

# Hornsea Offshore Wind Farm

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Project Two

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## The Applicant's Response to Deadline II

**Application Reference: EN010053**

10 August 2015

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## **1. Overview**

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- 1.1 In response to the Examining Authority's ("Ex. A") letter of 22 June 2015 (the "Rule 8 Letter"), which set the procedural timetable for the examination of the Hornsea Offshore Wind Farm Project Two application (Application Reference: EN010053) ("the Project"), SMart Wind Limited, as agent on behalf of the joint applicants Optimus Wind Limited ("Optimus Wind") and Breesea Limited ("Breesea") (together "the Applicant") has prepared the following:
- 1.1.1 The Applicant's comments on Written Representations (at Part 1 of the Response);
  - 1.1.2 The Applicant's comments on responses to the Ex. A's first written questions (at Part 2 of the Response);
  - 1.1.3 The Applicant's comments on the Local Impact Reports (at Part 3 of the Response).
- 1.2 These documents (collectively "the Response") are submitted for the deadline of 10 August 2015 specified in the Rule 8 Letter, and are discussed in more detail below.

## **2. The Applicant's response to Written Representations**

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- 2.1 The Applicant has responded to each of the written representations received by the Ex. A in respect of the Project. The responses are set out at Part 1 of the Response and where indicated within the Appendices to the Response.

## **3. The Applicant's response to Interested Parties' responses to the Ex. A's first written questions**

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- 3.1 The Applicant has responded to each of the Interested Parties' responses to the first written questions submitted by the Ex. A within the Rule 8 Letter. The Applicant's responses are set out in Part 2 of the Response and adopt the chronology of the questions within the Rule 8 Letter and in each case the question is included, followed by the Applicant's comments.

## **4. The Applicant's responses to the Local Impact Reports**

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- 4.1 The Applicant has responded to the Local Impact Reports (LIR) submitted by North Lincolnshire Council, North East Lincolnshire Council and East Lindsey District Council. These responses are set out at Part 3 of the Response.

## **5. Statements of Common Ground**

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- 5.1 The Applicant's response to Deadline I submitted on 15 July 2015 (the "First Response") contained a number of signed Statements of Common Ground (SoCGs), together with unsigned drafts where considered helpful, between the Applicant and a number of the Interested Parties (see Appendices LL to CCC of the First Response).
- 5.2 Subsequent to the submission of the First Response, the Applicant has now secured further signed SoCGs with North Lincolnshire Council, Lincolnshire County Council and Whale and Dolphin Conservation. These are included at Appendices O to Q of the Response.
- 5.3 In addition, the Applicant continues to seek progress on a SoCG with the RSPB, and the Hornsea Project One Companies.
- RSPB
- 5.4 The Applicant held preliminary discussions with regard to the development of a SoCG with the RSPB on 28th May. Since this date, and despite the best efforts from the Applicant, it has not been possible to meet with RSPB to

further discuss the approach to the SoCG. A meeting date was reserved with the RSPB for the 20th of July; however, after several attempts by the Applicant to confirm this meeting no response from RSPB was received. RSPB then responded to the Applicant on the 28th of July noting their wish to work with the Applicant on a SoCG but stating that their technical advisor had limited availability to contribute to the process. The Applicant is trying to work with the RSPB to produce a SoCG for Deadline IIA.

#### Hornsea Project One Companies

- 5.5 The Applicant continues to discuss the draft SoCG with the Hornsea Project One Companies and will provide an update to the Ex. A at Deadline IIA.

### **6. Status of Section 135 Applications for Crown Consent**

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- 6.1 The Applicant provided an update as to the status of the Section 135 Applications for the respective Crown consents at the DCO Hearing held on 30 July 2015. As requested at the DCO Hearing, the Applicant has provided a further update within the Applicant's Summary of Oral Case at section 9 of Appendix A of the Response.
- 6.2 As narrated within the summary, the Applicant has now successfully obtained consent from the Secretary of State for Defence in relation to their plots of the Order Land (detailed in Part 4 of the Book of Reference), a copy of which is included at Appendix B of the Response.
- 6.3 The Applicant is continuing to seek consent from the other Crown bodies and remains confident that these will be procured well in advance of the close of the examination period.

### **7. Status of Agreement of Protective Provisions**

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- 7.1 The Applicant provided an update as to the status of agreement on the protective provisions offered to the relevant interested parties in response to G4 at the First Response and then subsequently at the DCO Hearing on 30 July 2015.
- 7.2 The Applicant has provided a further update within the Summary of Oral Case at section 10 of Appendix A of the Response.
- 7.3 The Applicant notes that within the Ex. A's letter of 4 August 2015 (the "Rule 17 Letter"), the Ex. A has requested draft protective provisions between the Project and C.GEN, and between the Project and Hornsea Project One to be provided at new Deadline IIA – 25 August 2015. The Applicant is in discussions with both of these parties and will provide an update at Deadline IIA as requested.

### **8. Updated Development Consent Order**

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- 8.1 The Applicant submitted Version 3 of the draft DCO at Appendix A to the First Response. The Applicant also submitted a Schedule of Changes to the draft DCO at Appendix C of the First Response, which narrated the changes from Version 2 of the draft DCO.
- 8.2 The Applicant will provide a further update to the draft DCO (Version 4) at new Deadline IIA on 25 August 2015, which will incorporate further changes as a result of on-going discussions with stakeholders and in recognition of the DCO Hearing held on 30 July 2015.

### **9. Schedule of Changes to the Book of Reference**

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- 9.1 The Applicant submitted Version 2 of the Book of Reference at Appendix D to its submission to PINS on 27 April 2015 (the "April Submission") to reflect refreshed Land Registry and Companies House searches and the proposed

removal of certain plots from the Land Plans identified within the April Submission.

- 9.2 Subsequent to the April Submission, the Applicant was informed of a number of minor amendments that required to be made to the information contained within Version 2 of the Book of Reference (for example, changes of address and/or changes of ownership). As such, the Applicant prepared a Schedule of Changes to Version 2 of the Book of Reference to capture these amendments, which was included at Appendix E of the First Response.
- 9.3 The Applicant has further updated the Schedule of Changes to Version 2 of the Book of Reference to reflect refreshed Land Registry and Companies House searches as at 3 August 2015 to ensure that the information is as accurate as possible in advance of the Compulsory Acquisition Hearings scheduled for 17 and 18 September 2015 (see Appendix C of the Response). For the Ex. A's ease of reference, the Applicant has highlighted the new entry (from the previous version of the Schedule of Changes submitted as Appendix E of the First Response) in red.

## **10. Environmental Signposting Document**

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- 10.1 The Applicant provided an environmental signposting document at Appendix Q to the April Submission to ensure that all relevant environmental information in relation to the Application is easily locatable.
- 10.2 A number of Appendices to the First Response sought to further clarify existing information within the Applicant's Environmental Statement ("ES") and, by consequence, the Applicant updated the environmental signposting document to capture this additional clarification information (see Appendix N of the First Response).
- 10.3 The Applicant has further updated the environmental signposting document to capture the additional clarification information submitted as Appendices to this Response (see Appendix D of the Response). The Applicant will continue to update this document throughout the examination of the Project as and when required.

## **11. DCO Hearing – Written Summary of Oral Case**

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- 11.1 As requested by the Ex. A within the Rule 8 Letter, the Applicant has prepared a written summary of its oral submission from the Issue Specific DCO Hearing held on 30 July 2015. This is provided at Appendix A of the Response.

## **12. Site Visit Information**

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- 12.1 The Applicant prepared a bundle of information to inform those parties who attended the Site Visit on 29 July 2015. The Applicant has provided these documents, as requested by the Ex. A, at Appendix E of the Response.

## PART 1

### The Applicant's response to Written Representations

A total of 18 written representations have been received in respect of the Project from:

1. The Royal Society for the Protection of Birds ("RSPB");
2. Natural England ("NE");
3. The Hornsea Project One Companies;
4. C.GEN Killingholme Limited ("C.GEN");
5. The Environment Agency ("EA");
6. Norfolk County Council ("NCC");
7. Quadrant Pipelines Limited, Independent Pipelines Limited and GTC Pipelines Limited;
8. The Danish Nature Agency (the Danish Ministry of Environment);
9. National Grid Electricity Transmission Plc and National Grid Gas Plc (together "National Grid");
10. Whale and Dolphin Conservation ("WDC");
11. Office of Rail and Road;
12. The Wildlife Trusts ("TWT");
13. Marine Management Organisation ("MMO");
14. E.ON E&P UK Limited ("E.ON E&P");
15. The National Federation of Fishermen's Organisation ("NFFO");
16. Historic England ("HE");
17. Trinity House; and
18. Centrica KPS Limited ("Centrica").

The Applicant has set out its response, where considered necessary, to each of these written representations below.

#### **1. RSPB**

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- 1.1 The Applicant's response to RSPB's Written Representation is included at Appendix J of the Response.

#### **2. Natural England**

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- 2.1 The Applicant's response to Natural England's Written Representation is included at Appendix I of the Response.

#### **3. The Hornsea Project One Companies**

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- 3.1 The Applicant acknowledges the matters raised in the Project One Companies' Relevant Representation and Written Representation. The Applicant notes the two methods proposed by the Project One Companies to address the interface between the respective projects, namely a confidential cooperation agreement or bespoke protective provisions for the benefit of Project One.
- 3.2 As noted in the First Response, it is the Applicant's preference to deal with the interface between the projects by way a private cooperation agreement and constructive discussions are on-going between the parties in this respect. As requested within the Rule 17 Letter the Applicant will provide a substantive response at Deadline IIA.

#### **4. C.GEN**

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##### Section 1 - Introduction

- 4.1 The Applicant notes C.GEN's interests in respect of The North Killingholme (Generating Station) Order 2014 (the "C.GEN DCO"). The Applicant notes

that C.GEN did not seek development consent for the gas and electrical grid connections for the C.GEN Project within the C.GEN DCO and to date has not been awarded powers of compulsory acquisition for these connections.

- 4.2 The Applicant notes C.GEN's assertion that it is in the process of obtaining the necessary consents for the gas and electrical grid connections, and that it will soon begin the process of acquiring the necessary land rights. The Applicant is not aware of any planning application having been submitted to the relevant planning authority or of the necessary land rights having been acquired. The Applicant is in discussions with C.GEN and understands that C.GEN will be in a position to provide an update on its plans shortly.
- 4.3 The Applicant wishes to clarify C.GEN's statement at paragraph 1 of Section 1 and paragraph 2 of Section 2 of its written representation that it owns the land edged blue on the plan at Attachment 3 of its written representation. The Applicant wishes to clarify that it appears that C.GEN is referring to the plan entitled "Cable System Route Location Plan" dated 19 June 2015 and not to the plan entitled "Attachment 3" which forms part of the Technical Report prepared by Foster Wheeler Italiana dated 25 March 2014.
- 4.4 The plan entitled "Attachment 3" which forms part of the Technical Report prepared by Foster Wheeler Italiana shows the existing drainage ditch edged in blue. For the avoidance of doubt so far as the Applicant is aware and as per Land Registry searches dated 17 July 2015 C.GEN has no land interest in the existing drainage ditch.

#### Section 2 – Background to Electrical Grid Connection

- 4.5 The Applicant refers to its comments above in respect of paragraph 2 of Section 2 of C.GEN's written representation. So far as the Applicant is aware C.GEN has no land interest in the existing drainage ditch.
- 4.6 The Applicant notes C.GEN's concerns in respect of the potential interfaces between the Project and the C.GEN DCO. The Applicant is currently engaged in constructive negotiations with C.GEN in respect of these matters and is hopeful that the parties can reach agreement before Deadline IIA of 25 August 2015.
- 4.7 The Applicant notes that the Ex. A has requested a form of draft protective provisions for the benefit of C.GEN in the Rule 17 Letter. The Applicant will therefore provide a further update as to the status of these negotiations in its response to Deadline IIA.

#### Section 3 – Protective Provisions

- 4.8 The Applicant notes that C.GEN states that it is seeking the same level of protection in relation to the Project as is contained in the protective provisions for the benefit of C.GEN in the Hornsea One Offshore Wind Farm Order 2014. The Applicant is hopeful of reaching agreement with C.GEN imminently on the protection to be afforded to C.GEN in respect of the Project.
- 4.9 The Applicant will provide a further update on the status of any agreement between the parties, including agreement as to draft protective provisions, in its response to Deadline IIA.

#### Section 4 - Drainage

- 4.10 The protection to be afforded in respect of drainage forms part of the negotiations currently underway between the Applicant and C.GEN. As set out in Sections 2 and 3 above, the Applicant will provide a further update on the status of these negotiations in its response to Deadline IIA.

### Section 5 - Conclusion

- 4.11 The Applicant is confident that the issues raised in C.GEN's written representation can be resolved by agreement between the parties. The Applicant is currently engaged in commercial discussions with C.GEN in respect of these and is hopeful of resolving these matters in advance of Deadline IIA.
- 4.12 The Applicant will provide an update to the Ex. A as to the status of any agreement in its response to Deadline IIA as requested in the Ex. A's Rule 17 Letter.

## **5. The Environment Agency**

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- 5.1 The Written Representation submitted by the Environment Agency (EA) has focused on the following points (which provided an update to those matters raised within the EA's Relevant Representation):
- a) Benthic & Subtidal Ecology and Water Framework Directive;
  - b) Marine Processes;
  - c) Geology & Ground Conditions; and
  - d) Draft DCO.
- 5.2 The EA notes that all matters have been agreed with the Applicant as detailed in Section 3 of the SoCG between the parties (see Appendix NN of the First Response) with the exception of a small number of points relating to Marine Processes, associated with:
- a) Consideration of tidal model sensitivity to climate change;
  - b) Cable landfall burial depth and related assessment; and
  - c) Tidal levels applied within landfall assessment.
- 5.3 Subsequent discussions have taken place with the EA since Deadline I and the EA has confirmed to the Applicant that subject to submission of the updated draft DCO at Deadline IIA (that will contain updated wording for Condition 19 of the transmission assets DMLs) all matters have been resolved and that there are no outstanding points under discussion between the two parties.
- 5.4 In reaching these agreements the Applicant provided the EA with further clarification, which it has included at Appendix L of the Response.

## **6. Norfolk County Council**

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- 6.1 The Applicant notes Norfolk County Council ("NCC") submitted a written representation on 23 June 2015. Within their written representation, NCC confirmed that the issues raised by the Project had been satisfactorily addressed by the Applicant and as such NCC would not be attending the Examination or submitting any further evidence.
- 6.2 Due to the early timing of this submission, the Applicant provided a response to NCC and the Ex. A in its response to NCC's relevant representation at Part 3 of the First Response. The Applicant has no further comment to make.

## **7. Quadrant Pipelines Limited, Independent Pipelines Limited and GTC Pipelines Limited**

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- 7.1 The Applicant notes that this interested party's written representation confirmed they have no comment to make in relation to the Project at this time. Accordingly, the Applicant has nothing further to add.

## **8. The Danish Nature Agency**

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- 8.1 The Applicant notes that the Danish Nature Agency (Danish Ministry of the Environment) written representation states that they have no comments with regards to the Application. Accordingly, the Applicant has no comment to make in response at this time.

## **9. National Grid**

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- 9.1 The Applicant and National Grid have agreed terms in principle for the protection of National Grid's interests.
- 9.2 Upon conclusion of negotiations on these terms (which are well advanced, address the representations of the stakeholder currently before the Ex. A and are expected to conclude in the near future) it is the Applicant's expectation that National Grid will withdraw its representation and confirm that it has no objection to the grant of the proposed DCO application for the Project.

## **10. Whale and Dolphin Conservation**

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- 10.1 WDC has raised a number of concerns relating to the approach to assessing impacts on marine mammals for Project Two, and the conclusions drawn, as described in Volume 2, Chapter 4: Marine Mammals of the ES.
- 10.2 The issues raised relate generally to the following:
- a) General comments regarding the foundation types proposed in the ES and WDC's conclusion that there was lack of consideration of an alternative to pile-driven foundations;
  - b) General comments on the levels of uncertainty in assessing potential behavioural effects of pile-driving on marine mammals and how the assessment has dealt with this uncertainty;
  - c) Location of the Project in relation to the proposed draft Special Area of Conservation for harbour porpoise in the south central North Sea;
  - d) Wording on the potential 'removal' of animals, in abundant populations of marine mammals, and effects on FCS as cited from the JNCC et al (2010) guidelines on EPS;
  - e) Aspects of the survey methodologies that WDC disagree with, such as the approach to boat-based surveys, the use of SCANS survey data, and the adequacy of the baseline data in the assessment for the Project;
  - f) Potential impacts on marine mammals as VERs, and specifically impacts from pile-driving, which could lead to noise pollution; WDC also have specific concerns relating to the criteria used in the noise modelling assessment for the Project and the approach to CIA;
  - g) Adequacy of the mitigation measures proposed for the Project and WDC's concern that there is no mitigation proposed for behavioural effects;
  - h) WDC's request that monitoring should occur through to the decommissioning phase; and
  - i) WDC's requested confirmation that explosives will not be used during decommissioning.
- 10.3 The Applicant has addressed each one of WDC's concerns raised in their Written Representation in Appendix F of the Response. In general, the Applicant maintains that the approach adopted in the ES, including survey methods, data analysis, definition of study area and CIA, captured the worst case scenarios for a range of foundation types considered (Volume 2, Chapter 4: Marine Mammals). In addition, the conclusions reached therein, provide sufficient precaution to deal with uncertainties, such that the effects predicted for marine mammals were considered to be less than those

quantified in the ES. The Applicant also maintains that the mitigation and monitoring proposed in the ES for marine mammals, and the provisions made within Condition 10(2) of the draft DCO in this regard are adequate. Where relevant, within the detailed response to this written representation, the Applicant provides a cross reference to where agreement on the issues raised by WDC has been reached with the statutory consultee, Natural England, in Appendix XX of the First Response (SoCG between the Applicant and Natural England) and in the Applicants response to the Ex. A's first written questions in the First Response.

## **11. Office of Rail and Road**

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- 11.1 The Applicant notes that this interested party's written representation confirmed they have no representation to make in relation to the Project at this time and do not wish to attend the Examination hearings. Accordingly, the Applicant has nothing further to add.

## **12. The Wildlife Trusts**

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- 12.1 The Wildlife Trusts (TWT) have raised a number of concerns relating to the approach to assessing impacts on marine mammals for the Project, and the conclusions drawn, as described in Volume 2, Chapter 4: Marine Mammals of the ES (Doc ref No 7.2.4).

- 12.2 The issues raised relate to the following:

- a) Comment raised by TWT with respect to the delineation of the North Sea management Unit (MU) for harbour porpoise and the potential for existence of sub-populations in the North Sea;
- b) Adequacy of the mitigation measures proposed for the Project and TWT's concern that there is no mitigation proposed for behavioural effects;
- c) General comment on the high densities of harbour porpoise in the study area and the uncertainty of population consequences of disturbance;
- d) Specific comment raised on the potential for displacement from an area of high resource availability;
- e) General comments on the use of the interim DEPONS report, including specific reference to the use of data in the DEPONS as derived from the DanTysk offshore wind farm, which used noise reduction mitigation;
- f) Location of the Project in relation to the proposed draft Special Area of Conservation for harbour porpoise in the south central North Sea;
- g) TWT request to be named as a consultee for the MMMP;
- h) General comments on consideration of alternatives with respect to satisfying the EPS licensing process;
- i) Comment raised by TWT with respect to the projects screened into the Cumulative Impact Assessment; and
- j) Comments regarding the harbour porpoise proposed Special Areas of Conservation (pSACs).

- 12.3 The Applicant has addressed each one of TWT's concerns raised in their Written Representation in Appendix G of the Response. In general, the Applicant maintains that the approach adopted in the ES, including definition of study area, reference population and CIA, captured the worst case scenarios for a range of foundation types considered, and presents a highly precautionary approach to the assessment of potential disturbance and subsequent behavioural effects, in order to account for some of the uncertainties (Volume 2, Chapter 4: Marine Mammals of the ES). The Applicant also maintains that the mitigation and monitoring proposed in the ES for marine mammals, and the provisions made within the Condition 10(2)

of the draft DCO in this regard are adequate. With respect to DEPONS and PCoD, the Applicant has highlighted the context of its use, and the caveats that need to be considered when applying these models, but that these can provide useful insight into long-term population level effects, provided the limitations of these models are clearly understood. Where relevant, within the detailed response to this written representation at Appendix G of the Response, the Applicant provides a cross reference to where agreement on the issues raised by TWT has been reached with the statutory consultee, Natural England in Appendix XX of the First Response (SoCG between the Applicant and Natural England) and in the Applicant's response to Ex. A's first written questions in the First Response.

