



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Comments on Responses to the Examining Authority's First Written Questions

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Glossary of Acronyms

AC	Alternating Current
BDC	Broadland District Council
BEIS	Business, Energy and Industrial Strategy
CBS	Cement Bound Sound
CNMP	Construction Noise (and Vibration) Management Plan
CoCP	Conde of Construction Plan
CoPA	The Control of Pollution Act 1974
COLREGS	International Regulation for the Prevention of Collisions at Sea
CRM	Collision Risk Modelling
CSIMP	Cable Specification, Installation and Monitoring Plan
DC	Direct Current
DCO	Development Consent Order
DDV	Drop Down Video
DEL	Dudgeon Extension Limited
DEP	Dudgeon Offshore Wind Farm Extension Project
DESNZ	Department for Energy Security and Net Zero
DML	Deemed Marine Licenses
DOW	Dudgeon Offshore Wind Farm
EIA	Environmental Impact Assessment
EIFCA	Eastern Inshore Fisheries and Conservation Authority
EMF	Electromagnetic Field
EMP	Environmental Management Plan
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
FLCP	Fisheries Liaison and Coexistence Plan
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
FRA	Flood Risk Assessment
HDD	Horizontal Directional Drilling

HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HV	High Voltage Cables
LIG	Land Interest Group
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
MCA	Marine Coastguard Agency
MCZ	Marine Conservation Zone
MEEB	Measures of Equivalent Environmental Benefit
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MoD	Ministry of Defence
NCC	Norfolk County Council
NCC	Norfolk County Council
NFU	National Farmers Union
NMP	Navigation Management Plan
NNC	North Norfolk County
OCoCP	Outline Code of Construction Practice
OCTMP	Outline Construction Traffic Management Plan
OFTO	Offshore Transmission Owner
OREI	Offshore Renewable Energy Installations
OWF	Offshore Wind Farms
PEIR	Preliminary Environmental Information Report
PEMP	Project Environmental Management Plan
PRoW	Public Right of Way
RIAA	Report to Inform Appropriate Assessment
RTD	Red Throated Divers
SAC	Special of Conservation
SEL	Scira Extension Limited
SEP	Sheringham Offshore Wind Farm Extension Project
SNC	South Norfolk Council

SNCB	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SOW	Sheringham Shoal Offshore Wind Farm
SPA	Special Protection Area
SPZ	Source Protection Zones
WFD	Water Framework Directive
WQ	Written Question
WTG	Wind Turbine Generator

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 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.
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).

<p>Interlink cables</p>	<p>Cables linking two separate project areas. This can be cables linking:</p> <ol style="list-style-type: none"> 1) DEP South array area and DEP North array area 2) DEP South array area and SEP 3) DEP North array area and SEP <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>
<p>Interlink cable corridor</p>	<p>This is the area which will contain the interlink cables between offshore substation platform/s and the adjacent Offshore Temporary Works Area.</p>
<p>Jointing bays</p>	<p>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.</p>
<p>Landfall</p>	<p>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</p>
<p>Offshore cable corridors</p>	<p>This is the area which will contain the offshore export cables or interlink cables, including the adjacent Offshore Temporary Works Area.</p>
<p>Offshore export cable corridor</p>	<p>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.</p>
<p>Offshore export cables</p>	<p>The cables which would bring electricity from the offshore substation platform(s) to the landfall. 220 – 230kV.</p>
<p>Offshore substation platform (OSP)</p>	<p>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.</p>

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.
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.
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 The Applicant's comments to Responses to the Examining Authority's First Written Questions

1. Following the issue of the First Written Questions by the Examining Authority (ExA) to Equinor New Energy Limited (the Applicant) and other Interested Parties, the Applicant and Interested Parties have subsequently responded to each of those relevant questions. The Applicant has chosen to comment on the responses provided by Interested Parties, detailed in **Table 1** to **Table 25** below.

1.1 Broadland District Council

Table 1 The Applicant's Comments on Broadland District Council's Responses to the Examining Authority's First Written Questions

ID	Question	Broadland District Council Responses	Applicant's Comment
Q1.1.1 Planning Policy			
Q1.1.1.1	Set out whether, in your view: <ul style="list-style-type: none"> a) There are any areas of where the Proposed Development conflicts with the aims and objectives of the designated NPSs, specifically NPS EN1 and NPS EN3; b) The representation of the Local Plans and policies [APP-088] is accurate or, if not, provide updated information; c) Any other policy documents are considered important and relevant to the Examination. 	<ul style="list-style-type: none"> a) No comments to make b) The developer has included DM policies which are not considered relevant to the Council's considerations of the proposed development, for example Highway and drainage which are considerations for Norfolk County Council as Highway Authority and Lead Local Flood Authority. The Policies the Council considered are relevant have been set out in our LIR and a copy of the policies are attached to that report. c) No comments to make 	Noted
Q1.1.2 Planning Permissions			
Q1.1.2.1	Please update the Examination as to whether any new permissions have been granted, or new projects pending decision, that require consideration within the cumulative impact assessment.	The LIR sets out the new permissions which have been granted or projects pending consideration that the Council considers should be taken into account in the determination of the proposed development.	Noted. See Applicant's response to Broadland District Council (BDC) Local Impact Report (LIR) [document reference 14.3].
Q1.1.2.2	Have any proposed works, to date, been subject to planning applications under s78 of the TCPA1990 (as amended) and, if so, where are they and what is their status?	None have gone or are at appeal.	Noted
Q1.1.4 Miscellaneous			
Q1.1.4.	Availability of Resources for NSIP casework	We are one officer team serving two Independent Council's without a specialist team	

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>Are you confident that you have, or shortly will have, sufficient resources to deal with the NSIP-related workload that will be associated with the Proposed Development during the examination and recommendations phases and that would be associated with the Proposed Development if the SoS made an order granting development consent?</p>	<p>dedicated to dealing with NSIP's, as in we have other roles and responsibilities. We have as one officer team; 3 consented National Highway NSIP's, 3 Off-Shore windfarm NSIP's consented and Discharging their Requirements, East Anglia GREEN which is in its pre-consultation stage and the present project under examination. We have made the resources available to deal with the work related to this project during the examination (at the expense of other work streams) and will welcome discussions with the developer on the potential for a PPA for the Discharge of Requirements.</p>	
Q1.3.1 Effects on Marine Life and Benthic Habitats including through Cable Installation Methods			
Q1.3.1.1	<p>Intertidal and Subtidal areas Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.</p>	<p>Defer to Natural England and the other specialises listed.</p>	<p>Noted</p>
Q1.6.5 Effects from emissions on air quality			
Q1.6.5.4	<p>Road Traffic Emissions Assessment Methodology When considering construction road vehicle exhaust emissions, the assessment [APP-132] sets out that "Peak construction flows were not used in the assessment, as peak construction would occur over a 1 or 2 month period (at worst) and using these to derive AADT across a full year would unrealistically inflate the impacts of construction generated traffic. The use of average construction flows was deemed to be robust and more appropriate representation of</p>	<p>Defer to Norfolk County Council</p>	<p>Noted</p>

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>construction impacts from traffic over an annual period, and aligns with the requirement for use of AADT flows".</p> <p>LAs do you agree with this approach?</p>		
Q1.6.6 Adequacy of the Outline Code of Construction Practice			
Q1.6.6.1	<p>Outline Code of Construction Practice</p> <p>The OCoCP [APP-302, Table 1-1] sets out a number of EMPs that will form part of the final CoCP and will be prepared, submit and approved post-consent.</p> <p>f) Local Authorities and NFU are there any management plans that you consider are crucial to review during the Examination? Explain with reasons:</p>	<p>Consider that all the management plans required have been provided.</p>	<p>Management Plans will be developed during the detailed design element of the project leading up to construction</p>
Q1.10.1 Design Principles			
Q1.10.1.1	<p>Suitability and Adequacy of the Applicant's Approach to Design</p> <p>a) Has the Applicant satisfied the requirements set out in NPS EN-1 Section 4.5 in relation to sensitivity to place and contributing to the quality of the area in which the infrastructure would be located?</p> <p>b) Clarify, with reasons, whether you believe that design outcomes relating to proposed elements of infrastructure, structure and buildings proposed within the order limits, flood risk, landscape and ecology are sufficiently well developed within the application documents.</p>	<p>a) Early consultation, which has taken place to mitigate and help to improve the quality</p> <p>b) The principle consideration for The Council is the cable route. It is considered that the Design objectives listed in the Onshore Design and Access Statement are sufficiently covered in the submitted documents and the draft requirements.</p> <p>c) The Council agrees however only in so far as the specific layout of the compound has the noisier activities located away from sensitive receptors. It is noted that Noise and Vibration is</p>	<p>a) Noted.</p> <p>b) Noted</p> <p>c) The Applicant will continue to work with BDC officers to reach agreement on this issue. The noise and vibration mitigation will be developed during detailed design....</p>

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>c) Confirm, with reasons, whether you believe that noise mitigation measures and construction structures related to the construction compound should also be considered as part of the Applicant's approach to design. Applicant may respond.</p>	<p>covered in management plans and requirements.</p>	
Q1.10.2 Design Development Process			
Q1.10.2.1	<p>Design Development Process</p> <p>c) Provide further detail of the structured framework within which the Applicant has carried out its design process to date, giving detail of the key milestones which have been reached within that process and setting out which elements of the overall design have been fixed at this stage.</p> <p>d) Set out the main stages of the remainder of the design process required to fully develop the Applicant's design of the Proposed Development in the event that its application is granted Development Consent, giving an indication of expected deliverables and timescales wherever possible and indicate how this process will be secured within the draft DCO.</p> <p>e) Provide an outline description of the design professional disciplines that have contributed to the Applicant's design process to date.</p> <p>f) Set in further detail how the Applicant's design principles – established in its</p>	<p>No comments to make</p>	<p>Noted</p>

ID	Question	Broadland District Council Responses	Applicant's Comment
	Design and Access Statement [APP-287] – are secured within the draft DCO		
Q1.10.2.2	<p>Design Review</p> <p>Comment, with reasons, if the Applicant should seek independent design review advice in line with the policy recommendation in NPS, Paragraph 4.5.5.</p>	No comments to make	Noted
Q1.11.2 Definitions			
Q1.11.2.2	<p>Commence</p> <p>a) How would the activities currently excluded in the definition of commence be controlled, monitored and mitigated, given the CoCP would not be approved and enforceable (in line with R19) when the works excluded from the definition of commence may need to take place?</p> <p>b) Local Authorities, do you have concerns about works being delivered without any controls, in particular activities such as diversion and laying of services, the erection of any temporary means of enclosure, and the erection of welfare facilities?</p> <p>c) Local Authorities, are there other activities excluded from the definition of commence that you consider should be controlled through a management plan? Explain with reasons.</p> <p>d) Applicant and Local Authorities, is there a need for a definition for pre-</p>	<p>a and b) If these works fall within the definition of permitted development or under the jurisdiction of works that can be carried out by statutory undertakers, then the Council would not have concerns as they can be carried out without planning permission.</p> <p>c) No comments</p> <p>d) The Council considers that it would be helpful to have the definition of pre- commencement works.</p>	<p>a and b) BDC's comments are noted. See also the Applicant's related response to WQ1.11.2.2(a) in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]</p> <p>c) No comment</p> <p>d) See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]. The Applicant does not consider a definition of pre-commencement works is necessary and draws attention to the draft Development Consent Order (DCO) (Revision D) [3.1.1] which already defines 'commence'.</p>

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>commencement works and an accompanying management plan?</p> <p>e) Are there any concerns from any party about the scope, breadth and definition of commencement with the Order or its accompanying dDMLs? If so, explain what they are and the implications that you use the ExA to take account of.</p>		
Q1.11.4 Schedules			
Q1.11.4.2	<p>Further Associated Development</p> <p>Are you satisfied that all instances of further associated development in connection with Work Nos. 1B to 7B, Work Nos. 8B to 22B, Work Nos. 3C, 4C, 5C and 7C and Work Nos. 8C, 9C, 12C, 15C, 16C and 17C are controlled adequately by the provisions in the dDCO?</p>	The Council is satisfied.	Noted
Q1.11.4.3	<p>Ancillary Works</p> <p>Are you satisfied that all instances of ancillary works are controlled adequately by the provisions in the dDCO?</p>	The Council is satisfied.	Noted
Q1.11.4.5	<p>Accuracy of all Schedules</p> <p>Check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.</p>	No comments to make	Noted
Q1.13.1 Effects on European Designated Sites and Sites of Special Scientific Interest			
Q1.13.1.1	<p>Air Quality and Screening of Ecological Sites</p> <p>Can you confirm if the approach to the selection of all the relevant European sites, the scopes of the in-combination assessment, the</p>	Defer to Natural England	Noted

ID	Question	Broadland District Council Responses	Applicant's Comment
	assessments and the conclusions reached by the Applicant is acceptable [APP-108, paragraph 138 (though not limited to that paragraph only)].		
Q1.15.3 Effects on Designated and Non-designated Heritage Assets			
Q1.15.3.3	<p>Honingham Hall Park</p> <p>The ExA notes that you consider Honingham Hall Park as a non-designated asset [AS- 033]. Set out in full your position on the significance of the asset and the features that contribute to its significance and setting. In accordance with paragraph 203 of the NPPF, set out the scale and nature of the harm anticipated and weigh this against the public benefits of the proposal.</p>	<p>Honingham Hall Park is the historic parkland created for and associated with Honingham Hall. The park is identified on the HER (NH44183). The hall, which originally dates to 1607, was demolished in 1966 although the coach house and stable buildings remain and are listed (List UID: 1372666). The parkland is shown in 1797 Faden's historic map. Late C19 OS maps show areas of plantation within the parkland of the hall and the two areas which the cable will run through the linear feature "The Broadway" to the north and "Ringland Covert" further to the south east. The areas associated with the hall in terms of ownership varies over time however these are clearly landscape features associated with the estate. From the 1880s OS map there is an approach drive to the hall from the North east – where there is a lodge, through the tree plantation. The Broadway feature is more of plantation planting to estate farmland and the lane to provide an edge to the estate land. A now demolished building called Breck Farmhouse was at the centre of a field system to the south east of it where there are no planted field trees on the OS Map so this tree planted area is more peripheral to the estate. With the loss of the hall and estate and changes to the parkland character, these plantation areas are considered to have a low degree of heritage</p>	<p>The position of BDC is noted by the Applicant, and it reflects the position of the Applicant. No further response is required.</p>

ID	Question	Broadland District Council Responses	Applicant's Comment
		<p>significance as non-designated heritage asset which are of local importance only.</p> <p>With the loss of the hall, the division of the parkland and return to arable, the plantation areas are surviving remnants of historic estate management and parkland associated with the former hall within the surrounding landscape. When passing through the plantation area the cable will be tunnelled at a depth of 10m under the trees so they will not be affected. This is shown on sheet 12 document 6.2.4. In the short term there will be some minor harm from trench digging within the parkland fields which over time will revert back to the original appearance. Overall therefore it is considered that there will be minor short term harmful impact which is low adverse and no long term harmful impact to the heritage</p> <p>asset so the proposals are not considered to result in any harm in the long term and negligible harm in the EIA matrix. Paragraph 203 has been taken into account and it is considered that there is no requirement to carry out a planning balance assessment.</p>	
Q1.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals			
Q1.16.2.5	<p>Contaminated Land – Approach</p> <p>The ES [APP-103] notes that potential areas of contamination cannot be avoided. This includes areas such as the disused airfield at Brandiston, railways lines (both historical and active) former pits and historic tanks. The assessment also</p>	<p>a) Unknown. This is the applicant's decision, and The Council did not have an input into their decision-making process.</p> <p>b) Defer to the applicant as they would have to adjust the cable route to counter</p>	<p>a) The following response was provided in Written Question (WQ) 1.16.2.5 [REP1-036].</p> <p>Whilst different options were considered, however, the option to site the cable through Brandiston Airfield</p>

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>identifies that targeted ground investigations may be required.</p> <p>a) What options were considered in the optioneering stage to avoid areas of potential contamination (i.e. why did the onshore cable corridor have to go through Brandiston Airfield)? This was not specifically mentioned in ES Chapter 3.</p> <p>b) Are the Order limits and cable corridor widths such that any dense areas of contamination within these areas could be bypassed, by micro-siting the cables away from them (i.e. if there is an aeroplane fuel leak contained in one part of the cable corridor that could be diverted around)?</p> <p>c) Are the EA and LAs content that targeted ground investigations have not yet been undertaken and would be subject to post-consent processes?</p>	<p>any contamination that was encountered.</p> <p>c) To the Council's knowledge no targeted site investigation has been undertaken. The site investigations can be undertaken post consent as the remediation of any contaminated land considered likely to be encountered is a well understood process. However, it is advised that the site investigation is undertaken in good time before the commencement of activities such that an appropriate remediation technique can be agreed and enacted.</p>	<p>was decided on the basis that the airfield covers a large area, comprises brownfield land and avoids other impacts such as heritage assets. Geophysical surveys at the airfield are ongoing and the initial results indicate that there are areas of rubble present which are likely to be associated with the construction of the airfield. Further surveys will help identify whether any contamination does exist onsite and if so next steps including micro-siting the cable and any remedial works.</p> <p>b) The following response was provided in WQ 1.16.2.5 [REP1-036].</p> <p>Risks associated with potential sources of contamination within the study area as a whole, are discussed in ES Chapter 17 Ground Conditions and Contamination [APP-103, Section 17.6.1]. The Applicant confirms that the width of the Order Limits would allow for the micro-siting of the cable to avoid, where possible, any dense areas of contamination.</p> <p>c) Agreed, this will form part of the Applicant detailed design process.</p>
Q1.17.1 Effect on Landscape Character and Views			
Q1.17.1.1	<p>LVIA Methodology</p> <p>The ES states that the LVIA was undertaken both in accordance with GLVIA3 and with direct input from local</p>	No comments.	Noted.

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>authorities as to the location and frequency of viewpoint analysis [APP-112].</p> <p>a) In this context, can you confirm that the selection of receptors (and their sensitivity) is reasonable and that there are no outstanding concerns regarding the process that the Applicant undertook (notwithstanding you may disagree with its results and conclusions).</p> <p>b) Are you satisfied with the study areas adopted by the Applicant for the onshore substation and the landfall site?</p> <p>c) If not, please set out the reasons for this position and indicate what additional areas should be included and the reasons why these areas should be included.</p>		
Q1.17.1.9	<p>Residential Receptors The Applicant notes that a RVAA has not been undertaken because the nearest receptors would fall below the relevant threshold [APP-112, paragraphs 117-120].</p> <p>a) As, is this a reasonable approach?</p> <p>b) LAs, what weight should be given to private views from residential properties in the Examination, in the ExA's considerations and in the SoS's decision? Applicant may respond.</p>	<p>a) The Council considers this reasonable</p> <p>b) The loss of a view is not a material planning consideration.</p>	<p>The position of BDC is noted by the Applicant and accords with the Applicant's response provided in WQ 1.17.1.19 (b) [REP1-036].</p> <p>No further comment is required.</p>
Q1.17.3 Effectiveness of mitigation proposals			
Q1.17.3.4	Extent of Mitigation	No comments.	Noted

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>Would the mitigation planting illustrated by the Applicant be effective in reducing the magnitude and significance of the visual effect of the Proposed Development? If not, why not? What other steps should be considered in order to provide the necessary change in magnitude and significance of the visual effect of the onshore substation buildings and/ or structures?</p>		
Q1.17.3.6	<p>Outline Landscape Management Plan Are you satisfied that the details of location, number, species, size and density of proposed planting around the onshore substation need not be considered during the Examination [APP-303]?</p>	No comments.	Noted
Q1.18.1 Effect on Seascape Character and Views			
Q1.18.1.1	<p>SLVIA Methodology The ES states that the SLVIA was undertaken both in accordance with direct input from local authorities as to the location and frequency of viewpoint analysis [APP-111]. In this context, can you confirm that the receptors (and their sensitivity) are reasonable and that there are no outstanding concerns regarding the process that the Applicant undertook (notwithstanding you may disagree with its results and conclusions).</p>	No comments to make	Noted
Q1.18.2 Effects During Construction			
Q1.18.3.1	<p>The Existing Baseline and its Effect on the Statutory Purpose of the NCAONB NE states that the existing OWF installations have a compromising effect on the statutory</p>	Defer to North Norfolk District Council	Noted

ID	Question	Broadland District Council Responses	Applicant's Comment
	purpose of the NCAONB [RR-063]. Respond, with reasoning.		
Q1.18.3.2	<p>The Extent of Additional Harm to the NCAONB</p> <p>What is your assessment of the effects of the Proposed Development on the NCAONB in EIA terms?</p>	Defer to North Norfolk District Council	Noted
Q1.18.3.3	<p>Cumulative Impact Assessment</p> <p>Should a CIA be undertaken in order to inform the EIA to ensure that the impact of SEP and DEP on the statutory purpose of the NCAONB, in the context of the existing OWF, can be made?</p>	Defer to North Norfolk District Council	Noted
Q1.18.3.5	<p>Tourism and Coastal Footpaths</p> <p>Is there any evidence to suggest that the construction of offshore wind turbines, and their cumulative seascape impact, has impaired, prejudiced or resulted in the loss of tourism activities/ enjoyment along the North Norfolk coast?</p>	Defer to North Norfolk District Council and Norfolk County Council	Noted
Q1.18.4 Cumulative Effects			
Q1.18.4.1	<p>Cumulative Effects</p> <p>Are you satisfied with the list of projects included in the assessment of potential cumulative landscape and visual effects? If not, identify those projects that you believe should be included and indicate why you believe that they should be included.</p>	The Council has in its LIR identified the projects and planning permissions that should be considered	Noted. See Applicant's response to BDC LIR [document reference 14.3].
Q1.20.1 Adequacy of the Assessments for Construction			

ID	Question	Broadland District Council Responses	Applicant's Comment
Q1.20.1.1	<p>Methodology – Baseline Noise Survey</p> <p>The ES [APP-109, Paragraph 51] states that the baseline survey methodology was agreed with BDC. Large parts of the cable corridor, landfall and the substation are located in other local authority areas (NNDC and SNDC). Do NCC, NNDC and SNDC agree with the scope and extent of the baseline survey?</p>	<p>BS4142 is the appropriate methodology for assessing the impact of new industrial or commercial activities on vulnerable receptors. Therefore, it was the appropriate standard to use to assess the impact from the converter station. However, The Council would have expected a baseline survey to have been undertaken on the construction compound given the time that the compound is to be in place.</p>	<p>The following response was provided in WQ 1.20.1.2 [REP1-036]</p> <p><i>“As discussed in paragraph 122 [APP-109], receptors along the cable corridor (including around the main construction compound) are assumed to be “Category A” as per BS 5228-1. This applies the lowest possible threshold value for the onset of potentially significant effects; hence the assessment considers the worst-case for potential noise impacts on these receptors. If baseline measurements had been undertaken at these receptors, the only change to the assessment criteria would have been if high baseline noise levels were to be measured, thereby increasing the threshold value and making the assessment less onerous.</i></p> <p><i>The methodology therefore ensured that the worst case scenario was assessed and potential effects were assessed at their highest level, making it unnecessary to undertake further baseline noise surveys.”</i></p>
Q1.20.1.2	<p>Methodology - Baseline Noise Assumptions</p> <p>a) What is the justification for not undertaking baseline noise surveys at sensitive receptors along the onshore cable route and assuming a Category A threshold value [APP-109]?</p> <p>b) Further, explain why no surveys were undertaken in proximity to the main construction compound at Attlebridge.</p>	<p>a) BS5228 is an appropriate standard by which to assess the impact of construction noise and vibration on vulnerable receptors. This does not require a baseline survey due to the assumptions within the standard. Category A is the appropriate value to be used as this represents the most vulnerable receptor.</p> <p>b) No survey was undertaken at Attlebridge as it was agreed that BS5228 would be an appropriate assessment as it is a construction site. However, experience from</p>	<p>The following response was provided in WQ 1.20.1.3 [REP1-036]</p> <p><i>“It is understood that the reference to 8 years of construction compound use is the Dudgeon Offshore Wind Farm Extension Project (DEP) and Sheringham Offshore Wind Farm Extension Project (SEP) sequential construction scenario. Under this Project scenario, the compound will be used for around 2 years per project, with a break of approximately 3 years between. This pattern of proposed usage is considered temporary and is similar to other projects (e.g.</i></p>

ID	Question	Broadland District Council Responses	Applicant's Comment
	<p>c) Is it possible that actual baseline levels at the sensitive receptors could be lower than assumed?</p> <p>d) If so, what impact would this have on the assessment?</p>	<p>the Hornsea development indicates that given the length of time that the compound being</p> <p>c) Yes. No baseline is assumed in a BS5228 assessment as the cumulative impact of the calculated noise from the equipment is used to assess the impact on the vulnerable receptor, and this is compared to a table of generally acceptable noise limits depending upon the time at which the receptor is going to be impacted by the noise generated by the construction.</p> <p>d) This could result in the receptor being subjected to an elevated level of noise, in comparison to the background noise environment.</p>	<p><i>HS2 and Lower Thames Crossing) where construction noise has been assessed using BS 5228-1, as per the construction noise assessment methodology described in Section 23.4.3.3 of [APP-109].</i></p> <p><i>The actual works undertaken in the main construction compound will be task-specific and intermittent, with only short periods of relatively high noise levels in comparison to the overall 2-year usage period.</i></p> <p><i>The Control of Pollution Act 1974 (CoPA) is the primary piece of legislation related to construction noise impacts in the UK. Section 60 of CoPA provides local authorities with the power to serve a notice imposing working restrictions to control of noise from construction works, defined as:</i></p> <p><i>“(a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;</i></p> <p><i>(b) breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works;</i></p> <p><i>(c) demolition or dredging work; and</i></p> <p><i>(d) (whether or not also comprised in paragraph (a), (b) or (c) above) any work of engineering construction.” It is apparent that the main compound works fall into this description.</i></p> <p><i>Section 71 of CoPA requires the Secretary of State to “approve a code of practice for the carrying out of works to which section 60 of this Act applies”. The Control of Noise (Code of Practice for Construction and Open Sites)</i></p>

ID	Question	Broadland District Council Responses	Applicant's Comment
			<p><i>(England) Order 2015 identifies BS 5228:2009+A1:2014 Part 1: Noise and Part 2: Vibration as approved codes of practice under CoPA. Hence, BS 5228-1 should be used to determine the impact of the noise from the main compound.</i></p> <p><i>As an example, HS2 Phase 1 requires construction compounds along the entire proposed train route. Many of these compounds will be utilised for periods well in excess of 3 years, for example, according to Hertfordshire County Council, HS2 will involve "building three large construction compounds within the county that would house 250 and be in use for up to 12 years."¹ HS2 uses the guidance in BS5228-1 to assess and control all construction noise impacts, including that from compounds^{2, 3 & 4.}"</i></p>
Q1.20.1.4	<p>Methodologies – Noise and Vibration</p> <p>Do NCC, NNDC, SNDC and BDC agree with the Construction Phase Noise, Road Traffic Noise Assessment and Construction Phase Vibration Assessment Methodologies adopted in the ES [APP-109], including the predicted construction noise and vibration levels?</p>	<p>Construction Phase Noise Methodology BS5228 is an appropriate standard to assess the noise from the construction program. Although it would have been expected that the assessment would have included:</p> <ul style="list-style-type: none"> • A list of all vulnerable receptors • The maximum noise to be generated where the receptor would be impacted. 	<p>In relation to construction phase noise, the following response was provided in WQ 1.20.1.6 [REP1-036]. Whilst this response relates specifically to noise, it is also applicable to vibration.</p> <p><i>"a) In accordance with good practice for Environmental Impact Assessment, the noise and vibration chapter has taken a proportionate approach which involved selection of the closest receptors to the works for the assessment,</i></p>

¹ <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/hs2-high-speed-railway-project.aspx>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/628750/E61_SV-001-000_WEB.pdf

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672398/E23_Control_of_construction_noise_and_vibration_v1.7.pdf

⁴ [REDACTED]

ID	Question	Broadland District Council Responses	Applicant's Comment
		<ul style="list-style-type: none"> • The distance from the noise source to the vulnerable receptor. • The calculated noise level at the receptor • The mitigation measures which will be implemented to ensure that the receptors are suitably protected. <p>Road Traffic Noise Methodology</p> <p>This is not within the remit of the council as legislation does not allow for road noise from a construction project to be considered within the legislation under which the council operates.</p> <p>Construction Phase Vibration Methodology</p> <p>BS5228 is an appropriate standard to assess the vibration from the construction program. Although it would have been expected that the assessment would have included:</p> <ul style="list-style-type: none"> • A list of all vulnerable receptors • The maximum vibration to be generated where the receptor would be impacted. • The distance from the vibration source to the vulnerable receptor. • The calculated vibration level at the receptor • The mitigation measures which will be implemented to ensure that the receptors are suitably protected. 	<p><i>thereby ensuring that worst-case impacts of the project are assessed. Nevertheless, to inform the mitigation analysis to be undertaken in the Construction Noise Management Plan (required for inclusion in the final Code of Construction Plan (CoCP) by paragraph 146 of the Outline Code of Construction Practice (OCoCP)), a Construction Noise (and vibration) Management Plan (CNMP) study area has been defined which is 300m from the construction works. This is based on the Design Manual for Roads and Bridges LA111 Noise and Vibration (Revision 2) which, in relation to a construction noise study area, states "300m from the closest construction activity is normally sufficient to encompass noise sensitive receptors." This study area is shown on Figure 2 in Appendix A.2 which has been prepared to accompany this response.</i></p> <p><i>In conclusion, the approach taken in the Environmental Impact Assessment (EIA) was appropriate (and in line with guidance) in assessing the significance of effects on residential receptors. The final mitigation plan is a separate matter and will involve further work post-consent (which is standard practice).</i></p> <p><i>b) The construction noise mitigation is secured by DCO Requirement 19, which requires that construction works "must be undertaken in accordance with the relevant approved code of construction practice" which must accord with the OCoCP (Revision B) [REP1-023]. This is secured by Requirement 19 of the draft DCO (Revision D) [document reference 3.1]. Section 9.1 of the OCoCP states that a "Construction Noise (and vibration) Management Plan (CNMP)</i></p>

ID	Question	Broadland District Council Responses	Applicant's Comment
			<p><i>will be included in the CoCP... The CNMP will be developed based on the confirmed list of plant and equipment proposed by the appointed Principal Contractor for that phase of the works, i.e. confirming the actual expected noise levels and location of works during construction activities... Should any residual impacts remain following the application of BPM these would be reduced to non-significant with the addition of site-specific solutions such as increased separation distance of noisy plant and the use of temporary noise barriers... If the implementation of all reasonable mitigation measures and BPM still results in construction noise levels exceeding the Threshold Values, BS 5228-1 does recommend further options such as the provision of noise insulation to affected habitable rooms." This requirement is applicable to all sensitive receptors potentially affected by the works (as shown in Figure 2, Appendix A.2), not just those at the properties identified in the application documentation."</i></p> <p>The position of BDC in relation to the road traffic noise methodology is noted.</p>
Q1.20.4 Adequacy and Design of Proposed Mitigation			
Q1.20.4.3	<p>Potential Impacts – Monitoring Operational Noise</p> <p>To be effective should dDCO R21 be explicit about where monitoring should be done, such as the onshore substation? Provide revised wording if so.</p>	<p>The condition is acceptable as it stipulates that the noise monitoring locations will be agreed prior to implementation.</p>	<p>Noted, this concurs with the Applicant's position</p>
Q1.22.2 Effects on jobs and skills			

ID	Question	Broadland District Council Responses	Applicant's Comment
Q1.22.2.8	<p>Outline Skills and Employment Plan</p> <p>The OSEP [APP-310] sets out that the Applicant intends to work with the relevant sector and local authority bodies to help secure economic benefits of the OWF to the local area and identifies a number of general outline commitment examples. Is the OSEP currently sufficient to ensure local socio-economic benefits are secured and maximised, and are firmer commitments and targets for local employment and skills/training needed, particularly to realise the potential benefits set out in the ES [APP-113]?</p>	No comments to make	Noted
Q1.22.3 Effects on Individuals and Communities			
Q1.22.3.2	<p>Development Consent Obligations</p> <p>NNDC [RR-069] reference potential community benefits being secured through an obligation. Describe to the Examination the nature and extent of any benefits you consider are necessary relative to the impacts of the Proposed Development, setting out how these comply with the CIL Regulations and the justification for them.</p>	Defer to NNDC for comment	Noted

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

Table 2 The Applicant's Comments on Bryan Cave Leighton Paisner LLP on behalf of National Grid Electricity Transmission (NGET)'s Responses to the Examining Authority's First Written Questions

ID	Question	NGET Responses	Applicant's Comment
Q1.2.2.1			

ID	Question	NGET Responses	Applicant's Comment
1	<p>Grid Connection</p> <p>The Applicant has reported on the optioneering process that underpinned the selection process for the wind farm locations, the landfall location and the onsite substation location, commenting that the latter emerged following consultation with National Grid [APP- 089] [APP-175]. The ExA seeks clarification, in light of policy and legislative requirements set out in NPS EN-1 Section 4.4 and the EIA Regulations 2017, on the following matters:</p>		
2	<p>Addressed to National Grid</p> <p>a) Signpost in the Application material or submit information to highlight what alternative grid connections, other than Norwich Main, were offered to the Applicant?</p>	<p>For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").</p>	<p>The Applicant acknowledges this response.</p>
3	<p>b) What criteria did you consider in making the connection offer to the Applicant?</p>	<p>For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").</p>	<p>The Applicant acknowledges this response.</p>
4	<p>Addressed to National Grid and the Promoter</p> <p>a) Further explanation is needed to support the nuanced steps in the site selection process [APP-175, Plate 3-1]. For instance, did the identification of the offshore cable corridor, landfall, onshore cable corridor and onshore substation take place concurrently as shown [APP-175, Plate 3-1]?</p>	<p>For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").</p>	<p>The Applicant acknowledges this response.</p>



ID	Question	NGET Responses	Applicant's Comment
5	b) Applicant, submit marked on a map all the sites (field 1 to field 5 [APP-175, Table 3-5] and any others) considered for the onshore substation, a comparative assessment of suitability, including the criteria and weighting used for the assessment, with a statement of why each other site was dismissed, and the proposed site selected. In that regard, identify what options 1 to 6 refer to [APP-175, Table 3-1].	NGET refers this question to the Applicant.	The Applicant responded to this in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].
6	c) Provide a full flow chart with the sequence of steps taken, and the criteria and weighting that underpinned key decisions. In particular, outline how the MCZ, biodiversity and designated natural and built assets were considered.	NGET refers this question to the Applicant.	The Applicant responded to this in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].
7	d) What weight or extent of consideration is given to nature, biodiversity and sites designated for nature conservation when preparing the CION and offer options?	For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").	The Applicant acknowledges this response.
8	e) Given its distance in-land, what factors made Norwich substation the best option for the grid connection?	For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").	The Applicant acknowledges this response.
9	f) Submit the CION and any relevant supporting material. If the CION is an extensive document, provide a summary as well.	For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").	The Applicant acknowledges this response.
Q1.2.2.2			
10	Substation Location		

ID	Question	NGET Responses	Applicant's Comment
	In relation to the proposed substation for the Proposed Development:		
11	Addressed to National Grid a) Are there any concerns from a structural, engineering or technical perspective with regards to the specific location for the proposed substation [AS-005]?	NGET would be grateful for clarification from the ExA as to what is contemplated by the reference to the "proposed substation".	The Applicant acknowledges this response.
12	b) Are the works you require to upgrade and extend Norwich Main, or to connect and integrate with the Proposed Development adequately, covered within Schedule 1 of the dDCO and the associated Works Plans [APP-011, AS-009]?	NGET is not proposing to seek any consents which may be required to upgrade and extend the Norwich Main Substation through the Draft Order. To the extent that such consents are required, NGET will seek those separately.	The Applicant acknowledges this response.
Q1.2.2.3			
13	Walpole Substation At OFH1 [EV-009] [EV-010], a number of speakers highlighted that there was spare capacity at the Walpole Substation following the mothballing of Sutton Bridge gas fired power station and the declination of an application for Docking Shoal wind farm to connect. Comment on all aspects of this scenario. If this is the case how did this feature in the assessment of alternatives for the substation selection for the Proposed Development?	For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").	The Applicant acknowledges this response.
Q1.2.3.1			
14	Offshore Transmission Network a) Explain what an OTN would consist of and what the current policy and industry support for such an approach is.	For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").	The Applicant acknowledges this response.

ID	Question	NGET Responses	Applicant's Comment
15	b) Has an OTN has been considered for the Proposed Development? Is an OTN, as described by IPs during representations at OFH1 [EV-009] [EV-010] feasible?	For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").	The Applicant acknowledges this response.
16	c) In light of policy support (if any) discuss how, in your opinion, this can be considered in this Examination.	For reasons set out in NGET's Written Representation, a response to this question is to be provided separately by National Grid Electric System Operator ("NGESO").	The Applicant acknowledges this response.

1.3 Cawston Parish Council

Table 3 The Applicant's Comments on Cawston Parish Council's Responses to the Examining Authority's First Written Questions

ID	Question	Cawston Parish Council Responses	Applicant's Comment
Q1.23.1.9	Cawston Parish Council at OFH1 [EV-009] [EV-010] referred to transport evidence and photos that were provided to the examinations of previous OWF projects. Provide copies of any of relevance to the Proposed Development.	<p>We were requested to provide photographic evidence of HGVs using the B1145. Attached are a number of photos taken recently by a parish councillor, showing the difficulties faced both by HGV drivers and traffic coming the other way. These are just an example of situations which occur every day.</p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div>	<p>Using their powers as a Local Highway Authority, Norfolk County Council (NCC) have classified the B1145, a 'Main Distributor'. The Main Distributor category indicates a route linking Primary Distributors (i.e. linking significant settlements to A roads serving the County) and are not subject to any restrictions on Heavy Goods Vehicles (HGV).</p> <p>Th B1145's functional hierarchy and the ability to accommodate HGV traffic has been accepted by the Examining Authorities and Secretary of State through the determination of the Norfolk Vanguard/Boreas and Hornsea Project Three DCOs.</p>

1.4 East Suffolk Council

Table 4 The Applicant's Comments on East Suffolk Council's Responses to the Examining Authority's First Written Questions

ID	Question	East Suffolk Council Responses	Applicant's Comment
Q1.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects			
Q1.14.1.16	<p>Kittiwake Compensation and Strategic Approach</p> <p>Explain what your expectations are with regards to establishing a strategic position on the requirement for kittiwake compensation. Is this specific to your District or something that can be produced to contribute directly to this Examination?</p>	<p>To elaborate on East Suffolk Council's (ESC's) strategic position and associated matters raised within our Relevant Representation (RR-030), ESC supports a strategic and collaborative approach to gull compensation measures, and we are keen to work with the Applicant in finding an acceptable solution to kittiwake compensation requirements should such requirements be progressed within our District. However, we will continue to raise significant concerns regarding the introduction of additional artificial nesting capacity within the town of Lowestoft where issues surrounding human/bird interactions already exist. Every opportunity for coordination between projects must be fully explored before a new or expanded artificial nesting site is progressed. However, any such proposal within the town will not be supported for the reasons stated.</p> <p>We have been liaising with the Applicant on this matter, requesting that an alternative solution to any compensation proposed within the town is identified, considering the planning concerns discussed and set out in our Relevant Representation (RR-030). However, we understand following the discussions held at Issue Specific Hearing 1 (Wednesday 18 January 2023) that the Applicant is now progressing a preferred kittiwake compensation option at Gateshead which is fully supported.</p>	No comments.

ID	Question	East Suffolk Council Responses	Applicant's Comment
		<p>Despite this, and to assist this Examination, ESC's strategic position seeks to avoid proliferation of artificial nesting structures within our District, particularly around sensitive areas with existing human/bird conflicts such as within the town of Lowestoft itself. Experience indicates that compensation proposals for kittiwake artificial nesting aims to be located in proximity to existing colonies of kittiwakes and this results in hot spots within the East Suffolk District where different developers seek to explore similar requirements in similar locations, exacerbating existing issues.</p> <p>To clarify ESC's preferences on kittiwake compensation measures in numerical order:</p> <p>1 – compensation provided elsewhere out of district avoiding existing conflicts and local sensitivities;</p> <p>2 – if provision is sought within ESC, Applicants will be required to coordinate provision reducing local impacts associated with human / bird conflicts (i.e. relating to noise, smell, mess, hygiene concerns and visual appearance at nest sites);</p> <p>3 – only once preference 1 and 2 have been fully exhausted will a new bespoke project alone solution be considered, however this will require planning input for site selection and constraint mapping from the initial stages with no guarantees of local planning authority support should such provision be deemed to exacerbate existing issues.</p>	

ID	Question	East Suffolk Council Responses	Applicant's Comment
Q1.14.1.24	<p>Compensation Measures for Kittiwake</p> <p>b) East Suffolk Council to confirm, at this stage, whether there would be spare capacity for kittiwake compensation measures resulting from other agreed projects, and the possibility of the Applicant 'buying into' that compensation.</p>	<p>ESC aims to answer this question to assist the Examination, however it would be for the individual project developers to fully explore all opportunities for coordination rather than the Local Planning Authority.</p> <p>While there could be scope for additional capacity at other agreed projects for the coordination of kittiwake nesting provision, noting that other sites have already been rigorously tested to avoid human bird conflicts, any such proposals would require landowner agreement and planning permission.</p> <p>We have set out our order of preference in answer to Q1.14.1.16 above. However, whilst the Applicant has expressed a preference to locate such provision at Gateshead as opposed to East Suffolk as originally intended, it is essential that any deviation from Gateshead back to progressing compensation measures within East Suffolk is not left until the latter stages of this Examination, reiterating the concern already expressed at ISH1.</p> <p>However, there may be no planning reasons why coordination would not be possible at these sites and commercial decisions between developers should not restrict or limit possible coordination efforts with robust justification being requested from all parties should coordination not be deemed viable at a given location.</p>	<p>An update on the Applicant's progress with respect to compensatory measures considered on a collaborative basis has been provided in the Habitats Regulations Assessment (HRA) Derogation and Compensatory Measures Update [REP1-061] submitted at Deadline 1 (Section 4.4).</p>

1.5 Eastern Inshore Fisheries and Conservation

Table 5 The Applicant's Comments on Eastern Inshore Fisheries and Conservation Authority's Responses to the Examining Authority's First Written Questions

ID	Question	EIFCA Responses	Applicant's Comment
Q1.3.4 Effects on the Marine Conservation Zone			
Q1.3.4.1	<p>Measures of Equivalent Environmental Benefit (MEEB) The Applicant has proposed planting of oyster beds with the Marine Conservation Zone (MCZ) as a MEEB [APP-084]. In this respect:</p> <ul style="list-style-type: none"> a) Of the options set out in Table 7-1 [APP-083], do you agree with the Applicant's assessment of the feasibility of providing other MEEB? b) If the answer to (a) is no, set out what options are available or preferred instead of oyster bed planting? c) Would the planting of a 1ha oyster bed in itself have ramifications for the composition and quality of the MCZ or would it be a superficial surface element unlikely to upset the balance of the conservation objectives? d) Would the oyster bed (not currently within the MCZ) attract different fish, prey and predator species to the area? e) Would the oyster bed, directly or indirectly, support the food resource for foraging birds? f) What is the likelihood of success of oyster beds establishing in the locality and what confidence can the ExA place upon this MEEB in 	<ul style="list-style-type: none"> a) Eastern IFCA's preferred option would be for: 'Planting of native oyster beds at an alternative location (e.g. within SEP and DEP wind farm sites). This is not correctly recorded in Table 7 which states that our preferred option would be for restoration within CSCB MCZ, this would only be the case if it could be guaranteed that there would be no potential for fisheries restrictions to be imposed. We agree with the feasibility assessment for other MEEB. b) Our preference would be for oyster bed planting within the windfarm array where inshore fisheries would not be impacted. Eastern IFCA do not support oyster bed planting within the MCZ if this would require fisheries restrictions to be put in place. Whilst the applicant does not consider static potting to be a key constraint for oyster restoration, Eastern IFCA have concerns that conservation advice or monitoring could indicate the potting activity is hindering the oyster restoration efforts, fisheries restrictions may be required further down the line. The local fishing industry has experienced the effect of conservation advice changing over time: initial 	<ul style="list-style-type: none"> a) – c) and f) See the Applicant's response to Eastern Inshore Fisheries and Conservation Authority's (EIFCA) written representation in The Applicant's Comments on Written Representations [document reference 14.2] for a response on these matters. d) and e) No comments

ID	Question	EIFCA Responses	Applicant's Comment
	<p>recommending to the SoS BEIS about discharging their obligations under the MCA?</p>	<p>assurances that potting fishing activities and conservation features were compatible were rescinded, resulting in restrictions on their activities that were not predicted at the outset. Furthermore, whilst the Applicant suggest that if the oyster beds become sustainable, consideration would be given to trialling the establishment of a commercial fishery, Eastern IFCA understand that the likelihood of this being achieved is very low based on other similar restoration efforts in</p> <ul style="list-style-type: none"> c) Defer to NE d) The presence of an oyster bed on the seafloor would likely increase local biodiversity because it would provide a settlement structure (oyster shells) and shelter to invertebrates and fish species, which is otherwise absent in a predominantly sandy seafloor¹. The structure could attract different fish, predator and prey species to the local area – although the significance of this would be minimal given the small size of the proposed oyster bed (1ha) compared with the wider DEP & SEP area. e) The presence of an oyster beds could encourage settlement of other species and fish (see above), which could provide food for foraging birds such as scoter and Eider – although the significance of this from a 1ha oyster bed would be minimal. f) Eastern IFCA suggests a feasibility study 	

ID	Question	EIFCA Responses	Applicant's Comment
		<p>is needed to ascertain the likelihood of success of oyster beds establishing in the locality. This should consider the existing environmental conditions (including physical, chemical and biological parameters) and existing activities (in particular, fishing but also other activities that can affect the sea floor) and should research other oyster restoration initiatives in the North Sea.</p>	
Q1.3.4.3	<p>MEEB and Sandeels Sandeels are considered an important part of the food resource for bird species, including kittiwakes and sandwich terns [APP-069].</p> <ul style="list-style-type: none"> a) Could sandeel habitat be artificially formed and sustained in the MCZ? b) If so, would that area be afforded protection from the fishing industry due to the designation? 	<ul style="list-style-type: none"> a) Defer to NE. b) A closure has already been agreed by the Eastern IFCA (Closed Area Byelaw 2021) to close all of the MCZ, except for a thin strip along the North East edge, to bottom towed gears, which would protect seabed habitat from towed fishing gears. Eastern IFCA would not support MEEB/Compensatory measures which require further fisheries restrictions (for example to static gears) in the MCZ. 	<ul style="list-style-type: none"> b) See the Applicant's response to EIFCA's written representation in The Applicant's Comments on Written Representations [document reference 14.2] for a response on this matter.
Q1.7.1 Effects on Fishing Stocks			
Q1.7.1.1	<p>Electromagnetic Field The ES [APP-098, Paragraph 377] states that no experiments have highlighted significant concerns with EMF and the magnitude of impact of EMFs is generally considered to be low for most marine organisms. What is your stance on this issue?</p>	<p>Eastern IFCA maintain that not enough is known about electro-magnetic field impacts on marine fauna. This position is informed by studies such as Hutchinson <i>et al</i> 2020. We do not consider this can be addressed by a single developer; instead, there is a 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</p>	<p>See the Applicant's response to EIFCA's written representation in The Applicant's Comments on Written Representations [document reference 14.2] for a response on this matter.</p>

ID	Question	EIFCA Responses	Applicant's Comment
		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.	
Q1.7.1.2	<p>Effect to Fish and Shellfish Stocks</p> <p>Is there evidence that can be provided as to the effects to fish and shellfish stocks as a result of the Proposed Developments such as that proposed with SEP and DEP?</p>	Eastern IFCA are not aware of any sources of evidence, but lessons can be learnt from other operational windfarms where post operational monitoring surveys have been conducted. Once again, Eastern IFCA advocate consultation with the local fishing industry to ascertain their experience of effects on fish and shellfish stocks (for example effects of existing Sheringham and Dudgeon OWF cable routes).	See the Applicant's response to EIFCA's written representation in The Applicant's Comments on Written Representations [document reference 14.2] for a response on this matter.
Q1.7.2 Effects on fishing enterprises as a result of navigational or special restrictions			
Q1.7.2.1	<p>Restricted Fishing</p> <p>The ES states: "The Applicant considers the most effective way this could be achieved would be to restrict fishing on sandeel, and with respect to prey availability for Sandwich tern, sprat or juvenile herring in UK waters. However, this would need to be implemented either by Defra in the case of sandeel or the relevant Inshore Fisheries and Conservation Authority (IFCA) in the case of sprat and juvenile herring fisheries within UK inshore waters." [APP- 069, Paragraph 127].</p> <p>What is your assessment of the economic effects on fishing communities if such restrictions were imposed?</p>	<p>There is currently no sandeel fishery within the Eastern IFCA district which extends 0-6nm between Haile Sand Fort in the north to Felixstowe in the south. Defer to other IFCA's and the MMO regarding sandeel</p> <p>There is a herring and sprat fishery in the Eastern IFCA district, which is of high importance to a relatively low number of fishing enterprises. Whilst the economic value is not high, for example compared with shellfisheries in the Eastern IFCA district, the importance of the herring fishery to those individuals who target it is high. Eastern IFCA oppose any proposal for MEEB or compensatory measures relating to wind farm impacts on marine protected areas that would restrict fishing activities, as we consider the impact of such measures should not be passed on to a different sector.</p>	No comments.

