

Hornsea Offshore Wind Farm

Project Two

The Applicant's Response to Deadline V

Application Reference: EN010053

12 November 2015

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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 prepared the following:
- 1.1.1 The Applicant's comments on responses to the Ex. A's second written questions (at Part 1 of the Response);
 - 1.1.2 The Applicant's comments on Interested Parties' written submissions to Deadline IV (at Part 2 of the Response); and
 - 1.1.3 The Applicant's written summaries of its oral submissions from the Issue Specific Hearings held on 27 and 28 October 2015 and Compulsory Acquisition Hearing held on 29 October 2015 (at Appendices G to I of the Response).
- 1.2 These documents (collectively "the Response") are submitted for the deadline of 12 November 2015 ("Deadline V") specified in the Rule 8 letter and are discussed in more detail below.

2. The Applicant's response to Interested Parties' answers to the Ex. A's second written questions

- 2.1 The Applicant has responded to each of the Interested Parties' responses to the second written questions submitted at Deadline IV on 20 October 2015. The Applicant's responses are set out in Part 1 of the Response and adopt the same chronology of the Ex. A's second written questions and in each case the question is included, followed by the Applicant's comments.

3. The Applicant's response to Interested Parties' written submissions to Deadline IV

- 3.1 The Applicant has also responded to each of the further written submissions submitted by Interested Parties' at Deadline IV in Part 2 of the Response.

4. Updated Development Consent Order

- 4.1 The Applicant submitted Version 5 of the draft DCO at Appendix A to its response to Deadline IV. The Applicant also submitted a Schedule of Changes to the draft DCO at Appendix D of its response to Deadline IV, which narrated the changes from Version 1 of the draft DCO.
- 4.2 The Applicant has provided a further update to the draft DCO (Version 6) at Appendix A of the Response, which incorporates further changes discussed during the October Hearings and as a result of on-going discussions with stakeholders.
- 4.3 To assist the Ex. A, the Applicant has also updated the Schedule of Changes to incorporate these further amendments at Appendix D of the Response.
- 4.4 Finally, the Applicant noted the Ex. A's request during the October Hearings for the 'dead clauses' to be removed from the draft DCO. The Applicant has considered this request and in addition to Version 6 of the DCO, the Applicant has also submitted Version 7 of the draft DCO (Appendix E of the Response) which is the most recent version of the draft DCO with all of the dead clauses

removed, together with a signposting table showing changes in clause numbering between Version 6 and Version 7 of the draft DCO (Appendix F of the Response).

5. Hearings – Written Summaries of Oral Cases

- 5.1 The Applicant has prepared written summaries of its oral submissions from the Issue Specific and Compulsory Acquisition Hearings held on 27, 28 and 29 October 2015 respectively. These are provided at Appendices G to I of the Response.

6. Environmental Information Signposting Document

- 6.1 The Applicant submitted Version 4 of the Environmental Information Signposting Document in response to question G9 at Deadline IV.
- 6.2 The Applicant has submitted a further update (Version 5) to this document at Appendix S of the Response to ensure that a link is provided to all the referenced documents published on the Planning Inspectorate webpage, as well as to include the further clarification information submitted at Appendix V of the Response.

7. Proposed refinement of the Project's Rochdale Envelope

- 7.1 As advised in response to EOO16 in Part 1 of the Response, the Applicant and Natural England have continued discussions regarding the Project's potential effect on the integrity of the kittiwake feature of the FFC pSPA. As a result of these discussions, it has been agreed there is no potential for an adverse effect on the integrity of the kittiwake feature from the Project alone, subject to a commitment by the Applicant to mitigate collision effects on kittiwake through a reduction in the Project's design envelope, specifically:
- 7.1.1 The removal of the 5MW WTG option; and
 - 7.1.2 An increase in hub height of 3.5m.
- 7.2 To clarify, the Applicant intends to make a formal submission requesting this amendment to the Project's design envelope (and to provide any necessary supporting information) at Deadline VI.

8. Errata

- 8.1 The Applicant has identified that Appendix A of Annex 6.8.1: Transport Assessment of the ES (Doc ref No 7.6.8.1) was erroneously omitted from the Application documents. Accordingly, the Applicant has provided this missing document for completeness at Appendix W of the Response to correct this erratum. For clarity, the figures omitted from this Appendix are the engineering drawings for the proposed HGV access points along the length of the cable route and at the HVDC converter/HVAC substation.
- 8.2 The Applicant confirms that the presence (or not) of these drawings does not affect the assessment presented in Volume 3, Chapter 8 of the ES in any way and further, the assessment can be understood without the engineering drawings.

