

# Norfolk Vanguard Offshore Wind Farm Applicant's Comments on Deadline 2 Submissions

Applicant: Norfolk Vanguard Limited  
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Deadline 3

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*Photo: Kentish Flats Offshore Wind Farm*



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## Glossary

CoCP	Code of Construction Practice
DCO	Development Consent Order
ES	Environmental Statement
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
MOD	Ministry of Defence
NSAG	Necton Substation Action Group
OTMP	Outline Traffic Management Plan
RSPB	Royal Society for the Protection of Birds

## 1 INTRODUCTION

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1. This document contains the Applicant's response to Additional Submissions submitted by Interested Parties at Deadline 2 of the Norfolk Vanguard Examination.

## 2 APPLICANT'S COMMENTS ON ADDITIONAL SUBMISSIONS

### 2.1 Norfolk County Council

Summary of Written Representation	Applicant's Response
<p>Amendment to Appendix 1 of the Local Impact Report to reflect most up to date National Planning Policy Framework.</p> <p><i>Old text:</i></p> <p>To prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.</p> <p><i>New Text:</i></p> <p>To prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.</p>	<p>The Applicant acknowledges the updated reference to paragraph numbers within the most up to date National Planning Policy Framework.</p>
<p>Response to first written questions.</p> <p><b>Q15.2</b> - <i>"Are you satisfied that all necessary intensive evaluation, such as trial trenching, would take place post-consent and that any mitigation required as a result of this is adequately secured in the dDCO."</i></p> <p><b>NCC response</b> - This has been agreed in the Statement of Common Ground between Norfolk Vanguard Limited and Norfolk County Council (Rep1-SoCG-15.1). Appropriate data collection and analysis has taken place to inform the assessment and a programme of proposed post-consent archaeological work is set out in the outline Archaeology Written Scheme of Investigation (Onshore). The implementation of the WSI is secured through Requirement 23 of the dDCO.</p>	<p>The Applicant confirms that this matter is agreed and is captured within the Statement of Common Ground submitted at Deadline 1 (Rep1-SoCG-15.1).</p>
<p>Response to first written questions.</p> <p><b>Q15.4</b> - <i>"Section 28.7.2.2 of Chapter 28 of the ES [APP-352] refers to additional mitigation including the temporary suspension of works in the event of an archaeological discovery. Please comment on the likely effectiveness of this approach, particularly if intrusive groundworks are to be carried out when an appropriately qualified archaeologist is not present."</i></p> <p><b>NCC response</b> - The appropriateness of the onshore</p>	<p>The Applicant confirms that this matter is agreed and is captured within the Statement of Common Ground submitted at Deadline 1 (Rep1-SoCG-15.1).</p> <p>The Applicant confirms that whilst the archaeological reporting protocol would apply to all onshore groundworks for the development, areas assessed as having known or potential for heritage assets with archaeological interest to be present will either have</p>

Summary of Written Representation	Applicant's Response
<p>archaeology mitigation measures has been agreed in the Statement of Common Ground between Norfolk Vanguard Limited and Norfolk County Council (Rep1-SoCG-15.1). The temporary suspension of works and reporting protocol described in Section 28.7.2.2 of Chapter 28 of the ES [APP-352] is a methodology that has been effectively employed elsewhere through appropriate briefing and training of groundworks contractors. It is not, nor is there any intention that it should be, a substitute for a phased programme of post-consent archaeological investigation and recording. Whilst the protocol would apply to all onshore groundworks for the development, areas that are assessed as having known or potential for heritage assets with archaeological interest to be present will either have been formally investigated prior to the commencement of groundworks or an archaeological contractor will be present whilst groundworks take place. Consequently the reporting protocol has greatest value in providing a 'safety net' for genuinely unpredicated, and spatially very discrete, heritage assets (e.g. an isolated coin hoard) in areas which, after appropriate initial investigations were considered to have low archaeological potential.</p>	<p>been formally investigated prior to the commencement of groundworks or an archaeological contractor will be present whilst groundworks take place.</p>
<p>Response to first written questions.</p> <p><b>Q15.5</b> - <i>“Please comment on the applicability of the Offshore Renewable Protocol for Archaeological Discoveries (ORPAD) to onshore construction activities and archaeology.”</i></p> <p><b>NCC response</b> - The appropriateness of the onshore archaeology mitigation measures has been agreed in the Statement of Common Ground between Norfolk Vanguard Limited and Norfolk County Council (Rep1-SoCG-15.1). Whilst ORPAD is primarily designed for offshore use, the basic approach that it embodies can equally be applied onshore.</p>	<p>The Applicant confirms that this matter is agreed and is captured within the Statement of Common Ground submitted at Deadline 1 (Rep1-SoCG-15.1).</p>

