

East Anglia THREE
Offshore Windfarm

East Anglia THREE

Written Response to Deadline IV (15 September 2016)

Document reference – Deadline 4/ Applicant's Response
to Deadline IV

East Anglia THREE Offshore Wind Farm
East Anglia THREE Limited



**SCOTTISHPOWER
RENEWABLES**

Table of contents

Summary	4
The Applicant's Revised Draft DCO	4
Post Hearing Documents: Written Summary of Oral Submissions	5
Information to inform the HRA for the Southern North Sea pSAC report	5
Revisions to already submitted documents	6
Statements of Common Ground (SoCG) requested by the ExA	6
The Acceptability of Navigational Conditions of the Deemed Marine Licences	6
Planning Performance Agreement (landscape management scheme)	7
Discharge of EAONE Landscaping Conditions	8
Additional documents submitted for Deadline IV: EAONE Architectural Plan	8
Additional documents submitted for Deadline IV: CRM	8
Additional documents submitted for Deadline IV: PVA	9
Additional documents submitted for Deadline IV: Site Visit Documents	9
Schedule 1: Action Points arising from Environmental and DCO ISH	10
Schedule 2: Emails from MCA & TH	15
Schedule 3: Documents Submitted for Deadline IV	16

Summary

- 1 In its letter of 6 July 2016 (the **Rule 8 Letter**), the Examining Authority (**ExA**) proposed the following submissions to be made by 15 September 2016 (**Deadline IV**):
- Post-hearing documents including any written summary of an oral case put at any hearing and any documents/amendments requested by the ExA;
 - Applicant's revised draft DCO; and
 - Any other information requested by the ExA under Rule 17 of the EPR;
- 2 As a result of the Environmental Issue Specific Hearing held on 7 September 2016 and the DCO Issue Specific Hearing held on 8 September 2016, both held at Ipswich Town Hall, the ExA issued Hearing Action Points. The Applicant's response to these Action Points is contained at Schedule 1.
- 3 This Response to Deadline IV also contains the written summaries of oral cases put forward at the Environmental Issue Specific Hearing (see *Written Summary of Oral Submissions (Applicant, Environmental)*) and the DCO Issue Specific Hearings (see *Written Summary of Oral Submissions (Applicant, DCO)*).
- 4 The submission of this Written Response to Deadline IV and documents referred to in paragraph 1 to 3 above, which are submitted by East Anglia THREE Limited (the **Applicant**), is termed the Response to Deadline IV. In the interests of not repeating information that is presented elsewhere, the Applicant has cross-referred to aspects covered in the Applicant's Response to Deadline I dated 13 July 2016 (the Response to Deadline I), the Applicant's Response to Deadline II dated 27 July 2016 (the Response to Deadline II) and the Applicant's Response to Deadline III dated 10 August 2016 (the Response to Deadline III).
- 5 Where this Written Response to Deadline IV references additional material, such as correspondence or tables, these documents have been submitted with the Response to Deadline IV.
- 6 A full table indexing additional documents submitted by the Applicant at Deadline IV is also contained at Schedule 3 to this document and within the body of each email enclosing submissions for Deadline IV.

The Applicant's Revised Draft DCO

- 7 The Applicant has prepared a revised draft DCO, Version 3, Applicant's Reference. *Deadline 4/Draft DCO/003* which is submitted with this Written Response to Deadline IV.
- 8 The Applicant's has also prepared a version of the draft DCO in track change showing changes made since version 2 was submitted with the Response to Deadline I, Applicant's Reference. *Deadline 4/Draft DCO/Track Changes (002 and 003)*.

