



**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 (ExQ2)
Issued on Monday 30 May 2022**

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – 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 as they have arisen from representations and to address the assessment of the application against relevant policies. Please note that some topics that were included in the ExA's first written questions and request for information (ExQ1) are not included in ExQ2 as the ExA does not wish to ask any further questions on these topics at this point in the Examination. However, this does not preclude further discussion of such topics later in the Examination.

At Deadline 5, the Examination Timetable indicates that the ExA is expecting comments on submissions received at Deadlines 4 and 4a. Therefore, in the interests of efficiency, the ExA has not considered it necessary to ask general questions on parties' responses to Deadline 4 and 4a submissions as it has assumed that these would be provided as a matter of course.

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 or organisation to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier (two or three letters) and reference number which starts with 2 (indicating that it is from ExQ2) and then a question number. For example, the first question on commercial fishing and fisheries issues is identified as CF.2.1. When you are answering a question, please start your answer by quoting the unique reference number.

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 on request from the case team: please contact HornseaProjectFour@planninginspectorate.gov.uk and include 'Hornsea project Four ExQ2' in the subject line of your email.

Responses are due by Deadline 5: Monday 20 June 2022.



Abbreviations used:

Abbreviation	Definition
BoR	Book of Reference [REP2-024]
CCS	Carbon Capture and Storage
CEA	Cumulative Effects Assessment
CoCP	Code of Construction Practice
CREEM	The Centre for Research into Ecological and Environmental Modelling, University of St Andrews
DML	Deemed Marine Licence
DBC B DCO	Dogger Bank Creyke Beck Development Consent Order
(draft) DCO	(Draft) Development Consent Order [REP4-050]
EIA	Environmental Impact Assessment
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
EMF	Electromagnetic Field
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ExA	Examining Authority
ExQ1	The ExA's first written questions [PD-006]
HAT	Highest Astronomical Tide
HDD	Horizontal Directional Drilling
HE	Historic England
HFIG	Holderness Fishing Industry Group
HRA	Habitats Regulations Assessment
LAT	Lowest Astronomical Tide



Abbreviation	Definition
MCA	The Maritime and Coastguard Agency
MDS	Maximum Design Scenarios
MoD	Ministry of Defence
MGN_372	Guidance to mariners operating in the vicinity of UK offshore renewable energy installations (MCA)
MMO	Marine Management Organisation
MHWS	Mean High Water Spring tides
MLWS	Mean Low Water Spring tides
NFFO	National Federation of Fishermens' Organisations
NGVL	National Grid Viking Link Ltd
nm	Nautical mile
ODN	Ordnance Datum Newlyn
OFCLP	Outline Fisheries Coexistence and Liaison Plan [REP1-033]
OnSS	Onshore Substation
OOEG	Offshore Ornithology Engagement Group
OSPAR	The Convention for the Protection of the Marine Environment of the North-east Atlantic (the OSPAR convention)
PRoW	Public Rights of Way
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
RR	Relevant Representation
SAC	Special Area of Conservation
SEGL2	Scotland England Green Link 2



Abbreviation	Definition
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
S-P-R	Source-Pathway-Receptor
WR	Written Representation
WSI	Written Scheme of Investigation

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.



Index

BGC	Broad, General and Cross-Topic Questions.....	6
CF	Commercial Fishing and Fisheries.....	7
CA	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations..	7
DCO	Draft DCO.....	9
ES	Environmental Statement.....	15
HRA	Habitats Regulations Assessment.....	16
HE	Historic Environment including marine archaeology.....	19
INF	Infrastructure and Other Users.....	22
LV	Landscape and Visual.....	23
MC	Marine and Costal Geology, Oceanography and Physical Processes.....	24
ME	Marine Ecology.....	26
NAR	Navigation and Radar.....	29
NVL	Noise, Vibration, Electro Magnetic Fields and Light.....	30
OE	Onshore Ecology.....	31
OWE	Onshore Water Environment.....	32
PDS	Proposed Development and Site Selection.....	33
SEL	Socio-Economic and Land Use.....	34
TT	Traffic and Transport and Public Rights of Way.....	34

ExQ2	Question to:	Question
BGC Broad, General and Cross-Topic Questions		
BGC.2.1	East Riding of Yorkshire Council (ERYC)	<p>Updates on development</p> <p>Provide an update of any planning applications that have been submitted, or consents that have been granted since the ExA's first written questions (ExQ1) that could either affect the Proposed Development or that would be affected by the Proposed Development and in either case whether this would affect any of the conclusions reached in the Environmental Statement (ES).</p>
BGC.2.2	Applicant	<p>British energy security strategy</p> <p>The 'British energy security strategy' was updated on 7 April 2022. Comment on any implications of this updated policy paper for the Proposed Development.</p>
BGC.2.3	Applicant	<p>Jillywood Farm</p> <p>[RR-013], [REP2-074] and [REP4-061] raise concerns regarding the effects of the Proposed Development on Jillywood Farm. Whilst the Examining Authority (ExA) notes that you have responded to [RR-013] and [REP2-074], in order to facilitate Examination of this matter the ExA requests that these responses be drawn together along with a response to REP4-061 in one document.</p> <p><i>(You may wish to combine the answer to this question with your response to questions PDS.2.1 and TT.2.3)</i></p>
BGC.2.4	Applicant All parties entering into a Statement of Common Ground with the Applicant	<p>Statements of Common Ground</p> <p>A significant number of matters remain unresolved in the various Statement of Common Ground In each case, could the Applicant please indicate your expectations in terms of reaching a conclusion, or highlight any fundamental problems that you may be experiencing in progressing negotiations. Please note that should matters not be resolved in a SoCG, the ExA will require the submission of Final Position Statements from relevant parties by no later than Deadline 7.</p>

ExQ2	Question to:	Question
CF Commercial Fishing and Fisheries		
CF.2.1	Applicant National Federation of Fishermen's Organisations (NFFO) Holderness Fishing Industry Group (HFIG)	Progress on agreeing appropriateness of liaison and consultation measures The progressed SoCG with the NFFO and HFIG [REP4-024] notes that measures for liaison and consultation with the fishing industry are an ongoing matter of discussion. The ExA notes that the Marine Management Organisation (MMO) defers to the NFFO regarding the content of the outline Fisheries Coexistence and Liaison Plan (OFCLP) [REP3-052, section 2.3]. Please clarify what obstacles remain to resolving this matter by the end of the Examination.
CF.2.2	Applicant	Requested disclaimer in OFCLP of MMO role Please confirm, with reasoning, your response to the MMO's requests [RR-020 and para 2.3.1, REP3-052] that it should be made clear within the certified OFCLP 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> .
CA Compulsory Acquisition and Temporary Possession		
CA.2.1	Applicant	Update on voluntary agreements Provide an update on the progress being made regarding voluntary agreements with landowners and whether these would be resolved before the close of the Examination. If objections are likely to remain outstanding explain whether the Secretary of State (SoS) should then withhold consent for the Proposed Development?
CA.2.2	Applicant	Protective Provisions Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference (BoR) [REP2-024] and an indication of whether these negotiations will be completed, before the close of the Examination. If they will not be completed provide a progress report on the preparation of the s127 case that will need to be submitted at Deadline 7.

