



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Responses to Hearings Action Points (ISH3, ISH4, ISH5, OFH6, ISH6)

Applicants: East Anglia TWO Limited and East Anglia ONE North Limited

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Applicable to East Anglia ONE North and East Anglia TWO



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Glossary of Acronyms

AC	Alternating Current
BGS	British Geological Survey
CAH	Compulsory Acquisition Hearings
CfD	Contracts for Difference
CIA	Cumulative Impact Assessment
CION	Connection and Infrastructure Options Note
DCO	Development Consent Order
DML	Deemd Marine Licence
DTM	Digital Terrain Model
EA	Environmental Agency
EIA	Environemtnal Impact Assessment
ETG	Expert Topic Group
ES	Environmental Statement
ESO	Electricity Systems Operator
ExA	Examining Authority
GB	Great Britan
GIS	Graphic Information System
HDD	Horizontal Directional Drilling
HRA	Habitat Regulations Assessment
HVAC	High Voltage Alternating Current
IEMA	Institute of Environmental Management and Assessment
IROPI	Impreative Reasons of Overriding Public Interest
ISH	Issue Specific Hearings
kV	Kilovolts
LCA	Local Council Authority
LCT	Landscape Character Type
LPA	Local Planning Authority
LVIA	Landcsape and Visual Impact Assessment
NGET	National Grid Electricity Transmission
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OFTO	Offshore Transmission Owners
OLCMS	Outline Landfall Construction Method Statement
OLEMS	Outline Landscape and Ecological Management Strategy
OLMP	Outline Landscape Management Plan
PEMP	Project Environmental Management Plan
PRA	Preliminary Risk Assessment
PRoW	Public Right of Way
RAG	Red / Amber / Green
SASES	Substation Action Save East Suffolk
SNH	Scottish National Herritage
SSSI	Site of Special Scientific Interest
SPA	Special Protection Area
SoCG	Statement of Comment Ground
SZC	Sizewell C
TRL	Technology Readiness Levels



Glossary of Terminology

Applicants	East Anglia TWO Limited / East Anglia ONE North Limited
The Councils	East Suffolk Council and Suffolk County Council
Development area	The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Jointing bay	Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Link boxes	Underground chambers within the onshore cable route housing electrical earthing links.
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO / East Anglia ONE North project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order.
National Grid substation location	The proposed location of the National Grid substation.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore cable route	This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.
Onshore cables	The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction



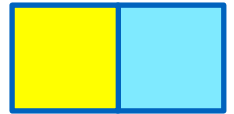
	facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.
Onshore infrastructure	The combined name for all of the onshore infrastructure associated with the proposed East Anglia TWO / East Anglia ONE North project from landfall to the connection to the national electricity grid.
Onshore preparation works	Activities to be undertaken prior to formal commencement of onshore construction such as pre-planting of landscaping works, archaeological investigations, environmental and engineering surveys, diversion and laying of services, and highway alterations.
Onshore substation	The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.
Onshore substation location	The proposed location of the onshore substation for the proposed East Anglia TWO / East Anglia ONE North project.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.



1 Applicants' Responses to Hearings Action Points

1.1 Introduction

1. This document has been prepared to address actions addressed to the Applicants arising from the Issue Specific Hearings (ISHs) held virtually on Tuesday 19th January, Wednesday 20th January, Thursday 21st January and Friday 29th January 2021 and the Open Floor Hearings (OFHs) held virtually on, Friday 22nd January and Thursday 28th January. These actions are detailed in Hearing Action Points from ISH3 (EV-050), Hearing Action Points from ISH4 (EV-059), Hearing Action Points from ISH5 (EV-068), Hearing Action Points from OFH6 (EV-073) and Hearing Action Points from ISH6 (EV-087), issued by the Examining Authority (ExA) on 19, 20th and 21st of January and 1st February 2021. Responses to actions addressed to the Applicants are provided in **sections 1.2** to **1.6** below.
2. This document is applicable to both the East Anglia ONE North and East Anglia TWO Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the ExA procedural decisions on document management of 23rd December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.

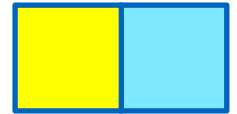


1.2 Applicants' Response to Issue Specific Hearing 3

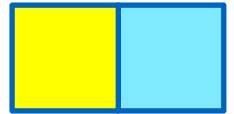
3. **Table 1** responds to actions addressed to the Applicants in ISH3.

Table 1 Applicants' Response to ISH3 Actions

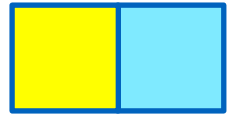
Number	Action	Applicants' Response
1	<p>Red Throated Diver Displacement</p> <p>Applicants to respond in full to D4 submissions from Natural England (NE) on Red-Throated Diver displacement, including on the questions raised about the legal basis for its approach (NE Deadline 4 Appendices A12 and A14).</p>	<p>The Applicants have updated REP3-049 to account for Natural England's comments and this updated document has been submitted at Deadline 5 (document reference ExA.AS-4.D5.V2). All comments are also addressed individually in the Applicants' Deadline 5 response to REP4-087 (document reference ExA.AS-3.D5.V1). The Applicants will provide a response to the legal submission at Deadline 6.</p>
2	<p>'Without Prejudice' Derogation Cases and Compensatory Measures</p> <p>Applicants to respond in full to the D4 submissions from RSPB and NE in relation to the derogation cases and compensatory measures notes.</p>	<p>All comments are addressed individually in the Applicants' D5 responses to REP4-088 (Natural England) and REP4-097 (RSPB) in document references ExA.AS-3.D5.V1 and ExA.AS-8.D5.V1 respectively.</p>
3	<p>Made Hornsea Project Three DCO</p> <p>Applicants, MMO, NE and RSPB to comment on whether the approach to securing HRA compensation measures in the made Hornsea Project Three DCO might have wider applicability, for example to these cases, should they be required? If such an approach were to be taken, would it be appropriate for the DMLs to replicate or refer to any of the provisions that secure the compensation measures?</p>	<p>Without prejudice to the Applicants' position that there will be no adverse effect on the integrity of any designated site, the Applicants have considered the approach to securing HRA compensation which was adopted within the Hornsea Project Three DCO. If, contrary to the Applicants' primary position, a decision is reached that compensation must be delivered as part of the East Anglia ONE North project and/or the East Anglia TWO project then the Applicants consider that the Hornsea Project Three approach of (i) presenting principles within a certified plan and (ii) incorporating a structure for developing and ultimately delivering the compensation within a schedule to the DCO, may be an appropriate approach. Where compensation measures are secured within the DCO the Applicants cannot envisage a circumstance where it would be necessary or appropriate to replicate or refer to the</p>



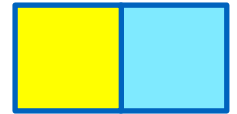
Number	Action	Applicants' Response
		<p>provisions within the DMLs. The Applicants would propose to provide a fuller submission on possible means to secure compensation as part of any future submission on the possible compensatory measures and the mechanisms for delivery of those measures.</p>
5	<p>Harbour Porpoise of the Southern North Sea SAC: Project Alone Effects</p> <p>Applicants to submit update following further engagement with MMO and NE on the questions of:</p> <ul style="list-style-type: none"> • Whether project commitments limiting piling and UXO clearance activities are to be secured on the face of the DMLs; • The appropriateness of including project alone effects within the scope of Site Integrity Plans (SIPs), where previous SIPs have been limited to in-combination effects; and • The timescale (6 month / 3 month / etc) timescale for discharge of conditions relating to SIP and Marine Mammal Mitigation Protocols (MMMP). 	<p>The Applicants are exploring the potential for a DML condition to be included in the DCO. The Applicants will continue to engage with NE and MMO on this matter and will provide a further update through submissions to the examination at Deadline 6.</p> <p>There is no reason why a SIP cannot be used to manage project alone, in-combination effects or both. One of the key purposes of the SIP is to enable the MMO to be satisfied that the plan provides such mitigation as is necessary to avoid the projects adversely affecting the integrity of the relevant SAC. This will need to be considered in the context of the projects alone and in combination with other plans or projects.</p> <p>The Applicants note that the assessment provided within the Deadline 1 Submission - Information to Support Appropriate Assessment – Addendum for Marine Mammals (REP1-038) would allow for a single noisy activity within a 24-hour period in the winter area in the winter period at the project-alone level and that the Applicants have made the commitment within the SIP that there would only be a single event <u>unless</u> at-source mitigation can be shown to reduce the noise levels for multiple events below the 20% threshold for the SAC.</p> <p>If it could not be demonstrated that noise levels could be mitigated to below the threshold then more than one piling or UXO event would <u>not</u> be permitted within any 24-hour period.</p> <p>It is the Applicants' view that many of the reasons why it is appropriate to use the SIP to manage in-combination impacts equally apply to the management of project alone impacts.</p>



