



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

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

Revision A

Deadline 4

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1 The Applicant's comments on Responses to the Examining Authority's Second Written Questions

1. Following the issue of the Second 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. Where appropriate and necessary, the Applicant has chosen to comment on the responses provided by some of the Interested Parties, detailed in **Table 1 - Table 26** below.

Table 1 The Applicant's comments to Broadland District Council responses to the Examining Authority's Second Written Questions [REP3-121]

| ID | Question | Broadland District Council Responses | Applicant's Comment |
|--|---|--------------------------------------|---|
| Q2.1. General and Cross-topic Questions | | | |
| Q2.1.4 Miscellaneous | | | |
| Q2.1.4.1 | <p>Availability of Resources for NSIP casework</p> <p>In relation to responses from LPAs, would the Applicant be willing to commit to entering into Planning Performance Agreements in order to provide the relevant LPAs with the resource needed to ensure smooth and timely handling of requirement discharge processes should consent be granted? Explain with reasons.</p> | Leave for the applicant to respond. | The Applicant refers to its response to Q2.1.4.1 which confirms that it considers that it is in the interest of all parties for the local planning authorities to be suitably resourced to ensure an efficient discharge of the requirement process. The Applicant anticipates that discussions on the detail of any PPAs will progress post-consent. |
| Q2.10. Design | | | |
| Q2.10.1 Design Principles | | | |
| Q2.10.1.3 | <p>Consideration of the design of buildings and materials in the Design and Access Statement (onshore)</p> <p>With reference to the DAS (onshore) [APP-287], provide evidence to the Examination, or provide signposting to evidence already in Examination, to demonstrate that the Applicant has completed an initial phase of design that includes careful consideration of building design, massing and materials which might be appropriate for the context within which the substation buildings are proposed. Evidence should include, but may not be limited to:</p> <p>a) Preliminary designs for the form of buildings within the onshore substation complex which would be enclosed by a building envelope;</p> | d) No further comments. | Noted, no further comment required. |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
|---|---|--|--|
| | <p>b) Preliminary proposals for the material types and colour range which the Applicant believes would be appropriate for any building envelopes;</p> <p>c) Preliminary proposals which demonstrate the Applicant's design approach and commitment to the design quality of security fencing and other site screening proposals.</p> <p>d) Relevant LAs and Statutory Bodies may respond to the adequacy of the DAS (onshore) in relation to a-c.</p> | | |
| Q2.10.2 Design Development Process | | | |
| Q2.10.2.2 | <p>Design Review</p> <p>a) Set out the role(s) that you would expect to undertake in the event that the Proposed Development were subject to an independent design review process.</p> <p>b) Is the local authority confident that it has the relevant expertise and experience in house to deliver post-consent approvals as defined in Requirement 10 (R10) within the dDCO, in the event that the SoS makes the Order?</p> | No comments to make as the substation falls with South Norfolk | Noted, no further comment required. |
| Q2.11. Draft Development Consent Order | | | |
| Q2.11.2 Definitions | | | |
| Q2.11.2.2 | <p>Pre-commencement works</p> <p>Following the discussion at ISH3 [EV-035, EV-040], Applicant to provide a joint position statement with LPAs to cover the following:</p> <p>a) how each of the activities that are excluded from the definition of commencement in</p> | The Council is in discussions with the applicant and is hopeful to be able to submit a joint position statement at Deadline 4. | The Applicant has shared a copy of Appendix B.10 Response to WQ2.11.2.2(a) – Pre-Commencement Works with Broadland District Council [REP3-103] and is awaiting formal confirmation on the Council's position. |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
|---|---|---|---|
| | <p>dDCO are controlled, and parties' position whether or not control is required through the dDCO;</p> <p>b) whether there is the need for a definition for pre-commencement in the dDCO and provide wording for such a definition;</p> <p>c) including NCC as a consultee in R19; and</p> <p>d) other related changes to the wording of R19.</p> <p>e) NH and Applicant, confirm if the draft PPs for NH leaves a shortfall in terms of the protection required by NH, which would be covered by the outline CoCP.</p> <p>f) Does NH need to be listed in R19(1) as a consultee?</p> | | <p>The Applicant will continue to work with the Council should any outstanding query arise.</p> |
| Q2.13. Habitats and Ecology Onshore | | | |
| Q2.13.2 Effects on Ancient Woodland, Trees and Hedgerows | | | |
| Q2.13.2.2 | <p>Ancient Woodland</p> <p>a) Does the Applicant's response [REP1-036, Q1.13.3.1] provide sufficient clarity on their proposed approach to mitigation of possible impacts to Ancient Woodlands?</p> <p>b) Is the Applicant's proposed approach to mitigation of possible impacts on Ancient Woodlands satisfactory at this stage?</p> <p>c) If not, set out which adverse effects would require further mitigation.</p> | <p>The proposed approach to mitigation is satisfactory. The Council's concern is that information on Ancient Woodland within/adjacent to the Order limits is based on the Ancient Woodland Inventory. Ancient woodland smaller than 2 hectares may not be recorded on the inventory. Given this it maybe not be the case that there are no ancient woodlands within the Order Limits. In order to give a definitive response regarding impact on ancient woodland, further onsite investigation would be required to include all woodlands within the order limits. The Council is continuing discussions with the applicant.</p> | <p>As set out within the Applicant's Comments on the Local Impact Reports [REP2-039] (ID13 and 26 of the response to Broadland District Council), the Applicant has carried out an arboricultural desk-study which covered the onshore cable corridor with the objective to identifying known protected and high value trees, such as those with a TPO, those in a Conservation Area and/or veteran and ancient trees.</p> <p>This desk-based survey was informed by the following data sources:</p> |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
|----|----------|--------------------------------------|--|
| | | | <ul style="list-style-type: none"> • Data on known ancient and veteran trees in Norfolk was obtained via a data request in July 2021 to the Ancient Tree Inventory (ATI)⁹. Use of this data source is advised in Natural England and Forestry Commission Standing Advice (see paragraph 3.3). • Data on ancient woodland locations was also provided by Royal HaskoningDHV. Ordnance Survey (OS) maps, satellite imagery and the Department of Environment, Food and Rural Affairs' (DEFRA) Multi-Agency Geographic Information for the Countryside (MAGIC) map were also reviewed to locate ancient woodlands. • Data on the locations of TPOs and Conservation Areas was provided in August 2021 through Royal HaskoningDHV, which in turn received the data from Broadland District Council, South Norfolk District Council and North Norfolk District Council. <p>This study was supplemented by ground level arboricultural surveys within the North Norfolk AONB and the area around Norwich Main Substation owing to the sensitivity of the landscape.</p> <p>In addition, the Applicant has committed to undertaking a full Arboricultural Survey of the Order Limits prior to construction.</p> |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
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| | | | <p>The Arboricultural Method Statement and Tree Protection Plan will be produced, as detailed in the Arboricultural Survey Report [APP228, Section 6.5].</p> <p>The Arboricultural Method Statement and Tree Protection Plans will be submitted to the local planning authority for approval prior to construction commencement. This is secured under Requirement 11s (e) and 13 of the draft DCO (Revision G) [document reference 3.1] which requires 'details of existing trees and hedges to be removed and details of existing trees and hedges to be retained with measures for their protection during the construction period where applicable...'</p> |
| Q2.16. Land Use | | | |
| Q2.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals | | | |
| Q2.16.2.1 | <p>Soil Degradation Mitigation</p> <p>Further to discussions at ISH4 [EV-058] [EV-062] in relation to a mechanism for securing thermal resistance mitigation measures to prevent soil overheating where needed:</p> <p>a) Applicant to consider where the best place is to secure such measures (such as dDCO, OPEMP and/or OCoCP).</p> <p>b) Applicant and LAs is there a need for such matters to be considered and signed off by the relevant LA?</p> | <p>The Council considers that such matters should be included within OCoCP as far as compliance with Industry Standards.</p> | <p>The Applicant discussed its response to Q2.16.2.1 b) with the Environmental Health Officer at South Norfolk District Council at a meeting on 11/05/2023 and will update the Outline Code of Construction Practice to confirm that the cables will be designed to meet relevant industry standards.</p> |
| Q2.17. Landscape and Visual Effects | | | |
| Q2.17.1 Effect on Landscape Character and Views | | | |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
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| Q2.17.1.1 | <p>Scope of the ES and LVIA</p> <p>Is the Applicant's approach to the assessment of sequential views within its LVIA [APP112], as described in its response to ExQ1 [REP1-036, Q1.17.1.6] reasonable and sufficient to demonstrate that effects on receptors in this context have properly assessed?</p> | <p>The Applicant's approach is considered reasonable as it would usually only be representative or specific views that would be used to illustrate effects.</p> | <p>The Applicant welcomes SNC's response on the approach used in ES Chapter 26 LVIA [APP-112] concerning representative viewpoints to illustrate effects. No further comment required.</p> |
| Q2.17.1.3 | <p>Residential Receptors</p> <p>Question repeated for response from LAs</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> <p>a) LAs, is this a reasonable approach?</p> <p>b) LAs, in your view what weight should be given to private views from residential properties? Make reference to relevant national and local policies in your response.</p> | <p>The Council considers that this is a reasonable response and would refer back to its previous comments.</p> | <p>The Applicant welcomes SNC's response and agreement to the Applicant's approach in ES Chapter 26 LVIA [APP-112] concerning a RVAA and why it was not undertaken as part of the LVIA. No further comment required.</p> |
| Q2.17.3 Effectiveness of mitigation proposals | | | |
| Q2.17.3.1 | <p>Removal of Existing Trees and Hedgerows, Replanting and Management</p> <p>a) Are you satisfied that the Applicant's proposals for the removal, replanting and management of existing trees and hedgerows have been set out to a sufficient level of detail at this stage [REP1-036, Q1.17.1.11]?</p> <p>b) In particular, is the Applicant's approach to managing the likelihood of damage occurring to existing trees and hedgerows</p> | <p>A) The Applicant has set out that that all proposed removals will be set out for the LAs to approve, as Requirement 11 requires. R11 also mentions surveys, which are obviously key to this whole process as the Applicant notes in answer</p> <p>B) within Q1.17.1.11. It would be preferable for a much stronger emphasis to be placed on establishing existing trees' constraints and for the onus to be on tree retention and that removal should be a last resort. We would usually refer to BS5837, and this has been</p> | <p>A) Noted and agreed.</p> <p>B) The Applicant has committed to undertaking a full Arboricultural Survey of the Order Limits pre-construction. Arboricultural Method Statement and Tree Protection Plan will be produced, as detailed in the Arboricultural Survey Report [APP228, Section 6.5]. These would be submitted to the local planning authority for approval prior to construction commencement.</p> |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
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| | <p>during the construction period sufficiently clear [REP1-036, Q1.17.1.11]?</p> | <p>explicitly cited in a DCO previously (The Hornsea Three Offshore Wind Farm Order 2020).</p> <p>The proposed management periods are sufficient.</p> <p>Replacing on a one for one basis is not considered sufficient. The loss of a mature tree cannot be mitigated by the planting of a single tree, both in terms of carbon sequestration and ecological value.</p> <p>C) To date The Council still do not have a full tree survey of the route. A full survey in accordance with BS5837 will be required in order to establish the tree constraints, and adequate protection for retained trees. An impact assessment will be required to understand the extent of tree removal required and without this it is difficult to take a view of what would be adequate in terms of planting proposals. A full survey would also identify any ancient or veteran trees that maybe on site but not recorded on the inventory.</p> <p>The Council is continuing to discuss with the applicant.</p> | <p>The aforementioned is secured under Requirement 11(e) of the draft DCO (Revision G) [document reference 3.1] which requires: “details of existing tress and hedges to be removed and details of existing trees and hedges to be retained with measures for their protection during the construction period where applicable and the details provided should be in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction and the Hedgerow Regulations 1997.</p> <p>The Applicant would like to confirm that replacement hedgerow and tree planting on a minimum 1:1 basis and details of final mitigation will be set out in the Outline Landscape Management Plan once the pre-construction surveys have concluded. The 1:1 ratio ensures no loss specifically of the number of individual trees and hedgerows. It does not account for the Applicant's commitment to secure a net gain as detailed Outline Biodiversity Net Gain (BNG) Strategy [APP-306] and Initial BNG Assessment [APP-219] with the final details forming part of the Landscape Management Plan which is secured under Requirement 11. While BNG is the metric by which gains are measured, it does not necessarily require no net losses of individual habitat types, rather it assess gains across all habitats collectively. By committing to a parallel commitment for minimum 1:1 replanting of trees and hedgerows, it ensures no net losses of these specific habitat types, which BNG might not achieve by itself. Without this minimum 1:1</p> |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
|----|----------|--------------------------------------|--|
| | | | <p>commitment, it would be feasible for SEP and DEP to achieve biodiversity net gains but still have a net loss in the number of trees and hedgerows, whereas both commitments together will ensure net gains and no net losses of the numbers of hedgerows and trees. The Ecological Management Plan secures the biodiversity net gain measures included within the environmental statement and this is secured by Requirements 13 (Ecological Management Plan) of the draft DCO (Revision G) [document reference 3.1].</p> <p>The target for SEP and DEP is to achieve the biodiversity net gain. No specific target is set [APP-306, para. 15] because of the extensive uncertainties involved (e.g. with landowners). However, pending landowner agreements, gains are considered feasible [APP-219, p7, para. 4].</p> <p>It is the Applicant's position that this is an appropriate and effective tool to be used in calculating the quantum of habitats to be replaced, whilst delivering a positive biodiversity net gain alongside potential opportunities for carbon sequestration and ecological value.</p> <p>The Applicant has committed to a 10-year management period to ensure that any replacement or new planting is able to fully establish.</p> <p>C) See above in relation to the full tree survey of the Order Limits. A full survey in accordance</p> |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
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| | | | with BS5837 will be undertaken pre-construction. |
| Q2.17.3.4 | <p>Tree and Hedgerow Replacement</p> <p>Set out whether the Applicant's approach [APP-303] and as further clarified in its response to WQ1 [REP1-036, Q1.17.1.12] is a reasonable one at this stage of the Examination.</p> | This is considered reasonable at this stage. | Noted, no further comment required. |
| Q2.20. Noise and Vibration | | | |
| Q2.20.1 Adequacy of the Assessments for Construction | | | |
| Q2.20.1.1 | <p>Main Construction Compound</p> <p>Further to discussions at ISH3 [EV-036] [EV-041], provide more evidence to support your views that operational noise guidelines (BS4142) should be used at the main compound rather than construction guidelines (BS5228-1) and that any potential noise complaints cannot be adequately dealt with by other means.</p> | Further discussion has been held with the consultant regarding this and it is proposed that the operation of the compounds could be assessed and controlled by utilising Section 61 agreements which are standalone legally binding documents which can be issued for the main compound and any satellite compounds. | Noted, no further comment required. |
| Q2.20.2 Construction Effects on Sensitive Receptors | | | |
| Q2.20.2.1 | <p>Vibration</p> <p>The Applicant notes [REP1-036, Q1.20.1.5] that the assessment for both building damage [APP-109, Table 23-14] and human disturbance [APP-109, Table 23-16] are based on exceedance of a fixed limit (specified in peak particle velocity (PPV)) by one event (in this case, one HGV passby). Further, that the number of HGVs passing a property would therefore not affect the PPV experienced at a receptor in the way that it does for noise and</p> | The Council confirms it is content with the reply. | Noted, no further comment required. |

| ID | Question | Broadland District Council Responses | Applicant's Comment |
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| | <p>hence, annoyance impacts due to vibration associated with construction traffic will be no worse than those due to noise. LA's are you content with this reply?</p> | | |
| Q2.22. Socio-economics effects | | | |
| Q2.22.1 Effects on recreation, tourism and business | | | |
| Q2.22.1.2 | <p>Correlation with Local Planning Policies NPS EN1 at Paragraph 5.12.4 sets out that applicants should refer to how the development's socio-economic impacts correlate with local planning policies.</p> <p>a) Applicant, confirm where this has been undertaken.</p> <p>b) LAs, please set out whether you consider the Proposed Development correlate with your local planning policies that relate to socio-economic matters.</p> | <p>It doesn't impact specifically on the Council's Local Plan Policies in respect of employment, economic uses and recreation which promote and retain those such uses. The Council is supportive of tourism and employment in the countryside, where it requires a rural location, however the Development is not known to affect any specific proposals.</p> | <p>Noted, no further comment required.</p> |

Table 2 The Applicant's comments to Christopher Bond responses to the Examining Authority's Second Written Questions [REP3-166]

| ID | Question | Christopher Bond Responses | Applicant's Comment |
|-------------------------|---|--|--|
| Q2.11.3 Articles | | | |
| Q2.11.3.3 | <p>Article 16 – Authority to survey and investigate land</p> <p>Applicant, consider if a definition of “land adjacent to Order limits” should be included in the dDCO, provide wording for such a definition, and related revision to the wording of Article 16.</p> | <p>I note the Applicant is to consider if a definition of 'land adjacent to Order Limits' should be included in the dDCO and provide wording for such a definition and related revision to the wording of Article 16.</p> <p>It is of paramount importance that landowners know the extent of the survey rights being sought and possibly imposed by the Projects, as previously stated landowners would seek to minimise the extent of the survey area/rights so that the future use of their land is not impacted and, equally, that the survey rights fall away if an alternative non-agricultural use of the land is planned.</p> <p>As such, the suggested definition must be included in the dDCO.</p> | <p>The Applicant refers to the response to Q2.11.3.3 within The Applicant's Responses to The Examining Authority's Second Written Questions [REP3-1.1] where it has set out why the proposed definition is not necessary or appropriate for this DCO.</p> |