### **13. Marine Management Organisation**

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- 13.1 In response to the MMO response to Deadline I, the Applicant refers the Ex.A to the SoCG between the Applicant and the MMO (Appendix WW of the First Response) which covers all of the points issued in the MMO's Relevant Representation. An update to those items noted by the MMO in their Summary of Relevant Representation is first provided below, followed by a response to additional comments raised by the MMO in their written representation.
- 13.2 In relation to the draft DCO, the Applicant and the MMO are continuing to discuss the comments made by the MMO in relation to co-operation and co-ordination between Hornsea Project One and the Project.
- 13.3 In relation to the Deemed Marine Licences (DMLs) and the MMO's comments on the conditions relating to navigation, these conditions have been discussed with MMO, Trinity House and the MCA and are now agreed as further detailed in Standard Navigation Conditions – Signposting Document (Appendix GG of the Applicant's First Response).
- 13.4 With regard to the comments relating to the Environmental Statement, all outstanding issues as highlighted in row 2.3.1 and row 2.3.2 of Appendix A of the SoCG between the parties have now been agreed following MMO confirmation on 31<sup>st</sup> July 2015.
- 13.5 In relation to the comment on the Offshore Works Plans, this has now been agreed, see row 3.2 of Appendix A of SoCG between the Applicant and MMO (Appendix WW of the Applicant's First Response).
- 13.6 The Applicant acknowledges that in addition to the above issues, the MMO have raised three further issues at Deadline I relating to the Marine Noise Registry, Transfer of Benefit of the Order and an In-principle Monitoring Plan (IPMP).
- 13.7 In response to point 1; Marine Noise Registry, the Applicant is in discussions with the MMO regarding the requirements and procedures associated with this registry.
- 13.8 In response to point 2; Transfer of Benefit of the Order, the Applicant acknowledges that this was an item raised by the MMO at Section 42 consultation and following discussions with the MMO between July 2014 and March 2015 the Applicant understood that this matter had been agreed. This agreement was based on the fact that there was a notification procedure under paragraph (6) of Article 35 to ensure that the MMO was provided with adequate information in relation to any transfer to enable the MMO to exercise their powers of enforcement in relation to the DMLs as transferred. The MMO noted that they were currently going through the first such DML transfer(s) in

relation to other projects and the MMO's agreement was therefore subject to the MMO being able to make subsequent comments in relation to the details to be provided under the notification process in paragraph (6) of Article 35 in light of the practical experience gained when working through the initial DML transfer(s).

- 13.9 It is the Applicant's position that the consent of the Secretary of State is not necessary in the case of a transfer of the electricity transmission works to a body licensed under section 6 of the Electricity Act 1989 since any such body will already have been approved as a relevant statutory undertaker. The Applicant's approach is consistent with the consented DCOs for a number of offshore wind farm projects including East Anglia ONE, Walney Extension and Hornsea Project One. The decisions on these projects therefore support the Applicant's position in this regard that consent of the Secretary of State is not necessary in relation to transfers of whole or part to section 6 licence holders. The Applicant notes the recent decision from the Secretary of State for Dogger Bank Teesside A & B considered this issue and concluded at paragraph 7.3 of the decision letter that "*there is no need for consent from the Secretary of State where the transfer is between persons holding a licence under the Electricity Act 1989.*" Furthermore, the Applicant notes that the Secretary of State, when granting consent for Hornsea Project One, specifically reviewed this article and did make a small change to the transfer provision which requires notice to be given prior to a transfer to a section 6 licence holder that was not previously provided for in the Hornsea Project One draft DCO. The Applicant has reflected this change in the draft DCO for this Project.
- 13.10 During a call on 5<sup>th</sup> March 2015 the MMO confirmed that they were comfortable with Article 35(5) subject to the notification process under Article 35(6) being agreed which it was, and further subject to the caveat mentioned above that the MMO may have further comments on the notification process as a result of working through a DML transfer in practice.
- 13.11 The Applicant wishes to highlight that any person benefitting from the provisions of the DCO (including the DMLs) following a transfer of whole or part of the DCO or DMLs will be subject to the same restrictions, liabilities and obligations as would apply to the original undertaker and, due to the notification process set out in paragraph (6) of Article 35, the MMO will be notified of all the relevant details of the transfer to enable them to carry out their duties in relation the DMLs, such details include:
- a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted;
  - b) the date on which the transfer will take effect;
  - c) the powers to be transferred or granted;
  - d) the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted;
  - e) where relevant, a plan showing the works or areas to which the transfer or grant relates; and
  - f) a copy of the document effecting the transfer or grant signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted.
- 13.12 The Applicant therefore submits that the transfer of the benefit provision in the draft DCO provides sufficient controls to ensure that the MMO has all of the relevant information in relation to the DMLs to enable any necessary

enforcement action to be taken and further notes that the provisions included in the draft DCO in relation to transfers are now relatively standard practice within the DCOs for offshore wind farms.

- 13.13 In response to point 3; In principle Monitoring Plan (IPMP), the Applicant refers the MMO and the Ex. A to the SoCG between the Applicant and Natural England on all other matters (Appendix XX of the Applicant's First Response) and also to Appendix U of the Applicant's First Response which provides information on all management plans that are required by the Project
- 13.14 The MMO and Natural England have requested that a Condition or Requirement necessitating an 'IPMP' be included within the draft DCO. The MMO has noted that it supports Natural England position on this matter and the Applicant therefore refers the Ex.A to the Applicant's response to Natural England's written representation for further detail; however, the Applicant would also like to highlight that as of the 28<sup>th</sup> July 2015 a draft IPMP was issued to NE and the MMO for comment and the parties are progressing discussions on this matter.

#### **14. E.ON E&P UK Limited**

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- 14.1 The Applicant notes that E.ON E&P have submitted a Written Representation at Deadline I. The Applicant has had due regard to the points raised by E.ON E&P and a detailed response is provided at Appendix H of the Response.

#### **15. NFFO**

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- 15.1 The Applicant notes that the National Federation of Fishermen's Organisation (NFFO) written representation focused on the matters where agreement has not yet been reached within the SoCG between the Applicant and NFFO, HFIG and VisNed (Section 5 of Appendix QQ – Statement of Common Ground with the NFFO, HFIG and VisNed of the First Response).
- 15.2 In relation to Section 1: "*That a Fishing Liaison and Coexistence plan agreed under the SoCG be required as a licence condition (SoCG 3.2.4-3.2.7 and 5.7)*" of the NFFO's written representation:
- a) As noted in Section 5.7 of Appendix QQ of the First Response, the Applicant does not consider that a specific licence condition is required for a Fisheries Liaison and Coexistence Plan, given Schedules H and J, Condition 10(2)(c)(vii) of the DMLs and Schedule I and K, Condition 10(2)(c)(viii) of the DMLs, requires the Project Environmental Management and Monitoring Plan to include details of the appointment and responsibilities of a Fisheries Liaison Officer (FLO). As agreed in paragraph 3.2.4 of the SoCG between the Applicant and the NFFO, HFIG and VisNed (Appendix QQ of the First Response), the FLO would be expected as part of their normal duties to develop a Fisheries Liaison and Coexistence Plan and as agreed in paragraph 3.2.5 of the SoCG, this Plan will be developed in consultation with the relevant fisheries stakeholders and in accordance with the Fisheries Liaison with Offshore Wind and Wet Renewables Group (FLOWW) "*Best Practice Guidance for Offshore Renewables Developments – Recommendations for Fisheries Liaison*" (Appendix HH of the First Response), wherever possible.
  - b) In their written representation, NFFO identifies a number of different elements that a Fisheries Liaison and Coexistence Plan may include. The Applicant considers that each of the items identified by the NFFO are already included within the draft DCO. Therefore, taking this into consideration and that the FLO would be expected to develop a Fisheries

Liaison and Coexistence Plan as part of its normal duties, the Applicant maintains their position that a specific licence condition is not required for a Fisheries Liaison and Coexistence Plan. The Applicant further believes that this position is consistent with the East Inshore and East Offshore Marine Plans Policy GOV2, as quoted in the NFFO written representation.

15.3 In relation to Section 2: “That provision of a post-installation trawl survey be secured with the DCO/DML in order to verify that safe trawl fishing activities can resume in areas of inter-array cables and the export cable where bottom-towed/trawl activities taken place (SoCG 3.4.12, 5.5)” of the NFFO written representation:

- a) As noted in Section 5.5 of Appendix QQ of the First Response, the Applicant considers that there are sufficient control measures in place with respect to cable burial and protection and pre and post construction monitoring of the seabed so as not to require a post installation trawl survey.
- b) The cable specification and installation plan (pursuant to Schedules H, I, J and K, Condition 10(2)(f) of the draft DCO) will identify areas where cables are to be installed and where potential conflicts exist which could result in damage to installed cables (e.g., trawling or anchor placement). Where potential conflicts exist, the cable specification and installation plan will identify the most appropriate method for protecting the cables following installation (i.e., cable burial or placement of cable protection) depending on the seabed conditions in those areas. The Applicant notes that it is agreed with NFFO, HFIG and VisNed that the FLO, in consultation with NFFO and VisNed, will be given the opportunity to review the cable specification and installation plan prior to its submission to the Marine Management Organisation (MMO) for approval prior to commencement of the works (see paragraph 3.2.10 of Appendix QQ of the First Response). Based on this plan and following installation of the cables, high resolution bathymetric surveys will target areas of particular interest. The number of areas targeted by these surveys will be governed by the results of the cable specification and installation plan to ensure a representative proportion of the offshore wind farm and export cable route is adequately sampled. These high resolution bathymetric surveys are considered by the Applicant to be the most appropriate method for monitoring cable exposure following cable installation as this will generate the highest resolution dataset in a non-intrusive manner. The exact scope of these surveys will be agreed with the MMO, pursuant to Schedules H, I, J and K, Condition 17(1) of the draft DCO.
- c) In addition, the Applicant notes that, pursuant to Schedules H, I, J and K, Condition 7(7-9) of the draft DCO, that the undertaker must provide relevant information to the Kingfisher Information Service of Seafish (Condition 7(7)), the MCA and the MMO (i.e. Notice to Mariners; Condition 7(8 and 9)) on construction activities and other licensed activities (e.g. operation and maintenance works), in advance of commencement of licenced activities. This is to ensure such information is provided to the fishing industry in a timely and efficient manner.
- d) With regards to debris, the Applicant notes that, pursuant to Schedules H, I, J and K, Condition 8(6 and 7) of the draft DCO, an audit sheet is to be submitted to the MMO, with no works commencing until the audit sheet has been agreed with the MMO. The audit sheet will include (but will not be limited to) details of all equipment, components and materials to be

used during construction and shall be maintained throughout construction and the MMO will be notified of any changes. In the event that the undertaker becomes aware that any of the materials on the audit sheet cannot be accounted for it must notify the MMO within five days of becoming aware and that the MMO may then require the undertaker to carry out a side scan sonar survey to plot all obstructions across the Wind Farm Area where construction works and related activities have been carried out (pursuant to Condition 8(8 of the draft DMLs)). Further, pursuant to Condition 8(5) of the draft DMLs, the undertaker must remove any construction debris within 28 days following the undertaker becoming aware of the debris after the completion of the works and where it cannot practicably be removed, to notify MMO, Trinity House and the Maritime and Coastguard Agency (MCA). The Applicant notes that this matter has been agreed in a SoCG between the Applicant and the MMO (item 1.2.6 of Appendix WW of the First Response), the MCA (paragraph 3.16.4 of Appendix PP of the First Response), the Royal Yachting Association (RYA) (paragraph 3.13.5 of Appendix SS of the First Response), Trinity House (paragraph 3.13.4 of Appendix TT of the First Response), the Danish Fishermen PO (paragraph 3.4.5 of Appendix MM of the First Response), and Rederscentrale (paragraph 3.4.5 of Appendix RR of the First Response).

- e) The Applicant notes that following the DCO Hearing of 30 July 2015, the MMO has suggested amended wording to Condition 8(6, 7 and 8) of the draft DMLs to expand the condition to cover maintenance as well as construction and to include wording detailing the procedure of notifying the MMO, through the use of a dropped object procedure form. The Applicant and the MMO are in discussions on these matters and will provide a further update at Deadline IIA.
- f) The Applicant therefore maintains their position that trawl surveys are not required as a licence condition and that there are sufficient control measures in place already within the conditions of the DMLs with respect to cable burial and protection and pre and post construction monitoring of the seabed.

## **16. Historic England**

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- 16.1 The majority of matters raised in the Historic England (HE's) Written Representations have been addressed by the Applicant in the First Response. In particular, the Ex. A is referred to the Applicant's responses to questions LH1, LH2, LH3 and LH4. For further clarification the Applicant has addressed each of the points made by HE in its Written Representation below.
- 16.2 The statements made in Sections 1 and 2 of its Written Representation are noted.
- 16.3 HE comments on Marine Archaeology and Ordnance in Section 3 of its Written Representation. The Applicant's responses are below:
  - a) HE's comments at paragraph 3.1 are noted;
  - b) With regard to paragraph 3.2, the Applicant confirms that the correct number of Archaeological Exclusion Zones (AEZs) is 65, as set out in Table 9.17 of Volume 2, Chapter 9 of the ES (Doc ref No 7.2.9) and Table 5.1 of Volume 5, Annex 5.9.2: Archaeological Monitoring and Mitigation: Draft Written Scheme of Investigation (Doc ref No 7.5.9.2). The Applicant notes that the WSI is a draft document and will be amended when finalised;

- c) The Applicant notes HE's comments on the good coverage of desk-based sources of information and the designed in mitigation methods in paragraph 3.3. With respect to buffers for anomalies and wrecks over 10m long, the buffer size is stated in paragraph 9.6.14, Volume 2, Chapter 9: of the ES. All A1 and A3 wrecks will be protected by AEZs with a 50 m buffer from the maximum known extents of the identified anomalies; and
  - d) The Applicant notes HE's comments at paragraph 3.4 of the Written Representation and refers the Ex. A to Volume 5, Annex 5.9.2 of the ES, in particular sections 5, 6 and 7 where provision is made for archaeological involvement in further surveys.
- 16.4 HE's comments on Seascape and Visual Resources are contained in Section 4 of its Written Representation. The Applicant's responses are below:
- a) The Applicant notes HE's comments on the separate assessment areas, conclusions and the importance of NPS EN-3 at paragraph 4.1; and
  - b) With regard to paragraph 4.2 of HE's Written Representation, the signed SoCG between the Applicant and HE (Appendix VV of the First Response) confirms the agreed view between the parties at paragraph 4.10.1. The Applicant notes that paragraph 5.1.1 of the SoCG indicates that there are no outstanding matters of disagreement with respect to offshore heritage.
- 16.5 HE's comments on Historic Environment are contained in Section 5 of its Written Representation. The Applicant's responses are below:
- a) HE's comments at paragraph 5.2 are noted;
  - b) With regard to paragraph 5.3, HE's comments are noted and the Applicant refers the Ex. A to the information supplied in the First Response, in particular to question LH1;
  - c) HE's comments at paragraph 5.4 are noted and attention is drawn to the information supplied by the Applicant in the First Response, in particular to question LH3(a). Attention is further drawn to the SoCGs agreed between the Applicant and East Lindsey District Council (Appendix A of the Applicant's Response to the Rule 6 Letter), North East Lincolnshire Council (Appendix UU of the First Response), North Lincolnshire Council (Appendix Q of the Response) and Lincolnshire County Council (Appendix O of the Response). These confirm that none of the Local Authorities have raised any concerns regarding the level of assessment of Listed Buildings;
  - d) HE's comments at paragraph 5.5 are noted and the Applicant refers the Ex. A to the information supplied in the First Response and, in particular to its response to question LH1;
  - e) HE's comments at paragraph 5.6 are noted and the Applicant refers the Ex. A to the information supplied in the First Response and, in particular to its response to question LH1. The SoCG between the Applicant and HE (Appendix VV of the First Response) reflects both areas of disagreement and significant areas of common ground. HE refers to Historic Environment Good Practice Advice in Planning Note 3 (March 2015) and notes this supersedes the previous English Heritage Setting guidance (2011). However, the Applicant can confirm that it has reviewed this updated guidance and that it does not materially affect the conclusions of the assessment;
  - f) HE's comments at paragraph 5.7 are noted and the Applicant refers the Ex. A to its response to paragraph 5.6 of HE's Written Representation above;

- g) HE's comments at paragraph 5.8 are noted and the Applicant refers the Ex. A to its response to paragraph 5.6 above. In addition, the Applicant acknowledges that HE notes the degradation of the historic setting around North Killingholme and considers that additional negative impacts of the Project are likely to be relatively limited. The Applicant acknowledges that Figures 6.11 to 6.15 of Volume 3, Chapter 6 of the ES illustrate the worst case scenario of the built development (the HVDC converter station);
  - h) The Applicant notes HE's preference for the HVAC transmission system as contained in paragraph 5.9. The Applicant also notes that HE defers to the LA with regard to the different transmission systems on non-designated heritage assets;
  - i) The Applicant notes HE's comments on the evidential value of non-designated assets as contained at paragraph 5.10. The SoCG between the Applicant and HE (Appendix VV of the First Response) confirms the agreed view between the parties. Table 5.1 of the SoCG sets out matters not agreed. These comprise the setting of onshore heritage assets at the converter/substation and undesignated assets along the cable route. The Applicant maintains that a thorough assessment of the effects on heritage assets has been undertaken and notes that HE defers to the Local Authorities in respect of undesignated heritage assets. In the Applicant's SoCG with Lincolnshire County Council (Appendix O of the Response) the matter not agreed is the timing of the completion of archaeological trial trenching (section 5 of the SoCG). The Applicant maintains its position that the assessment undertaken to date is enough to properly assess the heritage interest. The Applicant has committed, in Table 6.22 of Volume 3, Chapter 6 of the ES, to include the recording as appropriate of those areas of archaeology not previously subject to trial trenching prior to construction as part of a WSI, secured by Requirement 6 of the draft DCO; and
  - j) With respect to paragraph 5.11 of the Written Representation, the Applicant notes that no draft WSI has been submitted in respect of onshore works, with the exception of a small section (paragraphs 5.5.2 to 5.5.17 inclusive) in the draft offshore WSI, referring to a watching brief to be undertaken within the intertidal zone. The Applicant notes that it is normal practice in terms of onshore archaeology to submit WSIs following the grant of consent and notes, for instance, that the consented Hornsea Project One was undertaken in this way.
- 16.6 HE's comments on Volume 5, Annex 5.9.1: Marine Archaeology Technical Report (Doc ref No 7.5.9.1) are included in Section 6 of its Written Representation. The Applicant's responses are below:
- a) The Applicant notes the contents of paragraphs 6.1 and 6.2 and notes that the SoCG between the Applicant and HE (Appendix VV of the First Response) agrees at section 4.7 that the methodology used is appropriate and at section 4.4 that the baseline environment has been adequately described and appropriately included in the relevant sections of the ES;
  - b) The Applicant notes the contents of paragraph 6.3 and confirms that additional archaeological investigation and interpretation to establish a greater degree of confidence in the provenance of anomalies, should they be found within the vicinity of planned turbine placement, forms part of the Applicant's commitments within the draft WSI, in particular at paragraphs 5.2.18 to 5.2.21 and section 5.3, secured through Requirement 6 of the draft DCO; and
  - c) With regard to paragraph 6.5 HE's comments are noted.

- 16.7 The Applicant acknowledges HE's comments in paragraph 7.1 of its Written Representation.
- 16.8 The Applicant notes HE's comments in Section 8 of its Written Representation, regarding the draft DCO (Doc ref No 3.1) and confirms that the latest draft of the DCO, refers to HE rather than English Heritage.

## **17. Trinity House ("TH")**

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- 17.1 In relation to the Standard Navigation Conditions for the DMLs, the Applicant refers the Ex. A and TH to the SoCG between the Applicant and TH (Appendix TT of the First Response) and to Appendix GG of the First Response which details the discussions and agreements that have been made between the Applicant, MMO, TH and MCA in relation to Navigation Conditions for the DMLs.
- 17.2 The Applicant acknowledges that TH's preference is for the Standard Navigation Conditions to have been adopted for the Project and wherever possible this wording has been included in Version 3 of the draft DCO (Appendix A of the First Response).

## **18. Centrica**

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- 18.1 In relation to Section 1: "Introduction" of Centrica's written representation:
- a) Paragraph 1.2 – the Applicant acknowledges that access to Centrica's power station is via a private access road off Chase Hill Road. The Applicant confirms that the Project's onshore substation site already benefits from a legal right of way over and along this private access road.
  - b) Paragraph 1.3.1 – the Applicant notes that part of the power station's infrastructure consists of cooling water pipelines that run from the power station to a pumping station on the banks of the River Humber, together with associated rights to access these pipelines for purposes of inspection, maintenance, repair and replacement. It is the Applicant's understanding that these cooling water pipelines and associated rights fall outside the Project's order limits and use/exercise of the same will be unaffected by the Project.
  - c) Paragraph 1.3.2 – the Applicant notes that the power station benefits from a right to install a gas pipeline within an area of land to the north of the power station. It is the Applicant's understanding that this area of land is outside the Project's order limits and therefore Centrica's rights in this regard will be unaffected by the Project.
  - d) Paragraph 1.3.3 – the Applicant confirms this matter is being discussed as part of the ongoing negotiations between the parties as referred to by Centrica at paragraph 3.2 of its written representation.
  - e) Paragraph 1.3.4 – the Applicant confirms this matter is being discussed as part of the ongoing negotiations between the parties.
- 18.2 In relation to Section 2: "Concerns" of Centrica's written representation:
- a) Paragraph 2.1.1.1 – as mentioned above, the Project's onshore substation site already benefits from a legal right of way over and along the access road. The Applicant is continuing discussions with Centrica to seek to allay concerns in regard to potential damage.
  - b) Paragraph 2.1.1.2 – the Applicant notes that Centrica is concerned as to the possibility of delays/restrictions on access to the power station resulting from the Applicant's use of and improvement works for the access road. The Applicant confirms these matters are being discussed as part of the ongoing negotiations between the parties.

