

Hornsea Offshore Wind Farm

Project Two

The Applicant's Response to Deadline IV

Application Reference: EN010053

20 October 2015

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CONTENTS

Clause	Page No
1. Overview	5
2. Responses to the Ex. A's second written questions	5
3. Updated Development Consent Order	5
4. Update to the Book of Reference	5
5. Update to the Statement of Reasons	6
Part 1	8
Responses to the Examining Authority's Second Written Questions	8

TABLE OF APPENDICES TO THE RESPONSE

A	Draft Development Consent Order – Version 5
B	Comparison of Version 5 of the draft Development Consent Order against Version 4
C	Comparison of Version 5 of the draft Development Consent Order against Version 1
D	Schedule of Changes to Version 5 of the draft Development Consent Order
E	Book of Reference – Version 3
F	Schedule of Changes between Version 2 and Version 3 of the Book of Reference
G	Updated Plot-by-Plot Analysis Table
H	Composite updated Statement of Reasons
I	Statement of Reasons - Comparison
J	Environmental Information Signposting Document – Version 4
K	Update to Consents Management Plan – response to G5
L	Statement of Common Ground Status Update – response to G6
M	Table of updates to Application Documents – response to G7
N	Enhancement Mitigation and Monitoring Commitments (Version 3)
O	Tabular Review of EIA Conclusions in response to the amendment of Project Design Envelope – response to G10
P	In Principle Monitoring Plan
Q	Addendum to the HRA: Consideration of the Southern North Sea dSAC
R	Intertidal Clarification Note
S	Heritage Survey Extents – response to LH15
T	Amplified Compounds Table – response to CL23(b) and (c)
U	Appendix in response to SE8
V	Final Statement of Common Ground between the Applicant and NFFO, HFIG and VisNed
W	Onshore Crown Plans
X	Update on status of Land Agreements
Y	Update on status of agreement with Statutory Undertakers
Z	Letter from Phillips 66 Limited confirming the withdrawal of their representations in relation to the Project
AA	Letter from Virgin Media Limited to the Applicant confirming no objection
BB	Habitats Regulations Assessment Screening and Integrity Matrices (Version 3)
CC	Clarification Note Environmental Impact Assessment for offshore ornithological receptors
DD	Kittiwake Collision Risk: Review of Core Assumptions
EE	Kittiwake Clarification: in response to EOO16

FF	Possible Greater Wash SPA Shadow HRA Screening
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1. Overview

- 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 Application"), SMart Wind Limited, as agent on behalf of the joint applicants Optimus Wind Limited ("Optimus Wind") and Breesea Limited ("Breesea") (together "the Applicant") has responses to the Ex. A's second written questions (at Part 1 of the Response). The Applicant's responses to these questions, together with the appendices and associated documents referred to therein (collectively referred to as "the Response") are submitted for the deadline of 20 October 2015 specified in the Rule 8 Letter, and are discussed in more detail below.

2. Responses to the Ex. A's second written questions

- 2.1 The Ex. A's letter of 29 September 2015 contained specific questions by the Ex. A, which were directed for the most part to the Applicant and also in some circumstances to other interested parties. The Applicant has addressed each of the questions asked by the Ex. A. However, where the question has been directed to another interested party, the Applicant has only provided substantive comment if it was considered that the Applicant had anything to usefully add. For the ease of reference of the Ex. A, the chronology of the questions has been maintained in the Response.
- 2.2 The responses to the second written questions are set out at Part 1 of the Response. Where additional material has been submitted to aid a response to a question, this has been provided by way of appendix.

3. Updated Development Consent Order

- 3.1 The Applicant submitted Version 4 of the draft DCO at Appendix A to its response to Deadline IIA. The Applicant also submitted a Schedule of Changes to the draft DCO at Appendix C of its response to Deadline IIA, which narrated the changes from Version 1 of the draft DCO.
- 3.2 The Applicant has provided a further update to the draft DCO (Version 5) at Appendix A of the Response, which incorporates further changes as a result of on-going discussions with stakeholders and to address responses to the Ex. A's second written questions.
- 3.3 To assist the Ex. A, the Applicant has also updated the Schedule of Changes to incorporate these further amendments at Appendix D to the Response.

4. Update to the Book of Reference

- 4.1 The Applicant submitted Version 2 of the Book of Reference at Appendix D to its submission of 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.
- 4.2 Subsequent to the April Submission, the Applicant provided two further updates in the form of a Schedule of Changes to capture additional minor updates to the information contained within the Book of Reference at Appendix E of its response to Deadline I and Appendix C of its response to Deadline II respectively.
- 4.3 To reflect further updates to the information contained within the Book of Reference and to address certain stylistic queries posed by the Ex. A (both at the Issue Specific and Compulsory Acquisition Hearings on 15, 16 and 17

September 2015 and within the second written questions), the Applicant has provided a further update to the Book of Reference (Version 3) at Appendix E to the Response. In particular, the Applicant would highlight to the Ex. A:

- 4.3.1 the inclusion of an additional column within Part 1 of the Book of Reference to detail the nature of the powers of compulsory acquisition sought under Articles 18 and 19 of the draft DCO, and/or temporary possession sought under Articles 26 and 27 of the draft DCO against each specific plot of the Order Land; and
- 4.3.2 the inclusion of additional wording when describing the land to be acquired where a plot contains an interest held by the Crown (see the Applicant's response to CA17(b) for further commentary on the same):
 - "Including all interests other than those interests held by or on behalf of the Crown in accordance with Article 39 of the Order"*.
- 4.4 Due to the change in format of the Book of Reference it has not been possible to provide a track changed copy of Version 3 as against Version 2 (which was submitted as Appendix D of the Applicant's submission of 27 April 2015). As such, in order to track the changes between Version 2 and Version 3, the Applicant has continued to update the Schedule of Changes to Version 2 of the Book of Reference which was last updated and submitted at Appendix C of the Applicant's response to Deadline II.
- 4.5 The most recent Schedule of Changes, showing all changes between Version 2 and Version 3 of the Book of Reference has been provided at Appendix F of the Response. For consistency and clarity with the approach taken throughout examination, the changes to the details of Category 1 and 2 persons which have been made since the last version submitted at Deadline II are shown in red.
- 4.6 Additionally, the Applicant has made consequent updates to Part 4 of the Book of Reference to remove the entries relating to GPSS and the Secretary of State for Transport. As narrated in the Applicant's response to CA16 of the Ex. A's First Written Questions at Deadline I (in relation to GPSS), and in the Applicant's response to CA19 of this Response (in relation to the Secretary of State for Transport), the Applicant no longer consider these plots to be Crown Land. The Applicant has revised the Onshore Crown Plans to reflect the removal of these plots (see Appendix W of the Response)
- 4.7 Finally, the Applicant has similarly updated the Plot-by-Plot analysis table (Appendix G of the Response) to reflect the same updates.

5. Update to the Statement of Reasons

- 5.1 The Applicant has provided at Appendix H of the Response a Composite Updated Statement of Reasons. This document has been produced as a composite version of the Statement of Reasons submitted on 30 January 2015 and the Update to the Statement of Reasons submitted as Appendix B of the Applicant's submission of 10 September 2015.
- 5.2 Principally the changes made reflect the acquisition of SMart Wind and the Project Companies by DONG Energy Power (UK) Limited and reflect the consequential changes to their ownership structure. The updated document also sets out (see paragraph 1.8) which are the most recent versions of the compulsory acquisition documents (being the Statement of Reasons, the Funding Statement, the Land Plans and the Book of Reference) as at 20 October 2015 for the ease of reference of the Ex. A, and the Secretary of State in due course. The changes also include:
 - 5.2.1 The correction of plot number from Plot 508 to Plot 506 to correct a typographical error in the specification of the plots subject to compulsory acquisition of land. This errata was notified to the Ex. A in the Applicant's response to Question CA1 at Deadline I;

- 5.2.2 Correction of the tables specifying those plots contained in Schedule E and those in Schedule G to reflect the errata in relation to Plot 353 and 517. This errata was notified to the ExA at paragraph 3.7 of the Applicant's response to Deadline III. Version 5 of the draft DCO (see Appendix A of the Response) has also been updated to correct this errata; and
 - 5.2.3 Updates to the status of land agreements and agreements with statutory undertakers.
- 5.3 To assist with the review of the changes made, the Applicant has also provided a comparison of this Composite Updated Statement of Reasons with the Statement of Reasons originally submitted on 30 January 2015.

PART 1
Responses to the Examining Authority's Second Written Questions

G General

G5	applicant	Please provide in tabular form, an update on progress towards the granting of all other consents required by the proposed development, including consents already secured.
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G5

1. The Applicant has provided at Appendix K of the Response a further update to the Consents Management Plan (Doc ref No 12.10) which provides an update on the Applicant's progress towards securing the consents that are required for the construction, operation and maintenance of the Project.
2. As the Ex. A will see, no substantive updates have been made since the version submitted at Appendix H of the Applicant's response to Deadline I. The Applicant considers that progress towards the granting of all other consents has been made as far as is possible within the Examination process, prior to any grant of the DCO.

G6	applicant	Please provide a report on any further progress towards securing Statements of Common Ground with various parties
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G6

1. The Applicant has provided an update on the status of SoCGs at Appendix L of the Response.

G7	applicant	Please submit a table providing a chronological listing of all updated documents (including the plans) – structured by the main examination topic areas. The table should set out clearly all application documents and if/when they have been superseded and by what. This table will be an important document (i) for the SoS in terms of having the necessary information to make a decision and, (ii) if consent is granted, for the discharging authorities.
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G7

1. The Applicant has provided at Appendix M of the Response a table which sets out, under the main topic areas, a list of those Application documents which have been updated, giving details of those updates in chronological order.
2. The table structure is based on the Schedule of Application Documents which was scheduled to the Cover Letter to the Planning Inspectorate (Doc ref No 1.1) accompanying the Application.

G8	applicant	Please provide an update to ES Volume 4, Annex 4.5.5 (APP-068), which sets out all mitigation, enhancement and monitoring measures committed to in in the ES, and shows how they are secured in in the draft DCO and DMLs.
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G8

1. The Applicant has provided an update to Volume 4, Annex 4.5.5: Enhancement Mitigation and Monitoring Commitments of the ES (Doc ref No 7.4.5.5) at Appendix N of the Response.

G9	applicant	Please provide an update to the Environmental Information Signposting Document (APP-0206).
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G9

1. The Applicant has provided an update to the Environmental Information Signposting Document at Appendix J of the Response.

G10	applicant, Hornsea Project 1; MMO; MCA; TH; ChofS and any other parties who wish to comment	<p>Please explain in the light of the advice on changing an application post acceptance (Guidance for the examination of applications for development consent, March 2015) why the changes to the Order made in respect of (a) the reduction in size of plot 506 and proportionate increase to plot 505 on Land Plan sheet 27 of 27; and (b) the amendment to the Offshore Works Plans to reflect the reduction in order limits to remove one of the Project's export cable route options within the Hornsea Project 1 wind farm array are not being treated as material amendments? (REP3-027)</p> <p>Do any interested parties wish to comment on these two proposed amendments to the Order?</p>
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G10

1. As more fully described in Section 3 of the Applicant's response to Deadline III, the Applicant has proposed two reductions to certain areas of the Project's Order limits (and in relation to the onshore element, the Order land) in view of discussions with the Hornsea Project One Companies during the development of a SoCG (submitted by the Applicant to PINS on 10 September 2015). These reductions concerned:
 - The reduction in compulsory acquisition powers sought over an area in the northern section of plot 506 of the Project's Land Plans to remove the potential for overlap with the land identified for the Hornsea Project One substation site. Whereas previously this land was shown as land subject to permanent acquisition, it is now subject to temporary

occupation only (reflecting the proportionate increase in size of plot 505) (see Appendix A to the Applicant's response to Deadline III). The equivalent amendment has been proposed to the Order limits of Work Nos 8a and 8b on the Project's Onshore Works Plans (see Appendix C to the Applicant's response to Deadline III). These amendments were prompted by confirmation from the Hornsea Project One Companies that they will, in due course, require all of this overlap area for the purposes of their project's substation; and

- The reduction in the Order limits of Work Nos 4a and 4b to remove one export cable route option from the Project's envelope which previously ran through the Hornsea Project One wind farm array (see Appendix B of the Applicant's response to Deadline III). Again, this reduction was prompted by confirmation from the Hornsea Project One Companies that they would be very unlikely to accommodate this proposed route within their wind farm array area.
2. The Applicant confirmed that these reductions necessitated the equivalent minor amendments to other relevant Application plans, which were detailed in their entirety at Schedule 1 of the Applicant's response to Deadline III. The Applicant would further confirm that it has made the necessary amendments to the Project's order limits within the updated draft DCO (where specified) (Version 5) (see Appendix A of the Response). The Applicant has set out in more detail below why it does not consider these amendments to be "material" and would repeat the request within its response to Deadline III that these minor reductions to the Project's Order limits and Order land be accepted into the examination.

Onshore Reductions - Amendments to Plots 505 and 506

3. As explained above, the principal effect of this amendment is to reduce the scope of the permanent acquisition powers sought over plot 506. This area of overlap with the Hornsea Project One area is now subject to temporary occupation only (i.e. no longer subject to the permanent acquisition of rights or land) and this is reflected in the proportionate increase in plot 505.
4. The Applicant notes that PINS Advice Note 16: *How to request a change which may be material* (at section 2.1) confirms that whilst there is no legal definition of "material", "*usually, a change involving an extension to the Order land would be considered as material change, particularly where this would involve the need to compulsorily acquire new plots of land and/or interests.*" As detailed above, in this instance, there is no extension to the Order land; indeed, the powers of compulsory acquisition sought over the Order land are being reduced (from permanent acquisition to temporary occupation only).
5. The Applicant notes that there is no formal test within either Advice Note 16 or the associated guidance (*Planning Act 2008: Guidance for the examination of applications for development consent*) to determine what amendment may be considered minor, as against material, but would make the following additional observations:
- The amendment is a minor reduction to the Project's envelope (in terms of the land potentially available in which to construct the onshore substation(s)), but does not alter the overall design parameters for Work No. 8a and 8b contained within the draft DCO and assessed within the Project's ES;
 - No changes were required to the draft DCO as a result of these minor amendments;

- These amendments do not engage the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 as no compulsory acquisition powers are being sought over “additional land”;
 - The amendments do not increase the worst case scenarios presented within the Project’s ES and HRA, nor alter the assessment conclusions presented therein (see Appendix O for a composite confirmation of the same in tabular format);
 - The amendments were agreed upon request by and in consultation with the Hornsea Project One Companies; and
 - The consequent amendments to other Application documents are reflected in Appendix M of the Response for sake of completeness.
6. On this basis, the Applicant considers the proposed amendments to be non-material and requests that they be formally accepted into the examination.