ExQ2: 30 May 2022

Responses due by Deadline 5: 20 June 2022

ExQ2	Question to:	Question
CA.2.3	Network Rail Infrastructure Limited Applicant	<p>Plot 176</p> <p>The ExA has been advised by both parties [REP2-038, REP2-087, AS-033] that they are close to finalising agreement that would grant the Applicant rights to lay the cable under Plot 176. Can you provide an update on this agreement and if it has not been agreed a timeline for when this will occur?</p>
CA.2.4	National Grid Electricity Transmission Plc Applicant	<p>Land at Creyke Beck</p> <p>Provide an update [REP3-044] as to the progress on discussions about the possibility of refining the amount of land needed at Creyke Beck and, in particular, whether this would result in a change request.</p>
CA.2.5	The Environment Agency Applicant	<p>Land at Watton Beck</p> <p>Provide an update [REP3-044] as to the progress on discussions in relation to plots 158, 159 and 160 and, if they have not been completed, a timeline for their completion.</p> <p><i>(You may wish to combine the answer to this question with your response to question OWE.2.1)</i></p>
CA.2.6	ERYC Applicant	<p>A164/ Jocks Lodge junction improvements</p> <p>At the Compulsory Acquisition Hearing [EV-009] both parties indicated that negotiations on a voluntary agreement were at an advanced stage. Can you advise whether this has now been completed and if not whether it will be completed before the close of the Examination.</p>
CA.2.7	Applicant	<p>Action points 4, 5 and 6 from the Compulsory Acquisition Hearing [EV-009a]</p> <p>Please provide an update on your response to the request confirm your position regarding the completion of voluntary land agreements with the Hotham Family Trust, Mr and Mrs Foreman and Mr and Mrs Goatley.</p>
CA.2.8	Applicant bp Exploration Operating Company Limited	<p>Burbo Bank DCO and the implications for Part 4 of the BoR</p> <p>To Applicant:</p> <p>Please review your response to the ExQ1 CA.1.18 [REP2-038] in light of the response from the Crown Estate [REP2-095].</p>

ExQ2	Question to:	Question
		<p>To bp Exploration Operating Company Limited:</p> <p>In your D2 response [REP2-062] to ExQ1 CA.1.18, you advised that you considered that the question would be more appropriately answered by the Applicant and the Crown Estate but that you would review their answers and respond at D3. No response seems to have been submitted. Can you therefore review the response provided by the Applicant [REP2-038] and the Crown Estate [REP2-095] and comment? If you have responded signpost where this can be found.</p>
CA.2.9	Applicant	<p>Crown land</p> <p>Provide an update on the progress made regarding obtaining Crown consent and whether this is likely to be achieved before the close of the Examination. Please note that should this matter not be resolved the ExA will require a submission setting out how the Proposed Development could proceed without Crown land by no later than Deadline 7.</p>
DCO Draft Development Consent Order (draft DCO)		
DCO.2.1	Applicant ERYC The MMO	<p>Extent of the landfall works</p> <p>Sheet 1 of 28 of the Works Plans (Onshore) [APP-212] depicts Works Nos. 9a, 9c and 6 extending eastwards over the current cliff line and on to the beach area. Inset Plan A and Inset Plan B of Appendix A of [REP4-038] depicts this in more detail and appears to indicate that the eastern boundary of Works Nos. 6, 9a, and 9c corresponds with the '0m Mean High Water (OS)' line, which lies lower down the beach than Mean High Water Springs (MHWS).</p> <p>To Applicant:</p> <p>Please explain and justify why Work Nos 6, 9a and 9c would need to extend eastwards to the Mean High Water line (ie over the cliff line, on to the beach) and east of the MHWS delineation and thus into the intertidal zone. Please confirm what is meant by '0m' as a prefix in the captioning of MHWS as well as for Mean Low Water Springs (MLWS), Lowest Astronomical Tide (LAT) and Ordnance Datum Newlyn (ODN) in Appendix A of [REP4-038].</p> <p>To ERYC and the MMO:</p> <p>Do you have any concerns with the proposed eastern extent of Work No. 6 (Onshore Connection Works), Work No. 9a (Temporary Access Tracks) and Work No. 9c (Temporary Logistics</p>

ExQ2	Question to:	Question
		Compound) as depicted in [APP-212] and Appendix A of [REP4-038] extending eastwards across the cliffs, onto the beach platform and eastwards of MHWS into the intertidal zone?
DCO.2.2	Applicant	<p>Extent of temporary access ramp shown as extending seaward of MHWS</p> <p>Sheet 1 of 28 of the Works Plans (Onshore) [APP-212] and Appendix A inset plans A and C [REP4-038] show the extent of Works Nos 9a and 9d. Your response to action point 1 arising from Issue Specific Hearing 4 states that you are giving further consideration to the definition and mapping of the eastern boundary of Works No 9d (temporary ramp to beach) and that a response will be provided at Deadline 5. As a minimum, please include consideration of the following in that response alongside the original question in that action point:</p> <ul style="list-style-type: none"> • Please clarify whether the eastern edge of Work No. 9d [APP-212] would be at the MHWS boundary (EA 2020) and confirm if the co-ordinates in Schedule 1, Part 1(2) of the draft DCO reflect that delineation. • The proposed 'Indicative' Ramp' and 'Indicative Ramp Siting Area' depicted on Inset Plan C of Appendix A of [REP4-038] extend eastwards of the (orange) MHWS line. This implies that the foot of the proposed ramp could extend into the intertidal zone. Please confirm if and how this differs from your answer to the previous point. • Is this indicative design intended to be the Maximum Design Scenario for the ramp and, if not, should there be one? • If it is correct that the ramp could intrude on the intertidal area of the beach, please justify this, having regard to your written clarification of your answer at Issue Specific Hearing 4 [REP4-038] that there would be 'minimal works' in the intertidal zone, and confirm where and how an intrusion of the ramp into the intertidal was accounted for in ES. • If the temporary ramp does extend eastwards of MHWS, what is the role of the MMO in its authorisation and control? Please confirm how the Deemed Marine Licence (Transmission Assets) in Schedule 12 of the draft DCO [REP4-050] includes provision for this. • Please consult with Natural England, the MMO and ERYC to address any outstanding misunderstandings or concerns about this issue and provide updated SoCGs no later than Deadline 6. <p><i>(You may wish to combine the answer to this question with your response to question MC.2.1)</i></p>

ExQ2	Question to:	Question
DCO.2.3	ERYC The MMO	Temporary access ramp to beach potentially extending into intertidal zone Would ERYC and the MMO please confirm what their in-principal requirements would be if the temporary ramp to beach level was to extend into the intertidal zone (see [APP-010 Figure 4.16] and [REP4-038 Appendix A])?
DCO.2.4	Natural England The Royal Society for the Protection of Birds (RSPB) The MMO	Drafting of the DCO In your various written submissions, you have raised a number of concerns in relation to the general drafting of the DCO and Deemed Marine Licences (DMLs). Can you advise if these concerns have been addressed by the most recent version of the draft DCO submitted at D4 [REP4-050].
Articles		
DCO.2.5	Applicant	Article 5(1)(b) and 5(12) In your response to ExQ1 DCO.1.6 [REP2-038] you advised that the drafting reflected that in other made DCOs including Hornsea 2 and Hornsea 3. Does the wording reflect that in the more recently made Orders for Norfolk Boreas, Norfolk Vanguard and East Anglia ONE North and East Anglia TWO? If not, why not?
DCO.2.6	Applicant	Article 6 In your response to ExQ1 DCO.1.9 [REP2-038] you advised that you were in discussions with the relevant consenting authorities and were confident that express consent would be provided before the close of the Examination on the basis that adequate protection could be provided by the Protective Provisions. Provide an update on these discussions. Please note that in the event that express consent is not obtained the ExA will require a submission setting out how the Applicant intends to proceed to be provided by no later than Deadline 7.
DCO.2.7	Natural England	Article 36(2)(a) In your response to ExQ1 DCO.1.17 [AS-029] you advised that you considered that this issue warranted further scrutiny but that you were unable to go into detail at Deadline 2. In addition, you wanted to know ERYC's views on this matter. ERYC advised [REP2-070] that " <i>ERYC does not have</i>

ExQ2	Question to:	Question
		<i>any concerns regarding this</i> ". Have you now had the opportunity to consider the matter further and do you have anything further to add in light of ERYC's comment?
DCO.2.8	Applicant	<p>Article 46</p> <p>Further to your response to ExQ1 DCO.1.21 [REP2-038] can you advise whether any of the proposed changes to the Dogger Bank Creyke Beck DCO (DBCB DCO) would affect the implementation of the DBCB DCO. In particular, can you provide an explanation as to why each of the proposed changes would be necessary or expedient in consequence of a provision of the Order or in connection with the Order.</p>
Requirements		
DCO.2.9	Applicant ERYC	<p>Onshore preparation works management plan</p> <p>The recent made DCOs for the East Anglia ONE North and East Anglia TWO offshore wind farms included Requirement 26 which required, prior to the carrying out of specified onshore preparation works, the submission of an onshore preparation works management plan to manage operations consisting of: site clearance, demolition work, early planting of landscaping works, intrusive ecological mitigation, investigation for the purposes of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, creation of site accesses, footpath creation and erection of welfare facilities. Is such a requirement needed for the Proposed Development and if not, why not?</p>
DCO.2.10	Applicant	<p>Requirement 1</p> <p>In your response to ExQ1 DCO.1.32 [REP2-038] you cite the Hornsea Three and the Dogger Bank Teesside A and B DCOs as precedent for a seven-year consent implementation time limit. However, the recent decisions for Norfolk Vanguard, Norfolk Boreas and East Anglia ONE North and East Anglia TWO which are projects of a similar size and in a similar policy context to the Proposed Development, all have a five-year consent implementation time limit. Please expand upon your explanation as to why this Proposed Development would need a seven-year consent time implementation limit.</p>