PART 1

The Applicant's response to Interested Parties' responses to the Examining Authority's Second Written Questions

G General

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

- The Applicant notes the MMO have responded to this question and raised the matter of co-operation between the Project and Hornsea Project One. The Applicant would refer to paragraphs 5.17 to 5.21 of Appendix H of the Response for clarification on this matter.

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

- The Applicant notes that Trinity House, the MMO and the Hornsea Project One Companies have responded to this question.

Trinity House

- The Applicant notes Trinity House have confirmed they have no comment to make. Accordingly, the Applicant has no comment to make in response.

MMO

- The Applicant further notes the MMO responded to confirm that they did not consider the proposed amendments to be material as the reduction in order limits is within the limits originally assessed in the ES.

Hornsea Project One Companies

1. The Applicant notes the Hornsea Project One Companies stated their support to the proposed amendments. The Applicant has no further comment to make.

EOO Ecology offshore: ornithology

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 Applicant notes that Natural England have responded to this question noted the various documents the Applicant would be submitting at Deadline IV, specifically:
 - Appendix R: Intertidal Clarification Note;
 - Appendix BB: Habitats Regulations Assessment Screening and Integrity Matrices;
 - Appendix DD: Clarification Note Environmental Impact Assessment for offshore ornithological receptors;
 - Appendix EE: Kittiwake Clarification: in response to EOO16; and
 - Appendix FF: Possible Greater Wash SPA Shadow HRA Screening.
2. The Applicant can confirm that the migratory collision risk modelling note referenced within Natural England's response is now also included at Appendix V of this Response.

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 Applicant notes that Natural England and the RSPB have responded to this question.

Natural England

1. The Applicant and Natural England have made significant progress in resolving this issue and it has been agreed there is no potential for an adverse effect on the integrity of the kittiwake feature of the FFC pSPA from the Project alone, subject to a commitment by the Applicant to mitigate

collision effects on kittiwake through a reduction in the Project design envelope (removal of 5MW WTG option and an increase in hub height of 3.5m) (see SoCG between the parties at Appendix CC of the Response for further confirmation on this discussion). For clarity, the Applicant intends to make a formal submission requesting this amendment to the Project's design envelope (and to provide any necessary supporting information) at Deadline VI.

2. With regard to the conclusions on the effects of the Project in-combination with other plans and projects, the Applicant and Natural England are still under discussion regarding the conclusions of the assessment. The Applicant notes the additional information Natural England provided in regard to kittiwake at Deadline IV.
3. The Applicant would like to highlight to the Ex. A that a substantial proportion of colonies in Table 2 of Natural England's response (where kittiwake population declines have occurred) refer to those in northern Scotland. In these cases it has already been established that the declines are linked to the collapse of sand eel fisheries. This is not known to be the case for sites in England and it is less clear that there have been declines there (as further elaborated upon below).
4. The question of a decline at the Flamborough and Bempton cliffs kittiwake colony only becomes relevant if the 1980s count of over 80,000 pairs is considered accurate. Natural England have concentrated on declines between the Seabird Colony Register (1985-88) (SCR) and Seabird 2000 censuses; however, the magnitude of this decline is reliant on a count which has come under scrutiny during the examination of a number of offshore wind farm projects and within Coulson (2011). Coulson indicates that the increase noted at the Flamborough colony was not accompanied by appreciable increases throughout Great Britain. Further information is provided in Coulson (2011) which has been included at Appendix U of the Response for completeness.
5. Coulson (2011) questions the magnitude of the decline at the Flamborough and Bempton colony. If such a decline were to have occurred it would have resulted from a large increase in adult mortality rates, for which there is no record. No decrease of a magnitude similar to that at the Flamborough colony was recorded in colonies in north-east England nor could any colony or groups of colonies be identified which had received 40,000 additional pairs over the period 1986-2000 which would indicate immigration from the Flamborough colony.
6. Coulson (2011) also raises concerns in relation to other kittiwake population counts presented for England during SCR. Colony counts for a number of colonies in Northumberland, including those surveyed extensively by Coulson (2011) appear to have been overestimated. This obviously has implications as if the counts at these colonies are overestimates the potential population changes between the SCR census and Seabird 2000 census will be reduced. This has implications for Table 2, Figure 2 and Figures 5-9 of Natural England's response to EOO16 at Deadline IV, in which a decline only clearly has occurred if that count is included. If it is excluded, it is far from clear that such a decline has occurred. With respect to Figure 2, the Applicant still maintains (as it did in Appendix EE of its submission to Deadline IV) that the presentation of these data is misleading, the red line is simply the national index 'fitted' to match the few site based counts that are available for the 30 year period shown.

