



Application by Ørsted Hornsea Project Four limited for the Hornsea Project Four Offshore Wind Farm

The Examining Authority's written questions and requests for information (ExQ1)

Issued on Monday 28 February 2022

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the Examination Timetable (published at the same time as ExQ1) enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 24 January 2022 [PD-005]. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier consisting of a number of letters, a reference number which starts with 1 (indicating that it is from ExQ1) and then a question number. For example, the first question on commercial fishing and fisheries issues is identified as CF.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

ExQ1 has been issued prior to receipt of comments on Relevant Representations, due at Deadline 1 in the Examination Timetable. If you are asked a question but have fully addressed it already in response to Relevant Representations, it will be sufficient to provide a cross-reference here.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available in [Microsoft Word](#).

Responses are due by Deadline 2: Tuesday 29 March 2022.



Abbreviations used:

ABP	Associated British Ports
ADR	Air Defence Radar
AEoI	Adverse Effect on Integrity
AEZ	Archaeological Exclusion Zone(s)
AOD	Above Ordnance Datum
BEIS	Department for Business, Energy and Industrial Strategy
BMV	Best and most versatile
BoR	Book of Reference [AS-002]
CA	Compulsory Acquisition
CC	Carbon Capture
CCS	Carbon Capture and Storage
CCUS	Carbon Capture Utilisation and Storage
CoCP	Code of Construction Practice [APP-237]
Co	Commitment (from the Applicant's Commitment Register [APP-050])
DBC B DCO	Dogger Bank Creyke Beck DCO 2015
DCLG	Department for Levelling Up, Housing and Communities
DCO	Development Consent Order
draft DCO	Draft Development Consent Order [APP-203]
DML	Deemed Marine Licence
DMRB	Design Manual for Roads and Bridges



EIA	Environmental Impact Assessment
ECC	Export Cable Corridor
EM	Explanatory Memorandum [APP-204]
EMF	Electromagnetic Field
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ExA	Examining Authority
FLO	Fisheries Liaison Officer
FRA	Flood Risk Assessment [APP-098]
GEART	Guidelines for the Environmental Assessment of Road Traffic, IEA, undated
HAT	Highest Astronomical Tide
HCC	Hull City Council
HDD	Horizontal Directional Drilling
HE	Historic England
HFIG	Holderness Fishing Industry Group
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
JPS	Joint Position Statement
LAT	Lowest Astronomical Tide
LIR	Local Impact Report



LMP	Landscape Management Plan
LVIA	Landscape and Visual Impact Assessment
LPA	Local Planning Authority
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MDS	Maximum Design Scenario
MHW	Mean High Water
MHWS	Mean High Water Springs
MLW	Mean Low Water
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MoD	Ministry of Defence
MSL	Mean Sea Level
NATS	National Air Traffic Service
NFFO	National Federation of Fishermen's Organisations
NGET	National Grid Electricity Transmission Plc
NHRE	National Record of the Historic Environment
NPPF	The National Planning Policy Framework 2021
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
OFCLP	Outline Fisheries Coexistence and Liaison Plan [APP-244]



OnSS	Onshore Substation
OREI	Offshore Renewable Energy Installation(s)
OWF	Offshore Wind Farm
PA2008	The Planning Act 2008
PINS	Planning Inspectorate
PRoW	Public Right of Way
PSR	Primary Surveillance Radar
PTS	Permanent Threshold Shift
RIAA	Report to Inform Appropriate Assessment
RIES	Report on the Implications for European Sites
RSPB	Royal Society for the Protection of Birds
RVAA	Residential Visual Amenity Area
SAC	Special Area of Conservation
SAR	Search and Rescue
SEGL2	Scotland England Green Link 2
SEL	Sound Exposure Level
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SPL	Sound Pressure Level
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems



TCPA 90	The Town and Country Planning Act 1990
TP	Temporary Possession
TH	Trinity House
USI	Unaccompanied Site Inspection [EV-001 and EV-002]
WTGs	Wind Turbine Generators
ZTV	Zone of Theoretical Visibility

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-000837-Hornsea%20Project%20Four%20Offshore%20Wind%20Farm%20Examination%20Library.pdf>

It will be updated as the Examination progresses.

Citation of Questions

Questions in this table should be cited by issue reference and question number. For example, 'BGC.1.1' refers to broad, general and cross-topic question 1 in this table.



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ExQ1: Monday 28 February 2022**Responses due by Deadline 2: Tuesday 29 March 2022**

ExQ1	Question to:	Question
BGC Broad, General and Cross-Topic Questions		
BGC.1.1	Applicant East Riding of Yorkshire Council (ERYC) Hull City Council (HCC)	Development Plan policies Please provide to the Examination full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions (for example in a Local Impact Report) then, if they have not already been provided, please also submit copies of these into the Examination. Have there been any relevant updates to the statutory Development Plan since the compilation of the application documents? Are the local planning authorities content with the Applicant's policy analysis?
BGC.1.2	ERYC HCC	Neighbourhood Plans Can you confirm whether there are any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are can you: i. Provide details, confirm their status and - if they are emerging - the expected timescales for their completion. ii. Provide a copy of the made plan or a copy of the latest draft. iii. Indicate what weight you consider the ExA should give to these documents.
BGC.1.3	Applicant ERYC	National Policy Statements consultation In September 2021, as part of a review of the energy National Policy Statements (NPS), the Government published draft National Policy Statements NPS EN-1 to EN-5 for consultation. Do these change the analysis of policy set out in the application documents, particularly the Planning Statement and the Environmental Statement (ES)? If so, are revised versions required for the Examination?
BGC.1.4	Applicant ERYC	National Planning Policy Framework 2021 Applicant: The current National Planning Policy Framework (NPPF) was published reasonably close to the submission of the application. Where applicable, have all of the submitted documents taken account of the current NPPF and, if not, are any updates to the documents necessary?

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ExQ1	Question to:	Question
		<p>ERYC: Do you consider there to be any implications for the application arising from the July 2021 revision of the NPPF?</p>
BGC.1.5	Applicant ERYC	<p>The Environment Act 2021 The Environment Act passed into law on 9 November 2021. While many of its provisions await detail and implementation, does this have any implications for the application documentation submitted for the Proposed Development?</p>
BGC.1.6	Applicant ERYC Any Interested Party	<p>Central Government Policy and Guidance Are you aware of any other updates or changes to Government Policy or Guidance relevant to the determination of this application that have occurred since it was submitted? If yes what are these changes and what are the implications, if any, for the application?</p>
BGC.1.7	ERYC HCC	<p>Updates on development Please provide an update on any planning applications that have been submitted, or consents that have been granted, since the Application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the ES.</p>
BGC.1.8	ERYC Applicant	<p>Update on application for 21/04416/STPLF On the Unaccompanied Site Inspection (USI) [EV-002] at Creyke Beck Substation, the ExA observed a site notice for an application for "<i>alterations to subsurface cable corridor connected to Dogger Bank Offshore Wind Farm</i>" (your ref: 21/04416/STPLF). ERYC: Can you provide further details on this application including whether it has been determined or the timeframe for determination? Applicant and ERYC: Advise whether there are any implications for the Proposed Development as a result of this application?</p>

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ExQ1	Question to:	Question
BGC.1.9	Applicant	Marine Plans The Marine Management Organisation's (MMO's) Relevant Representation [RR-020] requests the Applicant to demonstrate consideration of whether the Proposed Development adheres to the relevant marine plans and policies for the area (the East Inshore and Offshore Marine Plans, and the Northeast Offshore Marine Plan where the Proposed Development overlaps), preferably in a single, coherent document rather than as separate references throughout the application documents. The MMO suggests that the Applicant fails to explain how the project complies with the above marine plans and which policies have been scoped in or out along with justification. It provides a template and suggested references for a revised marine policy review. What is the Applicant's response? Would a re-analysis change the outcome of the policy review and whether the Proposed Development is policy compliant in this respect? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
BGC.1.10	Applicant	Offshore Transmission Network Review Has the Applicant considered the Department for Business, Energy and Industrial Strategy (BEIS)/ Ofgem Offshore Transmission Network Review (https://www.gov.uk/government/groups/offshore-transmission-network-review)? If not, why not? If it did, has it influenced the design of the Proposed Development in any way? Has the Applicant identified any opportunities for a more co-ordinated approach to the design and delivery of the transmission infrastructure of this Proposed Development and other projects in the same region? Are any of the Secretary of State's observations on the offshore transmission network review in the Norfolk Boreas and Norfolk Vanguard Development Consent Order (DCO) decision letters relevant in this respect?
BGC.1.11	Applicant	Interaction between Dogger Bank Creyke Beck DCO (DBCBC DCO) and the application Parts of the DBCBC DCO Order limits and the application Order limits would overlap. Would the Applicant please provide: i. A plan showing the overlapping Order limits or signpost where in the application documents this can be found.

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ExQ1	Question to:	Question
		<p>ii. Further detail of how the two DCOs would potentially interact, including any conflict between the two.</p>
BGC.1.12	Applicant	<p>Environmental enhancements</p> <p>Tables 5 and 6 of the Outline Enhancement Statement [APP-249] and commitments Co194, Co196 and Co198 outline a number of social and environmental enhancements.</p> <p>How is Co198 to be developed and secured, as it covers a range of enhancement commitments in different domains (which “include but are not limited to; provision of historic signage at landfall; improvements to Public Rights of Ways (PRoWs); wider biodiversity, hydrological and social enhancement measures”)?</p> <p>How are these enhancement measures to be funded? For example, will separate budgets be allocated for each of the enhancement measures or will all the enhancements be competing for the same pot of money? If it is the latter, then how will the funding for competing interests (for example between creation of a water attenuation feature, onshore cable corridor hedgerow planting, biodiversity and Public Rights of Way improvements) be determined?</p>
BGC.1.13	Applicant	<p>Clarification of land description at landfall</p> <p>In the Book of Reference [AS-002] the land referenced 3A on the Land Plans is described as “beach” and the land referenced 3, lying to the seaward of Mean High Water (MHW), is described as “of Mean High of Foreshore”. Could the Applicant:</p> <ol style="list-style-type: none"> i. Review these descriptions and confirm if the land 3A references the land extending from MHW to the cliff face/ coastline. ii. Advise if the term “foreshore” would also be appropriately used for such land (3A, above MHW), or advise if there is a more precise term that should be used for consistent reference to this part of the beach, extending from MHW to the cliff face/ coastline. iii. Confirm if there is a PRoW over this land, 3A plus 2A, 4A and 6A (all above MHW and referenced as being in the ownership of Glendon Estates).

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ExQ1	Question to:	Question
BGC.1.14	Applicant ERYC	Plans for solar farm on land adjacent to proposed onshore substation (OnSS) Please could the Applicant provide: <ol style="list-style-type: none">Confirmation or signposting to exactly where the land referenced as Albanwise Solar Farm Ref 21/02335/STPLF is located.Comment on any implications for the cumulative effects assessment in relation to the ES [APP-030 Table 6.1] that "No existing or proposed developments have been identified that could be affected by Hornsea Four".Update on discussions with the landowner regarding co-operation between the two development projects during construction and operation. Could ERYC provide an update on the progress of this application, which is listed in the Landscape and Visual Impact Assessment (LVIA) [APP-028] as undetermined. If the application has not yet been determined provide an indication of the timeframe for determination.
BGC.1.15	Applicant	Carbon Impact Assessment During consultation for the redetermination of the Norfolk Vanguard project, the Secretary of State (SoS) highlighted the desirability of a carbon footprint and impact assessment that considered embedded carbon and greenhouse gases from the extraction, refinement and manufacture of elements of the project, along with the emissions from the construction (including trenching and excavation of arable land and loss of greenhouse gas absorption capacity from farming, plants and trees), operation, maintenance and decommissioning. Could the Applicant signpost any assessment work of this nature that has been undertaken and does the Applicant intend to provide anything further in this respect?
BGC.1.16	Applicant	Other consents and permits Application document [APP-233] confirms that other consents, licences and permits would be required for the Proposed Development. Can you: <ol style="list-style-type: none">Provide an update on progress with obtaining these consents, licences and permits.Include a section providing an update on these consents, licences and permits in any emerging Statements of Common Ground (SoCG) that are being drafted with the relevant consenting authorities.

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ExQ1	Question to:	Question
BGC.1.17	Applicant	<p>Joint Position Statements</p> <p>In the Preliminary Meeting held on 22 February 2022 [EV-003 to EV-005], you advised that you were preparing Joint Position Statements (JPS) rather than SoCG with a number of parties, for example with Drax Power Limited. Can you:</p> <ul style="list-style-type: none">• explain what the legal status of a JPS is;• state what benefit a JPS has over a SoCG given the definition of a SoCG provided by the Infrastructure Planning (Examination Procedure) Rules 2010; and• set out what weight should be given to a JPS.
CF Commercial Fishing and Fisheries		
CF.1.1	National Federation of Fishermen's Organisations (NFFO) and Holderness Fishing Industry Group (HFIG)	<p>Likely effects of rock berm cable protection of cable crossing east of Smithic Bank</p> <p>Please comment on the predicted or potential effects on fishing and fisheries [APP-018 and APP-015] at the specific location east of Smithic Bank where cable crossings of the Dogger Bank A and B Offshore Wind Farm (OWF) export cables are proposed to be protected by a rock berm that could reduce water depth by up to 14% [APP-067, para 4.6.4.2]. How effective do you consider the proposed mitigation would be?</p>
CF.1.2	Applicant and Marine Management Organisation (MMO)	<p>Cumulative effect of potential Marine Conservation Zone (MCZ) potting restrictions</p> <p>Please comment in detail on the representation [AS-026] from the NFFO that it cannot agree with the assessed likely 'minor' magnitude of impact on UK potting fleets of the inclusion of MCZs in the ES Chapter 6 consideration of cumulative effects, [APP-018, section 6.12.2.18] because the prohibition of bottom-contacting fishing in MCZs has potential to affect potting activity that should be taken account of in the assessment of cumulative impact for this Proposed Development. If it were to be included what implications would this have for the conclusions drawn in the ES?</p> <p><i>(If not fully addressed in the Applicant's Deadline 1 responses to Relevant Representations. Cross-reference may also be made to relevant responses to ExQ1 Marine Ecology.)</i></p>

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ExQ1	Question to:	Question
CF.1.3	Applicant	<p>Assessment of impact on shellfish receptors</p> <p>Respond to the following MMO comments [RR-020] on the ES chapter on Fish and Shellfish Ecology [APP-015]:</p> <ol style="list-style-type: none">Section 3.11.1.7 needs clarification on the assessment of local impact and effects of loss of scallop ground during construction [RR-020, para 3.5.6].Section 3.11.1.16 <i>“reads as though fishers have the option of fishing in grounds much further away which is neither practical nor economically viable”</i> [RR-020, para 3.5.9]. <i>(If not fully addressed in the Applicant's Deadline 1 responses to Relevant Representations; cross-reference may also be made to relevant responses to ExQ1 Marine Ecology)</i>
CF.1.4	Applicant	<p>Assessment of impact on access to fishing grounds for potting fishery</p> <p>The representation [AS-026] from the NFFO comments that the degree of displacement of fishing activity from relatively nearshore OWFs should not be extrapolated to assess effects from an OWF much further offshore, stating <i>“To make distant trips economically viable, potting boats must deploy longer strings of pots, which require more room: making the inter-turbine distances crucial.”</i> Would the Applicant please comment in detail on the NFFO disagreement with the assessment in ES [APP-018, section 6.11.2] of the magnitude of the effect on potting fishery as minor (therefore of slight adverse significance). <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations; cross-reference may also be made to relevant responses to ExQ1 Marine Ecology)</i></p>
CF.1.5	Applicant	<p>Data collection methods for assessment of potting activity baseline</p> <p>Please respond in detail to the representation [AS-025] from HFIG that criticises the data collection method used for assessing the baseline for commercial potting activity on the basis that <i>“VMS data only presented vessels that were over 15 m in overall length which actually represents a very small proportion of the fleet which is predominantly between 10 m and 12 m in length ”</i> and that <i>“under-representation of the size, intensity, and extent of the fishery ... leads to a flawed assumption that displaced vessels can fish in otherwise unfished areas”</i>. <i>(If not fully addressed in the Applicant's Deadline 1 responses to Representations; cross-reference may also be made to relevant responses to ExQ1 Marine Ecology)</i></p>

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ExQ1	Question to:	Question
CF.1.6	Applicant	<p>Catch figures for lobster and brown crab</p> <p>The representation [AS-025] from the HFIG presents catch figures for the year 2020 for lobster and brown crab. Do these figures represent any significant difference to the dataset applied in the ES and if they do would this alter the assessment of degree of significance of likely effects of the Proposed Development on commercial fisheries?</p> <p><i>(If not fully addressed in the Applicant's Deadline 1 responses to Representations; cross-reference may also be made to relevant responses to ExQ1 Marine Ecology)</i></p>
CF.1.7	Applicant	<p>Residual cumulative adverse effects on certain fleets</p> <p>In the ES [APP-018] the cumulative effect of reduced access to, or exclusion from, fishing grounds is assessed as residual moderate adverse for certain fleets with certain OWFs (eg Moray East, Dogger ABC and Sofia). Has further mitigation has been considered to reduce this cumulative effect and if considered, why has it not been proposed to reduce the residual effect?</p>
CF.1.8	Applicant	<p>Cumulative Impact on UK potting with Endurance and Scotland England Green Link 2 (SEGL2) projects</p> <p>The ES [APP-018] assesses a moderate adverse cumulative effect for UK potting together with the Endurance Carbon Capture Storage (CCS) project and SEGL2 which assessment "<i>takes account of high uncertainty related to the impact to commercial fisheries and Tier 3 projects, which have not yet been assessed by the Endurance or SEGL2 projects</i>". Please explain what has been assumed in making this assessment in view of that uncertainty and clarify whether this assessed cumulative moderate adverse effect on the UK potting fleet would be residual after further mitigation.</p>
CF.1.9	Applicant	<p>SoCG with the local potting fleet</p> <p>Is it the Applicant's intending to enter into a SoCG with the UK potting fleet via a collective organisation or to notify to the Examination agreements reached with individual fishers? [APP-244, para 5.1.1.2.]</p>

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ExQ1	Question to:	Question
CF.1.10	Applicant	Potting activity density mapping Please explain why potting is apparently excluded from activity density mapping [RR-020, para 3.5.8]; if it were to be included what implications would this have for the conclusions drawn in the ES?
CF.1.11	Applicant	Definition of 'other countries' in ES Volume A2 Chapter 7 Can you clarify if the statement " <i>vessels registered to other countries do not operate across the Hornsea Four array area, the offshore ECC and the wider former Hornsea Zone</i> " means from countries other than those specifically listed in this ES chapter [APP-018, paras 6.15.1.1 and 6.16.1.2].
CF.1.12	Applicant	Outline Fisheries Coexistence Liaison Plan The implementation of a Fisheries Coexistence and Liaison Plan (FCLP) [APP-244] is intended to be secured through the DCO/ Deemed Marine Licences (DMLs), but the Outline FCLP is not currently listed in Schedule 15 of the draft DCO [APP-203] as a document to be certified. Can you explain whether the Outline FCLP should be included within Schedule 15 or explain how commitments 95 and 180 in the Commitments Register [APP-50] are secured in the absence of this?
CF.1.13	Applicant	Additional detail in the Outline FCLP Please respond to the MMO requests in [RR-020] for additional detail in the Outline FCLP [APP-244]: <ul style="list-style-type: none">i. More descriptive roles and responsibilities.ii. A table (at minimum) to be included to advise when information would be shared at the construction, operation and maintenance stages.iii. Specific communications responsibilities for the Fisheries Liaison Officer (FLO) in regard to safety considerations connected with potential gear snagging on cable protection/ rock armour.iv. FCLP to require timely notification fishers of intended works to enable fishers to move gear with allowance of additional time in adverse weather conditions.

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ExQ1	Question to:	Question
		<p>v. FLO to consult with local industry when the timetable of works is known so that “real-time advice” can be provided.</p> <p>vi. Clarification for all parties that “<i>the MMO will not act as arbitrator and will not be involved in discussions on the need for, or amount of, compensation being issued</i>”.</p> <p><i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
CA Compulsory Acquisition and Temporary Possession		
The Book of Reference, Statement of Reasons, Land Plans, diligent enquiry and updates		
CA.1.1	Applicant	<p>Update table</p> <p>In the Rule 6 letter [PD-005] the ExA requested an updated table to be regularly provided on the progress of negotiations for Compulsory Acquisition (CA) and the freehold of land, of new rights over existing land and Temporary Possession (TP) of land.</p> <p>Confirm acceptance of this request.</p>
CA.1.2	Applicant	<p>Compliance with Department for Levelling Up, Housing and Communities (DCLG) Guidance</p> <p>Please advise whether the Book of Reference (BoR) [AS-002] is fully compliant with DCLG Guidance.¹</p>
CA.1.3	Applicant	<p>Category 3 Parties</p> <p>i. Provide further detail/ justification of how you have identified Category 3 parties for the purposes of the BoR [AS-002].</p> <p>ii. Are there any other persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR [AS-002]? This could include, but not be limited to, those that have provided representations on, or have interests in:</p> <ul style="list-style-type: none"> ○ noise, vibration, smell, fumes, smoke or artificial lighting;

¹ Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

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ExQ1	Question to:	Question
		<ul style="list-style-type: none"> ○ the effect of construction or operation of the Proposed Development on property values or rental incomes; ○ concerns about subsidence or settlement; ○ claims that someone would need to be temporarily or permanently relocated; ○ impacts on a business; ○ loss of rights, eg to a parking space or access to a private property; ○ concerns about project financing; ○ claims that there are viable alternatives; or ○ blight.
CA.1.4	Affected Persons Interested Parties	<p>Known inaccuracies</p> <p>Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [AS-002], Statement of Reasons [APP-227] or Land Plans [APP-210]? If so, please set out what these are and provide the correct details.</p>
CA.1.5	Applicant	<p>Diligent enquiry into land interests</p> <p>Could you summarise where you have not yet been able to identify any persons having an interest in the land, including any rights over unregistered land?</p> <p>What further steps will you be taking to identify any unknown rights during the Examination?</p>
Statutory Undertakers		
CA.1.6	Applicant Statutory Undertakers	<p>Protective Provisions</p> <p>The BoR [AS-002] includes a number of Statutory Undertakers with interests in land and equipment that would be affected by Compulsory Acquisition (CA)/ Temporary Possession (TP):</p> <p>Applicant:</p> <ul style="list-style-type: none"> i. Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them.

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ExQ1	Question to:	Question
		<p>ii. State whether there are any envisaged impediments to the securing of such agreements.</p> <p>iii. State whether any additional Statutory Undertakers have been identified since the submission of the BoR and whether the latest version of the BoR includes any recently identified Statutory Undertakers.</p> <p>A number of Statutory Undertakers [RR-001, RR-025, RR-026 and RR-042] have raised concerns regarding the current drafting of the Protective Provision within the draft DCO [APP-203].</p> <p>Statutory Undertakers:</p> <p>Either provide copies of preferred wording or if you have provided it, signpost where it can be found and explain why you don't want the wording as currently drafted to be used.</p>
CA.1.7	Applicant	<p>Statutory Undertakers</p> <p>Where a representation is made by a Statutory Undertaker under s127 of the Planning Act 2008 (PA2008) and it has not been withdrawn by the close of the Examination, the SoS would be unable to authorise powers relating to the statutory undertaker's land unless satisfied of specified matters set out in s127. If the representation is not withdrawn by the end of the Examination confirmation would be needed that the "experience" test would be met.</p> <p>The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purposes of carrying out the development to which the Order would relate in accordance with s138 of the PA2008. Justification would be needed to show that extinguishment or removal would be necessary.</p> <p>Can you indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.</p>
CA.1.8	Applicant Network Rail	<p>Network Rail – Plot 176</p> <p>Network Rail [RR-001] advocates that plot 176 forms part of the operational Yorkshire Coast Line and that the CA of this plot would cause serious detriment to its undertaking. Network Rail has highlighted a number of criteria that would need to be met for withdrawal of objection.</p>

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ExQ1	Question to:	Question
		Can you provide an update on these discussions and whether agreement is likely to be reached before the close of the Examination?
CA.1.9	Applicant	<p>Land at Creyke Beck</p> <p>National Grid Electricity Transmission (NGET) [RR-025] has queried the extent of the proposed Order limits at the proposed substation site given that NGET would build a convertor station adjacent to the existing substation at Creyke Beck for the benefit of the Applicant. Can you explain why the amount of land being sought would be needed to enable delivery of the Proposed Development?</p>
CA.1.10	Applicant Environment Agency	<p>Update on Environment Agency Land</p> <p>The Environment Agency advised [RR-010] that it was reviewing the proposed land acquisition in relation to its assets and whether it would cause problems from an operational perspective. The BoR [AS-002] lists three plots around Watton Beck (plots 158, 159 and 160) where the Environment Agency owns the land, and the Applicant is seeking the permanent acquisition of new rights and the imposition of restrictions.</p> <p>Can you provide an update as to whether these plots have been reviewed? If they have what was the outcome and if they haven't when will that review occur? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.) (You may wish to combine this with your response to question OWE.1.4.)</i></p>
How it is intended to use the land, alternatives and whether rights sought are legitimate, proportionate and necessary		
CA.1.11	Applicant	<p>Choice of technology</p> <p>The Statement of Reasons [APP-227, Para 1.2.1.3] advises that the Proposed Development may use High Voltage Alternating Current (HVAC) or High Voltage Direct Current (HVDC) transmission or could use a combination of both technologies in separate electrical systems. This would have significant implications for CA/ TP as for example during construction the onshore cable corridor would have a typical width of 80m if HVAC technology is used and 60m if HVDC technology is used, reducing to 60m and 40m width for permanent rights respectively [APP-225]. A number of other recent wind farm projects, for example East Anglia ONE North and Norfolk Vanguard, have specified the use of either a HVAC or a HVDC electrical system for</p>

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ExQ1	Question to:	Question
		the onshore cabling from the outset. Given that the amount of land required would vary quite considerably depending upon the technology used and could give rise to blight claims can you justify from a CA perspective why you have yet to decide as to whether HVAC or HVDC would be your preferred option and/ or advise whether a decision on which technology would be used will be made during the Examination? (<i>You may wish to combine the answer to this question with the response to PDS.1.1.</i>)
CA.1.12	Applicant	Location of haul road for construction of cable route In Table 4.36 of ES Vol A1. Chapter 4 [APP-010] you state that the maximum haul road width could be up to 10m and that would include hard standing, soil storage and fencing. However, in the indicative layout depicted in Figure 4.20 of [APP-010] you show a centrally positioned haul road with soil storage areas and temporary fencing located away from the haul road. Please clarify this and can you confirm if all proposed passing places would be included within the 10m width?
CA.1.13	ERYC	Reasonable alternatives/ necessity Is the ERYC in its role as the Local Planning Authority and the Highway Authority aware of: i. Any reasonable alternatives to CA or TP sought by the Applicant? ii. Any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?
Individual objections, issues and voluntary agreements		
CA.1.14	Affected Persons	Affected Persons' issues and concerns Do any Affected Persons have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?

