



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

## The Applicant's Comments on Written Representations

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## Glossary of Acronyms

ADR	Alternative Dispute Resolution
AEZ	Archaeological Exclusion Zones
AI	Anticipatory Investment
AON	Apparently Occupied Nests
AONB	Area of Outstanding Natural Beauty
BTSS	Blue Transmission Sheringham Shoal
CA	Compulsory Acquisition
CAA	Civil Aviation Authority
CfD	Contracts for Difference
CIA	Cumulative Impact Assessment
CIA	Cumulative Impact Assessment
CIFA	Chartered Institute of Archaeologists
CION	Connection and Infrastructure Options Note
COLREGS	International Regulation for the Prevention of Collisions at Sea
CSCB	Cromer Shoal Chalk Beds
CWS	County Wildlife Site
dB	Decibels
DCO	Development Consent Order
DEFRA	Department for the Environment, Food and Rural Affairs
DEL	Dudgeon Extension Limited
DEP	Dudgeon Offshore Wind Farm Extension Project
EAG	East Anglia Green
EIA	Environmental Impact Assessment
EIFCA	Eastern Inshore Fisheries and Conservation Authority
EMF	Electro Magnetic Fields
EMP	Ecological Management Plan
ERCoP	Emergency Response Cooperation Plan
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
FID	Final Investment Decision

FLCP	Fisheries Liaison and Coexistence Plan
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HLV	Heavy Lift Vessel
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulation Assessment
HVAC	High-Voltage Alternating Current
HVDC	High-Voltage Direct Current
IAQM	Institute of Air Quality Management
IP	Interested Parties
IPMP	In Principle Monitoring Plan
JTF	Joint Task Force
LAeq	Equivalent Continuous Sound Pressure Level
LAeq, T	Average Equivalent Continuous Sound Pressure Level
LOAEL	Lowest Observed Adverse Effect Level
LR	Landscape Recovery
MCA	Marine Coastguard Agency
MCZ	Marine Conservation Zone
MEEB	Measures of Equivalent Environmental Benefit
MGN	Marine Guidance Note
MMO	Marine Management Organisation
MoD	Ministry of Defence
MPCP	Marine Pollution Contingency Plan
MRCC	Marine Rescue Co-ordination Centres
NCC	Norfolk County Council
NGESO	National Grid System Operator Limited
NGET	National Grid Electricity Transmission
NGT	National Gas Transmission
NMP	Navigation Management Plan
NNG	Night Noise Guidelines
NPI	Non-production installation

NRA	Navigation Risk Assessment
NSIP	Nationally Significant Infrastructure Project
NSR	Noise Sensitive Receptor
NUI	Normally Unattended Installation
OFTO	Offshore Transmission Owner
ORPAD	Offshore Renewable Protocol for Archaeological Discoveries
OTN	Offshore Transmission Network
OTNR	Offshore Transmission Network Review
OWEIP	Offshore Wind Environmental Improvement Package
OWIC	Offshore Wind Industry Council
PEIR	Preliminary Environmental Information Report
PFG	Pink Footed Geese
RAF	Royal Air Force
RNLI	Royal National Lifeboat Institution
RPZ	Root Protection Zones
RRH	Remote Radar Head
SEL	Scira Extension Limited
SEP	Sheringham Offshore Wind Farm Extension Project
SNCB	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SOEL	Scira Offshore Energy Limited
SOLAS	Safety of Life at Sea
SoS	Secretary of State
SOW	Sheringham Shoal Offshore Wind Farm
SPA	Special Protection Area
SPA HOFO	Specific Approval for Helicopter Offshore Operations
SSSI	Site of Special Scientific Interest
UK	United Kingdom
UN	United Nations
UXO	Unexploded Ordnance
VMC	Visual Meteorological Conditions
WCC	White-clawed crayfish

WHO	World Health Organisation
WQ	Written Question
WSI	Written Scheme of Investigation



## Glossary of Terms

Dudgeon Offshore Wind Farm Extension Project (DEP)	The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
DEP offshore site	The Dudgeon Offshore Wind Farm Extension consisting of the DEP wind farm site, interlink cable corridors and offshore export cable corridor (up to mean high water springs).
DEP onshore site	The Dudgeon Offshore Wind Farm Extension onshore area consisting of the DEP onshore substation site, onshore cable corridor, construction compounds, temporary working areas and onshore landfall area.
DEP North array area	The wind farm site area of the DEP offshore site located to the north of the existing Dudgeon Offshore Wind Farm
DEP South array area	The wind farm site area of the DEP offshore site located to the south of the existing Dudgeon Offshore Wind Farm
DEP wind farm site	The offshore area of DEP within which wind turbines, infield cables and offshore substation platform/s will be located and the adjacent Offshore Temporary Works Area. This is also the collective term for the DEP North and South array areas.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive. This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, potential Special Protection Areas, Special Protection Areas, Ramsar sites, proposed Ramsar sites and sites compensating for damage to a European site and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017, although some of the sites listed here are afforded equivalent policy protection under the National Planning Policy Framework (2021) (paragraph 176) and joint Defra/Welsh Government/Natural England/NRW Guidance (February 2021).
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the EIA and HRA for certain topics.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.

Grid option	Mechanism by which SEP and DEP will connect to the existing electricity network. This may either be an integrated grid option providing transmission infrastructure which serves both of the wind farms, or a separated grid option, which allows SEP and DEP to transmit electricity entirely separately.
Horizontal directional drilling (HDD) zones	The areas within the onshore cable route which would house HDD entry or exit points.
Infield cables	Cables which link the wind turbine generators to the offshore substation platform(s).
Interlink cables	<p>Cables linking two separate project areas. This can be cables linking:</p> <ol style="list-style-type: none"> <li>1) DEP South array area and DEP North array area</li> <li>2) DEP South array area and SEP</li> <li>3) DEP North array area and SEP</li> </ol> <p>1 is relevant if DEP is constructed in isolation or first in a phased development.</p> <p>2 and 3 are relevant where both SEP and DEP are built.</p>
Interlink cable corridor	This is the area which will contain the interlink cables between offshore substation platform/s and the adjacent Offshore Temporary Works Area.
Integrated Grid Option	Transmission infrastructure which serves both extension projects.
Jointing bays	Underground structures constructed at regular intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The point at the coastline at which the offshore export cables are brought onshore, connecting to the onshore cables at the transition joint bay above mean high water

Offshore cable corridors	This is the area which will contain the offshore export cables or interlink cables, including the adjacent Offshore Temporary Works Area.
Offshore export cable corridor	This is the area which will contain the offshore export cables between offshore substation platform/s and landfall, including the adjacent Offshore Temporary Works Area.
Offshore export cables	The cables which would bring electricity from the offshore substation platform(s) to the landfall. 220 – 230kV.
Offshore scoping area	An area presented at Scoping stage that encompassed all planned offshore infrastructure, including landfall options at both Weybourne and Bacton, allowing sufficient room for receptor identification and environmental surveys. This has been refined following further site selection and consultation for the PEIR and ES.
Offshore substation platform (OSP)	A fixed structure located within the wind farm site/s, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
Offshore Temporary Works Area	An Offshore Temporary Works Area within the offshore Order Limits in which vessels are permitted to carry out activities during construction, operation and decommissioning encompassing a 200m buffer around the wind farm sites and a 750m buffer around the offshore cable corridors. No permanent infrastructure would be installed within the Offshore Temporary Works Area.
Onshore cable corridor	The area between the landfall and the onshore substation sites, within which the onshore cable circuits will be installed along with other temporary works for construction.
Onshore export cables	The cables which would bring electricity from the landfall to the onshore substation. 220 – 230kV.
Onshore Substation	Compound containing electrical equipment to enable connection to the National Grid.
Order Limits	The area subject to the application for development consent, including all permanent and temporary works for SEP and DEP.
PEIR boundary	The area subject to survey and preliminary impact assessment to inform the PEIR.

Separated Grid Option	Transmission infrastructure which allows each project to transmit electricity entirely separately.
Sheringham Shoal Offshore Wind Farm Extension Project (SEP)	The Sheringham Shoal Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
SEP offshore site	Sheringham Shoal Offshore Wind Farm Extension consisting of the SEP wind farm site and offshore export cable corridor (up to mean high water springs).
SEP onshore site	The Sheringham Shoal Wind Farm Extension onshore area consisting of the SEP onshore substation site, onshore cable corridor, construction compounds, temporary working areas and onshore landfall area.
SEP wind farm site	The offshore area of SEP within which wind turbines, infield cables and offshore substation platform/s will be located and the adjacent Offshore Temporary Works Area.
Study area	Area where potential impacts from the project could occur, as defined for each individual Environmental Impact Assessment (EIA) topic.
The Applicant	Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited and Dudgeon Extension Limited are the named undertakers that have the benefit of the DCO. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP.

## 1 Introduction

1. This document presents the Applicant's comments on Written Representations received from Interested Parties (IP) at Deadline 1 of the Development Consent Order (DCO) Examination for the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP).
2. As the owners of SEP and DEP, Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) are the named undertakers that have the benefit of the DCO. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP.

## 2 The Applicant's Comments on Written Representations

### 2.1 Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited

*Table 1 The Applicant's Comments on Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited's Written Representation*

ID	Written Representation Comment	Applicant's Comment
1	Further to Network Rail Infrastructure Limited's (Network Rail) relevant representation dated 11 November 2022, Network Rail wishes to make this written representation in relation to the Equinor New Energy Limited's (Promoter) application for a Development Consent Order (DCO).	The Applicant acknowledges Network Rail's comment.
2	As set out in previous representation made by Network Rail, compulsory acquisition powers are sought over its land and interests. Following further correspondence with the Promoter, the interactions have been identified as being the following:	The Applicant acknowledges Network Rail's comment.
Impacts on Operational Railway		
3	Both permanent and temporary rights are sought over Network Rail land (including, operational railway land being the Anglian Railway line) to enable the routing of electric cables. Cabling will pass under the Anglian Railway line to the southwest of Ketteringham (as shown at plot number 35-003 of the Land Plan). The Promoter has disclosed to Network Rail of their intention to use trenchless cable-laying techniques and the incorporation of a HVAC system, to reduce the risk to Network Rail's operational railway.	The Applicant acknowledges Network Rail's comments.
4	The cable will be routed under the North Norfolk Railway line near Weybourne Railway Station (as shown at plots 03-003 and 03-004 of the Land Plans). Engineers for Network Rail have confirmed that the North Norfolk Railway line does not form part of Network Rail's railway network as it is a heritage line with its own Light Railway Order. Network Rail retains restrictive covenants in relation to this land, but it does not form part of Network Rail's operational railway.	The Applicant acknowledges Network Rail's comments.
5	Engineers for Network Rail are reviewing the impacts of the cable route on the Anglian Railway line and other land in which it holds an interest. In particular, any additional risk arising from the cable-laying techniques.	The Applicant acknowledges Network Rail's comment.
Hickling Lane Overline Bridge		

ID	Written Representation Comment	Applicant's Comment
6	The Promoter intends to route construction traffic over the Hickling Lane Overline Bridge (Bridge), which is positioned above the Anglian Railway line. The use of the Bridge does not appear on the Promoter's Construction Traffic Management Plan and Network Rail is currently investigating this omission to establish whether the use of the Bridge will be on either a permanent or temporary basis.	The Applicant has now confirmed to Network Rail that it will not be using the Hickling Lane Overline Bridge to route construction traffic. This was an option considered during development of the project but does not form part of the Applicant's application.
7	The Promoter has commissioned an assessment by WSP, which determined that the Bridge would be able to withstand the levels of construction vehicle movement proposed to be routed over it. According to the report, the Bridge would be capable of withstanding full HA loading (normal traffic) and up to 45 units of HB loading (abnormal traffic). The Promoter has also estimated the Bridge to be capable of supporting up to 44 tonnes of HGV traffic.	See response to ID6 above.
8	Engineers for Network Rail are reviewing this assessment and the potential long-term impacts of the vehicle movements and resultant traffic vibrations on the Bridge's structure as well as the overall impact to the Anglian Railway line. Further mitigation may be required in order to protect the integrity of the Bridge and the safety of the Anglian Railway line.	See response to ID6 above.
Access Road		
9	The Promoter is also proposing to build a permanent access road at the Norwich Main National Grid substation to maintain operational works and to support the construction of the new substation (as shown at plots 39-038 and 39-024 of the Land Plans) (Access Road). The Access Road is sited west of the Anglian Railway Line between Diss and Norwich Station. The Promoter has stipulated that this Access Road will be located a minimum of 10 metres from Network Rail's railway boundary to ensure that no adverse loading will be put onto the embankment.	The Applicant acknowledges Network Rail's comments.
10	Engineers for Network Rail are reviewing the proposals for the Access Road to determine whether this offset distance is acceptable and if any other mitigation is required to protect its operational railway. From an initial review of the WSP Slope Stability Analysis relating to the proposal, Network Rail believes that the clearances look sufficient to protect its operational railway, subject to the usual engagement processes with Network Rail's asset protection teams as well as agreeing the detail of the scheme in accordance with Network Rail's relevant standards.	The Applicant acknowledges Network Rail's comments.

ID	Written Representation Comment	Applicant's Comment
Status of Negotiations		
11	The project team of Network Rail are liaising with the Promoter, and it is anticipated that this will continue during the course of the Examination. In particular:	The Applicant acknowledges Network Rail's comments and notes that the Applicant is in ongoing discussions with Network Rail with a view to reaching agreement on protective provisions before the end of the Examination as set out in The Applicant's <b>Statutory Undertakers Position Statement [REP1-053]</b> submitted at Deadline 1.
12	<ul style="list-style-type: none"> <li>Network Rail require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with its relevant safety standards. Good progress has been made between the parties on the form of protective provisions to be included in the DCO.</li> </ul>	See response to ID11 above.
13	<ul style="list-style-type: none"> <li>Network Rail and the Promoter are negotiating a private agreement to regulate the manner in which rights over its railway property are acquired and works carried out as well as to safeguard Network Rail's statutory undertaking. Engineers for Network Rail are in the process of reviewing the extent of impacts on its operational railway and property, and subsequently, any mitigation required will be considered in this agreement. Progress on the agreement is progressing well and the parties are confident that this will be completed before the close of the examination.</li> </ul>	See response to ID11 above.
14	<ul style="list-style-type: none"> <li>Network Rail and the Promoter are in discussions about the effect of the DCO in general in relation to the interactions of its operational railway and property. As such, the parties will continue to liaise with one another to address all outstanding matters.</li> </ul>	See response to ID11 above.
15	Until satisfactory agreement has been reached with the Promoter on all matters, Network Rail must continue to reserve the right to make further submissions to the examination at a later date.	The Applicant acknowledges Network Rail's comment.



## 2.2 Anglian Water

*Table 2 The Applicant's Comments on Anglian Water's Written Representation*

ID	Written Representation Comment	Applicant's Comment
1	Anglian Water Services Limited (Anglian Water) is the statutory body responsible for water and sewerage services within the application site. The proposed scheme will affect assets belonging to Anglian Water and therefore Protective Provisions in respect of these assets are required.	The Applicant acknowledges Anglian Water's comment.
2	At the current time the Protective Provisions set out in Schedule 14 Part 1 "Protection of Electricity, Gas, Water and Sewerage Undertakers' in the Draft Development Consent Order (DCO) are not agreed; however, Anglian Water is aware that the Applicant will be requesting a change to the application at Deadline 2 to remove the connection to the Anglian Water foul sewer and progress an infiltration drainage option. Following this, the draft Statement of Common Ground (SoCG) will be progressed.	The Applicant confirms that it has submitted its request to make a non-material change to remove the connection to the Anglian Water foul sewer. See the Applicant's <b>Cover Letter – non-material change</b> [document reference 15.1] submitted at Deadline 2.
3	Anglian Water is also in discussions with the Applicant regarding the wording of the Protective Provisions included in the Draft DCO as they are based on an old version of Anglian Water's Protective Provisions template. The Applicant has been sent the latest version of the Protective Provisions template and discussions regarding the use of this will continue and will be addressed in the draft SoCG.	The Applicant acknowledges Anglian Water's comment.
4	To provide further context to this, in Anglian Water's view Schedule 14 (Protective Provisions) Part 9 (For the Protection of Anglian Water Services Limited) of the Draft DCO is essential for regulating the relationship between the undertaker and Anglian Water. Both have legitimate wider public interests to consider and the protective provisions seek to find an ordered way of accommodating both parties' aims without frustrating the others.	The Applicant acknowledges Anglian Water's comment.
5	The standard utility protective provisions suggested by the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (SI 2009/2265) contain a number of shortcomings so far as water and sewerage networks are specifically concerned. We do not propose to go into those here as the undertaker is not suggesting limiting the DCO to that form in respect of Anglian Water's networks. Because of those shortcomings and the increasing number of DCOs affecting Anglian Water's assets, Anglian Water has sought to provide a standard form of protective provisions. These are intended to have two purposes. First, they aim to ensure public water and sewerage	The Applicant acknowledges Anglian Water's comment.

ID	Written Representation Comment	Applicant's Comment
	<p>networks can be operated without interruption to the public. Secondly, they simply make the relationship between a DCO undertaker and Anglian Water much more workable and certain in the period up to and including the construction phase.</p>	
6	<p>The undertaker is currently proposing an obsolete version of Anglian Water's standard provisions. This version was circulated until Summer 2022, and was then updated. This revision process followed engagement with the legal advisors to National Highways, who are pursuing a number of DCOs in the Anglian Water area, and who felt that the drafting could be improved. The areas of improvement are as follows:</p>	<p>The Applicant acknowledges Anglian Water's comment.</p>
7	<ul style="list-style-type: none"> <li>â€¢ it tidies up the text by defining "the Act" as meaning the Water Industry Act 1991 (which is frequently referred to);</li> <li>â€¢ it clarifies that "Anglian Water" means "Anglian Water Services Limited", which is the corporate entity holding the Secretary of State's appointment as a water and sewerage undertaker under the Act;</li> <li>â€¢ it includes sustainable drainage systems in the definition of what is considered "apparatus" requiring protection (these having become essential elements of flow mitigation in sewerage networks in recent years, but are not traditionally considered to be "sewers");</li> <li>â€¢ a general re-ordering is clearer about how the protective provisions work in respect of the individual DCO powers available to the undertaker, which might affect Anglian Water's apparatus, whilst also providing the undertaker with increased flexibility</li> <li>â€¢ it obliges Anglian Water to assist the undertaker with the exercise of its own statutory powers to enable a diversion of assets, if the DCO powers do not extend to the new route;</li> <li>â€¢ it is clear about the process required to establish and prosecute any necessary work stream on the part of the undertaker or Anglian Water, including details concerning the provision of the undertaker's proposals in respect of Anglian Water's apparatus and how long the latter has to consider them;</li> <li>â€¢ it provides the undertaker with clearly defined "step-in" rights where Anglian Water is unable or unwilling to carry out diversion works itself;</li> <li>â€¢ it provides for betterment;</li> </ul>	<p>The Applicant acknowledges Anglian Water's comments.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>â€¢ it is clear about the extent of the indemnity the undertaker gives to Anglian Water (including as to subsidence caused by the undertaker's works) and the limits to that indemnity; and</p> <p>â€¢ it provides for the safe and efficient co-ordination of works (between any diversion of apparatus and the undertaker's construction).</p>	
8	<p>Overall, we do not consider that the updated version is any more favourable either to Anglian Water or to the undertaker; but we do consider that it is far better for the above reasons. We also consider that the standard template protective provisions strike the right balance between certainty and flexibility in order to work in the circumstances presented by most DCOs.</p>	<p>The Applicant acknowledges Anglian Water's comment. As noted in <b>The Applicant's Statutory Undertakers Position Statement</b> [REP1-053] submitted at Deadline 1, the Applicant is in ongoing discussions with Anglian Water with a view to reaching agreement with Anglian Water on protective provisions before the end of the Examination.</p>
9	<p>Given the large geographical area to which Anglian Water is the appointed water and sewerage undertaker, DCOs that affect its assets are frequent and becoming increasingly so. In order to maintain a level of administrative efficiency in dealing with DCO undertakers, it is important that consistency is maintained within the terms of engagement offered by way of the protective provisions. Otherwise, it is difficult to establish internal processes that can cater for different permutations within this legal framework.</p>	<p>The Applicant acknowledges Anglian Water's comment.</p>
10	<p>We look forward to being able to progress the draft SoCG with the Applicant for submission to the Examining Authority in due course.</p>	<p>The Applicant acknowledges Anglian Water's comment. See also section 2.2.1 of <b>The Applicant's Statement of Commonality</b> [REP1-052].</p>

## 2.3 Barford and Wramplingham Parish Council

*Table 3 The Applicant's Comments on Barford and Wramplingham Written Representation*

ID	Written Representation Comment	Applicant's Comment
1	<p>Madam Chair, in relation to the DCO application under consideration for SEP and DEP, Barford and Wramplingham Parish Council would like to relay to you some specific concerns that we believe have not previously been drawn to your attention.</p>	<p>N/A</p>

ID	Written Representation Comment	Applicant's Comment
2	<p>"The proposed cable path route for these projects comes through our parish and a number of our residents are very worried about the nuisance from the noise created by construction and Horizontal Direct Drilling (HDD). This is a particular concern because we understand that HDD will be used to go:</p> <ul style="list-style-type: none"> <li>• under the River Yare to the North of Barford</li> <li>• under Chapel Street between Barford and Marlingford</li> <li>• under the River Tiffey</li> <li>• under the B1108 Road</li> </ul>	<p>The Applicant acknowledges the comment. Please see response below in ID3.</p>
3	<p>All of these HDD sites are in close proximity of Barford. We are especially concerned to note from document App-266 that the noise levels associated with different aspects of the construction is classified as "high" at receptors CCR26 and CCR26A. This classification is predicted for these receptors for the following activities: Cable Duct Installation; Cable Pull; Installation of Temporary Access Track; Establishment of Temporary Work Areas; and Trenchless Crossing (receptor CCR26A only). Predicted Decibel levels are in some cases at the level of 90 – 100dB. We are further concerned that, in the case of the trenchless crossing, the noise will continue at night and over the weekends. The noise level is set to be well above the 40 dB level at which sleep is normally affected and is likely to be particularly disruptive. This may well impair the quality of sleep and affect the health and wellbeing of our parishioners. We understand these are predictions, but of course predictions could be high or low compared with the real-life situation which can be affected by wind direction, for example. This assault is set to affect a number of residents in our parish and also businesses such as the Swans Harbour Caravanning and Camping site.</p>	<p><b>Environmental Statement (ES) Appendix 23.3 - Construction Noise Assessment [APP-266] Table 23.3.1 (Construction noise sensitive receptor (NSR) locations) identifies CCR26 and CCR 26A as medium sensitivity residential receptors in line with standard UK acoustics industry practice. Table 23.3.4 Predicted construction noise levels – onshore cable corridor – unmitigated, lists CCR26 and CCR26A predicted Average Equivalent Continuous Sound Pressure Level (LAeq,T) as 100 decibels (dB) and 90dB respectively for cable duct and installation activities. The magnitude of effect is judged as high. For Horizontal Directional Drilling (HDD) activities, predicted LAeq,T are 70dB and 78dB respectively. The magnitude of effect ranges from medium to high. These calculations were undertaken in accordance with methodology provided in formulae F.1 and F.2 of BS 5228-1 and assumed all construction plant is simultaneously operating at the DCO Order Limits, for each activity. This approach is considered to display the worst-case scenario for noise levels within the work areas and assumes all plant is operating at the nearest location to the NSR.</b></p> <p><b>In respect of the cable corridor construction works, the following response is extracted from that provided to Written Question (WQ) 1.20.4.1 [REP1-036].</b></p> <p><b>"In the calculations, it has been assumed that all plant are at the closest approach of the Order Limits or trenchless crossing location to the property. In most cases, this will not occur and the works are likely to</b></p>

ID	Written Representation Comment	Applicant's Comment
		<p><b>be in the centre of the cable corridor and wherever practicable, plant will be located away from receptors.”</b></p> <p>The noise level calculated at CCR26 and CCR26A is based on <b>distances from the plant to the identified receptors of 2.1m and 7m respectively. It is likely that the trenchless crossing shaft will be in the centre of the corridor at this location; hence the minimum separation distances to cable corridor construction works is around 65m (CCR26) and 75m (CCR26A). This reduces the predicted “without mitigation” construction noise levels at these receptors, for the loudest cable corridor construction activity (duct installation), to 64dB Equivalent Continuous Sound Pressure Level (LAeq) and 63dB LAeq respectively. For daytime working, using the criteria in Table 23-11 [APP-109], these construction noise levels equate to effects of negligible magnitude i.e. impacts are not significant.</b></p> <p>The following further information, in respect of the <b>proposed trenchless crossing works, is extracted from the response provided to WQ 1.20.4.1 [REP1-036]:</b></p> <ul style="list-style-type: none"> <li>• Drilling works will comprise up to six separate “drill profiles”, each drill profile will be completed at a rate of around 40m per day (daytime working only) or <b>80m per day (24-hour working where required);</b></li> <li>• Where practicable, the trenchless crossing shaft from which the drilling is undertaken will be located as far as possible away from the closest sensitive receptor; and</li> <li>• Night-time trenchless crossing works are <b>only proposed where absolutely necessary e.g. at railway crossings, due to a Network Rail requirement. At most trenchless crossings, night-time work would only be undertaken in an emergency, the only anticipated reason for this is due to the collapse of a tunnel, requiring the drill head to be rescued. This would only require night-time working for the remainder of that drill profile, which would be completed at a rate of 80m per day.</b></li> </ul>

ID	Written Representation Comment	Applicant's Comment
		<p>Therefore, based on these initial estimates and working practices, the potential for the construction noise impacts to result in adverse community reaction (which depends on factors including noise levels, works duration and timing) is much lower than what has been assessed in the worst-case scenario presented in the Environmental Statement."CCR26 and CCR26A are close to trenchless crossing reference RDX042 which goes under Chapel Street and is approximately 100 m long (see <a href="#">Trenchless Crossing Schedule (Revision B) [AS-022]</a>). The trenchless crossing works are anticipated to last around 3 weeks; although, with site preparation works etc. the total duration of works is likely to be longer than this. Night-time working will not be undertaken at this location except in the emergency scenario described in the answer to WQ 1.20.4.1a [REP1-036].</p> <p>The crossing is likely to be drilled from north to south; hence, <b>the drill will be in the northern shaft, at least 65m from CCR26 and 90m from CCR26A. This reduces the predicted noise levels at the properties without mitigation to 63 and 60dB LAeq respectively. For daytime working, this equates to an effect of negligible magnitude i.e. impacts are not significant.</b></p> <p>Night-time working would only be undertaken in an emergency and this would only be for the duration of one drill profile. For a 100m long crossing, the maximum period of night-time working is anticipated to be 4 days, unless multiple drills fail which is extremely unlikely. In any event, two drill failures (and the subsequent need for night-time working) would be separated by a period of daytime only working. On that basis, trenchless crossing works during the evening and weekends or night-time periods is not anticipated to last for more than 10 days in any 15 consecutive days; hence, impacts during these time periods will be not significant.</p> <p>It is also important to respond to the comment that the "40 dB level at which sleep is normally affected and is likely to be particularly disruptive". It is assumed that this has been taken from the World Health Organisation(WHO) (2009) Night Noise Guidelines for Europe (NNG). The NNG present a review of scientific research on the health effects of night-time noise exposure to</p>

ID	Written Representation Comment	Applicant's Comment
		<p>derive health-based guideline values, concluding that “adverse health effects are observed at the level above 40dB Lnight,outside, such as self-reported sleep disturbance, environmental insomnia, and increased use of somnifacient drugs and sedatives. Therefore, 40 dB Lnight,outside is equivalent to the lowest observed adverse effect level (LOAEL) for night noise”. The NNG present these values using the Lnight parameter, which is the average night-time noise level outside a property over a year. The health effects identified in the NNG occur in people experiencing long-term night-time noise exposure (at least one year). There is no evidence to suggest that any sleep disturbance caused by a short period (such as 4 days) of night-time noise levels exceeding 40dB LAeq could cause health-related effects.</p>
4	<p>We consider that the full implications of the construction of the cable path have not been brought properly to the attention of those likely to be affected. Furthermore, the Applicant has not yet provided clarity on precisely the route the cable path will take. The extreme proximity of the houses to the cable path East of Barford means the true impact of the development is hard for the occupants to assess. This is causing considerable distress to those affected. We have received a number of complaints from residents about not getting proper answers to their questions and about slow, vague responses from the Applicant seeking to dismiss their legitimate concerns.</p>	<p>The following response was provided in WQ 1.5.1.4 [REP1-036].</p> <p>The width of the onshore cable corridor (60m wide and up to 100m wide at trenchless crossings) accommodates all the project development scenarios under consideration, and includes contingency for micro-siting during construction should additional constraints be identified at a later stage in the development of SEP and DEP. Cross-section drawings showing the usage and layout of these proposed construction corridors are provided in <a href="#">ES Chapter 4 Project Description</a> [APP-090, Plate 4-18 and 4.19].</p> <p>The onshore cable corridor width of 45m (single Project) or 60m (two Projects) would also include a haul road to deliver equipment to the installation site from construction compounds, storage areas for topsoil and subsoil, and drainage. The working easement is expected to be narrower (approximately 27m for a single Project, 38m for two Projects concurrent, and approximately 45m for two Projects sequential) than the width of the Order Limits. This will allow room for micro-siting during detailed design, and for onward connection to the existing surface water drainage network for the proposed construction drainage.</p> <p>As described at paragraph 283 of <a href="#">ES Chapter 4 Project Description</a> [APP-090] the working width of the onshore cable corridor would be further reduced to approximately 20m to minimise the impacts of crossing sensitive features such as hedgerows and watercourses. This approach to the onshore works is also routine for projects of this nature and enables impacts</p>

ID	Written Representation Comment	Applicant's Comment
		<p>on sensitive features associated with the project footprint to be minimised as far as possible. It has been discussed and agreed with stakeholders through the pre-application process.</p>
5	<p>We ask the ExA to request the Applicant to provide an assurance that fully appropriate compensation will be paid to the satisfaction of those affected by the noise and construction disruption.</p>	<p>The Applicant will pay the appropriate compensation for any legal liability that it incurs in developing SEP and/or DEP.</p> <p>Appendix 3 and 4 of the <b>Funding Statement</b> [APP-027] include a precautionary estimate of possible compensation that would be payable by the Applicant in connection with the compulsory acquisition of land and rights, together with other statutory claim liabilities arising from SEP and DEP. Possible heads of liability include: compulsory acquisition of land and rights in land and imposition of restrictions; blight; severance; injurious affectation; Part 1 Claims and all other potential claims.</p> <p>Taking account of the mitigation measures proposed by the Applicant, it is considered that only a small number of rights, if any, would give rise to a valid and quantifiable claim specifically related to noise and/or construction disturbance. The <b>Outline Code of Construction Practice (Revision B)</b> [REP1-023, Section 9.1.6] commits that any properties eligible for noise insulation or temporary rehousing due to noise from the construction works will be identified and the appropriate compensation provided.</p>
6	<p>We are yet further concerned about the leakage of the drilling fluid used in HDD which we understand contains a mix of polymers and other chemicals. We are not qualified to comment on the avoidance and mitigation measures that the Applicant has stated will be in place with regard to this, but we ask the ExA to use their expertise to ensure that we can be confident that every appropriate precaution is taken to avoid contamination of soil and watercourses.</p>	<p>The following response was provided in WQ 1.13.3.1 parts c) and d) [REP1-036].</p> <p>c)....More generally, bentonite is an inert clay-based material (comprising 95% water and 5% clay) and although it does not represent a pollutant it can cause smothering of habitats as detailed the <b>Outline Code of Construction Practice (Revision B)</b> [REP1-023, Section 6.1.4].</p> <p>The <b>Outline Code of Construction Practice (Revision B)</b> [REP1-023, Section 6.1.4] includes the requirement for a hydro-fraction survey to be undertaken all drill sites and a site-specific risk assessment to be undertaken as part of the post consent detailed design process. These measures will form a Bentonite Breakout Plan. This is secured via Requirement 19 of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>



ID	Written Representation Comment	Applicant's Comment
		<p>d) .....Drilling fluid (bentonite) can sometimes break out of the bore in case of highly fissured clay, gravels or where there are large, interconnected fissures in the ground. Breakouts may also occur where man made features are present (e.g. old Site Investigation boreholes). In the event of egress of drilling fluid from the bore it is only likely to reach ground level where there is a continuous path available to the surface. The risk of a bentonite breakout during drilling cannot be fully assessed beforehand, however, any decrease in the mud volume returning to the entry pit will trigger the need for personnel to closely monitor the area around the drilling head. For this reason a close watching brief during drilling activities and a detailed contingency plan is essential to ensure that any drilling fluid breakout is contained, banded and pumped back to the entry pit with minimum disturbance to the surrounding environment.</p> <p>Further information on bentonite breakout is set out within <a href="#">the Outline Code of Construction Practice (Revision B)</a> [REP1-023, Section 6.1.4], and secured via Requirement 19 of the <a href="#">draft DCO (Revision D)</a> [document reference 3.1].</p>

## 2.4 Bidwells on behalf of John Barnard

Written Representations, Nature of the IP's Interest and Rights Sought over Land			
Written Representation	Plot number (s)	Rights sought	Nature of land interest
John Roger Barnard	33-011	Temporary Possession	Owner in respect of rights of drainage, rights of access to lay and maintain apparatus and right of passage of services through conducting media.
	34-004	Temporary Possession	Owner in respect of sub soil beneath half width of public highway.
	34-003	Temporary Possession	Owner

	33-012;33-013	Permanent Rights	Owner in respect of rights of drainage, rights of access to lay and maintain apparatus and right of passage of services through conducting media.
	34-001	Permanent Rights	Owner

**Table 4 The Applicant's Comments on Bidwells on behalf of John Barnard's Written Representations**

ID	Written Representation Comment	Applicant's Comment
1	I write as agent for John Barnard (identification number 20033228) in connection with his land (sheet 34 of 40 Land Plan-Onshore) as affected by the proposed Sheringham Shoal and Dudgeon Offshore Windfarm Extension Projects.	The Respondent's comment is noted.
2	With reference to the attached plan and the "Land Subject to Temporary Occupation and Use", I note it is proposed to gain access to the Order Limits via route A-B with the access from the B1172 Road at point A	The Respondent's comment is noted and the Applicant confirms that as set out in <b>Access to Works Plan (Revision C)</b> [document reference 2.9], the proposed access is to be used for early works (ACEW99) and construction (ACC60).
3	The proposed access at point A adjoins residential property/a car sales garage to the east, allows no "pull in" space before it meets/crosses the cycleway and is impractical for frequent use.	The Applicant has sought to keep works away from Ketts Oak and surrounding trees. The access proposed by the Respondent at Point C would require works to upgrade the access to provide a new priority junction which would result in the loss of vegetation either side. With regard to the Applicant's proposed access ACC60, prior to the commencement of construction, the technical approvals for the access design will need to be submitted to and agreed with Norfolk County Council (the local highway authority). The technical approval documentation will also include an independent assessment of road safety known as a Road Safety Audit. This commitment is secured by Requirement 15 and 17 of the <b>draft DCO (Revision D)</b> [document reference 3.1].
4	As I have previously put forward, access should be taken at point C, (approximately) a dedicated and gated accessway to the field which will allow safe crossing of the cycleway. It is also considerably nearer to point B (Order Limits) than the access point A and will, therefore, reduce the length of the access/land take on the land	
5	Could this access route amendment please be incorporated if/when the DCO is granted. Should a site meeting be required to understand the position on the ground, Mr Barnard or I would be happy to attend	

## 2.5 BNP Paribas Real Estate on behalf of Royal Mail Group Ltd

Table 5 BNP Paribas Real Estate on behalf of Royal Mail Group Ltd Written Representation

ID	Written Representation Comment	Applicant's Comment
Background		
1	<p>Royal Mail has previously submitted representations on this scheme during the following stages:</p> <ul style="list-style-type: none"> <li>• ES Scoping in February 2020;</li> <li>• Section 42 consultation in June 2021;</li> <li>• Supplementary statutory consultation in January 2022; and</li> <li>• Supplementary Section 42 consultation in February 2022.</li> </ul>	Noted.
2	<p>Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.</p>	Noted.
3	<p>Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and this should not be affected detrimentally by any statutorily authorised project.</p>	Noted.
4	<p>The Government imposes financial penalties on Royal Mail if its Universal Service Obligation service delivery targets are not met. These penalties relate to time targets for:</p> <ul style="list-style-type: none"> <li>• collections,</li> <li>• clearance through plant, and</li> <li>• delivery.</li> </ul>	Noted.
5	<p>Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection,</p>	<p>The Applicant has undertaken an extensive programme of stakeholder engagement with Norfolk County Council (NCC) and National Highways</p>

ID	Written Representation Comment	Applicant's Comment
	<p>sorting and delivery to the public is sensitive to changes in the capacity of the highway network.</p>	<p>who have a statutory duty under the Traffic Management Act to ensure the expeditious movement of traffic on their road network.</p>
6	<p>Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.</p>	<p>Following submission of the DCO, the Applicant continues to engage with NCC and National Highways and is in the process of agreeing Statements of Common Ground.</p> <p>ES <b>Chapter 24 Traffic and Transport</b> [APP-110] includes an assessment of three potential impacts that could lead to delays to drivers (including the Royal Mail). These include:</p>
7	<p>Any periods of road disruption / closure, night or day, on or to the roads immediately connected to these developments or the surrounding highway network will have the potential to impact operations and may consequently disrupt Royal Mail's ability to meet its Universal Obligation service delivery targets.</p>	<ul style="list-style-type: none"> <li>• Impact 5: Driver Delay (Capacity) - delays induced by the highway networks' lack of spare capacity to accommodate additional traffic flow;</li> <li>• Impact 6: Driver Delay (Highway Constraints) – delays induced by constrained road space forcing vehicles to slow or stop to traverse the highway network; and</li> <li>• Impact 7: Driver Delay (Road Closures) – delays to diverted traffic rerouting on the highway network due to road closures necessitated by 'open cut' trench cable road crossings.</li> </ul>
8	<p>Royal Mail has 16 operational facilities within 12 miles of the proposed DCO boundary.</p> <ul style="list-style-type: none"> <li>• Norwich Vehicle Operation Centre, NR4 6DQ;</li> <li>• Norwich Vehicle Parking, NR2 4HJ;</li> <li>• Bowthorpe Delivery Office, NR5 9PD;</li> <li>• Norwich Mail Centre, NR1 1AA;</li> <li>• Framingham Vehicle Parking, NR14 7AB;</li> <li>• Norwich Delivery Office, NR7 8ZZ;</li> <li>• Wymondham Delivery Office, NR18 0AA;</li> <li>• Blofield Vehicle Parking, NR13 4AA;</li> <li>• Wroxham Vehicle Parking, NR12 8AJ;</li> <li>• Bowthorpe Vehicle Parking, NR12 7HL;</li> <li>• North Walsham Delivery Office, NR28 9AA;</li> <li>• North WALSHAM Vehicle Parking, NR28 9DE;</li> <li>• Stalham Vehicle Parking, NR12 9AH;</li> <li>• Cromer Delivery Office, NR27 9AA;</li> </ul>	<p>It can be identified from ES <b>Chapter 24 Traffic and Transport</b> [APP-110] that with the application of additional mitigation measures set out within the <b>Construction Traffic Management Plan</b> (Rev B) [REP1-021] and secured by Requirement 15 of the <b>draft DCO (Revision D)</b> [document reference 3.1], the residual driver delay impacts are assessed to be not significant. As outlined above, the relevant highway authorities will take a view on the assessed impact significance in accordance with their duty under the Traffic Management Act.</p> <p>The Applicant can confirm that there are no royal mail post boxes located within the Order Limits.</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>• Cromer Church Street Vehicle Parking, NR27 9HH; and</li> <li>• Norwich Vehicle Operation Centre, NR4 6DQ.</li> </ul>	
Update on Royal Mail's position as at February 2023		
9	<p>Royal Mail does not wish to stop or delay the proposed works from occurring. However, Royal Mail does wish to ensure the protection of its future ability to provide an efficient mail sorting and delivering service to the public from and to the above identified operational facilities in accordance with its statutory obligations.</p>	Noted.
10	<p>Royal Mail has reviewed the draft DCO and Outline Construction Traffic Management Plan ("CTMP"), both published in October 2022. Within both documents, no specific reference to Royal Mail or postal services have been identified.</p>	<p>Section 2.4 of the <b>Outline Code of Construction Practice</b> [REP1-023] outlines that a Stakeholder Communications Plan will be developed as part of the Code of Construction Practice and will ensure effective and open communication with local residents, businesses, the local community and the emergency services that may be affected by the construction works.</p>
11	<p>In order to protect Royal Mail's position, it is requested that wording is added to the future Construction Transport Management Plan ("CTMP") to secure the following mitigations:</p> <ol style="list-style-type: none"> <li>1. the CTMP includes specific requirements that during the construction phase Royal Mail is notified by Equinor or its contractors at least one month in advance on any proposed road closures / diversions / alternative access arrangements, hours of working;</li> <li>2. where road closures / diversions are proposed, Equinor or its contractors liaise with Royal Mail at least one month in advance to identify and make available alternative highway routes for operational use, where possible; and</li> <li>3. the CTMP includes a mechanism that informs Royal Mail about works affecting the local highways network (with particular regard to Royal Mail's distribution facilities near the proposed works, as identified above).</li> </ol>	<p>As a potentially impacted local business, the Royal Mail will be included within the Stakeholder Communications Plan and made aware of type and timing of works.</p> <p>The Applicant can confirm that there are no royal mail post boxes located within the Order Limits.</p>

ID	Written Representation Comment	Applicant's Comment
12	<p>A good example of potential wording for Equinor to consider for inclusion in this scheme's OCTMP / CTMP is provided in the CTMP for Highways England's A1 Birtley to Coal House Improvement Scheme:</p> <p>"2.8.1 Advanced notifications of programmed diversions and closures will be issued to major road users in the vicinity of the scheme including Royal Mail. This will include providing major road users with not less than 7 working days' notice of any road closures, diversions or alternative access arrangements that may affect travel on those routes and (if available) in all cases the agreed hours of working. This will form part of a wider communications plan associated with the scheme. The method of communication will be agreed as part of the final Construction Traffic Management Plan. Highways England will consult with Royal Mail on the content of the final Construction Traffic Management Plan."</p>	
13	<p>Any queries or information requests arising from this update statement by Royal Mail should be directed to:</p> <ul style="list-style-type: none"> <li>• Holly Trotman (@royalmail.com), Senior Planning Lawyer, Royal Mail Group Limited</li> <li>• Daniel Parry Jones (@realestate.bnpparibas), Director, BNP Paribas Real Estate</li> <li>• Jia Mei Tristodianto-Lee (@realestate.bnpparibas), Graduate Planner, BNP</li> </ul> <p>Please can you confirm receipt of this consultation response by Royal Mail.</p>	Noted.

## 2.6 Bryan Cave Leighton Paisner LLP on behalf of National Grid Electricity Transmission (NGET)

*Table 6 The Applicant's Comments on Bryan Cave Leighton Paisner LLP on behalf of National Grid Electricity Transmission's (NGET) Written Representation*

ID	Written Representation Comment	Applicant's Comment
1 INTRODUCTION		
1.1	National Grid Electricity Transmission Plc ("NGET") made a relevant representation in this matter on 14 November 2022 in order to protect apparatus owned by NGET.	The Applicant acknowledges the comment.
1.2	"NGET does not object in principle to the development proposed by Equinor New Energy Limited ("the Promoter") and as defined as the "Authorised Development" in the draft Development Consent Order (the "Draft Order"). "	The Applicant acknowledges the comment.
1.3	<p>"NGET does however, object to:</p> <p>(a) the Authorised Development being carried out in close proximity to its apparatus in the area unless and until suitable protective provisions and related agreements have been secured to its satisfaction, to which see further at paragraph 5; and</p> <p>(b) any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect its land interests, rights apparatus, or right to access and maintain its apparatus. This is unless and until suitable protective provisions and any necessary related amendments have been agreed and included in the Draft Order.</p>	The Applicant acknowledges NGET's comments and notes that the Applicant is in ongoing discussions with NGET with a view to reaching agreement on protective provisions before the end of the Examination as set out in <b>The Applicant's Statutory Undertakers Position Statement (Revision A)</b> [REP1-053] submitted at deadline 1.
1.4	NGET owns and operates the electricity transmission network in England and Wales. NGET operate but do not own the Scottish networks. Paragraph 7 below addresses in further detail the role of NGET as a Transmission Owner as opposed to a System Operator. NGET is required to comply with the terms of its Electricity Transmission Licence in the delivery of its statutory responsibility. Under Section 9 of the Electricity Act 1989, NGET have a statutory duty to maintain 'an efficient, co-ordinated and economical' system of electricity transmission.	The Applicant acknowledges NGET's comment.

ID	Written Representation Comment	Applicant's Comment
2 NGET ASSETS		
2.1	<p>NGET currently has a sub-station and high voltage overhead electricity transmission lines within or in close proximity to the proposed Draft Order limits. Other above- ground electricity transmission infrastructure is proposed to be constructed in the vicinity of the Substation, subject to, amongst other things, all necessary consents and approvals being obtained.</p>	<p>The Applicant acknowledges NGET's comment.</p>
2.2	<p>Details of NGET's existing assets are as follows</p> <ul style="list-style-type: none"> <li>(a) Norwich Main Substation (the "Substation")</li> <li>(b) 4VV 400kV Norwich Main to Walpole 1 and 2</li> <li>(c) 4YM 400 KV Bramford to Norwich Main 1 and 2</li> <li>(d) PGG 132 kV Norwich Main to Norwich Trowse 3;</li> <li>(e) PHC 123kV Norwich Main to Norwich Trowse 1 (together with the other assets, the "NGET Assets").</li> </ul>	<p>The Applicant acknowledges NGET's comment.</p>
2.3	<p>The NGET Assets form an essential part of the electricity transmission network in England and Wales.</p>	<p>The Applicant acknowledges NGET's comment.</p>
2.4	<p>NGET is particularly concerned about:</p> <ul style="list-style-type: none"> <li>(a) the effect which the Promoter's proposed connection into the Substation (being Works No. 16A/B or C and 17A/B or 17C (defined as the "National Grid substation connection works") in the Draft Order) may have on planned customer connections into the Substation as well as those other connections likely to be proposed at a later date;</li> <li>(b) the effect which the Promoter's rights requested over land surrounding the Substation may have on the intended expansion of the Substation required to enable NGET to discharge its duties to its other customers. The Promoter has previously been made aware of relevant future development in areas surrounding the Substation but continues to request rights and powers related to the Authorised Development that would conflict with this development. Such rights and powers are not necessary, in NGET's opinion, in relation to the Promoter's connection into the Substation, as the</li> </ul>	<p>The Applicant notes NGET's comments and will continue ongoing discussions with NGET. During a meeting with National Grid System Operator Limited (NGESO) (which was also attended by representatives of NGET) on 15 February 2023 it was indicated to the Applicant that the connection for SEP and DEP into the substation would be located to the west of the substation, although confirmed details are still subject to final detailed design. It was noted that discussions between NGESO, NGET, the Applicant and other parties connecting to the Norwich Main substation are ongoing to enable co-existence of all infrastructure. The Applicant has been and continues to be mindful of other developments proposed in the vicinity of Norwich Main and has sought and is seeking to manage these interactions with NGET and other developers through providing sufficient flexibility within the draft DCO and through negotiation of appropriate protective provisions and agreements where appropriate. See the Applicant's responses to WQ1.9.1.3 and WQ1.11.7.1 within <a href="#">The</a></p>



ID	Written Representation Comment	Applicant's Comment
	<p>proposed connection bay for the Promoter will be located to the west of the Substation;</p> <p>(c) the likely interface between the Authorised Development and other future intended extension or development of the Substation which is necessary in order to allow NGET to discharge its various duties as a statutory undertaker, including to make available sufficient connection space for new customers to ensure adequate electrical supply. However, and based on a review of the submissions made to date by the Promoter, NGET is concerned that the Authorised Development may prevent such necessary developments or extensions as are necessary to accommodate those new connections; and</p> <p>(d) the effect of the rights and powers sought by the Promoter over the access road to the Substation. This is the only means of accessing the Substation, and as owner of the transmission system NGET must have unrestricted access to the Substation to ensure it is capable of discharging its duties with regard to maintenance.</p>	<p><b>Applicant's Responses to the Examining Authority's Written Questions [REP1-036]</b> submitted at deadline 1.</p>
2.5	<p>In respect of the NGET Assets (and any other NGET infrastructure located within the proposed Draft Order limits or in close proximity to the Authorised Development and associated works), NGET will require protective provisions to be put in place to ensure that:</p> <p>(a) all NGET interests and rights including rights of access to the Substation and such future rights as NGET may require in order to discharge its statutory duty by providing sufficient connection bays for its customers are unaffected by the power of compulsory acquisition, grant and extinguishment of rights and temporary use powers; and</p> <p>(b) appropriate protection for the NGET Assets and any other retained apparatus is maintained during and after construction of the Authorised Development. This includes compliance with all relevant standards on safety clearances EN 43-8 (Development near overhead lines), and HSE Guidance Note GS6 Avoiding Danger from Overhead Electric Lines.</p>	<p>The Applicant acknowledges NGET's comment.</p>

ID	Written Representation Comment	Applicant's Comment
2.6	Discussions between NGET and the Promoter are ongoing regarding the interface between the part of the Authorised Development which comprises onshore connection works (Works No. 16A/B or 16C); permanent mitigation, landscaping and drainage works (Works No. 18A/B); permanent accesses (Works No. 19A/B); permanent landscape and ecological mitigation works (Works No. 22A/B) and an above ground connection into the Substation and other works that NGET is or may be planning to carry out in order to comply with its duties as a statutory undertaker.	The Applicant acknowledges NGET's comment. The Applicant notes that it is in ongoing discussions with NGET as set out in <a href="#">The Applicant's Statutory Undertakers Position Statement</a> [REP1-053] submitted at deadline 1.
2.7	NGET welcomes cooperation with the Promoter in terms of the planning of mitigation measures in light of future proposed reinforcements to the electricity network, however until the principles relating to that interface have been established, NGET must continue to note its concerns as to the interference which is likely to be caused by the Authorised Development. Such interference is itself likely to significantly inhibit NGET's ability to fulfil its duties as a statutory undertaker, including through provision of adequate substation resources. NGET would wish to make reference to their document 'Development Near Overhead Lines' which provides overhead line clearance distances from objects, including vegetation.	The Applicant acknowledges NGET's comment. The Applicant notes that it is in ongoing discussions with NGET as set out in <a href="#">The Applicant's Statutory Undertakers Position Statement</a> [REP1-053] submitted at deadline 1.
2.8	NGET therefore reserves the right to make further representations to the Examining Authority as these discussions progress.	The Applicant acknowledges NGET's comment.
<b>3 NGET - REGULATORY PROTECTION FRAMEWORK</b>		
3.1	<p>NGET have issued guidance in respect of standards and protocols for working near to electricity transmission equipment in the form of:</p> <p>(a) Third Party Working near National Grid Electricity Transmission equipment - Technical Guidance Note 287, which gives guidance and information to third parties working close to NGET assets. This cross refers to statutory electrical safety clearances which are used as the basis for ENA (TA) 43-8, which must be observed to ensure safe distance is kept between exposed conductors and those working in the vicinity of electrical assets; and</p>	The Applicant acknowledges NGET's comments.

ID	Written Representation Comment	Applicant's Comment
	(b) Energy Network Associations Development near Overhead Lines ENA (TS) 43-8, which sets out the derivation and applicability of safe clearance distances in various circumstances including crossings of OHL and working in close proximity.	
3.2	Additionally HSE's guidance note 6 "Avoidance of Danger of Overhead Lines". Summarises advice to minimise risk to life/personal injury and provide guidance to those planning and engaging in construction activity in close proximity to OHL.	The Applicant acknowledges NGET's comment.
3.3	NGET requires specific protective provisions in place to provide for an appropriate level of control and assurance that industry standards will be complied with in connection with works to and in the vicinity of its electricity transmission assets (including the NGET Assets).	The Applicant acknowledges NGET's comment and notes that the Applicant is in ongoing discussions with NGET with a view to reaching agreement on protective provisions before the end of the Examination as set out in <b>The Applicant's Statutory Undertakers Position Statement</b> [REP1-053] submitted at deadline 1.
<b>4 PROPERTY ISSUES</b>		
4.1	NGET asserts that maintaining appropriate property rights to support its assets and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.	The Applicant acknowledges NGET's comment.
4.2	<p>Insufficient property rights would have the following safety implications:</p> <p>(a) Inability for qualified personnel to access apparatus for its maintenance, repair and inspection</p> <p>(b) risk of strike to buried assets and/or cable/overhead lines if Authorised Development occurs within the easement zone which seeks to protect such assets; and</p> <p>(c) Risk of inappropriate development within the vicinity of the assets, thereby increasing the risk of damage to the asset and integrity of the electricity transmission network.</p>	The Applicant acknowledges NGET's comment.
<b>5 PROTECTIVE PROVISIONS</b>		

ID	Written Representation Comment	Applicant's Comment
5.1	<p>NGET seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to its Apparatus as part of the Authorised Development the following procedures are complied with by the Promoter:</p> <p>(a) National Grid is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus; and</p> <p>(b) works in the vicinity of NGET apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of NGET's land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGET's existing interests and rights and not contradict with or cut across such rights.</p>	<p>The Applicant acknowledges NGET's comments and notes that the Applicant is in ongoing discussions with NGET with a view to reaching agreement on protective provisions before the end of the Examination as set out in <b>The Applicant's Statutory Undertakers Position Statement</b> [REP1-053] submitted at deadline 1.</p>
5.2	<p>National Grid maintain that without an agreement or qualification on the exercise of unfettered compulsory powers or connection to its apparatus the following consequences will arise:</p> <p>(a) Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk</p> <p>(b) Any damage to apparatus has potentially serious hazardous consequences for individuals located in the vicinity of the apparatus if it were to fail; an</p> <p>(c) Prevention of NGET's ability to access its land or exercise its rights over land caused by the Authorised Development could inhibit NGET's ability to comply with its duties as statutory undertaker to provide electricity transmission.</p>	<p>The Applicant acknowledges NGET's comments.</p>
5.3	<p>While discussions with the Promoter remain ongoing, the Draft Order does not yet contain fully agreed protective provisions expressed to be for the protection of NGET to NGET's satisfaction, making it currently deficient from NGET's perspective.</p>	<p>The Applicant acknowledges NGET's comment.</p>
5.4	<p>NGET contend that it is essential that these provisions are addressed to its satisfaction to ensure adequate protection for the NGET Assets. Negotiations between the parties in respect of the form of the Protective Provisions to be</p>	<p>The Applicant acknowledges NGET's comment.</p>

ID	Written Representation Comment	Applicant's Comment
	included within the Draft Order are well advanced but not concluded and there remain a few outstanding issues.	
5.5	Should it not be possible to reach agreement with the Promoter, National Grid reserves its right to attend a Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format of the Protective Provisions and any necessary amendment to the Draft Order.	The Applicant acknowledges NGET's comment and reiterates that it is in ongoing discussions with NGET with a view to reaching agreement on protective provisions before the end of the Examination as set out in <a href="#">The Applicant's Statutory Undertakers Position Statement [REP1-053]</a> submitted at deadline 1.
5.6	If this is necessary NGET reserve the right to provide further written information in advance in support of any detailed issues remaining in dispute between the parties at that stage.	The Applicant acknowledges NGET's comment.
6 ATTENDANCE AT ISSUE SPECIFIC HEARING (ISH4)		
6.1	NGET notes the contents of the Rule 8 Letter (dated 27 January 2023), and specifically the invitation made by the Examining Authority ("ExA") at Annex B for NGET to attend ISH4 on 23 March.	No comment.
6.2	NGET is grateful to the ExA for its invitation to attend ISH4.	No comment.
6.3	NGET does not consider at this time that it will need to attend ISH4 provided that there is substantive and meaningful engagement with the Promoter in the interim period.	The Applicant acknowledges NGET's comment.
6.4	However, NGET reserves the right to request to attend ISH4 should demonstrable progress in terms of resolving remaining issues between the Parties not be made.	The Applicant acknowledges NGET's comment.
7 RESPONSE TO FIRST WRITTEN QUESTIONS		
7.1	In response to the Examining Authority's publication on 27 January 2023 of the Written Questions and Requests for information (WQ1), NGET has set out at Appendix 1 its replies to those questions addressed to 'National Grid'.	See <a href="#">The Applicant's Comments on Responses to the Examining Authority's First Written Questions</a> [Document Reference 14.4] submitted at deadline 2.
7.2	In some of NGET's replies at Appendix 1 below, NGET directs the Examining Authority to responses that will be separately submitted by National Grid Electric System Operator ("NGESO"). The following paragraphs explain the	The Applicant acknowledges NGET's comment.

ID	Written Representation Comment	Applicant's Comment
	rationale for this distinction further, and are intended to assist the Examining Authority moving forwards.	
7.3	NGET is one of three Transmission Owners in Great Britain, owning the high voltage National Electricity Transmission System ("NETS") in England and Wales. NGET's obligations include building and maintaining the NETS safely, reliably, economically and efficiently; providing transmission services to its System Operator; and supporting the System Operator to provide connection offers in response to customer or users' requests.	The Applicant acknowledges NGET's comment.
7.4	NGESO is a System Operator. Its role is to coordinate and direct the flow of electricity onto and over the NETS in an economic and coordinated manner. NGESO must maintain system balance minute by minute, and address supply and demand mismatch, generation shortfall and/or high demand and insufficient generation margins to maintain supply. Additionally NGESO manages the connection application and offer process in Great Britain between NGET and the party wishing to connect to the NETS (generator, customer etc.). NGESO operates the system, but is not responsible for the infrastructure needed to carry the electricity.	The Applicant acknowledges NGET's comment.
7.5	NGET has had business separation obligations in its licence for a long time, requiring it to be separate from other National Grid group businesses operating in markets of Interconnectors, Carbon Capture and Storage and Offshore Transmission. Legal separation between NGET as Transmission Owner and NGESO as System Operator occurred on 1st April 2019. NGET and NGESO are legally separate companies operating within the National Grid group as separate businesses. Interactions between the two businesses are formalised, and NGET is not in a position to respond to the Examining Authority on matters which are the responsibility of NGESO.	The Applicant acknowledges NGET's comment.
7.6	NGET have drawn to NGESO's attention the ExA's First Written questions and, as noted above, a response to the relevant questions will be submitted separately on behalf of NGESO.	The Applicant acknowledges NGET's comment.

## 2.7 Bryan Cave Leighton Paisner LLP on behalf of National Gas Transmission

*Table 7 The Applicant's Comments on Bryan Cave Leighton Paisner LLP on behalf of National Gas Transmission Written Representation*

ID	Written Representation Comment	Applicant's Comment
1	INTRODUCTION	
1.1	BCLP made a relevant representation on behalf of National Grid Gas Plc ("NGG") in this matter on 11 November 2022 in order to protect apparatus owned by NGG.	The Applicant acknowledges National Gas Transmission's (NGT) comment.
1.2	As a result of a sale to a consortium between Macquarie Infrastructure and Real Assets (Europe) Limited and British Columbia Investment Management Corporation, National Grid Gas Plc has changed its name to National Gas Transmission Plc ("NGT"), effective 6 February 2023. Therefore, all further engagement in respect of this matter will be on behalf of NGT.	The Applicant acknowledges NGT's comment.
1.3	NGT does not object in principle to the development proposed by Equinor New Energy Limited ("the Promoter") and as defined as the "Authorised Development" in the draft Development Consent Order (the "Draft Order").	The Applicant acknowledges NGT's comment.
1.4	<p>NGT does however, object to:</p> <p>(a) the Authorised Development being carried out in close proximity to its apparatus in the area unless and until suitable protective provisions and related agreements have been secured to its satisfaction, to which see further at Paragraph 5 of this Written Representation; and</p> <p>(b) any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect its land interests, rights, apparatus, or right to access and maintain its apparatus. This is unless and until suitable protective provisions and any necessary related amendments have been agreed and included in the Draft Order.</p>	The Applicant acknowledges NGT's comments.
1.5	NGT owns, manages and operates the national gas transmission infrastructure in Great Britain. NGT has licences to operate the gas transmission network, and is required to comply with the terms of these licences in the delivery of their statutory responsibilities. NGT has a statutory	The Applicant acknowledges NGT's comment.

ID	Written Representation Comment	Applicant's Comment
	duty (under Section 9 of the Gas Act 1986) to develop, maintain, and operate an efficient and economical network for and to facilitate competition in the supply of gas in Great Britain.	
2	NGT ASSETS	
2.1	<p>NGT owns and operates four High Pressure Gas Transmission Pipelines located within or in close proximity to the current Order Limits as follows:</p> <ul style="list-style-type: none"> <li>(a) Feeder 4: Suffield to Little Barningham;</li> <li>(b) Feeder 27: Bacton to Kings Lynn;</li> <li>(c) Feeder 2: Erpingham to Guestwick; and</li> <li>(d) Feeder 3: Bacton to Roundham Heath (together, the "NGT Assets").</li> </ul>	The Applicant acknowledges NGT's comments.
2.2	The NGT Assets form an essential part of the gas transmission network in England, Wales and Scotland.	The Applicant acknowledges NGT's comment.
2.3	<p>In respect of the NGT Assets (and any other NGT infrastructure located within the current Draft Order limits or in close proximity to the proposed Authorised Development and associated works), NGT will require protective provisions to be put in place to ensure that:</p> <ul style="list-style-type: none"> <li>(a) all NGT interests and rights, including rights of access both to the NGT Assets and any other NGT apparatus, are unaffected by the powers of compulsory acquisition, temporary possession, and the grant and/or extinguishment of rights as set out in the Draft Order; and</li> <li>(b) appropriate protection for the NGT Assets and any other retained apparatus is maintained during and after construction of the Authorised Development in accordance with the Protective Provisions and the relevant safety standards as set out below.</li> </ul>	The Applicant acknowledges NGT's comments and notes that it is in ongoing discussions with NGT with a view to reaching agreement on protective provisions before the end of the Examination as set out in <b>The Applicant's Statutory Undertakers Position Statement (Revision A)</b> [REP1-053] submitted at deadline 1.



ID	Written Representation Comment	Applicant's Comment
2.4	NGT also require 24 hour access to all assets listed at 2.1 and 2.3 throughout the construction and operation of the Authorised Development and will liaise with the Promoter to ensure this is maintained.	The Applicant acknowledges NGT's comments.
2.5	Discussions regarding site-specific interactions and impacts are ongoing between NGT and the Promoter, and NGT reserves the right to raise further issues as these discussions progress.	The Applicant acknowledges the comment and welcomes continued discussions with NGT.
<b>3 NGT REGULATORY PROTECTION FRAMEWORK</b>		
3.1	Relevant guidance in respect of standards and protocols for working in the vicinity of high pressure gas pipelines applies in the form of National Grid Guidance for Safe Working in the vicinity of High Pressure Pipelines T/SP/SSW/22 which is aimed at parties carrying out work in the vicinity of high pressure gas pipelines and associated installations and is provided to ensure that those planning and undertaking work take appropriate measures to prevent damage.	The Applicant acknowledges NGT's comment.
3.2	The requirements in T/SP/SSW/22 are also in line with the IGE (Institution of Gas Engineers) recommendations in IGE/SE/18 Edition 2 – Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations and HSE's guidance document HS (G) 47 Avoiding Danger from Underground Services.	The Applicant acknowledges NGT's comment.
3.3	NGT requires specific protective provisions to be put in place to provide for an appropriate level of control and protection for all retained assets (including the NGT Assets) and assurance that industry standards will be complied with in connection with works to and in the vicinity of the same.	The Applicant acknowledges NGT's comments and notes that it is in ongoing discussions with NGT with a view to reaching agreement on protective provisions before the end of the Examination as set out in <b>The Applicant's Statutory Undertakers Position Statement (Revision A)</b> [REP1-053] submitted at deadline 1.
<b>4 PROPERTY ISSUES</b>		
4.1	NGT asserts that maintaining appropriate property rights to support its assets and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.	The Applicant acknowledges NGT's comments.
4.2	Insufficient property rights would have the following safety implications:	The Applicant acknowledges NGT's comments.

ID	Written Representation Comment	Applicant's Comment
	<p>(a) inability for qualified personnel to access apparatus for its maintenance, repair and inspection;</p> <p>(b) risk of strike to buried assets if development occurs within the easement zone which seeks to protect such buried assets; and</p> <p>(c) risk of inappropriate development within the vicinity of the assets, thereby increasing the risk of damage to the asset and to the integrity of the gas transmission network.</p>	
5	PROTECTIVE PROVISIONS	
5.1	<p>NGT seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to its apparatus (including the NGT Assets) as part of the Authorised Development the following procedures are complied with by the Promoter:</p> <p>(a) NGT is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus; and</p> <p>(b) works in the vicinity of NGT's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of NGT's land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGT's existing interests and rights and not contradict with or cut across such rights.</p>	<p>The Applicant acknowledges NGT's comments and notes that it is in ongoing discussions with NGT with a view to reaching agreement on protective provisions before the end of the Examination as set out in <b>The Applicant's Statutory Undertakers Position Statement (Revision A)</b> [REP1-053] submitted at deadline 1.</p>
5.2	<p>While discussion remains ongoing, the Draft Order does not yet contain fully agreed protective provisions expressed to be for the protection of NGT to NGT's satisfaction, making it currently deficient from NGT's perspective.</p>	<p>The Applicant acknowledges NGT's comments.</p>
5.3	<p>NGT contends that it is essential that these provisions are addressed to its satisfaction to ensure adequate protection for the NGT Assets and that protective provisions on its standard terms are provided. Negotiations between the parties in respect of the form of the Protective Provision to be included within the Order are well advanced but not concluded and a there remain a few outstanding issues. Should it not be possible to reach agreement with the Promoter, NGT reserves the right to attend a Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format</p>	<p>The Applicant acknowledges NGT's comments.</p>

ID	Written Representation Comment	Applicant's Comment
	of the Protective Provisions. If this is necessary NGT reserve the right to provide further written information in advance in support of any detailed issues remaining in dispute between the parties at that stage.	

## 2.8 Chris and Susie Tansley

Nature of the Interest and Rights Sought over Land			
Written Representation	Plot number (s)	Rights sought	Nature of land interest
Christopher Robert Esh Tansley & Suzanne Ruth Tansley	03-010;04-003;04-014	Permanent Rights	Owner
	04-002;04-004;04-005;04-006;04-010;04-011;04-012;04-013	Temporary Possession	Owner

*Table 8 The Applicant's Comments on Chris and Susie Tansley's Written Representation*

ID	Written Representation Comment	Applicant's Comment
1	It has never been explained to us the incongruity of the decision to come ashore at Muckleburgh, taking a circuitous and complicated route around Weybourne. If the cables were to come ashore a few hundred metres to the East of Weybourne, where the cliffs disappear, the route could go almost straight to Bodham without upsetting anyone. This would be a shorter route, passing entirely through agricultural and forest land. If there is a very good reason why Muckleburgh has been chosen, then why can't the corridor run from Muckleburgh along the shoreline to the point above mentioned?	<p>The Applicant has undertaken a thorough site selection process. The selection of landfall at Weybourne avoids populated areas at the coast and minimises direct disturbance to the Muckleburgh Collection and to users of the coastal path. The proposed onshore cable corridor was selected based upon guiding design principles and a cable corridor refinement process which included consideration of consultation feedback. Permanent visual impacts during the operational life of SEP and DEP will be minimised with the use of an underground cable system. The cables will not be installed beneath any residential properties or gardens.</p> <p>The Applicant refers to the following documents which explain the rationale for the chosen landfall site:</p> <ul style="list-style-type: none"> <li>• <b>ES Chapter 3 Site Selection and Assessment of Alternatives</b> [APP-089, Section 3.7].</li> </ul>

ID	Written Representation Comment	Applicant's Comment
		<ul style="list-style-type: none"> <li>• <b>ES Appendix 3.2 Cable Landfall Concept Study</b> [APP- 176].</li> </ul>
2	<p>The road and compound that is proposed is to be constructed very close to our home and business. We have owned the land in question since 1972 and started our holiday business 30 years ago. We have twenty-six properties, all of which are holiday homes except our own house and our Manager's. These are not mobile homes but are permanent high quality A-frame buildings. You will see from the map that the cables will pass under a valley which is very close to the properties. In the centre of this valley it is proposed to build a compound for the joining of two sets of cables. This will entail building a roadway into the valley and felling a number of trees which will inevitably cause a lot of noise and disruption. This valley has been closed off for many years because it is a haven for wildlife. Due to it's situation it is a protective environment for a variety of plants, animals and birds, especially badgers who have a number of setts within the corridor (the largest and most obvious of these on 'What Three Words' is:- speared.walz.mistaking) Muntjacs, roe deer and red deer are often seen there. This is an Area of Outstanding Natural Beauty and although the whole forest is described as 'commercial' it is far more than that. Forestry work only takes place every 5 or 6 years and this particular valley has not been touched for as long as we can remember. Although we have been assured that it will recover when the scheme is completed, we believe it will take a very long time and will not be in our lifetime.</p>	<p>The Applicant refers to <b>ES Chapter 4 Figures – Project Description</b> [APP-178, Figure 4.10, Sheet 1] which confirms the cables will be installed by trenchless techniques, e.g. HDD at this location. This is also presented in the <b>Crossing Schedule – Revision B</b> [AS-022]. The relevant crossing ID's are 31 and 32.</p> <p>HDD will be used to cross Weybourne Woods. This will be undertaken in two parts, each 400 metres in length. The midway point has been the subject of an arboricultural survey, which has been used to locate a drilling compound within an existing gap in the wood that can be accessed via the firebreak within the woodland. This site was chosen due to a low density of trees, with limited ecological value and as set out within the <b>Arboricultural Survey Report</b> [APP-228], about half of the trees within the compound area are dead or dying. Using HDD through Weybourne Woods will avoid an open cut installation through the woodland which would result in more widespread tree loss and a greater impact to ecological receptors. See <b>ES Chapter 4 Project Description</b> [APP-090] for further information.</p> <p><b>ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] presents the ecological impact assessment undertaken for SEP &amp; DEP. Details relating to the pre-, during- and post-construction mitigation measures for onshore ecology and ornithology receptors is presented (and will be secured through DCO Requirement 13) within the <b>Outline Ecological Management Plan (Revision B)</b> [document reference 9.19].</p>
3	<p>We strongly feel that if the cable route were moved to the east in accordance with our plan herewith (following one of the two favoured routes of Equinor) the valley and its wildlife could be saved. There was originally an alternative route which would make far more sense. There would be no need to build the roadway into the valley, or to fell the trees and any noise would be far less disruptive to the wildlife, ourselves and holiday visitors. It is the position of the compound and the joining of the cables that are our main worries. We do not know how much access</p>	<p>The Applicant refers to <b>ES Chapter 3 Site Selection &amp; Assessment of Alternatives</b> [APP-089, Section 3.9.3.2] which sets out the approach taken to selection of the onshore cable corridor.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>will be needed in the future to the compound or whether extra cables could be added and we are not clear how long the work will take. We have just under a hundred acres of land and we cannot see why the corridor has to be so close to our home and business and why it could not be moved further to the east where there are no properties and would therefore be less disruptive. The alternative route would be very little longer than the one currently proposed as the cables turn sharp east as soon as they pass under our boundary. It would also be much better for our neighbours below us, ( ) as the current corridor will be extremely close to their house and they are very unhappy about it.</p>	
4	<p>Another huge concern is the use of our entrance for vehicles entering the forest and the chaos it would cause for our business. The amount of traffic using Sandy Hill Lane has been increasing over the past few years and has become a real problem. Kelling Heath Holiday Park has permission to increase its number of mobile homes which will bring yet more traffic. Our entrance is on a very sharp bend and would become even more dangerous than at present if heavy equipment and vehicles were coming in and out. The plan is to use the public footpath for the smaller vehicles, i.e. 4 x 4's which would mean they would have to use our entrance and the lorries etc. will be passing the other side of the hedge alongside the public footpath. This will be very disruptive to our holiday guests and will no doubt do some damage to our business as the main reason people come to stay in our lodges is for the peace and quiet, forest walks and wildlife.</p>	<p>Prior to the commencement of construction, the technical approvals for the access designs will need to be submitted to and agreed with Norfolk County Council (the local highway authority). The technical approval will not be granted until an independent assessment of road safety, is undertaken (known as a Road Safety Audit) and that all recommendations have been addressed in the design. This commitment is secured by Requirements 15 and 17 of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p> <p>The Applicant also refers to its responses to North Norfolk District Council's Local Impact Report and the section on Tourism, Recreation and Socio-Economics (ID37 to ID42) [document reference 14.3].</p>
5	<p>We understand that a temporary road is to be built from Bodham across the fields to the public footpath, further to the east and away from the lodges. We feel it would be much safer if all the works traffic were to use that road instead of Sandy Hill Lane and the public footpath.</p>	<p>It is the Applicants intention that access ACC11 (the access from the A148 near Bodham) (depicted in the <b>Access to Works Plans (Revision C)</b> [document reference 2.9]) would be utilised for the majority of construction works to the south of the Weybourne Woods with vehicles travelling north along the temporary haul road. However, access ACC09 would also be required to facilitate construction access (prior to installation and/or upon removal of the haul road) to the two HDDs within Weybourne Woods including in part the fire break road to the centre of the two HDDs.</p>
6	<p>The position of the cable corridor to the southern end of our property passes under an area which we had earmarked for future development of lodges. Also</p>	<p>The Applicant has engaged with the Respondent and intends to address this point within the voluntary agreement.</p>

ID	Written Representation Comment	Applicant's Comment
	we had been considering building a retirement home for ourselves next to our house. In both cases these areas are within the corridor and would therefore prevent us from carrying out any building work. We have had to postpone our plans as we do not wish to spend a lot of money on planning applications whilst the threat of the cables running underneath the land is still a possibility.	

## 2.9 Christopher Bond on behalf of Various Clients

Table 9 The Applicant's Comments on Christopher Bond on behalf of Various Clients Written Representation

ID	Written Representation Comment	Applicant's Comment
1	I Christopher Bond write both as a Land Agent for Bidwells in Norwich representing my clients affected by the proposed Sheringham Shoal and Dudgeon Offshore Windfarm Extension Projects and as a member of The Land Interest Group (LIG)	The Respondent's comments are noted.
2	At the Issue Specific Hearing 2 on 20 January 2023, I raised the issue of the extent of the proposed survey areas within the DCO application as provided for in Article 16 of the Draft Development Consent Order and, specifically, how such survey areas could restrict my client's activities on such designated land and, thus, the need for these areas to be restricted if/when the DCO is granted. Specifically at 16(1) what is meant by: -enter on any land within the Order limits "or which may be affected by the authorised project" This appears to be a wide-ranging authority for the Applicant to enter my clients land without specific definition as to the extent of the land over which such survey rights would be exercisable, clearly an unacceptable position for a landowner. It is imperative that such survey rights are restricted in extent so that the future use of the land is not impacted and that the survey rights fall away if an alternative non-agricultural use of the land is planned.	The ability to enter land 'which may be affected by the authorised project' is to allow the undertaker to enter land outside of the Order land for example where entry is needed for the purposes of understanding the potential impacts of the development on ecology or drainage features. The Applicant requires this power in order to undertake surveys in connection with the management plans secured through the Requirements (see the <b>draft DCO (Revision D)</b> [document 3.1]). As set out in the Applicant's response to Q1.11.3.6 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036], the drafting is also well precedented in other DCOs.
3	As a result, the Inspector requested I provide details of this issue where my clients would be specifically affected by survey area restrictions, which I am providing below as follows.	The Respondent's comments are noted.

ID	Written Representation Comment	Applicant's Comment
3.1	The land belonging to John Barnard (identification Number 20033228/sheet 34 of 40 of the Land Plan-Onshore) affected by the Projects adjoins Wymondham adjacent to the B1172 Road between Wymondham and Hethersett and, therefore, has prospects for development or alternative uses in the future. Hence the need to restrict the survey areas so as not to impede on any possible development or alternative use opportunities.	The Respondent's comments are noted.
3.2	The land belonging to Robert Barnard (identification Number 20033231/sheet 33 of 40 of the Land Plan-Onshore) affected by the Projects adjoins Wymondham and, therefore, has prospects for development or alternative uses in the future. Hence the need to restrict the survey areas so as not to impede on any possible development or alternative use opportunities.	The Respondent's comments are noted.
3.3	The land belonging to Peter Gowing & Partners (identification Number 20033227/sheet 34 of 40 of the Land Plan-Onshore) affected by the Projects relates to the Park Farm Hotel and buildings complex at Hethersett where expansion has taken place over the years. Hence the need to restrict the survey areas so as not to impede on any possible future expansion or development or alternative use opportunities.	The Respondent's comments are noted.
4	While those clients referred to above are specific examples of my concerns over the possible extent of survey rights, any restrictions on land use due to the survey rights in connection with the Windfarm Extension Projects will be of concern to all my clients and I suggest all landowners affected by the Projects as it is impossible to predict when opportunities will arise for alternative uses of land apart from agriculture which may not involve development in the traditional sense, specific examples being the construction of solar farms or battery storage.	The Respondent's comments are noted.
5	I hope I have explained the survey area issues clearly and they can be taken into account when considering the DCO application.	The Respondent's comments are noted.

## 2.10 Clive Hay-Smith

Nature of the Interest and Rights Sought over Land			
Written Representation	Plot number (s)	Rights sought	Nature of land interest
Clive Malcolm Hay-Smith	02-010;02-015;03-008	Permanent Rights	Owner
	02-002;02-012	Permanent Rights	Owner in respect of sub soil beneath half width of public highway.
	02-006	Permanent Rights	As reputed owner.
	03-010;04-003	Permanent Rights	Owner in respect of right of access, right to fell and transport trees and right of passage of services through conducting media.
	04-002;04-004;04-011;04-013	Temporary Possession	Owner in respect of right of access, right to fell and transport trees and right of passage of services through conducting media.
	02-009;02-014;03-002;03-005	Temporary Possession	Owner
	03-007	Temporary Possession	As reputed owner.
	03-001;03-006	Temporary Possession	Owner in respect of sub soil beneath half width of public highway.
	02-007;02-008	Temporary Possession	As reputed owner.



**Table 10 The Applicant's Comments on Clive Hay-Smith's Written Representation**

ID	Written Representation Comment	Applicant's Comment
1	These Written Representations are submitted on behalf of Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited (Our Clients) in response to the application by Equinor New Energy Limited (the Applicant) for an Order granting Development Consent for the Sheringham and Dudgeon Extension Projects (the Draft Order).	The Respondent's comment is noted
2	Our Clients are the owners and occupiers of land at Abbey Farm, Weybourne (owned by Mr Hay- Smith and farmed by Priory Holdings Limited) and Home Farm, Weybourne (owned and farmed by Mr Middleton). Their land ('the Land') is directly affected by compulsory acquisition powers sought in the Draft Order for the purposes of the Sheringham Shoal Offshore Wind Farm Extension Project ('SEP') and Dudgeon Offshore Wind Farm Extension Project ('DEP'), together the 'Projects' .	The Respondent's comment is noted
<b>SUMMARY OF WRITTEN REPRESENTATIONS</b>		
3	Our Clients' position on matters remains as substantially set out in the Relevant Representations submitted on 14th November 2023 which are attached at Appendix 1 of these Written Representations.	The Applicant responded to the Respondent's Relevant Representation at Deadline 1. The response is provided within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].
4	Our Clients do not object to the principle of the Projects, being the development of off-shore wind to deliver low carbon electricity. They nevertheless object to the Draft Order and the in- built ambiguity as to the Development Scenarios, and the exceptional degree of flexibility the Applicant is seeking.	The Respondent's comment is noted
5	The Draft Order includes a provision for various distinct 'Project Development Scenarios', each with different impacts on landowners affected by compulsory acquisition. We are unpersuaded this degree of flexibility is consistent with the 'Rochdale Envelope' and conclude the Applicant does not have a clear idea how it intends to use/develop the Land and accordingly cannot demonstrate a compelling case in the public interest for the purpose of compulsory acquisition.	The Applicant has provided as much detail as can be provided within <b>Scenarios Statement</b> [APP-314].  In respect of the need for compulsory acquisition powers and the compelling case in the public interest for the inclusion of the compulsory acquisition powers within the <b>draft DCO (Revision D)</b> [document reference 3.1], the Applicant refers to the <b>Statement of Reasons (Revision B)</b> [document reference 4.3].

ID	Written Representation Comment	Applicant's Comment
6	<p>Due to the acknowledged uncertainty in future income via Contracts for Difference (CfD), the Applicant has not demonstrated that the requisite funds are in place, nor that the 'sequential construction' Development Scenarios provided for in the Draft Order are viable and reasonably likely to proceed, as required to justify compulsory acquisition.</p>	<p>The Applicant has demonstrated the requisite funding is available for compulsory acquisition within the <b>Funding Statement</b> [APP-027]. The <b>Funding Statement</b> [APP-027] considers all of the development scenarios for which development consent is sought. The reasons why the Applicant has included a sequential development scenario are set out in the <b>Scenarios Statement</b> [APP-314].</p>
7	<p>The ambiguity around the final developed form of the Projects and associated flexibility sought in the Draft Order are not academic for Our Clients. The ambiguity is already having adverse impacts by creating long term uncertainty and unfairly fettering Our Clients' ability to plan and deal with their properties and farm businesses. If the sequential construction Development Scenario is consented and followed it would cause a significant adverse impact on affected agricultural businesses by extending the on-shore construction programme and period of Temporary Possession.</p>	<p>The Applicant has engaged with the Respondent and their appointed land agent in respect of current plans for the farming enterprises during the pre-application phase.</p> <p>The Applicant will continue to engage with and update the Respondent post-consent to enable them to undertake their succession planning, diversification projects or minimise potential impacts on their own plans for the land.</p>
8	<p>Our Client's are concerned about the ecological impact of the Projects, and seek comfort that all adverse have been considered in the Environmental Statement (ES) and mitigated. Specifically Our Client's are concerned that an important native Crayfish re-introduction project (by Norfolk Rivers Trust and Environment Agency) on the Land and elsewhere has not been accounted for in the ES and no mitigation has been developed, risking harm.</p>	<p><b>ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] presents the ecological impact assessment undertaken for SEP &amp; DEP. Details relating to the pre-, during- and post-construction mitigation measures for onshore ecology and ornithology receptors is presented (and will be secured through DCO Requirement 13) within the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p> <p>The Applicant refers to its response below in ID 24.</p>
9	<p>Heads of Terms have been offered by the Applicant to acquire rights by agreement. The terms proposed are unnecessarily onerous and seek rights over Our Clients' property materially exceeding those presented in the Draft Order and exceeding the minimum reasonably required to develop and operate the Projects. To date therefore, the Applicant has not made reasonable efforts to acquire interests in the Land by Agreement, using compulsory purchase as a last resort.</p>	<p>The Applicant has been engaging with the Respondent and their appointed land agent and has provided requested information when and where possible and will continue to work constructively with the Respondent.</p> <p>The Applicant first received comments on the proposed Heads of Terms from the Respondent's newly appointed agent on 21<sup>st</sup> February 2023. The Applicant is considering the points raised and will arrange to meet with the appointed land agent to progress discussions once in a position to do so.</p> <p>The Applicant considers the terms offered to be consistent with other consented projects and furthermore standard and necessary to provide certainty for delivery of the development, the rights for which would</p>

ID	Written Representation Comment	Applicant's Comment
		otherwise be available through the exercise of compulsory acquisition powers.
10	Our Clients seek further clarification on certain aspects of the Draft Order and associated documents presented, justification for the Development Scenarios presented and amendments to the Draft Order by way of requirements and reasonable limitation of the Project Development Scenarios and are ready and committed to work with the Applicant and Examining Authority to secure these. Our Clients also remain committed to constructive engagement with the Applicant on a private agreement in relation to the Land.	The Applicant welcomes constructive engagement with the Respondent on the documents raised in seeking any private agreement in relation to the necessary rights.
Background		
11	The Relevant Representations attached hereto set out details of Our Clients' farm businesses and legal and practical background. In summary, Abbey Farm comprises 417 hectares of well- equipped arable land, owned by Mr Hay-Smith and farmed by Priory Holdings Limited. Mr Middleton actively farms Home Farm, Weybourne (53 hectares) as a trading partnership (MA Perkins and PB Middleton) with his late mother.	The Respondent's comment is noted.
12	While the farm businesses are legally independent they are in practice strongly connected by shared operational infrastructure, farm equipment and labour. Mr Middleton is also the Farm Manager of Priory Holdings. The Farms are managed together on an arable, rotational crop system growing sugar beet and malting barley on a three year rotational cycle across this combined land holding.	The Respondent's comment is noted.
WRITTEN REPRESENTATIONS Effect on Agricultural Land and Businesses		
13	The Relevant Representations also set out in detail the likely impact of the Projects. In summary:	
14	Land take and severance during construction The Draft Order provides for the temporary possession and/or rights to construct the Project, directly affecting approximately 14 hectares of land at Abbey Farm and 5 hectares of land at Home Farm, both to the south of Weybourne. The purpose is for the routing of on-shore cabling and associated infrastructure for the Projects. The impact of the land take is	As stated within the response to the Respondent's Relevant Representation in <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034], the Applicant has sought to avoid where possible the likelihood of sterile land parcels and has pursued mitigation <b>ES Statement Chapter 19 – Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.2.5].