7. The Applicant notes, and welcomes, Natural England's revised summary figure of counts from the Filey components of the pSPA. These (particularly Figure 4 in Part B of Natural England's written response to Deadline IV) now clearly highlight the stable nature of the kittiwake breeding populations in these areas between 2002 and 2014. There is no reason to suspect that a similar trend would not be occurring at adjacent Flamborough.

Apportioning

8. Subsequent to Natural England's submission in response to this question, it has been agreed between the parties that during the breeding season (based on the evidence produced in Appendix DD of the Applicant's response to Deadline IV) no more than 83% of birds recorded as 'adult' during site based surveys of the Project site should be apportioned to the breeding kittiwake interest feature of the FFC pSPA (see paragraph 3.2.18 of the updated SoCG between the Applicant and Natural England – Appendix CC of the Response).

Foraging range

9. The Applicant is unfamiliar with the reference JNCC and Natural England (2013): *JNCC & NE interim advice on breeding season HRA screening for seabirds*. The Applicant is of course aware of guidance for the non-breeding season from the same year. The Applicant also notes that Natural England did not quote this document through the Evidence Plan for Project Two or through Section 42 advice.

RSPB

1. The Applicant notes that the RSPB do not agree on the apportioning used in relation to kittiwake, on the use of site specific flight height data or the avoidance rates used by the Applicant. The Applicant's position is clearly presented in the response to EOO16 and the Applicant considers there is nothing further to add in response to the RSPB at this stage.

EOO17	applicant, NE, RSPB	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 notes that Natural England and the RSPB have responded to this question.

Natural England

1. As stated by Natural England the Applicant submitted an EIA clarification note at Deadline IV (Appendix O). The Applicant can confirm they are currently awaiting comments from Natural England on this clarification note and understands Natural England will share their position regarding EIA species with the Applicant in advance of Deadline VI.

RSPB

1. The Applicant notes that the RSPB disagree with the use of PBR in the EIA, however the Applicant has agreed with Natural England that the assessment of EIA impacts has been completed using the best techniques available to this Project at the time of writing. Natural England considers that reference to outputs from the PVA model constructed for the UK gannet population (WWT 2012) could be considered in addition to PBR and this has been considered by the Applicant in Appendix O of the Applicant's response to Deadline IV.

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 notes that Natural England and the RSPB have responded to this question.

Natural England

1. The Applicant met with Natural England on the 5th November where the migratory CRM was discussed. The migratory CRM clarification note can be found in Appendix V of this Response. It has also been agreed with Natural England that there are no predicted significant effects on migratory species as a result of the Project either alone or cumulatively (see paragraph 3.2.12 of the updated SoCG (Appendix CC of this Response)).

RSPB

1. The Applicant notes that the RSPB are currently content with the information on predicted level of migratory bird collision risk and refers the RSPB to the migratory CRM clarification note where no significant effects on migratory species are predicted in EIA terms.

EOO19	applicant, NE and RSPB	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: <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 notes that Natural England and the RSPB have responded to this question.

Natural England

1. Natural England have noted that the Applicant is best placed to respond to this question and the Applicant refers the Ex. A and Natural England to their

response to this question at Deadline IV and to paragraphs 8.26 to 8.31 of Appendix G of the Response.

RSPB

1. The Applicant notes the RSPB's comments on construction monitoring and refers the Ex. A and the RSPB to paragraphs 8.26 to 8.31 of Appendix G of the Response and the updated SoCG with Natural England in Appendix CC of 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. The Applicant notes the MMO and Natural England have responded to this question.

MMO

1. The Applicant notes that the MMO defer to Natural England on this matter and as such would refer to the response to Natural England below.

Natural England

1. The Applicant notes Natural England's response to this question in Section C of their Deadline IV response. 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 and sufficient. This agreement is detailed in paragraph 3.2.12 of the SoCG between the Applicant and Natural England, see Appendix CC of the Response. Further detail is provided in paragraphs 8.26 to 8.31 of Appendix G of the Response.

EOMM Ecology offshore: marine mammals

EOMM28	Applicant	Please update the ExA on the addition of a condition 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. The Applicant notes the MMO have responded to this question.
2. In response to the MMO's recommendation that an additional condition be included in the DML, the Applicant has considered this request and the following text was included at Condition 12 and Condition 13 of Version 5 of

the DCO, which was submitted into examination by the Applicant at Deadline IV:

(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 notes the RSPB have responded to this question stating this matter was under discussion between the parties. The Applicant has now drafted revised wording for this condition (Condition 20(4) of DMLs A2 and B2 of the Draft DCO Version 6, submitted by the Applicant at Appendix A of the Response)) and would refer to Section 9.1 of Appendix G of the Response for clarification on this matter.