ExQ2	Question to:	Question
DCO.2.11	ERYC	<p>Requirement 14</p> <p>In your response to ExQ1 DCO.1.37 [REP2-070] you advised that you did not have the necessary expertise to provide precise criteria and would prefer to comment further once you have reviewed the Environment Agency's response to the same question. Can you therefore review REP2-072 and provide any further comments?</p>
DCO.2.12	Environment Agency	<p>Requirement 17</p> <p>In your response to ExQ1 DCO.1.38 [REP2-072] you advised that your concerns could be addressed by an amendment to the wording of Co172 in the outline Code of Construction Practice. The Applicant updated this document at D4 [REP4-019]. Can you confirm if this addresses your concerns and if not, why not?</p>
DCO.2.13	Applicant ERYC	<p>Requirement 27</p> <p>To Applicant:</p> <p>You have cited the precedent set by the Hornsea Three Offshore Wind Farm DCO as the intention behind this requirement. Can you update this response in light of the recent made Orders for Norfolk Boreas, Norfolk Vanguard and East Anglia ONE North and East Anglia TWO?</p> <p>To ERYC:</p> <p>As ERYC would be the discharging authority are you satisfied with the response provided by the Applicant to ExQ1 DCO.1.45 [REP2-038]?</p>
Schedules		
DCO.2.14	The MMO	<p>Schedule 1, Part 1</p> <p>Having regard to overlapping responsibilities between ERYC and the MMO over the intertidal zone, in your answer [REP3-052] to Action Point 2 from Issue Specific Hearing 1 [EV-008a] you state that it is not possible to be satisfied if the Applicant's response to ExQ1 DCO.1.24 is adequate until "<i>an agreement is in place</i>". Please clarify when you expect such an agreement would need to be in</p>

ExQ2: 30 May 2022

Responses due by Deadline 5: 20 June 2022

ExQ2	Question to:	Question
		place and what progress if any has been made towards clarifying how potential for conflict or omission of responsibilities in this overlap area might be managed.
DCO.2.15	Applicant Environment Agency	<p>Schedule 9(5)</p> <p>The Environment Agency advised in its response to ExQ1 DCO.1.27 [REP2-072] that it considered that its outstanding concerns with regards to the crossing of Watton Beck had not been resolved. Can you confirm if this matter has now been resolved, if not, why not and will it be resolved before the close of the Examination?</p> <p><i>You may wish to combine your answer with your answer to question OWE.2.1</i></p>
DCO.2.16	ERYC	<p>Schedule 13(6)</p> <p>In your response to DCO.1.29 you advised that you prefer to consider the Applicants explanation before providing a detailed comment as you had reservations that this could undermine the DCO as examined. The Applicant provided a response at D2 [REP2-038]. Can you please review this response and provide comments?</p>
Conditions		
DCO.2.17	Applicant The MMO	<p>Unexploded ordnance</p> <p>Noting your previous submissions on unexploded ordnance, review whether the matter of clearing unexploded ordnance should be controlled by condition in light of Condition 16 of the DMLs for East Anglia ONE North and East Anglia TWO and, if not, why not?</p>
DCO.2.18	Applicant	<p>Condition 7(8) Schedules 11 and 12</p> <p>Review the wording as it would appear that, as currently drafted, it mixes the obligation to inform Kingfisher Information Service and the MMO.</p>

ExQ2 Question to: Question		
ES Environmental Impact Assessment (EIA) and Environmental Statement (ES)		
Environmental Statement		
ES.2.1	Applicant	<p>Assessing multiple effects on a single receptor using the Source-Pathway-Receptor (S-P-R) approach</p> <p>In your response [REP2-038] to ExQ1 ES.1.6 in relation to Natural England's concern that the S-P-R approach might mean that cumulative effects are missed where there is more than one impact pathway to a single receptor, you suggested that you had addressed this in your comments on Natural England's Relevant Representation [REP1-038]. Your general points in relation to the use of the approach are set out in response to [RR-029-6.8, RR-029-APDX:B-R and RR-029-5.38], but it is not clear where you address this specific question about potentially missing cumulative effects on an individual receptor. Please clarify and provide additional information about this if necessary.</p>
ES.2.2	Applicant	<p>Scoping for the Endurance Aquifer project</p> <p>Does progress with the EIA scoping for the Endurance Aquifer project mean that the cumulative assessment for the Proposed Development is now in need of updating? (Noting that the Scoping Opinion for Hornsea Four states: "<i>Impacts on the proposed Endurance Carbon Capture and Storage (CCS) site: As there are currently no active CCS projects that would make use of the Endurance reservoir, the Planning Inspectorate agrees to scope out this matter from the infrastructure assessment in the ES. This position should be reviewed as the cumulative effects assessment for the Proposed Development is refined.</i>") If not, why not? Are any other updates to the cumulative assessment now necessary?</p>
ES.2.3	Applicant	<p>Energy balancing infrastructure risk assessment and EIA</p> <p>Further to ExQ1 ES.1.5 and your response [REP2-038], please confirm how the supplementary information in relation to major accidents and disasters (including [AS-020] and [REP2-028]) is taken into account in the ES and how it satisfies the requirements of Schedule 4 of the EIA Regulations.</p> <p>In addition, please clarify:</p>

ExQ2	Question to:	Question
		<ul style="list-style-type: none"> • how the identification and evaluation of sensitive receptors to a low likelihood, but potentially significant outcome accident such as a fire in a battery storage unit was carried out; • how this fed into the S-P-R and EIA significance matrix approaches adopted in the ES for all relevant factors such as air quality and human health; and • where the outcomes can be seen.
Management plans		
ES.2.4	The MMO	<p>Management plans required before the commencement of any marine activities</p> <p>ExQ1 ES.1.18 explored the plans that would need to be produced before the commencement of marine licensed activities. The Applicant responded at Deadline 2 [REP2-038]. Your Deadline 2 document [REP2-077] suggested that you would address this at Deadline 4. Please clarify where your consideration and conclusion can be seen and indicate if you are now content with the matter.</p>
HRA Habitats Regulation Assessment (HRA)		
HRA.2.1	Applicant Natural England The Wildlife Trusts	<p>Confidence in Southern North Sea Special Area of Conservation (SAC) site integrity plan</p> <p>At Deadline 3, the MMO [REP3-052] expressed confidence that site integrity plans for relevant projects in the Southern North Sea SAC would provide sufficient control over the timing and nature of noisy activities to ensure that the relevant in-combination disturbance impact thresholds for marine mammals were not breached. However, this was subject to the Applicant updating the draft DMLs in the draft DCO [REP4-050] by the removal of condition 13(1)(j) and its replacement with the new, stand-alone condition that comes out of the Review of Consents process, as detailed in the MMO's submission.</p> <p>To Applicant:</p> <p>Will you be making the suggested amendments to the DML conditions, and, if so, when? If not, why not?</p> <p>Would any amendment include a definitive time period for review of the Site Integrity Plan in advance of the start of construction, as recommended by Natural England [REP4-054]?</p>

