

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
<p>○ <b>BGC Broad, General and Cross-Topic Questions</b></p>			
<p>BGC.1.1</p>	<p>Applicant East Riding of Yorkshire Council (ERYC) Hull City Council (HCC)</p>	<p><b>Development Plan policies</b></p> <p>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.</p> <p>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?</p>	<p>There has been no relevant update to the development plan since the application documents were compiled.</p> <p>The Local Plan is currently being reviewed and has been subject to public consultation however this is at an early stage and no weight is being attached to it.</p> <p>ERYC is content with the Applicant's policy analysis as it relates to the Development Plan for the East Riding.</p>
<p>BGC.1.2</p>	<p>ERYC HCC</p>	<p><b>Neighbourhood Plans</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>i. Provide details, confirm their status and - if they are emerging - the expected timescales for their completion.</li> <li>ii. Provide a copy of the made plan or a copy of the latest draft.</li> <li>iii. Indicate what weight you consider the ExA should give to these documents.</li> </ol>	<p>There are no Neighbourhood Plans for this area.</p>

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BGC.1.3	Applicant ERYC	<p><b>National Policy Statements consultation</b></p> <p>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?</p>	ERYC does not consider there is a need to change the policy analysis however this is a decision for the Examining Authority.
BGC.1.4	Applicant ERYC	<p><b>National Planning Policy Framework 2021</b></p> <p><b>Applicant:</b></p> <p>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?</p> <p><b>ERYC:</b> Do you consider there to be any implications for the application arising from the July 2021 revision of the NPPF?</p>	ERYC considers there are no implications arising from the 2021 revision to the NPPF.
BGC.1.5	Applicant ERYC	<p><b>The Environment Act 2021</b></p> <p>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>	ERYC is not aware of any adverse implications.

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BGC.1.6	Applicant ERYC Any Interested Party	<p><b>Central Government Policy and Guidance</b></p> <p>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>	ERYC is not aware of any changes.
BGC.1.7	ERYC HCC	<p><b>Updates on development</b></p> <p>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>	ERYC does not have any updates at this time.
BGC.1.8	ERYC Applicant	<p><b>Update on application for 21/04416/STPLF</b></p> <p>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).</p> <p><b>ERYC:</b></p> <p>Can you provide further details on this application including whether it has been determined or the timeframe for determination?</p>	The application has been approved. It would have no impact on proposed development given its location to the north-east of the Creyke Beck substation. Further information can be provided if required.

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		<p><b>Applicant and ERYC:</b> Advise whether there are any implications for the Proposed Development as a result of this application?</p>	
BGC 1.14	Applicant ERYC	<p><b>Plans for solar farm on land adjacent to proposed onshore substation (OnSS)</b> Please could the Applicant provide:</p> <ul style="list-style-type: none"> <li>i. Confirmation or signposting to exactly where the land referenced as Albanwise Solar Farm Ref 21/02335/STPLF is located.</li> <li>ii. 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".</li> <li>iii. Update on discussions with the landowner regarding co-operation between the two development projects during construction and operation.</li> </ul> <p>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.</p>	The application was approved on January 6 <sup>th</sup> 2022. Further information can be provided if required.

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<b>The Book of Reference, Statement of Reasons, Land Plans, diligent enquiry and updates</b>			
CA.1.4	Affected Persons Interested Parties	<p><b>Known inaccuracies</b></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>	ERYC is not aware of any inaccuracies at this time.
<b>How it is intended to use the land, alternatives and whether rights sought are legitimate, proportionate and necessary</b>			
CA.1.13	ERYC	<p><b>Reasonable alternatives/ necessity</b></p> <p>Is the ERYC in its role as the Local Planning Authority and the Highway Authority aware of:</p> <ul style="list-style-type: none"> <li>i. Any reasonable alternatives to CA or TP sought by the Applicant?</li> <li>ii. Any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?</li> </ul>	ERYC is not aware of any reasonable alternatives or areas of land that would not be needed.
<b>Special Category Land</b>			
CA.1.19	Applicant ERYC	<p><b>Other special category land</b></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</p>	ERYC is not aware of any further special category land at this time.