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 the MMO and the RSPB have responded to this question.
2. The Applicant notes that the RSPB have responded to this question noting that an assessment of effects outside of the summer working period has not been assessed within the HRA or ES.

3. 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.
4. 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) 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 confirmed that they are content with the current wording of Condition 20(3) in their respective submissions at Deadline III and this has been agreed with both parties in the respective SoCG.

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 that the RSPB have responded to this question.
2. The RSPB have stated that the RSPB data provided to P66 showed greater usage of the area around the Phillips66 pipeline at low tide, which is the opposite compared to the bird usage of the Project Two area. The Project Two site specific data shows that that usage of the site was not exceptionally high at high tide during the proposed construction working period and that the very limited and dated RSPB data at high tide does not conflict with the Applicant's findings in terms of numbers in the wider area. The Applicant therefore considers that a restricted construction window during the summer months is not required.

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 the RSPB have responded to this question.
2. The Applicant refers the Ex. A to their original response to this question regarding the distribution and location of high tide roosts at the Project site and has no additional comment to make.

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. The Applicant notes Natural England have responded to this question.
2. The Applicant further notes that Natural England have referred the Ex. A to the Applicant's response (as a joint statement). The Applicant can confirm that in its response it confirmed that the Applicant's screening and integrity matrices conclusions were agreed, with the exception of the ornithological features of the SPA and Ramsar in relation to construction effects, which remained under discussion.
3. As identified during the Issue Specific Hearing of 27th October 2015, this is a matter that has now been agreed between both parties as reflected within the Statement of Common Ground (SoCG) as submitted at Appendix Y to this Response.
4. The Applicant can therefore, confirm that there is complete agreement with Natural England on the conclusions of the HRA screening and integrity matrices for the Humber Estuary SPA, Ramsar site and SAC.

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 notes that both East Lindsey District Council and North East Lincolnshire Council have responded to this question. East Lindsey District Council notes that the Bradley Wood Local Nature Reserve falls under the remit of North East Lincolnshire Council. North East Lincolnshire Council confirmed they have raised no issues with the effects of the Project on the Bradley Wood Local Nature Reserve. As such, the Applicant has no further comment on this matter at this time.

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

1. The Applicant notes that East Lindsey District Council, North Lincolnshire Council, North East Lincolnshire Council and Historic England have responded to this question. East Lindsey District Council notes that this issue falls under the remit of Lincolnshire County Council and North East Lincolnshire Council has no comment to make.

North Lincolnshire Council

1. North Lincolnshire Council, in their response to LH15, identifies a number of compounds in which geophysical surveys and/or trial trenching have not been undertaken in order to inform the baseline characterisation. Each of these plots are discussed in turn below:
 - **Area to the east of Habrough Road and north of Faulding Lane (between plots 105 and 107); the cable route and the Temporary Construction Compound 24-C2 1, 2, 3 (approximately 5 ha).**

The Applicant notes that the cable route corridor to the east of Habrough Road (including the cable route and the Temporary Construction Compound 24-C2 1, 2, 3.) was included in the aerial photographic survey undertaken for this Project (Volume 6, Annex 6.6.2: Aerial Photographic Survey of the ES (Doc ref No 7.6.6.2)). No archaeological remains were recorded. In addition, part of the Temporary Construction Compound 24-C2 1, 2, 3 was included in the geophysical survey undertaken for this project in Plot 105 (Volume 6, Annex 6.6.3: Geophysical Survey Report of the ES (Doc ref No 7.6.6.3)). Again no remains were revealed. A number of trial trenches have been undertaken in the area as part of this Project. In addition, the Applicant notes that archaeological works including monitoring of large scale soil stripping in connection with the A160 improvements found few if any archaeological remains in this area. On this basis it is considered that the archaeology in the area south of the A160 has been adequately characterised and that further trial trenching, while useful in determining the level of mitigation by fieldwork to follow, is not necessary to characterise the area, which can be preserved by record. The Applicant would refer to section 6 of Appendix G of the Response for further discussion on this matter from the Issue Specific Hearing.

- **Trenchless Construction Compound 25-C1a 3 in Plot 113 (approximately 0.5 ha).**

The Applicant notes that this area was previously a landfill site and therefore it is predicted no remains would have survived.

- **Compensation Compound 25-C3 2, 3 in Plot 112A (approximately 0.5 ha).**

The Applicant notes that Geophysical Survey has been undertaken immediately east of this compound. This revealed traces of ploughed out ridge and furrow, modern services and modern ferrous debris. No archaeological remains were revealed.