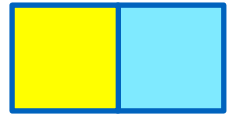
Number	Action	Applicants' Response
		<p>For example, the commitments secured in the conditions currently included in the DMLs prevent the introduction of high noise levels associated with UXO clearance and piling into the marine environment of the Southern North Sea SAC without further consideration of the project alone and cumulative position through the approval process of the SIP and the MMMP. The control mechanism currently set out within the DMLs allows for the review of currently available mitigation techniques as well as consideration of new techniques that may become available during the preconstruction phase. It will also enable changes to the science on the issue, changes in guidance and regulatory advice and any changes to the conservation objectives for the SAC to be taken into consideration prior to approval of the SIP and MMMP by the MMO. Additionally, the Applicants have committed to consulting with Natural England (and The Wildlife Trusts) through the in-principle SIP and have proposed a consultation programme within the in-principle SIP (Table 2.1) that commences more than 12 months in advance of the first noisy activity (UXO clearance).</p> <p>It is the Applicants' view that the commitments already made allow for robust control of this issue by the MMO and that no further conditions are necessary. However, in recognition of Natural England's and TWTs' position on this matter and following a discussion with NE on the 11th January 2021, the Applicants are exploring the potential for a DML condition to be included in the DCO. The Applicants will continue to engage with Natural England, TWT and MMO on this matter and will provide a further update through submissions to the examination anticipated to be at Deadline 6. The Applicants would however re-emphasise that they consider that the approval process of the SIP and MMMP together with the associated DML conditions are the appropriate mechanisms in which to secure the commitments that have been made.</p>



Number	Action	Applicants' Response
		<p>With regard to the period specified for the submission of plans and documents prior to commencement of UXO clearance activities, the Applicants have agreed with the MMO to a six month period for all of the plans and documents with the exception of the plan showing the area in which UXO clearance activities are proposed to take place and details any exclusion zones/environmental micro-siting requirements, both of which will be issued three months prior to UXO activities being undertaken. The draft DCO submitted at Deadline 5 reflects this position.</p>
6	<p>UXO Clearance Activities within DMLs</p> <p>Applicants and MMO to provide update about progress toward agreement on the acceptability of including Unexploded Ordnance (UXO) clearance activities within the DMLs as distinct from within separate Marine Licences.</p>	<p>The Applicants maintain the position that inclusion of UXO clearance within the DMLs is appropriate. The MMO has provided further comments on this matter in their Deadline 4 submission (REP4-081), which the Applicants have provided a response at Deadline 5 (<i>Applicants' Comments on MMO Deadline 4 Submissions</i>, document reference (ExA.AS-5.D5.V1). The Applicant therefore refers to the ExA to the Applicants Deadline 5 submission which provides the most up to date positions on this matter.</p>
8	<p>Monopile Foundation Option for Offshore Platforms</p> <p>The Applicants to elaborate on the rationale underpinning their conclusion that including monopile foundations for offshore platforms lies within the parameters for the maximum adverse effect that has been assessed in terms of underwater noise effects, by reference to the Environmental Statement and Information to Support Appropriate Assessment Report. By D5. NE, MMO, TWT to respond by D6 or at a subsequent biodiversity ISH.</p>	<p>The worst case scenario associated with the substation monopile is identical to that for a wind turbine (i.e. 15m diameter, 4000kJ maximum hammer energy and located within the offshore windfarm site) therefore, the Applicants consider that the impacts of a monopile foundation are currently captured within the ES assessment in Chapter 12 Marine Mammals (APP-059).</p> <p>With regard to impacts on the Southern North Sea (SNS) Special Area of Conservation (SAC), the hammer energy is irrelevant because the impact is considered against the effective deterrent range of 26km which is determined by the cumulative noise exposure rather than the noise produced by single strikes of the pile.</p> <p>Whilst the maximum hammer energy for the monopile is greater than the maximum hammer energy for the pin-piles, the use of the monopile</p>



Number	Action	Applicants' Response
		<p>solution would reduce the potential total number of piling events for the substations from 40 to 5, reduce the duration of piling overall and reduce the physical footprint on the seabed, as highlighted in Table 4 of the Deadline 3 Project Update Note (REP3-052).</p> <p>The MMO have confirmed in their Deadline 4 submission (REP4-081) that they will provide further comments on this matter at Deadline 5. The Applicants will engage with the MMO on this matter once these comments have been received.</p>
11	<p>Outline Landscape and Ecological Management Strategy (OLEMS) and R21</p> <p>Submissions on the undertaking of and security for pre-construction surveys within the OLEMS or in requirement 21 should be made in writing. Other matters relating to the content of the OLEMS should also be raised</p>	<p>The OLEMS provides details of the pre-construction surveys that will be undertaken prior to commencement of works and the Ecological Management Plan(s) to be approved under Requirement 21 of the draft DCO must be in accordance with the OLEMS.</p> <p>The Applicants have however included reference to pre-construction surveys within paragraph (1) of Requirement 21 as requested by East Suffolk Council in its Deadline 4 submission.</p>
12	<p>Update to the Habitats Regulations</p> <p>On 1 January, Defra published a policy paper entitled 'Changes to the Habitats Regulations 2017'. The paper explains the changes made to the 2017 Habitats Regulations by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which came into effect on 1 Jan 2021. NE and the Applicants are requested to comment on the extent to which the changes to the Regulations may have implications for the ExAs' consideration of these projects?</p>	<p>Having reviewed the Defra policy paper the Applicants do not believe that there are material implications for the HRA.</p> <p>The Applicants note the changes in terminology, for example with respect to the terminology of the National Site Network. For the final submission of the derogation case the Applicants will update the documentation with regard to terminology and policy, to ensure this accords with the post-Habitats Directive position.</p>

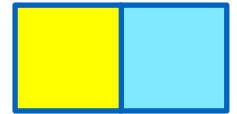


1.3 Applicants' Response to Issue Specific Hearing 4

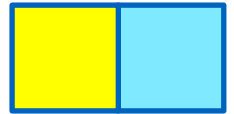
4. **Table 2** responds to actions addressed to the Applicants in ISH4.

Table 2 Applicants' Response to ISH4 Actions

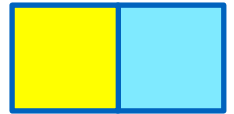
Number	Action	Applicants' Response
3	<p>Revised Outline Landfall Construction Method Statement Required to confirm viability of HDD at the landfall location including (1) an explanation of how viability of HDD can be guaranteed (2) the steps that will be taken to address any potential threat to the viability of HDD both ahead of construction and during construction and (3) an assessment of the risks to the cliff area from the shoreline to the 'punch-out' point 85m inland and how the stability of the cliff area will be secured. • To be submitted and to include reference to earlier desktop studies • Consideration to be given to how this might be referenced in the dDCOs.</p>	The Applicants will provide a response to this action at Deadline 6.
5	<p>Monitoring of potential exposure of cable ducts and landfall infrastructure as a result of erosion Applicant to respond to proposal from ESC that an annual monitoring regime be established and secured in the dDCOs.</p>	The Applicants have agreed in principle to undertake periodic monitoring at the landfall and are currently discussing the detail with East Suffolk Council. In the event that agreement is reached, the Applicants will consider the most appropriate way to secure this and will provide an update at Deadline 6.
6	<p>Justification of anticipated noise levels during operation at the sub-station sites Submit evidence of noise level measurements from the operation of the EA1 substation following its commissioning.</p>	The Applicants have submitted this at Deadline 5, document reference ExA.AS-15.D5.V1.
7	<p>Drainage issues Respond in detail to the flood risk and drainage submissions made by SCC and SASES.</p>	The Applicants have responded to SCC and SASES submissions in the Applicants' Comments on the SCC Deadline 4 Submissions (document reference ExA.AS-12.D5.V1) and Applicants' Comments on



Number	Action	Applicants' Response
		SASES Deadline 4 Submissions (document reference ExA.AS-9.D5.V1).
8	<p>Agenda Item 4 (c) Lighting</p> <p>ExA determined that this item be deferred and that, whilst no judgment has been taken about the need for an additional hearing on it, IPs with an interest in the item are requested to make written submissions by D5 and the applicant to respond by D6.</p>	<p>Requirement 25 of the draft DCO requires that the onshore substation, national grid substation and sealing end compounds must not begin operation until operational artificial light emissions management plans providing details of artificial light emissions during the operation of those works (including measures to minimise lighting pollution and the hours of lighting) have been approved by the relevant planning authority. The approved plan must be implemented upon, and maintained during, the operation of the relevant works.</p> <p>The Applicants take this opportunity to confirm the following operational lighting arrangements:</p> <p>Onshore Substations:</p> <ul style="list-style-type: none"> • The onshore substations would not normally be lit during hours of darkness; • Security lighting around perimeter fence of compound: manually controlled; • Car park lighting: as per standard car park lighting, manually controlled and possibly motion sensitive; and • Repair / maintenance: task related flood lighting will be necessary for times of repair and maintenance. <p>National Grid Substation:</p> <ul style="list-style-type: none"> • The National Grid substation would not normally be lit during hours of darkness.