ID	Question	EIFCA Responses	Applicant's Comment
		<p>Further, should restrictions on fishing be proposed as MEEB or compensatory measures, a thorough Impact Assessment would be required to inform decision-making on the fisheries regulation(s) required. This would consider economic, social and environmental effects. If Eastern IFCA were to be required to bring in such restrictions, we would require the Applicant to provide information needed to inform this Impact Assessment.</p>	
Q1.7.2.2	<p>Closed Area Byelaw 2021</p> <p>Disclose the full details of the byelaws including the area covered (map) and the restrictions imposed [APP-077, Paragraph 245]. Set out the nature of the impacts if the Proposed Development were to go ahead and the additional area within which restrictions may be imposed.</p>	<p>Eastern IFCA have agreed the 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 (see Figure 1 below). [This byelaw also includes fisheries restrictions in other marine protected areas in the Eastern IFCA district, but these are not detailed in this response as they are not relevant to the application.</p> <p>Full details of the byelaw can be found at: (Byelaw from page 156, the MCZ closed area co-ordinates at page 174 and chart at page 191, and figure 1 in current document.)</p> <p>The Applicant proposes cable works which have the potential to interact with these subtidal chalk features (i.e. both outcropping chalk, and veneered chalk (i.e. chalk covered by a veneer of sediment) that Eastern IFCA aim to protect through the Closed Areas Byelaw 2021. The Closed Areas Byelaw 2021 will also protect subtidal mixed, sand and coarse sediment</p>	<p>See the Applicant's response to EIFCA's written representation in The Applicant's Comments on Written Representations [document reference 14.2] for a response on this matter.</p>

ID	Question	EIFCA Responses	Applicant's Comment
		<p>features from mobile fishing gears. This feature will be directly impacted by cable works.</p> <p>[See Figure 1 in ESC's Responses to the ExA's First Written Questions]</p>	
Q1.7.2.3	<p>Impact to the Potting Fleet</p> <p>The ES [APP-098] sets out that there would be moderate adverse impacts (without mitigation) to the UK potting fleet during construction, operation and decommissioning phases of SEP and DEP. Are the 'justifiable disturbance payments' sufficient to mitigate for these impacts?</p>	<p>Compensation packages are not Eastern IFCA's 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, which can cause wider socio-economic impact. 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 the receptor areas.</p>	<p>Noted. As stated within the Outline Fisheries Liaison and Coexistence Plan (FLCP) [APP-295], the Applicant will 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 Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison.</p>
Q1.7.2.4	<p>Restrictions to Fishing within Operational OWFs</p> <p>Clarify the extent of any restrictions on fishing fleets within the wind farm areas once they are operational and whether the existence of the turbines would result in any significant impingement or practical difficulties on fishing activities in these areas?</p>	<p>Defer to MMO. The windfarm array areas do not overlap with our district boundary (0-6nm limit between Haile Sand Fort in the north to Felixstowe in the south).</p> <p>Most of our experience has been with wind farm export cables coming through our district rather than windfarm arrays. Initial cable lays, and some subsequent required reburial (e.g. within The Wash embayment) has necessitated some localised closures to fishing. The cumulative impacts windfarms are having on the industry (referred to as spatial squeeze) is a common</p>	<p>Noted. The cumulative impacts assessed plans and projects within 100km from the Project elements, including eight offshore wind farms that are currently either in construction, consented or pre – Preliminary Environmental Information Report (PEIR).</p>

ID	Question	EIFCA Responses	Applicant's Comment
		<p>concern we hear from fishermen. We do not have any quantitative data on this. We have been informed that certain fishing grounds within and close to wind farm arrays no longer support the target species they used to since the wind farms have been constructed (e.g. mussel beds); although we have not undertaken bespoke research to understand this, we concur that the occurrence of mussel beds has reduced over this time period. Consultation with fishing industry members themselves is key to fully understand the impingements and practical difficulties turbines have on fishing activities in the area and by learning from previous experience from other windfarms</p>	

1.6 Environment Agency

Table 6 The Applicant's Comments on Environment Agency's Responses to the Examining Authority's First Written Questions

ID	Question	The Environment Agency's Responses	Applicant's Comment
Q1.3.1 Effects on Marine Life and Benthic Habitats including through Cable Installation Methods			
Q1.3.1.1	<p>Intertidal and Subtidal areas Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.</p>	<p>Intertidal and Subtidal areas The Environment Agency did not identify any concerns regarding the adverse effects identified by the Applicant and we have no additional comments in response to this question.</p>	Noted.
Q1.3.4 Effects on the Marine Conservation Zone			
Q1.3.4.3	<p>MEEB and Sandeels Sandeels are considered an important part of the food resource for bird species, including kittiwakes and sandwich terns [APP-069].</p>	<p>EEB and Sandeels The Environment Agency defers to Natural England and the Marine Management Organisation in respect of these matters.</p>	Noted.

ID	Question	The Environment Agency's Responses	Applicant's Comment
	<p>Could sandeel habitat be artificially formed and sustained in the MCZ?</p> <p>If so, would that area be afforded protection from the fishing industry due to the designation?</p>		
Q1.6.2 Approach to Construction, Compounds, Programme, Timing and Methods			
Q1.6.2.1	<p>Landfall</p> <p>a) Potential Sources of Contamination of the Land Quality Desk Study and Preliminary Risk Assessment Report [APP-206, Figure 17.1.5] shows a former sewage works on the line of the cable corridor at landfall. Provide evidence as to where the risks of interaction with the sewage works at landfall are included in the ES and could this affect the use of HDD?</p> <p>b) EA, do you have any concerns with regard to the interaction with the former sewage works?</p>	<p>Landfall</p> <p>The former sewage treatment works are a potential source of contamination as highlighted in 17.1.10 of the Land Quality Desk Study and PRA. As such, groundworks in this area have the potential to mobilise any contamination. A detailed investigation should be undertaken prior to any groundworks to determine the presence of contaminants as identified in Table 17.1-8. Depending on the findings, a controlled waters risk assessment may be required to assess the need for any mitigation measures / remediation.</p> <p>We request to be consulted once the investigations and risk assessment are complete, which we anticipate being undertaken as part of the detailed design should the DCO application be approved by the Secretary of State.</p>	<p>Agreed and noted. The Applicant refers the Environment Agency to the OCoCP (Revision B) [REP1-023]. This sets out the requirement for further investigations and details likely control measures in relation to ground contamination which would be adopted during construction. The OCoCP (Revision B) [REP1-023] is secured via Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p>
Q1.11.3 Schedules			
Q1.11.3.3	<p>Article 6 – Disapplication and modification of legislative provisions</p> <p>a) EA, are there any concerns regarding the scope of the provisions sought to be modified or disapplied?</p> <p>b) Do Affected Persons have any concerns regarding the disapplication of the provisions of the Neighbourhood Planning Act 2017 relating to</p>	<p>Article 6</p> <p>Environment Agency lawyers are in discussion with the Applicant regarding the disapplication of relevant legislation. Whilst there is discussion regarding detailed wording there have been no concerns raised regarding the principles of what has been requested to be disapplied.</p>	<p>The Applicant welcomes this confirmation from the Environment Agency.</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
	the temporary possession of land as proposed in Article 6(1)(e)?		
Q1.13.1 Effects on European Designated Sites and Sites of Special Scientific Interest			
Q1.13.1.1	Air Quality and Screening of Ecological Sites Can you confirm if the approach to the selection of all the relevant European sites, the scopes of the in-combination assessment, the assessments and the conclusions reached by the Applicant is acceptable [APP-108, paragraph 138 (though not limited to that paragraph only)].	Air Quality and Screening of Ecological Sites The screening and assessment of European sites lies outside of the Environment Agency's remit. As such we defer to Natural England and do not have any additional comments for this.	Noted.
Q1.13.4 Effects on Rivers and River-Based Wildlife			
Q1.13.4.1	Watercourse Fish Surveys Do you have any concerns regarding the Applicant's approach and data collection, and the implications for the ExA to take into account [APP-106, Paragraph 165].	Watercourse Fish Surveys Paragraph 165 states "No baseline data has been collected to identify the presence/likely absence of fish species in watercourses within the Development Consent Order (DCO) order limits". Paragraph 168 then goes onto mention that "The sensitivity of fish is considered to be medium, reflecting that all fish species have some ability to tolerate an effect but can recover to an acceptable status over the short term to medium term". The Environment Agency does not have any concerns with regards to the data. Environment Agency also have fish monitoring data can also be obtained from the National Fish Population Database).	Noted.
Q1.13.4.2	Chalk-based Rivers For rivers, it is said HDD crossings (or equivalent trenchless technique) would be a minimum of 2m deep under the riverbed [APP-106, paragraph 268]. Knowing that some watercourses, such as	Chalk-based Rivers To determine the appropriate drilling depth, the applicant should provide a detailed hydrogeological impact assessment (HIA) for each crossing which should provide a profile of	The Applicant would like to reiterate its commitment to undertake a site-specific Hydrogeological Impact Assessment at each trenchless crossing location, including those of sensitive chalk rivers

ID	Question	The Environment Agency's Responses	Applicant's Comment
	<p>the River Wensum, are chalk-based rivers and that the EA [RR-032] notes that rivers Tud, Tiffey and Yare are also classed as chalk streams, would this require a much deeper drill route to be explored to avoid the chalk reserve?</p>	<p>proposed HDD depths and take into consideration:</p> <p>The potential for contaminated sites and unsuspected contamination and how contaminant mobilisation would be prevented.</p> <ul style="list-style-type: none"> • Groundwater levels. • Depending on working depths, they might strike artesian conditions; where there is a chance of this, a HIA needs to be prepared so they know what to expect and how to prevent/mitigate risks, prevent resource loss. • Potential for groundwater flooding – relates back to artesian conditions. • If the route passes through SPZs and SPZs additional mitigation might be required; HIA to demonstrate the risks are fully understood and why other options aren't feasible. • WFD considerations – ensuring there will be no adverse impacts which risk deterioration. • Ensuring a Construction Environment Management Plan is in place and will address pollution prevention of spills and incidents. • Potential for 'blow outs' particularly if drilling into non-consolidated sand. HDD may not be a feasible option in all ground conditions, and if it's proposed in very loose unconsolidated sands then alternatives/mitigation may need to be considered. Appropriate geotechnical assessments should be undertaken to address these and related issues. 	<p>such as the Wensum, Tud, Tiffey and Yare. This commitment is set out in the OCoCP (Revision B) [REP1-023, para. 110 and 121] and is secured under Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p> <p>The Applicant can confirm that the Hydrogeological Impact Assessments will consider groundwater levels, the potential for artesian conditions and blow outs, the potential for contamination, and associated impacts on sensitive receptors such as drinking water supplies, Source Protection Zones (SPZ) and Water Framework Directive (WFD) compliance.</p> <p>Measures to prevent contamination and manage the risk of bentonite breakout are set out in the OCoCP (Revision B) [REP1-023, Section 6].</p> <p>The outputs of the HIAs will be used to inform the design of each trenchless crossing, including the proposed drilling profile and depths. Any specific mitigation measures required at each location, over and above those already set out in the OCoCP, will be identified at this stage and agreed with the Environment Agency under Part 4 of Schedule 14 of the draft DCO (Revision D) [document reference 3.1].</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
Q1.13.4.3	<p>River Crossings</p> <p>The effects of vibration on sensitive receptors are said to be negligible at distances in excess of 100m [APP-106, Table 20-17]. Given that the drill for HDD under watercourses would only be 2m below each respective riverbed, are there any likely effects upon fish or aquatic animal species from vibration causing displacement or fatality?</p>	<p>River Crossings</p> <p>All watercourse crossing works have the potential to cause disruption to fish, and fish spawning as a result of vibration at all watercourse crossing locations either through drilling below or works on the watercourse itself. We would expect the Applicant to mitigate for these potential risks in the detailed design and through the Code of Construction Practice. Potential disturbance to fish and aquatic fauna can be minimised by avoiding HDD activity under the riverbed and trenching activity during spawning seasons, which is when disturbance through vibration is likely to have the greatest impact. The relevant spawning seasons for all affected watercourses are:</p> <ul style="list-style-type: none"> • Coarse fish close season: 15th March to 15th June (inclusive). • Salmonid spawning season: 1st October to mid-February <p>Therefore, anytime from 16th June to 30th September would be the most appropriate date range to complete either the HDD underwater courses or the trenched crossing of ordinary watercourse as these dates are outside of the coarse fish close season and the salmonid spawning season which are in place to prevent disturbance to fish stocks.</p> <p>Mitigation must also be made by the contractor to prevent excess sediment discharges, drilling fluid releases or bentonite entering the watercourse</p>	<p>The Applicant confirms that HDD depth under main rivers would be at least 2m below the channel bed. However, it should be noted that the exact depth of the HDD at these rivers would likely be deeper. The drill profiles for rivers, Wensum, Yare, Tud and Tiffey have been produced are likely to comprise a minimum depth of 10m below riverbed and this will confirmed during detailed design.</p> <p>Potential Impacts of Vibration Disturbance to Spawning Freshwater Fish Technical Note [document reference 14.35] has been submitted at Deadline 2 which confirms that underwater noise levels are likely to be below the established noise thresholds for effects on all fish.</p> <p>The Applicant also refers the Environment Agency to the OCoCP (Revision B) [REP1-023]. This sets out further investigations and management plans which will be undertaken and details likely control measures to prevent excess sediment discharges, drilling fluid releases or bentonite entering rivers which would be adopted during construction. The OCoCP (Revision B) [REP1-023] is secured via Requirement</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
		which should be safeguarded through appropriate detailed method statements.	19 of the draft DCO (Revision D) [document reference 3.1].
Q1.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals			
Q1.16.2.5	<p>Contaminated Land – Approach</p> <p>The ES [APP-103] notes that potential areas of contamination cannot be avoided. This includes areas such as the disused airfield at Brandiston, railways lines (both historical and active) former pits and historic tanks. The assessment also identifies that targeted ground investigations may be required.</p> <p>a) What options were considered in the optioneering stage to avoid areas of potential contamination (i.e. why did the onshore cable corridor have to go through Brandiston Airfield)? This was not specifically mentioned in ES Chapter 3.</p> <p>b) Are the Order limits and cable corridor widths such that any dense areas of contamination within these areas could be bypassed, by micro-siting the cables away from them (i.e. if there is an aeroplane fuel leak contained in one part of the cable corridor that could be diverted around)?</p> <p>c) Are the EA and LAs content that targeted ground investigations have not yet been undertaken and would be subject to post-consent processes?</p>	<p>Contaminated Land - Approach</p> <p>b) Contaminated areas may be avoided by micro-siting the cables away from them within the cable corridor identified by the Order limits prior to groundworks commencing.</p> <p>c) Targeted ground investigations post consent should be satisfactory. It is unlikely that contamination would be severe enough to prevent the works going ahead. Therefore, as with Conditions on a planning application, we consider that these concerns can be addressed by Requirement, but depending on the findings of the ground investigation, there may be a need to carry out mitigation / remediation measures to ensure that the water environment is protected.</p>	<p>b) Agreed and noted</p> <p>c) Agreed and noted. The Applicant refers the Environment Agency to the OCoCP (Revision B) [REP1-023]. This sets out the requirement for further investigations and details likely control measures in relation to ground contamination which would be adopted during construction. The OCoCP (Revision B) [REP1-023] is secured via Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p>
Q1.16.2.12	<p>Nitrate Vulnerable Zones</p> <p>The ES [APP-103, Paragraphs 81 and 82] identify that the Proposed Development does not have any direct overlaps with any geological SSSIs,</p>	<p>Nitrate Vulnerable Zones</p> <p>The assessment of risks and vulnerability of SSSI sits outside of the Environment Agency's remit.</p>	Noted.

ID	Question	The Environment Agency's Responses	Applicant's Comment
	and as such no impacts are anticipated so no further assessment is undertaken by the Applicant. Do you consider this appropriate, or should potential indirect impacts be assessed?	As such, we would defer to Natural England in this matter.	
Q1.24.1 Effects on Flood Risk and Drainage, including Adequacy of Sequential and Exception Test			
Q1.24.1.3	<p>Sequential Test</p> <p>As discussed at ISH2 [EV-021] [EV-025], the FRA [AS-014] does not appear to apply the sequential test before considering the exception test.</p> <p>a) Applicant, demonstrate how the sequential test has been met and whether any areas of flood risk encountered by the Proposed Development at landfall, the cable corridor and the onshore substation could have feasibly been avoided.</p> <p>b) What is the view of the EA on this matter?</p>	<p>Sequential Test</p> <p>Determination the application of the Sequential Test and Exception test lies outside of the Environment Agency's remit, and this usually rests with the decision making authority. The majority of planning applications are determined by the Local Planning Authority who will consider if the Sequential and Exception tests have been properly applied and met. As such the Local Planning Authority may be able to better assist you on this matter. We do provide a few thoughts below which may assist you.</p> <p>We note that considering the nature of a roughly 54km long cable route, potentially presents a significant challenge to sequentially siting the whole of the site boundary when considering all the other constraints that the proposed development must address.</p> <p>With regards to the proposed development at landfall:</p> <ul style="list-style-type: none"> - Please note that the North Norfolk Coastline from Hunstanton to just past Weybourne is within Tidal Flood Zones 2 and 3, as such the landfall point of the cable routing is unable to be sequentially sited into Flood Zone 1 in this area. 	<p>The Applicant welcomes the comments from the Environment Agency and acknowledges that for a Project of this scale and nature it would be impractical to wholly avoid passing through Flood Zones 2 and 3.</p> <p>The Applicant notes that paragraphs 380 – 385 of the Flood Risk Assessment (FRA) [AS-023] consider each element of SEP and DEP from the landfall, onshore cable corridor to the onshore substation in the context of the Sequential Test, and where necessary the Exception Test.</p> <p>The FRA [AS-023, para. 380 and 381] note that "<i>Principally the works for SEP and DEP are to be located in Flood Zone 1, including the majority of the onshore cable corridor and the onshore substation. Permanent above-ground structures are to be located within Flood Zone 1. Subterranean development is also located primarily in Flood Zone 1, with some locations in Flood Zone 2 and 3 where it is required to pass under, or in proximity to, existing watercourses.</i></p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
		<ul style="list-style-type: none"> - Between Weybourne and Cromer is a section of coastline that is in Tidal Flood Zone 1, due to the cliffs along this part of the coastline. - The Environment Agency does not know if it is technically possible to bring a cable route onshore under cliff's and we also note that these cliffs are a SSSI. As such these and other potential constraints / viability issues outside of the Environment Agency's flood risk remit, would appear to present significant challenges to sequentially siting the landfall area of the proposed development outside of Tidal Flood Zones 2 and 3. <p>With regards to the proposed development along the cable corridor:</p> <ul style="list-style-type: none"> - If the Applicant were to design the onshore cable routing to avoid Fluvial and Tidal Flood Zones 2 and 3 without considering any other constraints it is possible to sequentially site the proposed development into Flood Zone 1, but the cable routing would be circa 130km long. - It appears likely that choosing an onshore cable route nearly three times the length of the proposed development, could present a significant challenge to other constraints outside of the Environment Agency's flood risk remit. <p>With regards to the proposed development at the substation:</p> <ul style="list-style-type: none"> - The Substation is in Fluvial and Tidal Flood Zone 1. 	<p><i>Due to the large-scale nature of the works, it is acknowledged that there are locations where infrastructure is required to pass through or be located in Flood Zone 3. This relates to the area of the onshore cable corridor adjacent to the landfall location and key locations along the onshore cable corridor (associated with the need to cross existing watercourses). These are the elements of SEP and DEP which need to be subject to the consideration of the Exception Test."</i></p> <p>The Applicant notes that where SEP and DEP pass through Flood Zones 2 and 3 there will only be a potential risk of flooding during the construction phase, as once operational these elements will be located wholly underground. Furthermore, mitigation measures to reduce the risk of flooding during the construction phase are set out in the OCoCP (Revision B) [REP1-023], which is secured under Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p>
Q1.24.1.7	Groundwater Flooding – Substation Site	Groundwater Flooding	Noted

ID	Question	The Environment Agency's Responses	Applicant's Comment
	<p>The FRA [AS-014, Paragraph 312] notes the substation site as having a 25% to 50% susceptibility to groundwater flood risk. In the same document, at Paragraph 399, it is said that there is a low risk based upon information obtained to date. Would you agree?</p>	<p>Please note that flooding from groundwater is classed as a Local Flood Risk and is not within the Environment Agency's remit. As such is the responsibility of the Lead Local Flood Authority which in Norfolk is Norfolk County Council to whom this question should be directed.</p>	
Q1.24.1.10	<p>Surface Water Drainage</p> <p>With reference to the FRA [AS-014, Paragraphs 400 – 402] confirm whether the EA is, or is not, content that sufficient drainage information and mitigation is before the Examination to reassure the ExA that the approach to surface water drainage is sound?</p>	<p>Surface Water Drainage</p> <p>Please note that flooding from surface water is classed as a Local Flood Risk and is not within the Environment Agency's remit. As such is the responsibility of the Lead Local Flood Authority which in Norfolk is Norfolk County Council to whom this question should be directed.</p>	Noted
Q1.24.1.17	<p>Spring Beck Chalk Stream</p> <p>The upper reaches of this water feature are within a small natural flood management scheme. Set out in detail the nature and requirements of this scheme, its ultimate purpose and what effects, if unmitigated, the Proposed Development could have on the operation of the scheme.</p>	<p>Spring Beck Chalk Stream</p> <p>The purpose of the scheme was to trail natural flood management measures to research the flood risk benefits that they provide. The scheme comprises of a number of in-channel woody dams to slow the flow of water and a number of water storage features next to the river channel designed to store flood water to reduce the peak flows of a flood event. The Applicant proposes to directionally drill under this ordinary watercourse and so we are content that this will not impact on the elements and features of the scheme.</p>	<p>The Applicant notes the Environment Agency's comment and reiterates its commitment to undertake a site-specific Hydrogeological Impact Assessment at the crossing of Spring Beck. This commitment is set out in the OCoCP (Revision B) [REP1-023, para.110 and 121] and is secured under Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p>
Q1.24.2 Effects on Water Resources and Water Quality, including Measures to Prevent Pollution of Aquifers			
Q1.24.2.1	<p>Magic Maps</p> <p>With reference to Paragraphs 70 and 81 of ES [APP-104], can the magic maps (or the data/ or a polygon on a map matching that of the magic map) be submitted to the Examination to give a</p>	<p>Magic Maps</p> <p>The required surface water data may be downloaded by the Applicant from Defra Spatial Data Download on the Gov.uk website the hyperlink is printed below.</p>	<p>Noted. This data set was not available at the time of submission. The Applicant has provided a figure showing this, see Appendix 1 Figure 1 Surface Water Data Layer for Written Question 1.24.2.1 [document reference 14.4.1]</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
	visual representation of what is being described here?	Hyperlink: Defra Spatial Data Download	
Q1.24.2.12	<p>Water Framework Directive</p> <p>For both onshore and offshore WFD water bodies, are the EA satisfied with the Applicant's assessments and conclusions from the ES, or are there any areas of concern?</p>	<p>Water Framework Directive</p> <p>Relevant specialists at the Environment Agency were consulted about the assessments made by the Applicant in the ES. No concerns were raised regarding the assessments nor conclusions.</p>	Noted
Q1.24.3 Effects on Rivers, Streams, Canals and Ditches from Proposed Construction Methods and Crossing			
Q1.24.3.1	<p>Watercourse Crossings</p> <p>Comment on whether the proposed watercourse avoidance measures, as set out in the FRA [AS-014, Paragraph 158], provide sufficient security for those watercourses and the hydrological systems that feed into them.</p>	<p>Watercourse Crossings</p> <p>Section 18.2.8.1.1 of the FRA details the proposed developments Onshore Cable Corridor Design Mitigation with regards to Flood Risk.</p> <ul style="list-style-type: none"> - Point 433 highlights that the onshore routing is primarily located within Flood Zone 1. - Point 434 details that at the landfall location the works are proposed to be undertaken using trenchless techniques to minimise the potential for the works to affect tidal flood risk. - Point 438 confirms that for all main river crossing are proposed to be undertaken using trenchless techniques, so there is no direct impact from the works on fluvial flood risk. - Points 435 and 436 confirm that for ordinary watercourses that it is likely that trenched crossings will be carried out. It also proposes that site-specific investigations will be undertaken at the detailed design stage to enable a site-specific hydrogeological risk assessment to be undertaken assessing the flood risk impacts. 	<p>The Applicant notes the comments from the Environment Agency and reiterates that where possible SEP and DEP have been located in Flood Zone 1. The Applicant acknowledges that for a Project of this scale and nature it would be impractical to wholly avoid passing through Flood Zones 2 and 3 and that these are principally related to watercourse crossing locations.</p> <p>The Applicant confirms that consultation has been undertaken with the Environment Agency regarding their concerns on Points 435 and 436, relating to the ordinary watercourse crossing referenced as Public Right of Way (PRoW) 003. As a result of this consultation, Flood Risk at Matlaske Road Technical Note [document reference 14.33] (i.e. crossing ProW003) has been produced and will be submitted at Deadline 2. It provides clarification on the flood risk in this location, proposed</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
		<p>The Environment Agency has raised concerns on Points 435 and 436, with regards to the ordinary watercourse crossing referenced PRow003. This ordinary watercourse crossing is proposed as trenched and is within Flood Zone 3 with properties upstream that may be impacted by a trenched crossing. We are in discussions with the Applicant regarding this.</p>	<p>duration of the works and mitigation measures in place to address the Environment Agency's concerns.</p> <p>Furthermore, the Applicant notes that mitigation measures to reduce the potential impact of flooding, both to and from SEP and DEP, during the construction phase are set out in the Outline Code of Construction Practice (Revision B) [REP1-023], which is secured under Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p>
Q1.24.3.2	<p>River Crossings and HDD</p> <p>The Applicant proposes to cross all major rivers using HDD, stating entry and exit pits will be at least 9m away from riverbanks and the cable depth will be 2m below the channel of each river.</p> <p>a) Are the dimensions from the Applicant sufficient to avoid direct impacts on the watercourses?</p> <p>b) Are the dimensions from the Applicant sufficient to avoid indirect impacts on the watercourses?</p> <p>c) Given the potential for water run-off and the spread of contaminants from a HDD works compound (75m x 75m), should a greater margin than 9m from a riverbank be sought?</p>	<p>River Crossings and HDD</p> <p>When assessing this matter, we considered Figure 4.10 Sheets 1 through to 18 in Chapter 4 of the Environmental statement. These maps show the intended trenchless route section and the indicative trenchless crossing compound locations along the onshore cable routing. We have assessed these trenchless routes sections and compound locations and we have not raised any concerns based on their intended locations. The indicative trenchless crossing compound locations appear designed to avoid Flood Zone 3a and 2 to avoid impacts on the fluvial floodplain.</p> <p>Flood Risk Activity Exemption FRA 3 (Exempt flood risk activities: environmental permits - GOV.UK (www.gov.uk)) provides conditions on directional drilling under a main river. The conditions of this exemption include the following:</p>	<p>The Applicant notes the comments from the Environment Agency and reiterates that where possible SEP and DEP have been located in Flood Zone 1.</p> <p>The Applicant acknowledges that for a Project of this scale and nature it would be impractical to wholly avoid passing through Flood Zones 2 and 3 and that these are principally related to watercourse crossing locations. However temporary compounds have been located in Flood Zone 1, wherever possible.</p> <p>The Applicant also acknowledges the Environment Agency comments regarding the proposed exit and entry pits.</p> <p>The Applicant has committed to securing approval for all Main River watercourse crossings prior to commencement of construction. This is secured under</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
		<p>- the distance from the launch and reception pits to the landward side of each bank of the main river is:</p> <p>8m or more in the case of a non-tidal main river 16m or more in the case of a tidal main river</p> <p>- the service crossing is at least 1.5m below the riverbed along its whole length, and the same height is maintained for at least 5m beyond each bank (measured from the top)</p> <p>Flood Risk Activity Exemptions are considered as low risk activities and as the applicant's proposals fits to the two conditions highlighted above, the Environment Agency has no concerns to raise on the proposed depth of the directional drilling or on the distances from the launch and reception pits to the landward side of each bank of the main river.</p> <p>We expect the details relied upon in Chapter 4 to form part of any DCO granted by the Secretary of State and that variation from this would require a material amendment and consultation with the Environment Agency.</p>	<p>Schedule 14, Parts 4 and 5 Provisions for the protection of the Environment Agency of the draft DCO (Revision D) [document reference 3.1].</p>
Q1.24.3.4	<p>Ordinary Watercourses</p> <p>With reference to the ES [APP-104, Paragraphs 104-106], given the extremes of climate that are being experienced, when would the temporary damming of watercourses be scheduled in the construction programme to have the least impact?</p>	<p>Ordinary Watercourses</p> <p>Please note that Ordinary watercourses are within the remit of Norfolk County Council, so it would be for them to assess any mitigation measures put forward by the applicant. We have however provided our observations:</p> <p>During the summertime watercourses usually have less water in them, which creates better conditions to undertake this type of works. However, during the summer climate extremes</p>	<p>The Applicant notes the Environment Agency's comments and confirms that it understands that watercourse crossings will be regulated by three different risk management authorities; the Environment Agency for Main Rivers, the Norfolk Rivers Internal Drainage Board for Ordinary Watercourses within its Internal Drainage District, and Norfolk County Council as the Lead Local Flood</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
		<p>can lead to large amounts of rainfall in short periods of time. Mitigation measures can reduce the risks associated with trenched watercourse crossings.</p>	<p>Authority for all other Ordinary Watercourses.</p> <p>As set out in Parts 4 and 5 of Schedule 14 Protective Provisions of the draft DCO (Revision D) [document reference 3.1], the Applicant will secure approval from the relevant drainage authorities prior to construction of watercourse crossings.</p> <p>Section 6 of the OCoCP (Revision B) [REP1-023] provides a summary of the mitigation that will be in place at watercourse crossings. Further information with regards to watercourse crossing arrangements will be presented in the Watercourse Crossing Scheme, as set out in Table 1.1 of the OCoCP (Revision B) [REP1-023].</p>
Q1.24.4 Effectiveness of Mitigation Measures			
Q1.24.4.8	<p>Site-Specific Investigations at Crossings</p> <p>The FRA [AS-014, Paragraph 410] identifies that site-specific investigations will be carried out and crossing methodologies produced at detailed design stage to identify the local ground and groundwater conditions, enable a site-specific hydrogeological risk assessment to be undertaken and to understand the potential impact of any works on flows along the watercourse and flood risk in the local area. Is it appropriate to undertake these post-consent and where are these measures secured in the OCoCP [APP-302]?</p>	<p>Site-Specific Investigations at Crossings</p> <p>These site-specific investigations at crossings are in relation to trenched ordinary watercourses. Ordinary watercourses are within the remit of Norfolk County Council, so this question should mostly be answered by Norfolk County Council.</p> <p>However, there is one ordinary watercourse trenched crossing (PRoW003) that is in fluvial Flood Zone 3a. As such the Environment Agency has assessed the fluvial flood risk at this crossing with the information available, and we have concerns that there has been no consideration of flood risk to third parties. We have raised this</p>	<p>The Applicant notes the Environment Agency's comments and confirms that it understands that ordinary watercourse crossings will be regulated by Norfolk County Council, as the Lead Local Flood Authority.</p> <p>The Applicant confirms that consultation has been undertaken with the Environment Agency regarding their concerns relating to the ordinary watercourse crossing referenced as PRoW003. As a result of this consultation, a Flood Risk at Matlaske Road Technical Note [document</p>

ID	Question	The Environment Agency's Responses	Applicant's Comment
		concern with the applicant and are in discussions with them.	reference 14.33] (i.e. crossing ProW003) has been produced and will be submitted at Deadline 2. It provides clarification on the flood risk in this location, proposed duration of the works and mitigation measures in place to address the Environment Agency's concerns. Furthermore, the Applicant notes that mitigation measures to reduce the potential impact of flooding, both to and from SEP and DEP, during the construction phase are set out in the OCoCP (Revision B) [REP1-023], which is secured under Requirement 19 of the draft DCO (Revision D) [document reference 3.1].

1.7 Historic England

Table 7 The Applicant's Comments on Historic England's Responses to the Examining Authority's First Written Questions

ID	Question	Historic England Responses	Applicant's Comment
Q1.15.1 Adequacy of Baseline Surveys and Environmental Information			
Q1.15.1.2	<p>AEZs within the Offshore Temporary Works Area</p> <p>Do you consider any modifications are required to the AEZ limits set out in the ES [APP-100, Table 14-27], or that additional AEZs are required around other identified assets?</p>	<p>We are aware that following the Preliminary Environmental Information Report (PEIR) consultation an amendment was made to the proposed Order Limits to include an Offshore Temporary Works Area (i.e. a spatially defined adjacent areas of seabed that may be required for "temporary works" e.g. anchoring or deployment of jack-up vessels.</p> <p>We are aware that there are numerous features of archaeological or historic interest identified</p>	Noted. The Applicant is in agreement. This approach is further discussed in the Applicant's Comments to Historic England's Written Representations [document reference 14.2].

ID	Question	Historic England Responses	Applicant's Comment
		<p>through desk-based assessment in the Offshore Temporary Works area, as plotted in Figure 14.5 in ES Chapter 14 Figures – Offshore Archaeology and Cultural Heritage (PINs Ref: APP-126). Regarding the delivery of mitigation, we note the recommendation that AEZs of 100m are implemented around the 16 UKHO records within the Offshore Temporary Works Area, as measured around the recorded point locations to try and include the full extent of wreckage and associated debris.</p> <p>For the purposes of the ES, however, a review of existing desk-based data, and previous archaeological assessments undertaken for DOW and shows that there are 21 additional wrecks and obstructions (Table 14-20) listed by the UKHO within the Offshore Temporary Works Area. It is also apparent from Table 14-20 that numerous records are described as “dead wreck” such that no wreck has been found in subsequent (UKHO) surveys with the location considered to represent a reported loss only. Therefore, use of a measured point location for these records is accepted.</p> <p>It should be noted that subsequent higher resolution geophysical survey (and any visual inspection) may reveal if a “dead wreck” is now identifiable or for a chartered wreck if a wider debris field now exists which requires the AEZ to be spatially delineated differently i.e. as a polygon. We are also aware that there are two further AEZs within the Offshore Temporary Works Area which correspond to the aircraft remains identified during the ROV investigation</p>	

ID	Question	Historic England Responses	Applicant's Comment
		<p>for DOW (Table 14-21, ES Chapter 14 and also paragraph 237). Regarding Table 14-27, we agree with the general principle that if a wreck (vessel or aircraft) is identified as being highly dispersed, a precautionary 100m AEZ should be implemented. For any wreck which appears to be more intact, an AEZs of 50m around the definable wreck complex is acceptable. However, for highly fragmentary remains, we note that the AEZ identified for aircraft engines/propeller (ID 70819, 70832 & 70842) is a 30m AEZ buffer. It is important to note that the AEZ buffers incorporated into the updated Order Limits, are exclusively based on desk-based assessment, which includes information generated by the same maritime archaeological consultant employed for the assessment for Dudgeon Offshore Wind Farm, as reported between 2009 and 2014. It is therefore possible that dynamic seabed conditions could now expose previously buried and unknown archaeological features or other sites of historic interest. Furthermore, we accept that a 50m AEZ buffer could be reduced (or increased) within the Offshore Temporary Works Area subject to completion of additional assessment conducted by a professional, accredited and experienced maritime archaeological consultant/contractor.</p> <p>Regarding the use of AEZs around other identified (heritage) assets, we refer you to our Written Representation (paragraphs 5.12, 5.15 and 5.24-5.25). In particular, we are aware that for anomalies classed as "A2" ("uncertain origin of possible archaeological interest") AEZs are</p>	

ID	Question	Historic England Responses	Applicant's Comment
		<p>not recommended at this time, which does mean that all parties carry risk that presented identified "A2" anomalies could be of considerable archaeological interest, which depended on location (i.e. within the English Inshore Marine Planning Area) could merit determination for designation. However, we appreciated the considerable number of "A2" presently identified (518) and that some may be contemporary debris of no historic environment interest. We therefore accept the strategy adopted by this project to include an Outline Marine Written Scheme of Investigation (PINs Reference: APP-298), which is to be delivered as a Consent condition within the Deemed Marine Licences (PINs Reference: APP-024) as an effective means to ensure all survey work conducted post-consent and crucially, pre-construction is informed by archaeological objectives to qualify and quantify the presence of features, anomalies or other sites of archaeological/historic interest. Such professional assessment is to support the use of a classification system, as described above, and application of appropriate mitigation measures such as <i>in situ</i> avoidance through use of AEZs or structured investigation, excavation, recovery, post excavation conservation, permanent curation and archiving if unavoidable.</p>	
Q1.15.2 Adequacy of baseline surveys and information			
Q1.15.2.1	Outline Written Scheme of Investigation	As set out in our Written Representation we have some concerns that the post-consent investigations proposed in the Outline WSI may	The Applicant's Comments to Historic England's Written Representations

ID	Question	Historic England Responses	Applicant's Comment
	<p>Are you satisfied that the OWSI, and its accompaniments, provides sufficient protection for unknown heritage/ archaeological assets with appropriate mitigation in place to preserve such assets?</p>	<p>not fully identify unknown archaeological heritage assets prior to the construction phase and we recommend that post-consent survey work should be more comprehensive in its coverage. (please see our Written Rep Chapter 15. For more details)</p>	<p>[document reference 14.2] addresses these concerns.</p>
<p>Q1.15.2.2</p>	<p>Swannington</p> <p>The village of Swannington contains numerous heritage assets including:</p> <ul style="list-style-type: none"> • St Margarets Church (Grade I) • Swannington Hall (Grade II*) • Swannington Hall Barn (Grade II) • The Old Rectory (Grade II) <p>(list non-exhaustive)</p> <p>Sheet 21/40 of the Works Plans shows a construction access being taken from the end of Church Lane down to Swannington 'From Farm to Fork.' The ExA interpret this that HGVs would drive into Swannington via link 138/139, east along Church Lane, past each of the aforementioned heritage assets, in order to reach the construction access (<i>the ExA note that Church Lane itself is not identified as a link in the Traffic and Transport Figures</i>).</p> <p>a) If this is not the case (i.e. the wrong interpretation), explain why there is a</p>	<p>Whilst we acknowledge that the impacts on the designated heritage assets arising from the construction would be temporary, we consider that it is for the applicant to clarify these matters at this stage.</p>	<p>Noted. The following response was provided to WQ1.15.2.2 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p> <p>The Applicant would like to highlight that the access from Church Lane shown on the Access to Works Plan [APP-014, Sheet 21/40] is notated with an 'E' which the Legend highlights the access as an 'Early Works Access' and not a Construction Access.</p> <p>The access would be used for pre-commencement works only (defined within Article 2, [paragraph (b) of the definition of 'commencement'] of the draft DCO (Revision D) [document reference 3.1]). The number of HGV movements would therefore be low due to the nature of these pre-commencement works. Due to the low numbers of HGV movements no significant effect on the receptor would be expected and consequently, no detailed assessment has been undertaken or included in the Environmental Statement (ES).</p>

ID	Question	Historic England Responses	Applicant's Comment
	<p>construction access shown, what its purpose is and how construction vehicles would access it; or</p> <p>If the ExA's assumption is correct, provide justification for there being no assessment of the impacts upon these heritage assets within either ES Chapters 21 or 23 [APP-107], [APP-109].</p>		
Q1.18.3 Effects on Designated and Historic Landscapes			
Q1.18.3.6	<p>North Norfolk Heritage Coast</p> <p>Explain your respective positions on the qualities and significance of the Heritage Coast, particularly the stretch within which the Proposed Development would be theoretically and actually visible. Set out where you consider harms would occur and what, if anything, could be done to minimise the harm or improve the visitor experience.</p>	<p>We note that you have directed this question to Historic England, among others, but it is important for us to explain that Heritage Coasts are "defined" (not designated) through agreement between local planning authorities and Natural England. Broadly speaking Heritage Coasts are out with the remit of Historic England. We appreciate however that it is the purpose of Heritage Coasts to conserve, protect and enhance features inclusive of those of heritage interest, and defer to the local authority historic environment advice service to offer further comment as to what this proposed development might have on the North Norfolk Heritage Coast.</p>	No response required.
Q1.18.3.7	<p>Aviation Lighting</p> <p>Would you wish to see revisions to the quantum aviation lighting across both the Proposed Development together with the existing extent of the SOW and DOW, to minimise it where possible, so as to minimise night-time effects on the historic seascape?</p>	<p>In our Written Representation (Chapter 5) we offer comment regarding perceptions of Historic Seascape Characterisation (HSC) and how it has been considered within the ES. We also have considered Figure 14.2 Historic Seascape Character – Proposed Developments (PINS Ref: App-126) and we do not offer any specific revisions as relevant to aviation lighting either in reference to SEP and DEP or the existing</p>	Noted.