- 9 As has been the Applicant's practice, an updated Schedule of Changes to the draft DCO is also submitted with this Response to Deadline IV, Applicant's Reference. *Deadline 4/Draft DCO/EATHREE DCO Schedule of Changes.*

Post Hearing Documents: Written Summary of Oral Submissions

- 10 The Applicant has produced a document titled *Written Summary of Oral Submissions (Applicant, Environmental)* which contain the Applicant's written summary of its oral representations made at the Environmental Issue Specific Hearing on 7 September 2016. This document has been submitted as part of the Response to Deadline IV, Applicant's Reference. *Deadline 4/EnV ISH/Hearing Written Summary (Applicant's Response).*
- 11 The Applicant has also produced a document titled *Written Summary of Oral Submissions (Applicant, DCO)* which contain the Applicant's written summary of its oral representations made at the DCO Issue Specific Hearing on 8 September 2016. This document has been submitted as part of the Response to Deadline IV, Applicant's Reference. *Deadline 4/DCO ISH/Hearing Written Summary (Applicant's Response).*
- 12 For ease of reference, and in line with the Applicant's previous practice, these documents adopt a tabular format stating the ExA's agenda point followed by the Applicant's response on a point by point basis. If appropriate, references are made to where an issue has been addressed in the Environmental Statement (ES) or in Statements of Common Ground.

Information to inform the HRA for the Southern North Sea pSAC report

- 13 At Deadline III the Applicant provided '*Information for the Habitats Regulations Assessment: Interim Marine Mammal Assessment Southern North Sea pSAC*'. This was an interim provision in advance of submitting further information to Inform the HRA for the Southern North Sea pSAC, which the Applicant now submits at this Deadline IV, being:
- 13.1 Report to Inform pSAC HRA (*Deadline 4/HRA*);
 - 13.2 Report to Inform pSAC HRA (Track Change) (*Deadline 4/ HRA (Track Change)*); and
 - 13.3 Site Integrity Plan (*Deadline 4/Site Integrity Plan (SIP)*).
- 14 The Site Integrity Plan sets out the Applicant's approach to deliver project mitigation or management measures in relation to the pSAC. Detailed mitigation measures for in-combination disturbance effects with other projects will be outlined in the Site Integrity Plan.
- 15 The Report to Inform pSAC HRA has been updated with relevant information on conservation objectives and conclusions on the potential of likely significant effect from the proposed East Anglia THREE project. The updated report provides the relevant information required by the Competent Authority to undertake an Appropriate Assessment of the proposed East Anglia THREE project with respect to its potential implications for the Southern North Sea pSAC for harbour porpoise.

Revisions to already submitted documents

- 16 A number of documents already submitted at Deadline I and II have been updated as a result of the Examination and are also submitted at Deadline IV.
- 17 The Applicant submits with this Response to Deadline IV the Works Plan (Offshore) Revision B, Applicant's Reference *Works Plan (Offshore) Revision B*. This revision is necessary as a result of amendments to the Transmission Asset DMLs, contained in the draft DCO, which now contain a restriction on licensed activities taking place in the vicinity of Site 30. The revised Works Plan shows the restricted area.
- 18 The previously submitted document reference *Deadline 2/List of 'Not Used' Plot Numbers/CA3* has been amended with the inclusion of Plot 259 which was mistakenly omitted from the version submitted at Deadline 2. This has been provided as an update to the document rather than an erratum, for ease of reference for the ExA.
- 19 For Deadline I the Applicant submitted the Schedule of Offshore DCO Drafting. For Deadline IV the Applicant submits an update to that document titled Schedule of Offshore DCO Drafting (Hornsea & Triton Update), Applicant's reference. *Deadline 4/Comparison of draft DCO with Offshore Orders (Version 2)*. This document fulfils the same function as the version submitted at Deadline I, to consider specific points of Offshore DCO drafting in relation to Articles, but includes the following Development Consent Orders which were made after commencement of the Examination:
- 19.1 The Triton Knoll Electrical System Order 2016; and
- 19.2 The Hornsea Two Offshore Wind Farm Order 2016

Statements of Common Ground (SoCG) requested by the ExA

- 20 In the Rule 6 Letter, the ExA specifically requested that certain SoCGs be agreed by the Applicant and various interested parties. The majority of SoCG were submitted for Deadline II and a note of outstanding SoCG was provided to the ExA. The following SoCGs are submitted with this Response to Deadline IV:
- 20.1 Applicant and CWFG (now including Harwich Fishermen's Association, who had not signed at Deadline II); and
- 20.2 Applicant and Trinity House.
- 21 Submission of the above SoCGs now means that the ExA has SoCGs from every party that wished to enter into a SoCG.