Offshore reductions – amendments to Work Nos. 4a and 4b

7. As explained above, the principal effect of this amendment is to remove one of the Project’s export cable route options, which previously overlapped with Hornsea Project One’s wind farm array.
8. Whilst the Applicant notes there is no test to determine the materiality of a proposed amendment within the PINS Advice Note 16 or associated guidance, it would highlight the following points:
- The amendment is a reduction to the Order limits of the Project’s export cable corridor (Work Nos. 4a and 4b) only and does not result in a reduction to the Project’s overall capacity or wind farm array area more generally;
 - The amendments do not increase the worst case scenarios presented within the Project’s ES and HRA, nor alter the assessment conclusions contained therein (see Appendix O for a composite confirmation of the same in tabular format);
 - Only minor amendments are required to the export cable corridor’s coordinates contained within the draft DCO to reflect this reduction;
 - The amendments were agreed upon request by and in consultation with the Hornsea Project One Companies; and
 - The consequent amendments to other Application documents are reflected in Appendix M of the Response for sake of completeness.
9. On this basis, the Applicant considers the proposed amendments to be non-material and requests that they be formally accepted into the examination.

EOO Ecology offshore: ornithology

EOO14	applicant	<p>Please provide updated HRA matrices with:</p> <p>a) references to Hornsea Project 1 removed, unless relevant; and</p> <p>b) screening /integrity matrices as relevant for the Flamborough and Bempton Cliffs Spa.</p>
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EOO14

1. The Applicant has provided updated RIES matrices in Appendix BB of this Response. All references to Hornsea Project One have been removed. Both

screening and integrity matrices for the Flamborough and Bempton Cliffs SPA have been added to the RIES, as well as a screening matrix from the Greater Wash pSPA, and screening and integrity matrices for the Southern North Sea dSAC.

EOO15	applicant, NE	Please provide an update on the position reached on the Ornithology Road Map, including the Clarification Notes, as mapped out in Appendix Y to Deadline 3.
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EOO15

1. The following clarification notes have been submitted as part of this Response as identified in the Ornithology Roadmap (Appendix Y of the Applicant's response to Deadline III).
 - Appendix CC - Clarification Note Environmental Impact Assessment for offshore ornithological receptors
 - Appendix DD - Kittiwake Collision Risk: Review of Core Assumptions
 - Appendix FF - Possible Greater Wash SPA Shadow HRA Screening
2. The Applicant has had discussions with Natural England regarding the migratory collision risk modelling and although Natural England do not have any concerns regarding the significance of the migratory collision risk outputs they will be providing the Applicant with updated population figures to be used within the assessment. The Applicant will provide the Ex. A with an update on progress at the forthcoming Issue Specific Hearing.
3. The Applicant and Natural England have had discussions on the remaining documents listed above and the Applicant will provide the Ex. A with an update on positions reached at the forthcoming Issue Specific Hearing.

EOO16	applicant, NE, RSPB	<p>Please provide an update on the positions reached in the most recent SoCG on the effects of Hornsea Project 2 on Special Protection Areas (SPA) populations of kittiwake, gannet, guillemot, razorbill and puffin, for the project alone and in combination. Relevant data should be presented in tabular form.</p> <p>This should include in particular the issues around kittiwake, including Flamborough Head Bempton Cliff and Flamborough and Filey Coast (FHBC/FFC) population trends, and additional clarification on kittiwake apportioning.</p>
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EOO16

1. The position reached between the Applicant and Natural England on the following features of the Flamborough and Filey Coast pSPA were detailed in the SoCG between the Applicant and Natural England (Appendix Y) at Deadline III; gannet, guillemot, razorbill and puffin. It was agreed in paragraph 3.2.13 of Appendix Y there was no potential for an adverse effect on these features either from the Project alone or in-combination.

2. With regard to kittiwake, the Applicant has provided further information on the effects of the Project on kittiwake in Appendix EE of this Response. The Applicant has concluded there is no potential for an adverse effect on the kittiwake feature of the Flamborough and Filey Coast pSPA or Flamborough and Bempton Cliffs SPA. The Applicant does not agree with the conclusions drawn by Natural England with regard to kittiwake and presented in Appendix 2 of their Deadline 3 response. Further information on this matter is provided in Appendix EE of the Response.
3. The Applicant is awaiting confirmation from the RSPB on their latest position with regards to these species.

EOO17	applicant, RSPB	NE,	Please provide an update on the positions reached in SoCG on the effects of Hornsea Project 2 on EIA species (including lesser black backed gull, and greater black backed gull). Relevant data should be presented in tabular form.
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EOO17

1. The Applicant has provided further clarification material in relation to the EIA and CIA in Appendix CC of this Response.
2. The Applicant and Natural England have had initial discussions on these documents and the Applicant will provide the Ex. A with an update on positions reached at the forthcoming Issue Specific Hearing.
3. The Applicant awaits discussion with the RSPB on EIA matters. The Applicant will provide an update on this matter at the forthcoming Issue Specific Hearing.

EOO18	applicant, NE		Please provide an update on discussions between the applicant and NE on migratory bird collision risk.
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EOO18

1. The Applicant and Natural England have had discussions on this issue and Natural England are due to provide the Applicant with the appropriate population figures to be used within the modelling. The Applicant will provide the Ex. A with an update on positions reached at the forthcoming Issue Specific Hearing.

EOO19	applicant, and RSPB	NE	<p>Given the paucity of recent data on Offshore Windfarm (OWF) ornithological impacts, and the importance noted in NPS EN-3 of improving the evidence base, can the applicant please:</p> <ol style="list-style-type: none"> a) set out the Project approach to the monitoring of offshore ornithological impacts (not limited to the pre- and post- construction surveys); and b) indicate where the approach will be secured in the DCO/DMLs.
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EOO19

1. The Applicant and Natural England have agreed that the Applicant's approach to ornithological monitoring, as secured by Conditions 10(2)(k), 15(2)(b) and 17(2)(a) of DMLs A2 and B2, is appropriate. This agreement is detailed in paragraph 3.2.12 of the SoCG between the Applicant and Natural England, Appendix Y of the Applicant's submission at Deadline III. These Conditions require an ornithological monitoring plan (OMP) setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances to be submitted to the MMO for approval in consultation with Natural England and for any ornithological monitoring required by the OMP pre and post construction to be carried out in accordance with the OMP is appropriate. It is necessary and appropriate to retain a degree of flexibility as to the detail of this plan so as to allow it to be targeted according to the final project design, final consent and industry knowledge/knowledge gaps at the time of approval (prior to construction). The Applicant has provided further detail on the potential approach to monitoring that will be considered at the appropriate juncture within the In Principle Monitoring Plan (submitted at Appendix P to this response).

EOO20	NE, MMO and RSPB	Further to the submission of 'Notes of NE/RCUK Post Consent Monitoring Seminar (March 2015)' to Deadline 3 (REP3-032), can NE, MMO and RSPB please advise on potential good practice for project specific, and strategic, ornithological impacts monitoring?
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EOO20

1. As noted in the Applicant's response to EOO19 above, the Applicant and Natural England have reached agreement on the proposed approach to and suitability of the ornithological monitoring plan (OMP). The Applicant notes that the type of monitoring selected (be it site specific, colony specific or indeed, strategic) should be selected at the appropriate juncture (prior to construction). The techniques used for monitoring will be dependent the hypotheses posed and will be justified in terms of their ability to provide sufficiently meaningful data to address the relevant hypothesis. It would be expected therefore, that well established and proven techniques would be employed.
2. With regard to strategic monitoring it is noted that the form of monitoring may differ from any site specific monitoring, as it may be targeted at answering a wider industry knowledge gap, rather than addressing any project specific hypothesis. DONG Energy, Natural England and the MMO have a successful track record in undertaking such broader strategic work as noted at the Issue Specific Hearing of 16th September 2015.
3. The Applicant also cross refers the Ex. A to the In Principle Monitoring Plan (submitted at Appendix P to this response) for further detail on the forms of monitoring that may be considered at the appropriate juncture.

EOMM26	applicant	The ExA wishes to draw the applicant's attention to the Habitats Regulations Assessment (HRA) undertaken by the Secretary of State (SoS) for the Dogger Bank Teesside Offshore Wind Farm. The SoS chose to include the Southern North Sea draft SAC for harbour porpoises in this assessment, even though this was at the early stages of consideration for possible future designation with approval and final consultation to follow. In light of this, and given the possible inclusion of the application within the dSAC, please could the applicant, in consultation with NE, update their HRA report to assess effects on this relevant harbour porpoise dSAC?
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EOMM26

1. The Applicant has made clear (within the Issue Specific Hearing of 16th September 2015 – see paragraphs 4.1 to 4.5 of Appendix J of its response to Deadline III) that it has held discussions with Natural England with regard to preparing an HRA in consultation with Natural England once the consultation material on the harbour porpoise dSAC is released. As also noted by both the Applicant and Natural England, it is considered that there is sufficient information within the existing application material to inform any such HRA.
2. Following receipt of this question, the Applicant has considered what could reasonably be undertaken at this stage (i.e., in the absence of any formal material, including dSAC boundary, Conservation Objectives and management measures). In conclusion, in the absence of such information the Applicant considers that it would be feasible to undertake an assessment that is in line with the approach taken by DECC for the Dogger Teesside A and B application. The Applicant has discussed this approach with Natural England and they are broadly content with the proposed approach, although wish to highlight that currently, no formal consultation has begun on any SACs for Harbour Porpoise and, therefore, no sites are currently of material consideration for planning matters. Should there be a decision to formally consult on the draft SACs for Harbour Porpoise then the HRA would need to be reviewed to ensure that the HRA takes account of the appropriate site or sites and associated conservation objectives.
3. The Applicant cross refers the Ex. A to Appendix Q of this Response for an Addendum to the existing HRA that considers the potential effects of the Project on the Southern North Sea harbour porpoise dSAC.

EOMM27	NE	What is the basis in international law for extending the Wash pSPA beyond the limit of the territorial sea?
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EOMM27

1. The Applicant notes this question is addressed to Natural England and has no comment to make at this stage.

EOMM28	applicant	Please update the ExA on the addition of a condition
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		in the DML to require submission of data to the Defra Marine Noise Registry, as recommended by NE and MMO.
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EOMM28

1. As noted in the Applicant's summary of case from the Issue Specific Hearing held on 16 September 2015 (Appendix J of the Applicant's response to Deadline III), the Applicant has agreed a draft condition with the MMO providing for the submission of data to the Defra Marine Noise Registry (MNR) (pending the MNR being live prior to the commencement of, or at the time of, impact pile driving).
2. This condition is now included in the update to the draft DCO (see Appendix A of the Response) at Condition 7(12) and (13) of the draft DMLs, the terms of which are repeated below for the Ex. A's ease of reference:

(12) In the event that the Marine Noise Registry has gone live prior to the commencement of impact pile driving—

(a) the licence holder must submit details on the expected location, start and end dates of impact pile driving to the Marine Noise Registry prior to the commencement of the impact pile driving; and

(b) the licence holder must notify the MMO of the successful submission of the details required under sub-paragraph (a) within seven days of the submission.

(13) In the event that the Marine Noise Registry has gone live at the time of impact pile driving—

(a) the licence holder must submit the exact locations and dates of impact pile driving to the Marine Noise Registry at six month intervals from the commencement of impact pile driving until the completion of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving; and

(b) the licence holder must notify the MMO of the successful submission of the details required under sub-paragraph (a) within seven days of the submission.

EL Ecology – onshore and intertidal

EL16	applicant	Please provide an update on the discussion with NE and RSPB regarding the applicable tide height above chart datum (CD) at Grimsby and working tide height at the cable landfall area, including revisions to DML A2 and B2 Condition 20(4).
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EL16

1. The Applicant has had further discussions with both Natural England and the RSPB on this matter. The Applicant is working with both parties to resolve this issue and provide a suitable solution to minimise the potential impact of disturbance on roosting birds and hopes to update the Ex. A at the forthcoming Issue Specific Hearing on the 27th October.

EL17	applicant	Similarly, please provide an update on the RSPB proposal that the tailpiece on Condition 20(3) of DML A2/B2, which allows winter working with the agreement from MMO and NE be removed. Have the potential effects of this tailpiece on the Condition been assessed in the HRA?
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EL17

1. The Applicant notes that any attempt to rely on the tailpiece wording within Condition 20(3) would be subject to the restrictions contained within Condition 18(2) of the draft DMLs and would therefore not allow for the subsequent approval of any works that are not in accordance with the principles and assessments set out in the ES.
2. As noted by the Applicant in paragraph 4.6 of Appendix I to its response to Deadline III The Applicant requires the flexibility provided by this wording in order to cover a situation where, for example, construction were to experience unforeseen delays and require a very limited overlap with the onset of the overwintering period (i.e., a couple of days) to achieve completion. The Applicant noted that, pursuant to Condition 18(2) of the draft DMLs, such works would only be permitted if the Applicant could demonstrate to the satisfaction of the MMO (in consultation with Natural England) that such works are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ES. Natural England confirmed during the ISH on the 15th of September that they are content with the current wording of Condition 20(3). The MMO also confirmed they are content with the current wording of Condition 20(3) in their respective submissions at Deadline III.

EL18	applicant	Have the effects on the intertidal zone from carrying out ducting over three years been included in the worst case scenario in the ES?
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EL18

1. The Applicant can confirm that the ES has assessed a maximum adverse scenario of the installation of ducts (between the transition joint bay (TJB) on the seaward side of the sea wall to the intertidal area) for a duration of three years, as outlined in paragraph 3.3.11 and Figure 3.42 of Volume 1, Chapter 3: Project Description of the ES (Doc ref No 7.1.3), Appendix O of the Applicant's response to Deadline I and at paragraph 4.1 of Appendix I of the Applicant's response to Deadline III.

