	<p>The Applicant notes that the list of projects referred to were a non-exhaustive list of examples of types of projects that may be realised via a National Landscape Enhancement Scheme prepared in accordance with the draft without prejudice principles.</p> <p>However, the Applicant has updated the scope of the draft without prejudice National Landscape Enhancement Principles to remove the three bullet points referred to. This has been submitted at Deadline 8 [Document reference: 9.89 (Rev 1)].</p> <p>The Applicant disagrees with SECHNLP's submission that the scope of the National Landscape Enhancement Scheme should be to deliver the statutory purposes of the relevant National Landscape.</p> <p>Paragraph 5.10.8 of the Overarching National Policy Statement for Energy (EN-1) [DESNZ, 2024] states that the Secretary of State should be satisfied that measures which seek to further the purposes of the relevant National Landscape are sufficient, appropriate and proportionate to the type and scale of the development.</p> <p>The Applicant submits that the phrasing proposed by SECHNLP is too broad and does not adequately link with the actual effects that the Project may have on the SECHNL. Accordingly, the scope of the National Landscape Enhancement Scheme (as a measure to seek to further the purpose of the SECHNL) would not be appropriate or proportionate to the type and scale of the Project.</p> <p>The updated version of the draft without prejudice National Landscape Enhancement Principles maintains that any National Landscape Environmental Scheme must deliver benefits to or to enhance the SECHNL in relation to the effects of the Project on the SECHNL and should therefore focus on projects and initiatives relating to enjoyment of the coast and coastal views.</p>

REF	QUESTION	RESPONSE FROM SECHNLP	APPLICANT'S RESPONSE
REP7-095_e	<p>Q14.0.7 National Landscape Enhancement Scheme Principles: Spatial Scope</p> <p>The spatial scope of the projects is set out in Table 1 of [REP6-062], and focuses on the area likely to be affected by views of the Project, ie. the coastal edge between the River Deben and Orford Ness. Table 1 states that "All projects and initiatives must therefore be located within this area". The ExA requests IPs comments on the spatial scope, and the suggestion that initiatives must be within the area between the River Deben and Orford Ness.</p>	<p>The Suffolk & Essex Coast & Heaths National Landscape consider the designated landscape as a single entity and that the spatial scope should include the whole of the National Landscape and its setting.</p>	<p>Effects of the Project would only be experienced along the coastal edge of the SECHNL, between the River Deben and Orford Ness, where there would be potential views of the offshore wind farm.</p> <p>Accordingly, the Applicant's position remains as set out in the updated Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document reference: 9.89 (Rev 1)].</p> <p>The Applicant refers to its response to item REP7-095_d above which outlines its position that proposed measures must be sufficient, appropriate and proportionate to the type and scale of the relevant development and its effects on the relevant National Landscape.</p>
REP7-095_f	<p>Q14.0.8 National Landscape Enhancement Scheme Principles: Fund Size</p> <p>The fund size of £10,000 is set out in Table 1 of [REP6-062]. The ExA requests IPs comments on the Applicant's proposed fund size, and whether or not the measures and fund size can be considered to be proportionate to the type and scale of development as it affects the National Landscape, reasonably related to the identified residual adverse effects, and sufficient to allow for the discharge of the statutory duty by both the Applicant and by the Secretary of State.</p>	<p>The Suffolk & Essex Coast & Heaths National Landscape consider the proposed £10,000 fund size not consummate with the impacts experienced by the National Landscape and a fund at that magnitude would not be able to deliver the enhanced duty on relevant authorities expressed in section 245 of the Levelling Up and Regeneration Act (2000)/revised section 85 Countryside and Rights of Way Act (2000).</p> <p>It further considers that if the Suffolk & Essex Coast & Heaths National Landscape team is expected to support delivery of the fund it needs to be resourced to do so.</p>	<p>The Applicant's position remains as set out in the updated Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document reference: 9.89 (Rev 1)]. The Applicant considers that the draft National Landscape Enhancement Scheme Principles, submitted on a without prejudice basis, are commensurate with the scale of the potential effects upon the special qualities of the SECHNL, given that the offshore array will be located at least 40 km from the SECHNL, and that no significant effects on those special qualities are anticipated.</p> <p>The Applicant notes that SECHNLP has not proposed an alternative sum or provided any justification as to why a larger sum is appropriate, reasonable or proportionate in the respect of the Project.</p>
REP7-095_g	<p>Q14.0.9 National Landscape Enhancement Scheme Principles: Fund Timing</p> <p>The fund timing is set out in Table 1 of [REP6-062], which suggests a single one-off payment made by the Applicant to the Suffolk & Essex Coast & Heaths National Landscape Partnership prior to the commencement of construction of Work No. 1 or Work No. 2. The timing of projects and initiatives benefited by the fund would then be at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership. The ExA requests IPs comments on the fund timing.</p>	<p>No comments</p>	<p>Noted.</p>
REP7-095_h	<p>Q14.0.11 Impact on LCTs</p> <p>In response to ExQ2 14.0.5 the Applicant confirmed that in its view, at a distance of over 40km from any onshore LCT (Landscape Character Type), that it is satisfied that "the magnitude of change is correctly recorded as 'low'" in each case.</p> <p>(i) Please can the Applicant confirm what, if any other criteria than distance have been used to estimate the magnitude of change.</p> <p>(ii) Please can NE (and others, optionally) comment on factors other than distance which they consider would contradict the Applicant's assertion regarding the 40km distance to any onshore LCT.</p>	<p>The Suffolk & Essex Coast & Heaths National Landscape consider the need to the impacts of a setting sun on the visibility of the offshore array. In particular looking out of the National Landscape (the long views are a defined feature of the designated landscape) the sun may be setting from behind the viewer and there is potential for enhanced visibility of the offshore structures due to reflection of the sun on the built structures.</p>	<p>The Applicant considers that the visual effect of sunlight is captured within the findings of significant effects on views experienced from key locations within the SECHNL, as set out in ES Chapter 29 SLVIA [APP-043].</p>