- c) Paragraph 2.1.2 – the Applicant confirms these matters are being discussed as part of the ongoing negotiations between the parties.
- d) Paragraph 2.1.3 – as per paragraph 1.3 above, the Applicant understands that the right enjoyed by Centrica to install a gas pipeline falls within an area of land which is outside the Project's order limits and that Centrica's rights in this regard will therefore be unaffected by the Project. In respect of any rights to lay electricity cables in and around the power station site, these matters are being discussed as part of the ongoing negotiations between the parties.
- e) Paragraph 2.1.4 –the Applicant notes that Centrica is concerned as to the impact of airborne particulate emissions from the Project on the power station. The Applicant would refer the Ex. A and Centrica to Volume 3, Chapter 10: Air Quality and Health of the ES (Doc ref No 7.3.10). The dust controls and mitigation measures that will be employed, as stated in Paragraph 10.7.93 and Table 10.33 of Volume 3 Chapter 10 of the ES, can be expected to protect the Killingholme Power Station air intakes from significant adverse effects. These measures will be secured through the dust management plan as provided for within the Outline Code of Construction Practice (CoCP) (Doc ref No 12.4) secured in accordance with Requirement 8 of the draft DCO.
- f) Paragraph 2.1.5 –the Applicant notes that Centrica is concerned as to the impact of traffic generated on access to the power station:
  - i. The Applicant confirms above that discussions are ongoing with Centrica as part of the ongoing negotiations between the parties with respect to the Applicant's use of the access road and potential damage to it.
  - ii. In regard to the wider highways network, the Applicant confirms that a construction traffic management plan (CTMP) will be secured by Requirement 8(2)(e) of the draft DCO. In accordance with Requirement 8(1) no onshore works can take place until the CTMP has been submitted to and approved by the local planning authority in consultation with the relevant highway authority and the Highways Agency.
  - iii. The Applicant notes Centrica have requested a protective provision in the draft DCO that requires it to be consulted on any transport and traffic related information and documents required to be submitted subsequent to a DCO being granted. The Applicant provides an update on negotiations on Protective Provisions below. The Applicant would point out, however, that since the highway is the sole responsibility of the Highway Authority, the Applicant considers the terms of the existing requirement to provide adequate protection and the proposed amendment to be unreasonable and unnecessary.

18.3 In relation to Section 3: "Protective Provisions" of Centrica's written representation: the Applicant confirms that negotiations are ongoing between the parties in respect of the protective provisions for the benefit of Centrica within the draft DCO.

## PART 2

### The Applicant's response to Interested Parties' responses to the Ex. A's first written questions

GE3	Applicant	<p>Has the applicant considered possible specific implications arising from the application of:</p> <p>(a) The European Marine Strategy Framework;</p> <p>(b) The National Parks and Access to the Countryside Act 1949, the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006;</p> <p>(c) The United Nations Environment Programme (UNEP) Convention on Biological Diversity, with particular reference to Articles 8, 9 and 10?</p>
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#### GE3

1. The Applicant notes MMO has responded to part (a) of this question.
2. The Applicant acknowledges that the MMO has raised the issue regarding the Noise Registry which is related to the Marine Strategy Framework Directive and has responded on this point in its response to the MMO written representation in paragraph 13.7 of Part 1 of the Response above.

EOO1	Applicant, Natural England and RSPB	Further to ongoing discussions post-acceptance, and NE Relevant Representations [RR-021], please provide an update on SoCG for offshore ornithological issues?
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#### EOO1

1. The Applicant notes that both Natural England and the RSPB have responded to this Question.

#### Natural England

2. As noted by Natural England in their response to this question, the Applicant and Natural England submitted a SoCG on offshore ornithological issues in Appendix ZZ of the First Response. A further update to this SoCG can be found at Appendix R of the Response. Significant progress has been made on the matters under discussion and agreement has now been made on the following issues:
  - Baseline data; Methods used to derive population estimates from the baseline survey data;
  - Dealing with survey coverage and treatment of incomplete survey coverage in subsequent analyses of impact; and

- Handling uncertainty in CRM.

### RSPB

1. The Applicant held preliminary discussions with regard to the development of a SoCG with the RSPB on 28<sup>th</sup> May. Since this date, and despite the best efforts from the Applicant, it has not been possible to meet with RSPB to further discuss the approach to the SoCG. A meeting date was reserved with the RSPB for the 20<sup>th</sup> of July; however, after several attempts by the Applicant to confirm this meeting no response from RSPB was received. RSPB then responded to the Applicant on the 28<sup>th</sup> of July noting their wish to work with the Applicant on a SoCG but stating that their technical advisor had limited availability to contribute to the process. The Applicant is trying to work with the RSPB to produce a SoCG for Deadline IIA.

EOO2	Applicant, Natural England and RSPB	<p>Please report on progress made in resolving the baseline data issues raised primarily in the Section 42 Response and Relevant Representations [RR-021] by Natural England and the RSPB [RR-028] in relation to the applicant's ornithological assessment for the Hornsea Project 2 alone, in particular issues about:</p> <p>(a) Methods used to derive population estimates, with inter alia an explanation of the reasons for the differences between the species counts data for Hornsea Project 1 and Hornsea Project 2.</p> <p>(b) Treatment of incomplete and missing survey data (eg for month of December) and contributions of more recent surveys, subsequent to those completed in 2013, including aerial surveys.</p> <p>(c) Clarification of treatment of unidentified species and their apportioning to various species categories;</p> <p>(d) The accuracy of boat based observations of Percentage of birds at Collision Height (PCH) collected at fine scale resolution, approaches to account for uncertainty in flight height data, plus the over-use of site-specific data rather than more generic data sources (e.g. Cook 2012).</p> <p>(e) Data on relevant Biologically Defined Minimum Population Scales (BDMPS) used to assess impacts in EIA.</p> <p>(f) The assumptions used to apportion birds to SPAs in different seasons, for kittiwakes, gannets and auks.</p>
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### EOO2

1. The Applicant notes that Natural England responded to this question.
2. The Applicant has resolved the issues in relation to points (a), (b) and (c) (see the updated SoCG between the Applicant and Natural England

at Appendix R of the Response). As stated in the Applicant's original response to this question at the First Response, point (d) is an area of disagreement between Natural England and the Applicant as detailed in Section 3.4 of the SoCG, Appendix R of this Response.

3. Regarding points (e) and (f) the Applicant is continuing to work with Natural England in resolving these issues and further information to address these points will be submitted at Deadline IIA.

EOO3	Applicant, Natural England and RSPB	Are there any results from the RSPB FAME project on GPS tagged kittiwakes and their flights from Bempton cliffs colony?
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EOO3

1. The Applicant notes that the RSPB has responded to this question and is aware of the information from the FAME project. The Applicant has nothing further to add than as stated in its response to this question at Deadline I.

EOO4	Applicant, Natural England and RSPB	<p>What progress has been made in resolving the methodological issues raised primarily in the Section 42 Response and Relevant Representations [RR-021] by Natural England /JNCC and the RSPB [RR-028] in relation to the applicant's ornithological assessment for the Hornsea 2 project alone, including issues in relation to:</p> <ul style="list-style-type: none"> <li>(a) further allowance for uncertainty around the outputs of the CRM, in particular in relation to density of birds in the project area, flight height of those birds, and uncertainty in PCH figures derived from boat based surveys;</li> <li>(b) Collision Risk Modelling (CRM) methodology: <ul style="list-style-type: none"> <li>(i) how much weight do the interested parties give to the published findings in the Marine Scotland Report (Dec 2014) on appropriate Avoidance Rates (ARs) for various Band model Options for various species;</li> <li>(ii) further update on this AR work, and responses to it—especially in relation to use of the Band Extended Model;</li> <li>(iii) the NE position on the applicant's CRM approach for migratory species; and</li> <li>(iv) the need for use of a Population Viability Analysis (PVA) in addition to the Population Biological Removal (PBR) approach?</li> </ul> </li> </ul> <p>With regard to the above--please provide the ExA with copies of recent papers on ARs produced by Smart Wind and Forewind (2013) and by SNCB (2014)</p>
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## EOO4

1. The Applicant notes Natural England responded to part (a) of this question and that they referred to the Applicant's Collision Risk Modelling note (as provided at Appendix J of the Applicant's First Response) which provides further CRM analysis including confidence limits around density and flight height data. This issue is now resolved with Natural England and it is agreed that the presentation of confidence limits around the CRM outputs provides sufficient information to determine the potential impacts on offshore ornithological features as a result of collision related mortality, see updated SoCG, Appendix R of this Response.
2. The Applicant also notes Natural England responded to part (b) of this question, the Applicant would refer the Ex. A to the Applicant's response to this question of the First Response and also to the updated SoCG, Appendix R of this Response, which provides an update to both parties position with regard to the migratory collision risk model.

EOO5	Applicant, Natural England and RSPB	<p>What progress has been made in resolving the methodological issues raised primarily in the Section 42 Response and Relevant Representations [RR-021] by NE and the RSPB [RR-028] in relation to the applicant's ornithological assessment for the Hornsea project 2 alone, including issues in relation to:</p> <p>(a) The calculation of displacement rates</p> <p>(i) the use of a comparative analysis of levels of sustainable mortality generated by tools such as (PVA); and</p> <p>(ii) the summing of the annual predicted mortality of the colony, or wider population scale used to assess the population level impact.</p> <p>(b) The range of species selected for the impact assessment—collision risk and displacement; and</p> <p>(c) The approach to the assessment of significance.</p>
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## EOO5

1. The Applicant notes Natural England have responded to this question and the Applicant would highlight to the Ex. A that the issues regarding underlying survey data as mentioned by Natural England in their response have been resolved and Natural England consider the baseline data to be appropriate for use within the assessment, see paragraphs 3.2.3 and 3.2.4 of the updated SoCG, Appendix R of this Response.
2. The Applicant will provide updated PVA analysis using updated demographic rates as recommended by Natural England and this will be submitted at Deadline IIA as indicated in the Ornithology roadmap, Figure 1 of the updated SoCG Appendix R of this Response.
3. As noted by Natural England in their response the summing of displacement values within the EIA is an area of disagreement between the two parties, see the updated SoCG in Appendix R of this

Response. The Applicant does not consider it appropriate (nor is it standard practice) to add monthly mortality rates together to generate an 'annual' mortality as the impacts in different seasons or months are on different biological populations. Any summation of mortality rates has to take account of the duration of any defined period and the ultimate annual result is highly dependent on the number of periods defined rather than any insight from species population dynamics.

EOO6	Primarily for the applicant, but also NE and RSPB	<p>What progress has been made in resolving the impact assessment issues raised primarily in the Section 42 Response and Relevant Representations [RR-021] by NE in relation to the applicant's ornithological assessment for the Hornsea project 2 alone, in particular concerns about:</p> <p>(a) The spatial scope of the assessment.</p> <p>(b) The Special protection area (SPA) and Special areas of conservation (SAC) sites which need consideration in relation to Likely Significant Effects on offshore ecology.</p> <p>(c) Evidence the applicant has relied on in reaching conclusion that disturbance will not exceed a 1km buffer around the source of disturbance.</p> <p>(d) Evidence used to select displacement and mortality rates.</p> <p>(e) Various levels of impact assessment classed by the applicant for operational impacts (displacement and collision risk).</p>
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## EOO6

1. The Applicant notes that Natural England have responded to this question and state that conclusions have not yet been drawn as a result of the underlying issues related to baseline datasets. The Applicant would like to refer the Ex. A to the updated SoCG between the Applicant and Natural England detailed at Appendix R of this Response where the issues raised by Natural England in relation to baseline data are now resolved and Natural England agree that the baseline data is appropriate for use within the assessment. The Applicant confirms that it remains in discussions with Natural England on the assessment outcomes and a further update will be provided at Deadline IIA.

EOO7	Applicant and Natural England	<p>Overall, following from the points above in EOO5 and EOO6, what progress has been made to date with NE in agreeing Hornsea Project 2 alone collision and displacement impacts, as appropriate, for the relevant bird species, including:</p> <ul style="list-style-type: none"> <li>(a) Northern gannet;</li> <li>(b) Common guillemot;</li> <li>(c) Razorbill;</li> <li>(d) Atlantic puffin;</li> <li>(e) Black-legged kittiwake;</li> <li>(f) Lesser black-backed gull; and</li> <li>(g) Great black-backed gull?</li> </ul>
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## EOO7

1. The Applicant notes that Natural England have responded to this question and state that conclusions have not yet been drawn as a result of the underlying issues related to baseline datasets. The Applicant would like to refer the Ex. A to the updated SoCG between the Applicant and Natural England detailed at Appendix R of this Response where the issues raised by Natural England in relation to baseline data are now resolved. It has been agreed that the baseline data is appropriate for use within the assessment, however, the Applicant and Natural England are still in the process of discussing the apportioning of impacts to the Flamborough and Filey Coast pSPA and an updated position will be provided at Deadline IIA.

EOO8	Applicant, Natural England and RSPB	<p>What progress been made in resolving the impact assessment issues raised primarily in the Relevant Representations [RR-021] by NE in relation to the applicant's ornithological assessment for Hornsea Project 2 cumulative and in-combination impacts, in particular:</p> <ul style="list-style-type: none"> <li>(a) Is there now an agreed approach for the re-tiering of Offshore Wind farms (OWFs) used for cumulative and in combination effects assessment?</li> <li>(b) Is there now an agreed approach on the projects to be included in each tier, including the capacity of those projects?</li> <li>(c) With regard to cumulative displacement impacts, has further work been undertaken on the standardisation and use of a 2km buffer size, and if so, with what implications for assessed impacts?</li> <li>(d) Can the discrepancies between the figures for the various North Sea plans and projects calculated as part of the Dogger Bank Teesside and the Hornsea Project 2 application, as identified by NE, be explained?</li> <li>(e) What methods have been used to generate</li> </ul>
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		<p>population estimates and displacement figures for projects where either no information, or information for the development footprint without a 2km buffer, was available in the relevant ESs?</p> <p>(f) What progress has been made in undertaking further assessment, as recommended by NE, at a North Sea scale across the whole year, for each relevant species?</p> <p>(g) What progress has been made in agreeing</p> <p>(i) cumulative impacts at a population scale (displacement and collision) for all relevant species; and</p> <p>(ii) in-combination impacts on the Flamborough Head and Filey Coast (FFC) pSPA, for all relevant species?</p>
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## EOO8

1. The Applicant notes that Natural England have responded to this question and as stated by Natural England it has been agreed that the tiering system used within the assessment is not of material concern to Natural England.
2. As noted by Natural England the capacity of those projects included within the cumulative and in-combination assessment is still under discussion, and an updated cumulative and in-combination assessment will be submitted at Deadline IIA. The Applicant can confirm that the assessment figures for the Triton Knoll and Galloper wind farms will not be reduced within the updated cumulative and in-combination assessments within the apportioning appendices (that will be submitted at Deadline IIA).
3. The Applicant notes Natural England's response to part (c) of this question and would like to confirm as per the Applicant's response to this question in the First Response, that although the Applicant is not aware of any standardisation of the 2 km buffer zone beyond the guidance provided by Natural England and JNCC (2012); the projects included within the in-combination displacement assessment have been standardised to include a 2km buffer.

EOO12	Applicant, NE, Marine Management Organisation (MMO) and local authorities (LAs)	<p>Para 2.6.71 of NPS EN-3 supports ecological monitoring to mitigate where appropriate any adverse ecological impacts of the project under consideration, and to enable further useful information to be provided for future projects.</p> <p>(a) Can the applicant please clarify the nature of the intended offshore ornithological monitoring programme for the full life cycle of the Hornsea Project 2?</p> <p>(b) How will monitoring of the Hornsea Project 1 be built into the development of the Hornsea Project 2?</p> <p>(c) Are the MMO and NE content with the proposed</p>
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		<p>approach to monitoring for Hornsea Project 2?  (d) Do the conditions in the DML provide sufficient certainty about the delivery of mitigation and monitoring measures (as specified in the ES)?</p>
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## EOO12

1. The Applicant notes that North East Lincolnshire Council (NELC), East Lindsey District Council (ELDC), the MMO and Natural England have responded to this question.

### Natural England

2. The Applicant notes that Natural England have suggested that they may advise for a Condition relating to colony specific monitoring of specific species and do recommend a Condition relating to strategic bird monitoring programme is included within the DCO.
3. The Applicant does not consider it appropriate to define specific monitoring requirements at this stage. The Applicant has committed to ornithological monitoring. It is open minded at this stage as to whether such ornithological monitoring will be best served through site specific monitoring, colony specific monitoring or indeed strategic monitoring. Such decisions are best taken post consent award and following final scheme design.
4. In light of this, the Applicant is mindful that it may be more appropriate to propose a re-wording the Condition relating to ornithological monitoring to enable the most appropriate form of monitoring be defined at the appropriate (post consent) juncture. To this end, the Applicant may propose updated wording to the DCO to include a commitment to undertake an Ornithological Monitoring Plan (OMP) prior to the commencement of works (or pre-construction surveys where relevant), with the OMP defining the nature of any ornithological monitoring (be it site specific, colony specific or strategic) and replace the existing wording relating to ornithological monitoring with a commitment to monitoring as agreed under to an OMP. This approach would bring the ornithological monitoring in line with that for marine mammals.
5. The Applicant has provided detail of this proposed approach to ornithological monitoring with supporting justification to Natural England and the MMO (as contained within the draft in principle monitoring plan) and will continue to liaise with these parties on this matter until the document is agreed. Once agreement has been reached the Applicant will provide the Ex. A any necessary proposed updated wording to the DCO at the relevant Deadline.

### NELC

6. NELC confirms that it has no comments to make in response to this question.
7. The Applicant, therefore, has nothing further to add at this stage.

### ELDC

8. The Applicant acknowledges that ELDC defers to the MMO and Natural England in relation to this matter.

9. The Applicant refer the Ex. A to the Applicant's response below to the MMO and Natural England responses to this question.

MMO

10. The Applicant responds to the MMO's comments in relation to part (b) of this question only (but notes the MMO's comments/confirmation in relation to parts (a), (c) and (d) respectively) and refers the MMO and the Ex. A to the Applicant's response to this question in the First Response where the Applicant notes that the MMO and the relevant SNCB will be party to the discussions on the monitoring requirements for both the Project pursuant to Conditions 10(2), 15, 16 and 17 of the draft DMLs and also Hornsea Project One (pursuant to the relevant Conditions of their DMLs). The MMO will also be the relevant authority to agree and approve the plans under the requirements of the relevant draft DMLs.
11. The Applicant would further highlight Appendix U of the First Response which provides details of all plans that are required by the Project and the relevant regulatory and consultation bodies for these plans.

EOMM1	Natural England	ES 7.2.4, Para 4.2.3 [APP-033], indicates that the extent of site-specific field surveys were agreed with NE and the JNCC in February 2011 following the submission of the Hornsea Project 1 Scoping Report in November 2010. Is NE content that the study area adopted is appropriate for the present project?
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EOMM1

1. The Applicant notes that in their response Natural England has confirmed that the survey areas were agreed with the Applicant and is line with best practice and those undertaken for other Round 3 offshore wind farm projects at that time, and were therefore fit for purpose.
2. The Applicant acknowledges Natural England's comment that survey design and technology will improve over time, and has no further comment to make at this stage.

EOMM2	Natural England	Do NE agree with the survey methodology for marine mammals employed by the applicant?
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EOMM2

1. The Applicant notes that Natural England has confirmed that the surveys followed best practice at the time (2011) and that it was not considered necessary to do standalone surveys. The Applicant has no further comment to make at this stage.

EOMM3	Natural England	The ES acknowledges that the cable route corridor has not been covered by the site-specific marine mammal surveys, having been characterised by desk study data alone, gathered over a 15-year period, up to 2010. Do NE consider this data used to establish baseline conditions is acceptable?
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## EOMM3

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant notes that Natural England considers the impact risk on Marine Mammals from cable installation to be low, with the adoption of appropriate mitigation, as detailed in by the Applicant in paragraph 7.2.2 and 7.2.3 of Appendix XX of the First Response. The Applicant acknowledges, on the basis of the low risk for impact on Marine Mammals and use of appropriate mitigation that, Natural England do not consider there to be a requirement for specific surveys along the cable route. The Applicant has no further comment to make at this stage.

EOMM4	Natural England	Concern was expressed at the scoping stage regarding the recording of mammals in tandem with undertaking seabird surveys (ES 7.2.4, Table 4.5, comment from Lincolnshire Wildlife Trust/Yorkshire Wildlife Trust) [APP-033], and resultant bias/error is noted in paras 4.5.97-8. As a result of concerns from local fishing operations about interference, the towed hydrophone survey to detect cetaceans was limited by latitude and does not cover the whole extent of the proposed project boundary. Please explain how these limitations have affected the assessment and conclusions drawn.
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## EOMM4

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant cross refers the Ex. A to the response provide by Natural England to EOMM2 and subsequent response by the Applicant to Natural England's response in the Response above.
3. In addition, the Applicant acknowledges that Natural England, in their response to EOMM4, have raised no concerns with regard to the hydrophone survey, and that the information and references used to inform the assessment in the ES are appropriate.
4. The Applicant has no further comment to make at this stage.