EL19	RSPB	When the Phillips66 Sealine Replacement pipeline was installed, was working restricted to the months of June, July and August?
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EL19

1. The Applicant notes this question has been directed at the RSPB and has nothing to add at this time.

EL20	RSPB	How close is the Hornsea Project 2 cable land fall to the high tide roost at Tetney?
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EL20

1. The Applicant notes that this response is directed at the RSPB, however the Ex. A's question makes reference to the high tide roost at Tetney which the Applicant interprets as the many roost sites distributed along the coast from e.g. Horseshoe Point to Humberston. The Applicant notes that much movement of birds between these wader roost sites at Tetney occurs during the two-week cycle of neap and spring tides.
2. The availability and occupancy of high tide roost sites by waders is influenced daily by a range of factors that include tidal height, proximity of feeding grounds, time of day and year, weather, vegetation, predation risk, natural or anthropogenic disturbance events and a site's physical features (Burton *et al.*, 1996, Rehfishch *et al.*, 1993, Rehfishch *et al.*, 2003). Furthermore interspecific differences exist in roost site selection, spacing of individuals and the preference for single or multi-species roosts. The evidence is that waders distribute themselves according to past experience and perceived optimum conditions, individuals responding to changing circumstances over a high water period by relocating to another roost.
3. The occupancy of high tide roosts at Tetney on any given day varies according to the bird's behavioural response to the preceding described variables. The availability of potential roost sites to occupy is itself determined by the high tide height whose range in the outer Humber Estuary extends from a mean high water spring (MHWS) of 7.30 m CD (as measured at Grimsby) to mean high water neap (MHWN) of 5.80 m CD, with the Highest Astronomical Tide (HAT) at 7.99 m CD. When tides attain at least the height of MHWS, no roosting opportunities for waders exist within 300m of the Project's cable land fall, and are in consequence situated beyond the generic response threshold radius of 300m (Cutts *et al.*, 2013) that the Project's works is predicted to cause displacement of roosting birds. Moreover, site specific surveys have demonstrated that waders are forced to relocate from at least a 1km stretch of coast extending either side of the Project's cable land fall by the time tidal heights have risen to 7.8 m CD (as measured at Grimsby; Appendix E of Volume 6 Annex 6.4.1 of the ES, Doc Ref 7.6.4.1). Seaward of the seawall, the only areas exposed on a tide of 7.8 m CD are areas of rank vegetation e.g. Marram Grass *Ammophila arenaria* and Sea Crouch *Elytrigia atherica* which are unsuitable for supporting roosts of intertidal birds. Waders are therefore already, irrespective of anthropogenic disturbance, forced to seek alternative roosts beyond the proximity of the Project's works on high spring tides.
4. On neap high waters, potential roost sites are exposed within close proximity of the Project's cable landfall whilst elsewhere alternative opportunities also become more widely available to occupy between Horseshoe Point to Humberston and beyond. It is on the "low turning tides" that Natural England has identified high water roosts of Oystercatcher, Knot and Dunlin within close proximity (i.e. 300 m) of the Project's cable landfall (in email to the Applicant), this concurs with casual observations provided by RSPB (on 5 dates in April,

May and August between 2002 and 2010; email to the Applicant dated 21st August 2015) and on high and lowering tides, site-specific data presented in Annex 6.4.1. , Volume 6 of the ES (Doc Ref 7.6.4.1). Such areas are not however available to roosting waders over high spring tides. The inference of Natural England's wording, "low turning tides", is that birds may congregate in the area as the tide ebbs having roosted elsewhere.

5. In information supplied to the Applicant by Natural England (by email to the Applicant) and RSPB (email to the Applicant dated 21st August 2015), a roosting area is identified used by Sanderling and Ringed Plover in May and August that extends for 1 km or more along the upper shore at Tetney Marshes; about 300 – 400 m northwest of the cable landfall. Bathymetry data shows the latter roost site at its southern end to be only a few metres in width against the foot of sand dunes on a 6.9 m tide and unavailable on reaching high spring tides (7.10 m CD and above).
6. In summation, at such times high tide roosts are available to be occupied within the generic response threshold radius of 300 m (Cutts *et al.*, 2013) and there is potential for the Project's works to cause displacement of roosting waders, there will be alternative opportunities elsewhere which become more widely available for occupancy between Horseshoe Point to Humberston and beyond. Moreover, the Applicant notes that Wetland Bird Survey (WeBS) high tide distributional wader counts (Allen *et al.*, 2003, Ross-Smith *et al.*, 2013), often undertaken on spring high waters, explicitly show the presence of alternative roost areas on the Humber Estuary for wader species within their mean within-year inter-roost movement distances, as recorded elsewhere on the east coast of Britain (Rehfishch *et al.*, 1993, Rehfishch *et al.*, 2003).

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EL21	applicant, NE	Please provide in tabular form the NE/applicant conclusions about the effects of Hornsea Project 2,
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		<p>(i) alone and (ii) in combination, on features of:</p> <p>a) the Humber Estuary SPA; b) the Humber Estuary Ramsar site; and c) the Humber Estuary SAC.</p>
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EL21

1. Ex. A Question EL21 requests (in tabular form) the conclusions from the Applicant and Natural England with regard to the effects of the Project (alone and in-combination) on the features of the Humber Estuary SPA, Ramsar and SAC. Rather than repeat the information that captures this within the existing HRA screening and integrity matrices (as submitted at Appendix P of the Applicant's submission of 27 April 2015 and updated for Deadline IV at Appendix BB) the Applicant has provided summary statements below with cross reference to relevant HRA Screening / Integrity tables as appropriate. The following statements have been discussed and agreed with Natural England at a meeting on 15th October 2015.

Humber Estuary SPA

2. The Applicant considers that Table 39d of the HRA screening and integrity matrices fully captures the features of the Humber Estuary SPA and that these are agreed by both parties.
3. The Applicant considers that the outputs of Table 39d of the Screening Matrix are agreed by both parties.
4. The Applicant considers that following consideration of the information contained within the Intertidal Clarification Note, as submitted at Appendix R to this Response, the outputs of Integrity Matrix 22 for operational effects are agreed by both parties.
5. The Applicant considers that the consequence of the effects (alone and in-combination) of the construction based activity on SPA features remain a matter under discussion between the Applicant and Natural England. The specific point of discussion relates to activity occurring in the passage periods (April to May and August to September), when coinciding with high water that exceeds 6.5m from UKHO Chart Datum.

Humber Estuary Ramsar

6. The Applicant considers that Tables 38a, 38b, 38c and 39d of the HRA screening and integrity matrices fully captures the features of the Humber Estuary Ramsar site and that these are agreed by both parties.
7. The Applicant considers that the outputs of Tables 38a, 38b, 38c and 39d of the Screening Matrix are agreed by both parties.
8. The Applicant considers that following consideration of the information contained within the Intertidal Clarification Note, as submitted at Appendix R to this Response, the outputs of Integrity Matrix 21a, 21b and 21c are agreed by both parties for all effects.
9. The Applicant considers that following consideration of the information contained within the Intertidal Clarification Note, as submitted at Appendix R to this Response, the outputs of Integrity Matrix 21e for operational effects are agreed by both parties.

10. The Applicant considers that it is agreed that the consequence of the effects (alone and in-combination) of the construction based activity on ornithology features of the Ramsar (as identified within Integrity Matrix 21e) remain a matter of ongoing discussion between the Applicant and Natural England. The specific point of discussion relates to activity occurring in the passage periods (April to May and August to September), when coinciding with high water that exceeds 6.5m from UKHO Chart Datum (further detail on this is presented in the Applicant's response to Question EL16 above).

Humber Estuary SAC

11. The Applicant considers that Tables 39a, 39b and 39c capture the features of the Humber Estuary SAC and are agreed by both parties.
12. The Applicant considers that the outputs of Tables 39a, 39b and 39c of the Screening Matrix are agreed by both parties.
13. The Applicant considers that following consideration of the information contained within the Intertidal Clarification Note, as submitted at Appendix R to this Response, the outputs of Integrity Matrix 20a, 20b and 20c are agreed by both parties.

EL22	applicant	Please provide a HRA screening matrix for the Greater Wash dSPA.
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EL22

1. The Applicant has provided an HRA screening matrix for the Greater Wash dSPA at Appendix FF of the Response.

EL23	Relevant local authorities	Are the local authorities satisfied that the effects of Hornsea Project 2 on Bradley Wood Local Nature Reserve have been adequately assessed?
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EL23

1. The Applicant would observe that the Bradley Wood Local Nature Reserve is located entirely within North East Lincolnshire. The Applicant would like to highlight to the Ex. A that the SoCG between North East Lincolnshire Council (NELC) and the Applicant (paragraph 3.1.5 of Appendix UU of the Applicant's response to Deadline I) states that all matters relating to the description, assessment and impact on ecology along the onshore cable route has been adequately captured within Volume 3, Chapter 3: Ecology and Nature Conservation of the ES (Doc ref No 7.3.3).

LH Landscape and heritage

LH15	Historic England Local authorities	<p>Section 5 of the SoCG between the applicant and Lincolnshire County Council (LCC) in relation to onshore heritage refers to a disagreement in relation to completion of the agreed programme of archaeological trial trenching evaluation in respect of non-designated archaeological remains.</p> <p>a) Do HE and the local authorities agree with the applicant that the trenching undertaken to date combined with the various non-intrusive surveys has characterised the archaeology of the proposed cable route?</p> <p>b) Is this sufficient to properly assess the heritage interest of the proposed development.</p> <p>c) Is this sufficient information to be able to propose appropriate mitigation?</p> <p>d) Does the applicant's commitment, (in Table 6.22 of Volume 3, Chapter 6: Historic Environment (APP-048a)) to include the recording as appropriate of those areas of archaeology not previously subject to trial trenching as required by Requirement 6 of the draft DCO prior to construction (paras 5.1.3 and 5.1.4 of the SoCG) (REP2-033 and REP2-035) represent a satisfactory response to the issue?</p> <p>e) If not please state why not and how the DCO could secure this work if it is deemed necessary?</p>
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LH15 (a)

1. Although this question is directed at Historic England and the local authorities, as set out in its response to Deadline II, the Applicant would like to highlight to the Ex. A that it considers the trial trenching undertaken to date, combined with the various non-intrusive surveys (as described in paragraph 4 below), has sufficiently characterised the archaeology of the proposed onshore cable route corridor, and is adequate to fully assess the impact of the Project on heritage interests and to outline appropriate mitigation measures (which includes the identification of areas where field work and/or a watching brief are required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found). These mitigation measures will be secured in a Written Scheme of Investigation (WSI) which will be submitted to and approved by the local planning authority prior to the commencement of the Project (pursuant to Requirement 6 of the draft DCO).
2. The Overarching National Policy Statement (NPS) for Energy (EN-1) (DECC, 2011), paragraph 5.8.8 states that:
“as part of the ES [...] the applicant should provide a description of the significance of the 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 the significance of the heritage asset. As a minimum the applicant should have consulted the relevant Historic Environment Record (or, where the development is in English or Welsh waters, English Heritage or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact."

3. Baseline studies and the assessment with respect to the historic environment are set out in Volume 3, Chapter 6: Historic Environment of the ES (Doc ref No. 7.3.6) and Volume 6, Annexes 6.6.1 to 6.6.9 inclusive (Doc ref Nos. 7.6.6.1 to 7.6.6.9 inclusive). The chapter and supporting annexes set out the baseline historic environment and assess the impact of the Project's export cable landfall site, the onshore cable route corridor, the onshore HVDC converter/HVAC substation site and the connection to the National Grid substation during the construction, operation and decommissioning phases on the historic environment (paragraph 6.1.1 of Volume 3, Chapter 6).
4. The scope of work undertaken to inform the baseline included a desk based assessment and walkover survey (Volume 6, Annex 6.6.1: Desk Based Assessment of the ES (Doc ref No 7.6.6.1)), an aerial photographic survey (Volume 6, Annex 6.6.2: Aerial Photographic Survey Report of the ES (Doc ref No 7.6.6.2)), geophysical surveys (Volume 6, Annex 6.6.3: Geophysical Survey Report of the ES (Doc ref No 7.6.6.3)), field walking (Volume 6, Annex 6.6.4: Field Walking Survey of the ES (Doc ref No 7.6.6.4)) and trial trenching (Volume 6, Annex 6.6.5: Trial Trenching Report of the ES (Doc ref No 7.6.6.5)). The extents of these surveys are shown in Appendix S of the Response.
5. The Applicant notes that, with respect to non-designated assets, the archaeological fieldwork is intended to establish the probability/likelihood of encountering archaeological remains. The Applicant considers the scope of surveys completed to date to be sufficient to characterise the likelihood of impacts and thus significance of effects. Furthermore, as outlined in paragraph 1 above (and Table 6.22 of Volume 3, Chapter 6 of the ES), the Applicant has committed to the recording, as appropriate, of those areas of archaeology not previously subjected to trial trenching prior to the commencement of the Project.

LH15 (b)

1. As noted in paragraph 4 of the response to part (a) of this question above, Appendix S of the Response shows the extents of the surveys undertaken in order to characterise the archaeology of the proposed onshore cable route corridor. As noted in paragraph 1 above of the response to part (a) of this question above, it is the Applicant's position that the fieldwork undertaken to date, combined with the various non-intrusive surveys, has sufficiently characterised the archaeology of the proposed cable route corridor and is adequate to fully assess the impact of the Project on heritage interests and to outline appropriate mitigation measures.

LH15 (c)

1. As noted in paragraph 1 of the response to part (a) of this question above, the Applicant believes that sufficient information has been provided to be able to

propose appropriate mitigation measures. As outlined in paragraph 5 above of the response to part (a) of this question above and in Table 6.22 of Volume 3, Chapter 6 of the ES, the Applicant has committed to the recording, as appropriate, of those areas of archaeology not previously subject to trial trenching as required by Requirement 6 of the draft DCO prior to construction. These mitigation measures will be secured in a Written Scheme of Investigation (WSI) which will be submitted to and approved by the local planning authorities prior to the commencement of the Project (pursuant to Requirement 6 of the draft DCO).

LH15 (d) and (e)

1. The Applicant notes these parts of the question were directed to Historic England and the Local Authorities and has no comment to make at this stage.

LH16	applicant, North Lincolnshire Council and Lincolnshire County Council	<p>The applicant believes that following the geophysical survey in the area to the east of Habrough Road (between Plots 105 and 107) and of Plots 121, 127, 134 and 141 the further trial trenching, with further mitigation as applicable, (proposed as mitigation within Volume 3, Chapter 6 Historic Environment (APP-048a)), is appropriate for Plots 121, 127, 134 and 141 to the North of Chase Hill Road and for the east of Habrough Road between Plots 105 and 107.</p> <p>Furthermore, the applicant believes that Requirement 6 of the draft DCO secures this mitigation adequately (REP2-035), but North Lincolnshire Council and Lincolnshire County Council disagree (REP2-033 and REP2-035)</p> <p>Will the applicant explain:</p> <p>a) why it is not necessary to undertake this geophysical survey work in the examination period;</p> <p>b) how long the survey work might take; and</p> <p>provide wording to ensure that if it is not carried out prior to the Secretary of State's decision on the DCO, the survey work is secured in the DCO for early implementation?</p>
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LH16 (a), (b) and (c)

1. It is the Applicant's position that the trial trenching undertaken to date, combined with the various non-intrusive surveys (as described in response to LH15 (a) above), has sufficiently characterised the archaeology of the proposed onshore cable route corridor and is adequate to fully assess the

impact of the Project on heritage interests and to outline appropriate mitigation measures. These mitigation measures will be secured in a Written Scheme of Investigation (WSI) which will be submitted to and approved by the local planning authority prior to the commencement of the Project (pursuant to Requirement 6 of the draft DCO). The WSI will set out areas where field work and/or a watching brief are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. On this basis, the Applicant does not consider it necessary to undertake this geophysical survey work in the examination period.