The Acceptability of Navigational Conditions of the Deemed Marine Licences

- 22 The Applicant has sought confirmation on the acceptability of navigational conditions of the draft DMLs submitted as part of the Response to Deadline IV, from:
- 22.1 the Marine Management Organisation (MMO),

- 22.2 Maritime and Coastguard Agency (MCA); and
- 22.3 Trinity House (TH)
- 23 Significant progress has been made in relation to the navigational conditions. The latest version of the draft Order has been amended to incorporate the position agreed to date. Some further changes may be required to agree the final wording but it is anticipated that such further changes (if any) will be minimal and are unlikely to be contentious.
- 24 The MCA have by email, confirmed acceptability of navigational conditions subject to certain changes being included. Copies of these emails can be found at Schedule 2. All changes have been included save for one in relation to the definition of 'exclusion zones', which the Applicant is still discussing with the MCA. An update will be provided to the ExA for Deadline VI.
- 25 The Applicant maintains ongoing dialogue with TH in relation to the draft DMLs navigation conditions and, subject to some minor drafting points, TH is content with the draft DMLs in relation to navigation. Please see email correspondence at Schedule 2 and SoCG.

Planning Performance Agreement (landscape management scheme)

- 26 The ExA requested an update on proposals to put in place a Planning Performance Agreement (PPA) to provide financial resource for aftercare inspections of landscaping, which is to be approved under the Landscape Management Scheme (referred to at requirement 14 of the draft Order). EAONE has agreed a PPA with the relevant Local Planning Authorities which provides the following:

“The Relevant Planning Authorities and, to the extent set out in the DCO, the County Council agree, subject to their statutory duties and responsibilities:

- a. To attending meetings in relation to the discharge of requirements relating to the onshore works, these being monthly Steering Group meetings as set out in section 1.12¹ of this Agreement and any specific meetings that are reasonably requested with sufficient notice;
- b. To reviewing and commenting on the draft submission of requirements;
- c. To reviewing and commenting on the final submission of requirements;
- d. To use reasonable endeavours to meet the commitments under section 1.9 paragraph 22 b and c² of this Agreement in the timescales agreed with the Undertaker in section 1.10³ of this Agreement;
- e. To provide appropriate administrative support to service the above tasks and maintain compliance with the processes set out in this Agreement;
- f. Site visits;
- g. Overseeing work required in connection with the Authorised Development, the DCO and this Agreement;

¹ Steering Group meeting to be attended by the Undertaker (EA1), the Relevant Planning Authorities and the County Council and held monthly (or otherwise agreed) to discuss the review and discharge of requirements.

² Points b and c listed above.

³ Unless otherwise agreed:

- a. 20 working days from the date of submission for the Relevant Planning Authorities and County Council to provide comments on draft submissions.
- a. 40 working days from the date of submission for the Relevant Planning Authorities to discharge requirements.

- h. Supervision of the Undertakers compliance with the requirements set out in the DCO and this Agreement.

The Relevant Planning Authorities and, to the extent required by the DCO, the County Council commit to monitoring compliance during the construction phase of the Authorised Development only with requirements following their formal discharge. At the time of completing this Agreement the extent of activities in relation to monitoring during the operational phase of the Authorised Development is unknown and provision to agree this at a future date is accepted in this Agreement.”

- 27 This PPA was agreed with the LPAs post-consent and prior to construction commencing. As can be seen from the text above, the parties have also agreed to defer any PPA required for monitoring during the operational phase until the extent of those monitoring activities is better known. If the draft Order is made, the Applicant will seek to agree comparable PPAs at the same stage as EAONE. It is anticipated that the coordination of the landscape management scheme will be included within this.