ID	Written Representation Comment	Applicant's Comment
	further exasperated by severance of arable fields, which will reduce the efficiency and productive capacity of the retained, but severed land.	
15	<p>Farm and farm building access during construction</p> <p>Temporary Possession plots 03-002 and 02-014 are currently used by Our Clients as essential farm accesses (as illustrated at Appendix 2). They are the only ways to access the land owned by Mr Hay-Smith and farmed by Priory Holdings Limited to the east of Station Road and the south of the A149 Sheringham Road. Specifically these are the only access routes to the farm buildings servicing the combined farming operation. Part of Plot 02-014 is a paved farm track leading from Station Road to the Farm Buildings. Plot 03-002 is a main farm track leading from the Farm Buildings to the A149, and the main access and egress for all farm vehicles and equipment to the wider combined holding.</p>	<p>In respect of the locations of construction accesses and accesses for early works, the Applicant refers to <b>Access to Works Plan (Revision C)</b>, [document reference 2.9] which includes details of accesses. It can be noted that access from Station Road would be for early works and access from the A149 would be for construction of SEP and/or DEP.</p> <p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.2.5] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p>
16	<p>Mr Middleton and Priory Holdings Limited's farming operations rely on fully integral use of common machinery (e.g. tractors, drills and combine harvester), infrastructure (e.g. grain drying and storage) and labour. The buildings comprise modern 2,000 tonne on-floor drying and grain storage building and adjacent secure farm equipment machinery storage and workshop building which serve the combined farm operations.</p>	<p>The Respondent's comment is noted.</p>
17	<p>As presented the Draft DCO would prevent access to the farm buildings and have a business critical impact on farming operations and both farm businesses.</p>	<p>In respect of the locations for construction accesses and accesses for early works, the Applicant refers to <b>Access to Works Plan (Revision C)</b> [document reference 2.9].</p> <p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p>
18	<p>This issue was raised prominently in the Relevant Representations submitted by Our Clients (paragraph 22.2.3 in relation to the Access to Works Plans) and by the ExA in their first Written Questions (Q1.23.5.3). We also note that</p>	<p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19] details mitigation measures to ensure the</p>

ID	Written Representation Comment	Applicant's Comment
	<p>the Duration of Construction Impacts the Applicant offers a general assurance at Chapter 19 of the ES.</p> <p>“During construction...access to severed land for farm vehicles would be maintained using agreed crossing points with landowners and occupiers. Furthermore, an ALO will be appointed to assist with the appropriate planning and timings of works to minimise disruption to agricultural activities.”</p> <p>Due to the exaggerated significance of this issue, Our Clients' seek a binding commitment from the Applicant, which includes detail and agreement on how shared access arrangements would be safely managed. To date no offer of such a commitment has been made by the Applicant.</p>	<p>Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p> <p>The Applicant will continue to engage with the Respondent's appointed land agent to understand the impacts to the Respondent's agricultural activities.</p>
19	<p>The Draft Order seeks an exceptionally flexible approach to development. In the worst case scenario, sequential construction of the Sheringham and Dudgeon projects could take place on the Land with an aggregate duration of four years (excluding pre-construction), with an up to four year gap between start dates (with reference to Plate 4-25: Indicative Construction Programme, in Chapter 4 of the ES, Project Description). Taking into account pre-construction works, this means the Land may be subject to construction works for up to eight years or more. Moreover, due to the exceptionally long duration of compulsory powers sought by the Applicant (seven years compared to the usual 5) it is possible the Land could be fettered by construction or the prospect of construction for up to 15 years.</p>	<p>The Respondent's comment is noted.</p>
20	<p>Whilst we note that a seven year period for the compulsory acquisition powers has been included in previous DCOs (e.g. Hornsea Three and Dogger Bank Teeside A and B) this needs to be robustly justified on a case by case basis. For example, in the Hornsea Three the Secretary of State agreed with this period as it agreed that the applicant in that case had a “clear idea of how the land to be acquired would be used, has justified its reasons in seeking design flexibility for the transmission system and that the land is reasonably required in order to deliver the Development”. In this case, (with reference to the uncertainty as to the Applicant's proposals in respect of</p>	<p>The Applicant refers to the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2] [para. 86] which sets out the justification for seven years.</p>

ID	Written Representation Comment	Applicant's Comment
	the 'Development Scenarios') we are not persuaded that such a case has been made out.	
21	Furthermore, there are examples of applications for the seven year period being rejected by the Secretary of State such as in connection with the decision to make the North London Heat and Power Generating Station Order 2017.	The Respondent's comment is noted.
22	In this case there are particular concerns about the potential sequential Development Scenarios and the period of time that there could be between sequential developments being progressed which could (if the Project is not begun until 2031 (assuming the DCO is made in early 2024) which is possible given the seven year period sought for this to commence) lead to the potential for works (and compulsory acquisition) or works being carried out until 2039 given the potential for the construction period to be eight years. In this scenario, there could be temporary access of the Land until 2040 given Article 26 of the Draft Order would authorise temporary possession until one year after the date of completion of the relevant part of the authorised project.	The Applicant refers to <a href="#">ES Chapter 4 Project Description</a> [APP-090, Section 4.7.2] which details the onshore construction programme for the different scenarios.
Ecology and Biodiversity		
23	Our Clients echo the concerns of the Environment Agency regards the vulnerability of native White Clawed Crayfish (WCC) and the risk of the spread of Signal Crayfish, facilitated by the construction of the Projects. WCC will be reintroduced to a chalk stream to the west of Station Road on Mr Hay-Smith's holding at Abbey Farm (the Chalk Stream) in May 2024 (delayed from November 2022). This is part of a re-introduction scheme initiated by the Environment Agency and Norfolk Rivers Trust (the WCC Reintroduction Scheme).	In general, it is considered that ecological losses associated with impacts to Agri environment schemes would be mitigated using the measures set out in <a href="#">ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</a> [document reference 6.1.20] and details of habitat reinstatement and pre-, during- and post-construction mitigation measures is presented (and will be secured through DCO Requirement 13) within the <a href="#">Outline Ecological Management Plan (Revision B)</a> [REP1-027].
24	We have reviewed Chapter 20 of the ES 'Onshore Ecology and Ornithology' and its Appendix 20.9 'White Clawed Crayfish Survey Report'. Our Clients note that the surveys informing the ES and mitigation measures were undertaken in 2021 and that surveys did not include the Chalk Stream. Our Clients have grave	The Applicant refers to the <a href="#">Outline Ecological Management Plan (Revision B)</a> [REP1-027] and its Appendix A, Table 2 (Proposed scope and timing of pre-construction onshore ecology and ornithology surveys).  With regards to White-clawed crayfish (WCC) surveys, the table now states:

ID	Written Representation Comment	Applicant's Comment
	<p>concerns that the Projects have not accounted for the WCC Reintroduction Scheme at all in the ES or their construction plan, and there is significant risk of harm to re-introduced WCC and risk to the over-all success of the WCC Reintroduction Scheme. Specifically we note in the Conclusion to Appendix 20.9 the Applicant states as follows:</p> <p>“No further surveys for WCC are expected to be necessary, given the commitment to adopt HDD beneath all of the surveyed watercourses. All other (non-surveyed) watercourses within the DCO boundary are considered unsuitable for WCC and so there is no requirement for HDD beneath them to mitigate risks to WCC.” (p.21)</p>	<p>‘No further surveys proposed (unless the updated habitat surveys (to be completed in the 18 months prior to commencement of construction) find new features suitable for this species which have not previously been surveyed and which are at risk of being impacted by the construction works).</p> <p>In the unlikely event that the updated habitat survey finds new and previously unknown watercourses which are suitable for WCC and where the watercourse is due to be impacted (i.e. it is not a watercourse which would be crossed using HDD), it would be surveyed for WCC using eDNA sampling during summer in the period up to two years prior to construction works commencing (i.e. surveys would be completed whenever any such watercourses were identified)’.</p>
25	<p>Our Clients conclude from this that the ES does not account for the presence of reintroduced WCC in the Chalk Stream, and potentially other locations where WCC have been introduced by the WCC Reintroduction Scheme.</p>	<p>The Applicant refers to its response above in ID 24.</p>
26	<p>The Chalk Stream has already been affected by invasive ground investigation surveys by the Applicant in July 2022.</p>	<p>The Applicant refers to the response provided to ID 21 of the Respondent's Relevant Representation within <a href="#">The Applicant's Comments to Relevant Representations – Part 2</a> [REP1-034].</p> <p>To address the Respondent's concerns on the environmental impact of the works on the chalk bed stream, a borehole was relocated to the west of Spring Beck to a location the Respondent was satisfied with.</p>
27	<p>Our Clients therefore seek assurances as follows:</p> <p>i. That the Environment Agency's 'Check, Clean, Dry' measure has been adopted by the Applicant?</p> <p>ii. That this approach was used when undertaking the July 2022 survey on Our Clients' land?</p>	<p>The Applicant refers to:</p> <ul style="list-style-type: none"> <li>• <a href="#">Crossing Schedule (Revision B)</a> [AS-022] details the proposed crossing technique for each crossing identified. The Crossing ID's specifically relevant is 17 and shows that Spring Beck will be crossed using trenchless techniques.</li> <li>• <a href="#">ES Chapter 4 Figures – Project Description</a> [APP-178] which confirms the cables will be installed by trenchless techniques, e.g. HDD at this location.</li> </ul> <p>The use of HDD would avoid impacts to Spring Beck and associated ecological receptors.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>iii. That the Applicant will have regard to the likely presence of WCC in new watercourse locations following the WCC Reintroduction Scheme, and that their construction of the Projects will be designed to mitigate the risk of any harm to WCC in these locations.</p> <p>iv. The Applicant provide evidence and actual examples where HDD has been used successfully to construct cable routes under sensitive watercourses.</p>	<p>The Applicant refers to its response above in ID 24.</p>
28	<p>Our Clients are also concerned about the powers contained in Article 34 of the Draft DCO to fell or lop trees and remove hedgerows (including cutting back the roots of trees or shrubs). This power would extend not only to trees or shrubs within or overhanging land within the Order limits but also simply "near to any part of the authorised project". The Land is sensitive in an AONB, and Our Clients consider this power is unnecessarily broad.</p>	<p>The Applicant refers to the response provided to ID 17.4 of the Respondent's Relevant Representation within <a href="#">The Applicant's Comments to Relevant Representations – Part 2</a> [REP1-034].</p>
29	<p>Our Clients are generally concerned about the prospect of the wider ranging powers sought in Article 34 and the Other Associated Works (see paragraph 32 below) to interfere with the management of their farms for ecology and biodiversity, and to fetter their ability to enter into Environmental Management Schemes, and/or contracts including positive covenants for environmental management associated with Biodiversity Net Gain.</p>	<p>The drafting of Article 34 reflects the drafting in the model provisions and is therefore based on standard wording and wording which has been included in recently granted offshore wind development consent orders, for example East Anglia One North Offshore Wind Farm Order 2022. See the <a href="#">Explanatory Memorandum (Revision D)</a> [document reference 3.2].</p> <p>The Applicant refers to <a href="#">ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</a> [document reference 6.1.19, Section 19.7.1.4] referring to the impact to agri-environment schemes during construction.</p> <p>The Applicant has tried to avoid where possible land managed under an agri-environment scheme. Where the Project has impacts to an existing agreement that can't be avoided, affected landowners and or occupiers will be consulted to enable them to liaise with the Rural Payments Agency. If the Project impacts any land subject to schemes where compensation could become payable, the Applicant will review this on a case by case basis and will reimburse financial losses where appropriate and in line with the Compensation Code. Following completion of the construction works, land will be reinstated and would therefore continue to be available for management under an Agri-environment scheme in the future.</p>



ID	Written Representation Comment	Applicant's Comment
		<p>It remains the Applicant's preference to reach a voluntary agreement for the acquisition of land and rights which sets out suitable compensation provisions for their financial losses.</p> <p>In general, it is considered that ecological losses associated with impacts to Agri environment schemes would be mitigated using the measures set out in <b>ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] and details of habitat reinstatement as set out in the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p>
Long Term Impacts		
30	<p>Our Clients are concerned with the long term impact of construction activities on soil structure and the agricultural productivity of the Land. Reinstatement is addressed in the ES. Nationally Significant Infrastructure Project EIA's routinely assume reinstatement best practice is followed; in practice they frequently are not. Due to compaction, disturbance of the soil structure, scarcity of top-soil at re-instatement and the proximity of buried infrastructure there is routinely a permanent reduction in soil fertility and productivity. These risks are exasperated by the prospect of the exceptional programme duration and double disturbance associated with sequential delivery of the Projects.</p>	<p>The <b>Outline Code of Construction Practice (Revision B)</b> [document reference 9.17 Section 5] addresses soil management and confirms a Soil Management Plan will form part of the Code of Construction Practice, the approval of which is secured by Requirement 19 (Code of Construction Practice) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
31	<p>To give a direct example, there are significant unresolved legacy land drainage issues still experienced by Our Clients since the initial construction of the original (and now to-be- extended) offshore wind farm in 2009/10.</p>	<p>The Applicant has amended Requirement 17 to include reference to management and maintenance of drainage systems at the onshore substation site. Please see the <b>draft DCO (Revision D)</b> [document reference 3.1].</p> <p>The ownership of assets transferred in 2013, as part of the sale from Scira Offshore Energy Limited (SOEL) to Blue Transmission Sheringham Shoal BTSS as is governed and required under UK regulation. At this point, the responsibility for transmission assets became the responsibility of BTSS (Offshore Transmission Owner (OFTO)). Howes Percival LLP have been advised that this is a matter for discussion with the OFTO.</p>
32	<p>Our Clients are also concerned by the very wide drafting of 'Other Associated Works' in the Draft DCO, and the expectation that these matters will be deferred to the detailed design stage. It raises the prospect of permanent</p>	<p>The phrase 'other associated works' is only used in the deemed Marine Licences (Schedule 10 to 13) and would therefore not be relevant for the interpretation of impacts on the Respondent's land. With regards to further</p>

ID	Written Representation Comment	Applicant's Comment
	<p>infrastructure blighting the Land in the long term, for which currently there are no details on which environmental impacts can be accurately assessed and considered during the Examination. 'Further Associated Development' is defined in the Draft DCO as:</p> <p>"comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including—</p> <ul style="list-style-type: none"> <li>(a) ramps, means of access and footpaths;</li> <li>(b) bunds, embankments, swales, landscaping, fencing and boundary treatments;</li> <li>(c) habitat creation;</li> <li>(d) jointing bays, link boxes, cable ducts, cable protection, joint protection, manholes, marker posts, underground cable markers, tiles and tape, lighting and other works associated with cable laying;</li> <li>(e) works for the provision of apparatus including cabling, water and electricity supply works, foul drainage provision, surface water management systems and culverting ;</li> <li>(f) works to alter the position of apparatus, including mains, sewers, drains, cables and pipes;</li> <li>(g) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;</li> <li>(h) landscaping and other works to investigate, ascertain or mitigate any adverse effects of the construction, maintenance or operation of the authorised project;</li> <li>(i) works for the benefit or protection of land affected by the authorised project; and</li> </ul>	<p>associated development the Applicant has sought to define the works comprising the authorised development (see the Work Nos. in the <b>draft DCO (Revision D)</b> [document reference 3.1] to provide clarity as to how Order land will be affected. Flexibility in respect of further associated development is, however, required in order to accommodate works on Order land that may be shown to be required at the detailed design stage or at the construction stage. Further, the precise location of these works will also be decided at the detailed design stage or at the construction stage. For this reason it would also not be possible to identify at this stage precisely what those further associated development works would involve.</p> <p>This flexibility is necessary to deliver SEP and/or DEP in a timely manner as it avoids the requirement to obtain additional planning consents for works which would otherwise be caught by the Town and Country Planning Act 1990 regime and is therefore within the spirit of the DCO process. This approach is typical of DCOs, not just those for offshore wind farm projects.</p> <p>The environmental effects of these works have been assessed within the maximum design scenario and any works carried out will remain within the parameters of what has been assessed in the Environmental Statement.</p>

ID	Written Representation Comment	Applicant's Comment
	(j) working sites in connection with the construction of the authorised project, construction lay down areas and compounds, storage compounds and their restoration.”	
Business Uncertainty		
33	The risk of significant impacts as set out above not only creates operational uncertainty for Our Clients' farming operations but also would have a direct and negative impact on the financial viability of the individual and combined farming operations. Mr Middleton is 59 years old and Mr Hay-Smith is 65 years old and the blight of uncertainty around the timing and long-term impact of the Projects directly impacts on Our Clients' ability to undertake management and succession planning and diversification including the sale or tenancy of their respective farming enterprises.	<p>The Applicant has been engaging with the Respondent and their appointed land agent during the pre-application phase in respect of current plans for the farming enterprises.</p> <p>The Applicant will continue to engage with and update the Respondent post-consent to enable them to undertake their succession planning and diversification projects. The Applicant is also prepared to engage with third parties interested in purchasing or entering into a tenancy to occupy the Respondent's land to ensure such parties are informed of the project and its potential impacts on their own plans for the land.</p>
Development Scenarios and the Rochdale Envelope		
34	The Draft DCO sets out the Development Scenarios in the 'Scenarios Statement' (Document Reference 9.28).	The Respondent's comment is noted.
35	<p>There are in total seven different Development Scenarios. These can be broadly categorised as follows:</p> <ul style="list-style-type: none"> <li>• In isolation – where only SEP or DEP is constructed;</li> <li>• Concurrent – where SEP and DEP are both constructed at the same time; or</li> <li>• Sequential – where SEP and DEP are both constructed in a phased approach with either SEP or DEP being constructed first.</li> </ul> <p>There are material differences between these scenarios with direct and significant consequences for affected landowners, most obviously the duration of temporary access for concurrent vs Sequential working for the Projects.</p>	The Respondent's comment is noted.

ID	Written Representation Comment	Applicant's Comment
36	<p>We acknowledge the Applicant's rationale for seeking this flexibility due to commercial uncertainty linked to the administration of the CfD rules). Nevertheless it is for the Applicant to demonstrate that the development applied for is consistent with (i) the Rochdale Envelope rules and (ii) S.122 of the Planning Act 2008 (that there is a compelling case in the public interest for the land to be acquired compulsorily).</p>	<p>The Applicant refers to <b>Response to Examining Authority (ExA) Request for a table of the anticipated adverse effects for each proposed scenario</b> [PDA-002] which sets out how the Applicant's assessment of environmental impacts for the different scenarios was undertaken in accordance with the Rochdale Envelope approach.</p> <p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
37	<p>As noted at paragraph 32 above, the Draft DCO also seeks significant flexibility relating to 'Further Associated Development'.</p>	<p>The Respondent's comment is noted.</p>
<p>Rochdale Envelope</p>		
38	<p>In respect of the Rochdale Envelope, we note the following:</p> <ul style="list-style-type: none"> <li>• The flexibility sought is in a different order of magnitude to the examples provided in Advice Note 9; Rochdale Envelope. The examples in the Advice Note relate to variations around the detail of a development e.g. ranges for number of wind turbines, or min/max heights. The Draft DCO seeks fundamental flexibility in the nature of the development; whether an integrated or two separate projects will be developed, and if both, whether construction will be concurrent or sequential.</li> <li>• There are multiple options/variations in Development Scenarios and it is frankly difficult to follow the nuanced differences between them. It follows that assessing the environmental impact of the different scenarios is also challenging.</li> <li>• It is not possible to assess the environmental impact of the 'Further Associated Development' (see paragraph 32) on Our Clients' Land, due to the lack of specific detail provided in the Draft DCO.</li> <li>• Chapter 4 of the submitted ES sets out that the latest that the construction of the Project may begin is by 2028. However, both the powers of compulsory acquisition sought and the proposed deadline for the commencement of the Project (in Schedule 2 Part 1 of the Draft Order)</li> </ul>	<p>The Applicant refers to <b>Response to ExA Request for a table of the anticipated adverse effects for each proposed scenario</b> [PDA-002] which sets out how the Applicant's assessment of environmental impacts for the different scenarios was undertaken in accordance with the Rochdale Envelope approach.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>includes a seven year period. This means that the latest that the construction could actually begin (assuming the DCO is made in early 2024) would be 2031. It is not clear to us that this date has been used to inform the assessment of the Project in the ES or the cumulative assessment of the Project.</p> <ul style="list-style-type: none"> <li>For the reasons above, it is Our Clients' position that the assessment presented is not based on a cautious "worst case" scenario approach (particularly in relation to the potential impacts on agriculture and land use) and that as a result we are not persuaded that the ExA have sufficient information to assess the likely significant effects of the Project on the environment.</li> <li>The Application has provided evidence of 'Precedent' however none of the examples quoted appear to exhibit such a fundamental difference in the nature of the development, nor such significant implications for the use of compulsory acquisition for affected parties.</li> </ul>	
39	<p>We find it difficult to avoid the conclusion that Development Scenario 1 (iii) (non-integrated, sequential construction) is actually development of two separate Projects, for which two separate applications for Development Consent should more properly be made.</p>	<p>The Applicant is aware that SEP and DEP are both NSIPs in their own right and has sought to bring the two projects together under one DCO for reasons set out in the <b>Scenarios Statement</b> [APP-314]. Including more than one Nationally Significant Infrastructure Project (NSIP) within one DCO application is not prohibited by the Planning Act 2008.</p>
<p>Compulsory acquisition – Clear idea of use of land</p>		
40	<p>S.122 of the Planning Act 2008 makes compulsory acquisition conditional on there being a compelling case in the public interest.</p>	<p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
41	<p>DCLG Guidance: Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land ('CA Guidance') sets out the relevant tests. It states at Paragraph 9:</p> <p>"The applicant must have a clear idea of how they intend to use the land which it is proposed to acquire."</p>	<p>The Applicant refers to the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] which demonstrates that it has complied with the compulsory acquisition (CA) of land Guidance.</p>

ID	Written Representation Comment	Applicant's Comment
42	<p>The Applicant does not have a clear idea of how they intend to use the Land which is proposed to acquire. The Applicant is uncertain as to how the Land will be used, for which there are various significantly different scenarios as described above.</p>	<p>Schedule 7 of the <b>draft DCO (Revision D)</b> [document reference 3.1] describes the plots which will be subject to the acquisition of rights in Column 1 by referring to the plot numbers as shown on land plans. The plot numbers are listed in the <b>Book of Reference (Revision C)</b> [document reference 4.1, Section 4]. Table 1-1 describes the new rights being sought by the Applicant. Table 1-2 describes which rights are sought in relation to the relevant plots.</p> <p>The <b>Statement of Reasons (Revision B)</b> [document reference 4.3] describes how the Applicant intends to use the land, with Table 11-1 of the document setting out the different Work Nos and their corresponding compulsory acquisition status. Further details of how the land will be used are also included throughout the <b>Statement of Reasons (Revision B)</b> [document reference 4.3].</p>
43	<p>Significantly, the determining factors relevant to the use of the Land and the eventual Development Scenario which will apply are numerous, and largely outside the Applicant's control as they acknowledge:</p> <p>"It should be noted that the construction programme is dependent on numerous factors including consent timeframes and funding mechanisms." (Scenarios Statement' Document Reference 9.28).</p>	<p>The Respondent's comment is noted.</p>
44	<p>The uncertainty over the Applicant's use of the land is not academic; it has tangible consequences for Our Clients due to different working and easement widths, and crucially a significantly extended programme and period of Temporary Possession if the projects are constructed sequentially. With an additional two year construction programme, and potentially four years between sequential project start dates, this gives an additional four years which the Land may be affected in the sequential construction scenario.</p>	<p>The Applicant refers to the response provided to ID 22.2.3.10 of the Respondent's Relevant Representation within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].</p>
<p>Compulsory acquisition – funding and deliverability</p>		
45	<p>CA Guidance sets a further test for compulsory acquisition at paragraph 9:</p>	<p>The Applicant refers to the <b>Funding Statement</b> [APP-027].</p>

ID	Written Representation Comment	Applicant's Comment
	<p>"They should also be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available."</p>	
46	<p>The recent Compulsory Purchase Decision in The London Borough of Barking and Dagenham Council (Vicarage Field and surrounding land) Compulsory Purchase Order 2021 (4th October 2022) is also relevant. The Inspector considered whether a compelling case in the public interest could be demonstrated, concluding there was not due principally to doubts about funding and deliverability within a reasonable time-scale:</p> <p>"373. Consequently, because I cannot conclude that the scheme is financially viable, I cannot be confident that there is a reasonable prospect that the scheme will proceed at this time, or that the necessary resources are likely to be made available within a reasonable time scale....</p> <p>374. This makes it difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest at this time, as detailed by CPO Guidance"</p>	<p>The Applicant refers to the <b>Funding Statement</b> [APP-027].</p>
47	<p>While the enabling legislation for the Barking case is different to that for the Draft DCO (S.226 of Town and Country Planning Act 1990) the same test that the Applicant needs to demonstrate a 'compelling case in the public interest' applies.</p>	<p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
48	<p>The Draft DCO Funding Statement and the Scenarios Statement appear to present a contradictory picture as to the available sources of funding for the Projects, and the conditionality around commitment of the Project owners and Applicant to fund the different scenarios. This is curious as both documents were prepared in August 2022 and might be expected to show greater consistency.</p>	<p>The response to ID 49 addresses the distinction between the <b>Funding Statement</b> [APP-027] and the <b>Scenarios Statement</b> [APP-314].</p>
49	<p>The Funding Statement makes no reference at all to the significance of CfD and 'Anticipatory Investment', or to commercial viability, the omission of which is stark at paragraph 31, where these would seem to be directly relevant:</p>	<p>As set out within the <b>Funding Statement</b> [APP-027], the purpose of that document is to demonstrate that the development of SEP and DEP will be adequately funded and that the matter of funding is therefore not an impediment to delivery in the event of either an in isolation, sequential or</p>

ID	Written Representation Comment	Applicant's Comment
	<p>“The Applicant has assessed the commercial viability of SEP and DEP in light of the development scenarios set out above and is confident that SEP and DEP will be commercially viable based on the reasonable assumption that the projects receive the key consents they require, including the DCO, and a FID is taken for each project, indicating the final unconditional decisions of the shareholders to invest in the construction of SEP and DEP respectively and associated infrastructure.” (paragraph 31)</p> <p>And:</p> <p>“The projects are well-resourced financially and there is no reason to believe that, if the DCO is made, SEP and DEP will not proceed.” (paragraph 44)</p>	<p>concurrent development scenario. The document confirms (at paragraph 22) that in all of the scenarios set out, there will be the necessary funding resources available to develop the projects.</p> <p>The Funding Statement is particularly linked to the exercise of compulsory acquisition powers and is a means of demonstrating that the undertakers in the DCO are able to provide adequate compensation to affected parties upon the exercise of their respective compulsory acquisition powers, if required. The Applicant has included in Article 40 of the <b>draft DCO (Revision D)</b> [document reference 3.1] a provision which requires SEL and DEL to refrain from exercising the powers of compulsory acquisition granted by the DCO until guarantees or alternative forms of security in respect of the liability of the undertakers to pay compensation are in place. The form of guarantee or security and the amount of these must be approved by the SoS. It will be for the SoS to satisfy himself/herself that the guarantee or security provided is sufficient to cover the compensation liabilities. As stated in paragraph 60 of the <b>Scenarios Statement</b> [APP-314], offshore wind farms are typically developed based on support under the Government's Contracts for Difference (CfD) scheme. CfD is a mechanism created by the Government to support low-carbon electricity generation. CfDs are intended to incentivise investment in renewable energy by providing developers of projects with protection from volatile electricity wholesale prices. Securing a CfD for each of the projects would therefore make them more attractive to investors, compared to other routes to market.</p> <p>The DCLG “Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land” (2013) (the CA Guidance) requires the Applicant to set out in the Funding Statement how the project will be funded, including how any further required funding is anticipated to be secured. The <b>Funding Statement</b> [APP-027] confirms that, regardless of the scenario that is developed, any expectation of the projects being adequately funded is based on the assumption that key consents will be obtained for the projects, including development consent and CfD(s). Obtaining a CfD is therefore likely to be a pre-requisite to a final investment decision (FID) being taken in respect of each project.</p>



ID	Written Representation Comment	Applicant's Comment
		<p>However, due to current CfD regulations there is no guarantee that both SEP and DEP may be awarded a CfD in the same allocation round. This creates a barrier to ensuring that SEP and DEP can be developed concurrently and results in the potential of a sequential construction. However, it does not affect the commercial viability of the projects.</p> <p>Anticipatory Investment, as set out within the <b>Scenarios Statement</b> [APP-314], is relevant in the context of this potential sequential construction whereby the second project requires pre-investment by the first. The Applicant, as stated, has undertaken extensive engagement with Ofgem, BEIS and National Grid ESO directly and via the OTNR 'Early Opportunities' workstream to advocate for this Anticipatory Investment model. Qualification for SEP and DEP for this Anticipatory Investment will remain unclear until full details are published and an Early Stage Assessment has been made by Ofgem.</p> <p>Detailed references to CfD and Anticipatory Investment are not required to be made in the <b>Funding Statement</b> [APP-027]. As set out in that document, it is the Applicant's view that, regardless of the final development scenario (which will be influenced by whether or not the projects receive CfD in the same allocation round and whether or not the projects qualify for Anticipatory Investment), the projects will be adequately funded at the point of FID. The Applicant therefore has no reason to believe that the projects are not deliverable.</p>
50	<p>The Scenarios Statement is far more circumspect:</p> <p>"66. As the current CfD regulations do not allow for shared or dependent bids, there is no mechanism to ensure both projects may be awarded a CfD in the same allocation round. This disincentivises offshore wind developers from taking on additional development risks which may put them at a competitive disadvantage due to factors such as cost and timescale. In particular, the risk for offshore wind developers in making anticipatory investment in offshore transmission infrastructure to support the later connection of other offshore development(s).</p>	<p>As set out in the response to ID 49, the <b>Scenarios Statement</b> [APP-314] explains the CfD regulations and Anticipatory Investment which, whilst having relevance to the determination of which of the development scenarios is pursued, are distinct from the availability of funding for the projects as set out in the <b>Funding Statement</b> [APP-027].</p>

ID	Written Representation Comment	Applicant's Comment
	<p>67. As SEP and DEP are owned by two different legal entities, SEL and DEL, each owned by separate joint venture partnerships, the delivery of the integrated transmission system if developed sequentially would require pre-investment by one entity early and at risk. The commercial risk of doing so without assurance that the other project will definitely proceed is not acceptable to the owners of the projects.”</p>	
51	<p>We infer the uncertainties around future CfD income is the reason the Applicant is seeking a seven year period to take possession of land under compulsory acquisition, compared to the five years prescribed in Regulation 6(1) of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.</p>	<p>The Applicant refers to the <a href="#">Explanatory Memorandum (Revision D)</a> [document reference 3.2, para. 86] which sets out the justification for seven years.</p>
52	<p>We further note that the Funding Statement states the current cost estimate for SEP and DEP is approximately £2-4 billion. This is a very substantial range and we infer at least in part speaks to widely differing costs according to which Development Scenario applies</p>	<p>The Applicant acknowledges the development scenarios set out within the <a href="#">Scenarios Statement</a> [APP-314] and the range set out within the <a href="#">Funding Statement</a> [APP-027]. The <a href="#">Funding Statement</a> [APP-027] confirms that SEP and DEP will be adequately funded and that the matter of funding is therefore not an impediment to delivery in the event of any of the proposed development scenarios.</p>
53	<p>In summary, it is clear from the ‘Scenarios Statement’ that the Applicant and owners of the Projects are not sufficiently confident to proceed without the assurance of CfD income, which, as is acknowledged, is not certain to be approved. The Scenarios Statement acknowledges the risk that in the ‘sequential construction’ scenario, there is no assurance the second project will proceed. In the sequential construction scenario it is reasonable to conclude that the risk of not obtaining CfD finance would be accompanied by a high risk of project costs being significantly higher.</p>	<p>The <a href="#">Funding Statement</a> [APP-027] is clear that reaching FID for each project assumes that certain key consents, including development consent and a CfD, are in place for the relevant project.</p>
54	<p>In the circumstances we are unpersuaded that it is reasonably likely the second project would be delivered within a reasonable time frame in the ‘sequential construction’ scenario. This uncertainty, and the impacts of sequential construction described above, unreasonably prejudices the business and property of Affected Parties including Our Clients.</p>	<p>The Applicant refers to <a href="#">ES Chapter 4 Project Description</a> [APP-090, Section 4.7.2] which details the onshore construction programme for the different scenarios.</p>

ID	Written Representation Comment	Applicant's Comment
55	<p>The Barking decision is relevant, and we consider there is not a compelling case in the public interest to:</p> <p>(i) Authorise compulsory purchase powers which are exercisable after five years.</p> <p>(ii) Authorise compulsory purchase powers for any 'sequential construction' scenario.</p>	<p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>Draft DCO (Revision D)</b> [document reference 3.1], which are established regardless of the final development scenario that is pursued.</p>
<p>Compulsory Acquisition – reasonable efforts to reach agreement by negotiation</p>		
56	<p>CA Guidance states:</p> <p>“Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.” (paragraph 25)</p>	<p>The Applicant's attempts to acquire land voluntarily have been set out in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] and the <b>Compulsory Acquisition Schedule</b> [REP1-040].</p>
57	<p>Case law and other guidance confirms that such efforts should be reasonable.</p>	<p>The Applicant refers to the response provided to ID 56.</p>
58	<p>While the Applicant has issued Heads of Terms (HOTs) for an agreement, Our Clients do not consider the terms to be reasonable because they require even more onerous and restrictive rights to be created than provided for in the Draft DCO, and over a much larger area of Our Clients' Land than the Order Limits (described in the HOTs as the 'Grantor's Property').</p>	<p>The Applicant has sought to agree terms with all affected interests and refers to the <b>Compulsory Acquisition Schedule</b> [REP1-040] and <b>Statement of Reasons (Revision B)</b> [document reference 4.3] setting out the number of Heads of Terms agreed on the same basis.</p> <p>The Applicant considers the terms offered to be consistent with other consented projects and furthermore standard and necessary to provide certainty for delivery of the development, the rights for which would otherwise be available through the exercise of compulsory acquisition powers.</p>
59	<p>Examples of onerous obligations over the Grantor's Property in the HOTs include requirements to:</p>	<p>The Applicant has sought to agree terms with all affected interests and refers to the <b>Compulsory Acquisition Schedule</b> [REP1-040] and <b>Statement of Reasons (Revision B)</b> [document reference 4.3] setting out the number of Heads of Terms agreed on the same basis.</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>- Enter into unspecified wayleave and easements to divert utilities as required by the development.</li> <li>- Seek the Grantee's consent before routine property management decisions, including disposing of any interest in the Grantor's Property (not just in the Order Limits), opting to tax, taking out a secured loan, planting trees or hedges or undertaking any 'development'.</li> </ul>	<p>The examples provided by the Respondent are considered by the Applicant to be standard commercial terms for voluntary agreements and are consistent with other consented projects.</p> <p>The Applicant welcomes constructive engagement with the Respondent on the documents raised in seeking any private agreement in relation to the necessary rights.</p>
60	<p>Our Client is committed to constructive engagement with the Applicant to seek to agree terms by negotiation, however to date and in light of the onerous HOTs presented, do not consider the Applicant has made reasonable efforts to acquire the rights it seeks in the Land by agreement.</p>	<p>The Applicant issued Heads of Terms to the Respondent on 31<sup>st</sup> May 2022. Despite offers by the Applicant to meet and discuss the Heads of Terms, the only response received to date was from the Respondent's land agent on 21<sup>st</sup> February 2023.</p> <p>The Applicant is preparing a response and intends to propose a meeting to advance negotiations once this has been issued.</p>
61	<p>Moreover we are not aware of the Applicant making any provision for use of Alternative Dispute Resolution (ADR) techniques. The CA Guidance states:</p> <p>"In the interests of speed and fostering good will, applicants are urged to consider offering full access to alternative dispute resolution techniques for those with concerns about the compulsory acquisition of their land. These should involve a suitably qualified independent third party and should be available throughout the whole of the compulsory acquisition process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties." (paragraph 27)</p>	<p>The Applicant is willing to provide for Alternative Dispute Resolution (ADR) techniques if necessary but given the good progress made to date in agreeing Heads of Terms with affected parties, has not considered it to be necessary at this stage. The Applicant will continue to consider whether offering ADR would be beneficial to all parties involved on a case-by-case basis.</p>
62	<p>We note in the Barking decision, the Inspector analysed whether the applicant in that case had followed the specific recommendations of compulsory purchase guidance when considering if reasonable efforts had been made to use compulsory purchase as a last resort. The applicant's failure to follow guidance in that case was a significant contributing factor in the CPO application being rejected.</p>	<p>The Applicant's attempts to acquire land voluntarily have been set out in the <a href="#">Statement of Reasons (Revision B)</a> [document reference 4.3] and the <a href="#">Compulsory Acquisition Schedule</a> [REP1-040].</p>
63	<p>We conclude the Applicant's failure to follow guidance and offer ADR throughout the planning process is a relevant consideration as to whether reasonable efforts have been made to use compulsory acquisition as a last</p>	<p>As set out within the <a href="#">Statement of Reasons (Revision B)</a> [document reference 4.3] the Applicant has and continues to comply with the CA</p>

ID	Written Representation Comment	Applicant's Comment
	resort. We would encourage the Applicant to offer ADR in order to overcome any difficulties.	<p>Guidance and has made and continues to make significant efforts to acquire land and rights on a voluntary basis.</p> <p>The Applicant is willing to provide for ADR techniques if necessary but given the good progress made to date in agreeing Heads of Terms with affected parties, has not considered it to be necessary at this stage. The Applicant will continue to consider whether offering ADR would be beneficial to all parties involved on a case by case basis.</p>
<b>CONCLUSION</b>		
64	Our Clients do not object to the principle of the Projects, or indeed the principle of acquisition of rights in their Land on reasonable and proportionate terms.	The Respondent's comment is noted.
65	For the reasons set out above, Our Clients consider that there is not a compelling case in the public interest to authorise compulsory acquisition of their land in accordance with the Draft DCO.	The Applicant refers to the response provided to ID 55.
66	Our Clients require further clarification as to the proposed approach the Applicant envisages to access the Land (particularly in terms of whether this would be exclusive access or shared with the current and future farming operations on the Land), greater precision as to the precise rights that are sought in relation to the Land, confirmation of the relevance and significance of the terms "Construction Access" and "Early Works Access" on the Access to Works Plan and further justification as to the powers sought under Article 34 with regard to felling/lopping trees and removal of hedgerows (including outside of the Order Limits).	The Applicant refers to the response provided to ID 18.
67	<p>Our Clients seek the following amendments to the Draft Order:</p> <p>I. Amendment to the development to exclude the 'sequential construction' Development Scenario; and / or</p> <p>II. Limiting the period for the exercise of compulsory purchase powers to the statutory five years set out in the Infrastructure Planning (Interested</p>	<p>I. As set out in the <b>Scenarios Statement</b> [APP-314] all of the scenarios set out in the <b>draft DCO (Revision D)</b> [document reference 3.1] are required for the development of SEP and DEP. As explained in the Applicant's response to Q1.6.1.1 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036], the final chosen development scenario is dependent on a number of factors. These factors will be determined post-consent and therefore flexibility within the <b>draft</b></p>

ID	Written Representation Comment	Applicant's Comment
	<p>Parties and Miscellaneous Prescribed Provisions) Regulations 2015. There is no reasonable justification for a 7 year period to exercise powers, which is driven by commercial uncertainty that the second project would proceed in the 'sequential construction' scenario.</p> <p>III. Preparation of a Site Specific Plan, which defines the location and type of 'Further Associated Development' as it affects Our Clients' Land, and also any trees or hedgerows outside Order Limits which may need to be felled. If it is not reasonably possible to identify all the details of Further Associated Development, then as a minimum the Applicant should prepare comprehensive guiding principles as to location and construction of Further Associated Development, and which is reasonably designed to minimise the impact on Our Clients' Land.</p> <p>IV. A requirement to replace any building, structure, drain or electric line removed during temporary possession of land added to Article 26.</p> <p>V. Requirement 17 in the Draft Order to be updated to include details of maintenance and management (including funding arrangements for this) of drainage relating to the land affected by the cable routes during the operational phase and a requirement for the Undertaker to maintain and manage the operational drainage plan as approved.</p>	<p><b>DCO (Revision D)</b> [document reference 3.1] with regards to all the specified scenarios must be maintained.</p> <p>II. The Applicant refers to the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2, para. 86] which sets out the justification for seven years.</p> <p>III. See ID 32 above with regards to the comments on further associated development. With regards to the point raised on trees or hedgerows outside the Order Limits, it is not known at this stage whether any trees or hedgerows outside the Order Limits will be felled. The inclusion of this power in the <b>draft DCO (Revision D)</b> [document reference 3.1] is to offer a fall back in the event that when construction is proceeding it becomes apparent that a tree or hedgerow requires removal it can be removed without the need to obtain additional consents. Again, this is within the spirit of the DCO process and is intended as a power which will only be relied on as a fall-back. Pre-construction Arboricultural Surveys of the Order Limits would be undertaken. The <b>Outline Ecological Management Plan (Revision B)</b> [REP-027] provides details for the requirement of Tree Protection Plans. Buffer zones surrounding retained areas of woodland and mature broadleaved trees will be at least 15 metres (m) in width or at least the width of the tree root protection zone, as advised by an appropriately qualified arboriculturist. Where practicable, buffer zones around hedgerows being retained will be at least 5m in width. Additional buffer zones, where required, will be identified by the Ecological Clerk of Works around habitat features of value to protected species. See also the Applicant's response to Q1.11.3.10 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036].</p> <p>IV. The drafting of Article 26(4) of the <b>draft DCO (Revision D)</b> [document reference 3.1] accords with the model provisions and precedent in other offshore wind DCOs. The Applicant notes that, under Article 26(5) the owner or occupier of land would be entitled</p>

ID	Written Representation Comment	Applicant's Comment
		<p>to claim compensation for loss or damage arising from the exercise of powers under Article 26.</p> <p>V. See row ID 31 above.</p>

## 2.11 CPRE Norfolk

Table 11 The Applicant's Comments on CPRE Norfolk's Written Representation

ID	Written Representation Comment	Applicant's Comment
1	CPRE Norfolk is pleased to see the commitment to use of underground cabling for the onshore works. It is essential that this is implemented to avoid unnecessary harms to the landscape and residents.	The Applicant acknowledges the comment.
2	CPRE Norfolk has campaigned for the use of HVDC rather than HVAC for the onshore cabling for offshore wind projects. This is due to narrower cable corridors for HVDC, meaning less disruption to the landscape and residents, because of there being less soil removal and therefore work. It was also the case that for earlier schemes, HVAC required the construction of a Cable Relay Station, close to the landfall site, which would lead to high harmful visual impacts in what would be rural locations, potentially within the Norfolk Coast AONB.	The Applicant acknowledges the comment.
3	These projects (Sheringham Shoal Extension & Dudgeon Extension) are clear that such Cable Relay Stations will not be required for HVAC onshore cables for these projects, which is to be welcomed.	The Applicant acknowledges the comment.
4	By using HVAC for the onshore cabling it is understood that the resulting substation adjacent to Norwich Main will be smaller than that which would be required if HVDC was employed.	The Applicant acknowledges the comment.
5	We make a plea to avoid any unnecessary lighting offshore (as well as onshore.) Only lights which are legally required by maritime and aviation authorities should be placed on the wind turbines and other infrastructure.	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 2</a> RR-026 [REP1-034].</p> <p>Lighting requirements will be agreed post-consent with all relevant stakeholders (including the Ministry of Defence; Civil Aviation Authority (CAA); and Trinity House Lighthouse Service. Lighting requirements are</p>

ID	Written Representation Comment	Applicant's Comment
		<p>secured through Conditions 8 and 10 of Schedules 10 and 11 and Conditions 7 and 9 of Schedules 12 and 13 of <b>the Draft DCO (Revision D)</b> [document reference 3.1].</p>
6	<p>We note the commitment in the Project Description point 46 'to not route heavy goods vehicles for construction along the B1145 through Cawston', and 'locating the main construction compound away from Oulton / Cawston, which are already subject to increased traffic levels from other offshore wind farm projects'. It will be essential to include these commitments within any granted permissions. The cumulative impacts of construction traffic from numerous windfarm projects is unacceptable and must be prevented from worsening if these new projects are permitted.</p>	<p>The following response was provided in <b>The Applicant's Comments to Relevant Representations - Part 2</b> RR-026 [REP1-034].</p> <p>The Applicant has engaged with Cawston PC and is aware of the concerns regarding traffic passing through the centre of the village. During the site selection process, a construction route to the east of Cawston was adopted.</p> <p>This provides access to the onshore cable corridor from accesses ACC27 and ACC28 east of Cawston. These accesses are shown on Figure 24.6 (Sheet 8) of the <b>ES Chapter 24 Figures – Traffic and Transport</b> [APP-134]. This access strategy allows all Heavy Goods Vehicle (HGV) traffic to arrive and depart via the main B1149, thus avoiding minor roads and traffic needing to pass through the centre of Cawston.</p> <p>The Applicant has made a commitment to no HGV traffic travelling through Cawston. This commitment is contained within the <b>Outline Construction Traffic Management Plan (Revision B)</b> [REP1-021] which is secured via Requirement 15 of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p> <p>Section 24.6 <b>ES Chapter 24 Traffic and Transport</b> [APP-110] presents an assessment of the impact of SEP and DEP traffic upon B1149 to the east of Cawston and identifies that impacts would be no greater than minor adverse.</p>
7	<p>Need for the option to be included in the application for a DCO of an Offshore Transmission Network for offshore connections and cabling routes to landfall in Essex/Thames Estuary.</p>	<p>The following response was provided in <b>The Applicant's Comments to Relevant Representations - Part 2</b> RR-026 [REP1-034].</p> <p>The Applicant is supportive of the idea of an Offshore Transmission Network (OTN); however, neither the regulatory nor technical framework exists at this current time to incorporate this approach into the Projects.</p>



ID	Written Representation Comment	Applicant's Comment
		<p>SEP and DEP are designated Offshore Transmission Network Review (OTNR) pathfinder projects, and as such the Applicant is committed to initiatives to encourage coordination in the sector. The Applicant is working with governmental and industry bodies to identify barriers and solutions to offshore wind coordination.</p>
8	<p>CPRE Norfolk notes, although this is outside the scope of this application, the rapidly evolving work by the Offshore Transmission Network Review, which will hopefully result in a system for offshore connections such as an Offshore Ring Main. The huge advantages this would bring in terms of less disruption and potential harmful impacts to residents and countryside, should result in the pause of this project until such a system is in place.</p>	<p>The Applicant acknowledges the comment. Please refer to response above in ID7.</p>
9	<p>Concern around the cumulative onshore impacts of this and other previously approved offshore windfarms, including battery storage facilities and the proposed East Anglia Green transmission route.</p>	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 2</a> RR-026 [REP1-034].</p> <p>The cumulative impacts of the SEP and DEP projects in conjunction with other projects, including the Hornsea Three, Vanguard and Boreas offshore wind farms, were included as part of the environmental impact assessment.</p> <p>Further information regarding this can be found in Section 5.8 of <a href="#">ES Chapter 5 EIA Methodology</a> [APP-091]. Issues that SEP and DEP are coordinating on with other projects include:</p> <ul style="list-style-type: none"> <li>• Preparation for cable crossings to minimise disruption to transport networks.</li> <li>• Access routes to alleviate traffic.</li> <li>• Collaboration over biodiversity net gains to deliver the best possible coordinated results.</li> </ul> <p>The Applicant will continue to coordinate with other infrastructure projects in the area to ensure that cumulative impacts are mitigated as far as possible.</p> <p>The list of plans and projects included in the cumulative impact assessment (CIA) is specific to each Environmental Impact Assessment (EIA) topic and is detailed in each technical chapter (Chapters 6 – 29)</p>

ID	Written Representation Comment	Applicant's Comment
		<p>[APP-092 – APP-115] having been developed through ongoing consultation with stakeholders. ES Chapters contain a Project Screening Table which describes the rationale for considering plans or projects further in the CIA or not. This rationale depends on factors including whether the plans or projects have been consented, the construction period, the distance from SEP and DEP and the level of confidence in the environmental information available for the plans or projects.</p> <p>Having also identified which residual impacts assessed for SEP and DEP alone has the potential for a cumulative impact with the other plans and projects, the ES chapters go on to assess the potential for cumulative impacts using the standard industry approach of using residual effects as identified in the assessments of the other plans or projects. Please refer to the ES Chapters for details of each topic-specific CIA.</p> <p>At the time of the SEP and DEP DCO application, East Anglia Green (EAG) was a Tier 3 development. As such, the Applicant considered there to be insufficient information to assess cumulative environmental effects with SEP and DEP for the majority of ES topics. There was low confidence in the available data in which to carry out a meaningful CIA.</p> <p>The exception to the above was within <b>ES Chapter 26 Landscape Visual Impact Assessment</b> [APP-112], where EAG was considered in its CIA. From a landscape and visual perspective, sufficient information was available from National Grid's 'Project Background Document' (published in support of their first stage of public consultation in Spring 2022) from which to inform the CIA in a meaningful way, albeit it was acknowledged that only a 'moderate confidence' could be attributed to the details of EAG given the early stages of development at the time of the Applicant's DCO submission. Therefore, consideration of EAG and the Proposed Development was based on the following assumption:</p> <p><i>"For the purposes of this cumulative assessment, information presented in National Grid's 'Project Background Document', which was published in support of their first stage of public consultation in Spring 2022, has been used. Given the wide area of the preferred route option in which the East Anglia Green Energy Enablement (GREEN) Project could be</i></p>

ID	Written Representation Comment	Applicant's Comment
		<p><i>installed, it is assumed that, in RWCS, it would be located as close to the SEP and/or DEP substation as possible.</i> [APP-112, section 26.7.3, para. 480]".</p> <p>In relation to the other ES Topics, the Applicant suggests that EAG would be in a more suitable position to assess cumulative effects with SEP and DEP, which as a Tier 1 development, has a higher degree of certainty. Should SEP and DEP construction be completed prior to the commencement of EAG, effects arising from SEP and DEP should be considered as part of EAG's baseline assessment.</p>
10	<p>Again, this is outside the scope of this application, but we would like it to be noted that this should not be the case. It is hugely disappointing that central Government has allowed numerous offshore projects to progress under the current NSIP application regime, without considering the cumulative impacts of these projects, nor has it intervened to ensure that National Grid has the necessary infrastructure in place in time for when power from these projects comes onshore.</p>	<p>The Applicant acknowledges the comment. Please refer to response above in ID9 with regards to cumulative impacts.</p>
11	<p>While 'green' claims are made for offshore wind, there are various elements which are clearly not so 'green', notably the need for huge battery storage facilities and the construction of new cabling and other infrastructure to take the power around the National Grid. With forethought, planning and legislation these elements could have been eased through offshore transmission systems and underground cabling.</p>	<p>The Applicant acknowledges the comment. As set out within the response to the Examining Authority's First Written Questions Q1.9.1.5a) <i>in terms of the relationship between the EAG project and SEP and DEP, the two projects are being developed by separate promoters, on different timelines, and are not linked, other than the fact that both projects will connect into the existing Norwich Main substation.</i> The response to Q1.9.1.5c) continues to state that <i>even if the projects were linked, the Energy National Policy Statement EN-5 (2011) acknowledges at paragraph 2.3.2 that a consolidated approach to consenting of generating stations and related electricity networks infrastructure "may not always be possible or represent the most efficient approach to the delivery of new infrastructure..."</i>.</p>
12	<p>We understand that the offshore wind companies have to work with the systems in place at the time of their applications, but it is a massive frustration and missed opportunity that more beneficial systems are not already in place.</p>	<p>The Applicant acknowledges the comment and refers to the response to ID11 above.</p>

## 2.12 East Suffolk Council

*Table 12 The Applicant's Comments on East Suffolk Council's Written Representation*

ID	Written Representation Comment	Applicant's Comments
1	East Suffolk Council (ESC) notes the Examining Authority's (ExA) procedural decision in reference to Written Representations being requested from Interested Parties, other persons and statutory parties, in line with Rule 10 of The Infrastructure Planning (Examination Procedure) Rules (EPR) 2010. Written Representations are to be submitted by Monday 20 February 2023 (Deadline 1) as defined in the final Examination Timetable set out in Annex A of the Rule 8 letter (27 January 2023).	No response required.
2	This letter provides ESC's Written Representation for consideration at Deadline 1. It also provides ESC's Local Impact Report (Annex A), Oral Summary of Case at Issue Specific Hearing 1 (Annex B), and ESC's response to the Examining Authority's Written Questions 1 / WQ1 (Annex C).	The Applicant has responded to East Suffolk Council's Local Impact Report (see <a href="#">The Applicant's Comments on the Local Impact Reports</a> [document reference 14.3])  Also see the Applicant's response to East Suffolk Council's Relevant Representation in <a href="#">The Applicant's Comments to Relevant Representations</a> [REP1-033].
3	To avoid unnecessary repetition, ESC's strategic position on kittiwake compensation together with a detailed description of the associated issues and concerns relating to human/bird conflicts within our District remains as set out in our Relevant Representation (RR-030) and as summarised in our oral statement made at Issue Specific Hearing 1 (ISH1) held on 18 January 2023. Our strategic position has also been elaborated upon within our Local Impact Report contained within Annex A and our responses to the Written Questions contained within Annex C to this letter.	
4	Both Equinor and ESC have agreed not to prepare a Statement of Common Ground (SoCG) at this stage of the Examination, noting that this would be less helpful to the ExA at this early stage of discussions on kittiwake compensation measures as nothing has yet been conclusively decided.	The Applicant confirms this is the agreed approach (see <a href="#">The Applicant's Statement of Commonality (Revision B)</a> [document reference 14.25].
5	At ISH1, the Applicant set out their preferred options for kittiwake compensation through providing additional nesting capacity at Gateshead, stating that this would meet their anticipated compensation requirements.	The Applicant can confirm that whilst its compensatory measures proposal for kittiwake at Lowestoft is not currently being actively progressed but has been

ID	Written Representation Comment	Applicant's Comments
	<p>It is therefore understood that the proposed artificial nesting capacity initially proposed within Lowestoft has been shelved considering ESC's strategic position and the issues and concerns raised, specifically, our objection to the proposal within the Town of Lowestoft and our preference to see compensation for offshore wind development being delivered more strategically or collaboratively.</p>	<p>retained as an option should there be a need to revisit this at a later date. See response at ID 7.</p>
6	<p>We acknowledge that delivery of the Applicant's alternative project-led proposal for kittiwake nest site improvements at Gateshead is progressing positively and alone is considered sufficient to fully meet the Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project's compensation requirements for kittiwake. This approach is supported by ESC given the concerns already expressed regarding the existing human/bird conflict within the Town of Lowestoft and surrounding areas.</p>	<p>Noted.</p>
7	<p>However, as stated in our oral representation at IHS1, ESC would be extremely disappointed if the Lowestoft proposal were to be brought back on to the table in the latter stages of the examination should the Applicant's preferred Gateshead proposal not be realised for any unforeseen reasons. We await confirmation from the Applicant in support of the position expressed in their oral representation at ISH1, providing ESC and the Examining Authority with confidence and clarity on this matter for the remainder of the Examination.</p>	<p>The Applicant is unable to give assurance that the measures at Lowestoft will not need to be revisited at a later date. Should there be a need to revisit options for kittiwake compensation at a later stage (for example, in the unlikely event that the nest site improvements to enhance breeding success in Gateshead cannot be secured or are not entirely successful), the Applicant will re-examine its proposal for Lowestoft and any collaborative or strategic opportunities, in consultation with Natural England and other relevant stakeholders, to determine the most appropriate course of action.</p>
8	<p>ESC supports kittiwake compensation measures where these are appropriately located with a balance of planning considerations having been given sufficient weight in site selection. We will however oppose any additional capacity for nesting within populated, sensitive, or urban areas (such as within the Town of Lowestoft for example) in order to minimise human interaction with nesting kittiwakes and to avoid further exacerbating the existing issues associated with nesting sites such as noise, smell and the accumulation of bird mess. Any proposal for artificial nesting capacity within East Suffolk would be required to demonstrate that every opportunity for coordination with other projects has been fully</p>	<p>The Applicant has considered compensatory measures in the context of different delivery models including strategic, collaborative and project-led measures. The delivery models reflect how the Applicant considers each measure could be most feasibly, effectively and proportionately delivered, relative to the Projects' predicted impacts.</p> <p>Prey enhancement through sandeel stock recovery and ecosystem-based management is considered by the Applicant to be the most effective means of increasing breeding success and therefore populations of Sandwich tern, kittiwake, guillemot and razorbill. This is evidenced by information presented in <a href="#">Annex 1B Sandwich Tern and Kittiwake Ecological Evidence</a> [APP-066]. However, as outlined in the respective species compensation documents and</p>

ID	Written Representation Comment	Applicant's Comments
	<p>explored before any new (or enhanced capacity at existing sites) will be considered or supported.</p>	<p>the <b>Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit</b> [APP-084], this would necessitate, for example, a decision by Department for the Environment, Food and Rural Affairs (DEFRA) to legislate to reduce fishing pressure on sandeels in UK waters as strategic compensation for offshore wind, for which there is currently no agreed mechanism for delivery and which may not be achievable within the necessary timeframes for SEP and DEP. Given the huge potential of such an action to provide far greater compensation than even the most precautionary estimates of losses incurred due to SEP and DEP and offshore wind in total, prey enhancement is included as a key part of the Applicant's proposals for Sandwich tern, kittiwake, guillemot and razorbill compensation, but as a measure that could only be delivered strategically.</p> <p>In light of recent amendments to the Energy Security Bill (in response to the UK Government's British Energy Security Strategy and Offshore Wind Environmental Improvement Package), an option for the Applicant to pay a financial contribution to a Strategic Compensation Fund (such as the Marine Recovery Fund) as an alternative to project-led measures or as an adaptive management measure has been included within the <b>draft DCO (Revision D)</b> [document reference 3.1]. It is anticipated that such a fund would provide an optional delivery mechanism for developers to participate in delivering strategic compensatory measures approved by Government (BEIS, 2023). If the Marine Recovery Fund became available in the anticipated timescale of late 2023, then it is possible that the Applicant would be able to utilise the fund within the existing timetable for delivery of SEP and DEP.</p> <p>With respect to measures which the Applicant aims to take forward (if required) on a purely collaborative basis i.e. construction of new artificial breeding sites for kittiwake onshore or offshore, these measures present an opportunity for collaboration which seeks to capitalise on existing learning and suitable locations (where these are limited) to either co-locate measures or deliver a single measure which can compensate for the predicted impacts of multiple projects. However, measures considered in the context of the collaborative delivery model do not currently form a component of the package of compensatory measures proposed for SEP and DEP but rather represent alternative options that may become available to the Applicant in the near</p>

ID	Written Representation Comment	Applicant's Comments
		<p>future. It has been necessary to adopt this approach as discussions with other developers on the nature of an appropriate delivery mechanism for collaborative delivery are not yet sufficiently matured for the Applicant to rely upon these measures. However, discussions with other offshore wind developers are ongoing, and the Applicant will continue to explore the potential for collaborative delivery of these measures with prospective partners and other relevant stakeholders.</p> <p>Further details are set out in the <b>Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit</b> [APP-084] and the <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061].</p>

## 2.13 Eastern Inshore Fisheries and Conservation Authority

*Table 13 The Applicant's Comments on Eastern Inshore Fisheries and Conservation Authority's Written Representation*

ID	Written Representation Comment	Applicant's Comment
1	<p>Please note: Eastern IFCA's representation is limited to matters that could affect the Eastern IFCA district (0-6nm between Haile Sand Fort in the north to Felixstowe in the south). This includes activities related to the export cable route and the proposed potential Measures of Equivalent Environmental Benefit (MEEB).</p>	<p>Noted</p>
2	<p>In relation to the export cable route: Impacts to chalk features: Eastern IFCA have agreed a byelaw (Closed Areas Byelaw 2021) which prohibits bottom towed gears from the majority of the MCZ to protect subtidal chalk features where they outcrop and where they are veneered, based on the potential for veneered chalk features to become exposed following advice from Natural England (Figure 1 – Area 35). The Applicant proposes cable works which have the potential to interact with these subtidal chalk features that Eastern IFCA aim to protect through this byelaw. The Closed Area Byelaw 2021 will also protect subtidal mixed, sand and coarse sediment features from mobile</p>	<p>The Applicant notes that the byelaw will prohibit bottom towed gears from the majority of the Marine Conservation Zone (MCZ).</p> <p>The Applicant has as far as possible taken the shortest export cable route through the MCZ to minimise the potential for disturbance. In addition, the Applicant has minimised the requirement for and committed to remove, if required, any installed external cable protection within the MCZ to mitigate habitat loss impacts during the operational phase.</p>

ID	Written Representation Comment	Applicant's Comment
	fishing gears; these features which will be directly impacted by cable works.	
3	<p>Impacts on fishing activities:</p> <p>Restrictions to potting grounds and displacement of activities during cable works is of key concern, particularly the potential impacts to small inshore potting boats who are limited in how far they can travel. Typically, crab and lobster potting is known to occur inshore (within 3nm) between Weybourne and Happisburgh and whelk potting further offshore beyond 3nm. Consultation and dialogue with industry is needed to fully understand the extent to which inshore potters may be impacted by cable works and ways this could be mitigated (e.g. through considering seasonal and spatial patterns in activities).</p> <p>Some netting also occurs within the cable corridor, this includes fixed netting for bass and drift netting for herring, sprat and some other species at a lower level.</p> <p>Several potting and netting boats launch from Weybourne where the cable route meets land. Construction activities in this area could have impacts on these boats and must be considered though consultation with industry members.</p> <p>Beam trawling may also occur in the cable corridor. Eastern IFCA's agreed Closed Areas Byelaw 2021 (Figure 1 – Area 35), once in force, will prohibit bottom towed gears (including beam trawling) from the section of cable corridor that overlaps with the MCZ but there is potential for displacement of such gears which operate outside of the MCZ. Eastern IFCA's Byelaw 12 and Byelaw 15 currently restrict bottom towed gears within 3nm miles of the coast between Blakeney and Mundesley.</p> <p>Eastern IFCA support the development and agreement of a Fisheries Liaison and Co-Existence Plan, and have had some involvement in its development. We are happy to provide feedback and comment on this but it is for the fishing industry and the applicant to agree on appropriate and effective mitigation. Compensation packages are not</p>	<p>The impact of offshore cable construction activities leading to reduction in access to, or exclusion from, established fishing areas for the UK potting fleet was assessed to be significant in Environmental Impact Assessment (EIA) terms. The sensitivity of the UK potting fleet was assessed to be medium based on the justification of moderate levels of alternative fishing grounds and a moderate operating range (noting that low sensitivity is defined as a large to extensive operational range and high sensitivity is defined by no alternative fishing grounds). How far the small inshore potting vessels can travel was therefore considered fully in the assessment and was fundamental to the conclusion of a moderate adverse significant impact, requiring additional mitigation to reduce the residual impact to minor significance (Section 12.6 and Table 12.16 of <b>Chapter 12 Commercial Fisheries</b> [APP-098]). This additional mitigation commits to following the procedures as outlined in the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) guidance (2014 and 2015), including with respect to any justifiable disturbance payment.</p> <p>The proportion of landed weight by gear type from the offshore export cable study area (ICES rectangles 34F1 and 35F1) indicate that 98% of the catch is taken by pots and traps, 1% by mobile gear and 1% by other static gear (see Figure 2-23 of <b>Volume 3, Appendix 12.1 Commercial Fisheries Technical Report</b> [APP-197]). Other static gear includes fixed and drift netting. First sales value data indicates that the majority of the catch is made up of whelk, lobster, brown crab and brown shrimp, with very small quantities of other species including bass and herring. Landings of bass from the entirety of ICES rectangles 34F1 and 35F1 averaged an annual first sales value of £15,300 and herring £7,800. The total landed value by drift and fixed nets from these ICES rectangles averaged £28,400 per annum. Noting that the export cable overlaps with 1.91% of these ICES rectangles, equating to a pro rata value of £542 per annum.</p> <p>While not explicit in the ES, the netting fishery is considered to be included in the "all other fleets" category, with impacts assessed to be negligible or minor adverse, which is not significant in EIA terms.</p> <p>The Dutch and Belgian beam trawl fleet are assessed throughout the ES chapter.</p>



ID	Written Representation Comment	Applicant's Comment
	<p>our favoured approach to mitigation as they are not a long-term solution and previous experience has shown us that similar payments of compensation in the past have resulted in fishers using the money to purchase more fishing gear, increasing effort elsewhere. Potential impacts as a result of any increased effort resulting from compensation payments should be assessed as to effects on features of MPAs (if appropriate) and on fishers already operating in those areas.</p>	<p>The UK beam trawl activity is considered low in the export cable study area. Landings by the UK beam trawl fleet from ICES rectangles 34F1 and 35F1 had an average first sales value of £20,500 per annum, equating to a pro rata value of £390 per annum.</p> <p>While not explicit in the ES, the UK beam trawl fishery is included in the “all other fleets” category, with reduced access and displacement impacts assessed to be negligible or minor adverse, which is not significant in EIA terms.</p> <p>In addition, the Applicant commits to developing a Fisheries Liaison and Coexistence Plan (FLCP), which will follow the <b>Outline FLCP [APP-295]</b> submitted with the DCO application. The <b>Outline FLCP [APP-295]</b> is applicable to all fishers and provides the principles of liaison between the Applicant and fishing industry. The Applicant highlights that the <b>Outline FLCP [APP-295]</b> details a Coexistence Strategy which, amongst other measures, commits to continuing consultation and liaison with the fishing industry with the aim of assisting the fishing industry to safely resume their fishing activities within the operational sites and along the offshore export cable corridor.</p> <p>Furthermore, as stated within the <b>Outline FLCP [APP-295]</b>, the Applicant seeks to anticipate potential disruption and seek solutions to avoid or reduce temporary displacement during surveys and construction, with financial compensation being a last option to offset remaining significant impacts. Where financial compensation is required, evidence-based agreements will be established for those individual fishermen that have a demonstrable economic dependency upon the area proposed for closure.</p> <p>The Applicants compensation strategy is in line with the FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison.</p>
4	<p>Issues relating to Cables and EMF:</p> <p>Whilst the Applicant has assessed the potential impacts of electro-magnetic fields (EMF), Eastern IFCA maintain that not enough is known about electro-magnetic field impacts on marine fauna, particularly the cumulative effects of multiple cable routes. This position is informed by studies such as Hutchinson et al 2020 (). We do</p>	<p>The assessment of Electro Magnetic Fields (EMF) impacts on fish receptors in Section 9.6.2.8 of <b>Chapter 9 Fish and Shellfish Ecology [APP-095]</b> has considered numerous studies and was informed by the project specific EMF assessment (Tripp, 2021). The Applicant acknowledges that there is some uncertainty with regard to the EMF effects on marine fauna and would be</p>

ID	Written Representation Comment	Applicant's Comment
	<p>not consider this can be addressed by a single developer; instead, there is responsibility for the marine cable industry to investigate and conduct research to better understand impacts from EMFs on marine organisms. However, we note that for every new electricity cable that is laid, the potential for cumulative impacts increases. This is of particular concern in the southern North Sea which already contains a high number of wind farm cables and electricity interconnector cables that could be impacting marine species, including commercial fish and shellfish.</p>	<p>supportive of strategic research involving Government, wind farm developers and the marine cables industry.</p>
5	<p>In relation to the proposed MEEB: The evidence to suggest that the proposed area has supported Native Oyster beds in the past is limited. There is evidence to suggest that a specific set of conditions are required for beds to establish and be maintained and can be quickly lost if environmental conditions change<sup>1</sup>. There is a need to understand why oysters have not “made a comeback” on their own. What is preventing the natural re-establishment of beds? If these conditions are not addressed, the chances of successful planting may be slim. A feasibility study is needed</p>	<p>The Applicant acknowledges that there is limited evidence that the initial restoration site search area identified in Figure 8.1 of the <b>In-Principle Cromer Shoal Chalk Beds (CSCB) MCZ Measures of Equivalent Environmental Benefit (MEEB) Plan (Revision B)</b> [REP1-011] supported native oyster beds in the past, however oyster beds are understood to have occurred historically throughout the region (see Annex C of APP-083). The MEEB is without prejudice to the Applicant's conclusions in the <b>Stage 1 CSCB MCZ Assessment</b> [APP-077] that the conservation objectives of the MCZ will not be hindered. The Applicant proposes to undertake a pilot/feasibility study in Q1 2024 if MEEB is deemed to be required by the Secretary of State (SoS).</p>
6	<p>Discussion with Kent and Essex IFCA who have a similar Native Oyster restoration project within an MCZ have highlighted that the likelihood of restoration efforts achieving densities high enough to maintain a sustainable Oyster fishery is extremely low and, if ever achieved, would take a very long time.</p>	<p>As stated in the <b>In-Principle CSCB MCZ MEEB Plan (Revision B)</b> [REP1-011] <i>“it is expected to take a considerable length of time for the oyster bed to become sufficiently established to potentially support a commercial fishery (i.e. +25 years), indeed if this happens at all.”</i> Although it should be noted that it is not the intended purpose of the MEEB to support a commercial fishery.</p>
7	<p>Oyster reefs are not designated features of the MCZ and whilst they may increase diversity in the vicinity if they become established beds, they will also replace a habitat that is already designated within the site such as subtidal coarse or mixed sediment. If there is the potential for Oyster reefs to become a designated features of the MCZ the applicant would need to provide ongoing financial support for assessment, management and enforcement of activities and condition monitoring in any new additional designated area or features.</p>	<p>The Applicant considers that the proposed MEEB would offer long term enhanced ecological function to the habitat being lost (i.e. the subtidal coarse, subtidal mixed or subtidal sand broadscale habitats of the MCZ) and would partially restore a historic feature of the region.  The Applicant considers that, if MEEB was deemed to be required by the SoS and an oyster bed successfully established within the MCZ, Natural England and the Joint Nature Conservation Committee would be the responsible organisations for determining whether native oyster should be a designated feature. Nonetheless, the Applicant is committed to monitoring the oyster bed throughout</p>

ID	Written Representation Comment	Applicant's Comment
		<p>the project lifetime. As described in Section 8.5.1 of the <b>In-Principle CSCB MCZ MEEB Plan (Revision B)</b> [REP1-011] surveys would be undertaken throughout the lifetime of the oyster bed restoration project. Survey frequency is anticipated to be higher during the early phases of restoration with a tapering off as the bed becomes established and self-sustaining. The Applicant would consult the MEEB steering group to agree an optimal survey frequency based on the status of the establishing bed and this would form part of the MEEB Implementation and Monitoring Plan. This information is intended to provide an initial monitoring framework. Should the SoS conclude that MEEB is required, further details related to the nature and frequency of monitoring as well as success metrics would be developed post-consent as part of the MEEB Implementation and Monitoring Plan and in consultation with the MEEB steering group.</p>
8	<p>The biosecurity risk associated with diseases such as Bonamia could have implications for other shellfish fisheries in the area and needs to be considered in greater detail.</p>	<p>Biosecurity of the cultch and oyster sources will be a key consideration in the selection process to ensure no pathogens or invasive non-native species are spread with the cultch material or oysters. The <b>In-Principle CSCB MCZ MEEB Plan (Revision B)</b> [REP1-011] includes outline biosecurity control measures including the requirement to manage the potential risks associated with Bonamia. The MEEB Implementation and Monitoring Plan to be produced post-consent will incorporate mitigation protocols to secure biosecurity measures once the source of cultch and oyster are confirmed.</p>
9	<p>The management measures proposed in Appendix 1 predict that fisheries restrictions will not be required. However, this requires further consideration; if there is potential for restrictions to be put in place, Eastern IFCA would not support the project because of the negative impacts it would have on fisheries and the apparent low likelihood that the bed will provide fishing opportunities in the future. Eastern IFCA's preference would be for co-location of oyster bed planting within the windfarm array where inshore fisheries would not be impacted.</p>	<p>Within Section 8.5.3 of the <b>In-Principle CSCB MCZ MEEB Plan (Revision B)</b> [REP1-011], it is noted that static potting is not deemed to be a key issue for oyster restoration, provided the intensity of potting on the reef remains sufficiently low. Should monitoring of the oyster bed indicate that potting activity is hindering the oyster restoration efforts, the Applicant would seek to work with the MEEB steering group, Eastern Inshore Fisheries and Conservation Authority (EIFCA) and relevant fishers to identify a suitable and acceptable course of action.</p> <p>The selection of the initial restoration site search area (Figure 8.1 of the <b>In-Principle CSCB MCZ MEEB Plan (Revision B)</b> [REP1-011]) within the MCZ was chosen because it aligns with the Defra Best Practice Guidance For Developing Compensatory Measures in relation to Marine Protected Areas (DEFRA, 2021) through delivering compensation in the same location where the impact is occurring. Additionally, this location was identified by Natural England as a potential historic oyster bed location (although it is now recognised, following</p>

ID	Written Representation Comment	Applicant's Comment
		<p>information received from EIFCA, that this area may instead relate to historic fisheries shell deposit grounds). It is also noted that Natural England in their response to the Examining Authority's (ExA) written question 1.3.1.4. part d) at Deadline 1 [REP1-036] stated that: "<i>Based on the compensation hierarchy it is Natural England's preference for MEEB to be delivered within the MCZ.</i>"</p> <p>If MEEB is deemed to be required by the SoS, the Applicant would progress restoration efforts within the MCZ as the preferred measure however if this was deemed not to be feasible then an alternative location within the SEP or DEP wind farm sites would be considered in consultation with the MEEB steering group and would be subject to approval by the SoS.</p>
10	<p>The proposed initial 1km<sup>2</sup> native oyster restoration site search areas overlap with an area predominately targeted by whelk fisheries but may also be targeted by crab and lobster or netting and beam trawl fisheries (as described for the cable corridor). Consultation with industry is required to fully understand the type and scale of activities which occur in this area and the potential impacts on industry if fishery restrictions were to be introduced. Oyster bed restoration may also have the potential to have impacts on fish and shellfish stocks in the area due to a change in habitat type and requires further consideration.</p>	<p>The <b>In-Principle CSCB MCZ MEEB Plan (Revision B)</b> [REP1-011] provides details of the approach which would be undertaken to restore a native oyster bed in the CSCB MCZ, however this would continue to be reviewed and developed post consent based on new data and available evidence, and in consultation with stakeholders (including fisheries) and the MEEB steering group. The Applicant proposes that once a specific location has been identified and the baseline benthic and fish communities in that area have been characterised, further work could be undertaken to assess the potential for changes in fish and shellfish stocks and how this could potentially impact on fisheries.</p>

## 2.14 Historic England

Table 14 The Applicant's Comments on Historic England's Written Representation

ID	Written Representation Comment	Applicant's Comment
1	<p>Summary</p> <p>We broadly accept the assessment of the known historic environment as might be encountered by the proposed project, in consideration of how it is presently described and the identification of a "worst-case" construction scenario for the historic environment.</p>	<p>Noted.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>We note the assessment of geophysical data acquisition completed to inform production of the Environmental Statement and where further survey data will be necessary should consent be obtained.</p> <p>The ES includes an assessment of the impacts of the proposal upon the historic environment both offshore and on shore. We have provided comments on the main heritage chapters below (see Chapters 5 and 6)</p> <p>The application includes both an Outline Written Scheme of Investigation (WSI) for the on and offshore areas. These are designed as a mitigation action to inform further archaeological assessment. Should consent be obtained this will need to include geophysical data, further assessment and intrusive archaeological excavation. We concur that such mitigation would need to be inclusive of geoarchaeological assessment of geotechnical data; refinement of the design of both off and onshore infrastructure post-consent to avoid known archaeological sites or anomalies of possible archaeological interest.</p> <p>The draft Development Consent Order includes four (draft) Deemed Marine Licences which include conditions for WSIs and acknowledges that implantation of the WSI is crucial in any post-consent and pre-construction phase to adequately inform the planning and engineering design and delivery of the proposed project(s).</p>	
2	<p>Introduction</p> <p>This Written Representation reviews the Development Consent Order (DCO) application made by Equinor New Energy for the proposed Sheringham Shoal and Dudgeon Offshore Wind Farms Extension. We understand from the application documents that the array area for Sheringham Extension Project (SEP) and Dudgeon Extension Project (DEP) will be for each project to have a maximum electricity export capacity greater than 100MW, respectively, from SEP which will be 15.8km and DEP which will be 26.5km from northern East Anglian coastline. The electricity export cables from both projects are to reach landfall at Weybourne (north Norfolk). The onshore transmission cables are to run 60km to a new high voltage alternating current (HVAC) substation near to the existing Norwich Main substation.</p>	Noted.

ID	Written Representation Comment	Applicant's Comment
	<p>The submitted application includes an Environmental Statement (ES), dated August 2022, produced to satisfy the requirements of Environmental Impact Assessment (EIA) requirements, under the terms of European Union Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment (EIA Directive). The EIA Directive is transposed into English law for Nationally Significant Infrastructure Projects (NSIPs) by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>We are aware that the Planning Act 2008 requires an EIA to be undertaken and provided in support of a DCO for certain types of projects, such as the proposed by the SEP and DEP project. We are also aware that although SEP and DEP have different commercial ownerships, they are each NSIPs and that in this instance one application is being made for development consent together with associated transmission infrastructure.</p> <p>We understand that the operational Sheringham Shoal and Dudgeon Offshore Wind Farms are owned by different partners and that Equinor New Energy (ENE) Ltd is the only partner with ownership in both developments. Furthermore, that ENE Ltd is the Applicant here on behalf of partners in Sheringham Shoal and Dudgeon for the extension of these two wind farms. The explanation is noted that while the preferred development scenario option is for SEP and DEP to have an integrated transmission system, which serves both project that are also constructed concurrently. However, given that each has different commercial ownership, we acknowledge that alternative development scenarios are possible. Furthermore, that the DCO application will seek consent for a range of scenarios, but in the same overall corridors to allow for separate development programmes.</p> <p>The Historic Buildings and Monuments Commission for England (HBMCE), known as Historic England, is the Government's adviser on all aspects of the historic environment in England including historic buildings and areas, archaeology and historic landscape. We have a duty to promote public understanding and enjoyment.</p> <p>HBMCE are an executive Non-Departmental Public body sponsored by the Department for Culture, Media and Sport (DCMS) and we answer to Parliament through the Secretary of State. Our remit in conservation matters intersects with</p>	

ID	Written Representation Comment	Applicant's Comment
	<p>the policy responsibilities of a number of other government departments particularly those with responsibilities for land use planning matters.</p> <p>The National Heritage Act (2002) also gave HBMCE responsibility for maritime archaeology in the English area of the UK Territorial Sea (i.e. English Inshore Marine Planning Area).</p> <p>In our Section 56 Relevant Representation (dated 14th November 2022) we noted that this development has the potential to impact upon the historic environment (onshore and offshore), and that this impact could be significant in relation to a number of heritage receptors and in relation to EIA policy.</p> <p>The Examining Authority's First Written Questions as issued by the Planning Inspectorate on 27th February 2023 will be addressed separately.</p>	
3	<p>Environmental Statement: Volume 1, Chapter 4 – Project Description (Document Reference: 6.1.4) PINs Reference: APP-090</p> <p>We are aware that there are several development options under consideration (Table 4.2), we also note the intention to apply a design envelope (i.e. "Rochdale Envelope" approach), so that the Applicant maintains flexibility to accommodate project adjustment post consent, should permission be obtained. For example, to develop all of the proposed DEP North and DEP South array areas, or only to use the DEP North array area. The offshore Order Limits also includes the offshore cable corridors that either connect the wind farm sites together (interlink cable corridors) or connect the wind farm sites to the landfall (export cable corridors).</p>	Noted.
4	<p>We note that the proposed order limit includes the existing Dudgeon Offshore Wind Farm and that an amendment is being sort of the Electricity Act 1989 Section 36 Consent in consideration that it was not constructed to its full consented capacity. Seabed depths vary from around from 14m below Lowest Astronomical Tide (LAT) in the northwest of the SEP wind farm site to 36m in the northwest of the DEP North array area. Sand waves are present particularly in the northwest of the DEP North and DEP South array areas and within the interlink cable corridors.</p>	Noted.
5	<p>In summary, SEP will consist of between 13 and 23 Wind Turbine Generators (WTGs), each having a rated electrical capacity of between 15MW and 26MW.</p>	Noted.

ID	Written Representation Comment	Applicant's Comment
	<p>DEP will consist of between 17 and 30 wind turbines, each having a rated electrical capacity of between 15MW and 26MW. Therefore together, there could be between 30 and 53 WTGs with a blade tip height above HAT of between 265 and 330m. Regarding transmission assets, we are aware that this project could be:</p> <ul style="list-style-type: none"> <li>connected to one another via interlink cables, with either a single Offshore Substation Platform (OSP) in the SEP serving both SEP and DEP; or</li> <li>one OSP in the SEP wind farm site and a second in the DEP North array area with an offshore export cable corridor for both SEP and DEP to the landfall at Weybourne with two cable ducts (one per Project) installed under the cliff by Horizontal Directional Drilling (HDD)."</li> </ul>	
6	<p>The chapter does not provide specific details about the number of cables (other than it will be HVAC) which could be buried, or the number of trenches required, or estimate of the actual distance to a new Onshore Substation (OnSS) which will be required adjacent to the extant Norwich Main substation</p>	<p>The worst-case parameters set out in Table 4.32 of <b>Chapter 4 Project Description</b> [APP-090] define the maximum cable length (onshore) as 60km. Each project would have one circuit comprising of three High-Voltage Alternating Current (HVAC) and one fibre optic cable buried (to a minimum depth of 1.2m) within one trench (up to 2m deep) with an approximate width of 3m at the surface and 0.85m at the base. If both projects are constructed there would be two circuits and two trenches (one for each project).</p>
7	<p>The detail in sub-section 4.4.1.1 is helpful in the description provided of a "worst-case basis" vis. maximum spatial footprint which would be deployment of Gravity Base Structure (GBS) foundations, for example up to 19 x 18MW wind turbines at SEP and 24 x 18MW wind turbines at DEP (plus maximum scour protection). However, Table 4.6 (Maximum temporary construction footprints in the Wind Farm Sites and Offshore Cable Corridors) only provided for "Sea bed preparation – wind turbines" an overall spatial footprint. In sub-section 4.4.3.3 we noted that GBS seabed penetration could be 0.1m to 5m which presents significant risk of encountering presently unknown and buried archaeological materials.</p>	<p>Noted. The potential for direct impacts upon unknown and buried archaeology from the installation of foundations is considered in Section 14.6 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100].</p>
8	<p>Section 4.4.3 sets out the proposed foundations designs that could be deployed although no information appears to be included about how selection of</p>	<p>Section 4.4.2.2 of <b>Chapter 4 Project Description</b> [APP-090] states that: <i>The final wind turbine layout will not be finalised until completion of detailed preconstruction wind resource studies, site investigations and</i></p>



ID	Written Representation Comment	Applicant's Comment
	<p>foundation will be informed by ground models using data produced by a geotechnical survey. In summary we understand the designs include:</p> <ul style="list-style-type: none"> <li>• Gravity Base Structure foundations;</li> <li>• Jacket with piles;</li> <li>• Suction bucket; and</li> <li>• Monopile"</li> </ul>	<p><i>the selection of the preferred turbines and their foundations. A layout will be selected from within the consented parameters to optimise energy output and the foundation installation process, accounting for water depths, ground conditions, wake effects and any other constraints.</i></p> <p>These detailed site investigations will comprise geotechnical and geophysical survey with the resulting ground model informing foundation selection. Geotechnical investigations (vibrocores and cone penetrometer testing) were undertaken in 2021 across the wind farm sites and cable corridors specifically to inform the offshore cable installation campaign with further campaigns to inform layout and foundation design planned post-consent.</p>
9	<p>In consideration that elements of the scheme will include piled foundations. We recommend that the Historic England document Piling and Archaeology (2019) is referred to:. It should be noted that the use of scour protection can actually lead to the erosion (secondary scour) in adjacent areas. This could inadvertently reveal buried archaeological remains or deposits (Sub section 4.4.3.2.4).</p>	<p>Noted regarding reference to the Historic England document Piling and Archaeology (2019) – this will be referenced where relevant in future submissions. The indirect impacts associated with secondary scour, which can expose buried archaeological remains, is considered in Section 14.6 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100].</p>
10	<p>In Table 4.13 (GBS Foundation Parameters) it states that “Maximum penetration below mud line” could be 6m. In consideration of the explanation provided in sub-section 4.4.3.3.2 (Sea Bed Preparation), and the description provided of dredging to a depth of 5m over a “Maximum sea bed diameter (base plate)” of 60m, it will be essential for the Applicant to demonstrate viable mitigation strategies which facilitate prior seabed investigation (shallow seismic) to allow for avoidance of identified archaeological sites or full programmes of archaeological excavation for any such sites that cannot be avoided.</p>	<p>The primary means of mitigation (as described in Section 14.3.3 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100]) is avoidance through the application of Archaeological Exclusion Zones (AEZs) around archaeological sites, to be further informed by the (geo)archaeological assessment of data produced as part of post-consent site investigations. Further investigation will be carried out where avoidance is not possible and additional mitigation will be agreed in consultation with Historic England should impacts be unavoidable. However, it remains the primary approach for any identified archaeological ‘site’ to be avoided in the final design. The approach to delivering this mitigation and further archaeological assessment is set out in the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298].</p>
11	<p>We must therefore highlight the importance of adaptive mitigation strategies that can be implemented if necessary and explained fully in an archaeological Written Scheme of Investigation. It would also be appreciated if the Applicant</p>	<p>Noted. The approach to mitigation strategies for SEP and DEP are set out in the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] and <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21].</p>

ID	Written Representation Comment	Applicant's Comment
	could explain if a mix of foundation types might be utilised and what maximum number of GBSs might be required for SEP and DEP.	With respect to foundation design choice, see the Applicant's response to WQ1.5.1.5 in <a href="#">The Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036].
12	For each foundation design, scour protection is estimated and it is important that the determination of impact and consideration of risk needs to assess how presently unknown archaeological materials might be exposed through changes in seabed sedimentary dynamics scour and therefore whether placement of scour protection materials also represent an impact requiring mitigation	The indirect impacts associated with secondary scour, which can expose buried archaeological remains, is considered in Section 14.6 of <a href="#">Chapter 14 Offshore Archaeology and Cultural Heritage</a> [APP-100].
13	Section 4.4.7.1 (Offshore Export Cables) states that there will be "...up to two HVAC offshore export cables..." with descriptions provided of the different development scenarios and number of OSPs. The Applicant will also need to provide figures for the anticipated "Export cable installation" required depth of burial. Although, we did note that HDD will be used to install the cables under the intertidal zone, although depth of HDD was not specified. In paragraph 145, an important statement is made about providing "...greater flexibility in the detailed routeing/micro-siting of the export cable/s at the pre-construction stage". Such an approach must be conducted in consideration of both the known historic environment and presently unknown historic environment, as might be discovered through the SEP and DEP projects.	<p>Section 4.4.7.5 of <a href="#">Chapter 4 Project Description</a> [APP-090] states that: <i>Typical burial depth for SEP and DEP cables, excluding in areas of sand waves, is expected to be between 0.5m to 1.5m (or up to 1m for the export cables).</i></p> <p>Although, the depth of HDD at the landfall is not yet known, and will be informed by post-consent site investigations, as stated in Section 4.5.2 of <a href="#">Chapter 4 Project Description</a> [APP-090]: <i>The drill will be of sufficient depth below the coastal shore platform to have no effect on coastal erosion.</i></p> <p>We can confirm that the routeing/micro-siting of the export cable/s will be undertaken with consideration of the known, and presently, unknown historic environment. A commitment to the refinement of the design of offshore infrastructure post consent to avoid AEZs and additional geophysical anomalies of potential archaeological interest (where possible) is included in Section 14.3.3 of <a href="#">Chapter 14 Offshore Archaeology and Cultural Heritage</a> [APP-100]. Avoidance, micro-siting and route refinement is also a key factor in embedded mitigation for onshore archaeology (Section 21.3.3 <a href="#">Chapter 21 Onshore Archaeology and Cultural Heritage</a> [APP-107]).</p>
14	For Sub section 4.4.7.4 (Cable Installation Method), we understand that attention given to boulder clearance, but we are aware that further clearance will be required to bury cables in the seabed inclusive of jetting, vertical injection, cutting and ploughing. In particular, we noted the use of Pre-Lay Grapple Run (sub-section 4.4.7.4.2) to remove "sea bed debris" such as anchors (as illustrated in Plate 4-9).	Noted.