LH17	Historic England (HE), North Lincolnshire Council North East Lincolnshire Council	<p>The applicant has provided at Deadline 2a visualisations of the worst case scenario visual impact of the two main buildings at the electrical transmission stations in Works 8A and 8B if the mode of transmission is HVDC (REP2A-011).</p> <p>a) Do HE and the local authorities have any further comment to make on the visual impact of these structures specifically and with reference to the setting of listed buildings and schedule monuments in the vicinity and the adequacy of the proposed mitigation?</p> <p>b) With particular reference to Thornton Abbey and Manor Farm Moated Site East Halton – if further mitigation is required what form should it take?</p>
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LH17

1. The Applicant notes this question is directed towards Historic England, North Lincolnshire Council and North East Lincolnshire Council and has no comment to make at this stage.

LH18	applicant	<p>Please explain why the two electrical transmission station main buildings at Works 8A and 8B could have a maximum height of 40m if the mode of transmission is HVDC (Draft DCO Schedule A, Part 3 Detailed Design Parameters para 2(11))?</p> <p>Given that the maximum height of the equivalent structure at Hornsea Project 1 is 24m are there circumstances in which the maximum height could be reduced in the HVDC transmission mode?</p>
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LH18

1. The Applicant would like to take the opportunity to clarify that the 'Project Envelope' for the onshore substation was created based upon best knowledge of available land and technology to allow for the full Application Capacity to be retained.

2. It should be noted that Hornsea Project One has been awarded a DCO for a wind farm capacity of up to 1,200MW. In comparison, the Applicant has an Application, which is currently under examination for a maximum capacity of up to 1,800MW. This additional 600MW capacity for Hornsea Project Two will require additional infrastructure to allow the transmission connection (be it HVAC or HVDC) to be filtered and harmonised before sending this on to the Killingholme National Grid substation.
3. One of the Hornsea Project 2 onshore substations initial designs includes a worst case scenario of up to 40m in height; this is based upon the potential requirement to accommodate a two storey transmission station to enable HVDC. There are several indicative designs that allow for both HVDC and HVAC technology, the 40m two-storey option allows for a smaller footprint of land to be utilised.
4. Preliminary meetings in October 2013 between the Applicant and North Lincolnshire Council regarding Visual assessment described three onshore substation scenarios (in terms of size being assessed). Here the Applicant clarified, and states again for the Ex. A, that the Project's converter station is a different layout to that of Hornsea Project One as the Applicant is seeking consent for an increased capacity of 1.8 GW on Project Two, compared to Project One's application for 1.2 GW. Of the several design options currently being considered for the Application substation, the layout chosen as being the worst case scenario in terms of landscape and visual impact is the 2 x 900 MW HVDC converter station. The proposed 2 x 900 MW Project Two converter station is split into two buildings, each with the capacity to house electrical equipment for 900 MW. Different heights are required as part of the final electrical design which could extend up to the maximum 40m height.
5. It should be noted that the Applicant has provided for mitigation within the draft DCO that is to be approved by North Lincolnshire Council in the form of a 'skyscoping' colouration (secured pursuant to Requirement 15 of the draft DCO). However, full details of the onshore substation design will not be finalised prior to the end of the DCO examination, as it is contingent on the procurement of the appropriate contractor. The design finalisation and agreement with the local planning authority (as the detail of the electrical equipment is not yet known), will be led by the parameters established in the DCO and assessed within the ES.

LH20	Hornsea Project 1; applicant; Local authorities	<p>a) Has the hedgerows plan for Hornsea Project 1 been signed off by the local authorities?</p> <p>b) If so, has Hornsea Project 1 undertaken studies to determine which hedgerows to remove?</p> <p>c) If so, could this information, as has been the case for archaeological information, be used to assist Hornsea Project 2?</p> <p>d) Has a protocol been agreed between the applicant and the local authorities on (i) relevant criteria for hedgerow removal, and (ii) which hedgerows to remove?</p>
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LH20 (a) and (b)

1. The Applicant notes these parts of the question are directed to the Hornsea Project One Companies and has no comment to make at this stage.

LH20 (c)

1. As stated in Volume 1, Chapter 3: Project Description of the ES (Doc ref No 7.1.3), the construction of the Project is expected to start in 2017 (see paragraph 3.5.2 of Volume 1, Chapter 3). Unlike buried archaeology, the condition of hedgerows can change considerably in a short space of time. The Applicant refers the Ex. A to their response to DC11 of the First Written Questions at Deadline I for a full response. The Applicant notes that pre-construction surveys (pursuant to Part 3, Requirement 9 of the draft DCO) will be more accurate in establishing the condition of hedgerows at that time of construction (as elaborated upon below).

LH20 (d)(i) and (ii)

1. The Applicant refers the Ex. A to its response to DC11 of the Ex. A's First Written Questions at Deadline I.
2. In summary, the details of any hedgerows that will require to be removed will be set out in the Landscape Scheme and Management Plan (LSMP) (see Outline LSMP (Doc ref No 12.9)), required to be submitted to and approved by the local planning authority, pursuant to Requirement 9 of the draft DCO. The Applicant is therefore of the opinion that there is an appropriate mechanism in place under the draft DCO to ensure that any hedgerows affected by the construction will be surveyed and identified in the LSMP (which is subject to prior-approval by the local planning authority).
3. The Applicant would like to highlight to the Ex. A the SoCGs between the Applicant and East Lindsey District Council (paragraph 3.1.8 of Appendix A to the Applicant's response to the Rule 6 letter), North East Lincolnshire Council (paragraph 7.8.3 of Appendix UU to the Applicant's response to Deadline I) and North Lincolnshire Council (paragraph 3.1.27 of Appendix Q to the Applicant's response to Deadline II) in which it is agreed that the mitigation for hedgerows and trees, which can be found in the Outline LSMP (PINS Doc ref 12.9), is appropriate.

CL Construction – onshore and inter-tidal

CL19	applicant, and local authorities	Please provide an update on the inclusion of the Local Planning Authorities in the onshore co-operation agreement in relation to transmission works (DCO Requirement 26).
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CL19

1. As noted within the Applicant's summary of case from the Issue Specific Hearing held on 15 September 2015 (Appendix I to the Applicant's response to Deadline III), the Applicant has proposed additional text within Requirement 26 of the draft DCO to provide the Local Planning Authorities with the ability to call liaison meetings between the undertakers. This text is

included as new paragraph 4 of Requirement 26 within the updated draft DCO (see Appendix A of the Response) and repeated below for the Ex. A's ease of reference:

"(4) Each undertaker must participate in liaison meetings with the other undertaker under this Order as requested from time to time by the local planning authority in writing in advance, which meetings shall be chaired by the local planning authority and shall consider such matters as are determined by the local planning authority relating to the efficient construction and operation of the Project A works above MLWS where they have an impact on the efficient construction and operation of the Project B works above MLWS, and vice versa."

CL20	National Grid; Northern Power Gen	<p>Please comment on:</p> <p>a) the capacity of the North Killingholme National Grid Sub-station to receive electrical power from the C.Gen Power Station and the Hornsea Project 1 and Hornsea Project 2 substations, in both HVAC and HVDC modes;</p> <p>b) if the technical issues of routing and connecting power cables through the restricted area to the north of the sub-station can be overcome; and</p> <p>c) the steps that need to be taken to ensure that this is achievable.</p>
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CL20

1. The Applicant has provided for a composite response to parts (a), (b) and (c) of this question below.
2. The Applicant would like to refer the Ex. A to the letter from National Grid, dated 8th October 2014, which was included as part of the Application documents (January 2015) at Schedule 1 to the Cable Statement (Doc ref No 11.2). In this letter National Grid have stated that *'Based on the currently contracted generation at Killingholme 400kV substation, and the currently contracted wider background generation conditions used to assess the impact, National Grid can confirm that at this time it would be possible to connect Hornsea Project 2 into Killingholme 400kV substation at a capacity of 1800MW.'*
3. In relation to the Project's interface with Hornsea Project One and C.GEN in relation to the parties' respective grid connection routes, the Applicant would direct the Ex. A to its response to CL21 below. In summary, the Applicant understands that Hornsea Project One, C.GEN and National Grid are comfortable that the proposed grid connection for the respective projects can be facilitated and that their interests are adequately protected.

CL21	applicant, Hornsea Project	Please advise on the possibility and practicability of a four-way SoCG to progress the securing of cable
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	1, C. Gen, National Grid	access routes for all relevant parties to the North Killingholme National Grid Sub-station and outline the mechanisms by which agreement will be secured on the routes and connections to the National Grid from C.Gen, Hornsea Project 1, Hornsea Project 2 and NGET.
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CL21

1. The Applicant has discussed this question with National Grid, Hornsea Project One and C.GEN and whilst it is considered that a formal four-way statement of common ground is impractical the Applicant has summarised its understanding of the position below and understands that the other parties will respond separately to confirm their agreement with this summary. The Applicant hopes that this addresses the Ex. A's queries.
2. The Applicant provided a plan of the indicative grid connection cable corridors for the Project, C.GEN and Hornsea Project One at Appendix E to the Applicant's response to Deadline IIA.
3. Appendix E demonstrated that it is anticipated that each of the respective projects' grid connections will run in a southerly direction from the Project's substation site, into land owned by E.ON UK Plc (plot 509 on the Project's Land Plans, within which National Grid have various infrastructure) before finally connecting into the existing National Grid Substation (shown as plot 510 on the Project's Land Plans). National Grid are responsible for connecting the projects within their substation compound but, for the avoidance of doubt, are not responsible for routing of cables outside this area (though they do have an interest to the extent of any possible interaction with existing National Grid infrastructure).
4. To regulate the Project's interface with these parties and their existing/proposed infrastructure, the Applicant has negotiated and agreed protective provisions with C.GEN and Hornsea Project One (detailed in Parts 11 and 12 of Schedule L to the draft DCO) and a private side agreement with National Grid. By consequence, Hornsea Project One, C.GEN and National Grid have withdrawn their representations to the examination of the Project.
5. In summary, the Applicant understands that Hornsea Project One, C.GEN and National Grid are comfortable that the proposed grid connection for the respective projects can be facilitated and that their interests are adequately protected

CL22	C.Gen, North Lincolnshire Council	Please provide an update on the application to North Lincolnshire Council for a Certificate of Lawfulness, including screening opinion given (dated 23/07/15) and application documents, in respect of the routes for cable connections to the Killingholme Sub-station and any negotiations with the land owners required to secure appropriate land rights for the installation?
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CL22

1. The Applicant notes this question is addressed to C.GEN and North Lincolnshire Council and has no comment to make at this stage.

CL23	applicant	<p>Please provide an update to the Compound Works Table (submitted for the 15 September 2015 Hearing, and as Appendix N for Deadline 3) to provide more information per compound on:</p> <p>a) predicted construction traffic, rather than by route-based data;</p> <p>b) compound size in m²; and</p> <p>c) purpose/use of compounds.</p> <p>Please also provide noise buffering maps in relation to those compounds with planned HDD activity, which are adjacent to residential areas.</p>
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CL23 (a)

1. For the purposes of Environmental Impact Assessment, traffic and HGV flows on road links are used to assess the effect upon sensitive receptors along each road link. This information is presented within Table 10 of Annex 6.8.1 of Volume 6: Transport Assessment of the ES (Doc ref No 7.6.8.1) and Table 8.14 of Volume 3, Chapter 8: Traffic and Transport of the ES (Doc ref No 7.3.8). This approach is consistent with the approach taken on other similar DCOs, including Hornsea Project One. The Applicant considers that an assessment undertaken on a route section and road link basis presents sufficient information to the Ex. A to identify the predicted worst case impact on sensitive receptors and presenting this information per compound would not provide any additional information on the impact on sensitive receptors than the methodology already presented.
2. In many cases there are a number of compounds adjacent or in very close proximity served by one road link. Where there are multiple compounds served by one road link, the traffic flows for each compound have not been broken-down per compound. Doing so would not provide any further information in terms of EIA because:
 - (i) With the exception of trenchless crossings and setup of compounds themselves (such as surfacing and delivery of welfare), the length of each cable route section gives rise to the overall level of traffic generated, including the number of vehicles required to provide for trenching, ducting, cable laying, fencing, haul road construction etc.;
 - (ii) The traffic flows on each road link are needed for the purposes of Environmental Impact Assessment in order to consider the effect on sensitive receptors; and
 - (iii) Where compounds are adjacent or in very close proximity, it would be down to the end contractor constructing the project to determine exactly how different adjacent compounds are used and which vehicles are allocated to them. Accordingly, splitting traffic flows down to this level at EIA stage would present the traffic flows in an artificial way compared to the actual compound use in practice.

3. Table 9 and Appendix C of Annex 6.8.1, Volume 6: Transport Assessment of the ES (Doc ref No 7.6.8.1) set out the predicted worst case vehicle numbers for the Project on the basis of 19 route sections and the converter station/substation. This information is presented alongside the compounds within each route section at Appendix N of the Applicant's response to Deadline III.

CL23 (b) and (c)

1. The Applicant has provided a response to parts (b) and (c) of this question in Appendix T of the Response. Part (b) is addressed by way of the insertion of an additional column to the table submitted as Appendix N to the Applicant's response for Deadline III, with part (c) being addressed in the explanatory narrative underneath the table.

CL23 (General)

1. The Applicant also notes the Ex. A asked the Applicant to provide noise buffering maps in relation to those compounds with planned HDD activity, which are adjacent to residential areas.
2. The Applicant notes that distance buffers (radii) from trenchless activities, such as HDD, and noise sensitive receptors are shown on Figure 12.1 (sheets 1 to 12) of Volume 3, Chapter 12: Inter-related Effects (Onshore) of the ES (Doc ref No 7.3.12).
3. The impact of cable installation (including duct installation) on receptors sensitive to noise or vibration are assessed in paragraph 9.6.39 to 9.6.52 of Volume 3, Chapter 9: Noise and Vibration of the ES (Doc ref No 7.3.9). Designed-in mitigation measures in respect of noise and vibration effects (including noise barriers) are set out at paragraph 9.6.28 and Table 9.15 of Volume 3, Chapter 9 of the ES. These are to use Best Practicable Means (see the Applicant's response to CL24 below) and a Written Scheme for Noise Management and Monitoring Measures. In this section the potential noise barriers are discussed (e.g., at paragraphs 9.4.63 and 9.6.44 of Volume 3, Chapter 9 of the ES). These mitigation measures are secured by Requirement 8 Code of Construction Practice of the draft DCO (Doc ref No. 3.1).