2.17 Applicants Response to Suffolk County Council Response to ExQ3 [REP7-096]

Table 2.17 Applicants Response to Suffolk County Council Response to ExQ3 [REP7-096]

REF	QUESTION	RESPONSE FROM SCC	APPLICANT'S RESPONSE
REP7-096_a	<p>Q9.1.5 Proposed new Grampian requirement (SCC)</p> <p>The SCC at ISH1 [REP4-094] and [REP4 095] confirm that they seek a phasing requirements as set out in their LIR paragraph 7.3 [REP1-074]. The Applicant's response to ExQ2 9.1.13 [REP5-054] sets out in some detail its reasons for rejecting the imposition of such a requirement in this</p>	<p>(vi) SCC makes the initial observation that its proposed requirement (as set out at para 7.28 of the LIR [REP1-074] is not strictly a 'Grampian' requirement as conventionally understood but a phasing requirement. A 'Grampian' condition (or requirement in a DCO context) is one that is (a) negative in nature and (b) which prevents commencement of the authorised development until the occurrence of a specified event (in the 'Grampian' case itself a road closure). The phasing</p>	<p>(vi) (a)</p> <p>The Applicant refers to its response to item REP5- 116_e1 in the Applicant's Response to Deadline 5 Submissions [REP6-060] and to its response to Q14.1.3 in the Applicant's Response to Written Questions (ExQ1) [REP2-020].</p>