Table 3 The Applicant's comments to Environment Agency responses to the Examining Authority's Second Written Questions [REP3-129]

| ID | Question | Environment Agency Responses | Applicant's Comment |
|---|---|---|---|
| Q2.13. Habitats and Ecology Onshore | | | |
| Q2.13.3 Effects on Rivers and River-Based Wildlife | | | |
| Q2.13.3.2 | <p>Signal Crayfish</p> <p>Clarify whether the Applicant's proposed procedures for minimising risk of transmission of both crayfish plague and transmission of signal crayfish between watercourses [REP1-036, Q1.13.4.4] is agreed. Submit an updated SoCG which includes the current agreed position on this topic.</p> | <p>The Applicant has recognised and addressed the risk to native white clawed crayfish from the spread of crayfish plague in the submitted Outline Code of Construction Practice [REP1-023] and further clarification in [REP1 -036]. We are content with the measures proposed and the actions identified and await consultation on the final Codes of Construction Practice as secured by Requirement should the DCO application be approved by the Secretary of State.</p> | <p>Noted. No further response required.</p> |
| Q2.24. Water quality and resources | | | |
| Q2.24.1 Effects on Flood Risk and Drainage, including Adequacy of Sequential and Exception Tests | | | |
| Q2.24.1.4 | <p>Flood Risk Effects from Trenched Crossings of Ordinary Watercourses that are in Fluvial Flood Zones 2 and 3a.</p> <p>Further to the issues raised by the EA [RR-032] and the Applicant's reply [REP1-036, Q1.24.1.12], is the EA now content that such matters have been suitably assessed?</p> | <p>The Environment Agency is now content that the Applicant has assessed the risk of flooding at this location and identified appropriate measures to mitigate the level of risk.</p> | <p>Noted. No further response required.</p> |
| Q2.24.3 Effects on Rivers, Streams, Canals and Ditches from Proposed Construction Methods and Crossing | | | |
| Q2.24.3.1 | <p>Drainage Strategies</p> <p>The Applicant's response [REP1-036, Q1.24.1.9] sets out that drainage strategies for the construction phase, including temporary compounds, will be</p> | <p>The Environment Agency is not the lead authority for surface water drainage, we provide advice or make representations where proposals may impact either a main river or groundwater body. There are no significant effects arising from drainage strategies</p> | <p>Noted. No further response required.</p> |

| ID | Question | Environment Agency Responses | Applicant's Comment |
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| | agreed with the EA and NCC, in their role as the LLFA, as appropriate. Are the EA and LLFA content that this is appropriate post consent? | that lie within our remit and so we are content that this may be addressed post consent. | |
| Q2.24.4 Effectiveness of Mitigation Measures | | | |
| Q2.24.4.3 | <p>Outstanding Concerns</p> <p>It was evident from discussions at ISH3 [EV-038] [EV-043] that there are still some outstanding matters being discussed between the Applicant, the EA and the LLFA. Provide an update on these discussions, setting out any areas that remain in dispute.</p> | <p>The Environment Agency is content that issues in respect of flood risk, that lie within its remit and cannot be addressed post consent have now been addressed to our satisfaction. The issue of Protective Provisions remains outstanding at this stage. If the Protective Provisions are not agreed, the Environment Agency's interests are protected by the Environmental Permitting (England and Wales) Regulations 2016.</p> | Noted. No further response required. |

Table 4 The Applicant's comments to Historic England responses to the Examining Authority's Second Written Questions [REP3-130]

| ID | Question | HE Responses | Applicant's Comment |
|---|---|--|--|
| Q2.15. Historic Environment and Cultural Heritage | | | |
| Offshore Matters | | | |
| Q2.15.1 Adequacy of Baseline Surveys and Environmental Information | | | |
| Q2.15.1.2 | <p>Geotechnical Work</p> <p>b) HE, explain, with further reasoning, whether it is deemed that the works carried out to date by the Applicant are not sufficient.</p> | <p>b) We accept that Environmental Statement Chapter 14 (Offshore Archaeology and Cultural Heritage (Document Reference: 6.1.14), PINs Reference: APP-100, includes detail about palaeo-geographic features of archaeological interest identified from geophysical data. We understand that it is the purpose of an EIA exercise to characterise the area subject to development as sufficient to determine significant impact (either negative or positive). We therefore acknowledge that the Applicant has offered sufficient characterisation in this instance, as demonstrated by recognition of palaeo-landscape features within the development area, as revealed by previous investigations and geophysical data acquired for this proposed development.</p> <p>However, we consider it relevant that geotechnical material is obtained post-consent, should permission be obtained. In this regard we offered the observation that it is not entirely clear if any more geotechnical survey will be conducted. Ideally, geophysical data requires corroboration with geotechnical materials (i.e. borehole or vibro-cores). Therefore, in reference to selection of foundation designs we consider it relevant that selection is informed by geoarchaeological ground models using data produced by a geotechnical survey. For example, in reference to a worst-case impact scenario based on the use of Gravity Base Foundations which will require substantial seabed preparation and thereby</p> | <p>A method statement for offshore geotechnical survey and geoarchaeological assessment (16.29 Geoarchaeological Method Statement [REP3-119]) was submitted at Deadline 3 as an addendum to the Outline Written Scheme of Investigation (Offshore) [APP-298].</p> <p>This addendum sets out the scope of offshore geotechnical surveys undertaken in 2022 and May 2023, and the proposed approach to geoarchaeological assessment is provided.</p> |

| ID | Question | HE Responses | Applicant's Comment |
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| | | <p>the risk of destruction of sedimentary sequences and possibly in-situ archaeological materials that could be considered as "heritage assets" (as described within Environmental Statement Volume 1, Chapter 14).</p> | |
| Q2.15.1.3 | <p>Outline Written Scheme of Investigation – Offshore</p> <p>Clarify whether the Applicant's outline WSI - Offshore [APP-298] provides a sufficient level of detail at this stage to address your concerns related to the extent of geophysical data presented by the Applicant to date [RR041].</p> | <p>We are aware that the environmental assessment for this project used a combination of specifically acquired geophysical data and historic data sets generated to inform the Sheringham Shoal and Dudgeon Offshore Wind Farm projects (reports dated between 2009 and 2014).</p> <p>We are prepared to accept the professional opinion offered that sufficient characterisation was possible to satisfy EIA requirements for this proposed project with acknowledgement of the greater risk of encountering presently unknown archaeological sites where there is no existing geophysical survey data coverage. We also accept that archaeological assessment of geophysical data acquired post-consent will be commissioned, as described in the Outline Written Scheme of Investigation (Offshore), Section 1.5 (Methodology for Further Site Investigation), Document Reference 9.11, PINs Reference APP-298.</p> | No response required. |
| Q2.15.1.5 | <p>Unexploded Ordnance</p> <p>Do you accept that it is unnecessary for the Applicant to adopt the revised/additional wording proposed by HE in its WR [REP1-112, Paragraphs 17.4, 17.5 and 17.8]. See related questions in the sections on Habitats and Ecology Offshore and the section on Benthic ecology, Intertidal, Subtidal and Coastal effects.</p> | <p>We appreciate that this question is also directed to the MMO and we therefore defer to the MMO as the Marine Licensing competent authority.</p> <p>We make this response in reference to the comment made by the Applicant (Ref: ID 162) in "Deadline 2 Submission - 14.2 The Applicant's Comments on Written Representations" (PINs Reference: REP2-017) that Unexploded Ordnance (UXO) clearance works are subject to separate marine licences and</p> | No response required. |

| ID | Question | HE Responses | Applicant's Comment |
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| | | therefore the amendments proposed are not necessary. | |
| Onshore Matters | | | |
| Q2.15.2 Adequacy of baseline surveys and information | | | |
| Q2.15.2.1 | Outline WSI – Onshore In responding to the Applicant's responses to your RR [RR041] and WR [REP1-112], please clarify whether the Applicant's outline WSI - Onshore [APP-308] provides a sufficient level of detail at this stage to address your concerns related to the extent and overall suitability of geophysical survey data presented by the Applicant to date [RR-041]. | We are broadly happy with the level of detail provided in the WSI-Onshore [APP-308] relating to the proposed geophysical surveys. We are satisfied that the exact details of the geophysical survey requirements can be established in final version of the Onshore WSI to be submitted and approved post-consent if the DCO is granted including the use of additional and alternative geophysical survey techniques (as noted in 15.4 of our WR). | No response required. |

Table 5 The Applicant's comments to Jonas Seafood responses to the Examining Authority's Second Written Questions [REP3-131]

| ID | Question | Jonas Seafood Responses | Applicant's Comment |
|--|--|---|--|
| Q2.7.2 Effects on fishing enterprises as a result of navigational or special restrictions | | | |
| Q2.7.2.1 | <p>Jonas Seafood compensation and impacts</p> <p>a) Provide further evidence to demonstrate the effects on the business during previous windfarm construction and associated fishing restrictions?</p> <p>b) Furthermore, provide further justification to demonstrate why Jonas Seafood is a special case in relation to compensation from the Applicant.</p> <p>c) Evidence from Jonas Seafood and the Applicant's response to the evidence and the cases made to be provided jointly</p> | <p>a) & b) I believe Jonas Seafood Ltd is a special case in this instance.</p> <p>The minimum crab landing size for this area (Ices Division IVb special area) is 115 mm. The minimum landing size for elsewhere in the UK is 140mm as a rule and 130mm in some other areas.</p> <p>This makes the crab caught in this area unique as they are much smaller. This crab does not command the same price as elsewhere in the UK as there is very little demand from the export market for smaller crab. Jonas Seafoods have built their processing methods and market on the generally reliable supply of these smaller crabs, contributing to the survival and economic stability of the Norfolk crab fishery.</p> <p>The processing of crab is a very manual process as they are hand-picked. Hand-picking a smaller crab is of course slower and requires an experienced crab picker (or dresser).</p> <p>Jonas Seafood started in 1995 (becoming incorporated in 2004). Over 28 years we have build-up a workforce with the necessary hand skills to process these smaller crab.</p> <p>Buying crab from out of the area is not an option as they command a higher price and in any case those fishermen already have an existing customer base.</p> <p>It is a case of inter-dependence, we need these fishermen (and these smaller crabs) and the</p> | <p>Question 2.7.2.1 part c) requested that the "Evidence from Jonas Seafood and the Applicant's response to the evidence and the cases made to be provided jointly." The Applicant met with Mr Jonas on the 24th of April and our response at Deadline 3 (The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101]) was based upon the information supplied by Mr Jonas in answer to parts a) and b) of this question. As such the Applicant has no further response.</p> |

| ID | Question | Jonas Seafood Responses | Applicant's Comment |
|----|----------|--|---------------------|
| | | <p>local fishermen need us to buy crab for which there is no readily available, alternative market.</p> <p>We have a factory that was built in 2013 to process crab. The cooker/cooler chilling and processing equipment, everything we have invested is for crab or lobster production. We are BRC accredited, meaning we can sell into all UK retail. We can cook up to 7 tonne of crab per day, meaning we are always able to buy crab at times of heavy fishing. (We freeze whole crab down for usage throughout the year). This is an important for the local fishermen knowing that they are always able to sell all of their catch. We are open 12 months of the year for crab intake.</p> <p>We cannot simply switch to another product as this would require substantial equipment .For instance a whelk cooking/crushing operation would require very substantial investment, and extension of our factory, and again, fishermen have an existing customer base for these products.</p> <p>I understand that the applicant cannot compensate for every potential lack of earnings down the supply chain. In our case we are very different. We are a vital part of this local crab and lobster fishing industry, which I believe all parties would like to see continue after the construction of these windfarms. If we were to cease trading because of a lack of supply, the local industry would be in much worse shape.</p> <p>I am a local man (born and raised in Cromer), a former fisherman, who has spent all my working</p> | |

| ID | Question | Jonas Seafood Responses | Applicant's Comment |
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| | | <p>life building and running this business. I would like it to continue after my retirement.</p> <p>Fishermen obviously need to be compensated for lack of access to fishing grounds during construction/survey periods but without some financial support it is difficult to see how we can continue. Part (a) of this response lays out the effect of the lack of supply during the last construction phases of local wind farms, it has taken us three years to get back on track and pay off loans - taken out to cover the shortfall on earnings because of a lack of supply.</p> <p>I would ask the applicant to take note of our difficult unique position.</p> <p>c) I attended a teams online meeting with Jan Trønningsdal and Tom Morris and Mark Jones representing Equinor. The meeting was cordial but we were unable to find common ground.</p> <p>Equinor's position is that they will attempt to manage the compensatory payments to affected fishermen better. I understand this to mean they will move to a more evidenced based approach, in trying to limit monies paid to those fishermen that are effected only thereby paying less compensation.</p> <p>My opinion is that this will be very difficult to do. Fishermen can very easily jeopardise any survey or construction operation planned, and in my experience, the Windfarm Contractor will pay what fishermen are asking in order for the operation to go ahead as scheduled. Survey</p> | |

| ID | Question | Jonas Seafood Responses | Applicant's Comment |
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| | | <p>and Windfarm construction vessels are very expensive to operate and have on charter.</p> <p>I have given as much information as I feel I can in the two attachments bearing in mind this is commercially sensitive data. I am willing to give more data, in confidence to Equinor, if required. With the information I have given it is clear to see, in my opinion the direct effect on our business that the compensation payments to fishermen have. The money is paid regularly and fishing effort reduces.</p> <p>I feel I have shown why we are a special case in response in part b of this question.</p> <p>All I can do is try to protect my business that I have my entire life building. By going through this process at the very least I can prove publicly that I have shown our concerns and fears I have for our 60 staff, and the route to market we currently provide for this local industry</p> | |

Table 6 The Applicant's comments to Marine Management Organisation responses to the Examining Authority's Second Written Questions [REP3-133]

| ID | Question | MMO Responses | Applicant's Comment |
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| Q2.3. Benthic ecology, Intertidal, Subtidal and Coastal effects | | | |
| Q2.3.1 Effects on Marine Life and Benthic Habitats | | | |
| Q2.3.1.4 | <p>Electromagnetic Field impacts</p> <p>Even if cables were buried or covered with cable protection, would this be sufficient mitigation to prevent adverse impacts to benthic ecology by reason of electromagnetic fields or through sediment heating?</p> | <p>The MMO recommended a cable burial depth of >1.5m (subject to local geology) to reduce the potential effects of electro-magnetic field (EMF) on electro-sensitive species that rely on benthic habitats e.g., elasmobranchs. This is in line with the most recent scientific evidence (Hutchison et al., 2020a; 2020b; 2021) and is in accordance with the recommended burial depth given in the National Policy Statement for Renewable Energy Infrastructure (EN-3) (Dept. of Energy & Climate Change, 2011). The >1.5m burial depth is generally applied to reduce EMF effects, however, it will have the de facto effect of minimising adverse effects of sediment heating on sensitive bottom dwelling species, e.g., sandeels. It should be recognised that burial of cables does not reduce the level of energy, or alter the frequency, of the emitted field but instead increases the distance between the electrical field (and heat) and the receptor.</p> <p>Notwithstanding the above, for this locality in particular, the MMO recognise that burial of cables may impact the designated features within the Cromer Shoal Chalk Beds Marine Conservation Zone (CSCB MCZ), such as causing direct damage to the chalk reef, for example. Therefore, the MMO defer to Natural England, as the lead statutory consultee for the CSCB MCZ, to comment further on the appropriateness of buried cables in relation to any impacts on MCZ features. Furthermore, cable burial</p> | <p>See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101].</p> |

| ID | Question | MMO Responses | Applicant's Comment |
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| | | <p>may not be possible in some instances where other manmade infrastructure such as cables and pipelines are present, or when the underlying geology makes cable burial impractical.</p> <p>The MMO consider that given the above, burial to 1.5m+ should prevent adverse impacts to benthic ecology receptors via electromagnetic field and/or heating.</p> | |
| Q2.3.1.6 | <p>UXO in Benthic Communities</p> <p>The Applicants' document 'Assessment of Sea Bed Disturbance Impacts from Unexploded Ordnance Clearance' [APP-080] states, regarding the recovery of benthic communities following a detonation, that "<i>Recovery of these communities will take place rapidly with full recovery expected within two years in many areas based on the resilience of most biotopes. Recovery may take longer in some coarse and mixed sediment areas but based on DOW post-construction monitoring of cable installation activities, full recovery is expected in less than four years</i>".</p> <p>a) Do you agree with the conclusions on this matter? Explain with reasons.</p> <p>b) Provide details if you consider further evidence or mitigation is necessary?</p> <p>See related questions in the sections on Habitats and Ecology Offshore and the section on Historic Environment and Cultural Heritage.</p> | <p>The MMO note that some background to the theoretical sensitivity and recovery times of the potential habitats likely to be in the vicinity of the Unexploded Ordnance (UXO) have been provided, and these are based on the widely-used (Marine Evidence based Sensitivity Assessment) MarESA approach. This approach indicates that, at worst (depending on the sediment habitat type), recovery from the impacts from unexploded ordnance clearance is likely to take 2-10 years. In the absence of directly comparable empirical data for these habitats from this type of impact, this seems defensible. However, the proposition from the applicant that full recovery is likely to be less than four years is not based on evidence following impacts from an unexploded ordnance clearance but from a different pressure, i.e., cable installation activities. As the type and spatial extent of this pressure is different to that of an unexploded ordnance impact, the MMO do not unequivocally support nor refute this assertion.</p> | <p>See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101].</p> |

| ID | Question | MMO Responses | Applicant's Comment |
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| Q2.3.4 Effects on the Marine Conservation Zone | | | |
| Q2.3.4.5 | <p>Historic oyster bed evidence</p> <p>The Applicant has stated [REP2-020] that there were oyster beds historically in this area, when providing support for their MEEB preference. Can you provide any evidence of historic oyster beds in this part of the southern North Sea?</p> | <p>The MMO currently hold no evidence of the historic oyster beds in this area, and hold no evidence of why the oyster beds no longer exist</p> | <p>No further comments.</p> |
| Q2.11.3 Articles | | | |
| Q2.11.3.1 | <p>Article 5 – Benefit of Order</p> <p>The Applicant and MMO are to continue discussions on changes to Article 5 of the dDCO. This should include the consideration of the role of MMO in subparagraph 5, particularly whether requirement to consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the dDMLs is sufficient involvement for the MMO. MMO to also research other DCOs and whether there have been similar issues of transfer of benefits of orders and marine licences using DCO provisions, and possible duplication of processes that may have occurred.</p> | <p>The MMO maintains its position with regard to Article 5, as set out in our Deadline 2 response (REP2-059) and during ISH 5 on 30 March 2023. The MMO have reiterated their position in points (section 4) of this response.</p> <p>At the request of the Examiner, the MMO reviewed previous DCOs made, and does understand that this wording is included in other DCOs and understands the precedence the applicant is referring to. However, the MMO have experience in applying transfer of benefit on constructed projects, and have come to the MMO direct for a variation to the DML to allow the transfer to be made. Whether they have approval from the Secretary of State (SoS) or not, the transfer has still undergone the DML variation process with the MMO.</p> | <p>The Applicant has provided a response to section 4 of the MMO's Deadline 3 submission within The Applicant's Response to the MMO's Deadline 3 Submission [document reference 18.11].</p> <p>As confirmed in The Response to the Examining Authority's Second Written Questions [REP3-101] the Applicant considers the drafting set out in Article 5 to be necessary and appropriate for the reasons explained within The Applicant's Comments on the Marine Management Organisation's Deadline 2 Submission [REP3-105] and within the Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 6 [REP3-112].</p> |
| Q2.11.3.2 | <p>Collaboration conditions</p> <p>For both parties to continue discussions as to the wording for a collaboration condition for the dDCO.</p> | <p>The MMO can confirm that discussion with the applicant regarding wording for the collaboration has progressed since Deadline 2. Since Deadline 2 the MMO and the Applicant have agreed wording on the condition which has been updated in the SoCG</p> | <p>The Applicant confirms that the relevant collaboration condition drafting has been included within each DML. See Schedules 10 and 11, part 2, condition 24 and Schedules 12</p> |