## 2.2 Natural England

Summary of Written Representation	Applicant's Response
<p><b>Natural England's Response to Written Representations and Other Supporting Documents submitted by other parties</b></p> <p>Natural England has reviewed Written Representations and Other Supporting Documents submitted by statutory and non-statutory consultees, and commented on the major issues within the remit of Natural England. This provides a review of whether comments contradict or support</p>	<p>The Applicant has no further comments.</p> <p>The Applicant has provided a response to each of the referenced documents submitted by stakeholders in the following documents:</p> <ul style="list-style-type: none"> <li>• Comments on Written Representations (document reference ExA; WRR: 10.D2.2)</li> <li>• Comments on Breckland Council Local Impact Report (LIR) (document reference ExA; LIR; 10.D2.4C)</li> </ul>



Summary of Written Representation	Applicant's Response
<p>Natural England's comments.</p>	<ul style="list-style-type: none"> <li>• Comments on Broadland District Council LIR (document reference ExA; LIR; 10.D2.4C)</li> <li>• Comments on Norfolk County Council LIR (document reference ExA; LIR; 10.D2.4A)</li> <li>• Comments on North Norfolk District Council LIR (document reference ExA; LIR; 10.D2.4D)</li> <li>• Comments on Further Information Requested by ExA (document reference ExA;R17;10.D2.5)</li> </ul>
<p><b>Natural England's comments on responses by all other parties to the Examining Authority's first written questions.</b></p> <p>Natural England has reviewed other consultees responses, including statutory and non-statutory consultees, and commented on the major issues within the remit of Natural England.</p>	<p>The Applicant has no further comments.</p> <p>The Applicant has provided comments on stakeholders responses to Written Questions at Deadline 2 (document reference ExA;WQR;10.D2.3).</p>
<p><b>Natural England's summary table of main concerns regarding offshore ornithology and detailed comments regarding S51 Advice</b></p> <p>Natural England (NE) provided a response to the Applicant's S51 response and a summary table of their main concerns. Note that this table did not include consideration of the Applicant's documents submitted for Deadline 1 (the Applicant's responses to the ExA's First Written Questions and Appendices 3.1, 3.2 and 3.3).</p>	<p>The Applicant acknowledges the summary points raised by NE with respect to offshore ornithology in the update on their current position at Deadline 2 and also in their response to the Applicant's S51 response, which are the same as those raised in their Relevant Representation. The Applicant has responded to aspects related to red-throated diver displacement, collision risk modelling and auk and gannet displacement in the following notes:</p> <ul style="list-style-type: none"> <li>• Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Red-throated diver displacement (Appendix 3.1, document reference ExA; WQApp3.1; 10.D1.3)</li> <li>• Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Collision Risk Modelling: update and clarification (Appendix 3.2, document reference ExA; WQApp3.2; 10.D1.3)</li> <li>• Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Operational Auk Displacement: update and clarification (Appendix 3.3, document reference ExA; WQApp3.3; 10.D1.3)</li> </ul> <p>Further clarifications and updates to the assessment to address Natural England's concerns will be provided for future deadlines.</p>

