

The Great Grid Upgrade

Sea Link

Sea Link

Volume 9: Examination Submissions

Document 9.150 Applicant's Comments on Responses to Third Written Questions

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0. About this Document

0.1 Purpose of this Document

- 0.1.1 This document provides National Grid Electricity Transmission plc's (the Applicant's) comments on the responses submitted by Interested Parties (IPs) and Affected Persons (APs) to the Examining Authority's Third Written Questions (ExQ3) [PD-023], received on 23 March 2026. These comments relate to responses submitted at Deadline 6 and published by the Planning Inspectorate on 16 April 2026.
- 0.1.2 The Applicant has reviewed the responses to questions directed to other parties (or jointly to other parties and the Applicant) and provides comments where it considers clarification, correction, or further context is necessary. The Applicant has not provided further comments on questions directed solely to the Applicant, as these are addressed in **Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]**.

0.2 Project Overview

- 0.2.1 National Grid Electricity Transmission plc (hereafter referred to as 'the Applicant') has submitted an application for development consent for the Sea Link Project, which proposes to reinforce the electricity transmission network between Suffolk and Kent. The Project comprises the construction and operation of a new high-voltage electricity transmission connection, including underground cables, converter stations, grid supply point substations, and associated infrastructure. It also includes the removal of sections of existing infrastructure and various ancillary works.
- 0.2.2 The application for development consent was accepted for Examination on 23 April 2025.
- 0.2.3 A full description of the Project is provided in Chapter 4 of the Environmental Statement: Project Description.

0.3 Structure of the Document

- 0.3.1 This document is structured to align with the numbering used in the Examining Authority's ExQ3 [PD-023]. Chapters are numbered accordingly, beginning with '1'. Where appropriate, the Applicant has paraphrased or made minor stylistic or grammatical adjustments to the responses provided by other parties. These changes are not considered material; however, the Applicant directs readers to the original submissions for reference.
- 0.3.2 The following parties submitted responses to ExQ3 at Deadline 6:
- Natural England - REP6-249
 - CPRE Kent - REP6-259
 - East Suffolk Council - REP6-261
 - Friston Parish Council - REP6-262

- Historic England - REP6-263
- Joint Nature Conservation Committee - REP6-264
- Kent County Council - REP6-265
- Kent Wildlife Trust - REP6-266
- London Gateway Port Limited - REP6-267
- National Trust - REP6-269
- Port of London Authority - REP6-270
- Royal Society for the Protection of Birds (RSPB) - REP6-271
- Saxmundham Town Council - REP6-272
- Substation Action Save East Suffolk (SASES) - REP6-273
- Thanet District Council - REP6-274
- The Maritime and Coastguard Agency - REP6-275
- Suffolk County Council - REP6-276
- Caroline Pope - REP6-277

0.3.3 Where the Examining Authority directed questions to parties who did not respond, this is noted in the relevant sections of the document.

1. General and Cross Topic (GEN)

1.1 General

Table 1.1 General

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN1.	Applicant	<p>Critical national priority</p> <p>Paragraph 4.2.4 of National Policy Statement (NPS) EN-1 (published November 2023) sets out the Government's conclusion that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Paragraph 4.2.7 goes on to explain that the CNP policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. Paragraph 4.2.11 says that applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated and 4.2.12 says that applicants should set out how residual impacts will be compensated for as far as possible.</p> <p>For clarity and the avoidance of doubt, for each topic area the applicants are requested to set out (including any relevant cross-referencing to relevant documents) how they have met the test in paragraph 4.2.11 of NPS EN-1 that applicants must apply the mitigation hierarchy and demonstrate that it has been applied.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3GEN2.	Applicant and all interested parties	<p>Critical national priority</p> <p>Paragraph 4.2.15 of NPS EN-1 says that where residual non-habitats regulations assessment or non-Marine Conservation Zone (MCZ) impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for CNP infrastructure. It goes onto say that the exception to this presumption of consent are</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. The same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.</p> <p>a) Without prejudice to the position of any party, are there any issues in this case that might potentially fall into this category of the exceptions to this presumption of consent? For example, might the issue of flooding and the application of the sequential and exception test potentially fall into this category in the event of there being an “unacceptable risk”?</p> <p>b) Are there any further submissions any party wishes to make on the potential application of CNP policy in this case (should it be required)?</p>	<p>East Suffolk Council (ESC)</p> <p>a) Insofar as matters fall within ESC’s remit, ESC does not consider that the project would create an unacceptable risk to irreplaceable habitats, nor does ESC consider it would create an unacceptable coastal erosion risk, due to the trenchless landfall installation technique being secured via the DCO. If the cables are not buried to sufficient depth (i.e. less than 25m but preferably 30m) and they become at risk of exposure, there could be an impact on coastal processes and natural sediment transportation. Mitigation plans should recommend reburial and not hard defences. Provided that there are no impacts on coastal geomorphology receptors, the project should not change the coastal erosion risk.</p> <p>ESC is, however, concerned about the potential for the project to pose an unacceptable risk to human health, particularly mental health. ESC cannot agree with the Applicant’s findings of ‘no likely significant adverse effects’ on health and wellbeing as a result of the Proposed Project, and when considered cumulatively with other projects in the locality. East Suffolk’s residents are experiencing significant disruption from other major infrastructure projects in the District, including those currently under construction, such as Sizewell C and SPR’s EA1N and EA2 projects, and those at earlier stages of the consenting process, including LionLink. Sea Link is exacerbating, and will continue to exacerbate, these effects. ESC already has concerns for the mental health and wellbeing of its local community and therefore rejects the Applicant’s conclusion that the cumulative effects of Sea Link in combination with other projects in the area will not have significant adverse effects on mental health and wellbeing.</p> <p>The Applicant states, at Paragraph 11.8.1 of the Health and Wellbeing ES Chapter [APP-058] that <i>‘the Proposed Project has been designed, as far as possible, following the mitigation hierarchy in order to, in the first instance, avoid or reduce health and wellbeing impacts and effects through the process of design development, and by embedding measures into the design of the Proposed Project’</i>.</p> <p>ESC does not accept this assertion and considers that the Applicant has not ‘as far as possible’ avoided or reduced the mental health and wellbeing impacts of the Proposed Project. Most notably, the Applicant has failed to propose reasonable core working hours to provide the local community with respite from construction activity. This is an extremely important mitigation measure that the Applicant has failed to implement for the sake of its own project programme and costs. This is unacceptable to ESC and the local communities it represents.</p> <p>Managing appropriate working hours is a critically important element of safeguarding residents’ mental health and wellbeing. Saturdays, particularly Saturday afternoons, Sundays, and bank holidays are expected to be reprieves from construction working. Residents require respite from these</p>	<p>With regard to the coastal erosion risk, the Applicant confirms that, as set out in Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment [REP6-0.26], no likely significant effects have been identified regarding coastal erosion.</p> <p>The Applicant maintains the view that the Proposed Project will not have a significant effect on health and wellbeing, in isolation or cumulatively, and that its assessment presented in APP-058 is robust. Therefore, it is not considered that the Proposed Project would present an unacceptable risk to human health.</p> <p>A detailed response regarding the proportionate measures and commitments to demonstrate recognition of the LPA and community’s concerns regarding health and wellbeing is set out in Application Document 9.136 Applicant’s Responses to Third Written Questions in response to 3HW3. Measures to address disruption and potential effects on mental health and wellbeing arising from construction activities are secured within Application Document 9.84 Register of Environmental Actions and Commitments (REAC) which was submitted at Deadline 6.</p> <p>The Applicant has covered in detail the application of the CNP policy and policy on the mitigation hierarchy in NPS EN-1 in Appendix A of Application Document 9.136.1 Applicant’s Responses to Third Written Questions Appendices [REP6-112].</p> <p>While the concerns and frustrations expressed by ESC are noted, the Applicant does not agree with the assertion that they have failed to respond to stakeholders’ and third parties’ representations. Meetings with relevant stakeholders have taken place regularly since the project was launched in 2020 and throughout the examination period to discuss technical matters, as documented in the Statements of Common Ground. Comments on third parties’ representations have been submitted where appropriate, at every deadline. The accusation that the Applicant has not responded to issues raised is also addressed in Application Document 9.145 Closing Submission (submitted at Deadline 7).</p> <p>The characterisation of the Applicant of being ‘overconfident’ and ‘bordering on arrogance’ is again an area the Applicant does not agree with. The Applicant does not recognise this description as being accurate of</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>works, especially given the number of projects in the district. Significant adverse effects on mental health and wellbeing can arise during construction periods, particularly where multiple projects are being the subject of consultation, then consented, and then constructed across the same communities.</p> <p>As noted in ESC's Local Impact Report [REP1-128], Suffolk Mind's report titled 'Wellbeing in Aldeburgh, Leiston & Saxmundham',¹ found that "57% of residents [in the Aldeburgh, Leiston and Saxmundham area] feel that local energy projects are a barrier to their mental wellbeing to some extent". This is an alarming statistic which evidences the real impact NSIPs, including Sea Link, are having on the mental health of residents of East Suffolk, and the construction of Sea Link is likely to compound these impacts further.</p> <p>In conclusion, ESC is concerned that the proposed Sea Link project has the potential to give rise to an unacceptable risk to human health, and ESC does not consider that the applicant has made a genuine attempt to propose adequate measures to avoid and mitigate mental health and wellbeing effects in particular. Given ESC's significant concerns regarding the mental health and wellbeing impacts of the project, ESC is of the view that the presumption for consent for this 'Critical National Priority' infrastructure may not apply.</p> <p>b) ESC does not intend to duplicate representations already made regarding the lack of need for this Project. Those comments stand on the record and remain unanswered by the applicant although it is noted that "need" per se and CNP policy are closely inter-related.</p> <p>The ExA should be aware, however, that ESC's comments on need were made in the context of paragraph 3.2.6 and 3.2.7 of EN-1 which together point to there being an urgent need for the types of infrastructure covered by the NPS and the "substantial weight [that] should be given to this need". At no time has ESC either argued against or attempted to contradict the underlying thrust of the EN-1.</p> <p>The difficulty that ESC has faced throughout the pre-application and examination process, however, is that the Applicant has at all times maintained a position of overconfidence bordering on arrogance based on a presumption that any questions raised or arguments put before them by stakeholders and third parties, can be given short shrift because the Project is bound to be consented on the basis that CNP enables a promoter effectively to ride "rough shod" over third parties and the local community. That is not, in ESC's view, how CNP policy should be interpreted and applied by an applicant. The Applicant's failure to respond to many of the representations made by stakeholders and third parties as identified by the ExA at ExQ3 is a case in point. Another example was a meeting arranged last month with representatives of SCC, ESC, Thanet DC and the Applicant to discuss the local authorities' comments on the draft DCO. The</p>	<p>the attitude or conduct of its team and is an example of the unprofessional language aimed at Applicant staff by ESC. These broad, imprecise criticisms have characterised ESC's behaviour towards the Applicant and have been difficult to address or respond to in a meaningful manner.</p> <p>ESC goes on to state that: <i>'Another example was a meeting arranged last month with representatives of SCC, ESC, Thanet DC and the Applicant to discuss the local authorities' comments on the draft DCO. The Applicant's team had not bothered to take the time in advance to read the local authorities' suggestions before the meeting as a consequence of which nothing was achieved.'</i></p> <p>The meeting referenced was the meeting on the draft DCO on 18 March 2026. The incident occurred when a member of the Applicant's team admitted that they had not read the representation being referred to in the meeting and asked that ESC summarise the point so it could be discussed. The ESC representative said he could not summarise ESC's position but emphasised the unreasonableness of the individual in not having reviewed the submission.</p> <p>The meeting under discussion was held at 10:00 to 12:00 on Wednesday 18 March and the representation under discussion was submitted by ESC at Deadline 5 and published by the Examining Authority on Friday 13 March. At Deadline 5, 225 documents were submitted in total, of which 77 documents were submitted by Interested Parties to be reviewed by the Applicant.</p> <p>It was not necessary nor expected that parties would have read the latest submissions before the meeting given there had been two and a half working days since publication. Indeed, earlier in the same meeting ESC had noted that their representatives had not reviewed the Applicant's Deadline 5 submissions as they had only very recently been published. The Applicant's response to ESC's comment was that this was understandable and the Applicant provided slides on changes made at Deadline 5 to enable up to date discussions to occur.</p> <p>In return, when the Applicant stated that although they had reviewed as many responses as possible, they had not reviewed the point being discussed and asked ESC to clarify, the ESC representative responded strongly criticising the Applicant's member of staff, and stated that it was not possible to summarise the point.</p> <p>The Applicant strongly disagrees that this was an example of any of the accusations in this response; namely that the Applicant has exhibited overconfidence, arrogance, 'riding roughshod' over third parties or has not responded to representations. The Applicant has been diligent, thorough and professional throughout its work on these proposals.</p>

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			<p>Applicant's team had not bothered to take the time in advance to read the local authorities' suggestions before the meeting as a consequence of which nothing was achieved.</p> <p>It is in this negative environment that ESC has attempted to negotiate a properly and reasonably mitigated development should consent be granted. Paragraph 4.2.15 of EN-1 makes it very clear that the Secretary of State has to consider each CNP application "on a case-by case" basis. It is equally clear that paragraph 4.2.15 is not designed to give <i>carte blanche</i> to all and any CNP development. There are still tests that have to be met and it is in this context – as well as the fundamental lack of need which has already been referenced – that the Applicant has failed to pay any genuine regard to the health and well-being of the local community as witnessed very clearly at the Open Floor Hearings, working hours for construction, noise and vibration and lighting disturbance.</p> <p>In addition, ESC is attempting to negotiate a mitigation agreement with the Applicant, separate to the Government's community funds package for transmission infrastructure, as has been the case with both the Sizewell C proposals and the SPR DCOs. This is being sought to mitigate at least some of the serious long term impacts and effects of the project, but the Applicant is resisting entering into such an agreement.</p> <p>In the light of these outstanding and at present unresolved issues, ESC is firmly of the view that the development proposals currently being promulgated by NGET fail to satisfy the CNP tests and presumptions.</p>	<p>The meeting led to the Applicant making significant concessions to local authorities on the draft DCO, for example on Requirement 3 on design including the introduction of the Operational Lighting Plan, concessions for the Fromus Bridge design to be approved by local authorities, change in wording from 'general accordance' to 'substantially in accordance' (a compromise position discussed) etc, which were added to the draft DCO at Deadline 6. The Applicant entirely disagrees that 'nothing was achieved'. This misrepresentation of the facts by ESC in this case is not an isolated incident.</p> <p>On the point on the 'mitigation agreement', the Applicant has explained to ESC throughout the pre-application, Pre-Examination and Examination period that the Applicant is a regulated business and cannot agree to community benefits agreements of the nature requested by ESC. Community benefits for electricity transmission infrastructure are governed in a standardised manner at a national level and funding will be legally secured through a modification of National Grid's Electricity Transmission Licence with Ofgem. This is not the position with Sizewell C or the offshore wind farms EA1N and EA2, where there is no equivalent standard provision.</p> <p>It is incorrect that the Applicant is not providing a community benefits or that the Applicant is taking a negative approach in comparison to other developers. The mechanism to secure these benefits is different and the value is proportionally different from Sea Link in comparison to Sizewell. The approach to how community benefits are secured has no bearing on whether the Applicant has 'mitigated' the impact of the project or whether the project can be considered as CNP infrastructure.</p> <p>The agreement mentioned was a draft legal agreement received by the Applicant on 7 April 2026 from ESC requesting a large amount of funding be provided to ESC for additional measures under Section 111 of the Local Government Act 1972. The Applicant was puzzled by the receipt of this draft because no discussion was had before receipt of the agreement and the Applicant has always been clear that they have no ability to agree to such a provision in addition to the standard community benefit mechanism. The Applicant does not consider this agreement to be accurately described as a 'mitigation agreement', nor for it to be material to the DCO application; it is clarified here only because of the inaccurate accusations being levelled at the Applicant in this response (and others) from ESC.</p> <p>Following the Applicant stating that the Section 111 agreement could not be agreed, ESC cancelled the planned meeting on the Statement of Common Ground</p>

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			<p>Suffolk County Council (SCC)</p> <p>There is a possibility that the proposed development, in its current form, may present an unacceptable risk to, or interference with, human health. SCC does not repeat here previous submissions in which it has detailed the ways in which the proposed development will likely affect human health which have not been considered in the Applicant's assessments. This has been set out by SCC in previous submissions such as [REP1-130] and is set out in detail in response to AP 45. The Council has the following to add to its submissions in answer to this question.</p> <p>An important element when considering levels of risk is the degree of certainty one has in relation to the consequences of a decision. Where there is a limited evidence base which is insufficient to justify conclusions of likely effects with a degree of certainty, it follows that there is a likelihood that effects may be greater than anticipated and perhaps also different in kind. Where the effect in question is related to a phenomenon which is particularly difficult to measure and is not itself fully understood nor how exactly various factors may or may not affect it to varying degrees, the degree of uncertainty over the effects which follow is exacerbated. The effect in question is mental health and wellbeing which forms an essential part of human health. As stated, SCC has presented considerations using its public health expertise to motivate the line of reasoning presented here when considering the potential effects of the proposed development in combination with cumulative developments. SCC does not claim that this point entails that the proposed project presents an unacceptable risk, in policy terms, to human health such that presumption for CNP certainly does not apply; rather, SCC presents this as a consideration to the ExA and decision maker as a potentially relevant one to this question of policy.</p> <p>However, SCC does not consider that the potential risk to human health is unassailable. It is in the context of the complete lack of monitoring or mitigation measures within which SCC has laid out its concerns. If the ExA or decision maker were minded to consider that may be an unacceptable risk to human health, SCC considers that the addition of relevant requirements to the Order which secure a robust monitoring plan of mental health and wellbeing, in addition to procedures to implement mitigation depending on the results of that monitoring, would make substantial process to managing the potential risk to human health. SCC has detailed</p>	<p>between the parties that had been planned for 19 April 2026 saying there was nothing to discuss and ESC was instead going to concentrate on reading the Applicant's responses and their own final position.</p> <p>The Applicant considers that the Proposed Project would not present an unacceptable risk to human health. The Applicant maintains the view that the Project will not have a significant effect on health and wellbeing, in isolation or cumulatively, and that its assessment presented in APP-058 is robust.</p> <p>The Applicant's position on monitoring of mental health and wellbeing effects is set out in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111] (question 3WH3).</p>

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			<p>what it expects to be included in such a plan in [REP5-204] and has provided details of how this may be secured at Deadline 6.</p>	
			<p>Natural England (NE) Natural England has no specific points to raise in relation to NPS EN-1, Our advice on impacts to NERC and/or Irreplaceable habitats is incorporated within our advice on adopting mitigation measures to avoid impacts where possible, and ensure every effort is made to reduce impacts where it is not. However, the ability to implement these mitigation measures and ensure effectiveness is reliant on appropriate pre and post construction monitoring which we have again advised on through-out examination.</p>	<p>This is noted by the Applicant.</p>
			<p>Dover District Council (DDC) The Council has no comments to make on this question.</p>	<p>This is noted by the Applicant.</p>
			<p>Thanet District Council (TDC) The Council has no further comments to make in relation to concerns previously raised and would defer to statutory bodies with regards to the exceptions on presumptions of consent.</p>	<p>This is noted by the Applicant.</p>
			<p>Port of London Authority (PLA) The PLA set out in section 4 of its deadline 1 response [REP1-156] how unacceptable interference offshore to navigation is an exception to the presumption of consent for renewable energy infrastructure. At deadline 1 the Planning Statement [AS-058] concluded that there was no significant residual effects on shipping and navigation. The PLA could not agree with that conclusion due to the absence of a Certified Plan, a Design Requirement, agreed protective provisions for the PLA, an outline Cable Specification and Installation Plan (“oCSIP”) and an outline Sediment Disposal Management Plan (“oSDMP”). Amendments were also required to the outline Navigation and Installation Plan (“oNIP”) and Deemed Marine Licence (“DML”). The Areas of Safeguarded Water Depth Plan was introduced into the examination at deadline 4 [REP4-098]. The PLA requires amendments to this plan to include the depths that are being safeguarded at the Sunk Pilot Boarding Area, Long Sand Head Two Way Route Crossing and North East Spit. The Plan also needs to show areas of shallower water depths where the Sea Link and GridLink cables will not cross and the cables not crossing in the area shown on the plan must be secured in the dDCO. The Plan must be included in the list of Certified Documents set out in Schedule 19 of the dDCO.</p>	<p>The Applicant has provided a Certified Plan (Areas of Safeguarded Water Depth Plan [REP6-094]), a Design Requirement in the DCO, and oCSIP [REP6-136] which contains an oSDMP. The Applicant can confirm that the oNIP and DML have been amended as requested at Deadline 6. Regarding the Areas of Safeguarded Water Depth Plan, it has been amended at Deadline 6 to include an exclusion area for the GridLink crossing. The depths have not been added to the Plan itself as they are secured within the text of the DCO / DML. The Applicant can confirm that amendments to the Requirement and Protective provisions have been submitted at Deadline 6 and further amendments will be submitted at Deadline 7. The Applicant will submit updated versions at Deadline 7 of the documents highlighted by the PLA in their Comments on Submissions Received at Deadline 5 [REP6-140], in order to resolve remaining concerns.</p>

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			<p>A Design Requirement was included in the dDCO at Deadline 5. The PLA is supportive of this addition and has set out in its Comments on Submissions Received at Deadline 5 that minor drafting amendments are required to ensure that the terminology used within documents is consistent.</p> <p>Protective Provisions for the PLA were included in the dDCO at Deadline 5. Whilst their inclusion is welcomed the PLA are still in discussion with the Applicant, including in relation to a remediation clause, and expects further amendments to be submitted at deadline 6.</p> <p>The PLA has outstanding comments on a number of plans. These are set out in the PLA's Comments on Submissions Received at Deadline 5.</p> <p>The outstanding issues set out above need to be resolved in order for there not to be unacceptable interference to navigation. The PLA considers that all issues can be satisfactorily resolved but is becoming increasingly concerned about the amount of time that is available to resolve these issues before the examination must close.</p>	<p>On the basis of the above, it is considered that the Offshore Scheme will not present an unacceptable interference to navigation.</p> <p>Schedule 19 has been updated at Deadline to include the Areas of Safeguarded Water Depth Plan.</p>
			<p>CPRE Kent</p> <p>At ISH3, the Examining Authority stated that it was not convinced the Applicant had demonstrated that all residual impacts are those that cannot be avoided, reduced or mitigated. CPRE Kent strongly agrees. As we have said from the outset, the scheme failed at the first hurdle of the mitigation hierarchy, namely avoidance, and many of the harms now described as "residual" are in fact the inevitable consequence of the landfall location chosen.</p> <p>Against that background, our position is that the scheme does not even get to the stage of considering the exceptions to the CNP presumption, because the mitigation hierarchy has not been properly applied and the remaining harms are not therefore residual as should and could have first been avoided.</p> <p>Notwithstanding that point, if it's accepted that we do get to that stage, CPRE Kent considers that a number of issues may fall within the stated exceptions to the CNP presumption.</p> <p>First, there is clear potential for unacceptable risk to irreplaceable habitats and European designated sites. CPRE Kent has addressed these matters more fully in its response to the RIES, including the continuing uncertainty over HDD at Pegwell Bay, the risk of later pressure for open-cut trenching if trenchless methods fail and the continuing weakness of the proposed golden plover mitigation land. As made clear with that response, we may need to return to these points in our Deadline 7 summary statement once we have seen Natural England's full comments.</p> <p>Second, the separate exception relating to onshore flood and coastal erosion risk also remains potentially engaged. That is not a closed issue given the Environment Agency's</p>	<p>The Applicant has covered in detail the application of the CNP policy and policy on the mitigation hierarchy in NPS EN-1 in Appendix A of Application Document 9.136.1 Applicant's Responses to Third Written Questions Appendices [REP6-112]. This includes an overview of how the mitigation hierarchy has been applied</p> <p>The Proposed Project will not result in the loss of any irreplaceable habitats. The Proposed Project will not open trench through the saltmarsh in Pegwell Bay and will avoid areas of sand dune. There is no uncertainty about the ability to HDD at Pegwell Bay and no mechanism within the DCO by which a trenched solution to traversing the saltmarsh could be adopted. The HDD solution has been specifically adopted to avoid the harm caused to the saltmarsh by earlier projects. The golden plover mitigation land has been discussed and agreed as an appropriate location with Natural England and the management prescriptions have drawn on their advice provided before DCO submission. Natural England has made comments on the measures in their response to the RIES but only as regards the specificity of the measures rather than their substance. These have been made more specific at Deadline 7 and a REAC commitment has been added to agree the final wording of the management measures with Natural England prior to any loss of golden plover habitat.</p> <p>With regard to flood and coastal erosion risk, the Applicant, at Deadline 6, submitted 6.8 (B) Flood Risk Assessment [REP6-052]. The report includes additional information to address all remaining matters that the</p>

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			<p>confirmation at ISH3 that its position was still evolving. We also note ExQ3's requests for further submissions on the sequential and exception test and Water Framework Directive compliance.</p> <p>Third, CPRE Kent also notes the potential for the human health and public safety limb to arise, particularly in light of the unresolved issues concerning the Hoverport contamination pathway.</p> <p>We therefore support the ExA's current concern on the mitigation hierarchy and reserve the right to comment further on the potential application of CNP policy once the further material expected at and after Deadline 6 has been received.</p>	<p>Environment Agency requested be addressed. It is the Applicants position that these issues are now resolved. The Applicant has also engaged with the Environment Agency to resolve all Water Framework Directive matters, with further updates made to commitments within 7.5.3 (D) Outline Onshore Construction Environmental Management Plan [REP6-074], as discussed and agreed with the Environment Agency.</p> <p>Finally, with regard to the Hoverport contamination pathway, Application Document 6.2.3.4 Part 3 Kent Chapter 5 Geology and Hydrogeology [APP-065] acknowledges that the hoverport represents a potential source of contamination but in the context that the hoverport site is only proposed for access and that there will be no ground disturbance from the Proposed Project, it has concluded (in the change application documents) that it does not represent a likely significant effect. This is based on the presence of hardstanding across the hoverport, which overlies any made ground and potential sources of contamination. The Proposed Project is seeking to prevent any interactions with potential contamination through avoiding ground disturbance and conserving the existing overlying hardstanding barrier – and is committed to undertaking a Structural Integrity Assessment of the hardstanding at the hoverport to ensure it is suitable for the limited construction and maintenance access proposed. This is included within the highway condition surveys outlined in section 7.4.7 of Application Document 7.5.1.2 (B) Construction Traffic Management and Travel Plan – Kent [REP6-064].</p> <p>On the basis of all of the above, it is not considered that the Proposed Project presents unacceptable risks to irreplaceable habitats, onshore flood or human health and public safety. Therefore, the presumption of consent in favour of CNP infrastructure is still engaged.</p>
			<p>Kent Wildlife Trust (KWT)</p> <p>a) Potential exceptions to the presumption of consent</p> <p>For clarity, KWT's remit is focused on impacts to ecology and biodiversity. Whilst there may be additional examples relevant to other areas, such as flooding, defence, or human health, these fall outside our direct area of expertise. The absence of comments on such matters in this submission should not be interpreted as an indication that no such risks exist, but rather that our advice is necessarily confined to ecological considerations. Additionally, where other ecological concerns have not been explicitly referenced within this submission, including those raised by other environmental NGOs, this</p>	<p>a) Potential exceptions to the presumption of consent</p> <p>The Applicant has committed to undertaking all routine maintenance activities and survey outside of the sensitive overwintering period for Red-throated Diver.</p> <p>In addition to the duties of the Applicant as a Competent Authority, following any emergency operation and maintenance activities within the Outer Thames Estuary SPA (and 2 km buffer) during the period of the 1 November – 31 March, a report would be provided to Natural England detailing the nature of the event and the</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>should not be taken to mean that such issues do not exist or are not valid. It simply reflects the scope of KWT's review, rather than a comprehensive account of all ecological risks associated with the proposed project.</p> <p>That said, KWT considers that there are several issues within this application that could fall within the exceptions to the presumption of consent set out in paragraph 4.2.15 of NPS EN-1. Most notably, we agree with the ExA's position regarding impacts to the Outer Thames Estuary SPA and its internationally important population of red-throated diver. The lack of information regarding emergency cable repair scenarios during the winter period represents a clear and material evidential gap. As identified by Natural England, such works would result in an adverse effect on the integrity of the SPA due to disturbance. In the absence of avoidance, mitigation or compensation, this raises the realistic potential of unacceptable risk to an irreplaceable habitat, namely a European designated site protected under the Conservation of Habitats and Species Regulations 2017. As such, this issue clearly has the potential to fall within the stated exemptions to the CNP presumption.</p> <p>In addition, KWT considers that the proposed use of the Hoverport site presents a further and significant example of potential unacceptable risk. Evidence indicates the presence of historic contamination within the Hoverport, including coal residues and associated deposits. The proposed movement of heavy plant and construction vehicles across the site creates a credible pathway for the mobilisation of contaminants. This risk is further exacerbated by the existing condition of the hardstanding, with areas of tarmac already visibly cracked and the edges of the Hoverport showing signs of erosion. This existing degradation significantly increases the likelihood that underlying contaminated materials could be exposed and transported into the adjacent aquatic environment. As a result, there is a credible risk of:</p> <ul style="list-style-type: none"> • Mobilisation of contaminated sediments; • Deterioration in water quality, including increased acidity; and • Release of toxic heavy metals into the adjacent Thanet Coast and Sandwich Bay SPA. <p>These risks could result in significant adverse effects on irreplaceable saltmarsh habitat, subsequently resulting in adverse effect on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar, which constitute an unacceptable risk to irreplaceable habitats and the marine environment. Additionally, this matter also involves considerations of public safety and human health, as the mobilisation of heavy metal contaminants into coastal and marine waters could pose risks through bioaccumulation in the food chain, potential exposure via recreational activities, and</p>	<p>specific location, duration and extent of works undertaken, including associated vessel transits and submitted to the MMO no more than four weeks post conclusion of the emergency works. The MMO, in consultation with Natural England, will provide confirmation in writing. The purpose of this report would be to provide a record of activities to help quantify potential impacts for future assessments of cumulative/in-combination effects for other similar projects.</p> <p>It is acknowledged that the deterioration of the hardstanding at the hoverport site is recognised as a potential contamination risk through oxidative weathering (exposure to air) and infiltration of rainwater through any colliery spoil which may facilitate leaching of potential contaminants. This process may already be happening and will continue as the hardstanding deteriorates - even without use of the hoverport for intertidal access. However, the Proposed Project has already committed to undertaking a SIA of the areas of hard standing that would be used for access, to ensure continued structural integrity during the limited construction and maintenance access proposed. Therefore, the assessment has concluded that significant effects are unlikely, in relation to the colliery spoil and the Projects proposed use of the hoverport for access.</p> <p>Any mobilisation of contamination will be avoided by:</p> <ul style="list-style-type: none"> • The suitability and integrity of the hardstanding at the former hoverport will be assessed through a pre-construction survey (visual inspection then bearing test), a commitment to which is included in the Application Document 7.5.1.1 Construction Traffic Management and Travel Plan. • Related to this, REAC commitment W37 states that the Applicant will prepare a hoverport condition monitoring plan post consent to monitor the condition of the hoverport during construction. This will include measures for identifying and managing any potential contamination risk and will be prepared in consultation with the Environment Agency, Natural England, Kent Wildlife Trust and Thanet District Council for approval by Thanet District Council. <p>Where any broken concrete with risk of contaminant mobilisation is identified it will be avoided so that vehicles do not track over it or repaired and trackway or other methods will be used to ensure its integrity is not damaged. The Applicant regularly uses methods to track vehicles and equipment over sensitive ground, using metal or plastic trackway, bog mats or low-pressure vehicles with</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>wider impacts on water quality. As such, the consequences of this risk extend beyond ecological harm alone and reinforce the seriousness of the Applicant's failure to adequately avoid or mitigate these impacts. KWT considers that this is not a situation where impacts are unavoidable. The Mitigation Hierarchy requires impacts to be avoided in the first instance, then reduced and only then mitigated or compensated. In this case:</p> <ul style="list-style-type: none"> • Avoidance – the risk could be avoided entirely through the selection of an alternative access route or construction approach that does not rely on the Hoverport • Reduction/Mitigation – at a minimum, works could be undertaken to stabilise and repair the Hoverport surface (including addressing cracked tarmac and eroding edges) to prevent the mobilisation of contaminated materials from entering the marine environment. <p>These options were raised during ISH2; however, the Applicant declined to pursue them. In KWT's view, this represents a clear failure to properly apply the Mitigation Hierarchy. The Applicant has not demonstrated that impacts have been avoided where possible, nor that all reasonable steps have been taken to reduce or mitigate the identified risks. Instead, the current approach appears to accept a potentially avoidable risk of pollution to a highly sensitive designated site without sufficient justification. In these circumstances, it cannot be concluded that residual impacts are truly unavoidable, and therefore the Applicant should not be able to rely on the CNP policy presumption in favour of consent.</p> <p>Another example that we believe falls within the exceptions to the presumption of consent under CNP is the Applicant's failure to properly assess cumulative impacts. KWT considers that the Applicant's Cumulative Impact Assessment is fundamentally flawed due to the omission of the Aberdeenshire to Richborough project, which is a reasonably foreseeable scheme identified within NESO's Holistic Network Design ("HND") and its Implementation Plan. The Applicant cannot rely on this same strategic framework to justify the need for Sea Link while excluding other HND projects from assessment. This represents a selective and inconsistent application of evidence. The exclusion of this project results in a failure to assess the full extent of in-combination impacts at Pegwell Bay, particularly on internationally important and irreplaceable habitats, including intertidal and saltmarsh environments within designated sites. In the absence of a precautionary, worst-case cumulative assessment, there remains a real risk that impacts have been underestimated. As a result, it cannot be concluded that the Mitigation Hierarchy has been properly applied or that all impacts have been avoided or minimised. This raises the realistic potential for</p>	<p>rubber tracks and/or balloon tyres. On the National Grid Stalybridge to Woodhead tower replacement scheme the Applicant used plastic trackway to site 150 – 250 tonne cranes on 2m deep peat bogs without damage.</p> <p>Mitigation for the contribution of the Kent Onshore Scheme for loss of functionally linked land associated with the Thanet Coast and Sandwich Bay SPA and Ramsar will take the form of managing approximately 10 ha of off-site arable land in a way that is favourable to wintering golden plovers. This will address the contribution of the Kent Onshore Scheme to cumulative effects.</p> <p>The golden plover mitigation land has been agreed to be suitable for mitigation in discussions with Natural England. It is close to the Thanet Coast and Sandwich Bay SPA where golden plovers congregate in large numbers and golden plovers have been recorded in the area. A larger area is being put forward than is strictly necessary to mitigate for golden plover habitat loss (10 ha compared to 3.8 ha) allowing a considerable buffer along the A256 which is also separated and screened from the mitigation land by a dense woodland belt. Observations of the site at night indicate that it is not exposed to significant lighting due to the screening tree belt, and there are many instances of waterfowl and waders congregating near to roads. Natural England has made comments on the measures in their response to the RIES but only as regards the specificity of the measures rather than their substance. These have been made more specific at Deadline 7 and a REAC commitment has been added to agree the final wording of the management measures with Natural England prior to any loss of golden plover habitat.</p> <p>The cumulative effects assessment as set out in Application Document 6.2.3.13 Part 2 Kent Chapter 13 Inter Project Cumulative Effects [APP-072] has robustly assessed the Proposed Project in combination with other projects. Only projects that are reasonably foreseeable, and for which there is certainty of information can be considered in the Inter-Project Cumulative Effects Assessment. As there is no information about the Aberdeenshire to Richborough project planned by NESO beyond 2030, it would be impossible to assess. Therefore, it cannot be concluded that the full extent of in-combination effects on Pegwell Bay have been underestimated.</p> <p>On the basis of all the above, it is considered that the Proposed Project does not present any unacceptable risk to irreplaceable habitats. As per Item 20 of Application</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>unacceptable effects on irreplaceable habitats, which falls squarely within the stated exceptions to the CNP presumption of consent.</p> <p>Another key example is the proposed mitigation site for golden plover. KWT is firmly of the view that the proposed mitigation land will not be suitable for golden plover and is highly unlikely to be used by the species. The site is not functionally comparable to the existing habitat and is subject to multiple disturbance factors. This indicates a failure to adequately avoid or minimise impacts in the first instance, with the Applicant instead relying on compensation that is not fit for purpose. As such, the proposal would result in a permanent loss of habitat available to qualifying features of the Thanet Coast and Sandwich Bay SPA. When considered cumulatively with the additional loss of approximately 160ha of functional linked land arising from other developments, this demonstrates that the Mitigation Hierarchy has not been properly followed, and that residual impacts remain both significant and uncertain. In these circumstances, it is unclear how the Applicant can robustly conclude that there would be no adverse effect on site integrity. The residual impact, arising from ineffective mitigation and inadequate compensation, may reasonably be characterised as presenting an unacceptable risk to irreplaceable habitats, thereby engaging the exceptions to the CNP presumption.</p> <p>We strongly affirm that these issues have the potential to fall within the exceptions set out in paragraph 4.2.15 of NPS EN-1 as it presents a credible risk of unacceptable environmental harm, public safety and human health that has not been properly addressed through the Mitigation Hierarchy.</p> <p>b) Submissions on the application of CNP policy</p> <p>KWT emphasises that the policy presumption in favour of consent for CNP infrastructure is not unconditional. It is explicitly dependent on the proper and demonstratable application of the Mitigation Hierarchy. Throughout this process, from pre-application stage to Examination, KWT have consistently raised concerns that the Applicant has not adequately applied the Mitigation Hierarchy, particularly in relation to site selection and routing. Specifically:</p> <ul style="list-style-type: none"> • The selection of the converter and substation locations has resulted in avoidable impacts to designated sites and loss of functionally linked land; • Reasonable alternatives that could have reduced or avoided these impacts do not appear to have been robustly explored or presented; and • The approach taken suggests a reliance on mitigation and compensation, rather than prioritising avoidance at source, which is contrary to established good practice and policy expectations (see our Deadline 1 response for more details). 	<p>Document 9.89 (A): Applicant's Written Summaries of Oral Submissions at Issue Specific Hearing 2 [REP4-085], the Applicant confirms that there are currently no National Grid Electricity Transmission (NGET) plans for further cables at Pegwell Bay. In these circumstances, there can be no question that sufficiently reliable information to undertake a satisfactory cumulative assessment does not exist. As the organisation that would be tasked with developing such a link, one might expect the Applicant to be in receipt of such information were the proposals to be at a stage for there to be a reasonable prospect of it coming forward.</p> <p>b) Submissions on the application of CNP policy</p> <p>The Applicant has covered in detail the application of the CNP policy and policy on the mitigation hierarchy in NPS EN-1 in Appendix A of Application Document 9.136.1 Applicant's Responses to Third Written Questions Appendices [REP6-112] in response to question 3GEN.1. This includes an overview of how the mitigation hierarchy has been applied.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN3.	Applicant	<p>Applicant's response to deadline 4 representations</p> <p>The applicant's deadline (DL) 5 covering letter [REP5-001] states that "the applicant has submitted comments on other submissions received at deadline 4 which comprises the applicant's responses to selected deadline 4 submissions. These are provided where it is considered that it is helpful to do so."</p> <p>It is imperative for an effective and efficient examination that the applicant provides a response to every submission to the examination to demonstrate that they have considered every point made and to enable the ExA to understand both sides of any outstanding disagreement.</p> <p>There are a number of submissions made at DL4 to which the applicant has not responded, including the [REP4-201] from Suffolk County Council which raises a number of outstanding concerns that need to be addressed.</p>	<p>Applicant</p> <p>This is directly relevant to the application of CNP policy. Paragraph 4.2.15 of NPS EN-1 makes clear that the presumption in favour of consent applies only after the Mitigation Hierarchy has been properly followed and residual impacts are genuinely unavoidable.</p> <p>During ISH3, the ExA stated they are:</p> <p><i>"not convinced that the Applicant has demonstrated that all residual impacts are those that cannot be avoided, reduced, or mitigated."</i></p> <p>KWT agrees with this position. Where impacts could have been avoided through alternative design or site selection, but were not, those impacts cannot reasonably be characterised as "residual" in policy terms. In such circumstances:</p> <ul style="list-style-type: none"> • The Applicant's reliance on CNP is significantly weakened; and • The decision-maker cannot lawfully or policy-compliantly conclude that the benefits of the project outweigh its impacts. <p>KWT considers that there are credible examples in this case (including impacts to the Outer Thames Estuary SPA and Thanet Coast and Sandwich Bay SPA and Ramsar) that may fall within the exceptions to the presumption of consent, and the Applicant has not demonstrated that the Mitigation Hierarchy has been properly applied, meaning that reliance on CNP policy is not currently justified.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN4.	Applicant	<p>Provide a response to every DL4 submission which was not included in your DL5 submission on or before DL6 and ensure complete responses are provided for all future submissions.</p> <p>Submission of monitoring data</p> <p>Revise relevant monitoring plans to include a commitment to submit monitoring data to The Crown Estate's Marine Data Exchange, as required by NPS EN-3 (paragraph 2.8.86). Submit updated plans by DL7.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