Number	Action	Applicants' Response
		<ul style="list-style-type: none"> The exterior lighting system shall be switchable either remotely or locally on site; and Perimeter lighting shall be configured such that it cannot be left on inadvertently during the day and shall incorporate a manual override to facilitate maintenance.
9	<p>Proposed signal-controlled junction at Friday Street</p> <p>Further updates in respect of design and implementation, and measures to secure the proposed works within the dDCOs.</p>	<p>The Applicants' have engaged with the Councils to develop a scheme that would further improve the current road safety baseline at the Friday Street junction, with the objective of alleviating concerns relating to the existing junction and which would also assist in managing construction traffic.</p> <p>This has culminated in an agreement with the Councils for the Applicants to introduce a traffic signal scheme (as per the Deadline 4 Traffic and Transport Clarification Note (REP04-027), a commitment for which will be included within an updated Outline Construction Traffic Management Plan to be submitted at Deadline 6.</p> <p>The Applicants are continuing to discuss the details of this with the Councils and will provide an update at Deadline 6.</p>

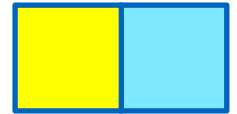


1.4 Applicants' Response to Issue Specific Hearing 5

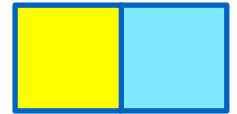
5. **Table 3** responds to actions addressed to the Applicants in ISH5.

Table 3 Applicants' Response to ISH5 Actions

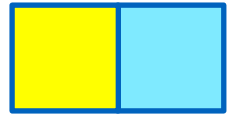
Number	Action	Applicants' Response
2	<p>North Sea oil and gas production coexistence</p> <p>To review possibility of outstanding residual co-existence issues requiring submission of protective provisions.</p>	<p>There are no outstanding residual co-existence issues that might require the submission of protective provisions with North Sea oil and gas stakeholders. The Offshore Development Areas of the Projects do not overlap with any oil and gas licence blocks, as stated in Chapter 17 Infrastructure and Other Users (APP-065).</p> <p>The Bacton-Zeebrugge interconnector gas pipeline runs northwest to southeast and intersects the offshore cable corridor for East Anglia ONE North. The Applicants have engaged Interconnector on this matter and a signed Statement of Common Ground demonstrating the Applicants future commitment to enter into a Crossing Agreement was submitted at Deadline 1 (REP1-396).</p>
6	<p>Economic benefits of investment in energy projects in East Anglia</p> <p>Submission of statements overviewing economic development benefits, experience from EA ONE and the purpose of the East Anglia Hub.</p>	<p>The Applicants have provided this within the Submission of Oral Case, Issue Specific Hearing 5, Section 3.1 submitted at Deadline 5 (document reference ExA.SN3.D5.V1)</p>
7	<p>Possible Requirement in the dDCO</p> <p>Applicants and IPs to respond to the proposition that a Requirement be drafted to ensure a Memorandum of Understanding is in place to enable partners to collaborate in delivering economic and other benefits for consideration at ISH6 on January 29th.</p>	<p>The Applicants and the Councils commented at ISH6 on this point and agreed that a requirement in respect of the Memorandum of Understanding (MoU) was not necessary or desirable.</p> <p>The UK Government has established the concept of the CfD supply chain plan. This ensures a project's UK content is reviewed. The review is an ongoing one and evaluates the whole of life benefits. The Offshore Sector Deal has committed to the development of skills and the supply chain. On page 55 of the Energy White Paper the Government set out their ambition</p>



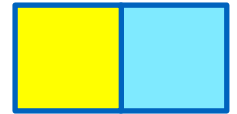
Number	Action	Applicants' Response
		<p>to increase the UK content and this is likely to be a requirement of future CfD rounds.</p> <p>In view of the approach to supply chain plans, and in light of the effectiveness of the MoU on East Anglia ONE and East Anglia THREE and the fact that all parties involved would prefer to build upon the approach taken previously and not include a requirement within the DCO, the Applicants do not consider such a requirement to be necessary.</p> <p>If the Secretary of State disagrees with the Applicants and the Councils in this respect, the Applicants would propose the following requirement:</p> <p style="padding-left: 40px;"><i>(1) No stage of the transmission works may commence until a skills strategy has been submitted to and approved in writing by the relevant planning authority, after consultation with Suffolk County Council.</i></p> <p style="padding-left: 40px;"><i>(2) The skills strategy must be implemented as approved.</i></p> <p>However as noted above, the Applicants do not consider such a requirement to be necessary for the Projects.</p>
9	<p>Relationship between offshore windfarm investment and tourism</p> <p>To provide additional information, including a data sense-check previously prepared but not submitted.</p>	<p>The Applicants have provided this within the Submission of Oral Case, Issue Specific Hearing 5, Section 3.2 submitted at Deadline 5 (document reference ExA.SN3.D5.V1)</p>
11	<p>Cost of worker rental accommodation</p> <p>To respond to a comment from SCDMO expressing the view that rental accommodation for workers is in short supply and relatively expensive.</p>	<p>Within Chapter 30 of the ES, Tourism, Recreation and Socio-economics (APP-078), the Applicants conclude that it is likely that Non-Home Based (NHB) workers for the Projects will be employed for relatively short to medium durations – i.e. days or weeks. This is in line with the episodic nature of the construction works and the fact that different skills (and therefore different personnel e.g. civils or electrical) are required for different stages of the work (i.e. excavation of trenches</p>



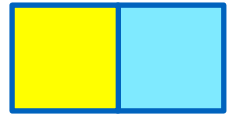
Number	Action	Applicants' Response
		<p>and duct installation requires different skills and different numbers of staff to HDD operations or cable pulls) (see Onshore Cable Route Works Programme Clarification Note (REP3-056)). This indicates that it would be more economically viable for workers to stay in hotels or similar rather than longer-term rented accommodation (see section 30.5.4.2 and paragraph 329). The accommodation sources (totalling 2,107 rooms) assumed for the Projects are shown in Table 30.40 (76% of which are hotel rooms), note that this does not include the private rented sector.</p> <p>The Cumulative Impact Assessment (CIA) (APP-078) was undertaken using data from SZC provided in 2019, however this information was superseded by information contained within the SZC DCO application, prompting an updated CIA by the Applicant (Socio-economics and Tourism Clarification Note (REP1-036)). Within both of the Applicants' assessments the assumption for the worst case is the availability of 2,107 rooms within a 45-minute travel area. SZC have a 60-minute travel area and therefore have less conservative assumptions.</p> <p>REP1-036 concludes that using the updated SZC Co. numbers would not change the Applications' conclusions materially; there would still be potential for excess demand in the peak season and headroom in other seasons. The caveats from the Applications' conclusions would still apply, however, that excess demand would only result from a worst-case scenario which would be unlikely to occur given project programmes. In their Deadline 2 responses, both ESC (REP2-029) and SCC (REP2-034) were content with the Applicants' conclusions in the updated CIA.</p> <p>The comment from SCDMO around longer-term rental accommodation for workers is a more appropriate question for the Sizewell C (SZC) project. When looking at the SZC Accommodation Strategy (SZC APP-613) it is clear that NHB workers will be employed for much longer periods of time – i.e. months or years, making private rented</p>