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		is held inalienably by the National Trust? If so, provide details.	
<b>Site specific questions</b>			
CA.1.21	Applicant ERYC (Highways)	<p><b>A164/ Jocks Lodge junction improvement scheme</b></p> <p>The proposed cable route would intersect with the A164/ Jocks Lodge junction improvement scheme. Can you:</p> <p><b>ERYC (Highways)/ Applicant:</b></p> <p>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.</p> <p>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.</p> <p><b>ERYC (Highways):</b></p> <p>Provide details of the proposed timescale for the implementation of this scheme.</p> <p><i>(You may wish to combine the answer to this question with the answer to question TT.1.14.)</i></p>	The scheme is due to commence in November 2022 with a three year build programme.
○ <b>DCO Draft Development Consent Order (draft DCO)</b>			○
<b>Articles</b>			

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DCO .1.3	Applicant ERYC	<p><b>Article 2 – definition of commence</b></p> <p><b>Applicant:</b> Definition of commence as currently drafted excludes 'onshore site preparation works'. Why are these works excluded?</p> <p><b>ERYC:</b> 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?</p>	The wording is consistent with the 2008 Act and ERYC has no reason to seek further controls.
DCO .1.4	Applicant ERYC (Highways)	<p><b>Article 2 – definition of relevant highway authority</b></p> <p>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?</p>	ERYC consider this to be a consistency issue for the Examining Authority to reach a view on. It is clear that ERYC are both the highway and local planning authority for the extent of the onshore works.
DCO .1.10	Applicant	<p><b>Article 8</b></p> <p>Are the activities listed at 8(1) sufficient to cover the works that would be required to implement the</p>	ERYC has no objection to the expanded list.

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	ERYC (Highways)	<p>Proposed Development? Should the list be expanded/ amended as follows (suggestions in bold):</p> <ul style="list-style-type: none"> <li>a) break up or open the street, or any sewer, drain or tunnel <b>within</b> or under it;</li> <li>b) tunnel or bore under the street <b>or carry out any works to strengthen or repair the carriageway;</b></li> <li>c) <b>remove or use all earth and material in or under the street;</b></li> <li>d) place <b>and keep</b> apparatus in the street;</li> <li>e) maintain, <b>alter or renew</b> apparatus in the street or change its position;</li> <li>f) <b>demolish, remove, replace and relocate any street furniture within the street;</b></li> <li>g) <b>execute any works to improve sight lines;</b></li> <li>h) <b>execute and maintain any works to provide hard or soft landscaping;</b></li> <li>i) <b>carry out re-lining and placement of road markings;</b></li> <li>j) <b>remove and install temporary and permanent signage;</b> and</li> <li>k) execute any works required for or incidental to any works referred to in sub-paragraphs a) to <b>k)</b></li> </ul>	
DCO.1.11	Applicant	<b>Article 10(1)</b>	ERYC is satisfied with the wording as it is likely there will be circumstances where would be



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	ERYC (Highways)	<p>As currently drafted, this Article permits the stopping up or diversion of any street.</p> <p><b>Applicant:</b> Why is this necessary?</p> <p><b>ERYC (Highways):</b> Should this be limited to streets only within the Order limits?</p>	<p>more sensible for stopping up or diversion to take place beyond the order limits.</p>
DCO .1.12	Applicant Consenting authorities	<p><b>Articles 10(7), 12(2), 15(9) and 17(6)</b></p> <p>As currently drafted, consent will have been deemed to have been granted by the consenting authority if no response is received within 28 days.</p> <p><b>Applicant:</b> Explain the reason behind a 28-day timeframe?</p> <p><b>Consenting Authorities:</b> Is 28 days long enough? If not, why not and what would be an appropriate timeframe?</p>	<p>ERYC considers a minimum of 56 days would be reasonable in view of the extent of the scheme covered by the DCO and to be consistent with wider planning timescales.</p>
DCO .1.13	Applicant ERYC (Highways)	<p><b>Article 14</b></p> <p>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?</p>	<p>ERYC considers sufficient control is provided through the consent process for it not to be necessary to specify streets.</p>