ID	Question	Historic England Responses	Applicant's Comment
		<p>SOW and DOW development. We also accept that there may be very specific lighting requirements that must be prioritised and cannot be compromised. It is relevant to consider that HSC is an exercise in combining disparate spatial data to try and generate a perception of historic character and how that character can accommodate proposed changes – without attributing any concept of 'sensitivity'. It would seem apparent that these developments have and will introduce change i.e. the operational life of SEP and DEP is estimated to be 40 years (Chapter 4, Table 4-4. PINS Ref: APP-090). It is therefore our advice that in consideration of the historic character (including other industrial maritime activities) and how change is recorded, we cannot specifically identify a minimal night-time effect which could be applied.</p>	

1.8 Marine Management Organisation

Table 8 The Applicant's Comments on Marine Management Organisation's Responses to the Examining Authority's First Written Questions

ID	Question	Marine Management Organisation Responses	Applicant's Comment
Marine Plans			
Q1.1.1.2.	Provide a document setting out relevant East Inshore and East Offshore policies and marine plans that apply to the Proposed Development.	The MMO has attached as an annex to the Deadline 1 response a copy of all relevant policies for the East Inshore and East Offshore marine plans, these plans are all applicable to the proposed development.	The Applicant has submitted a Marine Plan Policy Review [REP1-060] which demonstrates compliance with the relevant east inshore and east offshore marine plans.
Intertidal and Subtidal areas			

ID	Question	Marine Management Organisation Responses	Applicant's Comment
Q1.3.1.1.	Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.	The MMO have agree on the Applicants assessment, providing there is no access to the intertidal area by machinery and vehicles during the installation works. The MMO agree with the Environment Agency's comments within their Relevant Representation (RR-032) that the employment of Horizontal Directional Drilling will avoid flood risk impacts.	The offshore export cables will be connected to the onshore export cables in transition joint bays, having been installed under the intertidal zone by Horizontal Directional Drilling (HDD). As noted in Section 4.5 of ES Chapter 4 Project Description [APP-090], the HDD works should not require any prolonged periods of restrictions or closures to the beach for public access, although it is possible that some work activities will be required to be performed on the beach that may require short periods of restricted access. For example, use of a temporary seawater pipe and pump to supply seawater to the landfall compound for use with the drilling fluid, as well as the use of vehicles to transport the ducting across the beach. Any areas subject to short-term restricted access would be agreed in advance with the Countryside Access Officer at Norfolk County Council prior to construction.
Micro-Siting and Chalk Features			
Q1.3.1.9.	Are both the MMO and NE content that the use of micro-siting can avoid adverse impacts to Annex I / UK BAP priority habitat <i>S. spinulosa</i> reefs and the UK BAP priority habitat 'peat and clay exposures with piddocks.'	The MMO intends to provide comments on this topic for Deadline 2	The Applicant will review the Marine Management Organisation's (MMO) response to this comment at Deadline 2 and respond if required.
Q1.3.2.2	Are both the MMO and NE content that the use of micro-siting can avoid adverse impacts to chalk features within the MCZ.	The MMO consider the micro-siting of infrastructure to avoid sensitive chalk habitat within the MCZ appropriate, however, defer to Natural England as the Statutory Nature	Noted.

ID	Question	Marine Management Organisation Responses	Applicant's Comment
		Conservation Body on the potential for adverse impacts.	
Measures of Equivalent Environmental Benefit (MEEB).			
Q1.3.4.1	<p>The Applicant has proposed planting of oyster beds with the Marine Conservation Zone (MCZ) as a MEEB [APP-084]. In this respect:</p> <ul style="list-style-type: none"> a) Of the options set out in Table 7-1 [APP-083], do you agree with the Applicant's assessment of the feasibility of providing other MEEB? b) If the answer to (a) is no, set out what options are available or preferred instead of oyster bed planting? c) Would the planting of a 1ha oyster bed in itself have ramifications for the composition and quality of the MCZ or would it be a superficial surface element unlikely to upset the balance of the conservation objectives? d) Would the oyster bed (not currently within the MCZ) attract different fish, prey and predator species to the area? e) Would the oyster bed, directly or indirectly, support the food resource for foraging birds? f) What is the likelihood of success of oyster beds establishing in the locality and what confidence can the ExA place upon this MEEB in recommending to 	<p>The MMO have reviewed table 7.1 from the Applicants In-Principle Measures of Equivalent Environmental Benefit Plan (APP-083). It is noted that the Applicants preferred measures to carry forward are for the planting of native oyster beds, either within or outside of the designated Cromer Shoal Chalk Bed (CSCB) Marine Conservation Zone (MCZ). Backup options including the removal of anthropogenic features and the designation of features in a different location. The MMO have the following comments in regard to the EXA's questions:</p> <ul style="list-style-type: none"> a) The MMO agree with the Applicant preferred option and agree that proposals which involve reducing the impact of fishing by potting on the features of the MCZ should not be carried forward. With regard to the removal of anthropogenic features that present negative effects to the marine environment, the MMO recommend that if this option is carried forward outside of the CSCB then an assessment would need to be made to evaluate the benefits against the cost of removal. An example of this would be the removal of cables and windfarm infrastructure that may have already been colonised by marine flora and fauna, provide more benefit than cost to fish and/or benthic 	<ul style="list-style-type: none"> a) The Applicant is not intending to actively progress the removal of anthropogenic infrastructure as MEEB (Measures of Equivalent Environmental Benefit) however in the unlikely event this was to be taken forward, consultation with the MEEB steering group would be undertaken to consider the potential effects of its implementation, including those on fisheries stocks. b) - f) No comments.

ID	Question	Marine Management Organisation Responses	Applicant's Comment
	<p>the SoS BEIS about discharging their obligations under the MCA?</p>	<p>faunal populations that may have become reliant on this 'artificial' structure/habitat over the years since its installation. Additionally, artificial structures such as wrecks are often an integral part of smallscale and inshore fleets fishing grounds, as they host and attract many species of commercially valuable fin-fish such as Atlantic pollack (<i>Pollachius pollachius</i>), Atlantic cod (<i>Gadus morhua</i>) and European seabass (<i>Dicentrarchus labrax</i>). Therefore, the removal of such structures could result in a reduction in catches by inshore and artisanal fishers due to the loss of artificial habitats that support and attract fish, and which represent valuable fishing grounds/habitats. The MMO recommend that if this option is progressed further then the Eastern Inshore Fisheries Conservation Authority (EIFCA) and local commercial fisheries representatives are consulted on the matter of potential permanent loss to fishing grounds and/or habitats and the impacts this may have for the small-scale and inshore fleets.</p> <p>With regards to points (b) – (e), the MMO defer to Natural England. The MMO consider that for point (f) that it is difficult to comment on the likelihood of success of the proposed MEEB, however, note that the applicant would</p>	

ID	Question	Marine Management Organisation Responses	Applicant's Comment
		commission an appropriate organisation with experience and expertise in this field.	
MEEB and Sandeels			
Q1.3.4.3	Sandeels are considered an important part of the food resource for bird species, including kittiwakes and sandwich terns [APP-069]. a) Could sandeel habitat be artificially formed and sustained in the MCZ? b) If so, would that area be afforded protection from the fishing industry due to the designation?	With regard to part (a) The planting of oyster beds in offshore areas may result in a permanent loss of benthic habitat that may serve as a spawning and nursery ground habitat and/or a foraging habitat for fin-fish species such as herring and sandeel. If this option is carried through the MMO would expect to be provided with further details such as the locations of any proposed oyster beds in order to fully determine the impacts of potential permanent habitat change to fish ecology within the area. The MMO recommend the Applicant makes use of additional evidence from studies on the potential impacts of oyster bed/reef planting to help identify the likely changes to the habitat and the changes in the composition of species at the site. If the oyster bed MEEB is designated outside of the CSCB MCZ, the MMO recommend that monitoring of the oyster bed/reef structure should be put in place prior to planting to monitor any impacts. However, if the oyster bed MEEB is to be designated within the CSCB MCZ the MMO defer to Natural England on this matter. With regard to part (b) the MMO will provide a response to this at the next Deadline.	The Applicant notes Natural England's Response to the Examining Authority's First Written Question [REP1-139] in respect of Q1.14.1.12 which notes that the Marine Conservation Zone (MCZ) lies outside the preferred foraging areas of North Norfolk County (NNC) Special Protection Area (SPA) Sandwich terns. The preferred location for the Applicant's MEEB is within the Cromer Shoal Chalk Beds (CSCB) MCZ which aligns with Natural England's position. In addition, the Applicant notes that MEEB is to compensate for potential effects on the benthic sediment features of the MCZ and therefore its primary purpose would be to provide enhanced, equal, or similar ecological function to that being lost, rather than it being intended to increase prey availability for seabirds which would form part of HRA compensation. Appendix 4 - Assessment of Potential Impacts on Cromer Shoal Chalk Beds Marine Conservation Zone Features from Planting of Native Oyster Beds (Revision B) [REP1-009] provides an assessment of the potential impacts of the planting of native oyster beds on the CSCB MCZ and concludes that the conservation objectives of maintaining the features in a favourable condition or restoring

ID	Question	Marine Management Organisation Responses	Applicant's Comment
			<p>them to a favourable condition would not be hindered.</p> <p>As described in Appendix 1 - In-Principle CSCB) MCZ MEEB Plan (Revision B) [REP1-011], baseline monitoring and monitoring of the oyster bed throughout the Projects' lifetime would be undertaken which would determine any changes in fish community structure.</p>
Article 5 – Benefit of Order			
Q1.11.3.2.	<p>MMO, elaborate on the risk that you have identified [RR-053] with regards to collaboration between two different asset holders working in the same area if transfer of benefits were to happen? MMO, provide proposed drafting for a collaboration condition, identifying a relevant precedence. Would the procedure set out in Article 5 be applicable in full if, for example, DEL decided to step down as an undertaker of its own project and transfer the rights to develop DEP to SEL? Following on from the discussion at ISH1 [EV-013] [EV-017]:</p>	<p>The MMOs initial concern regarding the collaboration of SEL and DEL was in relation to the responsibility for post consent submissions and how non-compliance action would be taken. The MMO alongside the Applicant are currently reviewing collaboration conditions used for previous projects, such as Norfolk Boreas, East Anglia Two, and Hornsea Two. While the condition wording for this project will be bespoke due to the unique scenario situation presented by the SEP DEP development, the MMO expect the collaboration condition wording to follow a similar structure to those mentioned above. The MMO will review the condition wording further alongside the submission of an updated DML and will provide further comment on this at future deadlines.</p>	<p>As confirmed in the Applicant's response to first written question Q1.11.3.2 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036], the Applicant will continue discussions with the MMO with regards to including drafting for a potential collaboration condition in the Deemed Marine Licenses (DML).</p>
Timeframes for determinations			
Q1.11.6.1.	<p>a) MMO, concern has been raised regarding a four-month lead-in period for review and decisions from the MMO on detailed submissions. Set out what</p>	<p>As noted in the MMO's Relevant Representation (RR-053) the MMO has recommended a minimum of 6 months to review any post-consent documentation. This position has been</p>	<p>See the Applicant's response to first written question Q1.11.6.1 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>

ID	Question	Marine Management Organisation Responses	Applicant's Comment
	<p>periods for consultation would be reasonably achievable, and in line with other made OWF DCOs.</p>	<p>echoed in recent Offshore Wind Farm (OWF) examinations such as the Hornsea Four OWF (RR-020), and East Anglia One North OWF (RR052). The MMO's position throughout examination for both projects was that four months was not sufficient time to review complex documentation and that six months was more appropriate.</p> <p>The MMO believe the timescales for both submission of documents and any determination timescales needs to be six months and not four months. The MMO believe that a four month pre-construction submission date is unrealistic and even counterproductive, as the pre-construction sign off process is not always straight forward. The MMO has made it clear on their reasoning for this request. Due to:</p> <ul style="list-style-type: none"> • the nature of the detailed documents, • the size of the wind farms coming forward; and • the possibility that substandard final documents are provided to the MMO <p>could lead to multiple amendments required by an applicant which in turn leads to multiple rounds of consultations. The four month timescale could not account for these additional rounds of consultation and queries with an applicant.</p> <p>The MMO believes by giving the MMO and its consultees 6 months as a matter of course for determination, there is more time to reach a conclusion, and less risk of any need for extension or delay. The MMO will always make</p>	

ID	Question	Marine Management Organisation Responses	Applicant's Comment
		<p>any determination as soon as is reasonably practicable in any event, and if it is able to determine the application to discharge a condition more quickly then it will do so.</p> <p>As noted in our Relevant Representation [RR-053], the four month timescale was deemed appropriate for round 1 developments, which were smaller, closer to shore and with fewer complex environmental concerns. The documents in question require in depth analysis by both MMO staff and statutory consultees and as such, there needs to be as much time as practically possible to allow this process to take place.</p> <p>For example, the timescale of one in depth plan (such as SNS SIP) could potentially follow this path:</p> <ul style="list-style-type: none"> a) Up to 4 weeks to acknowledge and review the document within the MMO. b) Up to 6 weeks for external consultation with stakeholders on this documentation. c) Up to 4 weeks once consultation is closed to allow for the MMO to review the responses and possibly ask for additional information from the Applicant. At this stage the MMO and the Applicant could be in discussion to agree on an approach to the responses. d) Up to four weeks to allow for the Applicant to undertake any actions resulting from any MMO request for further information. Depending on 	

ID	Question	Marine Management Organisation Responses	Applicant's Comment
		<p>the level of detail, and Applicant resources, this could represent a further significant time period.</p> <p>e) Once actions are completed and information is returned to the MMO, the MMO could need to undertake new consultations.</p> <p>It is noted from the above that, even if the discharge of documentation were to follow the current estimated timescales, and no further communication was required from the Applicant (which is highly unlikely) the current estimated turnaround equates to 18 weeks, which is longer than the 16 weeks suggested by the Applicant. It should also be noted that the above timescale applies to only one document, when in reality, the number of in-depth discharge requirements could far exceed 30 in total</p>	
Outline Offshore Operation and Maintenance Plan			
Q1.11.6.2.	<p>The ExA are concerned regarding the 'amber' items highlighted within the Relevant Representation [RR-053], particularly that additional licences may be required "if proposed works exceed those assessed within the ES or described within the DCO." What is the likelihood / probability of the works falling outside of the scope of the DCO or causing greater effects than assessed as the worst-case scenario in the ES?</p>	<p>The MMO query if this question was intended for the MMOs review. The MMOs Relevant Representation [RR-053] did not refer to the Outline Offshore Operation and Maintenance Plan. However, it is noted that the 'amber' items highlighted relate to where the applicant has highlighted additional marine licences may be required for the installation of scour protection or cable protection during operation in areas where those were not installed during construction. The applicant has stated that 'Up to 59,500m² of external cable protection outwith the CSCB MCZ has been assessed in the ES. Unless the area of external cable protection installed exceeds this or a period of ten years has</p>	<p>See the Applicant's response to first written question Q1.11.6.1 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>

ID	Question	Marine Management Organisation Responses	Applicant's Comment
		<p>elapsed since the completion of construction then no additional marine licence is required.'</p> <p>The MMO is of the understanding that this estimated area is a conservative estimate, and that further external cable protection should not be required. The MMO reiterate the point that if the amount of cable protection required exceeds that which is assessed within the ES, then an additional marine licence would be required to assess the additional impacts. The MMO defers to the applicant to comment on the likelihood of the works falling outside of the scope of the DCO.</p>	
Herring Spawning and Underwater Noise			
Q1.12.2.3.	<p>Would a seasonal piling restriction to mitigate underwater noise and vibration effects on herring be an effective form of mitigation and, if so, is there any evidence to help define an appropriate and informed exclusion period for such works?</p>	<p>The MMO consider seasonal restrictions are effective mitigation against underwater noise and vibration effects on sensitive mobile receptors such as herring. The MMO aim to provide a comprehensive answer to the ExA's question for Deadline 2.</p>	<p>See the Applicant's response to first written question Q1.12.2.3 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>
Recreational Activity			
Q1.12.2.5.	<p>It is known that recreational boat trips take place from Blakeney to view seals along the North Norfolk Coast. What would the impacts be on recreational boat trips from the Proposed Development? Would there be a cumulative effect upon seals arising from construction/ maintenance vessels for the Proposed Development and the continued recreational tourist boat trips?</p>	<p>The MMO are currently reviewing the potential impacts on recreational boating from the proposed development and cumulative impact on local seal populations. It is the MMO's intention to provide a response for Deadline 2.</p>	<p>See the Applicant's response to first written question Q1.12.2.5 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>

ID	Question	Marine Management Organisation Responses	Applicant's Comment
Marine Mammals Position Statement			
Q1.12.2.6.	<p>Confirm, in a simple tabular format, whether you are content with the Applicant's assessment of effects, mitigation and conclusions regarding harbour porpoise, minke whale, white-beaked dolphin, grey seal and harbour seal, or if more work is required. Suggested table headings: Species / Agree methodology (Y/N) / Agree assessment of effects (Y/N) / mitigation suitable (Y/N) / agree conclusions (Y/N) The table produced will also be requested for the final deadline in the Examination to provide a summary of where outstanding issues, if any, remain.</p>	<p>With regard to the Marine Mammals Position Statement, it is the MMO's intention to provide a response for Deadline 2.</p>	<p>The Applicant will review the MMO's response to this comment at Deadline 2 and respond if required.</p>
Controlling in-combination impacts on the integrity of the Southern North Sea SAC			
Q1.14.1.1.	<p>What level of confidence does the MMO have that the proposed Southern North Sea SAC site integrity plan for this project, when considered alongside controls in Marine Licence conditions attached to other projects that might affect the harbour porpoise interest feature in-combination, would provide it with sufficient control over the timing and nature of noisy activities across the various projects to ensure that the relevant in-combination disturbance impact thresholds would not be breached? In the event that a number of noisy activities from various concurrent projects became likely, would it be the MMO's intention to use these controls to ensure that no threshold was breached, and, if so, how?</p>	<p>The site integrity plan (SIP) process was set out following the Review of Consents (RoC), which concluded that in order to manage noise impacts to the Southern North Sea Special Area of Conservation (SNS SAC) several projects were required to submit a Site Integrity Plan (SIP) to the MMO. The impacted projects had conditions imposed on the Deemed Marine Licenses (DMLs) by the MMO.</p> <p>For this Project the Applicant has included a SIP condition required by the RoC. As stipulated by the condition 14 of both Schedule 10 and 11, and condition 13 of both Schedule 12 and 13, no noisy activities permitted under the DML can take place prior to the SIP being approved by the MMO.</p>	<p>No comments.</p>

ID	Question	Marine Management Organisation Responses	Applicant's Comment
		<p>The MMO assesses the impacts set out within the SIP in line with the Joint Nature Conservation Committee (JNCC) guidance once submitted alongside other projects emitting noise. We utilise the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) SNS SAC Tracker which contains noise threshold data for all projects proposed to be undertaken within the SNS SAC for each season every year. This ensures all projects are taken into account when discharging the SIP condition. This is a key part of our determination process and helps us manage affects to the harbour porpoise. This tracker is updated by regulators regularly and will include any updated noise impact information or any mitigation that is used by other projects.</p> <p>For marine licences we have a number of conditions that can be included to provide further clarity or enable collaboration between developers. This includes a "Coordination" condition, which stipulates that developers must work together to manage their activities to avoid undertaking certain types of activities at the same time, and a programme of works condition can also be required prior to the works beginning to have full review of activities taking place. In addition to the above the MMO can include conditions that stop activity at certain periods or stop work when other works are being undertaken or include any required mitigation for all or some of the activities. A notification of completion of works condition can</p>	

ID	Question	Marine Management Organisation Responses	Applicant's Comment
		<p>also be included which will inform regulators when activities have completed which can potentially allow other activities to take place for the remainder of the season.</p> <p>For SIP documents the MMO requires these to include an "In-Combination Management section" within the SIP and the MMO can request to include any or all of the above conditions or any additional conditions that may be required at the time. Although not set out formally within the DML this section is still enforceable as if forms part of a discharged document that the Applicant must adhere to, to be compliant. If this section is not included then the MMO may not be able to discharge the SIP document until satisfied all information is provided.</p>	
RIAA, Screening and Outstanding Matters.			
Q1.14.1.3	<p>Are the screening matrices in the RIAA [APP-059] acceptable or do further features/ sites need to be included? An explanation, with evidence as appropriate, as to whether you agree or disagree with the conclusions stated in paragraphs 105 and 106 of the RIAA presented by the Applicant. Provide an update on benthic SACs and whether the concerns raised in respect of the DOW have been addressed sufficiently by the Applicant either in advance of the Proposed Development being submitted or through the ES and HRA Reports [APP-059, Table 7-1].</p>	<p>The MMO is currently reviewing the Report to Inform Appropriate Assessment and will provide comments for Deadline 2</p>	<p>The Applicant notes that the MMO defer to Natural England on the RIAA assessment conclusions (see the Draft Statement of Common Ground with the MMO [REP1-044]).</p>
Marine Recovery Fund			

ID	Question	Marine Management Organisation Responses	Applicant's Comment
Q1.14.1.21	<p>The Applicant has set out compensatory measures for those species/ features identified as where an AEol cannot be ruled out. The Applicant has stated however, that it may not implement such compensatory measures if the 'Marine Recovery Fund' (or equivalent) is introduced by the Government.</p> <p>a) Is it appropriate for the Applicant to substitute in a contribution towards a strategic compensation fund as opposed to proactively implementing its own proposed package of physical and proactive compensatory measures (bearing in mind the fund does not yet exist)?</p> <p>b) Would there be any guarantees that the contribution to the fund would be directed specifically towards compensating for the adverse effects of the Proposed Development on sandwich terns and kittiwakes? c) From what you know of the fund, is it purely to be directed to whatever project the Government allocates as needing attention rather than project specific?</p>	<p>The MMO encourage that applicants proactively undertake compensatory measures where required. The MMO would like to highlight concerns around the reliance on a fund and mechanism that does not exist. There is no certainty in the implementation of the fund, or that the applicant will be able to rely on it fully for compensatory measures required by the project. The MMO is currently unaware if there is any guarantee that contribution to the fund would be specifically directed towards the compensation of kittiwakes or sandwich terns. Until the fund is formally introduced by the Government and the distribution criteria of those funds is formally agreed by all parties concerned, then the MMO would recommend the applicants proactively implement their own proposed package of physical and proactive compensatory measures.</p>	<p>The Applicant confirms that the primary means through which it is seeking to deliver compensation is through project-led measures. However, the Applicant's proposal includes measures that could potentially be delivered on either a collaborative (bycatch reduction and predator eradication from a breeding colony in relation to auks and onshore / offshore artificial nesting structures in relation to kittiwake) or strategic basis (i.e. contribution to strategic compensation fund such as the Marine Recovery Fund) if those options were to become available to the Applicant in future. See the Habitats Regulations Assessment Derogation and Compensatory Measures Update [REP1-061] for further information with respect to these options, including an update on the Marine Recovery Fund which the Government intends to be operational from late 2023. Also see the Applicant's response to Q1.14.1.20 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036] and Appendix B.1 – Supporting Documents for the Applicant's Responses to the Examining Authority's First Written Questions [REP1-038].</p>

1.9 Maritime and Coastguard Agency

Table 9 The Applicant's Comments on Maritime and Coastguard Agency's Responses to the Examining Authority's First Written Questions

ID	Question	MCA Responses	Applicant's Comment
Effects on fishing enterprises as a result of navigational or special restrictions			
Q1.7.2.1	The ES states: "The Applicant considers the most effective way this could be achieved would be to restrict fishing on sandeel, and with respect to prey availability for Sandwich tern, sprat or juvenile herring in UK waters. However, this would need to be implemented either by Defra in the case of sandeel or the relevant Inshore Fisheries and Conservation Authority (IFCA) in the case of sprat and juvenile herring fisheries within UK inshore waters." [APP-069, Paragraph 127]. What is your assessment of the economic effects on fishing communities if such restrictions were imposed?	The economic effects on fishing communities lies outside the remit of the MCA and they have not been assessed.	N/A
Vessels and Electro-Magnetic Fields			
Q1.19.1.3	<p>Within ES Chapter 13 [APP-099], there is no clear reference or assessment as to the potential impact of EMF upon navigation and magnetic compasses, for example. In respect of this:</p> <ul style="list-style-type: none"> a) Can the Applicant explain why the assessment has not been undertaken or signpost as to where this may have taken place? b) Can Trinity House and MCA set out whether there is a real risk of effects of EMF upon navigating ships and/ or what measures sailors employ to counteract any effect on their navigation equipment. 	The proposed arrangement of offshore transmission is through a High Voltage Alternating Current (HVAC) cable which is expected to have no effect on electro-magnetic fields (EMF) and hence vessel magnetic compasses are not expected to be affected. If the project was to use a High Voltage Direct Current (HVDC) cable for transmission MCA would have advised the applicant to carry out a compass deviation assessment on the predicted effects on ships magnetic compasses.	Agreed. As per the applicants WQ response [REP1-036] paragraph 2.4 of the Navigation Risk Assessment [APP-198] confirms that as the project is proposing an Alternating Current (AC) transmission system there is not impact on vessel magnetic compasses. Unlike Direct Current (DC) AC does not emit an Electromagnetic Field (EMF) significant enough to impact marine magnetic compasses.

ID	Question	MCA Responses	Applicant's Comment
Risk Mitigation for Fishing Vessels			
Q1.19.1.4	Is the Outline Fisheries Co-existence and Liaison Plan [APP-295] as drafted sufficient to mitigate risk to fishing vessels in the vicinity of service vessels working on the Proposed Development?	MCA does not normally comment on Fisheries Co-existence and Liaison Plans for mitigating the risks associated with fishing activity. Fishing vessels must comply with the Collision Regulations at all times, including when in the vicinity of service vessels. It should be noted that the FLOWW Best Practice Guidance for Offshore Renewables Developments is currently being reviewed.	N/A
Operational Safety Zone for Accommodation Structures			
Q1.19.1.5	Confirm if you are satisfied with the proposed operational safety zones around offshore accommodation structures and if not, why not and what dimension would you want to be secured?	MCA has not been able to find any indication within the Chapter 4 Project Description (APP090), Chapter 13 Shipping and Navigation (APP-099) or Appendix 13.1 Navigation Risk Assessment (APP-198) that Equinor will apply for accommodation platform safety zones. However, if Equinor does apply for an operational safety zone around accommodation platforms, MCA would support it as a necessary risk mitigation measure whether the structures are anchored, jacked up or have permanent foundations.	<p>The Applicant does not propose to construct any accommodation structures and therefore there is no mention of safety zones for accommodation structures.</p> <p>The implementation of all safety zones will be subject to application and approval by the Secretary of State for Department for Energy Security and Net Zero (DESNZ)(formally Business, Energy and Industrial Strategy (BEIS)), prior to the start of construction.</p> <p>Safety zones that may be applied for Wind Turbine Generators (WTG) and Offshore Substation Platform structures are detailed within Table 4.28 of ES Chapter 4 – Project Description [APP-090].</p> <p>A more detailed overview is given in the Safety Zone Statement [APP-284].</p> <p>Specifically, the Applicant does not currently foresee any specific need for safety zones to be established around the Offshore Renewable Energy Installations (OREI) during the</p>

ID	Question	MCA Responses	Applicant's Comment
			operational phase with the exception of during major maintenance activities. During major maintenance activities it is anticipated that a 500m safety zone would be necessary. Major maintenance works" is defined by Regulation 2 of the 2007 Regulations as works relating to any renewable energy installation which has become operational, requiring the attachment to, or anchoring next to, such an installation of a self-elevating platform, jack-up barge, crane barge or other maintenance vessel.
Marine Vessel Safety and Navigational Risk Assessment			
Q1.19.1.6	Are you satisfied that the Proposed Development, subject to implementation of management plans and the level of mitigation proposed by the Applicant, reduces navigational risks and safety hazards to 'as low as reasonably possible' (ALARP)? If not, what more needs to be done to give you reassurance?	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 as per 21.3.1.1 the Navigational Management Plan (NMP) is the only additional mitigation measure proposed for reducing risk to As Low As Reasonably Practicable (ALARP). It is understood the NMP will be developed to manage and mitigate impacts associated with crew transfer vessels during the construction, operation and major maintenance phases. It is not recognised the NMP will mitigate the impacts of deviation and third-party collisions to ALARP. We would like the applicant to consider further mitigation measures such as amendments of the red line boundary.	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 the International Regulation for the Prevention of Collisions at Sea (COLREGS) and project vessels crossing between the two existing and two proposed projects (Dudgeon, DEP, Sheringham and SEP). 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. See response to ID1.1 within the Applicants Comments on the Marine Coastguard Agency (MCA) Written Representation for further detail on changes in collision risk.
Water Depths over Cables			
Q1.19.1.8	Is it sufficient that the Applicant would consult with the MCA and Trinity House in any instances	It is important that Equinor consults MCA and Trinity House in any instances where water	Noted and agreed as per condition 16 of Schedule 10, condition 16 of Schedule 11,

ID	Question	MCA Responses	Applicant's Comment
	where water depths are reduced by more than 5% as a result of external cable protection to determine whether additional mitigation is necessary to ensure the safety of passing vessels? Furthermore, what type or form of mitigation would this likely be if necessary?	depths are reduced by more than 5% so that the potential impacts on safe navigation can be assessed and any necessary mitigation measures can be agreed. The type of mitigation is dependent on location, water depth, traffic type and volume.	condition 15 of Schedule 12 and condition 15 of Schedule 13 of the Draft DCO (Revision D) [document reference 3.1].
Layout Principles for Search and Rescue			
Q1.19.2.1	Are you satisfied that the dDMLs contained with the dDCO would secure the necessary commitments to enable safe and practical search and rescue operations? If not, what additional wording/ drafting would you wish to see inserted?	The necessary commitments to enable safe and practical Search and Rescue (SAR) operations will be discussed and agreed with the applicant post-consent. This will include completion of a SAR checklist as per MGN-654 Annex 5 and a site-specific Emergency Response Cooperation Plan (ERCoP). MCA will ensure satisfactory completion of these arrangements are in place through Schedule 10, Part 2, Condition 16 and Schedule 11, Part 2, Condition 16.	Noted and agreed as per condition 16 of Schedule 10 and condition 16 of Schedule 11 of the Draft DCO (Revision D) [document reference 3.1].

1.10 Ministry of Defence

Table 10 The Applicant's Comments on Ministry of Defence's Responses to the Examining Authority's First Written Questions

ID	Question	MoD Responses	Applicant's Comment
Aviation and Radar			
Q1.4.1.1	<p>a) Provide here or in the SoCG, an up-to-date position with regards to negotiations with MoD and whether any concern or issues remain to the Proposed Development [APP-101]?</p> <p>b) Has the applicant submitted a mitigation proposal to the DIO/MOD, but if not when will this likely happen? What is the likely timeframe in working</p>	<p>a) A meeting was held on 31 January 2023 to discuss the content of the representations submitted to the Examining Authority dated 19 January 2023. The steps/actions necessary to address MOD concerns have been identified. The MOD requires that the developer submits an acceptable Air Defence radar mitigation proposal for</p>	The Applicant is progressing an Air Defence Radar Mitigation proposal to be submitted directly to the Ministry of Defence (MoD). Any discussions or changes to positions will be covered in a draft Statement of Common Ground (SoCG) which will be submitted to the ExA at Deadline 5.

ID	Question	MoD Responses	Applicant's Comment
	towards this mitigation?	<p>MOD assessment.</p> <p>b) At this time no mitigation proposal has been submitted to DIO/MOD. On receipt of any mitigation proposal MOD will carry out assessments to determine acceptability or otherwise. The submission of, and timescale associated with, submitting a mitigation proposal is a matter for the applicant.</p>	
RAF Weybourne			
Q1.4.1.3	<p>a) How can the Proposed Development within the statutory safeguarding zone of RAF Weybourne avoid any unacceptably adverse impacts to technical assets?</p> <p>b) Describe what, if any, parameters or restrictions could be incorporated and secured by the dDCO to ensure the safeguarding of the assets at RAF Weybourne.</p>	<p>Through a meeting with the applicant held on 31 January 2023, and subsequent email exchanges, additional data has now been provided that allow MOD to better understand the works proposed and to understand the duct stringing/welding operation. MOD is now in a position to withdraw the objection relating to the impact of the development on the operation and capability of technical assets deployed at RAF Weybourne. A separate letter will be sent to ExA shortly to confirm this.</p>	<p>The Applicant notes the response and welcomes the withdrawal of the MoD's objection in this regard.</p>
Requirement 27 - Ministry of Defence surveillance operations			
Q1.11.5.5	<p>a) Outline here or in your SoCG the milestones and associated timescales (in relation to this Examination) of how these discussions are likely to progress and conclude.</p> <p>b) Provide evidence where possible.</p> <p>c) Outline the implications for the ExA's recommendation to the SoS, of not reaching agreement before the close of Examination.</p>	<p>a) The MOD requires that the developer submits an acceptable Air Defence radar mitigation proposal for MOD assessment. On receipt of any mitigation proposal, MOD will carry out assessments to determine acceptability or otherwise. The submission of, and timescale associated with, submitting a mitigation proposal is a matter for the applicant</p>	<p>The Applicant is progressing an Air Defence Radar Mitigation proposal to be submitted to the MoD. Any discussions or changes to positions will be covered in a draft SoCG which will be submitted to the ExA at Deadline 5.</p>

ID	Question	MoD Responses	Applicant's Comment
		<p>b) At this time no mitigation proposal has been submitted to DIO/MOD.</p> <p>c) If no acceptable mitigation is submitted, MOD will maintain an objection to the proposed development.</p>	

1.11 National Grid Electricity System Operator

Table 11 The Applicant's Comments on National Grid Electricity System Operator's Responses to the Examining Authority's First Written Questions

ID	Question	NGESO Responses	Applicant's Comment
Grid Connection - Addressed to National Grid			
Q1.2.2.1	<p>The Applicant has reported on the optioneering process that underpinned the selection process for the wind farm locations, the landfall location and the onsite substation location, commenting that the latter emerged following consultation with National Grid [APP- 089] [APP-175]. The ExA seeks clarification, in light of policy and legislative requirements set out in NPS EN-1 Section 4.4 and the EIA Regulations 2017, on the following matters:</p> <p>A) Signpost in the Application material or submit information to highlight what alternative grid connections, other than Norwich Main, were offered to the Applicant?</p> <p>B) What criteria did you consider in making the connection offer to the Applicant?</p>	<p>A) As operator of the national electricity transmission system, NGESO is the party that parties apply to when they want to connect to/use the system. Offers for connection/use have to be made by NGESO as required by its transmission licence. NGESO doesn't control in any way who and when a party can apply.</p> <p>In relation to connection applications for offshore wind farms the Connection and Infrastructure Options Note (CION) process (a licence requirement delivered through STCP 18-1 Issue 009 Connection and Modification Applications) is used to identify a connection location following an application for a connection agreement. This industry approved procedure</p>	<p>A. The Applicant notes the response. B. The Applicant notes the response.</p>

ID	Question	NGESO Responses	Applicant's Comment
		<p>documents the role and responsibilities of the parties responsible for offshore grid connections, who comprise the Developer (in this case the Applicants), the Transmission Owner (TO) (in this case NGET) and NGESO (in its role as System Operator (SO)). The CION is a collaborative process resulting in a preferred point of connection to the transmission system to inform the connection offer and scope of the transmission works. The CION records the output of the work between the Developer, TO and NGESO to identify the overall most economic, efficient and coordinated connection option. Planning and environmental considerations are inherent in the process as the Developer must accept the connection offer and following the CION process the option identified must be feasible in terms of consenting and deliverability. All parties to the CION are mindful that the necessary consents must be subsequently obtained through the planning process to deliver the identified option. Parties to the CION process are also subject to amenity duties under Schedule 9 of the Electricity Act 1989.</p> <p>B) As set out above in response to Q1.2.2.1a , the CION process sets out criteria for making connections offers.</p>	
<p>Grid Connection - Addressed to National Grid and the Promoter</p>			

ID	Question	NGESO Responses	Applicant's Comment
Q1.2.2.1	<p>A) Further explanation is needed to support the nuanced steps in the site selection process [APP-175, Plate 3-1]. For instance, did the identification of the offshore cable corridor, landfall, onshore cable corridor and onshore substation take place concurrently as shown [APP-175, Plate 3-1]?</p> <p>B)) Applicant, submit marked on a map all the sites (field 1 to field 5 [APP-175, Table 3-5] and any others) considered for the onshore substation, a comparative assessment of suitability, including the criteria and weighting used for the assessment, with a statement of why each other site was dismissed, and the proposed site selected. In that regard, identify what options 1 to 6 refer to [APP-175, Table 3-1].</p> <p>C) Provide a full flow chart with the sequence of steps taken, and the criteria and weighting that underpinned key decisions. In particular, outline how the MCZ, biodiversity and designated natural and built assets were considered.</p> <p>D) What weight or extent of consideration is given to nature, biodiversity and sites designated for nature conservation when preparing the CION and offer options?</p> <p>E) Given its distance in-land, what factors made Norwich substation the best option for the grid connection?</p>	<p>A) The Applicants accepted the connection offer and are seeking the consents. The site selection process was carried out by the Applicant within the parameters of the connection offer, and the exact connection location, substation location and landfall location are decisions made by the Applicant as a result of their site selection processes. The Applicant is therefore in the best position to explain their site selection process from a planning perspective (both alone and in the context of the applicants' projects as a whole).</p> <p>B) NGESO considers this is a question for the Applicant.</p> <p>C) NGESO considers this is a question for the Applicant.</p> <p>D) The CION process is designed to identify the most economic and efficient point for the connection between the transmission system and the developer's system. This assessment considers certain qualitative factors such as environmental impacts, local disruption, and consenting. The aforementioned are considered, where possible at this early stage of the connection process and in a general way. The environmental, disruption, and consenting information is typically provided by the developer and the relevant Transmission Owner</p>	<p>A. The Applicant refers to its response to this question submitted at Deadline 1 (The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]). The Applicant notes that its response to Q1.2.2.1(c) has been marked as "(a)" incorrectly in its previous response.</p> <p>B. The Applicant refers to its response to this question submitted at Deadline 1 (The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]). The Applicant notes that its response to Q1.2.2.1(d) has been marked as "(b)" incorrectly in its previous response.</p> <p>C. The Applicant refers to its response to this question submitted at Deadline 1 (The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]). The Applicant notes that its response to Q1.2.2.1(e) has been marked as "(c)" incorrectly in its previous response.</p> <p>D. The Applicant notes the response.</p> <p>E. The Applicant notes the response.</p> <p>F. The Applicant notes the response.</p>

ID	Question	NGESO Responses	Applicant's Comment
	<p>F) Submit the CION and any relevant supporting material. If the CION is an extensive document, provide a summary as well.</p>	<p>It is worth noting that whilst the discounting of options does not directly state the environmental impact of each option, each connection point must be accepted by the developer who must be confident that environmental impacts wouldn't prohibit development.</p> <p>E) Following review of the available options during CION process, the route to the Norwich substation provided the shortest cable route and the best performance against the Cost Benefit Assessment and deliverability.</p> <p>F) This is a confidential document between the NGESO, NGET and the Developer.</p>	
Substation Location			
Q1.2.2.2	<p>In relation to the proposed substation for the Proposed Development:</p> <p>A) Are there any concerns from a structural, engineering or technical perspective with regards to the specific location for the proposed substation [AS-005]?</p> <p>B) Are the works you require to upgrade and extend Norwich Main, or to connect and integrate with the Proposed Development adequately, covered within Schedule 1 of the dDCO and the associated Works Plans [APP-011, AS-009]?</p>	<p>A) NGESO considers this a question for NGET</p> <p>B) NGESO considers this a question for NGET</p>	<p>A) The Applicant notes the response. B) The Applicant notes the response.</p>
Walpole Substation			
Q1.2.2.3	<p>At OFH1 [EV-009] [EV-010], a number of speakers highlighted that there was spare</p>	<p>Following input from various developers over the years, it is the NGESO and NGET's</p>	<p>The Applicant notes the response.</p>

ID	Question	NGESO Responses	Applicant's Comment
	<p>capacity at the Walpole Substation following the mothballing of Sutton Bridge gas fired power station and the declination of an application for Docking Shoal wind farm to connect. Comment on all aspects of this scenario. If this is the case how did this feature in the assessment of alternatives for the substation selection for the Proposed Development?</p>	<p>understanding that the seabed routes to Walpole through the Wash are at capacity with no further available space for more cables. Therefore, this option was discounted.</p>	
Offshore Transmission Network			
Q1.2.3.1	<p>A) Explain what an OTN would consist of and what the current policy and industry support for such an approach is.</p> <p>B) Has an OTN has been considered for the Proposed Development? Is an OTN, as described by IPs during representations at OFH1 [EV-009] [EV-010] feasible?</p> <p>C) In light of policy support (if any) discuss how, in your opinion, this can be considered in this Examination.</p>	<p>A) The current electricity transmission network has elements that are classified as onshore transmission network that are primarily located on land and offshore transmission network that connect offshore wind farms to the onshore transmission network, primarily through network that is located in the sea. Historically the offshore transmission network has been built on an individual basis, with each wind farm having its own connection. The connection of these wind farms is therefore via an offshore transmission network in line with the regulatory classifications.</p> <p>The Department for Energy Security and Net Zero (now DESNZ) launched the Offshore Transmission Network Review (OTNR) in 2020 to recognise the increasing role offshore wind will play in meeting the government target for net zero by 2050 and the ambition for 50GW offshore wind by 2030. This has the objective "To ensure that the transmission connections for offshore</p>	<p>A – C) The Applicant notes the response and refers to its response to this question submitted at Deadline 1 (The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]).</p>

ID	Question	NGESO Responses	Applicant's Comment
		<p>wind generation are delivered in the most appropriate way, considering the increased ambition for offshore wind to achieve net zero. This will be done with a view to finding the appropriate balance between environmental, social and economic costs.</p> <p>Three workstreams were created in the OTNR to cover offshore wind projects at different stages of development, namely Early Opportunities, Pathway to 2030 and Enduring Regime. Multi-purpose interconnectors are also considered across the three workstreams.</p> <p>The Early Opportunities workstream encourages developers of offshore wind and interconnector projects that are working to achieve planning consent to explore opportunities to coordinate their connections. Projects in scope of the Early Opportunities workstream have confirmed network connection arrangements in place and are more advanced in their development compared to those in the Pathway to 2030 workstream. The Early Opportunities workstream seeks to balance reducing the impact of network infrastructure on communities and the environment with not disrupting the projects' ongoing development, which could increase costs and put the ambition for 50 GW of offshore wind by 2030 at risk.</p>	

ID	Question	NGESO Responses	Applicant's Comment
		<p>BEIS (now DESNZ) announced four initial pathfinder projects from the Early Opportunity projects, including the Equinor Sheringham Shoal and Dudgeon extension projects. The pathfinder projects 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. DESNZ also currently has an Offshore Coordination Support Scheme running with the objective of providing grant payments to enable the development of coordinated options for offshore transmission and RenewableUK has been playing a facilitative role in this workstream, through engaging with the relevant developers in the East Anglia Region and seeking options to take coordination opportunities forward and identify additional pathfinder projects.</p> <p>In contrast to the Early Opportunities workstream, the Pathway to 2030 workstream includes offshore wind projects that are at a fairly early stage of development, primarily those that received seabed leases in the Crown Estate seabed leasing round 4 and the ScotWind leasing round. As part of the Pathway to 2030, NGESO delivered the first Holistic Network Design (HND) in July 2022 and are currently developing the second HND. The HND is an</p>	