| ID | Question | MMO Responses | Applicant's Comment | | | | | | |
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| | | <p>between the MMO and the Applicant and provided here for reference:</p> <p><i>(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions [13 and 14], the undertaker must provide a copy of the relevant plans and documentation to [SEL/DEL] to enable [SEL/DEL] to provide any comments on the plans and documentation to the undertaker.</i></p> <p><i>(2) The plans and documentation submitted to the MMO for approval in accordance with conditions [13 and 14] must be accompanied by any comments received by the undertaker from [SEL/DEL] in accordance with subparagraph (1) or a statement from the undertaker confirming that no such comments were received.</i></p> | <p>and 13, part 2, condition 23 of the draft DCO (Revision G) [document reference 3.1].</p> | | | | | | |
| Q2.11.5 Requirements | | | | | | | | | |
| Q2.11.5.3 | <p>Requirement 20</p> <p>In the interests of protecting sensitive seabird or marine mammal species and any activities they may do in the hours of darkness, should construction hours be imposed in respect of offshore works?</p> | <p>The MMO defer to Natural England for potential restrictions in construction hours as a form of mitigation against adverse impacts to sensitive seabirds. The MMO do not consider restrictions for marine mammals are required.</p> | <p>Noted.</p> | | | | | | |
| Q2.11.6 Draft Deemed Marine Licences | | | | | | | | | |
| Q2.11.6.1 | <p>Timeframes for determinations</p> <p>The MMO and Applicant, provide a joint statement setting out your positions and corresponding rationales for the appropriate lead-in period (4 months or 6 months) for review and decisions from</p> | <p>The MMO has agreed the following timeframes with the Applicant:</p> <table border="1" data-bbox="831 1251 1464 1362"> <thead> <tr> <th data-bbox="831 1251 1043 1362">Reference</th> <th data-bbox="1043 1251 1245 1362">Document</th> <th data-bbox="1245 1251 1464 1362">Timeline as drafted in the DCO</th> </tr> </thead> <tbody> <tr> <td data-bbox="831 1362 1043 1404"></td> <td data-bbox="1043 1362 1245 1404"></td> <td data-bbox="1245 1362 1464 1404"></td> </tr> </tbody> </table> | Reference | Document | Timeline as drafted in the DCO | | | | <p>The Applicant confirms that following agreement with the MMO, it has amended the deemed marine licences to accord with the agreed timeframes. See conditions 13 and 14 of Schedules 10 and 11 and conditions 12 and 13 of Schedules 12 and 13 of the draft DCO (Revision G) [document reference 3.1].</p> |
| Reference | Document | Timeline as drafted in the DCO | | | | | | | |
| | | | | | | | | | |

| ID | Question | MMO Responses | | | Applicant's Comment |
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| | the MMO on detailed submissions from the Applicant. | Schedule 10, Part 2, Paragraph 13(1)(a) | Project details and plans | At least four months prior to commencement of licensed activities. | |
| | | Schedule 10, Part 2, Paragraph 13(1)(b) | Construction Programme and monitoring plan (save for where specified otherwise) | At least six months prior to commencement of licensed activities | |
| | | Schedule 10, Part 2, Paragraph 13(1)(b)(iii)(aa) | Details of pre-construction surveys, baseline report format and content, construction monitoring, post construction surveys and monitoring and related reporting | At least four months prior to the first survey, details of pre-construction surveys and proposed pre-construction monitoring At least four months prior to construction, detail on construction monitoring At least four months prior to commissioning, detail on post | |

| ID | Question | MMO Responses | | | Applicant's Comment |
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| | | | | construction monitoring | |
| | | Schedule 10, Part 2, Paragraph 13(1)(c) | Construction method statement | At least four months prior to commencement of licensed activities | |
| | | Schedule 10, Part 2, Paragraph 13(1)(d) | Project environmental management plan | At least four months prior to commencement of licensed activities | |
| | | Schedule 10, Part 2, Paragraph 13(1)(e) | Archaeological written scheme of investigation in relation to the offshore order limits | At least four months prior to commencement of licensed activities | |
| | | Schedule 10, Part 2, Paragraph 13(1)(f) | An offshore operations and maintenance plan | At least six months prior to commencement of operation of the licensed activities | |
| | | Schedule 10, Part 2, Paragraph 13(1)(g) | Aids to navigation and management plan | At least four months prior to commencement of licensed activities | |
| | | Schedule 10, Part 2, | Where driven or part-driven | At least six months prior to | |

| ID | Question | MMO Responses | | | Applicant's Comment |
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| | | Paragraph 13(1)(h) protocol | pile foundations are proposed a marine mammal mitigation | commencement of licensed activities | |
| | | Schedule 10, Part 2, Paragraph 13(1)(i) | Mitigation scheme for Benthic habitats of conservation, ecological and/or economic importance constituting annex 1 reef habitats | At least four months prior to commencement of licensed activities | |
| | | Schedule 10, Part 2, Paragraph 13(1)(j) | An ornithological monitoring plan | At least six months prior to commencement of licensed activities | |
| | | Schedule 10, Part 2, Paragraph 14(3) | SIP for the SNS SAC | No later than six months prior to commencement of piling activities | |
| Q2.11.6.2 | Outline Offshore Operation and Maintenance Plan | The MMO defer to the applicant on the likelihood of effects exceeding what has been assessed within the ES. | | | Noted. |

| ID | Question | MMO Responses | Applicant's Comment |
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| | <p>The ExA is 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 of the works falling outside of the scope of the dDCO or causing greater effects than assessed as the worst-case scenario in the ES?</p> | <p>The MMO would like to reiterate our comments from ISH 5 regarding comments relating to the use of the word "material" under normal planning or consenting acts the MMO works under the MCAA which has different definitions, which is relevant to the MMO under the DML, which falls to the MMO as a regulator as soon as the DML has been made, rather than the MMO being able to make the decision on the DML itself. Because of this the MMO during examination have less power over its inclusion within the DML. Please refer to the MMO's comments in paragraph 3.14 of this response.</p> <p>If works fall outside of what is assessed within the ES, and they fall under one of the licensable activities as prescribed my MCAA, then further marine licences for the project may be required. This is standard practice across consented and built windfarm projects.</p> | <p>The Applicant has responded to the MMO's comments on the use of the word 'material' at ID Q2.11.3.1 above.</p> |
| <p>Q2.12.2 Effects on Aquatic Wildlife including Mammals, Fish and Shellfish</p> | | | |
| <p>Q2.12.2.1</p> | <p>Confidence in the Southern North Sea Special Area of Conservation Site Integrity Plan [APP-290]</p> <p>Do you have confidence that site integrity plans for relevant projects in the Southern North Sea SAC would provide sufficient control over the timing and nature of noisy activities to ensure that the relevant in-combination disturbance impact thresholds for marine mammals would not be breached? Explain with reasons.</p> | <p>Site Integrity Plans became a requirement following an Assessment to determine whether consented offshore windfarms within the North Sea would adversely affect the integrity of the Southern North Sea Special Area of Conservation (SNS SAC). This review concluded that in order to manage noise, and therefore impact, to the SNS SAC Site Integrity Plans (SIPs) were required. The purpose of the SIP is to demonstrate that, with applied mitigation if necessary, the SNS SAC conservation objectives can be maintained without resulting in Adverse Effect on Site Integrity. The aim of the SIP is to ensure that noise within the SNS SAC is managed and aligned with guidance from the Joint Nature Conservation Committee, which advises that noise must not exclude harbour porpoise from more than 20% of the</p> | <p>The Applicant agrees with the MMO that the SIP provides sufficient control over the timing and nature of noisy activities to ensure that the relevant in-combination disturbance impact thresholds for harbour porpoise would not be breached.</p> |

| ID | Question | MMO Responses | Applicant's Comment |
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| | | <p>relevant area of the site in any given day, or an average of 10% of the relevant area of the site over a season.</p> <p>The MMO are therefore satisfied that the SIP is currently provides sufficient control over the timing and nature of noisy activities to ensure that the relevant incombination disturbance impact thresholds for marine mammals would not be breached.</p> | |
| Q2.12.2.4 | <p>Underwater Noise Modelling</p> <p>Are you content, at this stage, that sufficient underwater noise modelling has been satisfactorily undertaken? Explain with reasons.</p> | <p>The MMO are satisfied that further underwater noise modelling is not required, this is on the following basis; (1) Provided that there are no changes at a later date to the original design parameters that have informed the current noise modelling; (2) provided that construction noise monitoring of the first four (representative) piled foundations is undertaken. This is a standard requirement for offshore wind projects. However, the MMO consider it is important to verify the predictions made in the ES through construction noise monitoring. To aid comparison of predicted versus measured data, the noise modelling report should include a plot showing the predicted received levels versus range for both monopiles and pin piles, for representative hammer strikes.</p> <p>While the MMO consider further underwater noise modelling noise is not required the MMO still request amendments to the current underwater noise modelling that has been carried out. The MMO has summarised our points below:</p> <ul style="list-style-type: none"> • The noise modelling report should include a plot showing the predicted received levels versus range for both monopiles and pin piles, for representative hammer strikes. | <p>The Applicant welcomes the MMO position that no further underwater noise modelling is required. To confirm:</p> <p>(1) The Applicant does not anticipate that there will be any changes to the design parameters that would necessitate further underwater noise modelling.</p> <p>(2) Monitoring of underwater noise from the first four piles is secured in the draft DCO (Revision G) [document reference 3.1]. Please see condition 19(2) in Schedules 10 and 11 and condition 18(2) in Schedules 12 and 13 of the draft DCO (Revision G) [document 3.1].</p> <p>The Applicant has responded to each of the first five bulleted points in ID 172, 173, 175, 176 and 177 respectively of Table 4.12.1 of The Applicant's Comments on Relevant Representations [REP1-034] and has subsequently signposted these responses by email to Cefas via the MMO. The Applicant will discuss these responses with the MMO / Cefas and seek to reach agreement on any outstanding matters as appropriate.</p> |

| ID | Question | MMO Responses | Applicant's Comment |
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| | | <ul style="list-style-type: none"> • Further explanation as to how the simultaneous piling assessment was conducted (i.e., the model used to simulate fleeing behaviour should be clearly described, including the following parameters, which all affect the amount of noise an animal may be estimated to be exposed to: the time (e.g. onset of activity) or noise level at which animals are assumed to begin responding; the direction in which they flee (especially in the case of scenarios assuming multiple location/simultaneous piling when the assumptions might be less obvious); whether there is a maximum distance or minimum sound level at which animals will cease to respond; whether animals are assumed to continue fleeing, remain stationary, or return toward the noise source/s during temporary cessations in noise-generating activity. • For the 'other (non-continuous) noise sources, The MMO request that the Applicant/Subacoustech confirm that that the equation is $N \log R - \alpha R$ (and not $N \log R + \alpha R$)? • Figure 6-1 in Appendix 10.2 shows the 1/3 octave frequency bands used as a basis for the Southall et al. (2019) weightings used in the simple modelling. The MMO understand that propagation loss is a function of the environment and request the Applicant/Subacoustech explain why the propagation loss varies quite significantly between the different sources, particularly when the source spectra (as per Figure 6-1) are not that different? • Figure 4-1 and Figure 4-2 in Appendix 10.2 "present a small selection of measured impact piling noise data plotted against outputs from INSPIRE covering both SPL_{peak} and SEL_{ss} data. The plots show data points from measured data (in blue plotted alongside | <p>Regarding does-response curves, these have been provided in the Marine Mammals Technical Note and Addendum [REP3-115].</p> |

| ID | Question | MMO Responses | Applicant's Comment |
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| | | <p>modelled data (in orange) using INSPIRE version 5.1, matching the pile size, blow energy and range from the measured data". It would be helpful if additional information could be provided here for context, such as details of the pile size and hammer energy etc. Without this information, these figures are not overly informative.</p> <p>For assessing potential disturbance and behavioural responses of marine mammals, it was recognised that there are no currently agreed behavioural thresholds. It was advised that one approach would be to use species-specific dose-response curves to assess disturbance from piling. Dose response curves should be based on current, appropriate, peer-reviewed literature. Generally, noise contours at regular intervals (e.g., 1 dB – 5 dB) are generated by noise modelling and overlaid on species density surfaces to predict the number of animals potentially disturbed . The applicant has suggested the possibility of including further plots of single-strike maximum and minimum energies at fixed dB intervals can be investigated. The approach of using dose response curves to assess disturbance would be in keeping with other offshore windfarm developments, and it is therefore recommended.</p> | |
| Q2.12.2.5 | <p>PTS and TTS reasoning</p> <p>Review document APP-193 wherein the Applicant states to have provided justification for screening out PTS and TTS from the cumulative impact assessment. Provide comments if you believe the justification and reasoning to</p> | <p>The MMO notes that section 10.3.2.1 of the CIA Screening (APP-193) states the following: <i>"PTS could occur as a result of pile driving during offshore wind farm installation, pile driving during oil and gas platform installation, underwater explosives (used occasionally during the removal of underwater structures and UXO clearance) and seismic surveys (JNCC, 2010a, 2010b). However, if there is the potential for any PTS, from any project, suitable</i></p> | <p>Natural England is in agreement with the Applicant's position to screen the potential for PTS out of the cumulative assessment (see [REP3-147]). Further, the screening out of PTS from the cumulative assessment is in line with a number of other recent offshore wind farm applications, including Norfolk Vanguard and Norfolk Boreas, East Anglia ONE North, TWO</p> |

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| | <p>be robust or if there remains a disagreement and why.</p> | <p><i>mitigation would be put in place to reduce any risk to marine mammals. Other activities such as dredging, drilling, rock placement, vessel activity, operational windfarms, oil and gas installations or wave and tidal sites will emit broadband noise in lower frequencies and PTS from these activities is very unlikely. Therefore, the potential risk of PTS in marine mammals from cumulative impacts has been screened out from further consideration in the CIA</i>".</p> <p>The MMO do not believe that the justification presented by the applicant is sufficient to scope out PTS from the cumulative impact assessment. Mitigation can be put in place to reduce the risk of potential impact, but PTS will still need to be assessed. Furthermore, the justification that other activities such as dredging, drilling, rock placement, vessel activity, operational windfarms, oil and gas installations or wave and tidal sites will "emit broadband noise in lower frequencies and PTS from these activities is very unlikely", is not valid. The risk of PTS depends on several factors such as the noise levels emitted, the duration of the activity and exposure of the animal. Ultimately, cumulative effects are very difficult to assess, and EIA-based cumulative effects assessments (CEAs) led by developers of individual projects have clear shortcomings (when compared to CEAs led by government agencies on a regional and strategic level) (Willstead et al., 2017).</p> <p>Regarding TTS, section 10.3.2.2 and 10.3.2.3 of the CIA Screening states: "<i>Where there is little information on the potential disturbance ranges for marine mammals, TTS has been used to indicate possible fleeing response (Section 10.6.1.4 of Chapter 10 Marine Mammal Ecology APP-096). It is</i></p> | <p>and THREE, Hornsea Project 3 and Hornsea Project 4.</p> <p>The potential for a cumulative impact due to PTS will be further considered through the European Protected Species licencing process, which includes a consideration of the potential for cumulative injury. This process will be completed post-consent and prior to piling.</p> <p>The Applicant agrees with the MMO's comment that CIA assessments completed by individual developers have shortcomings when compared to those undertaken by government agencies at a regional or strategic level, due to the limited publicly available information on other projects that may be taking place.</p> <p>An updated cumulative assessment for the potential for disturbance due to underwater noise associated with offshore wind farm development (including piling and other construction activities) has been provided within the Marine Mammals Technical Note and Addendum [REP3-115] submitted at Deadline 3.</p> <p>The potential for TTS / fleeing response has been screened in for assessment, but only assessed where there is limited information available in order to inform an assessment of disturbance for each activity. An updated cumulative assessment for the potential for disturbance due to underwater noise associated with offshore wind farm development (piling and other construction activities) has been provided within the Marine Mammals Technical Note and Addendum [REP3-115] submitted at</p> |

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| | | <p><i>acknowledged that disturbance is likely to have greater impact ranges than for TTS. The risk of TTS will be within disturbance ranges for marine mammals. The effects of TTS in marine mammals are temporary. TTS / fleeing response has been screened in to the CIA, where there is a lack of further relevant information for disturbance. The potential for the disturbance to marine mammals from underwater noise has been screened in to the CIA”.</i></p> <p>The MMO agree with section 10.3.2.2 that the risk of TTS will be within disturbance ranges for marine mammals. However, it is important to note that TTS and disturbance/displacement are not the same thing, and TTS should not be used to indicate possible fleeing responses. TTS is a temporary hearing impairment and should be considered in addition to disturbance.</p> | <p>Deadline 3_ The assessment has been updated to remove reliance on TTS as a proxy for disturbance wherever possible (namely for both seal species).</p> |
| Q2.12.2.6 | <p>Barrier, Disturbance and Displacement Effects</p> <p>Has the Applicant adequately mitigated for potential barrier, disturbance and displacement effects to marine mammals [APP-096, REP1-014]? If not, what would you expect or require from the Applicant to give reassurances on this matter?</p> | <p>The MMO has reviewed the most recent draft MMMP (REP1-014) and note that the changes mostly address the MMO’s concerns regarding the breaks in piling.</p> <p>The revised MMMP proposes that for any breaks in piling of more than 10 minutes, the full mitigation procedure is required, including 30-minute monitoring of the MA by MMObs and / or Passive Acoustic Monitoring, Acoustic Deterrent Device deployment and activation for the require time, followed by the soft-start and ramp-up procedure (for a minimum of 20 minutes). Monitoring of the MA during any breaks in piling will be conducted by MMObs during daylight hours and suitable visibility or by PAM-Ops during poor visibility or at night. If monitoring was conducted during piling prior to any breaks and the MA has been confirmed as having no marine mammals, then it may</p> | <p>The Applicant welcomes that the MMO’s previous concerns around piling breaks have been addressed in the Draft MMMP (Revision B) [REP1-013].</p> <p>The Applicant has submitted a Marine Mammals Technical Note and Addendum [REP3-115] which provides updated marine mammal assessments and information regarding the potential for a barrier effect.</p> |