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ExQ1	Question to:	Question
CA.1.15	Applicant	The Equalities Act 2010 Could you: i. Clarify how you have had regard to the Equalities Act 2010 in relation to the powers sought? ii. Have any Affected Persons been identified as having protected characteristics? If so, what regard has been given to them?
Compensation provisions and the adequacy of funds		
CA.1.16	Applicant	Availability of funding The Applicant is reminded that the Department for Communities and Local Government (as it then was) Guidance related to procedures for CA (September 2013) states that; <i>"Applicants should be able to demonstrate that adequate funding is likely to be available to enable compulsory acquisition within the statutory period following the Order being made, and that the resource implications of a possible acquisition resulting from a blight notice has been taken account of"</i> . i. The Funding Statement [APP-224, para 1.3.1.1] indicates that the current estimated cost of the scheme in August 2021 would be £5-8 billion of which £76.859 million would be associated with the acquisition of land/ rights in land [APP-224, para 1.3.1.4]. How robust is this figure and given the Examination is due to close in August 2022 does this need to be updated and if not, why not? ii. Paragraph 1.4.1.2 of the Funding Statement indicates that the funding mechanism for the Proposed Development has not been formally agreed and then sets out a number of possible options. Has any further work been done to confirm which option is likely to be progressed? iii. On the final page of the funding statement [APP-224] there appears to be a question from another Examination can you provide details of which application this relates to and why it is relevant to the funding of the Proposed Development? iv. The property cost estimate table on page 15 of the Dalcour Maclaren letter [APP-224] assigns a figure of £32.733 million (net value) to compensate for the loss of development value. Given the majority of the cable route would run through a predominantly rural area with how was this figure reached?

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ExQ1	Question to:	Question
		<p>v. Can the figures in the property cost estimate table be checked as the net value (£m) and total (£m) column totals and the acquisition of freehold land and third-party professional fees total (£m) rows do not appear to add up based on the figures contained within the table. As a consequence, the total cost estimate would appear to be approx. £2m less than the figure shown in the table.</p> <p>vi. The Ørsted Annual Report [APP-225] is dated 3 February 2021, when will the next annual report be published and are you intending to submit a copy into the Examination?</p>
Special Category Land		
CA.1.17	Applicant	<p>Crown land</p> <p>Consent is required for any provision in the DCO which would relate to Crown land or rights benefiting the Crown in accordance with s135(2) of the PA2008. Among other things this includes consent for any TP sought over Crown land.</p> <p>i. Part 4 of the BoR lists six plots where the Crown is the owner of the land. The description of each of these plots includes the tailpiece (excluding all interests of the Crown). Can you provide a further explanation for the inclusion of this wording and what it implies for the purposes of s135 of the PA2008?</p> <p>ii. The Statement of Reasons [Para 1.5.1.6, APP-227] advises that you are in discussions with the Crown Estate Commissioners (being the appropriate Crown authority) in order to obtain their consent to the inclusion of these provisions as required under s135 of the PA2008. Can you provide an update on where these discussions are and whether agreement will be reached before the close of the Examination?</p> <p>iii. Can you confirm whether any land that would be subject to escheat is included within the Order limits?</p>
CA.1.18	Applicant The Crown Estate BP Endurance	<p>Burbo Bank DCO and the implications for Part 4 of the BoR [AS-002]</p> <p>Applicant:</p> <p>Part 4 of the Book of Reference [AS-002] and the land plans [APP-210] only detail the on-shore interests of the Crown Estate. Conclusions reached by the SoS in the Burbo Bank decision supported a recommendation from the ExA in that case, that where the sole interest of the Crown Estate in land forming part of the sea bed is in the area proposed to be granted</p>

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ExQ1	Question to:	Question
		<p>to the OWF undertaker, the Crown interest in the sea bed need not be listed in Part 4 of the Book Reference. Given that there is an overlap between the licences granted by the Crown Estate for Hornsea 4 and those for the Endurance Aquifer, the circumstances applicable in the Burbo Bank decision would not appear to apply here. Please explain why Part 4 of the BoR does not itemise both of the offshore affected Crown interests?</p> <p>Can you explain what is the purpose and legal status of the Crown Land – Onshore and Offshore Plans [APP-221] ?</p> <p>BP Endurance and The Crown Estate:</p> <p>What is your understanding of the implications of the Burbo Bank decision for this Application? Do you consider that different circumstances apply in this case ie the BoR and land plans should be updated to identify the different interests in the Crown land that is the seabed?</p>
CA .1.19	Applicant ERYC	<p>Other special category land</p> <p>Part 4 of the BoR [AS-002] identifies various land plots within the Order limits as being Crown land or open space. Does any other land within the Order limits comprise land either forming part of a common or fuel or field garden allotment or which is held inalienably by the National Trust? If so, provide details.</p>
Site specific questions		
CA .1.20	Applicant	<p>Land near Throstle Nest Farm</p> <p>[RR-023] raised concerns that the indemnity agreement that they were being asked to sign was disproportionately onerous and was 'Wednesbury' unreasonable. Furthermore, they were concerned that the Proposed Development was potentially blighting the sale of their property. Can you:</p> <ol style="list-style-type: none"> i. Explain why such an indemnity agreement is necessary? ii. Provide an update on the progress with negotiating a voluntary agreement. iii. Explain why, given the concerns regarding the indemnity agreement, you have not taken up the owners offer of giving you the freehold rights for the land for free?

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ExQ1	Question to:	Question
CA.1.21	Applicant ERYC (Highways)	A164/ Jocks Lodge junction improvement scheme The proposed cable route would intersect with the A164/ Jocks Lodge junction improvement scheme. Can you: ERYC (Highways)/ Applicant: iv. Provide a plan of the proposed improvement scheme/ land subject to the Compulsory Purchase Order with the proposed cable route and order limits superimposed over it. v. Provide an update on progress with either agreeing a collaboration agreement or agreed protection within the draft DCO and whether this will be agreed before the close of the Examination. ERYC (Highways): Provide details of the proposed timescale for the implementation of this scheme. <i>(You may wish to combine the answer to this question with the answer to question TT.1.14.)</i>
CA.1.22	Applicant	Logistics compound at Lockington In its RR [RR-018] Lockington Parish Council raised concerns about the location of the Logistics Compound that is proposed to be located close to the junction of Station Road and the A164. The Parish Council has suggested an alternative site that would be located on the eastern side of the A164 immediately to the north of the Station Road/ A164 junction. What implications would this have for the Order limits and CA? <i>(You may wish to combine the answer to this question with the answer to question PDS.1.13.)</i>
Other matters		
CA.1.23	Applicant	Acquisition of other land or rights Are any land or rights acquisitions required in addition to those sought through the draft DCO before the Proposed Development could become operational?

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ExQ1	Question to:	Question
DGN Design		
DGN.1.1	Applicant	<p>Photomontage visualisations</p> <p>The Applicant's description of the block visualisations [APP-028, para 4.11.2.36] is noted. It is understood that these portray the 'Maximum Design Scenario' (MDS); in the interests of clarity for all parties, can you confirm that the visualisations provided in [APP-115] are intended to represent the 'worst case' for the onshore substation and Energy Balancing Infrastructure development resulting from the Proposed Development and clarify how this 'worst case' has been established for the block visualisations?</p> <p>The illustrations [APP-115] entitled 'MDS' appear to depict a different development to those entitled 'Illustrative Photomontage' (Viewpoints 1 to 4). Can you clarify why buildings and structures appear to be shown in different locations across these two types of illustration and, if necessary, amend the documents accordingly?</p>
DGN.1.2	Applicant	<p>Design review process</p> <p>Provide an explanation and summary of the Design Review process undertaken by the Applicant and its design team for the onshore substation buildings and structures prior to submission of the Application.</p>
DGN.1.3	Applicant	<p>Application of colour on buildings</p> <p>The outline Design Plan [APP-248] shows indicative approaches to the treatment of the external envelope of enclosures to structures at the onshore substation. These approaches share a similar colour palette with variations in application which are intended to reduce the impact of the large building volumes on the landscape.</p> <p>Demonstrate with further detail, including with reference to successful examples in the built environment, how and why the Applicant has formed the view that applying blocks of colour onto large and significant structures in a landscape setting is a genuinely effective strategy to lessen their visual impact on that landscape.</p> <p>Reference should be made to the effectiveness of such a strategy in reducing the visual impact from long-range, mid-range and close-range viewpoints.</p>

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ExQ1	Question to:	Question
		References to successful examples in the built environment should include completed projects that could be visited by the ExA.
DGN .1.4	ERYC	Detailed design approval onshore Requirement 7 of the draft DCO [APP-203] sets out the parameters which secure the detailed design of the onshore substation. Is the wording of this requirement sufficient to secure the detailed design of the Onshore substation? Are you comfortable that you have the necessary experience and expertise to take on the design approval (substation buildings and structures) post-consent, if the DCO is consented? If not, please indicate what additional support you believe would be required and from whom such support should come.
DGN .1.5	Applicant	Security fencing The Design Vision Statement [APP-048] sets out possible boundary treatments in the form of security fencing and fixed screens. It notes [APP-048, para 3.4.1] that security fencing would be, as a minimum, a Category 2 'Standard' fence system with a height of 2.4m. Figures 19 and 20 [APP-048, page 030] show indicative sections through boundary treatments and include depictions of fences with outline forms indicating Onshore substation building structures which are approximately twice the height of the fence. Are the buildings and structures shown in these Figures represented with an accurate height above ground level? If not, provide illustrated examples of the same screening principles which show buildings at their 'true' height as defined by the MDS parameters. Are the security fences depicted in these indicative section drawings with 1m additional electric fencing, as noted in Figures 2 and 3 of the Applicant's outline Design Plan [APP-248, pages 13 and 14]? If not, provide illustrated examples of the same screening principles which show fences and screens at their 'true' height.
DGN .1.6	Applicant	Screen options The Applicant's Design Vision Statement [APP-048] introduces the possibility of additional boundary treatments in the form of additional fixed screens in areas where footfall of pedestrians is anticipated. No further mention is given, or indicative proposals presented, for

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ExQ1	Question to:	Question
		<p>this type of screening in the Applicant's graphic representations of treatments along and around PRowS.</p> <p>Provide illustrated examples of the same PRow treatment principles which show how screening might be incorporated indicating the height that such screens would need to reach in order to be effective.</p>
DGN.1.7	Applicant	<p>Screen options</p> <p>Clarify the meaning and intent of the following wording, set out in the Applicant's outline Design Plan [APP-248, para 9.2.1.1]:</p> <p><i>"It is noted that detail regarding fencing will be approved under DCO Requirement 12. Outline information is provided in this Outline Design Plan for DCO application purposes only and will not form part of the detailed Design Plan to be submitted under DCO Requirement 7."</i></p>
DGN.1.8	Applicant	<p>Earthwork bunds</p> <p>The Design Vision Statement [APP-048] sets out the aspiration that proposed earthwork bunds should take <i>"an organic, sinuous form with soft edges... as opposed to a hard-edged engineered form."</i></p> <p>Signpost where in the application documentation this approach is included as a commitment and how it would be secured by the draft DCO.</p> <p>Is there sufficient space within the onshore substation permanent Order Limits for this type of landscape mitigation to be implemented as described? Please consider the answer to this question in combination with Written Question OWE 1.6 below.</p> <p>Please provide an indicative layout to scale which demonstrates that the earthworks mitigation proposals, surface water attenuation, screening and buffer zones which are proposed can all be accommodated alongside the MDS for the onshore substation and energy balancing infrastructure.</p>
DGN.1.9	Applicant	<p>New route adjacent to onshore substation operational site</p> <p>The Design Vision Statement [APP-048, para 3.7] discusses diversion of existing PRowS and Figs 26 to 29 of that document show indicative sections through PRowS and an indication of</p>

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ExQ1	Question to:	Question
		diversion of existing PRoW to the west of the proposed onshore substation. Please produce an additional illustrative detail or details showing the PRoW in both plan and section where they would be diverted around the proposed onshore substation at its closest point to the proposed enclosing fence true to scale, consistent with the dimensions quoted in para 3.7.1 of that document and explain how that minimum dimensional offset for the fence from the Order limits would be secured.
DCO Draft Development Consent Order (draft DCO)		
DCO.1.1	Applicant	<p>Precedents</p> <p>Notwithstanding that drafting precedent has been set by previous DCOs or similar orders full justification should be provided for each power/ provision taking into account the facts of this particular DCO application.</p> <p>Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the Secretary of State's current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and draft DCO) actually differ on any way from corresponding provisions in the secretary of state's most recent made DCOs, an explanation should be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).</p> <p>Provide a list, or signpost where in the application documentation this can be found, of all the previous DCO's that have been used as a precedent for the drafting of this draft DCO.</p>
DCO.1.2	Applicant Any Interested Parties	<p>Implications of recent SoS decision on Norfolk Vanguard and Norfolk Boreas DCOs</p> <p>Can you comment on any implications for the drafting of the DCO for this Application that may have arisen as a result of the recent Development Consent Orders for the Norfolk Vanguard and Norfolk Boreas OWF.</p>

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ExQ1	Question to:	Question
Articles		
DCO.1.3	Applicant ERYC	Article 2 – definition of commence Applicant: Definition of commence as currently drafted excludes 'onshore site preparation works'. Why are these works excluded? ERYC: Given 'onshore site preparation works' could include, amongst other things, site clearance, archaeological investigations, diversion and laying of services as currently defined it would be possible for the undertaker to potentially carry out these activities without the appropriate assessment or mitigation being provided. Are you therefore satisfied with this definition and if not what alternative wording would you prefer?
DCO.1.4	Applicant ERYC (Highways)	Article 2 – definition of relevant highway authority Whilst a definition of 'highway' and 'highway authority' are provided 'relevant highway authority' unlike 'relevant planning authority' is not defined. Requirements 11 and 18 both refer to 'relevant highway authority' for the purposes of clarity does a definition of 'relevant planning authority' need to be included?
DCO.1.5	Applicant	Article 2 – definition of Secretary of State Should a definition of 'Secretary of State' be included? If yes provide a definition and if no, why not? Can you confirm whether there are any circumstances that would engage a Secretary of State other than that for Business, Energy and Industrial Strategy? If yes provide further details. Confirm that the correct Secretary of State has been identified throughout the draft DCO.
DCO.1.6	Applicant MMO	Article 5(1)(b) and 5(12) These provisions as currently drafted would permit transfer of part of the DMLs.

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ExQ1	Question to:	Question
		<p>MMO: Are you content with the transfer of part of the DMLs and if not, why not? Can you expand upon the objection to this Article that you have provided in your Relevant representation [RR-020]?</p> <p>Applicant: Can you provide examples of recent made DCOs with DMLs where the SoS has consented to transfer of part?</p>
DCO .1.7	Applicant	<p>Article 5(2) This Article carves out a number of paragraphs where reference to the 'undertaker' in the article will not include reference to the transferee or lessee. Whilst this might be true for paragraph (6) it is not clear why it is necessary to carve out paragraphs (3), (5), (8), (9) or (11) as these relate to the undertaker giving notice of transferee. Can you explain for each paragraph why you consider that reference to the undertaker should not apply to a transferee or lessee, particularly those relating to the process for transfer of the benefit.</p>
DCO .1.8	Applicant MMO	<p>Article 5(5) Applicant: Can you explain the need and justification for setting a specific procedure for the SoS to determine the transfer of benefit applications and in particular why the 8 week time period is required (the Explanatory Memorandum (EM) [APP-204, Para 5.10] confirms that there is no precedent for this approach) is it because you have experienced problems on other projects, if so which ones, or are you aware of other undertakers having problems which is why you are seeking to include this?</p> <p>MMO: You have advised [RR-020] that you consider that the proposed eight-week timescale would be too short to allow for full consultation. What time period would you consider appropriate?</p>

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ExQ1	Question to:	Question
DCO .1.9	Applicant	<p>Article 6</p> <p>In accordance with s150 of the PA2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, express consent is required from the consenting authority for the inclusion of 6(c), (d), (e) and (f). If express consent is not received these would need to be removed from the DCO. Can you comment on how this would be managed?</p>
DCO .1.10	Applicant ERYC (Highways)	<p>Article 8</p> <p>Are the activities listed at 8(1) sufficient to cover the works that would be required to implement the Proposed Development? Should the list be expanded/ amended as follows (suggestions in bold):</p> <ul style="list-style-type: none"> a) break up or open the street, or any sewer, drain or tunnel within or under it; b) tunnel or bore under the street or carry out any works to strengthen or repair the carriageway; c) remove or use all earth and material in or under the street; d) place and keep apparatus in the street; e) maintain, alter or renew apparatus in the street or change its position; f) demolish, remove, replace and relocate any street furniture within the street; g) execute any works to improve sight lines; h) execute and maintain any works to provide hard or soft landscaping; i) carry out re-lining and placement of road markings; j) remove and install temporary and permanent signage; and k) execute any works required for or incidental to any works referred to in sub-paragraphs a) to k)
DCO .1.11	Applicant ERYC (Highways)	<p>Article 10(1)</p> <p>As currently drafted, this Article permits the stopping up or diversion of any street.</p> <p>Applicant:</p> <p>Why is this necessary?</p>

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ExQ1	Question to:	Question
		ERYC (Highways): Should this be limited to streets only within the Order limits?
DCO.1.12	Applicant Consenting authorities	Articles 10(7), 12(2), 15(9) and 17(6) As currently drafted, consent will have been deemed to have been granted by the consenting authority if no response is received within 28 days. Applicant: Explain the reason behind a 28-day timeframe? Consenting Authorities: Is 28 days long enough? If not, why not and what would be an appropriate timeframe?
DCO.1.13	Applicant ERYC (Highways)	Article 14 This Article would give the Applicant the power to alter the level or width of any street (including kerb, footway, cycle track or verge) within the order land. While it would be necessary to obtain the consent of the street authority (which could not be unreasonably withheld) to exercise this power it is still a wide-ranging power. Should it therefore be limited to identified streets? If yes which streets? If no, why not?
DCO.1.14	Applicant	Article 20(1) This Article extends the time frame for CA from the usual 5 to 7 years, given the interference and uncertainty it generates for persons whose land or rights are subject to CA. The EM [APP-204, Para 5.33] provides a limited explanation can the Applicant provide further justification.
DCO.1.15	Applicant	Article 21(2) As currently drafted, this does not include a reference to being subject to the TP Article (28). Can the Applicant either amend the drafting to include the reference or explain why it is not necessary to do so.

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ExQ1	Question to:	Question
DCO .1.16	Applicant	Articles 21(8), 28(12) and 29(12) – Special Category Land As currently drafted, the draft DCO has a number of articles rather than a specific special category land article. Why have you taken this approach and what is the advantage of this over the usual drafting?
DCO .1.17	Applicant ERYC Natural England	Article 36(2)(a) As currently drafted, this Article would allow the removal of any hedgerows within the Order limits AND any hedgerows specified in Schedule 10. Applicant: Should this be limited to those specified in Schedule 10 and if not, why not? ERYC and Natural England: Do you have any concerns about the Applicant’s ability to be able to remove all hedgerows within the Order limits AND any hedgerows specified in Schedule 10?
DCO .1.18	Applicant	Article 39 Do you intend to amend Article 39 to include the additional wording suggested by the MMO [RR-020, para 2.3.4] and if not, why not?
DCO .1.19	Applicant	Article 40 and Schedule 1, Part 4 The DCO as drafted makes provision for the appeal procedures of s78 and s79 of the Town and Country Planning Act 1990 (TCPA 90) to apply regarding the discharge of requirements. However, it also includes a specific appeal procedure for discharge of requirements in schedule 1, Part 4 (para 34). Can you confirm what is the intention behind including two different appeal procedures? Planning Inspectorate (PINS) Advice Note 15 (section 19, good practice point 3 and appendix 1) addresses this issue and sets out a standard drafting procedure for the discharge of requirements. It advises that if this drafting is not followed then it should be covered by the EM. The EM [APP-204, paras 6.9-6.10] does not make any reference to the PINS advice note drafting.

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ExQ1	Question to:	Question
		<p>Can you explain why this advice has not been followed or amend the EM?</p> <p>In the South Humber Energy Bank Centre DCO, the SoS removed an article which sought to apply s78 and s79 of the TCPA 90 appeal provisions and replaced it with a specific appeal procedure in the article.</p> <p>In light of this decision, for consistency, Article 40 as drafted would need to be replaced with an article applying the procedure set out in Schedule 1, Part 4. If there are differences between the procedure as drafted and the PINS advice note then a justification will need to be provided.</p>
DCO.1.20	Applicant	<p>Article 45</p> <p>As drafted, this Article provides that the undertaker may not exercise the CA powers until they have a guarantee or alternative form of security in place. Can the Applicant explain why this guarantee cannot be provided now or before the end of the Examination?</p>
DCO.1.21	Applicant	<p>Article 46</p> <p>This Article seeks to amend the DBCB Wind Farm Order 2015. However, the EM [APP-207] does not explain which provision of the PA2008 the Applicant is relying on to include this Article and Schedule 13 in the draft DCO (ie is it 120(5)(a) or (b)) or provide any explanation why the Applicant considers the provision applies in the circumstances of this case.</p> <p>Can you confirm which of the paragraphs of s120(5) of the PA2008 are being relied on and explain why it applies in this case.</p>
DCO.1.22	Applicant	<p>Article 48</p> <p>Can you provide detailed legal submissions regarding the operation of this article, including:</p> <ol style="list-style-type: none">i. The legislative basis upon which it is permissible to include it within the draft DCO.ii. How the article is intended to operate.iii. The legal enforceability of the article.iv. How the article is able to affect the legal enforceability of a binding s106 agreement under the TCPA 90 and the operation if s106(3)-(8) of the TCPA 90.

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ExQ1	Question to:	Question
		Alternatively, would a more appropriate way of addressing this issue be to seek variations to the affected s106 agreements and if not, why not?
Schedules		
DCO .1.23	Applicant	<p>Schedule 1 Part 1 Authorised Development</p> <p>The draft DCO [APP-203, Schedule 1, Part 1, para 1] Authorised Development Work No. 5 (b) and (c) in the intertidal zone includes horizontal directional drilling (HDD) pits- both launch and exit, whereas Work No. 6 only includes (b) transition joint bays. However, the ES Chapter 4 Project Description [APP-010 paras 4.9.2.4 to 4.9.2.18] describe the HDD pits being located landside of the cliff zone therefore in Works No. 6 with HDD ("or other trenchless technique" as described in ES 4.9.1.6) passing under the cliff zone and the intertidal zone to pits either within the intertidal zone or in the nearshore zone in Works No. 2(f). Please confirm if the draft DCO needs to be amended such that HDD launch or exit pits are included within Works No. 6 and if launch pits described in Works No. 5 (c) should be omitted from Works No. 5.</p>
DCO .1.24	Applicant	<p>Schedule 1 Part 1 Authorised Development</p> <p>Please respond to the MMO's [RR-020, para 2.4.2] request for clarification of "<i>how the management and enforcement of these [Work nos. 9a and 9d] activities will happen if they are both under the Local Planning Authority and MMO's regulator remit</i>" and please extend your answer to explain how management and enforcement of Work No. 5 activities will happen as being in the intertidal zone (ie below MHWS) they fall within the offshore works area but the local council also has certain regulatory responsibilities within the intertidal zone.</p>
DCO .1.25	Applicant	<p>Schedule 1 Part 1 Authorised Development</p> <p>Can you confirm if you proposing to include scour protection to stabilise the use of jack up barges and if so does it need to be included in the list of associated development set out below Work No 10 in the draft DCO?</p> <p>Can you confirm where in the draft DCO/ DML the disposal volumes for drill arisings in connection with any foundation drilling is set out. If it is not currently included in the draft</p>

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ExQ1	Question to:	Question
		DCO/ DML would you be prepared to include the wording suggested by the MMO [RR-020, para 2.4.3] and if not, why not?
DCO .1.26	Applicant Undertaker for DBCB DCO	<p>Schedule 9(3) and Schedule 13(3)</p> <p>As currently drafted paragraph 3 would effectively prevent the undertaker for DBCB DCO exercising a number of powers contained within the DBCB DCO over the Hornsea 4 Order Land without first obtaining the prior written consent of the Applicant. As drafted there appears to be no provision for consent not to be unreasonably withheld or any deemed consent provisions or appeal provisions. As a consequence, there appears to be no mechanism other than arbitration for the DBCB undertaker to challenge a decision to withhold consent. However, for the reverse situation the drafting of paragraph 3, Part 7, Schedule 9 states that the undertaker for the DBCB DCO may not unreasonably withhold its consent and includes a deemed provision.</p> <p>Applicant: What is the reason behind the difference in the drafting of these two paragraphs and is it reasonable?</p> <p>Undertaker for DBCB DCO: Is this drafting acceptable? If not, why not and what alternative wording would you prefer.</p>
DCO .1.27	Applicant Environment Agency	<p>Schedule 9(5)</p> <p>In its RR [RR-010] the Environment Agency advised that they had outstanding concerns regarding the proposed works to the Watton Beck crossing and as a result was unable to confirm that it consented to the disapplication of the Environmental Permitting Regulations (England and Wales) 2016 and that discussions were ongoing.</p> <p>Can you provide an update on the progress with these discussions and whether the issue has been resolved? If it hasn't can you indicate whether this matter would be resolved by the close of the Examination and if it isn't, how this provision would need to be amended.</p>

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ExQ1	Question to:	Question
DCO .1.28	Applicant	Schedules 11 and 12 Can you respond to the suggestions made by the MMO [RR-020, section 2.5] regarding the drafting of this schedule and if you do not accept the suggestions can you explain why?
DCO .1.29	Applicant ERYC Undertaker for DBCB DCO	Schedule 13(6) Paragraph 6 appears to be attempting to insert a provision which would prevent the DBCB undertaker from being in breach of a requirement in their DCO if the operation of the co-operation provisions in paragraph 4 of the Hornsea 4 protective provisions prevent it. Applicant: Provide legal submissions on the legislative basis upon which this drafting is permissible. How is it intended to operate in practice and provide further detailed explanation of why this is necessary? ERYC: As the LPA with responsibility for discharging the requirements and enforcing the DBCB DCO do you wish to comment on this drafting? Undertaker for DBCB DCO: Is this drafting reasonable? If not, why not and what alternative drafting would you prefer?
DCO .1.30	Applicant	Schedule 13 (7) This paragraph refers to a paragraph 25(3) and 28. It is not clear what these refer to, presumably they are paragraphs within the DBCB DCO. Explain what these references are to and amend accordingly.
DCO .1.31	Applicant	Schedule 13(8) Provide the legislative basis on which you are relying to include this within the DBCB DCO and why is it necessary? In particular why do you think that the co-operation provisions in paragraph 4 are likely to cause the undertaker of the DBCB DCO to breach the requirements of their DCO and how is this necessary or reasonable?