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DCO .1.17	Applicant ERYC Natural England	<p><b>Article 36(2)(a)</b> As currently drafted, this Article would allow the removal of any hedgerows within the Order limits AND any hedgerows specified in Schedule 10.</p> <p><b>Applicant:</b> Should this be limited to those specified in Schedule 10 and if not, why not?</p> <p><b>ERYC and Natural England:</b> 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?</p>	ERYC does not have any concerns regarding this.
<b>Schedules</b>			
DCO .1.29	Applicant ERYC Undertaker for DBC B DCO	<p><b>Schedule 13(6)</b> 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.</p> <p><b>Applicant:</b> 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?</p> <p><b>ERYC:</b></p>	ERYC would prefer to consider the applicants explanation before providing a detailed comment however we do have reservations that this could undermine the DCO as examined.

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		<p>As the LPA with responsibility for discharging the requirements and enforcing the DBCB DCO do you wish to comment on this drafting?</p> <p><b>Undertaker for DBCB DCO:</b></p> <p>Is this drafting reasonable? If not, why not and what alternative drafting would you prefer?</p>	
<b>Requirements</b>			
DCO .1.34	Applicant ERYC	<p><b>Requirement 7(1) and (4)</b></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><b>Applicant:</b></p> <p>Can you provide further clarification of what is meant?</p> <p><b>ERYC:</b></p> <p>Are you satisfied with the wording as currently drafted? if not, why not, and what wording would you prefer?</p>	ERYC would prefer to comment on applicant's clarification.
DCO .1.37	Environment Agency EYRC	<p><b>Requirement 14</b></p> <p>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</p>	ERYC acknowledges there would be a notable degree of interpretation allowed as to the meaning of 'significant harm'. However we do not have the necessary expertise to provide a more precise criteria and would prefer to

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		<p>consideration of any impact to the landfill sites needs to be considered.</p> <p>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.</p> <p><b>Environment Agency and EYRC:</b></p> <p>Are you satisfied with this wording? If not, why not, and what alternative wording would you prefer?</p> <p>'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?</p>	<p>comment further once we have reviewed the response of the Environment Agency.</p>
DCO .1.39	ERYC Environment Agency	<p><b>Requirement 17</b></p> <p>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]?</p>	<p>ERYC has no objection to the proposed wording. It is clear what is required from the Outline CoCP.</p>
DCO .1.41	ERYC	<p><b>Requirement 21(1)</b></p>	<p>While ERYC considers the wording to be reasonably clear, it is suggested that the</p>

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		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?	opening sentence be amended to read 'Work Nos 7(a), (b) and (c) may not commence operations until...'
DCO .1.42	Applicant ERYC	<p><b>Requirement 24</b></p> <p>As currently drafted, this Requirement includes two tailpieces.</p> <p><b>Applicant:</b></p> <p>Why is this necessary?</p> <p><b>ERYC:</b></p> <p>Is this acceptable to you?</p>	ERYC considers this to be acceptable given the level of detail that would be necessary to discharge this Requirement.
DCO .1.47	Applicant Environment Agency ERYC	<p><b>Flood mitigation measures for onshore substation (Work No 7)</b></p> <p>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.</p> <p><b>Applicant and ERYC:</b></p> <p>Is such a Requirement necessary? If not, why not? If yes please provide preferred wording.</p> <p><b>Environment Agency:</b></p> <p>Please provide preferred wording.</p>	ERYC would defer to the views of the Environment Agency as to the need for a specific Requirement and would review any wording provided.

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DCO .1.50	Applicant ERYC	<p><b>Explanatory Note</b></p> <p>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><b>Applicant:</b></p> <p>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><b>ERYC:</b></p> <p>Are you content with this arrangement?</p>	ERYC would be happy to hold documents to allow easier access for residents.
<p>o <b>ES Environmental Impact Assessment (EIA) and Environmental Statement</b></p>		o	
<p><b>Management plans</b></p>			
ES .1.25	Applicant Natural England MMO RSPB ERYC	<p><b>Environmental assessment of compensation measure sites</b></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>	ERYC would defer to the comments of Natural England on this point.