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| | | <p>be possible to commence the soft start immediately. The soft-start and ramp-up procedure would be for a minimum of 20 minutes as outlined in the JNCC guidance. As noted in paragraph 2.13 of this response, the MMO consider that this approach is in keeping with best practice guidance.</p> <p>The MMO defer to Natural England for comments on potential barrier effects. The primary purpose of the MMMP is to reduce the risk of potential impact in terms of auditory injury (i.e., PTS). Some of the mitigation measures proposed, such as low order disposal techniques for UXO clearance, and noise abatement measures (such as bubble curtains), will likely reduce the distance at which marine mammals are disturbed / displaced. The use of ADDs however, are specifically designed to deter animals from the area, in order to reduce the risk of physical / auditory injury. Overall, Cefas recommend the use of noise abatement measures to reduce the risk of potential impact (in terms of auditory injury and disturbance) on sensitive receptors.</p> | |
| Q2.12.2.8 | <p>UXO clearance</p> <p>Are the UXO clearance mitigations listed in the MMMP [REP1-014, paragraphs 34, 35 and 38] scientifically verified and approved by the MMO and CEFAS, ensuring that a Permanent Threshold Shift impact would be avoided?</p> <p>See related questions in the sections on Benthic ecology, Intertidal, Subtidal and Coastal effects and the section on Historic Environment and Cultural Heritage.</p> | <p>The MMO would like to highlight that there is no certainty with the UXO clearance mitigation measures that PTS will be avoided. The mitigation measures should help to reduce the risk of potential impact. Of relevance, it is worth noting that separate MMMPs for piling and UXO clearance will be developed for SEP and DEP at the pre-construction stage. These final MMMPs will take account of the most suitable mitigation measures and up to date scientific understanding at the time of construction. These measures will be consulted upon with the Marine Management Organisation (MMO), Statutory Nature Conservation Bodies (SNCBs) and The Wildlife</p> | <p>As agreed with the MMO and Natural England through the evidence plan process, clearance of UXO will be subject to a separate Marine Licence post consent (see SoCGs: Draft SoCG with Natural England (Offshore) [REP2- 044] and Draft SoCG with MMO (Revision B) [REP3-078]). Any offshore UXO clearance required for SEP and DEP will be assessed and mitigation determined as part of a separate Marine Licence application at the pre-construction stage.</p> |

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| | | <p>Trusts (TWT). I believe that this approach is reasonable.</p> <p>Paragraph 35 of REP1-014 highlights some of the mitigation measures that could be included, such as low-order disposal techniques, the use of bubble curtains if highorder UXO detonation is required, the activation of ADDs, all UXO clearance to take place in daylight and when possible, in favourable conditions with good visibility, and the establishment of a Monitoring Area (with MMObs and Passive Acoustic Monitoring). These are the standard measures that the MMO would expect to see for UXO clearance applications. For any low order disposal techniques proposed, there must be sufficient evidence to demonstrate the effectiveness of such measure/s.</p> <p>Paragraph 47 of the MMMP states the scenarios under which a bubble curtain can be deployed for UXO detonation, specifically:</p> <ul style="list-style-type: none"> • When UXO is larger than 50kg charge weight; • Water depths are between approximately 5m and 40m; • Significant wave heights are less than 1m; • Maximum wind speed is less than 8m/s; and • Current speeds are less than 1.5 knots <p>The MMO consider that the contractor should be able to confirm the specific parameters under which a bubble curtain can be deployed. In the unlikely event that low-order disposal (such as deflagration) is not possible, then the MMO recommend that bubble curtains are deployed for all high-order detonations and not just those larger than 50 kg charge weight.</p> | |

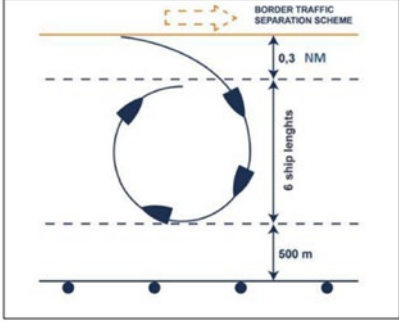
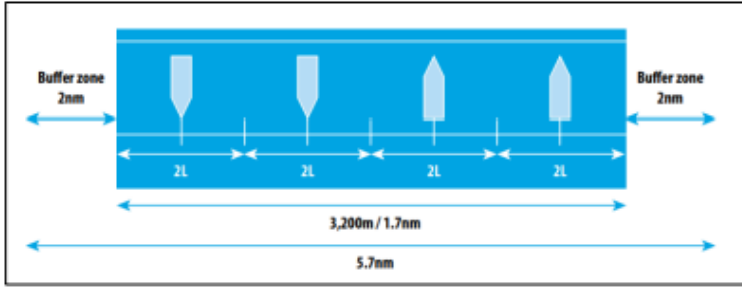
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| Q2.15. Historic Environment and Cultural Heritage | | | |
| Offshore Matters | | | |
| Q2.15.1 Adequacy of Baseline Surveys and Environmental Information | | | |
| Q2.15.1.5 | <p>Unexploded Ordnance</p> <p>Do you accept that it is unnecessary for the Applicant to adopt the revised/ additional wording proposed by HE in its WR [REP1-112, Paragraphs 17.4, 17.5 and 17.8].</p> <p>See related questions in the sections on Habitats and Ecology Offshore and the section on Benthic ecology, Intertidal, Subtidal and Coastal effects.</p> | <p>The MMO understands that the clearance of UXOs is to be covered by further marine licence applications, outside of the DCO. This is standard practice for multiple consented and under construction projects. This allows the MMO to assess the potential impacts of UXO clearance at the time of requirement. Therefore the requirement for UXO clearance to be included within Schedule 10 and 11 of the DMLs is not required. The DMLs do not permit any UXO clearance therefore the inclusions requested within the provisions are not relevant. The MMO will consult Historic England on any UXO clearance licence applicant they receive and therefore can consider advice supplied at the time.</p> | <p>As agreed with the MMO and Natural England through the evidence plan process, clearance of UXO will be subject to a separate Marine Licence post consent (see SoCGs: Draft SoCG with Natural England (Offshore) [REP2- 044] and Draft SoCG with MMO (Revision B) [REP3-078]). Any offshore UXO clearance required for SEP and DEP will be assessed and mitigation determined as part of a separate Marine Licence application at the pre-construction stage.</p> |

Table 7 The Applicant's comments to Maritime and Coastguard Agency responses to the Examining Authority's Second Written Questions [REP3-134]

| ID | Question | MCA Responses | Applicant's Comment |
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| Q2.19. Navigation and Shipping | | | |
| Q2.19.1 Navigational Risk and Effect on Navigational Safety | | | |
| | <p>MCA navigational safety concerns</p> <p>Identify and explain what information within the Applicants' submission at Deadline 1 raised concern regarding shipping safety, which may not have been apparent during earlier engagement?</p> | <p>At the Section 42 Preliminary Environmental Impact Report (PEIR) stage, the required vessel traffic surveys had not been completed and a Hazard Identification workshop had not been conducted with navigational stakeholders. The data from both would have informed the conclusions of the draft Navigational Risk Assessment (NRA) and it was therefore incomplete. MCA provided initial comments on the information provided at the PEIR consultation stage and additional comments were subsequently provided once the NRA was complete and had been fully assessed in accordance with MGN 654.</p> | <p>As set out in Section 2 of the Applicant's Navigational Safety Technical Note [REP3-031] submitted for Deadline 3, the PEIR NRA was submitted with the following elements to ensure sufficient information for stakeholders to comment:</p> <ul style="list-style-type: none"> • 14 days vessel traffic survey data and additional analysis of 12 months Automatic Identification System (AIS) data; • Regular Operators consultation (i.e., consultation with vessel operators who use the area); • Commercial vessel modelling (allision and collision); • Encounters analysis (assessment of baseline vessel encounter rates); • Corridor calculations and discussion of loss of searoom; and • Draft Formal Safety Assessment (FSA) (the means by which significance of risk created by the hazards assessed in the NRA process is determined). <p>Of particular note is the inclusion of 12 months of AIS data. This data is not an MCA requirement</p> |

| ID | Question | MCA Responses | Applicant's Comment |
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| | | | <p>but was included to ensure stakeholders could consider longer term data and for the NRA to fully capture vessel movements at PEIR stage. Given its long-term nature the 12 months of AIS is considered a more robust means of determining vessel routing than the two 14 day surveys.</p> <p>Feedback received from the PEIR process (including from the MCA) was incorporated into the final Navigation Risk Assessment [APP-198] submitted with the Application received by the Planning Inspectorate on the 5th September 2022. In advance of this, a draft copy of the final NRA was provided to the MCA via email on the 27th July 2022. The substantive comments from the MCA were received after examination had commenced first during discussions around the SoCG on the 6th of February then with more context via MCA's Written Representation [REP1-117] received at Deadline 1 on the 17th of February 2023 and the MCA response to the Examiners First Written Questions [REP1-118] received on the same date.</p> <p>The Applicant remains unclear from the MCA's response what "information" (in the terms of the ExA's question) was submitted at Deadline 1 which was not apparent during pre-application engagement.</p> |

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| Q2.19.1.2 | <p>Background Data</p> <p>MCA and Applicant, provide the background evidence to support your position relating to the matters discussed at ISH6 [EV-085] & [EV-089], particularly matters where there are issues of disagreement, such as navigational buffers and the potential collision risk, statistical calculations of vessels traversing through this sea area if the proposed wind farm sites are where currently proposed? Provide supporting illustrations, diagrams and plans.</p> | <p>MCA's concern is the loss of sea room to the west of the northern section of the DEP array that will constrict the two-way traffic into a channel with less than half of the current sea space. The complexity of the area must be accounted for when considering the issue around the width of this channel. There are shallow waters both to the east and west of the Outer Dowsing Channel and traffic converges into the gap between SEP and DEP. The orientation of traffic east of Triton Knoll Offshore Wind Farm is not entirely because of the wind farm but due to the shallow waters of Triton Knoll and the Outer Dowsing Shoal and this is a key factor in the traffic restriction into a corridor.</p> <p>The data within the NRA shows 90% of vessels transiting through the Outer Dowsing Channel do so in a corridor 2.5NM wide (see Image 1 in AS-044). The northern DEP array would push the north bound traffic to the west and MCA has used a conservative figure of 1NM safety buffer. If the recommendation in the guidance document published in 2018 by The World Association for Waterborne Traffic Infrastructure (PIANC), MarCom Working Group Report no. 161-2008, titled "Interaction Between Offshore Wind Farms and Maritime Navigation" is followed, this safety buffer would be 1.2NM which is based on the turning circle of a 195m LOA (Length Over All) vessel:</p> | <p>The Applicant agrees the complexity of the area must be taken into account, and would note as previously stated at ISH6, direct application of corridor or other general calculations does not in isolation account for this complexity.</p> <p>As set out in Section 8 of the Applicant's Navigational Safety Technical Note [REP3-031] submitted for Deadline 3, the available data indicates there is a pre-existing area of searoom in the region that is more restricted and with busier traffic than will be the case at the northwest extent of DEP North. The available data indicates no collision incidents have occurred within this existing restricted area of searoom, which is indicative of the effective implementation of COLREGS managing the associated risks.</p> <p>As set out in Section 6 of the Applicant's Navigational Safety Technical Note [REP3-031] submitted for Deadline 3, vessels routinely pass within 1nm of the existing Dudgeon Offshore Windfarm (DOW) turbines. This shows that prudent mariners will select their own passing distances based on the various relevant factors including weather, sea state, vessel type, vessel size, and local navigational features e.g., shallows.</p> <p>The Applicant also notes the referenced PIANC guidance states the below, which aligns with the previously stated view that direct application of</p> |

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| | |  <p>Starboard side of any route: $0.3\text{NM} + 6 \times 195 + 500\text{m} = 2226\text{m}$ or 1.2NM</p> | <p>corridor or other general calculations does not in isolation account for the complexity of the area.</p> <p><i>It is important to recognise that the recommendations in this report are not prescriptive tools but need intelligent application and advice provided on a case-by-case basis. It is noted that specific details of individual sites (local factors or boundary conditions) or national-regional (legal) requirements may vary from the general guidance which is presented.</i></p> |
| | | <p>The Nautical Institute and The World Ocean Council published guidance on shipping lane widths for two-way traffic in 2013 titled "The Shipping Industry and Marine Spatial Planning". This is based on adequate sea room to allow four vessels to safely pass each other:</p>  <p>Assuming 195m LOA, the corridor would be $8 \times 195\text{m} + 4\text{NM} = 4.84\text{NM}$. Using the safety buffer distance from the PIANC guidance the corridor width should be $8 \times 195\text{m} + 2.4\text{NM} = 3.24\text{NM}$ or 6km.</p> | <p>The Applicant notes that, in relation to the figure shown, the Nautical Institute and The World Ocean Council published guidance states that:</p> <p><i>An example of recommended minimum shipping lane width between two adjacent windfarms considering vessels of 400m in length (UK NOREL Committee). In every instance a case by case assessment must determine actual requirements (emphasis added)</i></p> <p>With regards to the first sentence, the Applicant notes that the area in question is not "between two adjacent windfarms". The only directly bounding feature will be DEP North to the east. This is reflective of the point raised above and at ISH6, that direct application of corridor or other general calculations does not in isolation account</p> |

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| | | | <p>for the complexity of the area. This links to the second sentence, which makes clear as per the other relevant guidance that a case by case approach must be taken.</p> |
| | | <p>Although the proposed extensions appear to comply with the minimum clearance derived from the guidance (using 195m LOA), the MCA believes that due to the particular circumstances of the area concerned, wider safety parameters should be adopted. The 195m LOA measurement used in the above calculations was taken from a week of AIS data in August 2021. The applicant collected two 14-day traffic surveys in summer and winter and 12 months of AIS data from 2019, and while the NRA does not provide any details on LOA, the 195m figure is likely to be an underestimation. The guidance assumes a central division for vessels heading in opposite directions, in this case north and south. The absence of a sea lane or any traffic separation scheme initiatives in this area is of relevance to our concerns. Traffic can, and does, transit the area in a north and south direction without any obligation to keep to one side or the other.</p> | <p>The 12 months of AIS data indicates that the average commercial vessel length recorded through the Outer Dowsing channel was 127m. The corresponding value in the two 14 day traffic surveys was 128m.</p> <p>Vessels larger than 195m were recorded in both datasets (maximum vessel lengths were 240m in the 12 months AIS and 230m in the two 14 day traffic surveys). However, the 195m value was observed to capture the 95th percentile in both datasets (and a value of 200m captured the 99th percentile in both datasets).</p> <p>As detailed above and set out in Section 8 of the Applicant's Navigational Safety Technical Note [REP3-031] submitted for Deadline 3, the available data indicates there is a pre-existing area of searoom in the region that is more restricted and with busier traffic than will be the</p> |

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| | | | <p>case at the northwest extent of DEP North. The largest vessel recorded in this area was 240m (based on the 12 months AIS), and at its narrowest the gap the vessels pass through is 1.4nm. The data studied in the NRA [APP-198] indicated no collision or grounding incidents occurred in this area over the periods studied. This shows prudent mariners are able to manage associated risks via implementation of COLREGs. As noted in the Applicant's Navigational Safety Technical Note [REP3-031] this example simply happens to be in the study area, but there will be comparable examples elsewhere.</p> <p>Within the NRA study area an estimated 19 vessels per day pass through the "Race Bank Channel" using COLREGS to mitigate against hazards including grounding and vessel to vessel collision. The Applicant is unclear as to what, in the MCA's view, would prevent the 13 vessels a day which pass through the broader navigable area of DEP-N and the Outer Dowsing Channel doing so safely via good seamanship through application of COLREGS.</p> |

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| | | <p>The restricting factors in the area are the shallower water aforementioned, and the presence of the already existing windfarms. This means that the frequency of encounters for vessels to meet head on are increased. The presence of the northern extension in particular, constricts this traffic in their ability to take early and substantial action in accordance with COLREGS and invites either a departure from them, or alteration of course into the windfarm red line boundary, potentially increasing the risk of allision with a structure. In addition, periods of construction and major maintenance on the turbines closest to the boundary will attract 500m safety zones which potentially constricts the sea space and increases collision risk even further.</p> | <p>As set out in Section 7 of the Applicant's Navigational Safety Technical Note [REP3-031] submitted for Deadline 3, additional modelling has been undertaken to show the effect of amending the boundary of DEP North. The modelling results showed the collision risk is not materially impacted in terms of expected number of collisions over the course of the operational lifespan of the project.</p> <p>The Applicant agrees that safety zones will be utilised, however any associated impact will be temporary in nature (500m safety zones are implemented on a rolling basis i.e., are only active around a structure when a construction or major maintenance vessel is present).</p> |
| | | <p>The future traffic picture and vessels' obligations in complying with COLREGS is complicated by the presence of the windfarm traffic during both construction and operation. The Navigation Management Plan can be useful for regular runners but will be obsolete for those vessels that do not transit through the area on a regular basis.</p> | <p>Interactions between project vessels and third party traffic will be managed via COLREGs. The Navigation Management Plan was a specific mitigation proposed to mitigate the concerns raised by regular users of the area.</p> |

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| | | <p>The NRA assessed the baseline collision risk within the scoped area as being 'reasonably probable' (1 per 1-10 years) which is already very high. The NRA concludes the increased collision risk is 'remote' (1 per 10-100 years) which again is for the scoped area and not specifically for the area of concern with the western boundary of the northern DEP site. MCA recommends that either structures are not constructed west of a line drawn from the Dudgeon cardinal buoy to the Mid-Outer Dowsing buoy, or a reduction in the red line boundary to this effect.</p> | <p>As detailed above, as set out in Section 7 of the Applicant's Navigational Safety Technical Note [REP3-031] submitted for Deadline 3, additional modelling has been undertaken to show the effect of amending the boundary of DEP North. The modelling results showed the collision risk is not materially improved in terms of expected number of collisions over the course of the operational lifespan of the project.</p> |
| Q2.19.1.3 | <p>Further discussions and mitigation</p> <p>Can both parties continue discussion on the key points of disagreement and propose a way of reaching agreement. What would be the implication if agreement is not reached between the parties?</p> | <p>MCA met with the Applicant on 26/04/23 to discuss the Statement of Common Ground and the wording of the DML conditions requiring amendment. Three additional meetings have been arranged in May and June to discuss the outstanding issues. The implication if agreement is not reached is that MCA would neither confirm navigational risks west of the northern DEP boundary are acceptable nor agree the proposals comply with the National Policy Statement for Renewable Energy Infrastructure (EN-3) or the East Inshore and East Offshore Marine Plans (see below).</p> | <p>The Applicant confirms the MCA input with regards to the meeting on the 26th of April 2023 and the further planned meetings.</p> |
| Q2.19.1.4 | <p>Sea Lane Essential to International Navigation</p> <p>In line with the policy requirement in NPS EN3 (Paragraph 2.6.161), does the shipping route through the SEP and DEP sites constitute a sea lane essential to international</p> | <p>Paragraph 2.6.161 in NPS EN-3 states:</p> <p><i>The IPC should not grant development consent in relation to the construction or extension of an offshore wind farm if it considers that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the development. The use of recognised sea lanes essential to international navigation means:</i></p> | <p>The Applicant agrees that the routes within the study area for DEP and SEP do not constitute a sea lane essential to international navigation.</p> <p>The Applicant's position regarding National Policy Statement (NPS) EN-3 paragraph 2.6.162 is set out in detail with the Navigational Safety Technical Note [REP3-031].</p> |