CL24	applicant	Works Plan sheet 24 of 27 provided as Appendix C at Deadline 3 (REP3-007) indicates that the limits of deviation of Works 7A and 7B pass in close proximity to residential properties at the point where the cable corridor crosses Top Road. As an example of how negative impacts on residential amenity during the construction phase will be mitigated generally please set out the measures that will be deployed in terms of dealing with noise, dust, mud on the highway, hours of working, use of artificial light, hedgerow reinstatement, managing traffic on Top Road and communications with local residents in this particular case and where they are secured?
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CL24

1. The Applicant can confirm that mitigation measures to be deployed, in terms of dealing with noise, dust and mud on the highway, hours of working, use of artificial light, hedgerow reinstatement, managing traffic on Top Road and communications with local residents are included in Section 3 and Section 4.2 of the Outline Code of Construction Practice (CoCP) (Doc ref No 12.4), which is secured in Requirement 8 of the draft DCO. However, the detailed measures and methods for specific locations will only be decided when the main contractor is appointed, pre-construction and the CoCP is finalised. In addition to the mitigation measures set out in the Outline CoCP (Doc ref No 12.4) there are details of the designed-in mitigation measures within the ES, these are set out in Paragraphs 2 to 7 below.
2. Designed-in mitigation measures in respect of noise and vibration effects are set out at paragraph 9.6.28 and Table 9.15 of Volume 3, Chapter 9: Noise and Vibration of the ES (Doc ref No 7.3.9). These are to use Best Practicable Means (see paragraph 8 below) and a Written Scheme for Noise Management and Monitoring Measures. In this section the potential noise barriers are discussed (e.g., at paragraphs 9.4.63 and 9.6.44 of Volume 3, Chapter 9 of the ES). These mitigation measures are secured by Requirement 8 Code of Construction Practice of the draft DCO (Doc ref No. 3.1).
3. Designed-in mitigation measures in respect of air quality effects are set out at paragraph 10.7.80 and Table 10.33 of Volume 3, Chapter 10: Air Quality and Health of the ES (Doc ref No 7.3.10). These include developing a Stakeholder Communications Plan and a Dust Management and Monitoring Plan. These mitigation measures are secured by Requirement 8(2)(c) of the draft DCO.
4. Designed-in mitigation measures with regards to artificial light are set out at paragraph 5.7.5 of Volume 3, Chapter 5: Landscape and Visual Resources of the ES (Doc ref No 7.3.5). An external lighting scheme is secured by Requirement 8(2)(a) of the draft DCO.
5. Designed-in mitigation measures with regards to hedgerow reinstatement are set out at paragraphs 5.7.40 to 5.7.42 of Volume 3, Chapter 5 of the ES. Hedgerow reinstatement is also outlined in paragraphs 4.1.2 and 4.1.3 of the Outline Landscape Scheme and Management Plan (Outline LSMP) (Doc ref No 12.9). The final LSMP is secured by Requirement 9 of the draft DCO.
6. Designed-in mitigation measures with regards to traffic and transport are set out at paragraphs 8.6.40 to 8.6.44 and Table 8.13 of Volume 3, Chapter 8: Traffic and Transport of the ES (Doc ref No 7.3.8). The mitigation includes traffic management measures and hours of working. Further mitigation and monitoring is detailed at paragraphs 8.6.45 to 8.6.47 of Volume 3, Chapter 8. These mitigations will be secured through the production of a Construction Traffic Management Plan and a Travel Plan which are secured by Requirement 8(2)(e) and 8(2)(l) and a Port Traffic Management Plan which is secured by Requirement 17 of the draft DCO.
7. The Applicant would like to highlight to the Ex. A that it is agreed within the SoCGs between the Applicant and East Lindsey District Council (ELDC) (see paragraph 3.1.5 of Appendix A of the Applicant's response to the Rule 6 letter), North East Lincolnshire Council (NELC) (see paragraph 3.1.7 of Appendix UU of the Applicant's response to Deadline I) and North Lincolnshire Council (NLC) (see paragraphs 3.1.11 to 3.1.13, 3.1.16 and 3.1.17 of Appendix Q of the Applicant's response to Deadline II) that Requirement 8 of the draft DCO adequately secures the approval of the final CoCP and that the relevant mitigation measures are appropriate and sufficient.

8. The Applicant would also like to refer the Ex. A to the Applicant's response to SE5 of the Ex. A's First Written Questions at Deadline I. In summary, the Applicant's response to SE5 at Deadline I sets out the approach it has taken and will take to local community engagement, liaison and consultation. The Applicant's response explains that a Communications Plan will be established, as discussed in paragraphs 2.4.1, 2.4.2, 3.8.1, 4.2.165 and 4.2.23 of the Outline CoCP (Doc ref No 12.4).

CL25	applicant, NE, RSPB	<p>With regard to the Intertidal Access Management Plan, please advise on:</p> <p>a) progress made; and</p> <p>b) how the plan is secured?</p>
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CL25 (a) and (b)

1. The Applicant can confirm that it has consulted with Natural England and RSPB, with regard to the inclusion in the draft DCO of a requirement for an Intertidal Access Management Plan since the Issue Specific Hearing of 16th September 2015. The Applicant can confirm that it has committed to provide an Intertidal Access Management Plan that shall be submitted for approval by the local planning authority in consultation with Natural England prior to the commencement of works. This plan will set out specific details in relation to access to the intertidal once these are known following detail design and will include details of the access route(s) to the intertidal, the methods for accessing the intertidal, the expected number of vehicles that will be accessing the intertidal and the expected number of vehicle trips to the intertidal. Further detail on the specific matters for which the plan has been committed to are set out in the Intertidal Clarification Note (see Appendix R to this Response).
2. The requirement for an intertidal access management plan is included at new Requirement 27 of the draft DCO (as submitted at Appendix A to this Response) and the proposed text is included below for ease of reference:
 - (1) *No part of the authorised development within the intertidal area is to commence until a written intertidal access management plan setting out details of the access route(s) to the intertidal, the methods for accessing the intertidal, expected number of vehicles that will be accessing the intertidal and the expected number of vehicle trips to the intertidal required in relation to that part of the authorised development has been submitted to and approved by the local planning authority in consultation with Natural England.*
 - (2) *The undertaker must not exercise the power to maintain under Article 7 of the Order in the intertidal area until a written intertidal access management plan setting out details of the access route(s) to the intertidal, the methods for accessing the intertidal, expected number of vehicles that will be accessing the intertidal and the expected number of vehicle trips to the intertidal required for such maintenance activities has been submitted to and approved by the local planning authority in consultation with Natural England.*
 - (3) *If the local planning authority fails to notify the undertaker of its decision on whether to give approval within 28 days of receiving an intertidal access*

management plan for approval that local planning authority is deemed to have given approval.

(4) The intertidal access management plan must be implemented as approved, unless otherwise agreed in writing with the local planning authority.

3. The detail contained within the Intertidal Access Management Plan will make reference back to the ES and HRA to clearly demonstrate that the final proposed methods result in no greater impacts than those assessed under the worst case scenario as presented within these documents (i.e., they fall within the consented envelope).
4. The Applicant can confirm that as a result of the clarifications provided at Appendix R to this Response, and the commitment to undertake the Intertidal Access Management Plan it has managed to reach agreement with Natural England on matters relating to intertidal access (including the proposed wording for the Intertidal Access Management Plan at Requirement 27 of the draft DCO submitted at this deadline).

CL26	RSPB, NE	Are the RSPB and NE satisfied with the scope of contents of the Code of Construction Practice (CoCP), including how the role of the Ecological Clerk of Works (ECOW) is secured?
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CL26

1. Although this question is directed at the RSPB and Natural England, the Applicant refers the Ex. A to its response to CL9 at Deadline I, as well as the Applicant's response to the same question at Deadline II, a summary of which is provided in this response to question DC34.
2. In particular, the Applicant would like to highlight the SoCG between the Applicant and Natural England (Appendix XX of the Applicant's response to Deadline I) where it has been agreed that Natural England are comfortable that the requirements and conditions secured under the draft DCO and the draft DMLs provide sufficient information to be included in the Code of Construction Practice (CoCP) and are appropriate to secure the necessary mitigation for all aspects of the Project.
3. The role of the Ecological Clerk of Works (ECoW) is secured within the CoCP, see paragraphs 4.2.130 to 4.2.134 of the Outline CoCP (Doc ref No 12.4). The Applicant notes that the RSPB have stated, within their response to Deadline III, that the role of the ECoW should be expanded to permit temporary suspension of works if there is a risk of significant disturbance to wading birds at high tide. It should be noted that the Habitats Regulation Assessment (HRA) Report (Doc ref No 12.6) did not predict an adverse effect on the features of the Humber Estuary SPA and Ramsar site as a result of construction disturbance. In addition, Volume 3, Chapter 4: Intertidal Ornithology of the ES (Doc ref No 7.2.4) did not predict any significant effects arising from the Project. It should also be noted that such suspension may actually prove more disruptive by a prolonging of the works. In any event, the Applicant considers the provision of the ECoW within the CoCP to be sufficient mitigation for the Project's works in this area, and has agreed the same with NE. The Applicant is in discussions with the RSPB on this point and shall revert to the Ex. A at Deadline 5.

CS Construction – offshore

CS17	applicant, MMO and NE	Please provide an update on the progress between the applicant and the MMO/NE in resolving issues relating to the 'In Principle Monitoring Plan', including inclusion in the draft DCO.
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CS17

1. The Applicant has agreed the content of the IPMP with both Natural England and the MMO. The only outstanding matters in relation to the IPMP are associated with benthic and intertidal ecology and ornithology.
2. With regard to benthic and intertidal ecology, Natural England wishes to see a monitoring commitment for sand dunes (with specific reference to life time monitoring of operational maintenance access). The Applicant considers that the IPMP is not the relevant document for any such commitment as the IPMP is secured within the DML, whereas matters relating to sand dunes are dealt with through the DCO (specifically the EMP). Furthermore, the Applicant is not convinced of the need for, or practicality of, lifetime monitoring which goes beyond the scope of the monitoring already committed to within the EMP. The Applicant is therefore continuing discussions with Natural England in relation to this matter.
3. Ornithological matters remain under discussion with Natural England. Therefore, whilst the current wording of the IPMP is agreed, the content remains "under discussion" to reflect the potential for changes with regard to this receptor topic.
4. The IPMP is provided at Appendix P to the Response.
5. The Applicant can also confirm that it has agreed to include a commitment to ensure that future monitoring plans give consideration to the IPMP at the appropriate juncture, the proposed wording for which is included within Version 5 of the draft DCO (see amendments proposed to Conditions 15(1)(a), 16(1) and 17(1) of Schedules H, I, J and K of the draft DCO - Appendix A of the Response).

CS18	applicant, Hornsea Project 1	Given that both Hornsea Projects 1 and 2 are now under DONG Energy ownership, can both projects be included in the DCO Schedule A, Part 3, Requirement 21?
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CS18

1. The Applicant would observe that the MMO are the approval body for the pertinent pre-commencement approvals under both the Project's and Hornsea Project One's DMLs and, as such, retain adequate control as they will be able to consider any application in the knowledge and context of what has come before.
2. However, the Applicant has sought to offer additional comfort on this matter by way of the Memorandum of Understanding provided at Schedule 2 to the signed SoCG between the parties submitted to PINS on 10 September 2015, which seeks to provide for reciprocal consultation obligations on the respective projects prior to the submission of the relevant pre-construction

plans and documentation to the MMO under the terms of their respective DMLs (or draft DMLs in the case of the Project).

3. The Applicant would note that whilst both the Project and Hornsea Project One are under common DONG Energy ownership, they remain separate and distinct commercial projects. The Applicant does not consider it would be appropriate to seek to impose obligations on Hornsea Project One within the confines of the Project's DCO and questions the merit of putting unilateral obligations on the Project's undertaker(s) only to consult with the Hornsea Project One Companies in the alternative. The Applicant would further note that the Protective Provisions for the benefit of Hornsea Project One (Part 12 of Schedule L of the draft DCO) will ensure that Hornsea Project One is informed of the Project's works prior to their commencement where there could be an interaction between the projects and the Applicant considers that this mechanism further provides for an appropriate flow of information between the respective parties.
4. The Applicant does not consider that any further obligations are necessary or appropriate.

CS19	Hornsea Project 1	Given that Hornsea Project 1 have indicated that their project will start in January 2016, when will the offshore cable surveys be completed? Will the surveys be extended to cover Hornsea Project 2 as well?
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CS19

1. The Applicant notes that this question is addressed to the Hornsea Project One Companies and has no comment to make at this stage.

CS20	applicant, E.ON E&P UK Ltd	Please provide an update on a SoCG between the applicant and E.ON E&P UK Ltd to develop a co-existence agreement, possibly also with Protective Provisions.
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CS20

1. As the Examining Authority are aware E.ON has made detailed written representations in relation to the possible interfaces between its recently awarded gas exploration block and the Project and in relation to its existing assets and the Project. The Applicant has provided a detailed response to these points in writing. Following the respective written submissions into the Examination the Applicant and E.ON have taken part in a series of productive meetings at which E.ON was able to provide technical information based on its current knowledge of its more likely case for exploration of the block. Those meetings took place 3 September 2015, 6 and 14 October 2015 and another meeting has been scheduled for 23 October 2015. E.ON has also outlined its more likely case development proposals in its submissions into the examination (most recently in its summary of oral submissions dated 24 September 2015).
2. The parties are considering the most effective position on co-existence that can be achieved. They are negotiating a commercial co-existence agreement

which would, among other things, address the likely development interactions between the respective operations.

3. The Applicant has provided a draft SoCG to E.ON which is being discussed between the parties. The Applicant will provide a further update on the ongoing discussions and the progress of the SoCG with E.ON at the hearings scheduled for 27th October 2015 (or before if possible).

CS21	applicant	How will the phased build-out of the various offshore elements of Hornsea Project 2 be controlled to avoid piecemeal rather than sequential development?
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CS21

1. The Applicant would highlight that Condition 10(2) of the draft DMLs provides that the licenced activities may not commence until a Code of Construction Practice (CoCP) has been submitted to and approved by the MMO.
2. The Applicant has provided an outline CoCP as part of the Application, which provides an outline of the detail to be included in the final document (Doc Ref No 12.4).
3. As part of the CoCP, a Construction and Monitoring Programme (CMP) must be provided, which will include details of the proposed construction date and timings for mobilisation of plant, delivery of materials and the installation works (secured pursuant to Condition 10(2)(a)).
4. Further, a Construction Method Statement (CMS) (pursuant to Condition 10(2)(b) of the draft DMLs) must also be provided as part of the CoCP, which will set out the pertinent design detail for the offshore elements of the Project.
5. Both of these sub-documents sit within the overarching CoCP, the approval of which is required from the MMO (in consultation with the relevant SNCB in the case of the CMP and CMS) prior to the commencement of the licenced activities.
6. The Applicant considers that this condition provides the MMO with adequate control to ensure they are satisfied with both the build-out programme and nature of the proposed works prior to their commencement.