1.2 Design, parameters and other details of the Proposed Development

Table 1.2 Design, parameters and other details of the Proposed Development

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN5.	Applicant	<p>River Fromus Bridge</p> <p>What would be the likely implications for the construction programme if the draft Development Consent Order (dDCO) requirement required the design of the bridge to be approved by the relevant planning authority?</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3GEN6.	Applicant	<p>Maximum parameters for lighting</p> <p>Thanet District Council (TDC) [REP5-186] sets out its requirements for maximum parameters for lighting to be agreed and for justification for the 8m high lighting columns that are proposed. Provide an update to the dDCO adding the maximum lighting parameters, or explain why it is not required, with specific reference to the findings in [REP5-137].</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3GEN7.	Applicant	<p>Permanent easement width</p> <p>Noting the National Trust comments [REP5-101] regarding an 80m permanent easement width in Pegwell Bay, update table 4.8 of Chapter 4 Description of the Proposed Project [REP1A-003] and any other parts of the application, as necessary, to reflect this</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		and confirm whether this has any implications for the applicant's assessment findings.		
3GEN8.	Relevant planning authorities	<p>Independent design review</p> <p>Provide suggested wording to incorporate a post consent independent design review of the converter stations, Kent substation and River Fromus bridge.</p>	<p>ESC</p> <p>ESC provided its suggested wording for Requirement 3 in its response to ISH2 Action Point 131 [REP4-119]. After liaising with Suffolk County Council, ESC and SCC have made amendments to this proposed wording, including incorporating a post-consent independent design review of the converter stations, Kent substation, and the River Fromus bridge:</p> <p>3. Detailed design parameters onshore —</p> <p>(1) No stage of development of the above ground elements of the authorised development comprised in Work No. 3B (Suffolk Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the Converter Station Design Principles and the Design Engagement Strategy found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 3B must be carried out in accordance with the approved details. (2) Suffolk Substation (Friston)</p> <p>(a) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No 1B) will be constructed in accordance with the details within the documents submitted for the discharge of Requirement 12 of part 3 of schedule 1 to SI 2022/433 (insofar as those details relate to the design, scale and layout of Work No. 1B)</p> <p>(b) Insofar as the details approved pursuant to Requirement 12 of SI 2022/433 are amended or if the East Anglia TWO or East Anglia ONE North projects do not progress as currently planned, then the relevant planning authority shall have regard to such circumstances when considering whether to approve otherwise pursuant to paragraph (a).</p> <p>(3) Bridge over the River Fromus</p> <p>(a) Development of the bridge crossing of the River Fromus (part of Work No. 3A) must not commence until details of the design, layout and scale of the bridge have been submitted to and approved by</p>	This is acknowledged.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>the relevant planning authority, following consultation with Suffolk County Council, in accordance with the Design Engagement Strategy, and the relevant local planning authority has confirmed, following consultation with the Environment Agency, that the parameters set out in (3)(b) have been met.</p> <p>(b) The bridge over the River Fromus should be designed in accordance with the following parameters:</p> <p>(i) the bridge shall not have a soffit height lower than 10.49 m Above Ordnance Datum (approximately 4m above the Q95 flow level);</p> <p>(ii) abutments for the bridge shall be set back no less than 8m from the top of the bank; and</p> <p>(iii) the bridge shall not have a deck width greater than 6m.</p> <p>(c) The details of the design, layout and scale submitted under (a) must be accompanied by a technical statement demonstrating how, recognising the minimum size parameters in (b)(i) and (ii), the Applicant has sought to reduce the scale of the bridge and achieve good design in accordance with national policy, having regard to the relationship with the landscape mitigation proposals, the articulation of the spanning structure, the design of the abutment walls, external colour, surface finish, materials, separation of pedestrian and vehicular traffic and the design of the parapet railings. The technical statement will include a plan, elevation and section drawings, and 3D renders of the bridge design in key view VP02 and CH02.</p> <p>(d) No part of the finished external treatment of the bridge crossing of the River Fromus comprised in Work No. 3A(a) (part of the authorised development comprising the access road to the Suffolk Converter Station) must be implemented until details of the external colour and surface finish (in line with the process established in Design Principle ID.3) have been submitted to and approved by the relevant planning authority.</p> <p>(e) Should the bridge design comprise a soffit height of less 12.49 m Above Ordnance Datum (approximately 6m above the Q95 flow level), then development of the bridge must not commence until a macro invertebrate monitoring and</p>	

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>contingency plan has been submitted to and approved by East Suffolk Council, following consultation with the Environment Agency. The invertebrate monitoring and contingency plan must include:</p> <p>(i) The requirement to carry out Water Framework Directive compliant surveys twice yearly (spring and autumn), upstream and downstream of the Fromus crossing for a period of five years following completion of the construction of the Fromus crossing.</p> <p>(ii) Principles of the contingency monetary fund set out in (f) and criteria for when provision of the fund would be triggered.</p> <p>(f) Following receipt and review of the monitoring results under (e)(i), should the criteria in (e)(ii) be exceeded, then a contingency fund would be provided to fund measures to encourage the passage of macro invertebrates around the Fromus crossing and/or enhancement of Water Framework Directive invertebrate habitat upstream of the Fromus crossing. This would be secured via an appropriate legal agreement.</p> <p>(4) No stage of development of the above ground elements of the authorised development comprised in Work No. 9B (Kent Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England. The submitted details must be in accordance with the design details and the Converter Station Design Principles and the Design Engagement Strategy found in Document 7.12.2 Design Principles – Kent. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 9B must be carried out in accordance with the approved details.</p> <p>(5) No stage of development of the above ground elements of the authorised development comprised in Work No. 11 (new Kent Substation) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England. The submitted</p>	

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>details must be in accordance with the Substation Design Principles and the Design Engagement Strategy found in Document 7.12.2 Design Principles – Kent. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 11 must be carried out in accordance with the approved details.</p> <p>(6) The details of layout, scale and external appearance of Work Nos. 3B, 3A, 9B, and 11 submitted under sub-paragraphs (1), (3), (4), and (5) above must be accompanied by a technical statement demonstrating how these details have been informed by feedback received during the implementation of the relevant Design Engagement Strategy from relevant stakeholders and from an independent review of the detailed design</p> <p>The Councils expect the Design Principles – Kent and Design Principles – Suffolk documents to contain a section providing details of the independent design review process ('the Design Engagement Strategy'), which the proposed wording above makes reference to. SCC has included detail of this strategy as part of its Deadline 6 submissions.</p>	
			<p>SCC</p> <p>SCC has submitted a draft Design Engagement Strategy at Deadline 6 which is intended to serve as an appendix to the Design Principles – Suffolk application document. It is based on that found within the design principles statement within the consented EA1N and EA2 applications and includes provision for independent design review as part of the engagement process. Proposed wording for Requirement 3 by SCC makes reference to this document for the relevant onshore infrastructure. Whilst SCC has circulated this document with ESC, agreement has not been possible to seek between all the Councils. However, SCC envisages that a similar document could be incorporated for the Design Principles – Kent document.</p>	This is acknowledged.
			<p>DDC</p> <p>dDCO Schedule 3 (Article 3) Requirements 3 1.-(1) (a) No construction of buildings included in Works Nos. 3B, 9B and 11 (Suffolk converter station, Kent converter station and Kent substation) may</p>	This is acknowledged.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>commence until details of the external colour and surface finish of the permanent buildings, which must be in general accordance with the relevant Key Design Principles, have been submitted to and approved by the relevant planning authority, following consultation with Historic England for Works 9B and 11. The details to be submitted shall include minutes of an independent design review panel, to which the relevant Local Authorities shall be invited to attend, which shall be held in relation to the works and as necessary, a design response setting out how the review panels' comments have been considered.</p>	
			<p>TDC</p> <p>Full wording has been provided in Requirement 3(d) set out in Appendix A of this document.</p>	This is acknowledged.
3GEN9.	Applicant	<p>Requirement 3</p> <p>Respond to Dover District Council's (DDC) request to be a consultee on the approval of the design of the converter station and substation in Kent, secured through the dDCO.</p>	<p>Applicant</p>	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3GEN10.	<p>Applicant, relevant planning authorities, Dover District Council (DDC), SCC, Kent County Council (KCC)</p>	<p>Requirement 3</p> <p>Develop an agreed form of wording for the approval of details of the above ground elements of the proposed development. If agreement cannot be reached on specific points, explain what those points are and why agreement cannot be reached.</p>	<p>Applicant</p>	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
			<p>ESC</p> <p>SCC, on behalf of the Councils, contacted the Applicant on 2 April to query how the Applicant was intending to progress discussions for actions and ExQ3 questions requesting a joint position between the Councils and the Applicant. The Councils received no reply, and SCC and ESC were informed at their regular catch-up meeting with the Applicant on 9 April that the Applicant had been progressing responses to these actions/questions independently from the Councils. No meeting was therefore arranged to develop an agreed form of wording for Requirement 3. In the absence of such a meeting, ESC's suggested Requirement 3 wording, formulated in collaboration with SCC, is provided in response to 3GEN8 above.</p>	This is acknowledged.
			<p>SCC</p> <p>SCC has progressed the previous iteration of Requirement 3 wording in collaboration with ESC</p>	This is acknowledged.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			which is set out in SCC's schedule of proposed changes to the DCO submitted at Deadline 6.	
			<p>DDC</p> <p>The Council is satisfied with the wording suggested in requirement 3; we have previously suggested requirement 3 should include consultation with DDC given the development would be visible from within the district and note a response to this has been requested by the ExA from the applicant – we will review their comments when submitted at deadline 6.</p>	This is acknowledged.
			<p>KCC</p>	No response received.
			<p>TDC</p> <p>See Appendix A of this document for full wording. The requirement has been amended to enable TDC control over the whole converter and substation to ensure the proposals comply with the relevant parameters and documents beyond just the design of the buildings.</p>	This is acknowledged.
3GEN11.	Applicant	<p>Requirement 3(2) Friston substation</p> <p>Respond to SCC's suggestion [REP5-185] that the substation should accord with all of the relevant information within the documents referred to in requirement 3(2)(a), rather than just the matters set out in (i) to (iv) inclusive.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3GEN12.	Applicant	<p>Design Principles</p> <p>Advise whether it is possible to update the Design Principles to be more precise and provide greater clarity, as requested by the relevant planning authorities and following the selection of a preferred bidder for the converter stations, according to TDC [REP5-186].</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

1.3 Draft development consent order (dDCO)

Table 1.3 Draft development consent order (dDCO)

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN13.	East Suffolk Council (ESC)	<p>General</p> <p>In your DL5 submission [REP5-172] you state 'ESC is of the view that wording is required in the dDCO to remove National Grid's right to carry out works, "without the prior approval of the relevant planning authority", where SPR has already carried out the works.'</p> <p>Provide suggested drafting or detail of any amendments you consider would address this request.</p>	<p>ESC</p> <p>This concern has been resolved by the addition of Requirement 15 to the draft DCO at Deadline 1.</p>	<p>The Applicant acknowledges the response and considers that it satisfactorily resolves this matter with ESC.</p>
3GEN14.	ESC	<p>Article 2 (1)</p> <p>In your DL5 submission [REP5-172] you state 'The current definition of maintain is unnecessarily broad and if it is to remain, the given activities must be further defined otherwise the Applicant will effectively have been given carte blanche. In addition, ESC requires wording to be inserted in the dDCO so as to require the Applicant to serve written notice on the relevant planning authority prior to the commencement any "material" maintenance works (i.e. those that are likely to cause disturbance etc.)'.</p> <p>Provide suggested drafting or detail of any amendments you consider would address this request.</p>	<p>ESC</p> <p>Article 2 (1) (Interpretation)</p> <p>To be amended as follows -</p> <p>"maintain" includes inspect, upkeep, repair, adjust, alter, dismantle, remove, clear, refurbish, paint, surface treat, decommission, improve, reconstruct or replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the extent assessed in the environmental statement) and "maintenance" must be construed accordingly; any part, but not remove, reconstruct or replace the whole of the authorised project including through the use of robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and any derivative of "maintain" must be construed accordingly;</p> <p>The amended text in the above definition is based on the precedent established by the East Angla TWO Order (2022/433) which it is considered has particular relevance to the Sea Link application bearing in mind also the Applicant's consistent reference to established precedent in other Orders.</p> <p>In addition, the words "remove", "improve" and "paint" have been deleted in that the works involved need first to be approved by the relevant planning authority. It is in order to accommodate this exigency that ESC also proposes an amendment to Article 4 as highlighted below -</p> <p>Article 4 (Maintenance of authorised project)</p> <p>4.—(1) The undertaker may at any time maintain the authorised project, except to the extent that this</p>	<p>The Applicant has responded to this proposed amendment in Application Document 9.150 Applicant's Comments on Other Submissions Received at Deadline 6. The Applicant disagrees that the proposed amendments are proportionate or necessary.</p> <p>The Applicant set out its position on providing notice on maintenance works in Application Document 9.134 Applicant's Comments on Other Submissions Received at Deadline 4 and Deadline 5 [REP6-109].</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>Order, or an agreement made under this Order, provides otherwise.</p> <p>(2) The power to maintain conferred under paragraph (1) does not relieve the undertaker of any requirement to obtain any further licence under Part 4 of the 2009 Act (marine licensing) for offshore works not covered by the deemed marine licence.</p> <p>(3) The undertaker must give 28 days' notice in writing to the relevant planning authority prior to the commencement of any maintenance works which may give rise to effects or impacts not assessed in the Environmental Statement and those works must not be undertaken unless the relevant planning authority has confirmed in writing that it has no objection to such works.</p>	
3GEN15.	Suffolk County Council (SCC)	<p>Article 2 (1) Following ExQ1GEN15 and the applicant's response [REP3-069] regarding Article 2(1) definition of 'maintain', provide dDCO drafting that would allay your concerns as set out in [REP4-201].</p>	<p>SCC The definition of "maintain" in the latest definition of the draft DCO [REP5-006] is – "maintain" includes inspect, repair, adjust, alter, dismantle, remove, clear, refurbish, paint, surface treat, decommission, improve, reconstruct or replace any part, but not remove, reconstruct or replace the whole of the authorised project including through the use of robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and any derivative of "maintain" must be construed accordingly; [Emphasis added]. SCC notes that the drafting of "maintain" in the instant order departs from the equivalent provision in two recent precedents: the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (SI 2024/393) and the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (SI 2024/958). For example, where the instant order refers to "authorised project", the precedents refer to "authorised development".</p>	<p>The Applicant notes that it refers to Authorised Project as this comprises both the Authorised Development (being the development described in Part 1 of Schedule 1 (authorised development) and any other development within the meaning of section 32 of the 2008 Act) and the ancillary works. The Yorkshire Green and Bramford to Twinstead projects did not contain ancillary works so the definition is necessarily different.</p>
3GEN16.	ESC	<p>Article 7 Provide suggested drafting for a requirement as requested in [REP5-172] which would give the relevant planning authority 28 days to make representations in relation to any transfer or grant made under Article 7 (Consent to transfer benefit of order).</p>	<p>ESC ESC suggests that a new paragraph (6) is inserted in Article 7 as follows – (6) The undertaker must give the relevant planning authority not less than 56 days' notice of its intention to transfer or grant to another person any or all of the benefit of the provisions of the Order.</p>	<p>The Applicant set out its position in relation to this point in Application Document 9.134 Applicant's Comments on Other Submissions Received at Deadline 4 and Deadline 5 [REP6-109].</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN17.	All local authorities	<p>Article 10</p> <p>Action point 115 from issue specific hearing 2 (ISH2) [EV6-033] asked all parties (applicant and councils) to meet/liaise to agree suitable wording of article 10 which all parties are content with, with an update on progress and any agreement submitted by DL4. To date no suggested alternative drafting for article 10 has been submitted into the examination.</p>	<p>ESC</p> <p>ESC has discussed the wording of Article 10 with SCC in preparation for Deadline 6. ESC understands SCC, as the lead authority on this action point, has submitted the discussed wording at Deadline 6.</p>	<p>The Applicant has provided its comments in respect of this article within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>Given the advanced stage of this examination and the absence of agreement, it appears likely that this is a matter upon which the ExA will need to adjudicate. To assist the ExA, can SCC work with all relevant local authorities to produce amended drafting for article 10 which addresses its previously discussed concerns, for submission by DL6.</p>	<p>SCC</p> <p>SCC has circulated its proposed wording with the other local authorities but confirmation of agreement on this wording has not yet been received from all Councils. The wording adds paragraph (4) and is set out below.</p> <p>For context, agenda item 21.1 of its Deadline 4 submission Written post hearing submissions including written summaries of oral cases made at hearings the w/c 26 January 2026 – Issue Specific Hearing 2 (ISH2) [REP4-150] SCC sets out its concerns with the drafting of article 10.</p> <p>In brief, SCC wishes to ensure that (i) the Hillside protection does not open the door to TCPA 1990 applications by NGET for elements of the project/changes to the project that bypass the controls ultimately imposed by the DCO (if made) and (ii) article 10 does not become a mechanism to side-step the controls of the East Anglia ONE North Offshore Wind Farm Order 2022 (SI 2022/432) and the East Anglia TWO Offshore Wind Farm Order 2022 (SI 2022/433), noting that paragraphs (2) and (3) apply to other DCOs whenever made.</p> <p>To address its concerns, SCC considers article 10 should be amended as set out in new paragraphs (4) and (5) below.</p> <p>In addition, SCC considers the reference in paragraph (3) to “under paragraph (1) or (3) or otherwise” should be to “under paragraph (1) or (2) or otherwise” and so SCC has amended paragraph (3) accordingly.</p> <p><i>Planning Permission and other consents</i></p> <p><i>10.—(1) If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits following publication of this Order that is—</i></p> <p><i>(a) not itself a project for which development consent is required under the 2008 Act or part of such a project; and</i></p> <p><i>(b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order, then the carrying out, use or operation of such development pursuant to the terms of the planning permission is not to constitute a breach of the terms of this Order.</i></p> <p><i>(2) To the extent any development carried out or used pursuant to a planning permission granted under the 1990 Act or development consent granted</i></p>	<p>The Applicant has provided its comments in respect of this article within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>under the 2008 Act or compliance with any conditions of that permission or requirements of that development consent is inconsistent with the exercise of any power or right under this Order or the authorised project:</i></p> <p><i>(a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission or development consent is capable of physical implementation; and</i></p> <p><i>(b) in respect of that inconsistency, no enforcement action under the 1990 Act or the 2008 Act may be taken in relation to development carried out or used pursuant to that planning permission or development consent whether inside or outside the Order limits.</i></p> <p><i>(3) Any development or any part of a development within the Order limits which is constructed or used under the authority of a planning permission granted under the 1990 Act or of a development consent granted under the 2008 Act, including permissions falling under paragraph (1) or (2) or otherwise, is deemed not to be a breach of, or inconsistent with, this Order and will not prevent the authorised project being carried out or used or any other power or right under this Order being exercised.</i></p> <p><i>(4) Where any development to which this article relates is carried out or used pursuant to a planning permission granted under the 1990 Act or development consent granted under the 2008 Act, nothing in this article –</i></p> <p><i>(a) authorises any development that would give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement;</i></p> <p><i>or</i></p> <p><i>(b) prevents any enforcement action under the 1990 Act or the 2008 Act being taken in relation to any breach of that permission or consent where that breach is not an inconsistency for the purposes of paragraph (2).</i></p>	
			<p>DDC DDC defer the response to Suffolk County Council (SCC) who have been producing wording on this matter which will be submitted at this deadline.</p>	<p>The Applicant has provided its comments in respect of this article within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>TDC</p> <p>TDC has engaged with SCC and agrees with the wording of Article 10 submitted by SCC.</p>	<p>The Applicant has provided its comments in respect of this article within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p>
3GEN18.	SCC	<p>Article 23</p> <p>Following the applicant's response to the ExA's question 1GEN35 [REP3-069], do you consider there is evidence to support the inclusion of Part 4, Article 23 Removal of human remains? If so, provide reasons for the inclusion of the Article and provide dDCO wording that would satisfy your concerns raised in [REP4-201].</p>	<p>SCC</p> <p>SCCAS would advise that there is no evidence for human remains less than 100 years old to be present within the order limits (as there is no interaction with any known burial grounds). Archaeological human remains have, however, been identified during archaeological evaluation work and will require appropriate mitigation. There is also potential for further archaeological burial remains to be defined during ongoing archaeological assessment and mitigation work.</p> <p>SCCAS understand the reason for the inclusion of Part 4, Article 23 as a safeguard against the unexpected discovery of more recent human remains, although this is very unlikely.</p> <p>SCCAS are also satisfied that part 12 sets out that remains believed to be over 100 years old should be treated in a different manner to more recent human remains, which should prevent them from potentially being exposed for an extended period and at a risk from damage or harm. However, the wording of part 13 of the article needs to make clear that archaeological human remains should be treated in line with the Burial Act 1857 and the terms of any issued burial license, as well as the requirements of the OWSI and site specific WSIs and relevant archaeological best practice documents. These additions to the wording would add a level of robustness and clarity to ensure the most appropriate treatment of archaeological human remains.</p>	<p>The Applicant has removed Article 23 from the draft DCO following the suggestion of the ExA in its Schedule of Changes to the DCO.</p>
3GEN19.	Applicant	<p>Article 27</p> <p>Change article 27(1)(a)(ii) in relation to class 10 land as suggested in [REP5-135].</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3GEN20.	Applicant	<p>Article 27</p> <p>Provide justification for the inconsistency between the 14-day notice period in Article 27(2) and the 28-day notice period in Article 28(3) or amend the drafting accordingly.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3GEN21.	ESC	<p>Article 27(5)</p> <p>Does the removal of 'shrubs and shrubberies' from article 27(5) [REP5-006] provide</p>	<p>ESC requested in Annex 1 to its comments on the Applicant's Deadline 4 submissions, and in its updated PADSS (ref. D5.11.02), that the Applicant</p>	<p>The Applicant amended the wording in Article 27 at Deadline 5 to remove reference to 'shrubs' and 'shrubberies'. Therefore, the</p>

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		sufficient reassurance that it would not prevent the replanting of hedges, as requested in [REP5-184] and [REP5-172]. If not, provide suggested wording.	<p>amend Article 27(5) so that it only refers to trees, as 'shrubs' and 'shrubberies' are essentially hedgerows. ESC therefore welcomes the removal of 'shrubs' and 'shrubberies' from Article 27(5).</p> <p>To ensure that there is no ambiguity, it is suggested that paragraph (5) of Article 27 should be amended so that after the words "... and restore the land to the reasonable satisfaction of the owners of the land" the following words should be inserted "including the replacement of any shrubs or shrubberies if required"</p> <p>It is also suggested that the identical amendment should be made to paragraph (6) of Article 27.</p>	<p>Applicant considered that that amendment dealt with the outstanding concern raised by ESC.</p> <p>REAC measure GG07 states Hedgerows, fences and walls (including associated earthworks and boundary features) will be reinstated to a similar style/specification and quality to those that were removed where possible, with landowner consultation.</p>
3GEN22.	Applicant	<p>Requirement 4</p> <p>Respond to ESC [REP5-172] request for the alignment of the timescales of requirement 4 sub paragraphs (3) and (4) to 28 days and SCC [REP5-181] request for 28 days for responding to a notification of pre commencement operations.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3GEN23.	Applicant	<p>Requirement 6</p> <p>For precision can 'substantially' be removed from this requirement in relation outline management plans to be approved. If not explain why not.</p>	<p>Applicant</p> <p>Friston Parish Council & SASES</p> <p>FPC would remind examining authority that there is no such qualification in the EA2 DCO</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has considered this point and refers to the Schedule of Changes to the dDCO as submitted at Deadline 7.</p>
3GEN24.	Applicant	<p>Requirement 6</p> <p>SCC [REP5-181] states when commenting on requirement 15 of the SPR DCOs in appendix C of [REP3-070], the applicant implies that its commitment is stronger than SPR's on account of the longer maintenance period: "... planting related to the mitigation of effects associated with Friston Substation (which would be within work 33 of SPRs consents) would be maintained for the lifetime of the asset if implemented by the Sea Link team, committing to a longer period in the Sea Link application than is referenced in SPR's requirement 15." However, SCC consider that this is apparently contradicted by the DCO wording which suggests failed planting will only be replaced if it falls within a five-year period after planting. SCC considers that the DCO wording should be amended to reflect LV03 to ensure it is clear that failed planting</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>will be replaced throughout the lifetime of the permanent infrastructure.</p> <p>ESC in [REP5-172] suggest the following wording should be added to requirement 6: “Any replacement planting will be subject to the same management and monitoring arrangements (including management periods) as agreed for original planting through the approval of the Landscape and Ecological Management Plans under sub-paragraph (1)”.</p> <p>Provide drafting to ensure that it is clear that failed planting related to the mitigation of effects associated with Friston substation would be replaced throughout the lifetime of the permanent infrastructure.</p>		
3GEN25.	Thanet District Council (TDC)	<p>Requirement 6</p> <p>In response to ExQ2 2GEN26, TDC [REP5-207] suggested that an Operational Management Plan should be secured through the dDCO via requirement 6 to capture the operational commitments and mitigation that are not secured elsewhere in management plans or requirements.</p> <p>Provide suggest additional drafting for requirement 6 which would address your concerns.</p>	<p>TDC</p> <p>Suggested wording for Requirement 6 “(t) Operational Environmental Management Plan (which must include any operational commitments and mitigations which are not explicitly set out in any other management plans listed above).”</p>	<p>The Applicant set out its position on this matter in response to 2GEN26 in Application Document 9.123 Applicant's Responses to Second Written Questions [REP5-135].</p>
3GEN26.	ESC	<p>Requirement 13</p> <p>The applicant's submission [REP3-069] sets out that substations are excluded from paragraph 13(1) because they form part of the wider transmission network and therefore would be required to remain in operation even if the proposed development were to be decommissioned.</p> <p>Explain your submission [REP5-172] where you consider that the dDCO must include a substation decommissioning requirement.</p>	<p>ESC</p> <p>The DCO application seeks the Secretary of State's approval for the “authorised development” as defined by Article 3 of the draft Order. The application does not contemplate or authorise a scenario where the substations could be used for a “wider transmission network” which at the present time is, therefore, purely speculative. To exclude the substations from the written scheme of decommissioning would be to pre-empt what should be a formal future process designed to protect the interests of the local community. For that reason, the substations must, in law, be included in the required written scheme of decommissioning and if at some time in the future the operator wishes to retain the substation, then it will have every opportunity to seek the relevant planning authority's approval for so doing. ESC considers this to be an entirely reasonable requirement.</p>	<p>The Applicant has provided its comments in respect of this article within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>Friston Parish Council & SASES</p> <p>the EA2 DCO recognises that the National Grid substation will need to be decommissioned although it will have a longer life than the Scottish Power EA2 and EA1N substations. Therefore the National Grid substation should not be excluded from decommissioning requirements but perhaps there should be recognition that that decommissioning may occur at a different time. Requirement 30 in Part 3 of Schedule 1 of the EA2 DCO is set out below. The “grid connection works” referred to in sub paragraphs (3) and (4) are all the National Grid works at the substation site including the substation. The definition is “<i>grid connection works</i>” means <i>Work Nos. 34 and 38 to 43 and any related associated development;</i></p> <p><i>Onshore decommissioning</i></p> <p>30.—(1) <i>The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the transmission works within 14 days following the date of permanent cessation.</i></p> <p><i>(2) Within six months following the permanent cessation of commercial operation of the transmission works an onshore decommissioning plan in respect of the transmission works must be submitted to and approved by the relevant planning authority in consultation with the relevant highway authority and the relevant statutory nature conservation body.</i></p> <p><i>(3) The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the grid connection works within 14 days following the date of permanent cessation.</i></p> <p><i>(4) Within six months following the permanent cessation of commercial operation of the grid connection works an onshore decommissioning plan in respect of the grid connection works must be submitted to and approved by the relevant planning authority in consultation with the relevant highway authority and the relevant statutory nature conservation body.</i></p> <p><i>(5) The decommissioning plans must be implemented as approved.</i></p>	<p>The Applicant has provided its comments in respect of this article within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN27.	SCC Applicant	<p>Requirement 15 SCC [REP4-201] and [REP5-185] suggests that requirement 15 should be reworded.</p> <p>The ExA request that SCC and the applicant work together to agree alternative dDCO wording for requirement 15. If agreement cannot be reached then both parties to submit suggested wording by DL6.</p>	<p>Applicant</p> <p>SCC SCC considers Requirement 15 should prevent Work No. 1B from being constructed under the Sea Link DCO if it has been commenced under another consent.</p> <p>SCC engaged with the Applicant on this matter and received indication that the Applicant did not consider a revision to the requirement to be needed and expressed concern over its ability to complete the substation works if the requirement is reworded as suggested by SCC should the SPR projects not progress as envisaged in such a way which prevented Sea Link from building the substation under that consent. However, SCC considers that the inclusion of “save where alterations to that Work are required for the purposes of the Authorised Project” is sufficient to safeguard against this concern. Should, for whatever reason, the Applicant be unable to construct 1B under the SPR consents after that work has commenced, it follows that alterations to that work would be needed, and so the Applicant would no longer be required to use the SPR consents only to construct the substation.</p> <p>Existing Requirement 15 should therefore be amended as follows –</p> <p>“Where any part of Work No.1B has been completed commenced pursuant to another development consent order, these works that Work must not be constructed under this Order, save where alterations amendments to these works that Work are required for the purposes of the Authorised Project”.</p> <p>Friston Parish Council & SASES The reason why this requirement needs to be reworded is set out in the OFH3 submission made by FPC. A written version of this has been submitted at Deadline 6. The current drafting could enable National Grid to make a unilateral decision to have the National Grid substation and the substations site (excluding only the footprints of the EA2 and EA1N substations) subject to the Sealink DCO with its weaker requirements and mitigation</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has provided its comments in respect of this article within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p> <p>The Applicant has provided its comments in respect of this article 15 within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p>