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| | <p>navigation? If so, can you explain how the proposals would or would not interfere with this sea lane essential to international navigation?</p> | <p><i>(a) anything that constitutes the use of such a sea lane for the purposes of article 60(7) of the United Nations Convention on the Law of the Sea 1982; or</i></p> <p><i>(b) any use of waters in the territorial sea adjacent to Great Britain that would fall within paragraph (a) if the waters were in a Renewable Energy Zone (REZ).</i></p> <p>On the understanding that a 'sea lane' in the above paragraph refers to an IMO-adopted Traffic Lane (within a Traffic Separation Scheme), then it is not possible to confirm the shipping route through the SEP and DEP sites constitutes a sea lane since a Traffic Separation Scheme does not exist between SEP and DEP and it is not within the UK's Territorial Sea. However, the route is used by vessels on domestic and international voyages and it is considered to be a strategically important route essential for regional, national and international trade, as per the policy requirement in NPS EN-3 paragraph 2.6.162:</p> <p><i>The IPC should be satisfied that the site selection has been made with a view to avoiding or minimising disruption or economic loss to the shipping and navigation industries with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries and recreational users of the sea. Where a proposed development is likely to affect major commercial navigation routes, for instance by causing appreciably longer transit times, the IPC should give these adverse effects substantial weight in its decision making.</i></p> <p>We would also like to refer to the ports and shipping policy statement in the East Inshore and East Offshore Marine Plans where our position is that the northern DEP site is not compatible with maintaining space for safe navigation:</p> <p><u>Policy PS2</u></p> | <p>Policy PS2 of the East Inshore and East Offshore Marine Plans (EI&EOMP) sets out policy to address any encroachment into important navigational routes. The Navigational Risk Assessment [APP-198] for the development, for which the MCA has agreed the methodology, data sources and future case modelling, confirms that navigational risks are as low as reasonably practicable (ALARP). In addition, as set out in the Navigational Safety Technical Note [REP3-031] the minor overlap into the shipping lane at DEP North is "not significant" in terms of material change on collision risk.</p> <p>Furthermore EI&EOMP Policy PS2 needs to be quoted and considered in its full context. The policy makes clear that encroachments (in this case a minor and not significant encroachment), are acceptable in "exceptional circumstances", while paragraph 366 of the same policy section goes on to clarify that "An example of an authorisation made in exceptional circumstances may be Nationally Significant Infrastructure Projects". SEP & DEP is a nationally significant infrastructure project the need for which, established in NPS EN-1, is urgent.</p> <p>NPS for Renewable Energy EN-3 policy (paragraph 2.6.163) is that:</p> <p><i>"Where a proposed offshore wind farm is likely to affect less strategically important shipping routes, a pragmatic approach should be employed by the</i></p> |

| ID | Question | MCA Responses | Applicant's Comment |
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| | | <p><i>Proposals that require static sea surface infrastructure that encroaches upon important navigation routes (see figure 18) should not be authorised unless there are exceptional circumstances. Proposals should:</i></p> <ul style="list-style-type: none"> <i>a) be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact</i> <i>b) anticipate and provide for future safe navigational requirements where evidence and/or stakeholder input allows and</i> <i>c) account for impacts upon navigation in-combination with other existing and proposed activities</i> | <p><i>[SoS]. For example, vessels usually tend to transit point to point routes between ports (regional, national and international). Many of these routes are important to the shipping and ports industry as is their contribution to the UK economy. In such circumstances the [SoS] should expect the applicant to minimise negative impacts to as low as reasonably practicable (ALARP)".</i></p> <p>The key factor therefore is that the NRA [APP-198] (an extensive process which included consultation, baseline data gathering, and modelling) concludes that the risks are ALARP, and that the Applicant has therefore minimised impacts to ALARP and therefore the not significant encroachment is fully in accordance with NPS policy and compliant with EI&EOMP Policy PS2.</p> |

Table 8 The Applicant's comments to Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited responses to the Examining Authority's Second Written Questions [REP3-167, REP3-168, REP3-158, REP3-159]

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
|---|---|---|---|
| Q2.8.2 Affected Persons' Site-specific Issues [REP3-168] [REP3-158] | | | |
| Q2.8.2.3 | <p>Land outside the order limits, belonging to Mr Clive Hay-Smith</p> <p>a) Applicant, explain the reason for seeking additional 20 acres of land outside the Order limits, belonging to Clive Hay-Smith and the interaction of this land with the scope and powers of the dDCO when such land falls outside the Order limits.</p> <p>b) Applicant and Mr Clive Hay-Smith prove a joint position statement akin to a SoCG.</p> | <p>The Applicant and Mr Hay-Smith have agreed a joint position statement to reflect the status of current negotiations between the parties which is set out below:</p> <ol style="list-style-type: none"> 1. The Applicant has agreed to remove the landowner obligations affecting the majority of the land outside Order Limits in their offer of a private agreement to Mr Hay-Smith and Mr Middleton. This point has been agreed by Mr Hay-Smith and Mr Middleton. 2. Discussions are on-going between the parties in respect of obligations that would affect potential access points to the adopted highway. 3. Discussions continue in respect of other terms for a potential agreement. Progress has been made in dialogue in respect other matters. Substantive differences remain and negotiations are on-going between all parties to seek to reach agreement. 4. The parties will provide a further update on the status of negotiations by Deadline 4 (16 May) | <p>The Applicant met with the Respondent's appointed agent on 10th May 2022 to progress discussions in respect of outstanding matters related to the voluntary agreement and will continue to engage. The Applicant is hopeful of reaching agreement by the close of examination,</p> |
| Q2.13.3 Effects on Rivers and River-Based Wildlife [REP3-167] [REP3-159] | | | |
| Q2.13.3.1 | <p>Chalk-based Streams</p> <p>In your OFH oral representation [EV-074], [EV-075] you made reference to a self-funded community</p> | <p>Spring Beck ecological significance & plans</p> | <p>The Applicant understands that the Spring Beck is a globally rare chalk stream and has taken this into account in the assessment of potential</p> |

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
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| | <p>program, in collaboration with EA and Norfolk Rivers Trust, carried out at Spring Beck. Please provide further details of the works carried out to date and any further intended program of works for Spring Beck. In addition, please outline the risks to the chalk-based stream that you believe could result from the Proposed Development.</p> | <ol style="list-style-type: none"> 1. Mr Hay-Smith and Mr Middleton are working in partnership with the Norfolk Rivers Trust (the 'Trust'), the Environment Agency and the Coca Cola Foundation for the 'Spring Beck Water Framework Directive Local Catchment Plan'. A copy of the plan is attached as Appendix A. 2. In the plan the Trust describe Spring Beck as an 'Iconic Chalk Stream' (a globally rare habitat) and a valuable ecological resource. In correspondence the Trust have described Spring Beck being as part of a wider connecting network of watercourses and a wildlife corridor for many migratory bird and bat species. There are water voles all over the lower end, and European eel, both of which are protected species. The Trust note that disturbance to any watercourse reduces biodiversity resilience. 3. Spring Beck as it passes through Mr Hay-Smith's land will be the 'ark' site for the reintroduction of white clawed crayfish - another protected species in the catchment. Crayfish in the Banham Zoo hatchery are almost ready to be released (early to mid-May 2023). 4. Extensive native tree cover planting has been undertaken over the last few years by Environment Agency and Priory Holdings employees in the immediate vicinity of Spring Beck. | <p>impacts presented in Section 18.6 of ES Chapter 18 Water Resources and Flood Risk [APP-104]. The Applicant acknowledges that ES Appendix 18.3 Geomorphological Baseline Survey Technical Report [APP-212] does not specifically mention that the watercourse is a chalk stream, but is confident that the description of the baseline geomorphological characteristics of the proposed crossing location reflect the current condition of the watercourse. The Applicant notes that the Spring Beck Water Framework Directive Local Catchment Plan' acknowledges the current degraded condition of the watercourse.</p> <p>In order to minimise the potential for impacts associated with the crossing of Spring Beck, the Applicant has selected a trenchless crossing technique that will avoid direct physical disturbance of the watercourse. This is set out in Table 18-3 of ES Chapter 18 Water Resources and Flood Risk [APP-104].</p> <p>The Applicant recognises that trenchless crossing techniques could potentially have some impact upon groundwater-dependent surface watercourses such as chalk streams, for example by changing groundwater flow patterns or releasing drilling fluids into the water column (see Sections 18.6.1.3 and 18.6.1.4 of ES Chapter 18 Water Resources and Flood Risk [APP-104]).</p> <p>The Applicant has therefore committed to undertake a site-specific hydrogeological risk</p> |

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
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| | | <p>5. In summary, Spring Beck is a globally rare and significant habitat for protected species.</p> <p>Risks from Proposed Development</p> <p>6. There are relatively few details in the Environmental Statement ('ES') as to the construction methodology, other than that the Applicant proposes the use of HDD.</p> <p>7. Chapter 18 (Water Resources and Flood Risk) of the ES refers to embedded mitigation measures in respect of Cable crossings beneath watercourses as follows:</p> <p><i>"All Main Rivers (Figure 18.3) will be crossed using trenchless techniques such as HDD to avoid direct interaction with these watercourses. The cable entry and exit pits will be at least 9m from the banks of the watercourse, and the cable will be at least 2m below the channel bed."</i></p> <p>8. There is little else we can ascertain from the ES in respect of mitigation. Surprisingly (given their global rarity and significance), there is no reference to Chalk Streams in Chapter 20 (Onshore Ecology) or Chapter 18 (Water Resources and Flood Risk) of the ES.</p> <p>9. Chapter 18 describes Spring Beck as follows, making no reference to its ecological value:</p> <ul style="list-style-type: none"> o <i>"A modified stream diverted along an artificial course with a predominately straight uniform channel, characterised by glide flows, with</i> | <p>assessment at each trenchless crossing location, as stated in Section 7.1.3 of the Outline Code of Construction Practice (Revision C) [REP3-064] submitted at Deadline 3, which is secured under Requirement 19 of the draft Development Consent Order (Revision G) [document reference 3.1], also submitted at Deadline 3. The results of the hydrogeological risk assessment will allow the trenchless crossing to be designed to minimise risks to groundwater-bearing strata and the groundwater-dependent surface water features associated with them (primarily, in this instance, Spring Beck).</p> <p>Furthermore, the Applicant refers to the Outline Code of Construction Practice (Revision C) [REP3-064] which details the Environmental Management Plans which will be prepared prior to the commencement of construction. These include Construction Method Statements and Watercourse crossing scheme which will be informed by a hydrogeological risk assessment as well as an Invasive Non-Native Species Management Plan of note, Section 7.1.4 refers to the Bentonite Breakout Plan which will be developed to minimise the risks of bentonite breakout on chalk streams and other surface watercourses. The Applicant is therefore of the view that the proposed trenchless crossing technique will not result in any significant adverse impacts upon geomorphology, water quality or ecology in Spring Beck and would not</p> |

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
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| | | <p><i>limited geomorphological complexity, floodplain connectivity and in-channel aquatic vegetation.</i></p> <p>o <i>“Extensively modified watercourse with re-sectioned banks and limited flow diversity. The hydrology supports limited natural variations and geomorphology supports limited natural processes.”</i></p> <p>10. It appears that no assessment of ecological risks to the Spring Beck has been made in the ES, and there are no mitigations proposed which can be considered during the Examination (beyond the use of HDD).</p> <p>11. Mr Hay-Smith has at various points alerted the Applicant to the ecological significance of Spring Beck. Nevertheless, the Applicant has not sought permission for access to undertake ecological surveys to Spring Beck and we therefore assume that no physical inspection has been made of Spring Beck in this location to inform the Applicant's assessment of ecology.</p> <p>12. A summary of the Applicant's ecological survey results was provided to Mr Hay-Smith on 19th July 2022 relating to his land. In respect of Spring Beck it states (our emphasis) as follows, which we assume are conclusions following a desk top analysis:</p> <p><i>“An approximately 10m long Spring and Flush habitat situated to the east of, and parallel to, the stream. The habitat is relatively species poor and dominated by horsetail Equisetum</i></p> | <p>jeopardise the use of the watercourse as a release site for white-clawed crayfish.</p> <p>The Applicant would like to note that it has undertaken extensive consultation with the Environment Agency during the development of the project, which has supported the commitment to use trenchless techniques to cross Spring Beck and other chalk streams such as the River Wensum rather than alternative open trench techniques (cf. the Draft Statement of Common Ground with Environment Agency (Revision C) [document reference 12.10] submitted at Deadline 4).</p> <p>With respect specifically to ecology, the Applicant would like to confirm that a survey of the Spring Beck (and where the proposed Order limits broadly intersect the Spring Beck), was undertaken in September 2021. The classification of the watercourse as a 'G1: wet ditch' on the basis that the landholding was surveyed late in summer and no flowing water was clearly visible. However, some aquatic vegetation was observed, indicating a ditch rather than stream. The terminology used follows the Phase 1 habitat categories available for watercourses of this type (the Phase 1 system doesn't have a category for chalk streams).</p> <p>Requirement 13 (Ecological management plan) of the draft DCO(Revision G) confirms that <i>“...no phase of works may commence until a written ecological management plan... has</i></p> |

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
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| | | <p><i>sp. but likely supports a rich invertebrate population. The stream was classified as a wet ditch although it appeared to contain low water levels at the time of the survey, which was completed on 15th September 2021.</i></p> <p>13. Spring Beck's has been classified as a 'wet ditch', disregarding its status as a Chalk Stream, and the Applicant has apparently not accounted for the imminent use of Spring Beck on Mr Hay Smith's land as the ark site for re-introduction of White-Clawed Crayfish.</p> <p>14. We conclude baseline information and assessments in the ES are incomplete or insufficiently current, requiring urgent rectification.</p> <p>15. We have taken advice from experts in the ecology of Chalk Streams, including the Norfolk Rivers Trust. They have raised concerns about the vagueness of the methodology around the HDD approach, which gives no more details than the cable will be "at least 2 metres below the river bed." We are advised there is a significant risk to Spring Beck if the chalk strata itself is affected and that geology is very site specific. The chalk could be "close to surface or covered with meters of flinty gravel."</p> <p>16. We note Natural England's concern expressed in their S.42 response letter (2021) in respect of the use of Bentonite (this concern is shared by the Chalk Stream ecologists we have spoken to) as follows (and</p> | <p><i>been submitted to and approved by the relevant planning authority in consultation with Natural England and (where works have potential to affect wetland habitat) the Environment Agency."</i> (document Reference 3.1).</p> <p>The Ecological Management Plan is based upon the Outline Ecological Management Plan (Revision C) [REP3-068] which details the pre-construction surveys that will be carried out. Of note, the Applicant draws attention to section 2.3.8 (White-clawed crayfish) which states "...all watercourse within the DCO boundary will be re-appraised for their suitability for white-clawed crayfish as part of the updated Extended Phase 1 Habitat survey. Any watercourses which are found to provide suitable habitat for this protected species, and which have not been previously surveyed (due to lack of survey access or because a change in the suitability of the watercourse since the pre-application surveys), will be surveyed for white-clawed crayfish as part of the pre-construction surveys."</p> <p>Furthermore, Requirement 11 of the draft DCO [(Revision G)] [document Reference 3.1] (Provision of landscaping) confirms that "No phase of the onshore works may commence until a written landscape management plan...has been submitted to and approved by the relevant planning authority." The Landscape Management Plan sets out</p> |

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
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| | | <p>acknowledging this response did not relate to Spring Beck specifically:</p> <p><i>“Given the recent HDD drilling mud breakouts experienced on a number of other OWFs, Natural England advises that a commitment to use best available techniques and a precautionary methodology be included, and that the worst-case scenario impacts of potential bentonite breakout are assessed.”</i></p> <p>The Applicant responded as follows:</p> <p><i>“The Applicant acknowledges the risk of bentonite breakout during the use of trenchless crossings to cross watercourses and associated floodplain wetland systems and this is considered in Section 18.6.1.2.8. A site specific risk assessment will be undertaken as part of the post-consent detailed design process. This will consider the potential risks of using HDD or equivalent techniques and set out the procedures required to monitor construction activities and avoid breakouts. This will be agreed with the Environment Agency prior to commencement of construction activities.”</i></p> <p>18. In summary we consider the risks as follows:</p> <p>i. The ecological significance of Spring Beck has been underestimated by the Applicant and mitigation measures are insufficient.</p> <p>ii. The baseline information in the ES is not current in relation to White Clawed Crayfish; there is the risk of biological contamination</p> | <p>proposals for mitigating landscape impacts, including replanting. A key objective is to ensure that native species are used (Outline Landscape Management Plan (Revision C) [REP3-066]).</p> <p>The mitigation, as suggested by the respondent is secured within the DCO application and specifically</p> <ul style="list-style-type: none"> - Plans within the Outline Code of Construction Practice (Revision D) [document reference 9.17], including Construction Method Statements, Invasive Non-Native Species Management Plan and Watercourse crossing schemes will be submitted to the Local Planning Authority (an independent body), prior to the commencement of development. This is secured under Requirement 19 of the draft DCO [(Revision G)] [document Reference 3.1] - Further ecology surveys will be carried out prior to construction, in accordance with the Outline Ecological Management Plan (Revision C) [REP3-068] and as required by Requirement 13 of the draft DCO [(Revision G)] [document Reference 3.1]. The Ecological Management Plan will also set out any mitigation. - Further landscape surveys and details of proposed landscape management and mitigation will be set out in the Landscape Management Plan which is secured by |

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
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| | | <p>(Crayfish plague) and the introduction of invasive species (Signal Crayfish).</p> <p>iii. There appears to have been no assessment of impact of the Proposed Development on the ecology of Spring Beck; it is assumed that HDD methods will mitigate any harm.</p> <p>iv. There is no detail about the use of HDD other than that the cable will be 2 metres below the channel; in the absence of site specific geology there is significant risk to the chalk strata.</p> <p>v. Risks associated with the use of Bentonite in HDD and impacts on ecology in the event of spillage.</p> <p>Proposed Mitigation</p> <p>19. The following are appropriate measures to remedy omissions in the ES and mitigate the risk of harm to the ecology of Spring Beck, and Mr Hay-Smith and Mr Middleton are ready to work with the Applicant to implement them:</p> <p>A. Urgent site specific risk assessment (the findings of which can be considered in the Examination) be undertaken by independent expert.</p> <p>B. Method statement and mitigation plan be prepared in context of the risk assessment; including procedures in the event of emergency. The Norfolk Rivers Trust</p> | <p>Requirement 11 of the draft DCO [(Revision G)] [document Reference 3.1].</p> |

| ID | Question | Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited Responses | Applicant's Comment |
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| | | <p>recommend this to include the following (non-exhaustive) measures:</p> <ul style="list-style-type: none"> - Any re-seeding or plant, with locally sourced native seeds/plants - Long- term management plan for silt management (noting problems created with spoil wash away in other projects) - Long term management plan for watering and maintaining seeds or plug plants - Biosecurity; <ul style="list-style-type: none"> o Staff must have clean equipment - shoes/boots/wellies each time they visit site and any contractor must adhere to the same strict bio-security standards. o All contractors have to disinfect their equipment, including diggers and dumpers and vehicles, particularly if that machinery has been somewhere with signal crayfish or invasive plant species. <p>C. Construction will be over-seen by an independent body</p> | |