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	East Suffolk Council		
<p>○ <b>HE Historic Environment including Marine Archaeology</b> ○</p>			
<b>Onshore heritage</b>			
HE.1.6	Historic England ERYC	<p><b>Impact assessment</b></p> <p>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.</p> <p>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?</p> <p>If you do not agree, please set out the reasons for this and indicate what further action you believe to be required.</p>	ERYC agree with this approach given the specific circumstances of this Scheduled Monument, but would defer to the views of Historic England.
HE.1.9	Applicant Historic England ERYC	<p><b>Further mitigation measures</b></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</p>	ERYC agrees with the identified mitigation in paragraphs 5.11.1.30 – 32 and considers it could be secured through the Requirements subject to an acceptable detailed scheme being submitted during the examination process.

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		Examination and the steps necessary to overcome these barriers so that agreement can be reached and secured during the Examination.	
<ul style="list-style-type: none"> <li>○ <b>INF Infrastructure and Other Users</b></li> </ul>			<ul style="list-style-type: none"> <li>○</li> </ul>
<b>Pipelines and cables</b>			
INF.1.7	The Applicant NGET Relevant determining Authority's	<p><b>Update on SEGL2</b></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>	ERYC does not have any update at this time.
<ul style="list-style-type: none"> <li>○ <b>LV Landscape and Visual Effects</b></li> </ul>			<ul style="list-style-type: none"> <li>○</li> </ul>
LV.1.1	ERYC	<p><b>Study area parameters</b></p> <p>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.</p>	ERYC is satisfied with the study area parameters.



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LV.1.2	ERYC Historic England Natural England HCC	<p><b>Representative viewpoints</b></p> <p>The Applicant notes [APP-028, Table 4.4] that the viewpoints presented have been agreed by all stakeholders.</p> <p>Is the selection of viewpoints presented by the Applicant satisfactory or do you believe that additional viewpoints are required?</p> <p>If you believe additional viewpoints are required, please provide further details to explain why they are required.</p>	ERYC is satisfied with the viewpoints presented by the applicant.
LV.1.3	ERYC Other Interested Parties	<p><b>Cumulative effects</b></p> <p>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]?</p> <p>If not, identify those projects that you believe should be included and indicate why you believe that they should be included.</p>	ERYC is satisfied with the identified projects.
LV.1.4	ERYC Other relevant parties	<p><b>Outline Landscape Management Plan (LMP)</b></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>	ERYC is satisfied this need not be considered during the Examination and could be adequately dealt with through the Requirements.
LV.1.12	Applicant ERYC	<p><b>Landscape mitigation planting</b></p> <p>The representative photomontage views do not appear to present a change between year 1 to year</p>	ERYC considers that the indicative landscape plan should be amended to provide an increased coverage of landscaping along the northern boundary of the site to further

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	Other relevant parties	<p>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 [APP-028, paras 4.11.2.47, 4.11.2.56, 4.11.2.65 and 4.11.274] 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><b>ERYC and Other relevant parties:</b></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</p>	<p>mitigate the effect on users of the surrounding PROW network. Subject to this, it is considered that reasonable steps to mitigate the visual effect of the proposed development have been taken.</p>

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		substation and energy balancing infrastructure buildings and/ or structures?	
LV.1.17	Applicant ERYC	<p><b>Landscape maintenance recommendations and actions to remedy failure of planting scheme to achieve objectives</b></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]? 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? 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> <p><b>ERYC:</b></p> <p>Are the landscape maintenance, management and enhancement strategies proposed satisfactory? If</p>	ERYC consider that Requirement 9 should be amended to require the retention, management and maintenance of the landscaping scheme for the lifetime of project.

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		not, set out your reasoning for this position and explain what further actions would be required.	
<ul style="list-style-type: none"> <li>○ <b>MC Marine and Coastal Geology, Oceanography and Physical Processes</b></li> </ul>			<ul style="list-style-type: none"> <li>○</li> </ul>
<b>Onshore noise and vibration</b>			
NVL.1.9	Applicant ERYC	<p><b>Baseline noise monitoring locations</b></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? 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 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><b>ERYC:</b></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>	ERYC is satisfied with the baseline monitoring locations.
NVL.1.11	Applicant ERYC	<b>Mitigation of temporary noise and vibration impacts during haul road construction</b>	ERYC can confirm this is correct.