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			<p>compared to the already granted EA2 and EA1N DCOs.</p> <p>FPC would suggest the following wording.</p> <p><i>15.(1) Where any part of Work No.1B (including without limitation any works associated with Work 1B otherwise within Work Nos.4,13,14,15,16,and 17 and any associated development within paragraph 2 below) has been commenced pursuant to any other development consent order ("relevant DCO"), those works must not be constructed under this Order and will be completed and operated under the relevant DCO unless the undertaker (as defined in the relevant DCO) has notified the Secretary of State that it no longer intends to complete the authorised development (as defined in the relevant DCO).</i></p> <p>FPC would point out that not only are the requirements and mitigation in the draft Sealink DCO in relation to the National Grid substation and the substations site weaker compared to those in the EA2 and EA1N DCO, it is also extremely difficult if not impossible to determine at a detailed level whether the requirements and mitigation in the EA2 and EA1N DCOs have been effectively replicated in the draft Sealink DCO. This is due to the manner in which National Grid has chosen to draft the draft Sealink DCO thereby putting SCC, ESC and FPC at a material disadvantage and requiring unnecessary work and duplication of effort.</p>	
3GEN28.	Marine Management Organisation (MMO)	<p>Draft Deemed Marine Licence (dDML) Part 2 Condition 4</p> <p>Confirm whether the Marine Management Organisation (MMO) agrees with Natural England's (NE) suggested additional wording for Condition 4 (1) (a) an intertidal works methodology and mitigation plan [REP5-199]. If so, confirm whether the suggested wording is satisfactory or explain why not and, where relevant provide alternative wording.</p>	<p>Marine Management Organisation (MMO)</p> <p>The MMO agrees with the need for the plan to be included within the pre-construction documents to be approved. The MMO also agrees with the proposed wording from NE in [REP5-199].</p> <p><i>"DML Part 2 Condition 4 (1) (a) an intertidal works methodology and mitigation plan".</i></p>	The Applicant confirms that Condition 4 has been updated at Deadline 7 which includes an intertidal works methodology and mitigation plan within the final Cable Specification and Installation Plan 4(a)(i)(v).
3GEN29.	ESC Friston Parish Council (FPC) Applicant	<p>New Requirement – new substation at Grove Wood, Friston</p> <p>SCC [REP5-181] suggests the following drafting for a new requirement which they consider would be effective to 'import' the controls of the EA2 DCO into Schedule 3 of</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>the Sea Link DCO and ensure that the Friston/Kiln Lane substation could not be provided without compliance with the terms of the EA2 DCO. SCC considers that such a requirement would eliminate the risk of derogation or regression without consent.</p> <p>'Requirement [x] (new substation at Grove Wood, Friston, Suffolk)</p> <p>(1) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No. 1B) must be constructed in compliance with each Requirement applicable to Work No.41 of the East Anglia TWO Offshore Wind Farm Order 2022 ("SI 2022/433"), as if Work No.1B were constructed under SI 2022/433.</p> <p>(2) In so far as any Requirement of SI 2022/433 ("the 2022/433 Requirement") entails the making of an application by the undertaker for the purposes of Work No. 41 or the approval of an application by the discharging authority for the purposes of that work, and at the date when the undertaker intends to carry out works comprised in Work No. 1B no application has been made and no approval of an applications has been given, the 2022/433 Requirements are deemed to be Requirements of this Schedule for all purposes concerned with their discharge and the undertaker is deemed to be a person entitled to apply for their discharge and the relevant planning authority is deemed to be the discharging authority.</p> <p>(3) The discharge of a 2022/433 Requirement by the relevant planning authority in accordance with paragraph (2) is conclusive evidence that that Requirement has been discharged for the purposes of this Schedule.'</p> <p>East Suffolk Council (ESC) and Friston Parish Council (FPC): Do you consider the new requirement, as drafted by SCC, would allay your concerns on this matter. If not please provide alternative drafting with reasons.</p> <p>Applicant: Do you consider the new requirement, as drafted by SCC, could be</p>	<p>ESC</p> <p>ESC is content with SCC's proposed additional Requirement.</p> <p>Friston Parish Council (FPC) & SASES</p> <p>FPC welcomes the attempt by SCC to clawback the requirements, controls and mitigation which already exists in the EA2 and EA1N DCOs. FPC has reviewed this new requirement which of course is an example of the unnecessary work and duplication of effort referred to in the previous paragraph. The onus should be on National Grid justify where it wants to move away from the existing requirements and mitigation, rather than for the local authorities and communities to work out whether the existing requirements and mitigation have been clawed back.</p> <p>FPC considers that this drafting goes some way to recovering the requirements and mitigation in the EA2 and EA1N DCOs, but this is difficult to conclusively establish given that National Grid has drafted the description of the Works Numbers differently.</p> <p>FPC does have a reservation in that the definition of Work No.1B and Work No. 41 are not on all fours with each other. For example Work No.1B includes at subparagraph (a) the operational access road, at subparagraph (d) landscaping, at subparagraph (u) drainage work and at subparagraph (bb) again landscaping including mitigation planting. In the EA2 and EA1N DCOs these are covered respectively by Work No. 34, Work No. 33 (landscaping), Work No. 33 (drainage works) and also associated development.</p>	<p>The Applicant has provided its comments in respect of this suggested requirement within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7.</p> <p>The Applicant has provided its comments in respect of this suggested requirement within Document 9.153 Applicant's Response to Rule 17 Letter submitted at Deadline 7. The Applicant does not consider that any such requirement, including with the amendments proposed by Friston Parish Council, is appropriate or necessary.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		added to the dDCO. If not explain why not, including any alternative drafting.	<p>There are also other mismatches between Works Numbers which are relevant to the National Grid substation such as Work No. 4 (Suffolk temporary work compounds) which in the EA2 and EA1N DCOs are covered by a number of works numbers such as 42 and 43.</p> <p>Accordingly FPC would suggest that this new requirement is amended as follows (the new text being in blue)</p> <p><i>'Requirement [x] (new substation at Grove Wood, Friston, Suffolk and related works at the Friston substations site)</i></p> <p><i>(1) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No. 1B including without limitation any works associated with Work 1B otherwise within Work Nos.4,13,14,15,16,and 17 and any associated development within paragraph 2 of Part 1 of Schedule 1("Work No. 1B Works")) must be constructed in compliance with each Requirement applicable to Works Nos.41,42,43,33,34 and associated development ("Work No. 41 Works") of the East Anglia TWO Offshore Wind Farm Order 2022 ("SI 2022/433"), as if the Work No.1B Works were constructed under SI 2022/433.</i></p> <p><i>(2) In so far as any Requirement of SI 2022/433 ("the 2022/433 Requirement") entails the making of an application by the undertaker for the purposes of Work No. 41 Works or the approval of an application by the discharging authority for the purposes of that work, and at the date when the undertaker intends to carry out works comprised in the Work No. 1B Works no application has been made and no approval of an applications has been given, the 2022/433 Requirements are deemed to be Requirements of this Schedule for all purposes concerned with their discharge and the undertaker is deemed to be a person entitled to apply for their discharge and the relevant planning authority is deemed to be the discharging authority.</i></p> <p><i>(3) The discharge of a 2022/433 Requirement by the relevant planning authority in accordance with paragraph (2) is conclusive evidence that that Requirement has been discharged for the purposes of this Schedule.'</i></p> <p><i>(4)This requirement is to be interpreted so that all works at the substations site at Friston including the site of the operational access road are carried out under this development consent order as if they had been conducted under SI 2022/433 and all the</i></p>	

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>requirements, mitigation and controls contained therein.</i>	
3GEN30.	SCC	<p>New Requirement – lighting management plan</p> <p>In [REP5-181] SCC notes that requirement 3 of the most recent draft of the DCO [REP4-235] requires approval for operational lighting of the converter station but not the Friston substation. SCC does not see why this project would be justified in deviating from the Scottish Power Renewables (SPR) consent in this way. SCC notes ESC's concerns (e.g. within [REP3-085]) over the control of lighting and supports their ask for an appropriate requirement for a lighting management plan.</p> <p>Provide suggested drafting that you consider would address this matter.</p>	<p>SCC</p> <p>SCC understands that ESC is submitting requirement wording for a lighting management plan. SCC defers to, and supports, the wording supplied by ESC as the relevant authority for these matters.</p> <hr/> <p>Friston Parish Council & SASES</p> <p>FPC would point out that suitable wording is already included in the EA2 DCO, paragraph 25 (3) and (4). This is reproduced below with the number 41 replaced by the number 1B.</p> <p><i>(3) Work No. 1B must not begin operation until an operational artificial light emissions management plan providing details of artificial light emissions during the operation of Work No. 1B, including measures to minimise lighting pollution and the hours of lighting, has been submitted to and approved by the relevant planning authority.</i></p> <p><i>(4) The approved operational artificial light emissions management plan must be implemented upon, and maintained during, the operation of Work No. 1B.</i></p>	<p>The Applicant included a requirement for an Operational Lighting Management Plan within the draft DCO submitted at Deadline 6.</p> <hr/> <p>The Applicant included a requirement for an Operational Lighting Management Plan within the draft DCO submitted at Deadline 6</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN31.	SCC Applicant	<p>New Requirement – installation of cable ducts</p> <p>In [REP5-181] SCC requests a similar requirement to that in the EA1N/EA2 made DCOs to be inserted into the Sea Link dDCO in relation to Lion Link on account of the overlapping cable routes. SCC considers that this would make progress towards compliance with relevant parts of the NPS for energy, such as paragraph 3.3.80 of EN-1 concerning the avoidance of unnecessary impacts where avoidable through coordination.</p> <p>SCC: Provide drafting for the new requirement with reasons to explain why you consider it necessary.</p> <p>Applicant: Do you consider a new requirement could be added to the dDCO. If so, engage with SCC to provide agreed suggested drafting, if not explain why not.</p>	<p>Applicant</p> <p>SCC</p> <p>(1) If the cables comprised within the Sea Link cable works are installed prior to the cables comprised within the LionLink cable works, the authorised project may not be brought into operational use unless the cable ducts forming part of the LionLink cable works have been installed concurrently with the installation of the cables comprised within the Sea Link cable works where the routes of the cable works for Sea Link and Lion Link overlap.</p> <p>(2) The requirement in paragraph (1) is considered discharged if no Order for the Lion Link cable works is made by the date on which the Sea Link cable works commences</p> <p>(3) For the purposes of this requirement—</p> <p>(a) “the Sea Link cable works” mean Work Nos.2 and 5 of this Order; and</p> <p>(b) “the LionLink cable works” mean the cable works which form part of the proposed electricity interconnector that will link the United Kingdom and the Netherlands via an offshore connection”.</p> <p>Friston Parish Council & SASES</p> <p>FPC would point out that wording is already included in the EA2 DCO, paragraph 42 of Part 3 of Schedule 1. This is reproduced below with consequential amendments.</p> <p><i>Installation of cable ducts</i></p> <p>[x]. (1) <i>The Sealink AC cable works may not be installed unless the cable ducts forming part of the Lionlink AC cable works have been installed concurrently with and alongside the installation of the AC cables comprised within the Sealink cable works.</i></p> <p>(2) <i>For the purposes of this requirement—</i></p> <p>(a) <i>“the Sealink AC cable works” mean Work No. 2; and</i></p> <p>(b) <i>“the Lionlink AC cable works” means the Southern route AC cables required between the Lionlink convertor station and Work No. 1B as described in the Preliminary Environmental Information Report published by National Grid Ventures Limited, a subsidiary of National Grid plc.</i></p>	<p>A response is provided in Application Document 9.136 Applicant’s Responses to Third Written Questions [REP6-111]</p> <p>A response is provided in response to SCC within Application Document 9.149 Applicant’s Comments on other submissions received at deadline 6.</p> <p>A response is provided in response to SCC within Application Document 9.149 Applicant’s Comments on other submissions received at deadline 6.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3GEN32.	SCC ESC Applicant	<p>New Requirement – control of development during operational phase SCC [REP5-181], ESC [REP5-172] and FPC [REP5-212] consider that a requirement akin to requirement 44 of the made orders for EA1N and EA2 is necessary for the Sea Link DCO.</p> <p>SCC, ESC and FPC: Provide drafting for the new requirement.</p> <p>Applicant: Do you consider a new requirement could be added to the dDCO. If so, engage with SCC and ESC to provide agreed suggested drafting, if not explain why not.</p>	<p>Applicant</p> <p>SCC SCC and ESC have collaborated to form the following wording which is based on Requirement 44 of EA1N and EA2: Control of development during operational phase X-(1) During the operation of and within operational land related to Work Nos. 1B, 2, and 3B in the District of East Suffolk and Work Nos. 9A, 9B, 10 and 11 in the District of Thanet and Dover, any development in addition to that authorised in this Order that is permitted under Schedule 2 Part 15 Class B (d), (e), or (f) of the General Permitted Development Order 2015 (“electricity undertakings permitted development) or any equivalent successor provision is subject to the following conditions (2) In respect of operational drainage – (a) No electricity undertakings permitted development may commence until an amendment to the Drainage Management Plan approved pursuant to requirement 6 (o) in relation to Suffolk and requirement 6 (p) in relation to Kent that includes provision for the replacement of any existing drainage measures to be removed and maintenance of any new drainage measures to be provided as part of the permitted development, has been submitted to and approved by the relevant lead local flood authority, in consultation with the relevant planning authority and the Environment Agency; (b) The measures in the amendment to the operational drainage management plan in respect of the permitted development must be implemented as approved. (3) In respect of the provision, implementation and maintenance of landscaping – a) No electricity undertakings permitted development may commence until an amendment to the written Landscape and Ecological Management Plan and associated work programme approved pursuant to requirement 6 (f) in relation to Suffolk and requirement 6 (g) in relation to Kent that includes provision for the replacement of any existing landscape measures to be removed and maintenance of any landscape measures to be</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>A response is provided in response to SCC within Application Document 9.149 Applicant's Comments on other submissions received at deadline 6.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>provided as part of the permitted development, has been submitted to and approved by the relevant planning authority; and</p> <p>(b) The measures in the amendment to the written landscape management plan and associated work programme plan in respect of the permitted development must be implemented as approved.</p>	
			<p>ESC</p> <p>ESC provided suggested wording in Annex 1 to its comments on the Applicant's Deadline 4 submissions [REP5-172], and has, for expediency, reproduced this suggested wording below:</p> <p><i>“Control of development during operational phase</i></p> <p><i>16.-(1) During the operation of and within operational land related to Work Nos. 1B, 2, and 3B in the District of East Suffolk and Work Nos. 9A, 9B, 10 and 11 in the District of Thanet and Dover, any development in addition to that authorised in this Order that is permitted under Schedule 2 Part 15 Class B (d), (e), or (f) of the General Permitted Development Order 2015 (“electricity undertakings permitted development) or any equivalent successor provision is subject to the following conditions</i></p> <p><i>(2) In respect of operational drainage –</i></p> <p><i>(a) No electricity undertakings permitted development may commence until an amendment to the Drainage Management Plan approved pursuant to requirement 6 (o) in relation to Suffolk and requirement 6 (p) in relation to Kent that includes provision for the replacement of any existing drainage measures to be removed and maintenance of any new drainage measures to be provided as part of the permitted development, has been submitted to and approved by the relevant lead local flood authority, in consultation with the relevant planning authority and the Environment Agency;</i></p> <p><i>(b) The measures in the amendment to the operational drainage management plan in respect of the permitted development must be implemented as approved.</i></p> <p><i>(3) In respect of the provision, implementation and maintenance of landscaping –</i></p> <p><i>a) No electricity undertakings permitted development may commence until an amendment to the written Landscape and</i></p>	<p>A response is provided in response to ESC within Application Document 9.149 Applicant's Comments on other submissions received at deadline 6.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>Ecological Management Plan and associated work programme approved pursuant to requirement 6 (f) in relation to Suffolk and requirement 6 (g) in relation to Kent that includes provision for the replacement of any existing landscape measures to be removed and maintenance of any landscape measures to be provided as part of the permitted development, has been submitted to and approved by the relevant planning authority; and</i></p> <p><i>(b) The measures in the amendment to the written landscape management plan and associated work programme plan in respect of the permitted development must be implemented as approved."</i></p>	
			<p>Friston Parish Council (FPC) & SASES</p> <p>FPC would point out that wording is already included in the EA2 DCO, paragraph 44 of part 3 of Schedule 1. This is reproduced below with consequential amendments.</p> <p><i>Control of development during operational phase</i></p> <p>[x].—(1) During the operation of and within operational land related to Work No. 1B, any development in addition to that authorised in this Order that is permitted under Schedule 2 Part 15 Class B (d), (e) or (f) of the General Permitted Development Order 2015 ("electricity undertakings permitted development") or any equivalent successor provision is subject to the following conditions—</p> <p>(2) In respect of operational drainage—</p> <p>(a) No electricity undertakings permitted development may commence until an amendment to the operational drainage management plan approved pursuant to this development consent order that includes provision for the replacement of any existing drainage measures to be removed and maintenance of any new drainage measures to be provided as part of the permitted development, has been submitted to and approved by the relevant lead local flood authority, in consultation with the relevant planning authority and the Environment Agency; and</p> <p>(b) The measures in the amendment to the operational drainage management plan in respect of the permitted development must be implemented as approved.</p>	<p>A response is provided in response to the points raised by ESC and SCC within Application Document 9.149 Applicant's Comments on other submissions received at deadline 6.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>(3) In respect of the provision, implementation and maintenance of landscaping—</i></p> <p><i>(a) No electricity undertakings permitted development may commence until an amendment to the written landscape management plan and associated work programme approved pursuant to this development consent order that includes provision for the replacement of any existing landscape measures to be removed and maintenance of any new landscape measures to be provided as part of the permitted development, has been submitted to and approved by the relevant planning authority; and</i></p> <p><i>(b) The measures in the amendment to the written landscape management plan and associated work programme plan in respect of the permitted development must be implemented as approved.</i></p>	

2. Landscape and Visual

Table 2.1 Landscape and Visual

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3LVIA1.	Applicant	<p>Advance planting</p> <p>ESC [REP5-172] set out its concerns in relation to "a significant watering down by the applicant of its previous commitments to advance planting." Explain in detail the reasons for the change in approach to advance planting and whether the caveat "where planting areas do not conflict with construction compounds and activities" within outline Landscape and Ecological Management Plan (oLEMP) paragraph 5.8.1 would provide adequate safeguards against any instances of pre-commencement planting interfering with works. If not, why not?</p> <p>Provide a detailed response to ESC requirements in paragraphs 5.4 and 5.5 of [REP5-172].</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3LVIA2.	Applicant	<p>Outline lighting management plan</p> <p>ESC [REP5-184] sets out its requirement for the submission of an outline lighting management plan. Provide an outline lighting management or explain in detail why such a plan is not required, given that the applicant considers that insufficient information is currently available to provide night-time photomontages [REP5-137]. Add the outline lighting management plan to the dDCO and list of documents to be certified.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3LVIA3.	Relevant planning authorities	<p>Lighting</p> <p>The dDCO includes a provision in requirement 3 for the submission and approval of details of operational lighting. Does this meet your requirements or do you consider that an outline lighting management plan and/ or maximum parameters for lighting are still required? If so, explain why and provide suggested wording.</p>	<p>ESC</p> <p>As ESC noted in its response to Question 2LVIA8. of ExQ2, the relevant planning authorities will clearly require control over details of operational lighting – as incidentally is quite normal in the circumstances.</p> <p>ESC has previously requested that an outline lighting management plan be prepared, with a more detailed Lighting Management Plan submitted to the relevant planning authority for approval through a discharge of Requirement 6 of the draft DCO. Whilst ESC acknowledges that operational lighting details</p>	Requirement 3(4) of the dDCO now provides that "(4) No operational lighting may be installed as part of Work No. 3B, 9B or 11 until an Operational Lighting Management Plan for that stage of the works has been submitted and approved by the relevant planning authority, which must be substantially in accordance with the outline Operational Lighting Management Plan". The works specified there include the substations and require the approval of the relevant LPA. The Applicant considers this accords sufficient control to ESC, whilst retaining a necessary degree of practical flexibility.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>for the converter stations are now to be submitted to the relevant planning authority for the discharge of Requirement 3, the relevant planning authority is only to confirm that the submitted details are in general accordance with the Key Design Principles. ESC is concerned that the suggestion of producing a technical statement as a 'potential associated activity' for Design Principle N.4 [REP4-073] is not a strong enough control, particularly given that the wording of Requirement 3 of the dDCO [REP5- 005] as currently drafted only requires the submitted details to be in general accordance with the Key Design Principles.</p> <p>Furthermore, these changes to Requirement 3 do not provide the relevant planning authority with any control over the operational lighting of the Friston Substation, nor are any measures included in the REAC.</p> <p>ESC therefore continues to request that the Applicant submits an outline lighting management plan covering the operational lighting for both the converter station and substation sites, with a more detailed Lighting Management Plan submitted to the relevant planning authority for approval through a discharge of Requirement 6 of the draft DCO. With regards to specific wording, ESC suggests that Paragraph (1) of Requirement 6 is amended as follows:</p> <p>(1)</p> <p>...</p> <p>(q) Flood Management Plan (FMP); and</p> <p>(r) Code of Construction Practice (which must be substantially in accordance with the outline Code of Construction Practice);</p> <p>(s) Lighting Management Plan – Suffolk (which must be substantially in accordance with the Outline Lighting Management Plan – Suffolk); and</p> <p>(t) Lighting Management Plan – Kent (which must be substantially in accordance with the Outline Lighting Management Plan – Kent).</p> <p>...</p> <p>Alternatively, if the ExA does not consider it appropriate for outline lighting management plans to be submitted at this stage of the Examination, the following wording could be included as an additional DCO Requirement, which ESC has prepared based</p>	

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>on the wording of Requirement 25 in the EA1N and EA2 DCOs:</p> <p>Control of artificial light emissions during operational phase</p> <p>(3) Work Nos. 1B, 3B, 9B and 11 must not begin operation until an operational artificial light emissions management plan for that Work providing details of artificial light emissions during the operation of that Work, including measures to minimise lighting pollution and the hours of lighting, has been submitted to and approved by the relevant planning authority.</p> <p>(4) The approved operational artificial light emissions management plans for Work Nos. 1B, 3B, 9B and 11 must be implemented upon, and maintained during, the operation of the relevant Works.</p>	
			<p>SCC</p> <p>SCC understands that operational lighting, together with other items listed in Requirement 3 (b), does, under the current wording, not need to be approved by the relevant local authority.</p> <p>SCC considers that, most importantly, this wording needs to be changed, so that approval is required, as it would be for a TCPA application.</p> <p>SCC considers that the reference to key design principles is insufficient. The aims provided in Key Design Principle N.4 are too high level to be considered lighting design parameters.</p> <p>SCC therefore advocates that, in addition to the need for approval of a detailed lighting design scheme post consent, maximum parameters should be clearly defined in an outline lighting management plan, including, a strategy for the site and how the lighting provision would be reduced to the minimum operational requirements by providing: details of fittings and lighting profiles, controls, energy efficiency ratings; maximum lux levels, differentiated according to the need of illumination in certain areas; specifications for the luminaires to be used, such as being directional LED, with a maximum Kelvin level of 2700K; maximum mounting height for luminaires on buildings; maximum pole heights for lighting columns; specifications, in principle, for provision of hoods and louvres to minimise light spill, glare and sky glow; time limits for use of operational lighting, differentiated for different areas of use.</p>	<p>Requirement 3(4) of the dDCO now provides that “(4) No operational lighting may be installed as part of Work No. 3B, 9B or 11 until an Operational Lighting Management Plan for that stage of the works has been submitted and approved by the relevant planning authority, which must be substantially in accordance with the outline Operational Lighting Management Plan”. The works specified there include the substations and require the approval of the relevant LPA. The Applicant considers this accords sufficient control to SCC, whilst retaining a necessary degree of practical flexibility.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>DDC</p> <p>The Council is satisfied the wording of Requirement 3 (1) (b) would meet this requirement but if the examining authority were minded to amend the wording, would suggest reference is included to the Institution of Lighting Engineers / Bat Conservation Trust Guidance Note 08/23 Bats and Artificial Lighting at Night.</p>	<p>The Applicant has no objection to this addition in principle, although the Applicant notes it is unnecessary, given REAC measure B58 already commits operational lighting design to comply with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (ILP).</p>
			<p>TDC</p> <p>TDC are content that Requirement 3 would adequately require the submission and approval of details of lighting. However, TDC still maintains that maximum parameters for lighting should be secured in the REAC and controlled through the Operational Environmental Management Plan as suggested in TDCs response in 3GEN25.</p>	<p>See the Applicant's responses above.</p>
3LVIA4.	Applicant	<p>Landscape mitigation for Saxmundham converter station</p> <p>Provide a detailed response to the suggestions made by SCC in [REP4-150] for additional planting to mitigate landscape and visual effects.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3LVIA5.	Applicant	<p>Cumulative landscape effects</p> <p>Provide a detailed response to the suggestions made by ESC and SCC in [REP5-204]</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3LVIA6.	Applicant	<p>Friston substation</p> <p>Provide confirmation that all of the landscape mitigation approved for the SPR East Anglia One North (EA1N) and East Anglia Two (EA2) consents would be secured and can be implemented for the proposed development. If there are differences explain what these are and how they affect the achievement of mitigation.</p> <p>Provide a detailed explanation and plan indicating whether the landscape mitigation referenced above can be accommodated within the order limits.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>