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ExQ1	Question to:	Question
Requirements		
DCO.1.32	Applicant	<p>Requirement 1</p> <p>As currently drafted, the time limit for commencement would be seven years rather than the usual five years. The EM [APP-207, Para 6.8.1] offers limited explanation or justification for this. Can you provide a further justification as to why seven years is necessary in the circumstances of this particular case?</p>
DCO.1.33	Applicant	<p>Requirement 2(10)</p> <p>It would appear that some text may be missing, or this section could benefit from re-drafting so that its intent is clearer. Please could you review and amend accordingly.</p> <p>Respond to the MMO's concern [RR-020, para 2.4.6] regarding the maximum number of turbines and a request that this should be set by Requirement 2 the draft DCO or the DML.</p>
DCO.1.34	Applicant ERYC	<p>Requirement 7(1) and (4)</p> <p>It is unclear what is meant by the phrases "<i>construction of connection works in Work No 7</i>" and "<i>the connection work in work No 7 may not commence until</i>".</p> <p>Applicant: Can you provide further clarification of what is meant?</p> <p>ERYC: Are you satisfied with the wording as currently drafted? if not, why not, and what wording would you prefer?</p>
DCO.1.35	Environment Agency	<p>Requirement 10 (1)</p> <p>The Environment Agency [RR-010] has highlighted that due to the period of time that would have elapsed between the pre-application surveys for protected species (water voles and great crested newts) and the start of construction, there would be a need to re-survey features prior to construction and the findings would be included in the updated Ecological Management Plan. Should there be a need for updated mitigation for protected species arising</p>

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ExQ1	Question to:	Question
		from the pre-consultation surveys then you have expressed a wish to be reconsulted. Are you satisfied with the wording of Requirement 10? If not, why not, and what alternative wording would you wish to see?
DCO .1.36	Applicant	Requirement 12 The current drafting is confusing particularly how 12(1) and 12(2) to 12(4) are intended to interact with each other; what is the difference between the 'draft fencing plan' and the 'outline fencing plan' and what is meant by the 'approved fencing plan' - is it the plan approved under 12(1) or 12(2)? Consider redrafting.
DCO .1.37	Environment Agency EYRC	Requirement 14 In its RR [RR-010] the Environment Agency advised that there were a number of landfill sites in close proximity to the route of the Proposed Development and as a consequence careful consideration of any impact to the landfill sites needs to be considered. The requirement as currently worded would require the relevant planning authority to consult with the Environment Agency on any scheme to deal with the contamination of any land (including groundwater) that is likely to cause significant harm to persons or pollution of controlled waters or the environment. Environment Agency and EYRC: Are you satisfied with this wording? If not, why not, and what alternative wording would you prefer? 'Significant harm' is not currently defined in the draft DCO, what do you understand by this phrase, and should it be defined from a precision and enforceability perspective?
DCO .1.38	Applicant Environment Agency	Requirement 17 In its RR [RR-010] the Environment Agency sought greater clarity regarding the specific location for temporary bridges over 'main rivers' in order that it could be satisfied that existing bridge crossings would not be available and a concern that it may not be appropriate to install temporary bridges at some of the larger main rivers.

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ExQ1	Question to:	Question
		Applicant: Has this information been provided? If not, why not and when could it be? Environment Agency: If this information has been provided are you now satisfied with the proposed locations of the temporary bridges and that these locations would be secured by the requirement as currently worded?
DCO.1.39	ERYC Environment Agency	Requirement 17 In many other made DCOs the Requirement regarding a Code of Construction Practice either details the documents that are to be provided or lists the subject areas that it needs to cover. Having regard to this, and also noting Tables 2 and 3 on pages 12 to 14 of the Outline CoCP [APP-237], are you content with the current wording of Requirement 17 of the draft DCO [APP-203]?
DCO.1.40	Applicant	Requirement 17(2) Clarify if this should refer to the 'connection works' and not the 'construction works'? If it is 'construction works' then confirm what these are as they are currently not defined in Article 2 and amend Article 2 to include the definition.
DCO.1.41	ERYC	Requirement 21(1) Refers to 'commencement of operation' of work No 7. Is ERYC sufficiently clear as to what this means? If not, why not and what alternative wording would be preferred?
DCO.1.42	Applicant ERYC	Requirement 24 As currently drafted, this Requirement includes two tailpieces. Applicant: Why is this necessary?

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ExQ1	Question to:	Question
		<p>ERYC: Is this acceptable to you?</p>
DCO .1.43	The Applicant Environment Agency	<p>Requirement 24 In its RR [RR-010], the Environment Agency has highlighted concerns about equipment being left <i>in situ</i> and that this aspect may benefit from ongoing discussions and clarification as new understanding or guidance becomes available. Does the Requirement as currently worded allow for this and, if it does not, what alternative or additional wording would be required?</p>
DCO .1.44	Applicant	<p>Requirement 27(2) Requirements 6, 8, 10, 12, 15, 16, 17, 18, 19, 22, 25 all state "<i>no stage of connection works may commence until...</i>". However, Requirement 27(2) says that the stages of construction must not permit the development to be constructed in more than one overall phase. It is unclear what is meant by this when the inference from other requirements is that development is proposed in stages. Can the Applicant clarify.</p>
DCO .1.45	Applicant	<p>Requirement 27 At the moment in the draft DCO [APP-203] you have defined all of the onshore export cable corridor (ECC) works, with the exception of the landfall and onshore substation areas, as comprising a single Work No. 6. In addition, "<i>connection works</i>" are defined in the draft DCO as being Works Nos 6 to 10 and any associated development in connection with those works. This means that you would require certain plans and documents to be authorised before connection works could commence anywhere along the onshore ECC. Please explain how this relates to the Requirement 27 of the draft DCO that requires the submission of a written scheme setting out the stages of construction of the authorised project for the written approval of the relevant planning authority (or the MMO for works seaward of MHWS).</p>
DCO .1.46	Applicant	<p>MMO's request for setting of maximums and volumes In its Relevant Representation [RR-20], the MMO has requested that the maximum footprint area per turbine [para 2.4.4], electrical installations [para 2.4.6] and scour protection per</p>

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ExQ1	Question to:	Question
		turbine and per structure and the volume of cable works [para 2.4.9] should be presented in the draft DCO or DML. Can you please respond to this request? Alternatively, if this matter is dealt with in the pro-rata annex, can you please provide a copy.
DCO .1.47	Applicant Environment Agency ERYC	Flood mitigation measures for onshore substation (Work No 7) In its Relevant Representation [RR-010] the Environment Agency highlight that there is currently no specific Requirement for flood mitigation measures in relation to the onshore substation. Applicant and ERYC: Is such a Requirement necessary? If not, why not? If yes please provide preferred wording. Environment Agency: Please provide preferred wording.
DCO .1.48	Applicant	Offshore decommissioning Can you comment on the suggestion by the MMO that a Requirement dealing with offshore decommissioning should be included in the DCO? Would such a requirement be needed and if not, why not and can you comment on the MMO's suggested wording.
DCO .1.49	Applicant Ministry of Defence	Suggested Changes to Requirement 23 and Condition 10 [APP-203] The Ministry of Defence has submitted [RR-022] proposals with alternative wording of the draft DCO [APP-203] which seek to address defence safeguarding needs and which it considers suitable to maintain defence requirements. Ministry of Defence: You refer to Requirement 10 (Aviation Safety) in your Relevant Representation. Requirement 10 of the draft DCO [APP-203] deals with ecological management plans. Condition 10 of the draft DML [APP-203] deals with aviation safety. Can you confirm that it is Condition 10 and not Requirement 10 that you would wish to see amended? Can you also confirm that you are satisfied with the wording of Requirement 28 (Claxby Radar Mitigation) or if not, why not and what alternative wording would you want to see?

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ExQ1	Question to:	Question
		<p>Applicant: Will the wording of Condition 10 and Requirement 23 be amended to the satisfaction of the Ministry of Defence? If not, why not?</p>
DCO .1.50	Applicant ERYC	<p>Explanatory Note The Explanatory Note at the end of the draft DCO states that a copy of the certified plans and book of reference together with a copy of any guarantee or alternative form of security may be inspected free of charge at the London based offices of Ørsted. This service is normally undertaken by the Local Council.</p> <p>Applicant: What is the reason for Ørsted to take this role? Given the distance between the project and London what provision is made for enabling access to people who may be affected by the scheme who may wish to view these documents post determination?</p> <p>ERYC: Are you content with this arrangement?</p>
ES Environmental Impact Assessment (EIA) and Environmental Statement		
Environmental Statement (ES)		
ES .1.1	Applicant	<p>Significant effect definition and mitigation Paragraph 1.6.1.1 of the ES [APP-007] notes in the context of legislative requirements: <i>"The overall objective of the EIA process is to identify any likely significant effects and for <u>any</u> adverse effects to be avoided or minimised where possible..."</i> (ExA emphasis.) and at paragraph 5.7.8.8 [APP-011]: <i>"Mitigation measures (commitments) are developed to eliminate or reduce <u>any</u> negative effects identified."</i> (ExA emphasis.) Chapter 5 of the ES [APP-011] suggests that significance has been determined from a matrix of magnitude versus value/ sensitivity. Paragraph 5.7.8.3 notes that effects of moderate or greater significance are considered 'significant' for the purposes of the EIA, while effects of minor significance are considered 'not significant'. Paragraphs 5.7.8.9 to 5.7.8.11 appear to</p>

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ExQ1	Question to:	Question
		<p>suggest that only the former merit consideration for mitigation. This approach is reflected in various ES topic chapters. Clarify if and how effects that were determined to be of minor significance - which may be considered by definition to be 'likely significant effects' - were considered for mitigation.</p>
ES.1.2	Applicant	<p>Interpretation of significance level ranges</p> <p>In its Relevant Representation [RR-029], Natural England notes numerous instances in the ES where significance is presented as a range and suggests that it is nearly always the lower value that has been taken forward into the conclusions. Natural England believes that a precautionary principle should be applied instead, especially where a Rochdale envelope has been used. Can the Applicant respond to this, and provide justification for using the lower value in these instances, where it has done so? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ES.1.3	Natural England Applicant	<p>Breadth of magnitude categories</p> <p>In its Relevant Representation [RR-029], Natural England expresses concern that that the definitions of magnitude used in the benthic and intertidal habitats assessment are very broad with no suitable incremental step between 'minor' and 'moderate'. It suggests that this may result in the underestimation of impacts. Which impacts does Natural England believe may have been underestimated? Could Natural England also confirm whether this concern is restricted to that Chapter of the ES, or if it is of broader concern.</p>
ES.1.4	Applicant	<p>Definition and certification of the ES</p> <p>Schedule 15 of the draft DCO [APP-203] (documents to be certified) includes the ES, without a definition. Article 2 of the draft DCO defines the ES as "<i>the document certified as the environmental statement by the Secretary of State for the purposes of this Order under article 38 (certification of plans and documents etc)</i>". The Application Document Register [APP-002] suggests that the ES comprises Category A volumes 1 to 6 documents.</p> <p>Could you explain whether a clearer definition of what comprises the ES at the close of the Examination is required in draft DCO Schedule 15; how any amendments or updates made during the Examination would be included; and how any intention is assured? For example, a</p>

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ExQ1	Question to:	Question
		<p>number of documents relating to the Applicant's response to PINS s51 advice [AS-006 to AS-022] were submitted prior to the Preliminary Meeting. Where these clarify or add to the ES, how are they captured as part of that ES, and their content secured?</p>
ES.1.5	Applicant	<p>Vulnerability of the Proposed Development to risks of major accidents and/ or disasters</p> <p>Table 5.5 of the ES [APP-011] recognises the potential for significant effects arising from the vulnerability of the Proposed Development to fire in the onshore substation and the electricity balancing infrastructure. The further risk assessment and ES amendments submitted prior to the Preliminary Meeting are acknowledged [AS-006, AS-007, AS-020 and AS-021]. Could the Applicant clarify where the updated 'Table 5.5 of A1.5' is located.</p> <p>It is noted that the information supplied is an assessment that pertains to the risk of an accident occurring rather than an assessment of the impacts that might result in the unlikely event of it doing so. Could the Applicant supplement the risk assessments with an assessment of any likely significant effects on the environment that could result?</p> <p>Could the Applicant also confirm how the 'risk management techniques' that are included in the additional risk assessment to mitigate risk [AS-020] would be secured through any DCO.</p>
ES.1.6	Applicant	<p>Impact pathway approach and cumulative assessment</p> <p>In its Relevant Representation [RR-029], Natural England suggests that the impact pathway approach adopted by the Applicant for the assessment potentially leads to a failure to identify the overall, cumulative impact on any given receptor. Did the Applicant take this into consideration where more than one impact pathway to a receptor was possible? If so, please signpost where this is evidenced. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ES.1.7	Applicant Natural England MMO	<p>Dudgeon and Sheringham Shoal Extension</p> <p>In light of the Secretary of State's Norfolk Vanguard decision letter and the publication of the proposed Dudgeon and Sheringham Shoal Extension projects' Preliminary Environmental Impact Report (PEIR) on 29 April 2021, are any changes needed to the cumulative</p>

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ExQ1	Question to:	Question
	Royal Society for the Protection of Birds (RSPB)	assessment, given that some topics were screened out at the time of the assessment due to low data confidence?
Management plans		
ES.1.8	Applicant	<p>Consistency of management plan names</p> <p>Could the Applicant check and correct as necessary the names of outline plans and strategies that are relied upon in the mitigation mapping and to secure commitments, as some inconsistencies are apparent between document titles, the Commitment Register [APP-050] and Schedule 15 of the draft DCO [APP-203]. (For example: Outline Construction Traffic and Travel Management Plan/ Outline Construction Traffic Management Plan; Outline Onshore Infrastructure Drainage Strategy/ Outline Infrastructure Drainage Strategy; Onshore Written Scheme of Investigation.)</p>
ES.1.9	Applicant	<p>Ornithological Monitoring Plan</p> <p>How are the principles and framework set out in the Outline Ornithological Monitoring Plan [APP-254] secured through the draft DCO and draft DML [APP-203] so as to provide certainty over the content of the proposed final Ornithological Monitoring Plan, noting that it does not appear in Schedule 15 of the draft DCO or the Commitment Register [APP-050], but states: <i>"The final Ornithological Monitoring Plan (OMP) will be based on the principles adopted in this OOMP..."</i></p>
ES.1.10	Applicant	<p>Conformity of draft DML conditions</p> <p>In relation to the draft DML for the generation assets (Schedule 11 of the draft DCO), should Conditions 13(1)(k) (pre-construction plans and documentation), 17(2)(b) (pre-construction monitoring and surveys), and 19(2)(c) (post-construction monitoring) refer to conformity with the outline plan submitted with the application?</p>
ES.1.11	Applicant	<p>Outline Fisheries Coexistence and Liaison Plan</p> <p>The Outline Fisheries Coexistence and Liaison Plan [APP-244] is submitted in Volume F of the application documents, 'Additional Application Information', but is labelled on its cover as part</p>

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ExQ1	Question to:	Question
		<p>of the ES. It does not appear in the list of ES documents in the Application Document Register [APP-002] or in section 1.7 of ES [APP-007]. As such, how would the principles and framework set out in the Outline Offshore Cable Installation Plan be secured through any DCO and DML to provide certainty over the content of the proposed final plans, as they do not appear to be ES documents in practice, and do not appear independently in Schedule 15 of the draft DCO.</p>
ES.1.12	Applicant	<p>Offshore Cable Installation Plan</p> <p>The Outline Offshore Cable Installation Plan [APP-250] is submitted in Volume F of the application documents, 'Additional Application Information', but is labelled on the cover as part of the ES. It does not appear in the list of ES documents in the Application Document Register [APP-002], in section 1.7 of ES [APP-007], or in the draft DCO. As such, how would the principles and framework set out in the Outline Offshore Cable Installation Plan be secured through any DCO and DML to provide certainty over the content of the proposed final plan?</p>
ES.1.13	Applicant	<p>Outline Southern North Sea Special Area of Conservation Site Integrity Plan</p> <p>Confirm how would the principles and framework set out in the Outline Southern North Sea Special Area of Conservation Site Integrity Plan [APP-246] would be secured through the draft DCO and draft DMLs so as to provide certainty over the content of the proposed final Southern North Sea Special Area of Conservation Site Integrity Plan, noting that it does not appear in Schedule 15 of the draft DCO [APP-203], but states:</p> <p><i>"This Outline SNS SAC SIP also provides a framework for further consultation and discussion... to reach agreement on the final details of any required project related mitigation measures through the drafting and approval of the SNS SAC SIP.... A final detailed SNS SAC SIP will be produced closer to the time..."</i></p>
ES.1.14	Applicant	<p>Outline Construction Traffic Management Plan</p> <p>Article 2 of the draft DCO [APP-203] defines the Outline Construction Traffic Management Plan as <i>"the document certified as the outline construction traffic management plan by the Secretary of State for the purposes of this Order under Article 38..."</i></p> <p>It is not submitted as a freestanding document but as Appendix F to the Outline Code of Construction Practice [APP-237]. Requirement 18 secures the production of the final</p>

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ExQ1	Question to:	Question
		<p>Construction Traffic Management Plan, while Requirement 17 secures the production of the final Code of Construction Practice, presumably including its appendices.</p> <p>Can the Applicant advise if the Construction Traffic Management Plan is to be secured under both Requirement 17 and Requirement 18? Does this situation require clarification, especially noting that the two requirements involve different consultees?</p>
ES.1.15	Applicant	<p>Appendices to the Outline Code of Construction Practice</p> <p>The Outline Construction Traffic Management Plan and five other outline management plans are submitted as Appendices to the Outline Code of Construction Practice [APP-237]. Three have their own dedicated entries in the Commitment Register [APP-050], while the remaining three rely on the overarching commitment to produce a final Code of Construction Practice that accords with the Outline Code of Construction Practice. Should each be given equivalent weight and commitment?</p>
ES.1.16	Applicant	<p>Outline PRoW Management Plan</p> <p>The Outline PRoW Management Plan submitted as Appendix C to the Outline Code of Construction Practice [APP-237] includes long term and permanent measures that need to be secured for the operations and maintenance stage of the Proposed Development. Is it appropriate to include these in a Code of Construction Practice aimed at securing time-limited and temporary measures during the construction phase?</p>
ES.1.17	Applicant	<p>Construction Project Environmental Management and Monitoring Plan</p> <p>The ES refers to a "<i>construction project environmental management and monitoring plan covering the period of construction for the relevant stage</i>", outlined in Conditions 13(1)(d) of the draft DMLs. With reference to the proposed content (listed in the draft DMLs), it is unclear what monitoring would actually be implemented as a result of this plan. Could the Applicant clarify what monitoring, if any, is proposed in this context, and how it would be secured, implemented, and - if necessary - acted upon. Alternatively, is the word 'monitoring' in the title of the plan a misnomer?</p>

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ExQ1	Question to:	Question
ES.1.18	Applicant MMO	<p>Plans required before commencement of marine licensed activities</p> <p>The following plans are required to be produced before commencement of marine licensed activities (draft DCO [APP-203]):</p> <ul style="list-style-type: none"> • a construction project environmental management and monitoring plan (including a marine pollution contingency plan, a marine biosecurity plan, and a vessel management plan); • a scour protection management plan; • a piling marine mammal mitigation protocol; • a cable specification and installation plan; • an aid to navigation management plan; • a site integrity plan (assumed to relate to the Southern North Sea Special Area of Conservation (SAC)); and • an ornithological monitoring plan. <p>Condition 13 mentions only the Site Integrity Plan and Piling Marine Mammal Mitigation Protocol in relation to a need to accord with an outline plan listed in Schedule 15 and secured through Article 38 of the draft DCO [APP-203]. On what basis would the other plans be produced to ensure that the remaining effects fall within the scope of those predicted in the ES?</p> <p>What is the purpose of the submitted Outline Offshore Cable Installation Plan [APP-250]?</p>
ES.1.19	Applicant	<p>Plans omitted from the Commitment Register</p> <p>Why do the following not appear in the Commitment Register [APP-050]:</p> <ul style="list-style-type: none"> • Outline Energy Balancing Infrastructure HazID Report; • Outline Marine Monitoring Plan; and • the Outline Southern North Sea Special Area of Conservation Site Integrity Plan? <p>Do the Outline Marine Monitoring Plan and the Outline Southern North Sea Special Area of Conservation Site Integrity Plan need to be included in the definition sections of the draft DCO and the draft DMLs [APP-203]? If not, why not? If yes can you provide the appropriate wording.</p>

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ExQ1	Question to:	Question
ES.1.20	Applicant	<p>Control over concurrent piling</p> <p>Could the Applicant respond to the request from the MMO in its Relevant Representation [RR-020] for clarity in the Commitment Register [APP-050, Co85] and draft DML conditions [APP-203] that there would be no concurrent piling operations at the array area and the HVAC booster station. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ES.1.21	Applicant	<p>Securing measures in the Commitment Register</p> <p>The Commitment Register [APP-050] is referred to in the interpretation section of the draft DCO [APP-203] and listed in Schedule 15 as a document to be certified. However, there is no further reference to this document in the draft DCO (including the DMLs). Can the Applicant provide a clear explanation of how the commitments set out in the Register are secured through the draft DCO?</p>
Without prejudice derogation and compensation documents		
ES.1.22	Applicant	<p>Compensation documents</p> <p>The Compensation Project Description [APP-057, para 1.1.1.3] refers to documents that are hosted on the Applicant's website. Confirm if these are in Examination and their Examination Library references, if so. If they are not, should they be?</p>
ES.1.23	Applicant Natural England RSPB	<p>Compensation site selection</p> <p>The Compensation Project Description [APP-057] notes that further site selection information is provided in the Derogation Information documents. However, while addressing site selection criteria, these appear to fall short of identifying sites that could be secured, should they be deemed necessary. In the light of the SoS's decision on the Norfolk Boreas and Norfolk Vanguard projects, and in particular the requests for evidence of the location and deliverability of the proposed compensation measures (notably in relation to the kittiwake interest feature of the Flamborough and Filey Coast Special Protection Area (SPA), is further assessment (EIA) required? If so, how will this be addressed in the ES and on what timescale, noting the</p>

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ExQ1	Question to:	Question
		Secretary of State's indications of an expectation that such matters, if required, should in future be dealt with in Examination? If not, why not?
ES.1.24	Applicant	<p>Compensation onshore nesting structures</p> <p>In relation to onshore nesting structures, the Compensation Project Description [APP-057, para 3.5.1.1] says:</p> <p><i>"Site selection and the consideration of alternatives for onshore artificial nesting structure locations, identifying the ecological, land acquisition and technical constraints and requirements, will be further developed and information submitted with the DCO application."</i></p> <p>However, the Derogation Information, <i>Compensation measures for FFC SPA: Artificial Nesting: Site Selection and Design</i> [APP-191], does not appear to take this forward, saying, <i>"Site selection and the consideration of alternatives for onshore artificial nesting structure locations, identifying the ecological, land acquisition and technical constraints and requirements, will be further developed."</i> Can the Applicant signpost if and where this further detail has been submitted in terms of the EIA of the proposed measures? If it has not, is it the Applicant's intention to do so, and, if so, when?</p>
ES.1.25	Applicant Natural England MMO RSPB ERYC East Suffolk Council	<p>Environmental assessment of compensation measure sites</p> <p>Given the lack of refinement of possible sites for the proposed compensation measures, how reliable is the assessment of likely environmental effects set out in the ES [APP-057] for them? Please explain your reasoning.</p>
ES.1.26	Applicant	<p>Confirmation of possible minor typographical error</p> <p>The ES Non-Technical Summary [APP-006, page 15] lists the 'Marine Management Association' as a consultee. Should this be the Marine Management Organisation?</p>