ExQ2	Question to:	Question
		<p>To Natural England and The Wildlife Trusts:</p> <p>Whilst recognising outstanding detailed matters (especially those relating to underwater noise control), following the MMO's Deadline 3 response [REP3-052], are you now content that, in principle, proper implementation and oversight of a robust Southern North Sea SAC Site Integrity Plan would ensure that project-alone and in-combination disturbance impact thresholds for marine mammals would not be breached?</p>
HRA.2.2	Applicant Natural England The RSPB	<p>Derogation case and alternatives</p> <p>In response to ExQ1 HRA.1.21, the Applicant [REP2-038] noted an intention to refine the Maximum Design Scenario for some parameters. As these were downwards, the Applicant did not anticipate consequent implications for the HRA. Given the updates to the relevant baselines and assessments that have been submitted into the Examination subsequently, should the Applicant be considering and reporting on any further alternatives or mitigation options that might reduce any potential Adverse Effects on Integrity of European sites?</p>
HRA.2.3	Natural England The RSPB	<p>Timing for the approval of any compensation measures</p> <p>In response to ExQ1 HRA.1.33, the Applicant noted [REP2-038] that the lead-in time for the submission of each ornithology compensation plan would be measure specific, and 'subject to discussion' with the Hornsea Four Offshore Ornithology Engagement Group (OOEG). Each implementation and monitoring plan would be submitted in accordance with a timetable, as <i>"included in a plan for the work of the... OOEG"</i>. Would you be content with this approach? If not, why not?</p>
HRA.2.4	Applicant	<p>Grey seal interest feature for the Isles of Scilly Complex SAC</p> <p>Your response to RSPB's Relevant Representation RR-033-FF [REP1-038] acknowledges the omission of the grey seal interest feature for the Isles of Scilly Complex SAC from the assessment of compensation measures. You note an intention to update Part 1 of the Habitat Regulations Assessment Compensation Measures document [APP-179]. Has this been done, and, if not, when will the changes be made?</p>

ExQ2	Question to:	Question
HRA.2.5	Applicant Natural England	<p>Barrier effects in relation to Flamborough and Filey Coast Special Protection Area (SPA)</p> <p>The Applicant's ES and Report to Inform Appropriate Assessment (RIAA) [APP-167 and APP-017] include consideration of barrier effects for fulmar, gannet and kittiwake from the Flamborough and Filey Coast SPA, based on an assumption that only these species forage on a regular basis out to a distance as far as, or further than, the array area of the Proposed Development.</p> <p>Natural England (for example, [RR-029 and REP4-054]) seems to consider this assumption to be insufficiently evidenced and advises that either more evidence is provided to support the exclusion of auk species, or that the Applicant provides further assessment of the barrier effects on guillemot, razorbill and puffin.</p> <p>To Natural England:</p> <ul style="list-style-type: none"> • Please clarify your concerns and which seabird species you believe to have been overlooked in relation to the EIA and the screening of Likely Significant Effects for the HRA. • Which project phase(s) (construction, operation etc) do you believe require further consideration in relation to barrier effects? Are these the same for each seabird species? <p>To Applicant:</p> <ul style="list-style-type: none"> • Please clarify which seabird species you considered in relation to barrier effects in the EIA and the screening of Likely Significant Effects for the HRA, and a brief summary of the outcome reported for each in your Examination documentation. • Which project phase(s) did you consider in relation to barrier effects in the EIA and the screening of Likely Significant Effects for the HRA? • Why was puffin apparently screened out of barrier effect consideration based on mean foraging range, when maximum foraging range was used for other auk species? • Please indicate where this information is set out in the Examination documentation, provide evidence to justify the exclusion of relevant seabird species from assessment, or provide the further assessment requested.
HRA.2.6	Natural England	<p>Fulmar displacement and disturbance</p> <p>In your Relevant Representation, you raise concern over the screening out of Likely Significant Effects on fulmar due to disturbance and displacement [RR-029, Appendix B]. Please clarify if this relates to fulmar as an interest feature of the Farne Islands SPA, as recorded in the Deadline 3 offshore and intertidal ornithology SoCG between the Applicant and Natural England [REP3-018].</p>

ExQ2	Question to:	Question
		Noting the Applicant's response [REP1-038] and reference to the Evidence Plan, are you now satisfied that Likely Significant Effects from displacement and disturbance on fulmar can be excluded? Please state which European site(s) your response relates to.
HRA.2.7	Applicant	<p>Flamborough and Filey Coast SPA seabird assemblage</p> <p>Appendix B of Natural England's Relevant Representation [RR-029] requested specific consideration of the seabird assemblage feature of Flamborough and Filey Coast SPA. Your Deadline 1 response [REP1-038] noted that this feature was assessed in the species-specific assessment sections throughout the RIAA [APP-167 to APP-178] but acknowledged that guidance had been subject to recent change and said that the information would be reviewed as necessary. Is any further clarification on this matter necessary and, if so, when can this be expected? If not, why not?</p>
HE Historic Environment including marine archaeology		
Offshore heritage and marine archaeology		
HE.2.1	Applicant	<p>Written Scheme of Investigation (WSI) reference to Human Osteologist role</p> <p>In its Written Representation (WR) [REP2-076, item 3.8] Historic England (HE) asks for section 7.10 of the outline marine WSI [APP-240] to reference the HE guidance on the role of the Human Osteologist; the ExA notes that this has been referenced in the revised draft DCO; will the Applicant also make the requested reference in a revision of the outline marine WSI, and if so, at which deadline?</p>
HE.2.2	Historic England	<p>Protection of military remains - any outstanding concerns</p> <p>In its WR [REP2-076, item 4.24] HE queries a lack of acknowledgement in the outline marine WSI <i>"that should the remains of military aircraft be found that all such sites are automatically afforded designated status as 'protected places' under the Protection of Military Remains Act 1986"</i>. The ExA notes that the outline marine WSI [APP-239] references that Act at para 4.61, para 7.11 and in Appendix A Table A1 and para 13. It is also referenced in the onshore WSI [REP3-012 para 10.9.1.1]. Would HE please clarify if it has outstanding concerns on this matter, and if so, specify what those concerns are?</p>

ExQ2	Question to:	Question
HE.2.3	Applicant	<p>Clarification in draft DCO of how commitments are secured</p> <p>[REP3-031] answers WRs from HE [REP2-076, item 4.7] and the MMO [REP2-077] about how commitments would be secured through the draft DCO; however, it does not answer WR 10.3 [REP2-076 item 10.3]. Would the Applicant therefore consider whether the draft DCO and DMLs should each contain a clause that clarifies how commitments are secured through referencing in the Commitments Register and if not, why not?</p>
HE.2.4	Applicant	<p>Impacts to scientific exploration of prehistoric landscapes</p> <p>Please respond with appropriate reasoning to the WR from HE [REP2-076, items 4.11] that the EIA should have given attention to how the Proposed Development and cumulative impacts with other offshore wind farms <i>"might compromise scientific activities to explore and map the complexity of prehistoric landscapes..."</i></p>
HE.2.5	Applicant	<p>Conditions securing best practice mitigation of impact on marine archaeology receptors</p> <p>Please respond with reasoning to HE's WR 5.1 [REP2-076, item 5.1] which states <i>"...the means of best practice mitigation should be included as conditions within any Development Consent Order..."</i> (regarding Environmental Statement: Volume A4, Annex 5.1: Impacts Register: for MA-C-1, MA-C-2, MA-C-3, MA-C-6 (All Offshore) Project Phase: Construction).</p>
HE.2.6	Applicant	<p>Survey anomalies within the Order limits</p> <p>Please respond with reasoning to HE's WR 7.7 [REP2-076, item 7.7] in regard to Environmental Statement Volume A5, Annex 9.1: Marine Archaeology Technical Report: Section 4.1 concerning survey anomalies within the Order limits.</p>
HE.2.7	Applicant	<p>HE concerns on DML Conditions repeated at Deadline 4</p> <p>Please review and propose how the conditions in draft DMLs (DCO Schedules 11 and 12) can be effectively strengthened to secure the matters followed up by HE at Deadline 4 [REP4-051]:</p> <ol style="list-style-type: none"> i) the estimated depth of seabed excavation for any Gravity Base Structures to be provided together with Archaeological Method Statements [REP4-051, Ref: 2.10], [REP2-076, items 4.3, 4.6 and 2.10 regarding Condition 13(2)(b)];