3. Ecology and Biodiversity

Table 3.1 Ecology and biodiversity

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3ECOL1.	Applicant	<p>Noise contour map and lighting plan – Suffolk HDD compound</p> <p>Provide a detailed noise contour map for the Suffolk HDD compound (similar to those provided for the converter stations) showing predicted worst case L_{Amax} and L_{Aeq} levels. Also provide an indicative lighting plan for the compound.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3ECOL2.	Applicant	<p>Access routes for vehicles within Sandlings Special Protection Area (SPA) and Leiston-Aldeburgh Site of Special Scientific Interest (SSSI)</p> <p>Provide evidence of a signed legal agreement with RSPB regarding vehicle and pedestrian access at the SPA and SSSI or make provision for specified routing and access arrangements to be agreed with RSPB within the Register of Environmental Actions and Commitments (REAC) or dDCO.</p> <p>RSPB may wish to comment on progress towards an agreement or the necessary wording for a REAC or dDCO commitment.</p>	<p>Applicant</p> <p>Royal Society for the Protection of Birds (RSPB)</p> <p>We are not aware of any access required within the Sandlings SPA – all access required within the RSPB landholding is within part of the Leiston-Aldeburgh SSSI which falls outside the Sandlings SPA.</p> <p>With regard access at RSPB North Warren (within the Leiston-Aldeburgh SSSI), following productive discussions with the Applicant, it has been agreed in principle that routes will not require any surfacing and that access required during construction will be on foot only, except in the case of an emergency, e.g. a frac out, in which case access by 4x4, quad bike and/or tractor towing a bowser may be required following consultation with RSPB. We have requested these points are formalised and secured via a REAC commitment. We have also requested a commitment that vegetation groups H1099S and G82S which may require management to facilitate access, will only be managed when required to re-establish the width to no more than 1m (the statutory minimum for a footpath) and will only be managed using hand tools unless otherwise agreed with us. We therefore suggest the inclusion of the following two REAC commitments (the first is based on the Applicant's wording in our SoCG):</p> <ol style="list-style-type: none"> 1. Access during construction will be during HDD drilling works and will be on foot only for 	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>Please refer to the SoCG between the Applicant and RSPB where these matters are discussed in detail and the resolution documented. The Applicant can confirm that the requested changes have been incorporated.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>“spotters”. In an emergency (e.g. in the unlikely event of a frac out) vehicle access may be required for the delivery of equipment (4x4 or quad bike) and/or removal of drilling fluid (4x4 or tractor towing a bowser). RSPB would be consulted to agree appropriate routes should emergency access be required. The vehicle access routes are only for emergency use during the construction of the Proposed Project not during operation. Access routes will not require any surfacing unless agreed in advance that it is required with the RSPB. Monitoring as stated above will be by foot; there will be no requirement to leave any equipment within the North Warren Nature Reserve. The Applicant will only require access during the construction phase of the Proposed Project. The Applicant will never require access to the cable from the surface.</p> <p>2. Vegetation groups H1099S and G82S within RSPB North Warren will only be managed when required to re-establish the width to no more than 1m (the statutory minimum for a footpath) and will only be managed using hand tools unless otherwise agreed with RSPB. No other vegetation management will be required.</p>	
3ECOL3.	Applicant	<p>LionLink cumulative assessment Explain why LionLink would not give rise to cumulative impacts due to hedgerow fragmentation. This is alluded to in the first column of Appendix table C.1 [REP5-127] but not concluded on. Where cumulative fragmentation impacts are confirmed, incorporate drafting for appropriate mitigation within the control documents or dDCO.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3ECOL4.	Scottish Power Renewables (SPR)	<p>Ecological Management Plan Does SPR consider that all relevant ecological mitigation measures secured by its ecological management plan (as referenced in table 3.5, item 3.5.3 of the draft statement of common ground) have been addressed by the applicant. If not, explain what additional provisions it considers are necessary to be secured by the application and provide drafting.</p>		A response does not appear to have been provided by SPR, and the Applicant is therefore unable to comment.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3ECOL5.	Forestry Commission	<p>Incursion into veteran tree root protection areas</p> <p>Confirm whether the applicant's response in [REP2-016] provides sufficient comfort that long term effects on veteran trees are unlikely and if not, explain why not.</p>		A response does not appear to have been provided by the Forestry Commission, and the Applicant is therefore unable to comment.
3ECOL6.	Applicant	<p>Environmental net gain</p> <p>Paragraph 4.6.15 of NPS EN-1 requires that applications should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered. Paragraph 4.6.13 distinguishes between environmental and biodiversity net gain (BNG). The applicant has provided a BNG feasibility report. Provide commentary on any wider environmental net gain measures delivered by the proposed development and where this is set out in a statement.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3ECOL7.	Natural England (NE)	<p>Downgrading of bat assemblage</p> <p>Provide comment on the applicant's downgrading of the importance of the bat assemblage in [REP4-025] and [REP5-017] from national to regional based on level of use.</p>	<p>NE</p> <p>The accepted methodology to assess 'the importance of a bat assemblage' (Bat Mitigation Guidelines (Reason & Wray, 2023)) has been used. This methodology returns a result of 'National' importance for the bat assemblage present.</p> <p>We note that National importance has been downgraded to regional (county) importance on the basis of low bat activity levels during the walked transects.</p> <p>These transects have limitations both in location (for example avoiding livestock which attract insect food source for bats) and timing (providing a snapshot of time after sunset) and therefore the result and conclusions are limited.</p> <p>Natural England does not consider that sufficient evidence and justification has been provided to support the downgrading of the bat assemblage to regional importance. We further highlight the national importance of the barbastelle populations in both Suffolk and Kent for the wider UK population.</p>	As explained at Issue Specific Hearing 3, the methodology used does not take account of the level of activity of individual species, and therefore the Applicant has also reported the regional value of the assemblage to provide full context. The Applicant confirmed that, even if the assemblage were classified as being of national importance rather than regional importance, this would not alter the assessment of effects, the conclusions reached, or the mitigation proposed. The significance of effects would remain unchanged.
3ECOL8.	Applicant	<p>Bird diverters</p> <p>Either draft a requirement to secure the use of bird diverters that are active for the duration of the night period, or update the REAC [REP5-115] provision B55 to include reference to 'low light and night conditions'.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3ECOL9.	Applicant	<p>Mitigation for deer in Suffolk</p> <p>Include a commitment to detailed construction fencing plans being submitted for approval as part of the LEMP, or through a separate DCO requirement as suggested in ESC's response to ExQ2 question 2LVIA8 [PD-021] or explain why this is not necessary.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3ECOL10.	KCC	<p>Reptile Surveys</p> <p>KCC's response to 2ECOL29 [REP5-195] suggests that updated surveys for reptiles should be undertaken 'where necessary'. Can KCC confirm whether surveys would be necessary in this location based on the applicant's proposed scope of works. Where relevant, provide drafting for a requirement or REAC provision to secure the relevant detail for the scope and methodology of surveys.</p>	<p>Kent County Council (KCC)</p> <p>This will have to be decided at the time when they are reviewing and, where required, updating the Construction Environment Management Plan – suitable habitat may expand between now and then and it is considered updated surveys will be required. KCC would suggest that in the REAC there is a requirement for a preliminary ecological appraisal to be carried out prior to finalising the mitigation to identify where updated surveys are required.</p>	The Applicant notes KCC's position.
3ECOL11.	Applicant	<p>Environmental Clerk of Works</p> <p>As requested in 2ECOL2 [PD-021], explain why the outline Offshore Construction Environmental Management Plan (oOCEMP) [REP5-066] now refers to an environmental clerk of works rather than an ecological clerk of works as the skillset of the two roles may be quite different, for example an environmental clerk of works may not have the same depth of ecological knowledge. The response to 2ECOL2 confirmed the change, rather than answering the specific question.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3ECOL12.	ESC, SCC, TDC, KCC, National Trust	<p>Outline Offshore Construction Environmental Management Plan, outline Construction and Environmental Management Plan (oCEMP) [REP5-068] and REAC – Environmental Clerk of Works</p> <p>Do the local authorities or the National Trust have any concerns relating to the use of an Environmental Clerk of Works as opposed to an Ecological Clerk of Works to oversee works, noting that ecology and biodiversity measures originally referred to use of an Ecological Clerk of Works and the term ECoW is used interchangeably within the document? It is noted that REAC [REP5-115] provision B48 still refers to an ecological clerk.</p>	<p>ESC</p> <p>ESC considers that it is essential that the different REAC Actions are overseen by suitably qualified and experienced people relevant to the action being undertaken. An Environmental Clerk of Works will not necessarily be suitably qualified and experienced to oversee ecological REAC Actions, as their specialism could lie in a different environmental field such as contamination. It is therefore ESC's position that ecology related measures must be overseen by an Ecological Clerk of Works, and that this must be recognised in the OCEMP and REAC.</p>	<p>The Applicant retains the position as set out in its response to 3ECOL11 in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]. The Applicant acknowledges the difference in skillset between the two roles. The role of the Environmental Clerk of Works will be to monitor compliance with commitments that have been agreed for all marine receptors. Where additional technical knowledge and experience is required, this will be provided by a dedicated marine ecologist with respect to ecological concerns or other specialists as appropriate.</p> <p>With regard to commitment B48 of the REAC, the wording has been updated from 'the ecological clerk of works' to 'a suitably qualified ecologist' in Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134].</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>SCC</p> <p>SCC Ecology are satisfied that anyone appointed as the Environmental Clerk of Works will be suitably qualified and experienced in ecology matters as well as environmental aspects of the role.</p>	Noted.
			<p>TDC</p> <p>TDC are of the view that Environmental Clerk of Works (EnvCoW) and Ecological Clerk of Works (ECoW) are two distinct roles. ECoW will be responsible for managing and monitoring the impacts on flora and fauna and compliance with the relevant legislation. EnvCoW has a broader remit which can cover air and water quality, pollution prevention and general environmental legislation. Whilst the EnvCoW may have some responsibilities in relation to ecology it is unlikely they would have the necessary knowledge and expertise to carry the function of a ECoW.</p> <p>TDC requests that the oCEMP is updated to set out where EnvCoW is required and their remit and where a ECoW is required and their remit.</p>	See comments to ESC's response above.
			<p>KCC</p> <p>KCC would recommend that in the REAC there is a requirement for the job description of the Ecological Clerk of works/ Environmental Clerk of works to ensure there is no confusion of what the role entails. The choice of job title between the two does not matter provided the works are implemented.</p>	See comments to ESC's response above.
			<p>National Trust</p> <p>Our response focuses on the proposed use of an Environmental Clerk of Works (EnvCoW) and an Ecological Clerk of Works (ECoW) to oversee the works. We would prefer these roles to be jointly instructed to ensure coordinated oversight, however we appreciate this may not be possible in practical terms. Given the site's previous history, it is essential that clear notification and communication arrangements are secured, including appropriate updates and advance notice to enable effective ecological and environmental oversight.</p> <p>Although the Statement of Common Ground (SoCG) includes a commitment to provide both roles, it lacks clarity on the proposed structure and reporting arrangements between the EnvCoW and ECoW, and the process for communicating with the National Trust. In particular, we seek confirmation of who will hold lead responsibility for environmental</p>	See comments to ESC's response above.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			and ecological compliance, how the two roles will interact and escalate issues, and how (and by whom) the National Trust will be notified of incidents, non-compliances and material changes to the works. We would also request that both the EnvCoW and ECoW are suitably qualified and experienced for their respective roles.	
3ECOL13.	Applicant ESC, SCC, TDC, KCC	oCEMP [REP5-068] provision B02 – vegetation removal Confirm whether the provision should read 'Wherever possible' rather than 'The assumption will be' and if not, suggest alternative wording.	<p>Applicant</p> <p>ESC ESC agrees that the provision should read 'Wherever possible' rather than 'The assumption will be'. This is clearer wording and sets out that the position is that vegetation removal is to be undertaken outside of the bird nesting season as the default position.</p> <p>SCC SCC Ecology would prefer to see the wording 'wherever possible'.</p> <p>TDC TDC agrees the wording should be amended to "Wherever possible"</p> <p>KCC KCC does not have a concern with the phrase 'The Assumption will be' as this suggest that the works should be planned to avoid impacting breeding birds.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>REAC measure B02 has been updated accordingly such that the commitment reads 'Where possible': see Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134] submitted at Deadline 6.</p> <p>REAC measure B02 has been updated accordingly such that the commitment reads 'Where possible': see Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134] submitted at Deadline 6.</p> <p>REAC measure B02 has been updated accordingly such that the commitment reads 'Where possible': see Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134] submitted at Deadline 6.</p> <p>This is noted.</p>
3ECOL14.	Applicant TDC, KCC	oCEMP [REP5-068] provision B04 – invasive non-native species For transparency should the list of invasive non-native species also refer to Nuttall's waterweed and if not, why not?	<p>Applicant</p> <p>TDC TDC does not agree that Nuttall's Waterweed needs to be specified. The list of invasive non-native species set out in B04 is not definitive but an example of invasive non-native species that may be present. B04 commits to pre-commencement checks/surveys for presence of invasive non-native</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant notes this response. For completeness the Applicant has agreed to add Nuttall's waterweed to REAC measure B04: see Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134] submitted at Deadline 6.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			species which must check for all invasive non-native species and not just those listed in B04 specifically.	
			<p>KCC</p> <p>This section refers to all invasive species. The list in B04 only provides examples and is not exhaustive, therefore if Nuttall's waterweed is present the applicant will need to follow the same approach.</p>	The Applicant notes this response. For completeness the Applicant has agreed to add Nuttall's waterweed to REAC measure B04: see Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134] submitted at Deadline 6.
3ECOL15.	Applicant ESC, SCC, TDC, KCC	oCEMP [REP5-068] provision B05 – two stage habitat manipulation Should this provision refer to 'reptiles' rather than 'common reptiles' and if not, why not?	<p>Applicant</p> <p>ESC</p> <p>ESC is content that the provision referring to 'common reptiles' is acceptable. The term 'common reptiles' is understood to refer to the four reptile species native to Suffolk (grass snake, adder, common lizard and slow worm) which receive partial legal protection under the Wildlife and Countryside Act (1981) (as amended) and which the project will encounter. The other two reptile species native to England (smooth snake and sand lizard) are both European protected species (under the Conservation of Habitats and Species Regulations (2017) (as amended)) but are not found in Suffolk, and therefore the use of 'common reptiles' provides a differentiation where one or both of these species might be encountered alongside one or more of the partially protected species. Whilst this is not the case in Suffolk, the use of countrywide terminology is considered to be appropriate.</p> <p>SCC</p> <p>The term 'Common Reptiles' refers to Common Lizard, Grass Snake, Adder and Slow-worm which are widespread throughout Suffolk and the UK. If only 'Reptiles' is used, this could be construed to include species such as Sand Lizard and Smooth Snake, which are not found in Suffolk.</p> <p>TDC</p> <p>TDC agrees with the proposed amended wording.</p> <p>KCC</p> <p>KCC assumes that 'common reptiles' is referring to the reptile species which are only protected under the Wildlife and Countryside Act. Sand Lizard</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>Noted. This is consistent with the Applicant's position.</p> <p>Noted. This is consistent with the Applicant's position.</p> <p>As explained in the Applicant's response in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111], the phrase 'common reptiles' is used to exclude the sand lizard and smooth snake, two species that are not found in Suffolk.</p> <p>Noted. Neither smooth snake nor sand lizard have been found, or would be expected to be found, during surveys for the Proposed Project.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			(recorded in Kent) and Smooth Snake (not found in Kent) are also protected under the Conservation of Habitats and Species Regulations 2017 and therefore IF present would require a licence to implement any works. The sand lizard was not recorded within the site.	
3ECOL16.	Applicant ESC, SCC, TDC, KCC	oCEMP [REP5-068] provision B07, B36, B53 – hedgerow gap filling Should 'where practicable' be removed or an alternative form of wording adopted to ensure that the conclusions of the environmental impact assessment in respect of bats and dormice can be relied on and if not, why not? Where relevant provide alternative wording.	<p>Applicant</p> <p>ESC ESC agrees that '<i>where practicable</i>' should be removed from these provisions. ESC notes that provision B36 appears to be achieved through the wording of provision B53, and so suggests that provision B36 can, in fact, be deleted in its entirety. ESC also notes that provision B53 does not include this '<i>where practicable</i>' caveat for the reduction of larger gaps in hedgerows/woodland belts to a maximum of 10m during the night, and instead only retains this caveat for the reduction to 'less than 10m'; ESC is therefore satisfied that the wording of provision B53 does not require any amendment. The Applicant has identified that the mitigation measures set out in these provisions are required to avoid a significant adverse construction impact on foraging and commuting bats. The inclusion of the '<i>where practicable</i>' caveat would introduce unacceptable uncertainty into the likelihood of the necessary measures being implemented and would further emphasise the concern that ESC has over the deliverability of the proposed mitigation for all hedgerow crossing required by the project, as set out in paragraph 7.2.5.5 of the ESC Local Impact Report [REP1-128] and section 3.4 of the ESC Written Response to ISH2 [REP4-117].</p> <p>SCC SCC Ecology agree that the phrase 'where practicable' should be removed from the documents.</p> <p>TDC TDC agrees that the wording 'where practicable' should be removed for B07 and B36 but not for B53. The mitigation allows for a maximum gap of 10m which will be made smaller where this is practicable and thus the wording of 'where practicable' would appear reasonable in regard to B53. TDC would</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has agreed to remove the phrase 'where practicable' for B07 and B36. The Applicant notes ESC's agreement to the retention of the phrase within B53.</p> <p>The Applicant has agreed to remove the phrase 'where practicable' for B07 and B36. For B53, retention of the phrase will be necessary due to the need for the haul road to remain open (which has a width of 10m including drainage).</p> <p>This is noted and consistent with the Applicant's position. The Applicant has agreed to remove the phrase 'where practicable' for B07 and B36. The Applicant notes ESC's agreement to the retention of the phrase within B53.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			defer to KCC to confirm if the maximum 10m gap is appropriate.	
			KCC KCC has no suggestion for alternative wording; the possibility or for implementation will depend on final design.	This is noted.
3ECOL17.	Applicant	oCEMP [REP5-068] provision B38 – bat impacts Confirm whether this provision can be updated to take account of the measures outlined in SCC's DL5 appendix B [REP5-180], such as full hedgerow surveys, provision of a colour coded map of important hedgerows and coppicing rather than removal and if not, why not?	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3ECOL18.	Applicant TDC KCC	oCEMP [REP5-068] provision B44 – noise fencing Should this article be updated to refer to all relevant named designated sites and if not, why not?	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
			TDC TDC understands the noise fencing is required as a best practicable method to reduce noise particularly on the Sandwich Bay to Hacklinge Marshes SSSI which lies adjacent and within the order limits. However, clarity is required as to whether the mitigation is required for other designated sites. TDC defers to KCC/the Applicant to confirm this.	This is noted. The Applicant has amended REAC measure B44 to include express reference to Sandwich Bay to Hacklinge Marshes SSSI, which is the only relevant designated site: see Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134] .
			KCC The SSSI is the closest designated site to the substation where the greatest construction noise would be. As such, the construction of the substation could impact the SSSI but, due to distance, is unlikely to impact the other designated sites. However, the information has specifically referred to birds and this will include birds associated with the designated site.	This is noted. The Applicant has amended REAC measure B44 to include express reference to Sandwich Bay to Hacklinge Marshes SSSI, which is the only relevant designated site: see Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134] .
3ECOL19.	NE ESC SCC	Outline Landscape and Ecological Management Plan Should the Suffolk oLEMP [REP4-065], or another control document, be updated to identify sensitive areas for wolverine or the need for a watching brief within Leiston-Aldeburgh SSSI to minimise risks of impacts in the event of frac out and if not, why not?	NE Natural England agrees that sensitive areas for water vole should be identified and linked HDD management measures and contingency plan in the oLEMP in the event of frac out. Natural England must be contacted for any advice should this situation arise or to ensure that should a situation arise the mitigation measures included within the final LEMP are sufficient and not damaging in their own right.	Presence of water voles and other non-avian features in the RSPB Reserve are not mentioned because the submission documents only discuss areas where impacts from works are likely to arise. The RSPB Reserve has been treated as an important feature in itself and that includes all wildlife within it. Application Document 6.2.2.2 (D) Part 2 Suffolk Chapter 2 Ecology and Biodiversity [REP6-018] was amended at Deadline 6 to include a reference to water voles within the reserve in the section on frac out.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>ESC</p> <p>Whilst ESC defers to Natural England on this matter, we suggest that there is value in the OLEMP recognising the importance of the Leiston-Aldeburgh SSSI area for water vole. However, we do not consider that there needs to be a specific watching brief for water voles during HDD activities in case of a frac out event. Instead, we would suggest that there is a general watching brief for frac out (which we understand that the Applicant is already committed to), and in the event that there is a frac out, that a suitably qualified and experienced Ecological Clerk of Works is available to provide detailed advice. This would likely be a better use of resources than having an Ecological Clerk of Works present onsite throughout the HDD works solely providing a watching brief for water voles.</p>	
			<p>SCC</p> <p>SCC Ecology think the Riparian Mammals Survey report should be updated to identify the areas within the Leiston-Aldeburgh SSSI where a watching brief would be needed to minimise potential impacts on Water Vole from a potential frack-out.</p>	
3ECOL20.	NE	<p>Outline Landscape and Ecological Management Plan – Functionally Linked Land</p> <p>Confirm whether the oLEMP [REP4-067] provides sufficient detail regarding the management and monitoring of the proposed functionally linked land at Great Stonor. If not, confirm any additional provisions that should be secured and provide suggested drafting.</p>	<p>NE</p> <p>Natural England advises that a greater degree of certainty is provided for the management prescriptions to give a high degree of certainty as to what will happen when. In their current form, they provide a high degree of uncertainty as to what the management proposals will be using phrases such as 'it is likely that', 'will be maintained as long as possible', for example. Such ambiguity provides uncertainty that the habitat will be suitable for golden plover associated with the Special Protection Area. Therefore, we advise that the Applicant provides clearer wording within the oLEMP as to what the management options are and their timing.</p> <p>In relation to the monitoring and feedback mechanism, Natural England advises that the targeted use of the site by birds (to assess its effectiveness as a mitigation measure) should more closely reflect the number of golden plover assessed by the Applicant as being directly and indirectly impacted by the works and as a result of loss of functionally linked land associated to the project. If the site is not used by a similar number of birds to those impacted by the proposal, then remedial action should be required.</p>	<p>The wording of the management and monitoring prescriptions in the Kent oLEMP have been updated for Deadline 7 to remove uncertainty phrases and provide greater certainty about what will happen and when, as well as to be more explicit about monitoring and the feedback of the results of monitoring, including adding a numerical performance target. The text has been shared with Natural England. It is understood Natural England have some further comments, but these cannot be provided before Deadline 7. Natural England therefore advised the Applicant to include an additional commitment within the REAC confirming that the detailed wording of management and monitoring prescriptions be agreed with Natural England prior to the commencement of clearance of the converter station field. This has been included in the REAC for Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3ECOL21.	NE	<p>REAC [REP5-115] provision AQ11</p> <p>Is Natural England satisfied that the provisions of AQ11 relating to location of generators are sufficient to avoid significant effects on the Sandwich Bay to Hacklinge Marshes SSSI.</p>	<p>NE</p> <p>Natural England notes the provision of an updated air quality assessment under REP5-136 (9.123.1: Applicant's Responses to Second Written Questions – Appendices), which is based on the two generators being placed 100m apart. The assessment shows that if the diesel generators are placed more than 80m from the SSSI, there would be no likely significant air quality effects on the</p>	The Applicant notes Natural England's position on this matter.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>SSSI. As a precaution, an exclusion zone of 100m has been recommended.</p> <p>Natural England is therefore satisfied that the provisions of AQ11, which states that generators will be placed at least 100m from Sandwich Bay to Hacklinge Marshes SSSI, and at least 100m apart from each other, are sufficient to avoid significant effects on the SSSI.</p>	
3ECOL22.	Applicant NE	<p>REAC [REP5-115] provision B65 - Sandwich Bay and Hacklinge Marshes SSSI tree height reduction</p> <p>It is noted that although tree height reductions in operation now avoid the March to August period, it is unclear from the wording whether there are now no controls on tree height reduction during construction. Provide alternative wording to clarify this or robust justification to explain why this wording is appropriate.</p> <p>NE may wish to comment.</p>	<p>Applicant</p> <p>NE</p> <p>Natural England is content to provide further advice, if appropriate, once the Applicant has responded to this question.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>This is noted. However, the Applicant confirms that there have never been any proposals for tree height reduction in the SSSI during construction, only during operation. As such, it is not expected that further input from Natural England on this point is required.</p>

4. Cultural Heritage

Table 4.1 Cultural Heritage

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3CH1.	SCC KCC HE	<p>Assessment of heritage assets</p> <p>Is there sufficient evidence and level of assessment for the impact from the proposed development on all heritage assets (scoped in and out of the Environmental Statement (ES) assessment)?</p> <p>Furthermore, to clarify, is there any heritage asset (designated or non-designated) where your assessment conclusions would differ from that of the applicant?</p>	<p>SCC</p> <p>SCCAS are satisfied with the scope of archaeological evaluation work which has been completed so far and would generally agree with the assessments made by the Applicant regarding the impact of the scheme upon below ground archaeological remains and the proposals set out to mitigate these impacts. Whilst a number of remains of archaeological significance have been defined, SCCAS are satisfied that scheme impacts upon these heritage assets can be appropriately mitigated through an agreed programme of archaeological mitigation or through Preservation in Situ, to be secured through the OWSI and DCO Requirements (final versions of both still pending agreement). SCCAS are also satisfied that within the small sections of the scheme where evaluation remains outstanding, that suitable provisions are being made by the Applicant to complete further assessment work in these areas post-consent and to undertake appropriate mitigation for any additional heritage assets which are defined.</p> <p>As set out by the Applicant, the D-shaped enclosure which has been defined at Friston is considered to be of regional significance and has the potential to contain settlement evidence and other remains. SCCAS would therefore advise that partial excavation of just a section of this feature would not be appropriate or in line with best practice and would not adequately mitigate the effects of the development upon this monument, resulting in a significant adverse effect. Therefore, this monument needs to be subject to a programme of enhanced mitigation to enable it to be mitigated in full if not going to be completely avoided by the route</p> <p>On the basis of the changes proposed to the order limits in this part of the scheme and the results of the latest archaeological evaluation work, there is a suitable alternative route which would avoid the enclosure entirely and provide an opportunity to preserve this monument in situ, which SCCAS would strongly support as the preferred and</p>	The Applicant acknowledges the stakeholders' responses.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>optimum mitigation approach, although would not object to excavation of this site in its entirety. SCCAS defer to HE and ESC with regards to designated heritage assets.</p>	
			<p>KCC</p> <p>We are satisfied that with respect to archaeology the applicant has carried out sufficiently comprehensive studies and evaluation on shore in Kent. The effects on the geoarchaeology of the Wantsum Channel (Minster Marshes) is still being assessed and we are expecting an update on the monitoring of GI works and geoarchaeological monitoring in mid-April.</p>	<p>A draft interim report on the geo-archaeological monitoring works undertaken in winter 2025/26 as part of the Ground Investigation works was shared with Kent County Council and Historic England on the 14th April 2026, and has been submitted at Deadline 7 (Application Document 9.152). This was followed by a meeting on the 22nd April 2026 where the results were discussed.</p> <p>An updated OWSI has been submitted at Deadline 7 (Application Document 7.5.4.2), and this includes details regarding further geo-archaeological evaluation and mitigation that might required prior to construction.</p>
			<p>Historic England (HE)</p> <p>Historic England considers that the applicant has provided sufficient level of information necessary for the assessment of impact for all known heritage assets.</p> <p>The information has been presented in the ES Chapter 3 Cultural Heritage [APP-050], Cultural Heritage Baseline Report [APP-109], Appendix F Lists of Heritage Assets Scoped Out of Assessment [REP3-070], Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086], and Updated Archaeological Assessment – Suffolk [REP5-087]. We consider that level of assessment is proportionate and in line with policy requirements.</p> <p>Historic England advice is focused on the assessment of impacts on the highly graded designated heritage assets. We have also provided comment in relation to non-designated heritage assets which might be of equivalent significance to designated heritage assets (particularly Ebbsfleet Peninsula Complex).</p> <p>Regarding impacts to Grade II listed buildings and majority of non-designated heritage assets we would defer to the advice provided by the relevant specialists of the Local Authorities.</p> <p>Historic England continues to maintain that there is a higher level of harm to Richborough Roman Fort than has been assessed by the applicant. As we previously highlighted in our Written Representation the applicant has assessed the magnitude of harm to the significance of the fort caused by development within its setting (during operation and maintenance) to be 'Negligible' with a resultant</p>	<p>The Applicant acknowledges HE's broad agreement that the harm to the Richborough Roman Fort should be assessed as Not Significant, assuming adherence to the design principles. The Applicant notes that Historic England also confirmed in Comments on any further information/ submissions received by deadline 3 [REP4-187] that they are 'broadly satisfied that the Draft DCO (REP3-006) wording now secures Historic England's engagement in securing an appropriate final design for the Kent converter station (Schedule 3 Requirements; Section 3 - Converter Station Design)'.</p> <p>Regarding the Ebbsfleet Peninsula complex.</p> <p>As noted in the SoCG submitted at Deadline 7 (Application Document 7.4.3 (D) Statement of Common Ground Between National Grid Electricity Transmission and Historic England), The Applicant acknowledges that mitigation through a programme of archaeological investigation does not reduce the magnitude of impact. The reduction in the significance of effect recognises that professional excavation and recording of archaeological remains is a compensation measure, the successful completion of which would reduce the overall harm to the asset to an acceptable level. The proposed mitigation through a programme of archaeological investigation has been agreed in principle with the Kent County Council Archaeological Officer.</p> <p>The Applicant has consulted further with HE and KCC to discuss feasible design mitigation options and has worked with its contractors to look to reduce the footprint of compounds where practicable during the detailed design process.</p> <p>Ongoing development of the design, as well as consultation with KCC, has also aimed to avoid areas considered to be of greatest sensitivity. This includes two areas of Bronze Age barrows and enclosures where a 'preservation in situ' strategy is being</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>'Minor Adverse' significance of effect ([APP-063] Table 3.14, pg. 65,).</p> <p>On the assumption that appropriate design mitigation will be implemented, utilising the least intrusive of the design principles put forward (as described in [APP-365] Design Approach Document – Kent, and [APP-367] Design Principles – Kent), Historic England assess the magnitude of harm to be 'Small' (as per [APP- 063] Table 3.10, pg. 31,). According to the methodology used by the applicant (as per [APP-046] plate 5.2, pg. 14), this may then result in a 'Moderate' or 'Minor' significance of effect. We consider that a 'Minor' significance of effect is appropriate and that the harm is therefore 'Not Significant'.</p> <p>Despite our disagreement regarding the specific magnitude of harm, the resultant significance of the effect does therefore broadly align with the applicant's assessment. This is subject however to ensuring that the detailed design of the converter station meets the aims set out within the design parameters as currently set out. It should be noted however that if a design is chosen that increases the intrusion of this structure within the landscape, then the harm may be considered 'Moderate' which would then be 'Significant'.</p> <p>Historic England also considers that the development is likely to result in some harm to the Ebbsfleet Peninsula Complex. This will result in a permanent residual change and a significant effect in EIA terms to an undesignated, but potentially nationally significant, heritage asset.</p> <p>Historic England disagrees that the ability to mitigate the effect through a programme of archaeological works would reduce the significance of the effect to 'Minor' ([APP-063] Table 3.12, pg 60) as the harm here is only somewhat offset and not truly lessened by the ability to record remains prior to their removal.</p> <p>Our advice is in line with para 5.9.16 of EN-1 which recognises that the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted.</p>	<p>developed as part of the ongoing mitigation plan. This was detailed in the updated Kent OWSI submitted at Deadline 5 [REP5-072].</p> <p>As a result, the residual effects on the Ebbsfleet Peninsula Complex and its setting would be not significant.</p>
3CH2.	SCC KCC HE	<p>Cumulative assessment of heritage assets</p> <p>Has the applicant provided a sufficient cumulative assessment on heritage assets, considering not just the impacts to heritage assets from just the proposed development</p>	<p>SCC</p> <p>Although archaeological investigations as part of this scheme and other projects in the area have demonstrated that this is a rich archaeological landscape containing multi-period remains relating to a variety of activities, reasonably defined areas of</p>	<p>The Applicant acknowledges the stakeholders' responses.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		but from other projects in the areas too? Provide reasons for your response.	<p>significant archaeological activity have been identified within different parts of the order limits. As such, aside from the direct impacts to these sites from construction activities and associated works, SCCAS agree with the Applicant that cumulative impacts to specific sites will be fairly limited, as long as appropriate mitigation is undertaken and ongoing assessment work considers the recorded remains in their wider archaeological context and in relation to the archaeological remains defined as part of other local projects.</p> <p>SCCAS defer to HE and ESC with regards to designated heritage assets.</p> <p>KCC</p> <p>For archaeology on the Kent Onshore scheme, we are not aware of any current or proposed additional projects that need to be taken account of when considering cumulative impact. Development at Weatherlees and Richborough Energy Park includes areas of the former Wantsum landscape and has been considered sufficiently.</p> <p>HE</p> <p>Historic England reviewed the documents provided by the applicant: ES Chapter 3 Cultural Heritage [APP-050], Suffolk Onshore Scheme Inter-Project Cumulative Effects [APP-60], Cultural Heritage Gazetteers [APP-110], Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086] and Assessment of Cumulative Effects on the Wider Historic Landscapes [REP5-138].</p> <p>While the information is fragmented between different documents and not clearly cross referenced, we consider that the cumulative assessment is sufficient for the purpose of this examination.</p>	<p>The Applicant acknowledges the stakeholders' responses.</p> <p>The Applicant acknowledges the stakeholders' responses.</p>
3CH3.	Applicant	<p>Design of River Fromus Bridge</p> <p>Within the dDCO [REP5-005], requirement 3(3) refers to the bridge over the River Fromus. It states that "Development of the bridge crossing of the River Fromus (part of Work No. 3a) must not commence until details of the layout and scale of the bridge have been submitted to the relevant planning authority." However, details of the final design of the bridge (not just the scale and layout) are</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		not mentioned in this requirement for agreement with the planning authority. Given the sensitive location in terms of landscape and heritage, the ExA requires that the requirement be amended to require details of the bridge design to also be submitted for agreement by the local planning authority.		
3CH4.	KCC HE	Richborough Saxon Shore Fort Scheduled Monument and Grade I listed buildings For the Richborough Fort complex, do you agree with the applicant [APP-063] that “the magnitude of impact is considered to be negligible. On an asset of high value this would result in a minor adverse effect which is not considered significant”? If not, set out how you would conclude the potential impact to this asset.	KCC Historic England are leading on considering the impact of the scheme on the Richborough Saxon Shore Fort Scheduled Monument. They have assessed the magnitude of effect as greater than negligible given the importance of the setting to understanding the monument. The effects can be reduced through design mitigation to minor adverse. We agree with this position. Their most recent position was expressed in their Deadline 2 response (REP2-052). HE Historic England continues to maintain that the proposed development would result in a higher level of harm to Richborough Roman Fort than has been assessed by the applicant. As we previously highlighted in our Written Representation the applicant has assessed the magnitude of harm to the significance of the fort caused by development within its setting (during operation and maintenance) to be ‘Negligible’ with a resultant ‘Minor Adverse’ significance of effect ([APP-063] Table 3.14, pg. 65). On the assumption that appropriate design mitigation will be implemented, utilising the least intrusive of the design principles put forward (as described in Design Approach Document – Kent [APP-365] and Design Principles – Kent [APP-367]), Historic England assess the magnitude of harm to be ‘Small’ (as per [APP- 63] Table 3.10, pg. 31). According to the methodology used by the applicant (as per [APP-046] plate 5.2, pg. 14), this may then result in a ‘Moderate’ or ‘Minor’ significance of effect. We consider that a ‘Minor’ significance of effect is appropriate and that the harm is therefore ‘Not Significant’. Despite our disagreement regarding the specific magnitude of harm, the resultant significance of the effect does therefore broadly align with the applicant’s assessment.	The Applicant acknowledges the stakeholders’ responses. The Applicant acknowledges the stakeholders’ responses. As noted in the SoCG submitted at Deadline 7 (Application Document 7.4.3 (D) Statement of Common Ground Between National Grid Electricity Transmission and Historic England), the effect of the Proposed Project on the setting of Richborough Roman Fort is assessed in Section 3.9 of Application Document 6.2.3.3 Part 3 Chapter 3 Cultural Heritage [APP-063] . The assessment concluded that the magnitude of impact would be negligible. This was based on the distance between the asset and the proposed Minster Converter Station and Substation, the presence of other modern development that is closer to the asset, and the fact that the Wantsum Channel, which forms a component of the asset’s setting, has altered significantly as a result of silting and land reclamation, changes that have considerably altered the setting of the monument. This is demonstrated in the illustrative visualisations for Kent, and specifically the illustrative visualisation produced from VP 8 – Richborough Fort Viewing Platform, see Application Document 9.14 Supplementary Environmental Information Report – Suffolk and Kent Illustrative Visualisations [REP1-296] . Furthermore, the proposed Minster Converter Station and Substation would be located on the northern side of the former Wantsum Channel, and as such would not alter the ability to understand the original setting of Richborough Fort as a shore fort overlooking the channel nor would it sever any intervisibility that may have existed between Richborough Fort and the Ebbsfleet Lane complex on the north side of the Wantsum Channel. A negligible magnitude of impact on an asset of high value would result in a minor adverse effect (considered ‘not significant’ in EIA terms). The level of harm to the designated asset is assessed in

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			It should be noted that this is subject to ensuring that the detailed design of the converter station meets the aims set out within the design parameters as currently set out. However, if a design is chosen that increases the intrusion of this structure within the landscape, then the harm may be considered 'Moderate' which would then be 'Significant' in EIA terms.	Section 7.5 (paragraphs 7.5.35 to 39) of Application Document 7.1 Planning Statement [APP-319], superseded by [REP6-054] , to amount to less than substantial harm at the lower end of the spectrum. It is considered that the disagreement between the Applicant and HE in relation to the specific magnitude of impact on the setting of Richborough Fort is a matter of professional opinion and, both parties have agreed that the resultant significance of effect would be minor and therefore 'not significant'.
3CH5.	KCC HE	Ebbsfleet Peninsula Multi-Period Complex After a programme of archaeological excavation which the applicant has committed to for this asset the applicant has assessed the residual impact to be minor adverse [APP-063]. Considering all mitigation proposed, do you agree with the applicant's assessment of residual impact on this complex? If not, explain how you would assess the residual impact.	KCC For Construction (Physical Impacts (permanent)) - the scheme design, informed by geophysical survey and evaluation trenching has additionally been adjusted to avoid impacting on the known enclosures and is located in areas where the archaeological impacts can be addressed through excavation and recording. Areas of the Ebbsfleet complex within the order limits where archaeology needs to be preserved have been identified and will be protected through the works. We, together with Historic England, are in regular discussions with the applicant and their archaeology team on the proposed excavations. With the protections in place and the excavations that are being committed to we agree that the residual effect for construction is 'Minor Adverse' and 'Not Significant' as set out in table 3.13 For Operation and Maintenance (change to setting) – we explained in our representation in November 2025 that we considered the change to setting of the Ebbsfleet complex will result in a 'Moderate Adverse' effect as the magnitude of impact is in our view greater than 'Negligible' and should probably be better described as 'Small' using the criteria table in the ES. It may be reduced through further design and colour as the montages reviewed were maximum envelope. Our detailed comment is set out below for ease of reference. <i>"In addition to the impact on Richborough KCC archaeologists and Historic England also requested that the setting of the multi-period remains at Ebbsfleet Hill on the Ebbsfleet Peninsula be assessed. We note the assessment that is set out in 3.9.73 to 3.9.74 in the Environmental Statement.</i> <i>The enclosures in this area, as noted in the assessment did command a view over the former Wantsum Channel and the relationship of the archaeology, and in particular the defensive enclosure is significant to the archaeological assets.</i>	KCC's concerns view as to operational impacts on the Ebbsfleet Complex are acknowledged. The Applicant has explained its position on this issue in its response to ExQ 1CH10 (see p.95 of Document 9.73: Applicant's Responses to First Written Questions [REP3-069]).