REF	QUESTION	RESPONSE FROM SCC	APPLICANT'S RESPONSE
	<p>case. The SCC response to ExQ2 9.1.13 makes further submissions on this topic [REP5-117] and at Deadline 6 [REP6-092]. In the light of those submissions, the ExA seeks a response to the following points:</p> <p>(i) Does the Applicant agree that whilst Norwich to Tilbury is a critical national priority (CNP) that does not guarantee that it will receive consent and there are other factors to be taken into account as set out EN-1?</p> <p>(ii) Does the Applicant accept that plans for the EACN may change and that there is potential for the North Falls wind turbine generators (WTGs) to be installed for a significant period of time without being connected to the Grid?</p> <p>(iii) In the light of the submissions made by SCC at Deadline 5, does the Applicant accept that there is no need to establish an 'exceptional' basis for the requirement. If not, please explain why.</p> <p>(iv) In the light of the submissions made by SCC at Deadline 6, does the Applicant accept that the phasing restriction is necessary to follow the requirements of the mitigation hierarchy. If not, please explain why.</p> <p>(v) Notwithstanding the submissions already made on this matter, please can the Applicant explain in further detail its submission that the proposed requirement is not necessary to comply with the updated duty in section 85 Countryside and Rights of Way Act 2000.</p> <p>(vi) Notwithstanding the submissions already made on this matter, please can SCC explain in further detail why it regards the proposed requirement to be necessary to ensure that the project is designed sensitively and in accordance with the updated duty in section 85 Countryside and Rights of Way Act 2000.</p> <p>(vii) The SCC response to ExQ2 9.1.13 [REP5-117] bullet point 5 refers to the scope for amending the drafting of the requirement to ensure that the notification does not require formal approval. Please can SCC provide that alternative drafting for the proposed requirement.</p> <p>(viii) The Applicant draws support from the Recommendation Report in the Sheringham Shoal and Dudgeon Offshore Windfarm Extension Project paragraph 5.4.20. The ExA's comments in that case were in the context of the viability of the proposed grid connection rather than the potential for delay in the context of the section 85 duty. The Applicant is requested to explain further why the existence of the connection agreement provides a sound basis for the assertion that a phasing agreement for the reasons given by SCC would be unreasonable.</p> <p>(ix) The Applicant is requested to explain in detail its submissions in response to 9.1.13 (iv) in relation to the delay to construction timeframes that it submits would result from the imposition of the proposed requirement. What is the difference in impact on construction timeframes that would result from the requirement as opposed to any delay that might occur due to the timing of any consent for the EACN or other means of connection? Please provide further details of the long lead items referred to and why these need to be ordered prior to March 2027? How would the proposed phasing restriction alter the level of risk in making those commercial decisions?</p> <p>(x) The Applicant's submissions in response to 9.1.13 (vi) refer to landscape policies and the consideration of nationally designated landscapes in the Hinkley Point C area. However, in the case of the Hinkley Point C Connector the 8.5km section through the Mendip Hills Area of Outstanding Natural Beauty (AONB) consisted of underground cable. Does that have a</p>	<p>requirement proposed by SCC does not prevent the commencement of the authorised development, but it does prevent the carrying out of one part of it (Work No. 1) until the occurrence of a specified event. Nothing turns on this other than phraseology but SCC suggests it would be preferable to avoid describing the phasing requirement as a 'Grampian' requirement.</p> <p>The phasing requirement is necessary to ensure that the project is sensitively designed and in accordance with the updated duty in section 85 Countryside and Rights of Way Act 2000 for the following reasons:</p> <p>(a) The Applicant has assessed that the offshore WTG arrays forming part of the project will have moderate-minor effects on the special qualities of the SECHNL (Table 29.21 of [APP-043] under 'Effect significance' and Table 29.39 of [APP-043] under 'Effects on Landscape Designations'). The Applicant's methodology for the SLVIA proceeds on the general assumption that assessed effects are 'adverse (negative)': see p.3 of [APP-170]. There is no material provided (in [REP3-044], or in its update in [REP5-038], or elsewhere) to show that this assumption does not or should not apply to the assessed effects on the special qualities of the National Landscape. Whilst the Applicant assesses those effects as not significant in EIA terms, that does not mean that they are not adverse effects on the special qualities of the National Landscape but merely that the EIA threshold for significant effects has not been reached. SCC addressed the difference between adverse effects on the National Landscape and EIA significant effects in section 3.3 (pp.9-11) of [REP4-096] and in paras 21, 23, and 52-53 of Appendix B of [REP4-094].</p> <p>(b) Because the WTG will result in adverse effects on the special qualities of the National Landscape, that aspect of the project will "affect" the National Landscape so as to engage the updated duty in section 85(A1) CROWA 2000, notwithstanding that the WTG are to be located outside of the National Landscape: see EN-1 paras 5.10.8 and 5.10.20.</p> <p>(c) Because the WTG will result in adverse effects on the special qualities of the National Landscape, that aspect of the project will fail to "conserve" the National Landscape (noting that the objective of 'conserving' a National Landscape requires that it to be preserved intact or maintained in its existing state: see para 77 of the New Forest High Court decision provided by the Applicant as [REP4-048]).</p> <p>(d) The updated duty in section 85(A1) CROWA 2000 requires the person subject to the duty (both the Applicant and the Secretary of State in this case) to 'seek to further the purpose of conserving and enhancing the natural beauty of the [National Landscape]'. </p> <p>(e) The purpose of the project is 'the generation of low carbon, renewable electricity', and the Applicant relies on this as an important benefit: see paras 5.1.2, 6.1.3, and 6.1.4 of [APP-232]. However, in order to accommodate the electricity produced by the WTGs 'there is the requirement for the construction of a new National Grid substation': see para 2.11.1 of [APP-233]. That substation is the separate EACN which is to be separately consented as part of National Grid's Norwich to Tilbury project and it will be delivered (if consented) by National Grid: see paras 295 297 of [APP-019] and para 2.11.2 of [APP-233]. Without the EACN being consented and delivered, the project will not be able to connect the electricity generated to the National Electricity Transmission System and the renewable energy benefits of the project will not be delivered.</p> <p>(f) In SCC's view, the adverse effects of the WTG on the National Landscape are neither warranted nor justified unless and until it is clear that the EACN is able to proceed. This is because the WTG do not 'conserve' the National Landscape and so should only be consented if it is clear they will be able to deliver the intended renewable energy benefits (which is dependent on the provision of the EACN).</p> <p>(g) In SCC's view, design is a holistic concept which can include the timing of provision as well as the physical form of provision. WTG that cannot be connected to the National Electricity Transmission System (because of the absence of the EACN) serve no purpose (but still give rise to adverse effects). Sensitive design includes not causing adverse effects until/before they are</p>	<p>The Applicant has not submitted that effects on the SECHNL that are not significant in EIA terms are not relevant to a consideration of the application of the duty set out in section 85(A1) of the <i>Countryside and Rights of Way Act 2000</i> (Duty) (or have not been considered). However, the Applicant notes that measures taken to comply with the Duty must be sufficient, appropriate and proportionate. The Applicant submits that the potential scale, extent and significance of the effects of the Project on the SECHNL (including the spatial extent of those effects and whether the effects are significant from an EIA perspective) is therefore a relevant consideration when determining whether the Duty has been complied with.</p> <p>(b)</p> <p>Please refer to the Applicant's response to item REP6-092_f in the Applicant's Response to Deadline 6 Submissions [REP7-053] on when the Applicant considers the Duty was engaged in respect of the Project.</p> <p>(c) and (d)</p> <p>Please refer to the Applicant's response to item REP6-092_f in the Applicant's Response to Deadline 6 Submissions [REP7-053]. The Applicant reiterates that the Duty is not a duty to conserve and enhance as noted by SCC at (d).</p> <p>(e)</p> <p>The Applicant disagrees with SCC's statement that it will not be able to connect the electricity generated to the National Electricity Transmission System without the EACN being consented as part of the Norwich to Tilbury project.</p> <p>As set out in various responses including the Applicant's response to Q7.0.6 in the Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054], 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 NESO sees fit). North Falls can connect to the grid via an alternative means if development consent for the EACN substation is not granted as part of the Norwich to Tilbury project. The EACN connection point is the optimal connection point, but others would be made available as required.</p> <p>(f)</p> <p>Please refer to the Applicant's response to item REP6-092_I in the Applicant's Response to Deadline 6 Submissions [REP7-053]. Once again, the Applicant disagrees with SCC's statement that delivery of the Project's intended renewable energy benefits is dependent on the provision of the EACN and refers to its response to (e) above.</p> <p>(g)</p> <p>The Overarching National Policy Statement for Energy (EN-1) [DESNZ, 2024] states at paragraph [5.10.8] that:</p> <p><i>"The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects <u>should be designed sensitively given the various siting, operational, and other relevant constraints.</u>"</i></p> <p>The Applicant submits that SCC's submission about the meaning of 'sensitive design' in (g) ignores that EN-1 requires projects to be designed sensitively in the context of various siting, operation and other relevant constraints. For example, as explained by the Applicant at Issue Specific Hearing 1, it is common for offshore wind farm projects to be typically ahead of the related connection works (such as new substations or transmission network upgrades) in the consenting process (see Applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 1 (ISH1) [REP4-026]). This is tied, in part, to the need to procure long lead time items described in Q9.1.5(ix) in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] and other programming factors.</p> <p>The Applicant therefore disagrees with SCC's statement that a phasing requirement is needed to make sure that the Project is sensitively designed. The Applicant also refers to its response to item REP6- 092_e in the Applicant's Response to Deadline 6 Submissions [REP7-053] in this regard. (h) and (i)</p> <p>The Applicant submits that SCC's characterisation of how the Secretary of State must consider the proposed phasing restriction is incorrect – particularly, the assertion that it is necessary for the Secretary of State to consider and impose the requirement as part</p>