### 2.3 Little Dunham Parish Council

Summary of Written Representation	Applicant's Response
<p><b>Environmental impact</b></p> <p>The proposed onshore substation site is close to the A47 which is one of 2 major trunk roads that cross Norfolk and is the major access road for visitors from the Midlands many of whom visit Norfolk on holiday. Norfolk is perceived as being as a rural</p>	<p>The footprint of the High Voltage Direct Current (HVDC) and High Voltage Alternating Current (HVAC) solutions originally considered and consulted upon by the Applicant (e.g. during statutory consultation on the Preliminary Environmental Information, when the design envelope included both transmission options) was the same. The worst case scenario for the onshore</p>



Summary of Written Representation	Applicant's Response
<p>county so that if a vast industrial site can be seen from the road then it is felt that this will damage this perception and harm the tourist industry.</p> <p>It has been decided by the Applicant that the current to the site should be Direct Current (DC) rather than Alternating Current (AC). The effect of this is that all the converter equipment has to be housed in buildings up to 19 metres high and in solid structures which have a very large visual impact. There will be a great deal of electronic gadgetry situated outside these structures. The existing substation has a supply of AC current which means that the visual impact is much less with no solid structures and lower gantry heights; consequently much larger mitigating measures will be required for the new development. The footprint of the electrical clutter the DC substation will be very much larger than if an AC had been selected.</p>	<p>project substation has therefore been assessed. See Appendix 20.9 of the Consultation Report (document reference 5.01), "Consultation Summary Document".</p>

## 2.4 Oulton Parish Council

Summary of Written Representation	Applicant's Response
<p><b>1. LINK 68/MA7/Cable Logistic area</b></p> <p>Vattenfall's response to NCC at Deadline 1: -</p> <p>The proposed use of The Street at Oulton is required to access a single mobilisation area (MA7) further east along Heydon Road. This access route is identified as Link 68 within the application. MA7 is only required to support the construction works in proximity to Oulton, and is not a main works compound.</p> <p>OPC would like to comment that LINK 68 is also the access route to the Cable Logistic Area. As OPC previously pointed out, the Cable Logistic Area is only mentioned on maps; there are no data in any documents specifically describing its location, function or reason for selection. This area was a late addition and only appeared on final maps.</p> <p>Vattenfall have stated that "During cable pull phase, materials will be delivered directly to the joint locations or through the use of a Cable Logistics Area (existing hardstanding near Oulton) (Figure 5.4 map 5)." and in the draft SoCG that "Cable drums required for the cable pull will be delivered either directly to the joint locations or temporarily stored at the Cable Logistics Area prior to delivery to the joint locations."</p> <p>OPC is very concerned that it appears the Cable</p>	<p>The Applicant has previously responded to these points in the Applicant's Response to Oulton Parish Council's Written Representation, submitted by the Applicant at Deadline 2 (ExA;WRR_10.D2.2).</p> <p>In summary, a detailed assessment of construction traffic numbers using Link 68 (The Street) has been provided within the application. The construction traffic numbers reported on Link 68, include both traffic for the duct installation works and the cable pulling phase (including use of the cable logistics area for full and empty drums) and represent a robust basis for the assessment of potential impacts on Link 68.</p>