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>We acknowledge that the former coastal setting has now changed but the current marshland defines the location of the former sea channel and that is readily appreciable from the enclosure sites. Although the archaeological remains of the enclosure and its surrounds are buried, a visitor to the site can appreciate the landform and the marsh land (representing the former Wantsum Channel). We agree the remains should be considered of high value and are nationally important.</i></p> <p><i>Visualisations have been provided in ES 6.4.3.3 that illustrate the present and proposed views in summer and winter from the woodland at Ebbsfleet Lane (Viewpoint H3) and from Ebbsfleet Lane (Viewpoint H4). H3 represents the view from the enclosures, and the proposed substation and convertor station will be prominent and dominant in the views from the enclosure. The wider channel landscape will be still visible, as will Weatherlees Hill, a small island in the channel which may have provided a sheltered arm for the proposed harbour in this area. H4 represents the view from the lane towards the enclosure focused around Ebbsfleet Hill. The hill is still visible as is Weatherlees hill but the openness of views across the mouth of the former channel will be lost by the prominent building. While we agree that visitors will still be able to understand the asset and appreciate the relationship of the asset to the landscape, we are of the view that the visual aspects of the setting have a greater interest to its significance than is considered in the assessment. Given the prominence of the proposed buildings in the views at Ebbsfleet Lane the magnitude of impact is in our view greater than negligible and given the value of the heritage could be considered a moderate adverse effect. We note that the montages are produced using maximum envelope for the structures and understand that additional visualisations are being developed to illustrate the proposed building and its colour scheme.”</i></p>	
			<p>HE</p> <p>Historic England agrees with the conclusions of the ES that the development is still likely to result in some harm to the Ebbsfleet Peninsula Complex. This will result in a permanent residual change and a significant effect in EIA terms to an undesignated, but potentially nationally significant, heritage asset. HE disagrees that the ability to mitigate the effect through a programme of archaeological works would reduce the significance of the effect to ‘Minor’</p>	<p>As noted in the SoCG submitted at Deadline 7 (Application Document 7.4.3 (D) Statement of Common Ground Between National Grid Electricity Transmission and Historic England), The Applicant acknowledges that mitigation through a programme of archaeological investigation does not reduce the magnitude of impact. The reduction in the significance of effect recognises that professional excavation and recording of archaeological remains is a compensation measure, the successful completion of which would reduce the overall harm to the asset to an acceptable level. The proposed mitigation through a programme of archaeological</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>(Table 3.12, pg 60, Doc 6.2.3.3, Environmental Statement, Part 3 Kent, Chapter 3 Cultural Heritage) as the harm here is only somewhat offset and not truly lessened by the ability to record remains prior to their removal. This is in line with para 5.9.16 of EN-1 which recognises that the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted.</p> <p>However, we agree that appropriate steps have been taken to substantially limit the risk of harm to heritage asset. This is through design which is informed by archaeological evaluations to avoid what we think are the most significant areas of archaeology. Areas of the Ebbsfleet complex within the order limits where archaeology needs to be preserved have been identified and will be protected through the works. We, along with the Kent County Council archaeological advisor are in regular discussions regarding the proposed excavations to establish appropriate protection measures. With the appropriate controls in place, we agree that the risk of harm to significant remains associated with this complex is reduced. Therefore, in this case, because steps are being taken to retain rather than remove archaeological remains, the residual effect for construction we agree that the residual effect for construction may be considered 'Minor Adverse' and 'Not Significant' as set out in table 3.13.</p> <p>We also agree with the Kent County Council archaeological advisor that the change to the setting of the Ebbsfleet complex will result in a 'Moderate Adverse' effect, as the magnitude of impact is greater than the 'Negligible' assigned by the applicant. We think that it would be a 'Small' impact using the criteria set out in the ES.</p>	<p>investigation has been agreed in principle with the Kent County Council Archaeological Officer.</p> <p>The Applicant has consulted further with HE and KCC to discuss feasible design mitigation options and has worked with its contractors to look to reduce the footprint of compounds where practicable during the detailed design process.</p> <p>Ongoing development of the design, as well as consultation with KCC, has also aimed to avoid areas considered to be of greatest sensitivity. This includes two areas of Bronze Age barrows and enclosures where a 'preservation in situ' strategy is being developed as part of the ongoing mitigation plan. This was detailed in the updated Kent OWSI submitted at Deadline 5 [REP5-072].</p> <p>As a result, the residual effects on the Ebbsfleet Peninsula Complex and its setting would be not significant.</p>
3CH6.	KCC SCC HE	<p>Wider Historic Landscapes</p> <p>The applicant has submitted the Assessment of Cumulative Effects on the Wider Historic Landscapes [REP5-138].</p> <p>The ExA requests that you respond to this document and inform as to whether you agree with the conclusions of minor adverse effect for Suffolk and negligible effect for Kent. If not, explain why, and how you would evaluate the cumulative impact to the wider historic landscapes.</p>	<p>KCC</p> <p>Kent County Council's main contribution has been with respect to archaeology and not historic landscape character.</p> <p>The assessment for Kent onshore describes the convertor station and substation as well as a number of the pylons as located in the eastern end of the landscape character zone for the agricultural lands that are reclaimed from the former Wantsum Channel. The assessment notes that the majority of the infrastructure is separated from the wider landscape unit by the railway line and 'within an area that is already characterised by industry'. It</p>	<p>Applicant acknowledges the response, and the statement that the stakeholder agrees '<i>with the statement that the effect of the scheme in combination with the other development would be no greater than effect of the proposed project on its own.</i>'</p> <p>The Applicant also acknowledges the comment that while the Kent Onshore Scheme will extend '<i>the industrial character into the former Wantsum</i>' and therefore KCC would '<i>consider the effect to be greater than negligible and likely minor adverse</i>'.</p> <p>While a minor adverse is greater than the conclusion of the assessment, it would not result in a significant effect,</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>would be perhaps more accurate to say 'adjacent to an area that is already characterised by industry' at Weatherlees and the Richborough Energy Park. The industrial character would extend into the former channel landscape but this is small compared to the overall extent of the landscape unit and is an extension of the existing industrial character rather a separate element. It should be noted that the historic landscape character elements are broad and there is variation of landscape within these. At a more focused scale, the location of the convertor station is within what would have been formerly a sheltered bay and inlet within the Wantsum which was flanked on its eastern side by Weatherlees Hill. The existing industry at Weatherlees generally reinforces that.</p> <p>We agree with the statement that the effect of the scheme in combination with the other development would be no greater than effect of the proposed project on its own. Given the extension of the industrial character into the former Wantsum we would consider the effect to be greater than negligible and likely minor adverse.</p>	
			<p>SCC</p> <p>Although some parts of the scheme within Suffolk do interact with areas of early (pre-18th century) enclosure and will lead to the loss of early landscape features such as historic field boundaries, these areas are relatively minimal. Where there is direct interaction with other schemes within areas of surviving historic landscape, such as at the Friston substation, cumulatively the impacts are increased due to the greater loss of historic landscape features which will be caused as a result of more extensive construction activities. Overall, SCCAS would however agree with the conclusions made in this document, although opportunities to retain surviving historic landscape elements should be taken where possible.</p> <p>SCC defers to HE for detailed comments but offers the following comments.</p> <p>Referring to paragraph 3.1.8, SCC does not follow the point that the large arable field units remaining today can be considered the key elements of the historic landscape. SCC would consider the key elements to include the north-south orientation of the Fromus Valley, the relatively unspoilt approach to Saxmundham from the south, the remaining elements of the former park landscape and the</p>	<p>The Applicant acknowledges SCC's broad agreement with the conclusions in the document. As to SCC's disagreements, the Applicant notes that the purpose of the document is partly to provide more detail on the historic wider landscapes in the area. The conclusion in paragraph 3.1.8 that the "key elements of the historic landscape within most of the Suffolk Onshore Scheme, including the Saxmundham Converter Station, Friston Substation and the proposed bridge over the River Fromus are therefore large open agricultural fields, most of which are arable, which have been formed through the removal of field boundaries in the second half of the 20th century" follows clearly from the historical analysis that precedes it.</p> <p>The Applicant notes SCC's disagreement with its conclusion at §5.1.3, but this is a broad disagreement of judgment and not a specific criticism of the Applicant's reasoning.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>remaining woodland blocks and field boundary hedges, both around Saxmundham and Friston. The scheme adversely affects ProW, which are also part of the historic landscape fabric.</p> <p>At paragraph 5.1.3 the assessment of the landscape character as being predominantly agricultural does not acknowledge the fact that the character is predominantly rural and that the change in character resulting from the development is large. SCC cannot follow that this change would result in a minor adverse, and therefore non-significant effect. SCC considers that the Applicant overstates the element of degradation of the local landscape character and underplays the impact and scale of change resulting from the development.</p>	
			<p>HE</p> <p>Historic England welcomes submission of the Assessment of Cumulative Effects on the Wider Historic Landscapes by the applicant. We agree with the conclusions of the document in context of the designated heritage assets.</p> <p>However, as wider historic landscapes are predominantly composed of non-designated heritage assets and the main focus of the assessment does not fall within our remit, we defer to the specialist advisors to Local Authorities to provide detailed comments.</p>	The Applicant acknowledges the stakeholders response.

5. Water Environment

Table 5.1 Water environment

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3WE1.	Applicant	<p>Sequential Test</p> <p>In responding to 2WE2 [REP5-178], SCC disagree that it is necessary to relocate the particular drainage pond out of flood zone 3. Clearly explain why this is not feasible.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3WE2.	Applicant	<p>Water Framework Directive</p> <p>Regulation 19 of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 allows for derogations (exemptions) from WFD environmental objectives. If the Secretary of State determines that these objectives are not met, clearly set out how the requirements of regulation 19 have been satisfied.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3WE3.	SCC	<p>Flood Risk Assessment</p> <p>Does the applicant's Surface Water Flood Risk and Climate Change - Technical Note [REP5-134] address all outstanding concerns with respect to the applicant's Flood Risk Assessment? If not, what concerns remain and what additional information is required?</p>	<p>SCC</p> <p>SCC, LLFA is generally happy with the submission, but the clarity of the mapping on pages 4 to 8 are not clear and they need to show the extend of the proposed developed area.</p>	The Applicant confirms that the maps on pages 4 to 8 are intended to provide detail at a high spatial resolution, for key areas of the operational Suffolk and Kent Onshore Schemes/ The images are excerpts from the appended plate (A.1 and A.2), which present the data for the full extends of the proposed development areas in Suffolk and Kent respectively.
3WE4.	Environment Agency (EA) KCC	<p>Groundwater Flood Risk at the Minster Converter Station Site</p> <p>The applicant has submitted a report [REP5-122] to address the DL4 submission Application Document: Video evidence of the extent of the flooding on Minster Marshes on the area of the Converter Station build [REP4-146], Save Minister Marshes.</p> <p>Do the Environment Agency (EA) and KCC agree with the findings of the applicant's response, or if not, why not?</p>	<p>EA</p> <p>No response supplied in the Deadline 6 submission.</p> <hr/> <p>KCC</p> <p>KCC defers to the EA's expertise on groundwater flood risk.</p>	<p>A response does not appear to have been provided by the Environment Agency, and the Applicant is therefore unable to comment.</p> <hr/> <p>The Applicant notes this position and confirms that the Environment Agency have not raised concerns regarding groundwater flood risk.</p>
3WE5.	EA	<p>Sequential and Exception Test</p> <p>In their response to 2WE1, ExQ2 [REP5-192] the EA did not provide a response regarding the sequential and exception test. Could the</p>	No response supplied in the Deadline 6 submission.	A response does not appear to have been provided by Network Rail, and the Applicant is therefore unable to comment.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		EA respond set out all reasonings relating to NPS EN1, paragraph 5.8.36?		
3WE6.	EA	<p>Water Framework Directive</p> <p>Provide an update as to whether you believe that the proposed development is capable of meeting the objectives of the Water Framework Directive (WFD) and include a full commentary setting out any remaining concerns with respect to the relevant River Basin Management Plans?</p>	No response supplied in the Deadline 6 submission.	A response does not appear to have been provided by Network Rail, and the Applicant is therefore unable to comment.

7. Agriculture and Soils

Table 7.1 Agriculture and soils

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3AS1.	Relevant planning authorities Applicant	<p>Reinstatement of field drains</p> <p>Relevant planning authorities: Commitment W10 of the REAC states that field drains will be permanently reinstated or rerouted ensuring their existing function is maintained. Provide comments as to whether this is sufficient to ensure that agricultural land drainage is adequately reinstated, taking into account the provisions of requirement 10 of the dDCO. If this commitment is insufficient, explain what measures are required.</p> <p>Applicant: Provide an update to the response given to Suffolk Energy Action Solutions (SEAS) in [REP3-064] table 29.1 in relation to obtaining details of current land drainage systems.</p>	<p>Applicant</p> <p>DDC The Council considers this measure is sufficient to ensure field drainage is adequately reinstated (or alternative arrangements are made).</p> <p>TDC During ISH3 the Applicant advised that, in response to the Save Minster Marshes comments on surface water ponding elaborating on their submissions REP4-145 and REP4-146, that the area within the order limits is poorly drained. Commitment W10 only secures the return to their existing function which in the case of Kent would be of poor condition. Can the commitment include an opportunity to improve drainage rather than simply return the land to a status of poor drainage conditions?</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The applicant notes the response and is happy that this area is agreed.</p> <p>Commitment W10 has been updated in the REAC submitted at Deadline 7 to read: <i>Severance of existing land drainage routes, including agricultural field drainage systems would be managed during construction through provision of temporary alternative drainage routes. These drainage systems would be permanently reinstated, providing opportunities to improve poor drainage, or rerouted ensuring their existing function is maintained or improved within the Order Limits.</i></p>
3AS2.	Applicant	<p>Requirement 13 of the dDCO</p> <p>As the requirement in relation to decommissioning excludes substations, clarify whether this has been taken into account in the calculation of best and most versatile (BMV) land that would be reinstated through decommissioning. If it has not been taken into account, update the relevant chapters accordingly.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3AS3.	Applicant	<p>Decommissioning</p> <p>In paragraph 6.9.26 of [PDA-019] it is stated that 11.47ha of BMV land would be reinstated if the project is decommissioned. In paragraph 6.9.27 of [PDA-023] it is stated that 12.21ha of BMV land would be reinstated. These figures are based on the entire above ground development being removed, including the</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3AS4.	Applicant	<p>land labelled 'ecological change' and the substations. Clarify whether the land labelled 'ecological change' includes the landscape and ecological mitigation land, and whether the intention is that the landscape mitigation would be removed? Confirm that this has been taken into consideration in relation to other topics. If not, why not?.</p> <p>Reinstatement of agricultural land over cables</p> <p>In the applicant's response to ExA question 1AS3 in [REP3-069] it is not clear whether the actual depth of burial may limit reinstatement and achievement of the pre-development agricultural land classification. Provide a more detailed explanation as to whether cable burial depths may affect the ability to achieve best and most versatile land at reinstatement, for example through the inability to reinstate field drainage.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3AS5.	Applicant	<p>Minimise impacts on best and most versatile land</p> <p>Following submission of the Agricultural Land Classification survey results for Suffolk [REP5-090] and Kent [REP5-091], provide an update as to how the applicant has sought to minimise the effects on BMV, including how the highest grades of land have been avoided.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3AS6.	Applicant	<p>Aftercare management plan</p> <p>In [REP3-069] in response to ExA question 1AS2, it is stated:</p> <p>"The oSMPs also commit to an Aftercare Management Plan being produced by the Contractor which will detail the aftercare period, monitoring frequency and interventions which may be required depending on issues highlighted by monitoring during construction; the aftercare plans are adaptive, as the measures implemented will be based on the monitoring and assessment of recovery of the soils. A commitment to what the Aftercare Management Plan(s) will include will be submitted for Deadline 4."</p> <p>Signpost to where this information was provided, or if it was not provided, submit at DL6.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3AS7.	Relevant planning authorities	<p>Outline Soil management plan (oSMP)</p> <p>Would the oSMP make adequate provision for the reinstatement of land, soil management and handling? If not, explain why not and provide suggested wording for additional provision.</p>	<p>DDC</p> <p>The Council has no comments on this topic.</p> <p>TDC</p> <p>TDC is content with the oSMP. The only comment would be is that is unclear how long the soil will be stockpiled and whether the proposed methods are suitable for either short, medium or long term stock piling and management of the soil.</p>	<p>Noted</p> <p>The applicant notes the response and is happy that this area is agreed.</p> <p>The duration of stockpiles is a construction design item that will be included in the update to the Soil Management Plan to be completed pre-construction once the Contractor(s) are onboard and the construction methodologies and programme are confirmed.</p>
3AS8.	Relevant planning authorities	<p>Reinstatement to pre-development agricultural land quality</p> <p>Provide comments as to whether the measures included in the oSMP would ensure that land would be restored to its pre-development agricultural grade. If not, provide details and suggested wording of additional measures or commitments.</p>	<p>DDC</p> <p>The Council has no comments on this topic.</p> <p>TDC</p> <p>TDC is unable to comment on the specific measures in the oSMP, there is an opportunity to improve the condition of the soil where possible. This would then ensure that the soil is reinstated to at least its pre-development agricultural stage.</p> <p>The oSMP currently does not set out the proposed mitigation/actions to be taken if the land cannot be restored to its pre-development agricultural grade.</p>	<p>Noted</p> <p>The measures detailed in 7.5.10.2 (B) Outline Soil Management Plan – Kent [REP6-068] aim to ensure the quality and function of soils is retained to allow for their restoration to pre-construction condition. In the event that restoration to pre-construction grade is not achieved following the aftercare measures outlined in Section 8.7, appropriate means of remediation will be proposed on a case-by-case basis by the appointed Contractor for acceptance by National Grid (Section 9.3; 7.5.10.2 (B) Outline Soil Management Plan – Kent [REP6-068]).</p>
3AS9.	Relevant planning authorities	<p>oSMP</p> <p>Would the measures set out in the oSMP section 9. table 9.1 monitoring requirements be sufficient to ensure soil structures would not be detrimentally affected? Does this take into account the sandy soil types in Suffolk and the salt and marshy soil types in Kent?</p>	<p>DDC</p> <p>The Council has no comments on this topic.</p> <p>TDC</p> <p>TDC notes that the oSMP provides a general management plan for the soils and the soil profiles. It is unclear in the ES and the application whether the soils are defined as salt or marshy. However, based on the oSMP, the measures in table 9.1 should be applicable to the relevant soil type/profiles.</p>	<p>Noted</p> <p>Details of the specific soil characteristics identified on site can be found in 9.31 (B) Agricultural Land Classification (ALC) Survey Results – Kent [REP6-125]. These soil characteristics are also accounted for in the guidance provided in 7.5.10.2 (B) Outline Soil Management Plan – Kent [REP6-068].</p>
3AS10.	Applicant	<p>Coordination with other projects</p> <p>Provide an explanation of the opportunities to minimise the temporary and permanent use of BMV through coordination with other projects, including LionLink.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3AS11.	Applicant	<p>Inter-project cumulative effects</p> <p>Update tables 13.30 and 13.40 of [APP-073] to take into consideration other planned projects such as LionLink and the Suffolk Water Recycling, Transfer and Storage Project.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3AS12.	Applicant	<p>Link boxes and link pillars</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		Provide clarification as to whether the effects of these elements have been taken into consideration in the assessment of the loss of BMV land as there is no reference to them in the Agriculture and Soils chapters in the ES [PDA-019] and [PDA-023]. If not, why not.		Applicant's Responses to Third Written Questions [REP6-111]
3AS13.	Applicant	Micro-siting In terms of micro-siting, provide an explanation of how areas of higher quality land have been avoided in preference of poor quality, in the absence of detailed surveys?	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3AS14.	Applicant	Economic and other benefits of the land Explain how the economic and other benefits of the land have been taken into account, having regard to NPS EN-1 paragraph 5.11.34.	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

8. Traffic and Transport

Table 8.1 Traffic and transport

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3TT1.	Applicant	<p>Timing of peak traffic flows</p> <p>The Supplement to the Preliminary Cumulative Highway Impact Assessment in Suffolk [REP4-099] shows the total cumulative traffic flows, both including and excluding the proposed development construction traffic. It uses a 2028 baseline for heavy goods vehicles (HGVs) and for total vehicles for various road links and road junctions. However, whilst the overall peak of traffic may be in 2028, this does not mean that 2028 would be the busiest time for traffic on all the listed road links and junctions, due to different phases of development for example. Therefore, submit an additional set of tables in the form of those submitted with [REP4-099] highlighting only those links and junctions which would have their peak levels of cumulative traffic (with and without the proposed development) in years other than 2028.</p>	<p>Applicant</p> <p>SCC See ISH3 22 regarding data provided.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant acknowledges SCC's comments and a response to SCC's Response to ISH3 Action Points [REP6-184] is provided within Application Document 9.149 Applicant's Comments on Other Submissions Received at Deadline 6.</p>
3TT2.	SCC Applicant	<p>A12 enhancements</p> <p>From our March unaccompanied site inspections([EV1-022] and [EV1-023]), the ExA noted the works currently being undertaken along the A12, particularly the junctions at Friday Street A1094 and Yoxford B1122. Provide details of these works and any others along the A12 within the area of the proposed development and set out how they could benefit construction phase traffic for the proposed development, particularly in regard to driver delay.</p>	<p>Applicant</p> <p>SCC See response to ISH3 Action Points and oral submissions during ISH 3</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant acknowledges SCC's comments and a response to SCC's Response to ISH3 Action Points [REP6-184] is provided within Application Document 9.149 Applicant's Comments on Other Submissions Received at Deadline 6.</p>
3TT3.	SCC KCC	<p>Cumulative assessments</p> <p>With the submission of the junction modelling for Kent [REP5-029] and the submission of the junction modelling for Suffolk due at DL6, is it the Council's view that there is sufficient information and a robust cumulative</p>	<p>SCC</p> <p>SCC's position regarding the scope of assessment is unchanged considering that as a minimum a sensitivity test is required to assess the cumulative impact of all NSIP related construction vehicles on the A12 and elsewhere.</p>	<p>The Applicant acknowledges SCC's comments and a response to SCC's Response to ISH3 Action Points [REP6-184] is provided within Application Document 9.149 Applicant's Comments on Other Submissions Received at Deadline 6.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		assessment of highway impacts for the construction phase of the proposed development? If not, detail what still needs to be submitted from the applicant to provide this robustness.	See also ISH3 22.	
			KCC Yes, we are of the view that there is sufficient evidence now submitted to demonstrate the specific and cumulative impacts of the proposed development's construction phase.	This Applicant both welcomes and confirms this as the agreed position.
3TT4.	SCC KCC	Junction modelling response Provide a response to the junction modelling undertaken by the applicant, particularly with regards to what the results suggest about driver delay and highway safety (see [REP5-029] for Kent). Also confirm whether there was agreement on the junctions modelled.	SCC D7 response as insufficient resources or time to undertake assessment.	The Applicant notes that a response will be provided by SCC at Deadline 7. Unfortunately, this will not provide the Applicant with sufficient time to respond prior to the end of Examination on 5 May 2026. To confirm, junction modelling has been carried out by the Applicant, and the results were shared with SCC and ESC on 1 April 2026, (prior to Deadline 6) following a meeting held with SCC and ESC on 30 March 2026. The junction modelling was also submitted at Deadline 6 within Application Document 6.3.2.7.A (B) Environmental Statement Appendix 2.7.A Transport Assessment Note [REP6-039] which provides a summary of the junction modelling scope, methodology and results. The Applicant's position remains unchanged from that reported for ISH3 AP20 within Application Document 9.135 Applicants Response to March Hearing (CAH2 and ISH3) Action Points [REP6-110] .
			KCC As confirmed in the ISH3 session, the modelled junctions were agreed between KCC and the applicant, as these represented the junctions where the level of cumulative impact was considered to be the greatest and most indicative. The modelling showed that the junctions are already expected to be over capacity in 2030 during peak hours, whether or not the proposed development goes ahead. Similar modelling for the Manston Airport DCO also showed the junction would be over capacity in 2039. Because the junctions are already congested, the additional construction traffic from the proposed development is not expected to lead to noticeable additional queuing or make conditions noticeably worse—especially since typical construction traffic will be around 46% lower than the busiest-day levels used in the modelling. To illustrate, the A299 Average Annual Daily Flow for 2024 was 23,965 vehicles, whereas Busiest Day development flows add 410 vehicle movements - a	This Applicant confirms this as the agreed position.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			1.7% increase. As the applicant discussed in ISH3, a full driver delay assessment would be a lengthy exercise and in our view, would add little to what we already know about where the focus for mitigation needs to be. Furthermore, the results in our view do not warrant specific concerns for highway safety.	
3TT5.	SCC KCC	<p>Significance of highway impacts</p> <p>Given all the information and assessment submitted to date from the applicant, as highway authorities would you consider that the highway impacts from the proposed development, both alone and in cumulatively with other projects, would be significant in any way? If so, explain how and why, along with any mitigation considered necessary to address significant impacts and how this could be secured.</p>	<p>SCC</p> <p>D7 response as insufficient resources or time to undertake assessment.</p> <hr/> <p>KCC</p> <p>The submitted junction capacity modelling demonstrates that the development impact is relatively small, in line with the findings of the previous assessment carried out in accordance with IEMA guidelines. As anticipated, there is a significant degree of cumulative impact, especially when factoring in the Manston Airport DCO site. However, we have taken the view that given the assessment is obliged to consider the worst-case scenario (peak development flows), assuming these factors align, and the relatively short period of potential overlap between the cumulative effects (approximately 4 weeks), that these impacts can be addressed and minimised through respective mitigation measures. Specifically, KCC have requested the following be attached to any DCO:</p> <ul style="list-style-type: none"> • A 30 HGV cap on Sundays and Bank Holidays, even with Highway Authority approval for the Bank Holidays. This would need to be given on a case-by-case basis, and not as a blanket approval for Bank Holiday working. • A full Travel Plan monitoring scheme with the Highway Authority, the costs of which to be borne by the applicant. • Restriction to LGVs using K-BM04 and K-BM05 - In relation to Minster village in particular, the concern would be for the interaction of potentially unwarranted HGV movements with pedestrians in a location where the footway network is historically constrained, noted as a material highway safety concern in a 2025 Planning Appeal (Ref. APP/Z2260/W/24/3351846) 	<p>The Applicant notes that a response will be provided by SCC at Deadline 7. Unfortunately, this will not provide the Applicant with sufficient time to respond prior to the end of Examination on 5 May 2026.</p> <hr/> <p>This Applicant confirms this as the agreed position with respect to the junction capacity modelling. A further meeting was held with KCC Highways on 31 March 2026 to review the measures (as listed by KCC) for inclusion within Application Document 7.5.1.2 (B) Outline Construction Traffic Management and Travel Plan – Kent [REP6-064] which was subsequently updated and submitted at Deadline 6 to reflect these discussions.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<ul style="list-style-type: none"> Provision of passing places on Ebbsfleet Lane North where required. The proposed Delivery Management System and Traffic Management and Monitoring System should also be responsive in real-time to network conditions, and adjust the movement of HGVs as required. 	
3TT6.	Applicant	<p>Monitoring of HGV numbers</p> <p>Outline Construction Traffic Management Plan (oCTMP) [REP5-064] section 7.7 explains the use of monitoring of HGVs by the Transport Co-Ordinator. For clarity, does this include tracking of HGV numbers using certain routes?</p> <p>If greater numbers of HGVs used particular road links and junctions than anticipated in the ES assessed worst-case scenario, what action would be taken and would it involve the County Councils as local highway authorities?</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3TT7.	KCC SCC	<p>Capping of HGV numbers</p> <p>If capping of construction vehicles were considered necessary, would this be for HGVs or all forms of construction traffic? If considered necessary, which road links and/or road junctions should such caps be applied to?</p> <p>Finally, if the Highway Authorities considered capping of construction traffic as necessary to be secured within the DCO, provide suggested drafting for a requirement which would require capping and also sets out the process if the vehicle numbers exceeded these caps.</p>	<p>KCC</p> <p>This would be for HGVs, as these can be more effectively managed than private car movements. The caps should apply to the A256 and A299. We note that although the applicant states that National Policy does not require this, a bank Holiday/Event scenario has not been tested (notwithstanding the difficulties in accurately modelling this), so it does seem prudent to make this provision and does not, in our view, present a particularly onerous impact to the project schedule, nor is it without precedent in the county.</p> <p>We have no suggested wording at present, we are seeking advice on this and revert as soon as possible.</p>	<p>The following daily HGV caps are included within Application Document 7.5.1.2 (B) Outline Construction Traffic Management and Travel Plan – Kent [REP6-064] where these caps are secured:</p> <ul style="list-style-type: none"> A daily cap of ten HGV movements on Marsh Farm Road, to minimise potential impacts of construction traffic through access point K-BM04. Construction traffic HGVs through Minster will also be controlled, such that construction HGVs will not pass each other (two-way) at the same time. A daily cap of ten HGV movements on Whitehouse Drove, to minimise potential impacts of construction traffic through access point K-BM05. Construction traffic HGVs along Richborough Road will also be controlled, such that construction HGVs will not pass each other (two-way) at the same time. A daily cap of ten HGV movements will be imposed on Ebbsfleet Lane North, to minimise potential impacts of construction traffic through access point K-AP-6 (K-BM06). <p>Further to the above, Application Document 7.5.1.2 (B) Outline Construction Traffic Management and Travel Plan – Kent [REP6-064] includes a commitment that no HGVs will arrive or depart site on Sundays or public holidays, other than for specified exception activities when required (as listed), when they will be limited to a maximum of 30 HGVs permitted per day on Sundays and public holidays.</p> <p>The Applicant does not consider any additional HGV caps to be necessary to those set out above, nor has the potential requirement to include additional HGV caps on the A259 or the A299 been</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				<p>previously discussed, including during the meeting held with KCC Highways on 31 March 2026.</p> <p>The Applicant can confirm that KCC Highways has now provided suggested wording for a requirement which would require capping and the process which should be followed if the vehicle numbers exceeded these caps, for consideration as part of the Detailed CTMTP secured under Requirement 6 of the DCO.</p>
			<p>SCC See ISH3 11</p>	<p>The Applicant acknowledges SCC's comments and a response to SCC's Response to ISH3 Action Points [REP6-184] is provided within Application Document 9.149 Applicant's Comments on Other Submissions Received at Deadline 6.</p>
			<p>Friston Parish Council & SASES FPC has made comments on HGV caps in relation to the B1121 through Friston at Sternfield in its responses to the ISH3 Action Points AP11.</p> <p>To confirm, FPC's response on ISH3 Action Point 11 as set out in their Deadline 6 written submission [REP-164] is as follows: <i>"At the very least and as indicated above there should be a cap on the B1121 through Friston and Sternfield not just in terms of numbers but also duration."</i></p>	<p>Fewer than 30 peak daily construction vehicles are expected along the B1121 Aldeburgh Road and B1121 Saxmundham Road through Friston as a result of access S-BM11 (including during the single busiest day of the programme), which will be limited to access to existing overhead line towers and pylon works. This route will otherwise not be used by HGVs associated with the Proposed Project. This commitment is included within Application Document 7.5.1.1 (E) Outline Construction Traffic Management and Travel Plan – Suffolk [REP6-062] and no additional caps are considered to be necessary.</p>
3TT8.	Applicant	<p>Core hours impacts on peak traffic numbers</p> <p>What would be the implications of more restrictive working hours on traffic level peak times, such as if core hours were restricted to Monday to Friday and then Saturday mornings?</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3TT9.	SCC ESC Saxmundham Town Council	<p>HGV cap for B1121 and B1119 junction</p> <p>Within the submitted CTMP [REP5-064] the applicant states that there would be daily cap of ten HGV movements imposed at the B1121 Main Road/ B1119 Church Street signalised junction within Saxmundham, to minimise potential impacts of construction traffic at this location (associated with works at S-BM12). Respond to this commitment and state whether this would overcome concerns with regards to traffic at this junction?</p>	<p>SCC</p> <p>Whilst a proposed cap of 10 HGV movements (per day?) is welcome without modelling of the junction to include interpeak hours the assessment of the impact of any construction traffic including light vehicles cannot be considered to be complete. Ideally the junction should be avoided by all construction vehicles as the SZC modelling that is available shows the junction to be over capacity in at least peak hours. Even small changes could have a disproportional impact.</p> <p>See also ISH3 AP 11.</p>	<p>As stated within and secured by Application Document 7.5.1.1 (E) Outline Construction Traffic Management and Travel Plan – Suffolk [REP6-062], there will be a <u>daily</u> cap of ten HGV movements at the B1121 Main Road/ B1119 Church Street signalised junction within Saxmundham, to minimise potential impacts of construction traffic at this location (associated with works at access S-BM12). The above equates to an average of one HGV movement through this junction per hour (including during the interpeak hours), on the basis that HGVs will travel within the 10-hour window between 8am and 6pm.</p> <p>In addition, there will be a maximum of 15 construction worker vehicle trips through this junction during the development (shoulder) peak hours of 7-8am and 6-7pm as shown by Application Document 6.3.2.7.H (B) Environmental Statement Preliminary Highway Impact Assessment [REP4-039]. There would not be expected to be any construction worker trips through this junction during the interpeak hours.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				In view of the above, it is not considered that any further modelling or assessment of the B1121 Main Road/ B1119 Church Street signalised junction within Saxmundham is necessary based on these small numbers of construction related vehicles..
			ESC ESC defers to SCC as Local Highway Authority.	This is acknowledged by the Applicant.
			Saxmundham Town Council Saxmundham Town Council considers a daily cap of 10 HGV movements at the traffic light controlled junction to be acceptable assuming that: <ul style="list-style-type: none"> As far as possible, the movements avoid peak traffic hours That the movements are evenly distributed during the working day That the Applicant instigates a monitoring system to ensure that movements are maintained at ten per day and: By exception that the Applicant has a system to advise the local authorities if, there is any reason that the limit of ten HGVs per day would be exceeded 	This is acknowledged by the Applicant. The HGV movements will be staggered throughout the day, and the daily cap equates to an average of one HGV movement through this junction per hour, based on a 10-hour window between 8am and 6pm. HGV movements will be monitored as stated within and secured by Application Document 7.5.1.1 (E) Outline Construction Traffic Management and Travel Plan – Suffolk [REP6-062] . The number of vehicles using junctions that are subject to caps in the oCTMTP will be recorded and monitored to ensure these caps are not exceeded.
3TT10.	Network Rail	Rail works process Typically, how long would it take for Network Rail to agree to applications for works like those suggested as possible at Benhall Railway Bridge? Is it possible that the request could be denied?	Network Rail No response provided	N/A
3TT11.	Applicant	Layout plan for Benhall Railway Bridge work options Provide an indicative layout of the proposed Benhall Railway Bridge works within order limits for Options 1 and 2, which should include the layout of a 'mini-bridge' and its base, works compounds, welfare areas and storage areas.	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

9. Air Quality

Table 9.1 Air Quality

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3AQ1.	Applicant	<p>Cost of SF₆-free assets</p> <p>Provide evidence to demonstrate the 60% uplift in cost of SF₆-free equipment compared with SF₆-containing assets referenced in your response to 2AQ1 [REP5-135].</p>	<p>Applicant</p> <p>Friston Parish Council & SASES</p> <p>During the EA2 and EA1N examinations, which took place over a nine month period in 2020 and 2021, it was indicated that National Grid would be moving to SF₆ free equipment. This is supported by an article (set out below) on National Grid's website dated 9th December 2021, almost 5 years ago.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has confirmed that the Friston Substation (Kiln Lane) will be SF₆ free. The Applicant can also confirm that they are in the process of replacing SF₆ throughout their business as alternatives become available in the commercial switchgear market; currently not all manufacturers have SF₆ free switchgear for AIS or GIS equipment.</p>
3AQ2.	SEAS ESC	<p>Model adjustment factors</p> <p>SEAS: In [RR-5210] and [REP2-121] SEAS made comments on the use of an adjustment factor of 3.79. In response, the applicant has explained why it considers this adjustment factor is appropriate. Does SEAS remain concerned regarding the adjustment factor and if so, can it explain what additional sensitivity testing or verification it considers to be necessary and why?</p> <p>ESC: May wish to comment.</p>	<p>SEAS</p> <p>ESC ESC has no comment.</p>	<p>The Applicant notes that no comment has been made by SEAS regarding this matter. The Applicant has no further comment.</p> <p>The Applicant has no further comment.</p>
3AQ3.	Applicant ESC TDC	<p>Modelling parameters</p> <p>Explain why there is a difference in approach to surface roughness parameters and NO_x to NO₂ conversion in the updated appendix B technical note [REP5-136] compared with the original modelling report [APP-186]?</p> <p>The ExA notes that surface roughness parameters have changed from 0.5 to 0.3 m and the updated technical note uses a NO_x to NO₂ conversion rate of 70%, whereas the original assessment applied the Defra calculator.</p> <p>ESC and TDC may wish to comment.</p>	<p>Applicant</p> <p>ESC ESC has no comment.</p> <p>TDC</p> <p>TDC is unable to comment on critical loads and deposition rates on ecological receptors which would be considered by NE. TDC is satisfied with the assessment and mitigation in relation to human health.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has no further comment.</p> <p>The Applicant has no further comment.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3AQ4.	ESC TDC Royal Society for the Protection of Birds (RSPB) NE	<p>Outline Air Quality Management Plan (oAQMP) and other air quality control measures (REAC and oCEMP)</p> <p>Comment on whether any further amendments to the oAQMP [REP5-074], [REP5-076] or other air quality controls are required and propose alternative drafting where relevant.</p>	<p>ESC</p> <p>At this stage, ESC has no suggested amendments to the Outline Air Quality Management Plan, nor any suggestions for other air quality controls.</p>	The Applicant has no further comment.
			<p>TDC</p> <p>TDC considers that no further amendments need to be made.</p>	The Applicant has no further comment.
			<p>RSPB</p> <p>We have no further comments on this matter.</p>	The Applicant has no further comment.
			<p>NE</p> <p>Natural England advises that the air quality related aspects arising from this DCO can be addressed using our new standard advice.</p> <p>We therefore direct you to our standing advice for air quality provided in Appendix B3, Annex 1 [REP3-117] of our Deadline 3 submission for further guidance on this.</p>	<p>The Applicant confirms that Natural England's standing advice for air quality has been considered, as set out in Application Document 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A [REP4-241]. The Back-Up Generator Emissions Assessment referred to in this document has since been updated, as set out in 9.123.1 (B) Applicant's Responses to Second Written Questions – Appendices [REP6-102].</p>