ID	Written Representation Comment	Applicant's Comment
15	<p>We must draw the attention of the Applicant to professional archaeological examination of any and all survey data (e.g. visual and geophysical) to determine if items, such as an anchor, can be identified as contemporary or historic. On this matter we draw the attention of the Applicant to the historic anchor discovery made by the East Anglia ONE Offshore Wind Farm development<sup>1</sup>.</p>	<p>The approach to the archaeological assessment of high resolution geophysical data post-consent, and ground-truthing where necessary to determine the nature and extent of remains on the sea bed (by a suitably qualified and experience professional archaeologist) is set out in the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298]. A commitment to the archaeological recording and conservation of artefacts is included, should this be required.</p>
16	<p>Section 4.4.8 (Offshore Temporary Works Area) states the provision to be made for micro-siting around sensitive features which must be considered as inclusive of cultural heritage. Furthermore, that in paragraph 205, any post consent survey coverage of the offshore temporary works area should be designed to demonstrate no construction impact within any agreed Archaeological Exclusion Zones (AEZs). We have previously provided comment on required approach to archaeological mitigation through the SEP and DEP Offshore Temporary Works Order Limits Environmental Report consultation (as dated April 2022).</p>	<p>Noted.</p>
17	<p>Environmental Statement: Volume 1, Chapter 5 – EIA Methodology (Document Reference: 6.1.5) PINs Reference: APP-091</p> <p>We appreciate that SEP and DEP are the subject of a single DCO application with a combined EIA process and associated submissions, and that each project is assessed individually, so that mitigation is project specific. It is also acknowledged that the assessments cover scenarios whereby SEP or DEP are developed in isolation, as well as both SEP and DEP being developed, either concurrently or sequentially.</p>	<p>Noted.</p>
18	<p>Section 5.5 (Project Design Envelop) while we appreciate the intended output is an EIA based on clearly defined environmental parameters and the likely environmental impacts that could result, it is important that any such approach takes account of both the known heritage assets and risk of encountering presently unknown heritage assets.</p>	<p>Noted. Both known and potential (presently unknown) heritage assets are considered in <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] and <b>Chapter 21 Onshore Archaeology and Cultural Heritage</b> [APP-107].</p>
19	<p>Section 5.6 (Characterisation of the Existing Environment) includes an important statement about the work necessary to characterise the existing environment to produce a “robust baseline to inform understanding of the existing</p>	<p>Noted.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>environmental conditions...” It is also relevant to note acknowledgment, by the Applicant, about:</p> <ul style="list-style-type: none"> <li>• further data requirements;</li> <li>• to ensure data gathered are targeted and directed at answering the key question; and</li> <li>• filling key data gaps.</li> </ul>	
20	<p>We appreciate that information gathered should ensure that the development location can be characterised sufficiently to make appropriate EIA judgements, as described in Section 5.7. We also appreciate that a central focus of an ES is the identification of likely significant effects (in EIA terms) of the proposed project and that this approach considers the project in three phases: construction, operation and decommissioning and that Section 5.7.8 (Mitigation) defines two types of mitigation: embedded and additional</p>	Noted.
21	<p>Environmental Statement: Volume 1, Chapter 6 - Marine Geology, Oceanography and Physical Processes (Document Reference: 6.1.6) PINs Reference: APP-092</p> <p>We appreciate that the detail of this chapter should be read in conjunction with other relevant chapters, inclusive of Chapter 14 (Offshore Archaeology). We understand that survey data acquired by this project comprises geophysical surveys (multibeam echosounder, side-scan sonar and shallow seismic) conducted across the proposed wind farm extension areas and associated export cable corridors (excluding offshore temporary works areas) between September 2019 and August 2020. From these data a baseline environment characterisation was produced.</p>	Noted.
22	<p>Table 6-2 (Summary of Realistic Worst-case Scenarios) does highlight in ‘construction’ phase impacts attributable to seabed preparation for up to 24 conical GBS foundations for 18MW WTGs e.g. “Impact 2a”. It is therefore relevant that impact to sedimentary sequences of possible palaeo-environmental interest require assessment through geo-archaeological interpretation of those survey data acquired and described within Sub section 6.4.2.1 and Table 6-5.</p>	<p>Impacts to deposits of possible paleoenvironmental interest during construction are considered in Section 14.6.1 <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100]. The approach to geoarchaeological assessment is set out in the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298].</p>

ID	Written Representation Comment	Applicant's Comment
23	<p>We are aware from the detail provided in Chapter 14, that geotechnical survey was conducted in 2021 within the electricity export cable corridor and we will offer further comment in Section 5 of this Written Representation regarding any corroboration offered with the geophysical data (i.e. shallow seismic) already obtained. We consider this to be a relevant matter, previously something we raised at raised at the PEIR consultation, in consideration of the potential to encounter prehistoric sedimentary sequences and landscape elements of archaeological interest. We therefore offer an additional reference to be included ins the assessment because it demonstrates the palaeo-envionmental importance of the Greater Wash area:</p> <p>Brown A., Russel J., Scaife R., Tizzard L., Whittaker J. and Wyles S. (2018) Lateglacial/early Holocene palaeoenvironments in the southern NorthSea Basin: new data from the Dudgeon offshore wind farm. Journal of Quaternary Science 33(6); pp.597–610</p>	<p>Brown (<i>et al.</i> 2018) is referenced in Table 14-12 and Section 14.5.1 pf <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100].</p>
24	<p>Environmental Statement: Volume 1, Chapter 14 – Offshore Archaeology and Cultural Heritage (Document Reference: 6.1.14), PINs Reference: APP-100</p> <p>In the consultation summary presented in Table 14-2, we note the acknowledgement by the Applicant that “...there are gaps in the most recent survey coverage...”, but through using other historic datasets the Applicant has determined that an “...accurate characterisation of the archaeological potential of the study area...” is possible for the purposes of EIA.</p>	<p>Noted.</p>
25	<p>We acknowledge that the study area for Offshore Archaeology and Cultural Heritage is defined for SEP and DEP and the offshore cable corridors (interlink and export cables), including the intertidal zone at the landfall up to MHWS. We also note that the study area has been expanded to incorporate assessment of the Offshore Temporary Works Area as part of the ES.</p>	<p>Noted.</p>
26	<p>The detail provided in Table 14-2 (Realistic Worst Case Scenarios) provides an important point of consideration in terms of both a maximum area of disturbed sea bed sediments and associated risk for archaeological material to be present either on the seafloor or buried, but in addition to area it is relevant to consider impact in reference to spatial distribution of “worst case” design options i.e. GBSs and where placement and depth of placement might cause greatest</p>	<p>Paragraph 202 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] describes how detail regarding layouts and the placement of turbines will be developed further through detailed design post-consent. This will include detailed consideration of layouts, in consultation with Historic England, to avoid heritage assets wherever possible and will be based upon the results of further investigation (post-</p>

ID	Written Representation Comment	Applicant's Comment
	<p>impact to archaeological materials and palaeo-environmental sedimentary sequences.</p>	<p>application/post-consent), including geoarchaeological assessment, the archaeological assessment of high resolution geophysical data post-consent, and ground-truthing where necessary to determine the nature and extent of remains on the sea bed. It is, therefore, not possible, currently, to define the worst case in terms of spatial distribution and if there are any locational restrictions for the installation of larger wind turbines which could be co-located with heritage assets and elements of the prehistoric landscape.</p>
27	<p>The detail in Table 14-2 about "Sea bed preparation" i.e. sand wave clearance also requires attention from an archaeological perspective as we are aware from Chapter 6 (6.5.1 Bathymetry and Bedforms) that sand waves are prevalent across SEP and DEP, particularly in the northwest of DEP North array area and northwest of DEP South array area; including sand waves, with crests reaching heights of approximately 2-4m.</p>	<p>The potential for direct impact to both known and potential heritage assets during sea bed preparation, which includes the clearance of sand waves, is assessed in Section 14.6.1 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100].</p>
28	<p>Sand waves are also identified in the interlink cable corridors, and at the north western end of the DEP South array area to DEP North array area interlink cable corridor reaching heights of up to 3m. An assessment of risk is therefore required to determine the likelihood of encountering presently unknown archaeological sites as may occur in sand waves as may require clearance.</p>	<p>Paragraph 157 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] acknowledges that there are many factors which affect the visibility and subsequent identification of archaeological remains. The potential for remains to exist depends on an understanding of the variable survivability and visibility of wrecks (or other archaeological remains) on the sea bed, with factors of consideration including the age of the vessel, the construction material, the sea bed sediment type, the prevailing hydrodynamic and sedimentary regimes of the area and the occurrence of any sea bed activities in that location.</p> <p>Section 1.6.2 of the of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] allows for onboard watching briefs during clearance in areas considered to be of medium or high archaeological potential. Specifically, paragraph 149 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] describes how the archaeological assessment of high-resolution preconstruction geophysical data will allow for the spatial identification of locations where the risk of encountering unexpected archaeological material is higher and that where large sand wave features are present there is greater potential for concealing archaeological remains.</p>

ID	Written Representation Comment	Applicant's Comment
29	<p>Section 14.3.3 (Summary of Mitigation Embedded in the Design and Additional Mitigation), in general we concur with the “additional mitigation” measures that are proposed. However, mention of “Geoarchaeological assessment” requires clarification to understand whether this is completion of an agreed programme of analysis (utilising geotechnical material obtained in 2021) or if it will utilise geotechnical material obtained post-consent, should permission be obtained. It is not entirely clear if any more geotechnical survey (i.e. bore holes or vibro-cores) will be conducted.</p>	<p>Section 1.5.2 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] describes how geoarchaeological assessment of geotechnical data acquired for the project forms part of the commitment by the project team to additional mitigation and investigations. To date, geotechnical data acquired for SEP and DEP in 2021 has been subject to an initial phase of assessment and integrated with the results of previous geoarchaeological assessments undertaken for SOW and DOW by Wessex Archaeology. Royal HaskoningDHV’s marine geoarchaeological specialist is providing ongoing advice to the Project in planning each geotechnical campaign to ensure that geoarchaeological objectives are taken into account.</p>
30	<p>The requirement for such data would seem essential given the design envelope approach adopted for this EIA exercise (as explained in Chapter 5) and identification of worst-case impact scenarios for each way SEP and/or DEP could be delivered (Chapter 4).</p>	<p>Noted.</p>
31	<p>Section 14.4.2 (Data and Information Sources) includes important information about the assessment of geophysical data for quality, as summarised in Table 14-6 (Summary of Acquired Geophysical Data) in that these data were considered suitable for archaeological purposes although it is acknowledged that some parts of the study areas were not covered by the surveys conducted in 2019 and 2020. Regarding data quality, it is noted that the majority of data are classed as “good”, but that the Side Scan Sonar (SSS) data was classed as being of “variable” quality, which may impact the ability to identify smaller objects and therefore there is the potential for remains to be present that have not been identified or resolved through the geophysical survey campaign (as highlighted in paragraph 49).</p>	<p>Noted.</p>
32	<p>Regarding the Offshore Temporary Works Area, we note the statement that an additional archaeological assessment has not been carried out by any specialist sub-contractor. All information presented for the updated order limits are desk-based only. Paragraph 55 requires close attention regarding the combination of some specifically acquired geophysical data and access to historic data sets generated to inform the Sheringham Shoal and Dudgeon Offshore Wind Farm projects (reports dated between 2009 and 2014).</p>	<p>Noted.</p>

ID	Written Representation Comment	Applicant's Comment
33	<p>We note the conclusion that sufficient characterisation was thought possible for EIA purposes and acknowledgement of the greater risk of encountering presently unknown archaeological sites where there is no existing survey coverage. However, we must add that in areas where historic survey data sets have been used there is also the risk that previously unknown sites are now exposed due to dynamic seabed conditions. We must also draw your attention to the "...commitment to ensuring full coverage of construction areas post-consent is set out in the Outline WSI Offshore".</p>	<p>Section 1.5.1 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] acknowledges that limited parts of the study area were not covered by the 2019/2020 surveys, including the Offshore Temporary Works Area. Prior to the acquisition of pre-construction geophysical data, it is stated that a review of all the data is undertaken by a suitably qualified and experienced archaeological contractor. This will clarify the suitability of existing data and will include the identification of any data gaps. This will help to inform the acquisition of preconstruction geophysical data.</p>
34	<p>It is important that any Outline WSI Offshore represents an agreed methodological approach to utilise survey data to maximise archaeological interpretation. A separate Condition in the draft DCO (and Deemed Marine Licences) would therefore be necessary to ensure surveys are conducted to produce full coverage (i.e. spatial extent as relevant to the order limits); this would provide the commitment to ensure full coverage of construction areas using high-resolution marine geophysical approaches post-consent, as set out in the Outline WSI (Section 14.4.2, paragraph 55; Sub-section 14.4.3.1, paragraph 65).</p>	<p>In addition to the above, Section 1.5.1 of the <b>Outline Written Scheme of Investigation (Offshore)</b> includes the commitment to consulting with Historic England before any geophysical survey takes place post-consent, including the preparation of a method statement, to ensure the suitability of any data to meet the archaeological objectives. A separate Condition in addition to Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1] is not therefore considered necessary.</p>
35	<p>Table 14-8 (Criteria for Determining Heritage Importance) includes under "Medium" "Assets that contribute to regional research objectives" and it is therefore relevant to highlight the applicability of the North Sea Prehistory Research and Management Framework as soon to be republished online and which will join other maritime related research frameworks2.</p>	<p>Noted.</p>
36	<p>The identification of outcome objectives to be delivered in line with an Outline WSI in the crucial post-consent and pre-construction period is therefore essential. The consent obligation placed on the Applicant to deliver accordingly are key to enable the positive aspects and societal benefits identified in paragraphs 84 and 85 to be delivered. It is also appreciated how sub-section 14.4.3.4 (Significance of Effect) highlights an important difference in Chapter 14, such that the significance of effect is a function of the sensitivity of the receptor.</p>	<p>Noted.</p>
37	<p>Sections 14.4.4 and 14.5.4 (Historic Seascape Characterisation) summarises how the proposed development may alter perceptions of historic seascape character. We also respond to the statement made in paragraph 92 that HSC is</p>	<p>Noted.</p>



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	not a means of assigning "...a level of importance..." nor a "...measure of magnitude..." which accords with how HSC does not attempt to attribute sensitivity to perceptions of historic character. We therefore note the approach taken, as summarised in Table 14-26 (Capacity of Perceptions of Character to Accommodate Change During Construction).	
38	We appreciate the attention in Section 14.5.1 (Seabed Prehistory), paragraph 106 and the identification of palaeo-geographic features from geophysical data (see also Table 14-14) as described in paragraphs 116 to 128 with locations identified as being of high archaeological potential. This therefore reinforces the importance of archaeological advice to inform the spatial distribution of infrastructure associated with SEP and DEP.	Noted.
39	Regarding the geo-archaeological analysis of geotechnical logs, we note that the initial assessment is presented in Appendix 14.3. Furthermore, that core sections and further samples will be subject to further geoarchaeological assessment, as set out in the Outline WSI. Previous geophysical surveys and geotechnical investigations have identified several channel features thought to have formed during periods of low sea level when the area would have been exposed. We are pleased to see that the associated sediments, such as peat have been deemed to be of high archaeological significance (Sub section 14.5.1.1).	Noted.
40	Previous palaeoenvironmental assessment of boreholes recovered from Botney Cut feature channel ID 7026 identified remains dating to a period of significant climate change immediately prior to the onset of the Holocene and it is thought that similar age channels may be present across the Study Areas. We agree that if present, the sediments associated with these features would be of high archaeological potential (Sub-section 14.5.1.1, paragraphs 117-118; 14.5.1.3, paragraph 133). Table 14-15 summarises the importance of different asset types. We agree that the majority of the asset types are of high importance.	Noted.
41	Section 14.5.2 (Maritime and Aviation Archaeology) includes the identification of anomalies of potential archaeological interest, as summarised in Tables 14-16 and 14-17. We are also aware of the explanation provided that the baseline presented provides an accurate estimation based on the survey data and review of desk-based sources of information. However, we anticipate that this baseline	The approach to augmenting the existing maritime and aviation archaeology baseline though the archaeological assessment of high resolution geophysical data post-consent, and ground-truthing where necessary to determine the nature and extent of remains on the sea bed

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	will require revision, should consent be obtained, and action is taken to finalise the engineering design of the development. It is therefore possible that other anomalies presently identified could be revealed as being of considerable archaeology interest.	is set out in the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298]. The results of these assessments will inform the final design.
42	Paragraphs 151 and 152 make an important point about the 512 anomalies classified as "A2" ("uncertain origin of possible archaeological interest"). The involvement of professional, accredited and experienced maritime archaeological advice in the post-consent/pre-construction phases is therefore essential to adequately inform any subsequent analysis (should consent be obtained). We are aware that archaeological analysis of geophysical survey data has not been undertaken within the spatially defined possible offshore temporary works. We appreciate the desk-based review presented in Table 14-20 and the identification of 21 additional wrecks ("A1") and obstructions and 221 "A2" anomalies (where survey data is available).	Noted. Section 1.4 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] includes a commitment to retaining the services of a suitably qualified and experienced archaeological contractor as the 'retained archaeologist' to oversee and ensure the successful implementation of the final Offshore WSI and contractual commitments relating to archaeology. This is therefore secured through Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1].
43	It is therefore essential that archaeological interpretation of new survey data to be commissioned is bound into any consent as might be forthcoming for this proposed development. The Outline WSI would provide the methodological approach to subsequent archaeological analysis, as mentioned in paragraph 156. Paragraphs 157-161 highlight the potential of encountering previously unidentified wrecks (vessel or aircraft).	A commitment to the archaeological interpretation of new survey data, and the methodological approach to subsequent archaeological analysis is set out in Chapter 1.5.1 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298]. This is therefore secured through Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1].
44	The Applicant must also be aware of the automatic application of the Protection of Military Remains Act 1986 for all military aircraft crash sites (see paragraphs 165-166). We are pleased to see that the potential for previously unknown remains and unidentified wrecks to be present dating from the Mesolithic period onwards is acknowledged, as well as the issues affecting visibility and therefore identification (Sub-section 14.5.2.1, paragraph 157).	Noted.
45	Sub-section 14.5.2.2 (Cultural Significance of Identified Assets) we concur that the archaeological interest (or otherwise) of "A1" and "A2" sites and anomalies will be further examined post-consent (should permission be obtained). We also note the acknowledgment of how wrecks may occur within a 'setting' of relevance to their historical and archaeological interest (paragraph 174).	Noted.

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46	<p>We are minded to concur with the potential impacts as set out in Section 14.6 and Table 14-27 as relevant to construction and avoidance measures (Recommended AEZs Within the Study Area). We are pleased to see that the archaeological potential of the intertidal zone was classed as being high, and that the significance of the sequence of organic sands, peats and muds that outcrop on the Weybourne foreshore is highlighted (Sub section 14.5.3.1, paragraph 182, Table 14-24).</p>	<p>Noted.</p>
47	<p>We appreciate that the potential for encountering such remains is low, but if found they could be highly significant, as stated in Sub-section 14.5.3.3. We appreciate that the final design and location of elements of the scheme have not yet been finalised and that micro-siting elements will take the findings of the archaeological assessment into account. This will include the information obtained from surveys carried out post-consent (Section 14,5,4, paragraph 202).</p>	<p>Noted.</p>
48	<p>It is therefore important to see that a precautionary approach is being used, and that the worst-case scenario is being considered (Sub section 14.6.1.1.1, para 224). We also agree that without mitigation, there would be the potential for major adverse impacts (Sub section 14.6.1.1.3 and 14.6.1.1.4).</p>	<p>Noted.</p>
49	<p>It is also stated that the use of HDD to install the cable ducts in the intertidal area will allow the cables to pass below the beach deposits and therefore result in no direct impact to assets (Sub section 14.6.1.1, paragraph 218). However, it is acknowledged that the depth of sedimentary sequences of archaeological interest at landfall are not yet known, and so it is not correct to say that there will be no direct impacts. This needs to be amended by the applicant.</p>	<p>Sub section 14.6.1.1, paragraph 218 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] states that it is anticipated that direct impacts to all 'known' heritage assets can be avoided through the use of HDD to install the cable ducts, passing below the beach deposits. Section 14.6.1.2 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] acknowledges that it is not possible to avoid heritage assets that have not yet been discovered (potential heritage assets). Therefore, unavoidable direct impacts may occur if archaeological material is present within the footprint of the Projects, including cable installation at the landfall. Paragraph 248 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] confirms that the depth of sedimentary sequences of archaeological interest at the landfall will be further clarified through the geoarchaeological assessment of geotechnical data, and will inform the design of HDD and nearshore cable installation so that HDD will pass</p>

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		beneath Quaternary deposits of potential archaeological interest and therefore, no impact will occur.
50	Further investigations will be carried out e.g. geoarchaeological assessments of the geotechnical post-consent to inform the design of the HDD and nearshore cable installation, but this will also provide an opportunity to investigate the archaeological potential of the areas in more detail and to mitigate any impacts. The Norfolk coast has the potential for deposits of archaeological importance to be present, such as the Cromer Forest-bed Formation (CF-bF). If present, archaeological and palaeoenvironmental remains of international importance may be preserved, and so an appropriate sampling and mitigation strategy is required.	Noted. Section 1.5.2 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] describes how geoarchaeological assessment of geotechnical data acquired for the project forms part of the commitment by the project team to additional mitigation and investigations.
51	The proposed mitigation has been set out in the Outline WSI (Offshore); it is stated that the direct impacts to known heritage assets will be avoided following the application of the proposed mitigation strategy. This includes the implementation of AEZs around all "A1" anomalies (Sub section 14.6.1.1.5, paragraph 229). It is noted that the size of the AEZ can be reduced, enlarged or removed in agreement with Historic England when additional survey data information becomes available (Sub section 14.6.1.1.5, paragraph 239). We are therefore prepared to accept, at this stage, the recommended AEZs to be used within the Study Area, as set out in Table 14-27.	Noted.
52	It is however important to ensure that Historic England are a named party in the DCO to ensure this post consent consultation is underpinned by the terms of the order once granted.	The Applicant notes that Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1] require the final archaeological written scheme of investigation (offshore) to be approved by the MMO in consultation with the statutory historic body. Paragraph 1 of Part 1 of Schedules 10 – 13 confirms that 'statutory historic body' that means Historic England or its successor in function.
53	It is stated that AEZs are not recommended for "A2" anomalies, but that the position of these features will be avoided by micro-siting elements of the scheme during detailed project design (Sub section 14.6.1.1.5, paragraph 240). Further high-resolution geophysical surveys are planned pre-construction which	Noted.

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	will help clarify the nature and extent of these anomalies (Sub section 14.6.1.1.5, paragraph 240).	
54	It is however acknowledged that if features cannot be avoided then additional work may be required to establish the archaeological interest of the feature (e.g. an ROV and/or diver survey). A mitigation strategy will be developed for these features on a case-by-case basis (Sub section 14.6.1.1.5, paragraph 241) to offset or reduce the impacts. It is acknowledged that it will be impossible to avoid heritage assets that have not yet been discovered (potential heritage assets), which may be impacted during activities such as the preparation of the seabed, installation of wind turbines or the associated infrastructure (Sub section 14.6.1.2, paragraph 246). However, the precise nature and extent of any direct impacts will not be known until the final design and layouts of the proposed scheme have been confirmed (Sub section 14.6.1.2.1).	Noted.
55	We agree with the conclusion that any direct impacts that result in damage to, or disturbance of in situ prehistoric maritime and aviation sites and potential submerged landscape features and palaeoenvironmental evidence will be adverse, permanent and irreversible. Therefore, without mitigation there is the potential for major adverse effects (Sub section 14.6.1.2.4, paragraph 255).	Noted.
56	Mitigation has been proposed to reduce the impacts of the development, which includes further archaeological assessment of high-resolution geophysical data and geoarchaeological assessment of geotechnical data, which will be undertaken post-consent (Sub section 14.6.1.2.5).	Noted.
57	We are pleased to see that archaeologists will be included in the planning and design of the survey and sampling campaigns, and that further mitigation measures will be agreed with Historic England where necessary (Sub section 14.6.1.2.5, paragraph 257). Paragraphs 257-262 also clearly demonstrate the importance of the archaeological conditions to be included within the Deemed Marine Licences which accompany this application.	Noted.
58	We are pleased to see that the potential impacts of changes in coastal processes on the historic environment has been considered with reference to the Marine Geology, Oceanography and Physical Processes chapter. It is stated that the changes in coastal processes will generally result in an increased bed-	Noted.

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	level, which in turn would increase the potential for protection of heritage assets. This would result in a negligible effect and no impact upon buried heritage assets.	
59	We agree that without mitigation, there is the potential for “major adverse” impact upon potential in situ heritage assets during the operation and maintenance of the proposed windfarms through the action of things such as jack-ups or vessel anchors (Sub section 14.6.2.2.1). The archaeological assessment of post-construction monitoring data will reduce, as far as possible the potential for unintended impacts during operation. We are pleased to see that the primary mitigation approach will be an avoidance strategy, but that a reporting protocol will also be implemented alongside the mitigation measures set out in the Outline WSI (Offshore) (Sub section 14.6.2.2.5).	Noted.
60	We concur with the statements made in Sub-section 14.7.3 (Assessment of cumulative impacts). In particular, the remark made in paragraph 330 that demonstrates the importance of Deemed Marine Licence conditions that will deliver cultural heritage mitigation and realise the ambition of “industry wide build-up of data”. The DCO provisions therefore provide the only means of ensuring that SEP and DEP have the potential to contribute to a measurable “...overall cumulative beneficial impact” as alluded to in paragraph 334.	Noted.
61	Section 14.8 (Transboundary impacts) – we appreciate the argument made for “significant beneficial impact” (paragraph 339) with the focus on the potential for integrated research and management to be a positive cumulative and transboundary impact for both the UK and adjacent North Sea states. The reality of delivering any such positive outcome will be directly related to enactment of mitigation measures within the DCO. We also concur with the screening exercise presented in Table 14-32 (Interaction Between Impacts).	Noted.
62	It would be important to note however, that within the English Inshore Marine Planning Area if an unknown heritage asset is encountered that on further investigation merits statutory protection this will have a direct bearing on what mitigation measures should be prioritised.	Noted.
63	In terms of Potential Monitoring Requirements (Section 14.11), as directed at Archaeological Exclusion Zones (AEZs), it is important to focus on how the	Noted. Provision for the implementation, amendment and monitoring of AEZs is set out in Section 1.6.1 of the <a href="#">Outline Written Scheme of</a>

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	<p>eventual design of SEP and DEP will follow consent (if permission obtained) and therefore which AEZs may require monitoring, as described in paragraph 346. For example, from the 30 "A1" anomalies, 7 are identified as debris fields which will require detailed assessment in reference to an agreed archaeological WSI to determine the spatial extent of any AEZ i.e. if a wider buffer is required than presently recommended in Table 14-27 (see our comments above in paragraph 5.15).</p>	<p><b>Investigation (Offshore)</b> [APP-298], which is secured through Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
64	<p>Furthermore, paragraph 352 also mentions the reliance on geotechnical data acquired post-consent, which following geo-archaeological assessment, will inform the design of HDD and nearshore cable installation to pass beneath deposits of potential or known archaeological interest. The approaches summarised in this section seem sensible and appropriate, but we refer you to our comments on the Outline WSI for more detailed discussion.</p>	<p>Noted.</p>
65	<p>In general, we concur with the statement made in paragraph 354 regarding avoidance of more obvious anomalies which are readily identifiable as wreck. However, for "A2" anomalies we note that AEZs are not recommended at this time which does place considerable attention on post-consent high resolution survey work to determine if AEZs are required. We appreciate that a situation may occur where an anomaly or cluster of anomalies might not be avoidable. The methodology for qualifying the existence of heritage assets and taking account of identifiable significance must be led through an agreed WSI used post-consent and pre-construction.</p>	<p>The methodology for post-consent investigation and mitigation is set out in the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298], which is secured through Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
66	<p>Paragraph 355 describes the application of a formal protocol for archaeological discoveries, but it is important to be clear that post consent (should permission be forthcoming) and pre-construction is the crucial period for optimising the use of a WSI; through its application the project is designed and delivered in consideration of archaeological and historic sites encountered. The application of a Reporting Protocol really becomes applicable from construction onwards if sites are discovered when an effective system of decision-making between key stakeholders becomes essential, as demonstrated by the identification of a residual impact of "minor adverse" in Table 14-34 (Summary of Potential Impacts on Offshore Archaeology and Cultural Heritage). Depending on the site</p>	<p>The approach to implementing a reporting protocol, based on the Offshore Renewable Protocol for Archaeological Discoveries: Offshore Renewables Projects (ORPAD) (The Crown Estate, 2014) is set out in Section 1.9 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298].</p>

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	encountered and its significance as a heritage asset, the extent of residual impact may be "moderate" or even "major".	
67	<p>Environmental Statement: Volume 1, Chapter 21 – Onshore Archaeology and Cultural Heritage (Document Ref: 6.1.21)</p> <p>Chapter 21 sets out the baseline data, potential impacts and mitigation requirements for onshore archaeology and cultural heritage.</p>	Noted.
68	A total of 546ha of the proposed scheme area was identified for priority geophysical surveys, targeting areas of known archaeology as shown on the NHER and from aerial mapping (Section 21.4.2.1, para 45).	Noted.
69	This was complemented by a programme of archaeological and geoarchaeological monitoring of ground investigation works (Section 21.4.2.1, para 47). This work identified areas of high to moderate palaeoenvironmental and geoarchaeological interest, particularly in the areas of the River Bure, Swannington Beck and the River Wensum that could be impacted by the proposed development (Section 21.5.3.5, para 123-127).	Noted.
70	It is stated that further investigation and data gathering would be progressed post-consent, including further geophysical surveys and trial trenching, alongside the mitigation requirements set out in the Outline WSI (Onshore) (Section 21.4.3.1, para 57).	Noted.
71	It is also noted that heritage assets located within or partly within the DCO application boundary have not yet been fully evaluated through intrusive evaluation (e.g. trial trenching) approaches (Section 21.5.3.2, para 112), and that a series of surveys and investigations will be carried out post-consent (Section 21.6.1.2.3, para 188).	Noted.
72	Where positive results are available, non-intrusive studies (LiDAR, aerial photography, historic mapping and geophysics) have clearly demonstrated the potential presence of buried archaeological remains, some of which are perceived to be of high importance (Section 21.5.3.2, paras 114-115, Table 21-10). It is acknowledged that these remains could be at risk of direct physical impacts (Section 21.5.3.2, para 117).	Noted.



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73	We have concerns that the gaps in the current survey data, and some of the post-consent survey strategy presents a risk for previously unknown archaeological remains being discovered during the construction phase of the project. These concerns are set out below.	Noted.
74	We are pleased to see that the previously unknown non-designated heritage assets that may be present within the scheme area have been classed as being of high importance as a precautionary approach (Section 21.5.3.4, para 120; Section 21.6.1.2, para 158).	Noted.
75	It is not clear why deposits of high geoarchaeological and palaeoenvironmental potential have been assigned a precautionary heritage importance of medium importance for the same reason: being uncertain in terms of the precise nature, extent and date (Section 21.5.3.6). Our view is that the uncertain nature of the remains should be assigned a high importance until further information is available to allow this to be reassessed. We recommend this is amended by the applicant before the end of the examination.	Noted. The Applicant acknowledges that the deposits of potential mid-Pleistocene age should be considered of high heritage importance, however this would not change the outcome of the residual impact following mitigation to non-significant levels in EIA terms.
76	We are pleased to see that direct and indirect impacts on the historic environment have been considered (Section 21.6). This includes the potential impacts on both designated and non-designated heritage assets at the construction, operational and decommissioning phases of the scheme	Noted.
77	The discussion includes the potential for the proposed development to interact with local hydrological processes that can in turn impact buried archaeological remains through either desiccation or waterlogging (Section 21.6, para 138).	Noted.
78	We have also noted that no designated assets will be impacted by the proposed scheme as the route has been designed to avoid them, except for the Mannington and Wolterton Conservation Area (Section 21.6.1.1, para 146-147).	Noted.
79	The potential impacts of the development at the landfall location have been discussed in Section 21.6.1.2, but this has not included an impact of how the scheme may impact deposits of palaeoenvironmental or geoarchaeological potential in this area. It has been stated that the direct physical impacts in this location could represent up to a medium magnitude of impact (Section 12.6.1.2, para 173).	The magnitude of impact is considered medium as the construction activities at the landfall (i.e. HDD) are not considered to remove geoarchaeological or palaeoenvironmental deposits in their entirety which would equate to a high magnitude of impact.

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80	We recommend that the potential magnitude of impact and heritage importance be increased as a precautionary measure until additional information is available to allow the potential for deposits of palaeoenvironmental and geoarchaeological value to be present have been considered, and for the magnitude of impact to be reassessed (Section 21.6.1.2.2, para 178). This will need to be amended by the applicant before the end of the examination.	Noted however this would not change the outcome of the residual impact following mitigation to non-significant levels in EIA terms.
81	It is stated that avoidance, micro-siting and refinement of the route has formed the basis of the embedded mitigation strategy, which is good to see (Section 21.3.3, para 23 & Table 21-3). We are pleased to see that the priority geophysical survey works were used to help inform the design of the proposed scheme (Section 21.6.1.2.3, para 187).	Noted.
82	It is stated (Section 21.6.1.2.3, para 188) that post-consent survey and evaluation work will be carried out as described in the Outline WSI (Onshore) (Document Reference 9.21). The additional mitigation will potentially include preserving archaeological remains where possible, set-piece excavations, strip, map and record excavation, watching briefs, earthwork surveys and geoarchaeological/palaeoenvironmental surveys (Section 21.6.1.2.3, para 189).	Noted.
83	It has been argued that following the implementation of the proposed mitigation that any impacts would be of minor adverse significance. However, we have concerns over some of the approaches set out in the Outline WSI (Onshore) (see Chapter 15 below).	Noted (see Chapter 15 below).
84	The impacts of the proposed scheme on the localised groundwater levels has been discussed in Section 21.6.1.3.1. It has been concluded that the impacts are expected within the direct location of the cable trenches, with any potentially deeper geoarchaeological deposits not being affected by the hydrological changes (para 202-203).	Noted.
85	It is further argued that the geoarchaeological deposits are of medium heritage importance, which we question. It has been concluded that following mitigation any residual impacts will be classed as being of minor adverse significance (Section 21.6.1.3, para 206).	The Applicant acknowledges that the deposits of potential mid-Pleistocene age should be considered of high heritage importance, however this would not change the outcome of the residual impact following mitigation to non-significant levels in EIA terms.
86	We are pleased to see that the potential impacts from bentonite slurry outbreak on deposits of geoarchaeological and palaeoenvironmental interest have been	Noted.

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	<p>considered (Section 21.6.1.3, para 210). It is stated that the impacts of HDD drilling and bentonite slurry outbreak will be managed through the approaches detailed in the Outline WSI (Onshore) (Document Reference 9.21), which would reduce the impacts to being of minor adverse significance (Section 21.6.1.3, para 214).</p>	
87	<p>The impact of the proposed onshore substation on the setting of designated heritage assets is considered in Section 21.6.2.1. We are satisfied with the conclusion presented in Table 21-12 (para 229) that there would be no impact on the designated heritage assets and scoped into the assessment (see Onshore Infrastructure Setting Assessment. Volume 3, Appendix 21.4)</p>	Noted.
88	<p>We are pleased to see that the potential impacts from the heat emission of cables is considered, particularly as the cable route crosses through river valleys where there is the potential for waterlogged archaeological / palaeoenvironmental remains to be preserved (Section 21.6.2.2, para 239). It is argued that the proposed mitigation detailed in the Outline WSI(Onshore) (Document Reference 9.21) will result in no impact to the archaeological remains (Section 21.6.2.2, para 243).</p>	Noted.
89	<p>Environmental Statement Volume 3, Appendix 14.1: Archaeological Assessment of Geophysical Data (Document Reference: 6,3,14,1). PINs Reference: APP-199</p> <p>We note the data sources used by the Applicant to inform this assessment consists of geophysical survey datasets acquired in 2019 and 2020; comprising Sub-bottom Profiler (SbP), Side Scan Sonar (SSS), Magnetometer and Multibeam Echo Sounder (MBES) data, provided to a specialist archaeology sub-contractor. Given that these datasets are between 2-3 years old, Historic England confirms that new post-consent survey datasets will be required to steer the design of these projects.</p>	<p>A commitment to the archaeological interpretation of new survey data, and the methodological approach to subsequent archaeological analysis is set out in Chapter 1.5.1 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298], which is secured through Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
90	<p>It should be noted that the line spacings used for the offshore geophysical surveys were larger than recommended for archaeological assessments in the Historic England document Marine Geophysics: Data Acquisition, Processing and Interpretation (2013). In addition, it is stated that initially, only 25% of the SbP survey lines were assessed; additional lines were interpreted in order to</p>	<p>Section 1.5.1 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] states that, prior to the acquisition of pre-construction geophysical data, a review of all the data is undertaken by a suitably qualified and experienced archaeological contractor. This will clarify the suitability of existing data and will include the identification of</p>

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	<p>more accurately map the extents of these features (Section 2.3.6). It is therefore possible that smaller features may not have been identified following this work if they fell between the survey lines. We would therefore recommend that this document is referred to when planning future geophysical campaigns: .</p>	<p>any data gaps. This will help to inform the acquisition of preconstruction geophysical data. The section references the Historic England document Marine Geophysics: Data Acquisition, Processing and Interpretation (2013).</p>
91	<p>An assessment of the quality of the information obtained from the geophysical survey work generally classed the data as being “good” (criteria defined in Table 6). However, SSS nearshore data was classed as being of “variable” quality, as it was affected by weather (Sections 2.4.6 &amp; 2.4.7). It was concluded that the SSS data could be used to identify larger objects, such as wrecks, but that it was more difficult to identify smaller objects. It was also noted that the Magnetometry data obtained from the DEP and SEP areas was of “average” quality due to the background noise in the data (Section 2.4.10). This coupled with the large line spacings of 75m meant that it was felt that smaller objects may not have been picked up in the data. This suggests that there is the potential for previously unknown features and remains to have been missed.</p>	<p>As described in Section 14.4.2.1 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] we consider that the geophysical data assessment carried out in support of the ES provides an accurate characterisation of the archaeological potential of the study area, appropriate to the purposes of EIA. Section 1.5.1 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] states that, prior to the acquisition of pre-construction geophysical data, a review of all the data is undertaken by a suitably qualified and experienced archaeological contractor to identify any data gaps and inform the acquisition of preconstruction geophysical data.</p>
92	<p>A summary of the palaeogeographic and archaeological features and remains presented in Section 3 suggest that terrestrial features dating to the late Glacial and Early Holocene are present within the area of the proposed development (e.g. Sections 3.1.27; 3.1.28; 3.1.35; 3.2.13; 3.2.16; 3.2.24; 3.2.26; 3.2.33; and 3.2.52). Evidence suggests that features of geoarchaeological, palaeoenvironmental and archaeological interest are present, including organic material such as peat. For example, the assessment of borehole BH06 recorded highly laminated sequences, including peat that was thought to represent the gradual infilling of a freshwater lake between c.12,700 and 9260 cal BP (Section 3.2.42). These deposits are important as this period is associated with significant changes in the climate and environment.</p>	<p>Noted.</p>
93	<p>It is noted that due to the penetration of the Parametric Sonar data, the shallow nature of some of the features and the acoustic similarities between Unit 6b and the underlying Units 6a and 5, that it was not possible to accurately map the full extent of the features, particularly the Botney Cut features (Section 3.2.4). It is therefore important that the Outline WSI is clear about areas to be targeted using additional techniques, such as boreholes to help characterise and understand the features and their associated features.</p>	<p>Royal HaskoningDHV’s marine geoarchaeological specialist is providing ongoing advice to the Project in planning each geotechnical campaign to ensure that geoarchaeological objectives are taken into account. The approach to ongoing geoarchaeological assessment is set out in Section 1.5.2 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298].</p>

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94	<p>It was stated that there was the possibility that the units associated with the Botney Cut had a more complex depositional history, which will need to be considered when applying research questions and the strategies used to investigate them (Section 3.2.12).</p>	<p>The Botney Cut as defined by the British Geological Survey as glaciolacustrine muds. However, geophysical and palaeoenvironmental assessment undertaken for the Dudgeon offshore wind farm (Brown et al 2018) and ongoing work from the Lost Frontiers Project indicates these deposits represent transitional environments from glacial to warming temperate climates. As such these deposits will be targeted for geoarchaeological and paleoenvironmental assessment applying appropriate strategies and questions from the updated North Sea Prehistory Management Framework. This approach will be discussed in consultation with Historic England prior to progressing geoarchaeological assessment in accordance with Section 1.5.2 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298].</p>
95	<p>Several channel features were identified within the area of the proposed development; the age of the channels is not yet clear, but it was acknowledged that the development runs to the north of one of the most important stretches of coastline for Palaeolithic archaeology in the British Isles, and so there is the potential for significant features, deposits and remains to be present. We are therefore pleased to see that the area has been assigned a high level of archaeological potential (Section 3.2.10 and 3.2.23). We also agree with the recommendations made in Sections 5.1.3 and 5.1.4 that the archaeological contractor should be consulted on potential samples that will be acquired for archaeological purposes.</p>	<p>Noted.</p>
96	<p>The geophysical survey work has also allowed features of archaeological potential to be identified. The results of this work have been summarised in Tables 9 to 18: most of the anomalies have been classified as "A2" (428 out of 470 anomalies in total), being of uncertain origin of possible archaeological interest. It was noted in Chapter 14 that AEZs will not be recommended for "A2" anomalies, with a strategy developed to characterise and understand the nature of these anomalies if they cannot be avoided (Section 5.1.14). If they are of archaeological interest, a mitigation strategy will also need to be developed, as set out in an agreed WSI.</p>	<p>Paragraph 128 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] states that if remains of archaeological interest are identified during ground-truthing (diver / ROV surveys), where possible, they will be avoided through the implementation of AEZs. Where archaeological remains can't be avoided, if remains are small enough (e.g. anchors and other isolated finds) it may be possible to move these outside of the area of impact. However, if large remains such as a wreck are identified, the scheme design may need to be altered. If this is not possible, consultation with Historic England will need to be undertaken as to whether an archaeological diver/ROV-based assessment or further mitigation is required. Any further work will require detailed methodologies to be set out in a method statement, to</p>

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		be agreed with the Historic England. Discussions may also need to include the Receiver of Wreck and in the case of aircraft, the Ministry of Defence
97	<p>Environmental Statement Volume 3, Appendix 14.2 Addendum: Archaeological Geophysics (Document Reference 6.3.14.2), PINs Reference: APP-200</p> <p>We are aware that this addendum presents the result of surveys carried out within four additional offshore export cable corridor options. No new data was processed to investigate these areas, and so existing information was utilised (Section 2.3.1). The report did not include information about the line spacings used when the data was originally collected, and it was noted that not all the additional areas have full geophysics coverage. In addition, the full suite of geophysics techniques was not used for some of the additional cable corridors (Section 2.4.3). It is therefore possible that presently unknown features of archaeological interest may exist in these areas (Section 2.4.5).</p>	<p>Section 1.5.1 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] states that, prior to the acquisition of pre-construction geophysical data, a review of all the data is undertaken by a suitably qualified and experienced archaeological contractor. This will clarify the suitability of existing data and will include the identification of any data gaps. This will help to inform the acquisition of preconstruction geophysical data. The section references the Historic England document Marine Geophysics: Data Acquisition, Processing and Interpretation (2013).</p>
98	<p>The same stratigraphic sequence of prehistoric terrestrial and channel features was discussed in Appendix 14.2, such that they may be associated with in situ or derived remains, or organic deposits/peat accumulations (e.g. Sections 3.2.7, 3.2.9). We agree that these features/deposits should be classified as being of high archaeological importance.</p>	Noted.
99	<p>Similar issues were noted in Appendix 14.2 regarding the penetration of the Parametric Sonar data, the shallow nature of some of the features and the acoustic similarities between Unit 6b and the underlying Units 6a and 5. It was stated that it was not possible to accurately map the full extent of the features, particularly the Botney Cut features (Section 3.2.15). Additional work will therefore be needed to clarify and characterise the nature of the events/features recorded in these areas.</p>	<p>Royal HaskoningDHV's marine geoarchaeological specialist is providing ongoing advice to the Project in planning each geotechnical campaign to ensure that geoarchaeological objectives are taken into account. The approach to ongoing geoarchaeological assessment is set out in Section 1.5.2 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298].</p>
100	<p>The geophysical survey work has also allowed features of archaeological potential to be identified. The results of this work have been summarised in Tables 6 and 7: most of the anomalies have been classified as "A2" (87 out of 89 anomalies in total), being of uncertain origin of possible archaeological interest. It was noted in Chapter 14 that AEZs will not be recommended for A2 anomalies, and so a strategy will need to be developed to characterise and</p>	<p>Paragraph 128 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] states that if remains of archaeological interest are identified during ground-truthing (diver / ROV surveys), where possible, they will be avoided through the implementation of AEZs. Where archaeological remains can't be avoided, if remains are small enough (e.g. anchors and other isolated finds) it may be possible to</p>

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	understand the nature of these anomalies if they cannot be avoided (Section 5.1.7) and whether they are of archaeological interest. If they are, a mitigation strategy will be required	move these outside of the area of impact. However, if large remains such as a wreck are identified, the scheme design may need to be altered. If this is not possible, consultation with Historic England will need to be undertaken as to whether an archaeological diver/ROV-based assessment or further mitigation is required. Any further work will require detailed methodologies to be set out in a method statement, to be agreed with the Historic England. Discussions may also need to include the Receiver of Wreck and in the case of aircraft, the Ministry of Defence.
101	<p>Environmental Statement Volume 3, Appendix 14.3: Stage 1 Geoarchaeological Assessment (Document Reference: 6.3.14.3) PINs Reference: APP-201</p> <p>From the archaeological review of 51 geotechnical vibrocores, five cores of high priority sampled organic clay and peat (Section 7.2.1) were identified. In addition, alluvial deposits of medium priority were recorded in a total of 17 cores that are located within the previously mapped palaeochannels</p>	Noted.
102	It is recommended that all of these cores are progressed to "Stage 2", being recorded by a geoarchaeologist and assessed for their potential for further paleoenvironmental assessment (Sections 7.2.1 and 7.3.1). We agree with these recommendations, but feel it would have been useful if the cores had been investigated in terms of the presence and, or absence of different macro- and micro-remains, so that the significance and potential of the sampled deposits could be determined, which would help understand the impact of the proposed scheme	Any assessment of the presence or absence of macro- and micro-remains would be undertaken at Stage 3. The Stage 2 recording and visual description of the deposits will provide the basis to determine if assessment of macro- or micro-remains is appropriate, and any recommendations for these assessments will be included in the Stage 2 report. This approach will be discussed in consultation with Historic England prior to progressing geoarchaeological assessment in accordance with Section 1.5.2 of the <a href="#">Outline Written Scheme of Investigation (Offshore)</a> [APP-298].
103	<p>Environmental Statement Environmental Statement: Onshore Archaeological Desk-Based (Baseline) Assessment. Volume 3, Appendix 21.1 (Document Ref: 6.3.21.1)</p> <p>We are broadly satisfied with the scope and methodology of the Archaeological Desk-Based Assessment</p>	Noted.
104	large number of non-designated heritage assets were identified within the 500m Study Area (1370), demonstrating the rich and diverse archaeological landscape that may be impacted by the proposed development that spans the	Noted.

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	Palaeolithic to the modern day. Some of the known sites are complex and extensive (Sections 21.1.4.1.6 and 21.1.5.2).	
105	There is high potential for the further discovery of buried archaeological sites features (Section 21.1.5.2). The archaeological remains also have the potential to address several of the research questions posed in the Regional Research Framework , in particular questions about the use of space, the transition between different periods, chronologies, trade and contact.	Noted.
106	It is stated in Section 23.1.5.4.9 (para 210) that the scheme could potentially affect below ground deposits over a wider area than the footprint of the scheme through changes to the hydrology, which may result in the desiccation and drying out of wetland deposits and preserved organic archaeological remains. A strategy has been presented in the Outline WSI (Onshore) (Document Reference 9.21) to mitigate any impacts.	Noted.
107	Environmental Statement: Aerial Photographic, LiDAR and Map Regression Analysis. Volume 3, Appendix 21.2 (Document Ref: 6.3.21.2) & Aerial Photographic and Map Regression Addendum. Volume 3, Appendix 21.3 (Document Ref: 6.3.21.3)  We are broadly satisfied with the scope, methodology and conclusions of the Aerial Photographic, LiDAR and Map Regression Analysis and Addendum	Noted.
108	The Aerial Photographic, LiDAR and Map Regression Analysis document (6.3.21.2) contains an assessment of the available data prior to the submission of the Section 42 PEIR in 2021	Noted.
109	We had raised concerns in our Section 42 response that the assessment of historic map sources was too limited but acknowledged that this was due to relevant archives being closed during Coronavirus lockdowns. The Addendum (6.3.21.3) has addressed these concerns and includes additional map and aerial photographic sources and assessment.	Noted.
110	Environmental Statement: Onshore Infrastructure Setting Assessment. Volume 3, Appendix 21.4 (Document Ref: 6.3.21.4)  We consider the methodology and list of designated heritage assets presented in Appendix 21.4 to be adequate for the purpose of this assessment and	Noted.



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	welcome the integration of the assessment with the Landscape and Visual Impact Assessment (Chapter 26).	
111	A total of 21 designated heritage assets whose settings could potentially be affected by the onshore substation at the PEIR stage. We acknowledge all but 3 heritage assets were subsequently screened out through revision of the substation location and initial assessment.	Noted.
112	<p>Environmental Statement: Priority Archaeological Geophysics Survey. Volume 3, Appendix 21.6 (Document Ref: 6.3.21.6)</p> <p>The results of the priority archaeological geophysics survey works have been presented in Appendix 21.6. Magnetometry was used to investigate the priority areas. It was concluded that the anomalies were well defined (Section 4).</p>	Noted.
113	We recommended in our Section 42 response in 2021 that the use of other geophysical survey techniques should be considered in wetland sections of the cable corridor. We note this is now covered in Table 21-1 of the Onshore Archaeology and Cultural Heritage of the Environmental Statement (Document Ref: 6.1.21), which states the use of additional techniques where relevant and necessary for post-consent surveys is included within the Outline WSI (Onshore) (Document Reference 9.21).	Noted.
114	<p>Environmental Statement: Archaeological and Geoarchaeological Monitoring Assessment Volume 3, Appendix 21.7 (Document Ref: 6.3.21.7)</p> <p>Appendix 21.7 presents the findings of the archaeological and geoarchaeological monitoring ground investigation work. This work identified areas of moderate to high palaeoenvironmental potential (organic alluvium and peat) that could preserve plant macro- and microfossils such as pollen and diatoms (e.g. Section 5.3.6).</p>	Noted.
115	The cores were visually assessed in terms of their potential, but the samples do not appear to have been evaluated to characterise the deposits and to understand their significance and potential to address archaeological questions. We therefore recommend that samples are investigated further, determining the presence/absence of palaeoenvironmental remains and establishing the date of the deposits to place the findings into context.	The monitoring of ground investigation work was undertaken to identify where deposits of palaeoenvironmental potential may exist within the Order Limits and to inform a project-wide programme of geoarchaeological assessment and palaeoenvironmental survey at the post-consent stage. This is detailed within Section 1.7 of <a href="#">Outline</a>

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		<b>Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21].
116	This information is needed because many of the remains mentioned in the report are not visible to the naked eye and so can only be determined through further laboratory work. This work would also guide the development of an appropriate mitigation strategy.	Noted.
117	We consider that this is particularly important for the material investigated by BH9-25, where a peat accumulation was recorded c.9.20m below ground level. It was stated that this material had the potential to date to the Pleistocene period, but that unfortunately no samples were recovered (Section 5.3.31).	Noted. The cable percussion boreholes did not produce intact samples and therefore the samples were disturbed. The Applicant acknowledges the significance of this peat deposit which will be considered as part of the project-wide programme of geoarchaeological assessment and palaeoenvironmental survey at the post-consent stage. As detailed within Section 1.7 of <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].
118	If this material is Pleistocene in age then the material is of high palaeoenvironmental and geoarchaeological significance; the potential impacts of the proposed scheme need to be considered for this area, and whether additional samples need to be recovered to investigate the deposits in more detail.	Noted. A project-wide programme of geoarchaeological assessment and palaeoenvironmental survey is detailed within Section 1.7 of <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].
119	We therefore recommend a methodology and timetable for addressing this matter and undertaking this work is provided by the applicant before the end of the examination	The geoarchaeological and palaeoenvironmental survey work will align with the next phase of ground investigation work to develop a deposit model to understand the extent and significance of deposits likely to be impacted by the Project. The timetable of these works has not been defined at this stage so the Applicant is unable to provide further information on timetable at this stage. The methodology for a project-wide programme of geoarchaeological assessment and palaeoenvironmental survey is detailed within the <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].

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120	<p>Environmental Statement Outline Written Scheme of Investigation (WSI) (Onshore) (Document reference 9.21)</p> <p>It is noted that each phase of mitigation work would be subject to a survey specific WSIs/Method Statements that would be approved by NCC and Historic England where appropriate (Section 1.1, para 50). The additional mitigation will include (para 51):</p> <ul style="list-style-type: none"> <li>• Project-wide onshore archaeological geophysics</li> <li>• Targeted metal detecting survey</li> <li>• Targeted archaeological trial trenching</li> <li>• Targeted earthwork condition survey</li> <li>• Targeted geoarchaeological &amp; palaeoenvironmental surveys</li> </ul>	Noted.
121	<p>Section 1.2 details the additional project-wide archaeological geophysical survey that would be carried out post-consent. In addition to the remaining 7 of the 37 Priority Geophysical Survey Areas, the Outline Schedule of Archaeological Requirements (Document reference 9.21 Appendix 2) lists known archaeological sites and features which would be subject to post-consent geophysical survey.</p>	Noted.
122	<p>We have concerns that targeting the post-consent geophysical survey on known archaeological sites and features and omitting areas where no existing data exists risks overlooking significant previously unidentified archaeological remains. Chapter 6, Section 1.2, para 65 suggests that the post-consent geophysical survey will cover the remainder of the onshore cable corridor. We strongly advise that geophysical survey should be completed across the whole of the onshore cable corridor to maximise the potential for previously unknown archaeological sites and features to be identified.</p>	<p>Geophysical survey is ongoing and will be undertaken across the entire Order Limits. This is detailed in Section 1.2 of <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].</p>
123	<p>The detailed geophysical survey that will be carried out post-consent will predominately utilise magnetometry, but we are pleased to see that additional and alternative geophysical survey techniques will be applied where relevant and where necessary (Chapter 6, Section 1.2, para 68).</p>	Noted.

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124	Targeted metal detecting surveys are proposed as part of the post-consent works (Chapter 6, Section 1.3, para 72). We welcome that these will include the locations of previous finds that could indicate the presence of Anglo-Saxon cemeteries. However, potential exists for previously unidentified archaeological sites of this type to be present along other sections of the cable corridor and we recommend a metal detecting survey is programmed into the mitigation	Noted.
125	Chapter 6, Section 1.4 outlines the trial trench evaluation work that will be carried out post-consent. It is disappointing that this work was not carried out to inform the application. We advised this should be undertaken in our advice at and before the Section 42 stage.	Noted. At ETG meeting 4 (dated 16/08/2021) it was agreed with the Archaeological Advisor to NCC that trial trench evaluation would be undertaken post-consent, and that the Applicant would follow a similar approach undertaken for other offshore wind farm projects in Norfolk. This matter is addressed in the <b>draft Statement of Common Ground with Historic England (Onshore)</b> [document reference 14.9] to be submitted at Deadline 2.
126	As magnetometry was only carried out in priority area and not over the full area of the scheme and aerial photographic data is restricted by the suitability of soils for cropmark production and the availability of suitable imagery, there is the potential for previously unknown remains to be present in unsurveyed areas that would need to be dealt with as part of the post-consent/pre- construction work.	Noted. The Applicant has committed to undertake a project-wide geophysical survey at the post-consent stage as detailed in Section 1.2 of <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].
127	There is also the potential for previously unknown remains to be present in the Priority Geophysics areas, as magnetometry is not suited to identifying organic features or remains such as wood.	Noted. Whilst recognising that magnetometry is unlikely to identify all archaeological features from all periods even under ideal circumstances it is generally considered to be the best method for evaluating large areas quickly and efficiently particularly when ground conditions are less than perfect. Magnetometry was therefore selected as the most effective technique when considering the time constraints and wider project goals. Other techniques may be more effective at identifying different types of feature but are generally not used at the initial evaluation stage unless there is a strong indication that those types of feature, for example structural remains or palaeochannels, are likely to be present. This does not preclude their use as part of later stages of archaeological investigation.
128	It is proposed that the trial trenching will be 'focussed primarily on potential archaeological anomalies identified from the analysis of the geophysical survey	Noted.

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	data, Aerial Photographic and Lidar Assessment and Geoarchaeological Assessment work' (Chapter 6, Section 1.4, para 74).	
129	Whilst this is a good starting point, it is effectiveness is reliant on the completion of geophysical survey along the whole of the cable corridor. As previously noted, not all archaeological site types are conducive to detection through geophysical survey or aerial photography.	As detailed in Section 6 of <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21], a programme of initial informative stages of mitigation will be undertaken by the Applicant.
130	The suggestion that 'several trenches may also be needed to sample and investigate apparent blank areas' implies that the majority of areas without positive geophysical survey or aerial photographic results would not be trenched (Chapter 6, Section 1.4, para 74).	This is not the case; the commitment is to undertake a project-wide programme of trial trenching to sample both the apparent blank areas and to evaluate the known and potential archaeological anomalies as identified from earlier desk-based and non-intrusive survey work as stated in Section 6.4 of the <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].
131	As previously noted, not all archaeological site types are conducive to detection through geophysical survey or aerial photography. Not carrying out trial trenches in areas of unknown potential would increase the risk of significant archaeological remain being encountered during the construction phases of the project with adverse impacts on timetabling and the historic environment.	The Applicant has committed to undertake a project-wide programme of trial trenching to ascertain the archaeological potential including areas of unknown potential within the Order Limits prior to the construction phase as stated in Section 6.4 of the <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].
132	It is noted that the trial trench evaluation work will inform the additional mitigation work that may be required, which could include set piece excavations, strip, map and sample excavations or archaeological monitoring (Chapter 6, Section 1.4, para 76). These types of investigations seem appropriate, but again, time will need to be factored into any work programmes to allow for the proper investigation of any unexpected discoveries.	Noted.
133	There are therefore a number of unanswered questions about the potential impact to the historic environment and we have some concerns that heritage assets could be compromised as a result. Unexpected discoveries can seriously impact programmes of work and so it is essential that time is built into the pre-	Noted. The approach to archaeological evaluation and mitigation which aims to limit the risk of encountering unexpected discoveries during the construction phase is detailed in Sections 6 and 7 of the <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21].

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	<p>construction programme to allow for any discoveries to be dealt with in an appropriate manner.</p>	<p>The <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] is secured by Requirement 18 (1) Archaeology of the <b>draft DCO (Revision D)</b> [document reference 3.1], which states that:</p> <p>“No phase of the onshore works may commence until a written scheme of archaeological investigation for that phase (which must accord with the outline written scheme of investigation (onshore)) has, after consultation with Norfolk County Council and the statutory historic body, been submitted to and approved by the relevant planning authority.”</p>
134	<p>Further consideration to this approach needs to be given by the applicant and the ExA need to be assured that adequate time and resources will be set aside to allow the appropriate level of archaeological work to be undertaken.</p>	<p>It was discussed at Expert Topic Group (ETG) meeting 4 (dated 16/08/2021) that the approach to archaeological evaluation and mitigation would follow that of other offshore wind farm projects in Norfolk.</p>
135	<p>Chapter 6, Section 1.7 outlines the geoarchaeological and palaeoenvironmental investigations that will be carried out post-consent. It is stated that areas of potential were identified (see Appendix 21.7) and that a post-consent approach to geoarchaeology and the palaeoenvironment would be formulated and agreed (Chapter 6, Section 1.7, para 86).</p>	<p>Noted.</p>
136	<p>Additional detail is required in this section of the Outline WSI about the areas that will be targeted and the remains and approaches that will be investigated through this work (e.g. pollen, plant remains, insects, scientific dating techniques etc.). We recommend the applicant is asked to provide this information as part of the examination submission.</p>	<p>The geoarchaeological and palaeoenvironmental survey work will align with the next phase of ground investigation work to develop a deposit model to understand the extent and significance of deposits likely to be impacted by the Project. The methodology for a project-wide programme of geoarchaeological assessment and palaeoenvironmental survey is detailed within the <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21] which is secured through Requirement 18 of the <b>draft DCO (Revision D)</b> [Document reference 3.1].</p>
137	<p>Chapter 7, Section 1.2 outlines the excavation methodology. It should include a reference or link to Appendix 1 in this document (Example (model) Clauses) as this provides the information needed to clarify what is expected of this work. For example, the percentage of features that will be investigated (e.g. ditches, pits or post-holes, occupation surfaces etc.), or how specific feature types (e.g.</p>	<p>Noted. Cross reference to Appendix 1 has been added to Section 7.1 of the <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21].</p>

ID	Written Representation Comment	Applicant's Comment
	hearthths or ovens) or assemblages (e.g. human remains or animal bone groups) will be investigated.	
138	We are pleased to see that a mechanism will be established to allow archaeological investigation during watching brief where appropriate (Chapter 7, Section 1.3, para 98).	Noted.
139	Chapter 7, Section 1.4 summarises the preservation option for sites where this is warranted. It is important to note that not all sites can and should be preserved. It needs to be appropriate for the archaeology and for the site in question. We would recommend that the principles outlined in the Historic England document 'Preserving Archaeological Remains' (2016) are referred to when discussing the suitability of each case for preservation: Appendix 1: Example (model clauses - mitigation specification works).	Noted.
140	Section 1.2 (para 6) references the research frameworks that will be referred to, but it omits the most recent version: . This needs to be amended.	Noted. Reference to the latest regional research agenda has been added to Section 10.2 (para 6) of Appendix 1 in the <b>Outline Written Scheme of Investigation (Onshore) (Revision C)</b> [document reference 9.21].
141	The approach to investigating certain types of features and remains has been summarised in Section 1.5 (para 20). The majority of this seems sensible and appropriate, but we would question the 100% excavation of industrial features, such as kilns or ovens. These features have the potential to preserve fired clay in situ, which can be dated using archeomagnetism. For this technique to work, samples of in situ fired clay need to be recovered by a specialist, and so we would recommend that features are not fully excavated until the use of archaeomagnetic dating has been considered and discussed with a specialist.	Noted.
142	Section 1.7 (para 45) states that all finds will be washed, but we would recommend that artefacts are not cleaned if organic residues are preserved on the surface, as outlined in the Historic England document 'Organic Residue Analysis and Archaeology' (2017):	Noted.
143	It is stated in Section 1.7 (para 47) that all environmental samples will be processed, which is good to see. We would recommend that this work is carried out at the same time as the excavations to allow information to be fed back into the excavation strategy. This also ensures that the samples are processed as	Noted.

ID	Written Representation Comment	Applicant's Comment
	part of the excavation phase, resulting in an ordered, stable and accessible archive of material.	
144	A number of dating techniques are mentioned in Section 1.8, which is good to see, but we would recommend that a chronological modeller is included in the project, to help guide the dating strategy for the project.	Noted.
145	It is stated in Section 1.9 (para 59) that samples would be taken from each human burial where appropriate to retrieve small bones and other biological remains. We would recommend that samples are recovered as standard, in line with the recommendations made within the Historic England document 'The Role of the Human Osteologist in Archaeological Fieldwork Projects' (2018): this document recommends that samples from the head, torso and leg/foot area are recovered.	Noted.
146	The title of Appendix 5 (WSI for Priority Archaeological Geophysical Survey) appears to be wrong, as the appendix actually presents the WSI of Investigation for Archaeological and Geoarchaeological Monitoring.	Noted. This was amended in the <b>Outline Written Scheme of Investigation (Onshore) (Revision B)</b> [REP1-029] submitted at deadline 1.
147	Section 3.1.2 presents the aims of the geoarchaeological work, but this section does not include a requirement to recommend further stages of work following the initial investigation of the cores. The requirement for additional work is stated in Section 4.8.2, which is needed to quantify and qualify the nature of the deposits and remains that are preserved through further analysis and dating.	Noted.
148	<p>Environmental Statement: Outline Written Scheme of Investigation (Marine) (Document Reference: 9.11)</p> <p>It is stated that HDD will be used to install the export cable at the landfall, and that this approach will largely avoid interaction with the intertidal zone (Section 1.1.1). The Applicant has identified 45 local Historic Environment Records (HER) (Section 1.2.4) records for the intertidal zone and that the existence of currently unknown remains within the intertidal zone should be considered high. We appreciate the objective that HDD should go under the intertidal zone, with the greatest risk of encountering sites limited to entry on the landward side of the cliffs and submarine exit point approximately 1km from shore.</p>	Noted.



ID	Written Representation Comment	Applicant's Comment
149	<p>There is no mention of the potential for deposits of archaeological, geoarchaeological or palaeoenvironmental value in these areas and this needs to be considered so any potential impacts can be mitigated (see the comments we make above in paragraph 5.15). We welcome the Applicants assertion at this stage that a finalised version of the document will be submitted to the Marine Management Organisation (MMO), in line with the presupposed Deemed Marine Licence conditions for this DCO (paragraph 8). Historic England welcomes this, however, we remind the Applicant that the draft document would need to go through consultation with Historic England prior to any MMO discharge.</p>	<p>Paragraph 248 of <b>Chapter 14 Offshore Archaeology and Cultural Heritage</b> [APP-100] confirms that the depth of sedimentary sequences of archaeological interest at the landfall will be further clarified through the geoarchaeological assessment of geotechnical data, and will inform the design of HDD and nearshore cable installation so that HDD will pass beneath Quaternary deposits of potential archaeological interest and therefore, no impact will occur.</p> <p>Paragraph 8 of the <b>Outline Written Scheme of Investigation (WS) (Offshore)</b> [APP-298] states that an updated, final Offshore WSI will be developed post-consent in consultation with Historic England and the NCC Historic Environment Service. The updated, final Offshore WSI will then be submitted to the Marine Management Organisation (MMO) for approval, in consultation with Historic England, in accordance with Condition 13(1)(e) of Schedules 10 and 11 and Condition 12(1)(f) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
150	<p>Historic England welcomes the Applicants commitment that, prior to further surveys taking place for these extension projects, a pre-commencement survey Draft WSI (in accordance with this Outline WSI) will be developed in consultation with archaeological curators (Section 1.1.3, paragraph 13). Historic England looks forward to further engagement with the Applicants on this document. In addition to this, the Chartered Institute of Archaeologists (CIFA) standards and guidance references that have been used need to be checked (see paragraph 16), as some of these references were updated as recently as 2021. This should be completed prior to the submission of the formal WSI.</p>	<p>Noted. References to the Chartered Institute of Archaeologists (CIFA) standards and guidance will be updated prior to the submission of the formal WSI post-consent.</p>
151	<p>"A total of 550 features of archaeological interest or potential have been identified, as listed in Table's 6 and 7. Regarding embedded mitigation, we note that there is no embedded mitigation relevant to the Offshore Archaeology and Cultural Heritage assessment to date, this is due to no designated heritage assets presently within the Order Limits, We accept that the parameters of the proposed project is sufficiently wide to accommodate micro-siting, as part of the cable route refinement and wind farm design to be progressed post consent. Additional mitigation has been detailed in the Outline WSI (Offshore) (Section 1.3.2, paragraph 80). It is understood that the mitigation will comprise:</p>	<p>Noted.</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>• Archaeological assessment of further geophysical data to be acquired post-consent;</li> <li>• Geoarchaeological assessment of geotechnical data;</li> <li>• Refinement of the design of offshore infrastructure post-consent to avoid AEZs where possible; and</li> <li>• Further investigation where avoidance is not possible, and additional mitigation to reduce or offset any impacts."</li> </ul>	
152	<p>It is stated that any marine geophysical surveys whose primary aim is non-archaeological will be subject to advice from a retained archaeologist. Such action will ensure that archaeological specialists can input into the planning stage of any survey campaigns and that the data is suitable to address archaeological questions. The specific work that will be carried out will be detailed in a subsequence WSI, which will be agreed with Historic England (Section 1.5.1, paragraph 95-97). We are pleased to see that limitations of the geophysical survey have been noted, particularly with the difficulties in identifying non-ferrous buried remains such as wooden vessels (Section 1.5.1, paragraph 98).</p>	Noted.
153	<p>We are pleased to see that archaeological specialists will also input into the geoarchaeological/geotechnical campaigns, and that archaeology-specific cores will be collected at targeted locations (Section 1.5.2, paragraph 102 and 111). It is noted that a second geotechnical campaign carried out in 2022 will be progressed so that both sets of cores can be taken forward as a combined work package (Section 1.5.2, paragraph 108). A method statement for this work will be prepared in conjunction with Historic England, which should summarise the sort of the approaches and techniques that will potentially be utilised (e.g. plant remains, pollen, diatoms, ostracods, scientific dating techniques etc.).</p>	Noted.
154	<p>It is stated that geotechnical cores will be retained undisturbed until a selection of cores for archaeological recording has been made (Section 1.5.2, para 114). This is essential for the archaeology work as some of the sediments of interest are complex in nature and must have the appropriate sampling strategy applied. We accept that avoidance will provide the primary mitigation of the scheme. However, where anomalies cannot be avoided, further investigation will be</p>	Noted.

ID	Written Representation Comment	Applicant's Comment
	<p>needed. ROVs or divers will be used to gather more information about the anomalies and to establish its interest (Section 1.5.3). The surveys will include the input of an archaeological specialist to ensure that the surveys also address any archaeological questions (Section 1.5.3, paragraphs 121 and 125); we agree with this approach.</p>	
155	<p>AEZs will be established for all "A1" anomalies, all "live" wrecks and one "A3" anomaly (Section 1.6.1, paras 136 &amp; 143; Table 12). The size and extent of the AEZs will be defined following additional survey work, which seems sensible and appropriate.</p>	Noted.
156	<p>Watching briefs will be implemented for all works that may disturb archaeological material, which will include archaeological supervision on board the vessels to allow the consideration of potential archaeological material (Section 1.6.2, paragraph 148). We are pleased to see that the results of high-resolution geophysical surveys will be used to identify the areas of greatest risk that would benefit from further monitoring (Section 1.6.2, paragraph 149).</p>	Noted.
157	<p>Sections 1.6.3 and 1.9 outlines the protocol for archaeological discoveries that will be implemented, with a provision for conservation where appropriate. The work that will be carried out post-fieldwork is summarised in Section 1.8.4 to address the character, extent, date, integrity, state of preservation and relative quality of any archaeological remains. The list of further work presented in paragraph 194 seems to focus on assessment and dating of artefacts but does not appear to include the processing of deposits of palaeoenvironmental value which must be addressed through any Marine WSI subsequently produced (should consent be obtained).</p>	<p>Paragraph 194 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] summarises the recommendations set out in the Crown Estate guidance (2021) as relevant to an assessment of the potential of the archaeological archive for further analysis. All deposits of palaeoenvironmental value would be addressed through marine geoarchaeological assessment as set out in Section 1.5.2 of the <b>Outline Written Scheme of Investigation (Offshore)</b> [APP-298] and will be detailed in any geoarchaeological method statement.</p>
158	<p>draft Development Consent Order (Document Reference 3.1) PINs Reference: APP-024</p> <p>the document contains the following schedules in the draft Deemed Marine Licence:</p> <ul style="list-style-type: none"> <li>Schedule 10 Marine Licence 1: Sheringham Shoal Extension Project Offshore Generation – Work Nos. 1A, 2A and 6A or 6C</li> </ul>	Noted.

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>• Schedule 11 Marine Licence 2: Dudgeon Extension Project Offshore Generation – Work No. 1B, 2B and Work No. 6B or 6C</li> <li>• Schedule 12 Marine Licence 3: Sheringham Shoal Extension Project Offshore Transmission – Work Nos. 3A to 7A or 3C to 7C</li> <li>• Schedule 13 Marine Licence 4: Dudgeon Extension Project Offshore Transmission – Work Nos. 3B to 7B or 3C to 7C</li> </ul>	
159	<p>In schedules 10 and 11 (Part 2 – Pre-construction plans and documentation) Condition 13(1)(c) we recommend the Construction Method Statement should also encompass referral to information derived from post-consent and pre-construction archaeological evaluation to inform delivery plans to avoid in-situ archaeological sites, as could be revealed through assessments conducted and completed post-consent and pre-construction through delivery of Conditions 13(2) and 13(2).</p>	<p>The Applicant is considering the proposed amendments.</p>
160	<p>"Condition 13(1)(e)(vi) stipulates that the Applicants must submit an Online Access to the Index of archaeological investigations (OASIS) form within six months of completion of construction of the authorised scheme. Historic England welcomes this inclusion. However, we would offer a revision of this condition (see below) to adequately reflect the requirements of the condition:</p>	<p>See comment at ID 161 below</p>
161	<p>"a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS (Online AccesS to the Index of archaeological investigationS') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission""</p>	<p>Condition 13(1)(e)(vi) of Schedules 10 and 11 and Condition 12(1)(f)(vi) of the <b>draft DCO (Revision D)</b> [document reference 3.1] have been amended.</p>
162	<p>"Schedules 10 and 11, Conditions 13(2) and 13(2) – we support the measures set out here that condition the delivery of archaeological mitigation measures, inclusive of a Marine Written Scheme of Archaeological, to address matters for project delivery post-consent and pre-construction. We recommend Schedule 10 and 11 (Part 2) Condition 13(2) should include reference to any UXO Clearance activities that could occur as a result of these extension works. In addition to this, reference to consultation with the relevant historic body should</p>	<p>Any Unexploded Ordnance (UXO) clearance works will be subject to separate marine licences which will be obtained by the Applicant from the MMO and therefore the amendments proposed are not necessary.</p>

ID	Written Representation Comment	Applicant's Comment
	also be included in this condition. Historic England provides the following example for the Applicant to consider:	
163	"Pre-construction archaeological investigations, UXO clearance and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of archaeological investigation which is itself in accordance with the details set out in the outline written scheme of investigation (offshore), and which has been submitted to and approved by the MMO in consultation with the statutory historic body."	See comment at ID 162 above
164	Schedules 12 and 13, Conditions 12(1)(f) and 12(1)(f) – we concur with the measures set out that condition the delivery of archaeological mitigation measures, inclusive of a Marine Written Scheme of Archaeological, to address matters for project delivery post-consent and pre-construction.	Noted.
165	"Schedule 12 and 13 (Part 2) Condition 12(2) should contain reference to any UXO Clearance activities that could occur as a result of these extension works. In addition to this, reference to consultation with the relevant historic body should also be included in this condition. Historic England provides the following example for the Applicant to consider:	See comment at ID 162 above
166	"Pre-construction archaeological investigations, UXO clearance and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of archaeological investigation which is itself in accordance with the details set out in the outline written scheme of investigation (offshore), and which has been submitted to and approved by the MMO in consultation with the statutory historic body."	See comment at ID 162 above
167	Historic England agrees with the wording of Schedule 2 Part 1, Requirement 18 in relation to post-consent archaeological works.	Noted.
168	Historic England Written Representation: Conclusions Historic England are broadly content with the layout and design of the proposed scheme, the information provided in the environmental statement and the proposed mitigation measures. We have provided further information above with regards to the ES with regards to onshore and offshore heritage.	Noted.

ID	Written Representation Comment	Applicant's Comment
169	In relation to the Historic Environment matters, and in coming to a decision, the ExA would therefore need to weigh the harm against the benefits of the proposals, as set out in policy	See comments above
170	We have flagged some concerns with regards to the onshore and offshore archaeological assessment that we recommend the applicant address these matters during the examination and prior to the consent being granted.	See comments above
171	We have also flagged some concerns with regards to the onshore and offshore outline WSIs which we recommend the applicant address prior to the consent being granted.	See comments above
172	We have flagged some concerns regarding the wording of the draft DCO and the role of Historic England set out therein, particularly in relation to offshore archaeology. We consider these are matters that would need to be addressed prior to the consent being issued.	See comments above

## 2.15 Keith Nichols

Table 15 Keith Nichols Written Representation

ID	Written Representation Comment	Applicant's Comment
1	Louise It was good to meet you yesterday at the Weybourne Woods ASI. Thank you for taking the time to make the site visit and we hope it was helpful in visualising this part of the route.	-
2	Following your conversation with Mrs Tansley, I am taking the opportunity to follow up with you directly in respect of the proposed Horizontal Directional Drilling Compound and cable corridor route through Weybourne Woods	-
3	I would like to stress that we are not against additional wind farm developments but believe that the on-shore connectivity aspect needs to be considered in the context of multiple wind farm developments and not on a case by case basis. Bringing the electricity grid closer to the wind farms with designated connector locations would eliminate the need for an increasing "spaghetti" of onshore cable routes and the related cost and disruption that we currently face each time. We expect this challenge of routing on-shore cables	-

ID	Written Representation Comment	Applicant's Comment
	to be repeated multiple times over the coming years with each one being treated as stand-alone which only benefits the consultants and advisors	
4	You may well already be aware of the objections that we made in June 2021 (which were cc'd to the Planning Inspectorate). Some of the points made in the letter are no longer applicable but a copy is attached for your information. We have never received an answer to the question we raised about sharing existing onshore cable corridor infrastructure (see para. 1.6 in attached letter)	<p>The response to the consultation was received in June 2021 and as stated at the time the comments were recorded and where appropriate, were taken into consideration in the development of the proposals for SEP and DEP.</p> <ul style="list-style-type: none"> <li>• There are a variety of technical and regulatory reasons why it is not possible to share a cable corridor</li> <li>• Two separate companies cannot work together on these projects due to competition laws</li> <li>• Wind Farm developers define their cable route based on their project</li> <li>• Each project has its own timeframe for development</li> <li>• The envelope for the cable corridor is defined to allow micro-siting to avoid impacting local features. If projects are combined there would potentially be further impacts to the local environment.</li> </ul>
5	Regarding the proposed Horizontal Directional Drilling Compound in Weybourne Woods, we hope that the planning inspectorate will consider the following points after the ASI today	-
6	1) Can existing cable corridors be used instead of carving out a new corridor? (see attached June 2021 letter)?	The Applicant refers to <b>Environmental Statement Chapter 3 – Site Selection &amp; Assessment of Alternatives</b> [APP-089], Section 3.9 which sets out the approach taken in the selection of the onshore cable corridor. This chapters details a number of constraints to route selection, including those noted in ID4.
7	2) Why is the proposed on-shore cable corridor route as proposed through this section and are there simpler, perhaps slightly longer, routes to the east (further away from residential areas and less destructive to wildlife habitats using existing trails and fire-breaks) that should be considered instead? I am taking the liberty of attaching a screen shot from Google Earth illustrating possible alternative routes. You have seen one badger set near the proposed compound but the area is home to others and to a variety of wildlife including	<p>The Applicant refers to <b>Environmental Statement Chapter 3 – Site Selection &amp; Assessment of Alternatives</b> [APP-089], Section 3.9 which sets out the approach taken to selection of the onshore cable corridor.</p> <p>The Applicant refers to <b>Environmental Statement Chapter 20 - Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] which sets out the ecological baseline and assesses the</p>

ID	Written Representation Comment	Applicant's Comment
	<p>tawny owls, kites (nesting by our house within the corridor route), a wide variety of bats, deer (roe as well as muntjac), fox and otter. You will already be aware that relatively unspoilt wildlife habitats like this are increasingly rare and we hope you will understand our wish to limit disturbance and destruction as far as possible.</p>	<p>predicted impact of the works.</p> <p>To elaborate on the Google Earth illustration, the key principles informing the route selection process were:</p> <ul style="list-style-type: none"> <li>• Selecting the shortest distance to minimise overall footprint and number of receptors that will be affected.</li> <li>• Avoiding key sensitive features, where possible.</li> <li>• Avoiding populated areas, where possible.</li> </ul> <p>The longer the drill, the greater the risk of borehole failure and ground conditions at this location are very challenging as experienced during the original Sheringham Shoal HDD west of the current location.</p> <p>Options considered were based on extensive ground investigation-boreholes within the Order Limits. Options were discounted for various reasons, including:</p> <ul style="list-style-type: none"> <li>• High risk from a construction perspective based on ground investigation.</li> <li>• Drills would be longer than the chosen cable route corridor</li> <li>• The compound location was chosen partly because there are a number of dead and dying trees and this informed the cable corridor. It is likely that compound within the alternative options would not be in an area with dead or dying trees and the arboricultural impact would be greater.</li> <li>• It would be necessary to construct an access road to serve the compound.</li> </ul> <p>Duct installation within Sandy Hill Lane carriageway was considered but this would require a long road closure and after taking account of feedback from local residents this option was discounted.</p> <p>The Applicant also refers to the suggestion to install the ducts within the Fire Break Track. This option was considered but discounted, as the</p>



ID	Written Representation Comment	Applicant's Comment
		<p>track would need closing to the public and emergency services putting the woodland at risk in the event of a fire.</p> <p>It should also be noted that the track falls within the area of the tree canopies and therefore excavation is not permitted.</p> <p>In summary, the route chosen is the most appropriate option and aligns with the criteria set out in <b>Environmental Statement Chapter 3 – Site Selection &amp; Assessment of Alternatives</b> [APP-089].</p>
8	<p>3) Disruption, noise, disturbance - we have not been informed of the construction details of the proposed compound but assume that access roads will have to be built and all the trees in the proposed compound area and lining the track we turned on to leading to the proposed compound will be removed (not just those with Forestry orange dots) to allow access for machinery and drilling rigs. The disruption to residents and the destruction to habitats and wildlife will be significant. There are alternative tracks and fire-break corridors that would seem to offer less disruptive routes (see attached screen shot referred to above).</p>	<p>The proposals have been developed to utilise existing access routes and fire-break corridors will be utilised where feasible. The Applicant refers to Environmental Statement <b>Chapter 4 Figures - Project Description</b> [APP-117], Sheets 1 &amp; 2 of 18 for details of Order Limits and construction accesses into Weybourne Woods.</p> <p>The Applicant refers to <b>Environmental Statement Appendix 23.3 - Construction Noise Assessment</b> [APP-266], Table 23.3.4 Predicted construction noise levels-onshore cable corridor-unmitigated.</p> <p>The Applicant refers to <b>Environmental Statement Chapter 20 - Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] and specifically section 20.5.3.1 which covers Breeding Birds, Section 20.5.3.10 which covers Bats and Section 20.6.1.5 which covers Woodland Habitats.</p> <p>Mitigation measures are detailed in both the <b>Outline Code of Construction Practice (Revision B)</b> [REP1-023] addressing noise and vibration, including the provision of a Construction Noise Management Plan, the Outline Landscape Management Plan (Revision B) [REP1-025], addressing landscape mitigation, replacement and reinstatement and the <b>Outline Ecological Management Plan (Revision B)</b> [Rep1-027], addressing ecological mitigation. These are secured via Requirements 19, 12 &amp; 13 respectively in the draft <b>Development Consent Order (DCO) (Revision D)</b> [document reference 3.1]. Of note, Requirement 11(e) (Provision of Landscape) requires details of existing trees and hedges to be removed and details of existing trees and hedges to be retained, with measures for their protection during the</p>

ID	Written Representation Comment	Applicant's Comment
		<p>construction period as part of a Landscape Management Plan to be submitted to the relevant planning authority for approval.</p> <p>Residual adverse impacts to both residents and biodiversity are predicted to be not significant in EIA terms.</p>
9	<p>In summary, and to avoid coming across as a total "NIMBY", we hope that the Planning Inspectorate will challenge the proposed corridor route between the on-shore landing point and Bodham to be further away from residential areas and that habitat destruction and disturbance can be avoided in this particular Weybourne Woods section. In an ideal world, we would like the Planning Inspectorate to put the proposed development on hold until the wider issue of national grid connectivity is addressed (e.g. through an offshore "ring main" or designated connection points that would eliminate case by case cable corridor planning applications). Kind regards Keith Nichols</p>	Noted.

## 2.16 Maritime and Coastal Agency

Table 16 The Applicant's Comments on National Highway's Written Representation

ID	Written Representation Comment	Applicant's Response
-	<p>Equinor has undertaken a detailed Navigation Risk Assessment (NRA) in accordance with MCA guidance MGN (Marine Guidance Note) 654 and NRA risk assessment methodology. We are satisfied that appropriate traffic data has been collected in accordance with MGN 654, which includes two 14-day marine vessel traffic surveys in July/August 2020 and January/February 2021, supplemented by 12 months of AIS data from 2019. Key and appropriate stakeholders were identified, and the MCA is content that suitable consultation took place via a hazard identification workshop and dedicated meetings. A completed MGN 654 Checklist has been provided as part of the NRA, and we are content the recommended NRA process has been followed.</p> <p>We would like to comment as follows on several key issues identified in the NRA and Shipping &amp; Navigation Chapter of the EIA Report:</p>	No comment
1. Navigable sea room and collision risk		

ID	Written Representation Comment	Applicant's Response												
1.1	<p>The NRA and Shipping and Navigation Chapter recognises the baseline collision rate is high (1 in 9.6 years) due to the current high volume of traffic, shallow banks and neighbouring offshore wind farms. The assessment concludes that collision risk rises to 1 in 8.5 years assuming no increase in traffic volume, or 1 in 7 years with 10% increase in traffic, or 1 in 6 years with 20% increase in traffic. It is recognised that the traffic volume between the sites will increase as a result of cumulative effects of other consented wind farms.</p> <p>The navigable sea room between the existing Sheringham Shoal and Dudgeon wind farms is currently 8.2NM wide. Commercial vessels will typically ensure a safety buffer of at least 1NM between their course and an offshore wind farm boundary and the traffic study shows this is 1.5NM. 90% of this traffic transits in a 'corridor' 5.5NM wide and the introduction of the two extension projects will reduce this corridor to 3.6NM of sea room; a reduction of sea room of 34%.</p>	<p>The <b>Navigation Risk Assessment (NRA)</b> [APP-198] included modelling of the scenario where traffic increases but the SEP&amp;DEP are not present. The results showed the majority of the change in the former (i.e., with SEP&amp;DEP) was associated with the traffic increase as opposed to the introduction of the SEP&amp;DEP. The Applicant notes that the 10% and 20% values referenced by the MCA are inclusive of the effects of increased traffic and the SEP&amp;DEP, however these values are not significantly different from the scenario where SEP&amp;DEP are not present (see table below).</p> <p>The <b>NRA</b> [APP-198] included application of the MCA methodology for corridor width calculation, with the strict interpretation of the width requirements being found to be met. Further details are provided in Section 18.4 of the <b>NRA</b> [APP-198]. The Applicant is in the process of undertaking further assessment of traffic utilising the corridor and will provide any relevant results as part of a future submission.</p> <p>Return periods for vessel being involved in a collision based on NRA modelling:</p> <table border="1" data-bbox="1350 981 2078 1101"> <thead> <tr> <th>Scenario</th> <th>Without SEP&amp;DEP</th> <th>With SEP&amp;DEP</th> </tr> </thead> <tbody> <tr> <td>Base Case (0% traffic increase)</td> <td>1 in 9.6 years</td> <td>1 in 8.5 years</td> </tr> <tr> <td>10% traffic increase</td> <td>1 in 7.9 years</td> <td>1 in 7.0 years</td> </tr> <tr> <td>20% traffic increase</td> <td>1 in 6.7 years</td> <td>1 in 5.9 years</td> </tr> </tbody> </table>	Scenario	Without SEP&DEP	With SEP&DEP	Base Case (0% traffic increase)	1 in 9.6 years	1 in 8.5 years	10% traffic increase	1 in 7.9 years	1 in 7.0 years	20% traffic increase	1 in 6.7 years	1 in 5.9 years
Scenario	Without SEP&DEP	With SEP&DEP												
Base Case (0% traffic increase)	1 in 9.6 years	1 in 8.5 years												
10% traffic increase	1 in 7.9 years	1 in 7.0 years												
20% traffic increase	1 in 6.7 years	1 in 5.9 years												
1.2	<p>The irregular shape of the Dudgeon Extension will result in further loss of sea room to the west of the northern array. Vessels transiting east of Triton Knoll offshore wind farm (in the Outer Dowsing Channel) are constricted by the Dowsing Shoals and shallow water east of Triton Knoll into a route 2.5NM wide (90th percentile). The western boundary of the northern Dudgeon Extension array encroaches into this route and reduces the width to 2NM, however when a safety buffer is applied, it is likely that 90% of vessels will be constricted into a</p>	<p>Vessel to vessel collision modelling in the <b>NRA</b> [APP-198] included assessment of traffic in close proximity to the north west section of DEP. This process modelled both a squeeze of traffic and an increase in traffic to account for additional vessels that may deviate through the area post wind farm, noting worst case assumptions were made in terms of vessel deviations.</p>												

ID	Written Representation Comment	Applicant's Response
	navigable space of 1NM wide. This does not appear to have been considered for assessing the potential frequency of encounter and collision likelihood scores within the hazard log.	The Applicant is in the process of undertaking further assessment of traffic utilising this area and will provide any relevant results as part of a future submission.
1.3	In Fig 18.1 of the NRA the 20% corridor guidance from MGN 654 has been used to show the minimum width required for the 11.2NM long corridor between the extensions should be at least 4.1NM. The boundaries at the narrowest point are 5.6NM apart, however it is noted that shallow banks marked by the East Dudgeon buoy potentially extend the corridor length a further 6.5NM to the northwest since there is no safe sea room to the west of a line between the East Dudgeon buoy and the northern corner of the Sheringham Shoal Extension boundary. As such, is it arguable the length of the corridor would be 17.2NM and the required width as per the guidance in MGN 654 should be at least 6.25NM.	The <b>NRA</b> [APP-198] included application of the Marine Coastguard Agency (MCA) methodology for corridor width calculation set out in Marine Guidance Note (MGN) 654, with the strict interpretation of the width requirements being found to be met. In line with the MGN 654 wording, the calculation was based on the area "where turbines appear along both sides of a shipping corridor". It is acknowledged that strict application of the calculation does not account for the presence of the local shallow banks, and text on this basis was included in Section 18.4 of the <b>NRA</b> [APP-198].
1.4	Annex F of the NRA (Hazard Log) does not include a hazard for assessing collision risk between two third party vessels as a result of reduced sea space. Collision risk is mentioned in Hazard ID C1, C2, C7 and C8 (Displacement from wind farm sites resulting in increased collision risk) for the construction and operational phases, however there is a focus on deviation and commercial concerns. For instance, the most likely consequences of these hazards were assessed with a score of 1 - Negligible (no perceptible impact) which is not a realistic consequence of a collision between two third-party vessels. The likelihood of a worst-case consequence of a collision between two third-party vessels was assessed with a score of 1 (no perceptible impact) which appears to be an underestimation of the likely outcomes.	<b>Annex F</b> [NRA APP-198] Row C1 includes consideration of both displacement and resultant collision risk. The realistic most likely consequences of displacement are negligible with no perceptible navigational safety impact but with a high frequency of occurrence given the mostly likely consequences of a vessel being displaced is an encounter which does not lead to a collision event. The realistic worst case consequences of displacement is that the encounter then leads to a collision event and is appropriately ranked that whilst low frequency is of serious consequence i.e., could lead to serious injury, fatality, or critical impact damage. Even if the hazard log impact was to solely consider collision risk in isolation (which cannot be directly caused by the wind farm i.e., the vessels have to be displaced or squeezed into a new location) the most likely consequences based on real time accident statistics shown in section 13.4 is that the collision would be low frequency and lower consequence.

ID	Written Representation Comment	Applicant's Response
		<p>The hazard log is a key input into the Formal Safety Assessment process and uniquely provides opportunity for local and national stakeholders to agree rankings, The hazard workshop took place on the 10<sup>th</sup> August 2021, a draft hazard log was provided to attendees for comment on the 9<sup>th</sup> November 2021, and a final version was then sent to attendees on the 19<sup>th</sup> November 2021.</p>
1.5	<p>Collision risk is discussed in section 21.1.3.1 of the NRA, however it is not understood how the future collision risks have been predicted using the hazard log scores. The predicted increase of 13% collision frequency at current traffic levels may have been underestimated, in which case changes to the red line boundaries must be considered.</p>	<p>Multiple inputs are used to inform the Formal Safety Assessment around which the NRA is developed. This is detailed in Section 3.1 of the <a href="#">NRA [APP-198]</a> and includes both the modelling outputs and the consultation input including the hazard workshop.</p> <p>The NRA including outputs of the modelling shows that collision risk is already high in the area as demonstrated by the pre wind farm modelling scenarios (see response in ID 1.1). However, when looking at accident and incident statistics, the risks are managed by mitigations already in place including the International Regulation for the Prevention of Collisions at Sea (COLREGS).</p>
<p><b>2. Shipping and Navigation Mitigation Measures</b></p>		
2.1	<p>The list of embedded risk controls in Table 20.1 of the NRA and Table 13.3 of the Shipping and navigation ES Chapter is appropriate and it is noted that a Navigational Management Plan is the only additional mitigation measure proposed for reducing risk to As Low As Reasonably Practicable (ALARP). It is understood the Navigation Management Plan (NMP) will be developed to manage and mitigate impacts associated with crew transfer vessels during the construction, operation and major maintenance phases.</p>	<p>Noted and agreed. The Navigation Management Plan (NMP) was designed following consultation with regular operators using the area who had concerns relating to displacement caused by compliance with COLREGS and project vessels crossing between the two existing and two proposed projects (Dudgeon, DEP, Sheringham and SEP).</p>
2.2	<p>Promulgation of project vessel procedures in a Navigation Management Plan to regular operators is noted as a mitigation of displacement, however not all transiting vessels will have this promulgated to them. As a risk control for reducing the impact of displacement and for preventing collisions between two third party vessels the NMP is not an effective mitigation measure. Although not specifically worded for a risk of collision between two third party vessels, Hazard C1 does refer to this situation and the NMP is not listed as a further</p>	<p>It is not the intention of the NMP to control encounter events and the possibility of collisions given that COLREGS is already in place to manage these interactions.</p> <p>See response in ID1.1 for further detail on changes in collision risk.</p>

ID	Written Representation Comment	Applicant's Response
	mitigation measure between third party vessels. This implies that there has been no additional mitigation outside of the embedded mitigations to address the predicted large increase in the frequency of encounter.	
2.3	It should be noted that the requirement for an Emergency Response Cooperation Plan (ERCoP), as referenced in Table 13-3 of the ES Chapter 13 Shipping and Navigation, will be secured in the DCO/DML under the condition for complying with MGN 654. There will not be a specific condition for the completion of an ERCoP.	As per Rep 1-003, the <b>Draft DCO (Revision D)</b> [document reference 3.1] does not include a specific condition relating to the Emergency Response Cooperation Plan (ERCoP).  The ERCoP is a requirement of compliance with MGN 654 which is covered by condition 16 of Schedule 10, condition 16 of Schedule 11, condition 15 of Schedule 12, and condition 15 of Schedule 13 of the <b>Draft DCO (Revision D)</b> [document reference 3.1].
3. Layout Design		
3.1	The turbine layout design must be compliant with MGN 654 and it will require MCA and Trinity House approval prior to construction to minimise the risks to surface vessels, including rescue boats, and search and rescue aircraft operating within the site. MCA will seek to ensure all structures are aligned in straight rows and columns with a minimum of two lines of orientation. The four layout commitments in Table 20.2 of the NRA are recognised as complying with the guidance in MGN 654. Further advice will be provided to Equinor once the layout discussions have started.	Noted and agreed as per condition 16 of Schedule 10, and condition 16 of Schedule 11 of the <b>Draft DCO (Revision D)</b> [document reference 3.1].
4. Marking and Lighting.		
4.1	MCA will seek to ensure the turbine numbering system follows a 'spreadsheet' principle and is consistent with other windfarms in the UK. All lighting and marking arrangements will need to be agreed with MCA and Trinity House. The MCA requires all aviation lighting to be visible 360° and compatible with night vision imaging systems, as detailed in CAP 764 and MGN 654 Annex 5.	Noted and agreed as per condition 16 of Schedule 10, and condition 16 of Schedule 11 of the <b>Draft DCO (Revision D)</b> [document reference 3.1].
5. Emergency Response and Search and Rescue.		
5.1	There is an expectation that the presence of wind farms will increase the likelihood of the requirement for emergency response, not just from navigational incidents but from other incidents such as medical evacuation or pollution. A SAR checklist based on the requirements in MGN 654 Annex 5 will need to be completed in agreement with MCA before	Noted and agreed as per condition 16 of Schedule 10, condition 16 of Schedule 11, condition 15 of Schedule 12 and condition 15 of Schedule 13 of the <b>Draft DCO (Revision D)</b> [document reference 3.1].

