

East Anglia THREE
Offshore Windfarm

East Anglia THREE

Applicant's Response to the ExA's Rule 17 Letter

Document Reference – Deadline 7/Response to
Rule 17 Letter/Applicant

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1 Introduction

1. This document contains the Applicant's response to the Examining Authority's (ExA) Rule 17 letter dated 17 November 2016 (Rule 17 Letter). It adopts a tabular format with the ExA's request for further information at table 1 followed by the Applicant's response to the ExA's signposting of questions at table 2.

2 Request for further information

ID	Request for Information and Applicant's Response
ExA 1	Could NE and the Applicant comment on what these best practice vessel operations entail and how these have been secured.
Applicant's response	<p>The Applicant, the MMO and Natural England agree that best practice in the management of vessel traffic means that significant disturbance on red throated diver in the Outer Thames Estuary SPA can be minimised. The Applicant, the MMO and Natural England have agreed the principles which will be used when establishing best practice vessel operations. Examples of relevant best practice include:</p> <ul style="list-style-type: none"> restricting vessel movements to existing navigation routes (where the densities of divers are typically relatively low); where it is necessary to go outside of established navigational routes, selecting routes that avoid known aggregations of birds; maintaining direct transit routes (to minimise transit distances through areas used by divers); avoidance of over-revving of engines (to minimise noise disturbance); and, briefing of vessel crew on the purpose and implications of these vessel management practices (through, for example, tool-box talks). <p>Once further information is available about the port(s) that will be used for construction, operations and maintenance and the specific conservation objectives for red-throated diver as interest features of the Outer Thames SPA, then appropriate vessel traffic management measures including, where relevant, some or all of the above best practice examples can be formulated in the project environmental management plan. Further detail on how this is proposed to be secured in the draft Order is set out below.</p>
ExA 2Comment	Could NE and the Applicant also comment on whether any amendments are required to the Development Consent Order (DCO) or Deemed Marine Licences (DMLs) to ensure that these measures can be relied upon for a conclusion of no adverse effects on the integrity of the Outer Thames Estuary SPA and its red throated diver qualifying feature.
Applicant's response	<p>Amendments are proposed to be made to Condition 13 of the DMLs to cover identification of specific vessel routeing and procedures to be adopted within those routes. The amendments below have been discussed and agreed with both Natural England and the MMO.</p> <p><i>"13(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have</i></p>

ID	Request for Information and Applicant's Response
	<p><i>been submitted to and approved in writing by the MMO-</i> <i>(c) A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of-</i> <i>(v) vessels and vessels transit corridors, which minimises disturbance to red throated diver"</i> <i>(d) A project environmental management plan covering the period of construction and operation to include details of...</i> <i>(vi) procedures to be adopted within vessels transit corridors to minimise disturbance to red throated diver</i></p>

3 ExA Consultation Draft DCO

ID	Request for Information and Applicant's Response
ExA 1	DCO Article 2(1) (definitions: "commence") – question to the Applicant and LPAs.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 5.
ExA Comment	DCO Article 2(1) (definitions: "maintain") – question to the Applicant, the Marine Management Organisation (MMO) and LPAs.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 6.

ID	Request for Information and Applicant's Response
ExA Comment	DCO Article 33 (arbitration) – question to the Applicant, Eni UK Ltd. and the MMO.
Applicant's response	Please see the Applicant's Response to Consultation Questions (Doc ref. Deadline 7/Applicant's Response to Consultation Questions), section headed Applicant's Response to Consultation Questions: Annex A and Proposal 3 Questions.
ExA Comment	DCO Article 37 (Crown rights) – question to the Applicant, the Crown Estate (TCE) and the MMO.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 7.
ExA	DCO Article 38 (protective provisions) – question to the Applicant, Eni UK Ltd. and the MMO.
Applicant's response	Please see the Applicant's Response to Consultation Questions (Doc ref. Deadline 7/Applicant's Response to Consultation Questions).
ExA Comment	DCO prospective Article 39 (other provisions – proximity plan) question to the Applicant, Eni UK Ltd. and the MMO.
Applicant's response	Please see the Applicant's Response to Consultation Questions (Doc ref. Deadline 7/Applicant's Response to Consultation Questions), section headed Applicant's Response to Consultation Questions: Annex A and Proposal 3 Questions, paragraph 3/4.
ExA Comment	DCO Requirement 2 (detailed offshore design parameters) question to the Applicant, the MMO and Natural England (NE).
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 9.
ExA Comment	DCO Requirement 12 (detailed design parameters onshore) question to the Applicant and the LPAs.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 9.
ExA Comment	DCO Requirement 22 (code of construction practice) question to the Applicant and the LPAs.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 10.

Request for Information and Applicant's Response	
ExA Comment	DCO prospective Requirement (after Requirement 28) (skills strategy) question to the Applicant and LPAs.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 11.
ExA Comment	Schedule 8 generally (protective provisions) question to the Applicant.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 11.
ExA Comment	Schedule 8 prospective Part 7 (protective provisions) question to the Applicant, Eni UK Ltd, the MMO and TCE.
Applicant's response	Please see the Applicant's Response to Consultation Questions (Doc ref. Deadline 7/Applicant's Response to Consultation Questions).
ExA Comment	Generation Assets DMLs (Schedules 10 and 11) Parts 2, Conditions 1 (design parameters) question to the Applicant, the MMO and NE.
Applicant's response	Please see the Applicant's Comments on the ExA's dDCO (Doc ref. Deadline 7/Comments on the ExA dDCO / Applicant), page 12.
ExA Comment	Annex A Page ii (options for protective or balancing questions on the interface between the application proposals and Eni UK Ltd oil and gas activities: proposals 1, 2 and 3) questions to the Applicant, Eni UK Ltd, the MMO and TCE.
Applicant's response	Please see the Applicant's Response to Consultation Questions (Doc ref. Deadline 7/Applicant's Response to Consultation Questions).
ExA Comment	Annex A Page viii (proposal 3) questions to the Applicant, Eni UK Ltd, the MMO and TCE.
Applicant's response	Please see the Applicant's Response to Consultation Questions (Doc ref. Deadline 7/Applicant's Response to Consultation Questions).

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