10. Noise and Vibration

Table 10.1 Noise and vibration

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3NV1.	Applicant	<p>Whitearch Park Residential Park Homes</p> <p>Respond to SCC comments [REP3A-031] that residential park homes represent a particularly vulnerable receptor due to likely lower acoustic insulation and therefore whether there remains potential for adverse effects on the residential park from works at Benhall Bridge.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3NV2.	ESC TDC	<p>Night time working controls for arrivals and departures from site</p> <p>The applicant's response to 2NV2 [REP5-135] suggests that day time controls in the REAC [REP5-115] or the outline Construction Noise and Vibration Management Plan (oCNVMP) [AS-131] [AS-133] are sufficient to control arrival/departure noise for 24 hour working. Notwithstanding the councils' position on working hours, are the councils satisfied that the proposed control measures would otherwise be sufficient to control night time noise? If not, suggest drafting for any other controls that might be required.</p>	<p>ESC</p> <p>Night time working would require prior approval through the application of a S61 Notice under the Control of Pollution Act 1974 (unless the works were undertaken in the case of an emergency). Under a Section 61 Notice, the details of arrivals and departures from site would be provided within the application for approval by the Local Authority.</p> <p>TDC</p> <p>Document 6.2.3.9 Part 3 Kent Chapter 9 Noise and Vibration [REPAS-111] The assessment indicates (at Night-time Construct on Noise section - 9.9.11 to 9.9.13) that there are no NSR within the construction noise study area for likely night-time construction works. Construction noise effects during likely night-time works are therefore not significant.</p>	<p>Noted</p> <p>Noted</p>
3NV3.	Applicant	<p>Friston substation – clarification regarding transformers</p> <p>Paragraph 1.2.1 of the Friston Substation and OHL Operational Noise Information (Informative) [AS-121] states "<i>There would be no sources of noise during the normal operation of the proposed Friston Substation because there are no transformers proposed, which are typically the only source of noise at such sites. There would, however, be a backup generator, and gas insulated switchgear (GIS).</i>"</p> <p>The design and layout plan figure DCO/S/DE/SS/1206 (GIS terminal option) [APP-037] includes a capacitive voltage transformer. Explain why this would not act as</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		a source of operational noise and, if necessary, update the noise and vibration chapter to reflect this potential source.		
3NV4.	Applicant ESC TDC	<p>oCEMP [REP5-068] measures NV04 and NV05</p> <p>Can the applicant include reference to the British standard methodology (or its successor) that would be followed in these measures and if not, why not?</p> <p>ESC and TDC may wish to comment.</p>	<p>Applicant</p> <p>ESC</p> <p>For both NV04 and NV05, BS5228 part 1 and 2 methodologies should be used. Best Practicable Means (BPM) under Section 72 of the Control of Pollution Act 1974 and British Standard will also need to be incorporated.</p> <p>TDC</p> <p>TDC supports the inclusion of BS5228 - 1:2009+A1:2014 noise and BS5228 - 1:2009+A2:2014 vibration.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>Reference to BS 5228 has been included in NV04 and NV05</p> <p>Reference to BS 5228 has been included in NV04 and NV05</p>
3NV5.	ESC TDC RSPB NE	<p>Outline Construction Noise and Vibration Management Plan and other noise control measures (REAC and oCEMP)</p> <p>Comment on whether any further amendments to the oCNVMP or other noise controls are required and propose alternative drafting where relevant.</p>	<p>ESC</p> <p>Construction noise limits must accord with BS5228 'ABC' methodology thresholds and vibration with the BS5228-2 relevant level. BPM should be committed to in order to reduce noise and vibration levels to the lowest reasonable level regardless of the construction limits. S.61 should be used for all works to demonstrate compliance with this and to allow regular review, input from ESC, and a means of ongoing regulation of the project using the industry standard procedure.</p> <p>TDC</p> <p>The noise controls and measures secured by REAC and the oCEMP provide a robust and comprehensive framework for controlling construction noise and no further amendments are considered necessary.</p> <p>RSPB</p> <p>We have welcomed the proposals to include acoustic fencing of a minimum of 3m high around the construction compound adjacent to RSPB North Warren and the Sandlings SPA and to carry out noise monitoring to inform any further mitigation required during construction. With regard outstanding concerns about noise, we have noted that it would be helpful for noise contour mapping to be supplemented by larger scale maps of the noise contours where they overlap designated sites, to aid identification of areas and species which may</p>	<p>Greater provision has been included in oCNVMP for the provision of construction noise and vibration assessments to East Suffolk Council, and a local authority led approach to Section 61 applications. Construction noise and vibration assessments will be undertaken in accordance with BS 5228.</p> <p>Noted. Additionally, greater provision has been included in oCNVMP for the provision of construction noise and vibration assessments to Thanet District Council, and a local authority led approach to Section 61 applications.</p> <p>Noted</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>potentially be impacted. This would help us to determine whether any additional noise control measures are needed to protect the Leiston-Aldeburgh SSSI or the Sandlings SPA. We understand that more detailed maps will be submitted by the Applicant at Deadline 6. We will therefore review any additional information and update our position accordingly via our SoCG with the Applicant.</p>	
			<p>NE</p> <p>Natural England notes the provision of REP5-124 (9.102 Operational Noise Contour Plan for Minister Converter Station), which provides evidence to show that noise levels are unlikely to be significant within the SSSI during operation. We also note that the B50 REAC commitment secures “Any activities relating to construction of the Minster Converter Station and Substation... to be above 60dB LAmax at the boundary of the SSSI, are to be undertaken outside of the breeding bird season (March to June).”</p> <p>Provided that an Ecological Clerk of Works (ECoW) is secured to check for breeding birds for any works above 60dB at the SSSI boundary that take place July through August, then Natural England has no further comments to make on noise controls.</p>	Noted

11. Socio-Economics, Recreation and Tourism

Table 11.1 Socio-economics, recreation and tourism

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3SERT1.	Applicant	<p>Skills and Employment Plan Respond to SCC's suggested DCO requirement for a Skills and Employment Plan, as set out in [REP5-204]. Provide alternative wording if you do not agree to this.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]. <u>Additionally, please also refer to section 9.4 Skills, Supply Chain and Employment Plan within Application Document 9.153 Applicant's Response to the ExA's Rule 17 Letter.</u></p>
			<p>SCC SCC has made slight alterations to the wording set out in [REP5-204] which is set out in SCC's schedule of proposed changes to the DCO submitted at Deadline 6 in response to AP 1 from ISH 3.</p>	<p>The Applicant has provided detailed response to SCC's comments within Application Document 9.153 Applicant's Response to the ExA's Rule 17 Letter (please refer to Ref 9.4).</p>
3SERT2.	<p>Applicant KCC SCC East Suffolk Council Thanet District Council Dover District Council</p>	<p>Tourism monitoring and contributions SCC [REP5-185] has stated that the applicant should commit to monitor effects on accommodation capacity and tourism in coordination with cumulative developments. SCC also suggests a proportionate contribution to foster tourism, similar to the fund created by Sizewell C, if further embedded mitigation is not feasible.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
		<p>Applicant: The ExA requires that the applicant commit within the DCO to monitoring of tourism impacts (including the availability of accommodation) through the construction and into the operational phases. Could this include a tourism fund, if the monitoring demonstrates significant tourism impacts? If this is not included, provide reasons why not.</p>	<p>KCC KCC has no comment on this issue.</p>	<p>No response required.</p>
		<p>All County and District Councils: The ExA require that the Councils work together to provide wording for a requirement for the applicant to monitor the effects of the proposed development on tourism and accommodation, with adaptive management/mitigation if required.</p>	<p>SCC SCC has worked with ESC and drafted wording which is set out in SCC's schedule of proposed changes to the DCO submitted at Deadline 6. However, collaboration with the other authorities and confirmation of agreement of wording has not been possible for Deadline 6. SCC will seek to engage with the other Councils to reach agreement for Deadline 7 and provide any amended wording as appropriate.</p>	<p>This comment is noted.</p>
			<p>ESC Due to time constraints, ESC and SCC have not yet managed to agree Requirement wording for Deadline 6. However, ESC and SCC met with the Applicant on 1st April to discuss the Applicant's REAC Commitment SE05 [REP5-115].</p>	<p>The Applicant has provided detailed response to ESC's comments within Application Document 9.153 Applicant's Response to the ExA's Rule 17 Letter (please refer to Ref 9.2).</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>At the meeting, all parties agreed that there is value in a collaborative approach to monitoring the potential tourism impacts of the proposed project and discussed how this could work in practice. The Applicant agreed to review its REAC Commitment SE05 and submit the revised document by Deadline 6. ESC will review and comment on the revised commitment at Deadline 7.</p> <p>In addition, the mechanism by which the Applicant might work with both the Councils and tourism stakeholders was explored, and the Applicant agreed to consider the proposals and commitment described within ISH3 Post Hearing Action Points document.</p> <p>The Councils ask that the Applicant commits to the following principles:</p> <ol style="list-style-type: none"> 1. To work with local tourism stakeholders through the Applicant's active involvement and representation at established tourism working groups. The Councils would establish a dedicated sub-group to facilitate local stakeholder engagement and enable a structured approach to appropriate tourism related monitoring requirements, mitigation and adaptive management activities associated with the proposed project. 2. To jointly develop and agree terms of reference for the sub-group, ensuring that the purpose and scope of the sub-group is clear, and to meet regularly, at a mutually agreed frequency, throughout the calendar year. 3. To meet either in person or remotely, depending on the practicalities of doing so, to ensure the effective participation of all stakeholders at the sub-group meetings. 4. To jointly agree and establish appropriate mechanisms for collecting, analysing, and acting on data that is appropriate and supportive of the tourism sector. 5. To recognise that it is only through the establishment of effective feedback loops that all stakeholders, including the Applicant, can identify any potential opportunities and issues affecting the tourism sector and to plan accordingly. <p>The focus would be on tourism accommodation monitoring, but monitoring objectives may also be expanded to other thematic areas such as non-home-based (NHB) worker spend data, provided it</p>	

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>is mutually beneficial and agreed by all parties. This approach would be maintained during the construction period and considered for continuation into the operational period if appropriate and agreed by all parties.</p> <p>TDC TDC is keen to work alongside the other Council's to provide wording for a requirement within the DCO in relation to the monitoring and possible adaptive management of tourism impacts. However, due to the timeframe between the ISH3 and Deadline 6 it has not been possible to undertake this Action Point for this submission.</p> <p>DDC The Council will defer comments to SCC, East Suffolk Council (ESC) and Thanet District Council (TDC) on this matter.</p>	<p>This comment is noted.</p> <p>This comment is noted.</p>
3SERT3.	Applicant ESC SCC	<p>Permissive Paths Within the REAC [REP5-115] the applicant has stated under LV13 that it would consider opportunities to provide permissive access across the Saxmundham Converter Station site and establishing an attractive amenity value for users of the permanent PRoW diversions.</p> <p>Applicant: Provide a plan of the potential permissive paths. Furthermore, explain why a permissive path rather than a public right of way is proposed.</p> <p>SCC and ESC: Comment on the use of permissive paths as opposed to public rights of way, in terms of value for users and functionality for example.</p>	<p>Applicant</p> <p>ESC Whilst ESC defers to SCC as the Local Highway Authority, ESC provides the following comment. Permissive paths are often used to provide links between public rights of way or other highways when the landowner has no intention to dedicate it as a public right of way/highway. A formal agreement for the provision of a permissive path between a landowner and a local authority can be made – often referred to as a 'licensed' path – the agreement/licence might provide for the path to remain available to the public for a stated period but cannot be entirely relied upon as permanent public access. Permissive paths are not generally subjected to rights of way law and are not expected to be provided to the same condition or standard as a public right of way (unless agreed otherwise as part of a 'licensed' path agreement). An exception is the power of a highway authority to require overhanging vegetation to be cut back. This applies to 'any road or footpath to which the public has access' (Highways Act 1980 s154). The user will also be owed a duty of care via Occupiers' Liability Acts 1957 & 1984.</p> <p>In contrast, public rights of way provide permanent public access unless a public path order is made and confirmed to divert or extinguish the way.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has set out commitment wording in the updated version of Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134]. This is in the form of measure GG43 which secures delivery and maintenance of the 1.2 km permissive path and limits the circumstances under which the permissive path could be closed. It is the Applicant's view that this would deliver a footpath of substantial equivalence to a PRoW.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>PRoW are subjected to rights of way law, and the highway authority have a duty to serve and protect the network. Owners of the land over which a PRoW crosses also have a duty to ensure the path remains available and safe to use at all times – this also includes a duty to inform the Highway Authority of any proposed works on or adjacent to a PRoW.</p>	
			<p>SCC</p> <p>A Public Right of Way (PROW) is a legally protected route across private land that the public has a permanent right to use, whereas a permissive path is a route where the landowner voluntarily grants access, which can be withdrawn at any time. A PROW is also signed/waymarked and is maintained by local highway authority rights of way.</p> <p>Whilst permissive access across the converter site is welcomed, it would be preferred if the routes can be secured for future generations for recreation, tourism, wellbeing and for alternative access for visitors and employees as a non-motorised route.</p> <p>The route needs to be available for use by the public for the life of the site, be clearly signed and waymarked, and link to existing highway/PROWs. Therefore, SCC PROW would require these permissive routes to be included in the PROWMP, to be in place for the life of the application and to meet local highway authority specifications for signing and surfacing. The surfacing should be fit for public use, ensuring paths remain open and unobstructed. The surfacing should be suitable for the user types including pedestrians and mobility scooters. Any gates should be accessibility friendly, and fencing should be set back at least 0.5m and hedges and trees set back 2m.</p> <p>SCC PROW still considers the route to the south of the B1119 to be provided as a PROW, to take pedestrians etc off of the carriageway and to provide an alternate route away from the converter station that will be better screened by vegetation. If this offsetting cannot be secured the applicant and is agreed by both parties, then a financial contribution can be agreed for local mitigation which could include the provision of new connecting routes and associated works.</p> <p>Due to the presence of Lionlink, we expect the applicant and Lionlink to work in a co-ordinated way to provide meaningful permissive routes to link communities and employees. Opportunities should</p>	<p>The Applicant has set out commitment wording in the updated version of Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134]. This is in the form of measure GG43 which secures delivery and maintenance of the 1.2 km permissive path and limits the circumstances under which the permissive path could be closed. It also commits to signposting and would be maintained at the expense of the applicant rather than the local highway authority. It is the Applicant's view that this would deliver a footpath of substantial equivalence to a PRoW. The applicant is currently considering SCC's additional requests with respect to this permissive path.</p> <p>The Applicant will continue to liaise with LionLink as both projects develop further to ensure opportunities to create meaningful permissive path routes within the shared Saxmundham site are secured.</p> <p>The Applicant does not agree that there would be significant effects on users of Aldeburgh footpath 006. Works in this location are limited to the trenchless installation of cables, with only spotters requiring access during the installation process. There will be no closures or diversions required, and works will be temporary in nature. As such the Applicant does not consider proposals to resurface the PRoW to be required mitigation or offsetting. The Applicant is happy, however, to continue engaging with SCC and RSPB, to investigate ways in which the resurfacing can be delivered.</p> <p>The Applicant has committed to working with SPR to coordinate any temporary PRoW diversions. However, as PRoW E-354/006/0 jhas already been permanently diverted by SPR, the need for temporary diversions for the Suffolk Onshore Scheme to be coordinated with SPR is very limited. As such it is not clear what other mitigation is necessary.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>be sought for making permissive routes PROW should be sought with Lionlink.</p> <p>Aldeburgh footpath 006 is recognised that there will be significant impact during construction and use due to cumulative effects. No mitigation has been confirmed at this stage. This is part of the Suffolk Coast Path, an important regional/national trail and walkers will have to contend with the landfall site at one end – noise, traffic, visual intrusion and loss of tranquillity, in what is a very tranquil and beautiful area. Suggested mitigation for Adleburgh footpath 006 is: Re-surfacing of FP6 from Sluice cottage at the beach to the old railway line with some minor/suitable vegetation clearance to be agreed with the local highway authority or a financial contribution can be agreed for this work to be undertaken.</p> <p>APP-059 A6.2 acknowledges that there will be significant impact during construction and use due to cumulative effects. The applicant has stated that the developing PROW management plan will include measures to ensure adequate co-ordination. This approach is welcomed, however, no mitigation has been identified for the scenario that coordinated closures cannot occur due to different work programmes by SPR or EAN1 for example. No mitigation has been confirmed at this stage.</p>	
3SERT4.	Applicant	<p>Community Benefit</p> <p>Thanet District Council [REP5-186] have requested that the applicant engage with the Council and the local community to identify appropriate projects and secure community funds. Provide a response to this request.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3SERT5.	Applicant	<p>A Supply Chain Plan</p> <p>East Suffolk Council [REP5-184] has requested submission of a Supply Chain Plan that helps local businesses identify opportunities for gaining contracts within the supply chain during the construction, operation, and decommissioning phases of the Suffolk Onshore Scheme.</p> <p>Provide a Supply Chain Plan or explain why one is not required.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

12. Health and Wellbeing

Table 12.1 Health and wellbeing

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3HW1.	Great Oaks Small School	<p>Great Oaks Small School</p> <p>Considering the commitments and responses made by the applicant up to DL5, does the school have any remaining concerns from a health and wellbeing perspective? If so, explain how these concerns could be suitably addressed.</p>		No response required.
3HW2.	Ebbsfleet House and Martins - High Quality Lifestyles Limited (Priory Group)	<p>Ebbsfleet House and Martins - High Quality Lifestyles Limited (Priory Group)</p> <p>Considering the commitments and responses made by the applicant up to DL5, do you have any remaining concerns from a health and wellbeing perspective? If so, explain how these concerns could be suitably addressed.</p>		No response required.
3HW3.	Applicant	<p>Mental Health and Wellbeing Monitoring Plan</p> <p>SCC [REP5-178] considers that the applicant should develop and implement a proportionate but robust Mental Health and Wellbeing Monitoring Plan for the duration of the proposed development (construction and early operation), with clear reporting routes and defined review points. The ExA requires the applicant to commit to such a monitoring plan. If the applicant does not agree to this, explain in detail why.</p>	<p>Applicant</p> <p>SCC SCC welcomes the ExA position regarding the development of a proportionate but robust Mental Health and Wellbeing Monitoring Plan for the duration of the proposed development. SCC would be willing to work with the applicant on the development of the monitoring plan</p> <p>TDC TDC welcomes and supports the provision of Mental Health and Wellbeing Monitoring Plan.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant notes this submission from SCC. The Applicant has provided a full response within Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111] (see 3HW3).</p> <p>The Applicant notes this submission from TDC. The Applicant has provided a full response within Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111] (see 3HW3).</p>
3HW4.	Applicant	<p>Order limit change – health and wellbeing impacts</p> <p>SCC [REP5-178] stated that the extension of the Order Limits materially changes receptor proximity, bringing construction activities closer to residential properties that were not previously assessed within the ES. SCC</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		requests that a proportionate and comprehensive approach would be to formally review the relevant ES chapters. Respond to these points made by the SCC in detail, including how such changes to impacts have been considered.		

13. Onshore Cumulative Effects (Intra-Project)

Table 13.1 Onshore Cumulative effects (intra-project)

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3CEIntra1.	Applicant	<p>Application of the Mitigation Hierarchy</p> <p>Does the applicant agree that they should deliver and secure the mitigations outlined in the deadline 5 submissions by the Councils, in order to have met the requirements of the mitigation hierarchy?</p> <p>Clearly set out your case for each individual mitigation requested including your reasoning if it is not deemed necessary.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3CEIntra2.	Applicant, All Councils	<p>REAC commitment (GG40) to review / mitigate significant intra-project cumulative effects</p> <p>Do you agree with the proposed wording for REAC commitment GG40 offered by SCC in answering ExA question 2CEIntra2 in [REP5-204]?</p> <p>In responding clearly explain your reasoning for your position and provide/justify any changes to the wording.</p>	<p>Applicant</p> <p>ESC</p> <p>In response to ExQ1 Question 1CEIntra2, ESC requested that the Applicant commit, via a REAC measure, to reviewing what specific mitigation measures are practicable and could mitigate the identified intra-project cumulative effects for which "no mitigation has been confirmed at this stage". ESC advised in response to ExQ2 Question 2CEIntra2 that it was satisfied that the additional REAC commitment GG40 addressed its previous request. ESC understands that SCC's proposed amendments to REAC commitment GG40 provided in its response to ExQ2 Question 2CEIntra2 [REP5-204] would require the Applicant to consider offsetting measures if no additional mitigation measures are found to be appropriate. ESC supports this proposal. ESC also welcomes SCC's suggestion in sub-paragraph (d) for any mitigation/offsetting measures to be agreed with the local authority with a timetable for their implementation. ESC therefore supports SCC's proposed wording for REAC commitment GG40.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The wording as proposed by SCC has been agreed and added to Measure GG40 in the revised REAC.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>DDC The Council has reviewed the wording put forward by SCC and agrees that if the project is to genuinely re-evaluate cumulative effects once the detailed design and further information is available, the appropriate wording of the REAC commitment should secure the implementation of the mitigation (following the mitigation hierarchy) that may be identified. By including reference for this to be agreed with the relevant local authorities, this gives appropriate oversight and enables the development to be monitored to ensure this is put in place.</p>	The wording as proposed by SCC has been agreed and added to Measure GG40 in the revised REAC.
			<p>TDC TDC agrees with the wording set out by SCC. This provides a reasonable precautionary approach which allows the Applicant to confirm assumptions in the ES with regard to intra-project cumulative effects and provide additional mitigation where necessary following the mitigation hierarchy.</p>	The wording as proposed by SCC has been agreed and added to Measure GG40 in the revised REAC.
3CEIntra3.	Applicant	<p>Construction Core Working Hours Does the applicant accept the proposed core working hours suggested by SCC in order to protect public health in responding to ExA question 2CEIntra2 in [REP5-204]?</p>	<p>Applicant</p>	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
			<p>TDC TDC supports the proposed core working hours suggested by SCC.</p>	Noted

15. Marine Physical Environment

Table 15.1 Marine physical environment

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3PE1.	MMO	<p>Designated dredge disposal area</p> <p>Provide suggested dDML wording to secure a defined dredge disposal area.</p>	<p>MMO</p> <p>The MMO notes that Condition 8 (4) of the dDML states:</p> <p><i>(4) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the landfall installation or seabed preparation works is disposed of within the disposal site reference(s) to be provided by the MMO within the extent of the Order limits seaward of MHWS.</i></p> <p>The MMO has been working with the Applicant and our advisors at the Centre for Environment, Fisheries, and Aquaculture Science (Cefas) with the aim to designate the disposal site within the order limits. For the reasons given in Section 2.2 below, the MMO requires additional information. However, the MMO is content that designating the site can be done post consent and prior to commencement of the activities if required as has been done with other developments.</p> <p>The MMO also notes that in order to satisfy Condition 8 (5) which is for OSPAR reporting, a designated site will be required. The MMO will continue to work with the Applicant outside of the examination process to designate the site. Should the outstanding issues in Section 2.2 be resolved and the site designated prior to the end of examination, the MMO will provide the reference.</p>	This is noted by the Applicant.
3PE2.	NE Applicant	<p>Cross Ledge, Goodwin Sands and Aldeburgh Napes</p> <p>NE has highlighted a number of concerns regarding impacts on sand banks including Cross Ledge, Goodwin Sands and Aldeburgh Napes [REP5-217]. Explain whether the updated Marine Chapter 1 [REP5-019]</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		addresses NE's concerns or detail the necessary information required to be supplied by the applicant. The ExA suggests that a further meeting may help to agree the necessary information requirements, where they remain outstanding. The applicant may wish to comment.	<p>NE</p> <p>Natural England's concerns remain regarding impacts on these sandbank features, noting their importance for either protection of the coast and/or nature conservation.</p> <p>No new information has been presented on Aldeburgh Napes since we provided our previous advice at Deadline 5.</p> <p>With regards to Goodwin Sands MCZ and Cross Ledge Sandbank, we signpost to our latest advice in Appendix D6 which reiterates our concerns regarding the potential for morphological and sedimentary change due to the presence of cable protection in the vicinity of Cross Ledge and the MCZ. We advise that the Applicant may be able to resolve this issue by increasing understanding of the potential impacts, through analysis of their available evidence to assess the following:</p> <ul style="list-style-type: none"> • Geomorphology (including bedform characterisation, migration direction and rate) • Metocean conditions, sediment transport processes, and effects of climate change. • Morphodynamics prior to installation, during operation • Scour potential due to presence of cable protection. <p>Natural England welcomes the opportunity to discuss further information/assessment options with the Applicant, which is to happen on 14th April 2026.</p>	<p>The Applicant confirms that additional requested information has been included at Deadline 6 following Natural England's Deadline 5 submissions.</p> <p>The Applicant confirms that to provide additional confidence to Natural England with regards to cable burial across the Offshore Scheme and assessments of Goodwin Sands, additional commitments have been included in the REAC, Offshore CEMP and Outline CSIP at Deadline 7.</p>
3PE3.	Applicant	<p>Coralline Crag mapping</p> <p>Provide more detailed/higher resolution mapping/chart information to enable greater resolution of the proposed HDD exit locations.</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>
3PE4.	ESC, TDC, EA, MMO	<p>Outline Offshore CEMP [REP5-066] provision MPE06</p> <p>Confirm whether the beach profile and erosion rates monitoring provision in MPE06 should be subject to the caveat 'where rock bags are planned to be placed' and if not, suggest alternative wording.</p>	<p>ESC</p> <p>ESC strongly objects to the inclusion of the caveat '<i>where rocks are planned to be placed</i>' in provision MPE06, and considers that the monitoring provision should extend over the whole nearshore and foreshore.</p> <p>ESC suggests the following wording for provision MPE06:</p> <p><i>"Over the operational lifetime of the Proposed project, monitoring of the beach profile and erosion rates across the nearshore and foreshore is to be carried out at the Suffolk and Kent landfall site."</i></p>	<p>The Applicant confirms that MPE06 has been updated at Deadline 7 to mirror the commitments in the In-Principle Monitoring Plan which as submitted at Deadline 6 and updated for Deadline 7 is in line with the monitoring conditions added to the dDML.</p> <p><i>Over the operational lifetime of the Proposed Project, monitoring of the beach profile and erosion rates will be carried out at both the Suffolk and Kent landfall sites in relation to the HDD construction areas associated with the exit pits. The frequency and scope of these surveys would be dependent on the pre-construction surveys and 'as-built' status of the Offshore Scheme and presented within the final Monitoring Plan secured as a Condition within the dML.</i></p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>where rock bags are planned to be placed at the Horizontal Directional Drilling (HDD) exit pits. Systematic topographic surveys must be carried out on the 'dry' portion of the landfall route, and bathymetric surveys over the 'wet' portion, as part of a post-construction monitoring programme. Subsequent change analysis must be conducted and reported on, with the changes compared to a) the baseline survey and b) the previous survey. The depth of cable burial relative to the surveyed surface levels should be stated. Surveys where rock bags are planned to be placed at the Horizontal Directional Drilling (HDD) exit pits are required to check that scour volumes are as predicted by sediment modelling."</i></p> <p>TDC TDC states that placing artificial coastal management structures on the foreshore can have effects on sediment transport across the bay and therefore impact a wider area than the local site where rock bags are placed. Where such structures are built on the foreshore it is typical that a sediment transport model is produced to establish the impact of the structures, albeit temporary in this case. This is often undertaken as part of a Water Framework Directive Assessment which also identifies impacts on bathing water quality. Monitoring should be undertaken over the whole of Pegwell Bay.</p> <p>EA</p> <p>MMO The MMO is aware that Natural England originally raised this in their response to MPE06 in REP5-020 and that the MMO has had no involvement in the discussion around this. The MMO therefore defers to other bodies, including Natural England on this issue.</p>	<p>An additional commitment regarding HDD depths in Suffolk has also been included within the updated REAC at Deadline 7.</p> <p>The Applicant confirms that MPE06 has been updated at Deadline 7 to mirror the commitments in the In-Principle Monitoring Plan which as submitted at Deadline 6 and updated for Deadline 7 is in line with the monitoring conditions added to the dDML.</p> <p><i>Over the operational lifetime of the Proposed Project, monitoring of the beach profile and erosion rates will be carried out at both the Suffolk and Kent landfall sites in relation to the HDD construction areas associated with the exit pits. The frequency and scope of these surveys would be dependent on the pre-construction surveys and 'as-built' status of the Offshore Scheme and presented within the final Monitoring Plan secured as a Condition within the dML.</i></p> <p>Targeted monitoring of the River Stour has also been included as a Requirement of the DCO in agreement with the Environment Agency. Artificial coastal management structures are not proposed as part of the Proposed Project; any use of rock is for the protection of the cable and not for coastal management.</p> <p>No response received.</p> <p>The Applicant confirms that MPE06 has been updated at Deadline 7 following a call with Natural England to mirror the commitments in the In-Principle Monitoring Plan which as submitted at Deadline 6 and updated for Deadline 7 is in line with the monitoring conditions added to the dDML.</p>
3PE5.	Applicant	Cable burial risk assessment (CBRA) and REAC consistency	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		NE [REP5-217] noted that commitment MPE07 to avoid installation of cables at the Coralline Crag without pre-cut trenches is not reflected in the CBRA [PDA-039], which states that in competent bedrock (Coralline Crag, Chalk, and flint beds) subcrops or outcrops, the preferred method of protection is by mechanical trenching. Update the CBRA to ensure consistency with the REAC, and any other relevant control documentation, or provide robust justification for the alternative approach.		111]
3PE6.	TDC, EA, NE, MMO	<p>Outline Offshore CEMP [REP5-066] provision MPE09</p> <p>Should the need for further monitoring after five years in MPE09 be subject to agreement with relevant stakeholders?</p>	<p>Applicant</p> <p>TDC Yes, access to TDC land to undertake monitoring after five years would be subject to TDC land use licensing, which will consult with relevant council departments.</p> <p>EA</p> <p>NE Natural England advises that the need for further monitoring should be determined by an appropriate regulatory body, with advice from relevant statutory bodies. This should be secured through appropriate monitoring conditions.</p> <p>MMO The MMO agrees that monitoring post year 5 may be necessary and that consultation with the MMO and SNCB will be required to determine the need and scope of the monitoring. The MMO requests that this is included as a condition within the DML and not the REACC for the reasons given in its answer to 2BE9 as part of ExQ2 in its Deadline 5 response [REP5-175].</p> <p>National Trust We would also like to comment on a question posed to other parties, notably question 3PE6, relating to the Marine and Physical Environment and the requirement for further monitoring after five years under MPE09, to be subject to agreement with relevant stakeholders. We support the intention of this approach; however, there remains uncertainty as to how and when such agreement will be</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has included a Requirement in the DCO at Deadline 6 alongside the In-Principle Monitoring Plan.</p> <p>No response received.</p> <p>Appropriate Monitoring Conditions have been included into the dDML at Deadline 7. The MMO being the appropriate regulatory body.</p> <p>Appropriate Monitoring Conditions have been included into the dDML at Deadline 7 with the MMO being the appropriate regulatory body.</p> <p>Monitoring of the River Stour is currently secured as a Requirement to the DCO.</p> <p>Appropriate Monitoring Conditions have been included into the dDML at Deadline 7 with the MMO being the appropriate regulatory body.</p> <p>Monitoring of the River Stour is currently secured as a Requirement to the DCO.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			secured and implemented. We therefore request that REP5-066 is updated to reflect this commitment and the process for agreeing any further monitoring with relevant stakeholders.	An In Principle Monitoring Plan was also submitted at Deadline 6 and updated for Deadline 7.