Summary of Written Representation	Applicant's Response
<p>Logistic Area is the only one for the whole project, and it is unclear whether the traffic figures submitted for LINK 68 also include cable drums going to the Cable Logistics Area. We seek clarification on whether this area is being utilised to store cable for other parts of the cable route and if this is factored into the final traffic numbers.</p>	
<p>From OPC's discussions with Orsted (Hornsea Project Three), cable drum deliveries are classed as abnormal loads due to the width of the drums. With no changes to the local road system proposed by Vattenfall (specifically the B1149 junction and the road 'hump' outside The Old Railway Gatehouse) OPC doubt that such deliveries will be easily achieved.</p> <p>Clearly, the cumulative impact of Norfolk Vanguard with the Orsted project will also have further consequences, which do not appear yet to have been considered.</p> <p>OPC also would like to ensure that any such deliveries are made only during the proposed working day and not at night or "out of hours".</p>	<p>The Applicant has previously responded to these points in the Applicant's response to Oulton Parish Council's Written Representations, submitted by the Applicant at Deadline 2 (ExA;WRR_10.D2.2).</p> <p>Cables drums required for the Norfolk Vanguard cable pull phase will be transported to site on standard low loaders, and will not require the use of vehicles that would be classed as abnormal loads. This was also discussed and clarified in a meeting with Oulton Parish Council following the Issue Specific Hearing.</p> <p>The Applicant is also working closely with Orsted to identify potential cumulative impacts with Hornsea Project Three, and notes Orsted's mitigation scheme currently being promoted (Option 1: Passing Places in the approach to their Main Construction Compound). The Applicant is reviewing the Option 1 scheme, to ascertain if the scheme, or elements of the scheme, would be appropriate in the context of the scale and duration of the Norfolk Vanguard construction traffic demand in isolation. Final mitigation measures will be agreed with Norfolk County Council.</p>

## 2.5 Royal Society for the Protection of Birds (RSPB)

Summary of Written Representation	Applicant's Response
<p>The Royal Society for the Protection of Birds (RSPB) has provided comments on the following clarification and update notes submitted by the Applicant at Deadline 1 as appendices to the Applicant's Responses to the First Written Questions:</p>	<p>The Applicant acknowledges the comments provided by the RSPB in relation to the listed notes, and has provided a response to each topic below.</p>
<ul style="list-style-type: none"> <li>Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Red-throated diver displacement (Appendix 3.1, document reference ExA; WQApp3.1; 10.D1.3)</li> </ul>	<p>With respect to red-throated diver displacement the Applicant considers that the evidence review included with the note provides robust justification for the assessment approach and that the RPSB is applying an unwarranted level of precaution in their response.</p>
<ul style="list-style-type: none"> <li>Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Collision Risk Modelling: update and clarification (Appendix 3.2, document reference ExA; WQApp3.2; 10.D1.3)</li> </ul>	<p>With respect to collision risk modelling, the Applicant has provided further discussion and details about the methods used and results obtained which, taken together with the original data provided in the ES and technical appendices, provides the necessary information requested. Nevertheless, the Applicant intends to provide further outputs in an effort to reach</p>

Summary of Written Representation	Applicant's Response
	agreement on the collision risk assessment.
<ul style="list-style-type: none"> <li>Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Operational Auk Displacement: update and clarification (Appendix 3.3, document reference ExA; WQApp3.3; 10.D1.3).</li> </ul>	With respect to the displacement of auks and gannet, the RSPB has provided no responses to the Applicant's evidence review but rather state that their preferred approach results in larger magnitude impacts. The Applicant acknowledges that using higher rates of displacement and mortality results in greater impacts, but disagrees with the basis for selecting these higher rates and has provided evidence to support the precautionary rates used in the assessment (which do not predict significant project alone or cumulative impacts).
<ul style="list-style-type: none"> <li>Comments on the Applicant's responses to Written Questions.</li> </ul>	The Applicant acknowledges the RSPB's comments on the Applicant's responses to the First Written Questions. These points relate primarily to aspects of the Habitats Regulations Assessment. The Applicant has not addressed these specific points at this stage because the focus has been on resolving concerns with the assessment methods. Once these have been resolved, these aspects will be addressed.