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ExQ1	Question to:	Question
HRA Habitats Regulations Assessment (HRA)		
HRA.1.1	Applicant	<p>European site citations</p> <p>Natural England's Relevant Representation [RR-029] notes that the formal citations and conservation objectives for European sites are live documents that are updated on a regular basis to incorporate the most up to date evidence. Nevertheless, it is important that the documents on which the Examination concludes are 'fixed' before its completion, so that the SoS and others are aware of the version used. Could the Applicant please confirm an arrangement for ensuring that this is the case and how the appropriate information would be provided in an Examination document at the appropriate time (ideally this should be prior to the issue of the Report on the Implications for European Sites by the Examining Authority on 28 July 2022).</p>
HRA.1.2	Applicant Natural England RSPB The Wildlife Trusts	<p>Research findings</p> <p>The Report to Inform the Appropriate Assessment (RIAA) [APP-174] draws extensively on guidance, technical reports and published scientific papers, with the list summarised in Part 8 of the RIAA. Given the currency and dynamic nature of the topics considered, have any relevant references been published subsequently that should be taken into account in the HRA, and, if so, what are they and might they change the outcome materially?</p>
HRA.1.3	Applicant	<p>Composition of HRA documentation</p> <p>It is not entirely clear which documents the ExA and the SoS should rely on in making a recommendation and assessment respectively in relation to the HRA. For the avoidance of doubt and to ensure that there is no missing information, could the Applicant confirm the following:</p> <ul style="list-style-type: none"> • all data and analysis taken from the ES and relied on in the HRA is fully cross-referenced; • there is no Category B Volume 2 Chapter 1, and the RIAA/ HRA documents start at Chapter 2; • there is no Annex 2.1 to Volume B2, though there is an Annex 2.2 - are B2.1 and B2.2.1 missing, and, if so, please can they be provided;

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ExQ1	Question to:	Question
		<ul style="list-style-type: none"> • the documents that comprise appendices to the RIAA, given that the main report [APP-167] at paragraph 1.2.1.1 refers only to Appendices A, B and C, while there appear to be nine Appendices (A to I) submitted with the application; • that parts 5, 6 and 7 of B2.2 (Designated Sites) [APP-171 to APP-173] represent Appendix D to the RIAA despite not being labelled as such on the cover; • how Habitats Regulations Assessment Compensation Measures, Parts 1 and 2, [APP-179 and APP-180] sit within the suite of HRA documents – are they intended to be part of the RIAA and are they related to the without prejudice derogation case; • if Volume B, Chapter 5 (Without Prejudice Derogation Case) [APP-182] should be titled Volume 2B, Chapter 5; • if Volume B, Chapter 8 (FFC SPA: Gannet, Guillemot and Razorbill Compensation Plan) [APP-193] should be titled Volume B2, Chapter 8; and • whether the document F2.11 (Outline Southern North Sea Special Area of Conservation Site Integrity Plan) [APP-246] forms part of the HRA documentation?
HRA.1.4	Applicant Natural England	<p>Grey seal interest of the Noordzeekustzone SAC</p> <p>The screening matrices [APP-169] and screening report [APP-168] identify potential Likely Significant Effects in relation to the grey seal interest of the Noordzeekustzone SAC (Netherlands). However, this does not appear to be considered in the integrity matrices [APP-170] alongside other transboundary grey seal sites. Should it have been included in the analysis reported in integrity matrix 9? If so, is a reassessment necessary? If it is, when will this be submitted into the Examination?</p>
HRA.1.5	Applicant Natural England	<p>Screening</p> <p>Natural England’s relevant representation advises that Flamborough Head SAC, Humber Estuary SAC, SPA and Ramsar site, and the Southern North Sea SAC should be screened in for assessment due to the potential for Likely Significant Effects arising from changes to physical processes, and in the case of the Southern North Sea SAC, changes to the hydrodynamic regime and sediment transport regime. Drawing on responses to other questions around physical processes including the assessment of the Flamborough Front, can the Applicant</p>

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ExQ1	Question to:	Question
		<p>provide an updated screening assessment of these matters or justification as to why this is not necessary?</p> <p>Can Natural England provide a view on whether any progress made in these areas has affected its position on the screening of Likely Significant Effects in these matters?</p>
HRA .1.6	Applicant Natural England	<p>Assessment of effects in relation to marine mammal qualifying features</p> <p>Could Natural England please expand on the further information required in order to inform the assessment of Likely Significant Effects on harbour seal in The Wash and North Norfolk Coast SAC from vessel collision risk?</p> <p>Could the Applicant please address the points raised by Natural England on:</p> <ul style="list-style-type: none"> • Likely Significant Effects on harbour seal in The Wash and North Norfolk Coast SAC from vessel collision risk; • the worst-case scenario assessed in relation to simultaneous and concurrent piling; and • the in-combination assessment tiers and inclusion of seismic surveys? <p><i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
HRA .1.7	Applicant	<p>Clarification of maps</p> <p>Figure A-2 of Part 2 of the RIAA [APP-168] shows the location of designated sites identified under criterion 2, with an allocated number for each, rather than their name or identity. Please confirm if the preceding table, Table A3, is the table referred to in the Figure legend. The legend states that there is a key to these in a 'separate table in chapter'. Please clarify what and where this is so that the designated sites labelled 1 to 56 on the map can be identified.</p> <p>Figure A-4 of Part 2 of the RIAA [APP-168] shows the location of designated sites identified under criterion 4 but these are not labelled. Please provide this information by way of a clarified map and accompanying update to the document as needed.</p>
HRA .1.8	Natural England RSPB The Wildlife Trusts	<p>In-combination assessment for kittiwake</p> <p>Do Natural England and the other nature conservation bodies agree with the approach used in compiling the RIAA [APP-167] that the contribution to the losses of the kittiwake feature of the Flamborough and Filey Coast SPA as a result of the Hornsea Three project is compensated</p>

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		<p>for and that the project's contribution to an in-combination assessment can therefore be discounted?</p> <p>Can the same rationale now be applied to the Norfolk Boreas and Norfolk Vanguard projects?</p> <p>If so, does this change any of the positions reached in representations to date on whether it is possible to exclude Adverse Effects on Integrity on the SPA in relation to in-combination effects on kittiwake?</p>
HRA .1.9	Applicant	<p>In-combination total for PVA modelling</p> <p>Natural England's Relevant Representation [RR-029] notes that some of the in-combination totals provided in the RIAA for the population viability analysis (PVA) modelling differ from its estimates and advises that the predicted contribution to in-combination impacts from the Proposed Development is provided as a range to allow consideration of uncertainties. Please provide an update on any progress being made in agreeing the PVA modelling totals used in the in-combination assessment, including the contribution of the Proposed Development. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
HRA .1.10	Applicant Natural England RSPB	<p>Offshore ornithology modelling</p> <p>Natural England's Relevant Representation [RR-029] raises fundamental concerns about possible errors in the application of the model used to analyse the baseline offshore ornithological characterisation data to produce the density and abundance estimates that underpin the HRA.</p> <p>Has the Applicant engaged with Natural England subsequently, has progress been made towards a resolution, and will further assessment be submitted into the Examination? If so, when, given the fundamental importance of this issue to the HRA? If not, why not?</p> <p>In the absence of further assessment based on an agreed methodology, what would be the implications for decision-making in terms of quantification and understanding of the likely effects on the offshore ornithology interests of European sites of the Proposed Development?</p> <p><i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations) (Cross-reference may be made to relevant responses to ExQ1 Marine Ecology, provided any specific HRA implications are detailed in this response.)</i></p>

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ExQ1	Question to:	Question
HRA.1.11	Applicant	<p>Natural England concerns in relation to the assessment methodology</p> <p>In its Relevant Representation [RR-029], Natural England raises five further concerns in relation to the assessment methodology adopted by the Applicant. Briefly, these are:</p> <ul style="list-style-type: none">• including birds in flight in auk displacement analysis;• seasonal definitions for gannet and kittiwake displacement;• inclusion of statistical confidence intervals;• inclusion of counterfactual of final population size in population viability analysis; and• use of a theoretical generalised stable age structure to apportion impacts to adults from SPA colonies for HRA assessment. <p>Has any progress been made towards resolution of these matters, and will further assessment be submitted into the Examination? If so, when? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.) (Cross-reference may be made to relevant responses to ExQ1 Marine Ecology, provided any specific HRA implications are detailed in this response.)</i></p>
HRA.1.12	Applicant	<p>Adverse Effects on Integrity for the Flamborough and Filey Coast SPA</p> <p>Natural England notes concerns [RR-029] that the effective loss of habitat for guillemot and razorbill from the Flamborough and Filey Coast SPA populations due to effects on functionally linked sea area habitat has not been fully assessed. It also suggests that the proposed compensation measures would be ineffective in this respect. Will further assessment of this matter be submitted into the Examination? If so, please indicate when this can be, noting that it would be required as soon as possible, or provide rationale as to why this is not intended. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
HRA.1.13	Applicant	<p>Adverse Effects on Integrity for the Flamborough and Filey Coast SPA</p> <p>Natural England's Relevant Representation [RR-029] notes that, overall, it does not wholly agree with the Applicant in relation to in-combination effects and does not believe it possible to rule out an Adverse Effect on Integrity of the kittiwake feature of the Flamborough and Filey Coast SPA for collision impacts in-combination with other plans and projects.</p>

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ExQ1	Question to:	Question
		<p>Natural England also notes concerns regarding displacement effects on guillemot and razorbill from the Proposed Development, and in-combination effects on gannet from collision mortality.</p> <p>Given these uncertainties, Natural England also highlights that the scale of any compensation that might be necessary cannot be determined.</p> <p>Has any progress been made towards resolution of these matters, and will further assessment be submitted into the Examination? If so, when, noting that it would be required as soon as possible? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.) (Cross-reference may be made to relevant responses to ExQ1 Marine Ecology, provided any specific HRA implications are detailed in this response.)</i></p>
HRA .1.14	Applicant Natural England	<p>Predicted gannet mortality</p> <p>Unlike the subsequent corresponding analyses for other features, why does the analysis of potential effects on gannet from the Flamborough and Filey SPA population during operation and maintenance not include a summary of predicted mortality based on a wider range of displacement mortality rates (the 'Natural England range') [APP-167]? (The combined effect of displacement and collision risk, and the in-combination displacement assessment similarly does not include it).</p> <p>Are additional calculations and conclusions based on the Natural England approach necessary? If so, when would they be submitted into the Examination?</p>
HRA .1.15	Applicant Natural England RSPB	<p>Comparison with Sula Sgeir gannet colony</p> <p>At various places in the RIAA [APP-167], the Applicant makes a comparison with the harvesting of chicks from the Sula Sgeir gannet colony when discussing gannet mortality impacts and the Population Viability Analysis. The comparison seems to seek to demonstrate that even the loss of several thousand birds annually from the Sula Sgeir colony does not challenge the resilience of the colony. What weight should be placed on this comparison, given the likely material difference in average natural survival rates of gannet chicks and adult breeding birds?</p>

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ExQ1	Question to:	Question
HRA.1.16	MMO	<p>Controlling in-combination impacts on the integrity of the Southern North Sea SAC</p> <p>Given the doubts expressed by some parties in Relevant Representations, what level of confidence does the MMO have that the proposed Southern North Sea SAC site integrity plan for this project (based on [APP-246]), when considered alongside similar controls that would be available through Marine Licence conditions attached to other projects that might affect the harbour porpoise interest feature in-combination, would provide it with sufficient control over the timing and nature of noisy activities across the various projects to ensure that the relevant in-combination disturbance impact thresholds would not be breached? In the event that a number of noisy activities from various concurrent projects became likely, would it be the MMO's intention to use these controls to ensure that no threshold was breached, and, if so, how?</p>
HRA.1.17	Applicant	<p>Apportionment of impacts to European sites</p> <p>Could the Applicant explain the reasoning behind the approach taken to apportioning impacts on European site interest features, notably the Flamborough and Filey Coast SPA. A theoretical generalised stable age structure has been used. Is this likely to be representative of all adults and 'adult-type' birds present? Are any amendments necessary, and, if so, when will these be available to the Examination? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
HRA.1.18	Applicant	<p>Natural England comments on the RIAA</p> <p>In addition to the issues highlighted in the ExA questions above, could the Applicant respond to the uncertainties and comments relating to the RIAA set out by Natural England in Appendix D to its Relevant Representation (entries 11 to 43) [RR-029], focussing on those graded as red or amber by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
HRA.1.19	Applicant	<p>Natural England comments on the HRA</p> <p>In addition to the issues highlighted in the ExA questions above, could the Applicant respond to the uncertainties and comments relating to the HRA set out by Natural England in Appendix E to its Relevant Representation [RR-029], including:</p>

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ExQ1	Question to:	Question
		<p>i) the scope of protected sites screened in for further assessment of changes to physical processes; and ii) the sufficiency of evidence to rule out connectivity between impacts on the Flamborough Front and seabird prey availability, focussing on those entries graded as red or amber by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
HRA.1.20	Applicant	<p>In-combination effects on kittiwake - update The position statement, G1.5 Kittiwake Adverse Effects on Integrity (AEoI) Conclusion [AS-023], notes a change in the Applicant's position in relation to the in-combination effects on kittiwake. It notes that changes are necessary to the following earlier submissions:</p> <ul style="list-style-type: none"> • B2.2.1.2 Report to Inform Appropriate Assessment Part 2 Schedule of Change; and • B2.5.1 Without Prejudice Derogation Case Schedule of Change. <p>When are these to be made available to the Examination?</p>
HRA.1.21	Applicant	<p>Maximum design scenario, mitigation, and alternatives: avoiding AEoI Are any further design, alternatives or mitigation options under consideration or not yet fully explored to reduce potential Adverse Effects on Integrity of European sites? Are there any instances where uncertainties (for example, the absence of completed ground conditions or other engineering assessment work) mean that the MDS may change going forward, with subsequent implications for the information supporting the HRA?</p>
HRA.1.22	MMO Natural England Applicant	<p>Mitigation for effects on marine mammal qualifying features and monitoring Could Natural England and MMO explain if any of their proposed post-consent monitoring for effects on the marine mammal qualifying features would: inform the Site Integrity Plan process; serve a purpose of verification of assumptions made in the assessment; or would it simply be useful data collection? What monitoring is required to deliver control over in-combination effects and is it necessary to secure this in the draft DCO process? Could the Applicant explain what, if any, options for mitigation measures in relation to underwater noise effects on marine mammals could be committed to at the consenting stage</p>

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		to address uncertainties with control in the post-consent stage? Explain how any mitigation measures could be secured through any DCO.
Without prejudice derogation case and compensation		
HRA .1.23	Applicant	<p>Targeted consultation on the derogation case and potential compensation measures</p> <p>Is the Applicant content that the targeted consultation on the derogation case and potential compensation measures [APP-201] has been sufficient to satisfy all of the consultation requirements of the relevant legislation? Please systematically relate the answer to those requirements. Would anything further be necessary?</p>
HRA .1.24	Applicant	<p>Securing any derogation case and compensatory measures through a DCO</p> <p>Could the Applicant clarify how any derogation case and compensatory measures would be secured through any DCO should the SoS's HRA demonstrate that they were necessary to address any residual Adverse Effects on Integrity?</p> <p>Given the SoS's clear indication elsewhere that potential derogation and compensation matters should reach a conclusion during the Examination, should the Applicant provide final, without prejudice compensation measures through a Requirement in the draft DCO, to be activated only if the SoS finds AEoI? Alternatively, should there be two versions of the draft DCO that are identical other than one having the necessary responses to the SoS's potential finding of AEoI and the other not?</p>
HRA .1.25	Applicant	<p>Recent precedent</p> <p>If the SoS deems that compensation measures are required, how does the proposed procedure set out in the shadow HRA documents for securing and assessing them (for example, section 2.4 of Habitats Regulations Assessment Compensation Measures Part 1 [APP-179]) compare with the approach implemented by the SoS in recently made orders (for example: The Hornsea Three Offshore Wind Farm Order 2020, and in particular, Article 45 and Schedule 14 of that Order; The Norfolk Boreas Offshore Wind farm Order 2021; The Norfolk Vanguard Offshore Wind Farm Order 2022)?</p> <p>Would a draft Article be required to give effect to the Schedule proposed by the Applicant?</p>

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ExQ1	Question to:	Question
		Would Schedule 15 (Documents to be Certified) need to be amended if the SoS deems that compensation measures are required? If so, how?
HRA .1.26	Applicant RSPB Natural England	Norfolk Boreas and Norfolk Vanguard DCO decisions Do the SoS's HRAs and decisions on the Norfolk Boreas and Norfolk Vanguard projects affect the process or conclusions of the shadow HRA undertaken for this Proposed Development by the Applicant, including the deliverability and timing of the proposed compensation measures, especially in relation to the kittiwake interest feature of the Flamborough and Filey Coast SPA?
HRA .1.27	Applicant	Number of kittiwake artificial nesting structures The Habitats Regulations Assessment Compensation Measures Part 1 [APP-179] suggests at 1.5.5.6 that a single artificial nesting structure would be provided, as a maximum, as a compensation measure for kittiwake. However, Table 2 appears to present a maximum design scenario of two structures. Please clarify and make any amendments necessary.
HRA .1.28	Applicant	SoS input during Examination The Applicant proposes an onshore artificial nesting structure for kittiwake if, " <i>during Examination, the Secretary of State considers that an alternative (alternative to a preferred repurposed or new offshore nesting) measure is required to the proposed primary measures...</i> " [APP-179]. Given that the SoS does not routinely become involved in Examinations, how would such a situation be ascertained?
HRA .1.29	Applicant	Securing mitigation associated with compensation measures The Applicant's shadow HRA of possible compensation measures notes that " <i>the primary measure applied to avoid an AEoI is mitigation</i> " [APP-179]. The relevant commitments from the Commitment Register are set out in Table 7. Section 4 of the Compensation Commitments Register [APP-060] is said to detail how the commitments would be secured, but the table in each case states 'To be determined'.

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ExQ1	Question to:	Question
		Explain how and when the mitigation measures relied upon in the assessment would be secured if the SoS deemed the compensation measures necessary.
HRA.1.30	Applicant	<p>Likely Significant Effect screening for artificial nest structures</p> <p>The screening for Likely Significant Effects set out in Tables 11 and 12 of the Applicant's shadow HRA of the possible onshore artificial nesting structure compensation measures [APP-179] identifies potential for habitat loss due to the construction compound and access. Why are permanent impacts such as the loss of habitat beneath the footprint of structures and disturbance of, or interference with mobile species features not considered?</p> <p>If such additional Likely Significant Effects were considered, which of the mitigation commitments in Table 13 would ensure no Adverse Effect on Integrity of all protected sites that must be considered in the HRA, including areas such as existing compensation sites, which may not be notified as nationally protected Sites of Special Scientific Interest (SSSIs)?</p> <p>Is further assessment required? If not, why not?</p>
HRA.1.31	Applicant	<p>Assessment of repurposed onshore artificial nesting structures</p> <p>It is not clear if the Applicant's shadow HRA of possible compensation measures [APP-179] includes consideration of repurposed onshore artificial nesting structures. For example, paragraph 1.5.6.1 suggests it does, while the conclusion in section 9 suggests that it does not. Please clarify. If it does, what might their nature be and where are they described?</p>
HRA.1.32	Applicant	<p>Document titling</p> <p>Should the references in Compensation measures for FFC SPA: Predator Eradication: Ecological Evidence [APP-196] (for example, paragraph 2.2.1.4) to the 'FFC SPA: Razorbill and Guillemot Compensation Plan' be to the FFC SPA: Gannet, Guillemot and Razorbill Compensation Plan [APP-193]?</p> <p>Similarly, should the references to the 'Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan' be to the Outline Gannet, Guillemot and Razorbill Compensation Implementation and Monitoring Plan [APP-200]?</p> <p>Please make any amendments necessary.</p>

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ExQ1	Question to:	Question
HRA.1.33	Applicant	<p>Proposed DCO Schedule</p> <p>How does the proposed DCO Schedule (set out in draft in various documents, including the roadmap [APP-188]), and in particular its Part 3; Gannet, Guillemot and Razorbill Compensation Measures, paragraph 8) secure the timing of the approval and implementation of the compensation measures in relation to the construction and operation of the Proposed Development, such as the requirement referred to in the ecological evidence documents (eg Volume B2, Annex 8.3 (Compensation measures for FFC SPA: Predator Eradication: Ecological Evidence [APP-196]) that the “GRIMP would be submitted to the Secretary of State for approval... at least one year prior to the commencement of any wind turbine generator”)?</p>
HRA.1.34	Applicant	<p>Compulsory Acquisition of compensation sites</p> <p>The roadmap for onshore artificial nest structures [APP-190] suggests that, if necessary, Compulsory Acquisition powers could be obtained for the acquisition of sites in England and Wales. It goes on to describe the Applicant's ability to undertake Compulsory Purchase under the Electricity Act 1989. Are the powers potentially available through the Planning Act 2008 and the Electricity Act 1989 considered as alternative approaches, or would one be considered more appropriate depending on circumstances? If so, what might these be?</p> <p>How could Compulsory Acquisition powers be obtained if any necessary sites are not identified prior to the close of the Examination?</p> <p>What implications would arise from drawing on Compulsory Acquisition or Compulsory Purchase powers for the completeness of consultation undertaken in accordance with the requirements of the legislation mentioned?</p>
HRA.1.35	Applicant Natural England RSPB	<p>Quantum of compensation measures</p> <p>Uncertainties have been highlighted regarding the offshore ornithological modelling and completeness of the assessment, for example with respect to functionally-linked habitat for auks and the effects of changes to marine processes on seabirds: consequentially, the outcomes with respect to Adverse Effects on Integrity are also highlighted as uncertain. Natural England and the RSPB have raised concerns that the scale and extent of any compensation that might be necessary cannot therefore be determined.</p>

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		<p>Has any progress been made towards resolution regarding the quantum of compensation, and will further assessment be submitted into the Examination? If so, when, noting that it would be required as soon as possible. If not, why not?</p> <p><i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations. Cross-reference may be made to relevant responses to ExQ1 Marine Ecology, provided any specific HRA implications are detailed in this response.)</i></p>
HRA.1.36	Applicant Natural England RSPB	<p>Seabird colony dynamics and population limiting factors</p> <p>The Applicant reports that the guillemot and razorbill colonies at Flamborough Head have increased in recent years [APP-196]. Are there national or regional differences in colony dynamics, for example is there any evidence that warming waters along the south coast of the UK are causing reduced prey availability and affecting colonies on cliffs and islands there, including the Channel Islands?</p> <p>What evidence is there that the auk colonies associated with islands targeted for rat eradication have been reduced or lost as a result of predation by rats rather than other influences such as reduced prey availability?</p> <p>In its Relevant Representation [RR-029], Natural England considers it unclear if nesting habitat is a limiting factor for the breeding population of kittiwake in the southern North Sea. Is any further or updated evidence available to inform the Examination on this matter?</p>
HRA.1.37	Applicant	<p>Association between seagrass beds and fish prey</p> <p>Natural England [RR-029] and RSPB [RR-033] have suggested that the ecological evidence provided by the Applicant [APP-198] does not reliably demonstrate a positive association between healthy seagrass beds and the specific species of fish that are typically preyed upon by the four target seabird species (guillemot, razorbill, gannet and kittiwake), and thus fails to support a hypothesis that restoration of seagrass beds will help to increase the populations of the prey species and these seabirds. If such evidence does not exist, should this measure be pursued further, and does the Applicant intend to do so?</p>

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ExQ1	Question to:	Question
HRA.1.38	Natural England Applicant	<p>Level of detail and confidence in compensation measures</p> <p>In its Relevant Representation [RR-029], Natural England raises concerns that, in the absence of specific locations and delivery mechanisms being identified, the confidence that any of the proposed compensation measures can or will be secured is significantly reduced. The RSPB, in its Relevant Representation [RR-033], explains why it considers that inadequate detail has been provided to enable proper scrutiny of the proposed compensation measures, and why this detail should be available in the application documentation before the Examination.</p> <p>Given the lack of refinement of possible sites for the proposed compensation measures, how reliable is the shadow HRA, derogation case and compensation proposals [APP-179]?</p>
HRA.1.39	Applicant	<p>Mitigation commitments discounting potential compensation sites</p> <p>How might the Examining Authority and Secretary of State deal with a hypothetical situation where compensation was deemed to be required to address an Adverse Effect on Integrity of a protected site, but where implementation of all of the relevant mitigation commitments in the registers might be considered to effectively discount all of the sites that might be suitable for that measure? Has an analysis been undertaken and provided to exclude such a possibility? If so, can this be submitted into the Examination. If not, why not?</p>
HRA.1.40	Applicant	<p>Quantum and timing of kittiwake offshore nesting structures</p> <p>Natural England [RR-029] is concerned that the Applicant would propose to limit compensation to a single offshore nesting structure for kittiwake, with a lead in time of one to two breeding seasons before first generation from the Proposed Development. Natural England considers this 'very high risk' and suggest it is substantially less than the compensation proposed and accepted by the Secretary of State for Hornsea 3. What is the Applicant's response? Any relevance of the Secretary of State's decisions for Norfolk Boreas and Norfolk Vanguard should be taken into account in replying.</p>
HRA.1.41	Applicant	<p>Single or separate offshore artificial nest structures for gannet and kittiwake?</p> <p>Can the Applicant clarify if the intention would be to provide a combined or separate offshore artificial nest structures for gannet and kittiwake, if required for both species? Does the Applicant have any response to Natural England's concerns in this respect in its Relevant</p>