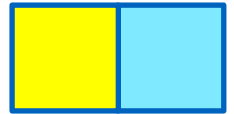
Number	Action	Applicants' Response
		<p>accommodation a more feasible option for them and a realistic assumption for SZC Co to make in their assessment. REP1-036 highlights the fact that the assumptions from the Projects are unchanged, it is the assumptions of SZC that have changed. In particular, the SZC application assumes greater use of owner occupied and private rented sector accommodation than previously available estimates, which will build up over time as the construction reaches its peak (in Year 6, assumed to be 2028). The SZC Accommodation Strategy (SZC APP-613) provides a breakdown of assumptions on the rental market (section 4.3), paragraph 4.3.3 providing their sources of information. In terms of effects of SZC, paragraph 4.3.19 states:</p> <p><i>“These workers would look to find accommodation for a range of short-medium timescales, with a preference to be relatively close to the site, and to reduce costs as far as possible while maximizing the value of their subsistence and accommodation allowance (£40.76 per night, based on the 2018 Working Rule Agreement from the Construction Industry Joint Council referenced above, at the time of this assessment). Demand from workers would therefore likely overlap with local residents – especially within the lower quartile of market rents, and within smaller (1–2 bed) properties or HMOs.”</i></p> <p>Paragraph 4.6.1 (SZC APP-613) states:</p> <p><i>“There are unlikely to be macro-level effects on the housing market or availability of accommodation in any tenure when considered across the whole 60-minute area, at the peak of construction.</i></p> <p>In terms of effects on the PRS, at peak [SZC Year 6] there may be demand for 1,200 bedspaces from Sizewell C construction workers. This would require part of, or in some cases exceed, the frictional vacancy within the sector estimated in these wards [i.e. Leiston, Aldeburgh,</p>



Number	Action	Applicants' Response
		<p>Saxmundham, and Yoxford], requiring mitigation via accommodation management and a Housing Fund”</p> <p>The effects of SZC are proportionate to the scale of that project. SZC Co. only anticipate adverse impacts in areas closest to the works, concluding that across the 60-minute travel area supply is not limited. As previously discussed, it is considered unlikely that any of the Projects’ workers would choose to utilise the private rented sector, but even assuming a conservative 25% of NHB workers did choose this sector this would equate to approximately 50 workers (the Projects assume a combined peak of 196 NHB workers) compared to SZC’s 1,200.</p> <p>In conclusion, the Applicants have not included use of the private rented sector for the Projects in the assessments. This is because that sector is unlikely to be attractive to the Projects construction workers given the nature of the works. The Applicants note that SZC Co. do make allowance for this sector, have undertaken detailed research using publicly available datasets, have undertaken a comprehensive assessment based on a credible need; have identified potential significant impacts and therefore proposed mitigation measures. The Applicants highlight that the LPAs were content with the Applicants’ conclusions in the updated CIA presented in REP1-036.</p>
13	<p>Further hearings to address technical matters Submissions were made expressing views about the benefit of additional hearing time to orally examine some areas of technical detail. IPs are invited to suggest any specific issues about which they consider it to be necessary for the ExAs’ examination of the applications to allocate further hearing time in order to ensure adequate examination of the issue or that an IP has a fair chance to put its case. IPs should give</p>	<p>The Applicants suggest a further issue specific hearing is included in the Examination timetable on the dates reserved in March 2021 covering red-throated diver and the Outer Thames Estuary SPA, to which Natural England as the statutory nature conservation body is invited. There are differences in position and opinion on this matter between the Applicants and Natural England.</p>



Number	Action	Applicants' Response
	<p>reasons why they consider it to be necessary for oral, as opposed to written, examination of the issue. The ExAs will consider submissions in making its decisions about the hearing time to be allocated to specific issues for the remainder of the examinations.</p>	<p>The Applicants consider that it is likely that other matters can be dealt with by way of written submissions and further direct engagement between the Applicants and relevant Interested Parties. The Applicants consider this to be the most resource-efficient and effective way to focus and to close out issues so that the Examination, which has already been delayed by over six months, can conclude in accordance with the current timetable.</p> <p>If however, the ExA considers that further hearings are necessary in order to assist the ExA in examining the Projects then the Applicants consider that any further hearings should be used to allow the ExA to thoroughly interrogate the evidence presented by all of the parties in attendance in order to seek to close out matters and to ultimately assist the ExA in making its recommendations.</p> <p>The Applicants consider that to date the Examination, which is predominantly a written process, has afforded all interested parties with significant opportunity to comment on the Applications, both in writing and orally. The Applicants consider that matters have now been extensively ventilated and that the focus of the remainder of the Examination should be on closing out issues, finalising positions in respect of technical matters and refining any requirements or documents to be certified.</p>

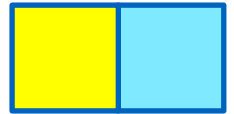


1.5 Applicants' Response to Open Floor Hearing 6

6. **Table 4** responds to actions addressed to the Applicants in OFH6.

Table 4 Applicants' Response to ISH5 Actions

Number	Action	Applicants' Response
7	<p>Contingency Water Supply for Dwellings Relying on Wells and Boreholes</p> <p>Alexander Gimson referred to reliance on a Victorian well to provide water supply for Ness House. He was concerned to see a more detailed specification for mitigation measures to ensure water supply is not lost or degraded due to the effects of trenchless techniques to be used nearby and/or for contingency measures should harm or loss to the water supply occur. The Applicants are asked to provide a document describing or referring to the mitigations and contingency measures that would apply and identifying how these are secured.</p>	<p>The Applicants' will provide a document addressing this action at Deadline 6.</p>

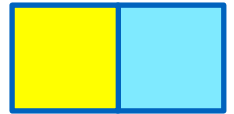


1.6 Applicants' Response to Issue Specific Hearing 6

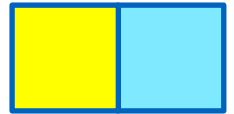
7. **Table 5** responds to actions addressed to the Applicants in ISH6.

Table 5 Applicants' Response to ISH6 Actions

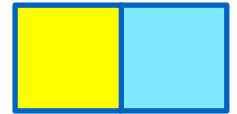
Number	Action	Applicants' Response
1	<p>Revised dDCOs</p> <p>Under Agenda Item 2, the Applicants committed to submitting revised dDCO provisions to include a range of proposed changes:</p> <ul style="list-style-type: none"> • Commencement period for construction to be brought forward (to 2024) and reduced from 7 to 5 years. • Operational noise conditions – a new receptor and lower maximum limits. • Responding to submissions from Trinity House, Historic England and SASES in relation to, inter alia, number of cable ducts, design, footprint and approval of cable sealing-end compounds, including amendments to R12. • Draft PPs currently in discussion with Sizewell B and C. • DML in relation to multi-piling policy and UXO provisions 	<p>The Applicants have submitted an updated draft DCO (document reference 3.1) at Deadline 5 which includes the following amendments:</p> <ul style="list-style-type: none"> • A reduction in the commencement period specified in Requirement 1 from seven years to five years. The Applicants would clarify that the reference to 2024 was in the context of the grid connection date for East Anglia TWO and not the commencement date. • Requirements 26 and 27 (control of noise during operational phase) have been updated as follows: <ul style="list-style-type: none"> ○ The maximum noise rating level at the noise sensitive locations specified within the requirements has been reduced from 34dB LAeq (5 min) to 32dB LAeq (5 min); ○ A third noise sensitive location, SSR3, which is in the vicinity of Little Moor Farm has been included within the requirements and a maximum noise rating level at that location of 31dB LAeq (5 min) will be specified. <p>Amendments have also been made to address submissions from the MCA, Trinity House, Historic England and SASES. Details of the changes are narrated in the Schedule of Changes to the draft DCO (document reference 3.1.1) accompanying the updated draft DCO (document reference 3.1) submitted at this Deadline.</p> <p>The Applicants are currently discussing draft protective provisions for Sizewell B and Sizewell C and, should agreement be reached, the Applicants will include the agreed protective provisions within the draft DCO. No changes have been made to the draft DCO at Deadline 5 in this regard. The Applicants have submitted their preferred form of protective provisions at Deadline 5 (document references ExA.AS-</p>