Discharge of EAONE Landscaping Conditions

- 28 An update was requested by the ExA on the discharging of EAONE landscaping conditions. References to requirements below are to the East Anglia ONE Offshore Wind Farm Order 2014 (as amended).
- 29 Details have been submitted to the Local Planning Authorities under requirement 10 (detailed design approval onshore), concerned with landscaping at the substation. Discharge of the requirement is anticipated by mid October 2016.
- 30 In respect of requirement 12 (provision of landscaping), relating to landscaping on the cable corridor, East Anglia ONE Limited is currently undertaking work relating to the location of specific species mixes. This will be presented to the Local Planning Authorities in Mid-October, and it is anticipated that the requirement will be discharged by the end of 2016.

Additional documents submitted for Deadline IV: EAONE Architectural Plan

- 31 The EAONE Landscape Masterplan was submitted as part of Deadline 2 for this Examination (Deadline 2/First Written Questions/Landscape Masterplan/PN1,PN3,LH14). This document sets out the design principles as agreed for EAONE, which will be incorporated into the substation design for the proposed East Anglia THREE Offshore Wind Farm.
- 32 An appendix to the Masterplan, the East Anglia ONE Architectural Plan (Applicant's Reference *Deadline 4/EA ONE Architectural Plan*), sets out the architectural principles for the East Anglia ONE project and is submitted with this Response to Deadline IV. Although this Architectural Plan was written for East Anglia ONE, it is anticipated that the Applicant will follow similar principles.

Additional documents submitted for Deadline IV: CRM

- 33 Updated EAONE Collision Risk Modelling (CRM) is also submitted with this Response to Deadline IV (*Applicant's Reference Deadline 4/Updated CRM*) as referenced in the Written Summary of Oral Submissions (Applicant, Environmental) document at row OO6.

- 34 East Anglia ONE has secured a Contract for Difference for 714MW, and has stated its intention to implement the HVAC scheme under the East Anglia ONE Order, including by progressing the design of the onshore substation for the HVAC scheme. As stated in the Applicant's Deadline III response, given the imminent confirmation to the Secretary of State of the final EAONE design, their CRM numbers have been re-run. This demonstrates that existing in combination effects are largely reduced based on the planned design for EAONE (versus consented) which potentially offsets any contribution from the proposed East Anglia THREE Offshore Wind Farm (for four out of five key species). The ExA requested a report of progress on notifications given to implement the reduced EA ONE scheme. At present, notification under requirement 35 of the East Anglia ONE Order has not been given, but it is anticipated that this will be given before the end of the Examination.

Additional documents submitted for Deadline IV: PVA

- 35 The Great black-backed gull population viability analysis clarification note is also enclosed with this Response to Deadline IV (*Applicant's Reference. Deadline 4/Updated CRM*) which provides additional information on the methods and results obtained from the great black-backed gull population viability analysis submitted to assist the assessment of the potential impacts of the East Anglia THREE Offshore Wind Farm alone and cumulatively.

Additional documents submitted for Deadline IV: Site Visit Documents

- 36 The Applicant was asked by the ExA to submit the site visit documentation provided for the accompanied site visit on 6 September 2016. This is submitted with this Response to Deadline IV, Applicant's Reference. Deadline 4/ Site Visit Documents (6 September).
- 37 All documents submitted at Deadline IV are fully noted in Schedule 3 of this Written Response.

Schedule 1: Action Points arising from Environmental and DCO ISH

Environmental Action Points

	Action	Party	Deadline	Status
1.	Finalised outline In Principle Management Plan (IPMP).	Applicant	5 (6 October 2016)	In progress
2.	Submission of skylark mitigation agreement.	Applicant and Suffolk County Council	5	In progress
3.	OEI included a replacement Chapter 29 of the ES. Prepare a tracked change version to flag the changes to the former chapter.	Applicant	5	In progress
4.	Report of progress of formal agreement to implement reduced EA ONE Scheme.	Applicant	4 (15 September 2016)	Included in Deadline 4 submission
5.	In consultation with NE and MMO, submit Site Integrity Plan.	Applicant	4	Included in Deadline 4 submission
6.	Submit updated assessment on pSAC.	Applicant	4	Included in Deadline 4 submission
7.	Update on negotiations regarding Planning Performance Agreement (landscape management scheme).	Applicant	4	Included in Deadline 4 submission