ID	Written Representation Comment	Applicant's Response
	construction starts. This will include the requirement for an approved Emergency Response Co-operation Plan (ERCoP).	
5.2	During SAR discussions, particular consideration will need to be given to the implications of the site size and location. Attention should be paid to the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)) that can cover the entire wind farm sites and their surrounding areas. It will be expected that Equinor will provide this AIS and VHF capability to the MCA with direct access to HM Coastguard systems.	<p>Noted and agreed as requirements of the SAR checklist process secured via condition 16 of Schedule 10, condition 16 of Schedule 11, condition 15 of Schedule 12 and condition 15 of Schedule 13 of the <b>Draft DCO (Revision D)</b> [document reference 3.1].</p> <p>It is the experience of the Applicant that the MCA have not yet found a method by which this equipment can be installed with successful connection to the MCA internal systems. Whilst the Applicant is content in principle with the installation of such equipment it would expect that the equipment does not pose any security risk for the project but also is costed at a reasonable market value.</p>
5.3	Chapter 6 of the NRA regarding lessons learned within the offshore industry references SAR helicopter trials at the North Hoyle offshore wind farm in 2005. This is now a dated document and while references may still be made, there may be more benefit in referring to documents written by the MCA in 2019, titled: "MCA report following aviation trials and exercises in relation to offshore windfarms" and "MCA report following aviation trials at Hornsea Project 1 windfarm".	Noted – no action required.
5.4	Figure 12.1 and Table 12.1 in the NRA show RNLI Stations and types of lifeboats, however it should be noted that D-Class lifeboats e.g. Cleethorpes and Withernsea, would not be tasked to an incident at the Sheringham and Dudgeon Extension sites owing to the distance offshore.	Paragraph 112 of the <b>NRA</b> [APP-198] states 'RNLI lifeboats are available on a 24-hour basis throughout the year. Given that the Royal National Lifeboat Institution (RNLI) have a 100 nautical mile operational limit, a RNLI lifeboat could respond to an incident within the wind farm sites. This is reflected within the RNLI incident data for the region (see Section 13.2)'. The NRA also considered the export cable corridor and project vessel transits and therefore station consideration (e.g., Cleethorpes and Withernsea) took this into account.

ID	Written Representation Comment	Applicant's Response
5.5	Paragraphs 115 and 116 of the NRA should be updated as there are no longer three geographical regions to HM Coastguard. The UK is now divided into six districts and 18 areas: [See MCA Written Representation for URL]	Noted this change occurred post submission of the NRA; however given Marine Rescue Co-ordination Centres (MRCC) locations remain consistent it does not change the findings of the NRA.
5.6	Paragraph 117 of the NRA suggests that the companies typically have all the resources (vessels, helicopters and other equipment) on a regular basis which is inaccurate. It should be caveated to say that SOLAS obligations require vessels to respond to persons or vessels in distress if safely able to do so. It is noted that the presence of turbines may preclude the vessel's ability to safely respond to those in distress.	Paragraph 117 clearly states helicopters etc. are available for normal operations 'Companies operating offshore typically have resources of vessels, helicopters, and other equipment available for normal operations that can assist with emergencies offshore'. It also states that 'all vessels under IMO obligations set out in the International Convention for the Safety of Life at Sea (SOLAS) (IMO, 1974) as amended, are required to render assistance to any person or vessel in distress if safely able to do so'. Safely able to do so would include consideration of the presence of turbines but also sandbanks, type of incident etc.
5.7	Table 13.1 in the NRA includes the incident at Sheringham Shoal offshore wind farm on 21st November 2012, when there were five injuries, however the table states there was no harm to persons.	This is an error – the "Harm to Persons" entry should read "injury".
5.8	Chapter 13.4 of the NRA references incidents in European offshore wind farms which although not in the UK, does show that vessels are interacting with windfarms/turbines. We would recommend that an allision/collision per windfarm would be a more accurate representation than per turbine, since it is the presence of the windfarm which the NRA is addressing.	A "per turbine" approach has been adopted to account for differing sizes of project i.e., a project with a low number of turbines is not equivalent to a large scale project for these purposes which the "per wind farm" approach would not account for.
5.9	The NRA identifies 172 chartered wrecks in the study area which pose a risk of releasing pollution over time and this may require an environmental response. Within the boundaries of a windfarm, emergency response becomes more complex and this must be considered in the Marine Pollution Contingency Plan.	The Applicant confirms this will be considered in the Marine Pollution Contingency Plan (MPCP).
6. Construction scenarios.		
6.1	We would expect to see some form of linear progression of the construction programme avoiding disparate construction sites across the development area, and the consent needs	Construction activity will occur within the construction area marked by the construction buoyage agreed with Trinity House until the site is operational. The construction method statement is secured through condition 13(c) of Schedule



ID	Written Representation Comment			Applicant's Response								
	to include the requirement for an agreed construction plan to be in place ahead of any works commencing.			10, condition 13(c) of Schedule 11, condition 12(c) of Schedule 12 and condition 12(c) of Schedule 13 of the <b>Draft DCO (Revision D)</b> [document reference 3.1].								
7. Cable Routes.												
7.1	Export cable routes, cable burial protection index and cable protection are issues that are yet to be fully developed. However due cognisance needs to address cable burial and protection, particularly close to shore where impacts on navigable water depth may become significant. Any consented cable protection works must ensure existing and future safe navigation is not compromised. It is noted the export cable will be High Voltage Alternate Current (HVAC) which is expected to have no impact on electro-magnetic fields and ships' magnetic compasses.			Noted and agreed as per condition 16 of Schedule 10, condition 16 of Schedule 11, condition 15 of Schedule 12 and condition 15 of Schedule 13 of the <b>Draft DCO (Revision D)</b> [document reference 3.1].								
8. Safety Zones.												
8.1	The requirement and use of safety zones as detailed in the application is noted, and MCA will comment on the safety zone application once submitted, as a statutory consultee. Safety zones during the construction, maintenance and decommissioning phases are supported. A detailed justification would be required for a 50m operational safety zone, with significant evidence from the construction phase in addition to the baseline NRA required supporting the case. Safety zones triggered by a Service Operation Vessel connecting to a wind turbine will not be supported.			Noted and agreed.								
9. Additional minor comments on the Environmental Statement Chapter 13 – Shipping and Navigation (APP-99) and Appendix 13.1 – Navigation Risk Assessment (APP-198):												
9.1	<table border="1"> <thead> <tr> <th data-bbox="241 1090 454 1121">Document</th> <th data-bbox="477 1090 667 1121">Section</th> <th data-bbox="678 1090 1328 1121">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="241 1129 454 1233">ES Chapter 13 – Shipping and Navigation</td> <td data-bbox="477 1161 667 1233">Glossary of Acronyms</td> <td data-bbox="678 1161 1328 1233">The MAIB is the Marine Accident and Investigation Branch</td> </tr> <tr> <td data-bbox="241 1241 454 1390"></td> <td data-bbox="477 1249 667 1390">Glossary of Acronyms and 13.4.9</td> <td data-bbox="678 1249 1328 1390">Coastguard Operation Centres (CGOC) have been replaced by Maritime Rescue Coordination Centres (MRCC)</td> </tr> </tbody> </table>	Document	Section	Comment	ES Chapter 13 – Shipping and Navigation	Glossary of Acronyms	The MAIB is the Marine Accident and Investigation Branch		Glossary of Acronyms and 13.4.9	Coastguard Operation Centres (CGOC) have been replaced by Maritime Rescue Coordination Centres (MRCC)	<p data-bbox="1361 1090 1966 1121"><b>ES Chapter 13 – Shipping and Navigation</b> [APP-99]</p> <ul data-bbox="1361 1137 2056 1377" style="list-style-type: none"> <li data-bbox="1361 1137 1473 1169">• Noted</li> <li data-bbox="1361 1185 1473 1217">• Noted</li> <li data-bbox="1361 1233 2056 1377">• Table 13.2 in ES Chapter 13 [APP-099] indicates that the 500m safety zone = 0.79km<sup>2</sup> whilst the 50m safety zone = 7,854m<sup>2</sup> (0.007854km<sup>2</sup>). Therefore, the area of the 500m safety zone <b>is greater</b> than the 50m safety zone.</li> </ul>	
Document	Section	Comment										
ES Chapter 13 – Shipping and Navigation	Glossary of Acronyms	The MAIB is the Marine Accident and Investigation Branch										
	Glossary of Acronyms and 13.4.9	Coastguard Operation Centres (CGOC) have been replaced by Maritime Rescue Coordination Centres (MRCC)										

ID	Written Representation Comment			Applicant's Response
		Table 13-2	The calculations are showing the area of a 50m safety zone is greater than the area of a 500m safety zone.	<p><b>Appendix 13.1 – Navigation Risk Assessment [APP-198]</b></p> <ul style="list-style-type: none"> <li>Noted on page numbers, does not change the output of the NRA.</li> <li>Noted on MGN 372 reference, this version was issued post NRA submission.</li> <li>Noted on MGN 371 reference, does not change the output of the NRA.</li> </ul> <p>Both:</p> <ul style="list-style-type: none"> <li>Noted on His Majesty's Coastguard again the submission of these documents was in Summer 2022.</li> </ul>
	Appendix 13.1 Navigation Risk Assessment	Page numbers	The page numbering is not consistent throughout the document.	
		2.3	MGN372 was updated in November 2022. The new reference is MGN372 Amendment 1	
		Table 16.1	Reference to MGN 371 is not required in this case as this is an archived document and some statements are not matching latest guidelines MGN-654.	
	ES Chapter 13 – Shipping and Navigation and Appendix 13.1 Navigation Risk Assessment	General	For future plans and documentation reference to 'Her Majesty's Coastguard' needs to be updated to 'His Majesty's Coastguard' or 'HM Coastguard'.	

## 2.17 Ministry of Defence

Table 17 The Applicant's Comments on the Ministry of Defence's Written Representation

ID	Written Representation Comment	Applicant's Comment
19 <sup>th</sup> January 2023		
1	I write to confirm the safeguarding position of the Ministry of Defence (MOD) in relation to the draft Development Consent Order submitted by the applicant in support of this National Infrastructure Planning application.	The Applicant acknowledges the MOD's comment.
2	The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure	The Applicant acknowledges the MOD's comment.

ID	Written Representation Comment	Applicant's Comment
	that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. Paragraph 97 of the National Planning Policy Framework 2021 requires that planning policies and decisions take into account defence requirements by 'ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.' To this end MOD may be involved in the planning and energy consenting systems both as a statutory and non-statutory consultee.	
3	The development proposed consists of extensions to the existing Sheringham Shoal and Dudgeon wind farms, adding a total of up to 53 wind turbine generators (up to 23 to Sheringham Shoal Wind Farm and up to 30 to Dudgeon Wind Farm) as well as the associated infrastructure, export cables, landfall, and onshore export cables.	Noted.
4	The Sheringham and Dudgeon Extension Projects have elements that fall within or are washed over by safeguarding zones drawn to assure the operation and capability of various MOD sites and assets.	The Applicant acknowledges the MOD's comment.
5	At this time the MOD must object to the proposed development on the basis that the scheme would have a significant and detrimental impact on the effective operation and capability of air defence radars deployed at Remote Radar Head (RRH) Trimingham and RRH Neatishead.	The Applicant acknowledges the MOD's comment.
Offshore development and impact on air defence radar(s)		
6	As the applicant acknowledges in their Environmental Statement (Chapter 15 Aviation and Radar Document Reference: 6.2.15, APFP Regulation: 5(2)(a)) at section 15.6.2.2, the development would have an impact on the effective operation of air defence radar sited at RRH Trimingham. It should be noted that an additional radar site is now in operation and the impact on the development proposed on the air defence radar operated at RRH Neatishead is also a consideration.	The Applicant acknowledges the MOD's comments. As set out in the Applicant's response to WQ1.4.1.2 in <b>The Applicant's Responses to the Examining Authority's Written Questions</b> [REP1-036], the Applicant understands that the intention of the MOD is to relocate the radar from RRH Trimingham to RRH Neatishead at some point in the near future. Both would not require mitigation at the same time. The Applicant has amended requirement 27 (Ministry of Defence surveillance operations) of the <b>Draft Development Consent Order (DCO)</b> (Revision D) (document reference 3.1) to secure that appropriate mitigation would be undertaken at RRH Neatishead rather than RRH Trimingham, if it was required.

ID	Written Representation Comment	Applicant's Comment
7	<p>An operational assessment has been completed which has considered the proposed Sheringham and Dudgeon Extension Projects. The application site is situated approximately 18.7km from RRH Trimingham, approximately 34.5km from RRH Neatishead, and would be visible to radar systems deployed at both sites. Wind turbines have been shown to have detrimental effects on the operation of radar. These include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar's operational integrity. This would reduce the RAF's ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom. Close examination of the proposed development has identified that the turbines will have a significant and detrimental effect on Air Defence operations. For this reason, MOD must object to the proposal.</p>	<p>See response to ID6 above.</p>
8	<p>I can confirm that the MOD has been contacted by the applicant's representatives who have informed us of their intent to submit a suitable mitigation proposal to cover both the Sheringham Shoal and Dudgeon elements of the application. To date the MOD has not received a mitigation proposal. It should also be noted that the applicant's draft Development Consent Order requirement no. 27 (Ministry of Defence Surveillance Operations) mentions the possibility of mitigating the impact of this development on radar systems deployed at RRH Trimingham only; it does not include any mention of the radar systems deployed at RRH Neatishead. Given these reasons, MOD cannot agree to the draft Development Consent Order requirement no. 27 (Ministry of Defence Surveillance Operations).</p>	<p>The Applicant acknowledges the MOD's comments. As set out in the Applicant's response to WQ1.4.1.1 in <b>The Applicant's Responses to the Examining Authority's Written Questions</b> [REP1-036], it is expected that the mitigation proposal will be submitted to the MOD for consideration and agreement.</p> <p>The Applicant stated at paragraph 127 of ES <b>Chapter 15 Aviation and Radar</b> [APP-101]:</p> <p><i>"The MOD, BEIS [now DESNZ], the Crown Estate and the Offshore Wind Industry Council (OWIC) formed a Joint Task Force (JTF) in 2019 with the aim of enabling the co-existence of air defence and offshore wind in the UK. The Applicant is a participating member of the OWIC ATF [Aviation Task Force] and is actively engaged in the workstreams being progressed through that forum. In September 2021, the task force published a strategy document entitled Air Defence and Offshore Wind, Working Together Towards Net Zero[1] (JTF, 2021) which sets out the process of the development of future technical radar mitigation schemes to mitigate ADR from the impact created by the radar detectability of operational wind turbines. Potential technical radar mitigation solutions have been identified through concept</i></p>

ID	Written Representation Comment	Applicant's Comment
		<p><i>demonstrations, and these systems have demonstrated that they could potentially support wind farm development, the JTF are working towards the joint procurement of an ADR technical mitigation solution in partnership with other participating developers.”</i></p> <p>The Applicant highlights that it continues to be engaged in the JTF programme procuring ADR technical mitigation solutions in partnership with other participating developers. Moreover, the Applicant remains actively involved in discussions between the MOD and the representatives of the developers with regards to the initial stages of the MOD's ADR Mitigation Procurement Programme.</p> <p>The process of agreeing mitigation with MOD for adverse effects of wind turbines on MOD aviation radars includes a 3-phase process to identify mitigation; prove the candidate solution (through trials); and implement the solution. The Applicant notes that any mitigation agreed with MOD for SEP and DEP alone is unlikely to ever be implemented as the need for an enduring collaborative approach with other developers has been recognised in the Air Defence and Offshore Wind, Working Together Towards Net Zero (JTF, 2021) report, and is being proactively progressed by the JTF, of which the Applicant is a funding member.</p>
9	<p>Should MOD receive a mitigation proposal, we will request that relevant Subject Matter Experts assess the proposal to determine its acceptability. In the event that an acceptable mitigation proposal is provided, MOD will consider the inclusion of suitable suspensive requirement(s) to ensure that the development is erected and operated in such a way as to address the impact of the development on the air defence radar capability. It is not possible to provide the wording of any suspensive requirement (Air Defence Surveillance Operations) until such a mitigation proposal has been submitted, assessed, and accepted by MOD.</p>	<p>The Applicant acknowledges the MOD's comments. As set out in the Applicant's response to WQ1.11.5.5 in <b>The Applicant's Responses to the Examining Authority's Written Questions</b> [REP1-036], the Applicant notes that the drafting of Requirement 27 is in line with similar requirements agreed for other recent offshore wind farm projects and the Applicant does not foresee any barrier to finalising agreement with the MoD prior to the end of the Examination in relation to the wording of this requirement.</p> <p>The Applicant refers to its response to ID8 above in relation to the strategic approach to mitigation.</p>
10	<p>MOD respectfully requests that sufficient consideration and weighting is given to the MOD objection and the information provided above. Air Defence capability is fundamental to national security and should not be compromised.</p>	<p>The Applicant acknowledges the MOD's comments.</p>

ID	Written Representation Comment	Applicant's Comment
Landfall and Onshore Works		
11	The submitted Onshore Works Plan, Sheet 1 of 40 (APFP Regulations Reference: 5(2)(j) Application Doc. no.: 2.6) illustrates the extent of landfall and onshore connection works. Areas designated on that plan to provide temporary working areas, an access track, and the permanent access to the landfall would be within a statutory safeguarding zone associated with a technical asset at RAF Weybourne.	In the Applicant's response to WQ1.4.1.3 within <a href="#">The Applicant's Responses to the Examining Authority's Written Questions</a> [REP1-036], the Applicant stated that it had 'provided further information to the MOD relating to the landfall, duct fabrication and onshore elements of the Projects. The MOD has now assessed this and confirmed to the Applicant that it intends to withdraw its objection so far as it relates to RAF Weybourne.' The Applicant notes that the MOD has now confirmed withdrawal of its objection relating to its technical asset sited at RAF Weybourne within its [Deadline 1 Submission – Updated Safeguarding Position [REP1-121]].
12	At this time the form of any structures necessary to provide the onshore connection has not been provided and it is not known whether implementation would require the creation of construction compounds, the use of plant equipment, or ground works. For these reasons, the MOD must object to draft Development Consent Order requirement no. 10 (Detailed Design Parameters Onshore).	See response to ID11 above.
13	The applicant should submit the details and information mentioned in the above paragraph to the MOD. On receipt, MOD will assess the details and information to determine any unacceptable impacts upon the effective operation of the technical asset at RAF Weybourne.	See response to ID11 above.
14	When MOD has a fuller understanding of the details and information, it will consider the inclusion of suitable suspensive requirement(s) to ensure that the onshore elements of the development are implemented in such a way as to not impact on the effective operation of the technical asset sited at RAF Weybourne. It is not possible to provide the wording of any suspensive requirement (Detailed Design Parameters Onshore) until such details and information have been submitted to and assessed by MOD.	See response to ID11 above.
15	In addition, MOD request that a requirement for a Construction Environment Management Plan is added to future draft Development Consent Orders to enable MOD to be consulted on the way development is carried out to ensure that the effective operation of a statutorily safeguarded technical asset is a not impacted.	See response to ID11 above.

ID	Written Representation Comment	Applicant's Comment
Summary		
16	<p>For the avoidance of any doubt, MOD objects to the proposal on the grounds of the unacceptable impact that the development would have on:</p> <ul style="list-style-type: none"> <li>air defence radar systems sited at RRH Trimingham and RRH Neatishead; and</li> <li>technical asset (communications equipment) sited at RAF Weybourne.</li> </ul>	<p>The Applicant acknowledges the MOD's comments and will continue discussions with the MOD to resolve its outstanding objection with regards to air defence radar systems sited a RRH Trimingham and RRH Neatishead. As set out above, the Applicant notes that the MOD has withdrawn its objection relating to RAF Weybourne.</p>
17	<p>It is acknowledged that the applicant has specified requirements within their submitted draft Development Consent Order intended to address the above issues. However, at this time, MOD cannot accept the draft wording of the requirements 27 and 10.</p>	<p>See response to ID9 above.</p>
18	<p>I hope this adequately explains our position on the matter.</p> <p>Further information about the effects of wind turbines on MOD interests can be obtained from the following website:</p> <p>MOD: <a href="https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding">https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding</a></p>	<p>Noted.</p>
20 <sup>th</sup> February 2023		
19	<p>I write to provide an update on the safeguarding position of the Ministry of Defence (MOD) in relation to the proposed Sheringham Shoal and Dudgeon wind farm extensions.</p>	<p>Noted.</p>
20	<p>Through a letter dated 19 January 2023, MOD set out objections to the proposed wind farm extensions on the grounds of the unacceptable impact that the development would have on:</p> <ol style="list-style-type: none"> <li>air defence radar systems sited at RRH Trimingham and RRH Neatishead; and</li> <li>technical asset (communications equipment) sited at RAF Weybourne.</li> </ol> <p>Subsequently the applicant has met with MOD Safeguarding to discuss potential routes to address these objections.</p>	<p>Noted.</p>
21	<p>At this time the applicant has provided additional information clarifying the works and operations that would be carried out within the vicinity of RAF Weybourne. Specifically, it has been made clear that no groundworks, construction</p>	<p>Noted.</p>

ID	Written Representation Comment	Applicant's Comment
	compounds, or stores would be located to the west of the identified access route. To complete duct stringing/welding, which would be carried out using butt fusion welding, 12m sections of duct would be mounted on rollers at approximately 500mm above ground level. The works are projected to take up to 32 weeks including 4 weeks of duct stringing and 6 weeks of duct installation	
22	This additional information is sufficient to allow MOD to withdraw the objection relating to the potential impact of the development on technical assets at RAF Weybourne.	The Applicant acknowledges the MOD's comments and welcomes the confirmation of the withdrawal of its objection relating to its technical asset sited at RAF Weybourne.
23	For the avoidance of any doubt, MOD maintains an objection to the proposal on the grounds that the development would have an unacceptable impact on the operation and capability of air defence radar systems sited at RRH Trimmingham and RRH Neatishead, as set out in the letter dated 19 January 2023	The Applicant acknowledges the MOD's comments and confirms that it will continue discussions with the MOD in order to resolve its outstanding objection.
24	I hope this adequately explains our position on the matter.	Noted.

## 2.18 Mr D Aldous

*Table 18 The Applicant's Comments on Mr D Aldous's Written Representation (Climate and Carbon)*

ID	Written Representation Comment	Applicant's Comment
1. Carbon footprint analysis		
1.1	The central purpose of renewable energy projects is to reduce greenhouse gas emissions. This can only be achieved by connecting generation to demand in such a way that renewable energy replaces fossil fuel generation. The available onward grid transmission capacity between the grid connection point and the main centre of demand in London and the south east is therefore a key consideration.	The Applicant acknowledges the comment.
1.2	A carbon footprint life cycle analysis provides a quantitative assessment of the extent to which this purpose is achieved and international standards, such as ISO 14040, provide a recognised method of assessment. The introduction to the standard makes clear that a full life cycle analysis	The Applicant acknowledges the comment.



ID	Written Representation Comment	Applicant's Comment
	considers the entire range of environmental impacts including human health and broad ecological consequences.	
1.3	In the case of offshore wind projects, however, a more limited analysis is typically performed which aims to quantify only the net effect on CO2 emissions over the life cycle of the installation. Whilst this is only a limited assessment, it provides a working method for the comparison of alternatives.	The Applicant acknowledges the comment.
1.4	It would appear that climate change legislation now requires such a comparison to be made so that the most favourable alternative can be identified, and then selected. This analysis should therefore be carried out for the Proposed Development, taking into account the grid capacity available to the project at Norwich Main or at Walpole, and showing separately the onshore and offshore outcomes.	<b>Appendix 4.2 Greenhouse Gas Footprint Assessment</b> [APP-179] of the Environmental Statement (ES) determined the change in emissions associated with the implementation of SEP & DEP, compared to a reasonable baseline or 'do nothing' scenario. In the 'do nothing' scenario, it was assumed that SEP & DEP does not proceed, and the electricity would otherwise be generated by gas as this is the most common form of electricity generation currently in the UK. As part of this assessment, emissions arising from activities associated with the SEP & DEP, were quantified and accounted for.
1.5	Assessment of the benefits of each option can then be compared with their relative onshore impacts.	
2. Methodology		
2.1	During the Norfolk Boreas examination the ExA requested a life cycle analysis under Rule 17 as follows: "In support of the 'zero net carbon' Climate Change Act 2008 (2050 Target Amended) Order 2019 made on 26 June 2019, the Applicant to provide a carbon footprint for the Proposed Development, separately providing carbon assessments for onshore and offshore facilities."	The Applicant acknowledges the comments.  <b>Appendix 4.2 Greenhouse Gas Footprint Assessment</b> [APP-179] of the ES outlines the greenhouse gas footprint for the different SEP and DEP development scenarios.
2.2	This analysis was submitted to the examination in August 2020 and a similar analysis was issued for the Vanguard re-determination in December 2021 (EN010087-002432 and EN010079-004452).	
2.3	These two analyses seem to have assumed that sufficient onward grid transmission capacity would always be available from Necton, through Norwich Main, towards Bramford, to accommodate the combined output of the two projects (3600 MW), with no allowance for curtailment or constraint.	
2.4	The gross electrical output of each wind farm was simply multiplied by the number of hours in the year, an average annual load factor of 58.4%, and an	The load factor of 58.4% was obtained from the 'Contracts for Difference Allocation Round 3: Allocation Framework, 2019' document (BEIS, 2019). It

ID	Written Representation Comment	Applicant's Comment
	availability factor of 90% "based on the ability of the wind farm, as a whole to generate power, given appropriate weather and grid conditions".	is acknowledged that 58.4% is high when compared to historical data, but the figure is representative of the anticipated load factor for new offshore wind farms from 2023 to 2025. The justification for the load factor being higher than historical data is due to technological improvements within the sector resulting in greater efficiencies, such as increases in turbine sizes.
2.5	The average annual load factor of 58.4% is relatively high when compared with historical data. The availability factor of 90% is also high, and perhaps represents only an allowance for maintenance, transmission losses, and the progressive degradation of turbine efficiency over the project lifetime.	
2.6	Where a comparison is made between two alternative grid connection schemes, an additional factor should be introduced specifically to allow for the probability of curtailment and constraint.	<p><b>Appendix 4.2 Greenhouse Gas Footprint Assessment</b> [APP-179] of the ES outlines the greenhouse gas footprint for the different SEP and DEP scenarios.</p> <p>The Connection and Infrastructure Options Note (CION) Process is the mechanism used by National Grid to evaluate potential transmission options to identify the connection point in line with their obligation to develop and maintain an efficient, coordinated and economical system of the electricity transmission network. The grid connection point for SEP and DEP was determined by National Grid following the completion of the CION process.</p>
2.7	There does not appear to have been any carbon footprint analysis carried out for Hornsea Three.	This Examination considers the SEP and DEP application only.

*Table 19 The Applicant's Comments on Mr D Aldous's Written Representation (Objection to development/Cumulative impact methodology)*

ID	Written Representation Comment	Applicant's Comment
Objection to the Proposed Development		
1	Residents of Norfolk are being asked not merely to accept the negative impacts of the Dudgeon and Sheringham Shoal Extensions, but to accept them in combination with Norfolk Vanguard, Boreas, Hornsea Three, an ever increasing number of battery storage installations, and a new pylon route to London. This is being asked, in the interests of climate change, by a process of public examination	The Applicant acknowledges the comment.

ID	Written Representation Comment	Applicant's Comment
2	<p>In the opinion of this resident, the output of the Dudgeon and Sheringham Shoal extensions should be maximised and construction should be completed in a single phase using a grid connection point at Sutton Bridge, with the exclusion of battery storage. A grid connection at Walpole would be the second best option and a 'split DCO' recommendation would facilitate either of these outcomes.</p>	<p>The following response was provided in WQ1.2.2.1 [REP1-036].</p> <p>The CION Process is the mechanism used by National Grid to evaluate potential transmission options to identify the connection point in line with their obligation to develop and maintain an efficient, coordinated and economical system of the electricity transmission network. The grid connection point SEP and DEP was determined by National Grid following the completion of the CION process. The CION process stipulates that it is the decision of National Grid rather than the Applicant to decide where the grid connection point will be.</p> <p>For more information regarding the grid connection point see <a href="#">Sections 3.6 and 3.10 of ES Chapter 3 Site Selection and Assessment of Alternatives</a> [APP-089].</p> <p>With respect to constructing SEP and DEP concurrently, the Applicant refers to the response provided to WQ1.2.3.2a) and the <a href="#">Scenarios Statement</a> [APP-314]. Of note paragraph 79 of the Scenarios Statement states:</p> <p>The preferred option is a development scenario with an integrated transmission system, providing transmission infrastructure which serves both of the wind farms, where both Projects are built concurrently. However, given the different commercial ownerships of each Project, alternative development scenarios such as a separated grid connection (i.e. transmission infrastructure which allows each Project to transmit electricity entirely separately) will allow SEP and DEP to be constructed in a phased approach, if necessary.'</p>
3	<p>The suggestion that the Norfolk Vanguard, Boreas and Hornsea Three projects are entitled to assert precedence over the Proposed Development is not justified. In the event that those projects proceed unchallenged, the application as submitted would not be acceptable due to the cumulative onshore impact of all of the proposed offshore wind projects across the county of Norfolk and its coastline.</p>	<p>The following response was provided in RR-055 [document reference 12.3].</p> <p>The scope of the cumulative impact assessment (CIA) (in terms of relevant issues and projects) has been established with stakeholders (including other developers) during the EIA process. The cumulative impacts of SEP and DEP in conjunction with other projects, including the Hornsea Three,</p>

ID	Written Representation Comment	Applicant's Comment
4	<p>This raises the prospect of the least harmful project being refused whilst the most damaging ones, which have never been properly examined as a combination of projects, are allowed to go ahead.</p>	<p>Vanguard and Boreas, and highway improvement projects, is included in the Environmental Statement (ES). Further information regarding this can be found in <b>Section 5.8 of ES Chapter 5 EIA Methodology</b> [APP-091].</p> <p>The list of plans and projects included in the CIA is specific to each EIA topic and is detailed in each technical chapter (<b>Chapters 6 – 29</b>) [APP-092 – APP-115], having been developed through ongoing consultation with stakeholders. ES Chapters contain a Project Screening Table which describes the rationale for considering plans or projects further in the CIA or not. This rationale depends on factors including whether the plans or projects have been consented, the construction period, the distance from SEP and DEP and the level of confidence in the environmental information available for the plans or projects.</p> <p>Having also identified which residual impacts assessed for SEP and DEP alone have the potential for a cumulative impact with the other plans and projects, the ES chapters go on to assess the potential for cumulative impacts using the standard industry approach of using residual effects as identified in the assessments of the other plans or projects. Please refer to the ES Chapters for details of each topic specific CIA.</p>
5	<p>Approval of the Proposed Development as submitted would apparently be dependent on the costly and ill-considered East Anglia Green pylon route going ahead, bringing further harm to the natural environment across the counties of Norfolk, Sussex and Essex at the expense of the final consumer.</p>	<p>The following response was provided in RR-085 [document reference 12.3].</p> <p>East Anglia Green is not linked to SEP and DEP, nor are the two projects dependent on the others consent. East Anglia Green is not required in order for National Grid to provide the necessary grid capacity to connect SEP and DEP.</p>
6	<p>Even if, however, the Norfolk Vanguard, Boreas and Hornsea Three projects together with the East Anglia Green pylon route and the associated battery storage were to be withdrawn, there would still be an overall advantage in adopting a grid connection point near to the Sutton Bridge power station for the Dudgeon and Sheringham Shoal extensions.</p>	<p>The Applicant acknowledges the comment.</p>
7	<p>The application as submitted is not acceptable.</p>	<p>The Applicant acknowledges the comment.</p>
<p>Cumulative impact methodology: Summary</p>		

ID	Written Representation Comment	Applicant's Comment
8	<p>The Docking Shoal wind farm was refused consent in July 2012. This marked a change in the assessment of cumulative impacts, as described in the attached paper (Broadbent and Nixon, 2019).</p> <p>[See 'Refusal of planning consent for the Docking Shoal offshore wind farm: stakeholder perspectives and lessons learned. BROADBENT, I.D. and NIXON, C.L.B. 2019' paper in Mr D Aldous Written Representation]</p>	<p>The Applicant acknowledges the comment.</p>
9	<p>The authors concluded that the Docking Shoal decision reflected the impact on seabird populations of the Docking Shoal project itself and the potential cumulative impacts of neighbouring offshore wind project developments. This marked a shift in approach towards a more strategic assessment of cumulative impacts taking into account all of the foreseeable neighbouring projects in the pipeline.</p>	<p>The Applicant acknowledges the comment.</p>
10	<p>Although the paper is focussed on seabird populations, it is reasonable to expect that the same level of care would be taken when considering onshore cumulative impacts. The overall benefit obtained from a given combination of projects should also be taken into account.</p>	<p>The following response was provided in RR-027 [document reference 12.3] and WQ1.9.1.1 [REP1-036].</p>
11	<p>The 'Docking Shoal principle' can be summarised as follows:</p> <p>Where a number of projects share a common aim, and all of them are known about in advance, decision making should seek the optimum combination of projects that is likely to bring about the best overall balance of cumulative benefit versus cumulative harm.</p> <p>Under this 'strategic cumulative' approach, the impact of a given project is considered at the same time as other related projects, including those which are reasonably foreseeable but yet to be submitted for consent.</p>	<p>The overarching NPS for Energy (EN-1) 2011 states that: "when considering cumulative effects assessment, the ES should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other developments". Any project consented must have acceptable impacts, therefore effects are either negligible or acceptable (not significant) post-mitigation.</p> <p>Version 3 of Planning Inspectorate Advice Note Nine: Rochdale Envelope (PINS, 2018) and version 2 of Planning Inspectorate Advice Note Seventeen: Cumulative Effects Assessment (PINS, 2019a) provide guidance on plans and projects that should be considered in the CIA including:</p>
12	<p>The 'strategic cumulative' approach is compared with the 'building block' approach on page 20 of the report, reproduced below. The copyright of the authors and publisher is acknowledged.</p> <p>[See Figure in Mr D Aldous Written Representation]</p>	<ul style="list-style-type: none"> <li>• Projects that are under construction;</li> <li>• Permitted application(s) not yet implemented;</li> <li>• Submitted application(s) not yet determined;</li> <li>• All refusals subject to appeal procedures not yet determined;</li> </ul>

ID	Written Representation Comment	Applicant's Comment
		<ul style="list-style-type: none"> <li>• Projects on the National Infrastructure Planning programme of projects; and</li> <li>• Projects identified in the relevant development plan (and emerging development plans – with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited and the resulting degree of uncertainty in the assessment that is possible.</li> </ul> <p>The Applicant confirms that it has selected other projects and plans for inclusion in the CIA in line with Version 3 of Planning Inspectorate Advice Note Nine: Rochdale Envelope (PINS, 2018) and version 2 of Planning Inspectorate Advice Note Seventeen: Cumulative Effects Assessment (PINS, 2019a)</p>

*Table 20 The Applicant's Comments on Mr D Aldous's Written Representation (DCO)*

ID	Written Representation Comment	Applicant's Comment
Draft Development Consent Order (DCO) - Summary		
1	The Draft DCO for the Proposed Development was considered at Issue Specific Hearings 1 and 2 on 18th and 20th January 2023. Several other projects were mentioned which have a bearing on this Examination and on the proposed Draft DCO, leading to a number of alternative drafting proposals.	The Applicant acknowledges the comment.
2	The possibility of an alternative grid connection point has also been raised. This in turn indicates a need for an alternative version of the Draft DCO to accommodate that particular outcome.	The Applicant provided a response to representations made with respect to an alternative grid connection point in <a href="#">The Applicant's Comments to Relevant Representations</a> [REP1-033 and REP1-034] submitted at Deadline 1, and provided further detail of the process to identify the grid connection point in response to WQ1.2.2.1 in <a href="#">The Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036] submitted at Deadline 1. The Applicant does not consider that an alternative version of the Draft DCO is necessary as the DCO Application has been made on the basis of the grid connection at Norwich Main
3	The available grid capacity also suggests the need for two alternative versions of the Draft DCO.	

ID	Written Representation Comment	Applicant's Comment
		substation only, pursuant to its Grid Connection Agreement with National Grid.
1.	Norfolk Vanguard and Boreas	
4	In September 2022 these two projects removed their capacity limits without material amendment of their respective DCOs. The new wording simply refers to a gross electrical output capacity of more than 100 MW. It is not clear at this time what would now prevent the applicant from changing the characteristics of the onshore substations, either by increasing the size or by introducing large scale battery storage, without requesting any further material or non-material amendment of the DCOs.	The Applicant acknowledges the comments with respect to another offshore wind farm DCO. Any proposal to alter the physical scale of the onshore substation or add battery storage would require a consenting process to be followed.
2.	Hornsea Three	
5	The Hornsea Three DCO was approved on the basis of a gross electrical output (measured offshore) of 2.4GW. The published capacity of the project as described in some trade journals is now 2.8GW.	The Applicant acknowledges the comments with respect to another offshore wind farm DCO. It is not appropriate for the Applicant to comment on or speculate about another project and its history.
6	The Hornsea Three DCO, however, does not currently specify a capacity limit but merely refers to a gross electrical output capacity of more than 100 MW.	
7	It has previously been understood that NPS EN-1, the grid connection code, and Ofgem regulations all require that a radial connection shall have sufficient capacity to accommodate the whole of the gross electrical output of an offshore wind project. It is not clear at this time what would prevent the Hornsea Three developer from changing the characteristics of the onshore substation, for example by increasing its size, to meet this general expectation either with or without a material amendment.	
8	Large scale battery storage was not considered during the Hornsea Three examination and is not described anywhere within the DCO. Despite this, approximately one half of the land identified in the Hornsea Three examination library as being required for the onshore substation and landscaping mitigations is now allocated for industrial scale battery storage, with an average height of 6.05m.	

ID	Written Representation Comment	Applicant's Comment
9	This raises important issues concerning the use of compulsory acquisition powers, and subsequent vesting, for a purpose not within the scope of the project as described in Schedule 1 of the DCO, and under circumstances where no compelling public interest has been shown to exist.	
3. Hornsea Four		
10	The Examination for Hornsea Four closed in August 2022, and the statutory deadline for a decision has just been extended from 22nd February to 12th July 2023. In this case, however, the Examining Authority required that large scale battery storage should be explicitly identified in the Draft DCO and sought additional information on this issue during the examination. As a result, the Hornsea Four Draft DCO now includes, in Schedule 1 Work No. 7 (b), an 'energy balancing infrastructure' – a term which, in reality, represents the addition of potentially very large scale battery storage.	The Applicant acknowledges the comments with respect to another offshore wind farm DCO.
4. Dudgeon and Sheringham Shoal Extensions - (a) Gross electrical output		
11	Taking into account the changes made to the projects mentioned above, together with the discussion at Issue Specific Hearings 1 and 2, it appears that the Applicant could, post DCO consent, increase the electrical output of the Proposed Development without the need for a material amendment.	The need for new UK electricity generating capacity, including from offshore windfarms, is not subject to any capacity limits under the Nationally Significant Infrastructure Project (NSIP) regime or imposed government policy; nor is there any capacity cap on UK offshore wind generation in general.
12	This could be accomplished, for example, by building out the full extent of both the Dudgeon North and Dudgeon South extension areas, thereby adding a potential further 400 MW. It is not clear what would then prevent the applicant from increasing the size of the onshore substation to accommodate the whole of the gross electrical output of the project as is usual for a radial grid connection.	The need for generation capacity established in National Policy Statements is clearly expressed as a minimum, and no maxima for levels of renewable energy generation are to be found in any NPSs. Similarly, NPS EN-1 paragraph 3.3.22 expresses the UK's need for "at least 113 GW of total electricity generating capacity (compared to around 85 GW now), of which at least 59 GW would be new build .... around 33 GW of the new capacity by 2025 would need to come from renewable sources". As shown in Table 4-1 of the Planning Statement [APP-285] rather than these minima having now been met, UK generation capacity has in fact fallen to only 77GW and only 18GW of renewable energy generating capacity has been added since 2011, leaving 15GW of capacity needing to be built in the next two years if
13	Leaving open this degree of flexibility would be inconsistent with the requirement of NPS EN-1 that the applicant should ensure sufficient grid capacity to accommodate the output of the project.	
14	This is particularly relevant for so long as the grid connection point for the Proposed Development is presumed to be shared with Hornsea Three at Norwich Main, where the onward grid transmission capacity from Norwich Main towards Bramford is, according to National Grid, currently limited to two	



ID	Written Representation Comment	Applicant's Comment
	<p>redundant circuits of 1500 MW each, and the output from Hornsea Three is now 2800 MW.</p>	<p>the minimum level of need expressed in NPS EN-1 is to be met; this quantum of development has not as yet been applied for.</p>
15	<p>For the case where the grid connection point is still assumed to be at Norwich Main, the Draft DCO should therefore revert to the previous practice of specifying the gross electrical export capacity of the project in Schedule 1, Work No. 1. Following the example of previous projects, this could read:  "with an electrical export capacity of up to 720 MW at the point of connection to the offshore electrical platform(s) referred to at Work No. 3"</p>	<p>Given this policy context of levels of need being expressed as minima in NPS EN-1, the application of maximum generating capacity caps would not be in accordance with National Policy Statements designated for the Project and where these have been included in previously made DCOs, they are now being progressively removed. The Applicant therefore highlights that removal of a capacity cap has become common for offshore wind and other energy generation Nationally Significant Infrastructure Project (NSIP) DCOs in recent years:</p>
16	<p>This would replace the existing wording in the Draft DCO, which currently refers only to a 'gross electrical output capacity of more than 100 MW' for each of the two proposed extension projects.</p>	<ul style="list-style-type: none"> <li>• The Hornsea Three Offshore Wind Farm Order 2020 (as amended);</li> <li>• The East Anglia One North Offshore Wind Farm Order 2022;</li> <li>• The East Anglia Two Offshore Wind Farm Order 2022;</li> <li>• Cleeve Hill Solar Park Order 2020; and</li> <li>• The Little Crow Solar Park Order 2022.</li> </ul> <p>Non-material change amendments have been made to the following Orders to remove a cap on capacity and instead solely refer to a generating station of more than 100 megawatts (MW):</p> <ul style="list-style-type: none"> <li>• The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (as amended);</li> <li>• The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (as amended);</li> <li>• The Norfolk Boreas Offshore Wind Farm Order 2021 (as amended); and</li> <li>• The Norfolk Vanguard Offshore Wind Farm Order 2022 (as amended).</li> </ul> <p>Each of the non-material change applications to remove the capacity cap within the DCOs listed above have been approved and granted by the Secretary of State. The Applicant therefore notes that this has been an accepted approach on other projects. This approach has also been considered and accepted by the courts in the recent judicial review of the East Anglia One North and East Anglia Two Orders (see <i>R v Secretary of</i></p>

ID	Written Representation Comment	Applicant's Comment
		<p><i>State for Business, Energy and Industrial Strategy [2022] EWHC 3177 (Admin).</i></p> <p>The Applicant also notes that more recent DCO applications for offshore wind farms have taken the same approach as the SEP and DEP draft DCO, for example:</p> <ul style="list-style-type: none"> <li>• The Hornsea Four Offshore Wind Farm Order 202[x] refers to a generating station of more than 100MW; and</li> <li>• The Awel y Môr Offshore Wind Farm Order 202[x] refers to a generating station of more than 350MW (in line with the definition of an offshore wind nationally significant infrastructure project in Wales under section 15(3B)).</li> </ul> <p>At the time that the leasing round for extension projects was launched by The Crown Estate (February 2017), the criteria for applications for an extension project agreement for lease (AfL) included that <b><i>“the capacity in megawatts of the proposed extension must not exceed that of the existing wind farm.”</i></b></p> <p>The AfLs entered with The Crown Estate for SEP and DEP therefore restrict the projects to maximum capacities which reflect the capacity of existing Dudgeon offshore windfarm (DOW) and Sheringham Shoal offshore windfarm (SOW), totalling 719MW.</p> <p>The generation capacity of windfarms is not in and of itself a matter which the Planning Act 2008 regime is established to control. As stated in paragraph 3.3.21 of NPS EN-1 (2011) the aim of the NSIP regime is for the Government to ensure that <i>“the appropriate policy, legislation and regulation is in place to provide a framework which it judges will enable the market to deliver new energy NSIPs to meet the UK’s future energy needs and climate change policy goals”</i>; goals which, defined in NPS EN-1 as above, have not yet been met. Instead, the regime weighs benefits and impacts of proposed NSIPs in planning terms, with reference to maximum parameters of the aspects of the development which give rise to evident environmental impacts. Generation capacity does not give rise, of itself, to direct impacts above those established in the Environmental Impact</p>

ID	Written Representation Comment	Applicant's Comment
		<p>Assessment (EIA) and therefore is not a parameter which is used within any modelling and subsequent quantitative assessments within the EIA. Rather it is the other parameters such as overall wind turbine height, rotor diameter, total swept area etc. which are used to undertake modelling and quantitative assessments. Wind turbines on the market are constantly evolving and the scale of turbines (both size and capacity) continue to increase rapidly. The size of a wind turbine and the rated electrical output are not directly correlated, i.e. two wind turbines of the same size (height and rotor diameter) could have different rated electrical outputs depending on their specific power. From an EIA perspective there is therefore no need to specify a capacity of the generating assets, but rather define and secure the other specific parameters in accordance with Planning Inspectorate Advice Note Nine: Rochdale Envelope (version 3, 2018). The Applicant highlights that based on the parameters within the application, the same number and size of turbines could provide for, for example, a total capacity ranging from approximately 700MW – 873MW depending on variables including the specific power of the turbines. The parameters have been determined on the basis of guaranteeing that the 719MW can be delivered within the Rochdale Envelope; this inherently introduces the opportunity for a greater capacity to be realised from a technical perspective if the specific variables of the wind turbines procured are favourable.</p> <p>The Applicant recognised within the Preliminary Environmental Information Report (PEIR) published as part of the statutory consultation in April 2021 that the maximum <b>export</b> capacity may be higher than 719MW, owing to other technical reasons, namely cable losses.</p> <p>Paragraph 35 of <b>Chapter 5 Project Description</b> of the <b>PEIR</b> (Scoping Opinion section reference 2.3.18) [APP-281] stated:</p> <p><i>“The Applicant has an agreement with National Grid of supplying up to 719MW at Norwich Main substation, however transferring electricity over the distances involved results in losses in the cable infrastructure. To compensate for these losses, the Applicant proposes to develop DEP and SEP with a capacity that exceeds the installed capacity of the operational Dudgeon and Sheringham Shoal OWFs. The plan level HRA undertaken for the UK Offshore Wind Extension Round (The Crown Estate (TCE),</i></p>

ID	Written Representation Comment	Applicant's Comment
		<p><i>2019) took account of installed capacities of 402MW at DEP and 317MW at SEP (719MW combined), to match the existing capacities of the Dudgeon and Sheringham Shoal OWFs. However, any additional capacity at DEP and SEP to account for cable losses will be achieved by boosting the capacity of the individual turbines rather than adding additional turbines to the layout."</i></p> <p>At the time of the PEIR it was therefore noted that the maximum export capacity could be up to 338MW (SEP) and 448MW (DEP) respectively (up to 786MW in total). The supplier market for wind turbines has continued to evolve at such a pace that it is now considered there may be the opportunity to achieve up to 900MW from the existing Rochdale Envelope parameters.</p> <p>In light of the recent trend for projects to not make provision for a capacity cap within their DCOs, the Applicant opted to draft the DCO on the basis of not including a specified capacity cap.</p> <p>Including a capacity cap in the DCO drafting where there is no identified need for one would not be in accordance with need being expressed as minima in NPS EN-1 and is no longer current practice. It is also likely that any condition or requirement to impose a capacity cap, unless related to some specifically identified impact of the development, would fail the tests of being both "relevant to planning" and "necessary" imposed by paragraph 4.1.7 of NPS EN-1.</p> <p>For transparency, the Applicant wishes to bring to the Examining Authority's attention that the Applicant has sought to discuss with The Crown Estate the potential for increasing the capacity stated in the AfLs for SEP and DEP, and understands that other developers have done the same. This would enable the Applicant to construct SEP and DEP within the existing project parameters, but deliver greater than 719MW if it has the opportunity to do so. Given the urgent need for renewable energy and the Government target for 50MW by 2030 the Applicant considers that there is a strong case for maximising the capacity that can be realised from all offshore wind generating assets where possible. The upper limit of realising additional capacity for SEP and DEP within the existing Rochdale</p>

ID	Written Representation Comment	Applicant's Comment
		<p>Envelope, should the specific power or other variables of the chosen turbines allow, is likely to be 900MW.</p> <p>Currently The Crown Estate has not been in position to engage on this topic. However, the Applicant has made a Modification Application (ModApp) to National Grid for additional capacity up to 900MW such that the grid connection is available and secured should there be any future opportunity to amend the AfLs prior to construction of SEP and DEP. A Grid Connection offer was made by National Grid in November 2022 for the additional capacity at the Norwich Main substation. The Applicant is in the process of signing an Agreement with National Grid to accept the connection for additional capacity. The Applicant stresses that if the opportunity arises to realise a greater capacity up to 900MW, this will not require any of the existing parameters for SEP and DEP to increase.</p> <p>The Grid Connection Agreement with National Grid has a connection date of 2027 for the 719MW existing capacity (stage 1). The ModApp has offered the additional capacity, up to 900MW, at a connection date of 2031 (stage 2). Should the opportunity to increase the capacity of SEP and DEP within the existing Rochdale Envelope parameters by maximising the technology available on the market at the time of procurement and construction, the Applicant would develop the entirety of the proposed development in one phase, which may mean that export capacity is capped for the early years of generation (prior to 2031), until the additional capacity (total/maximum capacity) can be exported to the national grid (post 2031). The Applicant confirmed in its response to WQ1.9.1.5 of <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036] that the 719MW existing capacity in the agreement is not linked to the National Grid East Anglia GREEN project. The Applicant understands that the (potential) additional export capacity (i.e. above 719MW) will rely upon the implementation of the East Anglia GREEN project (hence the later connection date offered).</p>
4.	Dudgeon and Sheringham Shoal Extensions - (b) Large scale battery storage	
17	The potential introduction of large scale battery storage appears in the Scoping Report in document EN010109-000316, p30, which states: 'the	The Applicant included the potential for inclusion of a battery storage component in the proposed development in the Scoping Report (Royal

ID	Written Representation Comment	Applicant's Comment
	<p>onshore substation may incorporate energy balancing / storage infrastructure, such as a battery.' The same document also says, at para 133 on page 42:</p> <p>"133. Energy and grid balancing equipment is becoming increasingly widespread to effectively and cost efficiently balance the supply and demand of electricity within the electrical transmission network as well as offer grid services and thus increase the overall reliability of the system. Since this is a rapidly evolving field a range of technologies are under development and will be considered and assessed within the Environmental Statement. The system could be housed in single or multiple building(s), several containers, in an open yard or a combination of the above."</p>	<p>Haskoning DHV, October 2019) [APP-281] in case it was decided to include battery storage as part of the DCO Application.</p> <p>Since the time of the Scoping Report, the Applicant decided not to include battery storage as a component of the proposed development. Battery storage therefore did not feature in the project description in the Preliminary Environmental Information Report (PEIR), consulted upon under section 42 of the Planning Act 2008 in April 2021. This was confirmed in <b>Table 5-2 of Chapter 5 Project Description</b> of the <b>PEIR</b> (Scoping Opinion section reference 2.3.18) [APP-281]. Nor has it been included in the DCO application as stated in previous responses made by the Applicant into the examination.</p>
18	<p>As in the case of Hornsea Three and Hornsea Four, this wording raises important issues concerning the use of compulsory acquisition powers and subsequent vesting for a purpose not within the scope of the project as described in Schedule 1 of the Draft DCO, and where no compelling public interest has been shown to exist. It also adds to the difficulties of assessing the cumulative onshore impacts.</p>	<p>Since the strategic and commercial decision not to include battery storage with the proposed Project was made, the Applicant has reopened its consideration of the benefits of co-locating energy storage with other assets in development. The Applicant notes that there are a number of battery storage facilities already in development close to the Norwich Main substation and across the UK in light of the policy support for it, in particular the Government's policy in the British Energy Security Strategy "<i>encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage</i>" and BEIS (2021) research which establishes the scale of need at up to 30GW of storage/interconnection by 2030 (and 60GW by 2050), and refers to the response given to WQ1.9.1.3 of <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036].</p>
19	<p>There are also very specific additional and unregulated risks arising from the potential for thermal runaway and the use of large volumes of cooling water. This in turn may compromise the proposed scheme of surface water drainage by infiltration, due to contamination of the groundwater. There is also a potential risk from harmful gases produced during thermal runaway and the water cooling process, which may prevent access to the site for a considerable period of time.</p>	<p>The Applicant brings to the attention of the Examining Authority that the ModApp made to National Grid, referenced in ID16 above, also provides for up to 50MW of energy storage. Whilst this has now been secured, the Applicant remains in very early stages of development for a battery storage project and is in the process of having early discussions with key stakeholders including South Norfolk District Council. Any proposals remain too early in their maturity to be included within the DCO application for SEP and DEP and, if brought forward, would be subject to a separate planning process with an application made under the Town and Country Planning Act 1990 (as amended). This approach aligns with paragraphs</p>
20	<p>Given the Hornsea Three experience, this option should be explicitly ruled out, or at least, explicitly identified in the Draft DCO and the risks properly quantified and assessed in this Examination.</p>	

ID	Written Representation Comment	Applicant's Comment
		<p>3.3.28-29 of the consultation draft NPS EN-1 (September 2021) on the approach to consenting of battery storage proposals.</p> <p>The Applicant wishes to highlight that the footprint of Work No.15A/B (or Work No. 15C in an integrated scenario) for the HVAC substation for SEP and DEP is spatially not sufficient to also accommodate a battery storage facility. Any such infrastructure would therefore need to be sited separately outside of that footprint.</p> <p>As battery storage is not a component of the proposed development and therefore not included in the DCO application there are no implications on the compulsory acquisition position (which is detailed in the <b>Statement of Reasons</b> [APP-028]) as suggested in ID18.</p>
5.	Scenarios for the Proposed Development	
21	The need for renewable energy is prescribed by the National Policy Statements. Although the NSIP planning procedure does not necessarily require the most reasonable alternative to be adopted, this must now be viewed alongside the more recent requirements of climate change legislation.	The Applicant acknowledges the comment. The <b>Planning Statement</b> [APP-285] provides an overview of all relevant legislation, policy and guidance including recent climate change legislation.
22	The Draft DCO currently accommodates a large number of alternatives apparently designed to suit the administrative practices of BEIS, Ofgem and National Grid. This is no longer acceptable, and only the single phase, fully integrated option should be permitted to go forward in the Draft DCO.	The <b>Scenarios Statement</b> [APP-314] provides background to the need for including a range of project development scenarios within the Development Consent Order (DCO) application for SEP and DEP. The approach was discussed in detail with the Planning Inspectorate throughout the pre-application process and prior to the submission of the DCO application. The Applicant highlights that, as set out in Section 10 of the <b>Scenarios Statement</b> [APP-314] there are several examples where there is precedent for multiple NSIPs in one DCO, or a variety of construction scenarios consented in one DCO.
23	Furthermore, it now appears from National Grid publications that the demand for renewable energy at Norwich Main can be fully satisfied by the existing Dudgeon and Sheringham Shoal wind farms, and that all new offshore wind generation, including Norfolk Vanguard, Boreas, and Hornsea Three, must leave the region if it is to be used to reduce emissions and combat climate change.	The distribution of generated capacity across the national distribution network is a matter for National Grid and does not undermine the urgent need for renewable energy generation as set out in NPS EN-1, and the contribution that SEP and DEP will make to Government target to achieve 50 GW of offshore wind generation capacity by 2030 as set out in the British Energy Security Strategy (HM Government 2022).

ID	Written Representation Comment	Applicant's Comment
24	It is also important to note that, due to offshore considerations, the consenting process for Hornsea Three is not yet complete, and that it does not at this time appear to have an onshore grid connection with sufficient onward transmission capacity to accommodate the whole of its proposed output.	The Applicant acknowledges the comment. The consenting process for Hornsea Three is complete and The Hornsea Three Offshore Wind Farm Order 2020 was made in 2020. The Applicant is therefore not clear what point is being made in reference to the consenting process not being complete.
25	Two scenarios only, therefore, should be carried forward in alternative versions of the Draft DCO.	The Applicant acknowledges the comment and maintains that all proposed development scenarios are required as set out in the <b>Scenarios Statement</b> [APP-314].
Scenario A: The Proposed Development is connected at Norwich Main		
26	In the event that Hornsea Three does not proceed with a grid connection at Norwich Main, the Draft DCO would appear to be acceptable, subject to the inclusion of the gross electrical export capacity, a single phase, fully integrated onshore construction schedule, and due process of the examination.	The Applicant acknowledges the comment.
27	Under these conditions it would appear that the onward grid transmission capacity will be sufficient to accommodate the output of the Proposed Development and that battery storage can be excluded.	The Applicant acknowledges the comment and refers to the response to ID17 – ID20 above.
Scenario B: The Proposed Development is connected at Walpole		
28	<p>In the event that Hornsea Three proceeds with a grid connection at Norwich Main, it is difficult to see how the Proposed Development can be recommended for approval unless an alternative grid connection at Walpole is adopted to secure the aims of the project. The ExA may wish to consider:</p> <ul style="list-style-type: none"> <li>(a) Approval of the offshore Works Nos. 1, 2, 3, 4 and 6 (part only), subject to the inclusion of the gross electrical export capacity, a single phase and fully integrated construction schedule, and due process of the examination.</li> <li>(b) Refusal of the onshore Works Nos. 5, 6 (part only), 7 to 14, and 15 to 22 as currently drafted. A Draft DCO which does not include these items would allow a positive recommendation to be made.</li> </ul>	The Applicant acknowledges the comment.
Refusal		



ID	Written Representation Comment	Applicant's Comment
29	For any other permutation of grid connection outcomes, it would appear that the planning balance cannot be properly determined and that no viable Draft DCO can be recommended for approval.	Section 8 of the <b>Planning Statement</b> [APP-285] sets out the balance of considerations (planning balance) of the need for the proposed development in the context of National Policy. The need for the proposed development and the benefits which are outlined in Section 4.9 of the <b>Planning Statement</b> [APP-285] apply irrespective of which development scenario the projects are constructed under.
6. Other projects		
30	Until very recently, the proposed Aminth UK–Denmark interconnector also held a grid connection agreement at Norwich Main. This has now been moved to a new substation, to be constructed with a supporting onshore pylon route, at Mablethorpe in Lincolnshire. Similarly, the Round 4 lease in the Hornsea zone has also been assigned a grid connection agreement at Mablethorpe. The above discussion is predicated on the assumption that these two existing grid connection agreements are not moved back to Norwich Main after the present Examination closes, or at any other future date.	The Applicant acknowledges the comment.

## 2.19 National Highways

*Table 21 The Applicant's Comments on National Highway's Written Representation*

ID	Written Representation Comment	Applicant's Comment
1 Introduction		
1.1	This written representation is National Highways Limited's formal written response to the application by Equinor New Energy Limited (Applicant) for an order granting development consent for the Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project (DCO). The Applicant seeks development consent for the authorised development described in Schedule 1 of the DCO (Authorised Development). National Highways submitted a section 56 representation on 14 November 2022.	The Applicant acknowledges the comment.

ID	Written Representation Comment	Applicant's Comment
1.2	The Authorised Development will comprise significant engineering works to underground onshore cabling beneath operational land forming the strategic road network. The Applicant is seeking powers to temporarily possess the carriageway and to permanently acquire rights to construct, install, operate, maintain and decommission the Authorised Development.	The Applicant acknowledges the comment.
1.3	The strategic road network affected by the Authorised Development is the A47 and A11, both of which are key transport links undergoing significant regeneration by National Highways. The A47 in particular has four made development consent orders along its route between Thickthorn Junction, Blofield to North Burlingham, North Tuddenham to Easton and Wansford to Sutton, which have yet to be implemented. The specific plots under which the Authorised Development will interface with the SRN are not directly impacted by the four development consent orders secured by National Highways, however it is important that the construction of the Authorised Development is carried out in a way which does not prejudice the delivery of the National Highways' schemes.	The Applicant acknowledges the comment.
1.4	It is critical to the operation of the strategic road network, the safety of the travelling public and to ensure the proper efficient use of public resources that the Authorised Development proceeds in consultation and agreement with National Highways and with the appropriate protections in place, as set out in this submission.	The Applicant acknowledges this comment. See also response to ID1.6 below.
1.5	The Applicant's draft DCO submitted as part of the DCO application includes rights to construct the Authorised Development and to interfere with the highway, to temporarily stop up the highway and to impose traffic regulation orders.	The Applicant acknowledges this comment.
1.6	The draft DCO does not include any protective provisions for the benefit of National Highways.	The Applicant acknowledges the comment.  As set out in Table 4.15.1 of <b>The Applicant's Comments to Relevant Representations – Part 1</b> [REP1-033] detailed discussions regarding adequate protection of National Highways Limited's assets and the potential to impact the A47 North Tuddenham to Easton and A47-A11 Thickthorn Junction schemes are ongoing with a view to including appropriate protections within the draft DCO.

ID	Written Representation Comment	Applicant's Comment
1.7	National Highways has also been asked by the ExA to agree a Statement of Common Ground with the Applicant (SoCG). The first SoCG is being submitted at Deadline 1.	The Applicant acknowledges the comment and confirms <b>the draft Statement of Common Ground (SoCG) with National Highways</b> [REP1-050] was submitted at Deadline 1
2 Objection		
2.1	National Highways does not object to the principle of the Authorised Development (subject to the incorporation of the protective provisions included at Appendix 1 to this written representation in the draft DCO) but does not agree with the approach taken to compulsory acquisition of rights and temporary possession of land by the Applicant to date. No efforts have been made to negotiate the requisite rights for the scheme with National Highways and consequently it cannot be said that the Applicant's case for compulsory acquisition has been satisfactorily made out.  [See Appendix 1 of National Highway's Written Representation]	The Applicant acknowledges the comment but notes that the Applicant has been in discussions with National Highways since February 2022 with regards to securing suitable protections for National Highways. See <b>Appendix 3 – Current Status of Statutory Undertaker Negotiations of the Statement of Reasons</b> [APP-028]. The Applicant has also engaged with National Highways since early 2020 during the pre-application process as acknowledged in the <b>draft SoCG with National Highways</b> [REP1-050] submitted at Deadline 1.
2.2	Compulsory acquisition is intended to be a measure of last resort once all efforts to negotiate have failed and National Highways would welcome the opportunity to discuss the Applicant's requirements rather than it simply relying on compulsory acquisition.	The Applicant acknowledges the comment.
2.3	While negotiations with the Applicant on protective provisions are in progress and National Highways is hopeful that agreement can be reached during the course of the Examination, in the absence of an agreement that safeguards its interests, National Highways requests that the Examining Authority (ExA) recommend that the attached protective provisions are included as Part 14 of Schedule 14 to the draft DCO.	The Applicant notes that National Highways has included proposed protective provisions as Appendix 1 to its written representation, For the avoidance of doubt, those protective provisions are not agreed but, as set out above in ID 1.6 and 2.1 and in <b>The Applicant's Statutory Undertakers Position Statement</b> [REP1-053] submitted at deadline 1, negotiations are ongoing and the Applicant hopes to reach agreement with National Highways before the end of the Examination in order to include an agreed form of protective provisions within the Applicant's draft DCO. This will enable the ExA to recommend an agreed form of protective provisions with National Highways.
2.4	The protective provisions are required by National Highways to safeguard its statutory undertaking, to ensure that powers are exercised when a detailed specification of works has been agreed, to ensure the Applicant complies with road space booking procedures to protect the public and other contractors using the highway, to prevent the extinguishment of existing	The Applicant acknowledges the comment.

ID	Written Representation Comment	Applicant's Comment
	rights which are required to access and maintain the highway and to provide financial and contractual protections to National Highways.	
2.5	Without these protective provisions being secured in the draft DCO, National Highways considers that the Authorised Development, if carried out in relation to the plots owned and occupied by National Highways, will have a serious detrimental impact on the operation of the strategic road network and could prevent National Highways from discharging its statutory licence obligations. Until such provisions are secured, National Highways is unable to withdraw its objection to the DCO.	The Applicant acknowledges the comment and, as noted above at ID 2.3, anticipates including appropriate protective provisions for National Highways within the dDCO, which will enable National Highways to withdraw its objection before the end of the Examination.
2.6	Should it assist the ExA, National Highways will respond to any written questions that the panel wishes to ask and is willing to attend an appropriate hearing to detail the impacts of the Authorised Development to National Highways.	The Applicant acknowledges the comment.

## 2.20 National Trust

*Table 22 The Applicant's Comments on National Trust's Written Representation*

ID	Written Representation Comment	Applicant's Response
1	This Written Representation is made on behalf of The National Trust for Places of Historic Interest or Natural Beauty ("the Trust").	Noted.
2	As set out in our Relevant Representation (RR-061), the National Trust owns Sheringham Park, located to the east of Weybourne on the North Norfolk Coast. The estate includes 1000 acres of varying habitats including woodland, parkland and cliff top, and the Grade II* Sheringham Hall. The Trust operates a major visitor-based business at Sheringham, supporting and promoting its preservation work.	The Applicant acknowledges this comment.
3	In 1997, pursuant to section 21 of the National Trust Act 1907, Weybourne Woods were declared "inalienable". This status enables the Trust to live up to its core charitable objective of preserving places of historic interest and natural beauty for the nation, forever. The proposed Onshore Works Plans include a cable corridor (and access route) for onshore connection works which would	The Applicant acknowledges this comment.

ID	Written Representation Comment	Applicant's Response
	pass through Trust owned inalienable land at Weybourne Wood which is part of the Sheringham Estate and part of the designated Norfolk Coast AONB	
4	The National Trust has a duty to protect and care for special places so people, nature and culture can thrive. We believe that climate change poses one of the greatest threats to them. We believe strongly in the need to grow renewable energy and reduce the UK's and the Trust's use of fossil fuels. We are supportive of renewable energy as a matter of principle and believe that appropriate development can play an important role.	The Applicant acknowledges this comment.
5	We recognise the scale and complexity of the challenge to the nation of transitioning to renewable energy and acknowledge that any impacts upon the setting and significance of special places across the country will need to be considered in light of the pressing need to deliver clean energy. We believe delivering renewable energy projects with respect for the setting and significance of places is possible and all projects should aim to do so.	The Applicant acknowledges this comment.
6	<p>This Written Representation expands on, and updates our position on the issues raised in our Relevant Representation, namely:</p> <ul style="list-style-type: none"> <li>• The impact of the current proposals on the archaeology of the Sheringham Estate.</li> <li>• The impact of the current proposals on Sandwich terns (an SPA feature) on the North Norfolk Coast.</li> <li>• Landscape, visual and ecological impacts on the Sheringham Estate.</li> <li>• Acquisition of Rights over Land.</li> </ul>	Noted.
Onshore Archaeology		
7	The Trust has a duty to protect our heritage and all archaeology within its care. As a Conservation organisation, the Trust has a greater responsibility than other landowners in terms of its requirement to preserve and investigate archaeology on its land. The potential impact of development on archaeological remains in the Estate is significant for the Trust given its commitment to their conservation.	The Applicant acknowledges this comment.
8	The proposed groundworks pass through a wooded area of the wider Sheringham Estate, as shown on submitted Document 26, 'Works Plan	The Applicant acknowledges this comment. All known designated and non-designated heritage assets are presented within the <b>Onshore</b>

ID	Written Representation Comment	Applicant's Response
	<p>(Onshore), Sheets 3 and 4 (Examination Library Ref: APP-011). Whilst the exact area of the proposed groundworks has not had a formal archaeological survey, Weybourne Woods has been subject to a superficial survey by the Trust, revealing networks of medieval and post-medieval wood banks, quarry pits of medieval to modern date and a number of WWI and WWII defensive features. Furthermore, there exists an extant scheduled prehistoric barrow to the southeast of the proposed groundworks indicating that the wider area may home additional prehistoric settlement and/or funerary activity.</p>	<p><b>Archaeological Desk-Based (Baseline) Assessment</b> [APP-229]. Where impacts from the project are likely to occur, these are assessed within <b>ES Chapter 21 Onshore Archaeology and Cultural Heritage</b> [APP-107, Section 21.6.1.2].</p>
9	<p>Given the number of archaeological features recorded in the adjacent woodland, the Weybourne Woods area has the potential to contain a similar range and quantity of features, which have not yet been surveyed or documented</p>	<p>The Applicant acknowledges this comment.</p> <p>As part of the application, an <b>Outline Written Scheme of Investigation (Onshore) (Revision B)</b> [REP1-029] has been submitted which details the staged-approach to archaeological evaluation (Section 6) to inform mitigation requirements (Section 7) for the entire project, including those within the Order Limits within the Sheringham Estate.</p> <p>The Applicant confirms that further archaeological and historic landscape surveys would be undertaken prior to any groundworks, inclusive of vehicle movement. Areas proposed for development and the wider environs would be subject to full and extensive UXO survey pre-construction.</p>
10	<p>The majority of recorded features within the woodland at Sheringham are extant (ie. Not buried remains) and therefore any disturbance to the woodland may result in direct damage to the archaeological features. Disturbances including heavy plant and small vehicle movement, temporary access route construction and/ or associated construction services will potentially have a negative impact on any existing above-ground (and any potential buried) remains. As well as archaeological potential, there is also the likelihood of buried ordnance within the proposed development area given the use of the woodland during WWI and II.</p>	
11	<p>It is imperative then, that the woodland is subject to archaeological and historic landscape surveys prior to any groundworks, inclusive of vehicle movement. Areas proposed for development and the wider environs should be subjected to full and extensive UXO survey</p>	
<p>Onshore Archaeology Status of Discussions with Equinor</p>		
12	<p>The Trust discussed its concerns about archaeology at a meeting with the developer on 2ndFebruary 2023. Our preference would be for long-term preservation of above ground and buried remains. Where excavation is necessary, the Trust would like to ensure thorough preservation by record. The Trust would also like to secure a method to ensure that this information is made available to visitors and the community in a way that enriches their experience and understanding of the Estate.</p>	<p>The Applicant acknowledges this comment and will work with the National Trust and other stakeholders to record remains appropriately and explore opportunities to make information available to the public.</p>

ID	Written Representation Comment	Applicant's Response
13	The developer indicated to the Trust that it is proposing to consult with the County Council Archaeologist and the National Trust to agree an approach to further survey work and mitigation. The Trust understands from the developer that this will be post consent if a Development Consent Order is granted.	The Applicant acknowledges this comment and confirms that this statement is correct.
14	The Trust considers that this issue could be overcome if the Outline Written Scheme of Investigation (Onshore) is updated to include the National Trust as a consultee and acknowledge the requirement for a bespoke pre-construction survey and mitigation at Sheringham Park in the appropriate phase, as referred to in requirement 18 of the Draft DCO (On-Shore Archaeology, written scheme of archaeological investigation).	Further consultation with the Archaeological Advisor to Norfolk County Council and the National Trust's Archaeologist will be undertaken at the post-consent stage to agree the details of the archaeological strategy (including the preparation of a Written Scheme of Investigation) across land under the ownership of the National Trust.  The <b>Outline Written Scheme of Investigation (Onshore) (Revision B)</b> [REP1-029] details the staged-approach to archaeological evaluation (Section 6) to inform mitigation requirements (Section 7) for the entire project, including those within the Order Limits within the Sheringham Park Estate. This updated document submitted at Deadline 1 acknowledges National Trust as a consultee.
Impact on Sandwich terns		
15	The Trust manages an important colony of Sandwich terns on the Norfolk coast at Blakeney Point, alongside Natural England at Scolt Head Island National Nature Reserve. The site at Blakeney is a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, National Nature Reserve (NNR), and a Site of Special Scientific Interest (SSSI), as well as being an Important Bird Area (IBA). The tern colony alternates between the two sites and represents approximately a third of the UK Sandwich tern population. This colony will be adversely impacted by the proposed development, as recognised in the supporting documentation predicting a loss of up to 28 birds per annum through collision or displacement.	The Applicant has submitted an <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] which recalculates the Sandwich tern mortalities for SEP and DEP. The new compensation requirement = 12-17 adult Sandwich terns which is based on 95% Confidence Interval values, with the lower estimate being calculated using a model-based density estimate and the upper, a design-based density estimate
16	The Trust has been in discussions with the developer about compensation measures at the Farne Islands, which is managed by the Trust	-
17	Since submitting our Relevant Representation, the Trust has considered this matter further. The Trust remains committed to our conservation and positive management of our wild bird populations on the Farne Islands and Northumberland Coast. Sandwich tern numbers are steeply declining in the short and long term on the islands. Habitat change and predators are likely to be a factor and colonies were also badly affected by Avian Influenza in 2022. It is	Noted. The widespread outbreak of avian influenza was acknowledged in <b>ES Chapter 11 Offshore Ornithology</b> [APP-097]. The Applicant notes that Natural England has provided some initial guidance (Appendix B2 of [RR-063]) regarding the implications of HPAI for OWF impact assessments. In light of this, the Applicant does not consider that updates to the assessments already presented are required;

ID	Written Representation Comment	Applicant's Response
	<p>noted that Avian Influenza has not been considered in the supporting DCO documentation and presents serious concern for Sandwich terns and other seabirds conservation status.</p>	<p>however, the Applicant will be guided by the Statutory Nature Conservation Bodies (SNCBs) on how Highly Pathogenic Avian Influenza (HPAI) may need to be considered in future. Based on the initial guidance on HPAI from Natural England (Appendix B2 of [RR-063]), there is an expectation that at a broad level, the resultant declines in colony populations will be associated with proportionate reductions in the abundance of birds from such colonies in at-sea surveys, with the consequence that the scale of impact is likely to remain in proportion to the size of the colony.</p>
18	<p>The compensation proposals put forward by the developer for the Farne Islands do not demonstrate additionality. The current draft NNR management plan for the Farne Islands details the extensive conservation efforts that the Trust undertakes, or is planning to undertake, during the next period of the plan. Whilst the Trust has been keen to explore options for helping to enhance the population of Sandwich Terns on the Farne Islands, we are not confident that proposals by the developers to date would be effective in achieving their objectives on the Farne Islands, and in particular do not feel that they demonstrate additionality to our existing management proposals, which by their very nature are comprehensive</p>	<p>Early informal discussions with National Trust pre-application indicated that the measures proposed are likely to be additional to those set out in the forthcoming management plan (see <b>Annex 1D - Record of Habitats Regulation Assessment (HRA) Derogation Consultation</b> [APP-068]). The Applicant has not been able to obtain a copy of the latest Management Plan (April 2021 onwards) for Farne Islands Special Protection Area (SPA) and has therefore been unable to validate or otherwise the potential additionality of the proposed measures.</p> <p>The Energy Security Bill Policy Statement (BEIS, 2023) on the Offshore Wind Environmental Improvement Package (OWEIP) Measures states that <i>“Government is also considering enabling developers to undertake work already identified by Government to improve the condition of protected species and habitats. This would substantially increase the number of measures available to developers and also accelerate marine recovery for some sites”</i> (pg. 10 &amp; 11). Final guidance on compensatory measures is due to be published by the Department for Environment, Food &amp; Rural Affairs (DEFRA) in late 2023 and this is expected to provide further information on how additionality should be considered going forward.</p>
19	<p>For these reasons the Trust does not feel that the compensation measures proposed for the Farne Islands are appropriate. However, it remains the case that without a satisfactory derogation case and alternative compensation measures, the proposal will give rise to an adverse effect on the integrity of the Sandwich tern feature of the North Norfolk Coast SPA and this matter needs to be addressed.</p>	<p>The Applicant notes that the latest Management Plan (which has not been seen by the Applicant as it is not yet publicly available) will aim to halt and reverse the decline in Sandwich tern breeding numbers at the Farnes, but it is also noted that attempts to achieve this to date have been unsuccessful, and that there is no evidence to suggest that success will be achieved based on the limited attempts that have been</p>



ID	Written Representation Comment	Applicant's Response
		<p>made. There were 2,846 apparently occupied nests (AON) in 1990, 2,484 in 1997, 2,364 in 2001 but only 417 AONs in 2019, the latest count published in JNCC SMP database. The long decline of Sandwich tern breeding numbers has now brought the population close to being lost as a breeding species at the Farnes (see <a href="#">Annex 2B - Sandwich Tern Nesting Habitat Improvements Site Selection</a> [APP-071]) and the Applicant considers that interventions proposed in <a href="#">Appendix 2 – Sandwich Tern Compensation Document</a> [APP-069] would provide a valuable and tangible contribution to address a problem that has been ongoing for over 40 years. The Applicant recognises that in addition to vegetation no longer being suitable for tern nest sites across most of the former colony area, predation on terns by gulls is also a serious problem at the Farnes. Nest boxes and shelters (along with other interventions proposed by the Applicant such as bamboo canes) would be likely to reduce that problem.</p> <p>In light of possible upcoming changes to policy and best practice guidance with respect to additionality and the severity of the situation at the Farne Islands, the Applicant considers its proposal to undertake measures to improve breeding success at the Farne Islands SPA to be an important part of its proposed package of compensatory measures for Sandwich tern. It is considered that there is sufficient evidence outlined in <a href="#">Appendix 2 – Sandwich Tern Compensation Document</a> [APP-069] and the <a href="#">Sandwich Tern Quantification of Productivity Benefits Technical Note</a> [REP1-058], to demonstrate that if delivered at an appropriate scale, the measures proposed could provide substantial benefits to breeding numbers of Sandwich tern at the Farnes as well as address any accrued mortality debt associated with the Applicant's proposed measure at Loch Ryan. Thus, it is considered important that this measure remains within the Applicant's proposed package of compensatory measures for Sandwich tern.</p>
Impact on Sandwich terns Status of discussions with Equinor		

ID	Written Representation Comment	Applicant's Response
20	The Trust advised the applicant of its position on 20th January 2023, and this is reflected in the draft Statement of Common Ground between the applicant and the Trust.	The <b>Draft SoCG: National Trust</b> [document reference 14.21] document has been submitted at Deadline 2.
Landscape, Visual & Ecological Impacts		
21	Weybourne Woods was declared inalienable in order to protect views from Sheringham Park and prevent inappropriate development. Construction impacts on Weybourne Woods and the AONB have been identified as moderate significance and adverse impact in the submitted Landscape and Visual Impact Assessment (Examination Document Ref: APP112). Furthermore, it is proposed to remove an area of forestry at the HDD launch and reception pit.	<p>In relation to potential impacts on landscape and visual receptors, the area of targeted clearance of existing trees and vegetation would be 'key-holed' within Weybourne Woods, so that the retained and surrounding woodland (on all sides) will mitigate potential visual impacts to the surrounding area. Therefore, visual impacts from visitors to Sheringham Park will thus be minimised. No permanent above ground infrastructure is to be sited in this area.</p> <p>More generally, the Applicant notes that the assessment of impacts on visual receptors at the accessible recreational landscapes within the Area of Outstanding Natural Beauty (AONB) (which would include Weybourne Wood and the footpaths within it), would be of a moderate significance and adverse, as presented in ES <b>Chapter 26 Landscape and Visual Impact Assessment</b> [APP-112, para 329].</p> <p>In accordance with the impact assessment methodology presented in <b>Chapter 26 Landscape and Visual Impact Assessment</b> [APP-112, Section 26.4], effects which have been assessed to be 'major-moderate' or 'major' are considered significant in EIA terms.</p>
22	In our Relevant Representation the National Trust indicated that it is not clear from the application documents what landscape, arboricultural and ecological mitigation and enhancements are proposed.	The Applicant acknowledges the comment, further information has been provided in the Applicant's comments on National Trust's relevant representation (see <b>The Applicant's Comments on Relevant Representations</b> [REP1-033]).
23	This National Trust's concerns were raised by the Inspector at Issue Specific Hearing 2 and it is understood that the applicant will be addressing these in its response to the Relevant Representations at Deadline 1. The Trust will review these and update its position at Deadline 2.	Noted.
Landscape, Visual & Ecological Impacts Status of discussions with Equinor		

ID	Written Representation Comment	Applicant's Response
24	<p>Since submitting our Relevant Representation, the National Trust has met with the developer to discuss this issue. It is understood that replacement trees will not be proposed along the cable route or in the location of the reception pit. It is understood that at this stage only baseline habitat surveys have been undertaken. The developer has advised the Trust that pre-construction surveys would be carried out and these would inform the proposed landscape, arboricultural and ecological mitigation and enhancements. In order to adequately address our concerns, the Trust therefore wishes to be named as a consultee in the 'Outline Landscape Management Plan' and 'Outline Ecological Management Plan' and requests that the applicant updates these documents accordingly</p>	<p>Felled trees would be replaced within the extent of the Order Limits, but this replanting would be outside of a permanent easement required above the underground cables. This is to avoid potential damage to the cables from tree roots. No trees would be removed outside of this small compound area.</p> <p>The Applicant acknowledges the National Trust's position as a conservation organisation and will consult National Trust in developing the programme of ecology mitigation and enhancement insofar as the measures proposed affecting Weybourne Woods.</p> <p>The Applicant confirms that the National Trust are named as a consultee in both the <b>Outline Landscape Management Plan (Revision B)</b> [REP1-025] and <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p>
Acquisition of Land and Rights over land		
25	<p>Equinor proposes to compulsorily acquire rights in perpetuity over the Trust's inalienable land at Weybourne wood for the proposed cable corridor.</p>	<p>The Applicant acknowledges this comment.</p>
26	<p>As an independent charity, where the Trust considers land to be of such preservation or historic value that it should hold and manage it, in perpetuity for the benefit of the nation, the Board of Trustees is able to designate the land "inalienable". Once land has been declared inalienable it cannot be sold and only Parliament can authorise compulsory acquisition of the land or rights over the land in the face of any objection by the Trust to a compulsory acquisition proposal. This is how the Trust fulfils its charitable purposes as laid down in the National Trust Acts</p>	<p>The Applicant acknowledges this comment.</p>
27	<p>Article 18 of the draft DCO says "The undertaker may acquire compulsorily so much of the Order land as is required for the authorised project or to facilitate, or is incidental, to it". The description of Order land in the book of reference and/or DCO application should specifically exclude National Trust land in the same way that Crown Land is excluded, otherwise we will not be able to withdraw our objection until such time as the option agreement and easement are both signed.</p>	<p>The National Trust's comments are noted, however, the Applicant does not propose to remove the Trust's land from the book of reference and/or the draft DCO. Article 18(4) confirms that Article 18 is subject to Article 20 (compulsory acquisition of rights) and Article 26 (temporary use of land for carrying out the authorised project). The land plots in which National Trust has an interest are included in either Schedule 7, which means it is land in which only new rights, etc. may be acquired, or Schedule 9, which means it is land subject to temporary possession</p>

ID	Written Representation Comment	Applicant's Response
		<p>only. The relevant land plots included in Schedule 7 are 03-009, 03-010, 03-011, 04-003 and those include in Schedule 9 are 04-001, 04-002, 04-004, 04-011, 04-013. It is therefore clear on the face of the draft DCO that the Applicant is not seeking to acquire outright under Article 18 the land in which the National Trust has an interest. In addition, and as noted by the National Trust at ID26 above, where land is inalienable the land or rights etc. in it cannot be sold by the Trust and compulsory acquisition is therefore required to acquire rights etc. where required. The Applicant confirms that it will continue to work with the National Trust to reach agreement on matters to enable it to remove its objection before the end of the Examination.</p>
Acquisition of Land and Rights over land Status of discussions with Equinor		
28	<p>The Trust has been working with Equinor to agree terms of this access that will cause minimal impact and disruption and with a view to securing a signed Option Agreement and Deed of Easement for the requisite cables and access over and under Trust land. However, at the time of writing, terms have not yet been agreed. Therefore, the Trust's concerns about this application as expressed here remain unaddressed.</p>	<p>The Applicant acknowledges this comment and confirms that it is continuing to engage with National Trust on this matter.</p>

## 2.21 Natural England

Table 23 The Applicant's Comments on Natural England's Deadline 1 Cover Letter [REP1-135]

ID	Natural England Deadline 1 Cover Letter [REP1-135] Comment	Applicant's Comment
1	<p>In the interests of issue resolution Natural England combined our Relevant Representation and Written Representations which were submitted on 14th November 2022 [RR-063].</p>	<p>The Applicant welcomes this approach by Natural England and considers it to be very useful in helping to resolve issues.</p>
2	<p>As outlined within our representation, we deferred our comments on the In-Principle Monitoring Plans (IPMP) [APP-289] and outlined our intention to provide further advice in relation to Pink-Footed Goose, the Applicant's proposal for native oyster reef restoration as a measure of equivalent environmental benefit within the Cromer MCZ at Deadline 1, and to include a</p>	

ID	Natural England Deadline 1 Cover Letter [REP1-135] Comment	Applicant's Comment
	<p>Risks and Issues Log. At the request of the Examining Authority, we have also responded to the first round of written questions.</p>	<ul style="list-style-type: none"> <li>The Applicant notes the Natural England comments on the <b>Offshore In Principle Monitoring Plan (IPMP)</b> [APP-289] received in Natural England's Deadline 1 submissions [REP1-136]. The Applicant is considering updates as appropriate to the <b>Offshore In Principle Monitoring Plan (IPMP)</b> [APP-289] and anticipates submitting an updated version of this at Deadline 3.</li> </ul>
3	<p>The documents Natural England are submitting at Deadline 1 are as set out in the following thematic appendices:</p> <ul style="list-style-type: none"> <li>EN010109 418575 SEP DEP Appendix A1 -Natural England's Comments on 9.5 SEP and DEP Offshore In-Principle Monitoring Plan [APP-289]</li> <li>EN010109 418575 SEP DEP Appendix I1 - Natural England's best practice advice on North Norfolk Coast SPA Pink Footed Geese - February 2023</li> <li>EN010109 13105 SEP &amp; DEP Appendix K - Natural England's Risk and Issues Log Deadline 1</li> <li>EN010109 418575 SEP DEP Appendix L - NE Response to ExA Written Questions 1 Deadline 1</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant notes the best practice advice on North Norfolk Coast SPA Pink Footed Geese (PFG) and will continue to work with Natural England to develop its approach to PFG.</li> <li>The Applicant has responded to Natural England's response to the ExA first written questions in <b>The Applicant's Comments on Responses to the Examining Authority's First Written Questions</b> [document reference 14.4].</li> </ul>
4	<p>1. Risk and Issues Log and Engagement through Examination</p> <p>Natural England has submitted a Risk and Issues Log, password protected in excel format to allow ease of use. We highlight within the Log where assessments can be improved upon and commitments made the Applicant to help inform the ExA and SoS in their determinations. It is anticipated that the Risk and Issues Log will be updated and submitted alongside our submissions during examination at each deadline to reflect any progress in issue resolution during examination. Natural England wishes to highlight that the focus of our engagement during Examination will be on reviewing relevant updated documents/outline plans or thematic clarification notes submitted by the Applicant only. We will not be responding to commentary on our representations, other interested parties' representations or to comments from the Applicants or other stakeholders on the Risk and Issues Log, unless the ExA questions direct us to do so. The Risk and Issues Log will be used to track issue progress and we will signpost to our advice where applicable. Likewise, if the Applicant wishes to provide a signposting document that directs us and the ExA to where they address our concerns in the various plans/docs/assessments then that would be most welcomed.</p>	<p>Noted, at appropriate deadlines the Applicant will likely look to provide a signposting document that directs Natural England and the ExA to where any outstanding concerns are addressed.</p>