Table 9 The Applicant's comments to National Farmers Union responses to the Examining Authority's Second Written Questions [REP3-136]

| ID | Question | NFU Responses | Applicant's Comment |
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| Q2.8.2 Affected Persons' Site-specific Issues | | | |
| Q2.8.2.1 | <p>Term</p> <p>a) NFU, provide evidence that 99 years term for the dDCO and aspects of CA has been secured in Triton Knoll (although the ExA understands that the 99-year term was not secured through the dDCO and through other means), the reasons why this was agreed, and the mechanism used to secured the agreement.</p> <p>b) Applicant, provide justification why you may need any of the provisions in the dDCO, especially land acquired through CA, for any more than 99 years, with reference to s122 of the PA2008.</p> | <p>a) To seek permanent rights over land in order to deliver a Project that has a limited duration exceeds what is reasonably required and amounts to a disproportionate interference with the rights of the landowners. The Project has a limited duration only: the Applicant's lease with the Crown Estate; the operational life of the Sheringham Shoal and Dudgeon offshore windfarm; and licenses granted to OFTOs. The exact periods of these agreements are not known on this Project although on other projects these periods have been for less than 60 years.</p> <p>Should the applicant need to extend the Term this should be undertaken through negotiations as would be the case with other affected stakeholders.</p> <p>Through the compulsory acquisition hearing for Triton Knoll Electrical System. On 22nd December 2015 Triton Knoll offered a time limited easement for 99 years. This was secured through the voluntary agreement with Landowners.</p> <p>Please see attached link the references in the TKES hearings setting out the background and the outcome on the term of the easement.</p> | <p>The Applicant has provided a detailed response to part (b) of this question at Deadline 3 which sets out why it is reasonable and proportionate for the Applicant to seek permanent rights over land (please see The Applicant's Responses to The Examining Authority's Second Written Questions [REP3-1.1]).</p> |

| ID | Question | NFU Responses | Applicant's Comment |
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| | | <p>Oral submission following compulsory acquisition hearing on 13th November 2015;</p> <p>EN020019-001198-151130 EN020019 NFU and LAAV Written reps -3 attachments.pdf (planninginspectorate.gov.uk)</p> <p>Answer to question CA 2.3 and CA 2.6 of the EXA second written questions on 5th January 2016;</p> <p>EN020019-001272-160105 EN020019 NFU and LAAV.pdf (planninginspectorate.gov.uk)</p> <p>Oral submission following the ISH – socio economic issues on 19th January 2016:</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020019/EN020019-001357-National%20Farmers%20Union%20and%20Lincolnshire%20Association%20of%20Agricultural%20Valuers.pdf</p> | |
| Q2.16. Land Use | | | |
| Q2.16.1 Effect on Agricultural Land and Businesses and Recreational Assets | | | |
| Q2.16.1.1 | <p>Outline Management Plan for Agricultural Matters</p> <p>Further to discussions at ISH3 [EV-036] [EV-041], both parties provide a joint update on discussions about whether there is a need for an outline management plan for</p> | <p>NFU have stated the necessity of the Outline Management Plan. NFU and LIG believe that our proposed recommendations following the ISH1 are to be accepted but still waiting for clarification.</p> | <p>The Applicant has considered the additional heading on soil reinstatement and aftercare included within NFU's Deadline 1 Submission [REP1-124] in addition to the other headings that were already in negotiation.</p> <p>The Applicant included an updated Outline Code of Construction Practice (Revision C) [REP3-064] within its deadline 3 submissions as set out within WQ 2.16.1.1 of The Applicant's</p> |

| ID | Question | NFU Responses | Applicant's Comment |
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| | <p>agricultural matters to be linked to the OCoCP. Include details of any remaining disagreements.</p> | | <p>Responses to the Examining Authority's Second Written Questions [REP3-101].</p> <p>The Applicant issued a revised version of the Construction Practice Addendum to the NFU and LIG on 15th May 2023.</p> |
| Q2.16.1.4 | <p>Effect on Individual Businesses</p> <p>The Applicant is of the view [REP1-036 Q1.16.1.8,] that it is not possible to meaningfully estimate of the amount of land in each holding or therefore the amount of land affected. What is the view of the NFU on this matter?</p> | <p>NFU are surprised that the Applicant is unable to provide an indicative area of amount of land within each farm holding.</p> <p>NFU would have expected following meetings with farmers and occupiers the total land within each farm holding would have been gathered. With this information and the area of land required for the Order Limits it would be a simple calculation to determine the proportion of farmland that was affected by the scheme for each affected farmer.</p> <p>NFU expect this information to be sought and the ES updated accordingly.</p> | <p>The Applicant refers to the response to WQ1.16.1.8 in The Applicant's Responses to the Examining Authority's First Written Questions [REP1-036]. The Applicant has no further comments.</p> |

Table 10 The Applicant's comments to National Highways responses to the Examining Authority's Second Written Questions [REP3-138 and REP3-139]

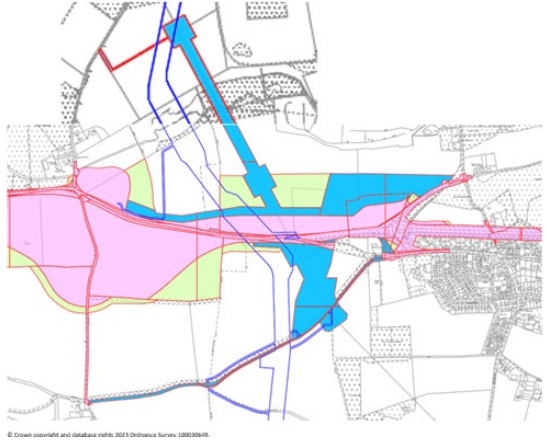
| ID | National Highways Responses | Applicant's Comment |
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| Q2.11.2 Definitions | | |
| <p>Q2.11.2.2. Pre-commencement works</p> <p>Following the discussion at ISH3 [EV-035, EV-040], Applicant to provide a joint position statement with LPAs to cover the following:</p> <ul style="list-style-type: none"> a) how each of the activities that are excluded from the definition of commencement in dDCO are controlled, and parties' position whether or not control is required through the dDCO; b) whether there is the need for a definition for pre-commencement in the dDCO and provide wording for such a definition; c) including NCC as a consultee in R19; and d) other related changes to the wording of R19. e) NH and Applicant, confirm if the draft PPs for NH leaves a shortfall in terms of the protection required by NH, which would be covered by the outline CoCP. f) f) Does NH need to be listed in R19(1) as a consultee? | | |
| 1. | <p>e) National Highways' view is that the Protective Provisions (PP) may leave a shortfall in terms of the protection required by National Highways (NH), which would be covered by the outline Code of Construction Practice (CoCP). National Highways confirms this statement.</p> <p>f) Yes, National Highways requires to be listed in Requirement 19(1) as one of the Statutory Consultees so that NH can review and have an input into the Code of Construction Practice in relation to any works that affect the Strategic Road Network (SRN) or any land owned, occupied, or temporarily possessed by National Highways. National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority, and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. The Road Safety Audit (RSA) Stages 1 and 2, tasks on the SRN can be pre-commencement work prior to starting the construction of any</p> | <p>e) and f) The Applicant is aware of the important role that National Highways provides in managing the Strategic Road Network. The Applicant is therefore negotiating Protective Provisions with National Highways to ensure that its assets remain protected. Negotiations on the Protective Provisions remain ongoing. If a shortfall exists, the Applicant requests National Highways to clearly identify that shortfall. The Applicant will then consider further with National Highways and the local planning authorities whether there is a need for it to be listed in R19(1) as a consultee.</p> |

| ID | National Highways Responses | Applicant's Comment |
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| | <p>proposed mitigation. For any RSA Stage 1 and/or 2, the National Highways procedure suits better those DMRB's Standards and Guidelines issued by the Departments for Transport (DfT). Therefore, it will be appropriate for National Highways to act as an 'Overseeing organisation' role, while completing any Road Safety Audit Brief (before) and Decision Log (after) in relation to the Strategic Road Network. For the Code of Construction Practice (CoCP) task, if the National Highways name is not on that List of Consultees for Requirement 19(1), then there might be some delays in discharging any conditions or requirements which sets out by the Secretary of State Consent Order.</p> | |
| <p>Q2.23.5 Suitability of Access Strategy</p> | | |
| <p>Q2.23.5.1. Abnormal Indivisible Loads</p> | | |
| <p>NH has not been able to 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). Further, to NH reply [REP1-131, Q1.23.5.1] please provide an update on discussions on this matter.</p> | | |
| <p>2.</p> | <p><u>National Highways Reference: WYNL-35-S1 (A47 Kings Lynn to Dudgeon and Sheringham Offshore Wind Farm).</u></p> <p>National Highways' consultant, Atkins, is currently working on this Scarning Bridge (Structure Key 7650). Our consultant will be issuing their report for the National Highways SES team's review and acceptance. Once this Scarning Bridge assessment is ready and issued to us, we will be sending an update to you by the Deadline 05 (dated 13 June 2023). The structural reviews for West Bilney No 1 Culvert (Structure Key 1291 and extension 1292) found that the structure's condition has significantly deteriorated since the previous assessment, and its previous assessed capacity would only be valid once the crack has been repaired. The recommended proposal is to move the abnormal load into the opposite, westbound lane (moving the load away from the damaged wall), so that the load distribution remains within the undamaged part of the overall structure. It has been agreed between the parties that abnormal load movements can be dealt with post consent through the development of the CTMP and established ESDAL processes (Electronic Service Delivery for Abnormal Loads). Engagement will also be required with the A47 scheme major project teams and other major offshore wind farm developers to proactively understand risks to and programme abnormal load</p> | <p>The Applicant welcomes clarification from National Highways that the West Bilney No 1 Culvert can be passed and that the status of Scarning Bridge will be confirmed shortly.</p> <p>Notwithstanding, the Applicant remains confident that even if Scarning Bridge is deemed unsuitable, alternative passage has been secured as set out within the Applicant's response to Q2.23.5.1 in The Applicant's Responses to the Examining Authority's Second Written Questions [REP2-101]. It is expected that this agreement will be reflected in the next edit of the Statement of Common Ground with National Highways [document reference 12.22] anticipated to be submitted at Deadline 5.</p> |


| ID | National Highways Responses | Applicant's Comment |
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| | movements around the A47 works and other abnormal load movement needs, not solely rely on the ESDAL process. | |
| Q2.23.6 Effectiveness of Proposed Mitigation Measures | | |
| Q2.23.6.1. Mitigation - A47 | | |
| At ISH3 [EV-037] [EV-042], it was noted that NH are seeking some clarifications in terms of how the OCTMP [REP1-021] and that the impacts of the potential overlap of construction with the A47 Tuddenham to Easton improvement scheme would be managed. Parties provide an update on such discussion and whether NH is content that such matters can be suitably addressed in the OCTMP. | | |
| 3. | <p>National Highways have outlined in this response their view in regards to Equinor's Outline Construction Traffic Management Plan (OCTMP), Revision B, (REP1-021) and the impacts of the potential overlap of construction with the A47 North Tuddenham to Easton improvement scheme (the 'A47 Tuddenham Scheme'). National Highways have also noted that Equinor's material change request relates to changing access into the Food Enterprise Zone in response to changes to reflect the position of their new access off Church Lane. We have also noted that the Norwich Western Link (NWL) road scheme is illustrated on Sheet 25 of documents 2.9 Access to Works Plan, Revision D, (AS-051) and 2.10 Streets (to be temporarily stopped up) Plan, Revision C, (AS-052) with allocated DCO construction traffic management powers to manage their interaction. On Sheet 30, the A47 Tuddenham Scheme is not illustrated and as a consequence we have identified possible areas of concern relating to how Equinor's DCO will manage the challenges that may occur when crossing the new A47 Tuddenham Scheme during and post construction. The A47 Tuddenham Scheme received consent in August 2022 under the A47 North Tuddenham to Easton DCO as Made by the Secretary of State, following an Examination period that started in April 2021. National Highways engaged with Equinor during 2020 to raise awareness of the scheme and shared preliminary design information. As Equinor's scheme was still in early development, at a meeting on 15 April 2021 the A47 team updated in the meeting the examination position of the National Highways scheme, as well as landowner and potential launch pit location considerations specific to the Food Enterprise Partnership. The Equinor team updating their current scheme position, the National Highways A47 Project Team invited</p> | <p>The Applicant thanks National Highways for its representation and takes the opportunity to confirm that it has taken into consideration the A47 Tuddenham Scheme in developing its proposals. The Applicant notes that a misalignment has arisen between SEP and DEP access ACC46 and the A47 Tuddenham Scheme at the realigned Taverham Road, as approved by the Secretary of State, and acknowledges that there is an overlap between the ACC46 access track and an area of landscaping secured in the A47 Tuddenham Scheme DCO. The Applicant will work with National Highways to address these issues. A response to the specific queries raised is set out below (IDs 4 - 27).</p> <p>The Applicant would like to clarify that the distinction between the representation of the Norwich Western Link and the A47 Tuddenham Scheme on the Access to Works Plan (Revision D) [AS-051] and the Streets (to be temporarily stopped up) Plan (Revision C) [AS-052] has been made for presentational reasons. The Norwich Western Link is a new road that can be readily represented on the plans, whereas showing both the current A47 layout and the A47 Tuddenham Scheme on the same plan presents presentational challenges. The CAD files for the A47 Tuddenham Scheme were first made available to the Applicant by National Highways on 29 July 2020 and this scheme has been given due consideration throughout the development process since that time. Accesses ACC46 and ACC47 have been designed in order to provide options for access both from the existing A47 and from the realigned Taverham Road should the A47 Tuddenham Scheme be constructed before the SEP and DEP onshore export cables are laid at this location.</p> |

| ID | National Highways Responses | Applicant's Comment |
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| | <p>Equinor to engage with them when they felt necessary to ensure the A47 Tuddenham Scheme was duly reflected in their application.</p> <p>However, the National Highways A47 Major Project Team were not contacted by Equinor since that meeting and recently initiated a meeting on 20 April 2023 to discuss concerns about their DCO application. Following that meeting Equinor acknowledged the need to enter into a Legal agreement similar to that between National Highways and Orsted for the Hornsea Project Three DCO wind farm cable crossing of the A47 Tuddenham Scheme.</p> <p>However, National Highways are submitting this note to draw the Planning Inspector's attention to these matters so they can be formally considered within the formal Examination process. Meanwhile, National Highways will work with Equinor to help them record these and any associated mitigation actions in their Statement of Common Ground with National Highways.</p> <p>In summary, this note explores the interaction of Equinor's Sheringham and Dudgeon Extension Projects DCO with the approved National Highways' A47 DCO Schemes with regards:</p> <ul style="list-style-type: none"> A. Permanent land ownership and rights changes B. Construction work access C. Scheme design and utility infrastructure interaction D. A47 and local road network | <p>With regards to engagement with National Highways, the Applicant would like to clarify that regular meetings have been held with National Highways since initial contact in relation to the Projects was made in 2020. The Applicant considers any implication that there has been a lack of engagement or that the A47 Tuddenham Scheme is a recent consideration to be inaccurate.</p> <p>The Applicant refers to the Evidence Plan Agreement Log [APP-030], the Statement of Common Ground with National Highways (Revision B) (SoCG) [REP3-080] and The Applicant's Statutory Undertakers Position Statement (Revision B) [REP3-083], which highlight extensive consultation with National Highways representatives over a period of three years. Additional post-application meetings, further to those listed in Revision B of the SoCG, have been held on 26 April 2023 and 28 April 2023. Meetings specifically with the A47 Tuddenham Scheme team have been held during the pre-application stage, including on the 15 April 2021 and 21 March 2022, and post-application on 20 April 2023, as noted in National Highways' representation.</p> <p>In addition, the Applicant would like to highlight and clarify (as set out in The Applicant's Statutory Undertakers Position Statement (Revision B) [REP3-083]) that it contacted National Highways in February 2022 in order to seek clarification on what protections/agreements National Highways required in relation to the draft DCO for SEP and DEP. The Applicant first received proposed draft Protective Provisions from National Highways in August 2022. Unfortunately, these were received too close to the submission of the application to include them in the draft DCO [APP-024] at that time. However, the Applicant and National Highways were actively negotiating those protective provisions for a period of 5 months up to February 2023 including providing as requested further information in relation to the compulsory acquisition powers included in the draft DCO [document reference 3.1] and negotiating a side agreement. At that point, the Applicant expected to be in a position to include agreed protective provisions with National Highways early in the Examination. The Applicant was subsequently surprised to receive a new set of proposed</p> |


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| | | <p>Protective Provisions from National Highways in February 2023 as part of its written representation [REP1-132] submitted at Deadline 1, which have now been replaced by a further set of proposed Protective Provisions in National Highways' further written representation [REP3-139] at Deadline 3.</p> <p>The Applicant has always been open to securing an agreement with National Highways in addition to including protective provisions within the draft DCO. Following receipt of National Highways' written representation at Deadline 1 [REP1-050], the Applicant had a meeting with National Highways, which included legal representatives, on 17th March 2023. During that meeting, the parties discussed and agreed that interactions between the A47 Tuddenham Scheme and SEP and DEP should be dealt with in a co-operation agreement. The Applicant had understood that National Highways' legal representative would provide Equinor with draft Head of Terms for a co-operation agreement following the meeting on 17th March 2023.</p> <p>The Applicant further confirms that the material change request of 11 April 2023 was made in relation to the access arrangements and the siting of the cables within the Food Enterprise Park site, and not in relation to the A47 Tuddenham Scheme.</p> <p>The Applicant reiterates that it remains committed to working with National Highways to resolve any outstanding queries and to ensure delivery of the A47 Tuddenham Scheme, SEP and DEP and other projects within the vicinity of the A47, noting that a judicial review is ongoing in relation to the A47 Tuddenham Scheme. In recognition of the ongoing process to address National Highways concerns and advance a SoCG, this response is limited to new issues raised on 20 April 2023.</p> |
| A. Permanent land ownership and rights changes | | |
| 4. | <p>Overview</p> <p>Figure A, below, illustrates the extent of physical overlap between the Sheringham and Dudgeon Extension Projects DCO application and the approved A47 North Tuddenham to Easton DCO. In also shows the extent of</p> | No response required by the Applicant. |