ID	Question	NGESO Responses	Applicant's Comment
		<p>innovative, centralised, strategic network design that integrates connecting offshore wind with the network capacity to transport the electricity it produces to where it will be used in GB. It also balances the objectives of cost to consumers, deliverability and operability, and minimising the impact on the environment and communities.</p> <p>The enduring approach to designing an integrated offshore network will be established through the Enduring Regime workstream of the OTNR in alignment with Ofgem's Electricity Transmission Network Planning Review.</p> <p>More information on DESNZ, Ofgem and our work on these workstreams can be found on the respective organisations' websites.</p> <p>B) As the answer above, the Equinor Sheringham Shoal and Dudgeon extension projects are included within the Early Opportunities workstream and have been confirmed as pathfinder projects by DESNZ, with proposals for coordination of the network infrastructure progressed by the developers. Due to the developer-led nature of early opportunities, a centralised design for an offshore network has not been developed.</p> <p>C) As set out in the answers above, as Early Opportunities projects the Equinor Sheringham Shoal and Dudgeon</p>	

ID	Question	NGESO Responses	Applicant's Comment
		extension projects are not within the direct scope of consideration under the HND but through the pathfinder status have to consider a coordinated approach to the design of the offshore transmission infrastructure	

1.12 National Farmers Union

Table 12 The Applicant's Comments on National Farmers Union's Responses to the Examining Authority's First Written Questions

ID	Question	NFU Responses	Applicant's Comment
Introduction			
1		Submissions on behalf of the National Farmers Union ("NFU") and the Land Interest Group (LIG) in respect of the application for a Development Consent Order (DCO) by Equinor for the Sheringham Shoal and Dudgeon Offshore Wind Farm Projects. The NFU and LIG is making a case on behalf of its members and clients who are affected by the DCO.	Noted
Q1.6.6 Adequacy of the Outline Code of Construction Practice			
Q1.6.6.1	Local Authorities and NFU are there any management plans that you consider are crucial to review during the Examination? Explain with reasons:	The NFU would expect to see an outline management plan linked to the Outline CoCP and for this to include wording which is currently being agreed with the applicant to cover handling and management of soils during construction, reinstatement and aftercare, field drainage, water supplies, irrigation supplies, bio security and the role of the Agricultural liaison officer (ALO). As detailed in our written submission to the hearing on the 20th January, there is some good wording included within the outline CoCP on how soils will be dealt	<p>The Applicant confirms negotiations have taken place with the Respondent and the Land Interest Group (LIG) on a Construction Practice Addendum.</p> <p>The Construction Practice Addendum was sent to the National Farmers Union (NFU) and LIG on 6th October 2022. No written response was received from LIG until 17th January 2023 following a meeting between the Applicant and a representative of LIG.</p> <p>The Applicant notes that the heading 'Soil Reinstatement and Aftercare' has since been added to the Construction Practice</p>

ID	Question	NFU Responses	Applicant's Comment
		<p>with at chapter 5 but nothing has been included on soil aftercare.</p> <p>Field drainage, water supplies and the ALO have been mentioned in chapter 2, paragraph 21 but there is not enough detail included for landowners and farmers to know what Equinor would actually do to remedy field drainage or if there is an incident with a water supply being cut off. The NFU has agreed wording in previous outline environmental management plans in many DCO applications which cover these areas. The wording we would like to agree has been provided to the applicant and we have attached as a separate document with this submission headed 'Construction Practice Addendum' (CPA). The NFU would like to see this wording agreed in an outline CoCP which is then taken forward and included in the individual management plans.</p>	<p>Addendum attached to the Respondent's response to the Examining Authority's Written Questions which will be considered further but advises that this has not been raised previously.</p> <p>The Applicant welcomes examples of outline environmental management plans that the Respondent has previously agreed wording within so that this can be considered further and will in the meantime continue negotiations with the Respondent and LIG on the Construction Practice Addendum.</p>
Q1.8.2 Affected Persons' Site-specific Issue			
Q 1.8.2.5	<p>Term Several: Affected Persons [too numerous to list] represented by Savills and Bidwells and the NFU seek clarification why the term would be in perpetuity as opposed to 99 years, which parties state has typically been the term in other made DCOs.</p>	<p>The NFU and LIG believe strongly that no landowner should have to give rights in perpetuity if they are not required. In recent years the NFU and LIG have agreed a term of 99 years with five offshore wind developers. The NFU and LIG can see no difference in the schemes and therefore no reason for rights to be given in perpetuity. We understand that the rights granted by the Crown will be for a term that is considerably less than 99 years.</p>	<p>Please refer to the Applicant's response to this question set out in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>
Q1.11 Draft Development Consent Order			

ID	Question	NFU Responses	Applicant's Comment
Q1.11.1.4	Applicant Offshore Transmission Owner:	The NFU and LIG understand there is a requirement for the applicant to transfer the onshore assets of the project to an OFTO within a specified period following energisation of the project. Landowners need to know who will be liable for any future claims and/ or remedial works. Will the applicant be liable or will this liability be transferred to the OFTO.? Also, Landowners need to know who to contact should the need arise in the future and have the confidence that issues will be addressed in a timely fashion.	Once SEP and DEP are operational, the Offshore Transmission Owner (OFTO) will have responsibility for the transmission infrastructure and cables. The relevant powers and obligations under the DCO will be transferred to the OFTO pursuant to the OFTO Regulations, together with the relevant interests in land, which will include all relevant land agreements entered into by Scira Extension Limited (SEL) and/or Dudgeon Extension Limited (DEL). The responsibilities under the land agreements will be already known to the relevant landowners. This means that responsibility during the operational phase (after the transfer to the OFTO) and decommissioning will fall on the OFTO.
Q1.11.5 Requirements			
Q1.11.5.1	Requirement 1 – Time Limits: NFU, specify which landowners are affected by the seven years time limit for commencing the authorised development and in what way.	All landowners and farmers who are directly affected by the scheme (onshore cables) will be affected by the seven years time limit planning condition. The impact is the uncertainty of not knowing when commencement will start and instead of this being only over five years it could be for seven years, this timeline will impact on decision taken within the farm business. It affects future sales of land, it impacts long term decisions within a business and generally it is the inconvenience and disturbance over seven years rather than five years. This can include multiple surveys, pre – enabling works for construction.	<p>The justification for a seven-year time limit for commencement of development has been set out by The Applicant in the Explanatory Memorandum (Revision D) [document reference 3.2].</p> <p>The Applicant engaged with affected landowners and their appointed land agents 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 landowners' post-consent to enable them to undertake long-term business planning. The Applicant is also prepared to engage with third parties interested in purchasing or entering into a tenancy to occupy affected land to ensure such parties are informed of the project and its potential impacts on their own plans for the land.</p>
Q1.16.1 Effect on Agricultural Land and Businesses and Recreational Asset			

ID	Question	NFU Responses	Applicant's Comment
Q1.16.1.4	Impact to Agri-environment Schemes	Where surveys or the construction works will impact on Agri – environment schemes the NFU would like to see as a minimum landowners and farmers being given not less than 28 days notice so that if possible for a derogation to be submitted to the RPA.. It is thought that this could be highlighted as a role for the ALO to undertake providing a 28 day notice to landowners and farmers and if a full description of the ALO role is highlighted within the outline CoCP then this will be binding under the DCO	As set out by the Applicant at ISH 2, the inclusion of at least 14 days' notice within Article 16(2) of the draft DCO (Revision D) [document reference 3.1] is well precedented and in line with other offshore wind farms and DCOs. This drafting is not novel in the context and is in line with the equivalent statutory powers under sections 172 to 197 of the Housing and Planning Act 2016 and section 53 of Planning Act 2008.
Q1.16.1.7 and Q1.16.1.8	Agricultural Land Affected and: Individual Farms and Farm Economics.	The NFU is very pleased to see that information has been requested and this will be very useful for each landholding.	Noted
Q1.16.2 Soils and Soil handling			
Q1.16.2.1	Soil Heating: Is there evidence to demonstrate whether or not the heating of soil, due to its proximity to the cables, damages the soil quality or harms the yields of crops that may be grown on it (above the cables).	The underground cables crossing farmland from the first Dudgeon scheme show clear evidence that there is heat dissipation when it snows as the snow melts along the strip where the cables are buried. This scheme was approximately 400MW and the proposed projects combined are approximately 800MW therefore heat dissipation could be greater. There must be a microclimate along the cable corridor and in a drought/heat wave like in 2022 this must have an impact on the crop yield.	ES Chapter 4 Project Description [APP-090 para. 287] outlines typical mitigation measures to reduce the effect of heating soils include encasing the ducting with cement bound sand (CBS), this is used to ensure that the thermal conductivity of material around the cable is of a known consistent value for the length of the installation. CBS has a low thermal resistance to conduct the heat produced during electricity transmission away from the High Voltage (HV) cables.
Q1.16.2.2	Soil Management Plan	As highlighted above where questions have been asked regarding the Code of Construction, the NFU is pleased with the wording that has been included at Chapter 5 but it does not go far enough and does not cover soil aftercare. The wording that NFU would like to see has been provided in the 'Construction Practice Addendum' document and the NFU	The Applicant will review the Soil Reinstatement and Aftercare wording within the Construction Practice Addendum provided by the Respondent at Deadline 1.

ID	Question	NFU Responses	Applicant's Comment
		would like this wording to be included within the outline CoCP so that it is binding under the DCO.	
Q1.24.2 Effects on Water Resources and Water Quality			
Q1.24.2.17	Private Water Supplies	The NFU as highlighted in the written submission for the issue specific hearing 20th January has highlighted that the applicant has mentioned Private Water Supplies in the CoCP: chapter 2, paragraph 21 but no detail has been included. The NFU has particular wording that it would like to see included within the outline CoCP as the minimum and this is highlighted in the 'Construction Practice Addendum'.	The Applicant confirms that similar wording to that set out within the Respondent's version of the Construction Practice Addendum has been proposed to the Respondent and LIG. The Applicant will review the request to include wording in line with what is agreed for voluntary agreements within future revisions of the Outline Code of Construction Practice.

1.13 National Highways

Table 13 The Applicant's Comments on National Highways' Responses to the Examining Authority's First Written Questions

ID	Question	National Highways Responses	Applicant's Comment
Introduction			
1		National Highways (NH) have been invited (dated 27 January 2023) to provide written representations to the ExA's Written Questions for this project. The relevant questions to National Highways and our responses are set out below.	Noted
Q1.11.7 Interaction of the dDCO with Other Legislated DCOs, Other Existing Infrastructure and Planned Projects			
WQ1.11.7.1	Hillside Parks Ltd v Snowdonia National Park Authority (the Hillside Judgement) The ExA acknowledge the above judgement relates to a non-Development Consent Order case. However, it occurs to the ExA that the principles of the judgement may be applicable for the Proposed Development given the level of interaction of the scheme with other existing	The A47 North Tuddenham to Easton and A11/A47 Thickthorn RIS schemes were granted DCOs in 2022 and it is agreed that interactions between these consented schemes and the Proposed Development should be considered in full. The project teams within National Highways have been contacted internally in order to fully	Noted. The Applicant is continuing to engage with National Highways to ensure coordination between the relevant projects.

ID	Question	National Highways Responses	Applicant's Comment
	<p>consented DCOs, including land subject of compulsory acquisition.</p> <p>The ability to modify the initial permission in the DCO context is based on the specific power in section 120 of the Planning Act 2008. In this respect:</p> <ul style="list-style-type: none"> a) would any existing consented DCO need to be modified or amended by the Proposed Development? b) would any existing consented DCO be prejudiced in the ability to be implemented, either through works or land take, to the extent it could not come forward in accordance with its terms and management plans? c) provide any other views on the relevance, or otherwise, of the judgement upon this project. 	<p>assess all potential interactions and we expect to provide a further update at Deadline 3.</p>	
<p>Q1.23. Traffic and Transport</p> <p>Q1.23.1 Effects from Construction Vehicles on the Highway Network and Living Conditions</p>			
WQ1.23.1.3.	<p>Methodology – Trip Generation and Construction Traffic Assignment</p> <p>Are the Highway Authorities content with the methodology and forecasts for trip generation and construction traffic assignment?</p>	<p>Although National Highways is accepting of the general methodology used to inform the traffic and transport impacts of the proposals on the Strategic Road Network, on review of the Environmental Statement Traffic and Transport Chapter (ESTTC) and Transport Assessment (TA), matters have been identified that require further clarification before National Highways can be content with the forecasts. National Highways intend to engage with the applicant's</p>	<p>The Applicant is engaging with National Highways to clarify matters and is optimistic of reaching an agreed position before Deadline 3.</p>

ID	Question	National Highways Responses	Applicant's Comment
		consultant to reach an agreed position before Deadline 3.	
Q1.23.3 Cumulative Traffic Effects with Other Local Projects			
WQ1.23.3.3.	<p>Cumulative Effects Methodology – Highway Schemes</p> <p>It is noted in the cumulative effects methodology [APP-110, Paragraphs 148- 150] that the identified highway improvement schemes are all currently scheduled to be complete by 2025 and as such there may be no overlap with the construction phase of SEP and DEP. Is this still anticipated to be the case for all highway schemes?</p>	<p>The National Highways Road Improvement Scheme (RIS) team has provided an update on the programme for the A47 North Tuddenham to Easton, A47/A11 Thickthorn Junction and A47 Blofield to North Burlingham schemes. These schemes are waiting for a Judicial Review decision which is being heard on 11th May 2023 and due to be communicated 1st June 2023.</p> <p>The working assumption is that mobilisation on site in the form of early mitigation and enabling works may take place in the summer of 2023, and main works to commence in late 2023 or early 2024. The construction period would conclude in 2026. These are however high-level planning assumptions and any variation from the Judicial Review timescale would further impact these timescales.</p> <p>It is therefore evident that the improvement scheme will not be operational at the time of the SEP and DEP construction and that concurrent construction is the likely scenario. An update will be provided at the first available deadline following receipt of further information with regards to this.</p> <p>Updates have been requested internally from the National Highways associated project teams and an update shall be provided ahead of Deadline 3.</p>	<p>The Applicant is in regular dialog with National Highways and Norfolk County Council (NCC) to understand their potential forward programme of works for the delivery of their major highway improvement schemes.</p> <p>Section 4.10.2 of the Outline Construction Traffic Management Plan (OCTMP) (Revision B) [document reference 9.16] details an approach (agreed with the National Highways and NCC) for managing the uncertainties associated with major scheme progression and the potential for cumulative effects.</p>

ID	Question	National Highways Responses	Applicant's Comment
Q1.23.5 Suitability of Access Strategy			
WQ1.23.5.1.	<p>Abnormal Indivisible Loads</p> <p>NH (responsible for the A47) have not been able to structurally confirm the route for abnormal indivisible loads [APP-270] as there are two structures of concern (Scarning Bridge and a culvert located between Kings Lynn and Swaffham). It is set out that NH is still reviewing these structures to establish if the route can be cleared. What is the up-to-date position on this?</p>	<p>Discussions are taking place between the Applicant's transport consultant and relevant National Highways teams. It is expected that an update will be provided by Deadline 3.</p>	<p>The Applicant would clarify that with regard to Scarning Bridge, the Abnormal Load Study [APP-271] shows a diversion route via the local highway network (agreed with Norfolk CC) that would allow this bridge to be bypassed (if needed).</p> <p>The Applicant has also employed heavy haul specialist Wynns to engage with National Highways structures specialist who have confirmed in writing that culvert can be passed by contraflowing and plating (temporary placement of steel plates over the culvert whilst the load passes over).</p> <p>The Applicant is engaging with National Highways to clarify matters and is optimistic of reaching an agreed position before Deadline 3.</p>
Q1.23.6 Effectiveness of Proposed Mitigation Measures			
WQ1.23.6.1.	<p>Mitigation – A47</p> <p>The TA [APP-268] identifies significant impacts on two junctions of the A47 that fall within the study area. Both of these junctions are proposed to be removed by highway improvement schemes.</p> <p>a) What is the latest position on these improvement projects (A47 North Tuddenham to Easton Development Consent Order and A47-A11 Thickthorn Junction Development Consent Order) and are they still forecast to be completed before the</p>	<p>With regard to mitigation on the A47, specifically in relation to the two junctions currently forecast to experience significant impact, we respond as follows:</p> <p>a) As identified in response to Written Question 1.23.3.3, the A47 North Tuddenham to Easton DCO is unlikely to be completed before construction of the Proposed Development, and the position on the A47-A11 Thickthorn junction is to be confirmed.</p> <p>b) It is currently not possible to confirm whether the mitigation measures set out within the OCTMP as a fallback will</p>	<p>The Applicant is engaging with National Highways to clarify matters and is optimistic of reaching an agreed position before Deadline 3.</p>

ID	Question	National Highways Responses	Applicant's Comment
	<p>construction of the Proposed Development starts?</p> <p>b) Should they not be delivered are the mitigation measures set out in the OCTMP sufficient as a 'fallback' to ensure there are not any significant impacts on the road network?</p> <p>c) If the improvement works under either of the DCOs were to be delayed and occur concurrently with the onshore construction programme of this project, would the OCTMP for the Proposed Development, taken together with other OCTMP, provide adequate 'fallback' mitigation for the cumulative effects of both projects on the road network?</p> <p>d) Further to b) and c) above, what confidence can the ExA have that adequate mitigation measures are available and achievable in these scenarios?</p>	<p>be sufficient in addressing significant impacts on the SRN. Given that two of the SRN junctions are modelled as overcapacity in both construction scenarios, NH would expect that the mitigating effect of the OCTMP should be quantified.</p> <p>c) As set out in response to Question b), it cannot be confirmed that both sets of OCTMP will sufficiently mitigate effects, until the effect of the Proposed Development is quantified in a context in which the measures proposed in the OCTMP are fully realised.</p> <p>d) Although the potential impacts are yet to be agreed and quantified, it is anticipated that further discussions will take place between the SEP & DEP project team and A47 North Tuddenham to Easton and A47-A11 Thickthorn Junction project teams in order to provide confidence to the ExA that mitigation is available and achievable.</p>	

1.14 National Trust

Table 14 The Applicant's Comments on National Trust's Responses to the Examining Authority's First Written Questions

ID	Question	National Trust Responses	Applicant's Comment
Q1.8.3 Special Land			
Q1.8.3.2	<p>National Trust Land</p> <p>The ExA notes that while negotiations are ongoing, NT has pending concerns in relation to the CA of its inalienable land at Weybourne wood.</p> <p>a) Applicant and NT, outline in your SoCG the milestones and associated timescales (in relation to this Examination) of how these negotiations are likely to progress and conclude.</p> <p>b) NT, do you see any major impediment to reaching a voluntary agreement with the applicant?</p>	<p>a) The National Trust and applicant are in discussions regarding a signed Option Agreement and Deed of Easement for the cables and access over and under inalienable land at Weybourne Wood. The timescales for this are outlined in the draft Statement of Common Ground. Repeated here for ease of reference: Draft Heads of Terms Agreed: Spring 2023 Draft Option Agreement: June 2023 Signed Option Agreement: Summer 2023</p> <p>As the Inspector acknowledged during Issue Specific Hearing 2, these issues can take the length of the examination to resolve, and we are working with the applicant to adhere to the timescales set out in the draft Statement of Common Ground. The National Trust received the first Draft Statement of Common Ground on 31st January 2022 and are in discussions with the applicant. We hope to be able to reach agreement with the applicant, however, we need to fully review the Statement of Common Ground. To clarify, that there is no "voluntary" agreement if compulsory acquisition is in prospect The Trust either objects or doesn't object to a compulsory acquisition and complete the</p>	<p>The Applicant acknowledges the National Trust's comments and confirms that it is continuing to work with the National Trust to reach agreement. The Applicant recognises the programme for reaching agreement within the National Trusts response and agrees to work towards these dates.</p>

ID	Question	National Trust Responses	Applicant's Comment
		<p>agreement under compulsion or threat of compulsion. We will continue to work with the applicant and provide an update at Deadline 2.</p>	
Q1.15.3 Effects on Designated and Non-designated Heritage Assets			
Q1.15.3.1	<p>Archaeological Features at Sheringham Park and Weybourne Woods</p> <p>With the aid of a plan/ diagram, please set out the broad locations of known medieval, post-medieval, WWI, WWII and barrow features that are referenced in your Relevant Representation [RR-061]. State whether you consider impacts upon these features from the Proposed Development would be direct or indirect.</p>	<p>Please see plan below.</p> <p>The proposed route does not have a direct impact on the known archaeology, however the area of the route has not been the subject of any archaeological field work so unknown archaeology may well be present and any such archaeological remains would therefore be directly impacted on by any ground works, tree clearance, vehicle movement and access creation associated with the proposed cable route. The possible barrow (MNA 1999285) may indicate the presence of a more extensive prehistoric barrow cemetery and/or related archaeological remains which could stretch into the route. The close proximity of World War Two defences (MNA 199287) should also be noted as additional related features may also exist within the proposed route and these would also be directly impacted by any works associated with ground preparation or installation. The possible barrow and WWII features highlight the potential for similar aboveground archaeological remains within the route which are more at risk of direct negative impacts associated with any ground preparation works.</p>	<p>The Applicant refers to its response to WQ 1.15.3.1 [document reference 12.4]. No further comment.</p>

1.15 Natural England

Table 15 The Applicant's Comments on Natural England's Responses to the Examining Authority's First Written Questions

ID	Question	Natural England Responses	Applicant's Comment
Effects on Marine Life and Benthic Habitats including through Cable Installation Methods			
Q1.3.1	<p>Intertidal and Subtidal areas</p> <p>Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.</p>	<p>With regard to the rugged outcropping chalk, Natural England is content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall.</p> <p>However, we have concerns with other aspects relating to subcropping chalk and the HDD exit pits. Please see our Relevant Rep Appendix G at Section 4 [RR-063]</p>	<p>Regarding subcropping chalk, see the Applicant's response at ID 12 of Table 4.18.6 of The Applicant's Comments to Relevant Representations [REP1-033].</p>
	<p>Benthic Ecology Recovery Time</p> <p>Comment on the Applicant's assertion that a full recovery of benthic habitats and communities for SEP and DEP is anticipated within two years of construction [APP-094, Paragraph 164].</p>	<p>The Applicant's assertions are predominantly based on the existing Sheringham Shoal and projects. However, cable protection was not used for these projects. That is not the case for SEP and DEP.</p> <p>Natural England notes that impacts where cable protection has been placed on the seabed from protection will persist for the entire project lifetime.</p> <p>Further, there is the likelihood that scour protection may not be fully decommissioned at the end of the lifetime of the project.</p> <p>Where protection is not used, while recovery occurs, Natural England is not in a position to say that it will occur within 2 years. Due to the Rochdale approach of the application, there are uncertainties outstanding.</p>	<p>The Applicant notes that paragraph 164 of APP-094 is in relation to temporary habitat loss / disturbance and therefore does not consider the installation of external cable protection which is assessed for permanent and long-term habitat loss in Sections 8.6.3.2 and 8.6.3.3 respectively of APP-094. Therefore, the Applicant maintains its position that, based on the monitoring evidence from Sheringham Shoal Offshore Wind Farm (SOW) and Dudgeon Offshore Wind Farm (DOW), areas subject to temporary habitat loss / disturbance would likely see a full recovery within two years.</p>
	<p>Micro-Siting</p>	<p>Natural England is content with the inclusion of micro-siting as mitigation. However, we note within</p>	<p>As secured through the DMLs, pre-construction surveys will be undertaken to identify any</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>Are both the MMO and NE content that the use of micro- siting can avoid adverse impacts to Annex I / UK BAP priority habitat <i>S. spinulosa</i> reefs and the UK BAP priority habitat 'peat and clay exposures with piddocks.'</p>	<p>Appendix A of our RR a query is outstanding on how this mitigation is being secured within the dML. We advise this should also include the potential presence of Annex I stony reef habitat.</p> <p>We draw your attention to findings from previous installations that for other projects due to the prevalence of features, it has not always possible to completely avoid impact to Annex I / priority habitats. beyond reasonable doubt</p> <p>Micro-siting reduces the risk of impact, but where impact cannot be avoided allows for discussion of reducing that impact.</p> <p>Please note that there are also micro-siting requirements to mitigate for other factors, such as archaeology features, technical requirements and other constraints that need to be considered. These additional requirements can limit the ability to micro-site the cable around ecological features.</p>	<p>potentially sensitive features that are required to be avoided. The pre-construction survey methodology would be agreed with the MMO in consultation with Natural England. The survey design would be based on best practice at the time and is anticipated to consist of a mixture of geophysical, drop-down video (DDV) and grab surveys (as applicable) to ensure a comprehensive ground-truthing of the proposed final cable route design. Initial geophysical surveys will be reviewed with DDV groundtruthing surveys to confirm presence as appropriate. This shall then be used to inform detailed layout design and will inform the mitigation scheme requirements. If potentially sensitive benthic features are identified, the results of the survey will be discussed at that time with the MMO and Natural England to agree whether the features are required to be avoided through micro-siting.</p> <p>Condition 13(1)(i) of Schedules 10 and 11 and Condition 12 (1)(j) of Schedules 12 and 13 of the Draft DCO (Revision D) [document reference 3.1] includes provision for a mitigation scheme for any benthic habitats of conservation, ecological and/or economic importance constituting Annex I reef habitats identified by pre-construction surveys and will be in accordance with the Offshore In Principle Monitoring Plan [APP-289]. This is the appropriate approach to mitigating impacts on benthic habitats of conservation, ecological and/or economic importance.</p>

ID	Question	Natural England Responses	Applicant's Comment
			See also the Applicant's response at ID 7 of Table 4.18.1 of The Applicant's Comments to Relevant Representations [REP1-033] and the Applicant's related amendment to condition 13(1)(a) of Schedules 10 and 11 and Condition 12(1)(a) of Schedules 12 and 13 of the draft DCO (Revision C) (Tracked Changes) [REP1-003].
Impact on subtidal chalk features			
Q1.3.2	<p>Effects of HDD Exit Pits</p> <p>NE [RR-063 Appendix G, Paragraph 15] advises against the HDD exits pits being located in an area of subcropping chalk, with concern over cable protection use on chalk features within the MCZ. What alternatives were considered in this regard, and why were they dismissed?</p>	We draw the ExA attention to Point Q1.3.1.1 above. Natural England will review the Applicant's Response.	Regarding subcropping chalk, see the Applicant's response at ID 12 of Table 4.18.6 of The Applicant's Comments to Relevant Representations [REP1-033].
	<p>Micro-siting and Chalk Features</p> <p>Are both the MMO and NE content that the use of micro-siting can avoid adverse impacts to chalk features within the MCZ</p>	Please see our advice on sub-cropping chalk within our Relevant Rep at Appendix G Section 4 [RR-063] and our response to Point Q1.3.1.1 above.	
Coastal erosion effects and coastal processes			
Q1.3.3	<p>Coastal Impacts</p> <p>It is noted that there would be use of HDD to link the offshore cables with landfall, but is it anticipated that there would be any impact to coastal features such as the cliffs or any other coastal processes?</p>	Natural England notes the Applicant did not present evidence of any historical cliff recession or beach profile data that were used to inform the proposed setback distance and HDD cable burial depth at landfall. Therefore, it is not clear how the proposed onshore infrastructure setback distance and landfall cable burial depth have been calculated, nor how the influence of climate change has been accounted for in these calculations.	Section 2.7 of Appendix 3.2 - Cable Landfall Concept Study [APP-176] includes consideration of coastal erosion which informed the concept design of the HDD. The 'Landfall HDD Profile Weybourne' figure shown on page 84 of that document includes an erosion profile and shows the distance between that and the HDD entry point. At the detailed design stage the Applicant will use the most up to date cliff retreat and beach

ID	Question	Natural England Responses	Applicant's Comment
		<p>The shoreline at landfall is characterised by easily eroded glacial till cliffs overlying a chalk base and fronted by a steep narrow shingle beach. At Weybourne Hope there are also low-lying areas and cliffs. We understand that the beach at the nearshore area is dynamic with elevational changes of up to 3m and the coast is experiencing ongoing cliff and nearshore seabed erosion. It is also understood that the Environment Agency no longer actively manages the barrier beach here, thus allowing it to roll back in future. Therefore, we would advise that if/when consent is granted, that the most up-to-date cliff retreat and beach profile data should be sought by the Applicant to inform appropriate setback distances for onshore infrastructure at landfall and cable burial beneath the beach/shore platform. This quantitative assessment should include consideration of the potential influence of climate change on likely future cliff erosion and beach profile change rates.</p>	<p>profile data to inform appropriate setback distances for onshore infrastructure at landfall and cable burial beneath the beach/shore platform. This will include consideration of the potential influence of climate change on likely future cliff erosion and beach profile change rates.</p>
Effects on the Marine Conservation Zone			
<p>Q1.3.4</p>	<p>Measures of Equivalent Environmental Benefit (MEEB)</p> <p>The Applicant has proposed planting of oyster beds with the Marine Conservation Zone (MCZ) as a MEEB [APP- 084]. In this respect:</p> <ul style="list-style-type: none"> a) Of the options set out in Table 7-1 [APP-083], do you agree with the Applicant's assessment of the feasibility of providing other MEEB? b) If the answer to (a) is no, set out 	<ul style="list-style-type: none"> a) We refer you to our Relevant Rep Appendix G [RR-063] Section 9 comments on the Applicants options. Natural England is supportive from an ecological perspective for progression of an oyster bed. b) N/A c) Natural England has already highlighted the ramifications. See our Relevant Rep points 20 to 23 where we requested re-location of 	<ul style="list-style-type: none"> a) See the Applicant's responses at Table 4.18.6 of The Applicant's Comments to Relevant Representations [REP1-033]. b) N/A c) The Applicant has updated the In-Principle MEEB Plan (Revision B) [REP1-011] at Deadline 1 to move the location of the 'initial native oyster restoration site search area' so that it covers an area of coarse as well as mixed sediment which the Applicant

ID	Question	Natural England Responses	Applicant's Comment
	<p>what options are available or preferred instead of oyster bed planting?</p> <p>c) Would the planting of a 1ha oyster bed in itself have ramifications for the composition and quality of the MCZ or would it be a superficial surface element unlikely to upset the balance of the conservation objectives?</p> <p>d) Would the oyster bed (not currently within the MCZ) attract different fish, prey and predator species to the area?</p> <p>e) Would the oyster bed, directly or indirectly, support the food resource for foraging birds?</p> <p>f) What is the likelihood of success of oyster beds establishing in the locality and what confidence can the ExA place upon this MEEB in recommending to the SoS BEIS about discharging their obligations under the MCA?</p>	<p>MEEB to an area less likely to impact on the conservation objectives of the site.</p> <p>d) Based on the compensation hierarchy (see https://consult.defra.gov.uk/marine-planning-licensing-team/mpa-compensation-guidance-consultation/supporting documents/mpa compensatory measuresbestpracticeguidance.pdf) It is Natural England's preference for MEEB to be delivered within the MCZ.</p> <p>e) Natural England queries which bird species the ExA is referring to. It is probable the oyster bed may provide a resource for water birds e.g., Annex I common scoter RTD, but not sandwich terns.</p> <p>f) Natural England advise establishment can take some time but is no less certain than other benthic MEEB at this moment. As with all MEEB there is a level of uncertainty as they are untested. However, we recognise native oysters have been present historically in this area. Please see NE Relevant REP [RR-063].</p>	<p>trusts will address Natural England's concerns with respect to the proposed location of the native oyster bed.</p> <p>d) Noted.</p> <p>e) No comments</p> <p>f) No comments</p>
	<p>MEEB and Sandeels</p>	<p>a) MEEB are designed to offset impacts to Benthic features of the MCZ. Any habitat restoration /re-creation to improve</p>	<p>a) No comments.</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>Sandeels are considered an important part of the food resource for bird species, including kittiwakes and sandwich terns [APP-069].</p> <p>a) Could sandeel habitat be artificially formed and sustained in the MCZ?</p> <p>b) If so, would that area be afforded protection from the fishing industry due to the designation?</p>	<p>productivity for Annex I kittiwakes and sandwich terns is compensation to improve the productivity of those species. The most appropriate location would be within current foraging locations, which are outside of the MCZ. Please see our comments on positive measures that could be undertaken to improve local Annex I sandwich tern populations.</p> <p>b) MEEB and oyster bed would be protected from fishing until it can be considered sustainable. All MEEB areas would be afforded protection to reduce the impact to those features from all pressures to an acceptable level.</p>	<p>b) The Applicant clarifies that the soon to be implemented byelaw (see EIFCA written representation [REP1-107]) in the MCZ prohibits the use of towed gears across most of the MCZ. The Applicant clarifies that the soon to be implemented byelaw (see EIFCA Written Representation [REP1-107]) in the MCZ prohibits the use of towed gears across most of the MCZ. The Applicant is not proposing to implement any restrictions to potting fisheries on and in the vicinity of the native oyster bed. However, as noted within Section 8.5.3 of the In-Principle CSCB MCZ MEEB Plan (Revision B) [REP1-011], static potting (including whelk pots) is not deemed to be a key issue for oyster restoration, providing that 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, EIFCA and relevant fishers to identify a suitable and acceptable course of action.</p>
Effects on fishing enterprises as a result of navigational or special restrictions			
Q1.7.2	<p>Restricted Fishing</p> <p>The ES states: "The Applicant considers the most effective way this could be achieved would be to restrict fishing on sandeel, and with</p>	<p>Please refer to Natural England's cover letter [RR-063]. Natural England's remit does not cover advice on the economic effects for any sector.</p>	<p>No comments.</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>respect to prey availability for Sandwich tern, sprat or juvenile herring in UK waters.</p> <p>However, this would need to be implemented either by Defra in the case of sandeel or the relevant Inshore Fisheries and Conservation Authority (IFCA) in the case of sprat and juvenile herring fisheries within UK inshore waters.” [APP-069, Paragraph 127].</p> <p>All</p> <p>a) What is your assessment of the economic effects on fishing communities if such restrictions were imposed?</p> <p>Applicant</p> <p>a) How would DEFRA or the IFCA implement such fishing restrictions?</p> <p>b) How would such restrictions be secured in the dDCO and could the dDCO be able to compel another organisation to enact such restrictions?</p> <p>c) Do the powers of a Development Consent Order allow for the imposition of byelaws or restrictions of the type suggested in the ES?</p>		
Definitions			
Q1.11.2	<p>Maintain</p> <p>Justify if the drafting “<i>to the extent assessed in the environmental statement</i>” is an adequate bar in the definition of maintain to limit maintenance</p>	<p>Natural England notes that the Applicant has produced an Outline Operations and Maintenance Plan (OOMP) as part of the application. This document is a certified document and provides details on the operations and maintenance requirements for the offshore aspects of the project</p>	<p>See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>

ID	Question	Natural England Responses	Applicant's Comment
	activities authorised under the dDCO and the dDMLs to those that are assessed within the ES.	based on the details provided in the Environmental Statement. It may provide greater clarity post consent if the definition referred to this document for the offshore aspects of maintain.	
Schedules			
Q1.11.3	<p>Article 6 – Disapplication and modification of legislative provisions</p> <p>a) EA, are there any concerns regarding the scope of the provisions sought to be modified or disappplied?</p> <p>b) Do Affected Persons have any concerns regarding the disapplication of the provisions of the Neighbourhood Planning Act 2017 relating to the temporary possession of land as proposed in Article 6(1)(e)?</p>	Natural England has no comment to make on the disapplication of this part of the Neighbourhood Planning Act 2017.	Noted.
	<p>Article 45 – Modification of DOW section 36 consent</p> <p>a) Article 45, is a novel provision in this dDCO, and the ExA is seeking input from parties if they have concerns or support for the provision and drafting, and implications for future applications for development consent. Applicant may respond.</p> <p>b) Applicant, submit into Examination, further details of Riverside Energy Park Order 2020 that has been referred to as precedence, including a brief description of the relevant context.</p>	Natural England does not have any observations on the wording of Article 45 specifically, but we do question if a DCO has the ability to change an already granted consent for another project, consented under different legislation. We recommend the ExA seeks advice on this issue.	See paragraph 150 of the Explanatory Memorandum (Revision D) [document reference 3.2] and The Applicant's response to this question in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]
Draft Deemed Marine Licences			

ID	Question	Natural England Responses	Applicant's Comment
Q1.11.6	<p>Timeframes for determinations</p> <p>MMO, concern has been raised regarding a four-month lead-in period for review and decisions from the MMO on detailed submissions. Set out what periods for consultation would be reasonably achievable, and in line with other made OWF DCOs.</p> <p>Applicant, what are the implications to construction programme and viability of providing additional time, as requested by MMO for the discharge of approvals.</p>	<p>Natural England has provided comment on this condition as part of Annex A of our relevant representation [RR- 063]. Noting that we have concerns with the overall timing of most of the pre-construction conditions and a specific concern with relation to condition 15 (3) of part 2 of the dMLs.</p>	<p>See the Applicant's responses at ID9 and ID10 of Table 4.18.1 of The Applicant's Comments to Relevant Representations [REP1-033] and the Applicant's response to this question in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>
	<p>Outline Offshore Operation and Maintenance Plan</p> <p>The ExA are concerned regarding the 'amber' items highlighted within the Relevant Representation [RR-053], particularly that additional licences may be required "if proposed works exceed those assessed within the ES or described within the DCO." What is the likelihood / probability of the works falling outside of the scope of the DCO or causing greater effects than assessed as the worst-case scenario in the ES?</p>	<p>Natural England notes that most consented Offshore Wind Farm projects apply for smaller licences or variations to their original licence to change/extend different aspects of their consent. This covers such activities as UXO detonation, additional cable protection, change in installation methodology and a range of other activities. These additional consents are often sought due to increased information from the pre-construction surveys which highlight an unforeseen or greater than anticipated need.</p>	<p>Noted. See also the Applicant's response to this question in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>
Effects on Ornithology			
Q1.12.1	<p>Quality of Data</p> <p>There are instances within the ES [APP-097, Paragraphs 172, 240, 313] where the Applicant raises issues with data and the approach taken to using it. In these respects:</p> <p>a) Are you concerned that, in several places, the Applicant has stated "it was</p>	<p>a) The survey was designed to ensure sufficient coverage (i.e. number and width of transects) of DEP as a whole, with the expectation that the assessment will be conducted at this level (i.e. assessing the impact of DEP as a whole). Conclusions regarding the worst-case impacts of DEP Rochdale envelope on offshore ornithology</p>	<p>a) Natural England's comments are noted. The Applicant has provided model-based density estimates for Sandwich tern, at the request of Natural England, which have enabled separate estimates for sub-sections of DEP (i.e. DEP North and DEP South) to be produced. However, when the collision risk estimates for the DEP</p>

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	<p>not considered possible to produce reliable and precise design- based density estimates for offshore ornithology receptors for DEP-N and DEP-S, only DEP as a whole” and, if so, do you consider that this undermines the Applicant’s conclusions on the significance of adverse effects?</p> <p>b) Is it appropriate and proportionate for the Applicant to have relied upon written sources to gather data across the export cable corridor rather than undertaking baseline ‘on-site’ surveys?</p> <p>c) The Applicant acknowledges departing from Natural England’s suggested mortality rates, because such rates are higher. Do you consider there to be sufficient justification for this departure and if not, why not?</p> <p>d) Are you content with the approach undertaken with regards to assessing the overall effects of the Proposed Development considered alongside other projects?</p>	<p>are therefore not undermined. The fact that that it is not possible to produce estimates for sub-sections of the overall DEP area does somewhat undermine the confidence in an assessment of impact of DEP N alone or DEP S alone. Should there be a need to consider the impacts of DEP N alone Or DEP S alone as the Examination progresses, there will need to be careful consideration as to how best to account for the lack of DEP-N and DEP-S specific density estimates. The applicant refers to encounter rate, corrected by transect length of the two sub- sections. However, transect length may not be the most appropriate measure of difference in the two sub sections footprints. While it is still possible to draw conclusions, it does needs to be recognised that there is reduced confidence in the quantitative outputs that relate to DEP-N or DEP-S alone, which Natural England would reflect in their advice should that be sought by the ExA.</p> <p>b) This approach is in line with that taken by other OWF projects with export cable corridors through red-throated diver (RTD) SPAs and is acceptable to Natural England. The data in Lawson et al (2016) currently represents the best available evidence on RTD abundance and distribution in the Greater Wash SPA.</p> <p>Natural England recommend applying a range of both displacement and mortality</p>	<p>North design option are compared to the DEP North and DEP South design option (herein ‘all-DEP’), there is substantial overlap in confidence intervals, and these differences do not approach statistical significance. On the basis of the Sandwich tern outputs, the Applicant would expect that, even if model-based estimates could be undertaken for other species, these would not demonstrate measurable difference between the DEP North and all-DEP design options. The assessment is therefore considered to be based on the best available scientific information.</p> <p>The relatively small size of DEP North and DEP South, when considered separately, means that it is very unlikely that meaningful differences in density between the two areas could be obtained using standard approaches to offshore aerial surveys. These areas are much smaller than most Offshore Wind Farms (OWFs) and, consequently, there are fewer and shorter transects than in surveys of other OWFs. This means that the sample size (i.e. number of transects) is low, and that there is a higher chance of zero counts on individual transects (because of their short length); this is shown to be the case when the raw survey data for DEP are examined at the resolution of DEP North and DEP South. Both factors act to reduce precision in the estimates. This means that the chances</p>

ID	Question	Natural England Responses	Applicant's Comment
		<p>rates, as described and presented in the ES (and Appendices). We do not consider there to be sufficient evidence to justify reducing the range of mortality rates to exclude the higher rates considered in the assessment, nor indeed basing the assessment of impacts on single values for displacement and mortality.</p> <p>c) The justification provided by the applicant centres on comparing population level mortality rates (for example the total annual mortality experienced by for RTD is 22.8%) with impact specific rates. This is not a useful direct comparison. To illustrate this, if we were assessing a pollution event, we might predict that 50% of RTD within 1km of the oil spill would die (i.e. 50% mortality rate). This is not undermined by the fact that the overall annual mortality rate is 22.8%, it is simply that part of that total mortality is made up by some individuals being caught up in an oil slick. The same is true for the individuals subject to displacement, except that our evidence base is extremely limited when it comes to mortality arising from displacement, hence the SNCB guidance advising the use of a range of mortality rates.</p> <p>d) Please see Natural England advice in relation to in- combination effects raised in our Relevant Reps [RR-063]. As advised, Natural England will need to receive up- to- date cumulative and in-combination</p>	<p>of detecting statistically significant differences in bird densities between such small sites using standard approaches (including both design-based and model-based density estimates) are very small.</p> <p>The Applicant also reiterates that development consent is being sought for DEP as a whole and that whether to utilise both the DEP-North and DEP-South array areas, or just DEP-North is a detailed design decision that would be made post consent. The Applicant considers that this is in line with other OWF DCOs where final layout decisions are taken post-consent.</p> <p>b) The Applicant notes Natural England's position. The Applicant's differing position on the appropriateness of focussing on the lower mortality rates within the range of values considered within the assessment is provided in response to part c) below.</p> <p>c) The Applicant maintains that population-level mortality provides useful context in understanding impact-specific rates. The example of an oil spill is not considered particularly useful, because in this case the mortality pathway is clear and well documented (i.e. it would be reasonable to expect a high proportion of birds to die as a result of oil contamination). In the case of displacement; however, there is limited evidence to demonstrate that there is a measurable increase in</p>

ID	Question	Natural England Responses	Applicant's Comment
		<p>assessments for review before we can provide our final advice.</p>	<p>mortality arising from displacement. Indeed, there is evidence to suggest that for red-throated diver no such mortality increase occurs (e.g. Vilela <i>et al.</i>, 2021). In all cases, the Applicant has presented a range of mortality rates in accordance with Statutory Nature Conservation Bodies (SNCB) guidance (2017, updated 2022). However, as set out and justified in the ES Chapter 11 – Offshore Ornithology [APP-097] the upper mortality rates are generally considered unrealistic. The comparison against background mortality is therefore considered helpful in this context.</p> <p>d) The Applicant has submitted updated cumulative and in-combination assessments within the Collision Risk Modelling (CRM) Updates (EIA Context) Technical Note [REP1-056] and Apportioning and HRA Updates Technical Note (Revision B) [document reference 13.3] respectively.</p>
	<p>Use of a Scientific Study</p> <p>In Relevant Representation [RR-083], in relation to studies on seabird activity, it states that the study undertaken by Cook in 2021 has not been adopted by SNCBs and therefore cannot be relied upon for its data on collision risk modelling.</p> <p>a) Are the findings of Cook 2021 currently disputed?</p>	<p>a) – b) The findings in Cook et al 2021 have been superseded by a follow up review conducted by the University of Exeter (Ozsarlav-Harris et al in prep), in response to some data issues identified. To provide some background to this: In 2020 Natural England commissioned the BTO to undertake a new review of all available studies with the aim of combining avoidance rates (ARs) from the sites presented in Cook et al. (2014), with those derived from the ORJIP study (Bowgen & Cook, 2018), and any additional sites with</p>	<p>The Applicant notes that the updated assessments within the CRM Updates (EIA Context) Technical Note [REP1-056] and Apportioning and HRA Updates Technical Note (Revision B) [document reference 13.3] have used the parameters recommended by Natural England in Appendix B1 of their Relevant Representation [RR-063].</p>