REF	QUESTION	RESPONSE FROM SCC	APPLICANT'S RESPONSE
	bearing on the comparability of the factual circumstances of the Hinkley Point C case with this case?	<p>needed/justified. The phasing requirement therefore is needed to ensure that the project is sensitively designed.</p> <p>(h) The phasing requirement is also an available mechanism whereby the relevant authority can 'seek to further' the purpose of 'conserving' the natural beauty of National Landscape, by deferring adverse effects on its special qualities until it is clear they are necessary and justified. It is therefore necessary for the Secretary of State (a) to consider the imposition of the phasing requirement as part of his discharge of the section 85(A1) duty, and (b) to impose that requirement as part of discharging the duty unless persuaded that its imposition would be inappropriate as not meeting the policy and legal tests for requirements. SCC has already made representations on why those tests are met and, therefore, why the phasing requirement should be imposed: see its response to Q9.1.13 in [REP5-117].</p> <p>(i) NB: it is important to note that SCC is not saying that the imposition of the phasing requirement will, in and of itself, allow the section 85(A1) duty to be fully discharged in relation to the adverse effects of the WTG, because once the requirement is met, enabling the WTG in Work No. 1 to be constructed, the adverse effects will still arise. However, those adverse effects are part of the residual adverse effects of the project on the National Landscape which SCC seeks to have offset/compensated for by the separate requirement for a National Landscape Enhancement Scheme (see SCC comments below on that requirement). The phasing requirement is therefore one part (but only one part) of how SCC suggests that the duty can be met.</p> <p>Q9.1.5(vii) SCC does not consider that any amendment to the wording of its proposed phasing requirement (as set out at para 7.28 of [REP1-074]) is required to ensure that it does not impose any need to seek or obtain formal approval in order to be discharged. The structure of the phasing requirement is no different to the structure of Requirement 4 of the draft DCO [REP6-005], which also requires a notification of specified matters to be given to another body (in that case the discharging authority) but imposes no need for the Applicant to seek or obtain the approval of that other body to that notification in order for the Requirement to be satisfied.</p> <p>However, if additional wording was thought to be either necessary or appropriate to make the position clear beyond any doubt, SCC would suggest adding the following words to the end of the phasing requirement: <i>"This requirement is discharged [at 23:59] on the day that the notification is submitted to the relevant planning authority."</i></p> <p>The inclusion of a specific time provides clarity but may be considered unnecessary precision. Hence, it is shown in square brackets and could be deleted if so desired.</p> <p>SCC notes that the phasing requirement proposed by Essex County Council (ECC) in [REP4-073] has a similar rationale to the phasing requirement proposed by SCC but there are differences. Notably, the ECC phasing requirement does preclude any commencement of any part of the authorised development until it is discharged and it also entails the approval of the Secretary of State being given to the notification. This is based on the precedent provided by Requirement 20 of the Viking CCS Carbon Dioxide Pipeline Order 2025. SCC notes this precedent and would not object if the phasing issue were to be addressed by the requirement sought by ECC. However, SCC remains content that its own proposed phasing requirement is fit for purpose and minimises the burden imposed on the Applicant. SCC notes that the ExA has asked questions to the Applicant, ECC, and TDC about the ECC phasing requirement in Q9.1.6 and SCC reserves the right to comment further at Deadline 8, if necessary, in light of the responses made to those questions.</p>	<p>of discharging the Duty unless persuaded that its imposition would be inappropriate or would fail the relevant legal tests.</p> <p>EN-1 states at paragraph [5.10.8] that: <i>"The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development."</i></p> <p>The Applicant has maintained throughout Examination 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) are sufficient such 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> <p>There is nothing in the text of the Duty, the <i>Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes</i> (Defra, 2024)⁵ or in other relevant policy that states that specific measures (whether financial or otherwise) must always be included within a development to enhance the National Landscape regardless of the level of impact or that supports SCC's position that it is necessary for the Secretary of State to consider and impose the proposed phasing requirement in this context.</p> <p>In any case, the Applicant has submitted that the proposed phasing restriction fails the relevant legal tests for a Requirement because it is not necessary and is unreasonable. The Applicant refers to its response to item 5 in the Position Statement on various issues relating to National Landscapes [REP5-068].</p> <p>(vii) Please refer to the Applicant's response to item REP5- 117_b in the Applicant's Response to Deadline 5 Submissions [REP6-060] which sets out the Applicant's concerns about significant effect of the proposed phasing requirement on risk of delay to the Project's construction programme.</p> <p>The relevant concern is that the procurement process and other preparatory steps required for the Project would be delayed until notification can be given that development consent for the National Grid substation has been granted which would, in turn, delay the construction of the Project. The mechanism by which that notification is granted is not the Applicant's key concern and, therefore, any proposed amendments to that element of the wording has no bearing on the Applicant's position.</p> <p>The Applicant refers to its various responses in respect of the phasing restriction proposed by ECC and TDC including Q9.1.6 in the Applicant's Response to ExA's Third Written Questions (ExQ3) [REP7-051] and Q9.1.14 and 9.1.15 in the Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054].</p>
REP7-096_b	<p>Q14.0.4 Duty to Enhance National Landscape</p> <p>The Applicant's response to ExQ2 Q14.0.1 confirmed that the Applicant is a statutory undertaker as defined in s85 of the CRow Act, and that it is therefore a relevant authority for the purposes of the Act. The Applicant</p>	<p>Whilst SCC welcomes the Applicant's approach in [REP6-062] of putting forward 'without prejudice' proposals to address the project's effects on the SECHNL, SCC does not agree that the effects on the SECHNL identified by the Applicant in the SLVIA [APP-043] are 'visual in nature only'. SCC has already drawn attention to the effects identified by the Applicant in [APP-043] in Table 29.21 on the special</p>	<p>The Applicant prepared the draft National Landscape Enhancement Scheme Principles in the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [REP6-062] on a without prejudice basis in response to a direct request from the Examining Authority. The Applicant maintains that the Duty in respect</p>

⁵ Department for Environment, Food & Rural Affairs , 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes', (December 2024). [Accessible at: [this link](#); Accessed on 21 July 2025.]