EOMM5	Natural England	The ES refers to Disturbance Effects on Harbour Porpoise in the North Sea (DEPONS) (paras. 4.6.56-4.6.63) [APP-033] in respect of sound impacts. Regarding the latter model, preliminary results are
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		<p>said to indicate that pile driving at up to 31 offshore wind farms in the south central North Sea over a six-year period would not lead to long-term population-level effects on harbour porpoises and that subsea noise disturbance from pile-driving, possibly leading to displacement, is most likely to be a short-term occurrence, though no firm conclusions can be drawn at this stage. The model is still at development stage. Can any further information be provided as to the anticipated progress on this research over the timescale of the project and how this might be expected to inform assessment?</p>
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## EOMM5

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant acknowledges that Natural England, in their response to EOMM5, has provided an agreed summary of why DEPONS was established, and direction to further information on the five sub projects within the DEPONS programme.
3. The Applicant notes and confirms Natural England's response to EOMM5 that empirical data collection for DEPONS is ongoing and that it is currently anticipated that the sensitivity analysis will be available in January/February 2016. The Applicant acknowledges that Natural England have commented on the conclusions drawn by the interim DEPONS report (van Beest *et al.*, 2015), but emphasises that presentation of the interim model results in the assessment were heavily caveated as being preliminary and were not relied on for drawing conclusions in the assessment. The interim DEPONS model results were only discussed in the context of contributing some further knowledge as to the possible long-term effects, thus together with other scientific publications, helping to build a picture of the consequences of behavioural disturbance. It is agreed and understood that for the final DEPONS report, site specific information and data will be fed into the model to provide an updated assessment. Further details on discussion on this agreed matter with Natural England is provided in Appendix 4 of Appendix XX of the First Response.

EOMM7	Natural England	<p>The primary source of underwater noise that may impact on marine mammals during construction is pile driving during foundation installation. ES para 4.6.66 states that there was agreement with the JNCC that only modelling for piling noise was required for Hornsea Project 1 (rather than other activities such as cable installation) and this assumption has been carried forward for the present project. Can the SNCBs confirm that this approach is acceptable?</p>
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## EOMM7

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant notes that Natural England is satisfied that as the noise from pile driving is much louder than that produced from other activities such as cable laying, that modelling for pile driving only for the Project is appropriate. The Applicant therefore has no further comment to make at this stage.

EOMM8	Natural England	ES Table 4.17 [APP-033] sets out the 'worst case' spatial and temporal scope of predicted impacts. Do NE consider the assessment to be a realistic worst-case scenario?
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## EOMM8

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant notes that Natural England is satisfied that the assessment is based on realistic worst-case scenarios for spatial and temporal predicted impacts and has no further comment to make at this stage.

EOMM12	Natural England	The maximum adverse scenario assumed in ES 7.2.4, Table 4.17 [APP-033], for maximum pile energy per strike varies according to the type of foundation proposed. Clause 10(2)(b) of Part 2 of the Deemed Marine Licences requires a construction method statement to be submitted before commencement of construction. Is it the intention that maximum pile energy per strike would be secured in this statement, or by other means?
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## EOMM12

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant acknowledges that Natural England is satisfied with inclusion of the maximum hammer energy within the MMMP (pursuant to Schedules H, I, J and K, Condition 10(2)(e) of the draft DCO) and Construction Method Statement (pursuant to Schedules H, I, J and K, Condition 10(2)(b) of the draft DCO) and has no further comment to make at this stage.

EOMM16	Natural England	NE comment in its relevant representation [RR-021] (paras. 5.2.2.2/3) on the value of SCANS data for context in assessing cumulative effects on harbour porpoise. Can the applicant please comment on the use of such data?
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## EOMM16

1. The Applicant notes that Natural England has responded to this question and referred to Natural England's written representation (paragraphs 6.6.8 to 6.6.9).
2. The Applicant and Natural England have agreed that it would be useful context for the cumulative assessment to provide information on the proportion of the regional study area affected by each of the projects in the cumulative assessment and this data is presented in Appendix 8 of Appendix XX of the First Response. It was agreed between the Applicant and Natural England that it was not appropriate to weight the areas presented in Appendix 8, nor the number of animals potentially affected by each project using SCANS data, as the interpretation of the results may be misleading.
3. Natural England's written representation (paragraph 6.6.8 to 6.6.9) notes their satisfaction with the additional information provided on the proportion of the regional study area affected by each of the projects in the cumulative assessment. The Applicant therefore has no further comment to make at this stage.

EOMM18	Natural England	<p>NE in its relevant representation [RR-021] (paras. 5.2.1.1-5.2.1.4) refers to the development of the interim Population Consequences of Disturbance (PCoD) model developed to forecast the potential disturbance, and collision effects, on marine mammal populations from the construction and operation of offshore marine energy devices. An extension to the original interim model has been commissioned to predict the population consequences of disturbance to harbour porpoises. It is said this project was due to complete by April 2015 and should enable an assessment of whether multiple pile driving operations in the English part of the North Sea are likely to have a population-level effect on the harbour porpoise population in the wider North Sea.</p> <p>(a) Can NE provide an update as to whether the PCoD is complete and whether the outputs indicate that a population-level effect is expected?</p> <p>(b) Could the applicant please produce a note clarifying how its own assessment compares with this work (on the assumption that the PCoD extension project has now been completed)?</p>
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## EOMM18

1. The Applicant notes that Natural England has responded to this question and referred to Natural England's written representation (paragraphs 6.6.3 and 6.6.4).
2. The Applicant notes that Natural England have agreed that it would not be appropriate to undertake a cumulative PCoD assessment and has nothing further to add.

EOMM20	Natural England	A Marine Mammal Mitigation Protocol (MMMP), which is required by Condition 10(2)(c) of the DMLs, is anticipated to provide a description of mitigation and justification for the techniques chosen. Can details be provided as to the anticipated timescale and engagement process regarding the production and agreement of a MMMP?
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## EOMM20

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant refers to Natural England's response to EOMM21 and confirms and agrees with Natural England that the Marine Mammal Mitigation Protocol (MMMP) will be submitted to the Marine Management Organisation (MMO) for approval post consent, and at least 4 months prior to commencement of offshore construction activities. The Applicant confirms, as stated in Natural England's response to EOMM21, that this is secured in Schedules H, I, J and K of Condition 10(2)(e) of the draft DCO.
3. The Applicant proposes to discuss and agree the timescales and engagement process regarding the production and agreement of an MMMP with the MMO post consent.

EOMM21	Natural England	It is suggested that the MMMP will include monitoring, the form of which is to be agreed with the SNCBs, to test the predictions of assessment (ES 7.2.4, para. 4.6.314) [APP-033]. a) What specific monitoring is proposed? b) Who will be responsible for the monitoring? c) What are the methods by which it would be delivered? d) How would results be used?
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## EOMM21

1. The Applicant notes that Natural England has responded to this question.
2. As in the Applicant's response to EOMM21 of the First Response, the Applicant wishes to highlight to the Ex. A that the marine mammal monitoring plan referred to in this paragraph of the ES is distinct from the Marine Mammal Mitigation Protocol (MMMP) referred to elsewhere within the ES and the draft DMLs. The marine mammal monitoring plan, to which this question refers, relates to Schedules H and J, Condition 10(2)(h) of the draft DCO, with the MMMP relating to Schedules H, I, J and K, Condition 10(2)(e) of the draft DCO. The Applicant's response here (as with our response to EOMM21 of the First Response) therefore addresses aspects related to the marine mammal monitoring plan only.
3. With regard to Natural England's response to part a), the Applicant wishes to point out that it has shared (as of 28.07.2015) an In Principle

Monitoring Plan (IPMP) document with Natural England. This document contains further detail on all proposed offshore monitoring and will be submitted into the examination once the content has been agreed with Natural England and the MMO.

4. The Applicant agrees with Natural England (EOMM21 responses (a), (b) and (c)) regarding the process and timing of securing approval of any monitoring.
5. The Applicant agrees in part with Natural England's response to EOMM21(d) in that monitoring should aim to test predictions made within the ES. However, it is important to note that the means by which this is best achieved may vary (as recognised by Natural England within their response to EOO12, when referencing strategic and colony specific monitoring for ornithological receptors) and as such it may be that monitoring serves to address specific knowledge gaps relating to a key receptor, rather than testing a specific hypothesis per se.

EOMM22	Natural England	NE in its relevant representation ([RR-021] (para. 4.2.2) indicates that the JNCC has undertaken an analysis of data for harbour porpoises in UK waters with the aim of identifying possible sites for SAC designation, with formal consultation to be launched this summer. Should this be the case, the impacts on the proposed designated features of these sites will become a material consideration in relation to Habitats Regulations Assessment for the project. Can further information be provided as to what stage consultation may have progressed and future timescales in the possible designation process?
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#### EOMM22

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant acknowledges Natural England's response and agrees to working together with the SNCB once the consultation material has been released. It is the Applicant's current understanding that the material is likely to be released in late September 2015.

EOMM23	Natural England	It is suggested that the MMMP will include monitoring, the form of which is to be agreed with SNCBs, to test the predictions of assessment (ES 7.2.4 [APP-033], para. 4.6.314). What specific monitoring is proposed, who would be responsible and what are the methods by which it would be delivered, and how would results be used?
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#### EOMM23

1. The Applicant notes that Natural England has responded to this question.

2. The Applicant notes that this response can be cross referenced to EOMM21. The Applicant therefore has no further comment to EOMM23.

EOMM25	Natural England	<p>Having regard to Habitat Regulation Assessment, TWT in their relevant representation [RR- 29] consider more explicit mitigation should be specified in the outline Code of Construction Practice (CoCP) in order to ensure disturbance to the grey seal feature of the Humber Estuary SAC is minimised. Without mitigation more explicitly in place, TWT do not agree that the test for Likely Significant Effect (LSE) and, subsequently, site integrity, has been adequately considered.</p> <p>Can the applicant and NE please comment?</p>
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#### EOMM25

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant notes Natural England's advice that there is no Likely Significant Effect (LSE) (alone or in combination).
3. The Applicant notes that Natural England acknowledge that construction works in the intertidal will be limited to between April and September (as secured in Schedules I and K, Conditions 20(3) and 20(4) of the draft DCO), and that this will avoid the main pupping season (October to December). Furthermore, that the area used by the breeding grey seal population of the Humber estuary SAC is located within an active bombing range, and therefore could be expected to show a degree of habituation.
4. The Applicant notes that Natural England refer to the SoCG between the Applicant and Natural England (see paragraph 7.2.3 of Appendix XX of the First Response), where the Applicant has agreed to adopt best-practice measures and codes of conduct when in close proximity to seal haul-out sites, which will be secured in the draft DCO, Schedules H, I, J and K, Part 2, Condition 10(2) which requires a Code of Construction Practice (CoCP).
5. As such, the Applicant has no further comment.

EL1	Applicant and the Environment Agency	<p>In their Relevant Representations [RR-012] the EA raises a number of concerns in relation to the requirements of the Water Framework Directive (WFD). Can the applicant please clarify what progress has been made in terms of resolving concerns about:</p> <p>(a) Potential disturbance to sediments in inter-tidal areas in relation to CEFAS mineral action levels.</p> <p>(b) Impacts on fish from noise, turbidity, release of contaminants etc.</p>
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		<p>(c) Approach to consideration of saltmarsh under WFD.</p> <p>(d) Extent of screening threshold for bathing water.</p> <p>(e) Assessment of shellfish water.</p>
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## EL1

1. The Applicant notes that the Environment Agency (EA) has responded to this question and has confirmed that these matters have been agreed. Accordingly, the Applicant has no further comment to make at this time.

EL2	Applicant and EA	<p>In [RR-012], the EA also raises concerns about the apparent datedness of some of the information used in the assessment, and the implications for the project, and in particular for the inter-tidal cable protection.</p> <p>Can the applicant please respond on the potential implications for the inter-tidal impacts of/on the project of:</p> <p>(a) Tidal movements arising from climate change.</p> <p>(b) Recent beach profile data for Horseshoe Point, post Dec 2013.</p> <p>(c) Coastal and sea bed erosion in the near shore area.</p> <p>(d) Potential changes in the Lincolnshire beach nourishment programme.</p> <p>(e) Drift rates–worst case scenarios.</p> <p>(f) The potential for increased storminess and surges arising from climate change.</p>
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## EL2

1. The Applicant notes that the EA and Natural England have responded to this question.

Natural England

1. The Applicant notes that Natural England responded to this question and refers the Ex. A to the Applicant's response to Natural England's Written Representation (as provided Appendix I of this Response).

Environment Agency

1. The Applicant notes that the EA has responded to this question and has confirmed that these matters have now been agreed (as detailed

within the Applicant's comments on the EA's Written Representation in Part 1 of the Response above).

EL3	Environment Agency	Is the EA content that there are no adverse implications for the coastal cockle beds and the Donna Nook National Nature Reserve (NNR) from the intertidal corridor route and temporary working area?
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### EL3

1. The Applicant notes that the EA has responded to this question and has confirmed that:
  - a) They are confident that there will be no adverse implications for the cocklebeds as a result of the Project; and
  - b) They welcome their inclusion as a consultee on the Project's Ecological Management Plan, which will provide them with a mechanism to be informed on the Project's ornithological monitoring.
2. The Applicant has no further comment to make on these submissions.

EL4	NE	Is NE content with the predominant use of baseline data gathered for Hornsea Project 1, for the assessment of the Hornsea Project 2 onshore and intertidal ecological impacts?
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### EL4

1. The Applicant notes that Natural England responded to this question.
2. The Applicant acknowledges the response provided by Natural England and that they advise that no further action is required at this time.
3. The Applicant notes that the intertidal bird data to which Natural England refer in their response to this question was discussed during Section 42 consultation. The Applicant carried out a Phase I habitat survey in relation to concerns that the habitats at the landfall had changed following the storm surge of winter 2013. The results of this survey were shared with Natural England in August 2014 and during consultation with Natural England following the results of these surveys it was agreed that the findings of the survey did not require further overwintering bird surveys to be carried out as there had been no change the habitats used by SPA features.
4. The Applicant also notes that the original survey methodology and timings were agreed in consultation with Natural England prior to commencement and as such are deemed acceptable.

EL5	LAs	Are the local authorities satisfied that the Terrestrial Ecology Survey [APP-0108], including information on hedgerows, which was collected in 2011, is sufficiently accurate and up to date to support the conclusions and actions set out in the draft DCO and ES?
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EL5

1. The Applicant notes that North East Lincolnshire Council (NELC) and East Lindsey District Council (ELDC) have responded to this question.

NELC

1. NELC confirms that it has no issues with regard to the terrestrial ecology survey. The Applicant, therefore, has nothing further to add at this stage.

ELDC

1. In response to ELDC's comment regarding merit in undertaking a survey prior to the commencement of works, the Applicant can confirm that it has made provision for terrestrial ecology surveys prior to the commencement of works as set out in the Outline Ecological Management Plan (Doc Ref 12.5), as secured by Requirement 7 of the draft DCO.

EL6	Applicant and Environment Agency	Given the predominance of hedgerows of 'important' status along the onshore cable route, should the applicant not give consideration to the use of more trenchless cable installation rather than hedgerow removal and reinstatement?
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EL6

1. The Applicant notes that the EA has responded to this question and has referred the Ex. A to Natural England's advice on such matters.
2. The Applicant notes that Natural England are content with the outcomes of the terrestrial ecology impact assessment and proposed mitigation measures, as evidenced in Section 8 of the SoCG between Natural England and the Applicant as submitted at Appendix XX of First Response.

EL7	Applicant, EA and NE	<p>With particular reference to para. 5.3.18 of EN-1, would the applicant please summarise:</p> <p>(a) How best practice will be specified and ensured during both construction and operation to minimise risks to habitats and species?</p> <p>(b) Which habitats are to be the subject of specific restoration programmes after completion of construction works?</p> <p>(c) Which habitats have been identified as the subject of specific enhancement measures?</p> <p>(d) What if any new habitats are to be created?</p>
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## EL7

1. The Applicant notes Natural England and the EA have responded to this question.

Natural England

1. The Applicant acknowledges that Natural England do not have any additional comments to make at this stage and that a number of pre-construction surveys, plans and activities as secured through the DCO and DMLs ensure that any risk to species or habitat are avoided and/or minimised.
2. The Applicant acknowledges Natural England response with reference to European Protected Species (EPS). Should EPS be identified during pre-construction surveys, the Applicant will seek to apply for an EPS licence and follow best practice, liaising with relevant consultees to address any outstanding concerns at the time.

Environment Agency

1. The Applicant notes that the EA has referred the Ex. A to Natural England's advice on such matters. As such the Applicant cross refers the Ex. A to its comments on the response from Natural England.

EL8	EA and LAs	<p>Are the EA and LAs content with the programme for the replanting and management of reinstated areas as set out in the outline Ecological Management Plan (EMP) [APP-0170]?</p>
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## EL8

1. The Applicant notes that North East Lincolnshire Council (NELC), East Lindsey District Council (ELDC) and the EA have responded to this question.

NELC

1. NELC confirms that it has no issues with regard to the EMP, *"notwithstanding the usual caveats regarding the conditioning of the details"*.
2. The Applicant acknowledges this response and confirms the EMP is secured by Requirement 7 of the draft DCO, which provides the EMP

must be approved by the Local Planning Authorities prior to any onshore construction works starting.

3. The Applicant has nothing further to add at this stage.

#### ELDC

1. The Applicant acknowledges that ELDC is content with the proposals for replanting and management of the reinstated areas as set out in the outline Ecological Management Plan (Doc Ref No 12.5).
2. The Applicant has no further comments.

#### Environment Agency

1. The Applicant notes that the EA has referred the Ex. A to the LAs advice on such matters. As such the Applicant cross refers the Ex. A to its comments on the response from the LAs.

EL9	Applicant	<p>The consideration of the cumulative effects of the construction of both Hornsea Project 1 and Hornsea Project 2 under the three scenarios outlined indicates either a higher level or a longer duration of local ecological impacts, or possibly both.</p> <p>(a) But it is unclear from the complex assessment which scenario is the most disruptive, and which is the least disruptive, for the local ecology. Can the applicant please clarify further for the relevant species and habitats in:</p> <p style="padding-left: 40px;">(i) the onshore cable corridor; and</p> <p style="padding-left: 40px;">(ii) the intertidal zone</p> <p>(b) Can the applicant also establish the link between the construction phase described in ES 7.3.3 [APP-044] Table 3.13 and the relevant works number in the draft DCO as well as in the works plan?</p> <p>(c) Are there any additional control measures that can be applied to the draft DCO to avoid the most damaging aspects of the assessed scenarios (e.g. consecutive years of construction)?</p>
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#### EL9

1. The Applicant notes that RSPB have responded this question and have concerns about the potential impacts of intertidal work and lack of clarity over the likely duration and intensity of the cable-laying works.
2. The Applicant would like to refer the Ex. A to the Applicant's response to this question in the First Response. It should also be noted that the proposed duration of the cable-laying works is detailed within the intertidal ornithology ES chapter (Doc Ref 7.3.4) and that the construction methods and timings will be included within the construction method statement and code of construction practice which will be approved by the MMO in consultation with Natural England before construction commences.

EL15	Applicant, NE and MMO	Is the applicant planning to use trailer suction hopper dredgers (TSHD) for cable laying, affecting the Humber Estuary SAC? If so, what effects might this have on the destabilisation and redistribution of sediments on the features of the Humber Estuary SAC?
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## EL15

1. The Applicant notes the MMO and Natural England have responded to this question.

MMO

1. The Applicant acknowledges that the MMO is happy to defer to NE on the specific impacts and refer the MMO and the Ex. A to the SoCG between the Applicant and NE (Appendix XX of the First Response), where this matter has been agreed between the parties. Appendix 3, reference 3.1 of this SoCG provides clarity regarding the use of TSHD.
2. The Applicant also refers the MMO and Ex. A to Condition 20(1) and 20(2) of Part 2 of Schedules I and K of the draft DMLs which provide for certain restrictions in the intertidal area and Humber Estuary Special Area of Conservation. These conditions stipulate that only frond matting may be used as the method of cable protection within the Humber Estuary Special Area of Conservation, unless agreed in writing with the MMO (Condition 20(1)) and that no cable protection may be used within the intertidal area of the Humber Estuary Special Area of Conservation.

NE

1. The Applicant acknowledges the response provided by Natural England and refers the Ex. A to the SoCG between the Applicant and Natural England (Appendix XX of the First Response), where this matter has been agreed between the parties. Appendix 3, reference 3.1 of this SoCG provides clarity regarding the use of TSHD.

LH2	Historic England (HE)	The desk based and field evaluations in relation to heritage assets with a potential archaeological interest referred to in Table 6.1 of Chapter 6 of the ES Historic Environment ([APP-048a] were carried out in 2011 (see, for example, para. 6.5.9). Will HE comment on the adequacy of the survey material used in the Hornsea Project 2 ES in relation to the historic environment?
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## LH2

1. The Applicant notes that Historic England (HE) have responded to this question.

2. HE confirms that it considers the relevant local planning authorities to be better placed to comment on the adequacy of the survey material used in the Project's ES.