ID	Natural England Deadline 1 Cover Letter [REP1-135] Comment	Applicant's Comment
5	<p>2. Issue Specific Hearings Natural England notes the Examination timetable [Rule 8] has included a series of Issue Specific Hearings (ISH) with the request that Natural England attends those occurring on the 23 March, 30 March and 31 March 2023. As set out in our Rule 6 response letter, Natural England considers this to be principally a written process and does not generally attend an ISH unless we consider that meaningful progress on key issues can be made. Without sight of a detailed agenda, and depending on the level of risk associated with the topics for discussion, it is not clear whether our attendance will add meaningful value in relation to our key project concerns. Therefore, we advise at this stage it is not our intention to attend the March ISHs. This decision will be reviewed on receipt of detailed agendas, and we will advise if there is any change at the earliest possible opportunity. Given the timing of the ISH, Natural England will still be in the process of reviewing the Applicants submissions at Deadline 1 and 2. Any discussion on ongoing concerns at the ISH is therefore likely to take the form of an update on discussions between ourselves and the Applicant rather than a resolution. We anticipate good progress with the Applicant to address many of our concerns and therefore propose that the Applicant provides this update. Natural England will continue to engage with the Applicant and other interested parties throughout the Examination to ensure issues are progressed and wherever possible resolved. Natural England's advice for all hearings is that we request that a detailed agenda is provided by the Planning Inspectorate at least 7 days in advance, with timing, themes and specific aspects of those themes for discussion. Based on our experience from other NSIPs, it would be helpful to Natural England and our specialists if the ISH agendas could be focused on specific questions from the ExA. Should we attend, this will enable us to appropriately prepare for the hearing; give due consideration to any issues both internally and externally with the Applicant beforehand; and provide robust evidence-based advice to the ExA. This will reduce the need for further discussion and advice post-ISHs, prior to the next Deadline. Our non-attendance at hearings should not be construed as a lack of concern on outstanding issues, or a lack of willingness to engage. As detailed above we are committed to proactively engaging with parties on this project and to gaining the best possible outcome.</p>	<p>Noted.</p>

ID	Natural England Deadline 1 Cover Letter [REP1-135] Comment	Applicant's Comment
6	<p>3. Measures of Equivalent Environmental Benefit (MEEB) Oyster Restoration</p> <p>Appendix G of our Relevant Representation [RR-063] stated we were in the process of seeking specialist advice regarding establishing a native Oyster bed within the Cromer Shoal Chalk Beds MCZ. We sought this further advice in order to support this option achieving the desired outcomes from an ecological perspective. Natural England can confirm we are content that issues pertaining to the suitability of the cultch and biosecurity matters have been recognised and addressed within the application documents [APP-081 to APP-083]. However, Natural England would welcome more detail on the sourcing of the seed and the cultch once the projects are consented and we will continue to engage with the Applicant to ensure that this is covered as part of any MEEB requirements.</p>	<p>The Applicant notes and welcomes this position and is willing to work constructively with Natural England to deliver on the proposed MEEB requirements if they are deemed to be required by the Secretary of State.</p>
7	<p>4. Landowner Engagement and the Landscape Recovery Pilot</p> <p>Natural England draws the Examining Authority's attention to the Landscape Recovery (LR) pilot scheme in the area north of the A149. This scheme has been identified and progressed as part of the first wave of DEFRA's Environmental Land Management (ELM) schemes launched on 1st February 2022. The aims and objectives of the first round of large scale (500 – 5000ha) projects is to recover and restore England's threatened native species; and restore England's streams and rivers. Because the DEP and SEP projects will interact with LR scheme we advise the Applicant to engage with the landowners involved in the pilot scheme, for which Natural England's agrienvironment advisers are currently providing advice on. This is to ensure onshore cable installation related activities, while they may slow the trajectory, do not hinder the objectives of the scheme during both the construction and lifetime of the project. Where the Applicant has to reinstate habitat post works, Natural England recommends that they re-instate the planned or proposed habitats as directed through the Landscape Recovery scheme plans or other habitat creation schemes relevant to the local region wherever possible.</p>	<p>The Applicant notes the Landscape Recovery (LR) pilot scheme in the area north of the A149. The Applicant confirms that all landowners whose land falls within the Order Limits are being engaged with. The Applicant will continue to engage with landowners. As detailed in the <b>Outline Ecological Management Plan (Revision B)</b> [REP-027], following the completion of construction in an area; cleared, damaged or disturbed habitats will be reinstated in accordance with the agreed specifications.</p>
8	<p>5. Wensum Woodlands Please be advised Natural England is considering the area known as Wensum Woodlands as part of its Site of Special Scientific Interest (SSSI) designations programme, due to the Barbastelle bat colony which the area contains This is set out in Natural England's designations programme - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>) (updated on 15th December 2022).</p>	<p>The Applicant confirms it is aware that Natural England is considering the area known as Wensum Woodlands as part of its Site of Special Scientific Interest (SSSI) designations programme, due to the Barbastelle bat colony which the area contains.</p>

ID	Natural England Deadline 1 Cover Letter [REP1-135] Comment	Applicant's Comment
	<p>Inclusion on the list is not a commitment to designate, only to investigate the site further. Until these investigations have concluded, Natural England advises that there must be no damage from activities relating to development activities including the DEP and SEP projects which may hinder future notification of the site or the management of the site should it be designated as an SSSI. We advise that the Applicant treats this area as if it were a notified site in order to future proof the projects, thereby avoiding any unnecessary disruption to the projects.</p>	<p>The design of the cable corridor been developed to avoid areas of woodland. This has been achieved via embedded mitigation, firstly through the routing of the cable corridor to avoid woodland areas, and where this is not possible, the use of trenchless crossings techniques, e.g. HDD.</p>

## 2.22 Norfolk Parishes Movement for an Offshore Transmission Network

Table 24 Norfolk Parishes Movement for an OTN: Offshore Transmission Network Written Representation

ID	Written Representation Comment	Applicant's Comment
1	<p>On behalf of the Norfolk Parishes Movement for an Offshore Transmission Network, we set out below our argument for an alternative grid connection point for the SEP and DEP projects. We believe strongly that the currently proposed connection to the grid at Norwich Main should be refused. An alternative grid connection, possibly at Walpole, should be proposed by the applicant for these projects. We address the cumulative impacts of the current proposal, the suitability of Walpole and consider precedents set by other planning applications. We believe the cumulative impacts of this DCO application with other radial connection projects make it an exceptional case and justify an alternative grid connection point for SEP and DEP.</p>	<p>The Applicant acknowledges the comment.</p>
Summary		
2	<p>The Holistic Network Design (HND) which was published by National Grid in July 2022 is the flawed output from the Offshore Transmission Network Review (OTNR) started by BEIS and Ofgem in 2020. The HND covers all of the UK with the exception of the very large offshore wind farms around the East Anglian Coast. We set out below why this approach is not efficient, economic or coordinated, increases costs for consumers, and introduces a further delay of up to ten years whilst the proposed pylon routes are built.</p>	<p>The Applicant acknowledges the comment.</p>



ID	Written Representation Comment	Applicant's Comment
3	<p>There is clear logic (as set out in our other Written Representation) to connecting the SEP and DEP projects at Walpole. However, if the Ørsted Hornsea Three and Vattenfall Norfolk Vanguard and Boreas projects, which are most suitable for connection to an integrated Offshore Transmission Network (OTN), are moved entirely offshore this would free up space at Norwich Main although any connection would be subject to a trade-off of the onshore impacts.</p>	<p>The Applicant notes that Hornsea Three, Norfolk Vanguard and Norfolk Boreas are not within the scope of the Holistic Network Design (HND) as has been defined through the Offshore Transmission Network Review (OTNR) process. Each of these projects have a settled radial grid connection solution which have already been consented through the NSIP regime, and therefore supported by the Secretary of State. The Applicant highlights that any alternative proposals for an 'OTN' as suggested by the Respondent would not align with the OTNR/HND process. The Applicant notes that such an alternative would, in any event, come ashore at some point and it is not clear what assumption the Norfolk Parishes Movement is making as to where that would be.</p>
4	<p>We believe it is owed to the whole country that a proper review of the options to bring ashore offshore wind energy from the North Sea be carried out, including the option of a fully integrated offshore transmission network. We believe that this exercise can be completed rapidly while the current planned Ørsted Hornsea Three and Vattenfall Vanguard and Boreas projects are suspended. The potential cost savings, added to the significantly reduced impact on communities and the environment, make this imperative.</p>	<p>The Applicant has provided an overview of the OTNR process in response to WQ1.2.3.1 within the <a href="#">Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036]. In light of this ongoing process and the fact that the projects cited here are not within the scope of the HND, the Applicant considers that there is no prospect of these projects being suspended for the reasons suggested. The Applicant does not consider this matter to be relevant to the examination of the DCO application for SEP and DEP.</p>
5	<p>Madam Chair, on behalf of the Norfolk Parishes Movement for an Offshore Transmission Network (OTN) we would like to set out for the ExA our rationale for an OTN.</p>	<p>The Applicant acknowledges the comment.</p>
6	<p>The Rule 8 letter issued by the ExA on 27<sup>th</sup> January 2023, question Q1.2.3, seeks responses from the Applicant and National Grid to the possibility of an OTN and the connection of SEP and DEP. We would like to make some points which we believe are key to this issue.</p>	<p>The Applicant acknowledges the comment.</p>
<p>Background</p>		
7	<p>The benefits of an OTN have been highlighted by various reports to the government since at least 2007. Following the (belated) launch of the Offshore Transmission Network Review (OTNR) by Ofgem, National Grid estimated as recently as December 2020 the potential for savings of £6bn capital expenditure from integrating offshore windfarm connections<sup>1</sup>.</p>	<p>The Applicant acknowledges the comment.</p>

ID	Written Representation Comment	Applicant's Comment
8	<p>However, we would like to specifically draw the attention of the ExA to an earlier report. The IOTP (East) feasibility study<sup>2</sup> of August 2015 was produced by National Grid and the offshore wind industry in compliance with the existing legal, technical and regulatory framework. Figure 1 illustrates the type of grid connection scheme developed in the report for the East Coast offshore wind zones. The report demonstrated potential savings for consumers of up to £5bn and maximum efficiency for any level of East Coast offshore wind generated electricity above 10.0GW.</p> <p>[See Figure 1 of Norfolk Parishes Movement for an OTN]</p>	<p>The Integrated Offshore Transmission Project (East) Final Report (2015) referred to was published to provide conclusions to a National Grid led process aimed at giving further consideration to developing a coordinated approach to the development of offshore transmission infrastructure. National Grid invited industry to form a project team looking at key workstreams with the aim of examining “<i>different design philosophies for the connection of the three <b>Round 3 offshore wind farms</b> located of the east coast of England</i>”. The report provides a series of conclusions and recommendations and of note recommends that “<i>the project team does not believe it would be economic and efficient to progress with the development of an integrated design philosophy or delivery of anticipatory assets at this time</i>”.</p> <p>Since the report was published, regulatory frameworks and market conditions have changed considerably, including significant Electricity Market Reform which has influenced the evolution of the offshore wind industry and the level of deployment against Government targets.</p> <p>The Department of Business, Energy &amp; Industrial Strategy (BEIS) has more recently initiated the Offshore Transmission Network Review (OTNR) in July 2020 to undertake “<i>a review into the existing offshore transmission regime to address the barriers it presents to further significant deployment of offshore wind, with a view to achieving net zero ambitions</i>” (see paragraph 5 of the <b>Scenarios Statement</b> [APP-314] and response to WQ1.2.3.1 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036]).</p> <p>The Applicant does not consider the 2015 report of relevance to the examination of the DCO application given that it was published when different regulatory and market conditions were in place, and was prior to the commencement of the development process for SEP and DEP. The grid connection decision is an NGESO-led decision.</p>
9	<p>The design fully satisfies the requirements of the Electricity Act 1989 for an outcome that is efficient, economic and coordinated and minimises environmental impact. It was based on existing grid connection agreements in place at that time. The advantages arise from the fact that different</p>	<p>The Applicant acknowledges the comment.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>offshore wind zones produce their peak output at different times. This is due to weather patterns and the prevailing wind direction, which is from the west. For example, when there is no wind in the East Coast offshore wind zones, power is carried to London and the South-East from renewable generation in Scotland. This enables sharing of infrastructure and reduces intermittency of renewable generation without the need for storage batteries at every onshore substation to smooth out the peaks and troughs.</p>	
10	<p>These advantages were set aside, apparently by Ofgem, in the belief that no more than 10.0GW of East Coast offshore wind capacity would ever be constructed. However, the Ørsted Hornsea Three project, followed almost at once by Vattenfall Norfolk Vanguard and Boreas, took the expected total of East Coast offshore wind projects from 9.8GW to 15.8GW – above the 10.0GW threshold identified in the IOTP (East) feasibility study of August 2015.</p>	<p>The Applicant acknowledges the comment and refers to the response provided within ID8.</p>
11	<p>Despite this, grid connections in rural Norfolk were offered to Hornsea Three and Norfolk Vanguard in July 2016, and to Norfolk Boreas in November 2016, for a total of 6.0GW. This is about twenty times more than the total net demand for electricity in and around Norwich. National Grid documents issued at that time show that the onward transmission capacity from Norwich towards London is unable to carry the output from these large projects. Unless offshore-generated electricity can be dispatched to where it is needed (London and the South-East) it cannot make a proper contribution to net carbon zero.</p>	<p>The Applicant acknowledges the comment and refers to the response provided within ID8. The Applicant also highlights that transmission of electrical capacity across the national electricity network is a matter for National Grid and not the Applicant.</p>
<p>Offshore Transmission Network Review</p>		
12	<p>Norfolk MPs campaigned for an Offshore Ring Main throughout 2019 and initiated a government review. This review was formally launched in 2020 with the objective to deliver a Holistic Network Design (HND) “that ensures an economic, efficient, operable, sustainable and coordinated National Electricity Transmission System (NETS) (including onshore and offshore assets required to connect offshore wind) to present options, and a recommended HND for offshore connections works”<sup>4</sup>.</p>	<p>The Applicant acknowledges this comment.</p>

ID	Written Representation Comment	Applicant's Comment
13	<p>However, Figure 2 shows the output from the OTNR based on the new infrastructure proposals contained in the Holistic Network Design (HND) published by National Grid in July 2022. The HND covers all of the UK with the glaring omission of the very large offshore wind farms around the East Anglian Coast which are left with radial connections. This is a consequence of a misguided National Grid excluding the Crown Estate Leasing Round 3 projects from the "holistic" design. This gross error results in an approach that is not efficient, economic or coordinated, that increases costs for consumers, and introduces a further delay of up to ten years whilst the proposed pylon routes are built.</p> <p>[See Figure 2 of Norfolk Parishes Movement for an OTN]</p>	<p>The Applicant acknowledges this comment and refers to <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036], WQ1.2.3.1a [REP1-036] which explains the background to the OTNR and the Holistic Network Design (HND) which set out:</p> <p>Section 3 of the <b>Scenarios Statement</b> [APP-314] sets out background to the Offshore Transmission Network Review (OTNR). The term Offshore Transmission Network (OTN) is used broadly to refer to interconnectors and offshore networks for wind farms which require connection to the onshore network. In July 2022 National Grid (NG) ESO published its 'Pathway to 2030: Holistic Network Design' (the HND report) which provided the first details of NG ESO's recommended single, integrated network design for future offshore transmission assets (see [REDACTED]).</p> <p>[REDACTED]. Under the OTNR process three workstreams have been created to address offshore wind projects at different stages of development:</p> <ul style="list-style-type: none"> <li>• Early Opportunities</li> <li>• Pathway to 2030</li> <li>• Enduring Regime</li> </ul> <p>The HND is being developed as part of the Pathway to 2030 workstream. The HND report (NG ESO, 2022) provides details of what the proposed HND would consist of and includes a combination of radial and coordinated connections including nine radial connections for future offshore wind farms in scope for the study.</p> <p>As set out in paragraphs 39 – 41 of the <b>Scenarios Statement</b> [APP-314] the OTNR was initiated by BEIS and has since gained further policy support through the revised draft energy National Policy Statements (NPSs) which were consulted on in September 2021. The Applicant notes that there continues to be significant Government and policy support for greater coordination of transmission systems in offshore wind, and this has been an important factor in maturing the integrated transmission system</p>

ID	Written Representation Comment	Applicant's Comment
		<p>concept for SEP and DEP and in taking the strategy that the Applicant has adopted towards the DCO application.</p> <p>The OTNR Expert Advisory Group is chaired by a member of the Offshore Wind Industry Council (a senior Government and industry forum established in May 2013 to drive the development of the offshore wind sector in the UK) and includes members from industry including technical experts, offshore wind developers, and transmission asset owners. The Applicant highlights that there is broad industry support for the OTNR and HND initiatives.</p>
East Anglia Green Energy Enablement (GREEN)		
14	This project involves the construction of a new 180 km, 400 kV overhead power line from Norwich Main substation to Tilbury substation. The current plan is to drive part of the project through the Dedham Vale AONB using underground cables.	The Applicant acknowledges the comment.
15	National Grid claims this is essential reinforcement of the onshore grid needed to connect new offshore windfarms. Specific reference is made to the connection of two new windfarms, "Equinor and Hornsea", into Norwich Main. It is currently in the non-statutory consultation phase of planning. However, a fully integrated OTN, as proposed below, would obviate the need for East Anglia GREEN.	<p>The Applicant acknowledges the comment and refers to the response to <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036], WQ1.9.1.5a) <i>in terms of the relationship between the EAG project and SEP and DEP, the two projects are being developed by separate promoters, on different timelines, and are not linked, other than the fact that both projects will connect into the existing Norwich Main substation.</i> The response to WQ1.9.1.5c) continues to state that <i>even if the projects were linked, the Energy National Policy Statement EN-5 (2011) acknowledges at paragraph 2.3.2 that a consolidated approach to consenting of generating stations and related electricity networks infrastructure "may not always be possible or represent the most efficient approach to the delivery of new infrastructure..."</i>. The Applicant highlights that the Scoping Report for East Anglia Green does make reference to the dependency of specified offshore wind farms (Five Estuaries and North Falls) on its development, but these do not include SEP and DEP.</p>
16	The three consented offshore wind projects (Hornsea Three, Norfolk Vanguard and Norfolk Boreas) have a combined output of 6.0GW. The total electricity demand in and around Norwich, which is supplied from Dunston,	The Applicant acknowledges this comment.

ID	Written Representation Comment	Applicant's Comment
	<p>is unlikely to exceed 0.4GW7, whilst the existing pylon route from Dunston to Bramford in Suffolk consists of two circuits of only 1.5GW each – with the possibility of either circuit being out of action at any time due to faults or maintenance. With the current limited capacity to export electricity from Norwich Main, the decision to approve these windfarm projects seems to have been remarkably ill-judged and will almost certainly lead to higher levels of curtailment.</p>	
17	<p>We are concerned that the then SoS for BEIS, in taking the decision to overrule his own Planning Inspectorate recommendations in respect of the DCO applications for Hornsea Three and Vanguard and Boreas, may have been misled due to a failure to recognise the need for adequate grid capacity, and the diminished benefits available in its absence, when determining the planning balance. We also note that the ExA did not conclude at all on the balance of adverse impacts and benefits for Hornsea Three. This would, in our view, be one of several reasons that the current SoS could choose to retrospectively review the approval of the onshore part of these projects.</p>	<p>The Applicant acknowledges this comment.</p>
A Fully Integrated East Coast Alternative		
18	<p>Figure 3 shows the HND corrected to include an efficient and economical solution for the East Coast. This covers most of the renewable energy coming online in the near future. The linking of the three zones in the East Coast region (Dogger Bank, Hornsea and East Anglia) enables more efficient use of the electricity generated. It minimises curtailment of renewable energy, reduces costs for consumers, avoids the need to wait for new pylon routes to be completed, and speeds up Net Zero.</p> <p>[See Figure 3 of Norfolk Parishes Movement for an OTN]</p>	<p>The Applicant acknowledges the comment and refers to <a href="#">The Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036], WQ1.2.3.1b):</p> <p>Section 1.1 of the HND report (NG ESO, 2022) makes clear that “Offshore wind projects in scope for the Pathway to 2030 workstream are at a fairly early stage of development and primarily those that secured seabed leases through The Crown Estate’s Offshore Wind Leasing Round 4 and Crown Estate Scotland’s ScotWind Leasing Round. It also includes assumed projects in the Celtic Sea and a small number of additional projects due to connect at a similar time and/or location as others in scope”.</p>

ID	Written Representation Comment	Applicant's Comment
		<p>Given the well advanced stage of SEP and DEP the projects fall within the scope of the Early Opportunities workstream and not the Pathway to 2030. Section 4.3 (page 29) of the HND report (NG ESO, 2022) states:</p> <p><i><b>"The South East and South Coast Region does not contain any offshore wind directly covered by the HND due to the well-developed nature of the majority of the projects in this area. The Department for Business, Energy and Industrial Strategy (BEIS) has now announced four initial pathfinder projects. These are well-advanced projects that are leading the way in utilising the regulatory and policy changes being developed through the OTNR to increase transmission network coordination and deliver the OTNR's objectives. Two of these projects are in this region:</b></i></p> <ul style="list-style-type: none"> <li>• <i><b>Equinor's proposal for an integrated transmission system for the Sheringham Shoal and Dudgeon Extensions in Norfolk.</b></i></li> <li>• <i>Orsted's proposal for Boudica, to co-locate a 200MW battery as part of the grid connection in Norwich, Norfolk of Hornsea 3 offshore wind farm."</i></li> </ul>
19	<p>For radial connection of offshore windfarms, the design target would be to accommodate 100% of the nominal output of each project. However, since nominal offshore windfarm outputs are rarely reached in all zones simultaneously, an integrated OTN enables the design target to accommodate the total 'dispatchable' output of the relevant projects in each zone, which it is usual to assign as 70% of the total nominal output. The total landing point capacity required is further reduced by the statistical correlation of wind energy output across the three offshore wind zones. The geographical separation of the three zones in the East Coast region enables sharing of infrastructure based on well understood wind patterns along this offshore region. The correlation factors were set out in the IOTP (East) feasibility study referred to earlier.</p>	<p>The Applicant acknowledges the comment.</p>

ID	Written Representation Comment	Applicant's Comment
20	<p>The reduction in the number and overall capacity of the landing points for a fully integrated OTN leads to capital expenditure cost savings. It is generally acknowledged that offshore construction offers shorter timescales and reduced planning risks compared to onshore grid reinforcements, such as new onshore pylon routes, and our calculations suggest that capital cost savings of between £3.9bn to £6.1bn can still be achieved whilst also reducing offshore wind curtailment and constraint costs.</p>	<p>The Applicant acknowledges the comment and refers to the response provided in ID18.</p>
21	<p>In total, the cost to consumers due to wind curtailments across 2020 and 2021 has been estimated at £806m8, with an increase of 70% from 2020 to 2021 due to the higher costs of turning up other generation to compensate. Despite the fact that these figures are from two “abnormal” years (reduced electricity demand in 2020 because of Covid, and unusually low wind levels in 2021), the costs are significant and more “normal” years would only have made the payments higher. The ExA may be aware that according to a report by LCP consultants9, curtailment volumes for renewable energy are set to reach 30 GW on some days by 2030. This is a staggering waste of resource in the context of the government target of harvesting 50 GW of electricity from offshore wind by 2030. Bringing electricity onshore in Norfolk where the ability to send it South to London and the South- East is already severely limited simply adds to the losses.</p>	<p>The Applicant acknowledges the comment and refers to the response provided in ID18.</p>
22	<p>Furthermore, according to our estimates, offshore integration has the additional benefit of providing reinforcement of the onshore grid, adding as much as 3.47 GW of extra electricity capacity along the main north-to-south route. Currently, National Grid ESO is spending about £450m a year on constraint payments across all of the UK but an LCP forecast10 suggests that by 2025 the ESO will be spending almost £1bn a year across just the transmission boundary between Scotland and England. Thus, substantial constraint payment savings are likely to arise, on top of the other benefits, from the speedy implementation of a fully integrated OTN. Indeed, in the Initial Needs Case for the Eastern Link, Ofgem sought to justify its rapid offshore construction by pointing to savings in constraint payments11.</p>	<p>The Applicant acknowledges the comment and refers to the response provided in ID18.</p>
<p>Evidence to Support the Fully Integrated East Coast Alternative</p>		



ID	Written Representation Comment	Applicant's Comment
23	Offshore wind availability reached a new record level of 17.6GW in the evening of 5th October 2022 <sup>12</sup> . Unfortunately, due to onshore grid constraints, only 14.1GW of this could be used, and 3.50GW was switched off, or curtailed. On 6th October a further 4.56GW of offshore wind was curtailed leading to higher greenhouse gas emissions and total network constraint costs of £27m over the course of just one week. An integrated OTN would help to reduce these costs.	The Applicant acknowledges the comment and refers to the response provided in ID18.
24	In 2022, Ofgem consulted on the use of shared offshore transmission infrastructure and has now confirmed its policy position. With specific reference to the CfD process, Ofgem has said: "BEIS will retain rules around anti-competitive behaviour, even when projects are sharing infrastructure, under the common understanding that they are required to cooperate on the transmission element of the project, without sharing unnecessary information about generation and eventual bid formation".	The Applicant acknowledges the comment. A Contract for Difference (CfD) is a legally binding contract between the Low Carbon Contracts Company, owned by BEIS, and the developer. The CfD scheme is the government's main mechanism for supporting low-carbon electricity generation and incentivising investment in renewable energy by providing developers of projects with high upfront costs and long lifetimes with direct protection from volatile wholesale prices. National Grid ESO is the Delivery Body for the CfD scheme, while Ofgem is responsible for hearing certain appeals.
25	This statement seems to confirm that there is not, and never has been, any significant technical, legislative or regulatory barrier to the use of shared offshore transmission infrastructure other than policies adopted by BEIS, Ofgem and National Grid ESO to facilitate a system of subsidies.	The CfD scheme is governed by The Contracts for Difference (Allocation) Regulations 2014 (as amended). The Applicant highlights that the main barrier to the delivery of SEP and DEP under the preferred development scenario which relates to the CfD regime is the inability to guarantee award of CfD for both projects in the same allocation round. The Applicant would contend that this is one of the significant legislative and regulatory barriers to being able to guarantee delivery of the integrated transmission system.
26	The unintended consequence of these policies seems to have been to compel the offshore wind industry to adopt the most expensive and least efficient scheme of radial grid connections, leading to increased environmental impacts, greater energy curtailment, and higher costs for consumers.	The offshore wind industry adopting radial grid connections to date is more directly linked to the absence of an alternative, and to barriers presented through multiple different regulatory regimes. The Applicant notes that the OTNR process seeks to address these for future offshore energy infrastructure development.
The Implications of a New Approach		
27	We recognise the difficulties in changing direction and halting the onshore part of the Round 3 projects. However, the benefits of considerable cost savings and more rapid implementation of a fully integrated OTN, coupled with the protection of communities and the environment make a detailed	The Applicant acknowledges the comment and refers to the response to WQ1.2.4.1 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036] which confirms the urgent need for increased supply of electricity. The Applicant also refers to the response to

ID	Written Representation Comment	Applicant's Comment
	assessment of this option essential. We consider that it is completely unacceptable that BEIS has not insisted upon a proper cost benefit analysis being carried out comparing the current radial connection "solution" versus a fully integrated OTN of the sort envisioned and carried out by National Grid's own IOTP (East) report from 2015.	WQ1.2.3.1b) (within ID18 above) and WQ1.2.3.1c) and specifically that the Applicant reiterates that it has already taken significant steps towards a coordinated approach between two separately owned offshore wind farms as described in the <a href="#">Scenarios Statement</a> [APP-314].
28	In a recent letter from Graham Stuart MP, Minister of State for Energy and Climate <sup>14</sup> he makes reference to offshore wind developers already having connection contracts in place with National Grid Electricity System Operator (ESO) and claims the Government will not, and cannot, force changes to these contracts because any attempt to mandate changes to connection contracts at this stage would be open to legal challenge by developers. In fact, we believe that Schedule 6 of the Planning Act 2008 does permit the Secretary of State to change or revoke orders granting development consent. Further, it is not certain that the affected developers would resort to legal challenge, but it is of course entirely likely too that should the government persist with the exclusion of East Anglia from the HND they will face Judicial Review after Judicial Review. Furthermore it seems that grid connection agreements can be changed by National Grid at any time, as described in the Graham Stein (NGESO) letter of 27th September 2021.	The Applicant acknowledges the comment. The Applicant notes that the grant of development consent under the Planning Act 2008 is distinct from the Grid Connection Agreement in place between a developer and National Grid Electricity System Operator (ESO).
29	The issue of compensation for developers might not be as burdensome as feared because large commercial contracts are normally written with plenty of allowances for changes, variations or termination by either party. This is done to avoid expensive legal disputes. Furthermore, any contracts already placed by Ørsted or Vattenfall would most likely be written "subject to Final Investment Decision (FID)" to avoid having to pay out if they delay or cancel that decision. We believe that neither Ørsted nor Vattenfall have yet reached the FID milestone.	The Applicant acknowledges the comment.
30	We also understand that a DCO consent does not oblige the applicant to proceed with any part of the work. Vattenfall's Vanguard and Boreas each have 5 years from their DCO approval dates to start work. Ørsted Hornsea Three has 7 years from their DCO approval date of 31st December 2020 to start work. A delay while a proper review of the OTN option is undertaken would not therefore be unduly onerous on developers. Contract for	There is no prospect of the Vanguard, Boreas and Hornsea Three projects being delayed in the way proposed.

ID	Written Representation Comment	Applicant's Comment
	Difference awards do not, as far as we know, impose an obligation to proceed with construction. They may however impose conditions which, if not met, would prevent that CfD from taking effect but there would be an opportunity to apply again for the next annual round.	
Offshore Coordination Support Scheme		
31	As evidenced by the recently published Offshore Coordination Support Scheme <sup>16</sup> , the new Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS), who has only recently taken up the post, may not have been correctly briefed on the urgency and vital importance to the country of action to deliver a fully integrated OTN down the entire East coast of the UK. The document falls well short of what is required and thus fails the nation by ignoring the opportunity to achieve substantial cost savings from reduced curtailment and constraint payments, reduced capital expenditure costs and reduced impact on communities and the environment. Most importantly, the path to net zero carbon is likely to be extended by the current approach.	The Applicant acknowledges the response and refers to <a href="#">The Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036], WQ1.2.3.1 referenced in IDs 13, 18 and 27 above.
32	Ofgem has previously requested offshore windfarm developers to coordinate their projects on a voluntary basis. This approach has repeatedly failed and we are dismayed that the lesson has not been learnt. Although it is acknowledged that the Offshore Coordination Support Scheme offers a financial incentive to coordinate, the money on offer could be better targeted elsewhere as it will never produce the fully integrated network that the UK actually needs. Now is the time for a radical approach based on rationalised coordination, sound technical principles and financial savings which will also deliver protection of local communities and the environment.	The Applicant acknowledges the response and refers to <a href="#">The Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036], WQ1.2.3.1 referenced in IDs 13, 18 and 27 above.
Conclusion		
33	The Norfolk Parishes Movement for an OTN believes that the onshore part of the Round 3 projects should be placed immediately on hold until a proper analysis has been carried out, using Green Book criteria, of the fully integrated East coast OTN. We are confident that such an analysis will demonstrate the clear benefits and provide a compelling case for the fully integrated approach.	The Applicant acknowledges the response and refers to <a href="#">The Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036], WQ1.2.3.1 and WQ1.2.4.1 referenced in IDs 13, 18 and 27 above.

ID	Written Representation Comment	Applicant's Comment
34	<p>We believe it is owed to the whole country that a proper review of the options to bring ashore offshore wind energy from the North Sea be carried out, including the option of a fully integrated offshore transmission network. We believe that this exercise can be completed rapidly while the current planned Ørsted Hornsea Three and Vattenfall Vanguard and Boreas projects are suspended. The potential cost savings, added to the significantly reduced impact on communities and the environment, make this imperative. We respectfully request that the ExA draws this paper to the attention of the Secretary of State for the new Department for Energy Security and Net-Zero with the strongest possible endorsement.</p>	<p>The Applicant acknowledges the response and refers to <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036], WQ1.2.3.1 and WQ1.2.4.1 referenced in IDs 13, 18 and 27 above.</p>

## 2.23 Orsted Hornsea Project Three Limited (UK)

Table 25 The Applicant's Comments on Orsted Hornsea Project Three (UK) Limited Written Representation

ID	Written Representation Comment	Applicant's Comment
Written Representation		
1	<p>This written representation is made by Orsted Hornsea Project Three (UK) Limited ("Hornsea Three"), the named undertaker on the Development Consent Order (DCO) for the Hornsea Three Offshore Wind Farm Order 2020 (the "Hornsea Three Order"). Discussions are ongoing between Hornsea Three and Equinor New Energy Limited (the "Applicant") in relation to the interactions between the two projects.</p>	<p>The Applicant acknowledges Orsted Hornsea Project Three (UK) Limited's ("Hornsea Three") comments and confirms that discussions remain ongoing in relation to the interactions between the two projects.</p>
2	<p>As set out in its relevant representation [RR-072], Hornsea Three considers that the two schemes can co-exist and therefore does not have an in-principle objection to the Application. However, there are a number of interactions between the Proposed Development and authorised development permitted by the Hornsea Three Order that will need to be managed to ensure that Hornsea Three can be constructed without impediment and no serious detriment is caused to Hornsea Three once operational. The interactions can be seen on</p>	<p>The Applicant acknowledges Hornsea Three's comments.</p>

ID	Written Representation Comment	Applicant's Comment
	plans included in Chapter 5 Figures – EIA Methodology (Volume 6.2.5) [APP-118] and are summarised below.	
3	<b>Offshore:</b> The wind farm array areas forming part of the Proposed Development are located in close proximity (approximately 2.9km at the closest point) to the Hornsea Three offshore export cable corridor. In addition, the export cable corridor forming part of the Proposed Development will cross the Hornsea Three offshore export cable.	The Applicant acknowledges Hornsea Three's comments.
4	<b>Intertidal/landfall:</b> The intertidal temporary works area for the Proposed Development crosses the Hornsea Three offshore export cable corridor. At landfall, the temporary working area, temporary access roads and permanent access road for the Proposed Development crosses the Hornsea Three onshore export cable corridor. A number of temporary access tracks for Hornsea Three are also proposed to be temporary access tracks for the Proposed Development.	The Applicant acknowledges Hornsea Three's comments.
5	<b>Onshore:</b> The onshore export cable corridor for the Proposed Development is located in proximity to the main construction compound at Oulton and its access for Hornsea Three. The onshore export cable corridor for the Proposed Development will cross or be in close proximity to the Hornsea Three onshore export cable corridor in a number of locations including: (i) near to Weston Longville/Ringland Lane; (ii) interactions with the Norwich Western Link Road Scheme; (iii) west of Easton; and (iv) at Norwich Main substation (which is also relevant to the permitted energy balancing infrastructure to be developed by Orsted entities including Orsted Icen ESS (UK) Limited, which will share a common connection).	The Applicant acknowledges Hornsea Three's comments.
6	Hornsea Three has sent the Applicant its comments on, and suggested amendments to, the protective provisions in Part 10 of Schedule 14 to the draft DCO. In addition, the parties are proposing to enter into a detailed collaboration agreement. The collaboration agreement will address the points highlighted in Hornsea Three's relevant representation together with the points set out below:	The Applicant acknowledges Hornsea Three's comments and notes that the Applicant is in ongoing discussions with Hornsea Three with a view to reaching agreement on protective provisions before the end of the Examination as set out in <b>The Applicant's Statutory Undertakers Position Statement (Revision A)</b> [REP1-053] submitted at Deadline 1. As noted at I.D. 1 of Table 4.24.1 of <b>The Applicant's Comments on Relevant Representations</b> [REP1-033 and REP1-034], the Applicant will continue to engage with Hornsea Three with regards to the proposed collaboration agreement.

ID	Written Representation Comment	Applicant's Comment
	<ol style="list-style-type: none"> <li>1. The negotiation of crossing/proximity agreement(s) for offshore and onshore interactions during construction, operations and maintenance;</li> <li>2. The type and volume of offshore cable protection;</li> <li>3. The procedure for cable repairs at offshore crossing points;</li> <li>4. The nature and timing of works within the offshore temporary works area;</li> <li>5. Notification procedure for offshore works including survey vessel work;</li> <li>6. Alignment of stakeholder management processes, including communications with local fisheries;</li> <li>7. Co-ordination and alignment of mitigation measures, in particular relating to marine mammals and landscaping;</li> <li>8. Measures regarding shared use of access roads and reinstatement;</li> <li>9. The minimum and maximum depths for export cables at crossing points including matters relating to thermal interactions;</li> <li>10. Consideration of logistics if construction works overlap;</li> <li>11. A requirement to micro-site within the cable corridor to maximise separation distances where necessary;</li> <li>12. Interactions with other Orsted entities including Orsted Icen ESS (UK) Limited, the developer of the permitted energy balancing infrastructure located next to the Hornsea Three converter substation; and</li> <li>13. Conduct of negotiations with landowners affected by both projects and any associated compensation claims.</li> </ol>	

ID	Written Representation Comment	Applicant's Comment
7	Hornsea Three will continue to work with the Applicant to facilitate agreement between the parties to ensure both projects can co-exist.	The Applicant acknowledges Hornsea Three's comments and welcomes continued discussions with Hornsea Three.
8	In the unlikely event that agreement is not reached, Hornsea Three will submit its preferred drafting for protective provisions to be included in the DCO towards the end of the Examination. In the absence of a separate collaboration agreement, the protective provisions will need to deal with the issues highlighted above and set out in Hornsea Three's relevant representation.	The Applicant acknowledges Hornsea Three's comments.

## 2.24 Orsted Hornsea Project 4 Limited

Table 26 The Applicant's Comments on Orsted Hornsea Project 4's Limited Written Representation

ID	Written Representation Comment	Applicant's Comment
1	Orsted Hornsea Project Four Limited ("Orsted Hornsea Four") holds an Agreement for Lease from the Crown Estate Commissioners in respect of the proposed Hornsea Project Four Offshore Wind Farm ("Hornsea Four"). Orsted has applied for a Development Consent Order ("DCO") to authorise Hornsea Four (PINS Ref: EN010098). The decision is due on 12th July 2023.	The Applicant acknowledges Orsted Hornsea Project Four Limited ("Orsted Hornsea Four") comments.
2	A relevant representation and subsequent written submission have been made on behalf of Orsted Hornsea Project Three (UK) Limited because the proposed Order limits and Order land for the Application overlap with the Order limits and Order land as defined in the Hornsea Three Offshore Wind Farm Order 2020. A relevant representation was not made on behalf of Orsted Hornsea Four as there is no spatial overlap. However, following Issue Specific Hearing 1 on offshore strategic matters (18 <sup>th</sup> January 2023) there is the potential for the projects to interface offshore. Where necessary, Hornsea Four will work with the Applicant to facilitate agreement to ensure both projects can coexist.	The Applicant acknowledges Orsted Hornsea Four's comments and welcomes Orsted Hornsea Four's willingness to work with the Applicant, where necessary, to ensure both projects can coexist.

## 2.25 Paul Middleton

**Written Representations, Nature of the IP's Interest and Rights Sought over Land**

Written Representation	Plot number (s)	Rights sought	Nature of land interest
Paul Brian Middleton	01-042;01-044;02-005	Permanent Rights	Owner
	02-006	Permanent Rights	As reputed owner.
	01-036;02-002;02-004	Permanent Rights	Owner in respect of sub soil beneath half width of public highway.
	01-041;01-043;02-001;02-003	Temporary Possession	Owner
	01-040;02-007	Temporary Possession	As reputed owner.

**Table 27 The Applicant's Comments on Paul Middleton's Written Representation**

ID	Written Representation Comment	Applicant's Comment
1.	These Written Representations are submitted on behalf of Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited (Our Clients) in response to the application by Equinor New Energy Limited (the Applicant) for an Order granting Development Consent for the Sheringham and Dudgeon Extension Projects (the Draft Order).	The Respondent's comment is noted
2.	Our Clients are the owners and occupiers of land at Abbey Farm, Weybourne (owned by Mr Hay- Smith and farmed by Priory Holdings Limited) and Home Farm, Weybourne (owned and farmed by Mr Middleton). Their land ('the Land') is directly affected by compulsory acquisition powers sought in the Draft Order for the purposes of the Sheringham Shoal Offshore Wind Farm Extension Project ('SEP') and Dudgeon Offshore Wind Farm Extension Project ('DEP'), together the 'Projects' .	The Respondent's comment is noted
SUMMARY OF WRITTEN REPRESENTATIONS		



ID	Written Representation Comment	Applicant's Comment
3.	Our Clients' position on matters remains as substantially set out in the Relevant Representations submitted on 14th November 2023 which are attached at Appendix 1 of these Written Representations.	The Applicant responded to the Respondent's Relevant Representation at Deadline 1. The response is provided within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].
4.	Our Clients do not object to the principle of the Projects, being the development of off-shore wind to deliver low carbon electricity. They nevertheless object to the Draft Order and the in-built ambiguity as to the Development Scenarios, and the exceptional degree of flexibility the Applicant is seeking.	The Respondent's comment is noted
5.	The Draft Order includes a provision for various distinct 'Project Development Scenarios', each with different impacts on landowners affected by compulsory acquisition. We are unpersuaded this degree of flexibility is consistent with the 'Rochdale Envelope' and conclude the Applicant does not have a clear idea how it intends to use/develop the Land and accordingly cannot demonstrate a compelling case in the public interest for the purpose of compulsory acquisition.	The Applicant has provided as much detail as can be provided within <b>Scenarios Statement</b> [APP-314].  In respect of the need for compulsory acquisition powers and the compelling case in the public interest for the inclusion of the compulsory acquisition powers within the <b>draft DCO (Revision D)</b> [document reference 3.1], the Applicant refers to the <b>Statement of Reasons (Revision B)</b> [document reference 4.3].
6.	Due to the acknowledged uncertainty in future income via Contracts for Difference (CfD), the Applicant has not demonstrated that the requisite funds are in place, nor that the 'sequential construction' Development Scenarios provided for in the Draft Order are viable and reasonably likely to proceed, as required to justify compulsory acquisition.	The Applicant has demonstrated the requisite funding is available for compulsory acquisition within the <b>Funding Statement</b> [APP-027]. The <b>Funding Statement</b> [APP-027] considers all of the development scenarios for which development consent is sought. The reasons why the Applicant has included a sequential development scenario are set out in the <b>Scenarios Statement</b> [APP-314].
7.	The ambiguity around the final developed form of the Projects and associated flexibility sought in the Draft Order are not academic for Our Clients. The ambiguity is already having adverse impacts by creating long term uncertainty and unfairly fettering Our Clients' ability to plan and deal with their properties and farm businesses. If the sequential construction Development Scenario is consented and followed it would cause a significant adverse impact on affected agricultural businesses by extending the on-shore construction programme and period of Temporary Possession.	The Applicant has engaged with the Respondent and their appointed land agent in respect of current plans for the farming enterprises during the pre-application phase.  The Applicant will continue to engage with and update the Respondent post-consent to enable them to undertake their succession planning, diversification projects or minimise potential impacts on their own plans for the land.
8.	Our Client's are concerned about the ecological impact of the Projects, and seek comfort that all adverse have been considered in the Environmental Statement (ES) and mitigated. Specifically Our Client's are concerned that an	ES <b>Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] presents the ecological impact assessment undertaken for SEP & DEP. Details relating to the pre-, during- and post-

ID	Written Representation Comment	Applicant's Comment
	important native Crayfish re-introduction project (by Norfolk Rivers Trust and Environment Agency) on the Land and elsewhere has not been accounted for in the ES and no mitigation has been developed, risking harm.	<p>construction mitigation measures for onshore ecology and ornithology receptors is presented (and will be secured through DCO Requirement 13) within the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p> <p>The Applicant refers to its response below in ID 24.</p>
9.	Heads of Terms have been offered by the Applicant to acquire rights by agreement. The terms proposed are unnecessarily onerous and seek rights over Our Clients' property materially exceeding those presented in the Draft Order and exceeding the minimum reasonably required to develop and operate the Projects. To date therefore, the Applicant has not made reasonable efforts to acquire interests in the Land by Agreement, using compulsory purchase as a last resort.	<p>The Applicant has been engaging with the Respondent and their appointed land agent and has provided requested information when and where possible and will continue to work constructively with the Respondent.</p> <p>The Applicant first received comments on the proposed Heads of Terms from the Respondent's newly appointed agent on 21<sup>st</sup> February 2023. The Applicant is considering the points raised and will arrange to meet with the appointed land agent to progress discussions once in a position to do so.</p> <p>The Applicant considers the terms offered to be consistent with other consented projects and furthermore standard and necessary to provide certainty for delivery of the development, the rights for which would otherwise be available through the exercise of compulsory acquisition powers.</p>
10.	Our Clients seek further clarification on certain aspects of the Draft Order and associated documents presented, justification for the Development Scenarios presented and amendments to the Draft Order by way of requirements and reasonable limitation of the Project Development Scenarios and are ready and committed to work with the Applicant and Examining Authority to secure these. Our Clients also remain committed to constructive engagement with the Applicant on a private agreement in relation to the Land.	The Applicant welcomes constructive engagement with the Respondent on the documents raised in seeking any private agreement in relation to the necessary rights.
Background		
11.	The Relevant Representations attached hereto set out details of Our Clients' farm businesses and legal and practical background. In summary, Abbey Farm comprises 417 hectares of well- equipped arable land, owned by Mr Hay-Smith and farmed by Priory Holdings Limited. Mr Middleton actively farms Home Farm, Weybourne (53 hectares) as a trading partnership (MA Perkins and PB Middleton) with his late mother.	The Respondent's comment is noted.

ID	Written Representation Comment	Applicant's Comment
12.	While the farm businesses are legally independent they are in practice strongly connected by shared operational infrastructure, farm equipment and labour. Mr Middleton is also the Farm Manager of Priory Holdings. The Farms are managed together on an arable, rotational crop system growing sugar beet and malting barley on a three year rotational cycle across this combined land holding.	The Respondent's comment is noted.
<b>WRITTEN REPRESENTATIONS Effect on Agricultural Land and Businesses</b>		
13.	The Relevant Representations also set out in detail the likely impact of the Projects. In summary:	
14.	<p>Land take and severance during construction</p> <p>The Draft Order provides for the temporary possession and/or rights to construct the Project, directly affecting approximately 14 hectares of land at Abbey Farm and 5 hectares of land at Home Farm, both to the south of Weybourne. The purpose is for the routing of on-shore cabling and associated infrastructure for the Projects. The impact of the land take is further exasperated by severance of arable fields, which will reduce the efficiency and productive capacity of the retained, but severed land.</p>	<p>As stated within the response to the Respondent's Relevant Representation in <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034], the Applicant has sought to avoid where possible the likelihood of sterile land parcels and has pursued mitigation measures to support this. The Applicant refers to <b>Environmental Statement Chapter 19 – Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.2.5].</p>
15.	<p>Farm and farm building access during construction</p> <p>Temporary Possession plots 03-002 and 02-014 are currently used by Our Clients as essential farm accesses (as illustrated at Appendix 2). They are the only ways to access the land owned by Mr Hay-Smith and farmed by Priory Holdings Limited to the east of Station Road and the south of the A149 Sheringham Road. Specifically these are the only access routes to the farm buildings servicing the combined farming operation. Part of Plot 02-014 is a paved farm track leading from Station Road to the Farm Buildings. Plot 03-002 is a main farm track leading from the Farm Buildings to the A149, and the main access and egress for all farm vehicles and equipment to the wider combined holding.</p>	<p>In respect of the locations of construction accesses and accesses for early works, the Applicant refers to <b>Access to Works Plan (Revision C)</b>, [document reference 2.9] which includes details of accesses. It can be noted that access from Station Road would be for early works and access from the A149 would be for construction of SEP and/or DEP.</p> <p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.2.5] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p>
16.	Mr Middleton and Priory Holdings Limited's farming operations rely on fully integral use of common machinery (e.g. tractors, drills and combine harvester),	The Respondent's comment is noted.

ID	Written Representation Comment	Applicant's Comment
	<p>infrastructure (e.g. grain drying and storage) and labour. The buildings comprise modern 2,000 tonne on-floor drying and grain storage building and adjacent secure farm equipment machinery storage and workshop building which serve the combined farm operations.</p>	
17.	<p>As presented the Draft DCO would prevent access to the farm buildings and have a business critical impact on farming operations and both farm businesses.</p>	<p>In respect of the locations for construction accesses and accesses for early works, the Applicant refers to <b>Access to Works Plan (Revision C)</b> [document reference 2.9].</p> <p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p>
18.	<p>This issue was raised prominently in the Relevant Representations submitted by Our Clients (paragraph 22.2.3 in relation to the Access to Works Plans) and by the ExA in their first Written Questions (Q1.23.5.3). We also note that the Duration of Construction Impacts the Applicant offers a general assurance at Chapter 19 of the ES.</p> <p>“During construction...access to severed land for farm vehicles would be maintained using agreed crossing points with landowners and occupiers. Furthermore, an ALO will be appointed to assist with the appropriate planning and timings of works to minimise disruption to agricultural activities.”</p> <p>Due to the exaggerated significance of this issue, Our Clients' seek a binding commitment from the Applicant, which includes detail and agreement on how shared access arrangements would be safely managed. To date no offer of such a commitment has been made by the Applicant.</p>	<p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p> <p>The Applicant will continue to engage with the Respondent's appointed land agent to understand the impacts to the Respondent's agricultural activities.</p>
19.	<p>The Draft Order seeks an exceptionally flexible approach to development. In the worst case scenario, sequential construction of the Sheringham and Dudgeon projects could take place on the Land with an aggregate duration of four years (excluding pre-construction), with an up to four year gap between</p>	<p>The Respondent's comment is noted.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>start dates (with reference to Plate 4-25: Indicative Construction Programme, in Chapter 4 of the ES, Project Description). Taking into account pre-construction works, this means the Land may be subject to construction works for up to eight years or more. Moreover, due to the exceptionally long duration of compulsory powers sought by the Applicant (seven years compared to the usual 5) it is possible the Land could be fettered by construction or the prospect of construction for up to 15 years.</p>	
20.	<p>Whilst we note that a seven year period for the compulsory acquisition powers has been included in previous DCOs (e.g. Hornsea Three and Dogger Bank Teeside A and B) this needs to be robustly justified on a case by case basis. For example, in the Hornsea Three the Secretary of State agreed with this period as it agreed that the applicant in that case had a "clear idea of how the land to be acquired would be used, has justified its reasons in seeking design flexibility for the transmission system and that the land is reasonably required in order to deliver the Development". In this case, (with reference to the uncertainty as to the Applicant's proposals in respect of the 'Development Scenarios') we are not persuaded that such a case has been made out.</p>	<p>The Applicant refers to the <a href="#">Explanatory Memorandum (Revision D)</a> [document reference 3.2] [para. 86] which sets out the justification for seven years.</p>
21.	<p>Furthermore, there are examples of applications for the seven year period being rejected by the Secretary of State such as in connection with the decision to make the North London Heat and Power Generating Station Order 2017.</p>	<p>The Respondent's comment is noted.</p>
22.	<p>In this case there are particular concerns about the potential sequential Development Scenarios and the period of time that there could be between sequential developments being progressed which could (if the Project is not begun until 2031 (assuming the DCO is made in early 2024) which is possible given the seven year period sought for this to commence) lead to the potential for works (and compulsory acquisition) or works being carried out until 2039 given the potential for the construction period to be eight years. In this scenario, there could be temporary access of the Land until 2040 given Article 26 of the Draft Order would authorise temporary possession until one year after the date of completion of the relevant part of the authorised project.</p>	<p>The Applicant refers to ES <a href="#">Chapter 4 Project Description</a> [APP-090, Section 4.7.2] which details the onshore construction programme for the different scenarios.</p>
<p>Ecology and Biodiversity</p>		

ID	Written Representation Comment	Applicant's Comment
23.	<p>Our Clients echo the concerns of the Environment Agency regards the vulnerability of native White Clawed Crayfish (WCC) and the risk of the spread of Signal Crayfish, facilitated by the construction of the Projects. WCC will be reintroduced to a chalk stream to the west of Station Road on Mr Hay-Smith's holding at Abbey Farm (the Chalk Stream) in May 2024 (delayed from November 2022). This is part of a re-introduction scheme initiated by the Environment Agency and Norfolk Rivers Trust (the WCC Reintroduction Scheme).</p>	<p>In general, it is considered that ecological losses associated with impacts to Agri environment schemes would be mitigated using the measures set out in ES <b>Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] and details of habitat reinstatement and pre-, during- and post-construction mitigation measures is presented (and will be secured through DCO Requirement 13) within the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p>
24.	<p>We have reviewed Chapter 20 of the ES 'Onshore Ecology and Ornithology' and its Appendix 20.9 'White Clawed Crayfish Survey Report'. Our Clients note that the surveys informing the ES and mitigation measures were undertaken in 2021 and that surveys did not include the Chalk Stream. Our Clients have grave concerns that the Projects have not accounted for the WCC Reintroduction Scheme at all in the ES or their construction plan, and there is significant risk of harm to re-introduced WCC and risk to the over-all success of the WCC Reintroduction Scheme. Specifically we note in the Conclusion to Appendix 20.9 the Applicant states as follows:</p> <p>"No further surveys for WCC are expected to be necessary, given the commitment to adopt HDD beneath all of the surveyed watercourses. All other (non-surveyed) watercourses within the DCO boundary are considered unsuitable for WCC and so there is no requirement for HDD beneath them to mitigate risks to WCC." (p.21)</p>	<p>The Applicant refers to the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027] and its Appendix A, Table 2 (Proposed scope and timing of pre-construction onshore ecology and ornithology surveys). With regards to WCC surveys, the table now states:</p> <p>'No further surveys proposed (unless the updated habitat surveys (to be completed in the 18 months prior to commencement of construction) find new features suitable for this species which have not previously been surveyed and which are at risk of being impacted by the construction works).</p> <p>In the unlikely event that the updated habitat survey finds new and previously unknown watercourses which are suitable for WCC and where the watercourse is due to be impacted (i.e. it is not a watercourse which would be crossed using HDD), it would be surveyed for WCC using eDNA sampling during summer in the period up to two years prior to construction works commencing (i.e. surveys would be completed whenever any such watercourses were identified)'. </p>
25.	<p>Our Clients conclude from this that the ES does not account for the presence of reintroduced WCC in the Chalk Stream, and potentially other locations where WCC have been introduced by the WCC Reintroduction Scheme.</p>	<p>The Applicant refers to its response above in ID 24.</p>
26.	<p>The Chalk Stream has already been affected by invasive ground investigation surveys by the Applicant in July 2022.</p>	<p>The Applicant refers to the response provided to ID 21 of the Respondent's Relevant Representation within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].</p>

ID	Written Representation Comment	Applicant's Comment
		<p>To address the Respondent's concerns on the environmental impact of the works on the chalk bed stream, a borehole was relocated to the west of Spring Beck to a location the Respondent was satisfied with.</p>
27.	<p>Our Clients therefore seek assurances as follows:</p> <ol style="list-style-type: none"> <li>i. That the Environment Agency's 'Check, Clean, Dry' measure has been adopted by the Applicant?</li> <li>ii. That this approach was used when undertaking the July 2022 survey on Our Clients' land?</li> <li>iii. That the Applicant will have regard to the likely presence of WCC in new watercourse locations following the WCC Reintroduction Scheme, and that their construction of the Projects will be designed to mitigate the risk of any harm to WCC in these locations.</li> <li>iv. The Applicant provide evidence and actual examples where HDD has been used successfully to construct cable routes under sensitive watercourses.</li> </ol>	<p>The Applicant refers to:</p> <ul style="list-style-type: none"> <li>• <b>Crossing Schedule (Revision B)</b> [AS-022] details the proposed crossing technique for each crossing identified. The Crossing ID's specifically relevant is 17 and shows that Spring Beck will be crossed using trenchless techniques.</li> <li>• <b>ES Chapter 4 Figures – Project Description</b> [APP-178] which confirms the cables will be installed by trenchless techniques, e.g. HDD at this location.</li> </ul> <p>The use of HDD would avoid impacts to Spring Beck and associated ecological receptors.</p> <p>The Applicant refers to its response above in ID 24.</p>
28.	<p>Our Clients are also concerned about the powers contained in Article 34 of the Draft DCO to fell or lop trees and remove hedgerows (including cutting back the roots of trees or shrubs). This power would extend not only to trees or shrubs within or overhanging land within the Order limits but also simply "near to any part of the authorised project". The Land is sensitive in an AONB, and Our Clients consider this power is unnecessarily broad.</p>	<p>The Applicant refers to the response provided to ID 17.4 of the Respondent's Relevant Representation within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].</p>
29.	<p>Our Clients are generally concerned about the prospect of the wider ranging powers sought in Article 34 and the Other Associated Works (see paragraph 32 below) to interfere with the management of their farms for ecology and biodiversity, and to fetter their ability to enter into Environmental Management Schemes, and/or contracts including positive covenants for environmental management associated with Biodiversity Net Gain.</p>	<p>The drafting of Article 34 reflects the drafting in the model provisions and is therefore based on standard wording and wording which has been included in recently granted offshore wind development consent orders, for example East Anglia One North Offshore Wind Farm Order 2022. See the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2].</p> <p>The Applicant refers to <b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.4] referring to the impact to agri-environment schemes during construction.</p> <p>The Applicant has tried to avoid where possible land managed under an agri-environment scheme. Where the Project has impacts to an existing</p>

ID	Written Representation Comment	Applicant's Comment
		<p>agreement that can't be avoided, affected landowners and or occupiers will be consulted to enable them to liaise with the Rural Payments Agency. If the Project impacts any land subject to schemes where compensation could become payable, the Applicant will review this on a case by case basis and will reimburse financial losses where appropriate and in line with the Compensation Code. Following completion of the construction works, land will be reinstated and would therefore continue to be available for management under an Agri-environment scheme in the future.</p> <p>It remains the Applicant's preference to reach a voluntary agreement for the acquisition of land and rights which sets out suitable compensation provisions for their financial losses.</p> <p>In general, it is considered that ecological losses associated with impacts to Agri environment schemes would be mitigated using the measures set out in ES <b>Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] and details of habitat reinstatement as set out in the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p>
Long Term Impacts		
30.	<p>Our Clients are concerned with the long term impact of construction activities on soil structure and the agricultural productivity of the Land. Reinstatement is addressed in the ES. Nationally Significant Infrastructure Project EIA's routinely assume reinstatement best practice is followed; in practice they frequently are not. Due to compaction, disturbance of the soil structure, scarcity of top-soil at re-instatement and the proximity of buried infrastructure there is routinely a permanent reduction in soil fertility and productivity. These risks are exasperated by the prospect of the exceptional programme duration and double disturbance associated with sequential delivery of the Projects.</p>	<p>The <b>Outline Code of Construction Practice (Revision B)</b> [document reference 9.17 Section 5] addresses soil management and confirms a Soil Management Plan will form part of the Code of Construction Practice, the approval of which is secured by Requirement 19 (Code of Construction Practice) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
31.	<p>To give a direct example, there are significant unresolved legacy land drainage issues still experienced by Our Clients since the initial construction of the original (and now to-be- extended) offshore wind farm in 2009/10.</p>	<p>The Applicant has amended Requirement 17 to include reference to management and maintenance of drainage systems at the onshore substation site. Please see the <b>draft DCO (Revision D)</b> [document reference 3.1].</p> <p>The ownership of assets transferred in 2013, as part of the sale from SOEL to BTSS as is governed and required under UK regulation. At this point,</p>



ID	Written Representation Comment	Applicant's Comment
		<p>the responsibility for transmission assets became the responsibility of BTSS (OFTO). Howes Percival LLP have been advised that this is a matter for discussion with the OFTO.</p>
32.	<p>Our Clients are also concerned by the very wide drafting of 'Other Associated Works' in the Draft DCO, and the expectation that these matters will be deferred to the detailed design stage. It raises the prospect of permanent infrastructure blighting the Land in the long term, for which currently there are no details on which environmental impacts can be accurately assessed and considered during the Examination. 'Further Associated Development' is defined in the Draft DCO as:</p> <p>"comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including—</p> <ul style="list-style-type: none"> <li>(a) ramps, means of access and footpaths;</li> <li>(b) bunds, embankments, swales, landscaping, fencing and boundary treatments;</li> <li>(c) habitat creation;</li> <li>(d) jointing bays, link boxes, cable ducts, cable protection, joint protection, manholes, marker posts, underground cable markers, tiles and tape, lighting and other works associated with cable laying;</li> <li>(e) works for the provision of apparatus including cabling, water and electricity supply works, foul drainage provision, surface water management systems and culverting ;</li> <li>(f) works to alter the position of apparatus, including mains, sewers, drains, cables and pipes;</li> <li>(g) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;</li> <li>(h) landscaping and other works to investigate, ascertain or mitigate any adverse effects of the construction, maintenance or operation of the authorised project;</li> </ul>	<p>The phrase 'other associated works' is only used in the deemed Marine Licences (Schedule 10 to 13) and would therefore not be relevant for the interpretation of impacts on the Respondent's land. With regards to further associated development the Applicant has sought to define the works comprising the authorised development (see the Work Nos. in the <b>draft DCO (Revision D)</b> [document reference 3.1] to provide clarity as to how Order land will be affected. Flexibility in respect of further associated development is, however, required in order to accommodate works on Order land that may be shown to be required at the detailed design stage or at the construction stage. Further, the precise location of these works will also be decided at the detailed design stage or at the construction stage. For this reason it would also not be possible to identify at this stage precisely what those further associated development works would involve.</p> <p>This flexibility is necessary to deliver SEP and/or DEP in a timely manner as it avoids the requirement to obtain additional planning consents for works which would otherwise be caught by the Town and Country Planning Act 1990 regime and is therefore within the spirit of the DCO process. This approach is typical of DCOs, not just those for offshore wind farm projects.</p> <p>The environmental effects of these works have been assessed within the maximum design scenario and any works carried out will remain within the parameters of what has been assessed in the ES.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>(i) works for the benefit or protection of land affected by the authorised project; and</p> <p>(j) working sites in connection with the construction of the authorised project, construction lay down areas and compounds, storage compounds and their restoration.”</p>	
<b>Business Uncertainty</b>		
33.	<p>The risk of significant impacts as set out above not only creates operational uncertainty for Our Clients' farming operations but also would have a direct and negative impact on the financial viability of the individual and combined farming operations. Mr Middleton is 59 years old and Mr Hay-Smith is 65 years old and the blight of uncertainty around the timing and long-term impact of the Projects directly impacts on Our Clients' ability to undertake management and succession planning and diversification including the sale or tenancy of their respective farming enterprises.</p>	<p>The Applicant has been engaging with the Respondent and their appointed land agent during the pre-application phase in respect of current plans for the farming enterprises.</p> <p>The Applicant will continue to engage with and update the Respondent post-consent to enable them to undertake their succession planning and diversification projects. The Applicant is also prepared to engage with third parties interested in purchasing or entering into a tenancy to occupy the Respondent's land to ensure such parties are informed of the project and its potential impacts on their own plans for the land.</p>
<b>Development Scenarios and the Rochdale Envelope</b>		
34.	<p>The Draft DCO sets out the Development Scenarios in the 'Scenarios Statement' (Document Reference 9.28).</p>	<p>The Respondent's comment is noted.</p>
35.	<p>There are in total seven different Development Scenarios. These can be broadly categorised as follows:</p> <ul style="list-style-type: none"> <li>• In isolation – where only SEP or DEP is constructed;</li> <li>• Concurrent – where SEP and DEP are both constructed at the same time; or</li> <li>• Sequential – where SEP and DEP are both constructed in a phased approach with either SEP or DEP being constructed first.</li> </ul> <p>There are material differences between these scenarios with direct and significant consequences for affected landowners, most obviously the duration of temporary access for concurrent vs Sequential working for the Projects.</p>	<p>The Respondent's comment is noted.</p>

ID	Written Representation Comment	Applicant's Comment
36.	<p>We acknowledge the Applicant's rationale for seeking this flexibility due to commercial uncertainty linked to the administration of the CfD rules). Nevertheless it is for the Applicant to demonstrate that the development applied for is consistent with (i) the Rochdale Envelope rules and (ii) S.122 of the Planning Act 2008 (that there is a compelling case in the public interest for the land to be acquired compulsorily).</p>	<p>The Applicant refers to <b>Response to ExA Request for a table of the anticipated adverse effects for each proposed scenario</b> [PDA-002] which sets out how the Applicant's assessment of environmental impacts for the different scenarios was undertaken in accordance with the Rochdale Envelope approach.</p> <p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
37.	<p>As noted at paragraph 32 above, the Draft DCO also seeks significant flexibility relating to 'Further Associated Development'.</p>	<p>The Respondent's comment is noted.</p>
<p>Rochdale Envelope</p>		
38.	<p>In respect of the Rochdale Envelope, we note the following:</p> <ul style="list-style-type: none"> <li>• The flexibility sought is in a different order of magnitude to the examples provided in Advice Note 9; Rochdale Envelope. The examples in the Advice Note relate to variations around the detail of a development e.g. ranges for number of wind turbines, or min/max heights. The Draft DCO seeks fundamental flexibility in the nature of the development; whether an integrated or two separate projects will be developed, and if both, whether construction will be concurrent or sequential.</li> <li>• There are multiple options/variations in Development Scenarios and it is frankly difficult to follow the nuanced differences between them. It follows that assessing the environmental impact of the different scenarios is also challenging.</li> <li>• It is not possible to assess the environmental impact of the 'Further Associated Development' (see paragraph 32) on Our Clients' Land, due to the lack of specific detail provided in the Draft DCO.</li> </ul>	<p>The Applicant refers to <b>Response to ExA Request for a table of the anticipated adverse effects for each proposed scenario</b> [PDA-002] which sets out how the Applicant's assessment of environmental impacts for the different scenarios was undertaken in accordance with the Rochdale Envelope approach.</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>Chapter 4 of the submitted ES sets out that the latest that the construction of the Project may begin is by 2028. However, both the powers of compulsory acquisition sought and the proposed deadline for the commencement of the Project (in Schedule 2 Part 1 of the Draft Order) includes a seven year period. This means that the latest that the construction could actually begin (assuming the DCO is made in early 2024) would be 2031. It is not clear to us that this date has been used to inform the assessment of the Project in the ES or the cumulative assessment of the Project.</li> <li>For the reasons above, it is Our Clients' position that the assessment presented is not based on a cautious "worst case" scenario approach (particularly in relation to the potential impacts on agriculture and land use) and that as a result we are not persuaded that the ExA have sufficient information to assess the likely significant effects of the Project on the environment.</li> <li>The Application has provided evidence of 'Precedent' however none of the examples quoted appear to exhibit such a fundamental difference in the nature of the development, nor such significant implications for the use of compulsory acquisition for affected parties.</li> </ul>	
39.	We find it difficult to avoid the conclusion that Development Scenario 1 (iii) (non-integrated, sequential construction) is actually development of two separate Projects, for which two separate applications for Development Consent should more properly be made.	The Applicant is aware that SEP and DEP are both NSIPs in their own right and has sought to bring the two projects together under one DCO for reasons set out in the <b>Scenarios Statement</b> [APP-314]. Including more than one NSIP within one DCO application is not prohibited by the Planning Act 2008.
Compulsory acquisition – Clear idea of use of land		
40.	S.122 of the Planning Act 2008 makes compulsory acquisition conditional on there being a compelling case in the public interest.	The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].

ID	Written Representation Comment	Applicant's Comment
41.	<p>DCLG Guidance: Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land ('CA Guidance') sets out the relevant tests. It states at Paragraph 9:</p> <p>"The applicant must have a clear idea of how they intend to use the land which it is proposed to acquire."</p>	<p>The Applicant refers to the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] which demonstrates that it has complied with the CA Guidance.</p>
42.	<p>The Applicant does not have a clear idea of how they intend to use the Land which is proposed to acquire. The Applicant is uncertain as to how the Land will be used, for which there are various significantly different scenarios as described above.</p>	<p>Schedule 7 of the <b>draft DCO (Revision D)</b> [document reference 3.1] describes the plots which will be subject to the acquisition of rights in Column 1 by referring to the plot numbers as shown on land plans. The plot numbers are listed in the <b>Book of Reference (Revision C)</b> [document reference 4.1, Section 4]. Table 1-1 describes the new rights being sought by the Applicant. Table 1-2 describes which rights are sought in relation to the relevant plots.</p> <p>The <b>Statement of Reasons (Revision B)</b> [document reference 4.3] describes how the Applicant intends to use the land, with Table 11-1 of the document setting out the different Work Nos and their corresponding compulsory acquisition status. Further details of how the land will be used are also included throughout the <b>Statement of Reasons (Revision B)</b> [document reference 4.3].</p>
43.	<p>Significantly, the determining factors relevant to the use of the Land and the eventual Development Scenario which will apply are numerous, and largely outside the Applicant's control as they acknowledge:</p> <p>"It should be noted that the construction programme is dependent on numerous factors including consent timeframes and funding mechanisms." (Scenarios Statement' Document Reference 9.28).</p>	<p>The Respondent's comment is noted.</p>
44.	<p>The uncertainty over the Applicant's use of the land is not academic; it has tangible consequences for Our Clients due to different working and easement widths, and crucially a significantly extended programme and period of Temporary Possession if the projects are constructed sequentially. With an additional two year construction programme, and potentially four years between sequential project start dates, this gives an additional four years which the Land may be affected in the sequential construction scenario.</p>	<p>The Applicant refers to the response provided to ID 22.2.3.10 of the Respondent's Relevant Representation within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].</p>

ID	Written Representation Comment	Applicant's Comment
Compulsory acquisition – funding and deliverability		
45.	CA Guidance sets a further test for compulsory acquisition at paragraph 9: “They should also be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available.”	The Applicant refers to the <b>Funding Statement</b> [APP-027].
46.	The recent Compulsory Purchase Decision in The London Borough of Barking and Dagenham Council (Vicarage Field and surrounding land) Compulsory Purchase Order 2021 (4th October 2022) is also relevant. The Inspector considered whether a compelling case in the public interest could be demonstrated, concluding there was not due principally to doubts about funding and deliverability within a reasonable time-scale:  “373. Consequently, because I cannot conclude that the scheme is financially viable, I cannot be confident that there is a reasonable prospect that the scheme will proceed at this time, or that the necessary resources are likely to be made available within a reasonable time scale....  374. This makes it difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest at this time, as detailed by CPO Guidance”	The Applicant refers to the <b>Funding Statement</b> [APP-027].
47.	While the enabling legislation for the Barking case is different to that for the Draft DCO (S.226 of Town and Country Planning Act 1990) the same test that the Applicant needs to demonstrate a ‘compelling case in the public interest’ applies.	The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].
48.	The Draft DCO Funding Statement and the Scenarios Statement appear to present a contradictory picture as to the available sources of funding for the Projects, and the conditionality around commitment of the Project owners and Applicant to fund the different scenarios. This is curious as both documents were prepared in August 2022 and might be expected to show greater consistency.	The response to ID 49 addresses the distinction between the <b>Funding Statement</b> [APP-027] and the <b>Scenarios Statement</b> [APP-314].

ID	Written Representation Comment	Applicant's Comment
49.	<p>The Funding Statement makes no reference at all to the significance of CfD and 'Anticipatory Investment', or to commercial viability, the omission of which is stark at paragraph 31, where these would seem to be directly relevant:</p> <p>"The Applicant has assessed the commercial viability of SEP and DEP in light of the development scenarios set out above and is confident that SEP and DEP will be commercially viable based on the reasonable assumption that the projects receive the key consents they require, including the DCO, and a FID is taken for each project, indicating the final unconditional decisions of the shareholders to invest in the construction of SEP and DEP respectively and associated infrastructure." (paragraph 31)</p> <p>And:</p> <p>"The projects are well-resourced financially and there is no reason to believe that, if the DCO is made, SEP and DEP will not proceed." (paragraph 44)</p>	<p>As set out within the <b>Funding Statement</b> [APP-027], the purpose of that document is to demonstrate that the development of SEP and DEP will be adequately funded and that the matter of funding is therefore not an impediment to delivery in the event of either an in isolation, sequential or concurrent development scenario. The document confirms (at paragraph 22) that in all of the scenarios set out, there will be the necessary funding resources available to develop the projects.</p> <p>The Funding Statement is particularly linked to the exercise of compulsory acquisition powers and is a means of demonstrating that the undertakers in the DCO are able to provide adequate compensation to affected parties upon the exercise of their respective compulsory acquisition powers, if required. The Applicant has included in Article 40 of the <b>draft DCO (Revision D)</b> [document reference 3.1] a provision which requires SEL and DEL to refrain from exercising the powers of compulsory acquisition granted by the DCO until guarantees or alternative forms of security in respect of the liability of the undertakers to pay compensation are in place. The form of guarantee or security and the amount of these must be approved by the Secretary of State (SoS). It will be for the SoS to satisfy himself/herself that the guarantee or security provided is sufficient to cover the compensation liabilities. As stated in paragraph 60 of the <b>Scenarios Statement</b> [APP-314], offshore wind farms are typically developed based on support under the Government's CfD scheme. CfD is a mechanism created by the Government to support low-carbon electricity generation. CfDs are intended to incentivise investment in renewable energy by providing developers of projects with protection from volatile electricity wholesale prices. Securing a CfD for each of the projects would therefore make them more attractive to investors, compared to other routes to market.</p> <p>The DCLG "Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land" (2013) (the CA Guidance) requires the Applicant to set out in the Funding Statement how the project will be funded, including how any further required funding is anticipated to be secured. The <b>Funding Statement</b> [APP-027] confirms that, regardless of the scenario that is developed, any expectation of the projects being</p>

ID	Written Representation Comment	Applicant's Comment
		<p>adequately funded is based on the assumption that key consents will be obtained for the projects, including development consent and CfD(s). Obtaining a CfD is therefore likely to be a pre-requisite to a FID being taken in respect of each project.</p> <p>However, due to current CfD regulations there is no guarantee that both SEP and DEP may be awarded a CfD in the same allocation round. This creates a barrier to ensuring that SEP and DEP can be developed concurrently and results in the potential of a sequential construction. However, it does not affect the commercial viability of the projects.</p> <p>Anticipatory Investment, as set out within the <b>Scenarios Statement</b> [APP-314], is relevant in the context of this potential sequential construction whereby the second project requires pre-investment by the first. The Applicant, as stated, has undertaken extensive engagement with Ofgem, BEIS and National Grid ESO directly and via the Offshore OTNR 'Early Opportunities' workstream to advocate for this Anticipatory Investment model. Qualification for SEP and DEP for this Anticipatory Investment will remain unclear until full details are published and an Early Stage Assessment has been made by Ofgem.</p> <p>Detailed references to CfD and Anticipatory Investment are not required to be made in the <b>Funding Statement</b> [APP-027]. As set out in that document, it is the Applicant's view that, regardless of the final development scenario (which will be influenced by whether or not the projects receive CfD in the same allocation round and whether or not the projects qualify for Anticipatory Investment), the projects will be adequately funded at the point of FID. The Applicant therefore has no reason to believe that the projects are not deliverable.</p>
50.	<p>The Scenarios Statement is far more circumspect:</p> <p>"66. As the current CfD regulations do not allow for shared or dependent bids, there is no mechanism to ensure both projects may be awarded a CfD in the same allocation round. This disincentivises offshore wind developers from taking on additional development risks which may put them at a competitive disadvantage due to factors such as cost and timescale. In particular, the risk for offshore wind developers in making anticipatory investment in offshore</p>	<p>As set out in the response to ID 49, the <b>Scenarios Statement</b> [APP-314] explains the CfD regulations and Anticipatory Investment which, whilst having relevance to the determination of which of the development scenarios is pursued, are distinct from the availability of funding for the projects as set out in the <b>Funding Statement</b> [APP-027].</p>



ID	Written Representation Comment	Applicant's Comment
	<p>transmission infrastructure to support the later connection of other offshore development(s).</p> <p>67. As SEP and DEP are owned by two different legal entities, SEL and DEL, each owned by separate joint venture partnerships, the delivery of the integrated transmission system if developed sequentially would require pre-investment by one entity early and at risk. The commercial risk of doing so without assurance that the other project will definitely proceed is not acceptable to the owners of the projects.”</p>	
51.	<p>We infer the uncertainties around future CfD income is the reason the Applicant is seeking a seven year period to take possession of land under compulsory acquisition, compared to the five years prescribed in Regulation 6(1) of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.</p>	<p>The Applicant refers to the <a href="#">Explanatory Memorandum (Revision D)</a> [document reference 3.2, para. 86] which sets out the justification for seven years.</p>
52.	<p>We further note that the Funding Statement states the current cost estimate for SEP and DEP is approximately £2-4 billion. This is a very substantial range and we infer at least in part speaks to widely differing costs according to which Development Scenario applies</p>	<p>The Applicant acknowledges the development scenarios set out within the <a href="#">Scenarios Statement</a> [APP-314] and the range set out within the <a href="#">Funding Statement</a> [APP-027]. The <a href="#">Funding Statement</a> [APP-027] confirms that SEP and DEP will be adequately funded and that the matter of funding is therefore not an impediment to delivery in the event of any of the proposed development scenarios.</p>
53.	<p>In summary, it is clear from the ‘Scenarios Statement’ that the Applicant and owners of the Projects are not sufficiently confident to proceed without the assurance of CfD income, which, as is acknowledged, is not certain to be approved. The Scenarios Statement acknowledges the risk that in the ‘sequential construction’ scenario, there is no assurance the second project will proceed. In the sequential construction scenario it is reasonable to conclude that the risk of not obtaining CfD finance would be accompanied by a high risk of project costs being significantly higher.</p>	<p>The <a href="#">Funding Statement</a> [APP-027] is clear that reaching FID for each project assumes that certain key consents, including development consent and a CfD, are in place for the relevant project.</p>
54.	<p>In the circumstances we are unpersuaded that it is reasonably likely the second project would be delivered within a reasonable time frame in the ‘sequential construction’ scenario. This uncertainty, and the impacts of sequential construction described above, unreasonably prejudices the business and property of Affected Parties including Our Clients.</p>	<p>The Applicant refers to ES <a href="#">Chapter 4 Project Description</a> [APP-090, Section 4.7.2] which details the onshore construction programme for the different scenarios.</p>

ID	Written Representation Comment	Applicant's Comment
55.	<p>The Barking decision is relevant, and we consider there is not a compelling case in the public interest to:</p> <ul style="list-style-type: none"> <li>(i) Authorise compulsory purchase powers which are exercisable after five years.</li> <li>(ii) Authorise compulsory purchase powers for any 'sequential construction' scenario.</li> </ul>	<p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>Draft DCO (Revision D)</b> [document reference 3.1], which are established regardless of the final development scenario that is pursued.</p>
Compulsory Acquisition – reasonable efforts to reach agreement by negotiation		
56.	<p>CA Guidance states:</p> <p>“Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.” (paragraph 25)</p>	<p>The Applicant's attempts to acquire land voluntarily have been set out in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] and the <b>Compulsory Acquisition Schedule</b> [REP1-040].</p>
57.	<p>Case law and other guidance confirms that such efforts should be reasonable.</p>	<p>The Applicant refers to the response provided to ID 56.</p>
58.	<p>While the Applicant has issued Heads of Terms (HOTs) for an agreement, Our Clients do not consider the terms to be reasonable because they require even more onerous and restrictive rights to be created than provided for in the Draft DCO, and over a much larger area of Our Clients' Land than the Order Limits (described in the HOTs as the 'Grantor's Property').</p>	<p>The Applicant has sought to agree terms with all affected interests and refers to the <b>Compulsory Acquisition Schedule</b> [REP1-040] and <b>Statement of Reasons (Revision B)</b> [document reference 4.3] setting out the number of Heads of Terms agreed on the same basis.</p> <p>The Applicant considers the terms offered to be consistent with other consented projects and furthermore standard and necessary to provide certainty for delivery of the development, the rights for which would otherwise be available through the exercise of compulsory acquisition powers.</p>
59.	<p>Examples of onerous obligations over the Grantor's Property in the HOTs include requirements to:</p> <ul style="list-style-type: none"> <li>- Enter into unspecified wayleave and easements to divert utilities as required by the development.</li> <li>- Seek the Grantee's consent before routine property management decisions, including disposing of any interest in the Grantor's Property (not just</li> </ul>	<p>The Applicant has sought to agree terms with all affected interests and refers to the <b>Compulsory Acquisition Schedule</b> [REP1-040] and <b>Statement of Reasons (Revision B)</b> [document reference 4.3] setting out the number of Heads of Terms agreed on the same basis.</p> <p>The examples provided by the Respondent are considered by the Applicant to be standard commercial terms for voluntary agreements and are consistent with other consented projects.</p>

ID	Written Representation Comment	Applicant's Comment
	in the Order Limits), opting to tax, taking out a secured loan, planting trees or hedges or undertaking any 'development'.	The Applicant welcomes constructive engagement with the Respondent on the documents raised in seeking any private agreement in relation to the necessary rights.
60.	Our Client is committed to constructive engagement with the Applicant to seek to agree terms by negotiation, however to date and in light of the onerous HOTs presented, do not consider the Applicant has made reasonable efforts to acquire the rights it seeks in the Land by agreement.	<p>The Applicant issued Heads of Terms to the Respondent on 31<sup>st</sup> May 2022. Despite offers by the Applicant to meet and discuss the Heads of Terms, the only response received to date was from the Respondent's land agent on 21<sup>st</sup> February 2023.</p> <p>The Applicant is preparing a response and intends to propose a meeting to advance negotiations once this has been issued.</p>
61.	<p>Moreover we are not aware of the Applicant making any provision for use of Alternative Dispute Resolution (ADR) techniques. The CA Guidance states:</p> <p>"In the interests of speed and fostering good will, applicants are urged to consider offering full access to alternative dispute resolution techniques for those with concerns about the compulsory acquisition of their land. These should involve a suitably qualified independent third party and should be available throughout the whole of the compulsory acquisition process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties." (paragraph 27)</p>	<p>The Applicant is willing to provide for ADR techniques if necessary but given the good progress made to date in agreeing Heads of Terms with affected parties, has not considered it to be necessary at this stage. The Applicant will continue to consider whether offering ADR would be beneficial to all parties involved on a case-by-case basis.</p>
62.	We note in the Barking decision, the Inspector analysed whether the applicant in that case had followed the specific recommendations of compulsory purchase guidance when considering if reasonable efforts had been made to use compulsory purchase as a last resort. The applicant's failure to follow guidance in that case was a significant contributing factor in the CPO application being rejected.	<p>The Applicant's attempts to acquire land voluntarily have been set out in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] and the <b>Compulsory Acquisition Schedule</b> [REP1-040].</p>
63.	We conclude the Applicant's failure to follow guidance and offer ADR throughout the planning process is a relevant consideration as to whether reasonable efforts have been made to use compulsory acquisition as a last resort. We would encourage the Applicant to offer ADR in order to overcome any difficulties.	<p>As set out within the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] the Applicant has and continues to comply with the CA Guidance and has made and continues to make significant efforts to acquire land and rights on a voluntary basis.</p> <p>The Applicant is willing to provide for ADR techniques if necessary but given the good progress made to date in agreeing Heads of Terms with affected parties, has not considered it to be necessary at this stage. The</p>

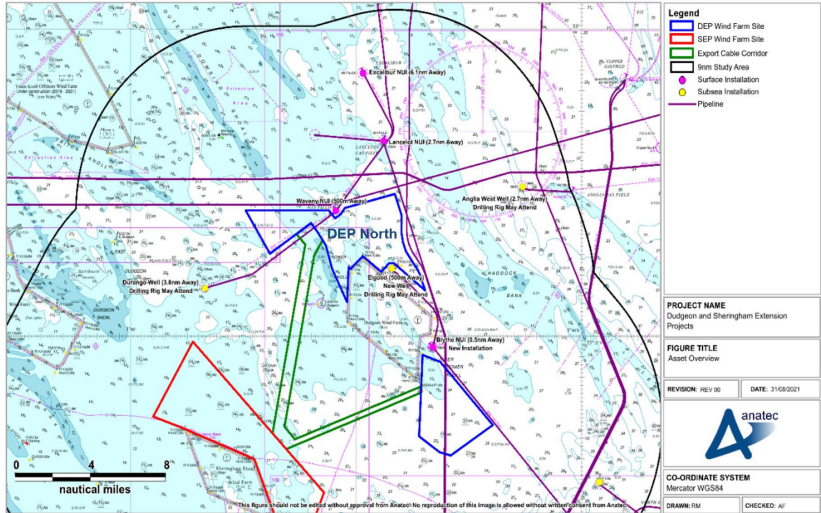
ID	Written Representation Comment	Applicant's Comment
		Applicant will continue to consider whether offering ADR would be beneficial to all parties involved on a case by case basis.
CONCLUSION		
64.	Our Clients do not object to the principle of the Projects, or indeed the principle of acquisition of rights in their Land on reasonable and proportionate terms.	The Respondent's comment is noted.
65.	For the reasons set out above, Our Clients consider that there is not a compelling case in the public interest to authorise compulsory acquisition of their land in accordance with the Draft DCO.	The Applicant refers to the response provided to ID 55.
66.	Our Clients require further clarification as to the proposed approach the Applicant envisages to access the Land (particularly in terms of whether this would be exclusive access or shared with the current and future farming operations on the Land), greater precision as to the precise rights that are sought in relation to the Land, confirmation of the relevance and significance of the terms "Construction Access" and "Early Works Access" on the Access to Works Plan and further justification as to the powers sought under Article 34 with regard to felling/lopping trees and removal of hedgerows (including outside of the Order Limits).	The Applicant refers to the response provided to ID 18.
67.	<p>Our Clients seek the following amendments to the Draft Order:</p> <p>I. Amendment to the development to exclude the 'sequential construction' Development Scenario; and / or</p> <p>II. Limiting the period for the exercise of compulsory purchase powers to the statutory five years set out in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. There is no reasonable justification for a 7 year period to exercise powers, which is driven by commercial uncertainty that the second project would proceed in the 'sequential construction' scenario.</p> <p>III. Preparation of a Site Specific Plan, which defines the location and type of 'Further Associated Development' as it affects Our Clients' Land, and also any trees or hedgerows outside Order Limits which may need to be felled. If it is not reasonably possible to identify all the details of Further Associated Development, then as a minimum the Applicant should prepare</p>	<p>I. As set out in the <b>Scenarios Statement</b> [APP-314] all of the scenarios set out in the <b>draft DCO (Revision D)</b> [document reference 3.1] are required for the development of SEP and DEP. As explained in the Applicant's response to Q1.6.1.1 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036], the final chosen development scenario is dependent on a number of factors. These factors will be determined post-consent and therefore flexibility within the <b>draft DCO (Revision D)</b> [document reference 3.1] with regards to all the specified scenarios must be maintained.</p> <p>II. The Applicant refers to the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2, para. 86] which sets out the justification for seven years.</p> <p>III. See ID 32 above with regards to the comments on further associated development. With regards to the point raised on trees or hedgerows</p>

ID	Written Representation Comment	Applicant's Comment
	<p>comprehensive guiding principles as to location and construction of Further Associated Development, and which is reasonably designed to minimise the impact on Our Clients' Land.</p> <p>IV. A requirement to replace any building, structure, drain or electric line removed during temporary possession of land added to Article 26.</p> <p>V. Requirement 17 in the Draft Order to be updated to include details of maintenance and management (including funding arrangements for this) of drainage relating to the land affected by the cable routes during the operational phase and a requirement for the Undertaker to maintain and manage the operational drainage plan as approved.</p>	<p>outside the Order Limits, it is not known at this stage whether any trees or hedgerows outside the Order Limits will be felled. The inclusion of this power in the <b>draft DCO (Revision D)</b> [document reference 3.1] is to offer a fall back in the event that when construction is proceeding it becomes apparent that a tree or hedgerow requires removal it can be removed without the need to obtain additional consents. Again, this is within the spirit of the DCO process and is intended as a power which will only be relied on as a fall-back. Pre-construction Arboricultural Surveys of the Order Limits would be undertaken. The <b>Outline Ecological Management Plan (Revision B)</b> [REP-027] provides details for the requirement of Tree Protection Plans. Buffer zones surrounding retained areas of woodland and mature broadleaved trees will be at least 15 metres (m) in width or at least the width of the tree root protection zone, as advised by an appropriately qualified arboriculturist. Where practicable, buffer zones around hedgerows being retained will be at least 5m in width. Additional buffer zones, where required, will be identified by the Ecological Clerk of Works around habitat features of value to protected species. See also the Applicant's response to Q1.11.3.10 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036].</p> <p>IV. The drafting of Article 26(4) of the <b>draft DCO (Revision D)</b> [document reference 3.1] accords with the model provisions and precedent in other offshore wind DCOs. The Applicant notes that, under Article 26(5) the owner or occupier of land would be entitled to claim compensation for loss or damage arising from the exercise of powers under Article 26.</p> <p>V. See row ID 31 above.</p>

## 2.26 Perenco UK

*Table 28 The Applicant's Comments on Perenco UK's Written Representation*

ID	Written Representation Comment	Applicant's Comment
Introduction		
1	Perenco UK Limited (Perenco) is the Operator of the Waveney and Durango fields in the Southern North Sea (SNS). The Waveney field is a producing gas field which comprises 2 wells drilled from the Waveney Normally Unattended Installation (NUI). Gas from the Waveney field is exported through the Lancelot Area Pipeline System (LAPS), to the Perenco Bacton Terminal on the North Norfolk Coastline.	Noted
2	The Durango field has ceased production, however, the Durango subsea well and pipeline to the Waveney NUI remain in place, awaiting decommissioning which is likely to be undertaken in conjunction with decommissioning and dismantling of the Waveney NUI some time after cessation of production from the Waveney wells.	Noted
Waveney NUI and Durango Well Proximity to Proposed Windfarm		
3	The Waveney NUI is located 500m from the northern edge of the proposed northern Dudgeon Extension Project (DEP North), whilst the Durango subsea wellhead is located to the southwest of the proposed DEP North development. The pipeline from the Durango subsea well to the Waveney NUI passes through the proposed windfarm array (Figure 1).	Noted

ID	Written Representation Comment	Applicant's Comment
	 <p><b>Figure 1: Location of Waveney and Durango relative to DEP North</b></p>	
<p>Helicopter and vessel support to Waveney and Durango Operations</p>		
4	<p>During normal operations, the Waveney NUI is accessed by helicopter on a weekly basis. The Waveney NUI helideck is restricted to being used in daylight hours only, however, helicopter operations are currently conducted in a variety of weather conditions, making use of instruments as required.</p>	<p>Flights to Normally Unattended Installations (NUI), such as Waveney, are usually conducted in good weather. This is supported by the Vantage POB flight data showing Perenco flights to Waveney in 2020 and 2021. These data, when combined with the meteorological data supplied by Perenco, show that if DEP had been built with a minimum distance of 1nm to adjacent turbines blades, then only 2 flights out of 72 would have been lost in 2020 and 1 flight out of 67 in 2021. Perenco has not contested this analysis. This is presented in <a href="#">Environmental Statement Appendix 16.2 - Helicopter Access Study</a> [APP- 205].</p>
5	<p>For decommissioning, (currently expected to occur after 2030 and thus during the operation of the proposed DEP North windfarm), a non-production installation (NPI) will need to be located over both the Waveney NUI and Durango subsea well to plug and abandon the wells in accordance with UK regulatory requirements. During this period, which could be expected to be 3</p>	<p>The Applicant notes the information provided here by Perenco and in our meeting on the 13<sup>th</sup> of February. We are due to meet again prior to Deadline 3 to progress the SoCG and would welcome more justification from Perenco for number of daily flights.</p>


ID	Written Representation Comment	Applicant's Comment
	<p>– 6 months, helicopter flights will be required to/from the NPI twice daily. These flights normally only occur between 06:00 and 22:00 (in a variety of weather conditions, making use of instruments as required) and are not restricted to daylight hours.</p>	
6	<p>For dismantling, which will be scheduled at some point after decommissioning (thus during the operation of the proposed DEP North windfarm), a Heavy Lift Vessel (HLV) and supporting barges or an NPI will require access to both the Waveney NUI and Durango subsea well. Dismantling activities could be expected to be 2 to 4 weeks at each location. During this period helicopter flights may be required to/from the HLV/NPI daily. These flights normally only occur between 06:00 and 22:00 (in a variety of weather conditions, making use of instruments as required) and are not restricted to daylight hours.</p>	See above.
Telecommunications		
7	<p>Many offshore installations, including the Waveney NUI rely upon line of sight telecommunications. PUK has reviewed whether the proposed DEP North development would be likely to affect the line of sight link to the Waveney NUI and has concluded that there should be no adverse effect.</p>	Agreed.
Effect of Proposed Windfarm on the Waveney NUI and Durango Well		
8	<p>Should the proposed DEP North windfarm be approved, the main impact on Perenco UK operations would be:</p> <ul style="list-style-type: none"> <li>• As currently proposed by the Applicant, an inability to fly to the Waveney NUI except in very rare circumstances (when wind is from the east or the west)</li> <li>• Should this first major impact be resolved (e.g. by there being more unobstructed airspace around the Waveney NUI), there would never-the-less be a reduction in the times when flights would be permitted due to Helicopter Operators' flying restrictions based on the proximity of the Waveney NUI's helideck to the wind turbines and their rotors.</li> <li>• Due to limited space between the wind turbines and the Waveney NUI, manoeuvring of an NPI and/or HLV and associated barges required for</li> </ul>	<p>The Applicant recognised that a distance of 500m between Waveney and the closest turbine blade would be insufficient and therefore proposed a distance of 1 nm (<b>ES Appendix 16.2</b> [APP-205], paragraph 6.1.1). Distances of less than 1nm have been demonstrated as suitable for regular safe helicopter operations under Commercial Air Transport Regulation (explained in <b>ES Appendix 16.2</b> [APP-205], paragraph 2.2]. Examples include operations to the nearby Blythe Platform and daily flights to platforms within the Hornsea One and Two wind farms. Daily flights to the Hornsea wind farms from Humberside Airport can be seen on their helicopter operator's website.</p> <p>With regard to vessel access, it is recognised that a distance of 500m would have an impact on large vessel operations. However, with a proposed 1nm</p>



ID	Written Representation Comment	Applicant's Comment
	decommissioning and dismantling of the Waveney NUI and the Durango subsea well is likely to be much more complex and may only be possible in reduced weather windows. The financial impact of this could be significant.	buffer then this is deemed to be tolerable with embedded mitigation ( <a href="#">Environmental Statement Appendix 16.1 – Vessel Access study</a> [APP-204]), with operations being similar to what is already being carried out at offshore complexes where there is more than one platform in close proximity to another as well as operations carried out within existing offshore wind farms using similar Heavy Lift Vessel's (HLV) and non-production installation's (NPI).
Co-existence and Cooperations		
9	Perenco UK is committed to successfully co-existing, and cooperating, with other users of the sea. Constructive discussions are in progress between PUK and the Applicant and it is hoped that agreement can be reached that will enable both parties to be able to conduct their respective operations in parallel. It must however be stressed that, as currently proposed, the DEP North windfarm development would make it impossible to continue production from the Waveney field and would prevent the decommissioning of the Waveney NUI and Durango subsea well. PUK would thus be prevented from fulfilling its statutory obligations under the production licences already awarded to it.	The Applicant is committed to reaching an agreement to ensure that the two parties are able to mutually coexist. The Applicant has taken an evidence-based approach utilising data provided by Perenco. The Helicopter Access Report ( <a href="#">ES Appendix 16.2</a> [APP-205]) demonstrates that the future reduction of daytime helicopter access is minor. Helicopter access to the two installations is a logistic issue and not a safety issue, as explained in <a href="#">Appendix 16.2</a> [APP-205] paragraph 1.4.
Assessment of Impact		
10	<p>The Applicant commissioned Anatec Ltd (Anatec) to undertake work on its behalf and this is summarised in the Helicopter Access Study (APP-205). With respect to Waveney, Anatec concluded that:</p> <ul style="list-style-type: none"> <li>• The space required for flying on instruments (instrument meteorological conditions or IMC), would be “at least 2.5nm clear of obstacles for take-off (9nm for an approach), so IMC access is not considered further”.</li> <li>• “If wind turbines were built up to the boundary, within 500m of the platform, then CAT [Civil Aviation Transport] helicopters would be unable to access the platform for 85.4% of daylight conditions.”</li> <li>• “If an obstacle free radius of circa 1nm could be provided, then approaches and take-off under Day VMC [Visual Meteorological Conditions] conditions could be conducted safely. That would increase the daylight access from approximately 14.6% to 92.3% (2020) of day conditions.”</li> </ul>	The Applicant notes that these are some of the findings of the <a href="#">Helicopter Access Report</a> [APP-205].