REF	QUESTION	RESPONSE FROM SCC	APPLICANT'S RESPONSE
	<p>set out its position within its Position Statement [REP5 068], as well as [REP5-055] and in further information submitted at Deadline 6, in response the ExA's Rule 17 request dated June 6 2025 [PD-014].</p> <p>In summary, the response [REP6-062] considers, on a without prejudice basis, specific additional compensatory measures that could be applied to enable the Applicant and the Secretary of State to discharge the Duty should the Secretary of State consider that such measures are required, including consideration of principles to form the basis for the development and delivery of a National Landscape Enhancement Scheme (or similar) together with a list of projects identified and a mechanism for securing such a scheme [REP6-062].</p> <p>The Applicant considers that the effects on the SECHNL are visual in nature only. Environmental Statement (ES) Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] concludes that there will be significant effects on views from locations along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness. There will be no significant effects on landscape character, and no significant effects on the special qualities of the SECHNL [REP5-038].</p> <p>The ExA now seeks views from IPs on the response [REP6-062] including the without prejudice Requirement and the content of the National Landscape Enhancement Strategy. Further specific questions are also set out below.</p>	<p>qualities of the SECHNL and in Table 29.42 on the Landscape Designation of the SECHNL. These effects are in addition to the effects on specific viewpoints, as identified in Table 29.42 of [APP-043]. The Applicant's position is (wrongly) based on its stance that only effects that are significant effects in EIA terms need to be considered when addressing compliance with the section 85(A1) duty. SCC has already set out why it maintains that that position is misconceived. SCC continues to engage in active dialogue with the Applicant and the SECHNLP, providing feedback on the Applicant's proposal. It is SCC's intention for an agreement to be reached on an acceptable proposal prior to Deadline 8.</p>	<p>of the Project can be discharged by the Applicant and the Secretary of State without the inclusion of any additional compensatory measures.</p> <p>The Applicant disagrees with SCC's conclusions in respect of the nature of the effects of the Project on the SECHNL and maintains its position in this regard as set out and justified in various submissions made during Examination. The Applicant's position remains as set out in the updated Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document reference: 9.89 (Rev 1)] (also submitted on a without prejudice basis).</p> <p>The Applicant also refers to its response to REP5-116_e1 in the Applicant's Response to Deadline 5 Submissions [REP6-060] which expressly notes that the Applicant has not submitted that effects on the National Landscapes that are not significant in EIA terms are irrelevant to a consideration of the Duty.</p>
REP7-096_c	<p>Q14.0.5 National Landscape Enhancement Scheme Principles: Mechanism for Delivery</p> <p>The ExA notes the Applicant's suggested wording for a Requirement to deliver the National Landscape Enhancement Scheme (below), submitted on a without prejudice basis at Deadline 6 [REP6-062]:</p> <p><i>National Landscape Enhancement Scheme</i></p> <p>(9) <i>Work No. 1 and Work No. 2 must not be commenced until a National Landscape Enhancement Scheme has been submitted to and approved by the discharging authority in consultation with Suffolk & Essex Coast & Heaths National Landscape Partnership.</i></p> <p>(10) <i>The National Landscape Enhancement Scheme must accord with the principles and fund size set out in the National Landscape Enhancement Scheme principles document.</i></p> <p>(11) <i>The National Landscape Enhancement Scheme must be implemented as approved.</i></p> <p>(12) <i>In this Requirement "the National Landscape Enhancement Scheme principles document" means the principles set out in Table 1 of Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes.</i></p> <p>Comments from IPs are specifically sought in relation on the wording of above suggested Requirement, submitted on a without prejudice basis.</p>	<p>SCC welcomes the principle of the proposed 'without prejudice' requirement. On the detailed wording, SCC notes that the requirement specifies (in para (1)) the need for the approval of the discharging authority (which the draft DCO defines as ECC) after consultation with the SECHNL Partnership. Given that the SECHNL lies primarily in Suffolk and the adverse effects are primarily on parts of the SECHNL within Suffolk, SCC would suggest that SCC should also be a named consultee within the requirement.</p> <p>SCC also suggests (in response to later questions) that the National Landscape Enhancement Scheme principles document needs to be revised, and if this is done, the reference to that document in para (4) of the requirement will need to be updated.</p>	<p>The Applicant does not propose to include SCC as a named consultee in the draft requirement (submitted on a without prejudice basis).</p> <p>As the responsible body for delivering enhancement measures within the SECHNL, the Applicant considers that the SECHNLP rather than SCC is the appropriate body for consulting with during preparation of a National Landscape Enhancement Scheme for the SECHNL should the Secretary of State determine that it is required.</p>
REP7-096_d	<p>Q14.0.6 National Landscape Enhancement Scheme Principles: Scope of Projects</p> <p>The scope of projects is set out in Table 1 of [REP6-062], with a focus on projects and initiatives relating to enjoyment of the coast and coastal views and those in line with the objectives of the Suffolk & Essex Coast & Heaths National Landscape Management Plan 2023-2028. Projects could include (but would not be limited to) enhancements to car parking, access or visitor facilities at coastal locations; footpath enhancements including to coastal paths; beach surveys and clean ups. These would be delivered as part of the National Landscape Enhancement Scheme will be selected at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership.</p>	<p>SCC generally defers to the views of the SECHNL Partnership on the details of the Enhancement Scheme's Scope of Projects. SCC considers that the indicative projects listed by the Applicant have a reasonable nexus in planning terms with the adverse effects of the Application proposals on the experience of the coastal parts of the National Landscape because the identified measures would provide opportunities to enhance the experience of (human) receptors within the National Landscape by improving access to it. However, SCC notes that the project's assessed effects on the special qualities of the SECHNL include adverse perceptual effects on the natural beauty of the SECHNL. Therefore, SCC considers measures which seek to enhance the perceptual experience of the natural beauty of the National Landscape to be a necessary component of the enhancement proposal for it to be considered sufficient for the duty to be discharged.</p>	<p>The Applicant acknowledges SCC's support for the indicative project list. However, the Applicant has updated the draft National Landscape Enhancement Principles to remove the project list from the 'Scope of Projects' principle in response to feedback from the SECHNLP. This has been submitted on a without prejudice basis at Deadline 8 [Document reference: 9.89, (Rev 1)].</p> <p>The Applicant notes, however, that the draft without prejudice principles maintain that any National Landscape Environmental Scheme must deliver benefits to or to enhance the SECHNL in relation to the effects of the Project on the SECHNL and should therefore focus on projects and initiatives relating to enjoyment of the coast and coastal views. The Applicant considers that this wording appropriately links possible projects with the effects of the Project on the SECHNL</p>