ID	Question	Natural England Responses	Applicant's Comment
	<p>b) What is the process of adoption for a scientific paper and is there a timescale in which such an evidence base would be either adopted or rebuked (reported on)?</p> <p>c) What would be an appropriate equivalent evidence base from which evidence could be relied upon that you say the Applicant should have referred to instead?</p>	<p>available appropriate data, to provide avoidance rates based on data across a range of sites. This resulted in the Cook 2021 paper.</p> <p>MacArthur Green undertook a critical review of Cook 2021, which highlighted some concerns with the way the data was used to calculate avoidance rates, in particular the influence of one particular windfarm on overall avoidance rates. In response to these concerns, JNCC commissioned further review and sensitivity analysis (Ozsanlav-Harris et al in prep). We are awaiting the publication of this paper; however, it has been appraised and reviewed by a project steering group that included a variety of expert stakeholders (SNCBs, RSPB, industry).</p> <p>In the specific case of gannet, Natural England recommends a methodology to estimate gannet collision risk which aims to account for three issues. Firstly, that all ARs calculated (by Ozsanlev-Harries et al, in prep, Cook 2021, Cook 2014) are 'within-windfarm' avoidance rates; secondly, there is not a gannet specific AR (i.e there is no data on gannet collisions to inform an AR); and thirdly that there is a growing evidence base that gannets exhibit some level of macro-avoidance i.e. avoiding OWF arrays altogether. The methodology recommended requires the reduction of density of birds in flight by an agreed macro-avoidance rate as an input to the CRM, followed by using an 'all gulls' AR within the CRM.</p> <p>An evidence report has been commissioned by Natural England to inform the selection of appropriate, evidence led macro avoidance rates. This report is in review, awaiting finalisation and</p>	

ID	Question	Natural England Responses	Applicant's Comment
		<p>publication. Until this is available, we recommend reducing density of gannet in flight going into the CRM by a representative range of macro-avoidance rates of between 65% - 85% (or select a single rate of 70%), based on the current evidence base detailed in Cook (2021).</p> <p>SNCBs and industry seek to identify key evidence needs and commission projects that will inform these. In the case of Avoidance Rates several papers have been commissioned, some published (e.g. Cook 2021) and some are awaiting publication (Ozsanlav-Harris et al in prep, the gannet macro-avoidance evidence review). Once papers are published then SNCBs can issue a joint SNCB guidance note (as per SNCBs 2014). In the meantime, Natural England has produced an interim guidance note advising the use of avoidance rates in Ozsanlav-Harris et al (in prep) and details of how to account for gannet macro-avoidance. This was submitted as part of our Relevant Rep (RR- 063).</p>	
	<p>Project Environment Management Plan and Red-throated divers</p> <p>A number of mitigation measures for red-throated diver are listed in the PEMP [APP-297, Section 5.1].</p> <ul style="list-style-type: none"> a) Comment on the effectiveness of the proposed mitigation measures. b) Comment on the Applicant's conclusion on the residual effects as assessed in the ES. 	<p>In our Relevant Representations [RR- 063], we highlight that there is potential for SEP and DEP to make contributions to the in- combination impacts for the RTD of the Greater Wash SPA, and that the extent of this contribution is as yet unclear. We also advised that we could not confirm that the proposed mitigation for impacts on vessel movements would be sufficient and that the need for seasonal restrictions could not be ruled out.</p> <p>We are expecting further information from the Applicant to be submitted at Deadline 1. Once we</p>	<p>The Applicant confirms that an updated operation and maintenance phase displacement assessment on the RTD feature of the Greater Wash SPA is included in the Apportioning and HRA Updates Technical Note [REP1-057]. The Applicant has submitted an update to this note (Apportioning and HRA Updates Technical Note (Revision B) [document reference 13.3]) at Deadline 2 which includes an updated assessment (to that provided in the Report to Inform Appropriate Assessment (RIAA) [APP-059]) for Red Throated Diver (RTD)</p>

ID	Question	Natural England Responses	Applicant's Comment
	c) What further measures do you think could be implemented to mitigate the adverse effects upon the species?	have reviewed this submission we will update the Examination as regards c) – e).	displacement from the export cable laying vessel.
Effects on Aquatic Wildlife including Mammals, Fish and Shellfish			
Q1.12.2	<p>Published Guidance</p> <p>Update the ExA on any recently published guidance documents by Natural England that are applicable to the Proposed Development, setting out whether the Proposed Development complies with or goes against such guidance.</p>	Natural England has not recently published any guidance documents that are applicable to the proposed development in relation to marine mammals, fish and shellfish. Any guidance documents are referred to in our relevant representations [RR-063]	Noted.
	<p>Recreational Activity</p> <p>It is known that recreational boat trips take place from Blakeney to view seals along the North Norfolk Coast.</p> <p>a) What would the impacts be on recreational boat trips from the Proposed Development?</p> <p>b) Would there be a cumulative effect upon seals arising from construction/ maintenance vessels for the Proposed Development and the continued recreational tourist boat trips?</p>	<p>a) Natural England advises this question should directed to the Applicant.</p> <p>b) If the Applicant committed to a vessel code of conduct during all phases of development, as suggested in General Comment 2 [RR-063], then there should be negligible risk of a cumulative effect on seals from the Project and recreational tourist boat trips.</p> <p>Natural England is not aware of any assessment of the impact from recreational tourist boat trips on seals along the North Norfolk Coast.</p> <p>Without such an assessment it is not possible to comment on the level of impact that may occur cumulatively between the Project and the continued recreational tourist boat trips.</p> <p>We advise the MMO may be better positioned to advise on this question, if they</p>	<p>a) The Applicant has responded to this question from the ExA in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p> <p>b) Annex 1 of the Draft Marine Mammal Mitigation Protocol (MMMP) [APP-288] outlines Vessel Good Practice and Code of Conduct to Avoid Marine Mammal Collisions.</p> <p>This has now been incorporated into the Outline Project Environmental Management Plan (PEMP) (Revision B) [REP1-017]. This ensures that these measures are secured regardless of the foundation type required (i.e. since the MMMP is only required in the event that piles are taken forward as the foundation type).</p>

ID	Question	Natural England Responses	Applicant's Comment
		are aware of any assessment of recreational tourist boat trips.	
	<p>Scope of the Marine Mammal Mitigation Protocol</p> <p>Your relevant representation [RR-063] states the Marine Mammal Mitigation Protocol, does not provide any mitigation for disturbance. The Applicant said at ISH1 [EV-012] [EV-016] that this document does not serve the purpose of setting out mitigation in relation to disturbance and no other examples apparently do this. Do you have any examples of MMMPs that do provide mitigation for disturbance or what content, in particular, would you expect / wish to see contained in the MMMP?</p>	<p>As outlined in General Comment 1 of the Relevant Representation [RR-063], the purpose of the MMMP is to mitigate injury, not disturbance.</p> <p>To our knowledge, there are no existing MMMPs that specifically focus on mitigating disturbance.</p> <p>However, there are some measures in the MMMP that may indirectly reduce disturbance i.e. the use of noise abatement systems.</p> <p>Natural England advises any mitigation measures to reduce disturbance should be detailed separately by the Applicant.</p>	See the Applicant's comment at ID 1 of The Applicant's Responses to Relevant Representations: Natural England Marine Mammals (Appendix D) [document reference 14.30] submitted at Deadline 2.
Effects on European Designated Sites and Sites of Special Scientific Interest			
Q1.13.1	<p>Air Quality and Screening of Ecological Sites</p> <p>Can you confirm if the approach to the selection of all the relevant European sites, the scopes of the in-combination assessment, the assessments and the conclusions reached by the Applicant is acceptable [APP-108, paragraph 138 (though not limited to that paragraph only)].</p>	Please refer to Natural England's comments regarding air quality in our relevant representation [RR- 063] point 18. We refer the Applicant to Natural England's standing advice for ancient woodland and the management of buffers Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk).	See the Applicant's responses at Section 4.18.9 of The Applicant's Comments to Relevant Representations [REP1-033]. The Applicant is aware of Natural England's advice regarding including a buffer around areas of ancient woodland, ancient trees and veteran trees. Requirement 11 of the draft DCO (Revision D) [document reference 3.1] commits the Applicant to providing details of existing trees and hedges to be removed and details of existing trees and hedges to be retained with measures for the protection during the construction period where applicable.
	<p>Great Crested Newts</p> <p>The Applicant reports that 15 ponds were inaccessible due to landowner access limitations</p>	a) Natural England advises un- surveyed ponds are still factored into the DLL Impact Assessment. All of the ponds in question	a) Noted. b) Noted.

ID	Question	Natural England Responses	Applicant's Comment
	<p>and a further four ponds were inaccessible due to terrain [APP-106, Paragraph 132].</p> <p>Do you consider that the omission of surveys at these 19 ponds (11% of the total ponds studied) has any impact on the reliability of GCN eDNA results and, if so, what are the implications for the ExA to take into account?</p> <p>Do you consider there to be any impediments that would prevent the Applicant from obtaining a full District Level Licence?</p>	<p>are located within the Amber risk zone and therefore there is a precautionary assumption in the calculations that 50% of these ponds are occupied by GCN. There is confidence that this has no further bearing on the wider eDNA results, which have also been used to determine the impacts to GCN.</p> <p>b) Natural England advises a DLL Certificate was awarded and a 1st stage Conservation Payment received, and we cannot at this stage see any impediment to the applicant obtaining a DLL Licence.</p>	
	<p>Construction Sites and Compounds</p> <p>ES reports that bat species rely on watercourses for foraging and commuting corridors [APP-106]. For HDD crossings of watercourses, these are to be set a minimum of 9m back from the riverbanks and the compounds would be subject to minimal artificial lighting. Would the 9m setback be sufficient to avoid noise and light disturbance to bat species (and their prey) or should further mitigation be explored by siting such compounds further away given HDD cable lengths can extend approximately up to 1,000m?</p>	<p>Natural England advises the onus is on the Applicant to determine whether a minimum 9m setback is sufficient to avoid noise and light disturbance to bat species (and their prey).</p> <p>However, we advise the extent of the buffer should be informed by the Applicant's survey findings demonstrating how the bats are using the area, for example (but not exclusively) bats crossing water courses, use of adjacent habitats at and adjacent to the location of the construction sites and compound.</p> <p>With regards to the potential notification of Wensum Woods as a SSSI, we advise the Applicant that no damage should occur that could affect the notified features of the site (barbastelle colonies) to include their core sustenance zone (CSZ). Suitable mitigation should therefore be provided to ensure that there is no significant effect on the integrity of the site.</p>	<p>Noted. The Flood Risk Activity Exemption FRA 3 (Exempt flood risk activities: environmental permits - GOV.UK (www.gov.uk)) provides conditions on directional drilling under a main river. The distance from the launch and reception pits to the landward side of each bank of the main river must be 8m or more in the case of a non-tidal main river 16m or more in the case of a tidal main river. The Applicant has proposed a minimum distance of 9m from the launch and reception pits to watercourses. It is likely that for larger watercourse, the drill compounds will be much further set back (in order to ensure that the drill enters the ground at an appropriate angle below the watercourse).</p> <p>Mitigation to bat species is treated independently to this and will be identified and implemented based on survey findings.</p> <p>Specifically with respect to the impacts at Wensum Woods, the design of the cable corridor</p>

ID	Question	Natural England Responses	Applicant's Comment
		<p>Natural England wishes to further note that all lighting should be designed as per the BCT Bats and Artificial Lighting in the UK guidance (BCT and ILP, 2018).</p> <p>This includes the use of directional lighting during construction.</p> <p>Artificial lighting should also be kept to a minimum and directed away from linear features and important habitats, such as trees, hedgerows and waterways and directed downwards to minimise disturbance to bats and other nocturnal animals. We advise the OLEMS should reflect this.</p> <p>It may be useful for the Applicant to consider EuropBats Guidelines for consideration of bats in lighting projects (EuropBats, 2018) which includes avoidance and mitigation recommendations and for habitats that constitute key foraging areas.</p> <p>Bat Conservation Trust and Institute for Lighting Professionals (2018) Guidance note 8/18. Bats and Artificial Lighting in the UK: Bats and the Built Environment series. Available </p> <p>EUROBATS (2018) Guidelines for consideration of bats in lighting projects 3, Publication Series No. 8 8. UNEP/ Secretariat, Bonn, Germany. Available: </p>	<p>has been developed to avoid areas of woodland through routing the cable around woodland areas and use of trenchless crossings where this is not possible.</p> <p>With respect to lighting, the Applicant confirms that all lighting that is required during the construction phase will be designed in accordance with the BCT guidance. Any changes to lighting requirements would need to be discussed and approved in advance with the ECoW. Further details on lighting are presented in the Outline Ecological Management Plan (Revision B) [REP1-027] and the OCoCP (Revision B) [REP1-023]].</p> <p>The Applicant notes the comment on EuroBats Guidelines and confirms that the guidance has been and will continue to be used in the design of a lighting mitigation approach.</p>
	<p>Letters of No Impediment</p>	<p>Natural England advise there are no further LoNI forthcoming during examination. However as</p>	<p>Noted.</p>

ID	Question	Natural England Responses	Applicant's Comment
	LoNI are appended to the Planning Statement in respect of badgers and bats [APP-285]. Are there any outstanding LoNI that are likely to be forthcoming during the Examination?	advised in our Relevant Reps [RR-063] if water vole are identified during pre-construction surveys, the Applicant will require a LoNI.	
	<p>Weybourne Cliffs</p> <p>It is identified that populations of sand martins nest within the cliffs [APP-106]. Would noise and vibration from the landfall construction operations, with particular regard to vibrations from the HDD, have any effect upon the integrity of the cliffs or the living conditions of the sand martins such that nesting could be abandoned?</p>	<p>Natural England advises it is for the Applicant to demonstrate HDD will not affect the integrity of the cliff and thus the living conditions of the sand martins as a result of vibration and noise from HDD operations. Please see our response to point Q1.3.4.1 above.</p> <p>Please also see Natural England's Relevant Representation [RR-063] (Point 8). If pre-construction bird surveys reconfirm the presence of breeding sand martins within the bank which would be impacted by construction, we advise suitable mitigation measures must be followed to avoid disturbance to active colonies to ensure nests are not abandoned as a result of construction works.</p>	Noted. The Applicant has responded to this comment in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].
	<p>Pink-Footed Goose</p> <p>Are there any fundamental concerns regarding this species that warrants either more information or the submission of a mitigation plan during the course of the Examination [APP-106]?</p>	Natural England has concerns in relation to PFG and these are detailed in our advice at Deadline 1. See Natural England Deadline 1 Appendix I1 submission.	Noted. The Applicant confirms that it has received Natural England Pink-Footed Goose advice and will continue to work with Natural England on this matter.
Effects on Rivers and River-Based Wildlife			
Q1.13.4	<p>Watercourse Fish Surveys</p> <p>Do you have any concerns regarding the Applicant's approach and data collection, and the implications for the ExA to take into account [APP-106, Paragraph 165].</p>	Natural England defers to the EA for response on this matter.	No comment.

ID	Question	Natural England Responses	Applicant's Comment
	<p>River Crossings</p> <p>The effects of vibration on sensitive receptors are said to be negligible at distances in excess of 100m [APP-106, Table 20-17]. Given that the drill for HDD under watercourses would only be 2m below each respective riverbed, are there any likely effects upon fish or aquatic animal species from vibration causing displacement or fatality?</p>	<p>Natural England is not aware that vibration has been an issue for aquatic receptors for any other project.</p>	<p>No comment.</p>
<p>Habitats Regulation Assessment</p> <p>Effect of the Proposed Development on its own and In-combination with Other Plans and Projects</p>			
<p>Q1.14.1</p>	<p>RIAA, Screening and Outstanding Matters</p> <p>a) Are the screening matrices in the RIAA [APP-059] acceptable or do further features/ sites need to be included?</p> <p>b) An explanation, with evidence as appropriate, as to whether you agree or disagree with the conclusions stated in paragraphs 105 and 106 of the RIAA presented by the Applicant.</p> <p>c) Provide an update on benthic SACs and whether the concerns raised in respect of the DOW have been addressed sufficiently by the Applicant either in advance of the Proposed Development being submitted or through the ES and HRA Reports [APP-059, Table 7-1].</p>	<p>a) Natural England refer the ExA to our Relevant Representation Appendix I [RR-063] where we highlight With respect to the onshore elements of the project, Natural England does not disagree with the summary of potential effects on the River Wensum SAC as set out in Table 10-1 of the RIAA, however clarity is required as to why white clawed crayfish, brook lamprey and bullhead were screened out and an appropriate assessment of the impact of the project on these qualifying features of the River Wensum not undertaken.</p> <p>b) We agree with the conclusions that in-combination adverse effects on North Norfolk Coast SPA sandwich tern and Flamborough & Filey Coast (FFC) SPA cannot be ruled out. We do not agree that in-combination adverse effects on FFC SPA guillemot and razorbill can be ruled out. For FFC SPA gannet, our current position is we</p>	<p>a) The Applicant has submitted at Deadline 2 a Report to Inform the Appropriate Assessment (onshore) Technical Note [document reference 14.29]. This provides further information on the HRA Screening for white clawed crayfish, brook lamprey and bullhead as qualifying features of the River Wensum Special Area of Conservation (SAC).</p> <p>b) The Applicant confirms that an updated in-combination assessment for the gannet feature of the FFC SPA is included in the Apportioning and HRA Updates Technical Note (Revision B) [document reference 13.3]. Also see the Applicant's response to Appendix B Offshore Ornithology and Appendix C Offshore Ornithology Compensation of Natural England's Relevant Representation [RR-063] in Sections 4.18.2 and 4.18.3 respectively of The</p>

ID	Question	Natural England Responses	Applicant's Comment
		<p>consider that it is likely that in-combination adverse effects can be ruled out, but we cannot confirm this until an updated in-combination assessment for this feature is provided.</p> <p>Please see our Relevant Representations for Natural England's advice on each feature.</p> <p>c) Natural England Refer the ExA to our Relevant Representation Appendix E [RR-063]. At present Natural England is unable to agree with the LSE conclusions for Inner Dowsing, Race Bank and North Ridge SAC and The Wash and North Norfolk SAC. We highlight at Appendix E Point 21 that sediments disturbed during construction of the SEP array, will enter the Inner Dowsing, Race Bank and North Ridge SAC (within 10km tidal excursion).</p> <p>Further consideration is also still needed in relation to sediment transport disruption from the placement of cable protection in the nearshore as set out in our marine process relevant/written rep Appendix, before significant impacts to coastal aspects of marine SACs can be excluded with any certainty.</p> <p>Natural England provided the Applicant with the DOW advice on 11th March 2021. Where relevant, these points have been considered during production of the assessment in 7.4</p>	<p>Applicant's Comments on Relevant Representations [REP1-033].</p> <p>c) See the Applicant's response to Appendix E Marine Processes of Natural England's Relevant Representation [RR-063] in Section 4.18.5 of The Applicant's Comments on Relevant Representations [REP1-033]. The Applicant has assessed the potential effects on these SACs in Section 7 of the RIAA [APP-059]. As noted in the Outline CSCB MCZ Cable Specification, Installation and Monitoring Plan (CSIMP) [APP-291] the offshore cable corridor has been sited to completely avoid the need for any cable crossings (which necessitate the use of external cable protection) in the CSCB MCZ. The Applicant is committed to, if required, cutting a section of the disused Stratos cable to avoid the need for a cable crossing and therefore there would be no potential effect on sediment transport processes from the installation of external cable protection at cable crossings within the MCZ or nearshore area.</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>RIAA and Gannet</p> <p>You indicated in the relevant representation [RR-063] that gannet could potentially be excluded from receiving compensation providing that there were no significant changes to collision and displacement modelling results.</p> <ul style="list-style-type: none"> a) Describe what you consider would constitute significant changes to the modelling that would change your view on the necessity for the compensation? b) Describe and explain why, having determined a significant adverse impact on gannet at the EIA scale, you are content that an AEoI can be excluded for the species? c) Would you advise the Applicant, and indeed the ExA, that compensation for gannet should be removed from the Applicant's compensation documents at the close of the Examination, assuming of course that the position remains the same? 	<ul style="list-style-type: none"> a) Significant changes to the modelling would be those that resulted in an increase in the project alone and/or in- combination totals so that the impacts on gannet were increased to levels that would constitute an AEoI. Whilst unlikely in this instance, such changes could result from e.g. a rejection of the use of the Macro-avoidance rate or updates to in-combination figures that were not provided in the ES (such as Hornsea 4 and Rampion 2). b) We have yet to determine a significant adverse impact at the EIA scale for gannet within this examination process. Past cases have resulted in that outcome, however our updated advice on CRM parameters and methods (see our response to 'Use of a scientific study' above) will result in changes to the cumulative totals for gannet. We await submission of those revisions until we can provide an updated determination for this species. N.b. As the EIA considers impacts at the biogeographic scale and the HRA the impacts on specific SPAs, it does not follow that a significant EIA impact will lead to an adverse effect on an SPA (or vice versa) c) This was the approach taken in the Hornsea 4 Examination, during which Natural England concluded that adverse effects on FFC SPA gannet could be ruled 	<ul style="list-style-type: none"> a) The Applicant notes that the updated CRM values for the gannet feature of the FFC SPA are presented in the Apportioning and HRA Updates Technical Note (Revision 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 RIAA [APP-059]. b) No comments although it should be noted that the Applicant intends to provide updated cumulative assessments in an update to the CRM Updates (EIA Context) Technical Note [REP1-056] at Deadline 3. c) Upon confirmation that a compensation case for gannet is not required, the Applicant intends to update and resubmit the Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document [APP-074] to remove the relevant sections on gannet (including removal of 'Gannet' from the title of the document).

ID	Question	Natural England Responses	Applicant's Comment
		out in-combination towards the end of the Examination.	
	<p>RIAA, Ornithology and DEP-N</p> <p>At ISH1 [EV-011] [EV-015], the Applicant stated the mitigation hierarchy of avoid, reduce, mitigate had been followed during the formulation of the 'red line boundary' (i.e. Order limits) thus informing the extent of the application sought. Consequently, there was no need for DEP-N to be reconsidered under this mitigation hierarchy and no need for DEP-N to be sterilised or removed from the dDCO as a result (as suggested in your relevant representation [RR-063].</p> <p>a) What is your response?</p> <p>b) Why is DEP-N deemed to be in conflict with the mitigation hierarchy?</p>	<p>a) and b) For avoidance of doubt, Natural England did not advise that DEP N should be sterilised or removed from the dDCO – rather our recommendation was that the specific scenario presented in the ES where all the turbines were placed in DEP N should not be progressed into the DCO. This is because it would run appear to run counter to the mitigation hierarchy in the specific context of adverse effects to FFC SPA kittiwake and North Norfolk Coast SPA Sandwich tern.</p> <p>The mitigation hierarchy seeks avoidance, reduction and mitigation of impacts before compensation is considered, which can involve consideration of alternative project configurations with reduced impacts, of which others are clearly presented in the ES e.g. turbines spread across DEP N and DEP S. There are higher densities of both Sandwich tern and kittiwake in DEP N, so if all the turbines are located in DEP N, the collision totals would be greater than if spread across DEP N and DEP S (e.g. an increase in over 20% of collisions for Sandwich tern).</p>	<p>See the Applicant's response to Q1.5.1.2 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036] and also ID 19 of Table 4.18.2 of The Applicant's Comments on Relevant Representations [REP1-033].</p>
	<p>The Case for Derogation and Compensatory Measures</p> <p>In relation to comments made in the Relevant Representation [RR-063]:</p> <p>a) Elaborate on the reasons why it is considered that compensation works on the Farne Islands (in the form of predator exclusion, reduced human disturbance, flood protection and/ or</p>	<p>a) In terms of site management, the principal issues affecting the Sandwich tern population at the Farne Island SPA are considered to be insufficient vegetation control and large gull management. As part of normal site management measures, these issues should in due course be addressed as part of proposed future management plan for the Farne islands National Nature Reserve, which is currently</p>	<p>a) See ID 7 and ID 32-35 of Table 4.18.3 of The Applicant's Comments on Relevant Representations [REP1-033].</p> <p>b) No comments.</p> <p>c) See ID 37 of Table 4.18.3 of The Applicant's Comments on Relevant Representations [REP1-033].</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>vegetation control [APP-066, Section 3.5]) do not “provide meaningful compensation.”</p> <p>b) The RSPB has suggested the robustness of bird populations to mortality has decreased following the outbreak of avian influenza [RR-083]. How would you respond to this and what, if any, evidence can be relied upon to demonstrate against this assertion, notwithstanding Relevant Representation [RR-063, Appendix B2]?</p> <p>c) Why is compensation at Loch Ryan in Scotland, a not insignificant distance away, acceptable in this instance [EV-011] [EV-015]?</p>	<p>under review. The Applicant's proposed measures are not a substantial part of the NNR management plan (a limited degree of nest shelter provision is being considered in the NNR plan). This reflects the rather limited benefits likely to arise from them, which in turn makes them unlikely to deliver significant compensatory benefits. If they were likely to be effective, given the need to restore the Farne Islands SPA Sandwich tern population they would be incorporated into normal site management, and therefore would not be available as compensatory measures on grounds of additionality.</p> <p>b) It is entirely plausible that the robustness of some seabird populations to mortality effects has decreased as a result of Highly Pathogenic Avian Influenza (HPAI) – indeed Natural England's guidance note provided in our Relevant Representations [RR-063, Appendix B2] considers that 'newly depleted populations could be less resilient and vulnerable to additional impact'.</p> <p>However as also set out in our interim guidance note, at this stage in the pandemic it is unclear what the short, medium and long-term effects will be on seabird colony abundance and vital rates. This makes quantifying the current sensitivity of a given population very challenging.</p> <p>c) Compensatory measures are required to maintain the coherence of the national site</p>	

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		<p>network for the impacted species, in this case North Norfolk Coast SPA Sandwich tern. It would of course be preferable to bring forward measures that would directly benefit the impacted SPA, should suitable options be identified. During pre-application discussions, the potential options for delivering compensatory measures within the North Norfolk Coast SPA were discussed in detail. However, there were very limited feasible options identified by the Applicant that would deliver benefits beyond those already being achieved by existing management measures within the SPA. If alternative site-specific initiatives that emerge during the Examination, we would be open to discussing them.</p> <p>Accordingly, when identifying other compensatory options, the Applicant considered other locations in the UK where Sandwich tern breed or have bred. One of the significant issues for the UK Sandwich tern population is the significant reduction in the number and range of occupied colonies, with for example no colonies remaining on the West coast of Scotland. The restoration of a Sandwich tern colony at Loch Ryan could therefore help re- establish the species range and increase resilience of the overall network by reducing reliance on a few major breeding colonies. The species conservation benefit of increasing resilience by range restoration and population</p>	

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		<p>dispersal is particularly highlighted by the recent HPAI outbreak.</p> <p>Natural England therefore agrees with the suitability of the Loch Ryan area for Sandwich tern for compensation, subject to a high-quality habitat creation proposal being brought forward. This reflects the likely presence of the required environmental aspects to support breeding Sandwich tern at Loch Ryan, other than a lack of suitable nesting habitat. The Applicant's proposed measures intend to remedy this by creating such habitat and ensuring that it is protected from pressures such as disturbance and predation. As Sandwich tern populations are quite dynamic and the species is wide-ranging, re-colonisation is plausible, but inevitably uncertain. Ensuring the habitat is highly attractive to the species will increase the likelihood of this occurring.</p> <p>Natural England therefore considers that on the basis of the material presented, and subject to a high-quality design being brought forward, this intervention could provide an effective means of maintaining the coherence of the national site network.</p> <p>However, it would be useful to clearly identify and prioritise locations other than Loch Ryan as 'insurance' in case of insurmountable issues with acquiring or developing a site there, or for potential adaptive management options if required.</p>	

ID	Question	Natural England Responses	Applicant's Comment
	<p>Norfolk Boreas and Norfolk Vanguard DCO Decisions</p> <p>Do the SoS's HRAs and decisions on the Norfolk Boreas and Norfolk Vanguard projects affect the process or conclusions of the HRA undertaken for this Proposed Development by the Applicant, including the deliverability and timing of the proposed compensation measures, especially in relation to the kittiwake interest feature of the Flamborough and Filey Coast SPA?</p>	<p>The DCOs for both projects (and indeed those of the subsequent East Anglia One North and East Anglia Two decisions) both required the installation of the new Artificial Nest Structures (ANS) as compensation for FFC SPA kittiwake at least four breeding seasons before the operation of the turbines. We note the Applicant's intention to install their compensatory measures four breeding seasons in advance, but that the DCO commitment refers to three breeding seasons instead. We see no particular reason why a shorter time period is necessary for SEP&DEP, given the relative practicability of the proposed measure.</p>	<p>An update on the Applicant's progress with respect to the Gateshead measure is provided in the Habitats Regulations Assessment Derogation and Compensatory Measures Update [REP1-061]. As stated in that document, the timings for the implementation of the kittiwake nest site improvements remain as outlined in Table 6-5 of Appendix 3 – Kittiwake Compensation Document [APP-072] i.e. the Applicant intends to implement the measures as soon as possible, but at least three breeding seasons prior to first power. The Applicant has also provided information in APP-072 (Section 6.4.6.1 and Table 6-4) which demonstrates how increasing the scale of compensation can readily be used to offset any accumulated deficit that might result if measures cannot be implemented four breeding seasons prior to first power.</p> <p>Also refer to the Applicant's own response to this question in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p>
	<p>Offshore Artificial Nests</p> <p>In relation to the proposed creation of artificial nests offshore [APP- 065]:</p> <ul style="list-style-type: none"> a) Explain whether these are floating features or permanent fixtures (i.e. requiring to be affixed to the seabed). b) Explain how far away from the impacted colonies the artificial nests should be. 	<p>a) - e)</p> <p>Natural England defers to the Applicant as this is not our responsibility to provide this information. Natural England's remit is to provide comment the proposals as submitted.</p> <p>f) Natural England start from the position that there is a lack of evidence to suggest that nesting space is a significant factor hindering the North Sea population of kittiwake as a whole. However, we consider it plausible that there may be a shortage</p>	<p>a) – g)</p> <p>As outlined in the HRA Derogation and Compensatory Measures Update [REP1-061], modifications to the existing kittiwake tower at Gateshead represents the Applicant's preferred project-led option for delivering nest site improvements to enhance the breeding success of kittiwakes as compensation for the predicted impacts of SEP and DEP. This measure is considered more than sufficient to deliver the necessary level of compensation and is supported by Natural England (see the</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>c) Explain how far away from any offshore wind turbine the artificial nests should be.</p> <p>d) Explain how far away from any primary shipping routes the artificial nests should be.</p> <p>e) Explain, with evidence where possible, the effectiveness of providing such a compensatory measure and why it represents betterment over an onshore nesting site.</p> <p>f) Could NE explain its view [RR-063] that further onshore artificial nesting structures for kittiwake are unlikely to result in sufficient benefits to provide adequate compensation. Nest for nest, why does it consider that offshore nesting structures might provide a higher level of compensation than onshore nesting structures?</p> <p>g) Kittiwakes are known for being exclusively cliff-nesting gulls. In that case, what confidence can be had in the success of offshore nesting sites?</p>	<p>of sufficient high-quality nest space in specific locations.</p> <p>The vast majority of English kittiwake nest on the North Sea coastline between the Scottish border and Flamborough Head. As well as cliff-nesting birds, there are a small number of urban colonies by the North Sea, including the well-established 'inland' colony in Gateshead/Newcastle. FFC SPA holds by far the largest colony in England and holds well over half of the English population. South of Flamborough Head in the North Sea, kittiwakes are largely absent as a coastal breeding bird, reflecting the general shift from hard to soft geology. The exception are colonies on man-made structures at Lowestoft and Sizewell in Suffolk.</p> <p>Kittiwakes are also known to nest on offshore structures such as oil and gas rigs. The numbers present are not well understood, but surveys indicate that there are likely to be well over 1,000 pairs of nesting kittiwake on offshore structures in the North Sea.</p> <p>Natural England advised the first set of developers seeking sites for ANS to bring forward proposals on North Sea coastlines where nest availability might be most limited e.g. due to lack of cliffs. Thus far planning permission/marine licences have been granted for four structures in the vicinity of Lowestoft and Sizewell totalling c2000 nest spaces, with approval still being sought for additional ANS in the north-east.</p> <p>Natural England considered the above strategy had a reasonable prospect of success for those projects consented so far.</p>	<p>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [REP1-055]).</p> <p>Whilst the construction of a new artificial nesting site for kittiwakes (onshore or offshore) is proposed by the Applicant as an alternative option, this is only being considered for delivery on a collaborative basis and currently does not form a component of the package of compensatory measures proposed for kittiwake. 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 this measure. In light of this, the Applicant has not considered it necessary to provide the level of information requested by the Examining Authority with respect to this option.</p>

ID	Question	Natural England Responses	Applicant's Comment
		<p>However as more developments requiring compensation come forward, it seems likely that installing further ANS on the North Sea coast will face the law of diminishing returns, particularly in areas where large numbers of kittiwakes breed in adjacent colonies and would be in competition for prey resources.</p> <p>Compared to the North Sea coastline, the offshore environment is highly nest space- restricted, and the provision of ANS offers significant opportunities to create new colonies (or increase existing ones) in locations where foraging resources are currently under-exploited by coastal-nesting kittiwake i.e. because they lie beyond the reach of optimal kittiwake foraging ranges from coastal colonies. Hence Natural England considers that offshore ANS are rather more likely to generate sufficient kittiwake into the biogeographic population from which FFC SPA draws its recruits. However, we will continue to consider each compensation proposal on its merits.</p> <p>g) Natural England this question is relevant to the Applicant for response. However, we note there are numerous examples where kittiwake have successfully nested elsewhere on man-made structures (e.g. Turner 2010) including on offshore oil and gas structures.</p>	
	<p>Increasing Prey Supply for Sandwich Terns and Kittiwakes</p> <p>[RR-063] suggests increasing prey supply and availability may be of benefit to the affected species.</p>	<p>Sandwich terns depend primarily on sandeels (<i>Ammodytes</i> spp. And <i>Hyperoplus</i>) and clupeids (<i>Herring Clupea harengus/Sprat Sprattus sprattus</i>) to feed their chicks.</p>	<p>a) No comments.</p> <p>b) The Applicant is continuing to engage with Natural England on potential evidence gathering with respect to Sandwich tern prey species.</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>a) Identify specifically the prey that would need to be increased and what quantities are anticipated to be enough to support the relevant bird species</p> <p>b) Explain the preferred habitat for this prey and whether this exists in enough abundance near to the Proposed Development to support both existing and additional prey numbers</p> <p>c) Could artificial habitat be created for these species by the Applicant and, if this is possible, is this something that could be provided as MEEB within the MCZ?</p>	<p>The birds at North Norfolk Coast SPA fed a larger proportion of clupeids (Sprat) to their young than sandeels in the years studied (Perrow et al 2010).</p> <p>It is worth noting that Perrow et al (2010) observed adults foraging on a wider range of prey items and prey sizes (including invertebrates) at sea, than that delivered to the chicks for provisioning. This suggests that while sandeels and clupeids are crucial for chick-rearing, there is a broader range of prey species that benefit the adult population.</p> <p>Breeding kittiwakes at most colonies around the North Sea, including Flamborough and Filey Coast SPA, feed mainly on sandeels and breeding success of kittiwake (and in some instances adult survival) has been shown to be strongly influenced by the abundance of sandeels (See MacGregor et al 2022 and refs therein)</p> <p>The quantification of what would be considered enough to support the either Sandwich tern or kittiwake is a complex task. Cury et al (2011) advocates that that to ensure good seabird productivity the rule of thumb should be that the forage fish stock is at or above one third of the maximum ever recorded stock biomass.</p> <p>MacGregor et al (2022) provide detail for this in regards to the relevant sandeel area for kittiwake at FFC SPA, concluding that:</p> <p>Based on the recommendations of Cury et al. (2011) the necessary stock biomass to maintain the productivity of seabird populations dependent on this stock, such as the kittiwakes at FFC SPA, would be 666,667 tonnes. However, ICES data show that this only occurred in three of the last 16</p>	<p>c) Notwithstanding Natural England's response to this question noting that the MCZ lies outside the preferred foraging areas of NNC SPA Sandwich terns, the Applicant notes that MEEB is to compensate for potential effects on the benthic sediment features of the MCZ and therefore its primary purpose would be to provide enhanced, the same, or similar ecological function to that being lost, rather than it being intended to increase prey availability for seabirds which would form part of HRA compensation.</p>

ID	Question	Natural England Responses	Applicant's Comment
		<p>years between 2003 and 2018 (ICES 2020) (Figure 9)</p> <p>Similar assessments would need to be made for sandwich tern prey fish (i.e. clupeids) to understand the quantities required.</p> <p>Further detail on increasing prey supply as a compensatory measure for both kittiwake and Sandwich tern are provided in the NE report 'Assessment of compensatory measures for impacts at offshore windfarms on seabirds' MacGregor et al (2022)</p> <p>b) Preferred Habitat</p> <p>Lesser sand eel (<i>Ammodytes tobianus</i>) Found from mid-tide level over sandy shores to the shallow sublittoral to depths of 30 metres.</p> <p>They bury themselves 20-50 cm deep in the sand during the winter. (Rowley, S.J. 2008).</p> <p>Greater sand eel (<i>Hyperoplus lanceolatus</i>) Found over clean sandy seabeds; from the shore down to about 150 m. (Ruiz, A. 2008)</p> <p>Herring: Herring deposit their egg masses on gravel and maerl habitats, and geographically the spawning grounds tend to be well-defined, although the intensity of spawning varies and over time some areas may be deserted and new ones be occupied. The habitats of juveniles and adults are primarily pelagic. (ICES-fishmap-herring)</p> <p>Sprat: Being a pelagic species, its distribution is strongly affected by hydrographic conditions and large variations in distribution and abundance have been observed between individual years. The larvae are known to be most abundant in the</p>	

ID	Question	Natural England Responses	Applicant's Comment
		<p>vicinity of tidal mixing fronts. Sprat is characterised by a tolerance to a wide range of salinities and is also abundant in estuarine habitats. (ICES-fishmap- sprat)</p> <p>Further research would need to be conducted to establish the extent of the preferred habitat near the proposed development (although if prey supply was to be increased for the purposes of compensation it would be the proximity to the relevant population that would be key, not the proposed development site). As noted above, an assessment would need to be made of what level of additional prey might be required.</p> <p>Given the ecology set out in b) above, it is apparent that creating artificial habitat for these prey species is not really possible. In any event, the Cromer Shoal Chalk Beds MCZ appears to lie outside the preferred foraging areas of Sandwich terns from North Norfolk Coast SPA (Wilson et al, 2014).</p>	
	<p>Maximum Parameters, Rochdale Envelope and HRA</p> <p>If the Applicant committed to reducing the scope of the Rochdale Envelope:</p> <ul style="list-style-type: none"> a) Would this provide greater certainty to the conclusions of the HRA and RIAA? b) Would any downwards reductions to parameters have any implications for the conclusions of the HRA, or would these be suitably covered by the existing documentation? 	<ul style="list-style-type: none"> a) Natural England advises that reducing the scope of the Rochdale Envelope would, as a general rule, increase the level of certainty in the conclusions of the HRA and RIAA. b) Natural England is not entirely clear what is meant by 'downwards reductions to parameters'. If a refinement of the Rochdale envelope to exclude development scenarios with greater environmental impacts is being referred to, the extent to which this would change the conclusions of the HRA would very much 	<ul style="list-style-type: none"> a) The Applicant notes that the Rochdale Envelope approach is standard for consenting offshore wind farms and enables flexibility at detailed design and procurement stage. b) No comments. c) See the Applicant's response to Q1.5.1.2 and Q1.12.1.1 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036], ID 19 of Table 4.18.2 of The Applicant's Comments on Relevant Representations [REP1-

ID	Question	Natural England Responses	Applicant's Comment
	<p>c) Set out fully the reasons why DEP-N should be excluded from the dDCO and, if the ExA were to agree, what the consequential implications would be for the HRA and RIAA.</p>	<p>depend on which scenarios were being excluded, and which receptor was being considered. We note that one of the consequences of the Rochdale envelope is that impact assessments are set against the worse- case scenario for the receptor in question, as the associated DCO would permit the worse- case scenario in question.</p> <p>c) Please see our response to Q1.12.1.1 above. Natural England has not advised that DEP N should be excluded from the dDCO.</p>	<p>033] and the Applicant's comments on Natural England's response to Q1.5.1.2 and Q1.12.1.1 in this document.</p>
	<p>Assumptions Regarding Headroom Although there is reference to releasing headroom by not implementing the existing s36 consent, the following needs clarifying:</p> <p>a) The ES suggest that the possibility of as-built capacity at OWF being exploited would result in the decommissioning and rebuilding of the existing OWF to their consented designs (or older turbine models being installed) [APP-097, paragraphs 680 to 687]. Both of these scenarios are reported as being 'unrealistic.' If that is the case, and the DOW could not be fully developed in accordance with the s36 consent, what weight or worth is the 'headroom' in the DOW when considering the Proposed Development?</p> <p>b) The ExA understands headroom (crudely) to be that, if DOW was built-</p>	<p>Natural England notes that we have not been asked to respond to this question. With regard to b), please note Natural England does not agree with a percentage reduction as there are more factors to the reduction in generation. The determination of impact is far more detailed than implied by percentage reduction – turbine, blade size, location, rotor speed etc can all have implications on impact.</p>	<p>See the Applicant's response to this question (Q1.14.1.18) in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p> <p>As outlined in this response, the approach used to calculate the different in-combination scenarios (consisting of various combinations of consented and as-built OWFs) in respect of Sandwich tern, utilised updated CRM calculations for the existing wind farms considered for the in-combination assessment. Therefore, this takes into account the parameters referred to in Natural England's response. The Applicant has not applied a simple correction factor to the assessment, and took the Examining Authority's query as a simplified means of explaining the headroom concept, rather than the method by which it should be calculated.</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>out in full, 100% of wildlife would be affected but, with the DOW only built to 80%, only 80% of wildlife would be affected. Then the difference of 20% of affected wildlife could 'passover' to be affected by the SEP/DEP turbines. Is that, in essence what the Applicant's case rests on?</p> <p>c) Signpost where the headroom concept has been assessed in the ES and where its effects have been taken into account in determining impacts on the environment.</p> <p>d) Provide any necessary quantification in relation to how headroom has been calculated and how it has been taken into account within the ES assessments (if it has).</p> <p>See related question in Construction Effects Offshore.</p>		
	<p>Red-Throated Diver Clarification</p> <p>The RSPB has raised concern that the Applicant has not taken fully into account the conservation objectives for red-throated diver [RR-083]. NE has also raised concerns for this species, but it is not clear to the ExA whether both organisations consider an AEoI on red-throated diver can be ruled out. Can the position be clarified?</p>	<p>At this moment in time, Natural England is not able to rule out an AEoI. In our Relevant representations [RR- 063], we highlight that there is potential for SEP and DEP to make contributions to the in-combination impacts for RTD, and that the extent of this contribution is as yet unclear. Our concerns relate to displacement of RTD within the Greater Wash SPA from the presence of the SEP array, and disturbance/displacement of divers within the Greater Wash and potentially Outer Thames Estuary SPAs from vessel movements associated with the construction (including cable installation) and operation of both DEP and SEP. We are</p>	<p>The Applicant confirms that an updated operation and maintenance phase displacement assessment on the RTD feature of the Greater Wash SPA is included in the Apportioning and HRA Updates Technical Note [REP1-057]. The Applicant has submitted an update to this note (Apportioning and HRA Updates Technical Note (Revision B)) [document reference 13.3]) at Deadline 2 which includes an updated assessment (to that provided in the RIAA [APP-059]) for RTD displacement from the export cable laying vessel.</p>