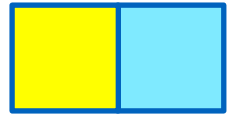
Number	Action	Applicants' Response
		<p>16.D5.V1 and ExA.AS-17.D5.V1) to enable progress to be reviewed by the ExA at ISH9 on 19 February 2021.</p> <p>The Applicants are considering the potential for a DML condition which places a restriction on multiple piling and/or UXO activities within a 24 hour period in response to comments from Natural England and The Wildlife Trusts and are currently engaging with the MMO and Natural England in respect of this.</p>
2	<p>Overarching dDCO issues</p> <p>Do the dDCOs authorise the NG grid connection works taking place in isolation from the generating stations works?</p>	<p>The intention is not for the National Grid infrastructure to proceed without the offshore generating station going ahead. The Applicants are currently considering a mechanism to secure this and will provide an update at Deadline 6.</p>
3	<p>Commencement and on-shore preparation works</p> <p>The Applicants are asked to respond in relation to:</p> <ul style="list-style-type: none"> • Definition of 'onshore preparation works' and its relationship with 'commencement'. • Whether any further definition or clarification of the limits of deviation might be needed on the face of the DCOs. • Definition of 'maintain' - especially of the meanings and relationship between the terms 'adjust' and 'alter'. • Absence of a Code of Construction Practice (CoCP) for the pre- commencement works and suggestion from ESC for a 'mini' dedicated pre- commencement CoCP, or alternatively provision for the CoCP to be approved in parts, enabling a pre-commencement component to be formed. • Insertion of 'archaeology' into title of 'outline written scheme of investigation' 	<p>Commencement</p> <p>The definition of commence excludes offshore and onshore preparation works from triggering commencement.</p> <p>It is usual for DCOs for NSIPs to exclude preparatory activities from the definition of commence. It is however acknowledged by the Applicants that some of the onshore preparation works may potentially have environmental effects and therefore such preparation works have already been made subject to appropriate requirements to ensure that the relevant planning authority can approve details in respect of such works before they are carried out (for example, requirement 19 requires details of intrusive onshore preparation works to be provided in a pre-commencement archaeology execution plan which must be approved by the relevant planning authority before such pre-commencement works can be undertaken and requirement 21 requires the approval of an ecological management plan prior to onshore preparation works being undertaken).</p>



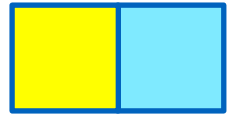
Number	Action	Applicants' Response
		<p>The definition follows existing precedent and is largely based on the East Anglia THREE Offshore Wind Farm Order 2017.</p> <p>This approach to the definition of commence is critical to ensure that pre-commencement activities can be carried out in a timely manner prior to commencement of the works and do not hold up the construction of the project, whilst still being subject to appropriate controls and approvals.</p> <p>Limits of Deviation</p> <p>Article 3 of the <i>draft DCO</i> states that each of the scheduled works (i.e. the numbered works specified in Schedule 1) must be constructed and maintained within the limits of deviation for that work. "Limits of deviation" is defined as the limits for the scheduled works as shown on the works plans. Article 3, read together with the definition of "limits of deviation", makes it clear that a numbered work described in Schedule 1 may only be constructed and maintained within the area shown on the works plans in respect of the particular work number.</p> <p>The Applicants do not consider any further definition or clarification of the limits of deviation is required.</p> <p>Definition of "maintain"</p> <p>The words "alter" and "adjust" are found within the definition of "maintain" in the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 and have been included in the definition of "maintain" in a vast number of DCOs granted to date, including the recent Hornsea Three Offshore Wind Farm Order 2020 and Norfolk Vanguard Offshore Wind Farm Order 2020. Furthermore, the definition limits maintenance activities to what has been assessed in the environmental statement.</p> <p>Code of Construction Practice for pre- commencement works</p>



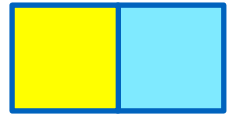
Number	Action	Applicants' Response
		<p>The Applicants are considering the comments made at ISH6 in respect of a CoCP for pre-commencement works and will provide an update at Deadline 6.</p> <p>Insertion of 'archaeology' into title of 'outline written scheme of investigation'</p> <p>The Applicants have updated the definition of Outline Written Scheme of Investigation (Onshore) to include the word "archaeology" as requested by Suffolk County Council and this is reflected in the updated draft DCO (document reference 3.1) submitted at Deadline 5.</p>
4	<p>Article 6 (2)</p> <p>Respond to questions raised by ExAs in relation to Neighbourhood Planning Act 2017 insofar as it relates to proposals for the temporary possession of land, particularly in respect of notice periods.</p>	<p>The Applicants' primary reason for disapplying the provisions of the Neighbourhood Planning Act 2017 (NPA) is set out in paragraph 4.11 of the Explanatory Memorandum (APP-025):</p> <p><i>"Paragraph (2) disappplies provisions of the Neighbourhood Planning Act 2017. This disapplication provides that the temporary possession provisions in that enactment would not take effect at the expense of the temporary possession provisions contained in the Order. The rationale for this is that the wording of the temporary possession provisions within the Order is well established and the relevant provisions relating to temporary possession within the Neighbourhood Planning Act 2017 are currently untested and regulations required to provide more detail on the operation of the regime have not yet been made. There is precedent for this approach in the recent Millbrook Gas Fired Generating Station Order 2019, the Silvertown Tunnel Order 2018 and the A19/A184 Testo's Junction Alteration Development Consent Order 2018."</i></p> <p>Whilst acknowledging that there is precedent for the disapplication of the NPA provisions within DCOs, the ExA suggested at ISH6 that the</p>



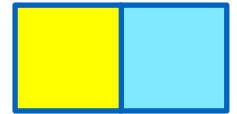
Number	Action	Applicants' Response
		<p>Applicants would have been aware of the temporary possession provisions contained within the NPA at the time of preparing the applications and drafting the DCOs whereas other DCOs disapplying the legislation may not have had such knowledge.</p> <p>A number of DCOs disapplying the NPA provisions were granted consent in 2020 and therefore during the development phase would have also been aware of the provisions of the NPA. The issue is that the relevant provisions of the NPA have not yet been brought into force (and may never be) and regulations required to provide more detail on the operation of the regime have not yet been made and there is no known date for implementation. There is therefore no certainty as to the requirements of the new temporary possession regime or indeed if it will come into force, whereas the wording of the temporary possession provisions within the draft DCO is well established.</p> <p>The three-month notice period specified within the NPA is not considered appropriate in the context of a nationally significant infrastructure project as, given the linear nature of the Projects, the precise works due to take place in a given plot may not be known three months in advance. Whilst the Applicants will endeavour to provide as much notice as possible prior to taking entry, the period specified within the temporary possession articles of the DCO is necessary in order to allow more certainty and precise timings to be notified to landowners.</p>
5	<p>Article 7</p> <p>Respond to issues raised by SASES in relation to:</p> <ul style="list-style-type: none"> • Regulatory threshold to revert to statutory definition of 'best practicable means'. • Insertion of a Section 61 procedure to enable nuisances to be better controlled. 	<p>Article 7 reflects Model Provision 7 and provides that no-one shall be able to bring statutory nuisance proceedings under the Environmental Protection Act 1990 in respect of noise–</p> <ul style="list-style-type: none"> • if the noise is created in the course of constructing or maintaining the authorised project and for which a notice under



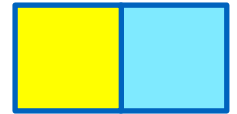
Number	Action	Applicants' Response
		<p>section 60 or consent obtained under section 61 of the Control Pollution Act 1974;</p> <ul style="list-style-type: none"> • if the noise results from the use of the authorised project whilst being used in compliance with requirement 26 (control of noise during operational phase) and requirement 27 (control of noise during operational phase cumulatively with both onshore substations); or • if the noise cannot be reasonably avoided as a consequence of the authorised project. <p>The purpose of the provision is to give immunity from nuisance except where it can be reasonably avoided. It embodies the concept of Statutory Authority for works and this was reflected in the model provisions.</p> <p>This provision has precedent in the East Anglia ONE Order, the East Anglia THREE Order and the recent Hornsea Three Offshore Wind Farm Order 2020.</p> <p>SASES has criticised this provision stating that 7(1)(a)(ii) and 7(1)(b) should be deleted stating that “the "reasonably be avoided" test is an unnecessary qualification since a defence of using "best practicable means" is in any event available. The statutory test should be maintained”. SASES also suggested the inclusion of a new paragraph (3) stating that the provisions of article 7(1) and (2) shall only have effect if the undertaker has and is complying with the requirements.</p> <p>The Applicants do not consider that the provisions specified should be deleted. Article 7 is based on the Model Provisions and has been included in many DCOs to date. The Projects are nationally significant infrastructure projects and as such, it is necessary for such a defence to be included within the DCO. The Applicants consider Article 7 to be reasonable and proportionate in the context of the Projects.</p>