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ExQ1	Question to:	Question
		Representation [RR-029]? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
HRA .1.42	Natural England Applicant	Likely success of further onshore nesting structures for kittiwake Could Natural England explain its view [RR-029] that further onshore artificial nesting structures for kittiwake are unlikely to result in sufficient benefits to provide adequate compensation. Nest for nest, why does it consider that offshore nesting structures might provide a higher level of compensation than onshore nesting structures? What is the Applicant's view on this?
HRA .1.43	Natural England Applicant RSPB	Effectiveness of bycatch compensation measures Natural England [RR-029] highlights the high level of uncertainty associated with bycatch reduction compensation measures. The RSPB [RR-033] describes them as experimental research that could not yet be considered as a compensation measure. Are there any updates on research or trials? Is it the Applicant's intention to continue to put such measures forward as compensation?
HRA .1.44	Applicant	Effectiveness of predator control There is disagreement between the Applicant and several parties (eg [RR-029 and RR-033]) about the likely effectiveness of predator control (as opposed to predator eradication) as a compensation measure for auks. Is the Applicant intending to continue to promote predator control as a potential compensation measure in view of the evidence put forward? If so, why? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
HRA .1.45	Applicant	Natural England comments on draft DCO Schedule In addition to the issues highlighted in the ExA questions above, could the Applicant respond to entries 18 to 38 relating to the draft DCO Schedule, as set out by Natural England in Appendix A to its Relevant Representation [RR-029], focussing on those graded as red or

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ExQ1	Question to:	Question
		amber risk by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
HRA .1.46	Applicant	Natural England comments on the RIAA In addition to the issues highlighted in the ExA questions above, could the Applicant respond to the issues, discrepancies and questions relating to the RIAA (entries 70 to 130) set out by Natural England in Appendix B to its Relevant Representation [RR-029], focussing on those graded as red or amber risk by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
HRA .1.47	Applicant	Natural England comments on the derogation case In addition to the issues highlighted in the ExA questions above, could the Applicant respond to the uncertainties and comments relating to the derogation case set out by Natural England in Appendix C to its Relevant Representation [RR-029], focussing on those graded as red or amber by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
HRA .1.48	Applicant	Predator eradication on Rathlin Island The RSPB's Relevant Representation [RR-033] notes that a funded project for predator eradication on Rathlin Island is going ahead. Is it the Applicant's intention to remove it from the list of possible compensation sites? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
HRA .1.49	Applicant	Reinvasion of eradication sites The RSPB suggests [RR-033] that some of the possible predator eradication sites suggested by the Applicant would be at high risk of reinvasion, including some that have already been reinvaded after a successful eradication programme. Has this information been shared between the parties, and will the Applicant modify the list accordingly? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>

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ExQ1	Question to:	Question
HRA.1.50	Applicant	<p>Grey seal interest feature of the Isles of Scilly Complex SAC</p> <p>The RSPB suggests [RR-033] that the HRA Compensation Measures Part 1 [APP-179] should include the grey seal interest feature in the screening for the Isles of Scilly Complex SAC. Does the Applicant agree that this is a relevant and important omission in the context of an eradication plan? Are changes necessary? If not, why not? (<i>If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.</i>)</p>
HRA.1.51	Applicant	<p>Estimated costs of the without prejudice compensation measures</p> <p>Please provide a reasoned case to demonstrate the confidence levels that could be placed on the estimated costs [APP-202] of providing the without prejudice compensation measures, given that no sites have been identified or secured.</p>
HE Historic Environment including Marine Archaeology		
Offshore heritage and marine archaeology		
HE.1.1	Historic England	<p>Expand on and clarify Relevant Representation [RR-015]</p> <p>Would Historic England (HE) please expand on and clarify the specific concerns raised in its Relevant Representation [RR-015] about the proportionate approach to EIA that has been taken in this application.</p>
HE.1.2	Historic England	<p>Comments on Outline Marine Written Scheme of Investigation</p> <p>Please comment in detail on whether the Outline Marine Written Scheme of Investigation [APP-239] is sufficient to satisfy HE's concerns [RR-015] about management of risk to marine archaeological assets, and if not, why not.</p>
HE.1.3	Historic England	<p>Impact on historic seascapes</p> <p>Does HE accept the Applicant's assessment [APP-021 para 9.7.2.18] that "<i>...it is considered that the impact on the historic seascapes by the introduction of wind farm infrastructure does not warrant further methodological development or mitigation</i>" and if not, why not?</p>

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ExQ1	Question to:	Question
HE.1.4	Applicant	Monitoring of archaeological receptors Please explain what action would be taken as a result of the proposed monitoring identified during the pre-construction surveys as included within Outline Marine Written Scheme of Investigation [APP-239], and if none, why?
HE.1.5	Applicant	Fishermen's Fasteners and Archaeological Exclusion Zones Please explain why the six 'Fishermen's Fasteners' identified in the National Record of the Historic Environment (NHRE) have not been assigned Archaeological Exclusion Zones (AEZs) [APP-021 para 3.4.1.3].
Onshore heritage		
HE.1.6	Historic England ERYC	Impact assessment The Applicant's Impact Register [APP-049, page 57] reports that, following a route refinement process, the onshore export cable corridor now incorporates a Scheduled Monument at York Road. For this reason, direct impacts on designated heritage assets during construction were scoped back in for assessment. The Impact Register suggests this was a 'Simple Assessment' rather than a 'Detailed Assessment'. Given the potential for an impact on a Scheduled Monument. Do you agree with this approach? If you do not agree, please set out the reasons for this and indicate what further action you believe to be required.
HE.1.7	Applicant	Historic significance of PRow Provide a response, or provide signposting indicating where a response is provided, to the points raised in [RR-038] relating to the significance of Jillywoods Lane. In addition, provide signposting to the assessment of the historical significance of any PRow affected by the Proposed Development.

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ExQ1	Question to:	Question
HE.1.8	Applicant	<p>Priority archaeological geophysical surveys</p> <p>The Applicant's ES Chapter 5. Historic Environment [APP-029, para 5.6.5.3] clarifies that three priority areas were not surveyed due to landowner access constraints. Please provide further detail setting out the constraints preventing the completion of these surveys. Will these surveys be carried out before the close of the examination?</p> <p>If not, please set out the reasons for this and clarify how this might be addressed post-decision if the application is consented.</p> <p>What implications might the completion of these surveys have for the results of the Applicant's ES?</p>
HE.1.9	Applicant Historic England ERYC	<p>Further mitigation measures</p> <p>[APP-029, para 5.11] sets out a series of measures under the heading "<i>Further mitigation: built heritage</i>" that could be put into effect in order to further lessen the impact from the Proposed Development prior to construction works commencing. Set out the barriers which exist that prevent these measures being agreed during the Examination and the steps necessary to overcome these barriers so that agreement can be reached and secured during the Examination.</p>
INF Infrastructure and Other Users		
Carbon Capture, Utilisation and Storage (CCUS)		
INF.1.1	Applicant	<p>Pre-Application consultation with relevant stakeholders</p> <p>Table 11.3 of Chapter 11 of the ES [APP-023] sets out the pre-application discussions that you undertook with a number of stakeholders. A number of these have submitted RR [RR-002, RR-004, RR-011, RR-012, RR-014, RR-027, RR-031, RR-035]. However, Drax Power Ltd [RR-007] does not appear on this list, why not?</p>

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ExQ1	Question to:	Question
INF.1.2	Applicant	<p>Endurance Carbon Capture and Storage (CCS)</p> <p>Chapter 11 of the ES [APP-023] acknowledges that in the absence of mitigation that the Proposed Development has the potential to effect Endurance CCS and it indicates that discussions with the promoters of this scheme are “on-going”. Can you:</p> <ol style="list-style-type: none">Provide an update with regards to these discussions.Indicate how the proposed mitigation referred to in the ES [APP-023, eg paras 11.11.3.10, 11.11.7.7 and 11.11.13.7] would be secured.Advise how the conclusion that the impact on Endurance CCS would be negligible [APP-023, paras 11.11.3.12, 11.11.7.9 and 11.11.13.13] was reached when the mitigation that might be required is currently unknown and, in any event, appears unsecured.Explain what weight can be given to the conclusion that the impact on Endurance CCS would be negligible given that at this stage it would appear that the mitigation that might be required is unknown and, in any event, appears to be unsecured?
INF.1.3	Applicant	<p>Proposed Kilmar to Ravenspurn North Carbon Capture (CC) pipeline</p> <p>Provide an update on whether details of the proposed Kilmar to Ravenspurn North CC pipeline [APP-023, para 11.7.1.33] are available or likely to be available during the course of the Examination and whether they therefore need to be assessed given that it is likely that this pipeline would cross the proposed array area.</p>
Pipelines and cables		
INF.1.4	Applicant	<p>Commercial Crossing Agreements</p> <p>Chapter 11 of the ES [APP-023, para 11.7.1.51] advises that where the export cable would need to cross an active cable then a commercial crossing agreement would be entered into. Can you explain how many crossing agreements would be needed; advise whether these agreements would be made pre or post consent; provide an update on the progress made and if agreements are to be made pre consent whether this information will be submitted into the Examination?</p>

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ExQ1	Question to:	Question
INF.1.5	Applicant	<p>Mitigation of risk to the Viking Link cable infrastructure</p> <p>Please respond in detail to [RR-012] from Eversheds on behalf of Viking Link with particular regard to the representation that:</p> <p><i>"mitigation will be required to ensure that the risk to the Viking Link cable from the Project is limited. It is considered that this mitigation could consist of either deeper cable burial or rock placement over the Viking Link cable, in addition to some form of traffic management (IMO routeing measures)".</i></p>
INF.1.6	National Grid Viking Link Limited	<p>Assessment of risks of harm to the Viking Link cable adjacent to the Proposed Development</p> <p>Is Viking Link satisfied with the conclusions of the ES in regard to assessment of risks of harm to the Viking Link cable within the gap between the Proposed Development and Hornsea 2 in particular due to other marine users such as shipping and fishing?</p>
INF.1.7	The Applicant NGET Relevant determining Authority's	<p>Update on SEGL2</p> <p>Chapter 11 of the ES [APP-023, para 11.7.1.49] refers to survey work being underway for the SEGL2 and that planning applications are expected to be submitted in early 2022. Can you provide an update on this work; whether applications have been submitted and if so what the timescale for determination is; if applications have not been submitted provide an update on when this might happen.</p>
INF.1.8	Northern Gas Networks National Grid Gas PLC	<p>Location of Pipelines</p> <p>In your Relevant Representation [RR-30 and RR-026] Northern Gas Networks you indicate that the onshore cable route would cross two high pressure bulk supply gas pipelines and three medium pressure gas mains and National Grid Gas PLC you indicate that you have two high power gas transmission lines in close proximity to the Order limits can you both provide a plan showing the location of these pipelines in relation to the proposed Order limits.</p>

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ExQ1	Question to:	Question
Oil and gas operations		
INF.1.9	Applicant	<p>Ravenspurn North and Trent Platforms</p> <p>Please respond in detail to [RR-031] from Perenco UK Limited concerning:</p> <ul style="list-style-type: none"> i. Obstruction of access by helicopter to the 43/26 Ravenspurn North platform. ii. Obstruction of microwave communications with the 43/24A Trent platform. iii. Obstruction of the marine/ shipping collision Radar Early Warning system located on the Ravenspurn North platform.
INF.1.10	Applicant and Alpha Petroleum Resources Limited	<p>Alpha Petroleum Resources wish to be kept updated about the DCO Examination</p> <p>In a letter of comfort dated September 2021 between the Applicant and Alpha Petroleum Resources Limited [APP-162, pages 58-61], Alpha’s concerns in regard to allision risk, microwave communications effects, helicopter operations and a proposed pipeline are agreed as matters not “<i>needing further consideration during the DCO Examination</i>”. However, in an annex to that letter of comfort, Alpha noted a wish to make representations to the Examination but has not made a Relevant Representation. Would the Applicant clarify the status of that annex to the letter of comfort and confirm the latest communication with Alpha; and would Alpha please confirm if it still wishes to make a representation to the Examination and if so, what the nature of that representation will be.</p>
INF.1.11	Applicant	<p>Update on commercial crossing agreements</p> <p>Provide an update on progress with commercial crossing agreements [APP-023, para 11.7.1.34] and whether these will be in place before the close of the Examination or if it is intended that these will be agreed and issued post consent.</p>
INF.1.12	Relevant Interested Parties	<p>Notification period</p> <p>The Applicant is proposing, during construction, to provide a minimum of 14 days’ notice of installation activities [APP-023, paras 11.11.4.6 and 11.11.4.14] is this sufficient? If not, why not and what notice period would be appropriate?</p>

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ExQ1	Question to:	Question
INF.1.13	Applicant Relevant Interested Parties	Emergency activities Chapter 11 of the ES [APP-023] acknowledges that there would need to be restrictions in place for oil and gas operators accessing rigs, platforms and pipelines during construction. Can you explain what if any procedures/ processes would be in place to deal with emergencies eg divers needing to access a pipeline for repairs, vessels accessing platforms. If no procedure/ processes are proposed, would they be required and how would they need to be secured?
INF.1.14	Applicant Harbour Energy	Co-existence agreement – update Chapter 11 of the ES [APP-023, para 11.11.6.14] refers to on-going discussions between the Applicant and Harbour Energy regarding a co-existence agreement in relation to the Johnston Oil Field. Provide an update on the progress with this agreement, what it agrees and whether it would be completed before the close of the Examination.
INF.1.15	Applicant	Update on side agreements with other infrastructure stakeholders Please advise current status of any proposed side agreements with Oil and Gas operators and their expected status by end of the Examination. The ExA notes, in particular, [APP-023 page 18] " <i>delay in execution of a side agreement due to change in owner (merger of Premier and Chrysaor)</i> " within the table entry for Shell.
LV Landscape and Visual Effects		
LV.1.1	ERYC	Study area parameters Are you satisfied with the study areas adopted by the Applicant for the onshore substation and the landfall site? If not, please set out the reasons for this position and indicate what additional areas should be included and the reasons why these areas should be included.
LV.1.2	ERYC Historic England Natural England HCC	Representative viewpoints The Applicant notes [APP-028, Table 4.4] that the viewpoints presented have been agreed by all stakeholders.

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ExQ1	Question to:	Question
		<p>Is the selection of viewpoints presented by the Applicant satisfactory or do you believe that additional viewpoints are required? If you believe additional viewpoints are required, please provide further details to explain why they are required.</p>
LV.1.3	ERYC Other Interested Parties	<p>Cumulative effects Are you satisfied with the list of projects included in the assessment of potential cumulative landscape and visual effects [APP-028, Tables 4.23 and 4.24]? If not, identify those projects that you believe should be included and indicate why you believe that they should be included.</p>
LV.1.4	Applicant	<p>Cumulative effects The Cumulative Effects Assessment [APP-028, para 4.12.3.5] notes that there are five projects which may, when considered as part of the assessment baseline, give rise to cumulative effects that may be significant. It then goes on to list only four projects. Please confirm the number of projects which may, when considered as part of the assessment baseline, give rise to cumulative effects that may be significant and explain what they are?</p>
LV.1.5	Applicant	<p>Cumulative effects The Cumulative Effects Assessment [APP-028, section 4.12] makes reference to "<i>Dogger Bank A and B</i>". In the interests of clarity for all parties, can you confirm that references to this project refer to part of the development originally known as Dogger Bank Creyke Beck, for which the SoS made a Development Consent Order on 17 February 2015? If not can you confirm what is meant by this reference.</p>
LV.1.6	Applicant	<p>Cumulative effects How does the analysis of receptor-led, inter-related cumulative effects [APP-028, table 4.25] consider the cumulative effects from various construction and operational impacts on the amenity of the worst-affected residential receptors? (For example, visual, noise, air quality impacts experienced by the occupiers of the residential properties at Burn Park Farm.)</p>

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ExQ1	Question to:	Question
		Provide signposting which details where inter-related cumulative effects as described above and their mitigation are set out.
LV.1.7	ERYC Other relevant parties	<p>Outline Landscape Management Plan (LMP)</p> <p>Are you satisfied that the details of location, number, species, size and density of proposed planting around the onshore substation need not be considered during the Examination?</p>
LV.1.8	Applicant	<p>Computer-generated Zone of Theoretical Visibility (ZTV) maps</p> <p>ZTV maps are indicated [APP-028, para 4.6.2.2] as having been generated for the Onshore substation, assuming a maximum height of 25m above 'ground level' for the Onshore substation and 15m for the Energy Balancing Infrastructure.</p> <p>Are the indicative heights above the ground level datum modelled with finished ground level datum points as confirmed in [AS-024]?</p>
LV.1.9	Applicant	<p>Proposed existing and finished ground levels</p> <p>The Outline Design Plan [APP-248, para 6.2.1.1] indicates that finished ground levels for onshore substation infrastructure are likely to be set at approximately 13.0m Above Ordnance Datum (AOD) for the onshore substation and at approximately 14.5m AOD for the energy balancing infrastructure.</p> <p>[AS-024, para 2.1.1.1] confirms that the topographical profile of the onshore substation and energy balancing infrastructure site has been established and [AS-024, para 2.1.1.2] clarifies that finished ground levels as set out above will not be 'approximate'; the Applicant proposes removal of the word 'approximate' from [APP-248, section 6.2].</p> <p>Since the topographical profile of the onshore substation and energy balancing infrastructure site is confirmed, please also confirm the existing ground level(s) (AOD) of the onshore substation and energy balancing infrastructure site?</p>
LV.1.10	Owners/ operators of Burn Park Farm	<p>Residential Visual Amenity Assessment (RVAA)</p> <p>The Applicant notes [APP-028, para 4.11.2.43] that a RVAA has not been undertaken but that it has considered the potential for effects on residential visual amenity or 'living conditions' at</p>

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ExQ1	Question to:	Question
	Other relevant parties Applicant	<p>Burn Park Farm. The setting and context of, as well as views from, the dwelling at Burn Park Farm are described and the Applicant notes that: <i>"It is not considered likely that these views will be so extensive or inescapable that 'living conditions' at the property would be affected."</i></p> <p>To the owners/ operators of Burn Park Farm: Does the Applicant's description of the dwelling house give a reasonable depiction of the setting, context and views from the dwelling house? Do you agree that a residential visual amenity assessment is not necessary?</p> <p>To other relevant parties: Do you agree that a residential visual amenity assessment is not necessary?</p> <p>Applicant: Can you confirm if the visual receptors referred to [APP-028, para 4.11.2.38 to para 4.11.2.43] are the ones shown in accompanying photography and photomontages [APP-115]?</p>
LV.1.11	Applicant	<p>Landscape mitigation planting</p> <p>The Outline Landscape Management Plan [APP-243] commits to early landscape mitigation planting, however not specifically in advance of stripping of soil and other vegetation. The Applicant's Landscape and Visual Assessment [APP-028 para 4.11.1.10] indicates that mitigation planting should ideally be established before the stripping of soil and other vegetation from site. Is the Applicant willing to update the Outline Landscape Management Plan to reflect this?</p>
LV.1.12	Applicant ERYC Other relevant parties	<p>Landscape mitigation planting</p> <p>The representative photomontage views do not appear to present a change between year 1 to year 10 and beyond which is so substantial that it would change the magnitude and significance of the visual effect of the onshore substation and energy balancing infrastructure buildings – particularly when seen from viewpoints 1 to 4 – as described in the ES. Provide further evidence to support the position that landscape mitigation as proposed would result in the change of magnitude and significance of effect described.</p> <p>In addition, there is an apparent contradiction between descriptions in the Applicant's Landscape and Visual Assessment for the significance of effect at year 30 for viewpoints 1 to 4</p>

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ExQ1	Question to:	Question
		<p>[APP-028, paras 4.11.2.47, 4.11.2.56, 4.11.2.65 and 4.11.2.74] which set out that there would remain an adverse effect, but that this would not be significant and [APP-028, para 4.15.1.5] which notes that as <i>"proposed planting matures, some of the identified effects will be reduced, though they are predicted to remain significant in EIA terms."</i> Provide further clarification which establishes the consistency of these statements.</p> <p>ERYC and Other relevant parties:</p> <p>Would the mitigation planting illustrated by the Applicant [APP-115] be effective in reducing the magnitude and significance of the visual effect of the Proposed Development? If not, why not? What other steps should be considered in order to provide the necessary change in magnitude and significance of the visual effect of the onshore substation and energy balancing infrastructure buildings and/ or structures?</p>
LV.1.13	Applicant	<p>Energy balancing infrastructure</p> <p>The Applicant's signposting document [OD-002] notes that the assessment presented within the ES assesses the MDS for both "enclosed" and "open yard" approaches to energy balancing infrastructure design and configuration. Provide further detail to clarify which approach each of the conclusions and the summary text set out in Table 1 and Section 4.1 [OD-002] applies to.</p>
LV.1.14	Applicant Natural England	<p>Assessment of the Yorkshire Wolds as an Area of Outstanding Natural Beauty</p> <p>Could the Applicant please Provide comment, or signposting which indicates where comment is provided, in response to [RR-029, Appendix H, page 3] from Natural England on the implications of the possible designation of the Yorkshire Wolds as an AONB for its Landscape and Visual Assessment. Would a change in designation alter the significance of effects and would any additional mitigation be necessary or possible?</p> <p>Could Natural England provide an overview of the assessment process and likely timeframes for any potential decision on designation?</p>
LV.1.15	Applicant	<p>Monitoring of mitigation planting</p> <p>The ExA notes that monitoring of mitigation planting as described in the outline Landscape Management Plan [APP-243] is secured through Requirement 9 of the draft DCO [APP-203].</p>

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ExQ1	Question to:	Question
		<p>Provide further detail, or signposting which indicates where further detail is provided, which clarifies what – if any – remedial action would be implemented as a result of would be implemented as a result of the proposed monitoring. If no remedial action is to be implemented, please explain why not.</p>
LV.1.16	Applicant	<p>Wind turbine south of Poplar Farm</p> <p>During its Unaccompanied Site Inspection (USI) [EV-001 and EV-002], the ExA noted the presence of a solitary wind turbine generator (WTG) outwith the proposed order limits to the north of the onshore substation site, between the site and Poplar Farm. This was found to be a helpful landmark for locating the onshore substation and Energy Balancing Infrastructure site during the USI. The ExA also holds the view that in the absence of other physical markers depicting the height of the onshore substation and Energy Balancing Infrastructure on site, this WTG may serve as a helpful visual device to gauge the scale of the onsite buildings.</p> <ol style="list-style-type: none"> i. Please indicate the height of this WTG (height to top of nacelle and height to tip of blades at their highest point during rotation). ii. Please indicate the datum level of the base of this WTG and provide heights relative to this datum.
LV.1.17	Applicant ERYC	<p>Landscape maintenance recommendations and actions to remedy failure of planting scheme to achieve objectives</p> <p>Significant adverse landscape and visual effects are assessed at year one, year 10 and year 30 [APP-028] with the magnitude of effect not reducing to small until year 30 in a number of cases. Where landscape mitigation is relied upon to reduce the magnitude of effect, how is this mitigation secured if the success of planting is to be monitored and maintained for a limited period of five years after planting [APP-243, para 5.1.1.1]?</p> <p>How will longer term management and enhancement [APP-243, para5.2] of planting within the permanent onshore substation order limits be secured? Who will be responsible for this?</p> <p>In addition, please provide further explanation, or signposting which indicates where explanation is set out, which describes what the remedy would be if, in the opinion of the Local Planning Authority, there was significant failure of the planting scheme or if it was failing to progress to the extent that it would not achieve the objectives of the scheme.</p>

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ExQ1	Question to:	Question
		<p>ERYC:</p> <p>Are the landscape maintenance, management and enhancement strategies proposed satisfactory? If not, set out your reasoning for this position and explain what further actions would be required.</p>
MC Marine and Coastal Geology, Oceanography and Physical Processes		
MC.1.1	Natural England	<p>Numbering of Natural England's Relevant Representation</p> <p>The paragraph numbering of Natural England's Relevant Representation [RR-029] (Smithic Bank section) runs directly from 5.44 to 5.55. Could Natural England confirm if any text is missing or if this is simply a numbering error and amend the document accordingly.</p>
MC.1.2	Applicant MMO Natural England	<p>Further geophysical surveys</p> <p>Chapter 4 of the ES [APP-010] notes that pre-construction, high-resolution geophysical surveys were yet to be undertaken at the time of writing, but that they were planned for 2021 and that interpretation will be available Q4 2021. Could the Applicant provide an update and all invited parties comment on any implications?</p>
MC.1.3	Applicant Natural England	<p>Impacts of any further geophysical surveys</p> <p>Please respond to the MMO's question [RR-020] asking if any further geophysical surveys are proposed, and - if they involve noise generating activities such as multibeam echosounders and sub-bottom profilers - if the potential impact of these on marine wildlife been appropriately considered in the ES. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
MC.1.4	Applicant MMO	<p>Sign-off of any further geophysical surveys</p> <p>Natural England [RR-029] suggests that further commitments and regulator sign-off would be necessary in relation to any pre-construction geophysical surveys. What is the Applicant's and MMO's reaction to this suggestion?</p>

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ExQ1	Question to:	Question
MC.1.5	Applicant MMO	Marine modelling and climate change scenarios Natural England [RR-029] suggests that the marine process modelling and assessment set out in the ES should be re-run to account for various climate change scenarios. Is further modelling required to rectify this? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
MC.1.6	Applicant	Smithic Bank The MMO [RR-020] suggests an inadequate bathymetry and coastal processes baseline in some parts of the study area, notably the cable route around Smithic Bank and the coastline. The MMO proposes additional swath bathymetry and geotechnical surveys from just offshore of the cable crossing with Dogger Bank A and B area and the Holderness coastline. The MMO goes on to question part of the subsequent assessment of cumulative and inter-related effects on the physical and biological environment, especially at the Smithic Bank and in the Holderness coastal zone and suggests additional assessment. Natural England [RR-029] raises related concerns that the Proposed Development (alone and in-combination with other proposals that it lists) might adversely affect the form and function of Smithic Bank, and, in turn, affect that of other marine process receptors, including some protected sites. Additional assessments are suggested, as set out in its Relevant Representation. What is the Applicant's position in relation to these points? Natural England has also requested the avoidance of rock protection within this area. Is the Applicant willing to agree with this, and would it require a specific condition in the DML? If so, please can the Applicant provide suggested wording. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
MC.1.7	MMO Natural England	Rock backfill The ES [APP-013] says that additional material may be required in the backfilling of the eight Horizontal Directional Drilling [HDD] exit pits in the landfall area to make up for any loss in excavated sediment volume. It suggests that rocks may be used. Is this acceptable to the