## 2.6 The National Trust

Summary of Written Representation	Applicant's Response
<p>In response to the Applicant's answer to Q15.6 submitted at Deadline 1.</p> <p>The National Trust is disappointed that Vattenfall is not willing to consult the National Trust's archaeologists on the WSI given the potential for archaeology in this area and the Trust's role as a conservation organisation. The Trust feels this is a lost opportunity for Vattenfall to have positive engagement with the people of Norfolk and beyond over a project that is going to be quite disruptive. Working in partnership with the NT would give Vattenfall access to a huge audience, generate considerable goodwill and demonstrate that they are sensitive to the potential archaeological interest that this project could expose.</p>	<p>In responding to Q15.6 the Applicant was specifically referring to the appropriateness of the National Trust being named as a named consultee within the wording of DCO Requirement 23.</p> <p>The Applicant has provided further responses with regards to wider engagement with the National Trust during the planning and implementation of the final Written Scheme of Investigation (WSI) within a response to the National Trust's Written Representation submitted by the Applicant at Deadline 2 (ExA;WRR_10.D2.2).</p> <p>In summary, the Outline WSI (document reference 8.5) commits the Applicant to consult with the National Trust in developing the programme of post-consent archaeology survey work anticipated to take place across relevant parts of the Blickling Estate. The Applicant welcomes collaborative working with the National Trust's Archaeologist in this regard to ensure positive outcomes for both parties, in line with the Trust's aims/objectives, duty of care etc. It is envisaged that more detailed discussions will take place in the post-consent stages of the project once additional detail is known.</p>

Summary of Written Representation	Applicant's Response
<p>In response to the Applicant's answer to Q22.6 submitted at Deadline 1.</p> <p>The National Trust notes from the responses to the ExA's questions (paragraph 22.6) that the applicant says "The National Trust's interests were excluded from powers of compulsory acquisition in respect of those parcels of land whilst the land itself is scheduled for compulsory acquisition, however, it should be noted that it is the Applicant's intention to remove the exclusion for National Trust's interests in the next version of the Book of Reference to be submitted at Deadline 2. Whilst the Applicant is confident that agreement can be reached with the National Trust (see the Applicant's response to Q22.16) it is considered appropriate to amend the Book of Reference given that agreement has not yet been reached."</p> <p>In its relevant representations, the National Trust's position was that it was unclear from the DCO and Book of Reference whether its interests in its inalienable land were subject to compulsory acquisition, and objected to the compulsory acquisition of any such interests. It now appears from the above that the applicant is to come forward with changes to the Book of Reference which will make it clear that the Trust's interests are subject to acquisition. The Trust maintains its objection to the proposed acquisition of its interests in its inalienable land (paragraph 22.14). Nonetheless, the Trust shares the applicant's aspiration that land acquisition matters will be able to be agreed during the examination process. Heads of terms are under negotiation to that end. It is incorrect to say (as the applicant's compulsory acquisition schedule does) that discussions have now moved to the Option Agreement. The Heads of Terms have not yet been agreed.</p>	<p>The Applicant notes that the National Trust maintains its objection to the proposed acquisition of its interests in its inalienable land.</p> <p>The Applicant confirms that Heads of Terms have not yet been signed and that the outstanding matters are currently under discussion with National Trust.</p>
<p>The National Trust remains concerned that as one of the county's largest visitor attractions, highway disruption around Blickling could have a considerable effect on our business, especially during the busy school holiday season when the bulk of our major events are programmed. The Trust is keen to continue exploring with Vattenfall how works can be timetabled and delivered in such a manner as to minimise disruption.</p>	<p>The Applicant has responded to this issue within the Applicant's response to the National Trust's Written Representation submitted by the Applicant at Deadline 2 (ExA;WRR_10.D2.2).</p> <p>In summary, an Outline Traffic Management Plan (OTMP) (document reference 8.8) has been submitted as part of the application which captures the transport related mitigation principles for the construction phase of the project. This is secured through Requirement 21(a) of the draft DCO which requires that a final TMP be submitted and approved by the relevant planning authority in consultation with the Highways Authority. The OTMP sets out the Applicant's commitments to engaging with affected landowners to consult on the timings and nature of works affecting their land.</p>