ID	Written Representation Comment	Applicant's Comment
11	In reaching these conclusions, Anatec have made some assumptions that Perenco UK does not consider to be valid. These are:	
12	Flights can be conducted when all Civil Aviation Authority (CAA) minimum conditions are met. In fact Helicopter Operators impose more onerous requirements than these minimum conditions. For example, where turbines are within 3nm of a helideck, Helicopter Operators only permit flights in daylight and operating visually. The cloudbase and visibility criteria for such operations are more onerous than the CAA's minimum requirements for flying under VMC. So, although it may legally be possible to fly, no Helicopter Operator would provide a service under some of the conditions assumed acceptable by Anatec. As a result, the impact of the windfarm is greater than presented by Anatec.	<p>The Applicant's Helicopter Access Report takes account of day Visual Meteorological Condition requirements and identifies the impact on helicopter operations, including the historic impact on actual flights (<b>ES Appendix 16.2</b> [APP-205]). The regulatory minimum cloud base and visibility are identified in paragraph 2.2 of the <b>Helicopter Access Report</b> [APP-205].</p> <p>The statement that no helicopter operator would provide a service needs further explanation when other existing offshore infrastructure is serviced with distances of less than 1nm.</p>
13	PUK has been advised that all North Sea Helicopter Operators are currently in discussions with the CAA and are developing a set of consistent standards for flying 'in proximity to' and 'within' windfarms. This is likely to lead to a revision of CAP764 Policy and Guidelines on Wind Turbines and the CAA's Specific Approval for Helicopter Offshore Operations (SPA.HOFA). PUK has based its own analysis on matters it understands have already been agreed in this process but believes that the Examiners should ideally seek to ascertain the CAA's and Helicopter Operator's positions before reaching a conclusion in this Development Consent Order (DCO) examination.	<p>The Commercial Air Transport Regulations applicable to flights in support of oil and gas exploitation and in support of offshore wind turbines are regulated under the Specific Approval for Helicopter Offshore Operations (SPA HOFO). The limits stated in the regulations, and other supporting documents, have been applied by the Applicant; Perenco has not provided any alternative figures.</p> <p>The Applicant is aware the CAA have requested information on suitable weather limits from operators for activity in and around wind farms. The Applicant is not aware of any consensus and based on expected timelines for sign off it is unlikely the policy will be updated during the timeframe of this examination.</p> <p>The Applicant would welcome further dialogue with Perenco regarding the matters they believe have been agreed.</p>
14	<p>The space requirements for instrument operations preclude their further consideration.</p> <p>o Whilst PUK agree that an instrumented approach (Airborne radar approach (ARA)) would require about 9nm free from obstacles, Anatec have not considered that an instrument meteorological conditions (IMC) en-route descent could be executed to the north of the Waveney NUI (away from the</p>	<p>An en-route descent, where a transit from the departure airport is flown at a higher altitude in cloud and then a descent is made into Visual Meteorological Conditions (VMC), is already applied in the <b>Helicopter Access Report</b> [APP-205, paragraph 2.2.3]. When the helicopter has descended into VMC the approach is classed as being a visual one, not an instrument approach. The only approved offshore instrument approach is</p>

ID	Written Representation Comment	Applicant's Comment
	<p>windfarm) followed by a low altitude approach under visual meteorological conditions (VMC) to the vicinity of the Waveney NUI. In this case, the obstacle-free radius would be defined by the greater of:</p> <p>Waveney – Sheringham and Dudgeon (Windfarm) Extension Page 5 of 6 20th February 2023</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the distance needed for a take-off with one engine inoperable; and</li> <li><input type="checkbox"/> the minimum separation (3nm) from wind turbines stipulated by Helicopter Operators in order to permit instrument operations.</li> </ul> <p>PUK believe that an obstacle-free radius of at least 3nm would permit instrument flying to and from the Waveney NUI and thus significantly reduce the impact of the windfarm on the helicopter flights required to enable operations at the Waveney NUI, especially during decommissioning and dismantling. Under daylight conditions, a turn into a 0.5nm stabilised Final Approach Track can be accomplished within a total radius of 1nm around the Waveney NUI</p>	<p>currently the <b>Airborne Radar Approach</b> (ARA) [APP-205, paragraph 2.2.5.1]. If a visual approach can be made, then a visual take-off can also be conducted. Therefore, providing an obstacle free distance of 3nm will not result in increased access over the already proposed 1nm.</p>
15	<p>Under daylight visible conditions, aircraft are required at all times to maintain a distance of at least 500' laterally from all obstacles. The wind turbine rotors proposed for DEP North may have a diameter of up to 300m (APP-090, pg74). PUK's Helicopter Operator does not consider 1nm to be sufficient to make a turn and then establish a 0.5nm stabilised Final Approach Track whilst maintaining separation from the wind turbines and rotors. A minimum of 1.5nm around the Waveney NUI would be required for such daylight operations.</p>	<p>The 1nm distance stated in the <b>Helicopter Access Report</b> [APP-205] is the distance to the nearest obstacle, including rotors, so the 1nm distance already considers the rotor diameter. Current operations are conducted safely under SPA HOFO Regulations to platforms with wind turbines less than 1nm away. For example, the nearby Blythe Platform has Dudgeon wind turbines 1200m from the platform. An image of a jack-up rig working over the Blythe Platform is shown below.</p>

ID	Written Representation Comment	Applicant's Comment
		 <p data-bbox="1178 740 2022 799"><b>Fig 1: The Shelf Perseverance (formerly Noble Hans Deul) Over the Blyth Platform</b></p> <p data-bbox="1178 831 2074 911"><b>Daily flights occur to helidecks located inside the Hornsea One and Two Wind Farms, again under SPA HOF0 Regulations. The schedule for these flights can be viewed on the helicopter operator's website</b></p> <p data-bbox="1178 911 1491 948">[REDACTED]</p>
16	<p data-bbox="230 1007 1167 1415">Notwithstanding the above differences, Anatec's analysis clearly shows that, unless sufficient obstacle-free space is provided around the Waveney NUI, helicopter operations would be so restricted as to make production, decommissioning and dismantling activity impossible. PUK considers that the minimum obstacle-free space that would permit some helicopter operations would be 1.5nm as opposed to the 1nm proposed by the Applicant. Flying in this minimum space scenario would however be severely restricted relative to current operations (particularly to a rig, where currently flights are not restricted to daylight hours). Anatec's analysis significantly under-states this reduction as it only considers that flying would be limited to daylight. Anatec did not consider that flights would also be limited to times when the Helicopter Operators' visibility and cloud base requirements are met (these are more stringent than current CAA minima for VMC operations).</p>	<p data-bbox="1178 1007 2089 1066">The Applicant would welcome further discussion with Perenco to better understand the rationale for the 1.5nm distance quoted here.</p> <p data-bbox="1178 1126 2089 1342">As with current flights to Waveney, flights to a rig working in that location can be scheduled to take place during daytime. Extending the obstacle free area around Waveney from 1nm to 3nm will still not permit night flying, or instrument approaches, and so will not result in increased access. A distance of 3nm will not permit "instrument operations", as a 9nm obstacle free arc is required for an approach. Finally, Perenco refers to "helicopter operators' visibility and cloud base requirements" but does not provide any figures.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>PUK believe that an obstacle-free radius of 3nm (which would allow operations based on the normal CAA minima, including instrument operations) is required to ensure that the restrictions to flying do not have too adverse an impact on Waveney NUI operations.</p>	
17	<p>Whilst the Applicant is not expected to determine the placement of wind turbine generators until after approval of the DCO, recognising that wind turbine generators will have a minimum separation of 1.05km (cf APP-090, pg 74), it may be possible to accommodate one wind turbine generator within the 3nm radius PUK believes is necessary. Such an approach would mitigate the impact on the Applicant of facilitating coexistence with PUK.</p>	<p>Equinor believes that the 1nm buffer currently proposed is sufficient without restrictions on turbine placement.</p> <p>We are in dialogue with Perenco to further understand the basis for the distances referenced in their Written Representation.</p>
18	<p>The Applicant commissioned Anatec to conduct a Vessel Access Study (APP-204). PUK believes that, if its proposals concerning space for helicopter operations are adopted, there would be no material restrictions to vessel operations around the Waveney NUI as long as no temporary or permanent surface infrastructure is placed within the 3nm (or even the 1.5nm) radius of the Waveney NUI. Space would also be required for marine operations along the pipeline between Durango and Waveney. A 1km wide corridor free from surface obstructions along the pipeline (500m either side) would suffice for this purpose.</p>	<p>See response to Point 8 above.</p>
<p><b>Conclusions</b></p>		
19	<p>The DEP North as proposed would preclude production of gas from the Waveney field and prevent the Waveney NUI from being decommissioned and dismantled. PUK would thus be prevented from fulfilling its statutory obligations under the production licences already awarded to it.</p>	<p>Following receipt of the <b>Helicopter Access Report</b> [APP-205] the Applicant recognised that a distance of 500m between Waveney and the closest turbine blade would be insufficient and therefore proposed a distance of 1 nm [APP-205, paragraph 6.1.1]. The Applicant has secured this 1nm buffer which is free of surface infrastructure (WTG and OSP) within the Offshore Works Plans [APP-012] ] and Work Number 1B and 3B of the <b>Draft DCO (Revision D)</b> [document reference 3.1].</p> <p>Distances of less than 1nm have been demonstrated as suitable for regular safe helicopter operations under Commercial Air Transport Regulation (explained in APP-205, paragraph 2.2). Examples include operations to the nearby Blythe Platform and daily flights to platforms within the Hornsea</p>

ID	Written Representation Comment	Applicant's Comment
		One and Two wind farms. Daily flights to the Hornsea wind farms from Humberside Airport can be seen on their helicopter operator's website.
20	<p>Modifications to the proposals for DEP North would permit Waveney NUI operations and subsequent decommissioning and dismantling activities to co-exist with windfarm operations. Discussions are in progress between the Applicant and PUK to seek to find mutually acceptable arrangements to allow co-existence. Should agreement not be reached, PUK will require Protective Provisions to be imposed on the Applicant that provide for:</p> <ul style="list-style-type: none"> <li>• obstacle-free airspace of at least 3nm around the Waveney platform</li> <li>• a corridor of at least 1km width along the route of the Durango to Waveney pipeline which is clear of temporary and permanent surface obstacles.</li> </ul>	<p>The Applicant believes that the 1nm buffer presented in the <a href="#">Helicopter Access Report</a> [APP-205] allows sufficient access. We are in discussion with Perenco to understand the justification for a larger buffer.</p> <p>The Applicant has committed to a 1km wide corridor (500m either side of the pipeline) free from surface infrastructure in paragraph 88 and paragraph 108 of <a href="#">ES Chapter 16 – Petroleum Industry and Other Marine Users</a> [APP-102]. The Applicant is in discussion with Perenco and is confident this can be secured via commercial agreement.</p>
21	The CAA is currently in discussions with helicopter operators with the intention of updating the policy and guidance relating to flights in proximity to and within a windfarm. Any decision regarding the DEP North DCO should be made in the light of such updated policy and guidance from the CAA.	The Applicant is aware the CAA have requested information on suitable weather limits from operators for activity in and around wind farms. The Applicant is not aware of any consensus and based on expected timelines for sign off it is unlikely the policy will be updated during the timeframe of this examination.
Summary		
22	The Waveney normally unattended installation (NUI) is located 500m from the northern edge of the northern Dudgeon Extension Project (DEP North).	Noted. The Applicant has committed to a 1nm buffer without surface infrastructure as secured by within the <a href="#">Works Plans (Offshore)</a> [APP-012] and Work Number 1B and 3B of the <a href="#">Draft DCO (Revision D)</a> [document reference 3.1].
23	The Durango subsea well (no longer producing) is located to the south-west of DEP North.	Noted
24	A subsea gas pipeline runs from the Durango well through the proposed windfarm to the Waveney NUI.	Noted
25	Production operations at the Waveney NUI require weekly support from helicopters.	Noted

ID	Written Representation Comment	Applicant's Comment
26	Decommissioning of the Waveney NUI as well as the Waveney and Durango wells (currently expected to occur after 2030) will require the deployment of a non-production installation (NPI) and possibly also a heavy lift vessel (HLV).	Noted
27	During the 3-6 months an NPI would be deployed for decommissioning, twice-daily helicopter flights would be required to the NPI.	Noted
28	During the 4-6 weeks that an HLV or an NPI is deployed for dismantling, daily helicopter flights would be required to the HLV or NPI.	Noted
29	PUK has assessed the impact of the proposed windfarm on helicopter and marine operations and also on telecommunications.	Noted
30	PUK believes that the Applicant, based on the Helicopter Access Study (APP-205) conducted by Anatec Ltd (Anatec), has significantly understated the impact of the proposed DEP North on helicopter operations in support of Waveney and Durango operations.	The Applicant believes that Helicopter Access Study [APP-205] is a proper assessment of the impact. It was supplied to Perenco in March 2022 and the Applicant has regularly sought engagement with Perenco to discuss the report since that time, which has not been forthcoming. PUK's first written response is contained in its Written Representation, 11 months later. It is unclear why, if the Applicant's proposals will have the detrimental impact claimed by Perenco, that it did not engage when the report was first submitted, which would have allowed a full discussion and understanding of Perenco's position before the application was finalised and submitted.
31	The main difference in view arises from Anatec assuming that flights can be made whenever CAA minimum conditions are satisfied. In fact, North Sea Helicopter Operators impose more onerous conditions for flying in proximity to wind turbines. These conditions are expected to soon be incorporated into CAA policy and guidance.	Noted. However, to date Perenco have not provided any evidence as to what the more onerous conditions are.  The Applicant is in dialogue with Perenco and hopes to clarify this difference.
32	The Applicant's proposal to place wind turbine generators 1nm from the Waveney NUI would preclude production of gas from the Waveney field and prevent the Waveney NUI from being decommissioned and dismantled. PUK would thus be prevented from fulfilling its statutory obligations under the production licences already awarded to it.	The Applicant believes that the 1nm buffer presented in the Helicopter Access Study [APP-205] allows sufficient access and there is precedent from other comparable situations (see ID 15). We are in discussion with Perenco to understand the justification for a larger buffer.
33	PUK assesses that an obstacle-free radius of 1.5nm around the Waveney NUI would permit some helicopter operations but that this would result in	

ID	Written Representation Comment	Applicant's Comment
	severe restrictions relative to the current situation and thus have a very significant detrimental impact on PUK's Waveney and Durango operations.	
34	PUK believes that a 3nm radius obstacle free airspace around the Waveney NUI would be necessary for successful co-existence. This is based on the distance to a wind turbine generator at which Helicopter Operators impose more stringent criteria for flying.	
35	As long as the 3nm radius referred to at 13 (or even the 1.5nm radius referred to at 12) is also free from temporary and permanent surface infrastructure, PUK is confident that there would be adequate space for its marine operations at the Waveney NUI.	
36	A 1km wide corridor (500m either side of the pipeline) free from surface obstructions would also be required along the line of the Durango to Waveney pipeline to permit vessel access.	<p>The Applicant has committed to a 1km wide corridor (500m either side of the pipeline) free from surface infrastructure in in paragraph 88 and paragraph 108 of <b>ES Chapter 16 – Petroleum Industry and Other Marine Users</b> [APP-102].</p> <p>The Applicant is in discussion with Perenco and is confident this can be secured via a commercial agreement.</p>
37	PUK is satisfied that there should be no detrimental impact from DEP North on line of sight telecommunications links with the Waveney NUI.	Noted
38	PUK and the Applicant are in discussion to try to agree arrangements that will enable coexistence and cooperation.	The Applicant hopes to progress a Statement of Common Ground with Perenco for submission at Deadline 3.
39	<p>Should agreement not be reached, PUK will require Protective Provisions to be imposed on the Applicant that provide for:</p> <ul style="list-style-type: none"> <li>• obstacle-free airspace of at least 3nm around the Waveney platform</li> <li>• a corridor of at least 1km width along the route of the Durango to Waveney pipeline which is clear of temporary and permanent surface obstacles.</li> </ul>	<p>The Applicant is willing to discuss potential protective provisions and/or commercial agreements but first must understand in greater detail the rationale for the distances quoted by Perenco.</p> <p>The Applicant is in discussion with Perenco and is confident the pipeline corridor can be secured via a commercial agreement.</p>
40	PUK has been advised that all North Sea Helicopter Operators are currently in discussions with the CAA and are developing a set of consistent standards for flying 'in proximity to' and 'within' windfarms. This is likely to lead to a revision of CAP764 Policy and Guidelines on Wind Turbines and the CAA's Specific Approval for Helicopter Offshore Operations (SPA.HOFA). PUK	<p>There has been no public announcement in relation to any revision to these documents.</p> <p>The Applicant is aware the CAA have requested information on suitable weather limits from operators for activity in and around wind farms. The</p>



ID	Written Representation Comment	Applicant's Comment
	believes that any decision regarding the DEP North DCO should be made in the light of such updated policy and guidance from the CAA.	Applicant is not aware of any consensus and based on expected timelines for sign off it is unlikely the CAA's SPA.HOFA policy will be updated during the timeframe of this examination.

## 2.27 Priory Holdings Limited

Table 29 The Applicant's Comments on Priory Holdings Limited's Written Representation

ID	Written Representation Comment	Applicant's Comment
1	These Written Representations are submitted on behalf of Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited (Our Clients) in response to the application by Equinor New Energy Limited (the Applicant) for an Order granting Development Consent for the Sheringham and Dudgeon Extension Projects (the Draft Order).	The Respondent's comment is noted
2	Our Clients are the owners and occupiers of land at Abbey Farm, Weybourne (owned by Mr Hay- Smith and farmed by Priory Holdings Limited) and Home Farm, Weybourne (owned and farmed by Mr Middleton). Their land ('the Land') is directly affected by compulsory acquisition powers sought in the Draft Order for the purposes of the Sheringham Shoal Offshore Wind Farm Extension Project ('SEP') and Dudgeon Offshore Wind Farm Extension Project ('DEP'), together the 'Projects' .	The Respondent's comment is noted
<b>SUMMARY OF WRITTEN REPRESENTATIONS</b>		
3	Our Clients' position on matters remains as substantially set out in the Relevant Representations submitted on 14th November 2023 which are attached at Appendix 1 of these Written Representations.	The Applicant responded to the Respondent's Relevant Representation at Deadline 1. The response is provided within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].
4	Our Clients do not object to the principle of the Projects, being the development of off-shore wind to deliver low carbon electricity. They nevertheless object to the Draft Order and the in- built ambiguity as to the Development Scenarios, and the exceptional degree of flexibility the Applicant is seeking.	The Respondent's comment is noted

ID	Written Representation Comment	Applicant's Comment
5	<p>The Draft Order includes a provision for various distinct 'Project Development Scenarios', each with different impacts on landowners affected by compulsory acquisition. We are unpersuaded this degree of flexibility is consistent with the 'Rochdale Envelope' and conclude the Applicant does not have a clear idea how it intends to use/develop the Land and accordingly cannot demonstrate a compelling case in the public interest for the purpose of compulsory acquisition.</p>	<p>The Applicant has provided as much detail as can be provided within <b>Scenarios Statement</b> [APP-314].</p> <p>In respect of the need for compulsory acquisition powers and the compelling case in the public interest for the inclusion of the compulsory acquisition powers within the <b>draft DCO (Revision D)</b> [document reference 3.1], the Applicant refers to the <b>Statement of Reasons (Revision B)</b> [document reference 4.3].</p>
6	<p>Due to the acknowledged uncertainty in future income via Contracts for Difference (CfD), the Applicant has not demonstrated that the requisite funds are in place, nor that the 'sequential construction' Development Scenarios provided for in the Draft Order are viable and reasonably likely to proceed, as required to justify compulsory acquisition.</p>	<p>The Applicant has demonstrated the requisite funding is available for compulsory acquisition within the <b>Funding Statement</b> [APP-027]. The <b>Funding Statement</b> [APP-027] considers all of the development scenarios for which development consent is sought. The reasons why the Applicant has included a sequential development scenario are set out in the <b>Scenarios Statement</b> [APP-314].</p>
7	<p>The ambiguity around the final developed form of the Projects and associated flexibility sought in the Draft Order are not academic for Our Clients. The ambiguity is already having adverse impacts by creating long term uncertainty and unfairly fettering Our Clients' ability to plan and deal with their properties and farm businesses. If the sequential construction Development Scenario is consented and followed it would cause a significant adverse impact on affected agricultural businesses by extending the on-shore construction programme and period of Temporary Possession.</p>	<p>The Applicant has engaged with the Respondent and their appointed land agent in respect of current plans for the farming enterprises during the pre-application phase.</p> <p>The Applicant will continue to engage with and update the Respondent post-consent to enable them to undertake their succession planning, diversification projects or minimise potential impacts on their own plans for the land.</p>
8	<p>Our Client's are concerned about the ecological impact of the Projects, and seek comfort that all adverse have been considered in the Environmental Statement (ES) and mitigated. Specifically Our Client's are concerned that an important native Crayfish re-introduction project (by Norfolk Rivers Trust and Environment Agency) on the Land and elsewhere has not been accounted for in the ES and no mitigation has been developed, risking harm.</p>	<p><b>ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] presents the ecological impact assessment undertaken for SEP &amp; DEP. Details relating to the pre-, during- and post-construction mitigation measures for onshore ecology and ornithology receptors is presented (and will be secured through DCO Requirement 13) within the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p> <p>The Applicant refers to its response below in ID 24.</p>

ID	Written Representation Comment	Applicant's Comment
9	<p>Heads of Terms have been offered by the Applicant to acquire rights by agreement. The terms proposed are unnecessarily onerous and seek rights over Our Clients' property materially exceeding those presented in the Draft Order and exceeding the minimum reasonably required to develop and operate the Projects. To date therefore, the Applicant has not made reasonable efforts to acquire interests in the Land by Agreement, using compulsory purchase as a last resort.</p>	<p>The Applicant has been engaging with the Respondent and their appointed land agent and has provided requested information when and where possible and will continue to work constructively with the Respondent.</p> <p>The Applicant first received comments on the proposed Heads of Terms from the Respondent's newly appointed agent on 21<sup>st</sup> February 2023. The Applicant is considering the points raised and will arrange to meet with the appointed land agent to progress discussions once in a position to do so.</p> <p>The Applicant considers the terms offered to be consistent with other consented projects and furthermore standard and necessary to provide certainty for delivery of the development, the rights for which would otherwise be available through the exercise of compulsory acquisition powers.</p>
10	<p>Our Clients seek further clarification on certain aspects of the Draft Order and associated documents presented, justification for the Development Scenarios presented and amendments to the Draft Order by way of requirements and reasonable limitation of the Project Development Scenarios and are ready and committed to work with the Applicant and Examining Authority to secure these. Our Clients also remain committed to constructive engagement with the Applicant on a private agreement in relation to the Land.</p>	<p>The Applicant welcomes constructive engagement with the Respondent on the documents raised in seeking any private agreement in relation to the necessary rights.</p>
Background		
11	<p>The Relevant Representations attached hereto set out details of Our Clients' farm businesses and legal and practical background. In summary, Abbey Farm comprises 417 hectares of well- equipped arable land, owned by Mr Hay-Smith and farmed by Priory Holdings Limited. Mr Middleton actively farms Home Farm, Weybourne (53 hectares) as a trading partnership (MA Perkins and PB Middleton) with his late mother.</p>	<p>The Respondent's comment is noted.</p>
12	<p>While the farm businesses are legally independent they are in practice strongly connected by shared operational infrastructure, farm equipment and labour. Mr Middleton is also the Farm Manager of Priory Holdings. The Farms are managed together on an arable, rotational crop system growing</p>	<p>The Respondent's comment is noted.</p>

ID	Written Representation Comment	Applicant's Comment
	sugar beet and malting barley on a three year rotational cycle across this combined land holding.	
WRITTEN REPRESENTATIONS Effect on Agricultural Land and Businesses		
13	The Relevant Representations also set out in detail the likely impact of the Projects. In summary:	
14	<p>Land take and severance during construction</p> <p>The Draft Order provides for the temporary possession and/or rights to construct the Project, directly affecting approximately 14 hectares of land at Abbey Farm and 5 hectares of land at Home Farm, both to the south of Weybourne. The purpose is for the routing of on-shore cabling and associated infrastructure for the Projects. The impact of the land take is further exasperated by severance of arable fields, which will reduce the efficiency and productive capacity of the retained, but severed land.</p>	<p>As stated within the response to the Respondent's Relevant Representation in <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034], the Applicant has sought to avoid where possible the likelihood of sterile land parcels and has pursued mitigation measures to support this. The Applicant refers to <b>ES Chapter 19 – Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.2.5].</p>
15	<p>Farm and farm building access during construction</p> <p>Temporary Possession plots 03-002 and 02-014 are currently used by Our Clients as essential farm accesses (as illustrated at Appendix 2). They are the only ways to access the land owned by Mr Hay-Smith and farmed by Priory Holdings Limited to the east of Station Road and the south of the A149 Sheringham Road. Specifically these are the only access routes to the farm buildings servicing the combined farming operation. Part of Plot 02-014 is a paved farm track leading from Station Road to the Farm Buildings. Plot 03-002 is a main farm track leading from the Farm Buildings to the A149, and the main access and egress for all farm vehicles and equipment to the wider combined holding.</p>	<p>In respect of the locations of construction accesses and accesses for early works, the Applicant refers to <b>Access to Works Plan (Revision C)</b>, [document reference 2.9] which includes details of accesses. It can be noted that access from Station Road would be for early works and access from the A149 would be for construction of SEP and/or DEP.</p> <p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.2.5] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p>
16	<p>Mr Middleton and Priory Holdings Limited's farming operations rely on fully integral use of common machinery (e.g. tractors, drills and combine harvester), infrastructure (e.g. grain drying and storage) and labour. The buildings comprise modern 2,000 tonne on-floor drying and grain storage building and adjacent secure farm equipment machinery storage and workshop building which serve the combined farm operations.</p>	<p>The Respondent's comment is noted.</p>

ID	Written Representation Comment	Applicant's Comment
17	<p>As presented the Draft DCO would prevent access to the farm buildings and have a business critical impact on farming operations and both farm businesses.</p>	<p>In respect of the locations for construction accesses and accesses for early works, the Applicant refers to <b>Access to Works Plan (Revision C)</b> [document reference 2.9].</p> <p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p>
18	<p>This issue was raised prominently in the Relevant Representations submitted by Our Clients (paragraph 22.2.3 in relation to the Access to Works Plans) and by the ExA in their first Written Questions (Q1.23.5.3). We also note that the Duration of Construction Impacts the Applicant offers a general assurance at Chapter 19 of the ES.</p> <p>"During construction...access to severed land for farm vehicles would be maintained using agreed crossing points with landowners and occupiers. Furthermore, an ALO will be appointed to assist with the appropriate planning and timings of works to minimise disruption to agricultural activities."</p> <p>Due to the exaggerated significance of this issue, Our Clients' seek a binding commitment from the Applicant, which includes detail and agreement on how shared access arrangements would be safely managed. To date no offer of such a commitment has been made by the Applicant.</p>	<p><b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19] details mitigation measures to ensure the Respondent's farming operations are not restricted and access is maintained to retained land for farming operations.</p> <p>The Applicant will continue to engage with the Respondent's appointed land agent to understand the impacts to the Respondent's agricultural activities.</p>
19	<p>The Draft Order seeks an exceptionally flexible approach to development. In the worst case scenario, sequential construction of the Sheringham and Dudgeon projects could take place on the Land with an aggregate duration of four years (excluding pre-construction), with an up to four year gap between start dates (with reference to Plate 4-25: Indicative Construction Programme, in Chapter 4 of the ES, Project Description). Taking into account pre-construction works, this means the Land may be subject to construction works for up to eight years or more. Moreover, due to the exceptionally long duration of compulsory powers sought by the Applicant (seven years compared to the usual 5) it is possible the Land could be fettered by construction or the prospect of construction for up to 15 years.</p>	<p>The Respondent's comment is noted.</p>

ID	Written Representation Comment	Applicant's Comment
20	<p>Whilst we note that a seven year period for the compulsory acquisition powers has been included in previous DCOs (e.g. Hornsea Three and Dogger Bank Teeside A and B) this needs to be robustly justified on a case by case basis. For example, in the Hornsea Three the Secretary of State agreed with this period as it agreed that the applicant in that case had a “clear idea of how the land to be acquired would be used, has justified its reasons in seeking design flexibility for the transmission system and that the land is reasonably required in order to deliver the Development”. In this case, (with reference to the uncertainty as to the Applicant’s proposals in respect of the ‘Development Scenarios’) we are not persuaded that such a case has been made out.</p>	<p>The Applicant refers to the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2] [para. 86] which sets out the justification for seven years.</p>
21	<p>Furthermore, there are examples of applications for the seven year period being rejected by the Secretary of State such as in connection with the decision to make the North London Heat and Power Generating Station Order 2017.</p>	<p>The Respondent’s comment is noted.</p>
22	<p>In this case there are particular concerns about the potential sequential Development Scenarios and the period of time that there could be between sequential developments being progressed which could (if the Project is not begun until 2031 (assuming the DCO is made in early 2024) which is possible given the seven year period sought for this to commence) lead to the potential for works (and compulsory acquisition) or works being carried out until 2039 given the potential for the construction period to be eight years. In this scenario, there could be temporary access of the Land until 2040 given Article 26 of the Draft Order would authorise temporary possession until one year after the date of completion of the relevant part of the authorised project.</p>	<p>The Applicant refers to <b>ES Chapter 4 Project Description</b> [APP-090, Section 4.7.2] which details the onshore construction programme for the different scenarios.</p>
Ecology and Biodiversity		
23	<p>Our Clients echo the concerns of the Environment Agency regards the vulnerability of native White Clawed Crayfish (WCC) and the risk of the spread of Signal Crayfish, facilitated by the construction of the Projects. WCC will be reintroduced to a chalk stream to the west of Station Road on Mr Hay-Smith’s holding at Abbey Farm (the Chalk Stream) in May 2024 (delayed from November 2022). This is part of a re-introduction scheme initiated by</p>	<p>In general, it is considered that ecological losses associated with impacts to Agri environment schemes would be mitigated using the measures set out in <b>ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] and details of habitat reinstatement and pre-, during- and post-construction mitigation measures is presented (and will be</p>

ID	Written Representation Comment	Applicant's Comment
	the Environment Agency and Norfolk Rivers Trust (the WCC Reintroduction Scheme).	secured through DCO Requirement 13) within the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].
24	<p>We have reviewed Chapter 20 of the ES 'Onshore Ecology and Ornithology' and its Appendix 20.9 'White Clawed Crayfish Survey Report'. Our Clients note that the surveys informing the ES and mitigation measures were undertaken in 2021 and that surveys did not include the Chalk Stream. Our Clients have grave concerns that the Projects have not accounted for the WCC Reintroduction Scheme at all in the ES or their construction plan, and there is significant risk of harm to re-introduced WCC and risk to the over-all success of the WCC Reintroduction Scheme. Specifically we note in the Conclusion to Appendix 20.9 the Applicant states as follows:</p> <p>"No further surveys for WCC are expected to be necessary, given the commitment to adopt HDD beneath all of the surveyed watercourses. All other (non-surveyed) watercourses within the DCO boundary are considered unsuitable for WCC and so there is no requirement for HDD beneath them to mitigate risks to WCC." (p.21)</p>	<p>The Applicant refers to the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027] and its Appendix A, Table 2 (Proposed scope and timing of pre-construction onshore ecology and ornithology surveys).</p> <p>With regards to WCC surveys, the table now states:</p> <p>'No further surveys proposed (unless the updated habitat surveys (to be completed in the 18 months prior to commencement of construction) find new features suitable for this species which have not previously been surveyed and which are at risk of being impacted by the construction works).</p> <p>In the unlikely event that the updated habitat survey finds new and previously unknown watercourses which are suitable for WCC and where the watercourse is due to be impacted (i.e. it is not a watercourse which would be crossed using HDD), it would be surveyed for WCC using eDNA sampling during summer in the period up to two years prior to construction works commencing (i.e. surveys would be completed whenever any such watercourses were identified)'. </p>
25	Our Clients conclude from this that the ES does not account for the presence of reintroduced WCC in the Chalk Stream, and potentially other locations where WCC have been introduced by the WCC Reintroduction Scheme.	The Applicant refers to its response above in ID 24.
26	The Chalk Stream has already been affected by invasive ground investigation surveys by the Applicant in July 2022.	<p>The Applicant refers to the response provided to ID 21 of the Respondent's Relevant Representation within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].</p> <p>To address the Respondent's concerns on the environmental impact of the works on the chalk bed stream, a borehole was relocated to the west of Spring Beck to a location the Respondent was satisfied with.</p>
27	<p>Our Clients therefore seek assurances as follows:</p> <p>i. That the Environment Agency's 'Check, Clean, Dry' measure has been adopted by the Applicant?</p>	<p>The Applicant refers to:</p> <ul style="list-style-type: none"> <li>• <b>Crossing Schedule (Revision B)</b> [AS-022] details the proposed crossing technique for each crossing identified. The Crossing ID's</li> </ul>

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	<p>ii. That this approach was used when undertaking the July 2022 survey on Our Clients' land?</p> <p>iii. That the Applicant will have regard to the likely presence of WCC in new watercourse locations following the WCC Reintroduction Scheme, and that their construction of the Projects will be designed to mitigate the risk of any harm to WCC in these locations.</p> <p>iv. The Applicant provide evidence and actual examples where HDD has been used successfully to construct cable routes under sensitive watercourses.</p>	<p>specifically relevant is 17 and shows that Spring Beck will be crossed using trenchless techniques.</p> <ul style="list-style-type: none"> <li>• <b>ES Chapter 4 Figures – Project Description</b> [APP-178] which confirms the cables will be installed by trenchless techniques, e.g. HDD at this location.</li> </ul> <p>The use of HDD would avoid impacts to Spring Beck and associated ecological receptors.</p> <p>The Applicant refers to its response above in ID 24.</p>
28	<p>Our Clients are also concerned about the powers contained in Article 34 of the Draft DCO to fell or lop trees and remove hedgerows (including cutting back the roots of trees or shrubs). This power would extend not only to trees or shrubs within or overhanging land within the Order limits but also simply “near to any part of the authorised project”. The Land is sensitive in an AONB, and Our Clients consider this power is unnecessarily broad.</p>	<p>The Applicant refers to the response provided to ID 17.4 of the Respondent's Relevant Representation within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].</p>
29	<p>Our Clients are generally concerned about the prospect of the wider ranging powers sought in Article 34 and the Other Associated Works (see paragraph 32 below) to interfere with the management of their farms for ecology and biodiversity, and to fetter their ability to enter into Environmental Management Schemes, and/or contracts including positive covenants for environmental management associated with Biodiversity Net Gain.</p>	<p>The drafting of Article 34 reflects the drafting in the model provisions and is therefore based on standard wording and wording which has been included in recently granted offshore wind development consent orders, for example East Anglia One North Offshore Wind Farm Order 2022. See the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2].</p> <p>The Applicant refers to <b>ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)</b> [document reference 6.1.19, Section 19.7.1.4] referring to the impact to agri-environment schemes during construction.</p> <p>The Applicant has tried to avoid where possible land managed under an agri-environment scheme. Where the Project has impacts to an existing agreement that can't be avoided, affected landowners and or occupiers will be consulted to enable them to liaise with the Rural Payments Agency. If the Project impacts any land subject to schemes where compensation could become payable, the Applicant will review this on a case by case basis and will reimburse financial losses where appropriate and in line with the Compensation Code. Following completion of the construction works,</p>



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		<p>land will be reinstated and would therefore continue to be available for management under an Agri-environment scheme in the future.</p> <p>It remains the Applicant's preference to reach a voluntary agreement for the acquisition of land and rights which sets out suitable compensation provisions for their financial losses.</p> <p>In general, it is considered that ecological losses associated with impacts to Agri environment schemes would be mitigated using the measures set out in <b>ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</b> [document reference 6.1.20] and details of habitat reinstatement as set out in the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027].</p>
Long Term Impacts		
30	<p>Our Clients are concerned with the long term impact of construction activities on soil structure and the agricultural productivity of the Land. Reinstatement is addressed in the ES. Nationally Significant Infrastructure Project EIA's routinely assume reinstatement best practice is followed; in practice they frequently are not. Due to compaction, disturbance of the soil structure, scarcity of top-soil at re-instatement and the proximity of buried infrastructure there is routinely a permanent reduction in soil fertility and productivity. These risks are exasperated by the prospect of the exceptional programme duration and double disturbance associated with sequential delivery of the Projects.</p>	<p>The <b>Outline Code of Construction Practice (Revision B)</b> [document reference 9.17 Section 5] addresses soil management and confirms a Soil Management Plan will form part of the Code of Construction Practice, the approval of which is secured by Requirement 19 (Code of Construction Practice) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
31	<p>To give a direct example, there are significant unresolved legacy land drainage issues still experienced by Our Clients since the initial construction of the original (and now to-be- extended) offshore wind farm in 2009/10.</p>	<p>The Applicant has amended Requirement 17 to include reference to management and maintenance of drainage systems at the onshore substation site. Please see the <b>draft DCO (Revision D)</b> [document reference 3.1].</p> <p>The ownership of assets transferred in 2013, as part of the sale from SOEL to BTSS as is governed and required under UK regulation. At this point, the responsibility for transmission assets became the responsibility of BTSS (OFTO). Howes Percival LLP have been advised that this is a matter for discussion with the OFTO.</p>

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32	<p>Our Clients are also concerned by the very wide drafting of 'Other Associated Works' in the Draft DCO, and the expectation that these matters will be deferred to the detailed design stage. It raises the prospect of permanent infrastructure blighting the Land in the long term, for which currently there are no details on which environmental impacts can be accurately assessed and considered during the Examination. 'Further Associated Development' is defined in the Draft DCO as:</p> <p>"comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including—</p> <ul style="list-style-type: none"> <li>(a) ramps, means of access and footpaths;</li> <li>(b) bunds, embankments, swales, landscaping, fencing and boundary treatments;</li> <li>(c) habitat creation;</li> <li>(d) jointing bays, link boxes, cable ducts, cable protection, joint protection, manholes, marker posts, underground cable markers, tiles and tape, lighting and other works associated with cable laying;</li> <li>(e) works for the provision of apparatus including cabling, water and electricity supply works, foul drainage provision, surface water management systems and culverting ;</li> <li>(f) works to alter the position of apparatus, including mains, sewers, drains, cables and pipes;</li> <li>(g) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;</li> <li>(h) landscaping and other works to investigate, ascertain or mitigate any adverse effects of the construction, maintenance or operation of the authorised project;</li> <li>(i) works for the benefit or protection of land affected by the authorised project; and</li> </ul>	<p>The phrase 'other associated works' is only used in the deemed Marine Licences (Schedule 10 to 13) and would therefore not be relevant for the interpretation of impacts on the Respondent's land. With regards to further associated development the Applicant has sought to define the works comprising the authorised development (see the Work Nos. in the <b>draft DCO (Revision D)</b> [document reference 3.1] to provide clarity as to how Order land will be affected. Flexibility in respect of further associated development is, however, required in order to accommodate works on Order land that may be shown to be required at the detailed design stage or at the construction stage. Further, the precise location of these works will also be decided at the detailed design stage or at the construction stage. For this reason it would also not be possible to identify at this stage precisely what those further associated development works would involve.</p> <p>This flexibility is necessary to deliver SEP and/or DEP in a timely manner as it avoids the requirement to obtain additional planning consents for works which would otherwise be caught by the Town and Country Planning Act 1990 regime and is therefore within the spirit of the DCO process. This approach is typical of DCOs, not just those for offshore wind farm projects.</p> <p>The environmental effects of these works have been assessed within the maximum design scenario and any works carried out will remain within the parameters of what has been assessed in the Environmental Statement.</p>

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	(j) working sites in connection with the construction of the authorised project, construction lay down areas and compounds, storage compounds and their restoration."	
Business Uncertainty		
33	The risk of significant impacts as set out above not only creates operational uncertainty for Our Clients' farming operations but also would have a direct and negative impact on the financial viability of the individual and combined farming operations. Mr Middleton is 59 years old and Mr Hay-Smith is 65 years old and the blight of uncertainty around the timing and long-term impact of the Projects directly impacts on Our Clients' ability to undertake management and succession planning and diversification including the sale or tenancy of their respective farming enterprises.	<p>The Applicant has been engaging with the Respondent and their appointed land agent during the pre-application phase in respect of current plans for the farming enterprises.</p> <p>The Applicant will continue to engage with and update the Respondent post-consent to enable them to undertake their succession planning and diversification projects. The Applicant is also prepared to engage with third parties interested in purchasing or entering into a tenancy to occupy the Respondent's land to ensure such parties are informed of the project and its potential impacts on their own plans for the land.</p>
Development Scenarios and the Rochdale Envelope		
34	The Draft DCO sets out the Development Scenarios in the 'Scenarios Statement' (Document Reference 9.28).	The Respondent's comment is noted.
35	<p>There are in total seven different Development Scenarios. These can be broadly categorised as follows:</p> <ul style="list-style-type: none"> <li>• In isolation – where only SEP or DEP is constructed;</li> <li>• Concurrent – where SEP and DEP are both constructed at the same time; or</li> <li>• Sequential – where SEP and DEP are both constructed in a phased approach with either SEP or DEP being constructed first.</li> </ul> <p>There are material differences between these scenarios with direct and significant consequences for affected landowners, most obviously the duration of temporary access for concurrent vs Sequential working for the Projects.</p>	The Respondent's comment is noted.
36	We acknowledge the Applicant's rationale for seeking this flexibility due to commercial uncertainty linked to the administration of the CfD rules).	The Applicant refers to <a href="#">Response to ExA Request for a table of the anticipated adverse effects for each proposed scenario</a> [PDA-002]

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	<p>Nevertheless it is for the Applicant to demonstrate that the development applied for is consistent with (i) the Rochdale Envelope rules and (ii) S.122 of the Planning Act 2008 (that there is a compelling case in the public interest for the land to be acquired compulsorily).</p>	<p>which sets out how the Applicant's assessment of environmental impacts for the different scenarios was undertaken in accordance with the Rochdale Envelope approach.</p> <p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
37	<p>As noted at paragraph 32 above, the Draft DCO also seeks significant flexibility relating to 'Further Associated Development'.</p>	<p>The Respondent's comment is noted.</p>
<p>Rochdale Envelope</p>		
38	<p>In respect of the Rochdale Envelope, we note the following:</p> <ul style="list-style-type: none"> <li>• The flexibility sought is in a different order of magnitude to the examples provided in Advice Note 9; Rochdale Envelope. The examples in the Advice Note relate to variations around the detail of a development e.g. ranges for number of wind turbines, or min/max heights. The Draft DCO seeks fundamental flexibility in the nature of the development; whether an integrated or two separate projects will be developed, and if both, whether construction will be concurrent or sequential.</li> <li>• There are multiple options/variations in Development Scenarios and it is frankly difficult to follow the nuanced differences between them. It follows that assessing the environmental impact of the different scenarios is also challenging.</li> <li>• It is not possible to assess the environmental impact of the 'Further Associated Development' (see paragraph 32) on Our Clients' Land, due to the lack of specific detail provided in the Draft DCO.</li> </ul>	<p>The Applicant refers to <b>Response to ExA Request for a table of the anticipated adverse effects for each proposed scenario</b> [PDA-002] which sets out how the Applicant's assessment of environmental impacts for the different scenarios was undertaken in accordance with the Rochdale Envelope approach.</p>

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	<ul style="list-style-type: none"> <li>Chapter 4 of the submitted ES sets out that the latest that the construction of the Project may begin is by 2028. However, both the powers of compulsory acquisition sought and the proposed deadline for the commencement of the Project (in Schedule 2 Part 1 of the Draft Order) includes a seven year period. This means that the latest that the construction could actually begin (assuming the DCO is made in early 2024) would be 2031. It is not clear to us that this date has been used to inform the assessment of the Project in the ES or the cumulative assessment of the Project.</li> <li>For the reasons above, it is Our Clients' position that the assessment presented is not based on a cautious "worst case" scenario approach (particularly in relation to the potential impacts on agriculture and land use) and that as a result we are not persuaded that the ExA have sufficient information to assess the likely significant effects of the Project on the environment.</li> <li>The Application has provided evidence of 'Precedent' however none of the examples quoted appear to exhibit such a fundamental difference in the nature of the development, nor such significant implications for the use of compulsory acquisition for affected parties.</li> </ul>	
39	<p>We find it difficult to avoid the conclusion that Development Scenario 1 (iii) (non-integrated, sequential construction) is actually development of two separate Projects, for which two separate applications for Development Consent should more properly be made.</p>	<p>The Applicant is aware that SEP and DEP are both NSIPs in their own right and has sought to bring the two projects together under one DCO for reasons set out in the <b>Scenarios Statement</b> [APP-314]. Including more than one NSIP within one DCO application is not prohibited by the Planning Act 2008.</p>
<p>Compulsory acquisition – Clear idea of use of land</p>		
40	<p>S.122 of the Planning Act 2008 makes compulsory acquisition conditional on there being a compelling case in the public interest.</p>	<p>The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>

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41	<p>DCLG Guidance: Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land ('CA Guidance') sets out the relevant tests. It states at Paragraph 9:</p> <p>"The applicant must have a clear idea of how they intend to use the land which it is proposed to acquire."</p>	<p>The Applicant refers to the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] which demonstrates that it has complied with the CA Guidance.</p>
42	<p>The Applicant does not have a clear idea of how they intend to use the Land which is proposed to acquire. The Applicant is uncertain as to how the Land will be used, for which there are various significantly different scenarios as described above.</p>	<p>Schedule 7 of the <b>draft DCO (Revision D)</b> [document reference 3.1] describes the plots which will be subject to the acquisition of rights in Column 1 by referring to the plot numbers as shown on land plans. The plot numbers are listed in the <b>Book of Reference (Revision C)</b> [document reference 4.1, Section 4]. Table 1-1 describes the new rights being sought by the Applicant. Table 1-2 describes which rights are sought in relation to the relevant plots.</p> <p>The <b>Statement of Reasons (Revision B)</b> [document reference 4.3] describes how the Applicant intends to use the land, with Table 11-1 of the document setting out the different Work Nos and their corresponding compulsory acquisition status. Further details of how the land will be used are also included throughout the <b>Statement of Reasons (Revision B)</b> [document reference 4.3].</p>
43	<p>Significantly, the determining factors relevant to the use of the Land and the eventual Development Scenario which will apply are numerous, and largely outside the Applicant's control as they acknowledge:</p> <p>"It should be noted that the construction programme is dependent on numerous factors including consent timeframes and funding mechanisms." (Scenarios Statement' Document Reference 9.28).</p>	<p>The Respondent's comment is noted.</p>
44	<p>The uncertainty over the Applicant's use of the land is not academic; it has tangible consequences for Our Clients due to different working and easement widths, and crucially a significantly extended programme and period of Temporary Possession if the projects are constructed sequentially. With an additional two year construction programme, and potentially four years between sequential project start dates, this gives an additional four years which the Land may be affected in the sequential construction scenario.</p>	<p>The Applicant refers to the response provided to ID 22.2.3.10 of the Respondent's Relevant Representation within <b>The Applicant's Comments to Relevant Representations – Part 2</b> [REP1-034].</p>

ID	Written Representation Comment	Applicant's Comment
Compulsory acquisition – funding and deliverability		
45	CA Guidance sets a further test for compulsory acquisition at paragraph 9: “They should also be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available.”	The Applicant refers to the <a href="#">Funding Statement [APP-027]</a> .
46	<p>The recent Compulsory Purchase Decision in The London Borough of Barking and Dagenham Council (Vicarage Field and surrounding land) Compulsory Purchase Order 2021 (4th October 2022) is also relevant. The Inspector considered whether a compelling case in the public interest could be demonstrated, concluding there was not due principally to doubts about funding and deliverability within a reasonable time-scale:</p> <p>“373. Consequently, because I cannot conclude that the scheme is financially viable, I cannot be confident that there is a reasonable prospect that the scheme will proceed at this time, or that the necessary resources are likely to be made available within a reasonable time scale....</p> <p>374. This makes it difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest at this time, as detailed by CPO Guidance”</p>	The Applicant refers to the <a href="#">Funding Statement [APP-027]</a> .
47	While the enabling legislation for the Barking case is different to that for the Draft DCO (S.226 of Town and Country Planning Act 1990) the same test that the Applicant needs to demonstrate a ‘compelling case in the public interest’ applies.	The Applicant has demonstrated in the <a href="#">Statement of Reasons (Revision B)</a> [document reference 4.3] that there is a compelling case in the public interest for the compulsory acquisition powers applied for within the <a href="#">draft DCO (Revision D)</a> [document reference 3.1].
48	The Draft DCO Funding Statement and the Scenarios Statement appear to present a contradictory picture as to the available sources of funding for the Projects, and the conditionality around commitment of the Project owners and Applicant to fund the different scenarios. This is curious as both documents were prepared in August 2022 and might be expected to show greater consistency.	The response to ID 49 addresses the distinction between the <a href="#">Funding Statement [APP-027]</a> and the <a href="#">Scenarios Statement [APP-314]</a> .
49	The Funding Statement makes no reference at all to the significance of CfD and ‘Anticipatory Investment’, or to commercial viability, the omission of	As set out within the <a href="#">Funding Statement [APP-027]</a> , the purpose of that document is to demonstrate that the development of SEP and DEP will be adequately funded and that the matter of funding is therefore not an impediment to delivery in the event of either an in isolation, sequential or

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	<p>which is stark at paragraph 31, where these would seem to be directly relevant:</p> <p>“The Applicant has assessed the commercial viability of SEP and DEP in light of the development scenarios set out above and is confident that SEP and DEP will be commercially viable based on the reasonable assumption that the projects receive the key consents they require, including the DCO, and a FID is taken for each project, indicating the final unconditional decisions of the shareholders to invest in the construction of SEP and DEP respectively and associated infrastructure.” (paragraph 31)</p> <p>And:</p> <p>“The projects are well-resourced financially and there is no reason to believe that, if the DCO is made, SEP and DEP will not proceed.” (paragraph 44)</p>	<p>concurrent development scenario. The document confirms (at paragraph 22) that in all of the scenarios set out, there will be the necessary funding resources available to develop the projects.</p> <p>The Funding Statement is particularly linked to the exercise of compulsory acquisition powers and is a means of demonstrating that the undertakers in the DCO are able to provide adequate compensation to affected parties upon the exercise of their respective compulsory acquisition powers, if required. The Applicant has included in Article 40 of the <b>draft DCO (Revision D)</b> [document reference 3.1] a provision which requires SEL and DEL to refrain from exercising the powers of compulsory acquisition granted by the DCO until guarantees or alternative forms of security in respect of the liability of the undertakers to pay compensation are in place. The form of guarantee or security and the amount of these must be approved by the SoS. It will be for the SoS to satisfy himself/herself that the guarantee or security provided is sufficient to cover the compensation liabilities. As stated in paragraph 60 of the <b>Scenarios Statement</b> [APP-314], offshore wind farms are typically developed based on support under the Government’s CfD scheme. CfD is a mechanism created by the Government to support low-carbon electricity generation. CfDs are intended to incentivise investment in renewable energy by providing developers of projects with protection from volatile electricity wholesale prices. Securing a CfD for each of the projects would therefore make them more attractive to investors, compared to other routes to market.</p> <p>The DCLG “Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land” (2013) (the CA Guidance) requires the Applicant to set out in the Funding Statement how the project will be funded, including how any further required funding is anticipated to be secured. The <b>Funding Statement</b> [APP-027] confirms that, regardless of the scenario that is developed, any expectation of the projects being adequately funded is based on the assumption that key consents will be obtained for the projects, including development consent and CfD(s). Obtaining a CfD is therefore likely to be a pre-requisite to a FID being taken in respect of each project.</p>



ID	Written Representation Comment	Applicant's Comment
		<p>However, due to current CfD regulations there is no guarantee that both SEP and DEP may be awarded a CfD in the same allocation round. This creates a barrier to ensuring that SEP and DEP can be developed concurrently and results in the potential of a sequential construction. However, it does not affect the commercial viability of the projects.</p> <p>Anticipatory Investment, as set out within the <b>Scenarios Statement</b> [APP-314], is relevant in the context of this potential sequential construction whereby the second project requires pre-investment by the first. The Applicant, as stated, has undertaken extensive engagement with Ofgem, BEIS and National Grid ESO directly and via the OTNR 'Early Opportunities' workstream to advocate for this Anticipatory Investment model. Qualification for SEP and DEP for this Anticipatory Investment will remain unclear until full details are published and an Early Stage Assessment has been made by Ofgem.</p> <p>Detailed references to CfD and Anticipatory Investment are not required to be made in the <b>Funding Statement</b> [APP-027]. As set out in that document, it is the Applicant's view that, regardless of the final development scenario (which will be influenced by whether or not the projects receive CfD in the same allocation round and whether or not the projects qualify for Anticipatory Investment), the projects will be adequately funded at the point of FID. The Applicant therefore has no reason to believe that the projects are not deliverable.</p>
50	<p>The Scenarios Statement is far more circumspect:</p> <p>"66. As the current CfD regulations do not allow for shared or dependent bids, there is no mechanism to ensure both projects may be awarded a CfD in the same allocation round. This disincentivises offshore wind developers from taking on additional development risks which may put them at a competitive disadvantage due to factors such as cost and timescale. In particular, the risk for offshore wind developers in making anticipatory investment in offshore transmission infrastructure to support the later connection of other offshore development(s).</p>	<p>As set out in the response to ID 49, the <b>Scenarios Statement</b> [APP-314] explains the CfD regulations and Anticipatory Investment which, whilst having relevance to the determination of which of the development scenarios is pursued, are distinct from the availability of funding for the projects as set out in the <b>Funding Statement</b> [APP-027].</p>

ID	Written Representation Comment	Applicant's Comment
	67. As SEP and DEP are owned by two different legal entities, SEL and DEL, each owned by separate joint venture partnerships, the delivery of the integrated transmission system if developed sequentially would require pre-investment by one entity early and at risk. The commercial risk of doing so without assurance that the other project will definitely proceed is not acceptable to the owners of the projects.”	
51	We infer the uncertainties around future CfD income is the reason the Applicant is seeking a seven year period to take possession of land under compulsory acquisition, compared to the five years prescribed in Regulation 6(1) of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.	The Applicant refers to the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2, para. 86] which sets out the justification for seven years.
52	We further note that the Funding Statement states the current cost estimate for SEP and DEP is approximately £2-4 billion. This is a very substantial range and we infer at least in part speaks to widely differing costs according to which Development Scenario applies	The Applicant acknowledges the development scenarios set out within the <b>Scenarios Statement</b> [APP-314] and the range set out within the <b>Funding Statement</b> [APP-027]. The <b>Funding Statement</b> [APP-027] confirms that SEP and DEP will be adequately funded and that the matter of funding is therefore not an impediment to delivery in the event of any of the proposed development scenarios.
53	In summary, it is clear from the ‘Scenarios Statement’ that the Applicant and owners of the Projects are not sufficiently confident to proceed without the assurance of CfD income, which, as is acknowledged, is not certain to be approved. The Scenarios Statement acknowledges the risk that in the ‘sequential construction’ scenario, there is no assurance the second project will proceed. In the sequential construction scenario it is reasonable to conclude that the risk of not obtaining CfD finance would be accompanied by a high risk of project costs being significantly higher.	The <b>Funding Statement</b> [APP-027] is clear that reaching FID for each project assumes that certain key consents, including development consent and a CfD, are in place for the relevant project.
54	In the circumstances we are unpersuaded that it is reasonably likely the second project would be delivered within a reasonable time frame in the ‘sequential construction’ scenario. This uncertainty, and the impacts of sequential construction described above, unreasonably prejudices the business and property of Affected Parties including Our Clients.	The Applicant refers to <b>ES Chapter 4 Project Description</b> [APP-090, Section 4.7.2] which details the onshore construction programme for the different scenarios.
55	The Barking decision is relevant, and we consider there is not a compelling case in the public interest to:	The Applicant has demonstrated in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] that there is a compelling case in the public

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	<p>(i) Authorise compulsory purchase powers which are exercisable after five years.</p> <p>(ii) Authorise compulsory purchase powers for any 'sequential construction' scenario.</p>	<p>interest for the compulsory acquisition powers applied for within the <b>Draft DCO (Revision D)</b> [document reference 3.1], which are established regardless of the final development scenario that is pursued.</p>
<p>Compulsory Acquisition – reasonable efforts to reach agreement by negotiation</p>		
56	<p>CA Guidance states:</p> <p>“Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.” (paragraph 25)</p>	<p>The Applicant's attempts to acquire land voluntarily have been set out in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] and the <b>Compulsory Acquisition Schedule</b> [REP1-040].</p>
57	<p>Case law and other guidance confirms that such efforts should be reasonable.</p>	<p>The Applicant refers to the response provided to ID 56.</p>
58	<p>While the Applicant has issued Heads of Terms (HOTs) for an agreement, Our Clients do not consider the terms to be reasonable because they require even more onerous and restrictive rights to be created than provided for in the Draft DCO, and over a much larger area of Our Clients' Land than the Order Limits (described in the HOTs as the 'Grantor's Property').</p>	<p>The Applicant has sought to agree terms with all affected interests and refers to the <b>Compulsory Acquisition Schedule</b> [REP1-040] and <b>Statement of Reasons (Revision B)</b> [document reference 4.3] setting out the number of Heads of Terms agreed on the same basis.</p> <p>The Applicant considers the terms offered to be consistent with other consented projects and furthermore standard and necessary to provide certainty for delivery of the development, the rights for which would otherwise be available through the exercise of compulsory acquisition powers.</p>
59	<p>Examples of onerous obligations over the Grantor's Property in the HOTs include requirements to:</p> <ul style="list-style-type: none"> <li>- Enter into unspecified wayleave and easements to divert utilities as required by the development.</li> </ul>	<p>The Applicant has sought to agree terms with all affected interests and refers to the <b>Compulsory Acquisition Schedule</b> [REP1-040] and <b>Statement of Reasons (Revision B)</b> [document reference 4.3] setting out the number of Heads of Terms agreed on the same basis.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>- Seek the Grantee's consent before routine property management decisions, including disposing of any interest in the Grantor's Property (not just in the Order Limits), opting to tax, taking out a secured loan, planting trees or hedges or undertaking any 'development'.</p>	<p>The examples provided by the Respondent are considered by the Applicant to be standard commercial terms for voluntary agreements and are consistent with other consented projects.</p> <p>The Applicant welcomes constructive engagement with the Respondent on the documents raised in seeking any private agreement in relation to the necessary rights.</p>
60	<p>Our Client is committed to constructive engagement with the Applicant to seek to agree terms by negotiation, however to date and in light of the onerous HOTs presented, do not consider the Applicant has made reasonable efforts to acquire the rights it seeks in the Land by agreement.</p>	<p>The Applicant issued Heads of Terms to the Respondent on 31<sup>st</sup> May 2022. Despite offers by the Applicant to meet and discuss the Heads of Terms, the only response received to date was from the Respondent's land agent on 21<sup>st</sup> February 2023.</p> <p>The Applicant is preparing a response and intends to propose a meeting to advance negotiations once this has been issued.</p>
61	<p>Moreover we are not aware of the Applicant making any provision for use of Alternative Dispute Resolution (ADR) techniques. The CA Guidance states: "In the interests of speed and fostering good will, applicants are urged to consider offering full access to alternative dispute resolution techniques for those with concerns about the compulsory acquisition of their land. These should involve a suitably qualified independent third party and should be available throughout the whole of the compulsory acquisition process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties." (paragraph 27)</p>	<p>The Applicant is willing to provide for ADR techniques if necessary but given the good progress made to date in agreeing Heads of Terms with affected parties, has not considered it to be necessary at this stage. The Applicant will continue to consider whether offering ADR would be beneficial to all parties involved on a case-by-case basis.</p>
62	<p>We note in the Barking decision, the Inspector analysed whether the applicant in that case had followed the specific recommendations of compulsory purchase guidance when considering if reasonable efforts had been made to use compulsory purchase as a last resort. The applicant's failure to follow guidance in that case was a significant contributing factor in the CPO application being rejected.</p>	<p>The Applicant's attempts to acquire land voluntarily have been set out in the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] and the <b>Compulsory Acquisition Schedule</b> [REP1-040].</p>
63	<p>We conclude the Applicant's failure to follow guidance and offer ADR throughout the planning process is a relevant consideration as to whether reasonable efforts have been made to use compulsory acquisition as a last</p>	<p>As set out within the <b>Statement of Reasons (Revision B)</b> [document reference 4.3] the Applicant has and continues to comply with the CA Guidance and has made and continues to make significant efforts to acquire land and rights on a voluntary basis.</p>

ID	Written Representation Comment	Applicant's Comment
	resort. We would encourage the Applicant to offer ADR in order to overcome any difficulties.	The Applicant is willing to provide for ADR techniques if necessary but given the good progress made to date in agreeing Heads of Terms with affected parties, has not considered it to be necessary at this stage. The Applicant will continue to consider whether offering ADR would be beneficial to all parties involved on a case by case basis.
<b>CONCLUSION</b>		
64	Our Clients do not object to the principle of the Projects, or indeed the principle of acquisition of rights in their Land on reasonable and proportionate terms.	The Respondent's comment is noted.
65	For the reasons set out above, Our Clients consider that there is not a compelling case in the public interest to authorise compulsory acquisition of their land in accordance with the Draft DCO.	The Applicant refers to the response provided to ID 55.
66	Our Clients require further clarification as to the proposed approach the Applicant envisages to access the Land (particularly in terms of whether this would be exclusive access or shared with the current and future farming operations on the Land), greater precision as to the precise rights that are sought in relation to the Land, confirmation of the relevance and significance of the terms "Construction Access" and "Early Works Access" on the Access to Works Plan and further justification as to the powers sought under Article 34 with regard to felling/lopping trees and removal of hedgerows (including outside of the Order Limits).	The Applicant refers to the response provided to ID 18.
67	<p>Our Clients seek the following amendments to the Draft Order:</p> <p>I. Amendment to the development to exclude the 'sequential construction' Development Scenario; and / or</p> <p>II. Limiting the period for the exercise of compulsory purchase powers to the statutory five years set out in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. There is no reasonable justification for a 7 year period to exercise powers, which is driven by commercial uncertainty that the second project would proceed in the 'sequential construction' scenario.</p>	<p>I. As set out in the <b>Scenarios Statement</b> [APP-314] all of the scenarios set out in the <b>draft DCO (Revision D)</b> [document reference 3.1] are required for the development of SEP and DEP. As explained in the Applicant's response to Q1.6.1.1 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036], the final chosen development scenario is dependent on a number of factors. These factors will be determined post-consent and therefore flexibility within the <b>draft DCO (Revision D)</b> [document reference 3.1] with regards to all the specified scenarios must be maintained.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>III. Preparation of a Site Specific Plan, which defines the location and type of 'Further Associated Development' as it affects Our Clients' Land, and also any trees or hedgerows outside Order Limits which may need to be felled. If it is not reasonably possible to identify all the details of Further Associated Development, then as a minimum the Applicant should prepare comprehensive guiding principles as to location and construction of Further Associated Development, and which is reasonably designed to minimise the impact on Our Clients' Land.</p> <p>IV. A requirement to replace any building, structure, drain or electric line removed during temporary possession of land added to Article 26.</p> <p>V. Requirement 17 in the Draft Order to be updated to include details of maintenance and management (including funding arrangements for this) of drainage relating to the land affected by the cable routes during the operational phase and a requirement for the Undertaker to maintain and manage the operational drainage plan as approved.</p>	<p>II. The Applicant refers to the <b>Explanatory Memorandum (Revision D)</b> [document reference 3.2, para. 86] which sets out the justification for seven years.</p> <p>III. See ID 32 above with regards to the comments on further associated development. With regards to the point raised on trees or hedgerows outside the Order Limits, it is not known at this stage whether any trees or hedgerows outside the Order Limits will be felled. The inclusion of this power in the <b>draft DCO (Revision D)</b> [document reference 3.1] is to offer a fall back in the event that when construction is proceeding it becomes apparent that a tree or hedgerow requires removal it can be removed without the need to obtain additional consents. Again, this is within the spirit of the DCO process and is intended as a power which will only be relied on as a fall-back. Pre-construction Arboricultural Surveys of the Order Limits would be undertaken. The <b>Outline Ecological Management Plan (Revision B)</b> [REP-027] provides details for the requirement of Tree Protection Plans. Buffer zones surrounding retained areas of woodland and mature broadleaved trees will be at least 15 metres (m) in width or at least the width of the tree root protection zone, as advised by an appropriately qualified arboriculturist. Where practicable, buffer zones around hedgerows being retained will be at least 5m in width. Additional buffer zones, where required, will be identified by the Ecological Clerk of Works around habitat features of value to protected species. See also the Applicant's response to Q1.11.3.10 in <b>The Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036].</p> <p>IV. The drafting of Article 26(4) of the <b>draft DCO (Revision D)</b> [document reference 3.1] accords with the model provisions and precedent in other offshore wind DCOs. The Applicant notes that, under Article 26(5) the owner or occupier of land would be entitled to claim compensation for loss or damage arising from the exercise of powers under Article 26.</p> <p>V. See row ID 31 above.</p>

## 2.28 Royal Society for the Protection of Birds

*Table 30 The Applicant's Comments on RSPB's Written Representation*

*\*Note that the references provided as footnotes in the RSPB Written Representation [REP1-161] are not repeated here. The Applicant refers the reader to the full RSPB Written Representation [REP1-161] for these.*

ID	Written Representation Comment	Applicant's Comment
1 Introduction – The RSPB		
1	<p>The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1.1 million. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consents.</p>	Noted.
The RSPB's interest in offshore wind development		
2	<p>Faced with the threats of climate change to the natural world the RSPB considers that a low- carbon energy revolution to reach net zero is essential to safeguard biodiversity. However, inappropriately designed and/or sited developments can also cause serious and irreparable harm to biodiversity and damage the public acceptability of the necessary low-carbon energy transition technologies.</p>	<p>Noted. The Applicant has consulted with RSPB since January 2020 on SEP and DEP through the Evidence Plan Process with Expert Topic Group (ETG) meetings being held in relation to offshore ornithology and HRA compensation (see <a href="#">Consultation Report – Evidence Plan [APP-030]</a>).</p>
3	<p>The RSPB recognises the significant role that offshore wind will play in decarbonising our energy systems and the renewed urgency with which this must happen. Installing this technology at the scale and pace needed is no easy task: there are significant challenges rooted in the planning frameworks and the state of our seas which threaten both nature and our ability to reach net zero.</p>	<p>The Applicant has sought to minimise impacts on offshore ornithology receptors as far as possible. During site selection, the Applicant considered the potential importance of areas for feeding birds (see <a href="#">ES Chapter 3 Site Selection &amp; Assessment of Alternatives [APP-089]</a>, paragraph 23 describes the key factors applied in the selection of the wind farm site boundaries (in addition to the Crown Estate's criteria that</p>

ID	Written Representation Comment	Applicant's Comment
4	<p>The UK is of outstanding international importance for its breeding seabirds, including northern gannet for which the UK supports over 50% of the world population and around 10% of the world populations of kittiwake and Sandwich tern. The UK is also of international importance for its non-breeding seabirds and waterbirds. As with all Annex I and regularly migratory species, the UK has particular responsibility under the Birds Directive and the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations, as amended) (see section 3 below) to secure the conservation of these birds.</p>	<p>had already been applied)). In addition, at PEIR stage, the Applicant committed to an increase in air gap from 26 to 30m above Highest Astronomical Tide (HAT) to reduce collision risk (see ES <b>Chapter 11 Offshore Ornithology</b> [APP-097]).</p>
5	<p>The available evidence suggests that the main risks of offshore wind farms for birds are collision, disturbance/displacement, barriers to movement (e.g. migrating birds, or disruption of access between the breeding areas and feeding areas), and habitat change particularly with associated changes in food availability and the cumulative and in- combination effects of these across multiple wind farms.</p>	
6	<p>Such impacts are avoidable, and the RSPB has spent considerable time working with stakeholders in the UK offshore wind industry to ensure that decisions about deployment of renewable energy infrastructure take account of environmental constraints and seek to avoid or minimise impacts wherever possible. The RSPB therefore strongly advocates the use of rigorous, participative environmental assessments to inform the development of projects.</p>	
Introduction - Scope of written submission		
7	<p>This Written Submission covers the following:</p> <ul style="list-style-type: none"> <li>• The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects</li> <li>• Legislation and policy background</li> <li>• Offshore ornithology</li> <li>• Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended)</li> </ul>	Noted.



ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>RSPB detailed comments on the Applicant's specific compensation proposals</li> </ul>	
<p>2. The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Introduction</p>		
8	<p>The UK is of outstanding international importance for its breeding seabirds, including northern gannet for which the UK supports over 50% of the world population and around 10% of the world population of black-legged kittiwake (Table 1). As with all Annex I and regularly occurring migratory species, the UK has particular responsibility under the Birds Directive to secure the conservation of these important seabird populations.</p>	Noted.
9	<p>The RSPB considers the project has the potential to impact several Special Protection Areas (SPAs), classified under the EU Birds Directive. Below we provide a summary of each affected SPA and the relevant qualifying features.</p>	Noted.
<p>2. The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - The RSPB's position regarding the impact of Highly Pathogenic Avian Influenza on seabird colonies and implications for Sheringham and Dudgeon Extensions</p>		
10	<p>Highly Pathogenic Avian Influenza (HPAI) was first detected in UK seabirds in late summer 2021 when there were reports of great skuas dying or abandoning nests in Shetland, Orkney, the Flannan Isles and St Kilda. Cases were confirmed in various gull species through the winter of 2021/22 and, as seabirds returned to their breeding colonies, other species began to be affected. Reports from the Netherlands and France in May 2022 indicated that the Sandwich tern population there was being hit hard (including Scolt Head Island on the North Norfolk Coast and the Farne Islands in Northumberland), and it was not surprising when the UK colonies also began to suffer significant losses and abandonment. Thousands of seabirds died and the species which seemed to be worst affected in the UK were:</p> <ul style="list-style-type: none"> <li>great skuas,</li> <li>Sandwich terns,</li> <li>roseate terns and,</li> <li>northern gannets,</li> </ul>	<p>Noted. The Applicant notes that Natural England has provided some initial guidance [Appendix B2 of [RR-063]] regarding the implications of HPAI for OWF impact assessments. In light of this, the Applicant does not consider that updates to the assessments already presented are required; however, the Applicant will be guided by the SNCBs on how HPAI may need to be considered in future. Based on the initial guidance on HPAI from Natural England (Appendix B2 of [RR-063]), there is an expectation that at a broad level the resultant declines in colony populations will be associated with proportionate reductions in the abundance of birds from such colonies in at-sea surveys, with the consequence that the scale of impact is likely to remain in proportion to the size of the colony.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>It is currently unclear what the population scale impacts of the outbreak will be, but it is likely that they will be severe. We will, however, not have a full picture of the scale of the losses during 2022 until we can see how many birds return for the 2023 breeding season. Seabirds are long-lived and reproduce slowly, so adult mortality on the scale seen during 2022 presents an existential threat to some populations. Therefore, this scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status. With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development.</p>	
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - The Flamborough and Filey Coast SPA</p>		
11	<p>2.5. The Flamborough Head and Bempton Cliffs Special Protection Area (SPA) was designated under Article 4(2) of the Birds Directive as an SPA in 1993 due to the presence of 83,700 pairs of black-legged kittiwake (<i>Rissa tridactyla</i>), representing 4% of the Eastern Atlantic breeding population. In 2001, the UK SPA Review<sup>5</sup> found that it also qualified under Article 4(2) as a site regularly supporting at least 20,000 seabirds, as at the time of designation the site regularly supported 305,784 individual seabirds including: Atlantic puffin (<i>Fratercula arctica</i>), razorbill (<i>Alca torda</i>), guillemot (<i>Uria aalge</i>), European herring gull (<i>Larus argentatus</i>), gannet (<i>Morus bassanus</i>), and kittiwake. Kittiwake and the seabird assemblage are therefore the qualifying features of this SPA.</p> <p>[See Table 1 in RSPB Written Representation]</p>	Noted.
12	<p>2.6. In January 2014, Natural England held a consultation on proposals to change the SPA. The proposals comprised changes to the designated site boundary including extending it to cover part of the Filey Coast (hence the change in its name to Flamborough and Filey Coast SPA) and changes to the numbers of qualifying species. This new site was formally designated in August 2018, incorporating the Flamborough Head and Bempton Cliffs SPA (Table 1).</p>	

ID	Written Representation Comment	Applicant's Comment
13	2.7. Natural England has set out conservation advice for the Flamborough and Filey Coast SPA, including Conservation Objectives and Supplementary Advice on Conservation Objectives. Below, we summarise the key aspects of that conservation advice.	
2. The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Conservation objectives		
14	<p>2.8. The Conservation Objectives for the Flamborough and Filey Coast SPA are as follows:</p> <p>“...to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The populations of each of the qualifying features</li> <li>• The distribution of the qualifying features within the site.”</li> </ul>	<p>The Applicant notes the background information provided by RSPB. The <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] reports a reduced level of predicted impact (relative to that reported in the <b>RIAA</b> [APP-059]) as a result of the updated CRM parameters provided in Appendix B1 of Natural England's Relevant Representation [RR-063]. This document also includes an assessment on the breeding seabird assemblage feature of the SPA.</p> <p>It is noted that predicted impacts have been assessed against the conservation objectives for each of the SPA features and that Adverse Effect on the Integrity (AEoI) in-combination has been concluded for Flamborough and Filey Coast (FFC) SPA kittiwake and thus a compensation proposal has been provided (see <b>Appendix 3 - Kittiwake Compensation Document</b> [APP-072] and the <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061]).</p>
15	2.9. Since this site was originally designated as an SPA in 1993, the national populations of both kittiwake and some assemblage species have suffered substantial declines. For example, the UK breeding kittiwake population has reduced by 65% since 1986 (State of the UK's Birds, 202010). Within the SPA there has been an approximate 40-50% reduction in the kittiwake population from the original 83,700 breeding pairs (designation population, 1987) to an average of 44,520 breeding pairs between 2008 and 2011. A single year full colony count in 2017 indicated 51,535 pairs across the FFC SPA.	
16	2.10. The current SPA citation does not reflect this substantial decline in the population of breeding kittiwake or other seabird species included under the assemblage feature (see below for more detail on the recent kittiwake population trends including productivity).	

ID	Written Representation Comment	Applicant's Comment
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Supplementary Advice on Conservation Objectives (dated 13 March 2020)</p>		
17	<p>2.11. Natural England's Supplementary Advice on the Conservation Objectives for the Flamborough and Filey Coast SPA identifies, for each SPA feature, key attributes and targets. Attributes are the ecological characteristics or requirements of the classified features within the SPA and deemed to best describe the site's ecological integrity. If safeguarded this will enable achievement of the Conservation Objectives and favourable conservation status for all the designation features, including the assemblage.</p>	Noted.
18	<p>2.12. Table 2 below sets out, for each qualifying feature, the targets in respect of the following attributes:</p> <ul style="list-style-type: none"> <li>• Breeding population: abundance;</li> <li>• Connectivity with supporting habitats;</li> <li>• Disturbance caused by human activity;</li> <li>• Extent and distribution of supporting habitat for the breeding season; and</li> <li>• Food availability.</li> </ul> <p>[See table 2 in RSPB Written Representation]</p>	Noted.
19	<p>2.13. The RSPB considers these attributes and targets are particularly relevant to consideration of the Sheringham Shoal Extension and Dudgeon Shoal Extension projects as they respectively relate to:</p> <ul style="list-style-type: none"> <li>• the population levels at which the features should be maintained or restored to;</li> <li>• the need to: <ul style="list-style-type: none"> <li>○ maintain or restore safe passage of birds moving between their nesting and feeding areas;</li> <li>○ reduce/avoid disturbance to foraging, feeding, moulting and/or loafing birds;</li> </ul> </li> </ul>	Noted.

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>○ maintain the extent, distribution and availability of suitable breeding habitat which supports the feature for all necessary stages of its breeding cycle; and</li> <li>○ maintain or restore the distribution, abundance and availability of key food and prey items.</li> </ul> <p>[See table 2 in RSPB Written Representation]</p>	
20	<p>2.14. The RSPB considers these attributes and targets are directly relevant to the consideration of whether the SPA's conservation objective to maintain or restore site integrity can be met and the SPA achieve favourable conservation status for all its features, including the seabird assemblage throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p>	<p>See the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] for updated assessments and revised PVA results for gannet, kittiwake, guillemot and razorbill in respect of FFC SPA.</p>
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Kittiwakes</p>		
21	<p>2.15. With particular reference to the SPA kittiwake population, we note that Natural England's Supplementary Advice refers to Aitken et al., 2017 as a source of census data showing that kittiwake productivity has declined rapidly at the SPA. More recent data from Cope et al. (2021) confirms this trend and productivity has remained low (see Figure 1 below). As a long-lived species, such lowering in productivity will take some time before it becomes apparent in population numbers. However, if this trend continues it will have severe long-term impacts on the population growth.</p> <p>[See Figure 1 in RSPB Written Representation]</p>	<p>Noted. An updated assessment (including PVA) is presented in the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3]. This concludes that the potential for an in-combination AEoI of the FFC SPA kittiwake feature cannot be ruled out and thus a compensation proposal has been provided (see <b>Appendix 3 - Kittiwake Compensation Document</b> [APP-072] and the <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061]).</p>
22	<p>2.16. The JNCC (2018a) discusses the rapid decline in the UK kittiwake population observed since the early 1990s and links this to declining productivity and adult survival, with declines in sandeel prey and the effects of climate change on sea surface temperatures noted as likely contributory factors. Frederiksen et al. (2004) also demonstrated the vulnerability of kittiwake populations to human activities through a study based on the Isle of May. Their population modelling showed that this population was unlikely to increase should the local sandeel fishery remain active and would be likely to decline</p>	<p>Compensatory measures for kittiwake have been considered in the context of three different delivery models, including project-led, strategic and collaborative measures. The Applicant's proposed package of measures for kittiwake includes prey enhancement as a measure requiring strategic delivery by Government, and project-led delivery of nest sites improvements to enhance breeding success at the Saltmeadows tower, Gateshead. Several other collaborative and strategic options have also been put forward as alternatives that may become available to the Applicant within the timescales relevant to SEP</p>

ID	Written Representation Comment	Applicant's Comment
	further if sea surface temperature also increased, due to effects on both productivity and adult survival.	and DEP. See the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update</a> [REP1-061] for further information.
23	2.17. Given this context of continued declines in the UK kittiwake population since the early 1990s and the effect of anthropogenic impacts on adult survival and productivity, the RSPB considers that offshore windfarm mortality could add significantly to the multiple stressors affecting this population and reduce the likelihood of population recovery.	
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Summary of the impact of HPAI on Flamborough and Filey Coast SPA populations of kittiwakes, gannets, guillemots and razorbills and the seabird assemblage</p>		
24	2.18. The RSPB has staff at the Flamborough and Filey Coast SPA as both the reserve team at Bempton Reserve and as the tagging and post consent monitoring team in the reserve and wider SPA. These seabird experts reported in 2022 that HPAI had spread through the gannets and other seabirds in all areas monitored and that the spread had accelerated in some areas of the gannet colony in the latter part of the breeding season. Gannets seem to be particularly affected, potentially through their ecology and the long length of breeding season increasing the likelihood of exposure to infection. There were reported multiple carcass clusters on the beaches under the breeding cliffs, some with up to 50 gannet carcasses present. The situation with HPAI is rapidly evolving, and while in 2022 auks had all left the cliffs and kittiwakes had mostly left before significant impacts had been observed in these species, we have grave concerns for next season. The extent of the HPAI spread through the populations will not be known until birds return for the 2023 breeding season.	Noted, see the Applicant's response at ID 10 regarding HPAI.
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Summary</p>		
25	2.19. The Flamborough and Filey Coast SPA is a vital site for nationally and internationally important seabird populations. Kittiwakes, gannets, guillemots, razorbills and the seabird assemblage are qualifying features of this SPA. Despite the Conservation Objectives, "to ensure that ... the integrity of the site is maintained or restored as appropriate", since this site was designated in 1993 the national populations of both kittiwake and some assemblage species have suffered substantial declines.	<p>See the <a href="#">Apportioning and HRA Updates Technical Note (Revision B)</a> [document reference 13.3] for updated assessments and revised PVA results for gannet, kittiwake, guillemot and razorbill in respect of FFC SPA.</p> <p>The assessment concludes than an adverse effect on site integrity with respect to the kittiwake feature cannot be ruled out. With respect to the</p>

ID	Written Representation Comment	Applicant's Comment
26	<p>2.20. It is vital to consider whether the SPA and its qualifying features meet the attributes and targets set by Natural England when considering whether the SPA's conservation objectives to maintain or restore site integrity can be met and the SPA achieve favourable conservation status throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p>	<p>gannet, guillemot and razorbill features, the assessment concludes that an adverse effect on site integrity can be ruled out.</p> <p>It is noted that predicted impacts have been assessed against the conservation objectives for each of the SPA features and that AEol in-combination has been concluded for FFC SPA kittiwake and thus a compensation proposal has been provided (see <a href="#">Appendix 3 - Kittiwake Compensation Document</a> [APP-072] and <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update</a> [REP1-061]).</p> <p>The Applicant maintains that there will be no AEol of the guillemot and razorbill features of the FFC SPA as a result of the Projects, alone or in-combination (see the <a href="#">RIAA</a> [APP059] and updated assessments in <a href="#">Apportioning and HRA Updates Technical Note (Revision B)</a> [document reference 13.3]). However, in response to feedback from consultation undertaken during the pre-application period (including on the draft RIAA provided to Natural England as part of the Section 42 consultation) and discussions with the Offshore Ornithology Compensation ETG, a compensation proposal has also been provided with respect to the guillemot and razorbill features of the FFC SPA on a without prejudice basis.</p>
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - The North Norfolk Coast SPA</p>		
27	<p>2.21. The main feature of the North Norfolk Coast Special Protection Area (SPA) affected by the application is the breeding sandwich tern population. The SPA was classified in 1996 and supports internationally and nationally important numbers of breeding and wintering birds, including 4500 pairs of sandwich terns (<i>Sterna sandvicensis</i>) (12% of the EC breeding population and one-third of the British breeding population).</p>	<p>Noted.</p>
28	<p>2.22. Natural England has set out conservation advice for the North Norfolk Coast SPA, including Conservation Objectives and Supplementary Advice on Conservation Objectives. Below, we summarise the key aspects of that conservation advice.</p>	
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Conservation objectives</p>		

ID	Written Representation Comment	Applicant's Comment
29	<p>2.23. The Conservation Objectives for the North Norfolk Coast SPA are as follows:</p> <p>“...to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The populations of each of the qualifying features</li> <li>• The distribution of the qualifying features within the site.”</li> </ul>	Noted.
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Supplementary Advice on Conservation Objectives (updated 17 September 2021)</p>		
30	<p>2.24. Natural England's Supplementary Advice on the Conservation Objectives for the North Norfolk Coast SPA identifies, for each SPA feature, key attributes and targets. Attributes are the ecological characteristics or requirements of the classified features within the SPA and deemed to best describe the site's ecological integrity. If safeguarded this will enable achievement of the Conservation Objectives and favourable conservation status for all the designation features, including the assemblage.</p>	Noted.
31	<p>2.25. Table 3 below sets out, for each qualifying feature, the targets in respect of the following attributes:</p> <ul style="list-style-type: none"> <li>• Breeding population: abundance;</li> <li>• Connectivity with supporting habitats;</li> <li>• Disturbance caused by human activity;</li> <li>• Extent and distribution of supporting habitat for the breeding season; and</li> <li>• Food availability.</li> </ul> <p>[See Table 3 in RSPB Written Representation]</p>	Noted.