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		MMO and Natural England? If not, why not, and are there any alternatives that you would suggest to the Applicant?
MC.1.8	Applicant	Dogger Bank A and B export cable protection Whilst an overarching map showing the location of various pipelines can be found in Chapter 11 of the ES [APP-023, figure 11.8], could the Applicant provide a larger scale navigational chart (or signpost where in the application documents such a chart can be found) to show the following: benthic levels related to Ordnance Datum; known benthic features; existing navigational aids; the approximate proposed location of the cable crossings of the Dogger Bank A and B export cables and the likely plan extent and configuration of proposed rock protection as noted in the Marine Processes Technical Report [APP-067, para 4.6.4.2].
MC.1.9	Applicant MMO	Cable protection volume Table 4.26 of ES Volume A1 Chapter 4 Project Description [APP-010] details a total area of cable protection of 1,510,000m ² and a total volume of 1,449,000m ³ . Is there a discrepancy between the volumes presented in the ES and Requirement 5(6) of the draft DCO [APP-203]? If so, why, and does it need to be corrected?
MC.1.10	Applicant	Exclusion of protection in the nearshore area Paragraphs 4.8.5.10 to 4.8.5.21 of ES Volume A1 Chapter 4 Project Description [APP-010] explain that no cable protection would be deployed within 350m seaward of the mean low water springs (MLWS) datum. This is said to be secured through DML condition 1(3)(3). However, that condition refers to MHWS tidal datum. Can the Applicant confirm the correct reference and if necessary, amend the DML?
MC.1.11	Applicant	Appropriateness of cable replenishment in the DML Condition 4 of the draft DMLs allow for cable replenishment. However, Natural England's joint position with the MMO (as set out in entry 34 of Appendix A of [RR-020]) is that it is not appropriate for a marine licence to be granted allowing cable protection to be deployed throughout the operation and maintenance phase of a project, therefore a separate marine

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ExQ1	Question to:	Question
		<p>licence should be sought for any cable protection to be deployed during these phases. Will the Applicant remove 'cable replenishment' from Condition 4 of the draft DMLs? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
MC.1.12	Applicant	<p>Cumulative assessment of cable crossings</p> <p>The MMO [RR-020] notes an outstanding pre-application request to the Applicant to undertake further modelling of the cable crossings in respect of changes to sediment transport, especially cumulatively for the 54 crossings. Is the Applicant intending to comply with this request? If so, this would be required in the Examination as soon as possible. When would the results be available? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
MC.1.13	Applicant Natural England	<p>Assessment of the Flamborough Front</p> <p>The MMO [RR-020] notes a second outstanding pre-application request for further assessment through research and satellite thermal imagery of the impact of the Proposed Development on the productivity of the Flamborough Front. Can the Applicant signpost any assessment of impacts on the productivity of the Flamborough Front? Is it the Applicant's intention to undertake additional work and assessment? If so, this would be required in the Examination as soon as possible. When would the results be available? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
MC.1.14	Applicant MMO Natural England	<p>Location of the Flamborough Front</p> <p>The information provided to the Examination suggests different views are held about the location of the Flamborough Front. The ES [APP-013, paras 1.7.9.2 and 1.7.9.3] suggests it is south of the proposed array area. Natural England's Relevant Representation [RR-029, Appendix E, entries 8, 74 and 97] argues that Figure 37 of the Marine Processes Technical Report [APP-067] shows the array area to be located within a zone of 90-100% occurrence of the Front. If the location of the Front is not fixed, to what extent does it vary and over what time frame? What implications does this have for turbulent wakes and their effects? What are the implications of the inclusion of the non-cylindrical, gravity base structure foundations in the array, and what level of certainty can be applied to the consequent wakes, their</p>

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ExQ1	Question to:	Question
		interactions, and potential direct impacts on the Flamborough Front and indirect impacts on seabirds and marine mammals through changes to its productivity?
MC.1.15	Applicant MMO	Sensitivity of the Flamborough Front Natural England [RR-029, Appendix E, entry 56] suggests that the Flamborough Front feature should have a high sensitivity rather than medium (as allocated in the ES [APP-013]), given that the novelty of the situation and information gaps should lead to a precautionary approach that cannot, on current understanding, rule out more significant impacts and Adverse Effects on Integrity in relation to three European sites. Can the Applicant provide anything further to close such gaps and provide corroborative evidence for the medium sensitivity, or should this be changed to high? If so, a reassessment and further consideration of mitigation would be required. This would be required in the Examination as soon as possible. When would any results be available? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
MC.1.16	Applicant	Dredge sediment sampling and analysis Could the Applicant signpost the location in the application documents of the detailed results of dredge area sediment sampling and analysis. Is it the Applicant's intention to provide these to the MMO in the MMO's preferred template [RR-020], and, if so, when? If not, why not?
MC.1.17	Applicant MMO	Dredgings disposal site Is there any progress in discussions between the Applicant and the MMO over the updating of application documents in respect of defining a preferred dredgings disposal site, and over the final agreement about the site or sites to be used? If this matter is not yet resolved, is it likely to be so before the close of the Examination?
MC.1.18	Applicant	Monitoring of dredge sediment The MMO [RR-020] requests ongoing monitoring of samples of sediment from the proposed dredge area until the Proposed Development's construction activities are complete. The suggestion is that this should take place every five years, starting in 2024. Can the Applicant

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ExQ1	Question to:	Question
		signpost where this is committed to, or, if it is not, explain why? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
MC.1.19	Applicant Natural England	<p>Intertidal access ramp</p> <p>In its Relevant Representation [RR-029], Natural England highlights the possibility that the proposed temporary access ramp in the intertidal area could cause adverse environmental effects. Is it possible that such effects could include impacts on MCZs as well as the Dimlington Cliffs, Flamborough Head and Humber Estuary SSSIs?</p> <p>The Applicant has submitted a MCZ assessment [APP-070] that concludes that the Proposed Development would not hinder conservation objectives. Does this require updating in the light of the potential impact from the intertidal access ramp?</p> <p>Natural England has suggested that the intertidal access ramp has not been assessed in the ES. If it has, can the Applicant please signpost where? If it has not, why has it not?</p> <p>Does the Applicant intend to carry out any further assessment of the intertidal access ramp in relation to coastal processes, geomorphology, benthic and intertidal habitats, and protected sites? If so, this is required as soon as possible. When would it be submitted into the Examination? If not, why not?</p>
MC.1.20	Applicant Natural England	<p>Identification of marine process receptors</p> <p>Natural England's Relevant Representation [RR-029] notes disagreement with the Applicant's scope of marine process receptors. Has this matter been progressed between the parties? If not, why not, and will it be resolved before the close of the Examination? <i>If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
MC.1.21	Applicant	<p>Long-term exposure of buried infrastructure</p> <p>Given that the Applicant would intend to leave much of the Proposed Development's buried infrastructure <i>in situ</i>, Natural England [RR-029] believes that the assessment of impacts on marine processes should extend beyond the operational lifetime of the project. Is the Applicant intending to provide an assessment of the long-term impacts on the coastal and nearshore zone from the rock protection, jointing bays, cable and scour protection that would remain <i>in situ</i> at the end of the operational lifetime of the project? If so, it is required to be</p>

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ExQ1	Question to:	Question
		<p>submitted into the Examination as soon as possible, so please indicate when it would be available. If not, why not?</p> <p>Is it possible to predict if and when such infrastructure may become exposed, and is the Applicant willing to offer an ongoing commitment to allow for the long-term management and mitigation of any infrastructure that later becomes exposed and might cause adverse environmental effects as a result? If so, how would this be secured? If this would be through a requirement or condition, please provide some draft wording. If not, why not?</p>
MC.1.22	Applicant	<p>Issues raised by Natural England</p> <p>In addition to the issues highlighted in the ExA questions above, could the Applicant respond to the issues relating to marine geology, oceanography and physical processes set out by Natural England in Appendix E to its Relevant Representation [RR-029], focussing on those graded as red or amber risk by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME Marine Ecology		
ME.1.1	Applicant Natural England	<p>European and national sites</p> <p>The ES [APP-014 and APP-015] notes that where an internationally designated site coincides with a nationally protected site, only the international site has been taken forward for assessment, on the assumption that the potential effects on the integrity and conservation status of the nationally designated site are inherent in the assessment of the internationally designated site.</p> <p>Where has this assumption been applied, and is it valid, given that SSSIs citations may include a broader range of notified special interest features than the qualifying features of a corresponding European site?</p>

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ExQ1	Question to:	Question
ME.1.2	Applicant	<p>Assessment of turbine cleaning</p> <p>Table 2.4 of the ES [APP-014] notes that the regulators consider that cleaning of turbines during operation and maintenance should be considered in the assessment. The table suggests that the activity is addressed in the Impact Register [APP-049], but this is not apparent. Clarify.</p>
ME.1.3	Applicant	<p>Responsive and remedial actions</p> <p>The Outline Marine Monitoring Plan [APP-242] provides for a range of monitoring measures in relation to benthic and other marine ecology features. However, it seems to make very limited provision for responsive and remedial action should any unexpected issue be recorded. Can the Applicant explain: if any triggers are being considered; whether any responsive or remedial action would be implemented as a result of the proposed monitoring; and where such information can be found. If it is not being considered, why not?</p>
Fish and shellfish ecology		
ME.1.4	Applicant	<p>Seasonal exclusion period for piling</p> <p>A seasonal piling restriction is proposed to mitigate underwater noise and vibration effects on herring during installation of the offshore substation. Is any further evidence available to help define an appropriate and informed 'sensitive' exclusion period for the area of the Proposed Development, and, if so, when will it be submitted into the Examination?</p> <p>Are changes necessary to the start and finish dates for the proposed period during which piling for Works No. 3 would be restricted, as suggested by the MMO? (Schedule 12 of the draft DCO, Condition 23 of the draft DML [APP-203].) If not, why not?</p>
ME.1.5	Applicant MMO	<p>Mitigation of suspended sediment impacts on herring</p> <p>The MMO [RR-020] disagrees with the Applicant's ES in relation to the magnitude of impact on herring spawning grounds in the ECC through direct damage and temporary increases in suspended sediment. It points to the International Herring Larvae Surveys data reproduced in the Applicant's Fish and Shellfish Ecology Technical Report [APP-071] to support its position</p>

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ExQ1	Question to:	Question
		<p>that the impact would be greater than minor. Could the Applicant indicate whether further assessment and mitigation is necessary, and, if not, why not?</p> <p>Would the extended seasonal piling restriction (for noise effects) proposed by the MMO adequately mitigate these direct damage and suspended sediment effects, or would further spatial restrictions also be considered necessary? The MMO's position on this is not clear in its Relevant Representation, so could clarification be provided please?</p>
ME.1.6	Applicant	<p>Sandeel habitat monitoring</p> <p>For the reasons set out in its Relevant Representation [RR-020], the MMO requests that the proposed pre- and post-construction monitoring of sandeel habitat be extended to include the windfarm array and adjacent areas. Does the Applicant believe that this is necessary? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.7	Applicant	<p>Natural England's points about fish and shellfish ecology</p> <p>In addition to the issues highlighted in the ExA questions above, could the Applicant respond to the issues relating to fish and shellfish ecology set out by Natural England in Appendix G to its Relevant Representation [RR-029], focussing on those graded as amber risk by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
Benthic and intertidal ecology		
ME.1.8	Applicant	<p>Interpretation of benthic ecology survey results</p> <p>The MMO's Relevant Representation [RR-020] questions the Applicant's interpretation and presentation of benthic ecology survey results, and whether more of the information from the technical annex [APP-068] should be brought into the relevant ES chapter [APP-014]. There is said to be a knock-on lack of confidence in the accuracy and completeness of the subsequent assessment. What is the Applicant's view on the points and suggestions raised? Are changes required, and, if so, when would they be made available for the Examination? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>

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ExQ1	Question to:	Question
ME.1.9	Applicant	<p>Monitoring of non-native invasive species</p> <p>In its Relevant Representation [RR-020], the MMO suggests that monitoring of non-native invasive species is required and should be added to the Outline Marine Monitoring Plan [APP-242]. Would it be the Applicant's intention to instigate monitoring of the turbines for non-native invasive species colonisation and to add this to the Outline Marine Monitoring Plan? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.10	Applicant	<p>Seabed gravel removal</p> <p>During decommissioning, would gravel that was added to the seabed during site preparation be removed? Please signpost where any comparison of retention or removal is assessed. Would the assessment outcome be different depending on whether it was left or was removed? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.11	Applicant	<p>Retention of rock protection post-decommissioning</p> <p>Natural England has noted [RR-029] that leaving rock protection <i>in situ</i> beyond the end of the operational lifetime of the Proposed Development would represent a permanent change to benthic habitats. Can the Applicant confirm whether this is the intention, and whether this was taken fully into account in determining the significance of effects in the EIA? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.12	Applicant	<p>Sabellaria reef and micro-siting</p> <p>While <i>Sabellaria spinulosa</i> aggregations were not recorded in surveys, Natural England has noted [RR-029] that individuals were the dominant taxon in grab samples at export cable corridor stations 17 to 21. In order to target the mitigation commitments Co48 and Co84 [APP-050] correctly so as to avoid habitats of principal importance, can the Applicant signpost its intended approach to verification of the absence or presence of <i>Sabellaria spinulosa</i> reef (Annex I) from areas with high numbers of the species in sample returns? How would the Applicant take potential <i>Sabellaria</i> reef features into consideration in the pre-construction surveys and - if found - how would the Applicant's Commitment Register commitments (Co48</p>

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ExQ1	Question to:	Question
		<p>and Co84) to micro-siting during both the construction and operation and maintenance phases be secured?</p> <p>Should a condition that achieves this be included in the draft DMLs? If so, please provide suggested draft wording. If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.13	Applicant	<p>Assessment of effects on <i>Amphiura filiformis</i></p> <p>The MMO suggests [RR-020] that the ES lacks an assessment of effects on the echinoderm <i>Amphiura filiformis</i>. Could the Applicant provide signposting to the relevant information and assessment? If there is no such assessment, why not, and is additional assessment required? If so, when would this be provided? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.14	Applicant	<p>Output from biotope modelling</p> <p>Biotope modelling was undertaken to fill some benthic survey gaps. The MMO questions [RR-020] whether some of the biotopes would be as extensive as predicted in light of more recent sediment data. Is it the Applicant's intention to review the model output, and, if so, when would this be provided to the Examination? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.15	Applicant	<p>Verification of grab survey results</p> <p>The use of a Hamon grab to collect sediment samples for contaminant analysis has been questioned by the MMO [RR-020]. A comparison with relevant results using a Day grab is suggested to verify the results. Has this been done? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>

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ExQ1	Question to:	Question
ME.1.16	Applicant	<p>High-resolution side scan sonar survey for any biogenic or geogenic reef habitats</p> <p>The Outline Marine Monitoring Plan [APP-242] commits the Applicant to monitor any biogenic or geogenic reef habitats identified in the proposed swath bathymetry. Can the Applicant respond to the MMO's question [RR-020] as to whether a high-resolution side scan sonar survey would be undertaken and, if not, why not. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.17	Applicant	<p>The effect of gravity base structures and scour on benthic habitats</p> <p>The MMO [RR-020] suggests that further information and monitoring studies are required in respect of the use of gravity base structures and their scour impacts on benthic habitats. It is suggested that this monitoring should be added to the Outline Marine Monitoring Plan [APP-242]. Can the Applicant provide the further information requested and respond to the suggestion of monitoring? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.18	Applicant	<p>Natural England's points about benthic and intertidal ecology</p> <p>In addition to the issues highlighted in the ExA questions above, could the Applicant respond to the issues relating to benthic and intertidal ecology set out by Natural England in Appendix F to its Relevant Representation [RR-029], focussing on those graded as amber risk by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
Marine mammal ecology		
ME.1.19	Applicant	<p>Additional monitoring for marine mammals in the Southern North Sea SAC</p> <p>Should Table 6 of the Outline Marine Monitoring Plan [APP-242] include the additional monitoring that may be required for marine mammals in the Southern North Sea SAC (referred to in section 3.6.2.2), as suggested by the MMO in its Relevant Representation [RR-020]? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>

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ExQ1	Question to:	Question
ME.1.20	Applicant	Natural England's points about marine mammals Could the Applicant respond to the issues, discrepancies and questions set out by Natural England in relation to marine mammals in Appendix D to its Relevant Representation [RR-029, entries 1 to 10 and 44 to 52], focussing on those graded as amber risk by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
Marine and coastal bird ecology		
ME.1.21	Applicant	Possible document layout error Towards the end of Table 5.4 of the ES [APP-017], at the top of page 32, there appears to be an orphan comment in relation to evidence about mortality rates and a range-based approach. What is the context and response to this?
ME.1.22	Applicant	Application of the model used to analyse baseline characterisation data Natural England's and the RSPB's Relevant Representations [RR-029 and RR-033] raise possible errors in the application of the MRSea model used to analyse the baseline offshore ornithological characterisation data to produce the density and abundance estimates that underpin the EIA. Natural England offers options to resolve these concerns. Has the Applicant engaged with Natural England and the RSPB subsequently, has progress been made towards a resolution, and will further assessment be submitted into the Examination? If so, when, given the fundamental importance this has for the offshore ornithological assessment? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
ME.1.23	Applicant	Cumulative impact assessment Following on from Natural England's concerns about the application of the offshore ornithological model, its Relevant Representation [RR-029] notes that it does not wholly agree with the Applicant in regard of cumulative effects and is unable to rule out significant adverse impacts on kittiwake, razorbill, guillemot, gannet and greater black-backed gull due to cumulative collision mortality or displacement effects. Has any progress been made towards resolution of these matters, and will further assessment be submitted into the Examination? If

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ExQ1	Question to:	Question
		so, when? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
ME.1.24	Applicant	<p>Natural England concerns about assessment methodology</p> <p>In its Relevant Representation [RR-029], Natural England raises concerns in relation to the assessment methodology adopted by the Applicant. Briefly, these are:</p> <ul style="list-style-type: none"> • including birds in flight in auk displacement analysis; • seasonal definitions for gannet and kittiwake displacement; • inclusion of statistical confidence intervals and a range-based approach; • inclusion of counterfactual of final population size in final population viability analysis. <p>(A further concern is raised that applies only to the HRA: this is considered in the HRA section of ExQ1 at HRA.1.11)</p> <p>Has any progress been made towards resolution of these matters, and will further assessment be submitted into the Examination? If so, this is required as soon as possible: when would it be submitted? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.25	Applicant	<p>RSPB concerns</p> <p>In its Relevant Representation [RR-033], the RSPB raises concerns around:</p> <ul style="list-style-type: none"> • inclusion of counterfactual of final population size in final population viability analysis; • apportioning of predicted mortalities to SPAs; • gannet avoidance rates; • including birds in flight in auk displacement analysis; • seasonal definition for kittiwake breeding. <p>Has any progress been made towards resolution of these matters, and will further assessment be submitted into the Examination? If so, this is required as soon as possible: when would it be submitted? If not, why not? <i>(If not fully addressed in the previous question in response to Natural England's Relevant Representation, or in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>

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ExQ1	Question to:	Question
ME.1.26	Applicant	<p>Indirect effects on seabirds through impacts on prey species</p> <p>Natural England disagrees [RR-029] with the basis on which the ES assesses indirect effects on seabirds as a result of impacts on their prey species and suggests that the Applicant undertakes an assessment of key seabird forage fish abundance and distribution in and around the area of the Proposed Development, with a focus on guillemot and razorbill in August and September. Has any progress been made towards this suggestion, and will further assessment be submitted into the Examination? If so, when? If not, why not? <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
ME.1.27	Applicant	<p>Other Natural England concerns</p> <p>In addition to the issues highlighted in the questions above, could the Applicant respond to the issues, discrepancies and questions relating to marine ornithology (entries 1 to 69) set out by Natural England in Appendix B to its Relevant Representation [RR-029], focussing on those graded as red or amber risk by Natural England. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
NAR Navigation and Radar (Marine and Air)		
Shipping and navigation		
NAR.1.1	DFDS	<p>Navigation between Proposed Development and Dogger Bank</p> <p>Is DFDS satisfied with the separation distance between the Proposed Development and the Dogger Bank navigational constraints (and consequential assessment of navigational safety)? [APP-019 pages 17,18, 34, 66, 69, 70] and [APP-081, APP-133]. If not, why not and what distance do you consider would be required?</p>
NAR.1.2	UK Chamber of Shipping (UKCoS) and Applicant	<p>Consultation with shipping operators</p> <p>Noting the Applicant's point [APP-133] that "<i>DFDS Seaways were identified as the principle regular operator and were the only contacted party to express an interest in participating in consultation</i>" would UKCoS please confirm if it is satisfied with the extent of the Applicant's consultation with shipping operators? If UKCoS considers other specific regular shipping</p>

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ExQ1	Question to:	Question
		<p>operators should have been consulted, please provide details and explain why they should have been consulted.</p> <p>Would the Applicant please confirm how many times unsuccessful attempt at consultation contact with Finnlines was repeated and what steps were taken to establish if communication was received.</p>
NAR.1.3	Maritime and Coastguard Agency (MCA)	<p>Operational Safety Zone for accommodation structures</p> <p>Confirm if you are satisfied with the proposed operational safety zones around offshore accommodation structures and if not, why not and what dimension would you want to be secured?</p>
NAR.1.4	Maritime and Coastguard Agency (MCA)	<p>Single Line of Orientation justification</p> <p>Are you satisfied with the Safety Justification for Single Line Orientation [APP-047], with particular reference to aircraft Search and Rescue operations (SAR) and other flying within the proposed array? If not, why not and what measures would be needed to address this?</p>
NAR.1.5	Maritime and Coastguard Agency (MCA) and Trinity House (TH)	<p>Layout principles and Search and Rescue</p> <p>Are you satisfied that the draft DMLs in the draft DCO [APP-203] would secure the commitment made in pre-application consultation between the Applicant and TH that after post-consent design development "<i>Micro-siting ... would not compromise the 500m minimum width required for the SAR lanes as required by Layout Principle 3</i>" [APP-047, page 16] and if not, why not and what additional drafting would you wish to see inserted?</p>
NAR.1.6	Maritime and Coastguard Agency (MCA) and Trinity House (TH) and UK Chamber of Shipping	<p>Definition of separation distance between Hornsea Four and Hornsea Two</p> <p>Confirm if you are satisfied with the exclusion of blade overfly from the proposed separation distance between Hornsea Four and Hornsea Project Two (June 2020), the distance definition between WTGs centre-to-centre and the potential for ancillary equipment (eg jack-up plant) to reduce the navigable gap width between the two developments. If you are not satisfied, why not?</p>

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ExQ1	Question to:	Question
NAR.1.7	Maritime and Coastguard Agency (MCA) and Trinity House (TH) and UK Chamber of Shipping	<p>Navigational risk assessment for gap between arrays</p> <p>Please confirm whether you are satisfied with:</p> <ul style="list-style-type: none"> • the navigational risk assessment conclusions for shipping transit through the proposed gap between Hornsea 4 and Hornsea 2 with a 'pinch-point' of 2.2nm width (centre to centre of proposed WTGs); and • the appropriateness and sufficiency of additional safety measures proposed in the ES [APP-082] during construction or maintenance of the proposed OWF when the width could be reduced by the presence of construction vessels and safety zones and noting TH's concern that the given width does not account for WTG blade overfly. <p>If you are not satisfied with this explain why and what actions you would wish to see to address your concerns.</p>
NAR.1.8	Maritime and Coastguard Agency (MCA) and Trinity House (TH) and UK Chamber of Shipping	<p>Traffic Monitoring</p> <p>Are you satisfied with the Applicant's response and commitment to Traffic Monitoring "<i>for the duration of the construction period</i>" [APP-133, page 355]? If not, why not?</p>
NAR.1.9	Applicant	<p>Blade tip clearance controlling dimensions (air draught)</p> <p>With reference to MCA Guidance Note MGN654 (cited in [APP-019] and [APP-081]) which advises a minimum dimension for wind turbine blade tip clearance from Mean High Water Springs (MHWS), please clarify:</p> <ol style="list-style-type: none"> i. Why, in the draft DCO [APP-203], Lowest Astronomical Tide (LAT) is proposed rather than Highest Astronomical Tide (HAT) or MHWS to define minimum clearance under turbine blade tip in the Maximum Design Scenario (MDS) [APP-175]. ii. The differential sea level height between LAT and HAT across the array area, citing source(s). iii. If this definition of air draught or blade tip clearance in the MDS has been agreed with shipping and navigation stakeholders. iv. Why Figure 4.5 in the Project Description [APP-010 page 28] indicates minimum blade tip height as "<i>42.43m (40m above Mean Sea Level, (MSL))</i>".