16. Benthic Ecology

Table 16.1 Benthic ecology

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3BE1.	Applicant	<p>Monitoring programmes NPS EN-3 states the following: “Applicants must develop an ecological monitoring programme to monitor impacts during the pre-construction, construction and operational phases to identify the actual impacts caused by the project and compare them to what was predicted in the EIA/HRA” (paragraph 2.8.193).</p> <p>Set out in detail how the applicant considers it has complied with this policy with regards to the offshore proposed development. The applicant’s response should include all relevant topic areas in addition to benthic ecology.</p>	Applicant	A response is provided in Application Document 9.136 Applicant’s Responses to Third Written Questions [REP6-111]
3BE2.	MMO Natural England Applicant	<p>Benthic surveys Within the outline Cable Specification and Installation Plan (oCSIP) [REP5-117] under section 3.2 it states that the applicant would undertake pre-construction surveys. For benthic ecology it suggests the use of drop down video or remotely operated vehicle.</p> <p>MMO and NE: Are these suitable forms of potential pre-construction benthic surveys? Should pre-construction benthic surveys be secured with a condition within the DML? If so, how should this be worded and would the details of the survey need to be agreed prior to the undertaking of these surveys?</p> <p>Applicant: The oCSIP only suggests what pre-installation surveys may be included. The</p>	<p>Applicant</p> <p>MMO The MMO defers to Natural England over the suitability of the proposed monitoring. However, the MMO agrees that the pre-construction benthic surveys should be secured within the DML. However, the MMO will not provide wording on this for the DML as it is the Applicants responsibility to draft the dDCO/dDML and then for the MMO or other bodies to discuss the suitability of the conditions. The MMO suggests that the Applicant review the conditions within the East Anglia Two offshore Windfarm.</p>	<p>A response is provided in Application Document 9.136 Applicant’s Responses to Third Written Questions [REP6-111]</p> <p>Pre-Construction Surveys and Monitoring have been secured in the dDML at Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		ExA requests that the applicant set out how pre-installation benthic surveys are secured.	<p>NE</p> <p>Within Natural England's previous Benthic responses ([REP3A-027], [REP5-218]) we have requested benthic monitoring conditions. Our position has not changed.</p>	Pre-Construction Surveys and Monitoring have been secured in the dDML at Deadline 7.
3BE3.	MMO Natural England	<p>Final cable route condition</p> <p>If the final route of the offshore cable (including micro-siting) should be agreed prior to installation (informed by a pre-installation survey) then how should this be secured? If it is considered that a condition within the DML is most suitable, provide wording for this.</p>	<p>MMO</p> <p>The MMO agrees that this should be agreed prior to construction.</p> <p>The MMO's preferred option is for a micro-siting report to be submitted pre-construction and used to inform the final micro-sited route. The final route will require approval from the MMO (in consultation with relevant bodies it deems appropriate) prior to construction commencing.</p> <p>The MMO therefore proposes the following wording: <i>"The licensed activities or any part of those activities must not commence until details of the final cable route, including coordinates, have been submitted to and approved in writing by the MMO"</i>.</p> <p>NE</p> <p>Natural England advises that the final cable route should be approved and this approval should be secured through condition. We also note that micro siting should be discussed and agreed prior to the submission of the final cable route. A micro siting report should be conditioned, and this report should be informed by pre-construction monitoring which we have previously advised should be included and secured through appropriate condition.</p> <p>Furthermore, in areas where micro-siting cannot be achieved post construction monitoring of impacted features of conservation importance should be required and secured through condition. Should the developer successfully micro site around all features the post construction monitoring could be signed off as not required. We would refer to monitoring conditions secured within the East Anglia 2 OWF DCO as good examples of condition wording that could be adapted to use by Sea Link.</p>	<p>The Applicant confirms that the requested text has been included into the dDML at Deadline 7.</p> <p>The Applicant confirms that the requested text has been included into the dDML at Deadline 7.</p>
3BE4.	Applicant	<p>Post-installation surveys</p> <p>Would the Benthic Mitigation Plans referred to within the oCEMP [REP5-066] and the subsequent In-Principle Monitoring Plan (IPMP) (BE05 and BE06) necessitate post-construction surveys? If these surveys and</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		monitoring showed impacts greater than anticipated should adaptive management be necessary and how would this be secured and agreed by the MMO?		
3BE5.	MMO NE	<p>Benthic Mitigation Plans and monitoring conditions</p> <p>Should the Benthic Mitigation Plans referred to within the oCEMP [REP5-066] and the subsequent IPMP (BE05 and BE06 of the REAC [REP5-115]) be secured as a condition within the DML? If so, provide wording for the condition.</p> <p>Furthermore, should there be an agreement with MMO or NE as to whether a Benthic Mitigation Plan and associated IPMP is necessary, based on pre-installation surveys and the proposed final cable route? If so, incorporate this into your suggested wording.</p>	<p>MMO</p> <p>The MMO agrees that both should be conditioned within the DML as the MMO made previous comments in DL5 [REP5-175] regarding hindrances with our regulatory function with regards to measures outlined in the REAC.</p> <p>The MMO notes that following a meeting with the Applicant on 09 April 2026 and subsequent emails following this, that the provision of an IPMP is now included under Condition 4 (i).</p> <p>NE</p> <p>Please see Natural England's advice provided in Appendix E6 to our Deadline 6 submission where we highlight the limitations of the Applicants mitigation commitments.</p> <p>Natural England has discussed with the MMO and agreed that both plans should be secured through condition. We would defer to the MMO on wording.</p>	<p>The Applicant confirms that the requested Condition has been included into the dDML at Deadline 7.</p> <p>The Applicant confirms that the requested Condition has been included into the dDML at Deadline 7.</p>
3BE6.	Applicant	<p>Thanet Coast MCZ</p> <p>NE [REP5-218] have stated that there has been no evidence that rock placed 0.5m below the seabed would remain buried over the lifetime of the project and is unlikely to impact on Thanet Coast MCZ. Provide evidence to support the applicant's conclusions.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3BE7.	Natural England MMO	<p>Cable protection removal</p> <p>In the applicant's response to ExA question 2BE7 [REP5-135] in relation to the removal of cable protection at decommissioning stage, the applicant states that removability of cable protection can be a factor in the final choice of cable protection used for the proposed development in some cases, although engineering and other sea users will also be a key factor in cable protection decisions. For example, the applicant states that to protect cable integrity at cable crossings, cable protection may not be removed at these locations. With the applicant committed to having removability of cable protection as a factor at decommissioning, is this a satisfactory approach?</p>	<p>NE</p> <p>Natural England agrees with the Applicant that it is standard practice to not remove cable protection at cable crossings and therefore we have no issue with this approach being adopted for this project.</p> <p>At non-cable crossing locations Natural England notes that our advice in relation to OSPAR requirements provided at E5.20 in [REP5 -218] on the Applicant's 9.93 (A) Offshore Decommissioning Technical Note [REP4-091] has not been committed to. We note that in the Cable Specification and Installation Plan [REP118] Section 5.1.6 that removability will be considered. However, we advise that this should be done prior to the placement of cable protection to ensure that removability is not only possible from an engineering perspective, but also from an ecological perspective such that further impacts to designated site features and project</p>	<p>The Applicant confirms that the Outline Cable Specification and Installation Plan has been updated to include the following:</p> <p><i>The Applicant will factor in the removability of cable protection when identifying the external cable protection for the Proposed Project dependent on its use. The Applicant will ensure it uses all available best practice guidance for cable decommissioning in its decision making prior to construction and at the time of decommissioning.</i></p> <p>It is impossible to fully understand the implications of removing external cable protection from the seabed in 40-60 years. The offshore environment is dynamic and ever changing. This is why the Applicant is committed to factoring it into decision making at the construction stage, and using the best practice measures at the time of decommissioning to inform decisions on whether removing the protection is in fact the most environmentally friendly option.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			habitats can be avoided. This should be secured in a named plan.	
			<p>MMO</p> <p>The MMO considers this approach as satisfactory. However, we also note our previous comments in DL5 [REP5-175] regarding decisions taken now for the decommissioning phase:</p> <p><i>“With regards to decommissioning, the MMO cannot provide a response on this as it is dealing with a hypothetical activity 50 plus years in advance with too many uncertainties”.</i></p>	This is noted by the Applicant.
3BE8.	Natural England MMO	<p>Drill fluid management</p> <p>Within the offshore CEMP [REP5-066] the applicant has included details of drilling fluid management. From a benthic ecology perspective, does this address any concerns about potential drill fluid impacts to benthic ecology?</p>	<p>NE</p> <p>Please see Natural England’s advice provided in Appendix E6 to our Deadline 6 submission where we set out the limitations of what has been included.</p> <p>MMO</p> <p>The MMO has been in discussions with the Applicant regarding Chemicals, Drilling and Debris and the inclusion of additional and updated conditions in the DML.</p> <p>The wording for these conditions are provided in Section 2.1 below. The MMO has passed this wording onto the Applicant outside of the Examination process and we understand that they are happy to update the DML to reflect these updates.</p> <p>The MMO defers to Natural England for consideration on impacts from fluids on benthic ecology.</p>	<p>The Applicant has responded separately on this point within Application Document 9.149 Applicant’s Comments on Other Submissions Received at Deadline 6.</p> <p>The Applicant confirms that the requested updates have been submitted at Deadline 6.</p>
3BE9.	Natural England	<p>Jack-Up vessels</p> <p>The applicant [REP5-135] has stated that there may be some faunal mortality due to the use of grounded or jack-up vessels during construction, but this is anticipated to be limited. Provide a response to these points and whether NE agrees with the conclusions on this issue.</p>	<p>NE</p> <p>Please see Natural England’s advice provided in Appendix E6 to our Deadline 6 submission where we have highlighted concerns in relation to the use of JUV within designated sites.</p>	This is noted by the Applicant. Please see further responses within Application Document 9.149 Applicant’s Comments on Other Submissions Received at Deadline 6.

18. Marine Mammals

Table 18.1 Marine mammals

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3MM1.	Applicant	<p>Quantification of effects of disturbance on harbour and grey seals</p> <p>Provide an update to ES part 4 chapter 4 Marine Mammals [REP5-023] in response to NE's comments at [REP5-219] to address the lack of quantification of effects of disturbance on harbour and grey seals.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3MM2.	Kent Wildlife Trust Applicant	<p>Kent Dolphin Project</p> <p>Kent Wildlife Trust to provide the applicant with a copy of the Kent Dolphin Project report as requested in [REP5-132] and the applicant to provide an updated ES part 4 chapter 4 Marine Mammals [REP5-023] including qualitative data from marine mammal observations in the area.</p>	<p>Applicant</p> <p>KWT</p> <p>KWT has provided a copy of the Kent Dolphin Project 2025 report, as requested in [REP5-132] and this has been appended to this Deadline 6 submission.</p> <p>KWT welcomes the ExA's requirement for the Applicant to include evidence from the Kent Dolphin Project 2025 report into their ES Chapter 4: Marine Mammal [REP-023] document, as this represents a more relevant and locally informed dataset compared to the broad-scale data currently relied upon within their current assessment.</p> <p>However, KWT maintains our long-standing position that the Applicant should have undertaken dedicated, site-specific marine mammal surveys to establish a robust baseline. This is a point we have consistently raised since the pre-DCO application stage. The absence of such surveys represents a significant gap in the evidence base. The inclusion of the Kent Dolphin Project 2025 data is a clear improvement on the current assessment, which assumes an absence of cetacean species within the Order Limits. The observational data and data collected from the Sea Watch Foundation, the National Biodiversity Network Atlas, the National History Museum's Historical Strandings database and Joint Cetacean Data Programme, demonstrates that cetaceans, such as bottle nose dolphins and harbour porpoise, are present within the Pegwell Bay and wider area, and therefore must be</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant has now, as previously offered, updated the baseline for marine mammals in Application Document 6.2.4.4 (J) Part 4 Marine Chapter 4 Marine Mammals, submitted for Deadline 7, following the provision by KWT of an (undated) Kent Dolphin Project report. This report collates data from sightings records from the past 120 years, which supports the quantitative data already presented, including density estimates from established and systematic SCANS surveys, which includes the waters around Kent, that was submitted as part of the original DCO application.</p> <p>As previously advised to KWT, marine mammal surveys for a cable installation project, are not a regulator requirement or expectation, considering the intensity of the disturbance created and the significant survey effort needed to collect scientifically robust density estimates. However, in recognition of the sensitivity of the area for seal haul-out in the River Stour, location surveys were specifically undertaken to help inform a robust assessment of impacts.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>appropriately considered within the impact assessment. Whilst this update does not fully address our concerns regarding the adequacy of the marine mammal baseline, it is a positive step towards a more realistic and evidence-based assessment of potential impacts.</p> <p>KWT also requests clarification from the ExA as to whether Interested Parties will be afforded sufficient opportunity within the Examination timetable to review and comment on the Applicant's amended marine mammal chapter, including how the Kent Dolphin Project data has been interpreted and applied within the assessment. As the Examination is due to close on 5th May 2026, KWT has concerns regarding the limited timeframe for the Applicant to make amendments and for Interested Parties to be given a meaningful opportunity to review and respond to those changes.</p>	
3MM3.	Applicant	<p>Goodwin Sands</p> <p>With reference to the depths below chart datum in the vicinity of Goodwin Sands, explain the minimum depths at which cable installation vessels will operate, and why this can only be achieved at high tide.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3MM4.	Joint Nature Conservation Committee (JNCC), Applicant	<p>Southern North Sea Special Area of Conservation</p> <p>Applicant to provide the information requested by Joint Nature Conservation Committee (JNCC) [REP5-194] in its response to 2MM5 [PD-021] in relation to the additional detail on the scale of impact for impact pathways relating to prey species.</p>	<p>Applicant</p> <p>Joint Nature Conservation Committee (JNCC)</p> <p>As stated in Table 2.3 ID 2.3.13 of the Report on the Implications to European Sites, JNCC said they would provide a response regarding the applicants likely significant effect (LSE) conclusions for the Southern North Sea SAC and impact pathways relating to prey species following a review of the HRA. Having reviewed the HRA (EN020026-002913-6.6 (G)), JNCC now agree with the conclusion that, owing to the highly localised effect of this impact, a Likely Significant Effect on the Southern North Sea SAC is unlikely from this pressure.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>This is noted by the Applicant.</p>
3MM5.	NE	<p>Underwater noise modelling</p> <p>Does the information provided by the applicant in [REP5-132] deal with the concern expressed in [REP5-199]. If not, explain what further information is required from the applicant.</p>	<p>NE</p> <p>Based on the Applicants' submissions Natural England has now downgraded F15 within the R&I log to a yellow risk issue. This reflects the stage of the examination and a case specific risk review and does not represent a change in Natural England's</p>	This is noted by the Applicant.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			view on importance of empirical noise modelling. Our advice has taken into consideration that further assessment will be required for the UXO works after consent and advise the empirical underwater noise modelling should be undertaken to inform that future assessment. This matter is considered closed.	
3MM6.	NE	<p>In-combination effects</p> <p>Has the information provided by the applicant in [REP5-135] addressed the concerns of NE expressed in [REP5-219]? If not, explain what additional information is required.</p>	<p>Applicant</p> <p>NE</p> <p>Natural England is not satisfied that AEoI of the Southern North Sea SAC can be excluded from in-combination effects of underwater noise to harbour porpoise. Whilst we welcome the updated figures for this project, and Lion Link, and agree that OWF's will make up the majority of the in-combination impact we do not agree that OWFs can be disregarded. HRAs require that all projects, that include noise generating activities that could overlap, regardless of scale are included in the in-combination assessment. A full assessment is still required to demonstrate the Applicant's conclusion that Sea Link's contribution to the In-combination impact is minimal.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>At the request of Natural England, a significant update to the in-combination effects assessment, in relation to underwater sound, including from a significant number of offshore windfarms within or close to the Southern North Sea SAC, was provided at Deadline 6, in Application Document 6.6 (H) Habitats Regulations Assessment Report (Tracked) [REP6-051] and also submitted to NE directly via email from the Applicant on 12/04/2026.</p> <p>Natural England has unfortunately not been able to resource a meeting with the Marine Mammal experts during Examination regarding this issue. An email has however been sent by the Applicant on 22/04/2026 to confirm whether Natural England's concerns have now been addressed.</p> <p>However, a response from the JNCC was received by the Applicant on the 27th April providing the following joint JNCC/NE position:</p> <p><i>Given the limited timeframes and fast approaching deadline 7 we had a meeting with JNCC today to discuss Sea Link and an agreed position. We have the below wording to propose as a joint position from JNCC/NE. We hope that this can provide a basis for an agreed joint position which may also save the need for a meeting tomorrow. Please don't hesitate to contact me should you need anything else from us in order to resolve this issue and close out this action.</i></p> <p><i>'Based on the new information provided with regard to the in-combination assessment of underwater noise impacts on the Southern North Sea SAC and the management of those impacts, Natural England and JNCC are satisfied there will be no adverse effect on site integrity, provided the Applicants commitment to participate in and adhere to the Development Coordination Forum (DCF) is formally secured as a condition in the DCO/dML. This will support adherence with the noise management approach for this site and ensure the daily disturbance threshold is not breached. We also welcome the Applicants commitment to undertake SBP survey works during the summer period where practicable. We propose the following text for such a condition;</i></p> <p><i>No offshore construction or UXO removal may commence until the undertaker has provided confirmation to the MMO that they have</i></p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				<p><i>begun participation in the Development Coordination forum. This participation must not end until approved by the MMO in consultation with the relevant Statutory Nature Conservation Bodies.'</i></p> <p>This wording was updated in commitment MM03 of Application Document 7.5.2 Outline Offshore Construction Environmental Management Plan and Application Document 9.84 Register of Environmental Actions and Commitments (REAC).</p>

19. Marine Ornithology

Table 19.1 Marine ornithology

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3MO1.	NE	<p>Reach et al. (2013) methodology Provide a copy of the Reach et al. (2013) methodology to the applicant to allow calculation of the proportion of 'bird (Red-Throated Diver) days' lost to enable the applicant to assess and quantify the implications for the Outer Thames Estuary by DL6. Otherwise provide an alternative methodology to achieve the same outcome or explain why this is not possible.</p> <p>If a methodology is not available, should the applicant provide information reasonably required to assess a potential derogation under the Habitats Regulations as soon as is reasonably possible and before the close of examination as set out in section 5.4 of NPS EN-1 and if not, why not?</p>	<p>NE Natural England met with the Applicant on 1st April 2026 to discuss options to sufficiently mitigate the impacts, noting that any additional impact to RTD during the Outer Thames Estuary SPA sensitive overwintering period will add to the existing AEol in-combination. We will provide further advice following the Applicant's Deadline 6 submission, but we anticipate this issue will be resolved without the need for a derogations case.</p>	This is noted by the Applicant.
3MO2.	NE Applicant	<p>Emergency operation and maintenance activities in the Outer Thames Estuary Explain whether a strategic compensation mechanism, such as the Offshore Wind Environmental Improvement Package, could be used as a mechanism to secure compensation in the event that longer term operation and maintenance activities are required in the designated site during the winter period that have potential to give rise to adverse effects on integrity.</p> <p>The applicant may wish to comment.</p>	<p>Applicant</p> <p>NE Natural England met with the Applicant on 1st April 2026 to discuss options to address emergency O&M activities. We will provide further advice following the Applicant's Deadline 6 submission, but we anticipate this issue will be resolved without the need for a derogations case during the consenting phase. Please see Appendix G6 to our Deadline 6 submissions</p> <p>There are currently no projects in the MRF library of strategic compensation measures that would directly benefit RTD. Although we cannot discount potential admissions in the future that may be suitable or whether non-like for like compensation</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>This is noted by the Applicant. A response is provided in Application Document 9.149 Applicants Comments on Other Submissions Received at Deadline 6 submitted at Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			would become a more easily admissible practice following the proposed compensatory reforms for offshore wind and the introduction of The Conservation of Habitats and Species (Offshore Wind) (Amendment etc.) Regulations 2026.	
3MO3.	NE	<p>Displacement effects</p> <p>NE [REP5-199] has provided a substantial number of references that demonstrate the potential for displacement due to vessel movements. Can NE signpost to specific references to demonstrate that harm is likely from a small number of isolated vessel movements (as opposed to continuous offshore windfarm construction vessel traffic).</p>	<p>NE</p> <p>In forming this response Natural England has assumed the word 'harm' referred to by the Examiner in the question is equivalent to AEoSI and that they are referring to divers or similar species in the non-breeding season.</p> <p>Natural England know of, no specific research that has shown a small number of isolated vessel movements could cause harm and, although it remains plausible, we would not necessarily anticipate isolated or very infrequent vessel movements of short duration to cause harm/AEoSI within SPAs designated for red-throated divers in the non-breeding season. However, we highlight that the question of 'harm' is context dependent and whilst evidence in the literature is clear that displacement can occur as a result of single vessel movements the implications of that displacement are case specific and would need to be assessed against the duration of the vessel movements within the SPA, area and number of divers affected as well as in-combination with other pressures on the SPA population and its supporting habitat before they could be disregarded. In this case, we highlight that we could not view the PLGR in isolation and disregard its potentially small impacts due to the already heavy use of the site by existing marine-traffic, OWF and sub-sea cable infra-structure, aggregate extraction, fishing and recreational activities as well as various projects planned in future. Notably recent work to map risk within the site and identify potential areas of opportunity found few in the sector that will be traversed by the project (Nelson et al. in prep).</p> <p>We also need to consider the SPA site conservation objectives and what would be required to safeguard its attributes. In this case we'd need to ask how the PLGR would contribute to the key targets to reduce disturbance from anthropogenic activity and maintain the extent and distribution of the divers. Natural England is keen to work collaboratively with the Applicant and has no intention of seeking</p>	The Applicant confirms that it has now committed to a Seasonal Restriction for PLGR at Deadline 6.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>disproportionate and unreasonable mitigation. Given the great pressure already being exerted on RTD in the SPA and the clear need to avoid further disturbance, we have discussed with the Applicant if mitigation measures can be adopted in the form of a seasonal restriction for installation and all planned works, particularly as it would not require many days to complete.</p> <p>We will provide further advice following the Applicant's Deadline 6 submission, but we anticipate this issue will be resolved without the need for a derogations case during the consenting phase.</p> <p>Please see Appendix G6 of our Deadline 6 submissions</p>	
			<p>JNCC</p> <p>JNCC were aware that this question was to Natural England only. However, we included the below text in case it is of use to the Examining Authority. We have confirmed our alignment with Natural England on this comment prior to submission.</p> <p>JNCC is not aware of any studies specifically examining differences between relatively short term and longer-term disturbance. However, from other work that does exist, it has been shown that resettlement of red-throated diver can be up to seven hours following a disturbance event (Burger et al. 2019). Frequent disturbance is therefore likely to result in lower or zero density of red-throated diver along that corridor, as reflected in lower occurrence of red-throated divers within established shipping routes. However, less frequent or short-term disturbance may also have significant consequences. The Conservation Objectives for the non-breeding red-throated diver qualifying feature of the Outer Thames Estuary SPA include reducing the frequency, duration and/or intensity of disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.</p> <p>Since foraging is predominately during the hours of daylight (Duckworth et al. 2021), a seven hour resettlement period renders that area essentially inaccessible to foraging for a day. There are therefore concerns that short-term activities could still add to the disturbance experienced by sensitive qualifying features, preventing the site from meeting its conservation objectives. A restriction on activities</p>	<p>The Applicant confirms that it has now committed to a Seasonal Restriction for PLGR at Deadline 6.</p>

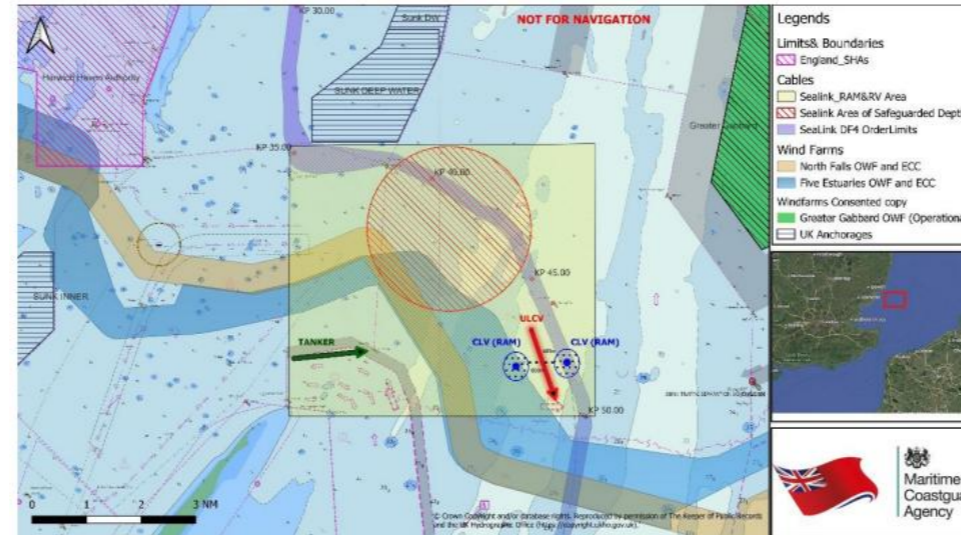
Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			within the SPA during the sensitive period would remove this potential conflict.	

21. Shipping and Navigation

Table 21.1 Shipping and navigation

Reference	Question to: Applicant	Question	Response from Interested Party or Affected Person	Applicant's Comments
3SN1.	Applicant Maritime and Coastguard Agency (MCA)	<p>Concurrent restricted in ability to manoeuvre (RAM) vessel activities Maritime and Coastguard Agency (MCA):</p> <ul style="list-style-type: none"> Explain whether there has been a change in circumstance that has led to the request for an enlarged area of interest (set out in figure 1 of your response to ISH2.09 in [REP4-164] and your response to action points in [REP4-165], if so, provide any additional information to explain what has led to the change in circumstances. Explain the implications of concurrent RAM vessel activities in terms of safety and the economy and whether any residual effects would be significant/ As Low As Reasonably Practicable (ALARP). Provide suggested wording and plans to secure the concurrent RAM restrictions that the MCA seeks and the means of securing it, whether through the dDCO/dDML or a control document such as the Outline Navigation and Installation Plan (oNIP). <p>Applicant: Clarify the implications for the proposed development of restricting concurrent RAM activities in the area of interest requested by the MCA.</p>	<p>Applicant</p> <p>Maritime and Coastguard Agency (MCA) <u>Section A</u></p> <p>There has not been a change in circumstance. The smaller area originally agreed by MCA for the Five Estuary and North Falls projects was sufficient as both were located to the south of the area, allowing pilotage and other marine operations sufficient safe sea room to the north. However, the Sea Link project now occupies the northern part of the area, significantly reducing the remaining safe sea room and significantly limiting the ability to conduct pilotage, marine operations or transits to/from PLA and HHA.</p> <p>Furthermore, for the vessels proceeding out from PLA and HHA, particularly large vessels, after dropping their pilot they will proceed outwards through the SUNK Outer Precautionary Area to join the outbound lane of SUNK TSS SOUTH. If there are two RAM vessels within this area the remaining safe sea room available for a large vessel is significantly less. This is explained in detail in Section B below with an example to demonstrate this.</p> <p>The SUNK area is very complicated due not only to the size of vessels, but also the multiple sandbanks in close proximity and strong tidal currents. RAM activities require a minimum Closest Point of Approach (CPA) and having concurrent RAM activities to the north and south would significantly limit available sea room, especially during multiple pilotage operations where regularly 3-5 vessels at a time are being serviced. Pilots board / disembark across the Sunk area, not a specific single point and these ultra large container vessels need large amount of space to manoeuvre, with most vessels exiting the area to the Southeast. Having these vessels in effect restricted to a corridor of circa 1nm is a potentially very serious situation. If even a single ultra-large container vessel were to run aground or be involved in a collision within the SUNK, potentially blocking access to two of the UK's most important ports, the consequences for the UK economy could be severe. Such an incident would attract significant international media attention, disrupt multiple sectors of the UK economy, and could also result in substantial environmental impacts.</p> <p>This enhanced area is therefore needed to ensure that any risk to shipping and navigation is ALARP. The importance of this area is highlighted by the fact that in the UK there are only two coastal VTS</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant agrees with the MCA that the Sunk region is a very busy area for shipping traffic, with important shipping routes and that there is a need for no simultaneous RAM operations with the Five Estuaries and North Falls projects within this very constrained region.</p> <p>The Applicant can confirm that it provided an updated version of the NIP [REP6-099] at Deadline 6 to include additional concurrent RAM activity areas within the MCA's RAM SIMOPS area of concern (KP 35-50), to meet the MCA's requirement for prohibiting concurrent RAM activities with the Five Estuaries and North Falls developments in this highlighted area.</p> <p>The introduction of these new areas within the Sea Link NIP for RAM SIMOPS avoids the scenario which the MCA describes (a restricted corridor of circa 1 km between approximately Sea Link KP 45 to KP 50), and increases the sea room between Sea Link and North Falls and Five Estuaries projects through that section of the TSS instead to a closest possible distance of approximately 3 km at the closest point (see Plate 3.1 of the NIP).</p> <p>The Applicant can confirm that communication between the three developments is frequent and ongoing to ensure close collaboration and management of these issues.</p> <p>Regarding the inclusion of a new DML Condition which the MCA requests, the Applicant confirms that Condition 4 of the dDML already states:</p> <p><i>a navigation and installation plan for the relevant stage which is in substantial accordance with the principles set out in the outline navigation and installation plan which shall include details of—</i></p> <p><i>(i) planned protocols;</i></p> <p><i>(ii) concurrent activity restrictions; and</i></p>

Reference	Question to: Question	Response from Interested Party or Affected Person	Applicant's Comments
e		<p>areas, the Sunk and English Channel, one of the busiest shipping lanes in the world.</p> <p>Also, a recent trend is that, due to the northward migration of the Long Sand bank (within the Sunk area), larger vessels using the Long Sand Head (LSH) two-way route tend increasingly to divert into the Sunk Inner (north of the magenta line marking the northern limit of the LSH route), to maintain safe navigable depth. This behaviour further reduces available sea room particularly when vessels are simultaneously outbound from the PLA and can therefore create additional navigational constraints.</p> <p>A further complication is that, during the summer months, numerous sailing vessels often cut directly across the area on a straight Southeast course from Harwich, right through the area. This reduces available sea room and is made more challenging by the fact that many of these pleasure craft have low-power radios and only carry Category B AIS transponders, making it difficult or sometimes impossible for VTS to detect or communicate with them.</p> <p>Similar issues arise with some fishing vessels, which often switch off their AIS to avoid revealing their location to other fishermen.</p> <p>These additional factors all further constrain the already limited safe sea room, both before and after a vessel has a pilot on board. This risk should not be underestimated, as the operators of such small crafts are frequently unaware of, or do not fully adhere to the Collision Regulations, including the requirement not to impede deep draft vessels in designated deepwater routes.</p> <p>In summary, the MCA requires this defined area of interest to account for a credible worst-case scenario, namely, multiple RAM operations taking place within an already constrained sea area, potentially in restricted visibility, and in proximity to some of the largest vessels operating worldwide. An incident involving an ultra-large vessel, such as one comparable to the Ever Given in the Suez Canal, would have significant safety implications, attract global media attention, and be likely to adversely affect the UK economy. The proposed restriction is therefore both proportionate and essential to ensuring the Safety of Navigation within the Sunk area.</p> <p><u>Section B</u> [see image in IP's submission]</p>	<p>(iii) <i>weather constraints.</i></p> <p>The Applicant considers that this text is sufficient to secure this outline plan, and aligns with other recent DCOs namely Five Estuaries and North Falls.</p>



In the above example, two Cable Laying RAM vessels (blue) are operating in each of the cable corridors (Sealink and Five Estuaries), within the Long Sand Heads two way route: a tanker (green) is outbound using the northern part of the LSH route (allowing for the migrating sandbank), after dropping pilot, the outbound Ultra Large Container Vessel (red), is forced to proceed southbound between the RAM vessels meaning that the resultant distance to the 500m Recommended Restricted Zone is 600m which is only 1.5 times the vessel length (400m LOA) of an ultra large container. The average turning circle of such a vessel is at least 3-4 times the ship length and the stopping distance is approximately 3-5 ships length depending on various factors including draught, windward area, weather and sea conditions. This scenario is not factoring in any additional traffic like another out bound vessel (slower) ahead of the container vessel and recreational vessels crossing through the precautionary area in a SE direction, this will further complicate this scenario and may result in multiple close quarter situations within the precautionary area.

Therefore, we believe that the current area of concurrent activities as captured within the NIP does not reduce the risk to navigation safety in this area to ALARP and therefore we don't agree that the residual risk is ALARP for vessel Collisions listed in Table 4.7.A.1 Hazard Log of the NRA. Within the additional mitigation measures column, it is listed that **“Coordination of operations involving RAM within the Sunk, avoiding concurrent operations with other projects in the Sunk where possible”** which is what the MCA are trying to achieve through the concurrent RAM activity area shown in Fig.1 of MCA submission [REP4-164]. Furthermore, within the oNIP submitted by Five Estuaries OWF and North Falls OWF during their Examination, it was clearly identified that the Navigation Installation Plan is a live document and therefore the document will be updated throughout the construction, maintenance and operational phase of these projects. It was also identified that there will be HAZOP workshops arranged by Five Estuaries and North Falls to discuss and agree concurrent RAM activities in the area, we believe these workshops will be a platform for Sealink to discuss and plan concurrent RAM activities in the area.

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>Also, we note that based on the surface lay speed we received from the Sealink project team, the total time spent laying the cable within KP35-KP50 may be 17-24 hours and we believe therefore, that by adopting this wider area of interest, an agreement can be reached between all three projects to ensure smooth and safe operations in the area and thereby reduce the risk to navigation safety to ALARP.</p> <p>Suggested wording and plans to secure the concurrent RAM restrictions that the MCA seeks; to ensure no concurrent RAM activities take place within the MCA area of concern, the addition of this Condition which was provided as a post meeting note for MCA/Sealink meeting of 2/3/26 - sent on 17/3/26.</p> <p><i>Addition to para. 4(1)(g) of Part 2 of the DML along these lines.</i></p> <p><i>(g) a navigation installation plan for the relevant stage which—</i></p> <p><i>(i) is in general accordance with the principles set out in the outline navigation installation plan;</i></p> <p><i>(ii) must include a mechanism for agreeing with [the other developers] the dates when each will undertake RAM operations in the [defined area] and;</i></p> <p><i>(iii) may include provision that disputes under paragraph (ii) are to be settled by arbitration).</i></p> <p>This was discussed with the applicant on 30th March and is currently under consideration by the applicant.</p>	
3SN2.	Applicant	<p>Outline Navigation and Installation Plan</p> <p>The oNIP is referred to as 'outline navigation installation plan' in the dDCO but the document itself is titled 'outline navigation and installation plan'. Either amend the document title or the wording in the dDCO so that there is consistency between the dDCO and the document.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3SN3.	Applicant	<p>Outline Navigation and Installation Plan</p> <p>The oNIP is listed in schedule 16 dDML in the definitions in paragraph 1(1) as a document certified under article 60. However, it is not listed in schedule 19 as a certified document under article 60. Amend the dDCO to include the oNIP in schedule 19.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3SN4.	MMO	<p>Cable burial</p> <p>Has the applicant's response in [REP5-132] to your concern in relation to cable burial depths from KP 96.343 to 113.83a [REP4-126] provided</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
			MMO	The Applicant notes this comment.