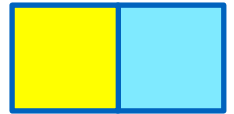
Number	Action	Applicants' Response
		<p>The inclusion of a new paragraph (3) is not consistent with the Model Provisions or with precedent and the Applicants do not consider that such an amendment is necessary or appropriate.</p>
7	<p>Update on EDF concerns in relation to protective provisions and consultation on requirements</p> <p>The Applicants and EDF are both requested to put in a latest position paper on their approach to protective provisions and changes to requirements, enabling progress to be reviewed by the ExAs in ISHs9 on 19 February 2021.</p>	<p>The Applicants are currently discussing draft protective provisions for Sizewell B and Sizewell C and, should agreement be reached, the Applicants will include the agreed protective provisions within the draft DCO.</p> <p>In the context of Sizewell B, the proposed amendments to the DCO requirements and the wording of the protective provisions provided by Sizewell B are not acceptable to the Applicants.</p> <p>The Applicants' current position is that it is not necessary for Sizewell B to be named as a consultee in the DCO requirements however the Applicants would be willing to include a commitment within the protective provisions to consult with Sizewell B in the preparation of the specified plans, to the extent that they relate to relevant works at Sizewell Gap or the landfall.</p> <p>Whilst the Applicants will continue to engage with Sizewell B in respect of the wording of the protective provisions, as requested by the ExA, the Applicants have submitted their preferred form of protective provisions (document reference ExA.AS-16.D5.V1) to enable progress to be reviewed by the ExA at ISH9 on 19 February 2021.</p> <p>In the context of Sizewell C, the wording of the protective provisions provided by Sizewell C is not acceptable to the Applicants.</p> <p>The Applicants' position is that it is not necessary for Sizewell C to be named as a consultee in the DCO requirements however the Applicants would be willing to include a commitment within the protective provisions to consult with Sizewell C on various plans where commencement of the Sizewell C Project occurs prior to the commencement of the Project.</p>



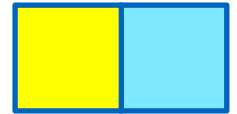
Number	Action	Applicants' Response
		<p>This would include consulting with Sizewell C in respect of the Sizewell Gap construction method statement, to the extent that it relates to Work No. 15 and in respect of the formulation of the proposed method of working and timing of execution of works within Works No. 35 and 36.</p> <p>Whilst the Applicants will continue to engage with Sizewell C in respect of the wording of the protective provisions, as requested by the ExA, the Applicants have submitted their preferred form of protective provisions (document reference ExA.AS-17.D5.V1) to enable progress to be reviewed by the ExA at ISH9 on 19 February 2021.</p>
8	<p>Article 11</p> <p>Consideration of timing of submission and approval of PRoW strategy in Requirement 32 to address the issues of (a) closures in relation to pre-commencement works; and (b) sequential delivery of the projects.</p>	<p>(a) Following discussion at ISH6, the Applicants have updated Requirement 32 to remove reference to “commence” to clarify that the requirement applies to pre-commencement works that affect public rights of way.</p> <p>(b) Each DCO requires the submission and approval of a PRoW Strategy under Requirement 32 prior to undertaking any works which affect a PRoW and so in a sequential construction scenario, each undertaker will require approval under its DCO of a PRoW Strategy which reflects the respective project’s construction programme, prior to undertaking works which affect a PRoW.</p>
9	<p>Articles 12,13,14,15</p> <p>Respond to concerns raised by SCC in relation to:</p> <ul style="list-style-type: none"> • the adequacy of a 28-day limit for deciding applications for consent to temporarily stop up streets (A12 (7)) and highway alterations (A15 (3)) • Whether it is appropriate to provide for Section 278 (or equivalent) agreements relating to the access management plan in R14. 	<p>Period for determining applications for approval</p> <p>The Applicants consider the time periods to be necessary and appropriate given that these are NSIPs. The Applicants would however highlight that in practice, the Applicants would consult with the Council in the preparation of the draft documents prior to submitting the final versions for approval and therefore it is not considered that the timescales specified are unreasonable.</p> <p>The Applicants note that the timescales within these articles can be found in a number of other DCOs including the East Anglia THREE</p>



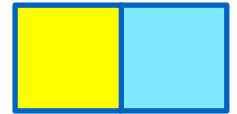
Number	Action	Applicants' Response
		<p>Offshore Wind Farm Order 2017 and the recent Norfolk Vanguard Offshore Wind Farm Order 2020 and Hornsea Three Offshore Wind Farm Order 2020.</p> <p>Section 278 Agreements</p> <p>The Applicants are currently engaging with Suffolk County Council on this matter and will provide an update at ISH9.</p>
10	<p>Article 33</p> <p>Consideration of revised wording to restrict potential permitted development rights in relation to operational land.</p>	<p>The purpose of Article 33 is ensure that the undertaker's development is considered operational land for the purposes of section 264 of the 1990 Act. This gives it a status and affirms that the land is held for the purposes of the undertaking (for example, see section 127 of the Planning Act 2008). The article states that the Order is to be treated as specific planning permission. This would only apply to aspects of the Order that constituted development.</p> <p>The Applicants do not agree that permitted development rights should be removed. The rights under Class B are given to electricity undertakings to enable to them to discharge their obligations and functions. The rights include a range of activities which are relevant to the holders of a transmission licence.</p> <p>These are deemed necessary to enable the operation of the transmission system. It includes elements of further works and replacement. The extent of the rights is restricted by development that is not permitted (B.1) and also by conditions (B.2). Further restrictions also potentially apply under Article 3(10) and (11) of the Town and County Planning (General Permitted Development) Order 2015. This removes the permitted development rights in circumstances that it would involve EIA development.</p> <p>Amendments to works constructed under the DCO would be considered as an alteration to an EIA development that had already been</p>



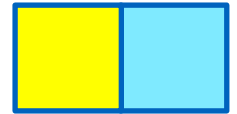
Number	Action	Applicants' Response
		<p>authorised, executed or in the process of being executed and would have to be screened. The Applicants do not accept the argument advanced by East Suffolk Council that the noise for example would then be assessed as the new levels with development in place. It would have to consider the cumulative change. In addition, a number of the permitted development rights are restricted to "operational land" which is defined by reference to Section 263 of the Town and Country Planning Act 1990.</p> <p>It is not appropriate for the permitted development rights to be removed. It would impair the ability of a statutory undertaker to maintain and operate electrical lines and associated plant and equipment.</p>
11	<p>Article 36</p> <p>Respond to various proposals* to amend this article to ensure proper reference to revisions and clarifications to the ES and other documents during the Examinations processes.</p> <p>Consider (amongst other options) the introduction of a new schedule tabulating all documents by version and date (the Boreas method).</p> <p>* MMO proposal to amend Article 36 Certification of plans to include documents clarifying the ES, particularly in relation to ornithology and fish, submitted during the examination</p>	<p>The Applicants have considered the comments raised at the Hearings requesting a separate Schedule listing the documents to be certified and will incorporate this into the draft DCO at Deadline 7.</p>
12	<p>Article 37</p> <p>Consideration of whether the range of organisations included in A37 (2) should be extended in the light of current considerations.</p>	<p>The Applicants will consider the comments made at the Hearings and will review the Recommendation Report in respect of the Thanet Offshore Wind Farm Extension Application as suggested by the ExA to consider whether any updates are required to the arbitration provisions contained within the draft DCO. Any changes considered to be</p>



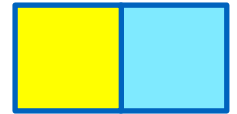
Number	Action	Applicants' Response
		<p>necessary and appropriate will be reflected in the version of the draft DCO to be submitted at Deadline 7.</p>
13	<p>Schedule 1 Part 1</p> <p>To respond to a series of propositions:</p> <ul style="list-style-type: none"> • That drainage be separate Work and be taken out of Work No. 33. • That the National Grid (NG) substation should not be proposed in both applications and the access road should not be proposed in both applications and for both the onshore substations and the NG substation. • Gross electrical output capacity (Work No 1) be defined in relation to maximum output possible and minimum required - in order to assess the balance of benefits. • Provision be made in the dDCO to addresses circumstances where, for example, (a) only one project is built, (b) the projects 'merge', and (c) land originally required for one or both projects is no longer required. 	<p>Work No. 33</p> <p>Work No. 33 comprises landscaping works including bunding and planting together with drainage works, sustainable drainage system ponds, surface water management systems, formation of footpaths and access. The landscaping and drainage are inextricably linked and the Applicants do not consider it to be necessary or appropriate to separate the landscaping works from the drainage works.</p> <p>National Grid Substation</p> <p>Work No. 34 has been included as associated development in respect of both the generating station NSIP and the overhead lines NSIP as it is shared infrastructure but it will only be constructed once.</p> <p>Work No. 34 is included within the definition of "grid connection works" and will therefore fall within the scope of Requirement 38 which prevents any part of the grid connection works from being constructed under both DCOs.</p> <p>Gross electrical output capacity</p> <p>It is not necessary, or appropriate to specify the capacity of the Projects on the face of the DCO. All relevant parameters are specified within the draft DCO and are linked to what has been assessed within the environmental statement. Output capacity is not a relevant parameter and does not require to be specified on the face of the DCO. The approach taken in the draft DCO reflects that in the very recent Hornsea Three Offshore Wind Farm Order 2020.</p> <p>Provision be made in the dDCO to addresses certain circumstances</p>