- **Temporary Construction Compound 26-C1 1, 2, 3 and Temporary Access 26-A2 1, 2, 3 (approximately 1 ha).**

The Applicant notes that this is the area within Plot 116, referred to in Table 6.22 of Volume 3, Chapter 6: Historic Environment of the ES (Doc ref No 7.3.6). The ground here has been partly disturbed by buildings and associated services. Geophysical survey has been undertaken immediately west of this compound and temporary access, which revealed traces of ploughed out ridge and furrow and modern ferrous debris. No archaeological remains were revealed. In addition, a trial trench (Trench 101) has also been excavated immediately to the west of this area. The trial trenching report notes that the trench contained only natural deposits (Volume 6, Annex 6.6.5: Trial Trenching Report of the ES (Doc ref No 7.6.6.5), paragraph 7.3.2).

- **To the north of Chase Hill Road, the cable route through plot 134; the Compensation Compound 27-C5 2, 3; Temporary Construction**

Compound 27-C1 2, 3 and the southwest edge of the Converter/Substation site (approximately 3.5 ha).

The Applicant refers the Ex. A to Appendix G of the Response (Summary of Case) for a detailed response on this matter.

Historic England

1. The Applicant notes that Historic England has responded to LH15.
2. The Applicant considers that the baseline characterisation that has been undertaken for the Project has adequately assessed the historic environment along the onshore cable route. Further details are outlined in Section 6.1 of Appendix G of the Response.

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. The Applicant notes that North Lincolnshire Council has responded to this question. In its response, North Lincolnshire Council cross referred to its response to LH15. The Applicant therefore does not have anything further to add, other than what is stated in response to LH15 above.

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 that North Lincolnshire Council, North East Lincolnshire Council and Historic England have responded to this question. The Applicant notes that North East Lincolnshire Council states that they have no comment to make on this question.

North Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council confirms that the question LH18 is useful to explain the maximum and relative heights of the onshore HVDC converter/HVAC substation relative to the Project One equivalent. The Applicant refers North Lincolnshire Council to its response to LH18 at Deadline IV for a detailed response on this matter.
2. With regard to Manor Farm Moated site, the Applicant notes that North Lincolnshire Council, in its response to LH17, states that they consider that more effective screening could be provided between the monument environs and the proposed development. It is the Applicant's position that, as with other designated assets in the area with views towards the east, existing industrial development around the location of the proposed HVDC converter/HVAC substation considerably influences the setting of Manor Farm Moated Site and that the significance of this asset would not be altered in any meaningful sense by the Project. Volume 3, Chapter 6 of the ES has assessed the effect of the onshore HVDC converter station (which represents the worst case) on the Scheduled Monument and stated that this effect is not significant. A Photomontage (Volume 3, Chapter 6 of the ES, Figure 6.11) shows the existing view and the same view with the proposed HVDC converter stations. It can be observed that, although the proposed onshore HVDC converter/HVAC substation site would be visible from this location, it would be seen against the background of existing industrial development and the setting of this asset would not be significantly altered with the addition of the Project. In addition, it is noted that the landscape in the wider area is now

characterised largely by parliamentary enclosure of earlier fields. Boundaries are formed largely by planted hedgerows of native species. Any screening effect could only be achieved through either native forest trees (which are deciduous and so winter views would still be obtainable) or through the use of evergreen trees, which would be inappropriate. On this basis, the photomontage shows that offsite planting would not provide any significant screening. The Applicant does not consider it necessary or appropriate to undertake offsite planting.

3. With regard to Thornton Abbey, the Applicant notes that North Lincolnshire Council, in its response to LH17, states that judicious planting between Thornton Abbey and the proposed development could do much to screen the visual impact of the proposed development in the key views. The Applicant would like to reiterate that it is its position that existing industrial development around the location of the proposed HVDC converter/HVAC substation considerably influences the setting of Thornton Abbey and that the significance of this asset would not be altered in any meaningful sense by the Project. A photomontage submitted as part of Appendix I to the Applicant's response submitted for Deadline IIA shows the existing and proposed views from the Gatehouse Arch of Thornton Abbey Gatehouse. There will be no view of the proposed development from here. The Applicant considers that off-site planting is not justifiable and further would not be effective, because if undertaken close to the proposed HVDC converter/HVAC substation it would not provide screening and if close to the designated assets it would tend to obscure their setting.
4. In its response to LH17, North Lincolnshire Council also refers to its previous discussions regarding off-site planting and working with Humber INCA to achieve this. The Applicant refers the Ex. A to its summary of oral case for a response on this matter.

Historic England

1. In response to the issues raised by Historic England, in their response to LH17, the Applicant cross refers the Ex. A to paragraphs 6.16 to 6.24 of Appendix G of the Response.