Summary of Written Representation	Applicant's Response

## 2.7 Jenny Smedley on behalf of Necton Substation Action Group (NSAG)

Summary of Written Representation	Applicant's Response
<p><b>Alternative sites for substations</b></p> <p>One of the main concerns from people in Necton is the lack of attention or consideration given by Vattenfall to viable alternative sites for their substations.</p> <p>2 alternatives were offered to Vattenfall:</p> <ol style="list-style-type: none"> <li>1. Top Farm, and</li> <li>2. Open, sparsely populated land near to Scarning</li> </ol>	<p>The Applicant notes the points raised by NSAG.</p> <p>The Applicant considered proposals by third parties to site the onshore project substation on land to the north-east of Necton, either within or beyond the 3km radius search area. The development constraints within the onshore project substation search area are described in ES Chapter 4 Site Selection and Assessment of Alternatives. The site beyond the 3km radius was the subject of a considered response by the Applicant to NSAG in September 2017.</p> <p>The Applicant would also refer to the Applicant's Response to Written Representations EN010079 – 002222 and EN010079 – 002355 submitted at Deadline 2 (ExA; WRR; 10.D2.2).</p>

## 2.8 Environment Agency

Summary of Written Representation	Applicant's Response
<p>The Environment Agency has provided a copy of faxes from 1996 regarding the Environment Agency's response to the crashed plane near Necton. These are the only documents held by the Environment Agency.</p>	<p>The Applicant has previously seen these documents and has no further comments.</p> <p>The Applicant has set out the control measures for potentially contaminated land within the outline Code of Construction Practice (CoCP), which is secured by DCO Requirement 20(2)(d). This approach has been agreed by the Environment Agency and is set out in a Statement of Common Ground submitted at Deadline 1 (Rep1-SOCG-6.1).</p>

## 2.9 George Freeman MP

Summary of Written Representation	Applicant's Response
<p>A copy of the information previously submitted to the examination by Jenny Smedley is included with this submission.</p> <p>Mr Freeman also comments that:</p> <p>There is the lack of sufficient environmental analysis that has been carried out by Norfolk Vanguard Ltd/Vattenfall UK – particularly in light of the news that an F-16 fighter jet crashed at the location back in 1996.</p>	<p>As detailed in the Applicant's response to Q12.9 submitted at Deadline 1 (ExA; WQ; 10.D1.3) information relating to the recovery and remediation exercise at the site of the plane crash, produced at the time by the Royal Air Force has been supplied to the Applicant. A copy of the RAF recovery report was included as Appendix 12.2 at Deadline 1 (document reference ExA; WQApp12.2; 10.D1.3).</p> <p>The Applicant has set out the control measures for potentially contaminated land within the outline CoCP,</p>

Summary of Written Representation	Applicant's Response
<p>While I am not against the principle of this substation (provided changes are made to the proposals in their current form that see proper consultation take place, the substation situated appropriately and the community receiving sufficient benefits in return), I believe it vital that the safety of the surrounding communities is protected.</p> <p>Given that there is no record of any of the required further monitoring having taken place, I would like to, therefore, repeat again my belief that this application should not be allowed to proceed until appropriate investigations have been conducted to establish that there is no risk to my constituents.</p>	<p>which is secured by DCO Requirement 20(2)(d). This approach has been agreed by the Environment Agency and is set out in a Statement of Common Ground submitted at Deadline 1 (Rep1-SOCG-6.1).</p>

## 2.10 Ministry of Defence (MOD)

Summary of Written Representation	Applicant's Response
<p>MOD Deadline 2 submission</p> <p>Update on discussions with the Applicant relating to aviation and radar safeguarding concerns.</p> <p>The MOD confirms that as noted in the SoCG, the MOD has now accepted the technical mitigation proposal submitted by the Applicant in December 2018.</p> <p>The MOD and the Applicant have been in dialogue to agree two Requirements for inclusion in the draft DCO to implement the safeguarding requirements of the MOD relating to the attachment of aviation lighting to relevant offshore structures and the provision of radar technical mitigation.</p>	<p>The Applicant notes this response however this position has now been superseded by the MOD letter issued to the Planning Inspectorate on 5 February 2019 stating that following a conference call between the MOD and the Applicant on 4 February 2019, both parties have now reached agreement on the wording of Requirements 12 and 13 of the draft DCO.</p> <p>The Applicant will submit an updated version of the draft DCO and SoCG (Rep1 - SOCG - 28.1) at Deadline 4.</p>