ID	Question	Natural England Responses	Applicant's Comment
		expecting further information on these matters from the Applicant to be submitted at Deadline 1.	
	<p>Marine Recovery Fund</p> <p>The Applicant has set out compensatory measures for those species/ features identified as where an AEoI cannot be ruled out. The Applicant has stated however, that it may not implement such compensatory measures if the 'Marine Recovery Fund' (or equivalent) is introduced by the Government.</p> <p>a) Is it appropriate for the Applicant to substitute in a contribution towards a strategic compensation fund as opposed to proactively implementing its own proposed package of physical and proactive compensatory measures (bearing in mind the fund does not yet exist)?</p> <p>b) Would there be any guarantees that the contribution to the fund would be directed specifically towards compensating for the adverse effects of the Proposed Development on sandwich terns and kittiwakes?</p> <p>c) From what you know of the fund, is it purely to be directed to whatever project the Government allocates as needing attention rather than project specific?</p>	<p>a) Natural England recommends that due to current uncertainties with mechanisms associated the MRF for delivering strategic compensation measures that project level compensation is still progressed in parallel to having options available through DCO conditions to progress strategic compensation measures such as the MRF, if required and/or when available.</p> <p>b) The criteria for inputting into the MRF is not yet agreed. However, as recently advised for other NSIP projects the Applicant will need to specify which type of thematic project compensation they will fund e.g. one which increases Kittiwake productivity to offset harvesting</p> <p>c) Again, this is not yet determined but we advise that the same compensatory requirements are required for either project or strategic compensation as set in (b) Please see our comments on the proposed compensation measures.</p>	<p>a) Natural England's response aligns with the approach being taken by the Applicant.</p> <p>b) – c) Further information on the Applicant's proposals relating to strategic compensation has been provided in the Habitats Regulations Assessment Derogation and Compensatory Measures Update [REP1-061]. In response to Q.1.1.3.1 and part a) of Question Q.1.14.20 of the Examining Authority's Written Questions (WQ1) [PD-010], the Applicant has also submitted copies of the Energy Security Bill Policy Statement on the OWEIP Measures (BEIS, 2023) and the Energy Security Bill and has provided a short update on the progress of the establishment of the MRF (see The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]).</p>
	<p>Loch Ryan</p> <p>NPS EN-1 5.3.7 says that where significant harm cannot be avoided, appropriate compensation measures should be sought. You</p>	<p>In the context of the Habitats Regulations, the requirement for compensatory measures is to maintain the coherence of the national site network. To achieve this, the habitat created at</p>	<p>b) The Applicant has submitted a Sandwich Tern – Quantification of Productivity Benefits Note [REP1-058] which provides further information</p>

ID	Question	Natural England Responses	Applicant's Comment
	<p>have stated that the current scale of compensation is not yet clearly defined, but that the Applicant should be ambitious. In the context of the national policy, to what extent should compensation be guided by ambition and is there a requirement for compensation to provide betterment or be in excess of that which is being lost?</p>	<p>Loch Ryan should be highly attractive to Sandwich tern to increase the likelihood of colonisation, good breeding success and colony growth to the required number of pairs estimated as needed to address the predicted impacts. This would in turn provide appropriate confidence to the Secretary of State that he is able to secure suitable compensatory measures for the impacts to North Norfolk Coast SPA Sandwich tern.</p> <p>Natural England consider that the Loch Ryan proposals submitted into the Examination contained some elements that would likely be attractive to Sandwich tern (e.g. size of islands), but that other elements were less attractive e.g. situating the islands within a fairly small lagoon surrounded by non-wetland habitat.</p> <p>Hence our conclusion in our Relevant Reps that <i>'...the proposals for habitat restoration at Loch Ryan are not sufficiently ambitious'</i> (5.15)</p> <p>We consider that a larger lagoon would be considerably more likely to induce Sandwich tern into prospecting and settling to breed on the new islands, because larger areas of open water around the islands will provide the prospect of disturbance-free nesting sites that are hard to access by terrestrial predators. This will increase the chances of the compensation being successful.</p> <p>Habitats Regulations compensation has generally involved the application of a 'multiplier' between the impacts and the compensation and/or a package of multiple measures targeting the impacted species or habitat. Ratios have put in</p>	<p>regarding the potential uncertainties of the proposed measure and demonstrates that the scale of compensation proposed is sufficient. In addition, regarding the form of buffer around the inland pool, this point was discussed with Natural England during the most recent HRA Offshore Ornithology Compensation Expert Topic Group (ETG) meeting (ETG 4) held on 22 November 2022. It was agreed that rather than having a substantial vegetative buffer around the inland pool to prevent human disturbance, the buffer could be formed (at least in part) of water within the pool itself. This would result in a slight enlargement of the overall surface area of the pool and increase habitat provision for waders and waterfowl as well as the potential for wider biodiversity benefits. This is reflected in the Draft Statement of Common Ground: Natural England (HRA Derogation) [REP1-047.</p>

ID	Question	Natural England Responses	Applicant's Comment
		<p>place to address the inevitable uncertainties associated with creating or restoring new habitat. Provision of multiple measures provide reassurance that if one measure is ineffective or under-performs, other benefits will arise.</p> <p>d) To inform our advice on an appropriate scale of compensation, Natural England has sought further information from the Applicant regarding how the proposed scale of the compensatory benefits (i.e. additional adult Sandwich terns produced) have been calculated. We will review this once it is submitted.</p>	
<p>Land Use Soils and Soil handling, Ground Conditions, Contamination and Minerals</p>			
<p>Q1.16.2</p>	<p>Nitrate Vulnerable Zones</p> <p>The ES [APP-103, Paragraphs 81 and 82] identify that the Proposed Development does not have any direct overlaps with any geological SSSIs, and as such no impacts are anticipated so no further assessment is undertaken by the Applicant. Do you consider this appropriate, or should potential indirect impacts be assessed?</p>	<p>Natural England defers to the EA.</p>	<p>Noted.</p>
<p>Landscape and Visual Effects Effect on Landscape Character and Views</p>			
<p>Q1.17.1</p>	<p>The Applicant's Assessment of Effects within its LVIA Documents</p> <p>Please set out, or provide signposting to where you have set out, any areas of disagreement with the Applicant's baselines, methodologies</p>	<p>Please refer to Natural England's Relevant Representation [RR- 063] Paras 27 to 29 where our outstanding concerns with regards to LVIA are set out regarding the vital mitigation measure should both projects be approved, is for the onshore</p>	<p>Natural England's comments are acknowledged. Please refer to the Applicant's response at ID 43, 44 and 45 in Table 4.18.7 of The Applicant's Comments to Relevant Representations [REP1-033].</p>

ID	Question	Natural England Responses	Applicant's Comment
	and assessment of effectiveness of proposed mitigation measures within its Landscape and Visual Impact Assessment [APP-112]. If no areas of disagreement exist, please indicate this with reasons explaining why you believe the application documents provide satisfactory information on this topic.	cabling to be installed for both simultaneously and not sequentially.	
Seascape and Visual Effects Effects on Designated and Historic Landscapes			
Q1.18.3	The Existing Baseline and its Effect on the Statutory Purpose of the NCAONB NE states that the existing OWF installations have a compromising effect on the statutory purpose of the NCAONB [RR-063]. Respond, with reasoning.	Natural England refers the ExA and Interested parties to our reasoning as set out in [RR-063].	Natural England's comments are acknowledged. Please refer to the Applicant's response at ID 3 and 19 in Table 4.18.7 of The Applicant's Comments to Relevant Representations [REP1-033].
	Cumulative Impact Assessment Should a CIA be undertaken in order to inform the EIA to ensure that the impact of SEP and DEP on the statutory purpose of the NCAONB, in the context of the existing OWF, can be made?	Natural England refers the ExA to our rationale for a CIA to be undertaken in Para 3 of our relevant Representation [RR-063]. Natural England seeks to determine the additional harm that SEP and DEP will present to the statutory purpose of the NCAONB. We advise that a Cumulative Impact Assessment (CIA) should be undertaken to inform the EIA to ensure that the impact of SEP and DEP on the statutory purpose of the NCAONB, in the context of the existing OWFs, can be made.	Natural England's comments are acknowledged. Please refer to the Applicant's response at ID 3 and 19 in Table 4.18.7 of The Applicant's Comments to Relevant Representations [REP1-033].
	Agreement between Parties Set out, in further detail, the specific factors which might prevent agreement being reached on Seascape matters and outline what proposals you can bring forward which could	Natural England has provided our advice in our Relevant Representation [RR-063]. We defer until the Applicant has responded to our representation at Deadline 1.	Natural England's comments are acknowledged, and the Applicant awaits Natural's England next submission of comments following their review of the Applicant's Deadline 1 responses.

ID	Question	Natural England Responses	Applicant's Comment
	enable agreement to be reached during the course of the examination.		
Cumulative Effects			
Q1.18.4	<p>Cumulative Effects</p> <p>Are you satisfied with the list of projects included in the assessment of potential cumulative landscape and visual effects? If not, identify those projects that you believe should be included and indicate why you believe that they should be included.</p>	<p>Natural England agrees with list of projects for inclusion as listed in para 89 of SVIA chapter 25. The List covers all currently visible arrays from NCAONB. The only other (proposed) array is Outer Dowsing c.55km from the North Norfolk Coast.</p>	<p>The Applicant notes Natural England's agreement to the list of projects for inclusion, as listed in paragraph 89 of ES Chapter 25 – Seascape and Visual Impact Assessment [APP-111].</p> <p>The Applicant acknowledges Natural England's reference to Outer Dowsing, which at this time, has submitted a Scoping Report to the Planning Inspectorate in July 2022. This project is at an early stage, and there is not yet reliable information available with respect to the scheme design and therefore was not included within the CIA presented in ES Chapter 25 – Seascape and Visual Impact Assessment [APP-111].</p>

1.16 Network Rail Infrastructure Limited

Table 16 The Applicant's Comments on Network Rail Infrastructure Limited's Responses to the Examining Authority's First Written Questions

ID	Question	Network Rail Infrastructure Limited Responses	Applicant's Comment
Protection of Railway Assets			
Q1.23.6.11	<p>The Proposed Development comes into close proximity to the following:</p> <ul style="list-style-type: none"> The North Norfolk Railway at Sheringham/Weybourne 	<p>North Norfolk Railway</p> <p>The North Norfolk Railway does not form part of Network Rail's operational 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 the operational railway. Network Rail has</p>	<p>The Applicant acknowledges Network Rail's comment.</p>

ID	Question	Network Rail Infrastructure Limited Responses	Applicant's Comment
	<ul style="list-style-type: none"> The line into Norwich north of Ketteringham; and The line into Norwich running adjacent to the A140. <p>In each instance, do you consider a sufficient distance/ margin/ offset has been provided between the edge of the construction works and the edge of the railway embankments/ tracks?</p> <p>If not, explain why and what is required to reassure that railway assets would not be adversely affected.</p>	<p>therefore not commented on the proximity of the Proposed Development to the North Norfolk Railway.</p> <p>Line into Norwich north of Ketteringham</p> <p>The Promoter confirmed that the proposed distances of the Proposed Development to the operational railway in this area would be as follows:</p> <ul style="list-style-type: none"> North entry/exit point: approximately 80 metres from running rail; and South entry/exit point: approximately 65 metres from running rail. <p>Network Rail's engineers have confirmed that the clearances look sufficient from the railway cutting. However, to ensure the safety of the railway, the Promoter would need to engage with Network Rail through an Asset Protection Agreement (APA), and the parties would need to agree the detail of the scheme throughout the submission and acceptance of detailed technical documents in accordance with the relevant Network Rail standards.</p> <p>Line into Norwich running adjacent to the A140</p> <p>The Promoter confirmed that the works proposed in this area would be a permanent access road to the Norwich Main National Grid Substation. The Promoter confirmed that the access road would be sited a minimum of 10 metres from the Network Rail boundary.</p>	<p>The Applicant acknowledges Network Rail's comment. Negotiations with Network Rail regarding protection are ongoing with a view to reaching agreement on protective provisions before the end of the Examination as set out in The Applicant's Statutory Undertakers Position Statement (Revision A) [REP1-053] submitted at Deadline 1.</p> <p>The Applicant acknowledges Network Rail's comment. Negotiations with Network Rail regarding protection are ongoing with a view to reaching agreement on protective provisions before the end of the Examination as set out in The Applicant's Statutory Undertakers</p>

ID	Question	Network Rail Infrastructure Limited Responses	Applicant's Comment
		As set out above, Network Rail's engineers have confirmed that provided the detailed design is in compliance with Network Rail's clearance conditions and relevant Network Rail standards, the offset distances would appear acceptable.	Position Statement (Revision A) [REP1-053] submitted at Deadline 1.

1.17 Norfolk County Council

Table 17 The Applicant's Comments on Norfolk County Council Responses to the Examining Authority's First Written Questions

ID	Question	Norfolk County Council Responses	Applicant's Comment
Miscellaneous			
1	Q1.1.4.2 Availability of Resources for NSIP casework Are you confident that you have, or shortly will have, sufficient resources to deal with the NSIP-related workload that will be associated with the Proposed Development during the examination and recommendations phases and that would be associated with the Proposed Development if the SoS made an order granting development consent?	<p>The County Council have entered into detailed discussion / negotiation with the applicant to cover off cost recovery of officer time both during the Examination; and post Examination in the event of the DCO being granted by the SoS.</p> <p>The County Council would ultimately look to having some form of agreement in place with the applicant covering cost recovery, which could involve either a bespoke Planning Performance Agreement (PPA); and/or Letter of Intent with the applicant. This would then ensure sufficient resource to deal with the above DCO (e.g., discharges etc).</p>	Agreed, The Applicant will work pro-activity with NCC to minimise the impact on their resources
Q1.3.1 Effects on Marine Life and Benthic Habitats including through Cable Installation Methods			
2	Q1.3.1.1 Intertidal and Subtidal areas Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.	This is a matter for the District Council.	Noted.

ID	Question	Norfolk County Council Responses	Applicant's Comment
Q1.6.4 Effects of construction works on human health			
3	<p>Mental Health Mitigation NCC [RR-064] set out that it would like the Applicant to include further mitigation measures to address any adverse effects on mental health, especially given the potential length of construction works. Is this justified given that NCC agrees that there are unlikely to be any significant, long term adverse health impacts from the proposal compared to baseline conditions. If it is, then how could further mitigation be secured?</p>	<p>Whilst the health impact assessment shows that there are unlikely to be significant long term health impacts from the proposal, it is likely that the works could cause stress, anxiety and depression in the short to medium term as construction works are underway. This can be mitigated, as suggested, by ensuring that affected communities are well informed about when disruption will take place. The developer could ensure that a community liaison officer is employed who could hold regular meetings with local people, provide written and online information about when any disruption is likely to take place and how long it will last for; provide information about alternative routes when public rights of way (PROW) are impacted by the works; and provide a point of contact for the public to ensure that any complaints or anxieties are dealt with swiftly and effectively.</p> <p>Furthermore, even though there is little evidence to suggest that electromagnetic fields (EMFs) are a risk to human health, this type of infrastructure can cause public concern and give rise to potential anxiety in local populations. An information campaign about EMFs in clear and non-technical language could go some way to alleviating these fears.</p>	<p>The OCoCP (Revision B) [REP1-023], secured by Requirement 19 of the draft DCO (Revision D) [document reference 3.1] will include a Stakeholder Communications Plan to ensure effective and open communication with local residents and businesses that may be affected by the construction works (para 26).</p> <p>The Outline PEMP (Revision B) [REP1-017], sets out requirements for regular environmental meetings and debriefs local to the site where representatives from the Project Team, the Principal Contractor, and key sub-contractors will consider matters such as the status of outstanding items, reports of environmental incidents or complaints and stakeholder engagement (para 68).</p> <p>This is in addition to commitments to reduce disruption from air quality, noise, traffic and visual impacts [APP-282, measure 19.4].</p> <p>Electromagnetic fields (EMFs): The following response was provided in the Applicant's Comments to Relevant Representations REP1-033/034]. There are no explicit plans to communicate information on electromagnetic fields (EMF) to the public. If EMF and health becomes a concern this can be addressed through the provisions for community liaison through the OCoCP (Revision B) [REP1-023, paragraph 26] and the Outline PEMP (Revision B) [REP1-017, paragraph 71] as noted above; and the procedures for addressing community complaints, as noted above, through the OCoCP (Revision B) [REP1-</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
			023, paragraph 27] and the Outline PEMP (Revision B) [REP1-017, paragraph 72].
Q1.6.5 Effects from emissions on air quality			
4	<p>Q1.6.5.4 Road Traffic Emissions Assessment Methodology When considering construction road vehicle exhaust emissions, the assessment [APP-132] sets out that "Peak construction flows were not used in the assessment, as peak construction would occur over a 1 or 2 month period (at worst) and using these to derive AADT across a full year would unrealistically inflate the impacts of construction generated traffic. The use of average construction flows was deemed to be robust and more appropriate representation of construction impacts from traffic over an annual period, and aligns with the requirement for use of AADT flows". LAs do you agree with this approach? Applicant, provide further justification for this approach.</p>	<p>This is a matter for the District Council.</p>	<p>Noted.</p>
Q1.6.6 Adequacy of the Outline Code of Construction Practice			
5	<p>Q1.6.6.1 a. Outline Code of Construction Practice The OCoCP [APP-302, Table 1-1] sets out a number of EMPs that will form part of the final CoCP and will be prepared, submit and approved post-consent. A pre-construction drainage plan, a scheme to deal with the contamination of any land (including groundwater), a Materials Management Plan, Soil Management Plan, a Site Waste Management Plan, hydro-fraction surveys (for bentonite breakout) and a Construction Surface Water Drainage Plan are all referred to in the main text of</p>	<p>The Highways team are content with the OCoCP but it would be beneficial for the list of trenchless crossings to make a cross reference to Appendix 4.1 of the ES - Crossing Schedule [APP-178] which sets out the specific list of where all of those crossings will be. As written, the list in the OCoCP simply contains a partial list and not necessarily the location.</p> <p>The LLFA have comments to make regarding the following points:</p> <p>e.) The EMPs will identify the proposed working practices on site to manage environmental risks. It</p>	<p>The Applicant acknowledges that the list of trenchless crossing locations provided in Section 2.5.9 of the Outline Code of Construction Practice (Revision B) [REP1-023] is not comprehensive. However, this list seeks to identify the most significant receptors that the Applicant has committed to cross using a trenchless technique and is not intended to list all locations. The Applicant acknowledges that a cross reference to the more comprehensive list of trenchless crossings provided in 6.3.4.1 Crossing Schedule (Revision B) [AS-022] would provide further clarity to this section of the Outline Code of Construction Practice (Revision B) [REP1-</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
	<p>the OCoCP but are not included in Table 1-1. Why is this?</p> <p>b. Confirm the status and origin of EMPs listed in Table 1-1.</p> <p>c. The OCoCP refers to Construction Method Statements. What will these include?</p> <p>d. Justify the level of detail and content provided to date within the suite of EMPs.</p> <p>e. Is it possible for the ExA to be sure that such EMPs will be successful in mitigating any impacts without seeing more detail?</p> <p>f. Local Authorities and NFU are there any management plans that you consider are crucial to review during the Examination? Explain with reasons.</p>	<p>will be for the LPA to ensure these practices are adhered to on site by the applicant.</p> <p>f.) When the applicant prepares their management plans, they should review all relevant best practices to ensure an appropriate EMP is developed for the site works.</p>	<p>023] and also draws attention to ES Chapter 4 Figures – Project Description [APP-117] which shows the locations of trenchless crossings.</p> <p>The Applicant notes that the Environmental Management Plans (EMP) set out in Table 1.1 of the Outline Code of Construction Practice (Revision B) [REP1-023] will be informed by up to date best practice guidance for each environmental discipline. The EMPs will be submitted to the Local Planning Authority for approval prior to construction, in accordance with Requirement 19, draft DCO (Revision D) [document reference 3.1] which requires that <i>"no phase of the onshore works may commence until a code of construction practice (which must accord with the outline code of construction practice) for that phase has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency, relevant statutory nature conservation bodies and, if applicable, the MMO</i></p>
Q1.10.1 Design Principles			
6	<p>Q1.10.1.1 Suitability and Adequacy of the Applicant's Approach to Design</p> <p>a) Has the Applicant satisfied the requirements set out in NPS EN-1 Section 4.5 in relation to sensitivity to place and contributing to the quality of the area in which the infrastructure would be located?</p> <p>b) Clarify, with reasons, whether you believe that design outcomes relating to proposed elements of infrastructure, structure and buildings proposed within the order limits, flood</p>	<p>The LLFA have the following comments regarding points B:</p> <p>At present, the LLFA are waiting for the updated surface water management design for the Onshore Substation site. Previously the LLFA has only seen two high level options that were being considered. The LLFA needs the updated information before we can respond appropriately.</p>	<p>The two options presented in the Outline Operational Drainage Plan [APP-307] have been superseded by the information presented in The Applicant's Comments to Relevant Representations [REP1-033] and The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].</p> <p>The Applicant's response to Q1.24.1.6 [REP1-036] states that ground investigations undertaken following DCO submission have provided sufficient certainty that shallow infiltration will be a suitable</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
	<p>risk, landscape and ecology are sufficiently well developed within the application documents.</p> <p>c) c) Confirm, with reasons, whether you believe that noise mitigation measures and construction structures related to the construction compound should also be considered as part of the Applicant's approach to design. Applicant may respond</p>		<p>drainage solution at the Onshore Substation site and confirms that a non-material change application will be made at Deadline 2 to remove the Anglian Water foul sewer connection as an option.</p> <p>Further information on the results of the supplementary ground investigations will be provided in the Outline Operational Drainage Strategy (onshore substation) (Revision B) [document reference 9.20] which will supersede the Outline Operational Drainage Plan (onshore substation) [APP-307].</p>
Q1.10.2 Design Development Process			
7	<p>Q1.10.2.1</p> <p>a) Provide further detail of the structured framework within which the Applicant has carried out its design process to date, giving detail of the key milestones which have been reached within that process and setting out which elements of the overall design have been fixed at this stage.</p> <p>b) Set out the main stages of the remainder of the design process required to fully develop the Applicant's design of the Proposed Development in the event that its application is granted Development Consent, giving an indication of expected deliverables and timescales wherever possible and indicate how this process will be secured within the draft DCO.</p> <p>c) Provide an outline description of the design professional disciplines that have contributed to the Applicant's design process to date.</p>	This is a matter for the Local Planning Authority.	Noted.

ID	Question	Norfolk County Council Responses	Applicant's Comment
	d) Set in further detail how the Applicant's design principles – established in its Design and Access Statement [APP-287] – are secured within the draft DCO		
8	Q1.10.2.2 Design Review Comment, with reasons, if the Applicant should seek independent design review advice in line with the policy recommendation in NPS, Paragraph 4.5.5.	This is a matter for the District Council.	Noted.
Q1.11. Draft Development Consent Order			
9	Q1.11.1.3 Discharging Requirements and Conditions Applicant, provide a list or table of specifically named authorities and undertakers that are relevant in the dDCO for each and every reference to the following. Please list separately, instances where any of the following, for example 'local authority', refers to different body or bodies. • highway authority • lead local flood authority • relevant planning authority • local planning authority • street authority • drainage authority • sewerage undertaker • local authority • acquiring authority • public authority	Norfolk County Council is requesting in its Local Impact Report (LIR) that the dDCO be amended in respect of the Requirements Section (covering Requirements 16 and 24) to indicate that the Local Planning Authority (respective District Council / Relevant Planning Authority) are the discharging authority. This approach would be akin to any other application/permission determined under the Town and Country Planning Act (TCPA) i.e., where the LPA are the determining authority and would discharge as appropriate any Planning Condition (in consultation with the appropriate regulatory body e.g., Highway Authority; LLFA; Environment Agency etc).	The Applicant notes Norfolk County Council's comments in its LIR. As set out in The Applicant's Comments on the Local Impact Reports [Document Reference 14.3] the Applicant is in discussions with Norfolk County Council and the relevant planning authorities in order to reach agreement with all parties on who should be the responsible discharging authority in relation to these Requirements. The Applicant will provide a further update and include any necessary amendments to the draft DCO at D3.

ID	Question	Norfolk County Council Responses	Applicant's Comment
	<ul style="list-style-type: none"> • Crown authority • approving authority 		
Q1.11.2 Definitions			
10	<p>Q1.11.2.2 Commence</p> <p>a) How would the activities currently excluded in the definition of commence be controlled, monitored and mitigated, given the CoCP would not be approved and enforceable (in line with R19) when the works excluded from the definition of commence may need to take place?</p> <p>b) Local Authorities, do you have concerns about works being delivered without any controls, in particular activities such as diversion and laying of services, the erection of any temporary means of enclosure, and the erection of welfare facilities?</p> <p>c) Local Authorities, are there other activities excluded from the definition of commence that you consider should be controlled through a management plan? Explain with reasons.</p> <p>d) Applicant and Local Authorities, is there a need for a definition for pre-commencement works and an accompanying management plan?</p> <p>e) Are there any concerns from any party about the scope, breadth and definition of commencement with the Order or its accompanying dDMLs? If so, explain what they are and the implications that you use the ExA to take account of.</p>	<p>The Highways team are satisfied that the relevant processes are covered and controlled.</p> <p>The LLFA have comments to make regarding the following points:</p> <p>Point B The LLFA normally request information on relevant temporary works that could affect the flood risk or surface water management in a construction surface water management plan. The LLFA has not yet reached this stage as to date the applicant has not been able to confirm the proposed surface water drainage and discharge arrangement for the onshore Substation. While for the cable route corridor, the temporary works would be associated with the construction compounds and the watercourse crossings. The work course crossings would be regulated by the relevant risk management author (Environment Agency / IDB / LLFA), while the temporary surface water drainage arrangements should be provided for each of the proposed construction compounds.</p> <p>Point C The LLFA is not aware of any at this time but as yet we do not have all the information for the proposed surface water management scheme for the Onshore Substation.</p> <p>Point D There is a need for the ordinary watercourse consents to be in place prior to commencement along with the preparation of a</p>	<p>The Applicant notes in The Applicant's Comments to Relevant Representations [REP1-033] [RR-064] and The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036] that shallow infiltration has been confirmed as a suitable drainage solution at the Onshore Substation site. A non-material change application will be made at Deadline 2 to remove the Anglian Water foul sewer connection as an option, and further information will be provided in the Outline Operational Drainage Strategy (onshore substation) (Revision B) [document reference 9.20] which will supersede the Outline Operational Drainage Plan (onshore substation) [APP-307].</p> <p>The Applicant understands that watercourse crossings will be regulated by three different risk management authorities; the Environment Agency for Main Rivers, the Norfolk Rivers Internal Drainage Board for Ordinary Watercourses within its Internal Drainage District, and Norfolk County Council as the Lead Local Flood Authority for all other Ordinary Watercourses. As set out in Parts 4 and 5 of Schedule 14 Protective Provisions of the draft DCO (Revision D) [document reference 3.1], the Applicant will secure approval from the relevant drainage authorities prior to construction of watercourse crossings.</p> <p>Further information with regards to watercourse crossing arrangements and the construction stage</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
		detailed surface water drainage design for the Onshore Substation, which is yet to be provided.	drainage strategy will be presented in the Watercourse Crossing Scheme and Construction Surface Water Drainage Plan, respectively, as set out in Table 1.1 of the Outline Code of Construction Practice (Revision B) [REP1-023].
Q1.11.4 Schedules			
11	<p>Q1.11.4.2</p> <p>Further Associated Development Are you satisfied that all instances of further associated development in connection with Work Nos. 1B to 7B, Work Nos. 8B to 22B, Work Nos. 3C, 4C, 5C and 7C and Work Nos. 8C, 9C, 12C, 15C, 16C and 17C are controlled adequately by the provisions in the dDCO?</p>	<p>The Highways team are not the discharging authority but are satisfied with the above.</p> <p>The LLFA are only the discharging authority in relation to ordinary watercourse consents for ordinary watercourses that are in their jurisdiction</p>	<p>The Applicant understands that watercourse crossings will be regulated by three different risk management authorities; the Environment Agency for Main Rivers, the Norfolk Rivers Internal Drainage Board for Ordinary Watercourses within its Internal Drainage District, and Norfolk County Council as the Lead Local Flood Authority for all other Ordinary Watercourses. As set out in Parts 4 and 5 of Schedule 14 Protective Provisions of the draft DCO (Revision D) [document reference 3.1], the Applicant will secure approval from the relevant drainage authorities prior to construction of watercourse crossings.</p> <p>Further information with regards to watercourse crossing arrangements and the construction stage drainage strategy will be presented in the Watercourse Crossing Scheme and Construction Surface Water Drainage Plan, respectively, as set out in Table 1.1 of the Outline Code of Construction Practice (Revision B) [REP1-023].</p>
12	<p>Q1.11.4.3</p> <p>Ancillary Works Are you satisfied that all instances of ancillary works are controlled adequately by the provisions in the dDCO?</p>	<p>The Highways team are not the discharging authority but are satisfied with the above.</p> <p>The LLFA are only the discharging authority in relation to ordinary watercourse consents for ordinary watercourses that are in their jurisdiction.</p>	<p>The Applicant understands that watercourse crossings will be regulated by three different risk management authorities; the Environment Agency for Main Rivers, the Norfolk Rivers Internal Drainage Board for Ordinary Watercourses within its Internal Drainage District, and Norfolk County Council as the Lead Local Flood Authority for all</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
			<p>other Ordinary Watercourses. As set out in Parts 4 and 5 of Schedule 14 Protective Provisions of the draft DCO (Revision D) [document reference 3.1], the Applicant will secure approval from the relevant drainage authorities prior to construction of watercourse crossings.</p> <p>Further information with regards to watercourse crossing arrangements and the construction stage drainage strategy will be presented in the Watercourse Crossing Scheme and Construction Surface Water Drainage Plan, respectively, as set out in Table 1.1 of the Outline Code of Construction Practice (Revision B) [REP1-023].</p>
13	<p>Q1.11.4.5 Accuracy of all Schedules Check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.</p>	<p>The Highways team are not the discharging authority therefore, with respect to Highways, the above is a District Council matter.</p> <p>The LLFA are only the discharging authority in relation to ordinary watercourse consents for ordinary watercourses that are in their jurisdiction. While there is a crossing schedule, it is not clear at this time whether all the watercourse crossings have been identified by desk top survey or site walk over and where there are any provisions for additional ordinary watercourse crossings should they be identified at a later date</p>	<p>The watercourses listed in 6.3.4.1 Crossing Schedule (Revision B) [AS-022] have been identified on the basis of a desk-top study, augmented by a targeted walkover of Main Rivers (as presented in 6.3.18.3 Environmental Statement Appendix 18.3 – Geomorphological Baseline Technical Report [APP-212].</p> <p>Although the Applicant is confident that the assessments described above have identified the majority of watercourses within the onshore Order Limits, the Applicant acknowledges that smaller Ordinary Watercourses are not necessarily marked on Ordnance Survey mapping or clearly visible from aerial photography. The Applicant will therefore undertake a full walkover of the onshore cable corridor to identify all watercourses to inform the detailed design process.</p>
<p>Q1.11.7 Interaction of the dDCO with Other Legislated DCOs, Other Existing Infrastructure and Planned Projects</p>			

ID	Question	Norfolk County Council Responses	Applicant's Comment
14	<p>Q1.11.7.1</p> <p>Hillside Parks Ltd v Snowdonia National Park Authority (the Hillside Judgement) The ExA acknowledge the above judgement relates to a non-Development Consent Order case. However, it occurs to the ExA that the principles of the judgement may be applicable for the Proposed Development given the level of interaction of the scheme with other existing consented DCOs, including land subject of compulsory acquisition. The ability to modify the initial permission in the DCO context is based on the specific power in section 120 of the Planning Act 2008. In this respect:</p> <p>a) would any existing consented DCO need to be modified or amended by the Proposed Development?</p> <p>b) would any existing consented DCO be prejudiced in the ability to be implemented, either through works or land take, to the extent it could not come forward in accordance with its terms and management plans?</p> <p>c) provide any other views on the relevance, or otherwise, of the judgement upon this project</p>	<p>The Norwich Western Link team will respond directly as a separate interested party.</p>	<p>Noted.</p>
Q1.13.1 Effects on European Designated Sites and Sites of Special Scientific Interest			
15	<p>Q1.13.1.1</p> <p>Air Quality and Screening of Ecological Sites Can you confirm if the approach to the selection of all the relevant European sites, the scopes of the incombination assessment, the assessments and the conclusions reached by the Applicant is</p>	<p>This is a matter for the District Council.</p>	<p>No comment required.</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
	acceptable [APP-108, paragraph 138 (though not limited to that paragraph only)].		
Q1.17.1 Effect on Landscape Character and Views			
16	<p>Q1.17.1.1</p> <p>LVIA Methodology</p> <p>The ES states that the LVIA was undertaken both in accordance with GLVIA3 and with direct input from local authorities as to the location and frequency of viewpoint analysis [APP-112].</p> <p>a) In this context, can you confirm that the selection of receptors (and their sensitivity) is reasonable and that there are no outstanding concerns regarding the process that the Applicant undertook (notwithstanding you may disagree with its results and conclusions).</p> <p>b) Are you satisfied with the study areas adopted by the Applicant for the onshore substation and the landfall site?</p> <p>c) If not, please set out the reasons for this position and indicate what additional areas should be included and the reasons why these areas should be included.</p>	This is a matter for the District Council.	No comment required.
17	<p>Q1.17.1.9</p> <p>Residential Receptors The Applicant notes that a RVAA has not been undertaken because the nearest receptors would fall below the relevant threshold [APP-112, paragraphs 117-120].</p> <p>a) LAs, is this a reasonable approach?</p> <p>b) LAs, what weight should be given to private views from residential properties in the</p>	This is a matter for the District Council.	No comment required.

ID	Question	Norfolk County Council Responses	Applicant's Comment
	Examination, in the ExA's considerations and in the SoS's decision? Applicant may respond		
Q1.17.2 Effects on designated and historic landscapes, including Areas of Outstanding Natural Beauty and Ancient Woodlands			
18	Q1.17.2.2 AONB Do you consider that the Proposed Development prejudices the special qualities of the affected AONB and, if so, state which ones and why conflict is considered to arise?	This is a matter for the District Council.	No comment required.
Q1.17.3 Effectiveness of mitigation proposals			
19	Q1.17.3.4 Extent of Mitigation Would the mitigation planting illustrated by the Applicant be effective in reducing the magnitude and significance of the visual effect of the Proposed Development? If not, why not? What other steps should be considered in order to provide the necessary change in magnitude and significance of the visual effect of the onshore substation buildings and/ or structures?	This is a matter for the District Council.	No comment required.
20	Q1.17.3.6 Outline Landscape Management Plan Are you satisfied that the details of location, number, species, size and density of proposed planting around the onshore substation need not be considered during the Examination [APP-303]?	This is a matter for the District Council.	No comment required.
Q1.18.1 Effect on Seascape Character and Views			
21	Q1.18.1.1 SLVIA Methodology The ES states that the SLVIA was undertaken both in accordance with direct	This is a matter for the District Council.	No comment required.

ID	Question	Norfolk County Council Responses	Applicant's Comment
	input from local authorities as to the location and frequency of viewpoint analysis [APP-111]. In this context, can you confirm that the receptors (and their sensitivity) are reasonable and that there are no outstanding concerns regarding the process that the Applicant undertook (notwithstanding you may disagree with its results and conclusions).		
Q1.18.3 Effects on Designated and Historic Landscapes			
22	Q1.18.3.1 The Existing Baseline and its Effect on the Statutory Purpose of the NCAONB NE states that the existing OWF installations have a compromising effect on the statutory purpose of the NCAONB [RR-063]. Respond, with reasoning.	This is a matter for the District Council	No comment required.
23	Q1.18.3.2 The Extent of Additional Harm to the NCAONB What is your assessment of the effects of the Proposed Development on the NCAONB in EIA terms?	This is a matter for the District Council	No comment required.
24	Q1.18.3.3 Cumulative Impact Assessment Should a CIA be undertaken in order to inform the EIA to ensure that the impact of SEP and DEP on the statutory purpose of the NCAONB, in the context of the existing OWF, can be made?	This is a matter for the District Council	No comment required.
25	Q1.18.3.5 Tourism and Coastal Footpaths Is there any evidence to suggest that the construction of offshore wind turbines, and their cumulative seascape impact, has impaired,	This is a matter for the District Council	No comment required.

ID	Question	Norfolk County Council Responses	Applicant's Comment
	prejudiced or resulted in the loss of tourism activities/ enjoyment along the North Norfolk coast?		
26	<p>Q1.18.3.6 North Norfolk Heritage Coast</p> <p>Explain your respective positions on the qualities and significance of the Heritage Coast, particularly the stretch within which the Proposed Development would be theoretically and actually visible. Set out where you consider harms would occur and what, if anything, could be done to minimise the harm or improve the visitor experience.</p>	This is a matter for the District Council.	No comment required.
27	<p>Q1.18.3.7 Aviation Lighting</p> <p>Would you wish to see revisions to the quantum aviation lighting across both the Proposed Development together with the existing extent of the SOW and DOW, to minimise it where possible, so as to minimise night-time effects on the historic seascape?</p>	Matters relating to the historic seascape are the responsibility of Historic England to provide comments. Norfolk County Council's responsibility does not extend further than mean low tide.	No comment required.
Q1.18.4 Cumulative Effects			
28	<p>Q1.18.4.1 Cumulative Effects</p> <p>Are you satisfied with the list of projects included in the assessment of potential cumulative landscape and visual effects? If not, identify those projects that you believe should be included and indicate why you believe that they should be included.</p>	This is a matter for the District Council	No comment required.

ID	Question	Norfolk County Council Responses	Applicant's Comment
Q1.20.1 Adequacy of the Assessments for Construction			
29	<p>Q1.20.1.1</p> <p>Methodology – Baseline Noise Survey</p> <p>The ES [APP-109, Paragraph 51] states that the baseline survey methodology was agreed with BDC. Large parts of the cable corridor, landfall and the substation are located in other local authority areas (NNDC and SNDC). Do NCC, NNDC and SNDC agree with the scope and extent of the baseline survey?</p>	This is a matter for the District Councils.	No comment required.
30	<p>Q1.20.1.2</p> <p>Methodology - Baseline Noise Assumptions</p> <p>a) What is the justification for not undertaking baseline noise surveys at sensitive receptors along the onshore cable route and assuming a Category A threshold value [APP-109]?</p> <p>b) Further, explain why no surveys were undertaken in proximity to the main construction compound at Attlebridge.</p> <p>c) Is it possible that actual baseline levels at the sensitive receptors could be lower than assumed?</p> <p>d) If so, what impact would this have on the assessment?</p>	This is a matter for the District Councils.	No comment required.
31	<p>Q1.20.1.4</p> <p>Methodologies – Noise and Vibration</p> <p>Do NCC, NNDC, SNDC and BDC agree with the Construction Phase Noise, Road Traffic Noise Assessment and Construction Phase Vibration Assessment Methodologies adopted in the ES</p>	This is a matter for the District Councils.	No comment required.

ID	Question	Norfolk County Council Responses	Applicant's Comment
	[APP-109], including the predicted construction noise and vibration levels?		
Q1.20.4 Adequacy and Design of Proposed Mitigation			
32	<p>Q1.20.4.3</p> <p>Potential Impacts – Monitoring Operational Noise</p> <p>To be effective should dDCO R21 be explicit about where monitoring should be done, such as the onshore substation? Provide revised wording if so</p>	This is a matter for the District Councils.	No comment required.
Q1.22.1 Effects on recreation, tourism and business			
33	<p>Q1.22.1.4</p> <p>Tourist Income</p> <p>In respect of the tourism assets on offer:</p> <p>Explain the main forms of tourism within Norfolk and, if possible, specifically in the areas where the Proposed Development would be located.</p> <p>Explain the revenue that is derived from tourists visiting Weybourne Beach.</p> <p>Explain how construction works, particularly road closures and traffic management measures, deter or otherwise impinge on a tourist's desire to visit and explore Norfolk.</p>	The above is a North Norfolk District Council matter.	No comment required.
Q1.22.2 Effects on jobs and skills			
34	<p>Q1.22.2.8</p> <p>Outline Skills and Employment Plan</p> <p>The OSEP [APP-310] sets out that the Applicant intends to work with the relevant sector and local authority bodies to help secure economic benefits of the OWF to the local area and identifies a</p>	<p>It is considered that OSEP is broadly sufficient at this stage, given that Requirement 26 ensures that the Plan will need to be approved by the relevant planning authority.</p> <p>The County Council, has through its comments set out in the LIR, requested that the Skills and</p>	Noted. This reflects ongoing discussions between the applicant and NCC and the applicant agrees to the requests. The Applicant will continue to work with Norfolk County Council and other parties to develop and refine the Outline Skills and Employment Plan.