ID	Written Representation Comment	Applicant's Comment
32	<p>2.26. The RSPB considers these attributes and targets are particularly relevant to consideration of the scheme as they respectively relate to:</p> <p>the population levels at which the features should be maintained or restored to;</p> <p>the need to:</p> <ul style="list-style-type: none"> <li>• maintain or restore safe passage of birds moving between their nesting and feeding areas;</li> <li>• reduce/avoid disturbance to foraging, feeding, moulting and/or loafing birds;</li> <li>• maintain the extent, distribution and availability of suitable breeding habitat which supports the feature for all necessary stages of its breeding cycle; and</li> <li>• maintain or restore the distribution, abundance and availability of key food and prey items.</li> </ul>	Noted.
33	<p>2.27. The RSPB considers these attributes and targets are directly relevant to the consideration of whether the SPA's conservation objective to maintain or restore site integrity can be met and the SPA achieve favourable conservation status for all its features including the seabird assemblage throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p>	
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Summary of the impact of HPAI on North Norfolk Coast SPA populations of Sandwich terns</p>		
34	<p>2.28. The Sandwich tern colony at Scolt Head Island saw significant numbers of birds affected by HPAI in 2022. Whilst some chicks did successfully fledge from the colony, the full impact on the breeding population will not be known until birds return in 2023.</p>	Noted, see the Applicant's response at ID 10 regarding HPAI.
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Summary</p>		
35	<p>2.29. The North Norfolk SPA is a vital site for an internationally important Sandwich tern population. Either Scolt Head or Blakeney Point has held the largest population of Sandwich terns in the UK, for every one of the last 14 years that the Seabird Monitoring Programme holds comprehensive data (2006-2019). As the North Norfolk sites hosts a single metapopulation, the combined</p>	<p>See the <a href="#">Apportioning and HRA Updates Technical Note (Revision B)</a> [document reference 13.3] for an updated assessment for Sandwich tern with respect to the North Norfolk Coast (NNC) SPA. The</p>

ID	Written Representation Comment	Applicant's Comment
	<p>number of pairs, which averages at just under 4000 over this period, makes this the most important area in the country for Sandwich terns. We note the colony data corrections provided by Natural England in their Relevant Representations (RR- 063). It is essential that the Conservation Objective, "to ensure that ... the integrity of the site is maintained or restored as appropriate", since this site was designated in 1996 remains achievable despite the proposed increase in offshore wind turbines.</p>	<p>assessment concludes than an adverse effect on site integrity cannot be ruled out.</p>
36	<p>2.30 It is vital to consider whether the SPA and its qualifying features meet the attributes and targets set by Natural England when considering whether the SPA's conservation objectives to maintain or restore site integrity can be met and the SPA achieve favourable conservation status throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p>	
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - The Greater Wash SPA</p>		
37	<p>2.31 The main features of the Greater Wash Special Protection Area (SPA) affected by the application are the breeding sandwich tern population and the non-breeding red-throated diver population. The SPA was classified in 2018 and qualifies under Article 4.1 of the Birds Directive by supporting nationally important numbers of red throated diver (<i>Gavia stellata</i>) (8.3% of the British non-breeding population), sandwich tern (<i>Sterna sandvicensis</i>) (35% of the British breeding population), non-breeding Little gull (<i>Hydrocoloeus minutus</i>), breeding Common tern (<i>Sterna hirundo</i>), breeding Little tern (<i>Sternula albifrons</i>). In addition, the site qualifies under Article 4.2 of the Birds Directive by supporting internationally important numbers of: non-breeding Common scoter (<i>Melanitta nigra</i>).</p>	<p>See the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] for an updated assessment for Sandwich tern, little gull and red-throated diver (RTD) with respect to the Greater Wash SPA.</p> <p>The assessment with respect to Sandwich tern concludes than an adverse effect on site integrity cannot be ruled out.</p> <p>The assessments with respect to little gull and RTD conclude than an adverse effect on site integrity can be ruled out.</p> <p>The Applicant notes that for all other species listed by the RSPB, an assessment is provided in the <b>RIAA</b> [APP-059] and this concludes that an adverse effect on site integrity can be ruled out.</p>
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Conservation objectives</p>		
38	<p>2.32 Natural England has set out Conservation Objectives for the Greater Wash SPA. Below, we summarise the key aspects of that conservation advice.</p> <p>2.33 The Conservation Objectives for the Greater Wash SPA are as follows:</p>	<p>Noted.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>“...to ensure that, the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The populations of each of the qualifying features</li> <li>• The distribution of the qualifying features within the site.”</li> </ul>	
<p>The nature conservation importance of the seabirds affected by the Sheringham and Dudgeon Extension Projects - Summary</p>		
39	<p>2.34 The Greater Wash SPA is a vital site for internationally important sandwich tern and nationally important red-throated diver populations. Despite the Conservation Objectives, “to ensure that ... the integrity of the site is maintained or restored as appropriate”, since this site was designated in 2018.</p>	<p>See the Applicant's response at ID 37 of this table.</p>
40	<p>2.35. It is vital to consider whether the SPA and its qualifying features meet the attributes and targets set by Natural England when considering whether the SPA's conservation objectives to maintain or restore site integrity can be met and the SPA achieve favourable conservation status throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p>	
<p>3. Legislation and policy background - Introduction</p>		
41	<p>3.1 The suite of Energy National Policy Statements (NPSs) set out the Government's approach to ensuring the security of energy supplies and the policy framework within which new energy infrastructure proposals are to be considered. The presumption in favour of granting consent, as identified in NPS EN-1, Overarching National Policy Statement for Energy, is subject to the tests set out below in section 104 of the Planning Act 200827 (see NPS EN-1 paragraphs 4.1.2 and 1.1.2).</p>	<p>Noted, the Applicant has taken into account the NPSs in production of ES <a href="#">Chapter 11 Offshore Ornithology</a> [APP-097] and the <a href="#">RIAA</a> [APP-059].</p>

ID	Written Representation Comment	Applicant's Comment
	<p>3.2 Section 104 of the Planning Act provides that an application for development consent for energy infrastructure must be decided in accordance with the relevant NPS except where in doing so it would lead to the UK:</p> <ul style="list-style-type: none"> <li>• being in breach of its international obligations;</li> <li>• being in breach of any statutory duty that applies to the Secretary of State; or would</li> <li>• be unlawful;</li> <li>• result in adverse impacts which would outweigh the benefits; or</li> <li>• be contrary to regulations about how decisions are to be taken</li> </ul> <p>3.3. The statutory duties include the Conservation of Habitats and Species Regulations 201728 (the Habitats Regulations, as amended) (NPS EN-1 paragraph 4.3.1) and the wider objective of protecting the most important biodiversity conservation interests (see NPS EN-1 section 5.3 generally). It notes the Habitats Regulations' statutory protection for important sites including Ramsar sites, listed under the Ramsar Convention, SPAs designated under the Birds Directive and Special Areas of Conservation (SACs) designated under the Habitats Directive.</p> <p>3.4. NPS EN-3, National Policy Statement for Renewable Energy Infrastructure, specifically identifies birds as a biodiversity concern to be taken into account (paragraph 2.6.59 and 2.6.68). Whilst it is stated that the designation of an area as a protected European site does not necessarily restrict the construction or operation of offshore wind farms (paragraph 2.6.69), the legislative requirements identified above are still to be met. The protection afforded by legislation, to which the 2008 Act and the NPSs refer, are addressed briefly below.</p>	
<p>3. Legislation and policy background - The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017</p>		
42	<p>3.5. SACs and SPAs are protected as "European sites" in inshore waters (up to 12 nautical miles from the baselines) under provisions within the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations)(as amended); and in offshore waters (i.e. from 12- 200 nautical miles) under provisions within</p>	Noted.

ID	Written Representation Comment	Applicant's Comment
	the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Habitats Regulations)(as amended).	
43	<p>3.6. The Habitats &amp; Offshore Habitats Regulations set out the sequence of steps to be taken by the competent authority (here the Secretary of State for Energy Security and Net Zero ) when considering authorisation for a project likely to have an effect on a European site and its species before deciding to authorise that project. These are as follows (with references to just the Habitats Regulations):</p> <ul style="list-style-type: none"> <li>• Step 1: consider whether the project is directly connected with or necessary to the management of the SPA and its species (regulation 63 (1)). If not –</li> <li>• Step 2: consider, on a precautionary basis, whether the project is likely to have a significant effect on the SPA and its species, either alone or in combination with other plans or projects (the Likely Significance Test) (regulation 63 (1)).</li> <li>• Step 3: make an appropriate assessment of the implications for the SPA and its species in view of its conservation objectives with the aims and objectives of the requirements including the National Sites Network management objectives (reg 16A) to also be considered. There is no requirement or ability at this stage to consider extraneous (non- conservation e.g. economics, renewable targets, public safety etc) matters in the appropriate assessment (regulation 63 (1)).</li> <li>• Step 4: consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SPA and its species, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given (the Integrity Test) (regulation 63 (6)).</li> <li>• Step 5: In light of the conclusions of the assessment, the competent authority shall agree to the project only after having ascertained that it will not adversely affect the integrity of the SPA, alone or in combination with other plans or projects (regulation 63 (5)).</li> </ul>	<p>The <b>RIAA</b> [APP-059] and subsequent updates in the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] conclude that an in-combination adverse effect on integrity cannot be ruled out for the breeding Sandwich tern feature of the NNC SPA and the Greater Wash SPA and for the breeding kittiwake feature of the FFC SPA.</p> <p>The <b>Habitats Regulations Derogation - Provision Evidence</b> [APP-063] and supporting appendices sets out the Applicant's derogation case, including its compensatory measures proposals.</p> <p>The Applicant maintains that there will be no AEoI of the guillemot and razorbill features of the FFC SPA as a result of the Projects, alone or in-combination (see the <b>RIAA</b> [APP059] and updated assessments in <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3]. However, in response to feedback from consultation undertaken during the pre-application period (including on the draft RIAA provided to Natural England as part of the Section 42 consultation) and discussions with the Offshore Ornithology Compensation ETG, a compensation proposal has also been provided with respect to the guillemot and razorbill features of the FFC SPA on a without prejudice basis. This approach is in accordance with the draft Overarching National Policy Statement (NPS) for Energy (NPS EN-1), the draft National Policy Statement for Renewable Energy (NPS EN-3) and statements from the Secretary of State in the Hornsea Project Three and Norfolk Boreas decisions. Without prejudice compensatory proposals for these species are set out in the <b>Proposed Without Prejudice DCO Drafting (Revision B)</b> [document reference 3.1.3].</p> <p>With respect to the gannet feature of the FFC SPA, the Applicant notes that Natural England state in Appendix C of their Relevant Representation [RR-063]: <i>'Natural England can advise that on the basis of the information so far provided, we believe there will be no requirement for provision of gannet compensation'</i>. The updated project-</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>Step 6: only if the competent authority is satisfied that, there being no alternative solutions and the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to (regulation 64(2)), may be of a social or economic nature), they may agree to the plan or project notwithstanding a negative assessment of the implications for the European site (regulation 64 (1)).</li> <li>Step 7: in the event of the no alternative solutions and imperative reasons of overriding public interest tests being satisfied, the Secretary of State must secure that any and all necessary compensatory measures are taken to ensure that the overall coherence of the National Site Network is protected (regulation 68) taking account of the National Site Network management objectives (reg 16A, as set out below).</li> </ul>	<p>alone CRM values for this species in respect of the FFC SPA are presented in the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3], which confirms a reduction in the worst-case upper 95% confidence interval value for this species from approximately 10 to 6 individuals compared to that in the <b>RIAA</b> [APP-059]. Natural England confirmed via email (16 February 2022) that they will provide formal advice on their position once an updated FFC SPA gannet in-combination assessment (including impacts from Hornsea Four) is submitted into Examination. The Applicant can confirm that an updated gannet in-combination assessment was provided in the <b>Apportioning and HRA Updates Technical Note</b> [REP1-057] submitted at Deadline 1. The Applicant anticipates being able to reach a final agreed position on this with Natural England at Deadline 3.</p>
44	<p>3.7. It is important to add that in addition to the requirements set out above, in relation to both inshore marine area and the offshore marine area, any competent authority must exercise its functions so as to secure compliance with the requirements of the Habitats Directive and the Birds Directive as set out in regulations 9 and 10, Habitats Regulations; and in particular to take such steps as it considers appropriate to secure the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds, having regard to the requirements of Article 2 of the Birds Directive. And for offshore SPAs and SACs regulation, Offshore Habitats Regulations requires competent authorities to exercise their functions (as far as possible) to secure steps to avoid the disturbance of species and the deterioration of habitats or habitats of species within those sites.</p>	Noted.
3. Legislation and policy background - SPA and SAC Conservation Objectives		
45	<p>3.8. Under the Habitats Regulations, a site's Conservation Objectives are intrinsic to the Integrity Test when considering whether to grant consent for a plan or project – see Habitats Regulations 63(1).</p>	Noted.
46	<p>3.9. In order to understand the Conservation Objectives and the Supplementary Advice in the context of Regulation 63(1) it is important to remind oneself of the role of SPAs within these legislative requirements. These protected sites are</p>	

ID	Written Representation Comment	Applicant's Comment
	<p>part of the requirement for special conservation measures in order to ensure that their contribution to national and international "conservation status" of the species is maximised, as set out in the headline words at the start of all Conservation Objectives:</p> <p>"Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring..."</p>	
47	<p>3.10. The Conservation Objectives are to be an articulation of the contribution that it is appropriate for the SPA to make in an enduring way. It would be inconsistent with the purposes of the protection and the role of SPAs to have SPA Conservation Objectives (or the interpretation of them) aiming for lower populations particularly since so many sites were designated at a time when populations were not in favourable condition.</p>	
<p>3. Legislation and policy background - Appropriate assessment</p>		
48	<p>3.11. As part of the assessment requirements, regulation 63, Habitats Regulations (regulation 28, Offshore Habitats Regulations) require the application of the precautionary principle. Meaning that if it cannot be excluded, on the basis of objective scientific information, that it is likely to have a significant effect on an SPA or SAC and its species an appropriate assessment will be required: see Waddenzee.</p>	<p>See the Applicant's response at ID 43 of this table.</p>
49	<p>3.12. Following that appropriate assessment, a project may only be granted consent if the competent authority is convinced that it will not have an adverse effect on the integrity of the European site(s) and their species of concern, having applied the precautionary principle and taken account of the conservation objectives for those European sites and their habitats and species. Waddenzee confirmed that where doubt remains as to the absence of adverse effects on the integrity of the European site, approval should be refused (subject to the considerations of alternative solutions, imperative reasons of overriding public interest and the provision of compensatory measures as set out in regulations 64 and 68).</p>	
50	<p>3.13. An appropriate assessment requires all aspects of the project which could affect the European site, its species and its conservation objectives to be</p>	

ID	Written Representation Comment	Applicant's Comment
	<p>identified in the light of the best scientific knowledge in the field. The competent authority,</p> <p>“taking account of the conclusions of the appropriate assessment of the implications...for the site concerned, in the light of the conservation objectives, are to authorise such activity only if they have made certain that it will not adversely affect the integrity of the site. That is the case where no reasonable scientific doubt remains as to the absence of such effects”.</p>	
51	<p>3.14. Defra Circular 01/2005 states at page 20, that the ‘integrity of the site’ should be defined as ‘the coherence of the site’s ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified’. An European site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realised, the capacity for self-repair and self-renewal under dynamic conditions is maintained, and a minimum of external management support is required. When looking at the ‘integrity of the site’, it is therefore important to take into account a range of factors, including the possibility of effects manifesting themselves in the short, medium and long-term”.</p>	
52	<p>3.15. As is clear from the requirements of the Habitats and Offshore Habitats Regulations, the assessment of integrity is to be considered by reference to the impact of the project alone and in-combination with other plans and projects, taking account of the European site(s) conservation objectives. As clearly set out in Waddenzee, para 61:</p> <p>61 In view of the foregoing, the answer to the fourth question must be that, under Article 6(3) of the Habitats Directive, an appropriate assessment of the implications for the site concerned of the plan or project implies that, prior to its approval, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site’s conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the appropriate assessment of the implications of mechanical cockle fishing for the site concerned in the light of the site’s conservation objectives, are to authorise such an activity only if they have made certain that it will not adversely affect the</p>	



ID	Written Representation Comment	Applicant's Comment
	integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects.	
3. Legislation and policy background - Habitats Regulations General Duties		
53	<p>3.16. We would like to also highlight, in particular, the requirements in regulation 9(3):</p> <p>9.— Duties relating to compliance with the Directives</p> <p>(1) The appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.</p> <p>...</p> <p>(3) Without prejudice to the preceding provisions, a competent authority, in exercising any of its functions, must have regard to the requirements of the [Birds and Habitats] Directives so far as they may be affected by the exercise of those functions.</p>	Noted.
54	<p>3.17. And the further duties in Regulation 10: 10.— Duties in relation to wild bird habitat</p> <p>(1) Without prejudice to regulation 9(1), the appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.</p> <p>...</p> <p>(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom including by means of the upkeep, management and creation of such habitat, as appropriate), having regard to the requirements of Article 2 of the new Birds Directive (measures to maintain the population of bird species).</p> <p>...</p>	

ID	Written Representation Comment	Applicant's Comment
	<p>(7) In considering which measures may be appropriate for the purpose of securing or contributing to the objective in paragraph (3), appropriate account must be taken of economic and recreational requirements.</p> <p>...</p> <p>(8) So far as lies within its powers, a competent authority in exercising any function in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds”</p>	
55	<p>3.18. As mentioned above following the UK's departure from the EU these regulations have been changed to include (amongst other changes) management objectives for the National Sites Network. Although these requirements already existed, it is helpful to have them clearly within our domestic legislation.</p>	
56	<p>3.19. In summary regulation 16A, Habitats Regulations sets out the requirements for the Network jointly and separately recognising the differences between SPAs and SACs (as set out above).</p>	
57	<p>3.20. Authorities with relevant responsibilities must manage the National Site Network with a view to contributing to the achievement of the management objectives of it, namely (focusing just on SPAs):</p>	
58	<p>3.21. For SPAs to contribute, in their area of distribution, to ensuring the survival and reproduction of:</p> <ul style="list-style-type: none"> <li>• the species of birds listed in Annex I to the new Wild Birds Directive;</li> <li>• regularly occurring migratory species of birds; and</li> <li>• to contribute, to securing compliance with regulation 9(1) (as set out above).</li> </ul>	
59	<p>3.22. Overall, take account of:</p> <ul style="list-style-type: none"> <li>• the importance of SACs and SPAs;</li> <li>• the importance of the sites for the coherence of National Site Network;</li> <li>• the threats of degradation or destruction (including deterioration and disturbance of protected features) to which the sites are exposed; and</li> </ul>	

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>in the case of migratory bird species, the importance of their breeding, moulting and wintering areas and staging points along their migration routes.</li> </ul>	
60	3.23. The RSPB believes it is essential both during the appropriate assessment and consideration of compensation measures stages for these management objectives to be taken into account.	
3. Legislation and policy background - Environmental Impact Assessment		
61	3.24. The Infrastructure Planning (Environmental Impact Assessment) Regulations 201747 state that development consent cannot be granted for Environmental Impact Assessment (EIA) development unless the decision-maker has taken into account environmental information including an environmental statement which describes the significant effects, including cumulative effects, of the development on the environment. This will include effects on all wild bird species whether SPA species or not.	Noted
62	3.25. Offshore wind farms have the potential to impact on birds through collision with rotating blades, direct habitat loss, disturbance from construction activities, displacement during the operational phase (resulting in loss of foraging/roosting area) and impact on bird flight lines (i.e. barrier effect) and associated increased energy use by birds for commuting flights between roosting and foraging areas. This is acknowledged in NPS EN-348. These potential impacts have been taken into account by the RSPB and its remaining concerns with the applications are set out below, in the context of the legislative provisions summarised above, in particular those relating to appropriate assessment.	
3. Legislation and policy background - Summary		
63	3.26 Energy National Policy Statements (NPSs) set out the Government's approach to considering new energy infrastructure. Consent for energy infrastructure is subject to tests set out in Section 104 of the Planning Act. NPS EN-3, National Policy Statement for Renewable Energy Infrastructure, specifically identifies birds as a biodiversity concern to be taken into account (paragraph 2.6.59 and 2.6.68).	See the Applicant's response at ID 41 of this table.
64	3.27 There is a statutory duty to comply with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations, as amended) which offer	See the Applicant's response at ID 43 of this table.

ID	Written Representation Comment	Applicant's Comment
	protection for protected sites (Ramsar, SPA, SAC) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Regulations) (as amended). The Habitats and Offshore Regulations set out a sequence of steps to be taken by the competent authority (here the Secretary of State for Energy Security and Net Zero) when considering authorisation for a project likely to have an effect on a European site and its species before deciding to authorise that project.	
65	<p>3.28 We set out a series of related matters to be considered in this context, including:</p> <ul style="list-style-type: none"> <li>• SPA and SAC Conservation Objectives;</li> <li>• Appropriate assessment;</li> <li>• Habitats Regulations General Duties;</li> <li>• Environmental Impact Assessment.</li> </ul>	Noted.
4. Offshore ornithology - Introduction		
66	4.1 The RSPB supports the deployment of renewable energy projects, providing that they are sited in appropriate places and designed to avoid potential adverse impacts on wildlife. We are grateful for the constructive pre-application discussions that have taken place with Equinor in respect of this proposal, particularly through the Evidence Plan process.	Noted. ES <b>Chapter 3 Site Selection and Assessment of Alternatives</b> [APP-089] describes the approaches which led to the selection of the offshore sites.
67	4.2 While methodological concerns remain, progress towards resolving a number of issues was made during the pre-application discussions for this project. We continue to have significant concerns relating to the project's in-combination and cumulative collision risk and displacement impacts including their assessment. In respect of the Applicant's derogation case, there is particular concern regarding the compensation measure proposals.	Noted. The Applicant has submitted a <b>Collision Risk Modelling (CRM) Updates Technical Note</b> [REP1-156] and <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] which provide updated calculations based on the updated CRM parameters provided in Appendix B1 of Natural England's Relevant Representation [RR-063] and advice received within Appendix B of the Natural England Relevant Representation.
4. Offshore ornithology - Offshore ornithology impacts - summary of RSPB position		
68	4.3 We have significant concerns regarding the findings of some of the impact assessments and as such consider that an adverse effect on the integrity (AEOI) on qualifying features of the Flamborough and Filey Coast Special	Noted see the Applicant's response at ID 69 of this table.

ID	Written Representation Comment	Applicant's Comment
	Protection Area (SPA), North Norfolk Coast SPA or Greater Wash SPA cannot be ruled out.	
4. Offshore ornithology - Project in combination with other plans and projects – RSPB AEOL conclusions		
69	<p>4.4 In-combination impacts on the following features of the Flamborough and Filey Coast (FFC) SPA, North Norfolk Coast (NNC) SPA or Greater Wash (GW) SPA:</p> <ul style="list-style-type: none"> <li>• Kittiwake: cannot rule out adverse effect on site integrity due to the impact of collision mortality on the Flamborough and Filey Coast SPA population</li> <li>• Gannet: cannot rule out adverse effect on site integrity due to the impact of combined collision and displacement mortality on the Flamborough and Filey Coast SPA population</li> <li>• Guillemot: cannot rule out adverse effect on site integrity due to the impact of displacement mortality on the Flamborough and Filey Coast SPA population</li> <li>• Razorbill: cannot rule out adverse effect on site integrity due to the impact of displacement mortality on the Flamborough and Filey Coast SPA population</li> <li>• Sandwich tern: cannot rule out adverse effect on site integrity due the impact of collision and displacement mortality on the North Norfolk Coast and Greater Wash SPA populations</li> <li>• Red-throated diver: cannot rule out adverse effect on site integrity due the impact of displacement on the Greater Wash SPA population</li> </ul>	<p>The Applicant agrees that an AEOL of the kittiwake feature of the FFC SPA cannot be ruled out due to in-combination collision risk effects (but notes that the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] reports a reduced level of predicted impact as a result of the updated CRM parameters provided in Appendix B1 of Natural England's Relevant Representation [RR-063]). Therefore, the Applicant has put forward compensatory measures proposals for this species (see <b>Appendix 3 – Kittiwake Compensation Document</b> [APP-072]).</p> <p>The Applicant also agrees that an AEOL of the Sandwich tern feature of the GW and NNC SPA cannot be ruled out due to in-combination collision risk effects. Therefore, the Applicant has put forward compensatory measures proposals for this species (see <b>Appendix 2 – Sandwich Tern Compensation Document</b> [APP-069]).</p> <p>With respect to the gannet feature of the FFC SPA, the Applicant notes that Natural England state in Appendix C of their Relevant Representation [RR063]: <i>“Natural England can advise that on the basis of the information so far provided, we believe there will be no requirement for provision of gannet compensation”</i>. Natural England confirmed via email (16 February 2022) that they will provide formal advice on their position once an updated FFC SPA gannet in-combination assessment (including impacts from Hornsea Four) is submitted into Examination. The Applicant can confirm that an updated gannet in-combination assessment was provided in the <b>Apportioning and HRA Updates Technical Note</b> [REP1-157] submitted at Deadline 1. The Applicant anticipates being able to reach a final agreed position on this with Natural England at Deadline 3.</p>
70	<p>4.5 Whilst we recognise that the individual contributions from the two extension projects alone may be less than some of the other OWF located nearby, this does not make their cumulative and in combination impacts any less significant. We welcome that a derogation case has been submitted with the DCO application, and this will form the focus of our comments through the examination. We still have some outstanding methodological concerns regarding the assessments, notably for gannet and red-throated diver, and will expand on these at further stages of the Examination.</p>	<p>The Applicant disagrees that AEOL cannot be ruled out for all the other qualifying features and relevant SPAs listed by RSPB, although confirms that without prejudice compensatory proposals for guillemot and razorbill</p>

ID	Written Representation Comment	Applicant's Comment
		have been put forward (see <a href="#">Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document [APP-074]</a> ).
4. Offshore ornithology - Population Viability Analysis		
71	<p>4.6 We welcome that the Applicant has presented Population Viability Analysis (PVA) outputs showing both the Counterfactual of Population Growth Rate (CPGR) and the Counterfactual of Population Size (CPS). The two metrics are best presented in combination as recommended in a review of output metrics, following work by the RSPB commissioned by the Joint Nature Conservation Committee (JNCC) and carried out by the British Trust for Ornithology (BTO). That review recommended the ratio of growth rates are presented to quantify the consequence of impacts at a population level and the ratio of population sizes to present these impacts in an easily understandable context. A further review was commissioned by Marine Scotland Science and carried out by the Centre for Ecology and Hydrology, and the conclusions as to utility of output metrics was similar.</p>	<p>Updated PVA results for the kittiwake, gannet, guillemot and razorbill features of the FFC SPA have been provided in the <a href="#">Apportioning and HRA Updates Technical Note (Revision B)</a> [document reference 13.3]. As for the <a href="#">RIAA [APP-059]</a>, these include presentation of both CPGR and CPS values in all instances where PVA is used to facilitate the assessment of impacts.</p> <p>The RSPB set out an explanation as to why interpretation should focus on the CPS rather than CPGR metric, with key points being the more intuitive understanding of the CPS and the fact that the CPS incorporates the length of the wind farm operational period. These points are both true but there is also a key problem with the interpretation of the CPS because, although it indicates how much smaller the impacted population would be compared to the unimpacted population at the end of the operational period, it provides no information on what the absolute size of these impacted and unimpacted populations might be at the end of the operational period. There are good reasons for this in terms of the very considerable uncertainty associated with such modelled predictions over such long time periods but it is, nonetheless, a key limitation. This is particularly the case when considered within the context of the Conservation Objectives for the SPA qualifying features, for which a key target (dependent on condition status) is either to <i>maintain the size of the population at above a particular level (usually as determined at citation), whilst avoiding deterioration from its current level</i>, or to <i>restore the size of the population to above a particular level (usually as determined at citation), whilst avoiding deterioration from its current level</i>.</p>
72	<p>4.7 The ease of understanding of the CPS is crucial to its utility; the numbers given by the CPGR are less understandable outwith a population modelling context. To use the theoretical example quoted by the BTO, a CPS of 0.515 means the population size of a Breeding Colony is expected to be 51.5% (i.e. half) of what it would have been in the absence of the development after 25 years, which is easy to understand. Whereas the corresponding CPGR, 0.973, means that the annual population growth rate at the breeding colony declines from 0.994 to 0.967. The actual scale of the consequence of this is hard for a non-specialist to comprehend, that of the CPS is not.</p>	<p>Given the above, the Applicant considers that it is useful to place some focus on the CPGR metric and interpret it within the context of the existing, relatively long-term, trend data that are available (and are presented within the <a href="#">RIAA [APP-059]</a>) for the SPA populations in</p>
73	<p>4.8 As such, it is wrong to disassociate the two metrics; aside from the question of comprehension, they are very similar, the only key difference is that CPGR does not include the length of time that the wind farm will be operational. This is crucial as there is considerable uncertainty surrounding most of the aspects of an assessment of the potential impacts of an offshore wind farm. However, the length of time that the development is operational is one of the few aspects not subject to this uncertainty as it is legally fixed. It is also a crucial consideration into the scale of impact. Therefore, the effect of using CPGR in isolation is to remove important contextual information, operational time, complicating the</p>	

ID	Written Representation Comment	Applicant's Comment
	<p>interpretation of impact, thereby increasing uncertainty and the need for precaution.</p>	<p>question. This enables consideration of the potential for the predicted change in the annual population growth rate due to the wind farm effects (as measured by the CPGR) to prevent achievement of the Conservation Objective target that is concerned with population maintenance / restoration and avoidance of deterioration from current levels. The CPS metric does not allow for this type of consideration and, as such, the use of the CPGR complements that of the CPS in the interpretation of the population-level impacts.</p> <p>The RSPB also state that it is wrong to disassociate the CPGR and CPS metrics but it is unclear whether they are implying that this has been done within the <b>RIAA</b> [APP-059]. Certainly, the Applicant does not consider it to be the case that the CPGR and CPS metrics are disassociated and it is evident that the 'primary' tables and associated text detailing PVA outputs in the <b>RIAA</b> [APP-059] include both metrics. Thus, for all PVAs undertaken, interpretation of the population-level impacts according to both the CPGR and CPS metrics is readily achieved and it is not the case that the CPGR has been used in isolation (albeit that there is some focus on the CPGR for the reasons outlined above).</p>
<p>4. Offshore ornithology - Impact assessment, Flamborough and Filey Coast SPA</p>		
74	<p>4.9 For gannet, notwithstanding the methodological concerns detailed below, the Applicant's own combined displacement and collision assessment shows that the FFC SPA population is likely to be 53.5-51.9% lower after the lifetime of the wind farms than it would be without the developments in-combination with other developments, or 30.0-23.6% lower if the macro-avoidance correction factor is applied (the RSPB do not currently accept the use of this correction). In the context of the current outbreak of Highly Pathogenic Avian Influenza there is considerable uncertainty as to the continued viability of this population. As such, it is not possible to rule out an Adverse Effect on the Integrity of the FFC SPA gannet population for the projects in-combination.</p>	<p>See the Applicant's response at ID 69 of this table.</p> <p>In addition, it is important to note that the outputs from the PVA should be interpreted within the context of the fact that the FFC SPA gannet population has shown marked growth over the long-term (at least up until the outbreak of HPAI in 2022). As outlined in the <b>RIAA</b> [APP-059], on the basis of these long-term, historical, growth rates, the predicted effects from collisions and displacement combined (for the in-combination assessment) would not prevent the further growth of this SPA population and would not prevent the SPA Conservation Objectives being met.</p> <p>In relation to the HPAI outbreak, the Applicant notes that (beyond the counts from the 2022 breeding season, as presented in Clarkson et al. 2022) the effects on the FFC SPA gannet population are not yet</p>

ID	Written Representation Comment	Applicant's Comment
		<p>understood, even in terms of the immediate, short-term. The Applicant does not consider that updates to assessments already presented are required but will be guided by the SNCBs on how HPAI may need to be considered in the future. Based on the initial guidance on HPAI from Natural England (Appendix B2 of [RR-063]), there is an expectation that at a broad level the resultant declines in colony populations will be associated with proportionate reductions in the abundance of birds from such colonies in at-sea surveys, with the consequence that the scale of impact is likely to remain in proportion to the size of the colony.</p> <p>Finally, the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] reports a reduced level of predicted impact (relative to that reported in the <b>RIAA [APP-059]</b>) as a result of the updated CRM parameters provided in Appendix B1 of Natural England's Relevant Representation [RR-063].</p>
75	<p>4.10 For kittiwake, the Applicant's assessment shows that the FFC SPA population is likely to be 20.6% lower in-combination with other developments. Given the FFC SPA restore objective for this species' population and the vulnerability of the population, both locally and in the wider biogeographic region, the RSPB agrees with the Applicant it is not possible to rule out that an Adverse Effect on Integrity exists in-combination.</p>	<p>Noted (and also see the Applicant's response to ID 69 above in relation to the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3]).</p>
76	<p>4.11 For guillemot, the Applicant's own displacement assessment, with probable displacement rate of 60% and mortality rates of 1 and 5%, shows that the FFC SPA population will be 39.4- 9.5% lower after the lifetime of the wind farms in-combination with other developments than it would be without the development. As such, it is not possible to rule out an Adverse Effect on the Integrity of the FFC SPA guillemot population for the projects in-combination.</p> <p>4.12 For razorbill, the Applicant's own displacement assessment, with probable displacement rate of 60% and mortality rates of 1 and 5%, shows that the FFC SPA population will be 22.7- 5.0% lower after the lifetime of the wind farms in-combination with other developments than it would be without the development. As such, it is not possible to rule out an Adverse Effect on the Integrity of the FFC SPA razorbill population for the projects in-combination.</p>	<p>The Applicant notes that evidence-based displacement/mortality rates on which the assessment conclusions have been formed assume a 50% displacement and 1% mortality rate. This combination of displacement and mortality rates, as presented in the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3], predicts that the FFC SPA guillemot population will be 6.6% lower after the lifetime of SEP and DEP in-combination with other OWF developments than it would be without SEP and DEP in-combination with other OWF developments. For the FFC SPA razorbill population, this combination of displacement and mortality rates predicts that the population will be 4.1% lower after the lifetime of SEP and DEP in-combination with other OWF developments than it would be without SEP and DEP in-combination with other OWF developments.</p>



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		<p>The Applicant considers that these levels of predicted impact do not represent an AEoI of the FFC SPA (see the <a href="#">RIAA [APP-059]</a> and <a href="#">Apportioning and HRA Updates Technical Note (Revision B)</a> [document reference 13.3]).</p> <p>In relation to the CPS values that RSPB refer to for the 60% displacement rate with 1% and 5% mortality rates, as indicated above the Applicant does not consider these to be based upon the best available evidence. However, it is also the case that when related to the documented annual population growth rates for these two SPA populations (for the period 1986 to 2017), the predicted level of impacts from these combinations of displacement and mortality rates would not prevent either population from continuing to increase (albeit that any such increase would be at a slower rate than as documented over recent decades). This is set out in the <a href="#">RIAA [APP-059]</a>. Therefore, under these circumstances, the target from the Conservation Objectives to <i>maintain the size of the population at above a particular level (usually as determined at citation), whilst avoiding deterioration from its current level</i> would continue to be met.</p>
4. Offshore ornithology - Impact assessment, North Norfolk Coast SPA		
77	<p>4.13 For sandwich tern, the Applicant's own combined displacement and collision assessment shows that the North Norfolk Coast SPA population will be potentially 62.4% lower after the lifetime of the wind farms in-combination with other developments than it would be without the development. As such, the RSPB agrees with the Applicant that it is not possible to rule out an Adverse Effect on the Integrity of the North Norfolk Coast SPA sandwich tern population for the projects in-combination.</p>	<p>Noted.</p> <p>For the NNC and GW SPA, the designated Sandwich tern feature references the same population (i.e. NNC SPA contains the breeding sites, while GW SPA provides foraging habitat for these colonies). As set out in Paragraph 1020 of the <a href="#">RIAA [APP-059]</a> the PVA presented for NNC SPA is also applicable to the GW SPA, given that impacts apply to the same Sandwich tern population. The only difference between the two sites is the inclusion of passage season impacts for the NNC SPA. As this results in a small increase in predicted mortalities for NNC SPA, this provides additional precaution to the PVA outputs when applied to the GW SPA.</p>
4. Offshore ornithology - Impact assessment, Greater Wash SPA		

ID	Written Representation Comment	Applicant's Comment
78	4.14 For sandwich tern, the Applicant has not presented a population viability analysis for the consequences of the mortality arising from displacement and collision. As described above, counterfactual output metrics are crucial in order to quantify and understand the consequences of impacts from offshore wind farms at a population level. In the absence of this analysis the RSPB is unable to reach conclusions with regard to Adverse Effects on the Integrity of the Greater Wash SPA population for the projects in-combination.	See the Applicant's response at ID 77 of this table.
79	4.15 For red throated diver, as described below, the Applicant has not fully considered the Conservation Objectives relevant to that population. As such, it is not possible to rule out an Adverse Effect on the Integrity of the Greater Wash SPA population for the projects in- combination.	See the Applicant's response in ID 91-94 of this table.
4. Offshore ornithology - Impact assessment – methodological concerns		
80	4.16 The RSPB's key concerns with the impact assessment relate to the use of avoidance rates in gannet collision risk modelling, the application of a macro avoidance correction to bird density inputting into CRM, a lack of consideration of impacts compounded by HPAI, and insufficient consideration for the full suite of conservation objectives of the Greater Wash SPA for red-throated diver.	Noted – see Applicant's response in ID 83-89 of this table.
4. Offshore ornithology - Gannet modelling		
81	4.17 In order to assess the mortality that could arise from avian collisions with turbine blades, the Applicant has used the deterministic formulation of the Band Collision Risk Model (CRM) and presented this in Appendix 11.1 Offshore Ornithology Technical Report (APP-195). This method combines a series of parameters describing the turbine design and operation with estimates of a bird's size and behaviour to generate a predicted number of birds that would collide with a turbine over a given time period. While the RSPB would have preferred the stochastic formulation (sCRM), we acknowledge that at the time of scoping there were unresolved issues with this version. The stochastic formulation was initially developed by Masden (2015) and then produced in an easier to use interface by McGregor et al. (2018). The stochastic version allows for some account of uncertainty and variability in parameters to be made.	Noted.
82	4.18 The input parameters related to bird size and behaviour include a parameter known as "Avoidance Rate". This is defined by Band (2012) as the	Noted.

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	<p>inverse of the ratio of the number of actual collisions to number of predicted collisions. As such "Avoidance Rate" is a misnomer; it is a catch all term for the inconsistency between predicted and actual mortalities, an inconsistency that can be derived from a variety of sources, including avoidance behaviour per se, survey error and model misparameterisation.</p>	
83	<p>4.19 The Applicant has used Avoidance Rates (see above) in the CRM, as recommended by the Statutory Nature Conservation Bodies (SNCBs 2014) including Natural England. Whilst the RSPB agree with the majority of the advised rates including the use of a 98.9% avoidance rate for non-breeding gannets, in our opinion, a 98% avoidance rate is more appropriate for breeding gannets. This is because the figures used for the calculation of avoidance rates advocated by the SNCBs are largely derived from the non-breeding season for gannet. During the breeding season, gannets are constrained to act as central placed foragers meaning they return to the colony after feeding in order to maintain territories, incubate eggs and provide for chicks. Once chicks have fledged adult gannets remain at sea and no longer visit the colony. Differences in behaviour between the breeding and non-breeding season are likely to result in changes in avoidance behaviour.</p>	<p>Noted. The Applicant has used the parameters recommended by Natural England (which do not align with those recommended by RSPB) in Table 2 of Appendix B1 of the Natural England Relevant Representation [RR-063] to re-run the CRM. These include application of a 70% macro-avoidance, as advised by Natural England. Updated calculations are presented in the <a href="#">CRM Updates (EIA Context) Technical Note [REP1-056]</a> and <a href="#">Apportioning and HRA Updates Technical Note (Revision B)</a> [document reference 13.3].</p>
84	<p>4.20 There is evidence that the foraging movements and behaviour of gannets will vary in relation to stage of the breeding season in response to changes in the distribution and abundance of prey and changing constraints as they progress from pre-laying to chick-rearing. GPS tracking of gannets breeding on the Bass Rock between 2010 and 2021 has shown variation in the two-dimensional foraging behaviour of birds across the breeding season (prior to chick-rearing and during chick-rearing), between sexes, and between years. Three-dimensional tracking of gannets during chick-rearing has also revealed that flight height and flight speed both vary according to behaviour, sex and wind conditions and similar patterns have been recorded in other seabirds. Because any error in the use of flight height and flight speed as input parameters in the CRM should be corrected for in the use of the Avoidance Rate, any seasonal variation in these parameters should also be reflected in variation in the Avoidance Rate, in the absence of any actual evidence from the breeding season.</p>	

ID	Written Representation Comment	Applicant's Comment
85	<p>4.21 Further to advice from Natural England, the Applicant has applied a reduction of 60-80% to the baseline densities inputted into the gannet collision risk modelling in order to account for macro-avoidance in the Report to Inform Appropriate Assessment (RIAA) [paragraph 1456]. This approach follows suggestions in Cook (202166), the recommendations from which have not yet been formally adopted by the SNCBs. Cook (2021) is currently being reviewed and revised by two projects, one funded by JNCC and one by Natural England. Until these projects have reported, the RSPB do not accept this approach. The RSPB also note that there is no recommendation to include a macro-avoidance correction in the recently published NatureScot guidance to the assessment of impacts from offshore wind farms</p>	
86	<p>4.22 The current evidence of a strong macro avoidance of wind farms by gannets, established from observed behaviour, is almost entirely derived from non-breeding birds. The evidence for macro avoidance during the breeding season is limited with the exception of a study of gannets breeding on Heligoland in the German North Sea. However, it is unclear from this study what the breeding status of the tracked birds was, or how their behaviour differed from what would have been expected pre-construction as two of the three wind farms were already operational during the first year of tracking. What the study does clearly show is that breeding gannets do fly through offshore wind farms, often showing no avoidance behaviour at all. In Figure 2 below, we reproduce Figure 2 from this paper showing tracked gannets' movements in respect to wind farms. While some show clear avoidance others do not and may even be attracted to the wind farm.</p> <p>[See Figure 2 in RSPB Written Representation]</p>	
87	<p>4.23 In the Cook (2021) report that suggests the application of macro avoidance to baseline densities, the suggestion is based on reviews that do not include this German tracking study, although it does acknowledge that it shows clear differences between individuals in relation to their response to wind farms. The previous gannet recommended avoidance rate was based on 'all gulls' data because no gannet data were available. The evidence of macro avoidance of gulls in response to wind farms is equivocal, so this rate was only calculated from 'within wind farm' avoidance. As gannets can show macro avoidance it therefore was suggested that this was applied to the baseline densities, and</p>	

ID	Written Representation Comment	Applicant's Comment
	<p>then collision risk modelling was carried out using the 'all gull' avoidance rate, so effectively applying avoidance twice. In response to this suggestion Natural England commissioned a further review of gannet avoidance rates, including whether macro avoidance should be incorporated in this way but this has not yet been reported. In the absence of having this report, the recommendations from it should not be acted upon, and the suggestions in Cook (2021) should not be taken up without the context of this review.</p>	
88	<p>4.24 Notwithstanding the above, the RSPB does not agree with the approach for two reasons.</p> <p>Firstly, it does not take into account the likely seasonal variation in macro avoidance as described above. Secondly, by basing the 'within wind farm' avoidance rate on the 'all gull' rate, it assumes that gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met, as gannets have much lower flight manoeuvrability than gulls. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. This should be reflected in the 'within wind farm' avoidance rate if any further changes are to be made.</p>	
89	<p>4.25 Any evidence of macro avoidance should also be seen in the context of recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines. This effectively results in lower macro avoidance and so an elevated risk of collision. It is also important to acknowledge that corpses of Northern Gannets with injuries consistent with collisions with offshore wind farms have been recovered (Rothery et al., 200972), and the imperfect detection of these corpses indicate that there may be many more.</p>	
90	<p>4.26 The RSPB is also similarly concerned with the application of a macro avoidance correction factor in the sandwich tern collision risk models. This is a wholly novel approach to the assessment of collision risk to terns and is unsupported by any guidance or recommendations. As such we do not rely on it in deciding on any conclusions of adverse effect. We note that Natural England have also raised concerns in their Relevant Representation (Point 15, p.11, Table 4; Appendix C – Offshore Ornithology; RR-063).</p>	<p>It should be noted that calculations incorporating Sandwich tern macro-avoidance factors were included within the Development Consent Order (DCO) application for information purposes. The updated Sandwich tern calculations within the <b>CRM Updates (EIA Context) Technical Note [REP1-057]</b> and <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3], utilise parameters recommended by Natural England Relevant Representation [RR-063], and do not incorporate Sandwich tern macro-avoidance.</p>

ID	Written Representation Comment	Applicant's Comment
4. Offshore ornithology - Red-throated diver displacement		
91	<p>4.27 Displacement arises when there is a significant reduction in the density of birds within the wind farm footprint and the surrounding area (the buffer zones), which may be partial or total displacement, compared with the baseline situation. Displacement is equivalent to habitat loss and may be temporary or permanent, depending on whether or not there is habituation, i.e. adjustment to the presence of the wind farm and a resumption of use of the area. It may be triggered during construction, or during operation, depending on the direct cause. The Joint SNCB Interim Advice Note (2017, updated 202273) defines displacement as affecting birds present both in the air and on the water.</p>	<p>The Applicant has provided an updated operational phase displacement assessment for the wind farm array for the RTD feature of the GW SPA within the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] utilising the refined assessment approach described by Natural England in Appendix B (Table 3) of their Relevant Representation [RR-063]. The original assessment in the <b>RIAA</b> [APP-059] and the updated assessment takes full account of the conservation objectives for RTD. The assessment concludes that a project alone and in-combination AEol can be ruled out. The Applicant understands that Natural England and the RSPB are intending to review this updated assessment following which it is anticipated an updated position will be provided.</p>
92	<p>4.28. Barrier effects arise when an obstacle, such as a wind farm, causes birds to divert from their intended path in order to reach their original destination. It is generally considered to act mainly on birds in flight (SNCBs 2022). As such they are similar, though not the same, as displacement effects. However, in practical terms it is currently not possible to disentangle the two and so barrier and displacement effects are considered together in impact assessment, as per SNCB advice (Ibid.)</p>	<p>The Applicant has also updated the export cable laying vessel RTD displacement assessment within the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] to address comments from Natural England on the requirement to assess 'effective area of displacement'. This assessment concludes that project alone and in-combination AEol can be ruled out.</p>
93	<p>4.29. The conservation objectives for the Greater Wash SPA are: Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The population of each of the qualifying features, and,</li> <li>• The distribution of the qualifying features within the site.</li> </ul>	<p>Finally, it should be noted that the Applicant's operations and maintenance (O&amp;M) vessel displacement assessments on the RTD features of the GW SPA and Outer Thames Estuary SPA conclude that project alone and in-combination AEol can be ruled out (see the <b>RIAA</b> [APP-059]).</p> <p>The assessments for RTD consider the potential area within which birds could be subject to displacement and then, based on various displacement and mortality rates, calculates the number that could be subject to mortality. This is the standard approach for seabird displacement assessments and is considered to allow consideration of the effect against all of the conservation objectives including restoring or maintaining '<i>The distribution of the qualifying features within the site</i>' (Natural England 2019).</p>
94	<p>4.30. Red throated divers are one of the most sensitive species to displacement effects from offshore windfarms, ranked as having the highest species concern value (along with black- throated diver) in relation to displacement of all the</p>	<p>The assessments for RTD consider the potential area within which birds could be subject to displacement and then, based on various displacement and mortality rates, calculates the number that could be subject to mortality. This is the standard approach for seabird displacement assessments and is considered to allow consideration of the effect against all of the conservation objectives including restoring or maintaining '<i>The distribution of the qualifying features within the site</i>' (Natural England 2019).</p>

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	<p>species considered in an assessment of vulnerability of seabirds to offshore windfarms (Furness et al., 2013). Similarly, a review of attraction and avoidance of offshore windfarms by seabirds clearly demonstrated that divers showed strong avoidance of turbines (Dierschke et al., 2016). This strong displacement effect has been shown in studies in the German North Sea to be significant at 15km from the wind farm, based on before and after studies on a long-term data set (Mendel et al., 2019), a finding confirmed by satellite tracking and digital aerial surveys (Heinänen et al. 2020). Recent analysis by the Centre for Research into Ecological and Environmental Modelling of aerial surveys carried out in Liverpool Bay also showed a strong effect whereby, in all cases, the presence of a wind farm decreased the estimated number of birds compared to the absence of a wind farm. This effect was apparent up to 3.8km from the centre of the wind farm (Burt et al., 2022).</p>	
95	<p>4.31. As such, there is clear evidence of the displacement of red-throated diver from offshore wind farms with a significant effect detectable in some cases at considerable distance from the wind farm. The Greater Wash SPA is 7km from SEP and 16km from DEP. The numbers of red throated divers, their distribution within the SPA and their ability to use all suitable habitat contained in the SPA are relevant to the SPA conservation objectives but are not considered by the Applicant. If, as the evidence suggests, red-throated divers are displaced from part of the SPA which would otherwise be suitable for them the effect is to reduce the functional size of the SPA, undermining the conservation objectives. As detailed by Natural England, there already are extensive current OWF projects in the vicinity of the SPA as well as those that have received planning permission but are not constructed. These will already be causing perturbation to the SPA red-throated diver population and any further disturbance will exacerbate this. The RSPB therefore cannot rule out an adverse impact of displacement on the integrity of the Greater Wash SPA, arising through the project alone (SEP) and in combination.</p>	
<p>4. Offshore ornithology - Highly pathogenic avian influenza (HPAI)</p>		
96	<p>4.32. A new virulent form of bird flu, Highly Pathogenic Avian Influenza (HPAI), that originated in poultry in east Asia has now killed tens of thousands of wild birds in the UK and around the world. First confirmed in Britain during winter</p>	<p>The Applicant notes that Natural England has provided some initial guidance (Appendix B2 of [RR-063]) regarding the implications of HPAI for OWF impact assessments. In light of this, the Applicant does not</p>

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	<p>2021/22, it had major impacts on populations of seabirds across the UK in summer 2022. There was significant mortality of Sandwich terns at Scolt Head Island, part of the North Norfolk Coast SPA; a population for which a restoration target has been set.</p>	<p>consider that updates to the assessments already presented are required; however, the Applicant will be guided by the SNCBs on how HPAI needs to be considered in future.</p>
	<p>4.33. It is currently unclear what the population scale impacts of the outbreak will be, but it is likely that they will be severe, especially as Sandwich terns are also reported to have been very badly affected in other parts of their range making population recovery through immigration extremely unlikely. This scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status. With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development.</p>	
<p>4. Offshore ornithology - Derogation case</p>		
97	<p>4.34. Based on the RSPB's conclusions on adverse effect on integrity, the RSPB considers a derogation case is required if the Secretary of State for Energy Security and Net Zero is to consider consenting a damaging project. The RSPB welcomes the information provided by the Applicant to enable its derogation case to be reviewed. As part of any derogation case, the RSPB considers compensation measures would be required for the following species, should the Secretary of State decide to consent the Application as it is currently proposed:</p> <ul style="list-style-type: none"> <li>• Sandwich tern,</li> <li>• gannet,</li> <li>• kittiwake,</li> <li>• guillemot, and</li> <li>• razorbill.</li> </ul>	<p>Noted. See the Applicant's response at ID 69 of this table.</p>
98	<p>4.35. As noted below in section 6, it is the RSPB's view that the SEP project alone and DEP and SEP in combination, means the RSPB cannot rule out an adverse impact of displacement on the integrity of the Greater Wash SPA with</p>	



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	respect to red-throated diver. Therefore, measures are required to avoid those adverse impacts, otherwise compensation measures would be required.	
99	4.36. The RSPB welcomes the constructive dialogue by the Applicant with stakeholders to explore potential compensation measures for these species.	Noted.
5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Introduction		
100	5.1. The RSPB has reviewed both the EC and Defra guidance on compensatory measures. Both are in broad alignment as to the principles to adopt when considering compensatory measures. This review also draws on the RSPB's over 20 years experience evaluating and negotiating compensation proposals under the Habitats Regulations by developers across various sectors. As the EC Guidance is fuller, we have used that as our primary reference, while drawing out any additional points made in the Defra guidance since it is UK focused.	Noted. The Applicant has given regard to EC (2018) as well as the draft Defra (2021) guidance during the development of the SEP and DEP compensatory measures proposals (see the <a href="#">Habitats Regulations Derogation - Provision Evidence</a> [APP-063] and the respective species compensation documents [APP-069, APP-072, APP-074]).
101	5.2. We have specifically not referred to the consultation draft document from Defra entitled "Best practice guidance for developing compensation measures in relation to Marine Protected Areas" published in July 2021 due to it still being a draft produced for consultation and yet to be finalised.	
102	5.3. Below, we summarise some of the key elements of that approach, including commentary on the issues of additionality and the level of detail required.	
5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - The RSPB's approach to assessing compensation proposals		
103	5.4. In Table 4, we summarise the EC's criteria for designing compensatory measures and annotate them with additional commentary based on the RSPB's experience of the principles that should be applied when assessing compensatory measures. We will use the combination of the EC guidance and the RSPB's experience in this field to assess compensatory measures put forward by scheme proponents.  [See Table 4 in RSPB Written Representation]	Noted.

ID	Written Representation Comment	Applicant's Comment
104	<p>5.5. The current Defra guidance (aimed at competent authorities) reinforces some of the points above:</p> <ul style="list-style-type: none"> <li>• Must be confident the measures will fully compensate for negative effects;</li> <li>• The measure is technically feasible based on scientific evidence and previous examples;</li> <li>• Whether the compensation measure is financially feasible;</li> <li>• Compensation should be no more than is needed (to protect the coherence of the National Site Network);</li> <li>• How the compensation will be carried out, including how it will be managed and monitored over time, and how it has been secured;</li> <li>• How long the compensation measure will take to reach the required quality;</li> <li>• Should make sure the compensation measures will remain in place all the time they are needed;</li> <li>• Must put in place all necessary legal, technical, financial and monitoring arrangements;</li> <li>• Compensation measures should usually be in place and effective before the negative effect is allowed to occur.</li> </ul>	Noted.
105	<p>5.6. Overall, this can be expressed in another way to help identify ecologically effective compensation and the options to deliver it:</p> <ul style="list-style-type: none"> <li>• Understanding and defining what is ecologically effective compensation for a given feature i.e. what is needed to address the ecological functions affected by the predicted impact(s) e.g. improvements in breeding productivity of an impacted seabird species;</li> </ul>	Noted.

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	<ul style="list-style-type: none"> <li>• Identifying the potential options to provide ecologically effective compensation in principle and agreeing the scale of compensation required to protect the overall coherence of the National Site Network for the impacted feature taking account of the management objectives for that Network. This should consider factors affecting the likely success of the compensation measure in order to identify appropriate search criteria. In the case of seabirds, this might include avoiding proximity to current and planned offshore wind farms while ensuring access to areas with good food supply etc;</li> <li>• Applying a hierarchical search for suitable locations to carry out those options to determine where they might be feasible. This should follow the following spatial hierarchy based on where the benefit of the compensation will accrue:               <ul style="list-style-type: none"> <li>○ Provides benefit to the impacted SPA/SAC where that is appropriate given the risk factors considered above. Note: this is not the same as being located inside the MPA, which in UK MPA terms is unlikely to be feasible given the constrained boundaries usually applied i.e. all areas within the boundary are integral to its functioning already;</li> <li>○ Provides benefit to a different SPA/SAC for the impacted feature;</li> <li>○ A “de nouveau” site that provides benefit to the feature itself and can be added into the relevant site network once it has met its compensation objectives.</li> </ul> </li> </ul>	

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	<ul style="list-style-type: none"> <li>Detailed assessment of the feasibility of successfully delivering the chosen option in the selected location(s). It is important to separate out the type of measure (and its ecological effectiveness as compensation) and the likelihood of it succeeding in practice at a particular location to meet the required compensation objectives. Certainty of success of a specific measure per se is not the same as whether it will be ecologically effective as compensation. However, it needs to be deemed potentially ecologically effective as compensation first before detailed options are drawn up and assessed. If it is not potentially ecologically effective as compensation, then it should not be considered further (in line with existing Defra guidance).</li> </ul>	
<p>5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Additionality</p>		
106	<p>5.7. The EC guidance (section 5.4.1) makes the general, overarching point that: "Compensatory measures should be additional to the actions that are normal practice under the Habitats and Birds Directives or obligations laid down in EU law"</p>	<p>Noted. The Applicant notes that the Energy Security Bill Policy Statement (BEIS, 2023) on the Offshore Wind Environmental Improvement Package Measures c) states that <i>"Government is also considering enabling developers to undertake work already identified by Government to improve the condition of protected species and habitats. This would substantially increase the number of measures available to developers and also accelerate marine recovery for some sites"</i> (pg. 10 &amp; 11). Final guidance on compensatory measures is due to be published by the Department for Environment, Food &amp; Rural Affairs (Defra) in late 2023 and this is expected to provide further information on how additionality should be considered going forwards.</p>
107	<p>5.8. In practical and legal terms, this means compensatory measures must be additional to:</p> <ul style="list-style-type: none"> <li>Measures necessary to site management of the affected SPA or SAC e.g. to restore a designated feature to favourable status;</li> <li>Measures designed to meet other obligations e.g. achievement of Good Environmental Status (GES) under the Marine Strategy Regulations 2010.81</li> </ul>	
<p>5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - What level of detail is required on proposed compensation measures?</p>		
108	<p>5.9. In his decision on the Hornsea Project Three scheme, the Secretary of State for Business, Energy and Industrial Strategy set out clear expectations that offshore wind (and other) developers should submit (what have been termed by other developers) "in principle" compensation measure packages as</p>	<p>See the Applicant's response at ID 43 of this table.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>part of their application, following appropriate pre- application discussions with stakeholders (emphasis added):</p> <p>“6.3 The Secretary of State is clear that the development consent process for nationally significant infrastructure projects is not designed for consultation on complex issues, such as HRA, to take place after the conclusion of the examination. On occasion, as a pragmatic response to particular circumstances, he may undertake such consultation, but no reliance should be placed on the fact that he will always do so. In this instance, he has, on balance, accepted that the situation in respect of potential significant adverse effects on the sites referred to in para 6.2 was novel and so has exercised his discretion, and allowed the Applicant to make further representations on the matter of possible compensatory measures for those sites. However, he wishes to make it clear that, in order to maintain the efficient functioning of the development consenting regime, he may not always request post- examination representations on such matters, indeed it should be assumed that he will not do so, and he may therefore make decisions on such evidence as is in front of him following his receipt of the ExA’s report. It is therefore important that potential adverse impacts on the integrity of designated sites are identified during the pre-application period and full consideration is given to the need for derogation of the Habitats Regulations during the examination. He expects Applicants and statutory nature conservation bodies (“SNCBs”) to engage constructively during the pre-application period and provide all necessary evidence on these matters, including possible compensatory measures, for consideration during the examination.</p> <p>6.4 This does not mean that it is necessary for Applicants to agree with SNCBs if SNCBs consider that there would be significant adverse impacts on designated sites. The final decision on such matters remains for the Secretary of State (though the Secretary of State reserves the right not to request further evidence from Applicants following the examination). Applicants should be assured that where they disagree with SNCBs and maintain a position that there are no significant adverse impacts, but provide evidence of possible compensatory measures for consideration at the examination on a “without prejudice” basis, both the ExA in the examination and the Secretary of State in the decision period will give full and proper consideration to the question of</p>	

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	<p>whether there are or are not significant adverse impacts. It will not be assumed that the provision of information regarding possible compensatory measures signifies agreement as to the existence of significant adverse impacts. The ExA will be required to provide an opinion on the sufficiency of the proposed compensation even if it considers that compensation is not required (in case the Secretary of State disagrees with that conclusion), but such measures would only be required if the Secretary of State were to find that there would be significant adverse impacts (and that the proposed compensatory measures are appropriate).”</p>	
109	<p>5.10. We note statements to similar effect were made in the Secretary of State's decisions on the Norfolk Boreas and Norfolk Vanguard decisions (and referred to in the Examining Authority's First Written Questions at ES.1.23).</p>	
110	<p>5.11. In this context, the RSPB does not consider “in principle” equates to “outline” proposals such that all/most of the critical issues are deferred in order to be addressed post-DCO consent. We consider this would completely undermine confidence in what the compensation measures will comprise and that the public interest to protect the coherence of the National Site Network can be secured.</p>	<p>As part of the DCO application, the Applicant submitted the following compensatory measures proposals and supporting annexes:</p> <ul style="list-style-type: none"> <li>• <b>Appendix 2 – Sandwich Tern Compensation Document</b> [APP-069]</li> <li>• <b>Annex 2A – Outline Sandwich Tern Compensation Implementation and Monitoring Plan</b> [APP-070];</li> <li>• <b>Annex 2B - Sandwich Tern Nesting Habitat Improvements Site Selection</b> [APP-071];</li> <li>• <b>Appendix 3 - Kittiwake Compensation Document</b> [APP-072];</li> <li>• <b>Annex 3A - Outline Kittiwake Compensation Implementation and Monitoring Plan</b> [APP-073];</li> <li>• <b>Appendix 4 - Gannet Guillemot and Razorbill Compensation Document</b> [APP-074]; and</li> <li>• <b>Annex 4A - Outline Gannet, Guillemot and Razorbill Compensation Implementation and Monitoring Plan</b> [APP-075].</li> </ul>
111	<p>5.12. The RSPB considers that detail about the location, design and implementation, monitoring and review of any proposed compensatory measures is needed to inform the application and examination process and enable proper public scrutiny. Details of the associated agreements, consents and permissions required to deliver the compensation measures should also be available for scrutiny. This in turn should provide the Secretary of State with the necessary confidence as to whether those measures can be secured and implemented with a reasonable guarantee of success, thereby protecting the coherence of the National Site Network.</p>	
112	<p>5.13. We consider there are detailed requirements that should be subject to public scrutiny during the Examination process and settled before its conclusion, thereby enabling the final DCO to include all necessary conditions and requirements and any lack of confidence that compensation measures have/can be secured and/or will have a reasonable guarantee of success highlighted, so that the Examiners can take account of these concerns. Therefore, details of the</p>	

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	<p>proposals should be available as part of the application documentation in order that any potential interested parties have a full opportunity to review and assess their adequacy at an early stage of the Examination; thus ensuring that should further information and consideration be required this is possible within the Examination timetable.</p>	<p>Each compensation document sets out the detail of the proposed compensatory measures for the relevant site/s and interest feature/s. The information is set out under the following headings (where relevant):</p> <ul style="list-style-type: none"> <li>• Overview;</li> <li>• Delivery Mechanism i.e. how the proposed measures will be delivered;</li> <li>• Scale;</li> <li>• Location;</li> <li>• Outline Design Details;</li> <li>• Timescales;</li> <li>• Monitoring, Maintenance and Adaptive Management;</li> <li>• Outline Implementation and Delivery Roadmap; and</li> <li>• Potential Impacts from Implementation of the Compensation.</li> </ul>
113	<p>5.14. The following are key details, with some adaptation, common to all compensation measures that, we believe, should be included within proposals, preferably with the application documents or at least at the very early stages of the Examination.</p> <ul style="list-style-type: none"> <li>• Nature/magnitude of compensation: sufficient detail to enable review of : <ul style="list-style-type: none"> <li>○ the scale of compensation required in relation to the predicted impacts;</li> <li>○ the detailed compensation proposals including objectives and associated success criteria to address those impacts;</li> <li>○ Identify the relevant consenting and/or licensing mechanisms required; Identify any potential impacts of the proposed measure on the receptor site(s) and surrounding environment and carry out appropriate screening;</li> <li>○ Based on this, identify any particular impact assessment requirements necessary which might arise from likely direct and indirect effects of the compensation measure on other receptors (e.g. Environmental Impact Assessment, Habitats Regulations Assessment, SSSI consents etc);</li> <li>○ best estimate of the timeline by which each proposed compensation measure can be fully implemented and when it will achieve its objectives (including assessment of ecological uncertainty), the latter to work out the lead-in time necessary to implement the compensation measure and ensure the overall coherence of the National Site Network is protected;</li> </ul> </li> <li>• Location: identification of precise location of compensation measure and legal securing of proposed compensation sites/measures with ability to scrutinise: <ul style="list-style-type: none"> <li>○ compensation design (detail);</li> </ul> </li> </ul>	<p>The Applicant has used Natural England's list of the aspects that should be considered in such proposals (provided to it through the ETG meetings, including a similar list provided by RSPB) to help guide the development of the proposed compensatory measures at the pre-application stage.</p> <p>The outline CIMP sets out the information that will be required, should compensation be required, in the (final) CIMP that will be submitted for approval by the SoS in accordance with the <b>Draft DCO (Revision D)</b> [document reference 3.1].</p> <p>Since submitting the DCO application, the Applicant has been working to mature its compensatory measures proposals. The <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061] sets out the progress that has made since application and the onward programme of work that is being undertaken by the Applicant in parallel to Examination. This includes developing key aspects of the proposals in relation to location, design and obtaining the necessary land agreements, consents and permissions to implement the</p>

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	<ul style="list-style-type: none"> <li>○ evidence of relevant consents, licences, agreements etc being secured or at least being able to be legally secured;</li> <li>○ both relevant processes and legal consents are included within the DCO; and</li> <li>○ evidence of relevant legal agreements to secure land to ensure compatibility with compensation objectives are possible;</li> <li>● Monitoring and review: detailed monitoring and review packages. As well as the relevant technical detail addressing the objectives for each compensation measure and success criteria, these should include:               <ul style="list-style-type: none"> <li>○ Detailed terms of reference and ways of working for any “regulators group” to oversee implementation of measures, review periods, feedback loops etc;</li> <li>○ Commitment to ensure the data and results of monitoring are publicly available to enable lessons to be learned and applied elsewhere, and to demonstrate the level of success and compliance.</li> </ul> </li> <li>● Compliance and enforcement: details and evidence of how the proposed compensation measures will be subject to review by the relevant regulator and the legal mechanisms available to those regulators to review and enforce any approved compensation plans e.g. if the agreed success criteria are not met. This is especially important if the proposed measures lie outside the jurisdiction of the decision-making authority.</li> </ul>	<p>proposed measures. The aforementioned document demonstrates the positive progress being made with respect to the Applicant's compensatory measures proposals and provides an outline programme indicating when further information is likely to be made available. This note provides an update on the delivery programme with respect to obtaining the necessary licences, permissions, agreements and consents to deliver the Applicant's key project-led compensatory measures for Sandwich tern (inland pool at Loch Ryan) and kittiwake (nest site improvements at Gateshead). However, the implementation timelines for the measures themselves are as stated in the respective compensation documents submitted as part of the DCO application as well as the <b>Draft DCO (Revision D)</b> [document reference 3.1].</p> <p>Additionally, the Applicant has submitted a <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [REP1-058] and <b>Sandwich tern – Quantification of Productivity Benefits Technical Note</b> [REP1-058] which seek to address concerns raised by Natural England in their Relevant Representation [RR-063] regarding the benefits of the proposed project-led measures.</p> <p>Regarding the compensatory measures proposals for auks, since submission of the DCO application, the Applicant has had further discussions with fisheries stakeholders in the northeast of England and has ascertained that the level of set net fishing activity and therefore auk bycatch in this region is unlikely to be of a sufficient scale to present a feasible compensation measure. However, in response to the points raised by Natural England within their Relevant Representation [RR-063], the Applicant is now investigating options for the implementation of the same or similar measures in the southwest of England. The Applicant is intending to submit at Deadline 3 an Auk Bycatch Reduction Feasibility Statement which will include further details on these proposals.</p> <p>It should be noted that the Applicant's overall compensatory measures proposal also includes measures that could potentially be delivered on either a collaborative (construction of new artificial breeding sites for</p>
114	<p>5.15. We consider it is unsafe to assume an outline compensation measure can be translated in to a detailed and workable measure “on the ground” at a later date and all the necessary consents and agreements successfully secured.</p>	
115	<p>5.16. Natural England has provided the Applicant with a checklist it has developed for compensatory measure submissions – an example of this is set out in paragraph 28 of Appendix 2 (APP-069). We fully support Natural England's advice especially the approach and level of detail considered to be required as part of the application documentation. It flows from the criteria and other factors we have described above and provides a robust basis for the</p>	



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	evidence on each proposed compensation measure that should be submitted as part of any application.	
116	5.17. The RSPB considers there are significant, detailed considerations for compensation measures that are essential to consider before consent is granted; rather than assume an outline compensation measure can be translated in to a detailed and workable measure "on the ground" at a later date and all the necessary consents and agreements successfully secured.	kittiwakes onshore or offshore, bycatch reduction and predator eradication from a breeding colony) or strategic basis (i.e. contribution to strategic compensation fund such as the Marine Recovery Fund). See the <b>Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit</b> [APP-084] and <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061] documents for further information with respect to these options.
117	5.18. Not only should these details be subject to public scrutiny as part of the Examination process but to enable these issues to be properly addressed by the Examiners and the Secretary of State, such confirmed details are vital for confidence to be placed on the measures proposed.	Regarding the scale of compensation required, this is based on the updated assessments within the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] and is a matter on which the Applicant and Natural England are seeking to reach agreement in the <b>Draft Statement of Common Ground: Natural England (HRA Derogation)</b> [REP1-047].
118	<p>5.19. By providing these details it should ensure these issues are properly addressed before the Secretary of State is required to make a decision on whether to grant DCO consent and ensure, among other things, that it is possible to:</p> <ul style="list-style-type: none"> <li>• Identify the detailed location and mechanism(s) of the proposed compensation measure;</li> <li>• Identify the relevant consenting and/or licensing mechanisms required;</li> <li>• Identify any potential impacts of the proposed measure on the receptor site(s) and surrounding environment and carry out appropriate screening;</li> <li>• Identify any particular impact assessment requirements necessary which might arise from likely direct and indirect effects of the compensation measure on other receptors;</li> <li>• Be satisfied that the relevant legal consents are secured before any decision on DCO consent. If consent has not been granted, the Examining Authority and Secretary of State would know in advance.</li> </ul>	
119	5.20. This would in turn enable the Examining Authority and Secretary of State to be able to make a fully informed decision on whether proposed compensatory measures have been secured, have a reasonable guarantee of success and therefore will protect the overall coherence of the National Site Network.	

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120	5.21. The criteria, guidance and associated requirements set out above will guide how the RSPB assesses the Sheringham and Dudgeon Extension Projects compensation measure proposals.	
5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Generic issues raised by the Applicant's compensation proposals: Lack of specific proposals and locations for compensation measures		
121	5.22. As set out in our relevant representation (RR-083), the RSPB's overarching comment is that the Applicant has failed to put forward detailed and location specific compensation measures for any impacted species. Neither have any been secured. It is therefore not possible at this stage for the RSPB to assess any of the compensation measures properly and provide advice to the Examining Authority on whether each has a reasonable guarantee of success in meeting specific, agreed compensation objectives. This accords with Natural England's position set out in Appendix C of their Relevant Representations (pp.50-67; REP- 063).	See the Applicant's response at ID 110 of this table.
122	5.23. However, we have, as far as is practicable, provided more detailed comments in section 6 on each of the broad compensation measures.	
5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Generic issues raised by the Applicant's compensation proposals: Scale of compensation		
123	<p>5.24. The RSPB agrees with Natural England that there are issues with the scale of compensation being provided by the Applicant, as demonstrated by Natural's England's comments on Sandwich tern compensation and the recommendation that additional options for kittiwakes needs to be considered (pp.50-54, Appendix C, RR-063)</p> <p>5.26. We consider the current evidence base for many of the compensation measure proposals is insufficient and claimed benefits remain theoretical. This means it is not possible to have confidence in the compensation measures in general terms at this stage, in addition to specific comments set out in section 6 below.</p>	<p>The Applicant has submitted a <b>Sandwich Tern - Quantification of Productivity Benefits Technical Note</b> [REP1-058] which quantifies the anticipated productivity benefits that would be afforded by the Applicant's proposed compensatory measures for Sandwich tern at Loch Ryan and the Farne Islands SPA. Discussion of the qualitative benefits of the Loch Ryan measure in restoring the lost breeding range of the species is also provided. The note provides evidence of the ability of the measure to deliver the required compensation under a precautionary but realistic scenario based on assumptions of breeding numbers and breeding success. In addition, the note considers the uncertainty of the Loch Ryan measure being colonised by Sandwich terns in its early stages and the potential for any accrued mortality debt, and how this could be addressed by the Applicant's proposal for Farne Islands SPA.</p>

ID	Written Representation Comment	Applicant's Comment
		<p>Similarly, The <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [REP1-055] demonstrates that in the context of the Tyne area, and taking account of other offshore wind developer proposals, there is existing and, at present, increasing demand for additional or improved nesting provision for kittiwakes. The Applicant notes the following Natural England comment in REP1-055:</p> <p><i>“It remains Natural England’s general position that ANS [Artificial Nesting Structures] should be located offshore. However, having reviewed the Applicant’s proposed submission, Natural England considers it might be possible to conclude that this particular onshore measure (i.e., augmenting the existing Gateshead Saltmeadows tower on the Tyne with two new nest faces) has the potential to provide appropriate compensation for SEP and DEP.”</i></p> <p>The Applicant does not consider that additional compensation options for kittiwake are required.</p> <p>Regarding auks, see the Applicant’s response at ID 110 to 120 of this table.</p>
124	<p>5.25. We further agree with Natural England that this is due to:</p> <ul style="list-style-type: none"> <li>Concerns with the offshore ornithology baseline characterisation (see section 4 above);</li> <li>The need for a quantified assessment of the level of compensation required to meet the predicted impact for each compensation measure, as the scale of the measure required will in part determine whether delivery is feasible.</li> <li>The need to account for the ongoing uncertainty created by the impact of HPAI on seabird colonies and the ability to restore populations that are already in decline.</li> </ul>	<p>The Applicant has sought to address Natural England’s concerns regarding use of the biologically defined minimum population size (BDMPS) within the <b>CRM Updates (EIA Context) Technical Note</b> [REP1-156].</p> <p>The Applicant has also submitted an <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] which provides updated quantified calculations to determine the scale of compensation required.</p> <p>Regarding HPAI, see the Applicant’s response at ID 10 of this table.</p>
<p>5. Derogation case: the RSPB’s approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Generic issues raised by the Applicant’s compensation proposals: Lead-in times for compensation</p>		

ID	Written Representation Comment	Applicant's Comment
125	<p>5.27. As Natural England has noted in its relevant representation (for example, point 13, p.59, Appendix C, RR-063) the Applicant proposes minimal lead-in times for its compensation measures: just 1 or 2 years prior to operation. The RSPB does not consider these lead-in times to be acceptable and would not meet the requirement for compensation measures to be functioning prior to damage occurring.</p>	<p>The Applicant clarifies that Schedule 17 of the <b>Draft DCO (Revision D)</b> [document reference 3.1] secures that:</p> <p><i>'no operation of any turbine forming part of the authorised development may begin until three full breeding seasons following the implementation of the measures set out in the Kittiwake CIMP have elapsed'</i></p>
126	<p>5.28. These short lead-in times do not recognise basic seabird breeding ecology, for example kittiwakes do not breed until they are 4+ years old. Any implementation timetable must ensure that the compensation measure is in place and ecologically functional before the damage occurs. Factors that need to be taken in to account in developing the required timeline include:</p> <ul style="list-style-type: none"> <li>• The breeding ecology of the impacts species and timescales likely to be required for the agreed compensation measure to be ecologically effective;</li> <li>• The point at which the adverse effect is predicted to occur. This will depend on the nature of the impact e.g.: <ul style="list-style-type: none"> <li>○ For collision: it would be at the point the wind farm becomes operational;</li> <li>○ For displacement: it would be at an agreed point relating to when the physical presence of the wind farm infrastructure (operational or not) is deemed to be giving rise to displacement that is impacting on the relevant seabird species' population.</li> </ul> </li> <li>• That it is highly unlikely that the compensation will be delivering at the scale required before the impacts occur or during any period of colony establishment. We agree with Natural England that the issue of mortality debt must be addressed in assessing the likely effective point at which compensation of the impact would occur by (albeit for all impacted species requiring compensation, not just Sandwich terns): "Calculations relating to the scale of the measure required to compensate a specified impact should be stress tested against mortality debt scenarios..." (see point 13, p.59, Appendix C, RR-063).</li> </ul>	<p>Section 6.4.6.1 of the <b>Appendix 3 – Kittiwake Compensation Document</b> [APP-072], provides the justification for the timescales proposed to achieve compensation.</p> <p>In addition, with respect to Sandwich tern, Schedule 17 of the <b>Draft DCO (Revision D)</b> [document reference 3.1] secures that <i>"no operation of any turbine forming part of the authorised development may begin until the measures set out in the Sandwich Tern CIMP have been implemented."</i></p> <p>As outlined in <b>Appendix 2 - Sandwich Tern Compensation Document</b> [APP-069] and <b>Appendix 3 - Kittiwake Compensation Document</b> (APP-072), the Applicant will look to implement compensation as soon as possible after the proposed measures have been agreed through the Sandwich tern and Kittiwake CIMPs.</p> <p>Regarding auks, the <b>Proposed Without Prejudice DCO Drafting (Revision B)</b> [document reference 3.1.3] secures that the offshore works may not be commenced until a plan for the work of the [Gannet], Guillemot and Razorbill Compensation Steering Group has been submitted to and approved by the Secretary of State.</p> <p>The <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061] provides an update on the delivery programme with respect to obtaining the necessary licences, permissions, agreements and consents to deliver the Applicant's key project-led compensatory measures for Sandwich tern (inland pool at Loch Ryan) and kittiwake (nest site improvements at Gateshead). However, the implementation timelines for the measures themselves are as stated in the respective compensation documents</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>That there will be a period of adjustment needed to enable any habitat created, especially for Sandwich terns, to develop and be adapted as required to ensure the appropriate management and maintenance measures are being effectively implemented.</li> </ul>	<p>submitted as part of the DCO application as well as the <b>Draft DCO (Revision D)</b> [document reference 3.1].</p> <p>As noted above (ID 123), the Applicant has submitted a <b>Sandwich Tern - Quantification of Productivity Benefits Technical Note</b> [REP1-058] and <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [REP1-055] which consider the potential for any accrued mortality debt and, with respect to Sandwich tern, stress tested calculations based on different breeding numbers and success scenarios.</p>
<p>5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Generic issues raised by the Applicant's compensation proposals: Lifetime of compensation in relation to damage</p>		
127	<p>5.29. It is the RSPB's view that compensation measures should remain in place for as long as the project's adverse impacts on the SAC/SPA/Ramsar site continue. Typically, this has been "in perpetuity" as impacts have been permanent. We recognise this is not automatically the case when dealing with offshore wind farms. However, it is also not as simple as just the lifetime of the development as proposed by the Applicant. This is in line with our advice to the Secretary of State regarding the Hornsea Project Three compensation. As noted in paragraph 2.18 of that response (November 2020):</p> <p>"The length of time the compensation measures should be secured for must be based on the combination of the lifetime of the development plus the time it will take the affected seabird population to recover from the impacts."</p>	<p>The Applicant notes that the measures would be maintained for the operational lifetime of the authorised development (if they are colonised).</p> <p>In practice, the arrangements after the lifetime of the wind farm will depend on the specific characteristics of the measure in question. For example:</p> <ul style="list-style-type: none"> <li>- Regarding the Applicant's preferred measure to deliver kittiwake compensation through modification of the existing kittiwake tower at Gateshead, it is intended that the Applicant will take on responsibility for management and maintenance of the tower throughout the operational lifetime of SEP and/or DEP after which it is anticipated that the ownership and responsibility will pass back to Gateshead council who are the current owners of the tower and the land on which it sits.</li> <li>- Regarding the Applicant's key project led measure to deliver Sandwich tern compensation through installation of an inland pool at Loch Ryan, the Applicant will manage the site for the lifetime of SEP and/or DEP. Consultation will be undertaken with the Sandwich Tern Compensation Steering Group in the final few years of wind farm operation, to help determine the most appropriate course of action for onward management and maintenance of the site.</li> </ul>
128	<p>5.30. Therefore, the apparent default proposal that the compensation measure will be decommissioned at around the end of the lifetime of the development is not acceptable. There are two key factors:</p> <ul style="list-style-type: none"> <li>Time lag in a new colony reaching the necessary population size meaning there is likely to be a significant delay before the required population is reached (assuming it is colonised);</li> </ul>	<p>The Applicant notes that the measures would be maintained for the operational lifetime of the authorised development (if they are colonised).</p> <p>In practice, the arrangements after the lifetime of the wind farm will depend on the specific characteristics of the measure in question. For example:</p> <ul style="list-style-type: none"> <li>- Regarding the Applicant's preferred measure to deliver kittiwake compensation through modification of the existing kittiwake tower at Gateshead, it is intended that the Applicant will take on responsibility for management and maintenance of the tower throughout the operational lifetime of SEP and/or DEP after which it is anticipated that the ownership and responsibility will pass back to Gateshead council who are the current owners of the tower and the land on which it sits.</li> <li>- Regarding the Applicant's key project led measure to deliver Sandwich tern compensation through installation of an inland pool at Loch Ryan, the Applicant will manage the site for the lifetime of SEP and/or DEP. Consultation will be undertaken with the Sandwich Tern Compensation Steering Group in the final few years of wind farm operation, to help determine the most appropriate course of action for onward management and maintenance of the site.</li> </ul>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>The time taken for the relevant population at the impacted SPA to recover from the accumulated annual losses of breeding adults over 40 years, and once the wind farm has ceased operation. The development's impact on the impacted SPA will likely go substantially beyond the lifetime of the development.</li> </ul>	<p>As outlined in the <b>Draft DCO (Revision D)</b> (document reference 3.1), the compensation measures will not be decommissioned without written approval from the SoS in consultation with the relevant SNCB.</p>
129	<p>5.31. In addition, we will have to build in consideration of the need to implement measures aimed at building resilience into seabird populations in the face of, for example, HPAI.</p>	<p>The Applicant notes that regarding its proposed compensatory measures for Sandwich tern at Loch Ryan, restoring breeding status to a geographical region from which the species has been extirpated represents a major qualitative conservation gain which is recognised by Natural England in Appendix C of their Relevant Representation [RR-063]. Restoring Sandwich tern breeding in the west of Scotland will not only allow growth in breeding numbers in the population as a whole, but also provides greater resilience by spreading the breeding distribution over a wider geographical area. This helps to counter the long-term trend of Sandwich tern nesting in fewer sites with an increasing proportion in just two or three large SPA populations. It will therefore help to reduce the high vulnerability of Sandwich tern to potential catastrophic impacts (e.g. HPAI) on the sites holding high proportions of the entire population. In this sense, the measure goes beyond the requirement to maintain the coherence of the network (see Section 2.2 of <b>Appendix 2 – Sandwich Tern Compensation Document</b> [APP-069]) by significantly improving and restoring the geographical coherence of the Sandwich tern breeding range in Britain and Ireland.</p>
130	<p>5.32. We welcome the fact that the Secretary of State has followed our advice and that of Natural England on this matter in his decisions on Hornsea Three, Norfolk Boreas and Norfolk Vanguard by requiring that the various compensation measures be maintained beyond the operational lifetime of the development (if they are colonised).</p>	<p>See the Applicant's response at ID 127 of this table.</p>
131	<p>5.33. In addition, given that any compensation measures are to maintain the integrity of the North Norfolk Coast SPA/Ramsar and the Flamborough and Filey Coast SPA, any habitat created/measure taken should be developed to a standard that enables it to become a formal component of the National Site Network to ensure compliance with regulation, Conservation of Habitats and</p>	<p>See the Applicant's response at ID 127 of this table.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>Species Regulations 2017 (as amended), which requires that compensation be secured to ensure the overall coherence of the National Site Network. Therefore the question of whether a compensation measure can be "decommissioned" after a defined period of time needs to be considered carefully, with a preference that such measures should be maintained in perpetuity.</p>	
<p>5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Generic issues raised by the Applicant's compensation proposals: Environmental assessment of the proposed compensation measures</p>		
132	<p>5.34. As we set out elsewhere in this section, we would expect detailed information to be provided on each compensation measure as part of the application documentation, such that the claimed benefits and any environmental effects of each measure can be scrutinised during the examination. At this stage, such detail has not been provided by the Applicant. We would welcome clarification from the Applicant on when further detailed information on each specific compensation measure will be provided, including but not limited to location, design, implementation methods and management, monitoring etc.</p>	<p>See the Applicant's response to ID 110 and 123 of this table.</p>
<p>5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) - Generic issues raised by the Applicant's compensation proposals: Summary</p>		
133	<p>5.35. This section sets out the RSPB's approach to evaluating compensation measures. It includes our general approach to assessing compensation proposals and the level of detail we consider is required in order to evaluate compensation proposals as part of the examination process, before drawing out some general issues raised by the Applicant's proposals.</p>	<p>Noted.</p>
134	<p>5.36. The RSPB has reviewed both the EC and Defra guidance on compensatory measures. This review also draws on the RSPB's over 20 years experience evaluating and negotiating compensation proposals under the Habitats Regulations by developers across various sectors. As the EC Guidance is fuller, we have used that as our primary reference, while drawing out any additional points made in the Defra guidance since it is UK focused.</p>	<p>See the Applicant's response at ID 100 of this table.</p>
135	<p>5.37. The RSPB will use the EC's criteria and its experience to evaluate the various compensation</p>	

ID	Written Representation Comment	Applicant's Comment
	<p>measures:</p> <ul style="list-style-type: none"> <li>• Targeted;</li> <li>• Effective;</li> <li>• Technical feasibility;</li> <li>• Extent;</li> <li>• Location;</li> <li>• Timing;</li> <li>• Long-term implementation;</li> <li>• Additionality.</li> </ul>	
136	<p>5.38. In addition, we have set out the level of detail we consider is required in any proposed compensation measures, and have gone on to identify generic issues raised by the Applicant's proposals:</p> <ul style="list-style-type: none"> <li>• Lack of specific proposals and locations for compensation measures;</li> <li>• Scale of compensation;</li> <li>• Lead-in times for compensation;</li> <li>• Lifetime of compensation in relation to damage.</li> </ul>	See the Applicant's response at ID 110 of this table.
137	<p>5.39. Section 6 sets out the RSPB's detailed comments on the Applicant's specific compensation measures as submitted.</p>	Noted.
138	<p>5.40. Our key and overarching comment is that the Applicant has failed to put forward detailed and location specific compensation measures for any impacted species. Neither have any been secured. It is therefore not possible at this stage for the RSPB to assess any of the compensation measures properly and provide advice to the Examining Authority on whether each has a reasonable guarantee of success in meeting specific, agreed compensation objectives.</p> <p>5.41. However, when further information is provided, we will assess the proposals against the criteria for compensation set out above and accord them each a Red, Amber, Green rating.</p>	<p>The Applicant has put forward a number of location-specific compensation measures within the respective species compensation documents [APP-069, APP-072, APP-074].</p> <p>The <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061] provides an update on progress since submission of the DCO application.</p>



ID	Written Representation Comment	Applicant's Comment
139	<p>5.42. The RSPB's Red, Amber, Green (RAG) rating is assessed as follows:</p> <ul style="list-style-type: none"> <li>• RED: Criteria not met and substantive issues relating to viability and feasibility of the measure are unresolved. Substantial evidence gaps remain. Unless complex issues resolved before consent, RSPB advice is that the Secretary of State cannot conclude that the coherence of the National Site Network for the affected species will be protected.</li> <li>• AMBER: Criteria not fully met: significant issues relating to viability and feasibility of the measure are unresolved. Significant evidence gaps remain. Unless these issues are resolved before consent, the RSPB advice is that the Secretary of State is at risk of agreeing to a compensation measure that will not protect the coherence of the National Site Network for the affected species.</li> <li>• GREEN: Criteria met. No substantive or significant issues relating to viability and feasibility of the measure remain. Any remaining issues are relatively minor and could be dealt with through requirements under the DCO.</li> </ul>	Noted
140	<p>5.43. In section 6, where the Applicant has relied on Hornsea Project Four compensation proposals (bycatch reduction and predator eradication in respect of guillemots and razorbills) we have included relevant information from our Hornsea Project Four submissions, which use the RAG rating approach described above.</p>	Noted. Regarding auks, see the Applicant's response at ID 110 of this table.
6. RSPB detailed comments on the Applicant's specific compensation proposals		
141	<p>6.1. The Applicant has summarised its compensation measures in section 5.7 of APP-064 (Appendix 1 – Compensatory Measures Overview). It distinguishes between project-led measures (paragraph 36) versus collaborative and strategic measures (paragraph 37) which may become available. Further detail is provided in separate documents submitted as part of the application. Below, the RSPB sets out its position regarding each of these measures to assess the amount of weight and confidence that can be placed in each, and to determine whether they are capable of meeting the criteria and level of detail required, as outlined in Section 5 above. However, in general, significantly more detail should be presented to the examination for scrutiny by the Examining Authority</p>	Noted.