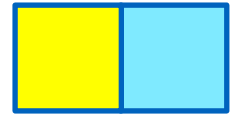
Number	Action	Applicants' Response
		<p>(a) Each project is subject to its own separate DCO which will be implemented in respect of that project and if only one project is progressed, then only the DCO for that project will be implemented. Whilst the onshore order limits are sufficiently wide to accommodate both projects, the construction working width will only be that required for one project and permanent rights sought will be limited to those required for that one project.</p> <p>(b) As noted above, each project is subject to its own separate DCO which will be implemented in respect of that project, regardless of whether the projects are constructed in parallel or sequentially. There is no intention to “merge” the projects.</p> <p>In order to reduce construction impacts, the Applicants have however made a commitment that where the projects are constructed sequentially, when the first project goes into construction, the cable ducting for the second project will be installed along the whole of the onshore cable route in parallel with the installation of the onshore cables for the first project. This commitment is secured within Requirement 42 of the draft DCO.</p> <p>(c) If land is not required then compulsory acquisition powers will not be exercised in respect of that land.</p>
15	<p>Requirement 2</p> <p>ExAs ask if there is any further refinement to be made to the detailed offshore design parameters.</p>	<p>There are currently no further refinements to the offshore design parameters.</p>
16	<p>Requirement 12</p> <ul style="list-style-type: none"> ExAs propose that the Requirement be restructured to simplify its structure and content in order to be more useful to parties during implementation and that it references relevant certified documents such as the 	<p>Structure of Requirement 12</p> <p>The Applicants are considering the extent to which Requirement 12 should be restructured or split into multiple requirements and any</p>



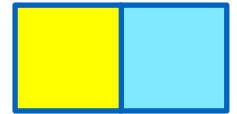
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	<p>Design and Access Statements and Onshore Landscape and Environmental Management Strategies.</p> <ul style="list-style-type: none"> ExAs ask for clarification of the approach to design review and a more detailed approach to possible design solutions. Revised dDCOs to be submitted including reference to the Substations Design Principles Statements. 	<p>amendments that are considered necessary or appropriate will be reflected in the draft DCO at Deadline 7.</p> <p>Substation design</p> <p>The relevant maximum parameters of the substations are secured within the draft DCO and details of the layout, scale and external appearance of the substations must be approved by the relevant planning authority and such details must accord with the Substations Design Principles Statement (REP4-029).</p> <p>The Applicants consider that the current requirements set clear limits based on what has been assessed within the environmental statement whilst allowing effective procurement and delivery of these elements of the Projects within the required timescales and with sufficient flexibility to reduce the development envelope where practicable.</p> <p>The Substations Design Principles Statement makes provision for independent input (by the Design Council or equivalent) in addition to substantial consultation with local stakeholders. Good design will be prioritised throughout and the process and commitments set out in the Substations Design Principles Statement (which will be secured through Requirement 12) ensures a robust and appropriate mechanism to develop, refine and finalise the design of the substations, which will always be within the approved DCO parameters.</p> <p>Substations Design Principles Statements</p> <p>The draft DCO submitted at Deadline 5 makes reference to the Substations Design Principles Statements within Requirement 12.</p>
17	Requirement 13	<p>The Applicants have agreed in principle to undertake periodic monitoring at the landfall and are currently discussing the detail with East Suffolk Council. In the event that agreement is reached, the Applicants will</p>



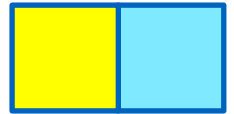
Number	Action	Applicants' Response
	<ul style="list-style-type: none"> • Consideration to be given to strengthen monitoring and remediation mechanisms at the landfall. Consultations taking place with ESC. • Consideration to be given to Natural England being a named consultee. • Revised wording to be submitted. 	<p>consider the most appropriate way to secure this and will provide an update at Deadline 6.</p> <p>The Applicants will consult with NE in the preparation of the final Landfall Construction Method Statement and this commitment will be secured within the updated Outline Landfall Construction Method Statement to be submitted at Deadline 6.</p>
18	<p>Requirement 15</p> <p>Consider proposals that period of planting replacement and landscape retention be reconsidered and extended.</p>	<p>Requirement 14 – Provision of Landscaping</p> <p>Requirement 14 requires a landscape management plan to be approved by the relevant planning authority before the relevant stage of the onshore works may commence. The landscaping scheme must be in accordance with the Outline Landscape and Ecological Management Strategy (OLEMS) (REP3-030) and must include details of the ongoing maintenance and management of the landscaping works.</p> <p>Beyond the adaptive planting maintenance period, the relevant undertakers will remain responsible for the ongoing management of the landscaping areas throughout the life of the Projects. This will include ensuring the woodland areas remain safe and the usual arboricultural practices for long term management of woodland are implemented, surface water systems are maintained, and public rights of way are maintained. This will be set out in the OLEMS in respect of which the final landscape management plan(s) must accord and Requirement 14 has been updated at Deadline 5 to require implementation of the landscape management plan(s) as approved in order to secure these commitments.</p> <p>Requirement 15 - Implementation and Maintenance of Landscaping</p>



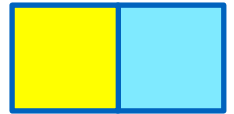
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		<p>Requirement 15 requires the landscaping works to be carried out and maintained in accordance with the approved landscape management plan, and to replace trees or shrubs planted as part of the landscaping scheme which die within five years of planting along the cable route and trees or shrubs which die within ten years of planting at the substation location. In the draft DCO submitted at deadline 5, the ten year replacement period has been extended to cover Work No. 24 as well, as requested by East Suffolk Council.</p> <p>As stated in the OLEMS the Applicants have committed to undertaking an adaptive planting maintenance scheme (dynamic aftercare). This adaptive planting maintenance scheme is intended to achieve optimum levels of plant growth through targeted maintenance and aftercare, extending the ten year aftercare period where necessary, and provide greater confidence that effective screening from the tree planted areas will be achieved before the end of the adaptive planting maintenance period.</p> <p>Adopting an adaptive planting maintenance scheme was initially suggested by the Councils within their Joint Local Impact Report (REP1-132) and the Applicants have developed the proposals following extensive engagement with the Councils in order to address their concerns.</p>
19	<p>Requirement 21 Consideration to be given to amendments to clarify pre-commencement and other surveys.</p>	<p>The Applicants have included the words “pre-construction” before “survey results” in Requirement 21(1) of the draft DCO submitted at Deadline 5 as requested by East Suffolk Council.</p>
20	<p>Requirements 23 and 24 Consideration of and response to points made by IPs:</p>	<p>The term ‘essential activities’ relates to such works that, if not completed within a particular sequence or within a particular time frame, would be of detriment to the safety or construction of the authorised projects. A non-</p>



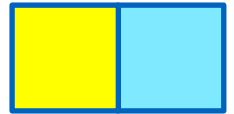
Number	Action	Applicants' Response
	<ul style="list-style-type: none"> Clarification of the word 'essential' in R23(2) and the range of work that might be permitted for work outside of the specified hours. That the proposed weekday working hours of 7.00am to 7.00pm be changed for a later start and earlier finish (08:00- 18:00 was proposed). [was anything said about weekends??? That work be managed around the peak holiday season as, according to evidence to be submitted by SEAS, is the practice elsewhere. 	<p>limited example of the range of works which could be undertaken are included within Requirement 23 and 24, and include such activities that require continuous periods of operation and which have been assessed in the environmental statement, such as concrete pouring, dewatering, cable pulling, cable jointing and drilling during the operation of a trenchless technique; fitting out works associated with the onshore substation; delivery to the transmission works of abnormal loads that may cause congestion on the local road network; the testing or commissioning of any electrical plant or cables installed as part of the authorised development; and activity necessary in the instance of an emergency where there is a risk to persons, delivery of electricity or property.</p> <p>It is noted that other than in an emergency, any works which the Applicants seek to undertake outside the normal construction hours must be approved in advance by the relevant planning authority. In seeking approval, the Applicants will describe the nature of the works, the timing and any additional mitigation measures that will be in place in order to ensure the acceptability of the out of hours works.</p> <p>The specified construction hours are not uncommon for nationally significant infrastructure projects and are required for the Projects in order to ensure an optimum construction programme for the works. Any reduction in the start/finish time will have a consequential increase in the overall construction programme (and construction impacts) of the Projects, increased costs and a delay to the deployment of renewable energy.</p> <p>It is wholly inappropriate for construction works to be suspended during the peak holiday season as suggested by SEAS. The effect of multiple months of suspension would have a consequential increase in the overall construction programme (and construction impacts) of the Projects, increased costs and a delay to the deployment of renewable</p>