3. The Applicant refers to the SoCGs agreed between the Applicant and the local planning authorities, detailed more particularly below.

ELDC

4. The final signed SoCG between the Applicant and East Lindsey District Council (ELDC) was submitted at Appendix A of the Applicant's Response to the Rule 6 Letter. It is agreed at paragraph 3.1.4 of the SoCG that ELDC has no concerns with the project other than the matters raised in the SoCG. It is noted that historic environment is not a matter which is raised.

NELC

5. The final signed SoCG between the Applicant and North East Lincolnshire Council (NELC) was submitted at Appendix UU of the First Response.

6. It is agreed at paragraph 3.1.4 of the SoCG that the Applicant's assessment of impacts on archaeological sites is satisfactory and the suggested mitigations are adequate.

NLC

7. A final signed SoCG between the Applicant and North Lincolnshire Council (NLC) is submitted at Appendix Q of the Response.

8. There is one matter relating to archaeology and the historic environment which is subject with NLC, set out at paragraph 4.1.2 of the SoCG, whether offsite mitigation would counter the effects of the Project on the setting of Thornton Abbey and of Manor Farm moated site, which is under discussion.

9. There is one matter not agreed with NLC, as set out at paragraphs 5.1.1 to 5.1.3 of the SoCG, regarding the appropriateness of the trial trenching undertaken for the Project pre-application.

LCC

10. The final signed SoCG with Lincolnshire County Council (LCC) is submitted as Appendix Q to the Response.

11. Matters not agreed are set out in Section 5 of that SoCG. It is confirmed at paragraphs 5.1.1 and 5.1.2 that LCC consider the agreed programme of trial trenching should be completed.

12. The Applicant's position in regard to this matter is set out at paragraphs 5.1.3 and 5.1.4 of the SoCG. The Applicant considers that the assessment undertaken to date is enough to properly assess the heritage interest. The Applicant has committed, in Table 6.22 of Volume 3, Chapter 6: Historic Environment of the ES (Doc ref No 7.3.6), to include the recording as appropriate of those areas of archaeology not previously subject to trial trenching prior to construction as part of a WSI, required by Requirement 6 of the draft DCO

13. The Applicant also refers the Ex. A to its response to this question in the First Response.

LH3	HE and LAs	<p>Do HE and the LAs agree with:</p> <p>(a) The definitions of ‘importance (value or sensitivity)’ set out in the tables of assessment 6.14, 6.15, 6.16, 6.17, 6.18 and 6.19 in Chapter 6 of the ES-Historic Environment [APP-048a]?</p> <p>(b) The values set out in the matrix in Table 6.20 to be used for assessments of significance combining receptor sensitivity and magnitude of effect? The use of Highways Agency Guidance Note 208/07 (August 2007) to underpin the definitions of importance in relation to heritage assets in Chapter 6 of the ES-Historic Environment [APP-048a] and if not provide advice on any acceptable alternative approach?</p> <p>(d) The assessment of magnitude of impact and adequacy of the designed in mitigation measures in relation to undesignated heritage assets during the construction phase set out in paras. 6.6.48 to 6.6.126 of Chapter 6 of the ES Historic Environment [APP-48a]?</p> <p>(e) The assessment of magnitude of impact and adequacy of the designed in and other mitigation measures in relation to Scheduled Monuments, Listed Buildings, conservation areas and Registered Parks and Gardens assets during all phases set out in paras. 6.6.127 to 6.6.272 of Chapter 6 of the ES Historic Environment [APP-48a]?</p> <p>(f) The summary of potential environmental effects set out in Table 6.25 of Chapter 6 of the ES Historic Environment [APP-48a]( particularly in relation to sensitivity of receptor, magnitude of impact, significance of effect including designed in measures and additional mitigation measures and residual significance of effect?</p>
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### LH3

1. The Applicant notes that North East Lincolnshire Council (NELC), East Lindsey District Council and Historic England (HE) have responded to this question.

### NELC

1. NELC confirms that it has no issues with the historic environment assessment. The Applicant, therefore, has nothing further to add at this stage.

### ELDC

1. The Applicant acknowledges that ELDC has no comment to make and, accordingly, the Applicant has no further comment to make at this time.

### HE

1. In its response to this question HE has noted the following:

- a) LH3(a) - it considers that all Listed Buildings should be of the same importance as they are all of national importance.
  - b) LH3(b) - it considers that the matrix methodology used in the assessment provides little useful contribution to the assessments of heritage impacts.
  - c) LH3(c) - it considers that the approach to assessing heritage assets has moved on from the methodology used in the assessment.
  - d) LH3(d) - it defers to the LAs.
  - e) LH3(e) - while it does not always agree with the assessment of magnitude of impact in the ES, HE considers that additional harm caused by the Project is likely to be relatively limited and that the proposed mitigation strategies are likely to be appropriate. In respect of non-designated archaeological remains HE defers to the LAs.
  - f) LH3(f) - it agrees the mitigation measures are appropriate. However, whilst mitigation through restoration of contours reduces visual impacts on the setting of heritage assets, this cannot nullify the loss of evidential value of those assets.
2. In response to HE's response to LH3(a), (b), (c), (e) and (f), the Applicant refers the Ex. A and HE to the Applicant's response to LH3 submitted in the First Response. Paragraphs 7 and 8 of the Applicant's response to this question noted that the Applicant's SoCG with HE (Appendix VV of the First Response) notes that there are limited areas of disagreement remaining.
  3. In response to LH3(a) the Applicant further refers the Ex. A and HE to paragraph 5.8.14 of NPS EN-1 (July 2011). This draws a clear distinction between Grade I and II\* listed buildings and those listed at Grade II.
  4. In addition to the above, in response to LH3(c) the Applicant would confirm clarify that it used methodology based on that outlined in the Design Manual for Roads and Bridges (Highways Agency, August 2008). HE refer to the NPPF in their response, however NPS EN-1 provides policy for determining this application. Finally, the Applicant would draw the Ex. A's attention to the submission date of the application (January 2015) and the date of the 'Historic Environment Good Practice Advice in Planning Notes on Managing Significance in Decision Taking and The Setting of Heritage Assets' (March 2015). The Applicant notes in this respect that the March 2015 document indicates that the same steps to assessment as provided in the English Heritage document 'The Setting of Heritage Assets (2011) as referred to at the bullet point below paragraph 6.3.18 of Volume 3, Chapter 6: Historic Environment (Doc ref No 7.3.6) should be followed. On this basis the assessment and conclusions of the ES remain valid.
  5. In response to LH3(e) the Applicant refers the Ex. A and HE to paragraph 5.8.8 of NPS EN-1 (July 2011). This states that *"as part of the ES the applicant should provide a description of the significance of any heritage assets affected by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance of the heritage asset"*. The Applicant that HE acknowledge in the response to LH3(e) that additional harm is likely

to be limited. On this basis the Applicant considers that the assessment carried out is proportionate and in accordance with NPS EN-1 advice.

LH4	HE and LAs	Are HE and the LAs satisfied that the potential impacts on all heritage assets impacted by the proposed Hornsea Project 2 proposal in all its phases have been properly assessed and that the proposed mitigation measures are adequate? If not, please outline the nature of the concern and the steps you wish to see taken to deal with it.
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#### LH4

1. The Applicant notes that North East Lincolnshire Council (NELC), East Lindsey District Council (ELDC) and Historic England (HE) have responded to this question.

#### NELC

1. NELC confirms that it has no issues with the historic environment assessment. The Applicant, therefore, has nothing further to add at this stage.

#### ELDC

1. The Applicant acknowledges that ELDC has no comment to make and, accordingly, the Applicant has no further comment to make at this time.

#### HE

1. The Applicant refers the Ex. A and HE to its response to this question at the First Response, in particular paragraphs 2 and 3.
2. HE raises concerns regarding the extent of the study area and levels of assessment in relation to different categories of Listed Buildings.
3. In its response to these concerns the Applicant refers the Ex. A and HE to the Applicant's response to responses on LH3(a) (above).
4. The Applicant notes that on Grade II Listed Buildings the HE defers to the LAs. The Applicant notes that the LAs have not, to date, raised any concerns about the settings of Listed Buildings. The Applicant notes that the only area of discussion with the LAs on listed buildings is with respect to NLC, with whom the Applicant is discussing whether off site planting would be appropriate to mitigate any effect on its setting.
5. The Applicant notes that HE does not agree with the conclusions of the Applicant's assessment, but has no concerns that the actual assessment was not conducted properly, nor that the proposed mitigation measures relating to direct impacts on designated heritage assets are unlikely to be adequate.
6. Finally, the Applicant notes with regard to non-designated heritage assets, HE defers to the LAs. The Applicant notes that the LAs have not, to date, raised any concerns regarding non-designated heritage assets.

LH6	LA's	Are the local authorities content that the description of the baseline environment and the photographs shown in the assessment in ES-Chapter 5 Landscape and Visual Resources [APP-046] are adequate for the purpose?
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## LH6

1. The Applicant notes that North East Lincolnshire Council (NELC) AND East Lindsey District Council (ELDC) have responded to this question.

NELC

1. NELC confirms it considers the information provided to be sufficient for the purpose of adequately assessing the proposal.
2. The Applicant acknowledges this positive statement and has no further comment to add at this stage.

ELDC

1. The Applicant acknowledges that ELDC has no outstanding concerns and has no further comments to make at this stage.

LH7	NE, East Lindsey District Council (ELDC), North Lincolnshire Council (NLC), North East Lincolnshire Council (NELC), West Lindsey District Council (WLDC), and Ray Wilson – East Halton Resident	Can the various stakeholders referenced in Table 5.4 of ES-Chapter 5 Landscape and Visual Resources [APP-046] confirm whether or not they have outstanding concerns with regard to the assessment's methodology and the proposals to address the issues raised and if so further outline those concerns and what should be done about them?
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## LH7

1. The Applicant notes that North East Lincolnshire Council (NELC), East Lindsey District Council (ELDC) and Natural England have responded to this question.

NELC

1. NELC confirms it has no outstanding concerns with regards to the assessment methodology used in Volume 3, Chapter 5: Landscape and Visual Resources, of the ES (Doc ref No 7.3.5). The Applicant acknowledges this positive response and has no further comment to make at this stage.

2. The Applicant notes that in the SoCG between NELC and the Applicant (Appendix UU of the First Response) all aspects of Volume 3, Chapter 5: Landscape and Visual Resources of the ES are agreed.

#### ELDC

1. The Applicant acknowledges that ELDC has no outstanding concerns and has no further comments to make at this stage.

#### NE

1. The Applicant notes Natural England has responded to this question and confirmed that they have no outstanding issues and that the assessment is in line with appropriate guidance. The Applicant acknowledges the positive comments and has nothing further to add at this stage.

CL2	Applicant	No cable protection measures are proposed to be used in the inter-tidal area. What are the relative merits of this approach, given the climate change and marine processes issues raised in question EL2?
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#### CL2

1. The Applicant notes Natural England and the EA have responded to this question.

#### Natural England

1. The Applicant acknowledges the response provided by Natural England that the advice is that no cable protection is used in the intertidal area and refers Natural England to Condition 20 of the draft DML's that provides for restrictions in intertidal area and Humber Estuary Special Area of Conservation. Condition 20(1) states the cable protection to be used within the Humber Estuary Special Area of Conservation must be frond matting, unless otherwise agreed in writing with the MMO, and Condition 20(2) states that no cable protection is to be used within the intertidal area of the Humber Estuary Special Area of Conservation. Furthermore, as noted by Natural England the cable specification and installation plan (Condition 10(2)(f)), will give due regard to necessary burial depth to mitigation any climate change effects on beach profile.

#### Environment Agency

1. The EA cross refer to the ongoing discussions (as detailed under Question EL2) in relation to marine processes and cross refers the Ex. A to its comments on this response above. The Applicant notes the EA confirm within their Written Representation that they are in agreement with the mitigation measures relating to post burial restoration (if required) in the intertidal and has nothing further to add.

CL9	NE, MMO and LAs	<p>(a) Do NE, MMO and the local authorities consider that they have sufficient information on the principles and parameters to be used in drafting the Code of Construction Practice (CoCP) to be confident that the submitted plan will be capable of approval?</p> <p>(b) Do NE, MMO and the local authorities consider that they have or will have sufficient information and assurances about monitoring to be confident that the submitted CoCP will be monitored adequately?</p> <p>(c) Do NE, MMO and the local authorities consider that they have or will have sufficient information to be confident about the enforcement of the CoCP?</p>
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## CL9

1. The Applicant notes that North East Lincolnshire Council (NELC), East Lindsey District Council (ELDC), MMO and Natural England have responded to this question.

NELC

1. NELC confirms it is satisfied with the information supplied with the Application. The Applicant has no further comment to make at this stage.

ELDC

1. The Applicant acknowledges that ELDC is satisfied that the information provided to them in relation to the Code of Construction Practice is sufficient. The Applicant has no further comment to make at this stage.

MMO

1. The Applicant notes the MMO is content with the information to be provided for within the plans and secured through the DCO. The Applicant has no further comments to make at this stage.

NE

1. The Applicant refers Natural England and the Ex. A to the SoCG between the Applicant and Natural England (Appendix XX of the First Response) where it has been agreed that Natural England are comfortable that the requirements and conditions secured under the draft DCO and the DMLs provide sufficient information to be included in the CoCP for all aspects of the Project.

CL10	NE, MMO and LAs	<p>(a) How will the flood defences, sand dunes and salt marsh be monitored and protected to avoid damage during construction?</p> <p>(b) How is this to be secured through the ecological, construction practice or other plans or draft DCO Requirements?</p>
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## CL10

1. The Applicant notes that North East Lincolnshire Council (NELC), East Lindsey District Council (ELDC), MMO, Natural England and the EA have responded to this question.

#### NELC

1. NELC confirms it has no comments in response to this question.
2. The Applicant acknowledges this response and has no further comment to make at this stage.

#### ELDC

1. The Applicant acknowledge that ELDC defer to MMO and Natural England (NE) on this issue and would accordingly refer to the Applicant's responses to MMO and NE below.

#### MMO

1. The Applicant notes that the MMO is content that there is sufficient flexibility in the indicative plans to ensure that adequate monitoring is put in place to address part (a) of this question.
2. The Applicant also acknowledges that in relation to part (a) of this question, the MMO defer to the Environment Agency (EA). The Applicant would refer the MMO and the Ex. A to the Applicant's response to the EA below.
3. The Applicant notes the MMO response that it will consult with NE when discharging plans (PEMMP and Construction Monitoring Plan) as referred to in Part (b) of this question.

#### NE

1. The Applicant acknowledges that Natural England is satisfied that the pre-construction plans, surveys and documentation secured through the draft DCO and DMLs provide sufficient assurance that adequate monitoring will be carried out by the Project.
2. The Applicant further notes that it is in discussions with Natural England and MMO in relation to a draft version of the In Principle Monitoring Plan.

#### EA

1. The Applicant notes that as detailed within their Written Representation the EA are in agreement with the various control measures relating to flood defence matters in the intertidal and has nothing further to add.

CL14	NELC, and applicant	Tables 8.14, 8.16 and 8.18 of the ES Traffic and Transport chapter 7.3.8 [APP-050] show a large increase in HGV traffic along stretches of the A18 during construction of Hornsea Project 2, substantially accentuated if there is overlap with Hornsea Project 1. Is the NELC content with these calculations, with the implications for the A18 and with the mitigation measures proposed by the developer?
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#### CL14

1. The Applicant notes that North East Lincolnshire Council (NELC) has responded to this question.

2. NELC confirms it is satisfied with the mitigation measures proposed.
3. The Applicant acknowledges and welcomes this response.

CL15	Applicant and LAs	<p>Data in the Transport Assessment, ES 7.6.8.1 [APP-0143], Tables 9 and 10, shows HGV vehicle flows, for Hornsea Project 2, of one every two to three minutes at peak on some of the cable route sections, and one every minute on some of the highway links , including the A18.</p> <p>(a) What are the implications for these flows of the potential overlap of the construction of Hornsea Project 2 with Hornsea Project 1?</p> <p>(b) Are the local authorities content with these calculations, with the implications for the Lincolnshire road network and with the mitigation measures proposed by the developer?</p>
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#### CL15

1. The Applicant notes that North East Lincolnshire Council (NELC) and East Lindsey District Council (ELDC) have responded to this question.

#### NELC

1. NELC confirms it is satisfied with the mitigation measures proposed by the Applicant and has no further comments to make at this stage.
2. The Applicant acknowledges and welcomes this response.

#### ELDC

1. The Applicant acknowledges that ELDC defer to Highways England on this matter and, accordingly, the Applicant has no further comment to make at this time.

CS8	Applicant and MMO	<p>The MMO has concerns about the potential carrying capacity of disposal sites HU209 and HU210 from the cumulative amount of material arising from Hornsea Projects 1 and 2. What progress has been made to resolve this concern, including the MMO recommendations for a co-ordinated monitoring programme over multiple years?</p>
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#### CS8

1. The Applicant notes the MMO has responded to this question.
2. The Applicant refer the MMO and the Ex. A to the Applicant's response to this question in Part 2 of the First Response and the SoCG between the Applicant and the MMO (Appendix WW of the First Response), where it is agreed that the site characterisation Report which presented a cumulative assessment of Hornsea Project One and the Project which was submitted by the Applicant is sufficient.

3. The Applicant further notes that MMO have requested a co-ordinated monitoring programme. The Applicant notes that for both projects the MMO, in consultation with the relevant SNCB, will be the relevant authority to agree and approve the plans under the requirements of the relevant DMLs (for the respective projects). Specifically in relation to this matter Condition 10(2)(c) of the Project's DMLs includes the requirement for a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements to be included in the Project Environmental Management and Monitoring Plan (PEMMP) which is to be submitted to and approved in writing by the MMO. As the MMO will also be required to approve Hornsea Project One's PEMMP this provides comfort to the MMO that appropriate coordination is provided for.
4. The Applicant further notes in Appendix U of the First Response, the Applicant has provided details of all plans that are required by the Project and the relevant regulatory and consultation bodies for these plans.

CS16	MMO	Are you satisfied there will be no significant impacts from the dredged arisings being deposited in Areas 2A, 2B and Subzone 2?
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## CS16

1. The Applicant notes the MMO has responded to this question.
2. The Applicant refers the MMO and the Ex. A to the Applicant's response to this question in the First Response and Section 3.6 and Appendix A (Row 2.4.1) of the SoCG between the Applicant and the MMO (Appendix WW of the First Response) where this issue has been agreed.

SE2	LAs, Applicant and Humber Local Enterprise Partnership (LEP)	<p>Draft DCO Requirement 18 outlines elements in an employment and skills plan to deliver local employment and supply chain benefits. These relate to the provision of information, presentations and advertising.</p> <p>(a) Does this plan represent the extent of the applicant's designed in mitigation measures for employment and supply chain impacts?</p> <p>(b) Are the local authorities content with the scope of this current plan in terms of delivering more than the minimum local employment effects set out in the various scenarios?</p> <p>(c) Have the local authorities, LEP and the applicant considered additional elements for the plan in terms of delivering more than the minimum local employment effects set out in the various scenarios? If so, what measures have been considered, and with what outcome in terms of agreement to date?</p>
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## SE2

1. The Applicant notes that North East Lincolnshire Council (NELC) and East Lindsey District Council (ELDC) have responded to this question.

NELC

1. The Applicant notes that in their response NELC confirms it is content with the scope of the Employment and Skills Plan (secured pursuant to Requirement 18 of the draft DCO) and acknowledges the work that has been carried out by the Applicant, with NELC and the Humber Local Enterprise Partnership, in advance of the commencement of the Project. NELC state it is confident that measurable outcomes will be delivered once the project commences.
2. The Applicant acknowledges and welcomes NELC's positive comment and has no further comments to add at this stage.

ELDC

1. The Applicant acknowledges ELDC has no comments on this issue and has no further comments to make at this time.

SE4	Applicant and LAs	In terms of cumulative impacts, can the applicant and local authorities clarify to what extent the concurrent construction of both Hornsea Project 1 and Hornsea Project 2, together with other likely local developments, may face employment supply constraints in the Local Impact Area?
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## SE4

1. The Applicant notes that North East Lincolnshire Council (NELC) has responded to this question.
2. The Applicant notes that in their response NELC acknowledges how the Humber region has positively responded to the opportunities presented by the offshore wind industry, in terms of overall investment and the development of education and training in the region.
3. The Applicant acknowledges this response and has no further comments to make at this time.

SE6	Applicant and local authorities	What plans does the applicant have in relation to the proposed Community Benefits Fund, including for example: (a) Criteria for inclusion; (b) Types of initiatives which might be supported; and (c) The management of the Fund?
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## SE6

1. The Applicant notes that North East Lincolnshire Council (NELC) and East Lindsey District Council (ELDC) have responded to this question.

NELC

1. The Applicant refers the Ex. A and NELC to the Applicant's response to this question in the First Response and has nothing further to add at this time.

ELDC

1. The Applicant acknowledges the commitment from ELDC to coordinate discussions on this matter.
2. The Applicant refers the Ex. A to paragraph 4.1.19 of the SoCG between the Applicant and ELDC (Appendix A of the Applicant's Response to Rule 6 Letter) where it states that the Applicant is engaged in internal discussions in relation to the potential provision of a Community Benefit Fund.
3. However, as noted in the Applicant's response to this question at the First Response, the Applicant does not consider the provision of such a fund is necessary to support the Application as it would not be offered to address a specific impact of the Project. As such, the Applicant does not consider it to be relevant to the decision making process.