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ExQ1	Question to:	Question
NAR.1.10	Applicant	WTG spacing and safety justification Please clarify why the Safety Justification in [APP-045] uses a minimum WTG spacing of 1,100m while the proposed MDS has 810m, and justify how this difference does not undermine the relevance of the Safety Justification.
NAR.1.11	Applicant	Layout principles for spacing between structures Please clarify the minimum spacing proposed between surface infrastructure (eg platforms or substations), in particular how separation distances would be measured if an accommodation platform is connected to another offshore structure, and where this is secured.
NAR.1.12	Applicant	Location of wave buoys The ES Project Description [APP-010 para 4.8.8.15] notes that two wave buoys would be required for the construction period, but that the exact locations are currently undefined. What are the implications of these for the shipping and navigation assessment, at what stage of the design process would their location be fixed, and how would these locations be agreed with the MMO in consultation with relevant stakeholders?
NAR.1.13	Applicant	Vessel allision risk with existing infrastructure Please clarify: <ul style="list-style-type: none">i. How you have concluded the assessment of low sensitivity of receptor (shipping) and minor magnitude of impact due to "<i>short-term duration in the risk of allision with existing infrastructure</i>", with specific reference to diversion of shipping to the west and south of the proposed array [APP-019 paras 7.11.1.44 to 7.11.1.48 and 7.11.2.47 to 7.11.2.51].ii. The phrasing of [APP-019 para 7.11.1.48] that neutral or slight effects are both considered significant in EIA terms and whether the word "not" has been omitted in error.
NAR.1.14	Applicant	Assessment of vessel-to-vessel visibility Please explain why Table C1 in the Navigational Risk Assessment (NRA) part 3 [APP-083 page 285] does not have a compliance check mark against Offshore Renewable Energy Installation(s) (OREI) structures assessment in the following item: " <i>d. Whether structure (sic) block or hinder the view of other vessels or other navigational features</i> "; and if such a specific

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ExQ1	Question to:	Question
		assessment of such vessel-to-vessel visibility effects of offshore structures, individually and cumulatively, has been made, please provide it or signpost where it can be found in the application documents.
NAR.1.15	Applicant	Impact of Proposed Development on ports Please provide confirmation from Associated British Ports (ABP) that it is now satisfied in regard to its pre-application concerns [APP-012] about how the commercial impact of the Proposed Development on ports has been assessed or signpost where in the application documents such confirmation can be found.
Aviation and radar		
NAR.1.16	National Air Traffic Service (NATS)	Claxby Primary Surveillance Radar (PSR) The Applicant's ES chapter on Aviation and Radar effects [APP-020, paras 8.11.2.21 to 8.11.2.23] indicates that suitable mitigation of the effects of the Proposed Development on the Claxby PSR has been identified by NATS and that this would be implemented by the Applicant. This approach is secured in the draft DCO [APP-203, Requirement 28]. The Relevant Representation [RR-028] received from NATS, establishes that NATS remains opposed to the Proposed Development because the " <i>proximity, physical size and relative orientation of the development, is sufficient to generate false tracks</i> ". Has suitable mitigation been agreed with the Applicant? Would the implementation of mitigation as proposed by the Applicant be sufficient to reduce the level of false tracks to an acceptable level? If not, what other measures should be agreed and implemented in order for the Proposed Development to be acceptable to NATS?
NAR.1.17	The Applicant NATS	Cromer Primary Surveillance Radar (PSR) Chapter 8 of the ES [APP-020, Table 8.6] notes that dialogue is continuing between NATS and the Applicant with the aims of understanding the implications of the unexpected detection of Hornsea Project One by both the Claxby and Cromer PSRs as well as ascertaining the validity

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ExQ1	Question to:	Question
		<p>of a mitigation requirement linked to the potential for the Cromer PSR to detect the WTGs linked to the Proposed Development.</p> <p>Provide an update on this process. In addition, if no agreement has been reached, please provide a timescale for the resolution of this matter within the Examination period.</p>
NAR.1.18	The Applicant Ministry of Defence (MoD)	<p>Staxton Wold Air Defence Radar (ADR)</p> <p>The Applicant's ES chapter on Aviation and Radar effects [APP-020, paras 8.6.1.2 and 8.7.6.3] set out the agreement of the use of a theoretical TPS-77 ADR in order to inform the aviation and radar baseline study. This was done in the absence of data from the LR-25 ADR which the Applicant notes has been undergoing Site Acceptance Testing at Staxton Wold, with an expected acceptance anticipated in October 2021.</p> <p>Have operating parameters and specific radar technical information applicable to the LR-25 installation now been released?</p> <p>If not, is this information expected to be released during the Examination period?</p> <p>What impact will this information have on the conclusions presented in the Applicant's ES?</p>
NVL Noise, Vibration, Electro Magnetic Fields (EMFs) and Light		
Marine noise and vibration		
NVL.1.1	Applicant MMO	<p>Transboundary noise effects on fish</p> <p>Could the MMO clarify its position in relation to potential transboundary effects from underwater construction noise. On one hand, the Relevant Representation [RR-020] seems to suggest that the Proposed Development has the potential to affect fish in Netherlands waters (though in the absence of behavioural response impact range noise contours it is said not to be possible to determine the extent). On the other hand, the Relevant Representation states that, given the distances involved, <i>"the MMO agree that the risk of significant impact of potential transboundary effects is likely to be low."</i></p> <p>Does the Applicant intend to provide any further analysis to test for any such transboundary underwater noise impacts, and, if not, why not?</p>

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ExQ1	Question to:	Question
NVL.1.2	Applicant Natural England	Cetacean sensitivity to Permanent Threshold Shift The MMO [RR-020] takes the position that cetaceans should be assessed as having a high sensitivity to Permanent Threshold Shift rather than the medium sensitivity allocated in the Applicant's ES [APP-016]. Should this be changed, and the assessment updated accordingly? If not, why not?
NVL.1.3	Applicant	Piling noise assessment Could the Applicant confirm the accuracy of the MMO's interpretation that the underwater noise modelling assumes that only a single monopile would be installed in a 24-hour period, whereas up to three pin piles could be installed in a 24-hour period. If so, is a further subsea noise assessment of the effects of sequential monopiling necessary, is the Applicant proposing to do this, and when would it be submitted into the Examination? If not, please explain why not. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
NVL.1.4	Applicant	Modelling of other noise sources Can the Applicant comment on the MMO's suggestion [RR-020] that the modelling of 'other continuous sources' such as dredging, cable laying and vessels [APP-043, Section 6] may not be realistic, and whether further modelling and assessment is necessary. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>
NVL.1.5	Applicant	Mitigation of underwater noise for cetaceans In its Relevant Representation [RR-020], the MMO disagrees that the Outline Marine Mammal Mitigation Protocol should focus on mitigating only the instantaneous SPLpeak PTS-onset impact ranges. It suggests that the SELcum impact ranges should also be considered. The Applicant is asked to respond to this, to advise if any reassessment or modification to the proposed mitigation would be necessary. If no changes are considered necessary, explain why. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i>

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ExQ1	Question to:	Question
NVL .1.6	Applicant MMO Natural England	<p>At-source mitigation of underwater noise for cetaceans</p> <p>Co110 of the Commitment Register [APP-050] is noted, but is it necessary in addition for the Applicant to refer specifically and to commit to the at-source underwater noise reduction measures that were included as mitigation measures in the underwater noise assessment? If such commitments are not made, what are the implications for the EIA and the HRA in relation to the harbour porpoise interest feature of the Southern North Sea SAC?</p>
NVL .1.7	Applicant MMO Natural England	<p>Concurrent piling</p> <p>The MMO [RR-020] notes the Outline Marine Mammal Mitigation Protocol statement that there would be no concurrent piling between the array area and the HVAC booster stations in the export cable corridor but suggests that this is not made clear in Co85 of the Commitment Register [APP-050]. Does this need to be clarified in the Commitment Register? If not, why not?</p>
Electromagnetic fields (EMFs)		
NVL .1.8	Applicant MMO	<p>Effects of electromagnetic fields (EMF) on marine wildlife</p> <p>On the one hand, the MMO's Relevant Representation [RR-020] suggests that recent research on the effects of EMF on marine wildlife means that the decision to scope out its effects should be revisited. Elsewhere the Relevant Representation suggests that the MMO agrees with the decision to scope it out. What is the MMO's position?</p> <p>Is it the Applicant's intention to revisit EMF in the light of the new research findings and to update the assessment if necessary? If not, why not?</p>
Onshore noise and vibration		
NVL .1.9	Applicant ERYC	<p>Baseline noise monitoring locations</p> <p>For the onshore ECC, only CMP1 and CMP2 are shown as representative locations [APP-032, Figure 8.6]. What is the rationale for the choice of these?</p> <p>CMP1 and CMP2 are on major roads, so will have a higher background noise level than the more rural stretches of the corridor, which may have a significant number of sensitive</p>

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ExQ1	Question to:	Question
		<p>receptors eg, Rotsea Manor, Acres Farm, Manor Farm in Lissett, and properties to the west of Bentley.</p> <p>Are these two locations therefore representative and sufficient for a robust noise assessment?</p> <p>ERYC:</p> <p>Are you satisfied that the baseline monitoring locations are sufficient for a robust noise assessment? If not, please set out your reasoning for this position and clarify what further information you believe to be required.</p>
NVL.1.10	Applicant	<p>Trenchless installation approach</p> <p>The noise assessment [APP-032, para 8.7.4.6 and tables 8.16 & 8.18] appears to assume that HDD would be used for trenchless installations and calculations appear to be made on that basis. Other types of trenchless technologies could possibly be used in the context of the draft DCO and application documents as submitted (eg thrust boring, auger boring, and pipe ramming are all specifically mentioned).</p> <p>Is HDD the worst-case noise scenario of all of these possible technologies?</p> <p>If not, what is and how would assessment of this worst-case affect the conclusions of the ES?</p>
NVL.1.11	Applicant ERYC	<p>Mitigation of temporary noise and vibration impacts during haul road construction</p> <p>The Applicant’s noise assessment [APP-032, table 8.16] notes the potential for significant temporary noise and vibration impacts from constructing the haul road access points at various receptors, without mitigation. (Bridge Farm Holiday Cottages, Arms Farm and Elm Tree Farm, in Brigham, Driffield, are excluded from the Co135 commitment to locate the works at least 150m from receptors.) This is said not to be considered further in the ES following consultation with ERYC as sufficient mitigation would be possible.</p> <p>Applicant:</p> <p>Confirm what this mitigation is, and how it would be secured.</p> <p>ERYC:</p> <p>Is this correct?</p>

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ExQ1	Question to:	Question
NVL.1.12	Applicant	<p>Noise management plan</p> <p>Requirement 21 of the draft DCO [APP-203] refers to the production of a 'noise management plan' to control operational noise from Work No. 7. There is therefore no submitted outline plan and apparently no reference to this in the Commitment Register [APP-050]. It is unclear what measures would be used to ensure that the noise effects fall within the scope of those predicted in the ES. Please clarify.</p>
NVL.1.13	ERYC Applicant	<p>Temporary noise and vibration from construction of the onshore substation</p> <p>The Applicant's noise assessment [APP-032, table 8.16] notes that the temporary impact of noise and vibration from construction of the onshore substation was assessed as part of the EIA, as set out in PEIR (Orsted, 2019) and that no likely significant effect was identified. The Applicant notes that:</p> <p><i>"...it was agreed to not consider this impact further in the ES through consultation with ERYC, on the 5th November 2019 (ON-HUM-3.5)."</i></p> <p>The Applicant goes on to clarify that proposed changes to the onshore substation piling works: <i>"which includes the increased number of piles to be installed and the number of piling rigs, were re-assessed in spring/summer 2021. The outcome of this re-assessment has shown no significant change to the conclusions of the previous assessment with the implementation of the appropriate noise mitigation measures."</i></p> <p>Describe the mitigation measures mentioned in the last sentence quoted above and confirm how this mitigation is to be secured.</p> <p>Does the proposed change to the onshore substation piling works have an impact on the agreement made on 5 November 2019 (ON-HUM-3.5) to not consider the impact of noise and vibration from construction of the onshore substation?</p>
NVL.1.14	Applicant	<p>Horizontal drill entry and exit points</p> <p>The Applicant's Project Description [APP-010, table 4.35] notes that up to 240 transition joint bays and up to 240 link boxes would need to be installed. Their locations would be dependent on horizontal drill entry and exit points, which would be subject to detailed design at a later date. Please confirm the assumptions made in relation to the location of these in the construction noise and vibration assessment.</p>

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ExQ1	Question to:	Question
NVL.1.15	Applicant	<p>Energy balancing infrastructure</p> <p>The Applicant's signposting document [OD-002] notes that the assessment presented in the ES assesses the MDS for both 'enclosed' and 'open yard' approaches to energy balancing infrastructure design and configuration. Clarify which approach each of the conclusions and the summary text set out in Table 1 and Section 4.1 [OD-002] applies to, with more detail. Has the worst case been assessed in terms of noise impacts from energy balancing infrastructure?</p>
Light		
NVL.1.16	Applicant	<p>Lighting of the onshore substation</p> <p>Clarify, graphically if possible or alternatively with a written description, which areas would require permanent lighting (and clarify why this is required) alongside areas where lighting would only operate when required – as described in [APP-248, para 9.5.1.1].</p>
OE Onshore Ecology		
OE.1.1	Natural England ERYC	<p>Survey methodology – field survey dates</p> <p>The field surveys for the Extended Phase 1 Habitat Survey [APP-100] and the individual species were undertaken in 2019. Given the time that has now elapsed since these field surveys were completed, and noting that Requirement 19 of the draft DCO [APP-203] requires pre-construction surveys for European protected species, are you satisfied with the validity of the various surveys for individual species that have been submitted? If not, why not?</p>
OE.1.2	Applicant	<p>River Hull Headwaters SSSI</p> <p>In paragraph 3.3.1.10 of the Ecological Management Plan [APP-238] you describe mitigation measures for this SSSI and also state that "<i>further ecological advice will be provided to manage the impacts identified</i>" should the measures identified by the Ecological Clerk of Works not be sufficient. How would the efficacy or not of the mitigation measures be assessed and consulted upon? How would the trigger point for needing any additional measures be determined and what additional mitigation measures could be implemented? For example,</p>

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ExQ1	Question to:	Question
		would it be feasible to undertake works within this SSSI entirely outside the bird breeding/ nesting season?
OE.1.3	Applicant NE	<p>Mitigation measures for bat species - hedgerows</p> <p>Applicant:</p> <p>In the Ecological Management Plan [APP-238, para 3.3.2.16] you refer to employing moveable features on a nightly basis for sections of hedgerow that have been removed along bat commuting and foraging routes. Would these features remain <i>in situ</i> at times when construction operations are not taking place, including after construction operations have ceased and until the replacement sections of hedgerow have become established? If so, then how would this be secured in the draft DCO and how has the post-construction reinstatement of hedgerows been assessed in the ES?</p> <p>Furthermore, in [APP-238, para 4.3.3.2] you refer to replacement hedgerows being of a comparative age. Is this feasible for all sections of hedgerow that are scheduled to be removed?</p> <p>Natural England:</p> <p>The ExA notes the comments you have made in regard to onshore ecology in [para 5.66 of RR-029]. Are you therefore satisfied that the Applicant's mitigation measures, as summarised in Table 3.23 of ES Vol. A3 Chapter 3 [APP-027], would address the effects on bats? If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats?</p>
OE.1.4	ERYC Natural England Yorkshire Wildlife Trust	<p>Biodiversity net gain - methodology</p> <p>The ExA notes that on 11 January 2022 DEFRA opened a Consultation on Biodiversity Net Gain Regulations and Implementation, and this closes on 5 April 2022. Having regard to this Consultation and the comments made by the Environment Agency [RR-010] including that the proposed net gain only related to the onshore substation area, are you content with the methodology and measures for biodiversity net gain that have been proposed in the Outline Net Gain Strategy [APP-251]? If not, why not, and what other measures would you wish to see?</p>

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ExQ1	Question to:	Question
OE.1.5	Applicant	Biodiversity net gain Respond to the comments regarding biodiversity net gain made by the Environment Agency [RR-010] and assess the proposals you have outlined in the Outline Net Gain Strategy [APP-251] in light of DEFRA's Consultation on Biodiversity Net Gain Regulations and Implementation.
OE.1.6	Applicant	Badger mitigation In para 4.4.3.3 of the Ecological Management Plan [APP-238] you state that badger excavations more than 0.5m deep would be fenced or covered overnight. Can you clarify this and amend if required?
OE.1.7	Applicant	Post-construction monitoring and remedial measures The Ecological Management Plan [APP-238] and the Outline Net Gain Strategy [APP-251] make reference to a range of biodiversity mitigation and net gain measures. How would these be monitored and what factors would be used to determine whether they are working or not, and whether remedial actions or other measures would be necessary?
OWE Onshore Water Environment		
OWE.1.1	Applicant	Submission of Position Paper In your 'Applicant response to Section 51 Advice, Section 51 update, Date 14 January 2022' document [AS-021] you make reference to a Position Paper on 'Hydrology and Flood Risk - Assessment of modelled water levels for Onshore Substation and Attenuation Feature' being updated and appended to the Flood Risk Assessment. However, this updated Position Paper does not appear to have been provided; please submit it.
OWE.1.2	Applicant	NPPF 2021 and the Sequential Test The ExA notes that the NPPF was published in July 2021 and the approved date for the Onshore Infrastructure Flood Risk Assessment (FRA) [APP-098] is September 2021. The NPPF now requires that all sources of flooding need to be taken into account when undertaking the

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ExQ1	Question to:	Question
		Sequential Test. However, in paragraph 2.2.1.1 of the FRA [APP-098] you refer to the NPPF 2019. Whilst also having regard to paragraph 5.7.4 of NPS EN-1, comment on this in relation to your submitted FRA and whether it would alter the conclusions you have reached in this regard.
OWE.1.3	Applicant	<p>Elements of the Proposed Development in Flood Zone 3</p> <p>The Flood Risk Assessment [APP-098] does not demonstrate whether any options exist that could wholly avoid siting the Proposed Development outside of Flood Zone 3. Furthermore, there are elements of the overall Proposed Development that would be located within Flood Zone 3, such as the south-eastern corner of the onshore substation site and that part of the permanent access track that crosses the existing Atkin’s Keld watercourse. How do you intend to secure and agree the detailed design for these areas with the Environment Agency and with ERYC as the Lead Local Flood Authority?</p>
OWE.1.4	Applicant Environment Agency	<p>Watton Beck</p> <p>Having regard to the comments made by the Environment Agency in [RR-010] please provide any updates on your discussions regarding the crossing of the Watton Beck. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.) (You may wish to combine this with your response to question CA.1.10.)</i></p>
OWE.1.5	Environment Agency ERYC as Lead Local Flood Authority Beverley and North Holderness Internal Drainage Board	<p>Applicant response to Section 51 Advice [AS-021]</p> <p>Please confirm whether or not you are in agreement with the comments submitted by the Applicant in pages 9 to 13 of its ‘Applicant response to Section 51 advice’ document [AS-021] in relation to advice about the Flood risk Assessment. If not, then please state why.</p>
OWE.1.6	Applicant	<p>Sustainable Drainage Systems (SUDS)</p> <p>In section 3.2.2 of the Outline Onshore Infrastructure Drainage Strategy [APP-241] you state that the detailed surface water scheme would be developed post-consent. Having regard to the other mitigation and compensation measures, including screen mounding and biodiversity</p>

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ExQ1	Question to:	Question
		net gain measures, can you demonstrate that there would be sufficient space within the Order limits at the onshore substation for SUDS to be implemented.
OWE.1.7	Mr and Ms Taylor	<p>Natural Flood Area</p> <p>In your Relevant Representations [RR-017 and RR-019] you mention that 3 acres of land along the north-eastern boundary of the farm acts as a natural flood area. Can you please provide further detail of what you mean by a natural flood area and a plan or map showing the location of this area?</p>
PDS Proposed Development and Site Selection		
PDS.1.1	Applicant	<p>Choice of technology</p> <p>A number of other recent wind farm projects, for example East Anglia ONE North and Norfolk Vanguard, have specified the use of either a HVAC or a HVDC electrical system for the onshore cabling from the outset. Justify why you have yet to decide as to whether HVAC or HVDC would be your preferred option and, based on the worst-case scenario, set out clearly side by side in a table format a summary of what the implications of each technology would be in regard to the worst-case onshore cable construction operations and project design parameters, including the number and size of buildings at the onshore substation site. (<i>You may wish to combine the answer to this question with the answer to question CA.1.1.</i>)</p>
PDS.1.2	Applicant	<p>Relay stations</p> <p>Should you choose to use HVAC as your preferred onshore cabling electrical system, indicate whether this would require the installation of a cable relay station or stations onshore. If so, set out how these have been accounted for in the ES?</p>
PDS.1.3	Applicant	<p>Primary project design commitments</p> <p>Clarify what Table 4.1 of Chapter 4 of the ES [APP-010] is intended to include. Paragraph 4.3.1.2 says it summarises primary design commitments. However, it seems to include some that are not primary. Is it intended to be a comprehensive list? Why have these specific commitments been selected for inclusion here?</p>

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ExQ1	Question to:	Question
PDS.1.4	Applicant	<p>Onshore cable corridor</p> <p>The ExA notes that the proposed maximum working width of the onshore cable corridors for East Anglia ONE North and East Anglia TWO is 32m (16.1m in certain sensitive locations) and for Norfolk Boreas it is 45m width with a permanent easement of 20m, to cover both Norfolk Boreas and Norfolk Vanguard. Having regard to these other projects justify your proposal for a working width of 80m for the onshore cable corridor and a 60m permanent easement.</p>
PDS.1.5	Applicant	<p>Clarify potential location of HDD exit pits and compound at landfall</p> <p>ES Project Description [APP-010, para 4.9.2.9] states that horizontal directional drilling exit pits "<i>may be located above mean high water (MHW) within the Hornsea Four intertidal area (intertidal punch-out)</i>".</p> <p>Please clarify:</p> <ol style="list-style-type: none">i. The minimum distance landward from Mean High Water the landfall horizontal directional drilling compound would be located.ii. If "<i>above mean high water</i>" in this context is intended to mean landward of the intertidal area or more specifically landward of the coastline/ cliff zone.
PDS.1.6	Applicant	<p>Securing HDD detail and delivery</p> <p>The location of all proposed lengths of HDD is presented in the Onshore Crossing Schedule [APP-040]. In general, across the Proposed Development, how would the detail and delivery of these be secured?</p>
PDS.1.7	Applicant	<p>Other trenchless technology</p> <p>Co1 of the Commitment Register [APP-050] refers to the use of "<i>HDD or other trenchless technology</i>". Clarify what other trenchless technology could be utilised instead of HDD and how these have been assessed in the ES.</p>

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ExQ1	Question to:	Question
PDS .1.8	Applicant	Cable burial parameters ES Table 6.14 [APP-030] identifies maximum depth of cable trench for the 400kV onshore export cables. Please confirm: <ul style="list-style-type: none">i. If "associated fibre optic cables" referenced in the draft DCO [APP-203] are laid within the same ducts or at the same depth as the 400kV cables and if there are any other cables to be laid within the ECC.ii. Why there is no minimum depth of cover specified for cables or ducts.
PDS .1.9	Applicant	Joint Bays and Link Boxes ES Volume A4 Annex 5.1 Impacts Register [APP-049] LUA-O-6 states: " <i>The potential effects resulting from the Transition Joint Bays, Joint Bays and Link Boxes would be fragmented and would not result in the direct loss or severance of fields used for agricultural use.</i> " Please confirm or signpost the minimum soil depth between reinstated ground level and covers of transition joint bays and link boxes (other than where access would be provided via manholes or access chambers) and how this dimension would be secured in the DCO.
PDS .1.10	Applicant	Construction timetable Notwithstanding Figure 4.4 of ES Vol A1. Chapter 4 Chapter [APP-010] please provide further clarification regarding the construction sequencing and timings. In particular, set out the proposed order and timescales for the construction operations associated with the sections of the onshore export cable corridor and their associated respective logistics and HDD compounds, including the reinstatement timescales. If this is not yet possible then justify why and also explain when this information is likely to be available. (<i>You may wish to answer this question in conjunction with ExQ1 PDS.1.20 (temporary reinstatement)</i>).
PDS .1.11	Applicant	Primary logistics compound In paragraph 4.10.1.22 (page 94) of Volume A.1 Chapter 4 of the ES [APP-010] you refer to the need for one primary logistics compound and seven secondary logistics compounds. In Appendix F of the Traffic and Transport Technical Report [APP-125] you list the Primary Logistics Compound as being that which is located accessed off Access Point 015, ie to the

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ExQ1	Question to:	Question
		east of Lockington close to the junction of Station Road and the A164. Confirm if this is the case.
PDS.1.12	Applicant	<p>Compound details</p> <p>Paragraph 5.10.1.4 of the Outline Code of Construction Practice [APP-237] details a number of facilities and infrastructure that the logistics compounds “<i>would potentially include</i>” and in paragraph 4.10.1.23 of Volume A.1 Chapter 4 of the ES [APP-010] “<i>would include, but not (be) limited to.</i>” Having regard to this, can you:</p> <ol style="list-style-type: none"> i. Set out how approval of the final details for the layout and activities to be undertaken within each of the logistics and HDD compounds is secured in the draft DCO. ii. Explain the difference between how the primary logistics compound and the secondary logistics compounds would be used. iii. Clarify whether you propose to undertake materials crushing, screening or recycling operations at any of these compounds. If so, then explain out how this has been assessed in the ES.
PDS.1.13	Applicant ERYC (Highways)	<p>Logistics Compound at Lockington</p> <p>In its Relevant Representation [RR-018], Lockington Parish Council raised concerns about the location of the proposed Logistics Compound close to the junction of Station Road and the A164. The Parish Council suggested an alternative site on the eastern side of the A164 immediately to the north of the junction of Station Road and the A164. Please respond to the views expressed by Lockington Parish Council in [RR-018]. (<i>If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.</i>) (<i>You may wish to combine the answer to this question with the answer to question CA.1.22.</i>)</p>
PDS.1.14	Applicant ERYC	<p>Work outside core hours</p> <p>The Commitment Register [APP-050, Co36] in relation to agreed working hours states: “<i>In circumstances outside of core working practices, specific works may have to be undertaken outside the core working hours. ERYC will be informed in writing.</i>”</p>

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ExQ1	Question to:	Question
		Should a request for planned specific work of this nature be made in advance and be approved in writing by the local authority? Is there a need for a Requirement in the draft DCO in respect of this?
PDS.1.15	Applicant	Maximum height of lightning protection offshore substations and booster stations Please clarify the apparent contradiction between Table 4.5 and Figure 4.7 and paragraph 4.8.2.16 in ES A2 Chapter 4 Project Description [APP-010, pages 28, 32 and 34]. The MDS topside height of 100m for offshore substations and HVAC booster stations excludes antennae, radar and masts, yet Figure 4.7 shows the maximum height of lightning protection would be 100m above LAT an exception noted at [APP-010].
PDS.1.16	Applicant	Energy balancing infrastructure (EBI) Further information about the proposed energy balancing infrastructure was provided prior to the Examination and a document was received [AS-006] that confirmed that the energy balancing infrastructure would be located at the onshore substation and that electrolysis/ hydrogen was no longer under consideration. In order to inform the Examination of the Proposed Development and to demonstrate how the energy balancing infrastructure has been assessed, please provide further information about the nature, capacity, design, size, location and potential effects of the proposed energy balancing infrastructure.
PDS.1.17	Applicant	Commitment to energy balancing infrastructure The energy balancing infrastructure is a substantial part of the benefits case made in the Planning Statement [APP-229, section 8.4]. Clarify the commitment to include energy balancing infrastructure in the Proposed Development, and how that commitment is secured.
PDS.1.18	Applicant	Haul road details In Table 4.36 of ES Vol A1, Chapter 4 [APP-010] you state that the maximum haul road width could be up to 10m and that would include hard standing, soil storage and fencing. However, in the indicative layout depicted in Figure 4.20 of [APP-010] you show a centrally positioned

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ExQ1	Question to:	Question
		haul road with soil storage areas and temporary fencing located away from the haul road. Please clarify this.
PDS .1.19	Applicant	<p>Reinstatement timescale</p> <p>In paragraph 4.10.1.11 of ES Vol. A1 Chapter 4 [APP-010] you state that although discrete works at any location would take a considerably shorter period than the expected 30 months in total for the overall cable installation works, <i>“the entirety of the cable route corridor would be expected to be required for most of the 30 months...”</i>. Explain why you do not consider it possible to undertake earlier reinstatement, either temporarily or permanently, once each section of the onshore export cable corridor has been completed.</p>
SEL Socio-Economics and Land Use		
Socio-economics		
SEL .1.1	ERYC	<p>Assessment of cumulative socio-economic effects</p> <p>Entries SE-A-8 to SE-A-11 in the Applicant's Impact Register [APP-049] relate to the assessment of cumulative socio-economic effects, tourism impacts, pressure on social services and pressure on housing. In each case, the Applicant identifies that there would be no likely significant effects and such an assessment is not required in the ES. Do you agree with this?</p>
SEL .1.2	Applicant	<p>Financial contributions</p> <p>In the Case Study you have provided in Appendix A of the Outline Employment and Skills Plan [APP-253] it is indicated that Ørsted has provided financial support to a long-term Community Benefit Fund and the Grimsby Youth Zone, Horizon. Do you propose to undertake financial contributions to support community projects as part of this Proposed Development, and if so, how would this be determined and when would such details be provided? Explain how any financial contributions in this regard would meet the tests for planning obligations as referenced in paragraph 57 of the NPPF.</p>

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ExQ1	Question to:	Question
SEL.1.3	ERYC HCC Hull and East Riding Local Enterprise Partnership Greater Lincolnshire Local Enterprise Partnership	Employment and Skills Plan Are you content with the examples of measures to promote employment and skills that are set out in Table 2 of the Outline Employment and Skills Plan [APP-253] and if not, why not and what measures would you wish to see?
SEL.1.4	ERYC	Tourism and recreation impacts Are you content with the Applicant's assessment of 'no likely significant effects' on tourism and recreation activities as detailed in ES Vol. A3 Chapter 6 [APP-030] and Vol. A3 Chapter 10 [APP-034]?
Land use and agriculture		
SEL.1.5	Natural England	ALC surveys Does Natural England now agree with the ES Chapter 6 on Land Use and Agriculture [APP-030]: " <i>Assessment has been undertaken using publicly available agricultural land classification (ALC) data...[a] conservative and protective approach which overestimates the area of BMV land. As such it is considered that ALC surveys are not required...</i> " and if not, why not?
SEL.1.6	ERYC	Effects on mineral resources Can you confirm if you are satisfied with the approach to the assessment of likely effects on Mineral Safeguarding Areas noted in the Impacts Register, GGC-OC-3 [APP-049], and if not, why not.