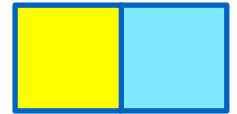
Number	Action	Applicants' Response
		<p>energy. Furthermore, the impact on the supply chain, particularly construction personnel, would be significant, with 'gaps' in construction periods requiring to be filled by other projects and introducing a risk in the loss of continuity of personnel. Significant periods of suspension will also require periods of demobilisation and remobilisation which could span a number of months each year, in addition to the suspension period.</p>
21	<p>Requirements 26 and 27</p> <p>Consider and respond to submissions that noise levels be lowered and controls on noise from the National Grid Substation be included in the dDCO.</p>	<p>Noise limits</p> <p>In the draft DCO submitted at Deadline 5, Requirements 26 and 27 (control of noise during operational phase) have been updated as follows:</p> <ul style="list-style-type: none"> • The maximum noise rating level at the noise sensitive locations specified within the requirements has been reduced from 34dB LAeq (5 min) to 32dB LAeq (5 min); • A third noise sensitive location, SSR3, which is in the vicinity of Little Moor Farm has been included within the requirements and a maximum noise rating level at that location of 31dB LAeq (5 min) will be specified. <p>Decreasing the maximum operational phase noise rating level represents a significant positive change to local residents, particularly for the noise sensitive receptors nearest to the onshore substation. At SSR2 and SSR5 NEW for instance, the limit of 32dBA is 3dBA above the established background noise level at these receptors. An increase of 3dBA is considered to be the lowest perceptible level to the human ear (as specified within paragraph 33, Chapter 25 of the ES (APP-073)).</p> <p>National grid substation</p>



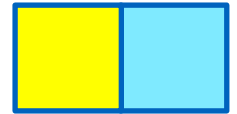
Number	Action	Applicants' Response
		<p>The Applicants note East Suffolk Council's representation requesting a noise limit to be applied to the National Grid infrastructure within the dDCO.</p> <p>The Noise Modelling Clarification Note (REP4-043) submitted at Deadline 4 demonstrated that the predicted noise levels generated by the National Grid equipment (including overhead lines) is below both the prevailing background noise levels or presents a negligible change in the predicted noise level at the agreed noise sensitive receptor locations and therefore have been scoped out of the noise assessment.</p> <p>Whilst the Applicants consider that it is unnecessary to include a noise limit for the National Grid substation, discussions are continuing with East Suffolk Council on this matter.</p>
22	<p>Requirement 32</p> <p>Respond to proposal that there needs to be public consultation in relation to proposals to stop-up PRoW in to consultation with the local planning authority.</p>	<p>As all PRoWs subject to temporary closure will be diverted, and a majority of these diversions are for a short period (i.e. a number of weeks) the measures presented within the OPRoW Strategy are considered appropriate. These measures include notification of relevant Parish Councils approximately 4 to 6 weeks in advance of any temporary closure; publication in the press of notices describing the temporary closure and advanced site notices (i.e. notices to members of the public warning of diversions ahead). Section 2.2. of the Outline Public Rights of Way Strategy (REP3-024) provides details of the notifications that will be provided prior to any temporary PRoW closures.</p> <p>The relevant highway authority and the relevant planning authority will be consulted during the preparation of the final PRoW Strategy.</p>
23	<p>Requirement 37</p> <p>Respond to suggestion that Work No. 6 be included in the scope of the requirement.</p>	<p>The Applicants have updated Requirement 37 in the draft DCO submitted at Deadline 5 to include Work No. 6 within the scope of the requirement.</p>



Number	Action	Applicants' Response
24	<p>Requirement 41</p> <ul style="list-style-type: none"> Respond to changes proposed by SCC. Address possible mechanisms to ensure operational drainage system is maintained throughout the life of the project on the face of the Order. Clarify maintenance responsibility for National Grid infrastructure. 	<p>In response to comments from Suffolk County Council and SASES at Deadline 4, Requirement 41 has been extended to include the permanent access road comprised within Work No. 34 and the cable sealing end compounds comprised within Work No. 38 within its scope.</p> <p>At the Hearings, Suffolk County Council and SASES requested that maintenance of the operational drainage should also be secured. The requirement has therefore been updated to reflect these comments.</p> <p>The relevant undertakers will be responsible for the ongoing maintenance of the works throughout the life of the Projects.</p>
26	<p>Requirement 42</p> <p>Further discussion on the detailed drafting and appropriate response.</p>	<p>At Deadline 4 and at ISH6, East Suffolk Council requested that the terminology within this requirement be clarified, and in particular queried the use of the terms “constructed” and “in parallel”. The Applicants have therefore amended the requirement in order to address the comments raised.</p>
28	<p>Schedule 10</p> <p>Please respond to SCC request for PPs in relation to highways.</p>	<p>The Applicants are currently considering the request from Suffolk County Council for protective provisions and will engage with the Council on this matter.</p>
29	<p>Schedule 15</p> <p>Respond to concerns that arbitration proceedings be confidential and more broadly consider how the public interest is addressed in arbitration processes. The ExAs draw parties' attention to Chapter 11 (from para 11.4.4) in the Thanet Offshore Windfarm Extension Recommendation Report.</p>	<p>The Applicants will consider the comments made at the Hearings and will review the Recommendation Report in respect of the Thanet Offshore Wind Farm Extension Application as suggested by the ExA to consider whether any updates are required to the arbitration provisions contained within the draft DCO. Any changes considered to be necessary and appropriate will be reflected in the version of the draft DCO to be submitted at Deadline 7.</p>
30	<p>Schedule 16</p>	<p>The Applicants consider the provisions within Schedule 16 to be necessary and appropriate given that these are NSIPs however the</p>



Number	Action	Applicants' Response
	<p>Respond to proposals that:</p> <p>The response time for discharge be extended to 56 days and possibility of a prior notification arrangement be instituted.</p> <p>The discharge arrangements be changed from a 'deemed approval' in the event of no decision to an appeal procedure.</p> <p>The ten-day requirement for requesting additional information in 2(2) be extended.</p> <p>An obligation for public engagement be imposed prior to a decision being made.</p>	<p>Applicants are currently considering comments made by the Councils in respect of the schedule and should any amendments be considered necessary, they will be reflected in the draft DCO at Deadline 7.</p> <p>The Applicants would however highlight that in practice, the Applicants would consult with the relevant discharging authority in the preparation of the draft documents prior to submitting the final versions for approval and therefore it is not considered that the timescales specified are unreasonable. Furthermore, the process makes provision for longer periods to be agreed between the parties.</p>
31	<p>Memorandum of Understanding</p> <p>ExAs request consideration of drafting a new requirement to secure production of an MoU for purposes of economic development.</p>	<p>The Government has established the concept of the Contracts for Difference (CfD) supply chain plan. This ensures a project's UK content is reviewed. The review is an ongoing one and evaluates the whole of life benefits. The Offshore Sector Deal has committed to the development of skills and the supply chain. On page 55 of the Energy White Paper the Government set out their ambition to increase the UK content and this is likely to be a requirement of future CfD rounds. The Government has also just consulted on improving the supply chain plan process for the next auction round</p> <p>In view of the approach to supply chain plans, and in light of the effectiveness of the MoU on East Anglia ONE and East Anglia THREE and the fact that all parties involved would prefer to build upon the approach taken previously and not include a requirement within the DCO, the Applicants do not consider such a requirement to be necessary.</p> <p>If the Secretary of State disagrees with the Applicants and the Councils in this respect, the Applicants would propose the following requirement:</p>



Number	Action	Applicants' Response
		<p><i>“(1) No stage of the transmission works may commence until a skills strategy has been submitted to and approved in writing by the relevant planning authority, after consultation with Suffolk County Council.</i></p> <p><i>(2) The skills strategy must be implemented as approved.”</i></p> <p>However as noted above, the Applicants do not consider such a requirement to be necessary for the Projects.</p>