SE Socio-economics

SE8	applicant	Please provide further analysis to estimate the percentage of local people who might gain employment in (i) the construction stage, and (ii) the operation and maintenance (O&M) stage of Hornsea Project 2, under the medium scenario.
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SE8

1. As the Applicant's response to question SE8 exceeds 1,500 words, the below text provides a summary response, with a full detailed position found at Appendix U to the Response.
2. This question asks specifically about the local employment outcomes that would occur under the medium impact scenario. The focus of this response therefore is on the employment impacts under the medium scenario but it is important to note that the Applicant believes that it is not possible at this stage

to remove any of the scenarios from the assessment or reduce the uncertainty around them.

3. If the medium impact scenarios were to arise there would be a greater amount of construction and operation activity taking place within the local impact area. The ability of local residents to benefit from work activities which take place in the LIA will depend primarily upon:
 - The extent to which local companies are involved in the supply chain, either supporting the continued employment of their current workforce or creating new positions which can be filled by local people; and
 - The extent to which suppliers from outside of the local area need to base themselves and undertake activities locally and as a consequence need to employ local people.
4. In light of these factors the Applicant believes that it is difficult and would be potentially misleading to predict the extent to which local residents will be able to secure these local job opportunities.
5. However, a number of factors suggest grounds to be reasonably optimistic about the potential for local people to secure employment opportunities under the medium scenario. This is based on good capacity in the local labour market and a range of labour market and supply chain measures to ensure local businesses and residents are ready for the opportunities, including measures led by the Applicant. These measures are outlined in the Applicant's response to question SE9 below.

SE9	applicant	<p>Please advise on:</p> <p>a) what further measures the applicant is considering, to build on the current employment and skills initiatives in the region;</p> <p>b) what measures the applicant is considering in particular for disadvantaged groups; and</p> <p>c) how the additional measures will be secured in the Employment and Skills Plan (DCO, Requirement 18)(REP2A-003)?</p>
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SE9 (a) (b) and (c)

1. In view of the overlapping areas within this question, the Applicant has provided a composite response below.
2. The offshore wind sector is at the heart of local strategic plans within the area of the Project, with the Humber Local Enterprise Partnership (LEP) recognising the sector as the number one economic opportunity for the region. The LEP, local training organisations and private developers (including the Applicant) have been active in putting in place the infrastructure, facilities, and business and training support that will help to ensure that the Humber region has both the businesses and skills to take advantage of offshore wind opportunities. This includes:
 - Joint working, to understand and plan future skills needs of the renewables sector. The LEP has been working alongside industry led training bodies such as Humberside Engineering Training Association

(HETA) and Humberside Offshore Training Association (HOTA), local colleges and universities, and employers to understand future skills requirements. This, in conjunction with wider industry activities (including those of the Applicant detailed below) has helped to inform the planning of local training provision;

- Initiatives to increase the supply of skilled workers. The Green Port Hull initiative has provided additional resources for apprenticeships and workforce development. The funding is part of the Employment and Skills Development strand of the Green Port Growth Programme (GPGP), which is supported by the Government's Regional Growth Fund and has been created to establish the area as a world-class centre for renewable energy. A number of training providers offer levels 3 and 4 training in the renewables and engineering areas, including Hull College;
 - Development of specialist educational and training facilities. For example, the opening in September 2015 of the Humber University Technical College (UTC) which will provide vocational education for young people aged 14 to 19, encompassing engineering and renewable energy. The UTC will provide large numbers of new entrants to the labour market with relevant skills to the Project. The Applicant is a partner of the Humber UTC (see the Applicant's response to SE2 of the Ex. A's first written questions at Deadline I). The Applicant has agreed to work with Humber UTC to support their activities to develop skills in the sector. This includes (i) participation in the Ambassador programme, (ii) providing access to sites and projects for UTC site visits, (iii) provision of materials and equipment for specific projects or subject areas to support learning and teaching in the college, and (iv) a commitment to assist with career development for students of Humber UTC who are interested in pursuing careers within the organisation; and
 - Initiatives to promote careers in the renewables sector and engineering. For example, SMart Futures, which is led by the Applicant, and involves engaging with up to 56 schools in the Humber area. Aimed at Year 9 (13 and 14 year old) pupils, it seeks to raise awareness of science technology, engineering and maths (STEM) subjects as a preferred route to jobs and careers in offshore wind and renewables.
3. The applicant has taken into account what benefits the Project might have for disadvantaged groups as part of the assessment of the effects on the access to employment receptor. Here, the potential for the employment created to have an effect on the rate of unemployment locally is a major consideration. The assessment reflects the potential for the Project to create employment opportunities which are accessible to local people with local level skills, including many of the unemployed with experience of the construction, marine and logistics sectors. The type of provision noted above is in part targeted on the unemployed, seeking to give them access to the jobs created in a growing sector.
 4. Disadvantaged labour market groups which are further from the labour market (i.e., employment) or experiencing specific forms of multiple disadvantage, would need more specialist forms of assistance from other specialist agencies. Whilst the needs of these groups can be complex, this specialist assistance could be combined with training related to the job opportunities linked to the Project.

5. The requirements of disadvantaged labour market groups and desirability of specific interventions to improve accessibility will be considered as part of the preparation of the Employment and Skills Plan. This will need to include working alongside the appropriate employment support and training agencies.
6. In summary, the Applicant recognises the importance of promoting the employment and supply chain opportunities to the local workforce and businesses, both due to the local economic benefits it can secure and the commercial benefits it can provide to the Applicant. For these reasons it has been actively working with local partners to support the achievement of this objective and will continue to do so. The developer intends to continue to work with the LEP and Job Centres to promote opportunities to disadvantaged groups. The Applicant will be able to build on its successful experience and lessons it can draw from other wind farms it is involved in off the east coast of England including Westermost Rough and Lincs offshore wind farms.
7. The activities noted above, including the experience which has been gained and relationships developed with partners, will be built upon in developing the Local Employment and Skills Plan. This is secured by Part 3, Requirement 18 of the draft DCO.
8. It is anticipated that the scope of the Plan will include:
 - The provision of information to the Humber LEP on the employment and supply chain opportunities associated with the construction, operation and maintenance of the authorised development including details of the core qualifications and skillsets required to access those opportunities;
 - Local advertising of employment and supply chain opportunities during the construction of the authorised development;
 - Outreach employment presentations in the run up to and during the period of construction of the authorised development at appropriate times and locations; and
 - Local advertising of employment and supply chain opportunities during the operation of the authorised development.
6. In addition, the Applicant will use measures, as part of the procurement process, which encourage contractors to promote supply chain and workforce development, including actions to enhance the capacity and attraction of a new workforce to the sector (for example, work with colleges and institutions, local or regional authorities, universities and public or private skills providers).
7. The Applicant also notes that an additional study to explore the impact of DONG Energy's investments in the Humber area on employment, inward investment, supply chain development, skills development and wider confidence in the area has been commissioned by DONG. This study is due to be made public in the next couple of weeks and the Applicant envisages that this will be provided into the examination process for the Project in due course.

SE10	LEP	Will the Humber Local Enterprise Partnership (LEP) please advise on the scope for local recruitment to the Hornsea Project 2?
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SE10

1. The Applicant notes this question is addressed to the Humber LEP and has no comment to make at this stage.

SE11	applicant, local authorities	Please will the applicant advise on the next steps in the development of a Community Benefits Fund?
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SE11

1. As set out at paragraph 6.3.3 of the Applicant's Summary of Oral Case – 15 September 2015 (Appendix I of the Applicant's response to Deadline III) DONG Energy has a history of considering Community Benefit Funds for particular projects, however the details, such as qualifying criteria and funding amounts, are yet to be finalised in relation to the potential provision of a Community Benefit Fund. The Applicant is unable to give further details on these qualifying criteria and funding amounts at this stage as this would not be confirmed until a Final Investment Decision is taken.
2. 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 an adverse impact. As such, the Applicant does not consider it to be relevant to the decision making process.

SE12	applicant, local authorities	<p>a) What are the current socio-economic impacts monitoring provisions anticipated by the applicant and the local authorities for Hornsea Project 2?</p> <p>b) How will such provisions be secured in the DCO?</p>
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SE12 (a) and (b)

1. The Applicant refers the Ex. A to its response to SE7 of the Ex. A's first written questions at Deadline I. This explains that the appropriate provisions for monitoring progress would be developed alongside the preparation of the Employment and Skills Plan (pursuant to Part 3, Requirement 18 of the draft DCO) in collaboration with the Humber LEP. The Applicant and the Humber LEP consider this approach will ensure that the provisions are commensurate, align with statutory monitoring procedures (e.g. relating to health and safety requirements for on-site workers) for the workforce and are built into the Project from an early stage. The Applicant anticipates regular meetings will be held with the Humber LEP to update them on progress with the implementation of the plan.
2. Although the procurement approach for the Project has not been established, it should be noted that DONG Energy's procurement approach for other offshore wind projects has previously incorporated requirements which seek to establish suppliers' track record of local employment and collect information on the location of any major sub-contractors.

FNA Fishing, navigation and aviation

FNA25	applicant	Please provide a final SoCG with the commercial fisheries organisations.
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FNA25

1. The Applicant has provided a final SoCG with the commercial fisheries organisations at Appendix V to the Response.

FNA26	applicant and ConocoPhillips	Referring to FNA 18 in the applicant's replies to first round questions, '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 ExA in due course.' When will the ExA see this further information?
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FNA26

1. The parties are continuing to work together to progress a private commercial agreement. It is the Applicant's understanding that this approach may be acceptable to Conoco Phillips and the Applicant anticipates being able to provide an update and further information to the Ex. A at the next set of Hearings.

FNA27	applicant	Have you completed the marine traffic validation exercise as described in your reply to FNA13 of R1 of ExA questions? If not, when can it be expected?
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FNA27

1. The Applicant can confirm that the marine traffic validation exercise has been completed. Specifically, in order to confirm that traffic data used within Volume 5, Annex 5.7.1: Subzone 2 and Offshore Cable Route Navigational Risk Assessment (NRA) of the ES (Doc ref No 7.5.7.1) was still valid, an additional review of more recent marine traffic data was undertaken.
2. The validation exercise reviewed 42 days (14 days during summer 2014 and 28 days during spring 2015) of Automatic Identification System (AIS) data within 10 nautical miles (NM) of Subzone 2. The review identified a number of changes, including alterations to the mean route positions of routes 2, 5 and 8, as well as identifying three new routes since the 2012 marine traffic survey. Following an assessment of the numbers and vessels on these routes during the 2014/2015 marine traffic survey, as well as an assessment of any likely impacts (deviations), the changes were considered to be not significant. Overall, it is considered that the changes are comparable with general shifts in vessel traffic routeing and numbers within an open sea area; and are not considered to alter the outcomes of Volume 5, Annex 5.7.1 of the ES or the Environmental Impact Assessment (EIA) presented in Volume 2, Chapter 7: Shipping and Navigation of the ES (Doc ref No 7.2.7).

CA Compulsory Acquisition

CA17	applicant, The Crown Estate	In relation to Crown land: a) Has the Crown Estate (TCE) granted consent for the acquisition of interests held otherwise by the
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		<p>Crown on land within its control? If so– please provide documentary evidence of this.</p> <p>b) The ExA notes the applicant’s response in relation to Crown Land and article 39 as set out in their summary of oral case for the compulsory acquisition hearing of the 17 September 2015 (REP3-015). The ExA do not have any concern regarding the drafting of Article 39 which is common article included in DCOs to protect Crown Interests. However, the ExA remain concerned that 39(a) purports to permit the Crown to consent to the compulsory acquisition of their interests which is not permissible under the Planning Act 2008. The ExA is aware that in other DCOs Crown Interests have been expressly excluded from compulsory acquisition by the description of the land in the Book of Reference (BoR) including the phrase “except for the interests of The Crown Estate / The SoS for transport / The SoS for defence.” This has the effect of preventing the compulsory acquisition of Crown interests because the “Order land” over which compulsory acquisition is authorised is defined as “the land described in the Book of Reference”. The applicant is asked to consider either excluding the Crown Interest in this way or to amend Articles 18 & 19 to expressly exclude interests of the Crown from the compulsory acquisition sought.</p> <p>c) Can TCE comment on its view of the CA powers being sought in the draft DCO and the interests held otherwise than by the Crown in land owned by the Crown and whether the terms of s135 (1)(2) are met?</p>
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CA17(a)

1. The Applicant has continued to engage with TCE in relation to section 135 of the Planning Act 2008. It is the Applicant’s understanding that TCE will respond to this question to confirm their consent to the inclusion of provisions in the draft DCO authorising the compulsory acquisition of interests held otherwise than by or on behalf of the Crown, pursuant to s135(1) of the Planning Act 2008.

CA17(b)

1. As set out in the Applicant’s Summary of Oral Case – 17 September 2015 (Appendix K of the Applicant’s response to Deadline III) the Applicant’s position is that Article 39 of the draft DCO is sufficiently clear to ensure that CA powers are not granted in respect of interests held by the Crown. Article

39(1) makes as the primary provision the prohibition on the interference with Crown rights and states that nothing in the draft DCO affects prejudicially any right of the Crown. This prohibition would therefore take precedence over any other provision of the DCO which could be interpreted to the contrary.

2. Article 39(1) is expanded upon and provides that the Applicant can only take land or rights belonging to the Crown with the consent of the relevant Crown body. As explained in the Applicant's Summary of Oral Case, the taking of land or rights over land with consent by its very nature cannot be taking land or rights by compulsion. As such, the Applicant is content that Article 39 prevents the compulsory acquisition of Crown interests under the powers of the Order.
3. Notwithstanding, the Applicant has considered further the point raised by the Ex. A and has proposed certain amendments in Version 3 of the Book of Reference to provide further clarity on the prohibition of the compulsory acquisition of Crown interests.
4. Version 3 of the Book of Reference has been included at Appendix E of the Response. The Ex. A will note that where a plot contains an interest held by the Crown, the Applicant has included the following commentary when describing the land to be acquired:

"Including all interests other than those interests held by or on behalf of the Crown in accordance with Article 39 of the Order"

5. As noted by the Ex. A, Articles 18 and 19 of the draft DCO provide that the powers of compulsory acquisition powers contained therein are exercisable over the Order land. The Order land is defined in Article 2(1) with reference to the Book of Reference. Version 3 of the Book of Reference now makes clear that the compulsory acquisition of Crown interests is excluded.
6. The Applicant considers that the amendments to the Book of Reference in relation to this point provide additional comfort (along with Article 39) that Crown interests are excluded from the scope of the compulsory acquisition powers sought in the draft DCO.

CA17(c)

1. The Applicant notes this question is addressed to TCE. As noted in response to CA17(a) above, the Applicant anticipates that TCE will provide a substantive response in relation to s135(1) for this Deadline IV. With regards to s135(2) the Applicant notes TCE's letter to the Ex. A dated 15 July 2015 agreeing to the wording of Article 39 (Crown Rights) of the draft DCO. It is the Applicant's understanding TCE will reaffirm this position in relation to s135(2) for this Deadline IV.