ID	Question	Norfolk County Council Responses	Applicant's Comment
	<p>number of general outline commitment examples. Is the OSEP currently sufficient to ensure local socio-economic benefits are secured and maximised, and are firmer commitments and targets for local employment and skills/training needed, particularly to realise the potential benefits set out in the ES [APP-113]?</p>	<p>Employment Plan should be submitted to and approved by the relevant Planning Authority following consultation with Norfolk County Council; and the New Anglia Local Enterprise Partnership (LEP); and (2) Each skills and employment plan must be prepared in consultation with the relevant planning authority; Norfolk County Council; and the New Anglia LEP.</p> <p>Following early engagement with NCC's Employment & Skills Manager, the outline Skills & Employment Plan (9.23/APP-310) was shared in July 2022. On 8.11.2022 detailed feedback from NCC was received.</p> <p>The following actions have been agreed whereby the applicant will:</p> <ol style="list-style-type: none"> 1. Integrate NCC suggestions and insights appropriately into the OSEP for deadline 3, May 2nd 2. Initiate a consultation with Norfolk and Suffolk LSIP/ Norfolk Chamber with regard to the Local Skills Improvement Plan, in order that there is time for this relationship to inform the Final Skills and Employment Plan and the skills section of the Allocation Round Supply Chain Plan Questionnaire 3. Engage with Apprenticeships Norfolk (part of NCC Skills and Employment Team) to understand and maximise opportunities for the effective transfer of unspent Apprenticeship Levy Funding 4. Develop draft KPI's that will bridge the 'possible' commitments in section 9 with what will form part of the Supply Chain Plan commitments to be formally delivered and monitored through each project phase When the Supply Chain Plan is 	

ID	Question	Norfolk County Council Responses	Applicant's Comment
		<p>submitted and approved the ongoing monitoring will then become part of this formal process.</p> <p>5. Capture early phase (development) activity – record, monitor and evaluate capturing good practice and lessons learned</p> <p>6. Engage with other developers working in Norfolk through NCC facilitated dialogue to maximise opportunities, avoid duplication and to jointly develop and deliver initiatives as appropriate</p> <p>7. Start a proactive discussion with the emerging Great Yarmouth O & M Campus (GYBC) to seek further synergies linked to skills, training and employment</p> <p>8. Continue to engage regularly with NCC skills and employment team in seeking to maximise socio- economic opportunities locally</p>	
Q1.22.3 Effects on Individuals and Communities			
35	<p>Q1.22.3.2 Development Consent Obligations</p> <p>NNDC [RR-069] reference potential community benefits being secured through an obligation. Describe to the Examination the nature and extent of any benefits you consider are necessary relative to the impacts of the Proposed Development, setting out how these comply with the CIL Regulations and the justification for them.</p>	<p>The County Council would wish to see a community benefit fund (CBF) set up to assist those local communities most affected by the above development.</p> <p>It is recognised, as with other granted DCOs, that such CBFs sit outside the formal DCO process; and are typically taken forward post consent by the promoter.</p> <p>It would be helpful at this stage if Equinor could in principle indicate that it would be willing to take forward a CBF akin to those currently being developed by Vattenfall and Orsted in relation their DCOs.</p>	<p>The Applicant notes NCC's response and agrees with the comment that community benefit funds (where established by a developer) usually sit outside the DCO process and are set up post-consent.</p> <p>The Applicant also refers to the Applicant's Comments to Relevant Representations [REP1-033], ID14 of NCC's Relevant Representation and the Applicant's Responses to the Examining Authority's First Written Questions [REP1-036], Q1.22.4.1.</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
		It is understood and accepted that any such CBF would be a voluntary undertaking by the promoter and sit outside the DCO; and TCPA consenting regime.	
Q1.23.1 Effects from Construction Vehicles on the Highway Network and Living Conditions			
36	<p>Q1.23.1.1</p> <p>Methodology – Summer Peak</p> <p>The ES [APP-110, Table 24-10] includes links that have ‘summer peak’ sensitive periods. The ExA asked the Applicant at ISH2 [EV-020] [EV-024] what had been done to assess summer peaks. The Applicant and NCC set out that they were in discussions about ‘sensitivity checking’ on such matters. Provide an update on these discussions.</p>	<p>The applicants intend to use several routes that Norfolk Vanguard / Norfolk Boreas / and Hornsea 3 also intend to use during the summer season.</p> <p>A considerable amount of work was undertaken as part of the above mentioned DCO’s into summer peak sensitivity and traffic caps were imposed under the above DCO’s. This was the applicants starting point.</p> <p>When Covid struck the Highways team were concerned the applicant’s data may be affected by artificially reduced traffic levels on the network. Accordingly, within our Section 42 comments we said that a re-survey might be required along certain links after September 2021, by which time we anticipated traffic levels would have settled down again.</p> <p>Having monitored the situation, the Highways team subsequently agreed mid 2022 that the baseline traffic data presented in the PEIR (based on precovid figures) could be utilised, with the developers using TEMPro (its modelling software to predict future traffic levels) to factor baseline growth to a future year which we have agreed as being 2025.</p> <p>In addition to the above the Highways team asked that the OCTMP contains a clause allowing us to ask for further assessment of network capacity</p>	<p>The Applicant has hosted three meetings (17.11.2022, 08.12.2022 and 11.01.2023) with NCC post DCO submission to discuss traffic and transport matters (including impacts upon summer peaks). The Applicant considers that all matters raised by NCC to date have been agreed as set out in an updated¹ Statement of Common Ground between both parties to be submitted at Deadline 2.</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
		<p>constraints at identified sensitive junctions if baseline traffic conditions are evidenced to have changed materially from those of the DCO application post consent. In other words – if traffic levels pick up, we can get the applicants to resurvey along the sensitive links.</p> <p>The Highways team also asked for the OCTMP to include measures to manage traffic movements during peak periods to account for seasonal fluctuations.</p> <p>At the risk of over simplifying matters, the applicants will not exceed the traffic caps agreed under the above already approved DCO's and we are content with that approach. However, the overall result will mean the impacts will last for longer (in terms of years).</p> <p>We did identify two additional links - Link 45 & 46, which if they included HGVs, would also require summer restrictions.</p> <p>The applicants have indicated there will be no HGVs on either Link 45 or 46. This commitment is contained within the OCTMP. Annex A of which contains a table of the proposed numbers of daily HGV trips per link and no HGVs are proposed via either link 45 or 46.</p> <p>For completeness, the Highways team also examined the need for summer restrictions at the Bodham site Compound. The applicant's response is contained within the attached document dated 10 January 2023, which is acceptable to us.</p> <p>Subject to the applicants not exceeding the caps already agreed, NCC is content.</p>	<p>¹ The Applicant draws ExA attention to the fact that a historic draft version of the NCC SoCG was</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
			submitted at Deadline 1 and the latest version will be submitted at Deadline 2.
37	<p>Q1.23.1.3</p> <p>Methodology – Trip Generation and Construction Traffic Assignment</p> <p>Are the Highway Authorities content with the methodology and forecasts for trip generation and construction traffic assignment?</p>	<p>The Highways team are content with the above.</p>	<p>Noted.</p>
38	<p>Q1.23.1.4</p> <p>Potential Impacts – Driver Delay (Capacity)</p> <p>The ES [APP-110, Table 24-43] shows that there are increases in traffic above 10% (considered to be within daily fluctuations) for numerous links (9, 11, 14, 15, 49, 51, 54, 56, 59, 72, 73, 79 and 98). Some of the traffic increases are up to 32% on what are already deemed to be sensitive roads by NCC.</p> <p>Is the judgement of a low magnitude of effect on these links justified?</p> <p>Do NCC have any concerns in this regard?</p>	<p>NCC raised similar concerns to the above. However, based on our local knowledge the Highways team also picked up on several additional links not included within your list.</p> <p>Rather than respond in detail for each of the individual links, the Highways team have included, alongside this document, a copy of the applicant's response to our concerns (dated 10 January 2023). On 18th January 2023, NCC held an additional meeting with the applicants to go through their response and we are now content.</p>	<p>Please refer to the Applicants comments at ID36</p>
Q1.23.2 Traffic Management Proposals and Impacts on the Highway Network			
39	<p>Q1.23.2.3</p> <p>The A140</p> <p>In proximity to the entrance into Mangreen Road and the location of the substation, the ExA noted signage regarding a "Bridge Safety Scheme", and this appeared to be speed related. Could the exact nature of the safety scheme be described and, subsequently, whether the Proposed Development</p>	<p>The safety scheme relates to a railway line incursion risk at the overbridge north of Dunston Hall.</p> <p>The 40mph speed reduction scheme was introduced to mitigate the risk of having a substandard containment parapet at what was deemed to be a high-risk site. The scheme involved the introduction of a safety barrier to the verge adjacent to the southbound carriageway,</p>	<p>Noted.</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
	<p>would have any implications or adverse effects in this regard?</p>	<p>which happens to be on the outside of the bend. In order to accommodate the barrier and achieve the required 0.6m setback, the traffic lanes over the bridge had to be narrowed to 3.0m which in turn resulted in the introduction of the 40mph speed restriction.</p> <p>As part of our discussions with the applicants we asked them to provide a speed assessment and topographical survey for the Mangreen Road junction.</p> <p>Subject to the applicants carrying out the improvements (road widening etc) agreed as part of the OCTMP, we have no issues for the traffic levels/type they have indicated.</p> <p>The Highways team would also add, the junction improvements proposed by the applicants will make the junction safer for existing traffic and not just the new traffic associated with this development.</p>	
<p>Q1.23.6 Effectiveness of Proposed Mitigation Measures</p>			
40	<p>Q1.23.6.1 Mitigation – A47</p> <p>The TA [APP-268] identifies significant impacts on two junctions of the A47 that fall within the study area. Both of these junctions are proposed to be removed by highway improvement schemes.</p> <p>What is the latest position on these improvement projects (A47 North Tuddenham to Easton Development Consent Order and A47-A11 Thickthorn Junction Development Consent Order) and are they still forecast to be completed before</p>	<p>The impacts are primarily for National Highways to advise upon. The concern NCC highlighted is that if the Trunk Road (National Highways) schemes are delayed and the works are concurrent with the Equinor project, certain junctions and links the applicants intend for use may not be available to them.</p> <p>If that proves to be the case, the applicants will need to seek alternative routes. Given any such changes would fall outside the DCO consent, NCC can control any such amendments. The risk therefore falls upon the applicants, (especially if</p>	<p>The Applicant is engaging with National Highways to clarify matters and is optimistic of reaching an agreed position before Deadline 3.</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
	<p>the construction of the Proposed Development starts?</p> <p>Should they not be delivered are the mitigation measures set out in the OCTMP sufficient as a 'fallback' to ensure there are not any significant impacts on the road network?</p> <p>If the improvement works under either of the DCOs were to be delayed and occur concurrently with the onshore construction programme of this project, would the OCTMP for the Proposed Development, taken together with other OCTMP, provide adequate 'fallback' mitigation for the cumulative effects of both projects on the road network?</p> <p>Further to b) and c) above, what confidence can the ExA have that adequate mitigation measures are available and achievable in these scenarios?</p>	<p>there isn't a suitable alternative link available), to ensure they have an agreed approach with National Highways.</p>	
Q1.24.3 Effects on Rivers, Streams, Canals and Ditches from Proposed Construction Methods and Crossing			
41	<p>Q1.24.3.1 Watercourse Crossings</p> <p>Comment on whether the proposed watercourse avoidance measures, as set out in the FRA [AS014, Paragraph 158], provide sufficient security for those watercourses and the hydrological systems that feed into them.</p>	<p>There are a small number of ordinary watercourses that are under the jurisdiction of the LLFA. At present there is no suitable representation of approach to be applied to these watercourses. In addition, the LLFA requests confirmation on whether the watercourses identified in the Crossing Schedule (AS-022) were identified using a desktop exercise or by walking the proposed cable route?</p>	<p>The Applicant understands that watercourse crossings will be regulated by three different risk management authorities: the Environment Agency for Main Rivers, the Norfolk Rivers Internal Drainage Board for Ordinary Watercourses within its Internal Drainage District, and Norfolk County Council as the Lead Local Flood Authority for all other Ordinary Watercourses. As set out in Parts 4 and 5 of Schedule 14 Protective Provisions of the draft DCO (Revision D) [document reference 3.1], the Applicant will secure approval from the relevant drainage authorities prior to construction of watercourse crossings.</p> <p>The watercourses listed in 6.3.4.1 Crossing Schedule (Revision B) [AS-022] have been</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
			<p>identified on the basis of a desk-top study, augmented by a targeted walkover of Main Rivers (as presented in 6.3.18.3 Environmental Statement Appendix 18.3 – Geomorphological Baseline Technical Report [APP-212].</p> <p>Although the Applicant is confident that the assessments described above have identified the majority of watercourses within the onshore DCO boundary, the Applicant acknowledges that smaller Ordinary Watercourses are not marked on Ordnance Survey mapping or clearly visible from aerial photography. The Applicant will therefore undertake a full walkover of the onshore cable corridor to identify all watercourses to inform the detailed design process.</p> <p>In addition, further information with regards to watercourse crossing arrangements will be presented in the Watercourse Crossing Scheme, as set out in Table 1.1 of the Outline Code of Construction Practice (Revision B) [REP1-023].</p>
42	<p>Q1.24.3.4 Ordinary Watercourses</p> <p>With reference to the ES [APP-104, Paragraphs 104-106], given the extremes of climate that are being experienced, when would the temporary damming of watercourses be scheduled in the construction programme to have the least impact?</p>	<p>This is difficult question to answer due to the impacts of climate change on our daily weather patterns. However, typically the short term the winters are still likely to be wetter than the summers, although the summers are more likely to experience intense rainfall events. The applicant must always consider the weather and the appropriate methods for ensuring the continuity of flow along the ordinary watercourses. A schedule would be required by the LLFA for the temporary works. In addition, the applicant would be requested to provide an out of hours management approach and ensure there was adequate facility</p>	<p>As set out in Parts 4 and 5 of Schedule 14 Protective Provisions of the draft DCO (Revision D) [document reference 3.1], the Applicant will secure approval from the relevant drainage authorities prior to construction of watercourse crossings.</p> <p>Section 6 of the Outline Code of Construction Practice (Revision B) (REP1-023) provides a summary of the mitigation measures that will be in place at watercourse crossings.</p> <p>Further information with regards to watercourse crossing arrangements will be presented in the Watercourse Crossing Scheme and Construction</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
		<p>to over pump high flows around the temporary works.</p> <p>The LLFA has only just received contact from the applicant regarding the small number of ordinary watercourse consents identified. This discussion is in the very early stage and the outline information provided to the LLFA is only what has been provided to PINS to date.</p>	<p>Method Statements, as set out in Table 1.1 of the Outline Code of Construction Practice (Revision B) [REP1-023]. This will be secured under Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p> <p>Furthermore, the Applicant notes that dialogue with the lead local flood authority (LLFA) regarding the approach to be adopted for the required Ordinary Watercourse Consents is ongoing.</p>
Q1.24.4 Effectiveness of Mitigation Measures			
43	<p>Q1.24.4.8</p> <p>Site-Specific Investigations at Crossings</p> <p>The FRA [AS-014, Paragraph 410] identifies that site-specific investigations will be carried out and crossing methodologies produced at detailed design stage to identify the local ground and groundwater conditions, enable a site-specific hydrogeological risk assessment to be undertaken and to understand the potential impact of any works on flows along the watercourse and flood risk in the local area. Is it appropriate to undertake these post- consent and where are these measures secured in the OCoCP [APP-302]?</p>	<p>Some initial site-investigations would be appropriate to mitigate some of the associated risks.</p> <p>The LLFA notes that in Paragraph 37 of APP-302 the document indicates that “18 of 32 watercourses being crossed are maintained by Norfolk County Council”. This statement could only be considered as correct if Norfolk County Council were the riparian owners in this location, otherwise the county council is just the “regulatory authority” at the crossing outside of the main river and IDB areas.</p> <p>It is for the applicant to demonstrate where these measures in the OCoCP [APP-302].</p>	<p>The Applicant notes the comment from the LLFA about their role with regard to Ordinary Watercourses.</p> <p>The Applicant understands that watercourse crossings will be regulated by three different risk management authorities: the Environment Agency for Main Rivers, the Norfolk Rivers Internal Drainage Board for Ordinary Watercourses within its Internal Drainage District, and Norfolk County Council as the Lead Local Flood Authority for all other Ordinary Watercourses. As set out in Parts 4 and 5 of Schedule 14 Protective Provisions of the draft DCO (Revision D) [document reference 3.1], the Applicant will secure approval from the relevant drainage authorities prior to construction of watercourse crossings.</p> <p>Further information with regards to watercourse crossing arrangements will be presented in the Watercourse Crossing Scheme, as set out in Table 1.1 of the Outline Code of Construction Practice (Revision B) [REP1-023].</p>

ID	Question	Norfolk County Council Responses	Applicant's Comment
			<p>The commitment to undertake a site-specific hydrogeological risk assessment at each trenchless crossing locations is stated in Paragraphs 110 and 121 of the Outline Code of Construction Practice (Revision B) [REP1-023], which is secured under Requirement 19 of the draft DCO (Revision D) [document reference 3.1].</p>

1.18 Norfolk Rivers Drainage Board

Table 18 The Applicant's Comments on Norfolk Rivers Drainage Board's Responses to the Examining Authority's First Written Questions

ID	Question	Norfolk Rivers Drainage Board Responses	Applicant's Comment
Q1.24.2.16	<p>Area of Authority Within your RR [RR-067] it is identified that the Proposed Development partially falls within an area of your jurisdiction. By way of a map or diagram, please set out where NRIDB's authority extends to and, by way of annotation, which watercourses are within the body's jurisdiction.</p>	<p>Please find the total extent of Norfolk Rivers Internal Drainage District (IDD) boundaries available for online viewing here. Clicking on specific catchments within the online viewer will give access to more detailed maps which includes most ordinary watercourses present. Please be advised that the Board regulates all ordinary watercourses within the Internal Drainage District, and applies additional Byelaws (all Byelaws available here) to those watercourses designated as Arterial (labelled "IDB watercourses" in the above linked mapping) as they normally receive maintenance from the IDB directly due to their acknowledged importance to the drainage of the catchment as a whole.</p>	<p>The Applicant confirms that it has engaged with the Norfolk Rivers Internal Drainage Board to ensure that all watercourses under its jurisdiction have been identified within Environmental Statement Chapter 18 Water Resources and Flood Risk [APP-104], Environmental Statement Appendix 18.2 Flood Risk Assessment [ASPP-023208] and Crossing Schedule (Revision B) [AS-022].</p> <p>The Applicant has also committed to securing approval for all watercourse crossings within the Norfolk Rivers Internal Drainage District from the Norfolk Rivers IDB prior to commencement of construction. This is secured under Schedule 14, Part 5 (provisions for the protection of drainage authorities) of the draft DCO (Revision D) [document reference 3.1].</p>

1.19 North Norfolk District Council

Table 19 The Applicant's Comments on North Norfolk District Council's Responses to the Examining Authority's First Written Questions

ID	Question	North Norfolk District Council Responses	Applicant's Comment
Q1.1.1 Planning Policy			
1	<p>Set out whether, in your view:</p> <ul style="list-style-type: none"> a) There are any areas of where the Proposed Development conflicts with the aims and objectives of the designated NPSs, specifically NPS EN1 and NPS EN3; b) The representation of the Local Plans and policies [APP-088] is accurate or, if not, provide updated information; c) Any other policy documents are considered important and relevant to the Examination. d) Applicant, provide a complete summary in tabular form to demonstrate how it is considered the Proposed Development accords with all relevant paragraphs of the designated energy NPSs. 	<ul style="list-style-type: none"> a) To be set out as part of Local Impact Report and Statement of Common Ground between Applicant and NNDC b) To be set out as part of Local Impact Report and Statement of Common Ground between Applicant and NNDC c) To be set out as part of Local Impact Report and Statement of Common Ground between Applicant and NNDC d) N/A 	Noted
Q1.1.2 Planning Permissions			
Q1.1.2.1	<p>Planning Permissions</p> <p>Please update the Examination as to whether any new permissions have been granted, or new projects pending decision, that require consideration within the cumulative impact assessment.</p>	None	Noted
Q1.1.2.2	Planning Applications	None at the time of Deadline 1 submission.	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	Have any proposed works, to date, been subject to planning applications under s78 of the TCPA1990 (as amended) and, if so, where are they and what is their status?		
Q1.1.4 Miscellaneous			
Q1.1.4.1	<p>Review of Energy NPSs</p> <p>In light of the ongoing review of the energy NPSs, would any aspect of the Proposed Development be in conflict with, or require revision to align with, the revised energy NPSs? The ExA notes that the Applicant's assessment [APP-285, Section 6] but invites any further comments from the Applicant.</p>	No comment	Noted
Q1.1.4.2	<p>Availability of Resources for NSIP casework</p> <p>Are you confident that you have, or shortly will have, sufficient resources to deal with the NSIP-related workload that will be associated with the Proposed Development during the examination and recommendations phases and that would be associated with the Proposed Development if the SoS made an order granting development consent?</p>	<p>Resource concerns were outlined at the Preliminary Meeting on 17 Jan 2023.</p> <p>Local Authority resources are already considerably stretched. Local Authorities receive no financial recompense for the officer time/cost involved in participating in NSIP examinations and this means that, in order to participate in the NSIP regime, existing resources are taken away from other LPA projects and statutory tasks.</p> <p>The ExA need to be aware that, given other work pressures, there is limited ability for LPA officers to spend significant time reading voluminous documents and supporting information that accompany NSIP projects. It is therefore important that LPA Officer time is managed appropriately given a wide variety of workload demands beyond the NSIP regime. This may mean that responses to written questions from the ExA to Local Authorities may</p>	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
		<p>have to be brief and to the point. For other NSIP projects, Local Authorities have worked towards securing a Planning Performance Agreement to recover some of the costs involved in discharging DCO Requirements. This is helpful but does not address the upfront costs associated with NSIP examination and this is often the stage where value can best be added to a DCO but where time and available resources are limited.</p>	
<p>Q1.2.4 The Need for this type of Energy Infrastructure, and specifically for the Proposed Development</p>			
<p>Q1.2.4.1</p>	<p>Need for Offshore Wind farm</p> <p>The assessment of need for the Proposed Development has been set within the context of the ongoing need for electricity generation in the U.K. [APP-285, Section 4]. However, there are other types of infrastructure that are supported by NPS EN-1 that can meet the need for electricity generation. Justify the need for the specific type of infrastructure (offshore windfarm) for electricity generation as opposed to or alongside other types of infrastructure. And explain, how the Proposed Development specifically satisfies the need for offshore windfarms for electricity generation. Explain in the context of NPS EN-1, including Paragraph 3.2.3: "The weight which is attributed to considerations of need in any given case should be proportionate to the anticipated extent of a project's actual contribution to satisfying the need for a particular type of infrastructure"; and Paragraph 3.3.4: "There are benefits of having a diverse mix of all types of power generation. It means we are not dependent on any one type of</p>	<p>NNDC is fully supportive of offshore renewable energy as a way to secure clean renewable energy.</p> <p>The Applicant is better placed to justify their proposal but NNDC consider it would be entirely remiss for the ExA to conclude that offshore wind is not needed. It is needed, but the key question for the ExA is how the DCO can positively manage any adverse impacts and maximise the benefits in delivering renewable energy.</p> <p>NNDC consider the public benefits will most certainly outweigh the adverse impacts.</p>	<p>Noted. The Applicant thanks NNDC for their support.</p>

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	generation or one source of fuel or power and so helps to ensure security of supply.”		
Q1.3.1 Effects on Marine Life and Benthic Habitats including through Cable Installation Methods			
Q1.3.1.1	<p>Intertidal and Subtidal areas</p> <p>Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP094]? Explain with reasons.</p>	<p>NNDC is fully supportive of the use of long HDD to bring cables onshore. This approach is much preferred to the impact of open trenching across Weybourne beach which would likely impact beach stability and also lead to extended footpath closures during construction / installation.</p>	<p>Noted.</p>
Q1.6.5.4	<p>Road Traffic Emissions Assessment Methodology</p> <p>When considering construction road vehicle exhaust emissions, the assessment [APP132] sets out that “Peak construction flows were not used in the assessment, as peak construction would occur over a 1 or 2 month period (at worst) and using these to derive AADT across a full year would unrealistically inflate the impacts of construction generated traffic. The use of average construction flows was deemed to be robust and more appropriate representation of construction impacts from traffic over an annual period, and aligns with the requirement for use of AADT flows”.</p> <p>a) LAs do you agree with this approach?</p> <p>b) Applicant, provide further justification for this approach.</p> <p>The ES [APP-132, Paragraph 157] notes that the statutory designated Railway Road and Gaywood Clock AQMAs in King's Lynn, declared in 2003 and 2009 respectively for</p>	<p>a) No comment</p> <p>b) N/A</p>	<p>Noted</p>

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	<p>exceedances of the NO2 annual mean, are located as close as 400m from road links likely to be used by project. It is assumed that due to this distance there will be no significant effects. Provide further justification and evidence to support this assertion.</p>		
Q1.6.6 Adequacy of the Outline Code of Construction Practice			
2	<p>Outline Code of Construction Practice</p> <p>The OCoCP [APP-302, Table 1-1] sets out a number of EMPs that will form part of the final CoCP and will be prepared, submit and approved post-consent.</p> <ul style="list-style-type: none"> a) A pre-construction drainage plan, a scheme to deal with the contamination of any land (including groundwater), a Materials Management Plan, Soil Management Plan, a Site Waste Management Plan, hydro-fraction surveys (for bentonite breakout) and a Construction Surface Water Drainage Plan are all referred to in the main text of the OCoCP but are not included in Table 1-1. Why is this? b) Confirm the status and origin of EMPs listed in Table 1-1. c) The OCoCP refers to Construction Method Statements. What will these include? d) Justify the level of detail and content provided to date within the suite of EMPs. 	<ul style="list-style-type: none"> a) N/A b) N/A c) N/A d) N/A e) N/A f) NNDC are not able to provide a response to this question in the time available. Response to be provided by Deadline 2 (see response to Q1.1.4.2) 	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	<p>e) Is it possible for the ExA to be sure that such EMPs will be successful in mitigating any impacts without seeing more detail?</p> <p>f) Local Authorities and NFU are there any management plans that you consider are crucial to review during the Examination? Explain with reasons</p>		
Q1.8.2.4	<p>Protected Characteristics</p> <p>a) Applicant, further to the ASI [EV-004], the ExA believes one or more residents of the Old Orchard House may have protected characteristics in line with s4 of the Equality Act 2010 [RR-124]. Explain what special consideration has been given.</p> <p>b) Applicant and NNDC, to confirm (without specifying any personal details) if protected characteristics of s4 of the Equality Act 2010 would trigger the Public Sector Equality Duty.</p> <p>c) Yvonne Odrowaz-Pieniazek, provide any further information or evidence that you may have to demonstrate that the exposure to EMF may be greater than the calculations provided by the Applicant.</p>	<p>a) N/A</p> <p>b) This is a matter for the ExA to consider as determining authority.</p> <p>c) N/A</p>	Noted
Q1.10.1 Design Principles			
3	<p>Q1.10.1.1</p> <p>Suitability and Adequacy of the Applicant's Approach to Design</p>	<p>a) N/A</p> <p>b) No comment</p>	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	<p>a) Has the Applicant satisfied the requirements set out in NPS EN-1 Section 4.5 in relation to sensitivity to place and contributing to the quality of the area in which the infrastructure would be located?</p> <p>b) Clarify, with reasons, whether you believe that design outcomes relating to proposed elements of infrastructure, structure and buildings proposed within the order limits, flood risk, landscape and ecology are sufficiently well developed within the application documents.</p> <p>c) Confirm, with reasons, whether you believe that noise mitigation measures and construction structures related to the construction compound should also be considered as part of the Applicant's approach to design. Applicant may respond.</p>	<p>c) See comments in SoCG on noise mitigation.</p>	
Q1.10.2 Design Development Process			
Q1.10.2.1	<p>Design Development Process</p> <p>a) Provide further detail of the structured framework within which the Applicant has carried out its design process to date, giving detail of the key milestones which have been reached within that process and setting out which elements of the overall design have been fixed at this stage.</p>	<p>a) N/A</p> <p>b) N/A</p> <p>c) N/A</p> <p>d) This is a matter for the Applicant to explain.</p>	<p>The Applicant provided response for Q1.10.2.1 in the Applicant Responses to the Examining Authority's First Written Questions [REP1-036] (Document reference 12.4).</p>

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	<p>b) Set out the main stages of the remainder of the design process required to fully develop the Applicant's design of the Proposed Development in the event that its application is granted Development Consent, giving an indication of expected deliverables and timescales wherever possible and indicate how this process will be secured within the draft DCO.</p> <p>c) Provide an outline description of the design professional disciplines that have contributed to the Applicant's design process to date.</p> <p>d) Set in further detail how the Applicant's design principles – established in its Design and Access Statement [APP-287] – are secured within the draft DCO</p>		
Q1.10.2.2	<p>Design Review</p> <p>Comment, with reasons, if the Applicant should seek independent design review advice in line with the policy recommendation in NPS, Paragraph 4.5.5.</p>	This is a matter for the ExA to determine.	Noted
Q1.11.1 General			
Q1.11.1.3	<p>Discharging Requirements and Conditions</p> <p>Applicant, provide a list or table of specifically named authorities and undertakers that are relevant in the dDCO for each and every reference to the following. Please list separately, instances where any of the following, for</p>	N/A	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	<p>example 'local authority', refers to different body or bodies.</p> <ul style="list-style-type: none"> • highway authority • lead local flood authority • relevant planning authority • local planning authority • street authority • drainage authority • sewerage undertaker • local authority • acquiring authority • public authority • Crown authority • approving authority 		
Q1.11.2 Definitions			
Q1.11.2.2	<p>Commence</p> <p>a) How would the activities currently excluded in the definition of commence be controlled, monitored and mitigated, given the CoCP would not be approved and enforceable (in line with R19) when the works excluded from the definition of commence may need to take place?</p> <p>b) Local Authorities, do you have concerns about works being delivered without any controls, in particular activities such as diversion and laying of services, the</p>	<p>a), b), c), d) and e) NNDC are not able to provide a response to these questions in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	<p>erection of any temporary means of enclosure, and the erection of welfare facilities?</p> <p>c) Local Authorities, are there other activities excluded from the definition of commence that you consider should be controlled through a management plan? Explain with reasons.</p> <p>d) Applicant and Local Authorities, is there a need for a definition for pre-commencement works and an accompanying management plan?</p> <p>e) Are there any concerns from any party about the scope, breadth and definition of commencement with the Order or its accompanying dDMLs? If so, explain what they are and the implications that you use the ExA to take account of.</p>		
Q1.11.2.3	<p>Maintain</p> <p>Justify if the drafting "to the extent assessed in the environmental statement" is an adequate bar in the definition of maintain to limit maintenance activities authorised under the dDCO and the dDMLs to those that are assessed within the ES.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.11.4 Schedules			
Q1.11.4.2	<p>Further Associated Development</p> <p>Are you satisfied that all instances of further associated development in connection with Work Nos. 1B to 7B, Work Nos. 8B to 22B, Work Nos. 3C, 4C, 5C and 7C and Work Nos.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	8C, 9C, 12C, 15C, 16C and 17C are controlled adequately by the provisions in the dDCO?		
Q1.11.4.3	Ancillary Works Are you satisfied that all instances of ancillary works are controlled adequately by the provisions in the dDCO?	NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2) Response to be provided by Deadline 2	Noted
Q1.11.4.5	Accuracy of all Schedules Check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.	NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2) Response to be provided by Deadline 2	Noted
Q1.13.1 Effects on European Designated Sites and Sites of Special Scientific Interest			
Q1.13.1.1	Air Quality and Screening of Ecological Sites Can you confirm if the approach to the selection of all the relevant European sites, the scopes of the in-combination assessment, the assessments and the conclusions reached by the Applicant is acceptable [APP-108, paragraph 138 (though not limited to that paragraph only)].	NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2) Response to be provided by Deadline 2	Noted
Q1.13.2 Effects on Protected and Priority Species			
Q1.13.2.4	Weybourne Cliffs It is identified that populations of sand martins nest within the cliffs [APP-106]. Would noise and vibration from the landfall construction operations, with particular regard to vibrations from the HDD, have any effect upon the integrity of the cliffs or the living conditions of the sand martins such that nesting could be abandoned?	NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2) Response to be provided by Deadline 2	Noted
Q1.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals			

ID	Question	North Norfolk District Council Responses	Applicant's Comment
Q1.16.2.5	<p>Contaminated Land – Approach</p> <p>The ES [APP-103] notes that potential areas of contamination cannot be avoided. This includes areas such as the disused airfield at Brandiston, railways lines (both historical and active) former pits and historic tanks. The assessment also identifies that targeted ground investigations may be required.</p> <p>a) What options were considered in the optioneering stage to avoid areas of potential contamination (i.e. why did the onshore cable corridor have to go through Brandiston Airfield)? This was not specifically mentioned in ES Chapter 3.</p> <p>b) Are the Order limits and cable corridor widths such that any dense areas of contamination within these areas could be bypassed, by micrositing the cables away from them (i.e. if there is an aeroplane fuel leak contained in one part of the cable corridor that could be diverted around)?</p> <p>c) Are the EA and LAs content that targeted ground investigations have not yet been undertaken and would be subject to post-consent processes?</p>	<p>a), b), c) NNDC are not able to provide a response to these questions in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.17.1 Effect on Landscape Character and Views			
Q1.17.1.1	LVIA Methodology The ES states that the LVIA was undertaken both in accordance with GLVIA3 and with direct input from local	a), b), c) - NNDC are not able to provide a response to these questions in the time available for Deadline 1 (see response to Q1.1.4.2)	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	<p>authorities as to the location and frequency of viewpoint analysis [APP112].</p> <ul style="list-style-type: none"> a) In this context, can you confirm that the selection of receptors (and their sensitivity) is reasonable and that there are no outstanding concerns regarding the process that the Applicant undertook (notwithstanding you may disagree with its results and conclusions). b) Are you satisfied with the study areas adopted by the Applicant for the onshore substation and the landfall site? c) If not, please set out the reasons for this position and indicate what additional areas should be included and the reasons why these areas should be included. 	<p>Response to be provided by Deadline 2</p>	
Q1.17.1.9	<p>Residential Receptors</p> <p>The Applicant notes that a RVAA has not been undertaken because the nearest receptors would fall below the relevant threshold [APP-112, paragraphs 117-120].</p> <ul style="list-style-type: none"> a) LAs, is this a reasonable approach? b) LAs, what weight should be given to private views from residential properties in the Examination, in the ExA's considerations and in the SoS's decision? Applicant may respond. 	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
Q1.17.1.13	<p>The Applicant's Assessment of Effects within its LVIA Documents</p> <p>Please set out, or provide signposting to where you have set out, any areas of disagreement with the Applicant's baselines, methodologies and assessment of effectiveness of proposed mitigation measures within its Landscape and Visual Impact Assessment [APP-112]. If no areas of disagreement exist, please indicate this with reasons explaining why you believe the application documents provide satisfactory information on this topic.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.17.3 Effectiveness of mitigation proposals			
Q1.17.3.4	<p>Extent of Mitigation</p> <p>Would the mitigation planting illustrated by the Applicant be effective in reducing the magnitude and significance of the visual effect of the Proposed Development? If not, why not? What other steps should be considered in order to provide the necessary change in magnitude and significance of the visual effect of the onshore substation buildings and/ or structures?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.17.3.6	<p>Outline Landscape Management Plan</p> <p>Are you satisfied that the details of location, number, species, size and density of proposed planting around the onshore substation need not be considered during the Examination [APP-303]?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.18.1 Effect on Seascape Character and Views			

ID	Question	North Norfolk District Council Responses	Applicant's Comment
Q1.18.1.1	<p>SLVIA Methodology</p> <p>The ES states that the SLVIA was undertaken both in accordance with direct input from local authorities as to the location and frequency of viewpoint analysis [APP-111]. In this context, can you confirm that the receptors (and their sensitivity) are reasonable and that there are no outstanding concerns regarding the process that the Applicant undertook (notwithstanding you may disagree with its results and conclusions).</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.18.3 Effects on Designated and Historic Landscapes			
Q1.18.3.1	<p>The Existing Baseline and its Effect on the Statutory Purpose of the NCAONB</p> <p>NE states that the existing OWF installations have a compromising effect on the statutory purpose of the NCAONB [RR-063]. Respond, with reasoning.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.18.3.2	<p>The Extent of Additional Harm to the NCAONB</p> <p>What is your assessment of the effects of the Proposed Development on the NCAONB in EIA terms?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.18.3.3	<p>Cumulative Impact Assessment</p> <p>Should a CIA be undertaken in order to inform the EIA to ensure that the impact of SEP and DEP on the statutory purpose of the NCAONB, in the context of the existing OWF, can be made?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.18.3.5	<p>Tourism and Coastal Footpaths</p> <p>Is there any evidence to suggest that the construction of offshore wind turbines, and their</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p>	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	cumulative seascape impact, has impaired, prejudiced or resulted in the loss of tourism activities/ enjoyment along the North Norfolk coast?	Response to be provided by Deadline 2	
Q1.18.3.6	<p>North Norfolk Heritage Coast</p> <p>Explain your respective positions on the qualities and significance of the Heritage Coast, particularly the stretch within which the Proposed Development would be theoretically and actually visible. Set out where you consider harms would occur and what, if anything, could be done to minimise the harm or improve the visitor experience.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.18.3.7	<p>Aviation Lighting</p> <p>Would you wish to see revisions to the quantum aviation lighting across both the Proposed Development together with the existing extent of the SOW and DOW, to minimise it where possible, so as to minimise night-time effects on the historic seascape?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.18.4 Cumulative Effects			
Q1.18.4.1	<p>Cumulative Effects</p> <p>Are you satisfied with the list of projects included in the assessment of potential cumulative landscape and visual effects? If not, identify those projects that you believe should be included and indicate why you believe that they should be included.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.20.1 Adequacy of the Assessments for Construction			

ID	Question	North Norfolk District Council Responses	Applicant's Comment
Q1.20.1.1	<p>Methodology – Baseline Noise Survey</p> <p>The ES [APP-109, Paragraph 51] states that the baseline survey methodology was agreed with BDC. Large parts of the cable corridor, landfall and the substation are located in other local authority areas (NNDC and SNDC). Do NCC, NNDC and SNDC agree with the scope and extent of the baseline survey?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>These are matters currently being resolved through the SoCG.</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.20.1.2	<p>Methodology - Baseline Noise Assumptions</p> <p>a) What is the justification for not undertaking baseline noise surveys at sensitive receptors along the onshore cable route and assuming a Category A threshold value [APP-109]?</p> <p>b) Further, explain why no surveys were undertaken in proximity to the main construction compound at Attlebridge.</p> <p>c) Is it possible that actual baseline levels at the sensitive receptors could be lower than assumed?</p> <p>d) If so, what impact would this have on the assessment?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>These are matters currently being resolved through the SoCG.</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.20.1.4	<p>Methodologies – Noise and Vibration</p> <p>Do NCC, NNDC, SNDC and BDC agree with the Construction Phase Noise, Road Traffic Noise Assessment and Construction Phase Vibration Assessment Methodologies adopted in the ES [APP-109], including the predicted construction noise and vibration levels?</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>These are matters currently being resolved through the SoCG.</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.20.4 Adequacy and Design of Proposed Mitigation			

ID	Question	North Norfolk District Council Responses	Applicant's Comment
Q1.20.4.3	<p>Potential Impacts – Monitoring Operational Noise</p> <p>To be effective should dDCO R21 be explicit about where monitoring should be done, such as the onshore substation? Provide revised wording if so.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>These are matters currently being resolved through the SoCG. Response to be provided by Deadline 2</p>	Noted
Q1.22.1 Effects on recreation, tourism and business			
Q1.22.1.4	<p>Tourist Income In respect of the tourism assets on offer:</p> <p>a) Explain the main forms of tourism within Norfolk and, if possible, specifically in the areas where the Proposed Development would be located.</p> <p>b) Explain the revenue that is derived from tourists visiting Weybourne Beach.</p> <p>c) Explain how construction works, particularly road closures and traffic management measures, deter or otherwise impinge on a tourist's desire to visit and explore Norfolk.</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted
Q1.22.2.8	<p>Outline Skills and Employment Plan</p> <p>The OSEP [APP-310] sets out that the Applicant intends to work with the relevant sector and local authority bodies to help secure economic benefits of the OWF to the local area and identifies a number of general outline commitment examples. Is the OSEP currently sufficient to ensure local socioeconomic benefits are secured and maximised, and are firmer commitments and targets for local employment and skills/training needed, particularly to realise</p>	<p>NNDC are not able to provide a response to this question in the time available for Deadline 1 (see response to Q1.1.4.2)</p> <p>Response to be provided by Deadline 2</p>	Noted

ID	Question	North Norfolk District Council Responses	Applicant's Comment
	the potential benefits set out in the ES [APP113]?		
Q1.22.3 Effects on Individuals and Communities			
Q1.22.3.2	Development Consent Obligations NNDL [RR-069] reference potential community benefits being secured through an obligation. Describe to the Examination the nature and extent of any benefits you consider are necessary relative to the impacts of the Proposed Development, setting out how these comply with the CIL Regulations and the justification for them.		
Q1.24.2.17	Private Water Supplies Is it justified to address impacts on private water supplies post-consent? If so and further, how is this secured in the dDCO?	No comment	Noted

1.20 Orsted

Table 20 The Applicant's Comments on Orsted's Responses to the Examining Authority's First Written Questions

ID	Question	Orsted Responses	Applicant's Comment
Q1.11.7.1	The ExA acknowledge the above judgement relates to a non-Development Consent Order case. However, it occurs to the ExA that the principles of the judgement may be applicable for the Proposed Development given the level of interaction of the scheme with other existing consented DCO's, including land subject of compulsory acquisition. The ability to modify the initial permission in the DCO context is based on the specific power in	<ul style="list-style-type: none"> a) No, Hornsea Three does not consider that this is necessary. b) Hornsea Three agrees with the Applicant's response to this question. Hornsea Three is in discussions with the Applicant to ensure co-ordination between the relevant projects and ensure that the Proposed Development and Hornsea Three can both be constructed and operated within the 	Noted.

ID	Question	Orsted Responses	Applicant's Comment
	<p>section 120 of the Planning Act 2008. In this respect:</p> <ul style="list-style-type: none"> a) Would any existing consented DCO need to be modified or amended by the Proposed Development? b) Would any existing consented DCO be prejudiced in the ability to be implemented, either through works or land take, to the extent it could not come forward in accordance with its terms and management plans? c) Provide any other views on the relevance, or otherwise, of the judgement upon this project. 	<p>terms of their consents. Protective provisions and an associated collaboration agreement are being negotiated to facilitate any necessary coordination.</p> <ul style="list-style-type: none"> c) Hornsea Three agrees with the Applicant's response to this question. Hornsea Three does not consider that the implementation of the Proposed Development would prejudice or prevent the implementation of Hornsea Three for the reasons set out in (b) above. 	
Q1.9.1.3	<p>For all named parties in relation to [RR-071] and [RR-123]:</p> <ul style="list-style-type: none"> a) Show on an annotated plan drawing the extent of the overlap between the Order limits for the Proposed development and any planning permissions granted for battery storage in the vicinity of Norwich Main substation. b) Set out an annotated plan drawing the routes or positions of any extant grid connections between those storage apparatus and Norwich Main. 	<ul style="list-style-type: none"> a) Hornsea Three has reviewed the plan submitted by the Applicant in response to this question and confirms that it correctly details the proposed location of the energy balancing infrastructure granted by planning permission on 23 January 2023 (Planning Reference: 2022/0867). The applicant for the planning permission was Orsted Icen ESS (UK) Limited. b) Hornsea Three confirms that the route of any grid connection apparatus between the energy balancing infrastructure and Norwich Main will be located within the Hornsea Three Order limits (as shown on the plan submitted by the Applicant). 	Noted

1.21 Oulton Parish Council

Table 21 The Applicant's Comments on Oulton Parish Council's Responses to the Examining Authority's First Written Questions

ID	Question	Oulton Parish Council Responses	Applicant's Comment
Question 1.23.1.8			
1	<p>Oulton</p> <p>At OFH1 [EV-009] [EV-010], Oulton Parish Council set out that it is concerned about traffic on the local roads around Oulton.</p> <p>Provide a description and a map if possible, showing the specific areas of concern.</p>	<p>Oulton is currently impacted by three Offshore Wind farm projects.</p> <p>Orsted Hornsea Three (HP3), Vattenfall Norfolk Vanguard/Norfolk Boreas(NV/B).</p> <p>Equinor Sheringham and Dudgeon Extension Project (SEP/DEP) will be the latest proposal which will impact the village and surrounding area.</p> <p>In all of the DCOs for Hornsea Three/Norfolk Vanguard/Boreas there is a requirement in the CTMP which will prevent construction traffic going through the residential part of Oulton Street, OPC would wish the same requirement to be applied to the SEP/DEP DCO. However for the community, the increase in traffic at the southern end of 'The Street', the main route out of Oulton Street onto the B1149, will result in delays.</p> <p>Therefore there is the probability of an increase in displaced local traffic avoiding the southern end of 'The Street' and using local alternative routes, often narrow roads, unable to cope with two way traffic.</p> <p>The local community have already experienced this over a six-week period of diversions due to road closures when the pre construction works for Orsted HP3, highway intervention scheme (HIS), were implemented. These diversions added mileage and time to local daily journeys. It is feared that traffic, especially agricultural traffic, will</p>	<p>The Applicant clarifies that the OCTMP (Revision B) [REP1-021] secured via Requirement 15 of the draft DCO (Revision D) [document reference 3.1] includes commitments to not route SEP and/or DEP HGV traffic via Oulton. Section 2.3 of the OCTMP (Revision B) [REP1-021] sets out how the routeing of HGVs will be controlled.</p> <p>Section 4.11.1 of the OCTMP (Revision B) [REP1-021] also includes a commitment to managing cumulative traffic flows via The Street.</p> <p>Table 24-20 of the Chapter 24 Traffic and Transport of the ES [APP-110] presents details of the peak increase in daily traffic that would be generated via The Street (Link 131). It can be identified from Table 24-20 that at peak SEP and DEP could result in a peak change in traffic of up to 5%. A change in daily traffic of up to 5% would be less than typically day to day fluctuations and is assessed to result in no discernible (negligible) environmental impacts.</p>

ID	Question	Oulton Parish Council Responses	Applicant's Comment
		<p>use Oulton Street as an alternative route, adding intolerably to local impacts. SEP/DEP would add to traffic cumulatively with Orsted and Vattenfall, and would further extend the already protracted number of years of construction traffic affecting local communities.</p> <p>B1149</p> <p>The B1149 will also be impacted by SEP/DEP as there will be three access point along this road, two of which will be new access points.....</p> <p>(APP- 014) ACEW41 (**it is noted that this refers to early works, an assumption is that this will not be in operation once construction starts)</p> <p>ACC25 which appears to be an access to the temporary compound.</p> <p>ACEW42 (early works) / ACC25b This access is of most concern as it is opposite a junction to Heydon, at the best of times it is hard for motorists trying to exit this junction to turn right, due to the junction being in a dip.</p> <p>The addition of traffic turning to access ACC25 will be difficult, for traffic turning right at the junction.</p> <p>There appears to be no information on how the resident of Bluestone Cottage will be able to exit from their property or consideration of loss of access during works to construct the cable route.</p> <p>Will it be open trench or will the HDD start at this point?</p> <p>These access points are along a road the B1149 which has hidden dips.</p>	<p>The Applicant clarifies that accesses notated ACEW (rather than ACC) are for early works. Accesses ACEW41 and 42 would be used for pre-commencement works only (defined within Article 2(b) of the draft DCO (Revision D) [document reference 3.1]). The number of vehicle movements would therefore be low due to the nature of these pre-commencement works.</p> <p>The use of temporary traffic signals at accesses ACC25 and ACC25b has been discussed and agreed with Norfolk County Council (highway authority) as a means of safely controlling traffic in this location. These signals would assist in managing the potential for conflict with the resident of Bluestone Cottage. Details of the proposed traffic management measures for these accesses are detailed within Annex 30 of the Transport Assessment [APP-269].</p> <p>With regard to the potential for cumulative impacts along the B1149, the Applicant clarifies that the OCTMP (Revision B) [REP1-021] includes commitments to 'cap' cumulative traffic flows along this road to not exceed levels agreed for the Norfolk Vanguard/ Hornsea Project Three.</p>

ID	Question	Oulton Parish Council Responses	Applicant's Comment
		<p>The B1149 will also be used by Vattenfall to access Link 75 (B1354/Blickling Rd).</p> <p>The issue is that these roads and the communities who live there will have been impacted by road closures, diversions and delays over several years already and further disruption will come from yet another offshore wind farm, onshore impacts.</p> <p>Cumulative traffic Links for Oulton/Oulton Street access from B1149</p> <p>Orsted Hornsea Three Main Construction Compound accessed by LINK 208 118 HGVs</p> <p>Vattenfall Norfolk Vanguard Cable Route & Mobilisation area accessed by LINK 68 96 HGVs</p> <p>Vattenfall Norfolk Vanguard cable route accessed along B1354/Blickling Rd LINK 75 72 HGVs</p> <p>Vattenfall Norfolk Boreas cable route (cable pulling) & cable logistics area accessed via LINK 68 37 HGVs</p> <p>Equinor SEP/DEP LINK 57 - 95 HGVs (peak) 44 HGVs (average), LINK 131 54 HGVs (peak) 11 HGVs (average)</p> <p>HDD Impacts & 'Stopped up Roads'</p> <p>In addition to the cumulative impacts of traffic, from Hornsea Three, Norfolk Vanguard & Boreas, Oulton will have additional cable route construction impacts from SEP/DEP specialist works in the form of horizontal directional drilling (HDD) at four locations in the village, with the resultant traffic, noise & vibration impacts.</p>	<p>As outlined within the Crossing Schedule [AS-022] all roads will be crossed using trenchless technologies, such as horizontal directional drilling (HDD). Roads that will be crossed using trenchless technologies are included within Schedule of Streets in the draft DCO (Revision D) [document reference 3.1] to be temporarily stopped up pursuant to gaining the necessary powers to undertake the works under the highway.</p>

ID	Question	Oulton Parish Council Responses	Applicant's Comment
		<p>Two locations are longer routes, being under the River Bure (320m) & the Solar Farm site (600m length as stated in crossing schedule APP-178)</p> <p>It is noted that some of the roads in Oulton will be temporary 'stopped up streets' (APP-015) ... 13c-13d/14a-14b/15a-15b/16a-16b/16c-16dn/16g-16h/16k-16l</p> <p>It appears local traffic will not be able to access these roads during works. This means Oulton residents will again face delays and diversions. It was OPC's understanding that HDD would be less intrusive than open cut trenching, some clarity on why roads need to be temporarily closed is needed.</p>	<p>The impact of construction traffic and noise and vibration are assessed within Chapter 24 Traffic and Transport [APP-110] and Chapter 23 Noise and Vibration [APP-109], respectively. The chapters outline that with the application of mitigation measures (as required) the residual impacts would not be significant.</p>

1.22 Perenco

Table 22 The Applicant's Comments on Perenco's Responses to the Examining Authority's First Written Questions

ID	Question	Perenco Responses	Applicant's Comment
Impact to Helicopter Access			
Q1.4.2.3	<p>a) Regarding helicopter access to and from oil and gas offshore platforms (particularly Waveney, Blythe and Elgood), explain with reasoning to support your position, whether suitable mitigation has been planned/agreed with the Applicant and secured appropriately within the dDCO?</p> <p>b) Please explain with reasons what further mitigation would be required.</p> <p>c) Applicant and Perenco, provide reasoning for what you consider to be</p>	<p>a) Discussions are in progress between the Applicant and Perenco UK Limited (Perenco) but as yet no agreement has been reached.</p> <p>b) Perenco has set out the required mitigations in its Written Representation submitted at DL1. This is summarised in points 13, 18 & 19 of the Written Representation Summary also submitted at DL1.</p>	<p>The Applicant notes Perenco's response and has made comment on their Written Representation in The Applicant's Comments on Written Representations [document reference 14.2].</p>

ID	Question	Perenco Responses	Applicant's Comment
	the safe take off requirements and exclusion areas.	c) The reasoning is set out in Section 2 of Perenco's Written Representation.	