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		<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><b>Applicant:</b> Confirm what this mitigation is, and how it would be secured.</p> <p><b>ERYC:</b> Is this correct?</p>	
NVL.1.13	ERYC Applicant	<p><b>Temporary noise and vibration from construction of the onshore substation</b></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>	This was agreed and ERYC has no additional comments.

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		<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>	
<p>○ <b>OE Onshore Ecology</b></p>			<p>○</p>
<p>OE.1.1</p>	<p>Natural England ERYC</p>	<p><b>Survey methodology – field survey dates</b></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>	<p>ERYC is satisfied with the validity of the surveys given that pre-construction surveys are also required.</p>

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
OE.1.4	ERYC Natural England Yorkshire Wildlife Trust	<p><b>Biodiversity net gain - methodology</b></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>	ERYC has no objection to proposed approach.
○ <b>OWE Onshore Water Environment</b>		○	
OWE.1.5	Environment Agency ERYC as Lead Local Flood Authority Beverley and North Holderness Internal Drainage Board	<p><b>Applicant response to Section 51 Advice [AS-021]</b></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>	ERYC would prefer to respond once we have had the opportunity to review the Applicant and Environment Agency's response to this question.
○ <b>PDS Proposed Development and Site Selection</b>		○	

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
PDS.1.13	Applicant ERYC (Highways)	<p><b>Logistics Compound at Lockington</b></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.) (You may wish to combine the answer to this question with the answer to question CA.1.22.)</i></p>	ERYC would prefer to respond once we have had the opportunity to review the Applicant's response to this question.
PDS.1.14	Applicant ERYC	<p><b>Work outside core hours</b></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> <p>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?</p>	ERYC considers that requests should be made in advance and approved in writing. This could be secured through a specific requirement or an amendment to the supporting documents to Requirement 17.



ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
<b>Socio-economics</b>			
SEL .1.1	ERYC	<p><b>Assessment of cumulative socio-economic effects</b></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>	ERYC agrees there would not be any likely significant effects arising from cumulative socio-economic effects.
SEL .1.3	ERYC HCC Hull and East Riding Local Enterprise Partnership Greater Lincolnshire Local Enterprise Partnership	<p><b>Employment and Skills Plan</b></p> <p>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?</p>	ERYC is content with the examples.
SEL .1.4	ERYC	<p><b>Tourism and recreation impacts</b></p> <p>Are you content with the Applicant's assessment of 'no likely significant effects' on tourism and recreation activities as detailed in ES Vol. A3</p>	ERYC is content with the assessment of no likely significant effects.

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		Chapter 6 [APP-030] and Vol. A3 Chapter 10 [APP-034]?	
<b>Land use and agriculture</b>			
SEL .1.6	ERYC	<p><b>Effects on mineral resources</b></p> <p>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.</p>	ERYC is satisfied with the approach noted in the Impacts Register.
<b>Ground conditions</b>			
SEL .1.10	Applicant ERYC	<p><b>Assessment of likely significant effects</b></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>	<p>ERYC is satisfied with approach with regard to mineral resources.</p> <p>Discussions remain ongoing with regard to the other issues and it is expected that agreement will be reached before the end of the examination.</p>
<p>○ <b>TT Traffic and Transport and Public Rights of Way (PRoW)</b></p>			○

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
<b>Highways and traffic</b>			
TT.1.3	Applicant ERYC	<p><b>ES methodology – summary of potential impacts for traffic and transport</b></p> <p><b>Applicant:</b></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> <p>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> <p>In addition, clarify how a residual impact assessment of slight adverse compares in terms of being considered either significant or not significant.</p>	ERYC is satisfied with the applicant's assessment of impacts, as confirmed in the draft Statement of Common Ground (APP-255) in Table 10 (G3.1:9.15).