8.	Mid Suffolk / Babergh DCs to confirm agreement to revised EA ONE substation design details (including noise) and provide documentation of their discharge decision.	Mid Suffolk / Babergh DCs	4	N/A
9.	Mid Suffolk / Babergh DCs to provide a paper addressing methodological issues arising from LVIA and heritage assessments.	Mid Suffolk / Babergh DCs	4	N/A
10.	Mid Suffolk DC to document progress towards implementation of EA ONE offsite landscape mitigation s106.	Mid Suffolk DC	4	N/A
11.	Suffolk Preservation Society to provide a list of settlements affected by the substation proposals.	Suffolk Preservation Society	4	N/A

DCO Action Points

	Action	Party	Deadline	Status
1.	Review of machinery of Government changes and how this affects dDCO wording.	Applicant	4	DCO updated
2.	Production of 'Plan of Plans/Roadmap' to demonstrate relationship between various submitted documents intended to be certified, and how these are secured in the dDCO.	Applicant	4	To be provided at Deadline 5
3.	Article 23(8)a – Applicant to review.	Applicant	4	DCO updated
4.	Article 37 – Applicant to review.	Applicant	4	Discussions with TCE ongoing
5.	Requirement (R)3(8) – Applicant to review.	Applicant	4	No update to DCO considered necessary

6.	R12 and throughout – Applicant to review consistency of terms 'shall', 'may', 'must' etc.	Applicant	4	DCO updated
7.	R13 – Applicant to review future maintenance.	Applicant	4	DCO updated
8.	R14 – Applicant to insert reference to soil stripping, management and storage.	Applicant	4	DCO updated
9.	R36 – Applicant to provide definition of temporary works, and R36(2)c – insertion of appropriate timescale.	Applicant	4	DCO updated
10.	Submission of a 'position statement' in regard to the need for a co-ordination agreement and/or Protective Provisions, and setting out the prospective content of	Applicant, ENI UK Limited	5 (6 October 2016)	N/A
11.	Deemed Marine Licence (DML) definition of 'commence'.	Applicant	4	DCO updated
12.	DML condition 6 – additional wording regarding scour protection.	Applicant, MMO	4	DCO updated
13.	DML conditions 2, 11 and 13 – amendments to wording and addition of missing references.	Applicant, MMO	4/6 (8 November 2016)	N/A
14.	Applicant and MMO to agree proposed standard conditions in DMLs.	Applicant, MMO	4	DCO updated
15.	Confirmation of agreements to proposed amendments to wording of DMLs.	MMO, Trinity House, MCA	4	See emails in Deadline 4 submission
16.	Amendments to 'private rights' to reflect Hornsea 2.	Applicant	4	DCO updated

17.	MMMP, EPS and SIP – Applicant to set out its rationale for a different approach to Hornsea 2.	Applicant	4	See Deadline 4 submission
18.	New condition to be added to Transmission DMLs regarding Site 30, and new condition regarding gravity base foundations.	Applicant	5	DCO updated

Schedule 2: Emails from MCA & TH

MCA

From: Nick Salter <Nick.Salter@mcga.gov.uk> Sent: Fri 09/09/2016
 To: Sutherland, Gillian; Nick.Dodson@this.org; Alan.Gibson@marinemangement.org.uk; Ross.Hodson@marinemangement.org.uk; Kathleen.Mongan@marinemangement.org.uk
 Cc: Redman, Victoria; Britton, Richard; Morrison, Keith; O'Reilly, Kevin
 Subject: RE: EA3 DCO revision v3-navigation/safety

Victoria,


Thanks for the recent call. I can confirm provided the below comments are addressed to Schedules 10 to 15, MCA is content with the EA3 DCO/DML:

MCA address – amend to Bay 2/20
 Tel. Number – amend to 020 3817 2433
 Condition 13 – references to 'exclusion zones' possibly should be 'safety zones' or have definitions as appropriate.
 Condition 14 - references to 'MGN 371' needs amending to 'MGN 543'

Best regards,

Nick

Nick Salter
 Offshore Renewables Advisor
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TH