FNA1	MMO, NFFO, HCFIG, DFFO, Redercentrale, Visned	As a stakeholder concerned with commercial fisheries do you have any outstanding concerns regarding the fisheries assessment?
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## FNA1

1. The Applicant notes the MMO has responded to this question.
2. The Applicant acknowledges that the MMO encourage the continuation of good communication with local and foreign fishing industry and refer the MMO and Ex. A to SoCG between the Applicant and the relevant fisheries bodies (paragraph 3.2.2 of Appendix MM, paragraph 3.2.2 of Appendix QQ and paragraph 3.2.2 of Appendix RR of the First Response).
3. The Applicant also refer the MMO and Ex. A to Condition 10(2)(c) of the DMLs which specifies that the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer will be included as part of the Project Environmental Management and Monitoring Plan.

FNA2	MMO, NFFO, HCFIG, DFFO, Redercentrale, Visned	As a key stakeholder are you satisfied with the allocation of magnitude and sensitivity throughout the assessment and with the mitigation measures that are proposed?
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## FNA2

1. The Applicant notes the MMO has responded to this question.
2. The Applicant refers the MMO and the Ex. A to ref 2.1.1 of Appendix A of the SoCG between the Applicant and MMO (Appendix WW of the First Response) where the matter raised by MMO has been agreed.

FNA4	MMO, MCA, NE	Do you agree with the plans and projects which have been included in the cumulative assessment of fishing?
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#### FNA4

1. The Applicant notes that the MMO and Natural England have responded to this question.

#### MMO

1. The Applicant can confirm that the Dogger Bank Creyke Beck export cable route is 56 km from the offshore elements of the Project (i.e., offshore wind farm and export cable route) at its closest point.
2. Volume 4, Annex 4.5.1 Cumulative Effects Screening Matrix (Doc Ref: 7.4.5.1) of the ES provides the justification for not including the Babbage HU203, Bridlington A HU015 and Humber Estuary disposal sites quoted in the MMO response in the cumulative impact assessment for Commercial Fisheries. Due to these sites being operational at the time that the baseline characterisation was undertaken, these were considered to be "*included as part of the topic baseline and hence not considered within the cumulative impact assessment*".
3. The Triton Knoll (HU204) and Westermost Rough (HU207) disposal sites coincide with the wind farm sites associated with these disposal sites. These projects have been included in the commercial fisheries cumulative impact assessment, see Table 6.16 of Volume 2, Chapter 6: Commercial Fisheries of the ES (Doc ref No 7.2.6). All aspects of these projects, including dredging and disposal and installation of turbines etc., were considered in the Commercial Fisheries cumulative impact assessment.

#### NE

1. The Applicant notes Natural England have deferred to the MMO on this question and would accordingly refer to the Applicant's response to the MMO above.

FNA10	Applicant and MMO.	What is the applicant's response to MMO concern [RR-018] about the impact of piling on herring spawning in the vicinity of the offshore HVAC substation, and MMO proposed approaches to Resolve the issue?
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#### FNA10

1. The Applicant notes that the MMO has responded to this question and has no further comments to make at this time.

FNA11	MMO	What is the effect on the seabed by trawling over time, particularly, on the benthic ecology?
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## FNA11

1. The Applicant notes that the MMO has responded to this question and has no further comments to make at this time.

FNA12	MMO, Maritime Coastguard Agency (MCA) and Applicant	<p>(a) Can you confirm that all the requirements of MGN 371 are being complied with as far as they can be at this stage of the consenting process?</p> <p>(b) Will safety zones of 500m around HVAC, HVDC and accommodation platforms be applied for only when these are manned or for the life of the project?</p> <p>(c) What is the 'consideration' that will be given to navigational safety when deciding the height and selecting the location of the bridge links?</p>
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## FNA12

1. The Applicant notes MMO, MCA and TH have responded to this question. The Applicant has provided a consolidated response below due to the overlap between their respective responses.
2. The Applicant acknowledges that the MMO defer to MCA in relation to Part (a) of this question and the MCA have no concerns. Accordingly, the Applicant has no additional comment to make at this time.
3. In relation to part (b) of the question the Applicant refers the Ex. A to the Applicant's response to this question in the First Response and the Safety Zone Statement as submitted with the Applicant's submission (Doc ref No 11.1) which provides full information on the safety zones and justification as to why these safety zones may be applied for, by the Applicant, at all stages of the project.
4. In relation to part (c), the Applicant refers TH and the Ex. A to paragraph's 3.2.111, 3.2.121, 3.2.144, 3.2.156, 3.2.191 of Volume 1, Chapter 3: Project Description of the ES (Doc ref No 7.1.3) where details of bridge links (referred to in these paragraphs as gangways) have been provided.
5. The Applicant would further refer the MMO, MCA and TH to the draft DCO and Condition 10(1) of the DMLs which states that the Applicant must submit to the MMO a plan to be agreed in writing with the MMO, following appropriate consultation with TH and the MCA, setting out proposed details of the authorised scheme. In particular Condition 10 (1) (a)(iv) will require details of all other parts of the authorised scheme which the Applicant notes will include bridge links (gangways) if used, to be provided in the plan. The drafting of Condition 10(1)(a) has been agreed with MCA, TH and MMO (see Appendix GG of the First Response).

FNA13	MMO and MCA	Do you agree that the baseline data in respect of navigational safety provides an accurate reflection of current conditions?
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## FNA13

1. The Applicant notes the MMO, MCA and TH have responded to this question. The Applicant has provided a consolidated response below due to the overlap between their respective responses.
2. The Applicant acknowledges that the MMO defer to the MCA in response to this question and that the MCA is satisfied with the information provided and acknowledge that the traffic survey was carried out in accordance with MCA guidance. The Applicant has no further comment to make at this time as a result.
3. The Applicant notes that TH is content with the baseline data and that it is an accurate reflection of current condition, and has no further comment to make at this time.

FNA14	MMO, MCA, Chamber of Shipping (CoS) and Trinity House Lighthouse Service (THLS)	Do you agree that the methodology and parameters used in the assessment of navigation in the ES represents a worst case assessment of the potential impacts?
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## FNA14

1. The Applicant notes the MMO, MCA and TH have responded to this question. The Applicant has provided a consolidated response below due to the overlap between their respective responses.
2. The Applicant also acknowledges that the MMO defer to the MCA in response to this question and that the MCA is satisfied that the Navigation Risk Assessment was carried out in accordance with MCA guidance.
3. The Applicant further acknowledges the response from TH who acknowledge that a worst case in terms of collision and allision has been assessed. The Applicant refers the Ex. A to paragraph 3.6.1 in the SoCG between the Applicant and Trinity House (Appendix TT of the First Response) for confirmation of the same.

FNA15	MCA, CoS, RYA and THLS	Do you agree that the effectiveness of the mitigation measures will reduce the risk to as low as reasonably practicable (ALARP)?
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## FNA 15

1. The Applicant notes that the Royal Yachting Association (RYA) has responded to this question.
2. The Applicant notes that the RYA, in their response to FNA15, agrees that the mitigation measures proposed within Volume 2, Chapter 7: Shipping and Navigation of the ES (Doc ref No 7.2.7) will reduce the risk of the proposal to as low as reasonably practicable (ALARP). Furthermore the Applicant notes that it is agreed within the SoCG between the Applicant and the RYA that the impact of the Project on recreational users is unlikely to be significant, assuming that the measures presented in Table 7.14 of Volume 2 and Chapter 7 of the ES are implemented (see paragraph 3.10.2 of Appendix SS of the First Response). These measures are secured by the DMLs, as documented in Table 1.6 of Volume 4, Annex 4.5.5, Enhancement, Mitigation and Monitoring Commitments (Doc ref No 7.4.5.5).
3. The Applicant further notes the MCA, RYA and TH responded to this question. The Applicant has provided a consolidated response below due to the overlap between their respective responses.
4. The Applicant acknowledges the responses from the MCA and RYA whereby they confirm that they are satisfied with the mitigation and that the appropriate conditions are included in the draft DCO and DMLs. The Applicant has no further comments to make at this time.
5. In relation to the response from TH, the Applicant refers TH and the Ex. A to Condition 10(1)(a) of the DMLs which has been agreed with MCA, TH and MMO as noted in the Standard Navigation Signposting Document (Appendix GG of the First Response) and states that the Applicant must submit to the MMO a plan to be agreed in writing with the MMO, following appropriate consultation with Trinity House and the MCA, setting out the proposed details of the authorised scheme, including the proposed details of the authorised scheme including the—
  - a) number, dimensions, specification, foundation type(s) and depth for each wind turbine generator and offshore accommodation platform;
  - b) grid co-ordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
  - c) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions; and
  - d) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.
6. It is the Applicant's understanding that the provision of this agreed Condition adequately addresses the point raised by TH in their response to Deadline I by providing appropriate information to TH in order to determine that the final agreed layout is acceptable to mariners (see paragraph 3.10.1 of Appendix TT of the First Response).

FNA16	Norfolk County Council (NCC)	What mitigation measures would you like to see in place regarding any potential impacts on Norfolk's ports?
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## FNA16

1. The Applicant notes that Norfolk County Council ("NCC") responded to this question.
2. The Applicant notes that NCC has confirmed the issues it previously raised have been satisfactorily addressed by the Applicant and that, as a result, they do not intend to submit further evidence or play any further part in the Examination process for the Project.
3. The Applicant would refer the Ex. A and NCC to its response to NCC's written representation at Part 1 of the Response and has no additional comment to make.

FNA18	Conoco Phillips	Could you please expand on the 'significant implications' of the project on your marine operations and what mitigation measures would you like to see in place?
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## FNA18

1. The Applicant notes that Conoco Phillips responded to this question and refers the Ex. A to the Applicant's response to CS9 and FNA18 in the First Response.
2. The Applicant has carried out an assessment on the displacement of vessels during all phases of the Project and further has assessed the potential impact on the Saturn Platform REWS (Volume 2, Chapter 7 and Volume 2 Chapter 11 of the ES).
3. The conclusions from these assessments have been shared with Conoco Phillips and the Applicant has held a series of meetings with Conoco Phillips to discuss these matters. During the most recent of these meetings (teleconference) on 4th August 2015, the parties agreed to draw up an action plan which both parties will be agreeable to. The Applicant intends to provide further information on this matter to the Ex. A in due course.

FNA20	TH	Fig 18.1 of 7.5.7.1 [APP-086] shows the anticipated routing pattern when Hornsea Project 2 is completed. This figure shows routes 1, 8 and 7 converging at the South West corner of Hornsea 2. Do you anticipate any extra aids such as a Radar Transponder Beacon (RACON) being required?
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## FNA20

1. The Applicant notes TH responded to this question.
2. The Applicant acknowledges the final layout will be approved in writing by MMO in consultation with TH and MCA as per Condition 10(1)(a) of the DMLs.
3. The Applicant further refers TH and the Ex. A to Condition 5 of the draft DMLs and the SoCG between the Applicant and TH (Appendix TT of the First Response) where this has been agreed.
4. The Applicant further refers the Ex.A to the Standard Navigation Signposting Document (Appendix GG of the First Response) where all Navigation Conditions have been agreed between MMO, TH, and MCA.

FNA22	CAA	(a) Will flying have to cease whilst laying the cable(s) across the southern boundary of North Coates airfield; and (b) if so, for how long?
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## FNA22

1. The Applicant notes that the Civil Aviation Authority (CAA) has responded to this question.
2. The Applicant agrees with the CAA that the question is a matter for the operators of the airfield. The Applicant has continued to consult with North Coates Airfield with regards to the nature of the construction and operation of the Project and any potential impacts on North Coates airfield.
3. The Applicant further notes that no representation has been made by the operators of North Coates airfield in relation to the Project.
4. In addition, as noted in the Applicant's response to FNA22 in the First Response), Requirement 24 of Part 3 of Schedule A of the draft DCO will enable the continued safe operation of North Coates airfield.

FNA23	CAA	Will you confirm that there are no significant effects predicted on military or civilian aviation and radar operations or on any communication interests across all stages of the Project?
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## FNA23

1. The Applicant notes that the Civil Aviation Authority (CAA) has responded to this question.
2. The Applicant agrees with the CAA that it is the responsibility of aviation stakeholders to assess the impact of the Project on their sites and operations (see paragraph 3.1.2 of the SoCG between the Applicant and the CAA, submitted at Appendix of the First Response).
3. As noted in the Applicant's response to FNA23 of the First Response, the Applicant continues to consult with the Ministry of Defence (MoD). The Applicant also notes that the DIO submitted a Relevant Representation in which they confirmed that the MoD has not raised an objection to the Project.

FNA24	CAA	<p>In addition to the 6,406 return helicopter flights to Hornsea Project 2 there is presumably a large number of flights to the nearby oil and gas platforms.</p> <p>(a) How is all this aerial activity, much of it over Hornsea Project 2, to be safely managed?</p> <p>(b) Who is responsible?</p> <p>(c) What is the role of the CAA?</p>
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## FNA24

1. The Applicant notes that the Civil Aviation Authority (CAA) has responded to this question.
2. The Applicant considers that the CAA's response is complementary to the Applicant's response to this question, however notes that the individual responses focus on different aspects of aviation risk management.
3. To clarify, the Applicant's response referred to the overarching regulatory controls at the European and national level, through to the measures that can be implemented at the helicopter operator level. The Applicant's response also considered measures available at the airport of departure, en-route, and within the Project area.
4. The CAA's response refers to air traffic services available from Anglia Radar, and focuses on the airspace surrounding the Project area. This complements and expands on the final sentence of the Applicant's response to FNA24(b) paragraph 1 of the First Response, in relation to 'flightwatch' support to the helicopter crew when operating over the Project area.

CA9	Applicant	<p>Do any SU's wish to comment on Article 28 'Statutory undertakers' or Article 29 'Recovery of costs of new connections' of the draft DCO [APP-010] and on the comment in the Explanatory Memorandum (EM) [APP-011] in para.29.2 that 'in practice it is impracticable to show and describe all such apparatus'?</p>
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## CA9

1. The Applicant notes that Anglian Water Services Limited (AW) has responded to this question
2. In its response, AW confirms that it is satisfied that the wording of Articles 28 and 29 of the draft DCO are appropriate.
3. The Applicant notes the comments of AW in paragraph 1.4 of their response to this question in relation to para 29.2 of the Explanatory Memorandum and confirms that it has actively engaged with AW prior to submission of the Application to identify AW infrastructure affected by the Application and will continue to do so by way of update.
4. In its response, AW states that it wishes to rely upon its representations previously submitted in April 2015. AW confirmed within their Relevant Representation dated 21<sup>st</sup> April 2015 (RR-20), that the protective

provisions for its benefit within the draft DCO (Part 6 of Schedule L of the draft DCO) are appropriate and that it has no objections to the proposed wording of the draft DCO.

5. The Applicant notes that in the cover letter to AW's response to this question, AW raise certain issues in relation to the interaction of AW's infrastructure with the Project's onshore works. The Applicant is not clear to what extent AW consider these matters separate to its response to question CA9, but for the avoidance of doubt, the Applicant considers that the protective provisions provided for the benefit of AW discussed above (which have been agreed by AW) adequately address their concerns:
  - a) In particular, paragraph 60 of the AW protective provisions (at Part 6 of Schedule L to the draft DCO) provides that the relevant undertaker must not execute any works which may affect/or are near to the AW infrastructure unless the undertaker has submitted plans to AW not less than 28 days in advance of the works. The works must then be carried out in accordance with such plans and incorporating any reasonable requirements AW have made within 21 days of receipt of the same.
  - b) In addition, paragraph 65 of the AW protective provisions makes clear that the relevant undertaker may not acquire any of the AW infrastructure otherwise than by agreement, and may not extinguish any existing rights belonging to AW within the Order Land, without first creating a new equivalent right for the benefit of AW.
6. The Applicant considers that these provisions provide adequate protection to safeguard AW's interests and the Applicant notes that AW has agreed the same in their Relevant Representation. It would also be the Applicant's intention to agree crossing and/or proximity agreements to further regulate the interaction between the Project's onshore works and the AW infrastructure. Draft documentation in this respect has been provided; however it is likely that such agreements will only be completed post consent, once detailed design of the Project has been confirmed.

CA13	The Crown Estate	In relation to Article 39 'Crown Rights' of the draft DCO [APP-010] and s135(2) of PA2008, can the Crown Estate confirm its agreement or otherwise to the wording of the draft Article and if necessary propose alternative wording?
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#### CA13

1. The Applicant notes The Crown Estate (TCE) have responded to this question and confirmed their agreement to the wording of Article 39 (Crown Rights) of the draft DCO. The Applicant welcomes this response and would also flag to the Ex. A that the Applicant is currently engaged with the Crown Estate Commissioners to obtain formal consent under section 135(1) and 135(2) of the Planning Act 2008.
2. The Applicant will provide a further update in this respect at Deadline IIA.

CA14	For Secretary of State for Transport, Highways England and applicant	<p>(a) A number of plots are identified in Part 4 of the BoR [APP-022] 'Crown Land' as being land in which the Secretary of State for Transport, the Highways Agency and the Highways England Company Ltd is the 'Owner of Crown Interest'. Can the Secretary of State for Transport, The Highways Agency and Highways England confirm the current and possible future status of this land in the context of the Highways Act 1980 and s15 of the Infrastructure Act 2015 and if necessary and at the appropriate time can the applicant revise the BoR accordingly?</p> <p>(b) In the event that these plots are or will no longer be Crown land can the applicant state its intentions in respect of the land and the rights attached to it in the context of its compulsory acquisition proposals and can Highways England indicate its views on how the 47 Question to: Question: land should be treated? [The plots in question are: 175-187; 272; 37; 378-388; 392-399; 404-409; 437; 441]</p>
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## CA14

1. The Applicant notes that Highways England has responded to this question.
2. As noted in the Applicant's response to this question in the First Response, the Applicant wishes to clarify that the plots in which the Secretary of State for Transport c/o the Highways Agency has been identified as having an interest are plots 175, 176, 178, 179, 181 to 187, 272, 377, 378, 388, 392 to 399, 404 to 409 and 437 and 441.

Highways England ownership of land

3. The Applicant notes that Highways England states that it is the owner of land registered at the Land Registry under the following title numbers (the "HE Land"):

HM Land Registry Title Number	BoR Plot Number(s)
HS349933	272
HS107710	377,378,388
HS352088	437,441

4. However, a Land Registry search of these titles undertaken on 24 July 2015, confirms that title to the HE Land remains registered in the name of the Secretary of State for Transport ("SoSfT").
5. It is an established legal principle that if the transfer/assignment of a freehold or leasehold interest in property requires registration at the Land Registry then, until such time as the change in ownership is registered at the Land Registry, legal title will remain with transferor/assignor. Therefore, it appears that while the beneficial interest in the HE Land may have passed across to Highways England by virtue of Section 15 of the Infrastructure Act 2015, and the

provisions of the Transfer Scheme dated 30 March 2015, legal title to the HE Land remains with the SoSfT.

6. On this basis, the Applicant is endeavouring to obtain a letter from the SoSfT that, pursuant to section 135(1) of the Planning Act 2008 (the “2008 Act”), the SoSfT consents to the proposed compulsory acquisition of interests other than those held by or on behalf of the Crown in the HE Land and that in accordance with section 135(2) of the 2008 Act the SoSfT is satisfied with the inclusion of the provisions contained in the DCO (including Article 39 of the DCO, entitled “Crown Rights”, which contains wording which is protective to the interests of Crown authorities affected by the proposals in the DCO).
7. Highways England has written to the Applicant confirming that it does not consider itself a “Crown” authority for the purpose of the 2008 Act. However, given Highways England’s beneficial interest in the HE Land, the Applicant is liaising with Highways England to obtain a general letter from Highways England consenting to the acquisition of compulsory acquisition rights in the HE Land.

Title Number HS349933/A46 Detrunking Order

8. The Applicant notes Highways England’s additional comments in respect of title number HS349933 (Plot 272). This land forms part of the HE Land and as set out above, according to a Land Registry search carried out on 24 July 2015, legal title remains with the SoSfT. The Local Highway Authority referred to by Highways England is North East Lincolnshire Council. North East Lincolnshire Council is already an affected person in respect of the Application due to its interests in the Order land, including its interest as an Occupier of Plot 272.
9. On this basis, the Applicant will continue to seek consent from the SoSfT (as legal owner) in respect of Plot 272 and will liaise with Highways England with a view to obtaining a general consent to the acquisition of compulsory acquisition rights over Plot 272. North East Lincolnshire Council will continue to be involved in the examination process as an affected person.

Plots not devolved to Highways England

10. The Applicant notes that Highways England states that all plots referenced by the Ex. A in Question CA14 which are not HE Land are “allocated” to the SoSfT and were not devolved to Highways England.
11. A Land Registry search of the respective titles for the plots in which the SoSfT has an interest (as per paragraph 1 above) undertaken on 24 July 2015, confirms that legal title to these plots remains registered in the name of the Secretary of State for Transport. As with the HE Land on the basis outlined above, the Applicant is endeavouring to obtain a letter from the SoSfT in connection with Crown rights over these plots pursuant to section 135 of the 2008 Act.