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		<p><b>ERYC:</b></p> <p>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?</p>	
TT.1.4	ERYC HCC	<p><b>ES methodology – assessment of cumulative impacts</b></p> <p>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?</p>	ERYC agrees with this.
TT.1.6	Applicant ERYC	<p><b>Traffic mitigation measures</b></p> <p>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.</p> <p>In regard to the proposed mitigation measures:</p> <ol style="list-style-type: none"> <li>i. Would the widening of any proposed road or junction lie entirely within the Order limits for the Proposed Development?</li> </ol>	ERYC would prefer to respond once we have had the opportunity to review the Applicant's response to this question.

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		<ul style="list-style-type: none"> <li>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.</li> <li>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?</li> <li>iv. What would be the process for including input from the Highway Authority and receiving its technical approval?</li> <li>v. Should it be required, what is the dispute resolution mechanism?</li> <li>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?</li> <li>vii. If they were to remain in place then who would be responsible for their long-term management?</li> </ul>	
TT.1.10	ERYC	<p><b>Automated traffic counts</b></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</p>	ERYC is satisfied with the submitted baseline information.

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		acceptable and representative time period? If not, then explain why.	
TT.1.11	Applicant ERYC	<p><b>Road Safety Audit</b></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> <p><i>"The technical approval documentation will also include a Stage 1/2 Road Safety Audit and designer's response."</i></p> <p><b>Applicant:</b></p> <p>Explain why a Road Safety Audit has not already been undertaken and submitted to accompany the application.</p> <p><b>ERYC:</b></p> <p>Are you content with this? If not, why not?</p>	ERYC is satisfied with a Road Safety Audit being submitted as part of Requirement 17.
TT.1.12	ERYC	<p><b>Monitoring and enforcement measures for construction traffic</b></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>	ERYC is satisfied with this as confirmed in the draft Statement of Common Ground (APP-255) in Table 10 (G3.1:9.19).
TT.1.13	Applicant ERYC	<b>Impacts with other Highways works</b>	Positive discussions remain ongoing and ERYC are confident agreement will be reached in a reasonable timescale.

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		<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><b>A164/ Jocks Lodge Junction Improvement Scheme</b></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><b>Applicant:</b></p> <p>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><b>ERYC (Highways):</b></p> <p>Are you satisfied with the traffic data submitted with the application?</p> <p><i>(You may wish to combine the answer to this question with the answer to question CA.1.21.)</i></p>	ERYC would prefer to comment on this once we have had the chance to review the Applicant's response to this question.
TT.1.15	Applicant ERYC	<p><b>Logistics compound at Lockington</b></p> <p>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</p>	ERYC would prefer to comment on this once we have had the chance to review the Applicant's response to this question.

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		<p>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.</p> <p>What implications would this have for driver delay on this part of the highways network?</p>	
TT.1.17	Applicant ERYC	<p><b>Highway safety impacts for logistics compound options at Lockington</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>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).</li> <li>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 the A164 from Station Road (ie Lockington Parish Council's preferred location for the Logistics Compound).</li> </ul>	ERYC would prefer to comment on this once we have had the chance to review the Applicant's response to this question.
<b>Public Rights of Way (PROWs)</b>			



ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
TT 1.22	Applicant ERYC	<p><b>Proposals for realignment of PRowS in the vicinity of the landfall</b></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"> <li>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.</li> <li>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.</li> </ul> <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><b>ERYC:</b> 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>	The route of the coastal path is an issue for Natural England.
TT .1.26	ERYC	<b>Timing implications of legal procedures for PRow diversion</b>	The concerns relating to timings implications for the temporary and permanent diversions related to those outside of the DCO.

ExQ1	Question to:	Question	East Riding of Yorkshire Council Response
		<p>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?</p>	<p>Therefore, we are satisfied with the timing implications of those within the DCO.</p>
TT.1.27	ERYC	<p><b>Permanent diversions and associated signage applied to PRow</b></p> <p>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] noted as agreed with ERYC during the PRow meeting in Beverley on 29 October 2019 (ON-HUM-3.7) [APP-129].</p>	<p>ERYC agrees to the removal of the impact from the ES.</p>
TT 1.28	ERYC	<p><b>Status of footpath from Lockington to the junction with the A164</b></p> <p>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.</p>	<p>The route described by Leconfield PC is not a PRow recorded on the Definitive Map.</p>