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

1. The Applicant notes that East Lindsey District Council, North Lincolnshire Council, North East Lincolnshire Council and the Hornsea Project One Companies have responded to this question.

East Lindsey District Council

1. The Applicant notes that East Lindsey District Council has confirmed that appropriate studies have been undertaken to inform which hedgerows are to be removed for the installation of the Hornsea Project One cables and that the hedgerows to be removed for Hornsea Project One have been agreed with East Lindsey District Council. The Applicant has no further comment to make in response.

North Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council has confirmed that the submission of details for the discharge of the DCO requirement 8 for Hornsea Project One is currently under consideration. The Applicant has no further comment to make in response.

North East Lincolnshire Council and Hornsea Project One

1. The Applicant notes that North East Lincolnshire Council has confirmed that the hedgerows that require removal and reinstatement for Hornsea Project One have not been agreed. The Applicant notes that Hornsea Project One, has confirmed in its response to LH20, that the Environmental Management Plan (EMP) and Landscape Management Plan (LMP), which will include details of the hedgerows that require removal and reinstatement, will be updated to include details of the planned hedgerow removal relating to the onshore export cable and will be submitted to the relevant Local Planning Authorities in July 2016. The Applicant has no further comment to make in response.

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. The Applicant notes that East Lindsey District Council and North East Lincolnshire Council have responded to this question. The Applicant notes that East Lindsey District Council states that this question is not relevant to it and North East Lincolnshire Council has no comment to make on this question. The Applicant has no further comment to make with respect to this question.

CL20	National Grid; Northern Power	Please comment on:
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	Gen	<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 notes National Grid responded to this question and has no comment to make beyond its own response to this question at Deadline IV.

CL21	applicant, Hornsea Project 1, C. Gen, National Grid	Please advise on the possibility and practicability of a four-way SoCG to progress the securing of cable 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 notes that National Grid, the Hornsea Project One Companies and C.GEN have responded to this question.

National Grid

1. The Applicant observes that National Grid responded to confirm that they are satisfied that the protective provisions agreed between the will provide an appropriate mechanism to secure agreement on the cable routes to the Killingholme substation. The Applicant has no further comment to make at this stage.

Hornsea Project One Companies

1. The Applicant notes the Hornsea Project Companies confirmed their agreement with the Applicant's response to this question. As such, the Applicant has no further comment to make.

C.GEN

1. The Applicant notes C.GEN responded to confirm that they are comfortable that their proposed grid connection can be facilitated and that its interests are adequately protected through the agreed protective provisions with the Applicant (as included at Part 11 of Schedule L of the draft DCO). The Applicant has no further comment to make.

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 that North Lincolnshire Council and C.GEN have responded to this question.

North Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council has confirmed that a Screening Opinion for the construction, installation, maintenance and operation of an underground electrical grid connection and associated infrastructure was adopted on the 22nd July 2015, which concluded that the proposed development was not considered to constitute EIA Development.
2. The Applicant has no further comment to make in response.

C.GEN

1. The Applicant notes C.GEN's response to this question and has no comment to make at this stage.

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

1. The Applicant notes that Natural England has responded to this question.
2. The Applicant cross refers the Ex. A to the SoCG as submitted at Appendix Y to this Response, where the agreement on the commitment to the Intertidal Access Management Plan within the DCO is referenced.

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. The Applicant notes that Natural England have responded to this question to confirm they are content with the CoCP. The Applicant has no further comment to add at this stage.

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 notes the MMO and Natural England responded to this question.

Natural England

1. The Applicant notes that as identified by Natural England at the Issue Specific Hearing of 27th October all matters associated with the IPMP are now agreed, with the exception of ornithology. The information within the current IPMP document is agreed, however, Natural England have requested that it remains an “under discussion” item to reflect the ongoing nature of discussions on offshore ornithology.

MMO

1. The Applicant notes the MMO have responded to this question.
2. The Applicant has been in discussion with Natural England and MMO on the development of an IPMP and it is noted that the MMO raised comments on the document submitted at Deadline IV at the hearings on October 27th. The Applicant has discussed these comments with the MMO and has subsequently updated the IPMP to reflect this. The Applicant can confirm that the MMO is now in agreement with the document which is submitted at Appendix EE 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 notes the MMO and the Hornsea Project One Companies have responded to this question.

MMO

1. The Applicant and the MMO have continued discussions regarding the issue of co-operation between the Project and Hornsea Project One. The Applicant would refer to paragraphs 5.17 to 5.21 of Appendix H of the Response for clarification on this matter.

Hornsea Project One Companies

1. The Applicant notes the Hornsea Project One Companies responded to this question to confirm their agreement with the Applicant's response specifically that it is not appropriate or necessary for Hornsea Project One to be included in Requirement 21 of the Project's draft DCO. The Applicant has no further comment to make.