1.23 Royal Society for the Protection of Birds

Table 23 The Applicant's Comments on Royal Society for the Protection of Birds' Responses to the Examining Authority's First Written Questions

ID	Question	Royal Society for the Protection of Birds Responses	Applicant's Comment
Q1.3.4.3	<p>MEEB and Sandeels</p> <p>Sandeels are considered an important part of the food resource for bird species, including kittiwakes and sandwich terns [APP-069].</p> <p>a) Could sandeel habitat be artificially formed and sustained in the MCZ?</p> <p>b) If so, would that area be afforded protection from the fishing industry due to the designation?</p>	<p>The RSPB notes this question. 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. The RSPB would support measures that increased prey availability kittiwakes, Sandwich terns and other seabird. We will review and respond in more detail at Deadline 2.</p>	<p>The Applicant notes Natural England's response to the Examining Authority's first written question Q1.14.1.12 [REP1-139] which highlights that the CSCB MCZ lies outside the preferred foraging areas of NNC SPA Sandwich terns. In addition, the Applicant notes that MEEB is to compensate for potential effects on the benthic sediment features of the MCZ and therefore its primary purpose would be to provide enhanced, equal, or similar ecological function to that being lost, rather than it being intended to increase prey availability for seabirds which would form part of HRA compensation.</p>
Q1.12.1 Effects on Ornithology			
Q1.12.1.1	<p>Quality of Data</p> <p>There are instances within the ES [APP-097, Paragraphs 172, 240, 313] where the Applicant raises issues with data and the approach taken to using it. In these respects:</p> <p>a) Are you concerned that, in several places, the Applicant has stated "it was not considered possible to produce</p>	<p>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. The RSPB has provided our</p>	<p>See the Applicant's responses to the RSPB's Written Representations in The Applicant's Comments on Written Representations [document reference 14.2] submitted at Deadline 2.</p>

ID	Question	Royal Society for the Protection of Birds Responses	Applicant's Comment
	<p>reliable and precise design-based density estimates for offshore ornithology receptors for DEP-N and DEP-S, only DEP as a whole" and, if so, do you consider that this undermines the Applicant's conclusions on the significance of adverse effects?</p> <p>b) Is it appropriate and proportionate for the Applicant to have relied upon written sources to gather data across the export cable corridor rather than undertaking baseline 'on-site' surveys?</p> <p>c) The Applicant acknowledges departing from Natural England's suggested mortality rates, because such rates are higher. Do you consider there to be sufficient justification for this departure and if not, why not?</p> <p>d) Are you content with the approach undertaken with regards to assessing the overall effects of the Proposed Development considered alongside other projects?</p>	<p>detailed comments on the Applicant's methodology and our outstanding concerns in Section 4 (pp.30-39) of our Written Representations.</p>	
Q1.12.1.3	<p>Use of a Scientific Study</p> <p>In Relevant Representation [RR-083], in relation to studies on seabird activity, it states that the study undertaken by Cook in 2021 has not been adopted by SNCBs and therefore cannot be relied upon for its data on collision risk modelling.</p>	<p>The RSPB sets out our detailed position on the Cook (2021) paper in paragraphs 4.21-4.26 (pp.34-37) of our Written Representation.</p>	

ID	Question	Royal Society for the Protection of Birds Responses	Applicant's Comment
	<p>a) Are the findings of Cook 2021 currently disputed?</p> <p>b) What is the process of adoption for a scientific paper and is there a timescale in which such an evidence base would be either adopted or rebuked (reported on)?</p> <p>c) What would be an appropriate equivalent evidence base from which evidence could be relied upon that you say the Applicant should have referred to instead?</p>		
Q1.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects			
Q1.14.1.10	<p>Norfolk Boreas and Norfolk Vanguard DCO Decisions</p> <p>Do the SoS's HRAs and decisions on the Norfolk Boreas and Norfolk Vanguard projects affect the process or conclusions of the HRA undertaken for this Proposed Development by the Applicant, including the deliverability and timing of the proposed compensation measures, especially in relation to the kittiwake interest feature of the Flamborough and Filey Coast SPA?</p>	<p>The RSPB sets out our detailed position on the implications of decisions from other Offshore Wind Farm projects to compensation measures in paragraphs 5.9-5.21 (pp.45-48) of our Written Representation.</p>	<p>See the Applicant's responses to the RSPB's Written Representations in The Applicant's Comments on Written Representations [document reference 14.2] submitted at Deadline 2.</p>
Q.1.14.1.21	<p>Marine Recovery Fund</p> <p>The Applicant has set out compensatory measures for those species/ features identified as where an AEol cannot be ruled out. The Applicant has stated however, that it may not implement such compensatory measures if the</p>	<p>The RSPB notes this question. We will respond in detail at Deadline 2.</p>	<p>Noted – the Applicant will review the RSPB's response to this question at Deadline 2 and respond at a later deadline if required.</p>

ID	Question	Royal Society for the Protection of Birds Responses	Applicant's Comment
	<p>'Marine Recovery Fund' (or equivalent) is introduced by the Government.</p> <p>a) Is it appropriate for the Applicant to substitute in a contribution towards a strategic compensation fund as opposed to proactively implementing its own proposed package of physical and proactive compensatory measures (bearing in mind the fund does not yet exist)?</p> <p>b) Would there be any guarantees that the contribution to the fund would be directed specifically towards compensating for the adverse effects of the Proposed Development on sandwich terns and kittiwakes?</p> <p>c) From what you know of the fund, is it purely to be directed to whatever project the Government allocates as needing attention rather than project specific?</p>		

1.24 South Norfolk Council

Table 24 The Applicant's Comments on South Norfolk Council's Responses to the Examining Authority's First Written Questions

ID	Question	South Norfolk Council Responses	Applicant's Comment
Q1.1.1 Planning Policy			
Q1.1.1.1	<p>Planning Policy</p> <p>Set out whether, in your view:</p> <p>a) There are any areas of where the Proposed Development conflicts with the</p>	SNC – No comments to make.	Noted

ID	Question	South Norfolk Council Responses	Applicant's Comment
	<p>aims and objectives of the designated NPSs, specifically NPS EN1 and NPS EN3;</p> <p>b) The representation of the Local Plans and policies [APP-088] is accurate or, if not, provide updated information;</p> <p>c) Any other policy documents are considered important and relevant to the Examination.</p> <p>d) Applicant, provide a complete summary in tabular form to demonstrate how it is considered the Proposed Development accords with all relevant paragraphs of the designated energy NPSs.</p>		
Q1.1.2 Planning Permissions			
Q1.1.2.1	<p>Planning Permissions</p> <p>Please update the Examination as to whether any new permissions have been granted, or new projects pending decision, that require consideration within the cumulative impact assessment.</p>	<p>The LIR sets out the new permissions which have been granted or projects pending consideration that the Council considers should be taken into account in the determination of the proposed development.</p>	<p>Noted. See Applicant's response to South Norfolk Council (SNC) LIR [document reference 14.3].</p>
Q1.1.2.2	<p>Planning Applications</p> <p>Have any proposed works, to date, been subject to planning applications under s78 of the TCPA1990 (as amended) and, if so, where are they and what is their status?</p>	<p>None have gone or are at appeal.</p>	<p>Noted</p>
Q1.1.4 Miscellaneous			
Q1.1.4.2	<p>Availability of Resources for NSIP casework</p> <p>Are you confident that you have, or shortly will have, sufficient resources to deal with the NSIP-</p>	<p>We are one officer team serving two Independent Council's without a specialist team dedicated to dealing with NSIP's, as in we have</p>	<p>Noted. The Applicant will work with SNC proactively to reduce the impact on SNC's resources.</p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
	related workload that will be associated with the Proposed Development during the examination and recommendations phases and that would be associated with the Proposed Development if the SoS made an order granting development consent?	other roles and responsibilities. We have as one officer team; 3 consented National Highway NSIP's, 3 Off-Shore windfarm NSIP's consented and Discharging their Requirements, East Anglia GREEN which is in its pre-consultation stage and the present project under examination. We have made the resources available to deal with the work related to this project during the examination (at the expense of other work streams) and will welcome discussions with the developer on the potential for a PPA for the Discharge of Requirements.	
Q1.3.1 Effects on Marine Life and Benthic Habitats including through Cable Installation Methods			
Q1.3.1.1	Intertidal and Subtidal areas Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.	Defer to Natural England and the other specialises listed.	Noted
Q1.6.5 Effects from emissions on air quality			
Q1.6.5.4	Road Traffic Emissions Assessment Methodology When considering construction road vehicle exhaust emissions, the assessment [APP-132] sets out that "Peak construction flows were not used in the assessment, as peak construction would occur over a 1 or 2 month period (at worst) and using these to derive AADT across a full year would unrealistically inflate the impacts of construction generated traffic. The use of average construction flows was deemed to be robust and more appropriate representation of construction impacts from traffic over an annual	Defer to Norfolk County Council	Noted

ID	Question	South Norfolk Council Responses	Applicant's Comment
	<p>period, and aligns with the requirement for use of AADT flows".</p> <ul style="list-style-type: none"> • LAs do you agree with this approach? • Applicant, provide further justification for this approach. 		
Q1.6.6 Adequacy of the Outline Code of Construction Practice			
Q1.6.6.1	<p>Outline Code of Construction Practice</p> <p>The OCoCP [APP-302, Table 1-1] sets out a number of EMPs that will form part of the final CoCP and will be prepared, submit and approved post-consent.</p> <ol style="list-style-type: none"> a) A pre-construction drainage plan, a scheme to deal with the contamination of any land (including groundwater), a Materials Management Plan, Soil Management Plan, a Site Waste Management Plan, hydro-fraction surveys (for bentonite breakout) and a Construction Surface Water Drainage Plan are all referred to in the main text of the OCoCP but are not included in Table 1-1. Why is this? b) Confirm the status and origin of EMPs listed in Table 1-1. c) The OCoCP refers to Construction Method Statements. What will these include? Justify the level of detail and content provided to date within the suite of EMPs. d) Is it possible for the ExA to be sure that such EMPs will be successful in 	<p>Consider that all the management plans required have been provided.</p>	<p>The Applicant's Management Plans will be developed during the detailed design element of the project leading up to construction.</p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
	<p>mitigating any impacts without seeing more detail?</p> <p>e) Local Authorities and NFU are there any management plans that you consider are crucial to review during the Examination? Explain with reasons:</p>		
Q1.10.1 Design Principles			
Q1.10.1.1	<p>Suitability and Adequacy of the Applicant's Approach to Design</p> <p>a) Has the Applicant satisfied the requirements set out in NPS EN-1 Section 4.5 in relation to sensitivity to place and contributing to the quality of the area in which the infrastructure would be located?</p> <p>b) Clarify, with reasons, whether you believe that design outcomes relating to proposed elements of infrastructure, structure and buildings proposed within the order limits, flood risk, landscape and ecology are sufficiently well developed within the application documents.</p> <p>c) Confirm, with reasons, whether you believe that noise mitigation measures and construction structures related to the construction compound should also be considered as part of the Applicant's</p>	<p>Early consultation, which has taken place to mitigate and help to improve the quality. Every endeavour to find the best possible site in terms of the substation and its connection to Norwich Main, through the identified site selection process. So in terms of a built form which is driven by the functional requirements of the substation and is typical of the substations required for this type of development, it is considered that the objectives of the policies have been met.</p> <p>The principle consideration for The Council is the substation which is functional in form and the design is dictated by its use. It is considered that the Design objectives listed in the Onshore Design and Access Statement are sufficiently covered in the submitted documents and the draft requirements.</p> <p>The Council agrees however only in so far as the specific layout of the compound has the noisier activities located away from sensitive receptors. It is noted that Noise and Vibration is covered in management plans and requirements.</p>	<p>Noted</p> <p>Noted</p> <p>Noted. The Applicant is working with SNC officers to reach agreement on this issue. The noise and vibration mitigation will be developed during detailed design.</p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
	approach to design. Applicant may respond.		
Q1.10.2 Design Development Process			
Q1.10.2.1	<p>Design Development Process</p> <ul style="list-style-type: none"> a) Provide further detail of the structured framework within which the Applicant has carried out its design process to date, giving detail of the key milestones which have been reached within that process and setting out which elements of the overall design have been fixed at this stage. b) Set out the main stages of the remainder of the design process required to fully develop the Applicant's design of the Proposed Development in the event that its application is granted Development Consent, giving an indication of expected deliverables and timescales wherever possible and indicate how this process will be secured within the draft DCO. c) Provide an outline description of the design professional disciplines that have contributed to the Applicant's design process to date. d) Set in further detail how the Applicant's design principles – established in its Design and Access Statement [APP-287] – are secured within the draft DCO 	No comments to make	Noted
Q1.10.2.2	Design Review	No comments to make	Noted

ID	Question	South Norfolk Council Responses	Applicant's Comment
	Comment, with reasons, if the Applicant should seek independent design review advice in line with the policy recommendation in NPS, Paragraph 4.5.5.		
Q1.11.2 Definitions			
Q1.11.2.2	Commence		
	a) How would the activities currently excluded in the definition of commence be controlled, monitored and mitigated, given the CoCP would not be approved and enforceable (in line with R19) when the works excluded from the definition of commence may need to take place?		
	b) Local Authorities, do you have concerns about works being delivered without any controls, in particular activities such as diversion and laying of services, the erection of any temporary means of enclosure, and the erection of welfare facilities?	If these works fall within the definition of permitted development or under the jurisdiction of works that can be carried out by statutory undertakers, then the Council would not have concerns as they can be carried out without planning permission.	SNC's comments are noted and draws attention to the draft DCO (Revision D) [document reference 3.1.1] which already defines 'commence'. See also the Applicant's related response to WQ1.11.2.2(a) in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036].
	c) Local Authorities, are there other activities excluded from the definition of commence that you consider should be controlled through a management plan? Explain with reasons.	No comments	Noted
	d) Applicant and Local Authorities, is there a need for a definition for pre-commencement works and an accompanying management plan?	The Council considers that it would be helpful to have the definition of pre-commencement works.	See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]. The Applicant does not consider a definition of pre-commencement works is necessary.

ID	Question	South Norfolk Council Responses	Applicant's Comment
	e) Are there any concerns from any party about the scope, breadth and definition of commencement with the Order or its accompanying dDMLs? If so, explain what they are and the implications that you use the ExA to take account of.		
Q1.11.4 Schedules			
Q1.11.4.2	Further Associated Development Are you satisfied that all instances of further associated development in connection with Work Nos. 1B to 7B, Work Nos. 8B to 22B, Work Nos. 3C, 4C, 5C and 7C and Work Nos. 8C, 9C, 12C, 15C, 16C and 17C are controlled adequately by the provisions in the dDCO?	The Council is satisfied.	Noted
Q1.11.4.3	Ancillary Works Are you satisfied that all instances of ancillary works are controlled adequately by the provisions in the dDCO?	The Council is satisfied.	Noted
Q1.11.4.5	Accuracy of all Schedules Check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.	No comments to make	Noted
Q1.13.1 Effects on European Designated Sites and Sites of Special Scientific Interest			
Q1.13.1.1	Air Quality and Screening of Ecological Sites Can you confirm if the approach to the selection of all the relevant European sites, the scopes of the in-combination assessment, the assessments and the conclusions reached by	Defer to Natural England	Noted.

ID	Question	South Norfolk Council Responses	Applicant's Comment
	the Applicant is acceptable [APP-108, paragraph 138 (though not limited to that paragraph only)].		
Q1.13.3 Effects on Ancient Woodland, Trees and Hedgerows			
Q1.13.3.3	<p>Moveable Hedgerows</p> <p>Provide more details on the nature and extent of 'moveable hedgerow' infrastructure [AS- 034] and provide any evidence as to their effectiveness.</p>	<p>Please see BritishIslandsBats_VolThree_2022.pdf see Using camouflage to help bats. The use of 'bat fencing' to retain connectivity – Greg Slack.</p> <p>'These initial trial results suggest that the use of fencing with camouflage netting is likely to be beneficial in helping to retain connectivity and reduce the proportion of crossing attempts that result in failure. While even a single line of fencing without camouflage netting may be of some use in reducing severance of bat habitat, a more complex fence structure with camouflage netting appears to have a significantly greater benefit.'</p>	<p>Noted.</p> <p>The scope of bat mitigation at individual hedgerow/linear feature crossing points is to be informed by the results of the pre-construction surveys, but moveable hedgerows are amongst the measures which will be considered for use where appropriate.</p>
Q1.13.3.4	<p>Management Plans</p> <p>There is a request that final management plans secure a number of measures over which the Council is concerned, such as floodlighting, generators etc [RR-034]. Do you consider that the current suite of plans and requirements adequately cover these measures and, if so, what amendments or additions would give you reassurance that appropriate mitigation was being utilised?</p>	<p>The Council is satisfied that finalised specific details will be presented in the finalised Code Of Construction Practice which is conditioned in R19.</p>	<p>Noted.</p>
Q1.15.3 Effects on Designated and Non-designated Heritage Assets			
Q1.15.3.2	<p>Ketteringham Hall Park</p> <p>The ExA notes that you consider Ketteringham Hall Park as a non-designated asset [AS- 034].</p>	<p>The area known as Ketteringham Hall Park is the historic parkland created for and associated with Ketteringham Hall. The present Hall, still</p>	<p>The position of SNC is noted by the Applicant, and it reflects the position of the Applicant. No further response is required.</p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
	<p>Set out in full your position on the significance of the asset and the features that contribute to its significance and setting. In accordance with paragraph 203 of the NPPF, set out the scale and nature of the harm anticipated and weigh this against the public benefits of the proposal.</p>	<p>standing, dates from the 1830's and is grade II. Parts of the park date from an earlier house on the site and appear on Faden's Map of 1797 although not the area of the wider park area that the cable is running through. The Park is registered on the HER (NHER 44333) which states it was in existence by the late C18 and is shown in detail on C19 Maps. The historic remains of the parks now date from the C19 design which was the last major period of planting.</p> <p>The part of the park closer to the hall remains parkland in character, however the part of the park which the cable route runs through is a more peripheral parkland area that has been turned to arable. This area has been ploughed in the past and lost parkland trees within fields, although the plantations remain as parkland features including an oval clump which is referred to on the 1880s 1st edition OS map as 'The Oval' and a plantation area called "Norwich Hill". Even by the 1880s maps these areas were outside the main area of recreational parkland which are identified with different shading – however clearly these features are areas of estate tree planting associated with the hall. These plantation areas therefore remain of some heritage significance as remnants of historic plantation estate tree belt planting, and 'the oval' in particular as a distinctive parkland feature which might have had some purpose for the state such as being used for game bird shooting for example. In accordance with table 21-6 in the EIA, I would accord the remains of the park, being a non-designated heritage asset and not a</p>	

ID	Question	South Norfolk Council Responses	Applicant's Comment
		<p>designated heritage asset and of local importance only, to be of low significance.</p> <p>In terms of impact the electricity line will pass through the north east of the park through a field and through plantation planting called on the OS 1880s Maps known as "The Oval" and "Norwich Hill" and which are both features of the parkland landscape. When passing through the cultivated area the cable will be trench dug, whereas it will be tunnelled at a depth of 10m under the plantation areas. This is shown on sheet 17 document 6.2.4. In the short term there will be some minor harm resulting from trench digging within the arable area which over time will revert back to the original appearance. Overall therefore it is considered that there will be minor temporary short term harm and impact but no long term harmful impact to the heritage asset so there is negligible short term harm and no long term harm. Paragraph 203 has been taken into account and it is considered that there is no requirement to carry out a planning balance assessment.</p>	
Q1.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals			
Q1.16.2.5	<p>Q1.16.2.5 Contaminated Land – Approach</p> <p>The ES [APP-103] notes that potential areas of contamination cannot be avoided. This includes areas such as the disused airfield at Brandiston, railways lines (both historical and active) former pits and historic tanks. The assessment also identifies that targeted ground investigations may be required.</p>		

ID	Question	South Norfolk Council Responses	Applicant's Comment
	<p>a) What options were considered in the optioneering stage to avoid areas of potential contamination (i.e. why did the onshore cable corridor have to go through Brandiston Airfield)? This was not specifically mentioned in ES Chapter 3.</p>	<p>Unknown. This is the applicant's decision, and The Council did not have an input into their decision-making process.</p>	<p>The following response was provided in WQ 1.16.2.5 [document reference 12.4].</p> <p>Whilst different options were considered, however, the option to site the cable through Brandiston Airfield was decided on the basis that the airfield covers a large area, comprises brownfield land and avoids other impacts such as heritage assets. Geophysical surveys at the airfield are ongoing and the initial results indicate that there are areas of rubble present which are likely to be associated with the construction of the airfield. Further surveys will help identify whether any contamination does exist onsite and if so next steps including micro-siting the cable and any remedial works.</p>
	<p>b) Are the Order limits and cable corridor widths such that any dense areas of contamination within these areas could be bypassed, by micro-siting the cables away from them (i.e. if there is an aeroplane fuel leak contained in one part of the cable corridor that could be diverted around)?</p>	<p>Defer to the applicant as they would have to adjust the cable route to counter any contamination that was encountered.</p>	<p>The following response was provided in WQ 1.16.2.5 [document reference 12.4].</p> <p>Risks associated with potential sources of contamination within the study area as a whole, are discussed in ES Chapter 17 Ground Conditions and Contamination [APP-103, Section 17.6.1]. The Applicant confirms that the width of the Order Limits would allow for the micro-siting of the cable to avoid, where possible, any dense areas of contamination.</p>
	<p>c) Are the EA and LAs content that targeted ground investigations have not yet been undertaken and would be subject to post-consent processes?</p>	<p>To the Council's knowledge no targeted site investigation has been undertaken. The site investigations can be undertaken post consent as the remediation of any contaminated land considered likely to be encountered is a well understood process. However, it is advised that the site investigation is undertaken in good time before the commencement of activities such that</p>	<p>Agreed, this will form part of the Applicant detailed design process.</p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
		an appropriate remediation technique can be agreed and enacted.	
Q1.17.1 Effect on Landscape Character and Views			
Q1.17.3.4	<p>Extent of Mitigation</p> <p>Would the mitigation planting illustrated by the Applicant be effective in reducing the magnitude and significance of the visual effect of the Proposed Development? If not, why not? What other steps should be considered in order to provide the necessary change in magnitude and significance of the visual effect of the onshore substation buildings and/ or structures?</p>	<p>In respect of the onshore substation, given the size and scale of the substation (15m in height) landscaping/planting will not minimise the impact of the substation at its higher level. The Council notes that Requirement 10: Detailed design parameters onshore, includes external appearance and materials are to be agreed with the Local Planning Authority. Should the proposed development be granted consent, the Council would wish to work with the applicant to ensure appropriate and sensitive materials and colours are used in the development, having regard to minimising its impact on the character and visual appearance of the area.</p>	<p>The position of SNC is noted by the Applicant.</p> <p>The Design and Access Statement (Onshore) [APP-287] states at paragraph 7.6.1 (inter alia): "The final design of the substation will be informed by a colour study of the local landscape undertaken post-consent. The purpose of the colour study will be to inform the external appearance of the substation buildings and structures where it is reasonably practicable to so. This would include the identification of prominent colours within the existing landscape to inform a possible colour palette that could be applied to the substation design. It would support the integration of the substation into the local landscape and setting."</p> <p>The Applicant can confirm that they will work with SNC to ensure that appropriate and sensitive materials (including colour) will be used in the detailed design development on the onshore substation in order to minimise the potential impacts that could arise on the surrounding landscape character and visual amenity within the local area.</p> <p>Requirement 10 of the draft DCO (Revision D) [document reference 3.1] requires details that details including the external appearance and materials for the substation will be submitted to and approved by the relevant planning authority. Requirement 10(5) of the draft DCO (Revision D) [document reference 3.1] requires that the</p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
			details to be submitted must be in accordance with the Design and Access Statement (Onshore) [APP-287].
Q1.17.3.6	Outline Landscape Management Plan Are you satisfied that the details of location, number, species, size and density of proposed planting around the onshore substation need not be considered during the Examination [APP-303]?	The Council is satisfied	The position of SNC is noted by the Applicant and no further comment is required. .
Q1.18.1 Effect on Seascape Character and Views			
Q1.18.1.1	SLVIA Methodology The ES states that the SLVIA was undertaken both in accordance with direct input from local authorities as to the location and frequency of viewpoint analysis [APP-111]. In this context, can you confirm that the receptors (and their sensitivity) are reasonable and that there are no outstanding concerns regarding the process that the Applicant undertook (notwithstanding you may disagree with its results and conclusions).	No comments to make	Noted.
Q1.18.3 Effects on Designated and Historic Landscapes			
Q1.18.3.1	The Existing Baseline and its Effect on the Statutory Purpose of the NCAONB NE states that the existing OWF installations have a compromising effect on the statutory purpose of the NCAONB [RR-063]. Respond, with reasoning.	Defer to North Norfolk District Council	Noted.
Q1.18.3.2	The Extent of Additional Harm to the NCAONB	Defer to North Norfolk District Council	Noted.

ID	Question	South Norfolk Council Responses	Applicant's Comment
	What is your assessment of the effects of the Proposed Development on the NCAONB in EIA terms?		
Q1.18.3.3	<p>Cumulative Impact Assessment</p> <p>Should a CIA be undertaken in order to inform the EIA to ensure that the impact of SEP and DEP on the statutory purpose of the NCAONB, in the context of the existing OWF, can be made?</p>	Defer to North Norfolk District Council	Noted.
Q1.18.3.5	<p>Tourism and Coastal Footpaths</p> <p>Is there any evidence to suggest that the construction of offshore wind turbines, and their cumulative seascape impact, has impaired, prejudiced or resulted in the loss of tourism activities/ enjoyment along the North Norfolk coast?</p>	Defer to North Norfolk District Council and Norfolk County Council	Noted.
Q1.18.4 Cumulative Effects			
Q1.18.4.1	<p>Cumulative Effects</p> <p>Are you satisfied with the list of projects included in the assessment of potential cumulative landscape and visual effects? If not, identify those projects that you believe should be included and indicate why you believe that they should be included.</p>	The Council has in its LIR identified the projects and planning permissions that should be considered	Noted. See Applicant's response to SNC LIR [document reference 14.3].
Q1.20.1 Adequacy of the Assessments for Construction			
Q1.20.1.1	<p>Methodology – Baseline Noise Survey</p> <p>The ES [APP-109, Paragraph 51] states that the baseline survey methodology was agreed with BDC. Large parts of the cable corridor, landfall and the substation are located in other local</p>	BS4142 is the appropriate methodology for assessing the impact of new industrial or commercial activities on vulnerable receptors. Therefore, it was the appropriate standard to use to assess the impact from the converter station.	<p>The following response was provided in WQ 1.20.1.2 [document reference 12.4]</p> <p><i>“As discussed in paragraph 122 [APP-109], receptors along the cable corridor (including around the main construction compound) are</i></p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
	<p>authority areas (NNDC and SNDC). Do NCC, NNDC and SNDC agree with the scope and extent of the baseline survey?</p>	<p>However, The Council would have expected a baseline survey to have been undertaken on the construction compound given the time that the compound is to be in place.</p>	<p><i>assumed to be "Category A" as per BS 5228-1. This applies the lowest possible threshold value for the onset of potentially significant effects; hence the assessment considers the worst-case for potential noise impacts on these receptors. If baseline measurements had been undertaken at these receptors, the only change to the assessment criteria would have been if high baseline noise levels were to be measured, thereby increasing the threshold value and making the assessment less onerous.</i></p> <p><i>The methodology therefore ensured that the worst case scenario was assessed and potential effects were assessed at their highest level, making it unnecessary to undertake further baseline noise surveys."</i></p>
Q1.20.1.2	<p>Methodology - Baseline Noise Assumptions</p> <p>What is the justification for not undertaking baseline noise surveys at sensitive receptors along the onshore cable route and assuming a Category A threshold value [APP-109]?</p>	<p>BS5228 is an appropriate standard by which to assess the impact of construction noise and vibration on vulnerable receptors. This does not require a baseline survey due to the assumptions within the standard. Category A is the appropriate value to be used as this represents the most vulnerable receptor.</p>	<p>Noted, this concurs with the Applicant's position.</p>
	<p>Further, explain why no surveys were undertaken in proximity to the main construction compound at Attlebridge.</p>	<p>No comments to make.</p>	<p>Noted.</p>
Q1.20.1.4	<p>Methodologies – Noise and Vibration</p> <p>Do NCC, NNDC, SNDC and BDC agree with the Construction Phase Noise, Road Traffic Noise Assessment and Construction Phase Vibration Assessment Methodologies adopted in the ES</p>	<p>Construction Phase Noise Methodology</p> <p>BS5228 is an appropriate standard to assess the noise from the construction program. Although it would have been expected that the assessment would have included:</p> <ul style="list-style-type: none"> • A list of all vulnerable receptors 	<p>In relation to construction phase noise, the following response was provided in WQ 1.20.1.6 [document reference 12.4]. Whilst this response relates specifically to noise, it is also applicable to vibration.</p> <p><i>"a) In accordance with good practice for Environmental Impact Assessment, the noise</i></p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
	<p>[APP-109], including the predicted construction noise and vibration levels?</p>	<ul style="list-style-type: none"> • The maximum noise to be generated where the receptor would be impacted. • The distance from the noise source to the vulnerable receptor. • The calculated noise level at the receptor • The mitigation measures which will be implemented to ensure that the receptors are suitably protected. <p>Road Traffic Noise Methodology</p> <p>This is not within the remit of the council as legislation does not allow for road noise from a construction project to be considered within the legislation under which the council operates.</p> <p>Construction Phase Vibration Methodology</p> <p>BS5228 is an appropriate standard to assess the vibration from the construction program. Although it would have been expected that the assessment would have included:</p> <ul style="list-style-type: none"> • A list of all vulnerable receptors • The maximum vibration to be generated where the receptor would be impacted. • The distance from the vibration source to the vulnerable receptor. • The calculated vibration level at the receptor <p>The mitigation measures which will be implemented to ensure that the receptors are suitably protected.</p>	<p><i>and vibration chapter has taken a proportionate approach which involved selection of the closest receptors to the works for the assessment, thereby ensuring that worst-case impacts of the project are assessed. Nevertheless, to inform the mitigation analysis to be undertaken in the Construction Noise Management Plan (required for inclusion in the final CoCP by paragraph 146 of the OCoCP), a CNMP study area has been defined which is 300m from the construction works. This is based on the Design Manual for Roads and Bridges LA111 Noise and Vibration (Revision 2) which, in relation to a construction noise study area, states "300m from the closest construction activity is normally sufficient to encompass noise sensitive receptors." This study area is shown on Figure 2 in Appendix A.2 which has been prepared to accompany this response.</i></p> <p><i>In conclusion, the approach taken in the EIA was appropriate (and in line with guidance) in assessing the significance of effects on residential receptors. The final mitigation plan is a separate matter and will involve further work post-consent (which is standard practice).</i></p> <p><i>b) The construction noise mitigation is secured by DCO Requirement 19, which requires that construction works "must be undertaken in accordance with the relevant approved code of construction practice" which must accord with the Outline Code of Construction Practice (OCoCP) (Revision B) [document reference 9.17]. This is secured by Requirement 19 of the draft DCO (Revision C) [document reference</i></p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
			<p>3.1]. Section 9.1 of the OCoCP states that a "Construction Noise (and vibration) Management Plan (CNMP) will be included in the CoCP... The CNMP will be developed based on the confirmed list of plant and equipment proposed by the appointed Principal Contractor for that phase of the works, i.e. confirming the actual expected noise levels and location of works during construction activities... Should any residual impacts remain following the application of BPM these would be reduced to non-significant with the addition of site-specific solutions such as increased separation distance of noisy plant and the use of temporary noise barriers... If the implementation of all reasonable mitigation measures and BPM still results in construction noise levels exceeding the Threshold Values, BS 5228-1 does recommend further options such as the provision of noise insulation to affected habitable rooms." This requirement is applicable to all sensitive receptors potentially affected by the works (as shown in Figure 2, Appendix A.2), not just those at the properties identified in the application documentation."</p> <p>The position of SNC in relation to the road traffic noise methodology is noted.</p>
Q1.20.4 Adequacy and Design of Proposed Mitigation			
Q1.20.4.3	<p>Potential Impacts – Monitoring Operational Noise</p> <p>To be effective should dDCO R21 be explicit about where monitoring should be done, such as the onshore substation? Provide revised wording if so.</p>	<p>The condition is acceptable as it stipulates that the noise monitoring locations will be agreed prior to implementation.</p>	<p>Noted, this concurs with the Applicant's position</p>

ID	Question	South Norfolk Council Responses	Applicant's Comment
Q1.22.2 Effects on jobs and skills			
	<p>Q1.22.2.8 Outline Skills and Employment Plan</p> <p>The OSEP [APP-310] sets out that the Applicant intends to work with the relevant sector and local authority bodies to help secure economic benefits of the OWF to the local area and identifies a number of general outline commitment examples. Is the OSEP currently sufficient to ensure local socio-economic benefits are secured and maximised, and are firmer commitments and targets for local employment and skills/training needed, particularly to realise the potential benefits set out in the ES [APP-113]?</p>	No comments to make	Noted.
Q1.22.3 Effects on Individuals and Communities			
	<p>Q1.22.3.2 Development Consent Obligations</p> <p>NNDC [RR-069] reference potential community benefits being secured through an obligation. Describe to the Examination the nature and extent of any benefits you consider are necessary relative to the impacts of the Proposed Development, setting out how these comply with the CIL Regulations and the justification for them.</p>	Defer to NNDC for comment	Noted.

1.25 Trinity House

Table 25 The Applicant's Comments on Trinity House Responses to the Examining Authority's First Written Questions

ID	Question	Trinity House Responses	Applicant's Comment
Restricted Fishing			

ID	Question	Trinity House Responses	Applicant's Comment
Q1.7.2.1 -	<p>"The Applicant considers the most effective way this could be achieved would be to restrict fishing on sandeel, and with respect to prey availability for Sandwich tern, sprat or juvenile herring in UK waters. However, this would need to be implemented either by Defra in the case of sandeel or the relevant Inshore Fisheries and Conservation Authority (IFCA) in the case of sprat and juvenile herring fisheries within UK inshore waters." [APP-069, Paragraph 127].</p> <p>a) What is your assessment of the economic effects on fishing communities if such restrictions were imposed?</p>	<p>In relation to part a) of this question, regarding the assessment of the economic effects on fishing communities, Trinity House would defer to the specialist view of those other bodies from whom a response is requested, this not being a matter which falls within the framework of Trinity House's expertise or competence as a General Lighthouse Authority.</p>	N/A
Vessels and Electro-Magnetic Fields			
Q1.19.1.3	<p>Within ES Chapter 13 [APP-099], there is no clear reference or assessment as to the potential impact of EMF upon navigation and magnetic compasses, for example. In respect of this:</p> <p>a) Can the Applicant explain why the assessment has not been undertaken or signpost as to where this may have taken place?</p> <p>b) Can Trinity House and MCA set out whether there is a real risk of effects of EMF upon navigating ships and/ or what measures sailors employ to counteract any effect on their navigation equipment</p>	<p>In relation to part b) of this question, regarding the risk of effects of EMF on navigating ships and measures employed by sailors to counteract those risks, these are not matters for which Trinity House is competent to advise as a General Lighthouse Authority. Trinity House would therefore defer to any response which may be submitted by the Maritime and Coastguard Agency.</p>	<p>As per the applicants WQ response [REP1-036] paragraph 2.4 of the Navigation Risk Assessment [APP-198] confirms that as the project is proposing at AC transmission system there is not impact on vessel magnetic compasses. Unlike DC AC does not emit an EMF significant enough to impact marine magnetic compasses.</p>
Marine Vessel Safety and Navigational Risk Assessment			
Q1.19.1.6	<p>Are you satisfied that the Proposed Development, subject to implementation of management plans and the level of mitigation</p>	<p>Subject to the observations below, Trinity House is satisfied that, insofar as relating to matters which concern the provision proposed by the</p>	<p>The Applicant refers to the Deadline 1 Submission - 12.19 Draft SoCG with Trinity House [REP1-049].</p>

ID	Question	Trinity House Responses	Applicant's Comment
	<p>proposed by the Applicant, reduces navigational risks and safety hazards to 'as low as reasonably possible' (ALARP)? If not, what more needs to be done to give you reassurance?</p>	<p>Applicant in respect of aids to navigation, including the marking and lighting of structures, the management plans and other mitigation which is secured through the Deemed Marine Licences ("DMLs") contained in Schedules 10 to 13 (inclusive) of the draft Development Consent Order ("DCO") [AS-009] would (subject to their implementation) be appropriate. Trinity House cannot however conclude that the implementation of mitigation in the form of aids to navigation would alone be sufficient to reduce navigation risks and safety hazards to ALARP, since this is contingent on other factors, including the potential implementation of other forms of mitigation, in relation to which other regulatory bodies such as the Maritime and Coastguard Agency, may express a view.</p> <p>However, at ISH1, it was noted by Trinity House that the Navigation Risk Assessment currently refers, in a number of locations (see for example at section 21.3.1.1), to the requirement for a Navigation Management Plan to be developed by the Applicant at the post-consent stage, in order to manage crew transfer vessels (including daughter craft) during the construction and operational phase of the project. As explained by Trinity House at ISH1, the draft DCO, including the DMLs, does not currently include reference to a Navigation Management Plan. This is to be distinguished from the Aids to Navigation Management Plan (which will specify how the Applicant would ensure compliance with conditions relating to aids to navigation from the commencement of construction to the</p>	<p>Reference to the Navigational Management Plan has been added to the deemed marine licence conditions (see Part 2 of Schedules 10-13) of the draft DCO (Revision D) [document reference 3.1].</p> <p>A new sub-paragraph (k) has been added as follows:</p> <p>(k) a navigation management plan to manage crew transfer vessels (including daughter craft) during the construction and operation of the authorised project.</p>

ID	Question	Trinity House Responses	Applicant's Comment
		<p>completion of decommissioning), the production and approval of which is secured by the DMLs.</p> <p>As such, it is not currently clear that the requirement to develop a Navigation Management Plan is legally secured. Trinity House would welcome further clarity in relation to this point, since this forms an important part of the additional mitigation proposed by the Applicant in the Navigational Risk Assessment. Trinity House also notes that this forms the basis of the Examining Authority's Written Question 1.19.1.10 to the Applicant.</p>	
Water Depths over Cables			
Q1.19.1.8	<p>Is it sufficient that the Applicant would consult with the MCA and Trinity House in any instances where water depths are reduced by more than 5% as a result of external cable protection to determine whether additional mitigation is necessary to ensure the safety of passing vessels? Furthermore, what type or form of mitigation would this likely be if necessary?</p>	<p>Trinity House considers that the requirement for consultation in relation to further mitigation is sufficient and that the associated conditions contained within the Deemed Marine Licences ("DMLs") at Schedules 10 to 13 (inclusive) of the draft Development Consent Order [AS-009] are therefore appropriately drafted. The cable laying plan, which must include details of any steps (following consultation with Trinity House and the Maritime and Coastguard Agency) to be taken to ensure existing and future safe navigation is not compromised where any area of cable protection exceeding 5 percent of navigable depth is identified, must in turn form part of a construction method statement to be submitted to and approved by the Marine Management Organisation under the DMLs, prior to the commencement of licensed activities. To the extent that Trinity House was to raise any concerns with respect to the steps proposed to be taken by the Applicant following the process</p>	<p>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 draft DCO (Revision D) [document reference 3.1].</p>

ID	Question	Trinity House Responses	Applicant's Comment
		<p>of consultation provided for within the DMLs, Trinity House considers that those concerns would be a relevant and important consideration for the Marine Management Organisation in determining any application for the approval of the construction method statement. Trinity House considers that this provides sufficient confidence that any additional measures which are secured in any cable laying plan would be appropriate and reflective of any views expressed by Trinity House through the consultation process. As regards the form of mitigation which would likely be necessary in the event that any area of cable protection exceeding 5 percent of navigable depth was identified, this would include charting of the area affected, notices to mariners (copies of which would need to be supplied to the relevant bodies, including Trinity House, under the DMLs), and potentially the deployment of lit buoyage.</p>	
Layout Principles for Search and Rescue			
1.19.2.1	<p>Are you satisfied that the dDMLs contained with the dDCO would secure the necessary commitments to enable safe and practical search and rescue operations? If not, what additional wording/ drafting would you wish to see inserted?</p>	<p>The Maritime and Coastguard Agency is responsible for the coordination of search and rescue operations by HM Coastguard. Trinity House therefore defers to any response submitted by the Maritime and Coastguard Agency in relation to this question.</p>	<p>Noted and agreed as per condition 16 of Schedule 10 and condition 16 of Schedule 11 of the Draft DCO (Revision D) [document reference 3.1].</p>