Nature of Rights to be granted by Highways England

12. The Applicant notes Highways England’s response to Part (b) of Question CA14. The Applicant is not seeking to acquire the freehold interest in the HE land but rather is seeking various temporary and permanent rights over the same as more particularly described in Schedules E and G of the draft DCO.

DC1	Applicant and MMO	<p>Please respond to the following points in relation to Article 2, Interpretation:</p> <p>(a) What is meant by ancillary works, other than those in Schedule A, Pt 2?</p> <p>(b) To clarify some issues around the definition of 'maintain' the MMO, in its [RR-018], suggests that a schedule of maintenance activities is produced, before the close of examination of the application that clearly indicates all types of proposed maintenance and whether or not it is assessed in the ES.</p> <p>(c) The MMO in [RR-018], in relation to the definition of 'undertaker', would welcome the full company name and associated registration number to be incorporated into the definition.</p>
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DC1

1. The Applicant notes that the MMO has responded to this question and has no further comments to make at this time.

DC2	Applicant, EA, internal drainage boards and lead flood authorities	<p>Article 3 of the PA 2008 seeks the disapplication of legislative provisions for consents which would otherwise be required from the Environment Agency, internal drainage boards or lead local flood authorities under the Water Resources Act 1991 and the Land Drainage Act 1991. The consents referred to in 3(a), (b) and (c) are prescribed consents that can only be included in the DCO if the relevant discharging body consents. Please provide the full list of relevant discharging bodies and the current position in negotiations to secure their consent to this proposed disapplication.</p>
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DC2

1. The Applicant notes that the EA has responded to this question. The Applicant notes the EA have provided consent to the disapplication (as submitted at Appendix A of the EA's Written Representation) and has nothing further to add.

DC5	LAs as highway authorities	Can the highway authorities confirm they are content with the provisions of Article 11 of the draft DCO [APP-010] in respect of: The powers sought in respect of the Temporary Stopping Up of Streets, including provisions for providing pedestrian access and compensation. (a) The suggested time for notifying the undertaker of its decision of 28 days; and (b) The resources required to undertake these responsibilities. And if not state the reasons and the potential remedy?
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## DC5

1. The Applicant notes that North East Lincolnshire Council (NELC) has responded to this question.
2. The Applicant notes NELC confirms it has no issues with these provisions.
3. The Applicant acknowledges and welcomes this response.

DC6	LAs as highway authorities	Can the highway authorities confirm they are content with the provisions of Article 12 of the draft DCO [APP-010] in respect of: (a) The powers sought in respect of Access to Works. (b) The suggested time for notifying the undertaker of its decision of 28 days; and (c) The resources required to undertake these responsibilities. And if not state the reasons and the potential remedy?
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## DC6

1. The Applicant notes that North East Lincolnshire Council (NELC) has responded to this question.
2. The Applicant notes NELC confirms it has no issues with these provisions.
3. The Applicant acknowledges and welcomes this response.

DC7	LAs as highway authorities	Can the highway authorities confirm they are content with the provisions of Article 13 of the draft DCO [APP-010] in respect of: (a) The powers sought in respect of Agreements with Street Authorities. (b) The resources required to undertake these responsibilities. And if not state the reasons and the potential remedy?
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## DC7

1. The Applicant notes that North East Lincolnshire Council (NELC) has responded to this question.
2. The Applicant notes NELC confirms it has no issues with these provisions.
3. The Applicant acknowledges and welcomes this response.

DC8	LAs as highway authorities	Can the highway authorities confirm they are content with the provisions of Article 14 of the draft DCO [APP-010] in respect of: (a) The powers sought in respect of carrying out highway improvements to the plot marked 133 on Land Plan Inset Plan 7/21. (b) The suggested time for notifying the undertaker of its decision of 28 days; and (c) The resources required to undertake these responsibilities. And if not state the reasons and the potential remedy?
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## DC8

1. The Applicant notes that North East Lincolnshire Council (NELC) has responded to this question.
2. The Applicant notes NELC confirms it has no issues with these provisions.
3. The Applicant acknowledges and welcomes this response.

DC9	EA, Internal Drainage Boards and local flood authorities	Article 15 of the draft DCO [APP-010] seeks powers in respect of the Discharge of Water in connection with the carrying out or maintenance of the project. (a) Can the appropriate authorities confirm they are content with the principles and provisions proposed in Article 15 and; (b) The suggested time for notifying the undertaker of its decision of 28 days? And if not state the reasons and the potential remedy?
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## DC9

1. The Applicant notes that North East Lincolnshire Council (NELC) and the EA have responded to this question.

NELC

1. The Applicant notes NELC confirms it has no issues with these provisions.
2. The Applicant acknowledges and welcomes this response.

EA

1. The Applicant notes the EA have no objection to the inclusion and wording of Article 15 and has nothing further to add at this time.

DC12	Applicant, Harbour Master and Associated British Ports (ABP)	In respect of Article 37, has the Harbour Master Humber agreed to this disapplication on behalf of Associated British Ports in its role of Humber Conservancy?
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## DC12

1. The Applicant notes that the Harbour Master, Humber, on behalf of ABP has responded to this question.
2. In his response to Question DC12 the Harbour Master states that:
  - a) He has not, on behalf of ABP in its role as conservancy, agreed to the disapplication of those sections of the Humber Conservancy Acts of 1852, 1899 and 1905 more particularly set out in Article 37 of the draft DCO;
  - b) The proposed Landowner's Consent to be entered into between ABP and Dong Energy in respect of Hornsea Project One has yet to be completed and that he has concerns in connection with the provisions which SMart Wind Limited and now Dong Energy require, particularly in respect of indemnification;
  - c) Terms for the grant of the Option for Sublease over that part of ABP's leasehold demise within the Project's order limits have yet to be agreed but that negotiations between the parties are ongoing; and
  - d) Until such time as the Option for Sublease in respect of the Project is exchanged, ABP objects to the inclusion of compulsory acquisition rights in respect of its leasehold demise and to any related application for certificates pursuant to section 127 of the Planning Act 2008.

Disapplication

3. The Applicant notes the Harbour Master's response and is seeking to engage with the Harbour Master with a view to understanding and allaying his concerns as to Article 37 of the draft DCO. The Applicant notes that the Harbour Master, Humber, did not object to the inclusion of an article in identical terms within the Hornsea Project One DCO (see equivalent Article 36 in the Hornsea One Offshore Wind Farm Order 2014). Whilst it is the Applicant's hope that both parties will reach satisfactory agreement as to the inclusion of Article 37 within the draft DCO, the Applicant further notes that pursuant to section 120(5)(a) of the Planning Act 2008 an order granting development consent may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order and further notes that section 120(5)(b) of the same act provides that an order granting development consent may make such amendments, repeals or revocations of statutory provision of local application as appear to the decision-maker to be necessary or expedient for giving full effect to any other provision of the order. There is therefore no specific requirement for the Applicant to obtain ABP's permission to the disapplication, although this would be the Applicant's preferred approach. In order to try and reach agreement with ABP the Applicant has included

protective provisions in Part 5 of Schedule L of the draft DCO for the benefit of ABP. These provisions follow the provisions that were included in the Hornsea Project One DCO and among other things, provide for the prior approval of plans and particulars of works that are within ABP's jurisdiction (paragraph 47). Provision is made for the work to be carried out in accordance with the approved plans and to the reasonable satisfaction of ABP (paragraph 47). There is also provision for an officer of ABP to watch and inspect the construction work (paragraph 49). Notice will require to be given to ABP prior to commencing works and following completion of the works (paragraph 48). In addition, provision is made for the indemnification for costs relating to the examination and approval of plans, the inspection of the work and measures to prevent or remedy danger or impediment to navigation or damage to property arising from construction or the failure of works (paragraph 53).

#### Hornsea Project One

4. Hornsea Project One was acquired in its entirety by Dong Energy on the 4th February 2015. As a result, given that Hornsea Project One and the Project are independent projects, the Applicant is no longer involved in negotiations with ABP in respect of Hornsea Project One and cannot speak as to the status of negotiations between ABP and Dong Energy.

#### Ongoing Negotiations in relation to the Project

5. The Applicant confirms that negotiations between the parties for the grant of an Option for Sublease over that part of ABP's leasehold demise within the Project's Order limits are at an advanced stage and are continuing.

#### Compulsory Acquisition Rights and section 127 of the Planning Act 2008

6. The Applicant continues to engage with ABP in respect of these issues but would refer the Ex. A and ABP to the protective provisions for the benefit of ABP set out at paragraphs 44 to 56 of Part 5 of Schedule L of the draft DCO and in particular paragraph 46 which provides that:

*"The Undertaker must not under the powers of this Order acquire land or acquire new rights over land held by A.B. Ports for the purpose of its statutory undertaking without the consent of A.B. Ports, which consent must not be unreasonably withheld but may be given subject to reasonable conditions".*

7. The Applicant considers that any concerns ABP may have in respect of the compulsory acquisition powers sought under the draft DCO over its demise and their related application pursuant to section 127 of the Planning Act 2008, should be allayed by the considerable protection afforded to ABP by the draft DCO protective provisions (which are identical to the protective provisions granted for the benefit of ABP by the Secretary of State in the Hornsea Project One DCO and agreed by ABP in the context of that project) including the prohibition against the exercise of compulsory acquisition powers over their land interest without ABP's consent.

DC13	Applicant	NE feels that there is a need within the DCO for sandwave clearance to take place no closer than 50km from the shore because the effects have not been assessed within the ES. Do you agree with this?
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## DC13

1. The Applicant notes Natural England responded to this question.
2. The Applicant acknowledges the response from Natural England and refers to paragraph 4.2.13 and 5.2.6 and Appendix 2 row 2.5 of the SoCG between the Applicant and Natural England (Appendix XX of the First Response) where this matter has been agreed.
3. The Applicant has no further comments.

DC14	Applicant	NE also feels that there is a need within the DCO to specify the maximum number of vehicle movements into the intertidal area, as 15 per day during cable installation, to ensure the impacts of the works do not exceed the maximum assessed level of disturbance in the Humber Estuary SPA. Do you agree with this?
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## DC14

1. The Applicant notes Natural England responded to this question.
2. The Applicant refers the Ex. A to the SoCG between the Applicant and Natural England (Appendix XX of the First Response) where this matter has been agreed subject to the inclusion of updated wording in Version 3 of the draft DCO.
3. The Applicant further advises that Version 3 of the draft DCO (Appendix A of the First Response) included the new sub-paragraph (m) under Requirement 8 in relation to the Code of Construction Practice which states;  
*“(m) details of the access route to the intertidal, the expected number of vehicles that will be accessing the intertidal and the expected number of vehicle trips to the intertidal.”*
4. By consequence, the Applicant considers this matter agreed and has no further comment to make.

DC15	Applicant, MMO and NE	In Requirement 2 how are the figures for maximum area and volumes of cable protection arrived at?
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## DC15

1. The Applicant notes the MMO and Natural England have responded to this question.

MMO

1. The Applicant refers the MMO and the Ex. A to the Applicant's response to this question in the First Response and has no additional comment to make at this time.

NE

1. The Applicant acknowledges the response from Natural England and confirms that these figures were derived through analysis of geophysical and geotechnical data.
2. The Applicant further refers Natural England and the Ex. A to the Applicant's response to this question in the First Response for a more detailed explanation.

DC19	Applicant and NE	NE consider that a new Requirement should be included in the DCO covering a method statement for the landfall aspects of the cabling works, including method of installation and access at the landfall. This to be submitted to the LPA and agreed in consultation with NE and the MMO. Do you agree with this?
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## DC19

1. The Applicant notes Natural England responded to this question and referred to their written representation.
2. The Applicant refers the Ex. A to the SoCG between the Applicant and Natural England (Appendix XX of the First Response) where this been agreed on the basis that the information pertaining to the landfall construction methodology will be provided under the Construction Method Statement as required under Condition 10(2)(b) of the draft DML's A2 and B2 (Schedules I and K of the draft DCO) and additionally under Condition 10(2)(f) which requires a cable specification and installation plan to be submitted to and approved by the MMO. Natural England will be consulted by the MMO in respect of both of these plans referred to above.
3. The Applicant further notes that in relation to access to the landfall the Code of Construction Practice secured by Requirement 8 of the draft DCO has been amended by the Applicant at the First Response (see Appendix A – version 3 of the draft DCO) to provide for a new sub paragraph (m), which has been included following dialogue with Natural England in order to address their concerns. Further explanation is provided in the Applicant's response to Natural England's response to question DC14 above.

DC20	Applicant	NE requires an 'In Principle Monitoring Plan' to be included in the DCO as a Requirement. Do you agree with this?
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## DC20

1. The Applicant notes Natural England responded to this question.
2. The Applicant refers the Ex. A to Table 10.1 of the SoCG between the Applicant and Natural England (Appendix XX of the First Response), where this remains under discussion.
3. The Applicant notes that an agreement has been made to develop an In Principle Monitoring Plan (IPMP) during the examination of the Project; however, the Applicant does not agree that this should be secured in the DCO as this will be an informative document for the purposes of the examination, rather than a post-examination plan. As noted in the Applicant's response to DC20 of the First Response, the Applicant considers that is the final, detailed plans, developed in line with the principles set out within the IPMP and which are already secured within the draft DCO that are the key plans to secure the appropriate level of mitigation for the Project.
4. The Applicant further notes that the Applicant is in discussion with MMO and Natural England in relation to this plan and has issued a draft IPMP to these parties for comment.

**PART 3**  
**The Applicant's response to the Local Impact Reports**

North Lincolnshire Council (NLC), North East Lincolnshire Council (NELC) and East Lindsey District Council (ELDC) each submitted Local Impact Reports (LIRs) in relation to the Project. The Applicant's response to the LIRs is provided in the tables below.

**1. Response to North Lincolnshire Council's Local Impact Report**

<b>Local Impact Report – Key Issue</b>	<b>Applicant's Response</b>
The opening section of the LIR sets out the role and purpose of the LIR and references the guidance provided by 'Advice Note One: Local Impact Reports (Version 2) issued by the Infrastructure Planning Commission in April 2012'.	Noted.
NLC lists the planning policies they consider to be relevant to the Project, including policies and guidance from the National Planning Policy Framework ("NPPF"), National Planning Practice Guidance ("NPPG"), National Policy Statements ("NPSs"), the North Lincolnshire Local Plan, the North Lincolnshire Core Strategy and one Supplementary Planning Document ("SPD").	Noted and agreed. Local Development Plan documents are considered in Section 4 of the Planning Statement submitted with the Application (Doc ref No 12.1). The National Planning Policy Framework (NPPF) is considered at paragraphs 3.3.5 to 3.3.13.
NLC provides a summary of pre-application consultation that has taken place and acknowledges that community consultation on the Project was undertaken by the Applicant in three stages between January 2013 and October 2014. NLC confirms it has no objection to the degree of community consultation that has taken place.	The Applicant acknowledges and welcomes this comment.
NLC provides a summary list of all planning permissions	Noted.

<p>granted within the parts of the site boundary in North Lincolnshire since 1974, including the DCO's for Hornsea Project One and the North Killingholme Generating Station ("C-Gen").</p>	
<p>A list of the main issues NLC considers to be relevant to the Project is set out. These are:</p> <ul style="list-style-type: none"> <li>• Policy overview;</li> <li>• geology and ground conditions;</li> <li>• hydrology and flood risk;</li> <li>• ecology and nature conservation;</li> <li>• intertidal ornithology;</li> <li>• historic environment;</li> <li>• land use, agriculture and recreation;</li> <li>• traffic and transport;</li> <li>• noise and vibration;</li> <li>• air quality and health; and</li> <li>• socio-economics.</li> </ul> <p>NLC goes on to consider each of these issues in turn.</p>	<p>Noted.</p>
<p><b>Policy overview</b></p> <p>NLC considers the following NPS's to be relevant to the DCO:</p> <ul style="list-style-type: none"> <li>• Overarching NPS for Energy (EN-1)</li> <li>• NPS for Renewable Energy Infrastructure (EN-3)</li> <li>• NPS for Electricity Networks Infrastructure (EN-5)</li> </ul>	<p>Noted and agreed.</p> <p>NPS's EN-1, EN-3 and EN-5 are considered at Sections 2.2, 2.3 and 2.4 of the Planning Statement submitted with the Application (Doc ref No 12.1).</p>
<p><b>Geology and ground conditions</b></p> <p>NLC notes the conclusions from the ES in respect of geology and ground conditions, and agrees the development should not be precluded on the grounds of minor adverse effects on</p>	<p>The Applicant notes NLC's confirmation it is satisfied Requirement 13 (Contaminated land and groundwater) of the draft DCO provides adequate control to address NLC's concerns on this matter. The Applicant notes this is in line with paragraph 3.1.9 of the SoCG</p>

<p>geology and ground conditions.</p> <p>NLC's Environmental Health Department previously raised concerns about the Applicant's plans to carry out gas monitoring during construction rather than prior to construction. NLC was also concerned about the potential for creating a pathway allowing leachate into the subsurface of the trenching works.</p> <p>However it is concluded by NLC that Requirement 13 (Contaminated Land and Groundwater) of the draft DCO adequately addresses the issues raised. Requirement 13 prevents any works within each Local Authority area from commencing until a written scheme to deal with contaminated land, and groundwater, has been approved by the Local Planning Authority in consultation with the Environment Agency.</p>	<p>between the Applicant and NLC, submitted as Appendix Q to the Response.</p>
<p><b>Hydrology and flood risk</b></p> <p>NLC notes the conclusions from the ES in respect of hydrology and flood risk, and notes the assessment indicated that there are no significant effects arising from the proposed development following the implementation of the proposed mitigation measures.</p>	<p>Noted.</p>
<p><b>Ecology and nature conservation</b></p> <p>NLC notes the conclusions from the ES in respect of ecology and nature conservation</p> <p><i>"The development of onshore infrastructure for Project Two will result in some impact on sites designated due to their ecology and nature conservation value, on a number of habitats, and on bats, breeding, wintering and migratory birds, badgers, otters, water voles and great crested newts.</i></p> <p><i>Taking into account mitigation measures adopted as part of Project Two, it is considered that for most features of ecology and nature conservation interest, the overall significance of</i></p>	<p>The Applicant notes NLC's comments in respect of ecology and nature conservation are in line with paragraphs 3.1.24 to 3.1.27 of the SoCG between the Applicant and NLC, submitted as Appendix Q to the Response.</p>

<p><i>effects will be no greater than minor adverse, which is not significant in EIA terms. However, the individual impacts on hedgerows resulting from hedgerow clearance to enable cable installation by open-cut trenching and the construction of the onshore HVDC converter/HVAC substation will be moderate in the short to medium term, which is significant in EIA terms. However, reinstatement planting to enhance hedgerow species diversity and connectivity within a 100 m wide corridor (or 40 m wide corridor if Project One planting is considered) incorporating the cable route will be undertaken in order to provide a medium to long term ecological and nature conservation benefit. The impacts on works at the landfall on SPA qualifying species of wintering and migratory birds will be of low negative magnitude in the short term; however, with mitigation measures set in place, in the medium term the effects would be negligible, and not significant in EIA terms.”</i></p>	
<p>The LIR focuses on those local impacts that may not be addressed by statutory consultees. Effects on the Humber Estuary SAC, SPA and Ramsar site have been consciously excluded.</p>	<p>Noted.</p>
<p>NLC concludes that previous comments have been considered by the Applicant and the majority have been incorporated in to the project design, mitigation proposals and the requirements of the draft DCO.</p>	<p>The Applicant notes these comments are in line with paragraph 3.1.27 of the SoCG between the Applicant and NLC, submitted as Appendix Q to the Response.</p>
<p>NLC’s Ecologists are satisfied that the Applicant has undertaken the necessary ecological surveys and that the survey work and survey effort deployed is acceptable.</p>	<p>The Applicant notes these comments are in line with paragraph 3.1.26 of the SoCG between the Applicant and NLC, submitted as Appendix Q to the Response.</p>
<p>Where effects on protected or priority species are possible, NLC notes that a comprehensive package of mitigation has been</p>	<p>The Applicant notes NLC’s confirmation it is satisfied Requirement 7 of the draft DCO (Ecological management plan landward of mean low</p>

<p>proposed and that mitigation incorporates advice given by NLC's ecologists. NLC notes that mitigation is secured by Requirement 7 of the draft DCO. NLC notes this includes proposals to enhance hedgerows along the construction route and to provide landscaping using native trees and shrubs.</p>	<p>water springs) provides adequate control to address NLC's concerns on this matter. The Applicant notes NLC's comments in respect to ecology and nature conservation are in line with paragraphs 3.1.24 to 3.1.27 of the draft between the Applicant and NLC, submitted as Appendix Q to the Response.</p> <p>The Applicant further notes that NLC's ecologist welcomes the proposals to enhance hedgerows along the cable route and the provision of native trees and shrubs in the final landscaping scheme for the substation/converter station site.</p>
<p><b>Landscape and visual resource</b></p> <p>NLC recognises that the construction phases of the Project will result in impacts on some receptors, but that mitigation, in landscape terms, will not be achievable given the short timescales. NLC also recognise that once the Project is operational/the cable has been installed, there will be limited impacts on visual receptors and there will be no visible signs of the cable other than marker posts.</p>	<p>Noted and agreed.</p>
<p>NLC conclude that the new substation/converter station will be the single largest change to the North Lincolnshire landscape as a result of the Project. It is noted that the impacts will be softened through mitigation, including the measures secured by Requirement 15 of the draft DCO (Colour and detailed design approval – electrical transmission stations). It is noted that the location already supports substantial industrial developments which contribute significantly to the character of the area.</p>	<p>The Applicant notes NLC's confirmation it is satisfied Requirement 15 of the draft DCO (Colour and detailed design approval – electrical transmission systems) provides adequate control to address NLC's concerns on this matter. The Applicant notes NLC's comments in respect to landscape and visual resources are in line with paragraph 3.1.23 of the SoCG between the Applicant and NLC, submitted as Appendix Q to the Response.</p> <p>The Applicant also notes that the detailed written landscape scheme for the substation/converter station site is secured through Requirement 9 (Landscaping) of the draft DCO. An Outline Landscape Scheme and Management Plan (OLSMP) (Doc ref: 12.9) was submitted as part of the Application and the written landscape scheme under Requirement 9 must include the provisions of the</p>