ID	Written Representation Comment	Applicant's Comment
	and Interested Parties to enable a full assessment of the different compensation proposals, including all the necessary detail, permissions and consents.	
6. RSPB detailed comments on the Applicant's specific compensation proposals - Prey enhancement through stock recovery of various forage fish species (sandeel and sprat)(strategic)		
142	<p>6.2. The RSPB notes that the Applicant has described the possibility of using forage fish stock recovery as a strategic compensation measure for different seabird species (listed below):</p> <ul style="list-style-type: none"> <li>• Sandwich tern: Sandeels and sprats</li> <li>• Kittiwake: sandeels</li> <li>• Guillemots and razorbills: sandeels</li> </ul> <p>6.3. The only provision made for this is a financial contribution towards the establish of such measures should that become available at some future date. We comment in general terms on those proposals here rather than against each species.</p>	Noted.
143	6.4. The only provision made for this is a financial contribution towards the establishment of such measures should that become available at some future date.	This is correct. This is a measure that would have to be Government-led and is therefore not something that could be taken forward by the Applicant on a project-led basis.
144	6.5. The RSPB welcomes that the Applicant has made the link between prey availability and seabird population health and recovery. We agree that the lower availability and quality of small fish is impacting seabirds and needs to be addressed and that surface feeding birds that are highly dependent on sandeels are faring the worst as a result. We believe that stronger, targeted and effective management is required to address the impacts of fishing and other human pressures on forage fish to help recover seabird populations dependent on those forage fish and to ultimately deliver Good Environmental Status (GES), Favourable Conservation Status and an ecosystem approach to fisheries management. We strongly believe that a more precautionary approach to management of fisheries that impact seabird prey is urgently required in the face of mounting pressure from food web disruption, offshore renewable energy development and HPAI on seabirds.	

ID	Written Representation Comment	Applicant's Comment
145	<p>6.6. The RSPB has concerns around additionality, particularly where governments are already required to monitor and address the impacts of human pressures, including fisheries on the wider ecosystem, including seabirds. Secondly, the policy and legislative approach to addressing the impacts of some forage fish fisheries (e.g. sandeel and Norway pout) on the UK's ability to achieve GES is currently very dynamic. The UK Administrations are currently considering their next steps following a call for evidence on sandeel and Norway pout management with the UK Government expected to go to consultation for sandeel management in English waters soon. Further, it is already the overarching UK position to not be supportive of fishing for sandeels in UK waters with stocks like sandeel also having been singled out as a key stock of concern with efficacy of existing measures to manage them to be regularly reviewed. North Sea and Channel sprat are also in the proposed list of Fisheries Management Plans (FMPs) due for preparation and publication by Defra and Marine Scotland between 2022 and 2024.</p>	<p>Noted.</p>
146	<p>6.7. As set out inter alia in the four country call for evidence on sandeel and Norway pout, Governments across the UK have already signalled their intent to consider industrial sandeel fisheries management and collectively agreed that 'urgent actions are needed to protect sandeel and Norway pout stocks and the wider marine ecosystem' given the impacts that poor stock health has on the UK's ability to achieve GES for marine birds and food webs and they have set processes in motion to address these likewise a FMP has been proposed for sprat.</p>	<p>Noted.</p>
147	<p>6.8. Therefore, in the absence of a clear mechanism and evidence to demonstrate how any such measures would be additional to Governments' existing requirements to deliver GES, Favourable Conservation Status and an ecosystem approach to fisheries management through stronger, targeted and effective management and monitoring of forage fish, the RSPB considers little or no weight can be placed on the Applicant's proposals.</p>	<p>The Applicant is focussed on delivering its project-led measures; however, Government-led strategic prey enhancement is also included as part of the Applicant's proposed package of compensatory measures for Sandwich tern, kittiwake, gannet, guillemot and razorbill.</p> <p>The Applicant notes that the Government's stated policy intention and amendments to the Energy Bill make clear that strategic measures delivered through the Marine Recovery Fund (MRF) would count as compensation under the Habitats Regulations. It is the Applicant's view that the Examining Authority can and should give weight to the inclusion of strategic measures in the overall compensation package for the reasons noted in the Applicant's response to FWQ 1.14.1.20 in <a href="#">The</a></p>

ID	Written Representation Comment	Applicant's Comment
		<p><b>Applicant's Responses to the Examining Authority's First Written Questions</b> [REP1-036].</p>
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Sandwich tern</p>		
148	<p>6.9. Sandwich tern compensation measures are outlined in APP-069 (Sandwich Tern Compensation Document):</p> <ul style="list-style-type: none"> <li>• Nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan (project led).</li> <li>• Improved breeding success at SPA sites other than NNC - Farne Islands SPA (project-led).</li> </ul> <p>6.10. We support and welcome the pre-Examination conclusion that an AEOI on integrity of the Greater Wash SPA and North Norfolk Coast SPA cannot be ruled out (as set out, for example, in paragraph 9 of the Applicant's derogation case; APP-063). We agree that management measures considered within the North Norfolk Coast and other SPAs cannot be considered compensation measures, as they should form management necessary to restore and maintain Sandwich terns at favourable status; additionality cannot be demonstrated. We have engaged with the developer over delivery of new sites for Sandwich terns. We have provided guidance and comments to the Applicant as they developed their proposed compensation package for Sandwich terns. Below we set out the criteria for identifying suitable Sandwich tern compensation measures that we have provided to the Applicant during the pre-application stage before setting out current position on different components of the Applicant's Sandwich tern compensation proposals.</p>	<p>See the Applicant's response at ID 106 and 107 of this table.</p>
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - The RSPB's criteria for identifying suitable Sandwich tern compensation measures</p>		
149	<p>6.11. For Sandwich terns, the important design element is scale; they prefer big islands, with a minimum of a quarter of a hectare for nesting Sandwich Terns recommended by experts. Any suggested compensation sites and designs must therefore be sufficiently large to provide the greatest confidence that a Sandwich tern colony can be established. There are also wider biodiversity net</p>	<p>The Applicant acknowledges the RSPB feedback and will consider this, as appropriate, during development of concept designs. <b>The Sandwich Tern – Quantification of Productivity Benefits Technical Note</b></p>

ID	Written Representation Comment	Applicant's Comment
	gains that can be delivered through a carefully designed site that support additional breeding birds and also wintering birds.	[REP1-058] provides detail on the scale of compensation required and how the Applicant's proposals are able to deliver on this requirement.
150	<p>6.12. a) Location</p> <p>In order to have confidence that sites will have the greatest potential to attract breeding Sandwich terns, these should be located immediately behind a sea wall, ideally on a site close to open sea, access to known feeding areas. The location behind a defence ensures confidence of longer-term sustainability for any habitat that is created.</p>	<p><b>Appendix 2 - Sandwich Tern Compensation Document</b> [APP-069] provides outline design details of the inland pool. Additionally, the <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061] provides an update on the Applicant's progress since submission of the DCO application to mature its compensation proposals and includes an update on considerations such as location, site conditions and design.</p>
151	<p>6.13. b) Conditions</p> <p>To maintain the appropriate conditions, saline seepage or a sluice to regulate tidal input will be required to create a brackish lagoon. Water levels should be between 20-40cm with deeper channels around the islands. There must be a clear mechanism outlined that identifies how conditions of the habitat will be firstly created, but equally importantly maintained.</p>	<p>The Applicant notes the RSPB request for the inland pool to be immediately behind a sea wall. The Applicant does not consider this to be a requirement providing there are no significant changes to the coastline expected. Paragraph 137 of <b>Appendix 2 - Sandwich Tern Compensation Document</b> [APP-069] considers this point.</p>
152	<p>6.14. c) Size of habitat and islands</p> <p>Overall, habitat should cover at least 15ha and up to 30ha. Of this area, at least 1/3 of the area (4.95ha to 9.9ha) should be shallow islands. The islands should be flat and level, topped with shingle, or a similar inert, stony substrate with a mix of particle size between 5 – 25mm. Gently sloping sides will be needed on all newly created islands, approximately 1 in 50 gradients. Sandwich terns like islands to be reasonably vegetated, but with open areas as well. The height of the island is therefore important. If it is very low and of uniform height, it may be completely submerged in winter and then exposed as water levels fall in spring. This will affect the vegetation growth and may result in islands being too bare or too uniformly vegetated. Any design therefore needs to ensure site conditions will develop appropriately in order to be suitably attractive to Sandwich terns, alongside an appropriate management programme.</p>	
153	<p>6.15. d) Predator-proof fence</p> <p>As we have found with many sites, a predator-proof fence should be erected around the whole site. This gives extra security for birds attempting to breed</p>	<p>This will be implemented, as stated in <b>Appendix 2 - Sandwich Tern Compensation Document</b> [APP-069] which provides outline design details for the inland pool (see paragraph 155).</p>

ID	Written Representation Comment	Applicant's Comment
	and allows productivity to be maximised; a key requirement of the compensation habitat.	
154	<p>6.16. e) Appropriate security provided that sites will be delivered</p> <p>Given compensation measures will need to be created and functioning prior to harm to Sandwich terns occurring, a realistic construction timeline that incorporates compensation measures delivery must be provided. The timeline for delivery of the compensation measures must consider the need for planning permission to be granted and all relevant consents secured. Appropriate detail will also be required regarding security of land on which compensation measures will be delivered. This is all required to give confidence that any compensation sites will actually be brought forward.</p>	<p>The <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061] provides an update with regards to the delivery programme and securing the necessary agreements, consents and permissions to implement the proposed compensatory measures for Sandwich tern.</p>
155	<p>6.17. f) Sustainability of the compensation habitat</p> <p>The habitat that is created must be maintained in perpetuity. This is essential as the site should be developed with the intention that it formerly become part of the National Site Network. Funding of future management to maintain the site must therefore be considered in light of this requirement.</p>	<p>See the Applicant's response at ID 127 of this table.</p>
156	<p>6.18. Whilst the Applicant has identified that guidance provided by the RSPB has been used to inform the development of compensation habitat proposals for Sandwich (para 29 in the Sandwich tern compensation document; APP-069), we have serious concerns about the current proposals based on the scale of habitat and the lack of detail to demonstrate that suitable habitat can be secured and delivered.</p>	<p>The <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061] provides an update. <b>The Sandwich Tern – Quantification of Productivity Benefits Technical Note</b> [REP1-058] provides detail on the scale of compensation required and how the Applicant's proposals are able to deliver on this requirement.</p>
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - The RSPB's comments on "Nesting Habitat Improvements and Restoration of Lost Breeding Range at Scar Point, Loch Ryan"</p>		
157	<p>6.19. The Applicant outlines two options for providing compensation habitat at Loch Ryan:</p> <ul style="list-style-type: none"> <li>• A pontoon and,</li> <li>• A lagoon with nesting islands</li> </ul>	<p>Noted. See the Applicant's response to ID 157 of this table for the Applicant's latest position with respect to these two options.</p>
158	<p>6.20. Below we outline our concerns on each of these options.</p>	

ID	Written Representation Comment	Applicant's Comment
6. RSPB detailed comments on the Applicant's specific compensation proposals - The RSPB's comments on "Nesting Habitat Improvements and Restoration of Lost Breeding Range at Scar Point, Loch Ryan": Creation of a pontoon		
159	6.21. The RSPB has serious concerns about the suitability of a pontoon as a compensation measure. There is no evidence that Sandwich terns use artificial rafts for nesting. A proposal to create a raft for common terns at Loch Ryan is already being delivered by the RSPB. Whilst a pontoon may provide added benefits for breeding common terns it is not a realistic or viable option for Sandwich terns: Natural England and the RSPB are in agreement on this point (see reference 7 in Appendix C of Natural England's Relevant Representation, RR-063). The creation of the pontoon would appear to be a quick and easy win, but fails to account for the ecological requirements of Sandwich terns (note the importance of this criteria set out in Table 4 above regarding 'targeted measures'). The Applicant notes the concerns expressed by the RSPB and Natural England on this proposed option at Expert Topic Group meetings (para 147, p.46, Appendix 2; APP-069).	The Applicant recognises that there is little support from Natural England (or RSPB) for the installation of a pontoon at Loch Ryan as an alternative to the inland pool. Whilst it remains the Applicant's view that the pontoon option has ecological merit and is technically feasible, in light of stakeholder views and recognising the positive progress being made with respect to securing the inland pool option at Loch Ryan, the decision has been taken not to actively progress the pontoon option further at this stage. As outlined in the <b>Draft Statement of Common Ground: Natural England (HRA Derogation)</b> [REP1-047], the Applicant and Natural England have therefore agreed not to pursue discussions during Examination regarding the installation of a pontoon at Loch Ryan.
160	6.22. All existing and historic Sandwich tern colonies have been land-based. There is no justification for the inclusion of the pontoon unless this is retained for wider biodiversity benefits. However, this is a separate consideration from compensation measures.	
6. RSPB detailed comments on the Applicant's specific compensation proposals - The RSPB's comments on "Nesting Habitat Improvements and Restoration of Lost Breeding Range at Scar Point, Loch Ryan": Creation of a lagoon with nesting islands		
161	6.23. We agree with Natural England that creation of a lagoon with nesting islands does have the potential to provide an effective compensation measure for Sandwich terns. The ecological requirements of the species are known and this enables the conditions needed to attract Sandwich terns to be created. However, there remain outstanding gaps in the Applicant's evidence to be confident on the scale of habitat that needs to be delivered. We are especially concerned that the Applicant has chosen to develop an option that does not meet the "scale" criteria we have outlined above.	Noted. <b>The Sandwich Tern – Quantification of Productivity Benefits Technical Note</b> [REP1-058] provides detail on the scale of compensation required and how the Applicant's proposals are able to deliver on this requirement.
162	6.24. There are a number of statements made by the Applicant to justify its approach to the development of the Loch Ryan proposal that we consider to be	Noted – see responses at ID 163 and 164 of this table.

ID	Written Representation Comment	Applicant's Comment
	unjustified or erroneous. We highlight these in Table 5 below with our comments:	
163	<p>Table 5: RSPB comments on APP-069: Sandwich Tern Compensation Document</p> <p>Paragraph 140: The Applicant discusses the colonisation of St John's Pool by Sandwich terns and makes a number of statements about birds moving widely between sites. The colonisation of St John's Pool, being quite near the Orkney sites, is not surprising. We know that terns move along the east coast of Scotland, as birds are caught in the Ythan Estuary in Aberdeenshire, after breeding further south as well as there being birds moving south, but we are less clear of the evidence for them moving down the west coast of Scotland. We know that other tern species breeding in Northumberland go overland from the Irish Sea to the North Sea, rather than going around the Scottish coast. Therefore, it would be helpful to see some tracking data or ring resighting data to back up the assumption that birds move widely between sites in respect of the west coast of Scotland.</p>	<p>There is a lot of documented evidence of interchange of Sandwich terns between east and west UK as well as with other countries. For example, Wernham et al. (2002) in The Migration Atlas state "<i>Natal dispersal to countries bordering the North and Baltic Seas is not confined to Sandwich terns ringed on the east coast of Britain, and there is also interchange between different regions within Britain and Ireland</i>".</p> <p>Overland movement of Sandwich terns is seen in spring and autumn between the Clyde and Forth, and has been studied by the Clyde Ringing Group. Sandwich terns involved in those movements include birds ringed at colonies in Northumberland and Aberdeenshire. Those movements are likely to bring birds close to Loch Ryan. Observations of one hundred and forty-nine colour ringed Sandwich terns at Loch Ryan showed that these had been ringed at 18 locations in six countries. Clearly these birds move widely on the west coast just as they do on the east coast, and move between east and west UK, as these included birds moving to Loch Ryan from Northern Ireland, Firth of Clyde, Hodbarrow RSPB, Isle of May Firth of Forth, Blackness Firth of Forth, Republic of Ireland, Wales, Coquet Island RSPB Northumberland, Farnes Northumberland, Ythan Estuary Aberdeenshire, Forvie National Nature Reserve Aberdeenshire, Scolt Head Norfolk, Blakeney Point Norfolk, Texel Netherlands and Griend Netherlands.</p>
164	<p>Paragraph 141: The Applicant states that "Since there seems to be frequent non-breeding by adult Sandwich terns provision of this new breeding opportunity is likely to increase the proportion of the population that chooses to breed..." This would only be true if nest sites were the limiting factor and there is no reason to think this. It is more likely that birds breed or not depending on their body condition at the start of the breeding season, so winter food supply is more likely to be the determining factor.</p>	<p>It seems odd that RSPB suggest that suitable nest sites for Sandwich tern are available in unlimited numbers in the west of Scotland. This seems highly unlikely given that all of the (12 or so) historic colonies of Sandwich tern in the west of Scotland have died out over recent decades (Forrester et al. 2007), apparently as a result of a combination of mammal predation (such as from American mink) from human disturbance and from either overgrowth of nest areas by vegetation or erosion loss. This lack of any safe nest sites for Sandwich terns anywhere in the west of Scotland is widely considered to be why no Sandwich terns nest in west Scotland despite large numbers of adults being present during the breeding season.</p>



ID	Written Representation Comment	Applicant's Comment
		<p>The Applicant is not aware of any scientific study showing that Sandwich tern breeding is determined by the body condition of birds achieved during winter. It would be helpful if RSPB could provide the evidence that this affects Sandwich tern breeding propensity.</p>
165	<p>Paragraph 142: It is not clear what evidence exists to suggest that it is a lack of suitable nesting habitat limiting recolonisation of west Scotland. There are a range of factors that will be affecting the colonisation of sites, which include the limiting impact of American Mink.</p>	<p>The Applicant agrees that habitat with mink present is not suitable habitat for Sandwich tern nesting. See the Applicant's response to ID 164 above. This is the reason for stating in <a href="#">Appendix 2 - Sandwich Tern Compensation Document</a> [APP-069] that the site would be protected with a predator-proof fence to ensure that mammalian predators would not be able to impact nesting terns.</p>
166	<p>Paragraphs 144/145/147 Common terns often use rafts, Sandwich terns do not. It is not because they have not had opportunities to, as there are many tern rafts within the range of Sandwich terns and they have never nested on any of them. For example, Sandwich terns have moved from North Norfolk and historically colonised the Scroby sandbanks off of Great Yarmouth (Norfolk) when these features have remained above the high tides. Nearby Breydon Water has tern rafts that have been used for decades by common terns, but there have been no records of Sandwich terns ever showing an interest in breeding on them.</p>	<p>See the Applicant's response at ID 159 of this table.</p>
167	<p>Paragraphs 144/146: Creating and fencing a lochan might work but there has been no serious consideration given to creating or restoring an island within Loch Ryan or another suitable site. Also if a lochan with islands is created the design needs to follow best practice guidance. The St John's Pool islands are atypical – bigger flatter islands are usually better. The fence has to be genuinely well-made and well maintained in perpetuity/replaced as required in order to ensure it is effective.</p> <p>Paragraph 150: The advice received by the RSPB from Dutch seabird experts appears to be contradictory on the importance of scale for Sandwich terns.</p>	<p>The Applicant notes that consideration was given to restoration of the original spit at Scar Point; however, this measure was discounted during the pre-application stage following engagement with the Offshore Ornithology Compensation ETG (as outlined in Table 6-3 of <a href="#">Appendix 2 - Sandwich Tern Compensation Document</a> [APP-069]).</p> <p>Also (as noted above), <a href="#">Appendix 2 - Sandwich Tern Compensation Document</a> [APP-069] provides outline design details as well as details regarding the maintenance of the proposed measure to ensure among other things, the integrity of the predator-proof fencing is maintained.</p> <p>Development of concept designs is in progress - the Applicant's hopes to be in a position to provide further information ahead of Deadline 3 (see the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update</a> (REP1-061] for further information).</p>

ID	Written Representation Comment	Applicant's Comment
		<p>The Applicant is unable to comment on advice RSPB have received but not shared. However, a newly published study of 154 islets created for terns and gulls in France found that the overwhelmingly important factor influencing colonisation by Sandwich tern was the previous colonisation of the site by black-headed gulls. Sandwich terns were 100 times more likely to nest at sites that had already been colonised by black-headed gull. No other factor played as an important role as the presence of black-headed gull in facilitating colonisation by Sandwich tern.</p>
168	<p>Paragraph 152: Sandwich terns do not use nest boxes. They do not even use chick shelters very often: the chicks usually defend themselves by running away into vegetation, often as a big creche. The work on the Farne Islands on vegetation management and nutrient stripping is likely to be beneficial, but will not provide additionality over management measures required to restore and maintain favourable status.</p>	<p>See the Applicant's response at ID 172 of this table.</p>
169	<p>The Applicant has identified that a lagoon would be created to the north of Scar Point. The RSPB has a number of concerns regarding the suitability of this site. We are concerned about the site being constrained by rising land and woodland. This is likely to make the site feel too enclosed for Sandwich terns, as they prefer an open aspect. Disturbance in the surrounding area will need to be carefully managed to ensure birds are not put off from using the site. The presence of RAF Wig Bay Seaplane Base would also introduce disturbance and it would be helpful to know if it was present/active when Sandwich terns bred historically on the Point. Any trees would need to be removed and the ground confirmed that it would be suitable for a lochan creation. It is not clear how water would be brought onto site and how water levels would be maintained. This is critical to the management of the site and its potential to be effective.</p>	<p>The Applicant's expert ornithologist has undertaken several visits to Loch Ryan to assess the suitability of sites within the identified Area of Search. This led to the identification of several sites within the preferred area of search (see Figure 3 in <b>Appendix A - Supporting Figures for the Applicant's Responses to Relevant Representations</b> [REP1-035]) which, as agreed with Dumfries and Galloway Council and NatureScot, are considered to represent the most ecologically suitable and least constrained options, and likely to have the greatest chance of success.</p> <p>The Applicant has undertaken a robust and iterative site selection process informed by an extensive programme of consultation with the Offshore Ornithology Compensation ETG (see <b>Annex 1D record of HRA Derogation Consultation</b> [APP-068]). Whilst as part of this process, other locations were reviewed and discussed with stakeholders, no other suitable location for implementing compensation that has as high a chance of success was identified. The Applicant is therefore committed to securing a suitable site at Loch Ryan.</p>
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Improved breeding success at other SPA sites other than NNC – Farne Islands SPA</p>		

ID	Written Representation Comment	Applicant's Comment
170	<p>6.25. The RSPB has concerns that the measures proposed are not relevant to Sandwich tern or are measures that should be implemented as SPA site management and, therefore, additionality cannot be demonstrated. These concerns have also been raised by Natural England in Appendix C of their Relevant Representation (RR-063). We set out comments below against each of the measures proposed by the Applicant:</p>	<p>Early informal discussions with National Trust during pre-application indicated that the measures proposed are likely to be additional to those set out in the forthcoming management plan (see <a href="#">Annex 1D - Record of HRA Derogation Consultation</a> [APP-068]). The Applicant has not been able to obtain a copy of the latest Management Plan (April 2021 onwards) for Farne Islands SPA and has therefore been unable to formally validate the additionality of the proposed measures.</p>
171	<p>6.26. Nest boxes (paras 152, 177, 184, 186 and 189 of Appendix 2; APP-069): Sandwich Terns do not use nest boxes. The Applicant has misrepresented the Steel &amp; Outram (2020) paper. Nowhere in this article does it say that Sandwich terns use nest boxes. They do sometimes nest on the Isle of May 'terrace' (which was built in the hope of attracting Roseate Terns): this is probably because it is bare ground which this species likes. Even then, since the terrace was constructed, they have recorded 21 pairs of Sandwich Terns in 2016, 4 pairs in 2017, 0 pairs in 2018, 10 pairs in 2019. This does not suggest the significant benefits being promoted by the Applicant. This has been pointed out in Natural England's Relevant Representation (Point 14, pp.59-60, Appendix C; RR-063). Whilst nest boxes might provide some benefit for birds to nest against or as chick shelters, this is likely to be limited, as the chicks usually defend themselves by running away into vegetation, often as a big creche. Sandwich Tern is the tern species least likely to use them. Roseate terns are the main species that benefit from nest boxes. In addition, any evidence is also needed to understand if the deployment of nest boxes could be detrimental to other seabird features of the Farne Islands SPA, as identified by Natural England in Appendix C of their Relevant Representation.</p>	<p>The Energy Security Bill Policy Statement (BEIS, 2023) on the OWEIP Measures (see <a href="#">Appendix B.1 – Supporting Documents for the Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-038] for a copy of this document) states that <i>"Government is also considering enabling developers to undertake work already identified by Government to improve the condition of protected species and habitats. This would substantially increase the number of measures available to developers and also accelerate marine recovery for some sites"</i> (pg. 10 &amp; 11). Final guidance on compensatory measures is due to be published by the Department for Environment, Food &amp; Rural Affairs (Defra) in late 2023 and this is expected to provide further information on how additionality should be considered going forwards.</p> <p>In light of possible upcoming changes to policy and best practice guidance with respect to additionality and the severity of the situation at the Farne Islands which has seen Sandwich tern breeding numbers decline considerably over a 40-year period, despite ongoing conservation and management efforts (see <a href="#">Annex 2B - Sandwich Tern Nesting Habitat Improvements Site Selection</a> [APP-071]), the Applicant considers its proposal to undertake measures to improve breeding success at the Farne Islands SPA to be an important part of its proposed package of compensatory measures for Sandwich tern. It is considered that there is sufficient evidence outlined in <a href="#">Appendix 2 – Sandwich Tern Compensation Document</a> [APP-069] and the <a href="#">Sandwich Tern Quantification of Productivity Benefits Technical Note</a> [REP1-058], to demonstrate that if delivered at an appropriate scale, the measures proposed could provide substantial benefits to</p>

ID	Written Representation Comment	Applicant's Comment
		breeding numbers of Sandwich tern at the Farnes as well as address any accrued mortality debt associated with the Applicant's proposed measure at Loch Ryan. Thus, it is considered important that this measure remains within the Applicant's proposed package of compensatory measures for Sandwich tern.
172	6.27. Deployment of nest cameras (paras 152, 177, 184, 186 and 189 of Appendix 2; APP-069): It is unclear how nest cameras alone can constitute a compensation measure. They can help identify a management problem but the compensation element will come from any follow up action to address the predation impact etc, although in this instance we do not see how this could be distinguished from necessary SPA site management work. It is also unclear how camera footage would be processed, as it would require significant resources. More detail on this is needed to demonstrate its appropriateness.	The Applicant's proposals at the Farne Islands SPA, include provision of shelters for which there is evidence that this reduces depredation on Sandwich tern chicks. It is uncertain whether Sandwich terns would gain benefits of reduced egg losses through provision of nest boxes; they may gain less than other tern species, but still are likely to gain some protection by nesting against boxes, as indicated by Steel and Outram (2020). The Applicant proposes to monitor predation by camera deployment and if the benefits are less than anticipated and less than required for compensation then the gull attack rate could potentially be further reduced (by up to 50%) by deployment of bamboo canes, as demonstrated previously by experimental studies at the Farne Islands (but not implemented in subsequent management). Regarding bamboo canes, the Applicant agrees that these should have been deployed as part of the routine site management. However, it is the Applicant's understanding that bamboo canes have only been deployed experimentally at the Farne Islands (Boothby et al. 2019) and are not understood to be included as a tern protection measure in the latest Farne Islands Management Plan so the Applicant's proposal is considered to be additional. Further information on each of these measures is provided in the <a href="#">Sandwich Tern – Quantification of Productivity Benefits Technical Note</a> [REP1-058].
173	6.28. Use of bamboo canes to deter nest predation by gulls: Given that canes will already form part of the management activities needed to restore Sandwich terns it remains unclear how this would be additional and therefore a suitable compensation measure. We note that Natural England share this concern.	
174	6.29. In developing compensation options for supporting the recovery of Sandwich terns on the Farne Islands SPA we consider that none of those proposed by the Applicant are appropriate.	Noted.
6. RSPB detailed comments on the Applicant's specific compensation proposals - Additional sites that could be considered for the purposes of Sandwich tern compensation		
175	6.30. The RSPB has previously highlighted a number of search areas for the Applicant to review as locations where habitat for Sandwich terns could be	At a meeting between the Applicant, Natural England and the RSPB held on 24 May 2022 to discuss these prospective sites, Natural

ID	Written Representation Comment	Applicant's Comment
	<p>created. The following locations were discussed at the Expert Topic Group meeting on 24 May 2022:</p> <ul style="list-style-type: none"> <li>• Gibraltar Point, Lincolnshire Coast</li> <li>• South of Anderby Creek, Lincolnshire Coast</li> <li>• North of Anderby Creek, Lincolnshire Coast</li> <li>• North Lincolnshire Coast (Tetney to Mablethorpe)</li> <li>• Area adjacent to Easington lagoons/Kilnsea area, north Humber Estuary.</li> </ul>	<p>England confirmed the lack of historical nesting of Sandwich tern in the Lincolnshire region. Some additional constraints were also highlighted, including proximity to existing offshore wind farms (e.g. Inner Dowsing, Lincs, Lynn, Race Bank etc.), whether there is sufficient space at these locations and implications for existing Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) designations. It was also queried whether trying to create a smaller satellite colony near a bigger colony was the best approach. Breeding at Scolt Head and Blakeney Point does not appear to be limited by the nesting habitat availability or to show density-dependent productivity. Therefore, in this instance, there does not appear to be a strong case for favouring sites closer to the north Norfolk coast. Finally, island lagoon creation has been undertaken before (e.g. Freiston Shore), but there hasn't been much interest in those locations from breeding Sandwich tern. Natural England considered habitat creation quite transformational, but the risk of non-occupancy is a concern for the sites proposed by RSPB. On balance and factoring in the potential to restore Sandwich tern breeding range, Natural England supported the proposal at Loch Ryan.</p> <p>Following this feedback, the Applicant discounted the proposed sites suggested by RSPB, with Loch Ryan remaining the preferred location. The Applicant's site selection process is detailed in <a href="#">Annex 2B – Sandwich Tern Nesting Habitat Improvements Site Selection</a> [APP-071].</p>
176	<p>6.31. In addition, Foulness Island in Essex has also been discussed as a former Sandwich tern site that may have potential for supporting Sandwich terns again.</p>	<p>It should be noted that whilst the Farne Islands SPA is currently the focus of the Applicant's efforts to improve breeding sites at SPA sites other than NNC, potential measures at Foulness SPA are also being considered as part of the Applicant's overall package of measures for Sandwich tern. However, the Applicant notes there are difficulties at Foulness, in that it is Ministry of Defence land and there are stakeholder concerns regarding the likely success of this proposal given that Sandwich terns have not nested at Foulness for more than 20 years. Thus, restoring the species to this site would likely be much more difficult than for example, halting the decline of breeding numbers at Farne Islands SPA.</p>

ID	Written Representation Comment	Applicant's Comment
177	<p>6.32. It is acknowledged that there are concerns with the suitability of alternative locations, notably around additionality (such as for Foulness Special Protection Area) where actions to restore the Sandwich tern SPA feature are required, or where there may not have been historic records of breeding Sandwich terns and there is therefore uncertainty over the prospect of new habitat being used. However, the Loch Ryan location also has uncertainties over success. Therefore, additional locations should be considered. Whilst there are challenges in including additional sites as compensation locations for Sandwich terns, we consider alternative locations will need to be properly explored and scrutinised to provide greater certainty that any adverse impacts on the North Norfolk Coast SPA and Greater Wash SPA population of Sandwich terns can be compensated for. Reliance on a single site with the described uncertainties places chances of success at risk. Therefore, we agree with Natural England that other sites should be explored (paragraph 2, Appendix C, RR-063).</p>	<p>Exploration of alternative sites was undertaken during the pre-application phase as part of a robust and iterative site selection process informed by an extensive programme of consultation with the Offshore Ornithology Compensation ETG (see <a href="#">Annex 2B – Sandwich Tern Nesting Habitat Improvements Site Selection [APP-071]</a> and <a href="#">Annex 1D - Record of HRA Derogation Consultation [APP-68]</a>). This process failed to identify any other suitable sites that had good stakeholder support, strong ecological merit and as high chance of successfully delivering the required level of compensation as Loch Ryan. In light of the positive progress that is being made with respect to securing land at Loch Ryan (see the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update [REP1-061]</a>), and the evidence presented in the <a href="#">Sandwich Tern – Quantification of Productivity Benefits Technical Note [REP1-058]</a> the Applicant does not consider there to be a need at this stage to explore other sites.</p>
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Summary of RSPB views on the Applicant's Sandwich tern compensation proposals</p>		
178	<p>6.33. The Applicant acknowledges there is uncertainty about whether or not Sandwich terns would recolonise Loch Ryan if suitable breeding habitat was created, and how quickly this may occur (for example, para 152, pp.47-48, Appendix 2; APP-069). We consider the compensation package should include a greater number of appropriately located sites to provide confidence that sufficient capacity will be created to accommodate Sandwich terns and ensure that suitable options are available for birds to have options to breed and build resilience into the SPA network. The addition of a single site will make limited contribution to addressing the resilience.</p>	<p>See the Applicant's response to ID 175-177 of this table.</p>
179	<p>6.34. Our comments through the Examination will focus on the Sandwich tern evidence base, the assessment assumptions and conclusions, and the quality and appropriateness of the compensation package to address impacts on Sandwich terns. At present, the RSPB does not consider the compensation package will protect the overall coherence of the National Site Network for Sandwich terns.</p>	<p>Noted. See the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update [REP1-061]</a>. It is the Applicant's intention to provide further updates at appropriate deadlines during Examination as and when new or updated information (including any supporting evidence) becomes available.</p> <p>In addition, the Applicant has submitted an <a href="#">Apportioning and HRA Updates Technical Note (Revision B)</a> [document reference 13.3]</p>

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		<p>which provides updated calculations based on the updated CRM parameters provided in Appendix B1 of Natural England's Relevant Representation [RR-063] and advice received within Appendix B of the Natural England Relevant Representation.</p> <p>Also see the <a href="#">Sandwich Tern – Quantification of Productivity Benefits Technical Note</a> [REP1-058].</p>
6. RSPB detailed comments on the Applicant's specific compensation proposals - Kittiwake		
180	<p>6.35. Kittiwake compensation measures are outlined in APP-072 (Kittiwake Compensation Document). They comprise:</p> <ul style="list-style-type: none"> <li>• Nest site improvements to enhance breeding success:</li> <li>• Construction of new artificial breeding sites (onshore or offshore):</li> </ul>	<p>Noted. The Applicant clarifies that nest site improvements to enhance breeding success is being taken forward on a project-led basis whilst construction of new artificial breeding sites (onshore or offshore) is being considered for collaborative delivery only.</p>
181	<p>6.36. Pending further information from the Applicant, we set out our current views on each below, drawing on our relevant representation.</p>	<p>Noted. See the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update</a> [REP1-061] and <a href="#">Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</a> [REP1-055].</p>
6. RSPB detailed comments on the Applicant's specific compensation proposals - Nest site improvement to enhance breeding success		
182	<p>6.37. This relies on demonstrating improved breeding success in urban locations where success is argued to be constrained by human disturbance or predation. Potential locations are suggested (e.g. in Lowestoft and Tyne) but none apparently secured at the time of the application. Challenges include but are not limited to: demonstrating improved breeding success over the long-term against a detailed evidential baseline, demonstrating additionality against other kittiwake nesting initiatives already underway in selected locations.</p>	<p>It should be noted that modifications to the existing kittiwake tower at Gateshead represents the Applicant's preferred option for delivering nest site improvements to enhance breeding success. The Applicant recognises that there is strong opposition from East Suffolk Council for project-led delivery of nest site improvements to enhance kittiwake breeding success within Lowestoft town as it would be contrary to their strategic position. Whilst it remains the Applicant's view that its proposal for Lowestoft has strong ecological merit and is technically feasible, in light of East Suffolk Council's view and recognising the positive progress being made with respect to securing the option at Gateshead (see the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update</a> [REP1-061] which includes a letter of support from Gateshead Council in Appendix B), the decision has been taken to not actively progress the option at Lowestoft further at this stage. As outlined in the <a href="#">Draft Statement of Common Ground: Natural England</a></p>
183	<p>6.38. The RSPB broadly agrees with Natural England's comments on this proposal set out in Appendix C of its relevant representation (RR-063), including:</p> <ul style="list-style-type: none"> <li>• Reference 22: regarding significant problems associated with the lack of knowledge on likely recruits to new nest sites and difficulty in securing locations;</li> </ul>	<p>It should be noted that modifications to the existing kittiwake tower at Gateshead represents the Applicant's preferred option for delivering nest site improvements to enhance breeding success. The Applicant recognises that there is strong opposition from East Suffolk Council for project-led delivery of nest site improvements to enhance kittiwake breeding success within Lowestoft town as it would be contrary to their strategic position. Whilst it remains the Applicant's view that its proposal for Lowestoft has strong ecological merit and is technically feasible, in light of East Suffolk Council's view and recognising the positive progress being made with respect to securing the option at Gateshead (see the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update</a> [REP1-061] which includes a letter of support from Gateshead Council in Appendix B), the decision has been taken to not actively progress the option at Lowestoft further at this stage. As outlined in the <a href="#">Draft Statement of Common Ground: Natural England</a></p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>Reference 23: regarding there being no inherent difference in delivering productivity gains between new structures and adaptations to existing structures;</li> <li>Reference 25: regarding the lack of a detailed method to quantify claimed benefits and the need for this to be submitted into the Examination for scrutiny;</li> <li>Reference 26: regarding the high levels of uncertainty that suitable locations will be available for the required scale of intervention over the lifetime of the project.</li> </ul>	<p><b>(HRA Derogation)</b> [REP1-047], the Applicant and Natural England have therefore agreed not to pursue discussions during Examination regarding the Lowestoft option.</p> <p>The <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [REP1-055] demonstrates that in the context of the Tyne area, and taking account of other offshore wind developer proposals, there is existing and, at present, increasing demand for additional or improved nesting provision for kittiwakes. In addition, as stated in the note, there is broad agreed with Natural England that there is capacity within the Tyne region for the Applicant's proposals and that the difference between the Applicant's and other developers artificial nesting structure proposals is immaterial.</p>
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Construction of new artificial breeding sites (onshore or offshore)</p>		
184	<p>6.39. The RSPB notes and agrees with the Applicant's comment that concerns have been raised by stakeholders around the potential for diminishing returns with an increased number of new artificial nesting structures for kittiwakes. Such measures are currently unproven as compensation measures e.g. delivering against an agreed set of compensation objectives.</p>	<p>The <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [REP1-055] demonstrates that in the context of the Tyne area, and taking account of other offshore wind developer proposals, there is existing and, at present, increasing demand for additional or improved nesting provision for kittiwakes.</p>
185	<p>6.40. The RSPB agrees that artificial nesting structures are a possible compensation measure for kittiwake but with such substantial caveats that we consider they are, as yet, unproven as a compensation measure.</p>	<p>Noted.</p>
186	<p>6.41. In respect of onshore ANS, the RSPB shares Natural England's concern (reference 27, Appendix C, RR-063) that the benefit of new structures in the Lowestoft area is questionable given the number of proposals currently in train by consented offshore wind farms.</p>	<p>See the Applicant's response at ID 182 of this table.</p>
187	<p>6.42. In respect of offshore ANS, there is significant legal uncertainty at this time in respect of the ability to repurpose offshore structures for this use as the view of the Department for Energy Security and Net Zero and the Offshore Petroleum Regulator for Environment &amp; Decommissioning (OPRED) has not been established at this point.</p>	<p>An update on the Applicant's progress with respect to collaborative compensation delivery is provided in the <b>Habitats Regulations Assessment Derogation and Compensatory Measures Update</b> [REP1-061].</p>



ID	Written Representation Comment	Applicant's Comment
188	<p>6.43. We consider it would be helpful to provide the Examining Authority with the RSPB's summary position at the end of the Hornsea Project Four examination on (onshore and offshore) artificial nesting structures. These points are all broadly relevant to the current application and provided in Table 6 below.</p> <p>Summary Detailed concerns set out in previous submissions remain:</p> <ul style="list-style-type: none"> <li>- Lack of agreement on magnitude of impact to be compensated for (see section 2, Annex A)</li> <li>- Lack of agreement on the methodology to convert those impacts to compensation objectives;</li> <li>- whether nesting habitat is a limiting factor for breeding kittiwakes in the southern North Sea and whether any new structure will be used by additional breeding adults as opposed to existing adults choosing to redistribute;</li> <li>- whether and over what timescale any new colony will achieve the target population and also recruit breeding adults to the UK National Site Network for kittiwakes, including FFC SPA;</li> <li>- lack of a meta-population analysis to clarify the dynamics between any proposed artificial nesting structure and SPA/other colony populations: elucidating the feasibility of establishing the proposed colonies and the consequences of such colony establishment on the populations of other colonies, in particular FFC SPA;</li> <li>- the lead-in time for the proposed compensation in relation to the point at which impact will occur and the lifetime of the compensation measure in relation to damage. Review of the most recent materials confirms fundamental issues remain relating to the securing of (i) a location and (ii) a regulatory pathway agreed with the relevant regulators to allow the repurposing of an offshore oil or gas structure for compensation purposes.</li> </ul> <p>Further information is required on the Applicant's proposals, with particular reference to:</p> <ul style="list-style-type: none"> <li>- A secured location for the proposed Artificial Nesting Structure</li> </ul>	<p>Project-led delivery of compensation via modifications to the existing kittiwake tower at Gateshead remains the focus for the Applicant with the construction of new artificial breeding sites for kittiwakes onshore or offshore being considered on a purely collaborative basis. This represents an alternative option potentially available to the Applicant within timescales relevant to SEP and DEP. As such, the same level of detail with respect to this measure compared with the Applicant's proposed project-led measure has not been provided.</p> <p>The Applicant notes that the <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] reports a reduced level of predicted impact to kittiwake (relative to that reported in the <b>RIAA</b> [APP-059]) as a result of the updated CRM parameters provided in Appendix B1 of Natural England's Relevant Representation [RR-063].</p> <p>The <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [REP1-055] demonstrates that in the context of the Tyne area, and taking account of other offshore wind developer proposals, there is existing and, at present, increasing demand for additional or improved nesting provision for kittiwakes (see ID 182 of this table).</p>

ID	Written Representation Comment	Applicant's Comment
	<p>- If this is a repurposed offshore structure, details of agreement with the relevant regulatory authorities on the regulatory pathway that will secure that structure for the lifetime of the compensation measure.</p> <p>- If it is an alternative ANS, details of the relevant agreements that secure the location and any regulatory requirements.</p> <p>- Details of the design of the relevant ANS, compensation objectives, implementation, monitoring, reporting and adaptive management strategies. Due to the uncertainty on these critical matters in respect of a repurposed offshore ANS, there is currently significant doubt as to whether the Applicant will be able to bring forward an artificial nesting structure, where that structure will be, what form it will take and whether any other barriers remain in respect of securing the compensation measure.</p>	
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Guillemot and razorbill</p>		
189	<p>6.44. Compensation measures for guillemots and razorbills are set out in APP-074 (Gannet Guillemot and Razorbill Compensation Document):</p> <ul style="list-style-type: none"> <li>• Bycatch reduction;</li> <li>• Predator eradication</li> </ul>	Noted.
190	<p>6.45. Below we expand on our comments set out in our Relevant Representation on each of these measures and, where relevant, note our agreement with Natural England's comments as set out in their Relevant Representation (RR-063). As the Applicant has relied, in part, on submissions made by Hornsea Project Four, we have included summary information from our detailed comments on those measures (and have also provided our more detailed comments from our Hornsea Four submissions in Annex A). This is to illustrate the critical issues that remain outstanding on each measure.</p>	
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Bycatch reduction (project-led and collaborative)</p>		
191	<p>6.46. As stated in our Relevant Representation, the applicant refers to various possible measures to achieve bycatch reduction, although no specific measure with the necessary detail is proposed to enable a proper assessment as compensation. Any proposal must be evidenced and specific to a particular fishery in order to determine if it will result in sustained bycatch reduction for</p>	<p>Regarding the compensatory measures proposals for auks, since submission of the DCO application, the Applicant has had further discussions with fisheries stakeholders in the northeast of England and has ascertained that the level of set net fishing activity and therefore auk bycatch in this region is unlikely to be of a sufficient scale to present a</p>

ID	Written Representation Comment	Applicant's Comment
	<p>each species beyond the lifetime of the OWF. This typically requires multi-year trials which have not been carried out prior to application. Therefore, the Applicant's claim of there being no delay to compensation delivery are not proven.</p>	<p>feasible compensation measure. However, in response to the points raised by Natural England within their Relevant Representation [RR-063], the Applicant is now investigating options for the implementation of the same or similar measures in the southwest of England. The Applicant is intending to submit at Deadline 3 an Auk Bycatch Reduction Feasibility Statement which will include further details on these proposals.</p>
192	<p>6.47. Reference is made to use the use of looming eye buoys (LEB) as one potential measure. LEBs are an experimental prototype measure that has been developed by the RSPB/BirdLife International in collaboration with Fishtek Marine. It has not been proven to be an effective measure for bycatch reduction with respect of guillemot and razorbill at the time of writing. The Applicant appears to place reliance on claims made by Orsted in its submissions to the Hornsea Four examination. The RSPB carefully reviewed the evidence presented by Orsted, was highly critical of it and considers that at this stage little weight can be placed on it as a viable compensation measure. Table 7 below is a copy of Table 9 from the RSPB's REP6-069 to the Hornsea Four examination: this summarised the further information the RSPB considered the Examining Authority and Secretary of State would need in order to begin to evaluate Hornsea Four's bycatch proposal. Our detailed assessment of the same proposal against the compensation criteria set out in Table 4 above (section 5) is provided in Annex A to this submission (at Table A1).</p> <p>[See Table 7 in RSPB Written Representation]</p>	<p>It should be noted that the Applicant's overall compensatory measures proposal also includes measures that could potentially be delivered on either a collaborative (bycatch reduction and predator eradication from a breeding colony) or strategic basis (i.e. contribution to strategic compensation fund such as the Marine Recovery Fund). See the <a href="#">Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit [APP-084]</a> and <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update [REP1-061]</a> documents for further information with respect to these options.</p>
193	<p>6.48. We consider it helpful to provide this information to illustrate how much work is still required by the Applicant before this measure can be given serious consideration. In this respect we fully agree with Natural England's statement in paragraph 20 of its Relevant Representation:</p> <p><i>"The proposals for compensatory measures to account for impacts on guillemot and razorbill are relatively undeveloped and lack the required detail on location, scale, technical feasibility and long-term implementation. Crucially, there is no clear evidence that bycatch or predation impacts at an identified site are occurring to a degree that offers the Applicant sufficient opportunity to reduce those impacts at the scale required to provide compensation."</i></p>	
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Predator eradication from a breeding colony (collaborative)</p>		

ID	Written Representation Comment	Applicant's Comment
194	<p>6.49. As we set out in our Relevant Representation, the Applicant has not put forward any specific measure, but does make reference to proposals by Hornsea Project Four in respect of Guernsey. The RSPB carefully reviewed the evidence put forward by Hornsea Project Four on its proposals. Table 8 below is a copy of Table 8 from the RSPB's REP6-069 to the Hornsea Four examination: this summarised the further information the RSPB considered the Examining Authority and Secretary of State would need in order to begin to evaluate Hornsea Four's predator eradication proposal. Our detailed assessment of the same proposal against the compensation criteria set out in Table 4 above (section 5) is provided in Annex A to this submission (at Table A2).</p> <p>[See Table 8 in RSPB Written Representation]</p>	<p>An update on the Applicant's progress with respect to collaborative compensation is provided in the <a href="#">Habitats Regulations Assessment Derogation and Compensatory Measures Update</a> [REP1-061].</p>
195	<p>6.50. We consider it helpful to provide this information to illustrate how much work is still required by the Applicant before this measure can be given serious consideration.</p>	
<p>6. RSPB detailed comments on the Applicant's specific compensation proposals - Gannet</p>		
196	<p>6.51. Compensation measures for gannet are set out in APP-074 (Gannet Guillemot and Razorbill Compensation Document). The RSPB repeats here its comments from its Relevant Representation</p> <ul style="list-style-type: none"> <li>Enhance the conservation of wintering and migrant shorebirds and waterfowl at Loch Ryan, Scotland (non like-for-like compensation): this cannot be considered as compensation. It is not compliant with the requirement to protect the overall coherence of the National Site Network for gannet. The RSPB notes the Applicant refers to draft Defra guidance, which has not been published in final form. The RSPB was highly critical of the element of Defra's draft guidance relied on by the Applicant as the RSPB considers it does not comply with the legal requirements for compensation under the Habitats Regulations as such measures cannot protect the overall coherence of the National Site Network for the impacted species.</li> </ul>	<p>As noted at ID 43 of this table, the Applicant anticipates being able to reach a final agreed position with Natural England at Deadline 3 that a compensation case for gannet is not required and therefore has not provided a detailed response to this comment.</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>• Bycatch reduction (project-led and collaborative): this comprises a research proposal to establish the scale and pattern of bycatch of gannet in Portuguese waters and to investigate the merits of different bycatch reduction measures. The RSPB recognises there is a need for such research. However, it does not comprise a feasible compensation measure for any predicted adverse effects on integrity on FFC SPA gannets. Such research will take many years to complete and may not produce viable bycatch reduction measures. Therefore, it cannot be relied on as a compensation measure at this stage and we cannot see how this will change prior to the end of the examination.</li> </ul>	
6. RSPB detailed comments on the Applicant's specific compensation proposals - Red-throated diver		
197	<p>6.52.As set out in section 4 above, it is the RSPB's view that the SEP project alone and DEP and SEP in combination, means the RSPB cannot rule out an adverse impact of displacement on the integrity of the Greater Wash SPA. Therefore, measures are required to avoid those adverse impacts, otherwise compensation measures would be required.</p>	<p>The <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [document reference 13.3] includes an updated RTD GW SPA operation and maintenance phase displacement assessment utilising the refined assessment approach described by Natural England in Appendix B (Table 3) of their Relevant Representation [RR-063]. Additionally, that document also includes an updated export cable laying vessel 'effective area of displacement' assessment following advice from Natural England in their Relevant Representation [RR-063].</p>

## 2.29 The Woodland Trust

Table 31 The Applicant's Comments on The Woodland Trust's Written Representation

ID	Written Representation Comment	Applicant's Comment
1	<p>Objection – impact to ancient woods and trees</p> <p>As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. We are an evidence-led organisation,</p>	<p>The Applicant acknowledges the comment.</p>

ID	Written Representation Comment	Applicant's Comment
	<p>using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and ancient and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the DCO application</p>	
2	<p>Impact to ancient woodland and veteran trees</p> <p>The Trust objects to the preferred route corridor on the basis of potential deterioration to Colton Wood, a Plantation on Ancient Woodland Site (PAWS) designated on the Ancient Woodland Inventory (grid reference: TG1174508832), plus five trees/tree groups recognised as veteran (G14, T028, T045, T057 and T062) within the Arboricultural Survey Report [reference: APP-228]. We also hold concerns regarding the likely increase in air quality impacts to a number of ancient woodlands.</p> <p>Furthermore, Ringland Covert - which appears on maps dated in the 1880s and is referred to within the application documents as ancient woodland – will be subject to likely direct loss and/or detrimental impact to facilitate the proposed cabling works. While not present on the AWI, this woodland's long-standing presence means it is likely to be of historical and ecological importance and may well be unmapped ancient woodland. Natural England should be consulted for their opinion on the application, the antiquity of the woodland and the likely impact of the proposals on this important piece of woodland.</p>	<p>The Order limits have been developed to avoid ancient woodland. All ancient woodlands are at least 67m from the Order Limits, with the exception of Colton Wood which, at its closest boundary, is 10m from the Order Limits.</p> <p>The following response was provided in response to the Relevant Representation from The Woodland Trust [RR-115].</p> <p>A detailed assessment of the potential dust and air quality emissions effects upon Colton Wood and other ancient woodland within 200m of the Order limits is presented in of <b>ES Chapter 22 Air Quality</b> [APP-108, Sections 22.6.1.1 and 22.6.1.2].</p> <p>These assessments conclude that dust and air quality emissions will have a non-significant effect upon these sites. The Applicant will seek to ensure that the maximum buffer possible is left between Colton Wood and the working width during construction. As a minimum, Root Protection Zones (RPZ) will be retained between the ancient woodland and the working area.</p> <p>An <b>Outline Landscape Management Plan (Revision B)</b> [REP1-025] and <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027] has been submitted in support of the application which are secured by Requirements 11 (Provision of Landscaping), 12 (Implementation and Maintenance of Landscaping) and 13 (Ecological Management Plan) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p> <p>The potential effects upon Ringland Covert woodland CWS (which, although listed as such in Table 20-10 of <b>ES Chapter 20 Onshore Ecology and Ornithology</b> [APP-106], is not classified as an ancient woodland in the Ancient Woodland Inventory) is being avoided through use of trenchless techniques, e.g. HDD. In addition, there is no associated Haul Road, and as such impacts to the CWS are avoided.</p>

ID	Written Representation Comment	Applicant's Comment
		<p>Please note that the two of the veteran trees located within the Order limits (T057, T062) would be avoided by the use of trenchless techniques, e.g. HDD. These are shown in Figure 4.10 of ES <b>Chapter 4 Figures - Project Description</b> [APP-117] and Figures 19-20 of ES <b>Appendix 20.15 Arboricultural Survey Report</b> [APP-228].</p> <p>RPZ will be avoided during detailed design of the HDD compounds and the onshore substation. The two remaining trees (T028 and T045) are located within Work No 18A/B which comprises permanent mitigation, landscaping and drainage works (Works Plans – Onshore, [AS-005]) and as such there would be no impact to the trees. There is also a group of three veteran sycamores (G14) located to the north of the footpath within the woodland W4, no impacts are anticipated to this group.</p>
3	<p>Ancient Woodland</p> <p>Natural England and the Forestry Commission, the Government's respective bodies for the natural environment and protecting, expanding and promoting the sustainable management of woodlands, define ancient woodland as follows within their standing advice:</p> <p>"Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:</p> <ul style="list-style-type: none"> <li>• Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.</li> <li>• Plantations on ancient woodland sites – [PAWS] replanted with conifer or</li> <li>• broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi</li> </ul> <p>Both ASNW and PAWS woodland are given equal protection in government's National Planning Policy Framework (NPPF) regardless of the woodland's perceived condition, its size, or features it contains.</p>	<p>The Applicant acknowledges the comment.</p>

ID	Written Representation Comment	Applicant's Comment
4	<p><b>Veteran Trees</b></p> <p>Natural England's standing advice on veteran trees states that they "can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are also irreplaceable habitats. A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value." We consider that not all veteran trees are ancient, but all ancient trees are also veteran trees.</p>	<p>The Applicant acknowledges the comment.</p>
5	<p><b>Planning Policy</b></p> <p>Paragraph 5.3.14 of the Overarching National Policy Statement for Energy (EN-1) states: "Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The IPC should not grant development consent for any development that would result in its loss or deterioration unless the benefits (including need) of the development, in that location outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons why."</p> <p>The draft revised Overarching National Policy Statement for Energy (EN-1) published September 2021 builds on the existing paragraph 5.3.14 by adding the following additional recommendation within paragraph 5.4.13: "Applicants should provide a suitable compensation strategy in instances where proposals would result in the loss or deterioration of ancient woodland and ancient or veteran trees."</p>	<p>The Applicant acknowledges the comment. Impacts to ancient woodland and ancient and veteran tree are avoided through embedded mitigation including site selection, trenchless crossing techniques and micro-siting.</p>
6	<p><b>Impacts to Ancient Woodland</b></p> <p>We are specifically concerned about the following impacts to Colton Wood and Ringland Covert from the proximity of the proposed cabling:</p>	<p>The Applicant would like to confirm that Colton Wood would not be directly crossed by the project. Colton Wood is located approximately 10m from the Order Limit at its closest point. The Order Limit is 100m wide near this woodland therefore a buffer of at least 30 metres from the woodland would</p>



ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>• Direct loss of potentially unmapped ancient woodland to facilitate the proposed cabling.</li> <li>• Permanent fragmentation due to the removal of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats if continued access to the cable once constructed is required.</li> <li>• Noise and dust pollution impact to woodlands within close proximity of the cable installation area.</li> <li>• Root damage to woodland boundary trees during installation of the cable.</li> <li>• The potential for trampling of sensitive ancient woodland flora and soils if access is required within any ancient woodland.</li> </ul> <p>Natural England and Forestry Commission have identified impacts of development on ancient woodland or ancient and veteran trees within their standing advice (please see the annex at the foot of this document for the full range of impacts outlined). This guidance should be considered Government's position with regards to development impacting ancient woodland, although Natural England and Forestry Commission should still be consulted for specific comment on this application.</p> <p>Furthermore, we hold concerns with regards to potential nitrogen deposition to several ancient woodlands within the surrounding area. The Trust is of the opinion that all developments should ensure that the process contribution of ammonia/nitrogen does not exceed 1% of the critical level and load. The applicant should therefore seek to model the distance that the cable would need to be located to achieve insignificant process contributions on the surrounding ancient woodlands.</p>	<p>be achieved. The Applicant confirms direct impacts to Colton Wood would be avoided.</p> <p>Direct impacts to Ringland Covert are avoided by trenchless crossing, e.g. HDD. A buffer of at least 30 metres from the woodland would be achieved for all works including HDD entry/exit points. HDD is expected to be at a minimum depth of 2m. The majority of tree roots (up to 90%) are found present in the top 600mm of soil, and although this can be influenced by soil type and conditions, impacts to tree roots are expected to be avoided due to the depth of HDD.</p> <p>Section 2.2 (Habitats) of the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027] states that the Ecological Management Plan (EMP) will specify protective buffer zones around key retained habitats (e.g. woodland, mature broadleaved trees, etc.). The EMP is secured via Requirement 13 (Ecological Management Plan) of the <b>draft DCO</b> (Revision D) [document reference 3.1].</p> <p>A detailed assessment of the potential dust and air quality emissions effects upon Colton Wood and other ancient woodland within 200m of the Order limits is presented in of ES <b>Chapter 22 Air Quality</b> [APP-108, Sections 22.6.1.1 and 22.6.1.2]. These assessments conclude that dust and air quality emissions will have a non-significant effect upon these sites.</p> <p>Details of air quality effects upon sensitive habitat features are detailed in ES <b>Chapter 20 Onshore Ecology and Ornithology</b> [APP-106]. Mitigation measures employed during construction include the implementation of a Dust Management Plan [APP-106, para. 206] to minimise the effects of air emission during construction on nearby habitats.</p> <p>The Applicant will be submitting <b>Addendum to Environmental Statement Chapter 20 Onshore Ecology and Ornithology</b> [document reference 14.32] at Deadline 2 that will provide information on the potential effects of changes in air quality on ecological receptors. This supplementary Technical Note will build on the information already submitted in ES <b>Chapter 22 Air Quality</b> [APP-108], including its <b>Appendix 22.4 Designated Ecological Sites and Critical Level and Load Values in the Air Quality Study Area</b> [APP-262] and <b>Appendix 22.5 Air Quality</b></p>

ID	Written Representation Comment	Applicant's Comment
		<p><b>Ecological Receptor Assessment Tables</b> [APP-263], and already submitted in <b>ES Chapter 20 Onshore Ecology and Ornithology</b> [APP-106]. The information will be set out in the same manner as for other impact types in <b>ES Chapter 20 Onshore Ecology and Ornithology</b> [APP-106, Section 20.6.1], providing an assessment of the potential effects of nutrient inputs (NO<sub>2</sub>, NO<sub>x</sub> and NH<sub>3</sub>) and acidification on statutory designated sites, non-statutory designated sites, habitats and species and account for the associated mitigation. It will also demonstrate how a precautionary approach has been included in the assessment methodology.</p> <p>The Applicant can confirm that no access is required over Ancient Woodland.</p>
7	<p>Mitigation for ancient woodland</p> <p>Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts. Natural England and Forestry Commission have also produced guidance on mitigation measures to alleviate impacts to ancient woods and trees within their standing advice (please see the annex at the foot of the document).</p> <p>Additional mitigation approaches are also outlined in our Planners' Manual<sup>2</sup>; these measures would help ensure that the development meets policy requirement and guidance and include: - Non-invasive root investigation for ancient trees and protection beyond the limit of the usual investigative tools. - Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape. - Measures to control noise, dust and other forms of water and airborne pollution. - Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met.</p>	<p>Adequate buffers would be secured in proximity to ancient woodland in line Natural England's standing advice for ancient woodland and the management of buffers. These buffer zones would avoid root damage (known as the root protection area) and negate the need for any non-invasive root investigation. Details are presented in the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027] and secured via Requirement 13 (Ecological Management Plan) of the <b>draft DCO</b> (Revision D) [document reference 3.1].</p> <p>The construction dust and fine particulate matter assessment presented in <b>ES Chapter 22 Air Quality</b> [APP-108] used the more conservative 200m screening distance (as recommended in internal Natural England guidance) for designated ecological sites, instead of the Institute of Air Quality Management (IAQM) recommended 50m screening distance.</p> <p>The recommended mitigation measures to control noise, dust and other forms of water and airborne pollution are specified in the <b>Outline Code of Construction Practice (Revision B)</b> [REP1-023] and will be secured in the final CoCP.</p> <p>The Applicant has committed to achieving a Biodiversity Net Gain and seeks to retain and enhance natural habitats such as through hedgerow enhancement and additional planting. Specific enhancement options will be explored pre-construction when landowners will be consulted directly with</p>

ID	Written Representation Comment	Applicant's Comment
		<p>the aim of establishing precise enhancement options at each landholding. In the vicinity of Colton Wood, the area of grassland and if impacted, the hedgerows adjacent to the woodland would be restored and enhanced (pending agreement with the landowner) post-construction. These would be captured in the final Ecological Management Plan secured through Requirement 13 (Ecological Management Plan) of the <b>draft DCO (Revision D)</b> [document reference 3.1]. The Applicant has committed to monitor and re-establish any failed planting for a 10-year period throughout the cable corridor and for a 40-year period at the onshore substation. This is detailed in the <b>Outline Landscape Management Plan (Revision B)</b> [REP1-025] and secured via Requirement 11 (Provision of landscaping) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
8	<p><b>Buffering</b></p> <p>Buffering ancient woodland can be an ideal mitigation measure as buffer zones can be used to establish distance between the development and habitat, which helps to alleviate harmful impacts, while also creating new areas of habitat around the ancient woodland. This development should allow for a buffer zone of at least 30 metres to prevent adverse impacts such as pollution and disturbance and ensure avoidance of root damage. HERAS fencing fitted with acoustic and dust screening measure should be erected prior to construction.</p> <p>This is backed up by Natural England and Forestry Commission's standing advice which states that "the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic." Further information on buffer zones is outlined in the annex below.</p>	<p>Adequate buffers would be secured in proximity to ancient woodland sites in line Natural England's standing advice for ancient woodland and the management of buffers. These buffer zones would avoid root damage (known as the root protection area). Details are presented in the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027] and secured via Requirement 13 (Ecological Management Plan) of the <b>draft DCO (Revision D)</b> [document reference 3.1].</p>
9	<p><b>Mitigation for veteran trees</b></p> <p>It is essential that no ancient or veteran trees are lost as part of the development. The loss of any such trees can have a significant impact on local wildlife, particularly those which depend on the habitat provided by</p>	<p>Arboricultural survey and assessment would be undertaken prior to construction, this is detailed in the <b>Outline Landscape Management Plan (Revision B)</b> [REP1-025] and secured via Requirement 11 (Provision of landscaping) of the <b>draft DCO (Revision D)</b> [document reference 3.1]. In</p>

ID	Written Representation Comment	Applicant's Comment
	<p>veteran trees. Any loss of veteran trees can also be highly deleterious where there is a wider population of veteran trees within close proximity, which may harbour rare and important species.</p> <p>Trees are susceptible to change caused by construction/development activity. As outlined in 'BS5837:2012 - Trees in relation to design, demolition and construction' (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction of any new infrastructure. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.</p> <p>While BS5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), this guidance does recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. It is imperative that Natural England and Forestry Commission's standing advice on root protection areas for veteran trees is taken into account in planning decisions. This advice states: "For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone."</p>	<p>planned open cut sections of the cable corridor, should ancient and/or veteran trees be identified through the pre-construction arboricultural survey and assessment, these would be avoided via a process of micrositing the cables within the 60m wide Order Limits.</p> <p>Adequate buffers would be secured for these sites in line Natural England's standing advice for ancient woodland and the management of buffers. These buffer zones would avoid root damage (known as the root protection area). Details are presented in the <b>Outline Ecological Management Plan (Revision B)</b> [REP1-027] and secured via Requirement 13 (Ecological Management Plan) of the <b>draft DCO</b> (Revision D) [document reference 3.1].</p>
10	<p>Conclusion</p> <p>Ancient woods and trees are irreplaceable habitats, once lost they are gone forever. Any development resulting in loss or deterioration of ancient woods and trees must consider all possible measures to ensure avoidance of adverse impact.</p>	<p>The Applicant acknowledges the comment.</p>

## 2.30 Weybourne Parish Council

*Table 32 The Applicant's Comments on Weybourne Parish Council Written Representation*

ID	Written Representation Comment	Applicant's Comment
1	Weybourne Parish Council did not attend the Open Hearing on January 17th, intimidated by the idea of speaking in such an imposing and public arena. However, we feel it is essential that the views and experiences of the landfall end of the cable corridor are heard. The written representation attached is summarised below.	The Applicant acknowledges the comment.
2	Weybourne Parish Council has been on the receiving end of the planning and construction process for offshore wind farms for over a decade: the original Sheringham Shoal and Dudgeon wind farm projects, Hornsea 3 project, and now SEP and DEP.	The Applicant acknowledges the comment.
3	In our written submission we outline the impacts of these processes on our community, our wellbeing, our livelihoods and our environment.	The Applicant acknowledges the comment.
4	We also put forward a number of suggestions for how the delivery of the offshore wind energy from SEP and DEP could be achieved with less impact on rural communities and the environment, specifically: the use of Walpole as a connection point to the grid, reached via an offshore cable; the exclusion of sequential construction of SEP and DEP; and the establishment of statutory compensation funds which would genuinely meet the needs of the local community.	The Applicant acknowledges the comment.
5	<p>Written Submission from Weybourne Parish Council</p> <p>We did not attend the Open Hearing on January 17th, in large part as we were rather daunted by the idea of speaking in such an imposing and public arena, lacking as we do the expertise of the wind farm businesses and their PR departments. However, having watched a recording of the event and seeing that there was no representation of the views of the landfall end of the cable corridor, we feel it is essential that our views and experiences are heard. This is the reason for this submission.</p>	The Applicant acknowledges the comment.
6	Like a number of the Parish Councils who spoke at the Open Hearing, Weybourne Parish Council has found itself battered for years by the impact	The Applicant acknowledges the comment.

ID	Written Representation Comment	Applicant's Comment
	<p>of the planning and construction process for offshore wind farms. Weybourne has already suffered the construction of the original Sheringham Shoal and Dudgeon wind farm projects which came ashore at Weybourne. We are currently witnessing the preparatory works for the construction of the Hornsea 3 project, which also comes ashore at Weybourne. And now we are in the planning process for yet another set of trenches and the disruption to our rural way of life, in the shape of SEP and DEP.</p>	
7	<p>Weybourne lies in an Area of Outstanding Natural Beauty. Some of the qualities of an AONB are:</p> <ul style="list-style-type: none"> <li>• landscape quality, where natural or man-made landscape is good quality</li> <li>• scenic quality, such as striking coastal landforms</li> <li>• relative wildness, such as distance from housing or having few roads</li> <li>• relative tranquillity, where natural sounds, such as streams or birdsong are predominant</li> </ul> <p>(Source: <a href="https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-andmanagement">https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-andmanagement</a>)</p>	<p>The Applicant acknowledges the comment.</p>
8	<p>The industrial scale of the construction of wind farm cables is in direct opposition to these qualities. The movement of HGVs along minor roads will cause enormous disruption, particularly in the holiday season, upon which much of the employment in the area is dependent. Even if these HGVs are mostly confined to the haulage routes, they will create noise and dust and increase the level of air pollution, whereas many people have retired here or spend their holidays here for peace and quiet or the quality of the air. The machinery used to dig the trenches or to carry out horizontal directional drilling is again of an industrial scale. The impact of this will be detrimental both to those who live here and to the livelihoods of many.</p>	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 1 RR-122 [REP1-033]</a>.</p> <p>The Applicant has made several commitments to reduce impacts on tourism within the area:</p> <ul style="list-style-type: none"> <li>• A HDD at the landfall to minimise impacts to the beach and to keep access restrictions to an absolute minimum</li> <li>• Locating the landfall on private land, with access through the Muckleburgh estate only and no access via Beach lane.</li> <li>• No compound for the onshore cable works will be located at the landfall</li> <li>• Weybourne Woods will be crossed using HDD to avoid closing Sandy Hill Lane and to reduce impacts to recreational users of the woods</li> </ul>

ID	Written Representation Comment	Applicant's Comment
		<ul style="list-style-type: none"> <li>A commitment to avoid closing any of the roads leading in and out of Weybourne.</li> </ul> <p>Enhanced measures have been set out within the outline Construction Traffic Management Plan, such as a Community liaison officer to help effectively manage deliveries during local planned events - see <a href="#">Outline Construction Traffic Management Plan (Revision B)</a> [REP1-021] which is secured in the DCO through requirement 15.</p>
9	<p>Weybourne is a working fishing village, with the fishermen launching from the beach. This is one of the unique characteristics of the village. While the fishermen may be compensated for their loss of fishing during the offshore and landfall construction phases, the lack of activity risks the long-term future of the fishing industry, threatening the market for local fishermen's produce. This would not only destroy a traditional local industry, but also change the character of the beach.</p>	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 1</a> RR-122 [REP1-033].</p> <p>The potential impacts to commercial fisheries have been assessed within <a href="#">ES Appendix 14.1 Commercial Fisheries Technical Report</a> [APP-197]. A Fisheries Liaison Officer has been appointed by SEP and DEP who is managing communications with local fishers. A <a href="#">Fisheries Liaison and Co-existence Plan</a> [APP-295] has been drafted in consultation with relevant stakeholders which sets out a plan for continued and ongoing consultation and engagement. This is secured through the conditions of the deemed marine licences (DMLs).</p>
10	<p>Landowners report adverse impacts to agricultural land from previous wind farm construction. The effects of damage to underground watercourses and drainage, and soil compaction, reduce the viability of farming at an already precarious time, and at a point when national food security is under the spotlight.</p>	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 1</a> RR-122 [REP1-033].</p> <p>As set out in <a href="#">ES Chapter 19 Land Use, Agriculture and Recreation</a> [APP-105], during operation the impacts to agriculture will be limited. Where significant impacts have been assessed, they are localised and work would be undertaken to mitigate the impacts down to an acceptable level. Whilst land used for agriculture will be affected during the construction stage, the land will be reinstated post construction to a pre-construction state. Mitigation measures for drainage relating to construction activities are outlined in Section 19.7.1 of <a href="#">ES Chapter 19 Land Use, Agriculture and Recreation</a> [APP-105].</p> <p>Pre-construction drainage will be installed to manage water coming from existing underground land drainage pipes which will be affected by the installation of the new cables. Following installation of the cables, the post construction drainage programme will commence to ensure that soils</p>

ID	Written Representation Comment	Applicant's Comment
		<p>affected by the cable corridor are left in a condition that enables a return within the affected fields to full agricultural production.</p> <p>Mitigation measures for soil resources relating to construction activities are outlined in Section 19.7.1 of <b>ES Chapter 19 Land Use, Agriculture and Recreation</b> [APP-105]. These are also set out in the <b>Outline Code of Construction Practice (Revision B)</b> [REP1-023].</p>
11	<p>Nor should the psychological impact of these wind farm projects be underplayed. Parish councillors are exhausted and demoralised. We have seen wind farm proposals rejected by the Planning Inspectorate but promptly approved by the Secretary of State of the moment. This undermines faith in the system and makes engagement with the process seem pointless. We are volunteers with no professional knowledge of these highly complex matters, but have worked hard to grasp the issues, but we have no power to control any of this. There is a huge power imbalance, and when we ask questions about key issues that concern us, Equinor's response tends to be simply to state that the changes we are seeking are not in line with its plan or its timeline, with the company proving intransigent and unprepared to look at novel solutions.</p>	<p>The Applicant notes the comment. The Applicant will continue to engage with Weybourne Parish Council throughout the process and, if consented, through the construction phase. As set out within Section 2.4 of the <b>Outline Code of Construction Practice (Revision B)</b> [REP1-023], a Stakeholder Communications Plan will be developed with the aim of keeping local residents informed of the type and timing of works involved. A designated Local Community Liaison Officer will respond to any public concerns, queries or complaints. Parish Councils will be contacted in advance of the proposed works and ahead of key milestones. This information will include indicative details for timetable of works, a schedule of working areas and extent of works.</p>
12	<p>Local residents have suffered extreme levels of stress due to the worry about cable construction activity near their properties and concern about the cumulative impact of electro-magnetic fields as more and more cables run near where they live. Each time a wind farm is proposed, there are five or more years of anxiety, uncertainty and frustration, before a single spadeful of soil is shifted. This takes a huge toll on the wellbeing of the community. The community feels unheard and undervalued.</p>	<p>The Applicant acknowledges the comment.</p> <p>The Applicant refers to the response provided in ID11.</p> <p>Specifically in respect of EMF, the Applicant refers to <b>The Applicant's Responses to the Examining Authority's First Written Questions – Q1.6.4.11</b> [REP1-036], which states: The Applicant commissioned an independent study by National Grid which assessed the strength of EMFs along the onshore cable corridor. The study can be found in <b>ES Appendix 28.1 – Sheringham and Dudgeon Extension Projects EMF Assessment</b> [APP-279].</p> <p>These calculations were performed by an independent third party in accordance with relevant standards to provide impartial, accurate and reliable analysis, and which demonstrated that all the design options assessed produced magnetic fields significantly below the ICNIRP public</p>



ID	Written Representation Comment	Applicant's Comment
		<p>exposure limits. This was the case, even in worst case conditions; using the design that produced the highest magnetic field and assuming the circuits were carrying the maximum load, which would also result in the highest magnetic fields possible. The maximum fields for such design were only 11% of the public exposure limit, directly above the cables. This reduced to 0.5% of the exposure limits at the DCO boundary.</p>
13	<p>Weybourne Parish Council is a very environmentally aware parish council, and we are entirely supportive of the expansion of renewable energy supplies to help to slow climate change. However, we are also very conscious that the environment faces a double threat – from climate change on the one hand and from biodiversity loss on the other. There is a risk that the focus on replacing fossil fuels with renewable energy from offshore wind loses sight of the fact that the destruction of the countryside in the course of the construction of these projects is contributing to further declines in biodiversity, in direct contradiction of the government's own Biodiversity Strategy. It is naïve to imagine that the impact of the cable construction will only be felt in the actual cable corridor (though even this would result in a significant impact in terms of acreage). Weybourne has a number of important features for wildlife:</p> <ul style="list-style-type: none"> <li>• Beach Lane is a County Wildlife Site. Its close proximity to the landfall site makes it vulnerable.</li> <li>• The pond/reedbed is an important and locally scarce habitat.</li> <li>• Weybourne and the Muckleburgh area form an important landfall/take-off site for migratory birds, which birds can use for resting/foraging on arrival or prior to leaving. There are few other similar features on the North Norfolk coast.</li> <li>• Spring Beck is a chalk stream, an internationally rare habitat.</li> <li>• There is a risk that the felling of trees in Weybourne Woods may result in habitat fragmentation, even if the trees themselves are of “low wildlife value” (and we wonder how this designation has been arrived at!).</li> </ul>	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 1</a> RR-122 [REP1-033].</p> <p>Since the publication of the Preliminary Environmental Information Report (PEIR), further refinements have been made to the DCO boundary. These refinements have also been informed by the ecological surveys undertaken to avoid where possible any sensitive ecologically identified areas. Beach Lane is now predominately out with the DCO boundary, with the exception of its northern part. For a plan displaying the project boundary and its proximity to the County Wildlife Site (CWS) see the <a href="#">Statutory/Non-Statutory Nature Conservation Sites (Onshore)</a> [APP-020].</p> <p>The pond and reedbed within the CWS is not within the DCO boundary as can be seen in the <a href="#">Works Plans (Onshore) (Revision C)</a> [document reference 2.6].</p> <p>Justification as to the rationale for the surveys undertaken is presented within <a href="#">ES Chapter 20 Onshore Ecology and Ornithology</a> [APP-106]. A suite of over-wintering and breeding bird surveys have been undertaken in 2020 and 2021, the findings of which have been used to inform the ecological impact assessment presented in the <a href="#">ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</a> [document reference 6.1.20].</p> <p>Details relating to the pre-, during- and post-construction mitigation measures for onshore ecology and ornithology receptors is presented (and will be secured through DCO Requirement 13) within the <a href="#">Outline Ecological Management Plan (Revision B)</a> [document reference 9.19].</p> <p>The Applicant has committed to crossing Spring Beck using a trenchless crossing technique to minimise the impacts to this habitat. See the <a href="#">Crossing Schedule</a> [AS-022] for further information.</p>

ID	Written Representation Comment	Applicant's Comment
	<ul style="list-style-type: none"> <li>We believe this project is detrimental to the Marine Conservation Zone offshore. The Cromer Chalk Reef is the largest in Europe, and the chalk beds are a rich home to seaweeds and static animals as well as a nursery to juvenile species and an important part of the food chain.</li> <li>Weybourne Cliffs and Weybourne Pit are both designated as SSSIs.</li> <li>The cliffs and fields behind them, to the east of Weybourne, are important sites for a number of species of birds, as well as invertebrates. North Norfolk is an internationally important location for wintering Pink Footed Geese, which are AMBER-LISTED on Birds of Conservation Concern and are extremely sensitive to disturbance; in addition to the harm done to the birds by disturbance, it also risks dispersing the birds from the beet tops to sensitive crops elsewhere, with financial impact on farmers.</li> <li>Weybourne has several significant bat roosts.</li> <li>Both Water Voles and Otters use the Beck and surrounding area.</li> </ul>	<p>HDD will be used to cross Weybourne Woods. This will be undertaken in two parts, each 400 metres in length. The midway point has been the subject of an arboricultural survey, which has been used to locate a drilling compound within an existing gap in the wood that can be accessed via the firebreak within the woodland. This site was chosen due to a low density of trees, with limited ecological value, and as set out within the <a href="#">Arboricultural Survey Report</a> [APP-228], about half of the trees within the compound area are dead or dying. Using HDD through Weybourne Woods will avoid an open cut installation through the woodland, which would result in more widespread tree loss and a greater impact to ecological receptors. See <a href="#">ES Chapter 4 Project Description</a> [APP-090] for further information.</p> <p><a href="#">ES Chapter 20 Onshore Ecology and Ornithology (Revision B)</a> [document reference 6.1.20] presents the ecological impact assessment undertaken for SEP &amp; DEP. Details relating to the pre-, during- and post-construction mitigation measures for onshore ecology and ornithology receptors is presented (and will be secured through DCO Requirement 13) within the <a href="#">Outline Ecological Management Plan (Revision B)</a> [document reference 9.19].</p>
14	<p>In addition to the negative impact on biodiversity of the construction of the cable corridor, it also risks damage to the local economy as the area's wildlife importance attracts a significant number of visitors to the village and its surroundings, providing vital income to local businesses, particularly in the autumn, winter and spring when other holidaymakers are absent.</p>	<p>The Applicant refers to <a href="#">The Applicant's Comments on the Local Impact Reports</a> [document reference 14.3] and responses to North Norfolk District Council's Local Impact Report (ID37 to ID42).</p>
15	<p>For all the above reasons we are therefore strongly opposed to the SEP and DEP cables making landfall at Weybourne. However, this is not a case of NIMBYism – we don't want this in someone else's back yard either, and the fact is, there is no need for it to be built in anyone's back yard: there is a better way</p>	<p>The Applicant notes the comment and refers to the response to ID 16 below.</p>
16	<p>It will come as no surprise to the Panel that we are referring to connection to the national grid at Walpole via an undersea cable, rather than connecting to Norwich Main using a radial onshore cable corridor across 60km of countryside. Clearly an alternative radial onshore connection to Walpole via landfall at Weybourne must be ruled out at the outset. The capacity for</p>	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 1</a> RR-122 [REP1-033].</p> <p>The Connection and Infrastructure Options Note (CION) Process is the mechanism used by National Grid to evaluate potential transmission options to identify the connection point in line with their obligation to</p>

ID	Written Representation Comment	Applicant's Comment
	<p>transfer of the electricity generated by SEP and DEP to its end users already exists at Walpole, in contrast to the Norwich Main connection, which would require the construction of the hugely controversial East Anglia Green scheme to allow the electricity to reach the end user. Equinor has consistently refused to engage with this idea, reiterating simply that it has a connection point at Norwich Main. It has continued doggedly with its original plans even as circumstances have changed all around it, and the longer it has persisted on this path, the more financially invested it has inevitably become, and the more strongly espoused to this course of action. The company has shown an astonishing lack of ambition following the launch of the ONTR, which could have allowed it to be a true industry leader.</p>	<p>develop and maintain an efficient, coordinated and economical system of the electricity transmission network. The grid connection point for SEP and DEP was determined by National Grid following the completion of the CION process.</p> <p>For more information regarding the grid connection point see Sections 3.6 and 3.10 of <b>ES Chapter 3 Site Selection and Assessment of the Alternatives</b> [APP-089].</p> <p>In relation to EAG, and as detailed in <b>The Applicant's Responses to the Examining Authority's First Written Questions - Q1.9.1.5</b> [REP1-036], the Applicant would like to clarify that the grid connection offer for SEP and DEP that was signed in 2019 is not conditional upon the delivery of the EAG project.</p> <p>With reference to the OTNR, whilst SEP and DEP have not yet received consent, a project timeline has been created based on the UK Government's offshore wind and carbon reduction plans. The Applicant is supportive of the idea of an OTN; however, neither the regulatory nor technical framework currently exists to incorporate this into the projects.</p> <p>SEP and DEP are designated OTNR pathfinder projects, and as such the Applicant is committed to initiatives to encourage coordination in the sector. The Applicant is working with governmental and industry bodies, including OFGEM and BEIS, to identify barriers and solutions to offshore wind coordination.</p>
17	<p>This brings us on to an additional issue about which Equinor has proved totally uncooperative: a commitment to concurrent construction of SEP and DEP rather than the sequential construction of first one and then the other. Equinor boasts about being a pathfinder company, highlighting the fact that it is proposing to consent the two wind farms together, but it has consistently refused to make a commitment to constructing the two cable corridors concurrently. Inevitably, this undermines the local community's trust in the company and its PR efforts. If, despite the strong protests of the local community, the Planning Inspectorate approves the radial connection of SEP</p>	<p>The following response was provided in <b>The Applicant's Comments to Relevant Representations - Part 1</b> RR-122 [REP1-033].</p> <p>As set out in Section 7 of the <b>Scenarios Statement</b> [APP-314], the preferred option is a development scenario with an integrated transmission system, providing transmission infrastructure which serves both of the wind farms, where both Projects are built concurrently, and the onshore infrastructure is integrated (i.e., scenario 4). The Applicant recognises that a concurrent development is beneficial for communities, the environment,</p>

ID	Written Representation Comment	Applicant's Comment
	<p>and DEP via onshore cabling from Weybourne to Norwich Main, we urge you to put in a proviso that rules out sequential construction of the two cable corridors.</p>	<p>and for the ultimate economics of the Project, in addition to the benefits this has for consumers.</p> <p>Given the different commercial ownerships of each Project, and the current limitations that prevent the projects making a joint CfD application, alternative development scenarios such as a separated grid option (i.e., transmission infrastructure which allows each Project to transmit electricity entirely separately) will allow SEP and DEP to be constructed in a phased approach, if necessary. Therefore, the DCO application seeks to consent a range of development scenarios in the same overall corridors to allow for separate development, if required, and to accommodate either sequential or concurrent build of the two Projects.</p> <p>Potential solutions to avoid staged development include either Anticipatory Investment (AI) or combined CfD bids. The principle of AI has been decided, with details still being discussed. Regarding opportunities for combined CfD bids, the Applicant is still awaiting an outcome from BEIS on whether the regulatory regime will be changed to make this possible.</p> <p>The Applicant is continuing to work with the relevant authorities, including Ofgem and BEIS, to overcome barriers and enable a concurrent construction scenario.</p>
18	<p>We also urge the Planning Inspectorate to consider the issue of statutory compensation. The current system where community groups have to bid for money from the largesse of the wind farm companies leaves a very bitter taste in the mouth. It involves yet more work for weary parish councillors and local groups. The current community benefit schemes allow the wind farm companies to dictate what the money can be used for, meaning that some schemes that would be beneficial to local communities are not able to benefit from the fund. However, if a fund were set up for each parish, the genuine needs of individual communities could be met. There is a precedent for this in the solar farm at East &amp; West Beckham where a fund was set up that the parish was able to use as it felt fit for the actual needs of the local community. This has been a successful fund that has been used for a broad range of benefits for the residents of East &amp; West Beckham (for details of this fund, see . Not only would such a system be better at delivering meaningful</p>	<p>The following response was provided in <a href="#">The Applicant's Comments to Relevant Representations - Part 1</a> RR-122 [REP1-033].</p> <p>A community benefit fund will be set up if SEP and DEP are successful in being granted consent. At this point the Applicant will consult with the community and stakeholders on an appropriate and complementary programme.</p>

ID	Written Representation Comment	Applicant's Comment
	benefit to local communities, but it would also enable communities to feel more valued and listened to, and would significantly reduce the level of resentment that currently exists towards the wind farm consenting and construction process.	
19	Thank you for taking the time to read this representation.	The Applicant acknowledges the comment.

### 2.31 Yvonne Odrowaz

Table 33 The Applicant's Comments on Yvonne Odrowaz's Written Representation

ID	Written Representation Comment	Applicant's Comment
1	Dear Louise, It was nice meeting yourself and your colleagues when visiting my house last Thursday, 19th January 2023.	-
2	Attached is the email correspondence which advised I should move should magnetic radiation exceed 2 T.	-
3	I am concerned that no readings have been taken around my boundary already, to see what radiation is emitting from the present cabling. Should the project go ahead, thus siting 5 or more high power cables in the vicinity, it is imperative that regular readings are established to confirm Equinor's calculations that EMFs at my boundary will not exceed 0.04T in operating conditions. Should readings prove in excess of these predictions, Equinor should be held accountable.	<p>The following response was provided in RR-124 [REP1-033 &amp; REP1-034].</p> <p>The Applicant refers to <a href="#">ES Appendix 28.1 - Sheringham and Dudgeon Extension Projects EMF Assessment</a> [APP-279] for information on EMFs.</p> <p>The Applicant refers to <a href="#">ES Chapter 3 – Site Selection &amp; Assessment of Alternatives</a> [APP-089] Section 3.9 which sets out the approach taken to selection of the onshore cable corridor.</p> <p>The Applicant refers to the response to WQ1.6.4.11 which states: The Applicant commissioned an independent study by National Grid which assessed the strength of EMFs along the onshore cable corridor. The study can be found in <a href="#">ES Appendix 28.1 – Sheringham and Dudgeon Extension Projects EMF Assessment</a> [APP-279].</p> <p>These calculations were performed by an independent third party in accordance with relevant standards to provide impartial, accurate and reliable analysis, and which demonstrated that all the design options assessed produced magnetic fields significantly below the ICNIRP public</p>

ID	Written Representation Comment	Applicant's Comment
		<p>exposure limits. This was the case, even in worst case conditions; using the design that produced the highest magnetic field and assuming the circuits were carrying the maximum load, which would also result in the highest magnetic fields possible. The maximum fields for such design were only 11% of the public exposure limit, directly above the cables. This reduced to 0.5% of the exposure limits at the DCO boundary.</p>
4	<p>Whatever Equinor states about being within exposure limits, it must be noted that we live and work here, thus resident permanently, and exposure will be continuous for my family, well after the cables are buried underground</p>	-
5	<p>If this project could still be relocated to a non-residential area, or in fact proposed as a pilot OTN, I would be so pleased and relieved</p>	<p>The Applicant notes the comment and refers to the response to ID 3 above.</p>
6	<p>Thank you for your time. If you need me to scan Equinor's calculations for Old Orchard House, let me know. Otherwise, I'm sure they have a copy.</p>	-
7	<p>Email attachment [REP1-186].</p>	<p>The content of the email correspondence submitted as part of Ms Odrowaz Written Representation [REP1-186] is noted. The Applicant refers to its response to ID3 and to Q1.6.4.10 and 1.6.4.11 of <a href="#">The Applicant's Responses to the Examining Authority's First Written Questions</a> [REP1-036].</p>

## References

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