ExQ2	Question to:	Question
		ii) the delivery, within a defined timescale at each stage or phase of construction, of information derived from post-consent and pre-construction archaeological evaluation to inform decision-making on delivery plans to avoid <i>'in situ</i> archaeological sites" [REP4-051, Ref: 10.2], [REP2-076, items 4.2 and 10.1 regarding Condition 13(1)(c)]; and iii) the advice that a full suite of geophysical survey techniques should be employed <i>"such as sub-bottom profiler (ie shallow seismic) and magnetometer as well as Side Scan Sonar and high-resolution swath-bathymetry (ie multi-beam echo sounder)"</i> [REP4-051, Ref: iv], [REP2-076 item iv].
HE.2.8	Applicant	<p>HE concerns regarding CEA of physical infrastructure with sedimentary changes</p> <p>Please respond to HE's further concern [REP4-051, Ref:4.19] on the relevance to the Cumulative Effects Assessment (CEA) in the ES of <i>"physical presence of the proposed infrastructure, in conjunction with other comparable developments ..."</i> taken together with changes in sedimentary conditions attributable to development on the seabed.</p>
HE.2.9	Applicant	<p>HE suggested changes to draft DCO and marine WSI</p> <p>Please respond to HE's submission [REP4-051, Ref: Action 4] requesting amendment of paragraph 6.1.1.2 of the Outline Marine Written Scheme of Investigation concerning <i>"curatorial responsibility within the intertidal zone"</i> and the suggested corollary changes in the draft DCO, namely:</p> <ul style="list-style-type: none"> i) in draft DCO Schedule 12 (Transmission Assets), Condition 13(2), in addition to the 'statutory historic body' (ie Historic England), that ERYC is named; ii) definition of 'statutory historic body' may require amendment within Part 1 of the draft DML to include the relevant local authority curatorial body; iii) the draft Transmission Assets DML Schedule 12 should be amended to provide for communication to the relevant local authority and its professional archaeological advisory service (the Humber Archaeological Partnership) of any archaeological reports produced in accordance with condition 13(2)(c), and that <i>"reports are to be agreed with the MMO in consultation with the statutory historic body and, if relevant, East Riding of Yorkshire Council"</i>; and iv) Schedule 11 Condition 13(2)(g) should be amended along the lines of <i>"...a reporting and recording protocol, designed in reference to the Offshore Renewables Protocol for Reporting Archaeological Discoveries as published by The Crown Estate and reporting of any wreck or</i>

ExQ2	Question to:	Question
		<i>wreck material during construction, operation and decommissioning of the authorised project...".</i>
Onshore heritage		
HE.2.10	Applicant	<p>Further mitigation: built heritage</p> <p>Please clarify if it is the Applicant's intention to further amend the Outline WSI for Onshore Archaeology [APP-235] in light of comments received from HE at Deadline 4 [REP4-051, Ref: HE.1.9]. If not please provide detailed justification explaining why, in the Applicant's view, further revision is not required.</p>
HE.2.11	Historic England	<p>Amendments to the Outline Code of Construction Practice (CoCP)</p> <p>Please confirm whether the additional wording provided by the Applicant in its Outline CoCP [REP4-019] adequately addresses the specific concerns of HE around the protection of the Beverley Sanctuary Limit Stone, Bishop Burton cross (NHLE 1012589). If not please set out what further information should be provided.</p>
INF Infrastructure and Other Users		
Carbon capture, utilisation and storage		
INF.2.1	Applicant Bp Exploration Operating Company Limited	<p>Viability and the Interface Agreement</p> <p>Both parties have made various references [REP1-057, REP3-045, REP3-047 and REP4-059] your respective opinions that the application or disapplication of the Interface Agreement would render your respective schemes unviable. Provide evidence to support your claim.</p>
Pipelines and cables		
INF.2.2	Applicant	<p>Update on CEA with the Scotland England Green Link 2 (SEGL2) scheme</p> <p>[REP2-038] advised that an application for the onshore elements of the SEGL2 scheme was expected imminently, and the Applicant would make an update to the CEA for the Proposed Development as soon as information is forthcoming, please give an update.</p>

ExQ2	Question to:	Question
Oil and gas operators		
INF.2.3	Applicant Perenco UK Limited	<p>Protective Provisions securing a restricted area of 2.7nm around the Ravenspurn North platform</p> <p>Perenco UK Limited's Deadline 4 submission [REP4-062] notes that it is unable to accept that a radius of 2.7 nautical miles (nm) is sufficient to allow aviation operations to take place to and from its platform under a sufficient range of met-ocean and visibility conditions.</p> <p>To Perenco UK Limited:</p> <p>Please set out the specific restrictions that make a 2.7nm radius restricted area insufficient and clarify the extent of restricted area that you deem to be sufficient and why.</p> <p>To Applicant:</p> <p>Provide an update on the status of the Protective Provisions proposed for NEO Energy (SNS) Limited and Perenco UK Limited as they relate to this matter.</p>
INF.2.4	Applicant National Grid Viking Link Ltd	<p>ES conclusions of no additional risk to the Viking Link connector</p> <p>National Grid Viking Link Ltd (NGVL) objected [REP2-097] to the Navigation Risk Assessment and consequent conclusions of the Environmental Statement. Having regard to the holding statement [REP3-060], is NGVL now satisfied about this point, and does it withdraw its objection?</p>
LV Landscape and Visual Effects		
LV.2.1	ERYC Historic England	<p>Updated viewpoint 6 photomontage</p> <p>The Applicant provided an updated photomontage for viewpoint 6 [REP4-036, Appendix C] in response to issues raised by the ExA at Issue Specific Hearing 2 [EV-009]. This suggests that the onshore substation and energy balancing infrastructure buildings as depicted by the Applicant's Maximum Design Scenario would be partially visible from this viewpoint. How - if at all - does this depiction change your assessment of the visual impact of the Proposed Development from this viewpoint?</p>

ExQ2	Question to:	Question
LV.2.2	ERYC	<p>Design quality of fencing and visual screening</p> <p>The Applicant submitted revised wording for Requirement 12 of the draft DCO at Deadline 4 [REP4-050]. Are you satisfied that this would secure the design, quality and approval of these boundary treatments to a sufficiently high standard?</p>
MC Marine and Coastal Geology, Oceanography and Physical Processes		
MC.2.1	Applicant	<p>Temporary access ramp and potential impact on the cliff profile</p> <p>In its latest Risk and Issue log [REP4-054], Natural England maintains some of its concerns over the temporary access ramp at the landfall and states that: "... <i>there remains the concern that the ramp will be installed at a low point of rapidly eroding cliff. Any works that result in the lowering of the cliff will need to consider the impact on flood risk from wave action and spray...</i>"</p> <p>Consequently, please respond to the concerns raised by Natural England in this regard, as stated in [REP4-054], and provide evidence to justify your assertion in [REP1-038] and [REP3-046] that the temporary access ramp at the landfall would not impact the cliff profile.</p> <p><i>(You may wish to combine the answer to this question with your response to questions DCO.2.1 and DCO.2.2)</i></p>
MC.2.2	Applicant	<p>Further geophysical surveys</p> <p>Your Deadline 3 response [REP3-046] to Natural England's Deadline 2 submissions confirms that geophysical surveys will be conducted pre-construction, but that these will not involve seismic airguns. Do you intend to secure this through a change to the project description in the ES [REP4-004] as suggested by Natural England [REP4-054]? If so, when? If not, why not?</p>
MC.2.3	Applicant, The MMO Natural England	<p>Consideration of climate change scenarios in modelling</p> <p>Natural England suggested [RR-029] that the marine process modelling and assessment in the ES should have taken various climate change scenarios into account. The Applicant does not believe this to be a relevant consideration in the timescales associated with the construction of the Proposed Development [REP1-038]. Please signpost or provide an update on any progress on positions in relation to this matter.</p>

ExQ2	Question to:	Question
MC.2.4	The MMO	<p>Cumulative modelling of cable crossings</p> <p>In your Relevant Representation [RR-020], you raised an outstanding request for further cumulative modelling of the proposed cable crossings in respect of changes to sediment transport. The Applicant provided a response [REP1-038] and [REP2-038]. Do you have any remaining concerns in relation to this matter?</p>
MC.2.5	The MMO	<p>Sediment sampling and analysis</p> <p>Following the Applicant's submission of additional signposting and documentation (eg [REP4-032]), are you now content that you have all of the necessary information about the analysis of marine sediment to make a judgement about the suitability of the dredged sediment for disposal?</p> <p>Please confirm if any matters or required information remain outstanding in relation to the use of a Mini-Hamon Grab to collect sediment samples for contaminant analysis, and whether you now have sufficient information about the seabed depth from which the samples were taken.</p>
MC.2.6	Applicant	<p>Dogger Bank Disposal Area Plan</p> <p>Following discussions at Issue Specific Hearing 4 [EV-027], you submitted a revised 'Dogger Bank Disposal Area Plan' [REP4-035]. The plan itself is titled 'Hornsea Four Dogger Bank A & B Order Limits Interaction and Disposal Area'. Please indicate where on that the plan the intended dredged sediment disposal area can be seen.</p>
MC.2.7	Applicant The MMO	<p>Dredged sediment sampling during construction</p> <p>At Issue Specific Hearing 4 [EV-027], in discussions about the ongoing monitoring of sediment samples from the proposed dredge area during construction, the Applicant suggested that, as construction lasts less than five years, monitoring of this nature would be unnecessary. In response, the MMO has advised [REP4-052] that sampling is required either every three years, or every five, depending on the results of the sediment sample analysis.</p> <p>The MMO has also asked for clarity on how OSPAR requirements would be adhered to, and how this would be secured, should there be a delay in construction. MMO suggests that the OSPAR sampling requirements are clearly outlined as a matter to be signed off in the DMLs.</p>