From: Thomas Arculus <Thomas.Arculus@this.org> Sent: Wed 14/09/2016
 To: Redman, Victoria; Britton, Richard; Mongan, Kathleen (MMO); Stephen Vanstone; Nick Salter (Nick.Salter@mcga.gov.uk); Nick Dodson
 Cc: O'Reilly, Kevin; Hodson, Ross (MMO); Gibson, Alan (MMO); Walker, Catherine; Morrison, Keith; Sutherland, Gillian; Richard.Koiak@ScottishPower.com; Bennett, Paul (pbennett@scottishpower.com)
 Subject: RE: EA3 navigational conditions [BD-4A.FID26866434]

Dear Victoria,

A minor point, when referring to the number of days for notifications etc... some references use the number character (eg 5) and some spell out the word (eg five). Should they be consistently referenced in one form or the other?

14(5) reads in rather a circular fashion, "an ERCOP which contains full details of the ERCOP". Should it say "an ERCOP which contains full details of the emergency response co-operation plans etc...?"

Otherwise we are content.

Tom Arculus
 Trinity House

From: Redman, Victoria Sent: Thu 15/09/2016 13:08
 To: Thomas Arculus; Britton, Richard; Mongan, Kathleen (MMO); Stephen Vanstone; Nick Salter (Nick.Salter@mcga.gov.uk); Nick Dodson
 Cc: O'Reilly, Kevin; Hodson, Ross (MMO); Gibson, Alan (MMO); Walker, Catherine; Morrison, Keith; Sutherland, Gillian; Richard.Koiak@ScottishPower.com; Bennett, Paul (pbennett@scottishpower.com)
 Subject: RE: EA3 navigational conditions [BD-4A.FID26866434]

Thomas

Thanks for your email below. I have updated any references with "10 days" and "5 days" to "ten days" and "five days". I have also amended condition 14(5) to "...which contains full details of the plan for emergency, response and co-operation....."

Kind regards, Vicki

Vicki Redman
 Partner
 for and on behalf of Bond Dickinson LLP

Schedule 3: Documents Submitted for Deadline IV

Document Reference	Description of document
Deadline 4/Applicant's Response to Deadline IV	Written Response to Deadline IV
Applicant's Revised Draft DCO	
Deadline 4/Draft DCO/003	Development Consent Order
Deadline 4/Draft DCO/Track Changes (002 and 003)	Track Changes of draft DCO (version 2 - version 3)
Deadline 4/Draft DCO/EATHREE DCO Schedule of Changes	Schedule of Changes to the draft DCO
Post Hearing Documents	
Deadline 4/EnV ISH/Hearing Written Summary of Oral Submissions (Applicant's Response)	Written Summary of Oral Submissions (Applicant, Environmental)
Deadline 4/DCO ISH/Hearing Written Summary of Oral Submissions (Applicant's Response)	Written Summary of Oral Submissions (Applicant, DCO)
Information to Inform the HRA for the Southern North Sea pSAC Report	
Deadline 4/Site Integrity Plan (SIP)	Site Integrity Plan
Deadline 4/ HRA	Report to Inform pSAC HRA
Deadline 4/ HRA (Track Change)	Report to Inform pSAC HRA (track changes)
Other Documents	
Works Plan (Offshore) Revision B	Works Plan (Offshore) Revision B
SoCG with Trinity House	Statement of Common Ground between the Applicant and Trinity House
SoCG with CFWG	Statement of Common Ground between the Applicant and Commercial Fisheries Working Group, now signed by all members
Deadline 4/EA ONE Architectural Plan	EA ONE Architectural Plan
Deadline 4/Comparison of draft DCO with Offshore Orders (Version 2)	Schedule of Offshore DCO Drafting (Hornsea & Triton Update)

Deadline 4/List of 'Not Used' Plot Numbers (Update)	List of 'Not Used' Plot Numbers (Update)
Deadline 4/Site Visit Documents (6 September)	Site Visit Documents (6 September)
Deadline 4/Updated CRM & GBBG	Updated CRM for birds following the EA1 reduction & Great Black Backed Gull

ScottishPower Renewables

Offshore Wind Development

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