CA18	applicant	Does the Protective Provision agreed between the Hornsea Project 1 companies and the applicant cover the agreed rights and protective provisions for the two parties in respect of the construction and use of the proposed joint access road to the Hornsea Project 1 and Hornsea Project 2 transmission stations at Plot Nos. 507 and 509 as shown on Land Plan 27 of 27 Revision: 02 submitted at Deadline 3
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		(REP3-005)? If not can a statement explaining the arrangements that will be in place, and how they are to be secured, be submitted to the ExA?
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CA18

1. The Applicant confirms that the protective provisions agreed between the Hornsea Project One Companies and the Applicant for the benefit of Hornsea Project One (and included at Part 12 of Schedule L to the draft DCO (Appendix A of the Response)) will regulate the respective projects' use of the joint access road into their substation sites.
2. The Applicant would highlight that paragraph 125(b) provides that the Applicant requires the consent of Hornsea Project One companies (not to be unreasonably withheld) for activities which may have an impact on the Hornsea Project One works.
3. Similarly, pursuant to paragraph 125(a), the Applicant may not acquire new/existing rights, interfere with existing rights, impose restrictive covenants or acquire any rights of temporary use over the Hornsea One Order Land without the prior consent of the relevant Hornsea Project One Company (not to be unreasonably withheld or delayed, but which may be subject to reasonable conditions).
4. Accordingly, any works which the Applicant proposed to carry out in relation to the joint access road (within Plot 507 of the Project's Land Plans) would be subject to the restrictions and conditions contained within these abovementioned paragraphs within the Hornsea Project One Protective Provisions.
5. The Applicant would direct the Ex. A to its response to CA23 of this Response for further detail on the practical measures that may be implemented to govern the interface between the projects within the substation area (including the joint access road).

CA19	Highways England, applicant	<p>1. In relation to the transferred Plot Nos: 272, 377, 378, 388, 437, 441 – for which the applicant is seeking the acquisition of new rights – does HE have any comments to make on the rights being sought?</p> <p>2. Plot Nos. 175, 176, 178, 179 and 181 to 187 remain as Crown Land – can the applicant provide an update in relation to the transfer of these plots from the Secretary of State for Transport and whether it considers them still to be Crown Land.</p>
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CA19 (1)

1. The Applicant notes this question is addressed to Highways England and has no comment to make at this stage.

CA19(2)

1. The Department for Transport (“DfT”), on behalf of the Secretary of State for Transport (“SoSfT”), has written to the Applicant confirming that the interests

of the SoSfT in Plot Nos: 175, 176, 178, 179 and 181 to 187, transferred to Highways England Company Limited on 1st April 2015 by the transfer scheme made under section 15 of Infrastructure Act 2015. DfT has advised that the effect of the transfer scheme was to vest these interests in Highways England, without further assurance, on 1st April 2015. DfT has further advised that transfers in respect of these plots have not been registered at the Land Registry and that there is no requirement for them to be registered in order to effect the transfer. The SoSfT has offered to, and is in the process of, providing the Applicant with a certificate confirming that the transfer of the interests in the relevant plots took place on 1st April 2015. Pursuant to paragraph 5(3) of Schedule 3 of the Infrastructure Act 2015, such a certificate is conclusive evidence of the transfers. Highways England has confirmed to the Applicant that property interests vested in Highways England are not Crown land for the purposes of section 135 of the Planning Act 2008. On this basis, the Applicant considers the aforementioned plots no longer constitute Crown land and the Applicant has updated the Book of Reference and Crown Plans to reflect this (see Appendices E and W of the Response).

2. In addition, by virtue of the transfer scheme made under section 15 of the Infrastructure Act 2015, the Applicant considers that the additional interests of the SoSfT in Plots 392 to 399 and 404 to 409 have also transferred to Highways England and these plots also no longer constitute Crown land. The certificate to be provided by the SoSfT will reference these additional plots and the Applicant is attending to the consequential changes to the Book of Reference and Crown Plans (see Appendices E and W of the Response).

CA20	applicant	<p>Notwithstanding the information provided in the submitted Funding Statement and at the Compulsory Acquisition ISH please provide the following information:</p> <p>a) The estimated capital cost of the two Hornsea Project 2 projects A and B.</p> <p>b) An indication of the mechanisms likely to be employed by DONG Energy in raising the capital sum required, with reference to experience on similar projects.</p> <p>c) An assessment of the likelihood that the required funds will be raised within the five year period for commencement of the project in the light of current conditions for raising large financial sums for major infrastructure projects in general and offshore renewable energy in particular.</p> <p>d) A statement on the decision-making procedures that DONG Energy will enter into to ensure the required capital funding is in place prior to making its Final Investment Decision (FID).</p>
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CA20

1. The Applicant has provided a composite response to parts (a), (b), (c) and (d) to this question below.
2. DONG Energy has a proven record of delivering large and complex energy/infrastructure projects and has delivered a number of offshore wind farms to date. Although the initial cost of these projects is commercially sensitive, there have been several public divestments which can be extrapolated to give the Ex. A an approximate estimate of project value:
 - DONG Energy divested 25% of its stake in the 630MW London array project in 2014 for £644m. Extrapolated to 100% this would yield a value of ~£2.6bn; and
 - DONG Energy divested a 49.9% stake in its 173MW Gunfleet Sands project in 2011 for \$324m (~£210m based on Nov '11 exchange rates). Extrapolated to 100% this would yield a value of ~£420m.
3. DONG Energy made DKK 15bn (~£1.5bn) of overall investment in 2014 with DKK 7.8bn (~£780m) in wind power. DONG Energy expects to invest approximately £3.5 – £4.0bn in 2015 – 2016, with 60% of this investment in offshore wind. This would amount to approximately £2.1 – £2.4bn of new investment in offshore wind alone, all throughout 2015.
4. The mechanism for raising these funds will be a mixture of internal financing and external debt financing through confidential but well established credit lines that have provided support for past project funding. The Applicant provided an overview of DONG Energy's recent experience of bringing projects to delivery and how they were funded in paragraph 8.11 of Appendix K of its submission to Deadline III and this is repeated below for the Ex. A's ease of reference:

Project	Location	Delivery Date	Funding Mechanism
West of Duddon Sands	East Irish Sea	October 2014	Internal/External
Walney	East Irish Sea	June 2012	Internal/External
Burbo Bank	East Irish Sea	October 2007	Internal

5. The Applicant's funding application is backed by a robust internal approval process which is commercially sensitive but will require the project to submit detailed information on schedule, budget and technical design and will require the review of senior management, an executive Investment Committee and, finally, the Board of Directors. Necessarily, these processes follow post consent and upon finalisation of the project design. Once all of these approvals are in the place and the overall budget is finalised, the project will be granted approval for its Final Investment Decision in order to secure the funds it needs to develop the project.
6. DONG Energy's annual report (submitted as Schedule 2 to the Updated Funding Statement submitted to PINS on 14 September 2015) provides evidence of its continued commitment to capital expenditure in both existing assets and new investments. The Wind Power department is a key strategic growth area for the company as a whole and is predicated on the profitable delivery and divestment of offshore projects to date. Considering DONG

Energy's large capital base, established access to finance and structured approach to internal approval, the Applicant does not consider there to be any serious impediment to the Applicant achieving the necessary funding within the timescales required.

CA21	applicant	<p>a) Please explain the current ownership and legal status of Chase Hill Road as the access to the Centrica CCTG power station.</p> <p>b) With particular reference to Plot Nos. 513, 514, 515, 517, 518, 520, 521, 522, shown on Land Plan 27 of 27 Revision: 02 submitted at Deadline III REP3-005) please explain the improvements and any other engineering, drainage or installation work envisaged for Chase Hill Road; the nature of the permanent rights being sought and a statement that the land shown for the acquisition of permanent rights is sufficient for this purpose.</p>
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CA21(a)

1. Chase Hill Road is an adopted highway maintained at the public expense and is located to the south and east of the proposed Hornsea Two substation site and the Centrica CCTG power station. The access to the Centrica CCTG power station is taken north from Chase Hill Road between its junction with Eastfield Road in the west and Haven Road in the east. By reference to the Land Plans, and the Book of Reference, plot numbers 520, 521 and 522 are the only plots located in Chase Hill Road itself. In each plot the land is unregistered, and therefore the ownership is unknown. However by virtue of the *ad medium filum* rule the Applicant has included Centrica KPS Limited (as adjoining landowner in respect of a presumed interest in the subsoil of the highway) in the Book of Reference. As to its legal status, as noted in the Book of Reference, Chase Hill Road is an adopted highway maintained by North Lincolnshire Council.
2. In respect of the access to the Centrica CCGT power station running to the north of Chase Hill Road, and in particular plot numbers 512 – 515, this land is all owned by Centrica KPS Limited and comprised within Land Registry title number HS286628. These plots do not form part of an adopted highway maintained at the public expense and this is private land. The Applicant is seeking compulsory rights over this land and is also continuing negotiations with Centrica KPS Limited to secure private agreement.

CA21(b)

1. The Applicant anticipates the following works may be carried out over the Centrica access road (being the road that connects to Chase Hill Road, as described above):
 - Installation of temporary roads, i.e. to allow traffic to pass each other to facilitate safe traffic management;
 - Pedestrian routes;

- Installation of services underneath the road, e.g. water, DNO supply, communication and foul water systems (if needed);
 - Temporary works to allow safe crossing of any utilities (LV/HV/Gas etc); and/or
 - Improved drainage for the benefit of temporary roads (if required).
2. To facilitate these anticipated works, the Applicant is seeking permanent rights over plots 512 and 521 on the Land Plans *“to install, retain, maintain and operate services (and to impose requirements for their protection) within the Order land and to install, maintain and use an access track and to obtain access for such purposes”* and temporary rights over plots 513, 514, 515, 520 and 522 on the Land Plans for the *“laying and use of temporary vehicular access track”*.
 3. As noted in Appendix K to the Applicant’s response to Deadline III, the Applicant has the benefit of existing property rights over this land by virtue of a Transfer of land dated 10 February 2000 to sufficiently use and enjoy the Centrica road. Together with the rights that it seeks under the draft DCO over the land adjoining the Centrica Road, the Applicant is satisfied that it has all necessary powers and rights to carry out the works necessary for the Project and therefore does not intend to apply for any further rights, nor amend those already sought, in the draft DCO.

CA22	applicant/NGET	Please explain why and under what circumstances the proposed access through Plot No. 511 shown on Land Plan 27 of 27 Revision: 02, submitted at Deadline 3 (REP3-005), is required?
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CA22

1. Access will be required through Plot 511 (this being the road that connects the National Grid substation to the road between the Centrica Power Station and Chase Hill Road) to access the Project’s assets within the National Grid substation (Plot 510). As context, the Project will connect to the electrical network in an electrical bay within the National Grid substation (Plot 510). Hence the Project will own assets within the National Grid substation and will require to undertake O&M work, such as inspections, maintenance and repairs, on these assets. The Project will need access to the National Grid substation and this will need to be via the same route that National Grid take, which is via Plot 511.

CA23	applicant	1. In respect of the Order Lands shown on Land Plan 27 of 27 Revision: 02, submitted at Deadline 3 (REP3-005), please provide an explanation and outline method statement of how the land required for temporary occupation will be utilised – in terms of activity, land use and spatial extent – in the following scenarios, with particular reference to Plot Nos. 493, 494, 496, 498, 501, 502, 504, 505, 506, 508, 518 and show how access to Plot Nos. 500 and 506 will be achieved if:
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		<p>a) Hornsea Project 1 transmission stations not commenced.</p> <p>b) Hornsea Project 1 transmission stations under construction.</p> <p>c) Hornsea Project 1 transmission stations complete.</p> <p>2. If Hornsea Project 1 transmission station is under construction or completed prior to Hornsea Project 2 Plot No. 505 will not be available for temporary occupation. If this is the case and the Hornsea Project 2 transmission stations can be constructed without requiring the use of Plot No. 505 how can the case for including it in the Order be justified?</p>
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CA23

- The Applicant has set out a tabular summary below, showing the Project's proposed use of the land in the three separate scenarios identified by the Ex. A in this question:

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
493	Construction Compound	<p>To support cable installation work.</p> <p>May be used to undertake trenchless crossing of gas pipe</p>	<p>As for (a), however as Project 1 cable route runs through part of this land, area available will be reduced</p>	<p>As for (b)</p> <p>Note that not advisable to locate construction compound or trenchless crossing plant over an existing cable route.</p>
494	Compensation Compound	Not used	<p>Compensation Compounds are in place to compensate Project One for the land that Project Two</p>	Not used

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
			requires to construct its onshore cable route under the scenario that Project Two enters construction first or there is a construction overlap between Project One and Project Two.	
496	footpath diversion/part of Construction Compound	Footpath will be diverted to the west of 493 and then through this land area.	As for (a). However footpath route diversion will pass to the west of 494.	As for (a)
498	Construction Compound	Same as 493		
499	Project Two Cable route	Part of Project Two cable route; depending on final design, trenchless crossing of gas pipe.	As for (a)	As for (a)
500	Project Two Substation	Depending on final design, this land could be used for the substation or to support the	As for (a)	As for (a)

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
		<p>construction of the substation.</p> <p>Factors that will affect final area required include:</p> <ul style="list-style-type: none"> - Transmission technology, i.e. HVAC, HVDC or combination of both HVAC and HVDC - Technology supplier - Grid-code compliance requirements <p>See substation concept designs submitted to the Ex. A. for Deadline 1 at Appendix</p>		

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
		Q.		
	access	<p>Primary access for plots 500 and 506 would be through Chase Hill Road, the Centrica/National Grid substation access road.</p> <p>Alternative access would be available along possible haul road along the cable route; this would be subject to successful negotiation regarding the gas pipe crossing (another crossing will be required at a different location in any case).</p> <p>Final decision</p>	It would still be possible to operate shared access via the Centrica/National Grid substation access road.	As for (a)

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
		would depend on whether any further options for access were to be available at time of construction, of particular relevance being the design of the new Able Business Park.		
501	Compensation Compound	Not used	Compensation Compounds are in place to compensate Project One for the land that Project Two requires to construct its onshore cable route under the scenario that Project Two enters construction first or there is a construction overlap between Project One and Project Two.	Not used
502	Construction Compound	To support construction work for the	As for (a).	As for (a)