ExQ2	Question to:	Question
		Please indicate if there has been a full resolution of these matters, and, if so, detail the outcome. If not, please confirm how and when discussions will progress and be reported in future versions of the SoCG to achieve resolution before the close of the Examination.
ME Marine Ecology		
Fish and shellfish ecology		
ME.2.1	The Applicant, NFFO HFIG	<p>Shellfish ecology</p> <p>Five points of material disagreement between the Applicant and the NFFO and the HFIG on shellfish ecology remain effectively unchanged in the Deadline 4 SoCG [REP4-024: FSE-04, -08, -12, -14, -18]. These relate to the appropriateness of the survey methods and subsequent assessments based on the survey data, the assessment approach, and the potential need for monitoring. Please provide an update on any progress made at the meeting said to have been planned for 9 May 2022 (as referred to in Issue Specific Hearing 3 [EV-011]) and summarise what is needed and intended to resolve these issues before the end of the Examination.</p>
ME.2.2	Applicant	<p>Herring spawning mitigation</p> <p>During Issue Specific Hearing 4, you reaffirmed your confidence in your assessment of the peak herring spawning period and the likely effectiveness of your seasonal piling restriction, as previously set out in your Clarification Note on Peak Herring Spawning Period and Seasonal Piling Restriction [REP2-033]. Natural England has subsequently repeated advice that more precaution than the proposed six-week period is required [REP4-054], as has the MMO [REP4-052]. The MMO has also requested that further information on noise propagation to the north of Flamborough Head be added to Figure 4 of the clarification note and has raised concerns that the suggested period does not allow for herring moving into the spawning grounds.</p> <p>Provide a further response to the matters raised and indicate if you intend to make these or any other changes, and, if so, when. If not, why not?</p> <p>The matter of impacts on herring spawning also arose in the Examinations for the East Anglia ONE North and East Anglia TWO Offshore Wind Farms, where the differences between parties were resolved prior to the end of the Examinations, as set out in the respective Recommendation</p>

ExQ2	Question to:	Question
		Reports and Secretary of State decision letters. Do these set any precedent for the Proposed Development?
ME.2.3	NFFO	<p>Age of fish baseline data</p> <p>Your SoCG with the Applicant [REP4-024] at entry NFFO-FSE-03 notes your concern about the age of the fish data used in the assessment. The matter is labelled as 'Not agreed – no material impact'. Is it your view that a more up-to-date baseline would be unlikely to alter the outcome of the assessment?</p>
Benthic and intertidal ecology		
ME.2.4	The MMO	<p>Benthic ecology survey results</p> <p>Your Relevant Representation [RR-020] noted a concern about the Applicant's interpretation and presentation of benthic ecology survey results, and whether more of the information from the technical annex should be brought into the relevant chapter of the ES. Your SoCG with the Applicant at Deadline 3 [REP3-017] notes your view as, "3.4.13 <i>Although the evidence gathered appears appropriate, the evidence presented is insufficient to allow a decision on the project to be made</i>". Please indicate if your subsequent review of the application documentation with the benefit of signposting from the Applicant has changed your position on this. In particular, please confirm if you have remaining concerns about the 'interpretation', 'presentation' and completeness of the survey results, noting that the information in the technical appendices is inherently part of the ES.</p>
Marine and costal bird ecology		
ME.2.5	Natural England	<p>Centre for Research into Ecological and Environmental Matters (CREEM) report</p> <p>At Deadline 3, the RSPB requested [REP3-056] that the CREEM report for Natural England (Scott-Hayward, L.A.S. (2021), <i>Statistical Review of Hornsea Project Four: Environmental Statement for Natural England</i>, CREEM) be submitted into Examination. Is it your intention to do so or has this been superseded by <i>CREEM review of G2.10 MRSea Baseline Sensitivity Report (Gannet) - Revision: 02</i> [REP3-029] submitted as Annex II to Appendix B4 of your Deadline 4 Submission [REP4-055]?</p>

ExQ2	Question to:	Question
ME.2.6	Applicant, Maritime and Coastguard Agency (MCA) Natural England	<p>Offshore infrastructure lighting requirements</p> <p>To Applicant: Could the Applicant provide a reasoned and evidenced expansion of the content submitted at Deadline 4 in "Further Consideration of Lighting Requirements" [REP4-048], and in particular signpost where each of the possible measures originally suggested by Natural England in its Relevant Representation [RR-029] are excluded by binding standards and regulations. For example: please indicate where MGN_372 restricts the range of visible light spectrum that can be used; explain your conclusion that there are <i>"no industry standards or guidelines allowing light shielding"</i> and signpost any standards that might exclude upwards light shielding (noting that the standards seem to focus on horizontal visibility).</p> <p>To Natural England: Could Natural England indicate whether similar matters and advice have been raised for other recent offshore wind farm projects and if not, confirm if there is something particular about this Proposed Development that merits additional consideration of offshore operational lighting? Could Natural England also expand on the background to its concerns in relation to offshore ornithology and lighting, especially given that the Applicant's Deadline 4 Ornithological Assessment Sensitivity Report [REP4-041] suggests that all of the relevant species are diurnal.</p> <p>To MCA: In relation to its published lighting standards, does the MCA believe there could be room for further discussion to reduce any significant operational lighting impacts on birds, as long as minimum requirements continued to be met?</p>
ME.2.7	Applicant	<p>RSPB Annex</p> <p>The RSPB's Written Representation was supplemented by three detailed annexes, including Annex A, Offshore Ornithology [REP2-091]. Does the Applicant agree with the factual content of this annex and has account be taken of the flight tracking research that is mentioned? If not, why not?</p>
ME.2.8	Applicant Natural England The RSPB	<p>Re-run of MRSea and use of design-based estimates for seabird baseline</p> <p>To Natural England and RSPB:</p>

ExQ2	Question to:	Question
		<p>Please comment on the proposed scope of work provided by the Applicant at Deadline 4a [REP4a-001] for the re-run of the MRSea analysis and the partially revised approach using design-based estimates for the assessment.</p> <p>To Applicant:</p> <p>Please provide an update on the outcome of the sixteenth meeting of the Ornithology Technical Panel Meeting held on 25 May 2022 in relation to discussions about the re-run of MRSea or the use of design-based estimates for seabird baselines.</p>
NAR Navigation and Radar (Marine and Air)		
Shipping and navigation		
NAR.2.1	MCA Trinity House	<p>Any remaining concerns with draft DCO, DMLs and Layout principles</p> <p>Please advise if there are any outstanding concerns with the draft DCO, DMLs and Layout Principals subsequent to the Deadline 4 submissions and if so, elaborate what they are.</p>
NAR.2.2	MCA Natural England	<p>Response to clarification of Highest Astronomical Tide (HAT) and Lowest Astronomical Tide (LAT) blade clearance</p> <p>Please confirm if you are satisfied with the Applicant's insertion into the draft DCO and DMLs submitted at Deadline 4 of conversion dimension for HAT air draught and wind turbine blade clearance in relation to LAT [REP4-050, Article 2(7) and Schedules 11 and 12 Part 1 definitions item (7)] and, if not, why not?</p>
NAR.2.3	Applicant	<p>Clarify spacing of structures in relation to linked platforms</p> <p>A footnote has been added to the Layout Principles document [REP3-003] regarding bridge-linked platforms. Please clarify what the minimum clear distance between two pairs of linked platforms and a linked platform and the nearest wind turbine would be if the 810m minimum spacing is taken from the centre point of the linked structures or a turbine, and how this would affect the conclusions of the Navigation Risk Assessment.</p>