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ExQ1	Question to:	Question
SEL.1.7	Applicant	<p>Criteria and thresholds for assessing loss and disturbance of best and most versatile (BMV) soils</p> <p>Please explain:</p> <ol style="list-style-type: none"> i. The criteria used for evaluating the magnitude of change in relation to loss of BMV soils and how the maximum figures set out in Table 6.14 of the ES [APP-030] (maximum design parameters) have been derived. ii. Why the magnitude thresholds used in Table 6.16 of the ES [APP-030] appear to differ significantly from those suggested in the design Manual for Roads and Bridges (DMRB) and what would be the outcome for impact assessment (both alone and cumulatively) if thresholds in the DMRB guidance were applied to the loss and temporary disturbance of BMV soils. iii. The projected total maximum loss of BMV land resulting from construction of the Proposed Development. iv. If the calculated permanent losses noted in ES 6.11.1.7 [APP-030] include agricultural land converted to landscape mounds, tree planting, SUDS attenuation features, and other non-agricultural proposed land uses. v. How the unused and temporarily used land within the Order limits would be returned to agricultural use with BMV status unimpaired. vi. If the BMV grading and agricultural viability of agricultural land could be compromised if the "target depth" for cable burial is not achieved. vii. What is meant by the note to Table 6.14 [APP-030]: "<i>Details related to the intertidal working area, and specific details on project infrastructure within the onshore working area is not relevant to this assessment. This is because the maximum extent of ground disturbance has been assessed</i>".
SEL.1.8	Applicant	<p>Concerns that parcels of land may be left unworkable</p> <p>Please respond in detail to the concerns expressed in [RR-017] and [RR-019] (part) that: "<i>... land disturbed by the wide cable corridor will leave parcels of land unworkable by modern agricultural machinery</i>" (If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</p>

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ExQ1	Question to:	Question
Ground conditions		
SEL.1.9	Applicant	<p>Decommissioning assessment</p> <p>The Applicant's Impact Register [APP-049] notes that there was a disagreement at scoping with PINS about a need for assessment of ground conditions at decommissioning. While the Applicant suggested there would be no likely significant effect, in section 13 of [APP-049] it is noted that draft submission documentation has been sent to the relevant stakeholders (ERYC and the Environment Agency) for review. Has a review response been received from ERYC or the Environment Agency? If so, are any updates to the ES required?</p>
SEL.1.10	Applicant ERYC	<p>Assessment of likely significant effects</p> <p>Table 1.7 of the ES Volume A3 Chapter 1 [APP-025] notes that the approach to assessment of likely significant effects on the sterilisation of future mineral resources, dewatering of trenches, physical intrusion into groundwater resources, and impacts on groundwater resources was sent to ERYC for agreement, but that this has not been reached.</p> <p>What was the outcome in each case?</p> <p>Are any updates to the ES required?</p> <p>For those areas that remain to be agreed, please provide an update on discussions and whether agreement will be reached before the end of the Examination.</p>
SEL.1.11	Applicant	<p>Land restoration</p> <p>The ExA notes that Appendix B of the Outline Code of Construction Practice [APP-237] contains an Outline Soil Management Strategy and that section 8 contains some details on 'Aftercare – Cultivations' which states that "<i>The reinstatement and aftercare period will be agreed with individual landowners during the Heads of Terms process.</i>" Can you explain why this matter would be dealt with on an individual basis and outside of the DCO process?</p>
SEL.1.12	Applicant	<p>Future site investigations</p> <p>Paragraph 4.2.1.8 of the Outline Pollution Prevention Plan (Appendix D of the Outline CoCP [APP-237]) states that site investigations would be conducted at regular intervals along the onshore ECC, likely at large HDDs and sensitive locations. However, there is currently no</p>

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ExQ1	Question to:	Question
		<p>stipulation in the Outline Pollution Prevention Plan that the results of these investigations would need to be submitted to the relevant authority for its approval before works can commence. Please justify this.</p>
SEL.1.13	Applicant	<p>Historic landfill sites</p> <p>Table 11 of the Land Quality Preliminary Risk Assessment [APP-089] states that there are no records of landfills within 250m of the study area in the information available. However, Figures 1.2 to 1.7 of ES Vol. A3 Chapter 1 Geology and Ground Conditions [APP-025] depict a number of "Possible Landfill" sites that are within or close to the Order limits. Also, in its RR [RR-010], the Environment Agency states that the Scoping Report highlights that a number of authorised, historic or possible landfills are in close proximity. Comment on the Environment Agency's response and outline what mitigation measures are secured in the draft DCO should any historic landfill sites be encountered?</p>
SEL.1.14	Environment Agency	<p>Possible Landfill sites</p> <p>Figures 1.2 to 1.7 of ES Vol. A3 Chapter 1 Geology and Ground Conditions [APP-025] depict a number of "Possible Landfill" sites that are within or close to the Order limits. Are any of these sites of concern to you and, having regard to Requirement 14 of the draft DCO and the Outline Pollution Prevention Plan [Appendix D of APP-237], do you consider that any further assessment is necessary at this stage?</p>
<p>TT Traffic and Transport and Public Rights of Way (PRoW)</p>		
<p>Highways and traffic</p>		
TT.1.1	Applicant	<p>Methodology used to assess severance</p> <p>In relation to the methodology used to assess severance, the ES states [APP-031, para 7.10.2.11] that:</p> <p><i>"GEART suggests that changes in total traffic flow of 30%, 60% and 90% are considered to be slight, moderate and substantial respectively."</i></p> <p>The Guidelines for the Environmental Assessment of Road Traffic (GEART) actually says these figures come from the Manual of Environmental Appraisal (as was), and that they should be</p>

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ExQ1	Question to:	Question
		used cautiously, and that full regard should be paid to specific local conditions. How have local conditions affected your assessment of severance?
TT.1.2	Applicant	<p>Impacts Register</p> <p>The Applicant's Impacts Register [APP-049, page 62, TT-C-1] notes disagreement with PINS at scoping about the consideration and assessment of the road transport of offshore project components.</p> <p>In [APP-049] you note that some large electrical equipment for the onshore substation would be delivered by sea to a port to be transferred as an Abnormal Indivisible Load via the local road network to the development site. Please confirm that your reference here is to onshore rather than offshore infrastructure.</p>
TT.1.3	Applicant ERYC	<p>ES methodology – summary of potential impacts for traffic and transport</p> <p>Applicant:</p> <p>In Table 7.29 of Vol. A3 Chapter 7 of the ES (Traffic and Transport) [APP-031] a number of residual impacts are set out. After mitigation, you have assessed all of the residual impacts as being either not significant or slight adverse. This includes occasions when the receptor value sensitivity has been assessed as being high, the magnitude of the impact has been assessed as being major and the significance of the impact has been assessed as being large. Having regard to these assessments and the potential mitigation measures that have been listed in Table 7.29 justify how you have reached your conclusions in regard to the following impacts and links:</p> <ul style="list-style-type: none"> • driver delay (local roads) – Links 3, 38 and 40; • pedestrian amenity – Link 9; and • accidents and road safety – Links 57, 58, 59 and 61. <p>In addition, clarify how a residual impact assessment of slight adverse compares in terms of being considered either significant or not significant.</p>

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ExQ1	Question to:	Question
		ERYC: Do you agree with the Applicant's assessment of impacts (including the effects of the mitigation measures) as summarised in Table 7.29 of ES Vol. A3 Chapter 7 [APP-031]? If not, please explain why?
TT.1.4	ERYC HCC	ES methodology – assessment of cumulative impacts In paragraph 7.15.1.4 of ES Vol. A3 Chapter 7, Traffic and Transport [APP-031, page 99] the Applicant states that " <i>No cumulative or inter-related effects have been identified which increase the significance of any standalone assessment set out in this chapter.</i> " Do you agree with this?
TT.1.5	Applicant	Definitions of vehicle movements Notwithstanding the explanation you have provided in, for example, para 3.2.1.5 of the Traffic and Transport Technical Report [APP-125], for the sake of clarity please confirm the meaning you have applied to the terms 'vehicle movements', 'vehicles one-way', 'two-way vehicle movements' and 'HGV deliveries' that you have used at times in various documents, and also confirm that these terms have been applied consistently across all submitted documents.
TT.1.6	Applicant ERYC	Traffic mitigation measures Section 4.4, page 24, of the Outline Construction Traffic Management Plan (Appendix F of the Outline Code of Construction Practice (OCoCP) [APP-237]) lists some mitigation measures that could be adopted including road and junction widening, formalising existing passing places or using an escort vehicle. In regard to the proposed mitigation measures: i. Would the widening of any proposed road or junction lie entirely within the Order limits for the Proposed Development? ii. If not, then how has this been assessed within the scope of the ES in terms of potential effects on matters such as onshore ecology, landscape and hydrology? If this has not been assessed then provide an assessment of any significant effects.

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ExQ1	Question to:	Question
		<p>iii. The Applicant has proposed that mitigation measures would be agreed and formalised via the Construction Traffic Management Traffic Management Plan Co-ordinator. What would be the mechanism for obtaining community input into this process?</p> <p>iv. What would be the process for including input from the Highway Authority and receiving its technical approval?</p> <p>v. Should it be required, what is the dispute resolution mechanism?</p> <p>vi. Who would fund and carry out these works and would all mitigation measures that involve physical works, such as new passing places, be reinstated once construction operations have ceased or would they remain in place?</p> <p>vii. If they were to remain in place then who would be responsible for their long-term management?</p>
TT.1.7	Applicant	<p>Use of Link 3 (Sands Road) and associated landfall compound access points</p> <p>In Figure 2 of the Traffic and Transport Technical Report [APP-125] you depict Link 3 ending at the point where Sands Road bends sharply to head in a northerly direction. From that bend the Order limits commence even though on Sheet 1 of 28 of the Public Rights of Way Plan [APP-215] this is labelled as being part of Sands Road. Please clarify the nature of this stretch of Sands Road that falls within the Order limits, ie is this a private track and is there currently any public access along it?</p> <p>Also, in Appendix F of the Traffic and Transport Technical Report under the category of 'Landfall Compound' you attribute 69 'Two-way daily HGV movements per access' to Proposed Access Points AP-002 and AP-003. However, AP-002 is located at the end of Link 3 whereas AP-003 is located further to the south near to the proposed Logistics Compound, which would be accessed off the A165. Having regard to this, and to the figures you have provided in Table 7.18 of ES Vol. A3 Chapter 7 [APP-031], clarify the traffic movements that would be associated with the construction and use of the landfall compound and to what extent these would use either AP-002 or AP-003.</p>
TT.1.8	Applicant	<p>Traffic and Transport Technical Report</p> <p>Explain the figures you have provided in Table 2 of Annex 7.1 Traffic and Transport Technical Report [APP-125], especially those calculated for the various totals from month 6 onwards.</p>

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ExQ1	Question to:	Question
TT.1.9	Applicant	<p>Traffic and Transport Technical Report – Appendices D, E and F</p> <p>In Appendix D of the Annex 7.1 Traffic and Transport Technical Report [APP-125], clarify the figures you have provided for Item 2, Secondary Logistic Compounds, in particular in regard to the 'duration of deliveries, months'. Are these figures for a single compound or for the sum of all seven compounds, and does the four months duration of deliveries that you have predicted mean that there would only be deliveries within a four-month period or that the sum of all delivery days over the entire construction period would equate to four complete months (ie approximately 120 days)? In a similar manner, provide an explanation for the figures you have cited in Appendix D in regard to '7. Ducts' and '9. HDD installation'.</p> <p>The ExA notes that the figures in Appendix E correlate with the peak figures in Tables 2 to 4 of [APP-125]. However, please explain how you have arrived at the figures you have detailed in Appendix E of [APP-125]. In particular, please explain the figures you have given for the Primary and Secondary Logistics Compounds and the landfall compound. For example, in terms of daily Personnel Movements per Month you have predicted the maximum total number of persons as being 184 and yet there are only a predicted eight light vehicle movements for all of the compounds combined. If the compounds are to contain parking, welfare and office facilities then would these not need to be visited by the teams that were undertaking other elements of the construction process? How have such movements been accounted for?</p> <p>Also, in Appendix F of the Traffic and Transport Technical Report [APP-125] you provide figures for both peak and average Heavy Goods Vehicle (HGV) movements per access. For how long would each of the 'peak' periods last and how has the 'average' been calculated?</p>
TT.1.10	ERYC	<p>Automated traffic counts</p> <p>Are you content that the seven-day period in March 2019 during which the automated traffic counts at 26 locations were undertaken (as reported in paragraph 2.2.1.6 of [APP-125]) represents an acceptable and representative time period? If not, then explain why.</p>
TT.1.11	Applicant ERYC	<p>Road Safety Audit</p> <p>In paragraph 4.3.1.4 of the Outline Construction Traffic Management Plan [Appendix F of the Outline Code of Construction Practice, APP-237] the Applicant states that:</p>

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ExQ1	Question to:	Question
		<p><i>"The technical approval documentation will also include a Stage 1/2 Road Safety Audit and designer's response."</i></p> <p>Applicant: Explain why a Road Safety Audit has not already been undertaken and submitted to accompany the application.</p> <p>ERYC: Are you content with this? If not, why not?</p>
TT.1.12	ERYC	<p>Monitoring and enforcement measures for construction traffic</p> <p>The Outline Construction Traffic Management Plan (Appendix F of the Outline Code of Construction Practice, [APP-237]) details the Applicant's approach to monitoring and enforcement measures for construction traffic. Are you satisfied with this?</p>
TT.1.13	Applicant ERYC	<p>Impacts with other Highways works</p> <p>Provide an update in relation to the following statement from the East Riding of Yorkshire's RR [RR-008]:</p> <p><i>"... objection to the DCO on behalf of the Council until such time as either a collaboration agreement is in place or appropriate protection contained within the DCO in accordance with clause 5.4.1.2 of the Statement of Case dated September 2021."</i></p>
TT.1.14	Applicant ERYC	<p>A164/ Jocks Lodge Junction Improvement Scheme</p> <p>RR-013 has raised a concern that there is a potential for the proposed A164/ Jocks Lodge Junction Improvement Scheme to undermine the traffic data.</p> <p>Applicant: Can you confirm if the application traffic data was adjusted to allow for the proposed improvement scheme? If it wasn't, why not and how would this affect the outcomes?</p> <p>ERYC (Highways): Are you satisfied with the traffic data submitted with the application? <i>(You may wish to combine the answer to this question with the answer to question CA.1.21.)</i></p>

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ExQ1	Question to:	Question
TT.1.15	Applicant ERYC	Logistics compound at Lockington In its RR [RR-018], Lockington Parish Council raised concerns about the location of the logistics compound that is proposed to be located close to the junction of Station Road and the A164. The Parish Council has suggested an alternative site that would be located on the eastern side of the A164 immediately to the north of the Station Road/ A164 junction. What implications would this have for driver delay on this part of the highways network?
TT.1.16	Applicant	Traffic figures in relation to Lockington crossroads In its Relevant Representation [RR-018] Lockington Parish Council advises that following a Zoom meeting in July 2021 you provided it with some new peak flow figures which the Parish Council has subsequently queried as these figures appear to " <i>contrast so dramatically</i> " with the previous average flow figures. The Parish Council is also unclear which figures have been used in the application or even if they have been submitted as part of the application. Can you: <ul style="list-style-type: none">i. Clarify which figures have been used in the traffic studies that were submitted as part of the Application and where these figures can be found?ii. Explain which figures ERYC would have based its advice on?iii. Explain any significant differences between the two sets of figures provided to the Parish Council and whether this would have any implications for the conclusions reached in the ES?
TT.1.17	Applicant ERYC	Highway safety impacts for logistics compound options at Lockington Assuming that the majority of traffic would arrive from south of the junction of the A164 and Station Road, Lockington, comment on and rank the following two scenarios in terms of highway safety impacts: <ul style="list-style-type: none">i. Inbound traffic: A left turn from the A164 on to Station Road (west). Outbound traffic: A right turn from the Logistics Compound on to Station Road (west), and then a right turn on to the A164 (ie the Applicant's proposed Lockington Logistics Compound option).ii. Inbound traffic: A right turn from the A164 on to Station Road (east). Outbound traffic: A right turn from the Logistics Compound on to Station Road (east) and then a left turn on to

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ExQ1	Question to:	Question
		the A164 from Station Road (ie Lockington Parish Council’s preferred location for the Logistics Compound).
TT .1.18	Applicant Network Rail	<p>Network Rail – level crossings</p> <p>Applicant: Network Rail [RR-001] has raised a concern regarding potential damage to seven level crossings from construction traffic.</p> <ul style="list-style-type: none"> i. How many HGVs would be using these crossings and for what duration? ii. Is there an alternative route that HGV traffic could take to avoid these crossings? iii. How do you propose to address Network Rails concerns? <p>Network Rail: Do you have any particular concerns regarding the potential impacts on the level crossings you have specifically referred to in your Relevant Representation [RR-001] and can you provide any evidence that the proposed HGV use of these level crossings would be likely to cause them damage?</p>
Public Rights of Way (PRoWs)		
TT .1.19	Applicant	<p>Effects on PRoWs resulting from trenched crossings</p> <p>Effects on PRoWs resulting from trenched crossings are all assessed as short-term, defined as “... a period no longer than three months at one any one time, or six months in total over the whole construction period.” Please confirm how this period of effects would be controlled and secured in the DCO?</p>
TT .1.20	Applicant	<p>Permanent diversion of Skidby Footpath No. 16</p> <p>Sheet 28 of the PRoW Plan [APP-215] notes the permanent diversion of part of the Skidby Footpath No. 16 between Point 25c and 25d and with a “<i>Public Right of Way – Diversion Area 1</i>” indicated. Page 42 of the Annex 4.6 Design Vision Statement [APP-048] states that that a diverted PRoW route would be “<i>subject to landowner permission</i>”. In addition, the ExA notes the comments made in para 4.3.1.2 of the Outline Public Right of Way Management Plan [APP-237, Appendix C]. Would the Applicant please clarify:</p>

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ExQ1	Question to:	Question
		<ul style="list-style-type: none"> i. Any usage statistics for this stretch of the PRow network. ii. The process and likely timescale for obtaining landowner permission for PRow diversion. iii. If the diverted PRow would connect with the existing Rowley Footpath No. 12/ Woodmansey Footpath No. 7 (ie at point 25d on Sheet 28 of the PRow Plan). iv. If the diversion cannot connect in at point 25d then is it the case that the only other way to connect to the wider PRow network would be via the onshore substation access road? v. If the proposed PRow diversion would be completed and useable before closure of the existing PRow.
TT.1.21	Applicant	<p>Jillywoods Lane PRow during construction</p> <p>Please respond in detail to the concern raised by The Ramblers, East Yorkshire and Derwent Area [RR-038] about continued access during the construction phase for walkers seeking to take a circular route from the Beverley and Cottingham areas using the old drovers' road and Jillywoods Lane PRow (Rowley Footpath No. 12). <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
TT.1.22	Applicant ERYC	<p>Proposals for realignment of PRowS in the vicinity of the landfall</p> <p>Section 4.2 of ES Chapter 4.4.6 [APP-048] discusses diversion of existing PRowS and creation of a new Coastal Path "<i>developed separately to Hornsea Four...</i>" and Figure 3 of that document shows existing PRowS in the landfall location. Would the Applicant:</p> <ul style="list-style-type: none"> i. Produce an amendment or supplement to this illustration that shows the proposed Order limits and indicative proposals for temporary or permanent realignment of PRowS. ii. Clarify where improvements to the PRow network have been or could be considered, with particular reference to connectivity of the PRow network around the proposed landfall in liaison with the Local Council. <p>How would the safety of users of the diverted PRow/ Coastal Path be ensured, given the proximity of the path to the edge of the cliff and having regard to cliff erosion?</p> <p>ERYC: Notwithstanding Sheet 1 of [APP-215] please can you submit into the Examination a detailed plan depicting the route of the Coastal Path within the vicinity of the landfall area (taking into account cliff retreat).</p>

ExQ1: Monday 28 February 2022**Responses due by Deadline 2: Tuesday 29 March 2022**

ExQ1	Question to:	Question
TT.1.23	Applicant	Enhancement measures In Table 6 of the Outline Enhancement Strategy [APP-249] you state that the provision of signage, gates, clearance of vegetation and surfacing " <i>may be implemented</i> " and you refer to the exact measures being agreed with ERYC as part of the Enhancement Strategy. What community involvement would there be in deciding how any enhancement measures for PRoW are to be allocated?
TT.1.24	Applicant	Longer term management of PRoWs The East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum [RR-032] has raised concerns about potential for settlement of backfill and adequacy of surfacing of reinstatement of excavations affecting PRoWs as defined in the application commitment Co79 [APP-050] and in the Outline Code of Construction Practice [APP-237]. Please respond in detail and explain by what mechanism and for what time period would the condition of any reinstated PRoWs be assessed, and any remedial measures be undertaken?
TT.1.25	Applicant	Opportunities for improvement to the PRoW network Para 2.2.2 of the Design Vision Statement [APP-048] notes site opportunities " <i>such as improvements to the PRoW network...</i> ". Please comment on where such improvements are indicated, where proposed and how secured in the draft DCO (or provide signposting to where in the application documents this information can be found).
TT.1.26	ERYC	Timing implications of legal procedures for PRoW diversion Are you satisfied given the concerns you expressed in consultation regarding the timing implications of legal procedures for permanent diversion of the PRoW around the proposed onshore substation?
TT.1.27	ERYC	Permanent diversions and associated signage applied to PRoW In relation to commitment 79 (Co79) [APP-050] regarding permanent diversions and associated signage to be applied to a small number of PRoW, please confirm agreement to the removal of the impact from the ES Chapter [APP-049, Impact Register LUA-C-4 and LUA-O-5]

ExQ1: Monday 28 February 2022

Responses due by Deadline 2: Tuesday 29 March 2022

ExQ1	Question to:	Question
		noted as agreed with ERYC during the PRow meeting in Beverley on 29 October 2019 (ON-HUM-3.7) [APP-129].
TT.1.28	ERYC	Status of footpath from Lockington to the junction with the A164 Lockington Parish Council [RR-018] refer to a footpath that links the village of Lockington to the bus stop located at the junction with the A164 as " <i>just being recognised by ERYC</i> " can you confirm what is meant by this statement and advise if the footpath is a recognised PRow.