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
		<p>Project Two substation.</p> <p>The extent of compound required would depend on factors similar to those outlined for 500 above.</p>	<p>It is likely that the maximum area would be required for this scenario.</p>	
503	Project Two Cable route	<p>Part of Project Two cable route; depending on final design.</p>	As for (a)	As for (a)
504	Trenchless Crossing Compound	<p>To support work required for the trenchless crossing of the gas pipe (if required)</p>	As for (a)	As for (a)
505	Construction Compound	<p>Used to support construction of Project Two substation.</p>	<p>Not used for Project Two</p> <p>Location of Project One substation.</p> <p>The majority is likely to be utilised for the final substation compound however</p>	<p>As for (b)</p> <p>However any unused area would provide access to the northern side of the Project Two substation.</p>

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
			depending on factors similar to those outlined for 500 above, part may be used temporarily to support construction of the Project Two substation.	
506	Substation	This land would be used for the permanent works of the Project Two substation. Depending on the final design, part may be used for temporary construction works.	As for (a)	As for (a)
Access; similar to 500				
508	Construction Compound	To support construction work for the Project Two substation. The extent of compound required would depend on factors	To support construction work for the Project Two substation. The extent of compound required would depend on factors similar to those	As for (a)

Compound	Purpose of Compound	a) Hornsea Project 1 transmission stations not commenced	b) Hornsea Project 1 transmission stations under construction	c) Hornsea Project 1 transmission stations complete
		similar to those outlined for 500 above.	outlined for 500 above. Depending on the final substation design, It is possible that the maximum area would be required for this scenario.	
518	Construction Compound	To support construction work for the Project Two substation. The extent of compound required would depend on factors similar to those outlined for 500 above.	With increased construction traffic, it is assumed that this would be used to facilitate upgrading of the access road (directly to the south) Also would be required to support substation construction. Depending on the final substation design, It is possible that the maximum area would be required for this scenario.	As for (a)

2. As noted in the Applicant's response to Deadline III, the Applicant is seeking only powers of temporary occupation over Plot 505 for worksite and access purposes. The Applicant noted that the agreed protective provisions between the Project and Hornsea Project One provide a clear mechanism to resolve any interface between the respective projects in relation to this overlap area (see the Applicant's response to CA18 for further detail).
3. The Applicant has sought the flexibility to use Plot 505 in the circumstances where Hornsea Project One has not yet started construction. In particular, this area would be preferred as it would be adjacent to the Project's cable route and represents a more compact construction site for the Substation.
4. The Applicant considers that this temporary compound is reasonably required to allow the Applicant to mitigate the impact on other land areas and landowners and to ensure the efficient construction of the Project's substation.

CA24	applicant	Further to the Deadline 3 submission, at Appendix S, please provide a further update in respect of the status of outstanding agreements with landowners.
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CA24

1. The Applicant has provided an update to the status of the outstanding land agreements at Appendix X of the Response.

CA25	applicant, East Lindsey District Council	<p>a) Please explain why the beach at the cable landfall site is not designated as public open space with particular reference to Plot Nos. 21 and 33?</p> <p>b) Can East Lindsey District Council explain the local plan status of the beach at the cable landfall site?</p>
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CA25(a)

1. The Applicant notes that "open space" is defined for the purposes of the Planning Act 2008 by reference to s19 of the Acquisition of Land Act 1981 (the 1981 Act), which defines the term as meaning "*any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.*"
2. As an initial observation, the Applicant notes neither the relevant local authority searches, nor the East Lindsey District Council Local Plan designated the landfall site as public open space. However, the Applicant notes that the above definition does not make such formal designation a pre-requisite of the test and accordingly considered the wider definition prior to submitting the Application.
3. As can be seen above, there are three separate criteria within the definition of "open space" and the Applicant can confirm that the land is not laid out "*as a public garden*" and is not "*a disused burial ground*". Accordingly, the pertinent question was (and is) whether the land is "*used for the purposes of public recreation*".
4. The Project's landfall site (which for present purposes can be taken to include plots 21 and 33) is privately owned and thereby not allocated for general public use. Further, the geographical composition of the land is primarily

mud-flats, marshland and statutory protections does not lend itself well to recreational activity. On that basis, the Applicant does not consider the area to be public open space.

CA25 (b)

1. The Applicant notes this question is addressed to ELDC and has nothing to add at this stage, beyond its answer to part (a) of this question above.

CA26	applicant	<p>Further to the Deadline 3 submission, at Appendix U (REP3-025), please provide a further update on progress towards agreeing proposed Protective Provisions (PPs) with the following:</p> <ol style="list-style-type: none"> a) Centrica KPS Ltd; b) VPI Immingham CHP LLP; c) National Grid Electricity Transmission; d) National Grid Gas Plc; and e) Northern Powergrid Yorkshire Plc. <p>If PPs are not finalised please advise on when the ExA can expect them.</p>
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CA26

1. The Applicant has provided an update to the status of agreement on protective provisions with the statutory undertakers at Appendix Y of the Response.
2. Whilst not directly referenced in this question, the Applicant would like to confirm that Virgin Media Limited have confirmed that they are satisfied their infrastructure is adequately protected and do not intend to participate in the Project's examination process (see Appendix AA of the Response).

CA27	Conoco Phillips, Conoco Phillips 66	<p>It is the applicant's opinion that neither Conoco Phillips or Phillips 66 are statutory undertakers for the purpose of s.127 and s.138 of PA2008 (Deadline 3, Appendix 17 – Summary of Oral Case – Compulsory Acquisition Hearing September 2015, paras 7.3 – 7.9) (REP3-015). Do Conoco Phillips and Conoco Phillips 66 agree and if not please state your reasons?</p>
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CA27

1. The Applicant has no comment to make in response to this question insofar as it relates to Conoco Phillips; however, is happy to confirm that agreement has now been reached with Phillips 66 Limited on the form of protective provisions (included at Part 9 of Schedule L of the draft DCO) for their benefit and includes at Appendix Z of the Response, a letter from them confirming the withdrawal of their representations in relation to the Project.

CA28	E. ON E&P UK Ltd	<p>It is the applicant's opinion (applicant's Statement of Agreement with Statutory Undertakers submitted at Deadline 3, Appendix U) (REP3-025) that (i) s.127 does not apply to E.ON E&P UK Ltd's interests, and (ii) s127 applies to land held by a statutory undertaker and concerns the CA of land. E.ON E&P UK Ltd's interests are offshore and therefore the CA provisions in the DCO (and by consequence s.127) do not apply.</p> <p>Does E.ON E&P UK Ltd wish to comment?</p>
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CA28

1. The Applicant notes this question is addressed to E.ON E&P UK Ltd and has no comment to make at this stage.

DC Draft Development Consent Order (DCO)

DC31	MMO	<p>Is the MMO now satisfied with the latest version of the DMLs? If not, what further amendments do they require?</p>
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DC31

1. Discussions between the Applicant and the MMO have continued throughout the Examination. Following a review of the DMLs the MMO provided comments to the Applicant which the Applicant has considered and discussed further with the MMO. Where appropriate, the Applicant has amended Version 5 of the draft DCO to take on board these comments.
2. There remain a few matters still under discussion between the parties and these are:
 - Requirement for co-operation with Hornsea Project One;
 - Inclusion and detail of a dropped objects condition;
 - Inclusion of approval mechanism for reports/survey results; and
 - Clarification of works covered by Condition 16(2)(a) of DMLs A2 and B2
3. The Applicant will continue to discuss these matters with the MMO and will provide an update on the status of discussions at the DCO Hearing on 28th October.

DC32	applicant	<p>Will the applicant please provide:</p> <p>a) An estimate of the total contingent liability associated with acquisition of land or interests in land and any possible claims for blight; and</p> <p>b) A specific and enforceable mechanism or options for mechanisms in the draft DCO whereby all</p>
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		payments are secured back to a parent company.
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DC32 (a)

1. As set out at paragraph 3.5 of the Funding Statement (Doc ref No 6.2) and reasserted at paragraph 3.1(e) of the Updated Funding Statement (submitted to the Examining Authority on 14 September 2015) the Applicant sought advice from expert chartered surveyors, Fisher German Priestner Limited ("FGP") in relation to: possible heads of liability for compulsory acquisition; valuation of liability under these heads; and the earliest point at which that liability could crystallise.
2. A copy of the letter of advice received from FGP dated 20 January 2015 is contained at Schedule 3 of the Funding Statement.
3. Miss K Claire Priestner of FGP, the signatory of that letter, is qualified in the rural sector of the Royal Institution of Chartered Surveyors and is also a Member of the Central Association of Agricultural Valuers. Miss Priestner has over 20 years' experience of securing voluntary agreements with owners and occupiers and advising on compulsory purchase in relation to the onshore aspects of a number of offshore wind farms (see letter of advice from FGP for further details). Miss Priestner has been working on the Project negotiating land agreements on behalf of the Applicant for the last four years and, as set out in that letter of advice, is familiar with and has thoroughly inspected all plots comprising the Project's Order land.
4. FGP's professional opinion is that the total contingent liability associated with the acquisition of land or interest in land amounts to a maximum precautionary figure of £30 million. As also set out in their advice letter FGP have also advised that there is no potential for a blight claim to be successful in the context of the Project.
5. For the avoidance of doubt the Applicant confirms that the change in its parent company ownership, as set out in the Updated Funding Statement, has no impact on this estimate of the total contingent liability associated with acquisition of land or interests in land or the advice in relation to any possible claims for blight.

DC32 (b)

1. As set out at paragraphs 3.7 to 3.14 of the Funding Statement and reasserted at paragraphs 3.1(g) to (o) and paragraph 3.2 of the Updated Funding Statement the Applicant considers that Article 4 of the draft DCO provides a robust mechanism to ensure that liability for compulsory acquisition will be linked to a secured source of funding.
2. Article 4(1) of the Order provides that compulsory powers contained in Articles 18 to 28 of the Order must not begin to be exercised unless a guarantee in respect of the liabilities of the undertaker to pay compensation in respect of the exercise of the relevant powers or an alternative form of security for that purpose which has been approved by the Secretary of State is in place.
3. Article 4(2) of the Order provides that such guarantee or other form of security is to be treated as enforceable against the grantor by any person to whom such compensation is payable.
4. Article 4(3) of the Order provides that such guarantee or alternative form of security is to be in place for up to 20 years from the exercise of the powers.

5. As noted above, in the professional view of FGP the only liability which could flow from compulsory acquisition powers in the DCO would only crystallise after the exercise of the powers sought within the DCO and therefore after the security has been put in place in terms of Article 4.
6. This provides a specific and enforceable mechanism within the draft DCO whereby all payments associated with the acquisition of land or interests in land are secured and put in place by the undertaker prior to the exercise of the compulsory acquisition powers sought under the DCO.
7. Schedule 1 of the Updated Funding Statement contains a letter dated 14 September 2015 signed by the parent company of Optimus Wind Limited and Breesea Limited (the undertakers for the purposes of the draft DCO as defined in Article 2(1)). DONG Energy Wind Power A/S confirms in this letter that upon the Applicant's written request, it will (subject to the making of the relevant Final Investment Decision) enter into a form of security to meet the capital expenditure of the cost of acquiring the land identified in the DCO and the cost of compensation otherwise payable in accordance with the DCO.
8. The Applicant notes that there is precedent for the guarantee mechanism in Article 4 of the draft DCO in the Hornsea One Offshore Wind Farm Order 2015 (see article 14 of that Order). The Applicant further notes that in the Examining Authority's Report in the recent Navitus Bay Wind Park decision the Examining Authority recommended that, if the Secretary of State were to grant consent for the Navitus project, the precedent set in the Hornsea One DCO should be followed and a similar guarantee mechanism should be included in any Order made.

DC33	NE, MMO and local authorities	<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 Ecological Management Plan (EMP) to be confident that the submitted plan will be capable of approval?</p> <p>b) Do they consider that they have or will have sufficient information and assurances about monitoring to be confident that the submitted EMP will be monitored adequately?</p> <p>c) Do they consider that they will have sufficient information to be confident about the enforcement of the EMP?</p>
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DC33

1. Although this question is directed at Natural England, the Marine Management Organisation and the local authorities, the Applicant would like to refer the Ex. A to the SoCGs between the Applicant and Natural England (paragraph 5.2.14 and 8.2.5 to 8.2.10 of Appendix XX of the Applicant's response to Deadline I), East Lindsey District Council (paragraph 3.1.4 of Appendix A to the Applicant's response to the Rule 6 letter), North East Lincolnshire Council (paragraph 3.1.6 of Appendix UU to the Applicant's

response to Deadline I) and North Lincolnshire Council (paragraph 3.1.27 of Appendix Q to the Applicant's response to Deadline II) in which it is agreed that the mitigation, which can be found in the Outline Ecological Management Plan (OEMP) (Doc ref No 12.5), as secured by Requirement 7 of the draft DCO, is appropriate.

2. The Applicant also notes that the local authorities did not raise any issues with regard to the EMP in their Local Impact Reports (LIRs), submitted at Deadline I.

DC34	NE, MMO and local authorities	<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 CoCP to be confident that the submitted code will be capable of approval?</p> <p>b) Do they 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 they consider that they will have sufficient information to be confident about the enforcement of the CoCP?</p>
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DC34

1. Although this question is directed at Natural England, the Marine Management Organisation and the Local Authorities, the Applicant refers the Ex. A to its response to CL9 of the Ex. A's First Written Questions at Deadline I, as well as the Applicant's response to the same question at Deadline II.
2. The Applicant would like to highlight to the Ex. A that the SoCG with the MMO (see paragraphs 3.2.22 of Appendix WW of the Applicant's response to Deadline I) states that it is agreed that Conditions 10, 11 and 12 of the draft DMLs are appropriate to ensure the approval of the CoCP and the SoCG with Natural England (see paragraphs 7.2.3, 8.2.1, 8.2.3, 8.2.4, 8.2.14, 8.2.22, 8.2.23 and 9.2.1 of Appendix XX of the Applicant's response to Deadline I) 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. The Applicant also highlights to the Ex. A that it is agreed within the SoCGs with East Lindsey District Council (see paragraph 3.1.5 of Appendix A of the Applicant's response to the Rule 6 letter), North East Lincolnshire Council (see paragraph 3.1.7 of Appendix UU of the Applicant's response at Deadline I) and North Lincolnshire Council (see paragraphs 3.1.11 to 3.1.13, and 3.1.16 to 3.1.17 of Appendix Q of the Applicant's response to Deadline II) that Requirement 8 of the draft DCO adequately secures the approval of the final CoCP and relevant mitigation measures.
3. In addition, the Applicant notes that North East Lincolnshire Council, East Lindsey District Council and the MMO responded to question CL9 at Deadline I and confirmed that they are content with the information to be provided for within the plans and secured through the DCO. Natural England also

responded at Deadline I in response to CL9 to say that they are in discussion with the Applicant to ensure that specific areas of interest (e.g., the landfall) are thoroughly considered in the CoCP. As noted in response to question CL25 above, the Applicant has committed to providing a written intertidal access management plan, which will be submitted to and approved by the local planning authority in consultation with Natural England (pursuant to Requirement 27 of the draft DCO).