ExQ2	Question to:	Question
NAR.2.4	Applicant	<p>Clarification of air draught under bridge links</p> <p>Article 2 of the draft DCO [REP3-006] gives the definition of bridge link, which refers to clearance '20-25m above sea level'; please confirm if this is intended to mean a minimum 20m air draught above HAT and signpost if this air draught figure has been discussed or agreed with the MCA.</p>
NVL Noise, Vibration, Electro Magnetic Fields and Light		
Marine noise and vibration		
NVL.2.1	Applicant The MMO	<p>Other underwater noise</p> <p>Please signpost any progress between the parties in relation to the MMO's Relevant Representation [RR-020, 3.7.11 and 3.7.19] that 'other continuous sources' of underwater noise may not be realistic, and that further modelling and assessment may be necessary. Please include consideration of the two specific points raised in relation to the duration of the activity and exposure period used, and the rationale behind the effect ranges applied for these sources. The Applicant's position that no further modelling is required is noted [REP2-038].</p>
Electromagnetic fields (EMFs)		
NVL.2.2	Applicant	<p>Electromagnetic field effects</p> <p>Following on from EXQ1 NVL.1.8 about the expected electromagnetic field (EMF) from the Proposed Development's cables and the potential effects on marine life including crustaceans, please provide evidence for your assertion that the EMF levels would be much lower than those investigated in the report by Scott <i>et al</i> (2021) [REP2-038].</p> <p>At Deadline 2, you updated the cable specification and installation plan [REP2-031] secured by your draft DCO to include "<i>a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with good industry practice</i>" to Schedule 12, Article 13(1)(h)(i). Given this assessment would be produced post-consent, what would happen if it identified potentially significant effects?</p> <p>Are you proposing to accept Natural England's advice [REP4-054] to commit to post-construction monitoring to validate any predictions? If not, why not?</p>

ExQ2	Question to:	Question
Onshore noise and vibration		
NVL.2.3	Applicant	<p>Noise from access road</p> <p>[RR-013] raised concerns about the proximity of the proposed Onshore Substation access road to Jillywood Farm advocating that it would be closer than the 150m minimum distance.</p> <ul style="list-style-type: none"> • Can you confirm the basis for the 150m minimum distance and what this distance measures (ie is it to the boundary of a property or to the façade of a residential or non-residential building and is there is a different metric for occupied/ unoccupied/ agricultural/ residential buildings? • Provide a plan at 1:1250 showing the closest distances between the proposed access road and Jillywood Farm and the location of monitoring locations SMP5 and SMP6.
OE Onshore Ecology		
OE.2.1	Applicant	<p>Onshore Crossing Schedule</p> <p>In the latest version of its Risk and Issues Log [REP4-054] Natural England has commented that in the table in the Onshore Crossing Schedule [APP-040] only commitment number 1 (Co1) is referenced in regard to the crossing of the River Hull Headwaters Site of Special Scientific Interest. However, Natural England contends that relevant mitigation is also identified in commitments Co18, Co124 and Co168 [APP-050]. Please update the Onshore Crossing Schedule accordingly to include references to these other commitments or justify why you consider this is not necessary.</p>
OE.2.2	Applicant	<p>Biodiversity Enhancement and Biodiversity Net Gain</p> <p>At Issue Specific Hearing 2 [EV-010c] in response to the ExA's question about the potential for double counting you acknowledged a commonality for the measures proposed for the Onshore Substation area in the Outline Enhancement Strategy [APP-249] and the Outline Net Gain Strategy [APP-251]. However, as also stated in [Ev-010c] and reported in [REP4-038] you consider that these matters would be resolved in the final Enhancement and Net Gain Strategies once you had more information about the nature and type of habitats that were to be provided. How can the ExA be confident that the final versions of these Strategies, that are to be submitted after the Examination has closed, would contain sufficient provisions for both biodiversity enhancement and biodiversity net gain?</p>

ExQ2	Question to:	Question
OE.2.3	Applicant	<p>Commitments Register and replacement planting</p> <p>In its latest Risk and Issues Log [REP4-054] Natural England has commented that whilst Co26 in the Commitments Register [REP4-007] states that "... <i>hedgerows and trees that are removed will be replaced using like for like hedgerow species.</i>" However, Co194 states that "<i>Where agreed with landowners, removed hedgerows and trees will be replaced with hedgerows of a more diverse and locally native species composition than that which was removed.</i>"</p> <p>Clarify this and explain how decisions regarding the implementation of Co26 or Co194 would be made in practice.</p>
OE.2.4	ERYC	<p>Update on outstanding matters</p> <p>In the most recent SoCG with the Applicant [REP3-013] there are a number of matters in relation to onshore ecology that are categorised as "<i>Awaiting position from ERYC.</i>" Please indicate when you will respond to these, and what, if any, additional information you may require in order to provide a response.</p>
OWE Onshore Water Environment		
OWE.2.1	Applicant Environment Agency	<p>Update on disapplication of the Environmental Permitting Regulations</p> <p>In your most recent SoCG [REP4-022] you state that "<i>The EA have agreed in principle to disapply the 2016 Environmental Permitting Regulations (EPR) in regards to flood risk in principle...</i>" However, an issue remains around the crossing at Watton Beck. Provide a timeline for when your ongoing discussions on this matter are likely to be resolved. Please note that should this matter not be resolved, the ExA will require the submission of your respective Final Position Statements by no later than Deadline 7.</p>
OWE.2.2	Applicant Environment Agency	<p>Written Ministerial Statement on river basin catchment conditions</p> <p>A Written Ministerial Statement was issued on 16 March 2022 in relation to nutrient levels in relevant river basin catchments. More river basin catchments are now identified as being in unfavourable condition. This means that any proposed development in relevant areas (now including ERYC) that is likely to increase nutrient loading, either directly or indirectly, will need to be assessed according to applicable legislation. Having regard to the nature of the Proposed</p>

ExQ2	Question to:	Question
		Development and the relevant river basin catchments, are there any implications in relation to the Proposed Development?
OWE.2.3	ERYC	<p>Response to ExQ1, OWE.1.5 regarding s51 advice on Flood Risk Assessment</p> <p>In [REP2-070] you stated that you would respond to ExQ1 OWE.1.5 once you had seen the response to this from the Environment Agency. The Environment Agency has responded in [REP2-072]. Having now had sight of the Environment Agency's response in [REP2-072] please provide your comments on the additional information that was submitted by the Applicant in [AS-021].</p>
OWE.2.4	Applicant Environment Agency ERYC	<p>Updated peak rainfall allowances</p> <p>On 10 May 2022 the Environment Agency published updated peak rainfall allowances in its guidance entitled <i>Flood Risk Assessment: Climate Change Allowances</i>. This guidance has immediate effect. Therefore, please comment on any implications of this new guidance in relation to the Proposed Development and in particular the Flood Risk Assessment and other relevant information that has been submitted in, for example, [APP-098, AS-021 and REP2-053].</p>
PDS Proposed Development and Site Selection		
PDS.2.1	Gordons LLP/ Mr and Mrs Dransfield	<p>Alternative means of access to the onshore substation</p> <p>RR-013 indicates that Mr and Mrs Dransfield wished the Applicant to consider an alternative means of access to the Onshore Substation such as an access from the west along the cabling route. Can you provide further details as to what these alternatives are including an explanation of what benefits these would deliver over the route as proposed by the Applicant.</p>
PDS.2.2	Applicant Natural England	<p>Reduction in Maximum Design Scenarios in the marine environment</p> <p>In its Deadline 3 submission, <i>Clarification Note: Justification of Offshore Maximum Design Scenarios</i> [REP3-035], the Applicant proposes (6.2.4.1) a reduction in the Maximum Design Scenarios (MDS) for bedform clearance (for cable installation) and for cable protection across the Smithic Bank. The relevant information relating to bedform clearance was changed in updated versions of the Project Description chapter of the Environmental Statement and the pro rata annex</p>