REF	QUESTION	RESPONSE FROM SCC	APPLICANT'S RESPONSE
	The ExA requests IPs comments on the scope of projects.		
REP7-096_e	<p>Q14.0.7 National Landscape Enhancement Scheme Principles: Spatial Scope</p> <p>The spatial scope of the projects is set out in Table 1 of [REP6-062], and focuses on the area likely to be affected by views of the Project, ie. the coastal edge between the River Deben and Orford Ness. Table 1 states that “All projects and initiatives must therefore be located within this area”. The ExA requests IPs comments on the spatial scope, and the suggestion that initiatives must be within the area between the River Debden and Orford Ness.</p>	<p>SCC generally defers to the views of the SECHNL Partnership on the details of the Enhancement Scheme’s Spatial Scope. SCC would question whether the northern extent of the Spatial Scope suggested by the Applicant should be Aldeburgh rather than Orford Ness so as to ensure that affected parts of the National Landscape within the environs of Orford Ness are included within the spatial scope.</p>	<p>Effects of the Project would only be experienced along the coastal edge of the SECHNL, between the River Deben and Orford Ness where there would be potential views of the offshore wind farm.</p> <p>Accordingly, the Applicant does not propose to make this amendment and maintains its position on this point as set out in the updated Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document reference: 9.89 (Rev 1)].</p> <p>The Applicant refers to its response to item REP7-095_d above which outlines its position that proposed measures must be sufficient, appropriate and proportionate to the type and scale of the relevant development and its effects on the relevant National Landscape.</p>
REP7-096_f	<p>Q14.0.8 National Landscape Enhancement Scheme Principles: Fund Size</p> <p>The fund size of £10,000 is set out in Table 1 of [REP6-062]. The ExA requests IPs comments on the Applicant's proposed fund size, and whether or not the measures and fund size can be considered to be proportionate to the type and scale of development as it affects the National Landscape, reasonably related to the identified residual adverse effects, and sufficient to allow for the discharge of the statutory duty by both the Applicant and by the Secretary of State.</p>	<p>SCC generally defers to the views of the SECHNL Partnership on the details of the Enhancement Scheme’s Fund Size, but (subject to such views) SCC would suggest that the Applicant needs to provide a clear justification for the chosen sum and why it should be regarded as sufficient. In the absence of such a justification, and having regard to its experience of the likely costs of footpath/car park improvement measures and other landscape enhancement, SCC would regard the sum of £10,000.00 as likely to be too low to allow for meaningful enhancement measures to be undertaken.</p>	<p>The Applicant considers that the draft National Landscape Enhancement Scheme Principles, submitted on a without prejudice basis, are commensurate with the scale of the potential effects upon the special qualities of the SECHNL, given that the offshore array will be located at least 40 km from the SECHNL, and that no significant effects on those special qualities are anticipated.</p>
REP7-096_g	<p>Q14.0.9 National Landscape Enhancement Scheme Principles: Fund Timing</p> <p>The fund timing is set out in Table 1 of [REP6-062], which suggests a single one-off payment made by the Applicant to the Suffolk & Essex Coast & Heaths National Landscape Partnership prior to the commencement of construction of Work No. 1 or Work No. 2. The timing of projects and initiatives benefited by the fund would then be at the discretion of the Suffolk & Essex Coast & Heaths National Landscape Partnership. The ExA requests IPs comments on the fund timing.</p>	<p>SCC generally defers to the views of the SECHNL Partnership on the details of the Enhancement Scheme’s Fund Timing, but (subject to such views) SCC is content with the principle of a single payment prior to the commencement of Work Nos. 1 and 2.</p>	<p>Noted.</p>
REP7-096_h	<p>Q14.0.11 Impact on LCTs</p> <p>In response to ExQ2 14.0.5 the Applicant confirmed that in its view, at a distance of over 40km from any onshore LCT (Landscape Character Type), that it is satisfied that “the magnitude of change is correctly recorded as ‘low’” in each case.</p> <p>(i) Please can the Applicant confirm what, if any other criteria than distance have been used to estimate the magnitude of change.</p> <p>(ii) Please can NE (and others, optionally) comment on factors other than distance which they consider would contradict the Applicant’s assertion regarding the 40km distance to any onshore LCT.</p>	<p>Paragraph 39 of the Applicant's Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note, Revision 1 [REP5-038] states:</p> <p><i>“A clear relationship can be drawn between the characteristics of the landscape, the special qualities of the SECHNL, and the special character of the SHC.”</i></p> <p>SCC considers the effects on perceptual qualities of the LCTs to be factors aside from distance to the project area.</p> <p>The larger scale of the turbines is expected to affect perceptual qualities of the LCTs. The development will be more prominent, when visible, and not blend with other arrays, due to the larger turbine size, exacerbating the cluttering effect. The Applicant states in Table 29.16, Table 29.17, and Table 29.19 of ES Chapter 29 [APP-043]:</p> <p><i>“The Offshore Above-sea development will be larger than operational turbines and will be seen in the context of offshore human activity such as shipping.”</i></p> <p>The assessment has not referred to nighttime effects. It is expected that safety lighting will be visible form the shore affecting the relative tranquillity of the LCTs.</p>	<p>The SLVIA in ES Chapter 29 [APP-043] includes an assessment of effects on landscape and seascape character, which considers effects on the more perceptual characteristics of the landscape and seascape.</p> <p>The SLVIA also fully considers the effect of aviation lighting within the offshore array, concluding that effects would not be significant (see paragraph 155 in ES Chapter 29 SLVIA [APP-043]).</p> <p>The Applicant submits that the assessments referred to above are robust and maintains its position on this issue supported by the conclusions made in these assessments.</p>
REP7-096_i	<p>Q14.0.14 Suffolk County Council Comments on submissions received at Deadline 5</p> <p>SCC has submitted comments on Deadline 5 submissions [REP6-092] as a response to the Applicant's Deadline 5 (D5) submissions and representations made by other interested parties at D5, as appropriate. Within this context, please can SCC explain how items 1f - Application of Duty and 1g - Discharge of Duty are sufficiently separate considerations, and are not, in effect, double counting a similar issue.</p> <p>Other IPs and the Applicant may also comment, optionally.</p>	<p>In its comments in [REP6-092] SCC sought to structure its responses to reflect the way that the Applicant had presented its position in [REP5-068]. Item 1f was intended to address what was said in para 9 of the table in [REP5-068] and item 1g was intended to address what was said in para 10 of the table in [REP5-068]. SCC would accept that the references to ‘application’ and ‘discharge’ in the headings are to an extent misnomers because the substantive comments cover two issues (a) whether the proposals “affect” the National Landscape to as to engage the duty in section 85(A1) CROWA 2000 for any relevant authority and (b) if so what needed to be done by the relevant authority in order to discharge the duty.</p> <p>SCC does not consider that by presenting its comments in this way there is any ‘double counting’ of matters. The comments in both items do cover the discharge of</p>	<p>The Applicant refers to its responses to items REP6-092_f and REP6-092_g in the Applicant's Response to Deadline 6 Submissions [REP7-053].</p> <p>The Applicant rejects SCC's position that the Applicant and Secretary of State cannot rely on actions taken before submission of the DCO Application in consideration of whether the Duty has been discharged for the reasons listed in the responses set out above and in its response to item 9 of the Position Statement on various issues relating to National Landscapes [REP5-068].</p>