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 the Hornsea Project One Companies have responded to this question 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. The Applicant notes that E.ON E&P UK Ltd (E.ON) have responded to this question. The Applicant has provided additional information on the interface with E.ON at Appendices J and K of the Response and specifically within paragraphs 4.11 to 4.34 of Appendix G of the Response. The Applicant has no additional comment to make.

SE Socio-economics

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 that the Humber LEP has responded to this question.
2. The Applicant cross refers the Ex. A to Section 5 of Appendix G of the Response for clarification on this matter.

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. The Applicant notes that both East Lindsey District Council and North East Lincolnshire Council have responded to this question.
2. As set out in the Applicant's response to Deadline IV, 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.

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

1. The Applicant notes that East Lindsey District Council, North Lincolnshire Council and North East Lincolnshire Council have responded to this question.

East Lindsey District Council

1. The Applicant notes the response from East Lindsey District Council and has nothing further to add at this stage.

North Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council refers to the SoCG between the Applicant and North Lincolnshire Council (paragraphs 3.1.28 to 3.1.32 of Appendix O of the Applicant's response to Deadline II), the socio-economic section of the Local Impact Report (LIR) and Requirement 18 of the draft DCO. The Applicant would refer NLC to the final bullet point of paragraph 5.1 of Appendix G of the Response for clarification on the Applicant's approach to monitoring in this regard.

North East Lincolnshire Council

1. The Applicant notes the response from North East Lincolnshire Council and has nothing further to add at this stage.

FNA Fishing, navigation and aviation

FNA26	applicant and ConocoPhillips	<p>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?</p>
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FNA26

1. The Applicant notes ConocoPhillips have responded to this question. The Applicant would refer the Ex. A to paragraph 7.22 of Appendix G of the

Response, together with Appendix FF of the Response for an update on the status of discussions between the parties.

CA Compulsory Acquisition

CA17	applicant, The Crown Estate	<p>In relation to Crown land:</p> <p>a) Has the Crown Estate (TCE) granted consent for the acquisition of interests held otherwise by the 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

1. The Applicant notes TCE responded to this question and, subject to the brief proposed amendment noted below, has no comment to make beyond its own submission in response to this question at Deadline IV.
2. As noted within paragraph 13.9 of Appendix I of the Response, in relation to part (b) of this question, the Applicant noted the Ex. A's suggested amendment to the crown interest exclusion wording proposed in Version 3 of the Book of Reference and is happy to undertake to make this alteration in the final version of the Book of Reference to be submitted at Deadline VII. The Applicant has set out the proposed amendment below for ease of reference:

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

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 (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 notes the Hornsea Project One Companies have responded to this question to confirm they are in agreement with the Applicant's response to the same. As such, the Applicant has no further comment to make.

CA19	Highways England, applicant	<ol style="list-style-type: none"> 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? 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.
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CA19 (1) and (2)

1. The Applicant notes that Highways England have responded to Parts (1) and (2) of this question. The Applicant would refer Highways England and the Ex. A to paragraphs 13.3 to 13.8 of Appendix I of the Response for the Applicant's summary of its position and further clarification in relation to this matter.

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 East Lindsey District Council has responded to this question.
2. The Applicant notes that East Lindsey District Council has confirmed that the beach and associated dune at the Project cable landfall is not designated as open space.
3. The Applicant agrees with East Lindsey District Council that the beach at the Project cable landfall is not designated as open space.

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 notes that ConocoPhillips have responded to this question to confirm that they are not “statutory undertakers” under the Planning Act 2008. The Applicant has no further comment to make on this subject.

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 E.ON E&P UK Ltd (E.ON) have responded to this question and would refer E.ON and the Ex. A to its own response to this

question and to paragraphs 4.32 to 4.34 of Appendix G of the Response for further commentary on this matter. The Applicant considers this matter now resolved.

DC Draft Development Consent Order (DCO)

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

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

Natural England

1. The Applicant notes that Natural England responded to this question to highlight that they have agreed to the overwintering restriction and that the tidal height restriction remains subject to ongoing discussion.
2. The Applicant cross refers the Ex. A to the SoCG as submitted at Appendix Y to this Response, where the agreement on these two Conditions within the DCO is now referenced.

Trinity House

1. The Applicant notes that Trinity House has responded to this question to confirm they are happy with the drafting in Version 4 of the draft DMLs.