ExQ2	Question to:	Question
		<p>[REP4-003] and [REP4-005]. Does this change now satisfy Natural England's concern in this respect?</p> <p>A caveat in the Applicant's post-Hearing note [REP4-038] states, "<i>Post-hearing clarification: The Applicant... is currently considering whether any updates are required in relation to the Smithic Bank rock protection.</i>" Could the Applicant clarify the situation in relation to the Smithic Bank cable protection MDS and advise if and when any changes to the application documentation will be made?</p>
SEL Socio-Economic and Land Use		
SEL.2.1	ERYC	<p>Update on outstanding matters</p> <p>In Table 10 of the latest SoCG [REP3-013] some of the matters in relation to Land Use and Agriculture are noted as "<i>Awaiting position from ERYC</i>". Please set out when you are going to be able to provide a response to these matters and whether you require any additional information to be provided in order to formulate your response.</p>
SEL.2.2	ERYC	<p>Update on outstanding matters</p> <p>In Table 5 of the latest SoCG [REP3-013] all of the matters in relation to Geology and Ground Conditions are noted as "<i>Awaiting position from ERYC</i>". Please set out when you are going to be able to provide a response to these matters and whether you require any additional information to be provided in order to formulate your response.</p>
TT Traffic and Transport and Public Rights of Way		
Highways and traffic		
TT.2.1	ERYC Lockington Parish Council	<p>Location of primary logistics compound at Lockington</p> <p>Following Issue Specific Hearing 2 [EV-010] the Applicant has now provided a plan depicting details of the carriageway at the proposed entrance to the primary logistics compound on Station Road West and at Lockington Parish Council's suggested alternative on Station Road East [REP4-046]. Please comment on the implications, if any, of the details provided in [REP4-046] in relation to highway safety and traffic flow.</p>

ExQ2	Question to:	Question
TT.2.2	Applicant Network Rail Infrastructure Limited	<p>Progress on Protective Provisions</p> <p>In its recent submission [AS-033] Network Rail Infrastructure Limited has stated that it has agreed heads of terms for an agreement with the Applicant in respect of the outstanding level crossing issues. Furthermore, [AS-033] states that the Applicant will provide updated Protective Provisions for the benefit of Network Rail Infrastructure Limited and an updated Construction Traffic Management Plan. Please confirm that agreement will be reached on this matter before the close of this Examination and provide a timeline for the submission of all relevant information, including the agreed Protective Provisions.</p> <p><i>(You may wish to combine the answer to this question with your response to question CA.2.3)</i></p>
TT.2.3	Applicant ERYC	<p>Access to the Onshore Substation</p> <p>The Relevant Representation on behalf of Mr and Mrs Dransfield [RR-013] contains, among other things, two letters from Quod dated 7 September 2020 and 13 December 2021. These letters contain a detailed objection to the location of the proposed Onshore Substation (OnSS).</p> <p>To Applicant and ERYC:</p> <p>Please respond to the matters raised in [RR-013] in regard to the relocation of the access road, the assessment of alternatives and traffic assessment considerations. In summary these include, but are not limited to, the contentions made in [RR-013] that:</p> <ul style="list-style-type: none"> • it is not apparent whether the relocated OnSS access road is technically appropriate or of a sufficiently safe design; • there is a lack of consideration of the dual use of the A1079 layby to support both Jillywood Farm and the OnSS during the construction and operational periods; • the consented highways works pursuant to 20/01073/STPL have not informed the technical appraisal of access options; • there is a lack of analysis of vehicle movements during construction and operation, particularly in regard to amenity impacts on Jillywood Farm; • no assessment appears to have been carried out to determine if the proposed access could have been delivered from the A164 alongside the construction of the cabling route; and • Ørsted's assumption that access from the A1079 is 'mandatory' is unfounded and needs to be substantiated further with regard to reasonable alternatives.

ExQ2	Question to:	Question
		<p>In addition, Appendix 3 of RR-013 provides a detailed objection to the location of the proposed access to the OnSS, including that:</p> <ul style="list-style-type: none"> • the transport analysis of five potential access options by the local transport projects (<i>sic</i>) (LTP) is flawed as it does not take account of committed highway improvements to both the A1079/ A164 and the potential conflicts that could arise, including the creation of an additional (new) access to Jillywood Farm in the same A1079 layby as proposed by the DCO; • the LTP analysis has generated a 'mandatory' requirement for substation access to be taken from the A1079 which is therefore unproven; • the LTP analysis has in turn informed the substation location. Consequently, the substation location is not founded on sound and appropriate evidence; • the consideration of alternative access routes to the onshore substation is not underpinned by any specific environment or wider technical analysis of each option to directly determine their appropriateness; and • there is a range of adverse (or at best unproven) impacts arising from the substation location and access route and therefore both matters are not properly determined. <p>To Applicant:</p> <p>The ExA is aware of the response you have already provided in Annex 2 of [REP1-038]. However, please provide a response to the concerns raised in [RR-013] in regard to the access road, the assessment of alternatives and the traffic impacts. If responses have been provided already signpost where in the Application documentation they can be found. Where background documents are referred to please provide copies of all documents that have not already been submitted into the Examination. In addition, please provide further details of the 'Section 42 comments', consultation responses that you refer to in paragraph 3.10.3.1 of ES Volume A1 Chapter 3: Site Selection and Assessment of Alternatives [APP-009] and any other considerations that informed your final design for the OnSS access road.</p> <p>To ERYC:</p> <p>Please provide a response to the concerns raised in [RR-013] that are detailed above.</p> <p><i>(You may wish to combine the answer to this question with your responses to questions BGC.2.3 and PDS.2.1)</i></p>

ExQ2	Question to:	Question
TT.2.4	ERYC	<p>A164/ Jocks Lodge Junction Improvement Scheme</p> <p>[RR-013] advises that access to Jillywood Farm is currently via the A164 but that these arrangements would need to change as a result of the recent approval for improvements to the A164/ Jocks Lodge Improvement Scheme (your ref: 20/01073/STPL). In [RR-013] it is indicated that the new access arrangements are the subject of a condition of this consent. Can you:</p> <ul style="list-style-type: none"> confirm if this is correct; and if it is, provide details of the relevant condition and advise if an application has been submitted to discharge this condition. <p>If an application has been submitted provide details of the proposed access arrangements and an indication on the timeline for a decision.</p> <p>If an application has not been submitted provide an indication of when one might be submitted and any indicative access arrangements.</p> <p>You also deferred responding to ExQ1 TT.1.14 until you had seen a response from the Applicant [REP2-070]. This was received at D2 [REP2-038]. Could you therefore now provide a response and confirm whether you are satisfied with the data submitted and, if not, why not and what would need to be done to make this satisfactory.</p>
Public Rights of Way		
TT.2.5	ERYC	<p>Monitoring and management of Public Rights of Way (PRoWs)</p> <p>In Table 10 of the latest SoCG [REP3-013] it is stated that in relation to the matter of whether the proposed management measures for PRoWs are appropriate, the Applicant is <i>"Awaiting position from ERYC."</i></p> <p>Please set out when you are going to be able to provide a response to this and the other matters in regard to PRoWs that are similarly listed as awaiting your response.</p> <p>Furthermore, on page 163 of [APP-133] it is stated by the Applicant that specific monitoring and management of reinstated PRoWs is not proposed but that <i>"as part of agreements with relevant landowners, the Applicant is obligated to maintain and resolve any issues that occur as a result of Hornsea Four"</i>. Are you content with this approach or would you prefer to have a specific requirement within the DCO for the monitoring and management of reinstated PRoWs? If so, then please provide your preferred wording for this.</p>

ExQ2: 30 May 2022**Responses due by Deadline 5: 20 June 2022**

ExQ2	Question to:	Question
TT.2.6	ERYC	Confirmation of status of footpath from A164 bus stop to Lockington In your response to ExQ1 TT.1.28 [REP2-070] you referred to 'Leconfield PC'. Please confirm whether you meant to refer to Lockington PC and also re-confirm that the route from the bus stop close to the Station Road West/ A164 crossroads to the village of Lockington is not a designated PRoW.
TT.2.7	ERYC	Ramblers' concern about continued access for walkers over Footpath 12 In your response to ExQ1 TT.1.21 [REP2-070] you reserved an answer until the Applicant's response was received. Please now confirm your answer, or signpost where an answer has already been given.
TT.2.8	Applicant	Security for crossing of coastal path, whether designated or not In [REP2-038] you gave detailed answers to ExQ1 TT.1.22 about effects on PRoWs in the vicinity of the landfall. However, the location during construction of the proposed English Coastal Path, which would be crossed in some manner by the proposed export cables, remains unclear. Please confirm if it is intended that the coastal path (whether designated or not) would be crossed by HDD and if so, how this is secured by the draft DCO, and if not, how an alternative temporary diversion of the coastal path (whether designated or not) is secured by the draft DCO.