REF	QUESTION	RESPONSE FROM SCC	APPLICANT'S RESPONSE
		<p>the duty, with those in item 1f being more 'high level' and those in item 1g being more detailed. Both sets of comments are, however, relevant to the discharge of the duty.</p> <p>The issue of 'double counting' does arise in SCC's view in the Applicant's approach to relying on actions it took before finalising the project that is now presented in the Application that is at Examination as matters that can be relied on to show a discharge of the duty in relation to that Application.</p> <p>To avoid use of the language of 'double counting', which might lead to confusion, SCC would suggest that the issue should be considered in terms of the distinction between pre-application actions and the submitted Application. The submitted Application is the project that the Applicant now seeks consent for, and it is the effects of that Application that now have to be assessed in terms of the duty to see whether (a) that Application "affects" the National Landscape and if so (b) what steps need to be taken to discharge the duty in relation to that Application. Addressing those matters will not be influenced by whatever actions the Applicant took in the pre-application stages to minimise the impacts on the National Landscape because those actions have already been built in (or 'baked in') to the Application that it is now at Examination and it is the effects of that Application that need to be considered.</p>	
REP7-096_j	<p>Q14.0.15 New visualisation (VP9) from Barn Lane - Grange Road</p> <p>In response to ExQ2 14.04, the Applicant stated that it would be providing an additional photomontage visualisation from Grange Road, to be submitted at Deadline 6. The selected viewpoint is immediately north of the proposed onshore substation works area. The ExA notes [REP6-065] and [REP6-066] provide new visualisations for new Viewpoint VP9.</p> <p>This appears to currently be absent of corresponding narrative, such as that which accompanies VPs 1 to VP8 within Chapter 30 of the ES (see Tables 30.21 to 30.28).</p> <p>(vi) In the interest of consistency and completeness, please can the Applicant provide an update to VP9, or signpost to where this information is contained by Deadline 7.</p> <p>IPs are invited to comment on VP9 photomontages at this stage, and following Deadline 7, to comment further on the accompanying narrative.</p>	<p>SCC welcomes the additional viewpoint, as it presents what might be visible, albeit from a greater distance, from the Dedham Vale National Landscape. SCC has previously requested an additional viewpoint, but this has so far not been produced.</p> <p>Without prejudice to the narrative which may be provided by the Applicant at Deadline 7, the photomontages demonstrate the level of adverse landscape and visual effects, which SCC considers could be significant. This is on account of the substantial change to the view caused by the proposed substation. The viewpoint is quite close to the site, but demonstrates what might be visible from the Dedham Vale, albeit at a greater distance and with potential filters/screens.</p> <p>SCC is concerned with regards to the assumed height and density that can be achieved by the proposed mitigative planting by year 15 (growth rates).</p> <p>Referring to the Landscape Mitigation Plan, Figure 30.1.6, in ES Chapter 30 – Figures (Part 1 of 6) [APP-083], SCC would expect the proposed native trees south of the junction of Grange Road and the bridleway and north of the existing overhead powerline to provide filtered views, rather than a solid screen, towards the new woodland planting around the substation in the middle ground, and elements of the substation visible beyond.</p> <p>In technical terms, a slight overlap across the images for the two parts of the viewpoint would have been helpful.</p> <p>Given the time of year during which the viewpoint was produced, it is accepted that only summer views could be made available.</p> <p>However, the year one planting does not appear to be included in the photomontages. While the planting would have been small, and mainly consisted of tree and shrub shelters, it would have aided the understanding of where mitigation planting would be implemented in relation to the substation and the viewpoint, as well as of the progression to the images for year 15.</p>	<p>An assessment has been provided alongside the visualisation for Viewpoint 9 Barn Lane - Grange Road [REP6-065]. This recognises that there will be Major (significant) effects at year 1 reducing to Moderate (significant) by year 15, due to the change in character of the view through close proximity views of landscape mitigation. Year 1 visualisations do not show new planting for any of the submitted viewpoints. This is standard practice in order to show 'worst case'. As noted in the assessments, newly-planted saplings would not provide any meaningful mitigation at this point.</p> <p>Viewpoint 9 is directly adjacent to the onshore substation site, and is not representative of views from the Dedham Vale National Landscape. The boundary of the National Landscape is around 1.8km north of Viewpoint 9, at the A137 Harwich Road. Please see Viewpoint 8 (Figure 30.2.8 in [APP-088]) for a representative visualisation from within the Dedham Vale National Landscape.</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 ISH1 and ISH2. Please refer to pages 10-12 of Applicant's Response to Actions List for ISH1 and ISH2 [REP4-036].</p>
REP7-096_k	<p>Q14.0.16 Tranquillity</p> <p>The ExA notes the Applicant's response to ExQ2 14.0.8 and the updated technical document on special qualities [REP5-038]. Please can IPs including SCC and SCHNLP respond to this update.</p>	<p>SCC agrees with the Applicant's note that the proposed development is likely to be seen as a detractor from tranquillity. However, SCC disagrees with the Applicant that the development will result in no change to this special quality.</p> <p>SCC disagrees with the Applicant's statement at the bottom of page 17 that: <i>"There will be no effects on dark skies as a result of aviation lighting on the turbines."</i></p> <p>SCC considers that despite the distance the development is likely to adversely affect the National Landscape's relative tranquillity, as it is likely to affect the perceptions of the landscape and of the night sky as natural, with additional lighting out at sea.</p> <p>In the context of other offshore development and activity the project is expected to have a further eroding effect on perceived tranquillity through further intensification.</p>	<p>The SLVIA fully considers the effect of aviation lighting within the offshore array, concluding that effects would not be significant (see paragraph 155 in ES Chapter 29 SLVIA [APP-043]).</p> <p>The Applicant submits that this assessment is robust and maintains its position on this issue supported by the conclusions made in this assessment.</p>