MMO

1. The Applicant notes the MMO have responded to this question.
2. The Applicant refers the Ex. A to Version 5 of the DMLs, as submitted at Appendix A of the response to Deadline IV (and retained in Version 6 of the draft DCO included at Appendix A to the Response) where the two points (relating to the Marine Noise Registry and the IPMP) raised by the MMO have been included and are agreed between the parties.

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>
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		c) Do they consider that they will have sufficient information to be confident about the enforcement of the EMP?
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DC33

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

Natural England

1. The Applicant notes that Natural England have responded to this question and that they are content with the EMP, although they note the desire to see a commitment to sand dune monitoring during the operation phase of the Project.
2. The Applicant can confirm that it has made this commitment within the updated EMP (as submitted at Appendix X to this Response) and cross refers the Ex. A to the SoCG as submitted at Appendix Y to this Response, where the agreement on this matter is referenced.

MMO

1. The Applicant notes the MMO have responded to this question and do not have any concerns. The Applicant has no further comments to make.

East Lindsey District Council

1. The Applicant notes that East Lindsey District Council has confirmed that it considers that it has sufficient information, safeguards and enforcement in the EMP. The Applicant has nothing further to add.

North Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council has confirmed that there is sufficient information on the principles and parameters to be used in drafting the EMP to be confident that the submitted plan is capable of approval and that there is sufficient assurances that the EMP will be monitored and enforced adequately. The Applicant has nothing further to add.

North East Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council, in response to DC33, has confirmed that it has no issues to raise with the EMP. The Applicant has nothing further to add.

DC34	NE, MMO and local authorities	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?
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		<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. The Applicant notes that Natural England, the MMO, East Lindsey District Council, North Lincolnshire Council and North East Lincolnshire Council have responded to this question.

Natural England

1. The Applicant notes that Natural England have responded to this question to confirm they are content with the CoCP. The Applicant therefore, does not have anything further to add on this matter.

MMO

1. The Applicant notes that the MMO has responded to this question and acknowledges that the MMO is content that the relevant plans are appropriate and enforceable. The Applicant therefore, does not have anything further to add on this matter.

East Lindsey District Council

1. The Applicant notes that East Lindsey District Council has confirmed that it considers that it has sufficient information, safeguards and enforcement in the CoCP. The Applicant has nothing further to add.

North Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council has, in summary, confirmed that:
 - There is sufficient information on the principles and parameters to be used in drafting the CoCP with regards to environmental health concerns, to be confident that the submitted CoCP can be capable of approval;
 - They only have the outline CoCP so there is not currently sufficient information and assurances about details of monitoring to state whether monitoring will be adequate. However, the outline CoCP provides a suitable basis for agreement of the details of monitoring for this to be addressed through Requirement 8 of the DCO; and
 - The outline CoCP provides a suitable basis to give confidence that the approved CoCP would be enforceable.
2. Further, the Applicant notes that in the SoCG between the Applicant and North Lincolnshire Council (Appendix Q of the Applicant's response to Deadline II), it is agreed, in reference to the construction phase, that

Requirement 8 of the draft DCO provides appropriate means of control to minimise the impact of light pollution, noise and vibration on residents.

North East Lincolnshire Council

1. The Applicant notes that North Lincolnshire Council, in response to DC34, have confirmed that it has no issues to raise with the CoCP. The Applicant has nothing further to add.

Part 2

The Applicant's comments on Interested Parties' written submissions to Deadline IV

A total of 4 written submissions were submitted by Interested Parties at Deadline IV, specifically from:

- The Royal Society for the Protection of Birds (the "RSPB");
- CLH Pipeline Systems (CLH-PS) Limited ("CLH");
- National Grid Electricity Transmission plc and National Grid Gas plc (together "National Grid"); and
- Centrica KPS Limited ("Centrica");

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

1. The RSPB

- 1.1 The Applicant considers that the RSPB's submissions were addressed in the subsequent Issue Specific Hearing on 27 October 2015 and would accordingly refer to Sections 8 and 9 of its summary of case at Appendix G of the Response, together with its responses to their responses at Part 1 of this Response above.

2. CLH

- 2.1 The Applicant notes CLH responded to confirm they had agreed protective provisions with the Applicant and does not intend to participate further in the examination.

3. National Grid

- 3.1 The Applicant notes National Grid responded to Deadline IV to confirm that the terms of confidential commercial agreements with the Applicant for the protection of National Grid's apparatus had been concluded and, by consequence, National Grid were now satisfied that their interests were adequately protected and withdrew their representations in respect of the Application with immediate effect. The Applicant welcomes this confirmation and has no further comment to make.

4. Centrica

- 4.1 The Applicant notes Centrica responded to Deadline IV to confirm they had almost concluded negotiations with the Applicant in relation to commercial arrangements and protective provisions to safeguard Centrica's apparatus and interests.