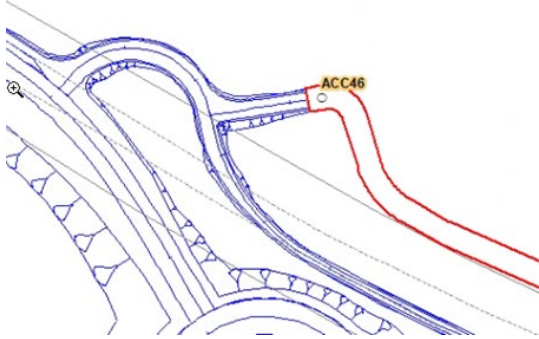
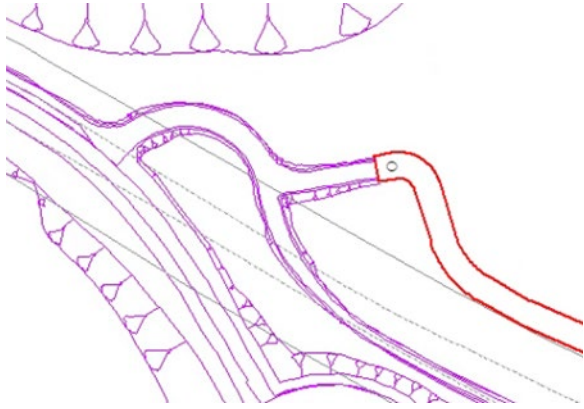
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| | <p>Secretary of State approved rights, applied for in March 2021 and approved in August 2022, to compulsorily acquire land permanently (pink), for new rights (blue) or temporary occupation (green).</p>  <p>The following is a summary of the key challenges this overlap presents to National Highways' ability to meet their legal obligations under the A47 North Tuddenham to Easton DCO.</p> | |
| 5. | <p>Taverham Road Access <u>Construction Access Corridor</u></p> <p>Figure B below shows Equinor's proposed access off the realigned Taverham Road clashes with new permanent property boundary fenceline and hedgerow with trees proposed within the A47 Tuddenham Scheme's Environmental Masterplan, Revision 4¹. This Environmental Masterplan is an approved A47 Tuddenham DCO certified document that illustrates the landscape design approved by the Secretary of State. Approval of this DCO access route for</p> | <p>Noted. The Applicant is willing to work with National Highways to ensure that there is no conflict between the projects. The Applicant considers that this can be formalised via a Cooperation Agreement. Further details are provided at ID12 below.</p> |

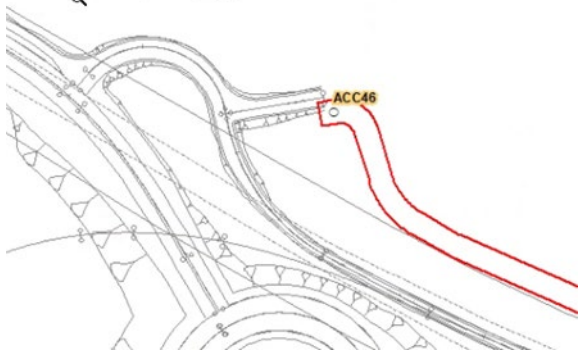
¹ A47 Tuddenham Scheme's Environmental Masterplan, Revision 4, is available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010038/TR010038-001579-Highways%20England%20-%20Other-%20Amended%20DCO%20application%20document%2015.pdf>

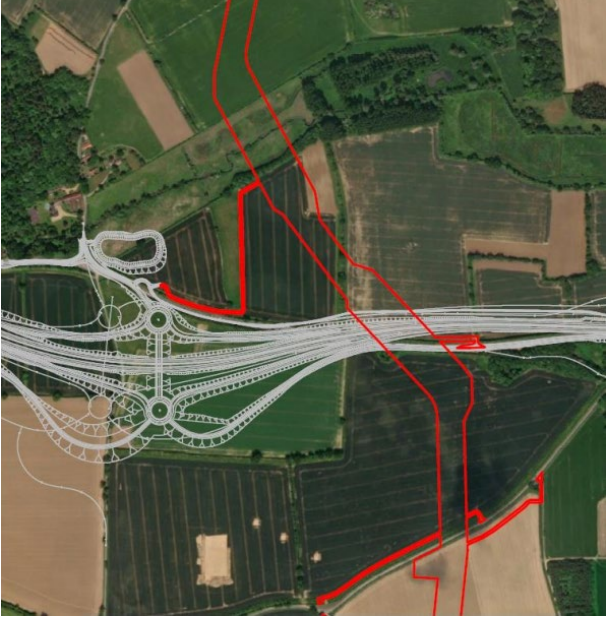
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| | <p>Equinor would prevent National Highways being able to establish and maintain these landscape features, along with the need to provide a secure barrier between the private farmland to the north and the new public cycle track to the south.</p> | |
| 6. | <p>National Highways recognises and supports the logic of the proposal to provide access from the realigned Taverham Road post construction of the A47 Tuddenham Scheme. However, the Sheringham and Dudgeon Extension Projects DCO Order limits do not reflect the new land acquisition boundary change and assumed intent to create an access route north of the new A47 along the southern edge of the retained agricultural field.</p>  <p><small>© Crown copyright and database rights 2023 Ordnance Survey 100030649.</small></p> <p>Figure B Equinor's construction access over A47 Tuddenham Scheme's DCO Land Plans</p> | <p>Noted. This is considered further below at ID 12.</p> |
| 7. | <p>Operational Access</p> <p>Though we understand Equinor are seeking to agree operational maintenance access via private land agreements, the above is also an important point to note with regards that element. The A47 Tuddenham Scheme will be permanently closing access from the A47 to the north onto Church Lane, Easton. Therefore, the above construction access route off the realigned Taverham Road is the only alternative long-term means to access Equinor's cable corridor between the A47 and River Tud with large plant, without</p> | <p>With regard to operational access, ES Chapter 4 Project Description [APP-090] outlines that:</p> <p><i>"There is no ongoing requirement for regular maintenance of the onshore cables following installation, however access to the onshore export cables would be required to conduct emergency repairs, if necessary. Access to each field parcel along the cable corridor would be from existing field entry points where possible or accessing the cable corridor from road crossings"</i></p> |

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| | travelling via several narrow country lanes to an eastern access point from Ringland Road. | The Applicant has agreed Head of Terms with the relevant Land Interest for the purpose of providing operational access. |
| 8. | <p>Third Party Rights Transfer</p> <p>Under the approved A47 Tuddenham DCO, powers to permanently acquire new land or new rights will introduce to the areas overlapping with the Sheringham and Dudgeon Extension Projects DCO additional third party interests, including new statutory utility interests that will need protections within Equinor's DCO Protective Provisions. These are summarised below.</p> | No response required by the Applicant. |
| 9. | <p><u>Norfolk County Council</u></p> <p>The pink east-west corridor in Figure A, above, reflects the permanent land acquisition for the new dual carriageway. This corridor includes provision of a new cycle track parallel to the north side of the dual carriageway. It is proposed that post construction of the A47 dual carriageway, this cycle track and the land to the north up to the new permanent land property boundary will be transferred to the ownership of Norfolk County Council, who will maintain the cycle track as part of the local cycle network.</p> | The Applicant will seek to develop its scheme with regard to existing assets and developments and effort will be made to avoid, and if not possible, reduce disruption to infrastructure provided as part of the A47 scheme. The Applicant is in discussions with NCC regarding the local cycle way and will progress an agreement with NCC post-consent once there is certainty on the A47 Tuddenham Scheme and should NCC take on ownership of the cycleway. |
| 10. | <p><u>Statutory Utility Authorities</u></p> <p>New Statutory Utility routes for Water, Communications and Electricity services are proposed under the alignment of the new cycle track and north-south across the new A47 to connect with existing utility assets south of the existing A47, within the northern extent of land owned by the Food Enterprise Partnership.</p> | The draft DCO (Revision G) [document reference 3.1] includes standard protective provisions for the benefit of all electricity, gas, water and sewerage undertakers in Part 1 of Schedule 14 and standard protective provisions for operators of electronic communications code networks in Part 2 of Schedule 14. In addition, there are a number of protective provisions for individual undertakers within Schedule 14 including for the protection of UKPN. The Applicant considers that any apparatus installed, and land interests created for utilities pursuant to the A47 North Tuddenham to Easton Development Consent Order 2022 would be covered by the various protective provisions in the usual way. Any protections required on behalf of the utilities before the A47 Tuddenham Scheme is complete can be covered as necessary within the cooperation agreement. |
| 11. | <u>Orsted's Hornsea Project Three DCO</u> | Noted. The Applicant notes that it is also progressing discussions with Orsted Hornsea Project Three with regards to the draft protective |

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| | <p>Under the approved A47 Tuddenham DCO, National Highways have committed to providing new rights for Orsted to create a temporary construction haul route and long-term operational/maintenance access right from the realigned Taverham Road to their Hornsea Project Three DCO corridor between the A47 and the River Tud. This right would be located within the blue east-west corridor north of the new A47 (pink east-west corridor) shown in the below Figure C.</p>  <p>© Crown copyright and database rights 2023 Ordnance Survey 100030649.</p> <p>Figure C Orsted's new east-west access corridor (blue) north of the new dual carriageway corridor (pink)</p> | <p>provisions included in Part 10 of Schedule 14 of the draft DCO (Revision G) [document 3.1] and a cooperation agreement.</p> |
| 12. | <p>The Sheringham and Dudgeon Extension Projects DCO would cross this corridor north-south in two locations. National Highways would refer to the above point about Equinor needing to realign their Taverham Road construction haul route access and recommend they engage with Orsted and the affected landowner(s) to maximise use of the same construction haul route to minimise environmental and land use impacts. However, National Grid would also require the Protective Provisions within the Sheringham and Dudgeon Extension Projects DCO to reflect the need to maintain and protect Orsted's existing right to legal access along this corridor through the approved A47 DCO.</p> | <p>The Applicant notes that there is a misalignment between the Order limits and the realigned Taverham Road as mapped in plans secured by the A47 Tuddenham Scheme DCO.</p> <p>Three versions of the A47 Tuddenham Scheme CAD files have been received by the Applicant from National Highways, dated 29 July 2020, 17 December 2020, and 26 February 2021 in the associated metadata (see Figure 1, Figure 2 and Figure 3 below). The Applicant's access at ACC46 from the realigned Taverham Road was designed based on the first version, dated 29 July 2020. The second version dated 17 December 2020 maintains the alignment as designed. However, the third version dated 26 February 2021 includes a small misalignment with the Order Limits at ACC46, due to an adjustment made to the A47 Tuddenham Scheme design, as noted by National Highways at ID18 below.</p> |

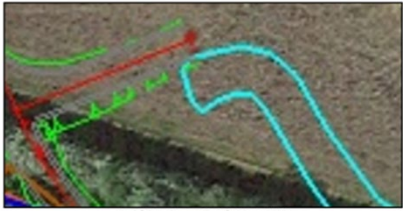
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| | | <p data-bbox="1205 325 1895 352">Figure 1 – Realigned Taverham Road, dated 29 July 2020</p>  <p data-bbox="1205 794 1966 821">Figure 2 – Realigned Taverham Road, dated 17 December 2020</p>  <p data-bbox="1205 1299 1951 1326">Figure 3 – Realigned Taverham Road, dated 26 February 2021</p> |

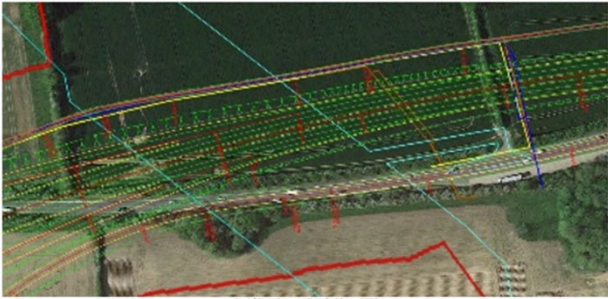
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| | |  <p>Unfortunately, this misalignment was not identified by the Applicant at the time, nor was it picked up through the ongoing engagement with National Highways in relation to the SoCG and the Protective Provisions.</p> <p>The A47 Tuddenham Scheme CAD files received from National Highways during the pre-application stage did not include the fenceline or landscaping included in the A47 Tuddenham Scheme Environmental Masterplan. Figure 4 below shows this CAD file alongside the onshore cable route, as included in the minutes of the meeting held between the Applicant and National Highways on 21 March 2022. The Applicant has therefore not had regard to the landscaping scheme in the design of ACC46. The Applicant will work with National Highways to resolve this issue.</p> <p>In addition, and for completeness, Figure 4 – A47 Tuddenham Scheme and onshore cable route, was presented in a meeting held on 21st March 2022.</p> <p>Figure 4 – A47 Tuddenham Scheme and onshore cable route</p> |

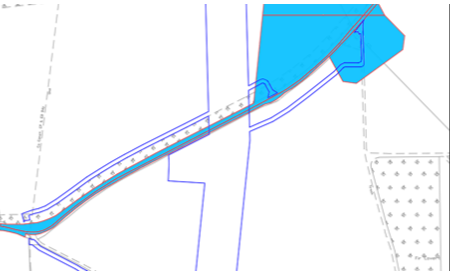
| ID | National Highways Responses | Applicant's Comment |
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| | |  <p data-bbox="1211 1011 2069 1225">Given the current uncertainty surrounding developments within this area, as well as the comments raised by the Examining Authority at the Preliminary Meeting advising that Deadline 3 is the last opportunity to submit changes to the application, the Applicant considers it appropriate to progress any application that may be necessary to realign the access outside of the Examination and following the conclusion of the judicial review of the A47 Tuddenham Scheme.</p> <p data-bbox="1211 1241 2069 1422">Whilst the misalignment at Taverham Road has been highlighted by National Highways, it is acknowledged that, subject to the outcome of the judicial review, any application could also consider the wider realignment of the access road to avoid the National Highways landscaping scheme. Therefore the Applicant considers that it would be beneficial to wait until there is further certainty regarding the final</p> |

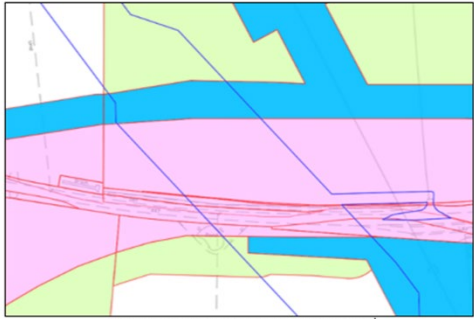
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| | | <p>arrangements before making any application to amend the access from the A47.</p> <p>The options which the Applicant will explore to secure consent to alter the access in the event that the A47 Tuddenham Scheme is constructed will be consulted on with relevant stakeholders including the local planning authorities. For example, powers and consent for these works could be secured by way of an application to amend the SEP and DEP DCO (in the event it is made) post-consent or pursuant to planning permission under the Town and Country Planning Act 1990. In the event of the latter, the Applicant would progress land rights separately through discussions with the landowner at the time. Given the minor nature of the misalignment and the benefits generated through correcting the access alignment, the Applicant does not consider there to be any impediment to securing consent to realign the access.</p> |
| 13. | <p>Equinor's Book of Reference</p> <p>Table A below lists those land parcels in Equinor's document 2.3 Land Plans, Revision D, (AS-048) that overlap with the A47 Tuddenham Scheme. In addition, the table illustrates how National Highway's land interests are reflected in Equinor's 4.1 Book of Reference, Revision D, (AS-058) compared to those rights approved under the A47 Tuddenham Scheme.</p> | <p>The Applicant refers to Table A.1 contained within Appendix A - Supporting documents to the Applicant's Comments on Responses to the Examining Authority's Second Written Questions [document 18.2.1] which outlines plots within the Book of Reference (Revision E) [REP3-015] in which National Highways hold an interest in relation to the A47 Tuddenham Scheme.</p> <p>The Applicant would like to clarify that it has not included National Highways as a Land Interest in plots affected by the A47 Tuddenham Scheme unless National Highways has an existing land interest which falls within one of the relevant categories identified within the Book of Reference (Revision E) [REP-015] in accordance with section 57 of the Planning Act 2008 and Regulation 7 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Where National Highways has the benefit of compulsory acquisition powers but has not yet either entered into a voluntary agreement with landowners or exercised its compulsory acquisition powers, the Applicant does not consider that National Highways has an interest in land falling within one of the relevant categories.</p> |

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| 14. | It is worth noting in Equinor's 4.1 Book of Reference, Revision D, that Plot 27 005 records National Highways as having a CAT2 interest in respect of right of access to lay and maintain apparatus. However, Plot 27-005 lies outside the A47 North Tuddenham to Easton DCO Order Limits and is within private third party land. | The Applicant has reviewed the Book of Reference (Revision E) [REP3-015] and confirms that plot 27-005 will be removed from the next updated Book of Reference [document 4.1], which the Applicant will submit at Deadline 5. |
| 15. | In light of the above, National Highways requests their legal land interests are checked and correctly reflected in Equinor's 4.1 Book of Reference, Revision D. | The Applicant refers to the responses with ID 13 and ID 14 above. |
| B. Construction work access | | |
| 16. | National Highways acknowledges that several construction access points off the A47 are proposed on Sheet 30 of documents 2.9 Access to Works Plan, Revision D, (AS-051) and 2.10 Streets (to be temporarily stopped up) Plan, Revision C, (AS-052). | With regard to comments relating to the status of the stub arm, the Applicant notes National Highways point and is confident they have the necessary mechanisms in place to address all eventualities. |
| 17. | We support the approach to cater for access off the existing A47 in the event of a worst case scenario that the A47 Tuddenham Scheme is never constructed, whilst also allowing for an access off the realigned Taverham Road post construction of the A47 Tuddenham Scheme. | With regard to the misalignment, the Applicant refers to the response provided in ID 12 above. |
| 18. | <p>However, National Highways wish to raise the following concerns for consideration by Equinor:</p> <ul style="list-style-type: none"> • Sheringham and Dudgeon Extension Projects DCO Order Limits assume public highway access rights to a new private field access off Taverham Road. This has created two problems based on assumptions not previously explored with the A47 Major Projects Team: <ul style="list-style-type: none"> ○ The access Taverham Road side of that field gate is all part of the adopted public highway, even though the realigned Taverham Road itself and the public cycle track off Taverham Road do not extend along the stub to this field gate. The extent of adopted highway in this location remains to be verified as part of future handover of the side roads and cycle track to Norfolk County Council, so any assumption should | |