2.18 Applicants Response to NatureScot Late submission accepted at the discretion of the Examining Authority [REP7-097]

Table 2.18 Applicants Response to NatureScot Late submission accepted at the discretion of the Examining Authority [REP7-097]

REF	THEME	NATURE SCOT COMMENT	APPLICANT'S RESPONSE
REP7-097_a	1. Position on Red-Throated Diver Compensation Measures in Scotland	<p>We are aware of, and have had, some preliminary discussions with the applicants in respect of red-throated diver compensation on a without prejudice basis. The detail of the measures is still relatively at an early stage, dependent on the outcome of surveys being carried out during the breeding season this year. The measures currently being proposed have a geographical focus in Scotland with a particular emphasis on Shetland.</p> <p>We have raised practical aspects around the site selection due to the remote nature of lochs and lochans as well as the ability to secure landowner permission. Additionally, with respect to peatland restoration, there may be aspects around this that could be linked to or impact on Scotland's peatland restoration programme [1] and we have requested the applicants to consider this further when choosing sites and drawing up their more detailed plan. We await further detail on sites to be selected and measures to be implemented post this year's surveys. Lastly, when choosing sites, we advise the applicant that consideration should also be given to likelihood of predator impacts e.g. mink, stoats, rats etc.</p> <p>In terms of monitoring success, there are several aspects around this we wish to raise:</p> <ul style="list-style-type: none"> • Monitoring of implementing agreed measures i.e. are the actions carried out as agreed within any final derogation plan • Monitoring of efficacy and success – this is different to the above and relates to the proposition that the measures will increase productivity of red-throated divers during breeding - we note previous comments by both RSPB and Natural England on the suggested period of monitoring of 3 years and agree this period is too short • Monitoring of impacts on nearby SPAs – in our view the possibility of negative impacts to nearby SPAs has not adequately been considered. By implementing measures for red throated diver outside of the European site network it is possible that unintended shifts in distribution, or population decline, of birds within SPAs may occur. <p>For both aspects monitoring should be carried out based on agreement with ourselves and Natural England for the period from consent to decommissioning of the windfarm, if consented. Also, the European site network and individual sites designated with red-throated divers as a feature are not monitored annually, but on a more cyclical basis, we advise that monitoring of efficacy and success will need to be tied into the cycle of site condition monitoring.</p>	Noted.
REP7-097_b	2. Comments on Red-Throated Diver Compensation Delivery and Effectiveness	<p>We are aware that in early discussions around red-throated diver compensation package, the applicant had originally considered the delivery of measures in Finland - this was due to the red-throated divers observed during the winter within the proposed offshore wind site, likely to originate from breeding sites in the Baltic states. We consider delivery of measures in Finland might have made more ecological sense due to the direct connectivity between the Finnish breeding sites and the overwintering locations in the Southern North Sea and around the Thames, but understand concerns were raised about the ability to implement measures outside of the UK.</p> <p>At this stage we consider there is still significant detail to be provided on a derogation case with a plan of compensation measures for red-throated diver, (if it is ascertained there is an adverse effect on red-throated divers in the Outer Thames Estuary SPA from this offshore wind proposal), including site selection, management actions – whether it be siting of rafts, shoreline (peatland) management or both, monitoring arrangements and any adaptive management measures. We also provide some more fundamental thoughts around cross border compensation considerations below.</p> <p>This case and others where there are proposals for cross border compensation measures – raise some fundamental questions, which NatureScot advise require further consideration by UK competent authorities as well as the SNCBs. These include:</p>	Noted.

REF	THEME	NATURE SCOT COMMENT	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> • Removal of compensation and/ or mitigation opportunities for projects within the receiving jurisdiction, including for other industries etc. • Unintended consequences of implementing compensation measures at a distance from where predicted impacts could occur at an offshore windfarm – these could include impacts to: <ul style="list-style-type: none"> (a) Receiving communities (b) Increased resource demand on the receiving SNCB, including input to the planning process, provision of advice, review of monitoring and analysis and any adaptive management requirements, as well as impacts on the existing European site network and the impacted feature(s) (c) Nearby European sites. • How do compensation measures fit into any requirement for community benefit from offshore windfarms? Whilst it is accepted there may be ecological benefits there may consequences for communities. • • Consideration of how receiving community representatives can interact and contribute to the planning process and consideration in real time and not after the event. 	

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