Reference	Question to: Question	Response from Interested Party or Affected Person	Applicant's Comments
	sufficient information? If not, what more do you require and why.	<p>The MMO is minded to agree, however we defer to the Maritime Coastguard Agency (MCA) with regards to this question as it relates to the safeguarded water depth area.</p> <p>PLA</p> <p>Whilst this question is directed to the MMO, the PLA confirms that it has no in principle objection if deeper cable burial was to occur between KP 96.343 and KP113.83.</p> <p>The PLA notes that the Applicant's response in REP5-132 includes confirmation that they will update the Cable Burial Risk Assessment ("CBRA") post consent based on the additional requirements for deeper burial identified by stakeholders during examination. It is unclear to the PLA where this commitment is secured. There is no commitment for example in the Register of Environmental Actions and Commitments ("REAC") [REP5-116].</p>	<p>The Applicant confirms that this is secured within the Outline Cable Specification and Installation Plan which has undergone a final update for Deadline 7.</p>
		<p>MCA</p> <p>The applicant has confirmed the document referred to in REP5-132 is Document 9.126: Areas of Safeguarded Water Depth - Consideration of Additional Installation Requirements [REP5-139]. Within section 2 of this document, we note that the applicant has included details regarding additional trenching tools and seabed preparation mechanisms. Furthermore, through direct consultation with the applicant we understand that <i>'between KP 96.343 to 113.883, the ground model indicates the presence of sand waves and chalk bedrock, and the preferred installation approach is likely to involve pre-sweeping followed by mechanical trenching. Following further engineering assessment within the North East Spit Area, and specifically to maintain the Safeguarded Water Depth required by the ports, the Applicant has identified that the use of a backhoe deployed from a spud barge may be required over a limited section between KP 102.4 and KP 104.4. Over this restricted KP range, the installation methodology may involve pre-sweeping followed by backhoe trenching in order to achieve the depth of lowering required.</i></p> <p><i>The final target depth of lowering will be confirmed through the Main Works Contractor's detailed design, informed by engineering surveys and the burial assessment study. The Applicant has committed to updating the Cable Burial Risk Assessment (CBRA) post-consent. The final depth of lowering will be secured through the Cable Specification and Installation Plan (CSIP), which is in turn secured under DML Condition 4, and will be approved by the MMO prior to cable installation. The MCA is a named consultee for the CSIP and all relevant marine plans'. Therefore, at this stage we believe the above additional considerations in cable laying along with post consent CBRA and CSIP would be sufficient to address the shallow burial between KP96.32 to KP113.883.</i></p>	<p>The Applicant notes this comment.</p>
3SN5.	<p>Applicant MMO and other</p> <p>Outline Cable Specification and Installation Plan [REP4-090]</p>	<p>Applicant</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p>

Reference	Question to: Question	Response from Interested Party or Affected Person	Applicant's Comments
relevant stakeholders	<p>In the MMO's comments in [REP4-126] it is stated that the oCSIP will need to be compared to the CBRA.</p> <p>Has the comparison been undertaken and what is the outcome?</p> <p>Provide details of any concerns the MMO (or other stakeholder) have and any suggested remedy.</p>	<p>MMO</p> <p>The MMO has reviewed the reports and is content. We note that the MCA have reviewed the CBRA and have requested deeper burial between KP96.343 & 113.83 than recommended in Table 24.</p> <p>The MMO notes that the reports will also be submitted for approval prior to commencement and that the MMO will consult with the MCA who are named on the condition.</p> <hr/> <p>PLA</p> <p>The PLA considers that whilst the oCSIP and CBRA perform two different functions, the oCSIP (and subsequent CSIP) must be informed by a CBRA. This is secured through the DML and the PLA's protective provisions.</p> <p>The CBRA assesses the risk to the cables from various hazards and following this assessment sets the recommended depth of lowering ("DoL") for the cables. The recommended DoL set out in the CBRA therefore needs to be included in the oCSIP and subsequent CSIP as the DoL is an essential parameter of how the project is to be delivered.</p> <p>The minimum DoL as set out in the CBRA (page 135) and oCSIP (para 4.3.9) to the top of the cable is 0.5m (in areas of bedrock) with a target depth of lowering of 1-2.5m depending on the hazards present in the area.</p> <p>The PLA had concerns that in parts of the Sunk Pilot Boarding area the DoL might increase from 2.5m to approximately 4.5m in the shallowest sections of the route (see Shipping and Navigation Under-Keel Clearance Marine Engineering Technical Note [REP1A-038]) and the PLA has since deadline 2 therefore been requesting that application documents were updated to reflect this additional lowering.</p> <p>At Deadline 5 the Applicant submitted Areas of Safeguarded Water Depth – Consideration of Additional Installation Requirements [REP5-139] and this sets out how pre sweeping is now proposed at the Sunk Pilot Boarding area with the average depth of material to be removed being 1.5m. The Applicant has confirmed to the PLA that this presweeping means that the subsequent cable lowering "<i>remains 2.0m-2.5m below 22.5m CD</i>". As a result of this confirmation the PLA is content that the DoL information in the oCSIP and CBRA are consistent and that the documents do not require an update in respect of DoL.</p> <p>As set out above, the PLA notes that the Applicant's response in REP5-132 includes confirmation that they will update the CBRA post consent based on the additional requirements for deeper burial identified by stakeholders during examination. It is unclear where this commitment is secured. There is no commitment for example in the REAC [REP5-116].</p> <hr/> <p>MCA</p> <p>The MCA is content with the CBRA except between KP96.343-113.83 where we request deeper burial than recommended in Table 24 of the Cable Burial Risk Assessment [PDA-039].</p>	<p>The Applicant notes this comment.</p> <hr/> <p>The Applicant confirms that as outlined within the oCSIP which was updated at Deadline 6, the CBRA will be updated post consent and prior to cable construction.</p> <p>The PLA are a named consultee on the final CSIP under condition 4 of the dML.</p> <hr/> <p>The Applicant notes this comment and confirms that the MMO and MCA will be consulted on this post consent.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3SN6.	MCA MMO PLA LGPL HHA	<p>Anchor strike risk</p> <p>Provide clarification as to whether concerns regarding anchor strike risk, particularly in relation to the Sunk anchorage would be adequately mitigated by the mitigation measures including the target depth of lowering and external cable protection details set out in the oCSIP [REP4-090]. If not, provide details of any remaining concerns and/ or additional measures that would be required.</p>	<p>However, we note that the applicant has considered additional seabed preparation and laying techniques in this area and a post consent detailed CBRA will be submitted prior to construction. Additionally, Target Depth of Lowering (TDOL) at this location will be detailed in this document. We understand that the MMO and the MCA will be consulted on this post consent documentation and if there are any outstanding issues this can be agreed at the post consent stage.</p> <p>Applicant</p> <p>MCA</p> <p>The oCSIP [REP5-117] states within section 5.1.2 that in sections of the route identified as having the highest risk of cable strike due to marine traffic, a TDOL of between 2.0 m to 2.5 m is proposed. The oCSIP further details that the trench along these sections, specifically KP 38 to KP 58, and KP 81.5 to KP 96.5, is proposed to be backfilled using rock to a level 20% below the original seabed level. The remaining trench depth will be allowed to naturally backfill (Plate 5.1). The MCA recommends that a TDOL of 2-2.5m to be considered for KP33-38 as well, as this is the area adjacent to the SUNK DW anchorage. We note from the applicant that <i>'consideration has been given to the risks associated with the deep-water anchorage when defining the target depth of lowering between KP 33 and KP 38. Within this 5 km section and from KP35, approximately 2.9 km adjacent to the deep-water anchorage has a target depth of lowering of 2.0 m. The Applicant has committed to updating the CBRA post-consent in consultation with the MCA, and approval by the MMO. The final depth of lowering will be secured through the Cable Specification and Installation Plan (CSIP), which is in turn secured under DML Condition 4, and will be approved by the MMO prior to cable installation'</i>. We believe the specifics regarding the TDOL near the SUNK DW anchorage can be agreed through the post consent CBRA and CSIP which the MMO and the MCA will be consulted upon.</p> <p>MMO</p> <p>The MMO defers to the MCA as the navigational safety body but notes as with 3SN5 the final CBRA and CSIP will be submitted for approval post consent and this involves consultation with MCA.</p> <p>PLA</p> <p>As set out in para 5.1.8 of the oCSIP, the Applicant's primary method of cable protection is burial of the cable. The PLA has no in principle concerns with this but would be concerned if target DoL was not achieved and then as set out in 5.1.7 of the oCSIP the Applicant looked to add protection in the form rock placement as this could impact water depths. If target DoL is not met and concerns remain regarding anchor strike, remedial works must be undertaken to lower the cable to the required depth.</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>The Applicant notes this comment and confirms that this matter will be further discussed with the MMO and MCA post consent.</p> <p>The Applicant notes this comment.</p> <p>The Applicant confirms that it has made a commitment within the DCO /DML for no depth reduction between KP 33 – KP 38 as requested by the MCA. Therefore there will be no impact to water depths within this region. Any rock placement would not be above the seabed, but would be within the trench, backfilled using rock to a level 20% below the original seabed level. The remaining trench depth will be allowed to naturally backfill.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>London Gateway Port Limited (LGPL) LGPL's principal concern in the Sunk is that the necessary dredge depths are secured by way of a DCO Requirement. LGPL assumes that the Applicant will take the necessary measures to protect its assets from strike risk and those measures do not prejudice the depths set out in Requirement 17. As set out below, the detail in the oCSIP is insufficient for LGPL to form a view as to the overall adequacy of the measures proposed regarding anchor strike. LGPL seeks a right of approval of the final form of the CSIP for this and other reasons.</p>	The Applicant confirms that cable burial is the primary method of cable protection for the Proposed Project and this does not preclude Requirement 17.
			HHA	No response received at Deadline 6.
3SN7.	Applicant	<p>Cable exposure The MCA [REP1-162] requested amended wording in condition 3(12) of the dDML in order to further mitigate the risks of large container ships anchoring in the Sunk deepwater anchorage experiencing anchor snagging on temporarily exposed cables. The applicant responded in [REP2-034] that the revised wording of the condition would be considered.</p> <p>Provide an update as to whether the revised wording suggested by the MCA can be incorporated into the dDCO, and if not, why not.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3SN8.	MMO	<p>Post consent monitoring [REP3-033] indicates that the MMO's request for regular post-construction maintenance reports and a separate section in the DML to be included for post consent monitoring has not been agreed by the applicant. Provide an explanation for the request including the implications of not including provision for post-construction maintenance reports and monitoring, and if necessary suggested wording for a section in the DML in relation to shipping and navigation matters.</p>	<p>MMO The MMO agrees that 5 yearly maintenance reports are required to enable the MMO to carry out its regulatory and enforcement duties. The DCO allows for specific quantities of material and Operation and Maintenance activities to be carried out post construction. Currently the MMO does not have a specific mechanism within the DCO/DML to monitor the frequency of these activities along with the activities carried out or additional quantities of material used (such as rock armouring and other protection).</p> <p>With regard to monitoring for benthic impacts and recovery, the MMO requests more regular annual monitoring (using the date of construction as a start point) up to year 5 (where the condition on further monitoring would be required). This will enable the MMO and SNCB to assess the recovery or impacts on sensitive benthic features such as reef.</p>	<p>The Applicant confirms that a monitoring condition has been included within the dML at Deadline 7.</p> <p>The requirement for Post Construction benthic monitoring will be dependent on Pre-Construction Surveys and the 'as-built' status of the cable.</p>
3SN9.	MMO MCA	<p>dDML conditions 4 and 12 Do conditions 4(6) and/ or 12(3) need to be amended to apply only to areas</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to: Question	Response from Interested Party or Affected Person	Applicant's Comments
<p>Port of London Authority (PLA) London Gateway Port Ltd (LGPL) Harwich Haven Authority (HHA) Applicant</p>	<p>outside of the areas where the safeguarded depths are being agreed. If so, provide amended wording. If not, explain why not.</p>	<p>MMO The MMO ultimately defers to MCA regarding this question. However, the 5% reduction in water depth applies to the whole cable route, in areas of agreed water depth- a maximum reduction of 5% or the agreed depth, whichever offers more depth should be considered. This is particularly applicable in the SW section of the NE spit.</p>	<p>The Applicant confirms that the 5% reduction in water depth requirement is understood to apply to the full cable route, as stated within the NIP [REP6-099] and the DCO / DML.</p>
		<p>MCA The 5% reduction in water depth applies to the whole cable route. In areas of safeguarded water depth, a maximum reduction of 5% or the agreed depth, whichever offers more depth must be considered. This is particularly applicable in the SW section of the NE Spit.</p>	<p>The Applicant confirms that the 5% reduction in water depth requirement is understood to apply to the full cable route, as stated within the NIP [REP6-099] and the DCO / DML.</p>
		<p>PLA The PLA would be supportive of an amendment to condition 4(6) so that water depth can not be reduced by more than 5% outside the Areas of Interest and no reduction within the Areas of Interest. The PLA set out most recently in its deadline 4 response [REP4-198] suggested wording to deal with this point: (6) In undertaking the licensed activities, the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing and within the areas of interest navigable depth may not be reduced to any extent. The PLA would also be supportive of an amendment to condition 12(3) so that water depth cannot be reduced within the Areas of Interest. The PLA set out most recently in its deadline 4 response [REP4-198] suggested wording to deal with this point: (3) In undertaking activities under condition 12(2)(d), the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing and within the Areas of Interest navigable depth may not be reduced to any extent.</p>	<p>The Applicant confirms that the 5% reduction in water depth requirement is understood to apply to the full cable route, as stated within the NIP [REP6-099] and the DCO / DML. The Applicant confirms that updates to the dML have been made at Deadline 7 in line with the ExA requests on the 17th April 2026 and PLA advice.</p>
		<p>LGPL LGPL has proposed certain amendments (see Appendix 1 to this response) to the wording of Requirement 17 as set out in [REP5-005] but those amendments are not relevant to this question. It is LGPL's position and understanding that nothing in the DML can undermine or excuse compliance with the Requirements. As such conditions 4(6) and 12(3) must be read in light of Requirement 17, so although the MMO can agree a reduction in water depths, any such reduction could not go beyond the depths secured by Requirement 17. In such case, the conditions do not need to apply only to areas outside the Requirement 17 safeguarded areas. However, for clarity, it might be useful to note that conditions 4(6) and 12(3) remain in all circumstances subject to Requirement 17. In each case the wording of "Without prejudice to the provisions of Requirement 17.." could be added to the beginning of the paragraph. For example: <u>Condition 4(6)</u></p>	<p>The Applicant confirms that updates to the dML have been made at Deadline 7 in line with the ExA requests on the 17th April 2026.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>'(6) <u>Without prejudice to the provisions of Requirement 17 in Schedule 3</u>, in undertaking the licensed activities, the undertaker must not reduce existing water depths between KP 33 and KP 38 unless agreed with the MMO in writing in consultation with the MCA and Trinity House.'</p> <p><u>Condition 12(3)</u></p> <p>'(3) <u>Without prejudice to the provisions of Requirement 17 in Schedule 3</u>, in undertaking activities under condition 12(2)(d), the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing in consultation with the MCA.'</p> <p>[Please note, these amendments would be in addition to those shown in Appendix 1 – Appendix 1 is in the form that it has been shared with the Applicant.]</p>	
			HHA	No response received at Deadline 6.
3SN10.	Applicant	<p>Proximity of the route to buoys and other aids to navigation</p> <p>Provide further detail in response to the concern of Trinity House in [REP4-204] regarding the status of the route and its proximity to buoys and other aids to navigation.</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3SN11.	Applicant	<p>Marking of cable crossings and cable lay</p> <p>Provide an update as to the status of discussions with Trinity House regarding the marking of cable crossings and cable lay [REP4-204].</p>	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3SN12.	GridLink MMO MCA PLA LGPL HHA	<p>Planned cable crossing within North East Spit</p> <p>Provide your comments on the securing mechanisms included in requirement 17(2) [REP5-006] for safeguarding water depths in relation to the potential crossing with the planned GridLink cable.</p>	<p>GridLink</p> <p>MMO</p> <p>The MMO is satisfied that the wording is acceptable, however we defer to MCA for any further comments.</p> <p>MCA</p> <p>MCA agrees with condition 17(2) and has no further comments. MCA would appreciate it if the project kept MCA abreast of any agreements secured with GridLink.</p> <p>PLA</p> <p>The PLA welcomes the securing mechanisms included in requirement 17(2) for safeguarding water depths.</p> <p>The PLA has set out in response to 3GEN2 amendments that are required to The Areas of Safeguarded Water Depth Plan [REP4-098], and that the cables not crossing in the area shown on the plan must be secured in the dDCO. The Plan must also be included in the list of Certified Documents set out in Schedule 19 of the dDCO.</p>	<p>No responses received.</p> <p>The Applicant notes this comment.</p> <p>The Applicant notes this comment.</p> <p>The Applicant confirms that the Requirement text in the DCO was amended at Deadline 6 to account for the revised Areas of Safeguarded Water Depth Plan.</p> <p>This plan has been added to Schedule 19 for Deadline 7.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3SN13.	MMO MCA PLA LGPL HHA	<p>Cable crossings</p> <p>Provide your comments on the applicant's proposed mechanisms for safeguarding water depths at the point of cable crossings. If you consider that the proposed mechanism is not appropriate, provide a detailed explanation of why not, suggest a more appropriate mechanism and suggested wording, unless already provided.</p>	<p>LGPL</p> <p>LGPL has provided suggested amendments to Requirement 17(2) to the Applicant. These are attached in Appendix 1 to this response. LGPL's proposed amendments include ensuring the relevant works are installed in areas of deeper water depth (to be shown on the Areas of Safeguarded Water Depth plan) which would accommodate the Applicant's works and Gridlink without bringing into question the minimum depths secured by Requirement 17. This approach means that the caveats to Requirement 17 presently set out in subparagraph (2) of that Requirement in REP5-005, which are of concern to LGPL, need not be included.</p>	<p>The Applicant confirms that the Areas of Safeguarded Water Depth plan was amended at Deadline 6 and has undergone a further update at Deadline 7.</p> <p>Adjustments to Requirement 17 at Deadline 6 have also been based on the above exclusion area identified within the Areas of Safeguarded Water Depth Plan.</p> <p>The Applicant considers the current wording in Requirement 17 to be sufficient.</p>
			HHA	No response received at Deadline 6.
			MMO	The Applicant notes this comment.
			<p>The MMO notes that the Applicant, per condition 4(5) and 12(3) of the DML, is required to discuss with the MMO and MCA if they are unable to meet the 5% reduction in navigable depth. We consider this is an appropriate mechanism for reviewing any crossings and expect the 5% condition or agreed safeguarded depth to be maintained for crossings as applicable.</p> <p>The MMO defers to MCA for any further comments.</p>	
			MCA	The Applicant notes this comment.
			<p>The applicant, as per condition 4(5) and 12(3) of the DML, is required to discuss with the MCA if they are unable to meet the 5% reduction in navigable depth. We believe this is an appropriate mechanism for reviewing any crossings. We expect the 5% condition or agreed safeguarded depth to be maintained for crossings as applicable.</p>	
			PLA	The Applicant notes this comment.
			<p>The PLA has set out above in response to 3SN12 its response in relation to the crossing of GridLink.</p> <p>For other cable crossings, the PLA would highlight The Shipping and Navigation Under-Keel Clearance Marine Engineering Technical Note [REP1A-038] which provides details of known crossings in tables 4.2 and 4.3. The PLA is content that Requirement 17 would appropriately safeguard the absolute water depth requirements within the Sunk Pilot Boarding Area, Long Sand Head Two Way Route and North East Spit. The MCA have set out in their response to EXAQ QISN3 [REP3-107] that "Where existing cable crossings are necessary, we would expect the applicant to not exceed the 5% maximum depth reduction at any of the cables crossing within the NE spit." The PLA is supportive of the MCA's position.</p> <p>The MCA also stated in response to ExAQ Q10SU2 "For cable crossings, the cable protection measures installed in cable crossing areas should not reduce the depth of water by more than 5% of chart datum. If the applicant is unable to meet this, they should consult with the MCA and other relevant stakeholders to ensure that the risk to navigation is reduced to ALARP. We would recommend the applicant</p>	

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>ensures maximum burial in areas where planned cable crossings are expected so there is minimal reduction in depth.</i> " Again, the PLA is supportive of the MCA's position.	
			LGPL	No response received at Deadline 6.
			HHA	No response received at Deadline 6.
3SN14.	MMO MCA PLA LGPL HHA	Planned cable joints within the three areas of safeguarded depth (ASD) on plate 1.2 of [REP4-090] The oCSIP sets out in section 4.4 that there will be no planned cable joints in the three ASDs. Is this sufficient to minimise risks to shipping and navigation to ALARP and mitigate any likely significant effects on shipping. If not, explain the additional measures that are required, and if appropriate provide suggested wording.	MMO The MMO defers to MCA regarding this question as it relates to the area of safeguarded depth. MCA We note the applicant's position and understand that there are no cable joints within the ASD. If this is to change, a detailed assessment may be needed post consent which should be confirmed with the MCA, and relevant navigational stakeholders including port authorities who have requested the Areas of Safeguarded Depth (ASD). PLA The oCSIP advises at para 4.4.4 that there are no planned cable joints within the three Areas of Safeguarded Depth, excluding the need for any unforeseen repairs during installation and/or the operational lifetime. The dDCO submitted at deadline 5 includes at Part 2 Condition (3) that in the Areas of Interest there are to be no cable joints as part of the construction or maintenance of Work No. 6 (unless necessitated by emergency maintenance works). The PLA is therefore satisfied that there will be no planned cable joints in the three Areas of Safeguarded Depth.	The Applicant notes this comment. The Applicant notes this comment. The Applicant notes this comment.
			LGPL We note that Condition 1(3)(c) also prevents cable joints in the Areas of Interest. LGPL further requires approval rights over the final form of the CSIP (such approval to be secured by way of its Protective Provisions). LGPL considers this would provide adequate protection.	The Applicant notes this comment.
			HHA	No response received at Deadline 6.
3SN15.	Applicant	Areas of interest and areas of safeguarded depth plan The ExA understands the safeguarded depth plan to be [REP4-098]. The dDCO [REP5-005] defines areas of interest as being shown in [REP4-098] but that document does not indicate	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to: Question	Response from Interested Party or Affected Person	Applicant's Comments
	<p>the areas of interest, only the areas of safeguarded water depth.</p> <p>Clarify whether areas of interest are those that are shown in plate 1.1 of [REP4-075]. If necessary provide an additional plan to be certified in the dDCO indicating the areas of interest.</p>	<p>LGPL</p> <p>LGPL considers the Areas of Safeguarded Water Depth Plan [REP4-098] should be updated to include annotations identifying the respective areas of interest. It will also need to be updated, should the approach in the proposed amendments in Appendix 1 be adopted, to show the areas of shallower water in the NE Spit Area within which Work No 6 cannot be constructed.</p>	<p>The secured depths are specified within the Requirement which references Application Document 9.104 Areas of Safeguarded Water Depth Plan, and therefore the Applicant takes the view that stating the depths on the Certified Plan itself is not necessary. The Applicant provided an updated version of Application Document 9.104 Areas of Safeguarded Water Depth Plan at Deadline 6 showing an exclusion area where the GridLink crossing is not permitted to occur.</p> <p>This Exclusion Area has also been crossed referenced in Requirement 17 at Deadline 6.</p>
3SN16.	<p>Unplanned cable joint repairs</p> <p>Condition 12 of the dDML [REP5-005] sets out that 'maintenance' includes cable repairs. REAC provision SN33 states that unplanned cable repair joints will be avoided in the Sunk, so far as practicable, but if such a scenario is unavoidable, the project shall consider potential collision risk and minimize time spent during maintenance in this region as much as possible. The oCSIP [REP4-090] sets out in section 4.4 further detail of the procedure for cable jointing and unforeseen repairs within the three areas of safeguarded water depth. Consider whether these provisions provide adequate safeguards to minimise risks to shipping and navigation to ALARP in this regard, and if not explain why not and suggest alternative or additional measures.</p>	<p>MMO</p> <p>The MMO defers to MCA regarding this question as it relates to risks regarding shipping and navigation.</p> <p>MCA</p> <p>We understand that there will not be any planned cable joints within Areas of Safeguarded Depth (ASD) and we are content with this. If this is to change closer to installation, we understand details of any joints and subsequent changes to water depths will be captured within the Cable Specific Installation Plan (CSIP) and MCA will be consulted through MMO.</p> <p>PLA</p> <p>The Applicant cannot predict where a cable joint may be required during operation/maintenance and The Description of the Proposed Project [REP1A-004] advises at para 4.10.19 that where possible a repair agreement would be in place with provision for a minimum of 5 repair joints.</p> <p>REAC provision SN33 seeks to avoid cable repairs joints in the Sunk, so far as practicable. This is welcomed but the PLA accepts that the Applicant may ultimately have to repair the cable within the Sunk area at which point SN33 considers potential collision risk and seeks to minimise the time spent in the region as much as possible. The PLA considers that there is a balance to be struck between minimising time in the Sunk area and the impacts of the solution that is being proposed. For example, a quicker solution could be to repair the joint and leave the cable on the seabed with rock protection over it. This would be a sub optimal solution to being in the Sunk area for a longer period of time and burying the cable so that there is no impact on water depths.</p> <p>LGPL</p> <p>LGPL's understands the possible need for unplanned cable joint repairs, but they should be avoided so far as practicable. The final form of the CSIP will require further, more detailed information in relation to the management of this than is presently set out in the oCSIP. For such reasons, LGPL seeks a right to approve the final form</p>	<p>The Applicant notes this comment.</p> <p>The Applicant notes this comment and confirms that the Applicant has committed to no planned cable joints within the Areas of Safeguarded Depth, as secured in Condition 1 of the dML outline CSIP and in the REAC</p> <p>This is noted by the Applicant. The PLA are listed within Condition 4 of the dML as a consultee on all plans for approval by the MMO.</p> <p>Consultation would be undertaken with the PLA following the procedures outlined within their Protective Provisions.</p>
			<p>This is noted by the Applicant.</p>

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			of the CSIP in its protective provisions (see the changes proposed in Appendix 1 to this response).	
			HHA	No response received at Deadline 6.
3SN17.	MCA	Exclusion zones Clarify whether the inclusion of reference to exclusion zones in dDCO/dDML condition 3 is sufficient. If not, why not.	MCA DML Part 2 (3) (b) states: <i>"No exclusion zones will be implemented as part of the licenced activities but this does not prevent any Recommended Restricted Zones required by and within the meaning of the Convention on the International Regulations for Preventing Collisions at Sea 1972 as implemented by the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (S.I.1996/75)";</i> Our only outstanding issue with 2(3) b is the reference to the International Regulations for Preventing Collisions at Sea 1972 (COLREGs). This is inappropriate here as the COLREGs do not specify regarding Restricted Zones. MCA have informed the applicant of this, and we believe the applicant intends to make changes to the DML wording and the oNIP to reflect the above.	The Applicant notes the MCA's point and will remove reference to the COLREGs as requested from the DML.
3SN18.	MCA	Magnetic compass deviation The dDCO [REP5-005] includes condition 6 of the dDML in relation to compass deviation. Advise whether this meets your requirements. If it does not, explain why not and suggest how this could be overcome.	MCA As explained within MCA submission REP3-107 MCA Response to ExQ1. <i>'We believe nothing further is required prior to the decision being made on the DCO on the understanding that the MCA requirement is made as a condition of consent'</i> We agree with condition 6 of the DML and have no further comments on the topic of Magnetic Compass Deviation.	The Applicant notes this comment.
3SN19.	Applicant	Vessel management plan (VMP) Address comments made by the PLA [REP5-201] in response to 2SN4 setting out why a VMP is required in relation to vessel operation movements and communications. Consider whether they can be incorporated into the oNIP as overarching measures that apply for all offshore vessel activities and would not be restricted to the Areas of Interest.	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]
3SN20.	Applicant	Consistency Ensure that there is consistency between documents regarding safeguarding water depths, as set out in comments made by LGPL in [REP5-174].	Applicant	A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3SN21.	MCA MMO PLA LGPL HHA	Schedule of outstanding matters Provide a schedule of outstanding matters with a clear explanation of the implications (likely significant effects or ALARP) in terms of shipping and navigation if these matters remain unresolved at the close of examination. Where DCO/DML drafting could resolve these matters please provide suggested wording.	MCA This is provided as a separate table Appendix A below: EXAQ3 Appendix A Areas of outstanding concern.docx	Please see the below responses to the MCA's outstanding issues: 1) Area of concurrent RAM Activities Please see the Applicant's response to 3SN1 above. 2) Navigation Installation Plan comments at D5 The Applicant has provided an updated version of the NIP at Deadline 6 [REP6-099] to address these comments and will provide a further update at Deadline 7. 3) Reduction in water depth (in Sunk deep water anchorage) This has been secured with wording in the DCO DML Schedule 16 Part 2 4(6). The Water Depth Baseline Study has been updated as requested and submitted at Deadline 6. 4) DCO inconsistencies The DCO wording has been updated at Deadline 6 and further updated at Deadline 7.
			MMO The MMO defers to the MCA as responsible navigation authority for any outstanding matters relating to shipping and navigation.	The Applicant notes this comment.
			PLA Please see the table at section 14 of the PLA's Comments on Submissions received at Deadline 5.	Please see where this has been addressed within The Applicant's comments on submissions at D6 (Application Document 9.149).
		LGPL 1) Terms of the Requirement LGPL welcomes the inclusion of Requirement 17 but currently is concerned that the wording in [REP5-005] creates too much uncertainty in relation to the degree of the commitment in respect of the interaction with Gridlink. Following discussions with the Applicant, LGPL believes that the provision can be amended to provide the necessary certainty, and the amendments are set out in Appendix 1. These proposed amendments have been shared with the Applicant, although discussions on them have not yet been possible in the time available. In terms of the significance of Requirement 17, and its specific wording, LGPL has set out in its submissions to the Examination the	1) Terms of the Requirement An updated to Application Document 9.104 Areas of Safeguarded Water Depth Plan was submitted at Deadline 6 outlining the exclusion area for the GridLink crossing based on water depths.	

Reference	Question to: Question	Response from Interested Party or Affected Person	Applicant's Comments
e		<p>vital importance of securing access for vessels of up to 20m draught to Thames estuary, in order to allow access to London Gateway Port and that any infrastructure that prevented access of such vessels would have a highly significant and detrimental effect on the Port and on the UK economy and resilience as a whole. See REP1-142 and REP1A-050 (in particular ISH1.04 and ISH1.07), and the points of the PLA and MCA in REP1-155, REP1A-051, REP1-161 and REP1A-062).</p> <p>2) Minimising the impact of Restricted Zones</p> <p>We refer to paragraph 3.10 of the oNIP where the Applicant explains the proposed project will use a rolling 500 metre Recommended Restricted Zone (RRZ) around construction vessels which is consistent with the COLREGs. The Applicant advises it will liaise with the Interested Parties to establish communication protocols regarding these Safety Zones, which “may” include pre-commencement meetings, a 2-weeks advance notice before arrival within a NIP AOI, and daily updates during these activities of interest in the NIP AOI. The Applicant explains this will be discussed further with Interested Parties, and the NIP updated accordingly.</p> <p>In LGPL’s view, the measures described by the Applicant are insufficient, and we note that the Applicant remains non-committal regarding the specific protocols/processes to be adopted. We refer to LGPL’s response to ExQ1 1SN17 [REP3-093], which sets out LGPL’s requirements for communication and liaison in relation to RRZs. These are proportionate measures to mitigate impact and must be incorporated into the NIP. Given the Applicant’s failure or unwillingness to commit to specific protocols, it is essential that LGPL is afforded approval rights over the NIP pursuant to a condition of the DML or under its Protective Provisions.</p> <p>We refer again to Appendix 1 where LGPL has set out its proposed amendments to its Protective Provision. Those amendments, at paragraphs 11 to 13 (inclusive), set out LGPL’s drafting in order to minimise the impact of Restricted Zones.</p> <p>These provisions are a key part of ensuring that LGPL can manage any effects of the carrying out of the Applicant’s works on access to and egress from London Gateway Port, to ensure continuity of trade and, crucially, supply of goods and materials to the UK. The provisions requested are entirely reasonable and a key part of demonstrating ALARP.</p> <p>3) Approval of the CSIP, NIP and oCEMP</p> <p>Presently the outline forms of the CSIP, NIP and CEMP are lacking detail. For example, the oCSIP [REP5-117] does not specify what cable installation method will be used – it notes that the final CSIP will set out the method, including information on the equipment, timing and programme of these works (para 4.2.5). The methods considered in the oCSIP vary significantly (cable burial ploughs, jet trenching (towed, free swimming or tracked), mechanical trenchers (tracked), or mass (or controlled) flow extractors) and these would vary significantly in terms of their impacts on the passage of London Gateway vessels. Until the method is known, it is impossible for LGPL to establish the</p>	<p>Amendments to Requirement 17 have also been submitted at Deadline 6 to reference the Gridlink Exclusion Areas within the Certified Plan.</p> <p>2) Minimising the impact of Restricted Zones</p> <p>The Applicant has updated the NIP to strengthen language around RRZ liaison protocols, at Deadline 6 [REP6-099]. Protective Provisions have also been updated following recent correspondence with LGPL and suggested text received.</p> <p>3) Approval of the CSIP, NIP and oCEMP</p> <p>The Applicant has applied the same ‘Enhanced Consultation’ principles as PLA within LGPL’s Protective Provisions. As per the dML, the MMO is the overall approver for all Offshore Outline Plans as the Competent Authority Offshore.</p> <p>4) Cable Crossings</p> <p>The Applicant confirms that Condition 1 of the dML has been updated accordingly at Deadline 7.</p> <p>5) Register of Environmental Commitments</p> <p>As requested, the Applicant has updated Application Document 6.2.4.7 Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation [REP6-036] at Deadline 6 to provide clarity that commitments are not secured in the REAC, but are listed there, and secured in other documents.</p> <p>Inadequacy of socioeconomic assessment</p> <p>The Applicant confirms that Application Document 6.2.4.7 (E) Part 4 Marine Chapter 7 Shipping and Navigation [REP6-036] was updated and submitted at Deadline 6 to provide further assessment of the potential socio-economic impacts of the project, with the inclusion of an additional section under section 7.9, to provide further consideration of this aspect as requested by LGPL.</p>

possible effects on it. For these reasons of lack of detail, LGPL requires the right to approve the final form of these plans. This is a reasonable request and is entirely consistent with ALARP. Without such controls, unassessed and unknown significant effects on access to and egress from London Gateway Port (affecting continuity of trade and, crucially, supply of goods and materials to the UK) may occur.

The proposed amendments to the proposed LGPL Protective provisions needed to provide for such rights of approval are set out in Appendix 1 where LGPL has set out its proposed amendments to its Protective Provision.

4) Cable Crossings

In order to demonstrate ALARP, a condition should also be included providing there will be no cable crossings at the Sunk or Long Sand Head. This is set out in Appendix 1.

5) Register of Environmental Commitments

We refer to paragraphs 7.8.3 and 7.10.1 of 6.2.4.7 (C) Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation (Tracked) [REP5-025], where the Applicant continues to reference commitments and mitigation measures set out in the Register of Environmental Actions and Commitments (REAC). As explained at ISH2, the REAC itself does not secure restrictions, it summarises commitments and indicates where those commitments are secured elsewhere. LGPL therefore requests that the Applicant updates all such references to specify the appropriate mechanism by which each commitment will be secured.

Inadequacy of socioeconomic assessment

We note that the Applicant has provided an updated version of document 6.2.4.7 (C) Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation (Clean) [REP5-025]. However, notwithstanding LGPL's previous submissions to the Examination - including, most recently, LGPL's Deadline 5 Submission [REP5-174] - LGPL does not consider that the updated chapter adequately assesses the socioeconomic impact of vessels being, now or in the future, prevented from using navigation channels into the Thames Estuary Ports as a result of inadequate dredge depths. This further underlines the crucial need to secure the additional protections, including the right to approve the final forms of the CSIP, NIP and offshore CEMP, in order to provide protection for LGPL against unassessed significant impacts.

Lastly, LGPL is mindful of the policy position – without the protections sought above, LGPL considers that there will be an unacceptable risk to, and unacceptable interference offshore to navigation, within the meaning of paragraphs 4.1.7 and 4.2.15 of EN-1. EN-3 directs that where a proposed development is likely adversely to affect major commercial navigation routes, for instance by causing appreciably longer transit times, the Secretary of State should give these adverse effects substantial weight in its decision making" (para. 2.8.329). The measures sought by LGPL above at items 2, 3 and 4 are all aimed at reducing the risk of longer transit times. Finally, as the ExA's question

Reference	Question to: Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>notes, EN-3 directs that the Secretary of State should be satisfied that risk to navigational safety is as low as reasonably practicable (ALARP). It is government policy that wind farms and all types of offshore transmission should not be consented where they would pose unacceptable risks to navigational safety after mitigation measures have been adopted". These items are all simple mitigation measures that must be adopted.</p>	
		HHA	No response received at Deadline 6.

22. Commercial fisheries

All questions were directed to the Applicant. Therefore, please refer to responses provided in **Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]**.

28. Other

Table 28.1 Other

Reference	Question to:	Question	Response from Interested Party or Affected Person	Applicant's Comments
3OTH1.	Applicant	<p>Deposit of plastic and synthetics at sea Part 1(7)(e) of the dDML sets out that plastic and synthetics are authorised for deposit at sea. NPS EN-1 5.15.11 states that assessment should include other uses of material before disposal to sea.</p> <p>Applicant:</p> <ul style="list-style-type: none"> Confirm whether this assessment has been carried out or whether it would be secured through a control document. Provide an estimate of quantities and likely locations. <p>MMO/NE: Comment as to whether this is acceptable.</p>	<p>Applicant</p> <p>NE Natural England notes that the licence grants deployment of plastics as part of construction. This would be an act of construction, and we would question if it's use as a construction material would meet the definition of disposal to sea. We will defer to the MMO as the regulator for the marine environment on if the inclusion of plastic and synthetics as construction is appropriate.</p> <p>MMO The MMO notes that the terms "deposit" and "disposal" are different with regards to marine licences. The use of plastic or synthetics as part of the construction, for example in rock bags, is authorised for deposit as part of the construction. NPS EN-1 5.15.111 relates to a circular economy and the use of recycled or reused sources which is not relevant. NPS EN-1.15.10 however, states that: <i>"5.15.10 If the applicant's assessment includes dredged material, the assessment should also include other uses of such material before disposal to sea, for example through re-use in the construction process."</i> This relates to the disposal of dredged material only, where the MMO would expect Applicants to consider the waste hierarchy before determining that sea disposal is the most appropriate option. As outlined in 3PE1 the MMO considers that the cable route should be designated a disposal site due to the need for sandwave clearance and other activities which involve the physical removal of material and placing elsewhere but the NPS would not apply for the use of plastic or synthetics</p>	<p>A response is provided in Application Document 9.136 Applicant's Responses to Third Written Questions [REP6-111]</p> <p>This is noted by the Applicant.</p> <p>This is noted by the Applicant.</p>

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			deposited as part of the construction for example in rock bags.	
			<p>Caroline Pope</p> <p>If this proposed Sealink project is supposed to help save our environment then amongst many other samples of why it will actually be very damaging and detrimental to our environments, why are you asking whether it will be acceptable to dispose of plastics and synthetics at sea?</p> <p>This is illegal and against the Marpol convention annex V!</p>	The Applicant defers to the MMO response above.

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