	<p>OLSMP.</p> <p>As set out in paragraph 3.1.21 of the SoCG it has been agreed between the Applicant and NLC that the mitigation measures proposed in the OLSMP are adequate and appropriate.</p>
<p><b>Historic environment</b></p> <p>NLC consider that the archaeological evaluation programme north of Chase Hill Road and east of Habrough Road should be completed and reported on prior to the determination of the Application. NLC considers the Requirements for archaeology in the DCO to be unsatisfactory and generic, and details of mitigation should be informed by a detailed mitigation strategy which NLC should have an opportunity to comment on in their LIR.</p> <p>NLC advises that the evaluation of the cable route and works areas should be completed during the examination period so that a detailed written scheme of investigation can be proposed for all sites in North Lincolnshire that can be examined prior to determination of the Application.</p> <p>Until that work is carried out NLC conclude the assessment of impact cannot be provided for the project.</p>	<p>The Applicant notes NLC's comments about the completion of the archaeological evaluation programme. This is included as a matter not agreed, set out in paragraphs 5.1.2 and 5.1.3 of the SoCG between the Applicant and NLC, submitted as Appendix Q to the Response. The Applicant's position on this matter is set out in the Applicant's response to NLC's relevant representation at Part 3 of the First Response. The Applicant considers that the trenching undertaken to date combined with the various non-intrusive surveys has characterised the archaeology of the proposed cable route and is sufficient to properly assess the heritage interest of the proposed development and to propose appropriate mitigation, which would be secured through the approval of a Written Scheme of Investigation to discharge Requirement 6 (Archaeology landward of mean low water springs) of the draft DCO.</p>
<p><b>Land use, agriculture and recreation</b></p> <p>NLC agrees with the conclusions of the ES and subject to the reinstatement of public footpaths upon completion of the development it is concluded that the Project will achieve a minor negative effect upon recreational and land use receptors.</p>	<p>Noted.</p> <p>The Applicant confirms that the reinstatement of public footpaths is secured through the New Roads and Street Works Act 1991 (as applied by Article 10 of the draft DCO).</p>
<p><b>Traffic and Transport</b></p> <p>NLC has considered the predicted increases in traffic during the construction phase, as reported in the ES. It is acknowledged that most of the movements will be HGVs during the</p>	<p>The Applicant notes NLC's comments and notes this position is in line with paragraphs 3.1.18 to 3.1.20 of the SoCG between the Applicant and NLC, submitted as Appendix Q to the Response.</p>

<p>construction phases and as such their impact will be temporary in nature. Long term/operational impacts will be negligible.</p> <p>NLC confirm it is satisfied the proposal can, with suitable control and mitigation, be accommodated on the network without adversely affecting its performance.</p>	
<p><b>Noise and vibration</b></p> <p>NLCs Environmental Health Officer is satisfied that Requirement 8 of the draft DCO (Code of Construction Practice) provides adequate control in respect of light, noise and vibration.</p> <p>NLC confirm that adequate control of operational noise will be provided if the following Requirement is added to the draft DCO:</p> <p><i>The combined Rating Level, LAR,TR' of the noise emitted during normal operation from the electrical transmission station, converter and associated plant, shall not exceed 35 dB at any residential property that has planning permission on 1 December 2014. The assessment shall be carried out in accordance with BS 4142:2014 "Methods for rating and assessing industrial and commercial sound.</i></p> <p>NLC accept there will be some minor adverse impacts to receptors during the construction and decommissioning phase but that these will be temporary in nature and suitable mitigation is proposed.</p>	<p>The Applicant notes and welcomes NLCs comments in respect of the CoCP and further notes the proposed operational noise requirement was included as Requirement 25 (Control of noise during operational phase) in Version 3 of the draft DCO, as submitted as Appendix A to the First Response.</p>
<p><b>Air quality and health</b></p> <p>NLC considers the ES to be comprehensive and to cover all aspects of air quality and dust from the construction phase of the project.</p> <p>NLC is satisfied that Requirement 8 of the draft DCO (Code of</p>	<p>The Applicant notes and welcomes NLC's conclusions.</p>

Construction Practice) provides adequate control in respect of light, noise and vibration.	
<p><b>Socio-economics</b></p> <p>NLC note some adverse impact is ideated with regard to local truism and the use of public rights of way.</p> <p>However the generation of jobs and industry is recognised as a strategic aim of NLC and it is concluded that the benefits of the project clearly outweigh any negative impacts.</p>	Noted.
<p><b>Conclusions</b></p> <p>NLC conclude that short term and negative social and environmental impacts are anticipated as a result of the Project, along with longer term adverse impacts from the new substation/converter station and the loss of agricultural land. However this must be considered in the context of the site's current allocation of employment uses.</p> <p>NLC note the development will have long term beneficial economic impacts in terms of job creation and inward investment into North Lincolnshire and the UK. NLC also note that renewable energy developments are considered to generate environmental and social benefits in terms of reducing CO2 emissions, slowing climate change and increasing the UK's energy resiliency.</p>	The Applicant notes and welcomes NLC's conclusions.

## 2. Response to North East Lincolnshire Council's Local Impact Report

Local Impact Report – Key Issue	Applicant's Response
NELC note that North East Lincolnshire has a number of pipes	Noted and agreed.

<p>and cables running through it and, as with comparable projects, once construction work is complete, there should be little or no visible evidence of the cable route.</p>	
<p>NELC confirm there have been ongoing discussions between the applicant and NELC, and that a SoCG has been signed.</p>	<p>Noted and agreed. The Applicant confirms that a signed SoCG between the Applicant and NELC was submitted as Appendix UU to the First Response.</p>
<p>NELC confirm that provided the terms of the SoCG are implemented then NELC does not at present anticipate a need to raise issues of principle or detail.</p>	<p>Noted.</p>
<p>A list of relevant saved Local Plan polices from the North East Lincolnshire Local Plan are listed:</p> <ul style="list-style-type: none"> <li>• GEN2 – Development in Open Countryside</li> <li>• NH5 – Protection of Trees</li> <li>• NH6 – Protection of Hedgerows</li> <li>• NH9 – Landscape Areas of Strategic Importance</li> </ul>	<p>Noted and agreed.</p> <p>Local Development Plan documents are considered in Section 4 of the Planning Statement submitted with the Application (Doc ref No 12.1).</p>
<p>NELC notes that the following paragraphs of the National Planning Policy Framework (NPPF) are relevant to renewable energy development:</p> <ul style="list-style-type: none"> <li>• Para 93: Planning is important in supporting the delivery of renewable energy and low carbon technology;</li> <li>• Para 97: LPAs need to have a positive strategy to promote energy from renewable and low carbon sources. Further, they need to design policies to maximise renewable and low carbon energy developments whilst ensuring that adverse effects are addressed satisfactorily, including cumulative landscape and visual impacts; and</li> </ul>	<p>Noted and agreed.</p> <p>Paragraphs 93, 97 and 98 of the NPPF are considered at paragraph 3.3.12 of the Planning Statement (Doc ref: 12.1).</p>

<ul style="list-style-type: none"> <li>• Para 98: LPAs should approve an application if its impacts are (or can be made) acceptable, always assuming that material considerations do not indicate otherwise.</li> </ul>	
<p>NELC notes that Grimsby Port is developing as a centre for the operation and maintenance of offshore wind turbine sites and consider the Port would ideally serve this proposal.</p> <p>NELC welcomes this and notes it fits within the overall regeneration/economic development targets of the Council.</p>	<p>Noted.</p> <p>The Applicant refers NELC and the Ex. A to the Applicant's response to questions SE3, CL8 and CL11 in Part 2 of the First Response.</p>
<p>NELC notes no long term, adverse effects should result from the cable route and appropriate safeguarding controls are proposed thought the draft DCO.</p>	<p>Noted.</p> <p>The Applicant notes this is in line with paragraphs 3.1.3 to 3.1.10 of the SoCG between the Applicant and NELC, submitted as Appendix UU to the First Response.</p>
<p>NELC also notes that the ES concludes there should be no unduly adverse effects as a result of the Project. NELC acknowledge there are similarities in baseline, assessment and mitigation between Hornsea Project One and the Project and the agreed SoCG outlines these details.</p>	<p>Noted.</p> <p>The Applicant notes this is in line with paragraph 3.1.3 of the SoCG between the Applicant and NELC, submitted as Appendix UU to the First Response.</p>

### 3. Response to East Lindsey District Council's Local Impact Report

Local Impact Report – Key Issue	Applicant's Response
<p>At section 2.1 ELDC sets out the Development Plan relevant to the Project, with respect to East Lindsey District. ELDC advises that the Development Plan comprises the East Lindsey Local Plan Alteration 1999, and lists relevant policies, along with the Government's National Planning Policy Framework, which is a material consideration.</p>	<p>Agreed.</p> <p>These Local Development Plan documents are considered in Section 4 of the Planning Statement submitted with the Application (Doc ref No 12.1).</p> <p>The National Planning Policy Framework (NPPF) is considered at paragraphs 3.3.5 to 3.3.13.</p>

<p>A list of relevant polices from the East Lindsey Local Plan Alteration 1999 are listed after Section 2.1. These are:</p> <ul style="list-style-type: none"> <li>• Policy A4 – Protection of General Amenities</li> <li>• Policy A5 - Quality and Design of Development</li> <li>• Policy ENV20-Protection of Habitats</li> </ul>	<p>Policies A4, A5, and ENV20, are discussed at paragraph 4.5.3 and Annex 1 of the Planning Statement (Doc ref No 12.1).</p> <p>Policy A5 is also discussed at paragraphs 1.4.3 to 1.4.8 of Volume 6, Annex 1: Planning Policy (Doc ref No 7.6.5.6) and Policy ENV20 is discussed at paragraphs 1.4.63 to 1.4.64 of the same document.</p>
<p>ELDC's Core Strategies are still at an early stage of preparation and carry little weight but show a direction of travel for ELDC. A list of emerging Core Strategies is also listed after Section 2.1. These are:</p> <ul style="list-style-type: none"> <li>• Policy 14- Landscape</li> <li>• Policy 16 - Biodiversity and Geodiversity</li> </ul>	<p>Policy 14 sets out ELDC's strategic objectives for protecting, enhancing and managing the Districts landscapes.</p> <p>The Applicant notes the onshore cable route does not pass through any designated landscapes as it passes through the District (see Figure 5.7 of Volume 3, Chapter 5: Landscape and Visual Resources (Doc ref No 7.3.5) of the ES).The Applicant also notes that all landscape impacts are temporary in nature, occurring only during the construction phase, and would not lead to any conflict with this emerging Policy. Paragraphs 5.7.59 to 5.7.94 of Volume 3, Chapter 5: Landscape and Visual Resources (Doc ref No 7.3.5) of the ES refer.</p> <p>Policy 16 sets out ELDC's strategic objectives for protecting and enhancing the biodiversity and geodiversity value of land and buildings, and to minimise fragmentation and maximise opportunities for connections between natural habits.</p> <p>The Applicant notes the onshore cable route does not pass through any designated sites as it passes through the District (see Figure 3.2 of Volume 3, Chapter 3: Ecology and Nature Conservation (Doc ref No 7.3.3) of the ES.</p> <p>The Applicant further notes it is confirmed at paragraph 1.5.20 of Volume 3, Chapter 1: Geology and Ground Conditions (Doc ref No 7.3.1) of the ES that no part of the landfall or onshore cable route lies within 500m of a notified geological or geomorphological interest site.</p> <p>The Applicant concludes the project would not lead to any conflict with Policy 16.</p> <p>The Applicant agrees that these polices currently carry little weight in</p>

	the consideration of the Application.
<p>In Section 2.2 ELDC state that the Local Plan's policies relating to the general amenities of people living and working in the area (Policy A4), area character (Policy A5), and protection of habitats (policy ENV20) are still relevant and up to date. ELDC state these policies are long-standing and are considered to be consistent with national policy. Paragraph 215 of the NPPF is therefore considered to apply and full weight should be given to these policies.</p>	<p>The Applicant notes the Councils position with regard to the weight to be applied to these policies, in the context of the NPPF.</p> <p>The Applicant confirms these policies have been considered in the development of the proposal, as referred to above.</p>
<p>ELDC considers the NPPF at Section 2.3. They consider that the overall thrust of the new NPPF is the presumption in favour of sustainable development. In relation to renewable energy developments they consider the following paragraphs to be of relevance:</p> <ul style="list-style-type: none"> <li>• Para. 93 - Planning is important in supporting the delivery of renewable energy and low carbon technology.</li> <li>• Para. 97 – Local Authorities need to have a positive strategy to promote energy from renewable and low carbon sources. Further, they need to design policies to maximise renewable and low carbon energy developments while ensuring that adverse effects are addressed satisfactorily including cumulative landscape and visual impacts.</li> <li>• Para. 98 advises that Local Planning Authorities (LPA's) should "<i>approve the application if its impacts are (or can be made) acceptable</i>". There is an important footnote to this paragraph which restates the phrase 'unless material considerations indicate otherwise', from Section 38(6) of the Planning and Compulsory Purchase Act 2004.</li> </ul>	<p>Agreed.</p> <p>Paragraphs 93, 97 and 98 of the NPPF are considered at paragraph 3.3.12 of the Planning Statement (Doc ref: 12.1).</p>
ELDC also draws reference to a relevant Landscape Character	The Applicant confirms the Application has had reference to relevant

Assessment from 2011 in Section 2.5.	Landscape Character Assessments in paragraphs 5.6.31 and 5.6.32 of Volume 3, Chapter 5: Landscape and Visual Resources of the ES (Doc ref: 7.3.5).
The Council set out certain issues in relation to the Project in Sections 3.1 to 3.5 of the LIR.	See below.
<p>In section 3.1 of the LIR the Council discuss matters relating to Horseshoe Point.</p> <p>The Council acknowledge that the cable route corridor has a landfall just north of Horseshoe Point and just south of the former North Cotes Airfield. At Landfall the site adjoins the Humber Special Protection Area, Special Area of Conservation, Ramsar site and RSPB Reserve.</p> <p>The Council acknowledges that the ES deals with ecology and nature conservation and the Council note that the impact in this area will result in negligible, minor adverse effects, or minor beneficial effects. On the basis of that information they consider there would appear to be no significant effects on wildlife habitats but reserve their position until the views of relevant statutory bodies have been heard.</p> <p>Emerging Core Strategies are attached in Appendix 2 (Policy 16). Saved local plan policy relating to International or National sites of conservation importance is ENV20 (appendix 1).</p>	<p>The Applicant notes the Council's summary of the relevant ES conclusions in respect of Ecology and Nature Conservation – see Volume 3, Chapter 3 - Ecology and Nature Conservation (Doc ref No 7.3.3).</p> <p>The Applicant notes the Council conclude there would appear to be no significant effects on wildlife habitats as a result of the Project. Notwithstanding, the Council has reserved its final position in respect to the effects on habitats at Horseshoe Point.</p> <p>The Applicant will ensure the Council is kept up to date in respect of discussions with other Agencies and stakeholders in this regard.</p> <p>The Applicant does not consider there to be any conflict between the Project and Policy 16, as discussed above.</p> <p>Policy ENV20 is addressed in Annex 4.1, Statutory Development Plan Policies, of the Planning Statement and Volume 3, Chapter 3 of the ES.</p> <p>Policy ENV20 is also discussed at paragraphs 1.4.63 to 1.4.64 of Volume 6, Annex 1: Planning Policy (Doc ref No 7.6.5.6)</p>
<p>Section 3.2 identifies the concern regarding the potential effect of the Project on living conditions for those living near the cable route.</p> <p>The council acknowledge that the ES deals with Noise and Vibration during the construction phase and the impacts on receptors are stated to be negligible to moderate adverse. Other aspects of the construction phase indicate that the magnitude of</p>	<p>The Applicant notes the Council's summary of the relevant ES conclusions in respect of Noise and Vibration – see Volume 3, Chapter 9 of the ES.</p> <p>The Applicant notes the Council conclude, on the basis of the information provided, that there would be no significant adverse effects on living conditions. The Applicant also notes the Council has reserved its final position in respect to effects on living conditions for</p>

<p>impact will be negligible to minor.</p> <p>Based on the information provided the Council conclude there would be no significant effects on living conditions of local residents but reserve their position until the views of other parties have been heard.</p> <p>It is noted that Local Plan Policy (Policy A4) Appendix 1 is the appropriate policy.</p>	<p>those living near the cable route.</p> <p>The Applicant will ensure the Council is kept up to date in respect of discussions with other Agencies and stakeholders in this regard.</p> <p>Policy A4 is discussed at paragraph 4.5.3 and Annex 1 of the Planning Statement (Doc ref No 12.1).</p>
<p>Section 3.3 identifies the concern regarding potential sterilisation of land due to electro-magnetic effects.</p> <p>The Council acknowledge that the Applicant's ES concludes that there would be no electromagnetic effects based on anticipated maximum field strength, associated with this proposal, and unless there is evidence submitted to the contrary by other parties then the Council would not wish to pursue this matter further.</p>	<p>The Applicant notes the Council's summary of the relevant ES conclusions in respect of Ecology and Nature Conservation – see Volume 3, Chapter 3 of the ES. The Council acknowledge that the ES concludes there would be no electromagnetic effects associated with the Project and unless evidence is submitted to the contrary by other parties, the Council have no further comments to make.</p>
<p>Section 3.4 of the report highlights the concern of the council regarding the potential effects on hedgerow or trees from the cable works.</p> <p>The Council notes the ES advises there will be some temporary loss of hedgerow habitat and some disturbance to retained hedgerows during cable laying and construction of temporary vehicle access tracks. However the effect is shown to be generally moderate and new planting will be carried out.</p> <p>Effects on woodland are shown to be minor. On the basis of that information there would appear to be no adverse effects on these habitats. However, the Council reserve their position until the views of relevant statutory bodies have been heard.</p> <p>Local Plan Policies (Policy ENV20) and emerging Core Strategies (Policy 15) are attached in Appendix 1.</p>	<p>The Applicant notes the Councils summary of the relevant ES conclusions in respect of Ecology and Nature Conservation – see Volume 3, Chapter 3: Ecology and Nature Conservation (Doc ref No 7.3.3) of the ES.</p> <p>The Applicant notes the Council conclude, on the basis of the information provided, that there would be no significant adverse effects on hedgerows. Notwithstanding, the Applicant notes the Council have reserved their final position in respect to effects on hedgerows and trees.</p> <p>The Applicant will ensure the Council is kept up to date in respect of discussions with other Agencies and stakeholders in this regard.</p> <p>Policy ENV20 is discussed in Annex 4.1, Statutory Development Plan Policies, of the Planning Statement (Doc ref No 12.1) and paragraphs 1.4.63 to 1.4.64 of Volume 6, Annex 1: Planning Policy (Doc ref No</p>

	<p>7.6.5.6), Policy ENV20 is discussed in the same document.</p> <p>Policy 15 sets out ELDC's strategic objectives for protecting, enhancing and creating existing green spaces in the District. The Applicant notes that whilst the Project passes through open countryside, and there will be some temporary activity on the cable route during construction, the underground cable route and landfall for the Project will not lead to the loss of any green spaces in the District.</p>
<p>The Council note that it is difficult to determine if community benefits delivered through a planning obligation are required, in this case under the terms of paragraph 204 of the NPPF, without first hearing from all interested parties and statutory consultees. However, the Council note that this is unlikely.</p> <p>ELDC notes that it is pleased to hear that the developer is intending to offer a Community Benefit to Communities located near the onshore infrastructure. ELDC consider parish and town councils should be part of any funding negotiations and ideally that ELDC should also be involved to assist communities in their discussions with the developers.</p>	<p>The Applicant acknowledges ELDC's position regarding paragraph 204 of the NPPF.</p> <p>In response to the intention of the Applicant to offer a Community Benefit, the Applicant refers the Ex. A to paragraph 4.1.19 of the SoCG between the Applicant and ELDC (Appendix A of the Applicant's Response to Rule 6 Letter) and to the Applicant's response to SE6 of the First Response, where the Applicant clarified that it is currently considering its proposals in relation to the potential provision of a Community Benefit Fund, As stated in that response, the Applicant does not, however, consider such a fund to be necessary to support the application for the Project as it would not be offered to address a specific impact. As such, the Applicant does not consider it to be relevant to the decision making process.</p>