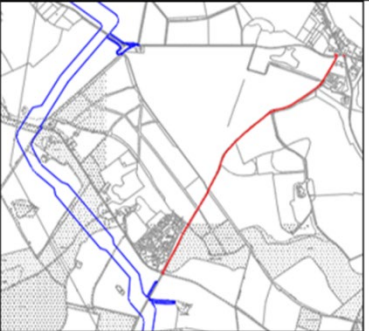
| ID | National Highways Responses | Applicant's Comment |
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| | <p>have included a precaution that part of the track road side of the gate remained private land.</p> <ul style="list-style-type: none"> ○ The exact position of the gate and access stub would not change during Examination nor detailed design within the limits of the approved DCO. However, localised adjustments were made in response to Examination queries to ensure sufficient space is provided in the design for Orsted's large vehicles to access this field from the realigned Taverham Road. As illustrated in Figure D below, the field gate is proposed between the green lines in the location of the red dot.  <p><small>Aerial Data Source: Google Maps, 2023</small></p> <p>Figure D Equinor's Order Limits (light blue line) vs A47 Tuddenham Scheme's new field access to the realigned Taverham Road</p> <p>Consequently, the Sheringham and Dudgeon Extension Projects DCO Order Limits would currently not permit access over a small area of private land to reach to field access gate to Taverham Road.</p> | |
| 19. | <p>Access north of the A47 during construction:</p> <ol style="list-style-type: none"> As illustrated in Figure E below, once construction commences on the A47 Tuddenham Scheme, Equinor could not use the proposed access points off the existing A47 to access their work area between the A47 and River Tud. However, these access points will be removed at the start of the A47 Tuddenham construction period, while the alternative access from Taverham Road will not be available for use until nearer the end of | <p>The Applicant considers the issues raised relate to the requirement to coordinate construction activities.</p> <p>Section 4.11.2 of the Outline Construction Traffic Management Plan (Revision C) [REP3-063] acknowledges the potential for cumulative impacts between the respective project's construction phases. These would be managed through development of the CTMP. The Applicant will seek to further mitigate risks to the programme associated with the</p> |

| ID | National Highways Responses | Applicant's Comment |
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| | <p>the A47 Tuddenham construction period – a period of approximately 2 years.</p>  <p><small>Aerial Data Source: Google Maps, 2023</small></p> <p>Figure E Equinor's Order Limits (light blue line) access of existing A47 vs A47 Tuddenham Scheme</p> <ul style="list-style-type: none"> • The Orsted Hornsea Project Three also requires access between the A47 and River Tud plus cannot use the new realigned Taverham Road access until it is ready. However, both the National Highways and Orsted DCOs allow for access from the east via the A47 Easton Roundabout and Church Lane. This access route will not be removed until near the end of the A47 Tuddenham construction period, thereby allowing National Highways to create the new western access from the realigned Taverham Road for Orsted and thereby never prohibiting Orsted access to their DCO work area. • Though National Highways are seeking to commence construction as soon as possible, legally the A47 Tuddenham Scheme DCO Requirement 2 only requires the authorised development to commence no later than the expiration of 5 years beginning with the date that the Order came into force (i.e. before 12 August 2027). <p>Therefore, National Highways recommends Equinor considers the implications to their construction programme of a 2 year period of no access to this part of their scheme or if access from Church Lane in the east is required to mitigate the risk.</p> | <p>construction of the A47 Tuddenham Scheme through the emerging cooperation agreement with National Highways.</p> |
| 20. | <ul style="list-style-type: none"> • Access off Church Lane, Easton, south of A47: | <p>The Applicant notes National Highways comments.</p> |

| ID | National Highways Responses | Applicant's Comment |
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| | <ul style="list-style-type: none"> ○ The A47 Tuddenham Scheme includes the installation of a new Communications utility service line (primarily overhead) along Church Lane, Easton, south of the A47. ○ Figure F below shows the Sheringham and Dudgeon Extension Projects DCO against the A47 Tuddenham Scheme extents. The new utility service installation would require measures to temporarily alter and/or protect the utility service line to create and use the temporary access points proposed north or south off Church Lane for large vehicle access (e.g. HGVs with cable drums).  <p style="font-size: small;">© Crown copyright and database rights 2023 Ordnance Survey 100030649. Figure F Equinor's Order Limits (navy blue outline) accesses off Church Lane and A47 Tuddenham Scheme (solid blue areas)</p> | <p>The Applicant would clarify that the material change request includes amendments to the access strategy to remove the requirement to provide a new access (ACC48) from the north of Church Lane and instead utilise the existing Food Enterprise Park access. A new access would be provided to the south of Church Lane access ACC49. The latest access arrangements are detailed in the Access to Works Plan (Revision D) [REP2-005].</p> <p>Notwithstanding, as part of the detailed design and construction of all accesses and crossings, all utilities will be identified and an appropriate scheme of protection provided. This is secured by Requirement 16 of the draft DCO (Revision G) [document reference 3.1]. Furthermore, the Applicant also notes that Part 2 of Schedule 14 of the draft DCO (Revision G) [document reference 3.1] includes Protective Provisions for the operators of electronic communications code networks.</p> |
| C. Scheme design and utility infrastructure interaction | | |
| 21. | <p>During our meeting on 20 April 2023, National Highways outlined some design interaction concerns and that we have a Legal Agreement with Orsted's Hornsea Project Three relating to the exchange of design information and regular notification of programme and progress updates to proactively manage construction programme and design interactions. National Highways welcomed Equinor's response to explore entering into a similar agreement and to ensure the A47 Tuddenham scheme design is accommodated by Equinor in the future development of their designs. National Highways would also be seeking appropriate controls within the Sheringham and Dudgeon Extension Projects DCO Protective Provisions.</p> | <p>Noted. The Applicant confirms that the A47 Tuddenham Scheme design has been considered as part of the Applicants proposals and this is evidenced by the discussions which took place prior to the submission of the application. The Applicant is keen to progress those discussions and as set out above, is both in the process of negotiating Protective Provisions with National Highways and willing to progress a Cooperation Agreement.</p> |

| ID | National Highways Responses | Applicant's Comment |
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| 22. | <p>Where the Sheringham and Dudgeon Extension Projects DCO crosses the existing A47, the A47 Tuddenham Scheme will create a new dual carriageway and segregated cycle track north of the existing A47. This will involve changes in the existing ground levels combined with installation underground of new water, communications and electricity statutory utilities crossing east-west and north-south in this location. Therefore, Equinor's cable crossings will need to be designed to ensure sufficient depth to avoid direct and future settlement risk damage to both the new A47 carriageway, drainage assets, utility assets, cycle track and existing A47.</p> | Noted. |
| 23. | <p>It was also noted that the Sheringham and Dudgeon Extension Projects DCO Order Limits corridor is wider north and south of the existing A47 to facilitate laying of ducts and cables under the existing A47. This area also appears centralised over the existing A47 as if to provide equally working space north and south of the existing A47. However, the new A47 Tuddenham Scheme would permanently fill most of the widened area north of the existing A47. National Highways recommend Equinor review whether their Order Limits continue to provide sufficient working space north of the A47 Tuddenham Scheme's new infrastructure plus landscape planting required to meet the landscape design approved as part of the A47 Tuddenham DCO Requirement for the landscape design.</p>  <p>© Crown copyright and Database right. 2023 Ordnance Survey 100030545 </p> <p>Figure G Equinor's cable crossing work area (light blue outline) vs A47 Tuddenham Permanent Landtake (pink area) Containing Existing A47, New A47 Dual Carriageway and new Cycle Track</p> | <p>The Applicant will continue to work with National Highways to ensure delivery of both projects. The Applicant is confident that there is sufficient space within the existing Order Limits for construction and requests that National Highways keeps it updated of the detailed design development and as part of a Cooperation Agreement so that adjustments can be considered if and where necessary.</p> |

| ID | National Highways Responses | Applicant's Comment |
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| D. A47 and local road network | | |
| 24. | The following highlights how the A47 schemes may interact with the Sheringham and Dudgeon Extension Projects DCO across the wider Norfolk road network if their construction programmes were to overlap. | The Applicant would clarify that Annex 19 of the Transport Assessment [APP-269] identifies that link 149 provides a means of access to accesses ACC39, 40 and 41. This approach would allow HGV traffic to travel north on Honningham Lane before travelling west on Weston Road towards the accesses. |
| 25. | <p>Honingham Lane Temporary Traffic Regulation Order</p> <p>The A47 Tuddenham Scheme includes a commitment to close Honingham Lane, south-west of Ringland, to through-road traffic until the Norwich Western Link (NWL) Road opens for traffic. This is a DCO commitment to mitigate the risk of increased traffic passing through Ringland to access to new Norwich Road Junction until the NWL Road is operational.</p> | <p>The Applicant acknowledges however that depending upon the timing of the respective projects, National Highways may introduce a closure of Honingham Lane (south of Ringland) that would prevent access for SEP and DEP traffic via link 149. The Applicant however clarifies that it has also assessed an alternative of HGV traffic approaching accesses ACC30, 40 and 41 from the west via link 148 (thus avoiding the potential closure of Honingham Lane). Figure 1 of the Outline Construction Traffic Management Plan (OCTMP) (Revision C) [REP3-062] highlights that both link 148 and 149 as potential routes for HGVs and Annex A of the OCTMP outlines limits on vehicle movements along these links to ensure that the traffic numbers assessed within the ES are managed and not exceeded. The Applicant therefore asserts that in the event that link 149 is closed an alternative route via link 148 from the west would be available and the associated impacts of the use of this route have been assessed.</p> <p>The Applicant would further note that paragraph 35 of the latest revision of the OCTMP (Revision C) [REP3-062] also includes wording as agreed with Norfolk County Council (responsible for local road network) to agree alternative routes should links assessed within the ES become unavailable (e.g. due to road closures).</p> |

| ID | National Highways Responses | Applicant's Comment |
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| | <p>Figure 1 in Equinor's OCTMP, Revision B, (REP1-021) shows the proposed construction HGV routes. Route number 149 on Sheet 3 proposes use of Honingham Lane as an HGV construction route; see Figures H and I below. National Highways recognise that Equinor will be engaging with Norfolk County Council to respond and adapt their final CTMP to reflect actual road availability during construction. However, we recommend reassurance is sought that the current OCTMP and associated traffic impact assessment can accommodate this long-term temporary road closure and any change in HGV and other local road user traffic movements on other roads if this closure was to occur during Equinor's temporary road closures along routes 84, 90 and 148 (see Figure H below).</p>  <p><small>SOURCE REFERENCE: Equinor's OCTMP, Revision B, Figure 1 (REP1-021)</small></p> <p>Figure H Extract from Sheet 3 of Figure 1 in Equinor's OCTMP.</p>  <p><small>© Crown copyright and database rights 2023 Ordnance Survey 100030649</small></p> <p>Figure I Equinor's DCO corridor (blue) relative to Honingham Lane (red) within the A47 Tuddenham DCO</p> | |
| 26. | <p>Wider Road Network Construction Traffic Management</p> <p>National Highways has three DCOs that will create temporary closures or abnormal load restrictions along the A47 corridor between Dereham west of the Norwich and Great Yarmouth – A47 North Tuddenham to Easton DCO; A47 Thickthorn Junction DCO and A47 Blofield to North Burlingham DCO. There are also several other major developers seeking to manage their construction traffic movements within the same finite road network capacity without significantly affecting journey times and/or limited windows for</p> | <p>The Applicant notes that the Electronic Service Delivery for Abnormal Loads (ESDAL) process is managed by National Highways on behalf of the Secretary of State for Transport for agreeing the movement of abnormal loads.</p> <p>Notwithstanding, the Applicant considers the issues of pre-planning abnormal load deliveries relates to the requirement to coordinate construction activities. The emerging cooperation agreement will secure</p> |

| ID | National Highways Responses | Applicant's Comment |
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| | <p>abnormal load movements. In addition, National Highways' and other approved DCOs require compliance with Secretary of State approved traffic management plans based on defined construction programmes.</p> <p>National Highways acknowledge there are procedures in place for Equinor to liaise with relevant highway authorities to manage the impacts of road closures and abnormal load movements along the local and regional road networks.</p> <p>However, National Highways would recommend not relying on the processes alone nor engaging with relevant authorities and other major developers in isolation.</p> <p>National Highways would recommend Equinor facilitate collaborative meetings with National Highways, Norfolk County Council and other major wind farm developers when developing their CTMP and construction programme post DCO award to accommodate existing commitments and maximise opportunities to align activities and programmes to minimise road network and local community disruption.</p> | <p>a commitment to the advanced exchange of construction phase programmes between the parties.</p> |
| 27. | <p>Construction Traffic Management Plan Mitigation</p> <p>Further to the above, National Highways note the below line in Equinor's document 9.16 Outline Construction Traffic Management Plan, Revision B, (REP1-021):</p> <p><i>"4.11.2 Highway Schemes</i></p> <p><i>118. With regards to the Highway Schemes, due to uncertainties regarding the timings of the start of construction (of these schemes), it was agreed with NCC and National Highways (NH) that potential cumulative impacts between the construction phases of the highway schemes and SEP and DEP would be managed through the respective CTMPs.</i></p> <p><i>119. It is therefore proposed, that should the finalised construction programmes for the highway schemes highlight a potential overlap, the CTMPCo will engage with the relevant highway authorities to agree mitigation measures where appropriate. Mitigation measures could include for example,</i></p> | <p>The Applicant will submit an amendment to the Outline Construction Traffic Management Plan (Revision C) (section 4.11.2) [REP3-063] at Deadline 5 to reflect the emerging co-operation agreement.</p> |

| ID | National Highways Responses | Applicant's Comment |
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| | <p><i>the respective projects committing to a programme of works that ensure peak traffic movements do not overlap."</i></p> <p>This above yellow highlighted text appears to imply Equinor are committing National Highways to adapting their A47 construction programmes and traffic movements as part of Equinor's mitigation strategy.</p> <p>National Highways request that Equinor amend this statement in their OCTMP to acknowledge that the National Highways A47 schemes already have an approved DCO and will have made programme and construction traffic commitments as part of their discharge of their DCO Requirements related to traffic management. Therefore, though National Highways support the notion of working with Norfolk County Council, Equinor and other major developers to manage traffic on the road network, National Highways will already be legally restricted in their ability to adapt to cater for Equinor's needs. Therefore, as the Sheringham and Dudgeon Extension Projects DCO remains to be consented, it would be primarily for Equinor to adapt their traffic management regime and construction programme to work around existing approved DCO scheme commitments.</p> | |
| Informative | | |
| 28. | <p>The draft Statement of Common Ground (SoCG) has been prepared by Equinor New Energy Limited (the Applicant) and National Highways. Most of those points mentioned above in the 'A47 Mitigation' section, have communicated to Equinor by National Highways A47 major projects team at a recent meeting held on 20 April 2023. National Highways A47 major projects team invites the Applicant to enter into a Cooperation Agreement and a legal contract, to resolve any outstanding issues. We are expecting further follow-up discussions will be required.</p> | <p>The Applicant is keen to progress a Cooperation Agreement with National Highways and, as set out above, considers that this was agreed with National Highways during the meetings which took place on the 17th March 2023 and subsequently on 20th April 2023. The Applicant will continue to progress discussions directly with National Highways.</p> |

Table 11 The Applicant's comments to National Trust responses to the Examining Authority's Second Written Questions [REP3-141]

| ID | Question | National Trust Responses | Applicant's Comment |
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| Q1.8.3 Special Land | | | |
| Q2.8.3.2 | <p>National Trust Land</p> <p>Provide an update on progress with negotiations and highlight any particular issues which may be an impediment to reaching a voluntary agreement before the close of the Examination.</p> | <p>The Trust has been working with Equinor to agree terms for access that will cause minimal impact and disruption, with a view to securing a signed Option Agreement and Deed of Easement for the requisite cables and access over and under Trust land. Whilst the majority of terms have now been agreed, there is still disagreement over the need for the easement to be in perpetuity, and we await suitable reasoning to be presented by the developer. Therefore, this issue currently remains unresolved.</p> | <p>As requested during the CAH1, the Applicant provided justification for seeking an easement in perpetuity to National Trust and their respective agent on Friday 28th April and is awaiting a response.</p> <p>The Applicant intends to continue discussions with the National Trust and hopes to be able to reach agreement prior to the close of Examination.</p> |
| Q1.15.3 Effects on Designated and Non-designated Heritage Assets | | | |
| Q2.15.3.1 | <p>Archaeological Features at Sheringham Park and Weybourne Woods</p> <p>It is unclear to the ExA whether NT believes further investigative work could be required in this location during the Examination or whether additional mitigation might be necessary after the close of the Examination. Please clarify, giving details of additional information required if relevant.</p> | <p>The National Trust does not consider that further investigative work is required during the examination. The Trust notes that it has been added as a consultee in the Outline Written Scheme of Investigation (Onshore) and accordingly the applicant will consult with the Trust's archaeologist at the postconsent stage as part of the discharge of the relevant DCO requirement to agree the details of the archaeological strategy across land under the ownership of the National Trust.</p> | <p>Noted, no further comment required</p> |
| Q2.14. Habitats Regulation Assessment | | | |
| Q2.14.1.19 | <p>Additionality and Differentially</p> <p>It is reported that, despite current management and intervention measures, the sandwich tern population at the Farne Islands is in steep</p> | <p>The National Trust does not deploy nest boxes at the Farne Islands. We also note that the RSPB state in their Written Representation REP1-161 (para.6.26) that Sandwich terns do not use nest boxes. Although the Trust does</p> | <p>An update on the Applicant's Farne Islands proposals is provided in Section 4.2.1 of the HRA Derogation and Compensatory Measures Update (Revision B) [REP3-096].</p> |

| ID | Question | National Trust Responses | Applicant's Comment |
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| | <p>decline. The Applicant's compensation proposals include the provision of nest boxes and shelters. Are these measures already being used on the Farne Islands and, if so, would the Applicant's proposal just be perpetuating an already failing measure?</p> | <p>use shelters, the main area where the Sandwich terns nest on Inner Farne is very fragile due to puffin burrows, and so shelters are not usually put there. We have tried to increase suitable habitat by creating new patches of gravel and sand next to where they nest, and these patches have both decoys and shelters (by inference these measures are failing). Available and suitable space for interventions on the Farnes is limited, as most of the area is keenly contested by breeding seabirds. Therefore, the significant number of nest boxes and shelters proposed may not be physically possible in the space available.</p> | <p>In light of the possibility that the Government's position on additionality could change later this year, the Applicant has indicated a desire to re-open discussions with National Trust regarding the implementation of measures at the Farnes. The Applicant notes the National Trust's response that the large number of nest boxes and shelters proposed may not be possible given the space limitations at the existing Sandwich tern colony. The Applicant is willing to discuss this further with National Trust to determine what may or may not be feasible. In addition, the Applicant would be willing, as part of its obligations to deliver compensation for Sandwich tern, to support future efforts for recolonisation by Sandwich tern of the other islands, further studies to investigate the reasons for the decline, and (as stated in paragraph 189 of Appendix 2 – Sandwich Tern Compensation Document [APP-069]) also to provide support to the ongoing monitoring of tern numbers and breeding success.</p> |
| <p>Q2.17.3 Effectiveness of mitigation proposals</p> | | | |
| <p>Q2.17.3.1</p> | <p>Removal of Existing Trees and Hedgerows, Replanting and Management</p> <p>a) Are you satisfied that the Applicant's proposals for the removal, replanting and management of existing trees and hedgerows have been set out to a sufficient level of detail at this stage [REP1-036, Q1.17.1.11]?</p> <p>b) In particular, is the Applicant's approach to managing the likelihood of damage occurring to</p> | <p>The National Trust notes that further detail regarding the removal of existing trees and hedgerows, replanting and management will be set out in the Landscape Management Plan which will be secured by Requirement(s) if consent is granted. The Outline Landscape Management Plan (Rev.B) has been updated to include the National Trust as a named consultee for works effecting Trust owned land.</p> | <p>Noted, no further comment required</p> |

| ID | Question | National Trust Responses | Applicant's Comment |
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| | existing trees and hedgerows during the construction period sufficiently clear [REP1-036, Q1.17.1.11] | The National Trust is satisfied with this approach. | |
| Q2.17.3 Effectiveness of mitigation proposals | | | |
| Q2.17.3.4 | <p>Tree and Hedgerow Replacement</p> <p>Set out whether the Applicant's approach [APP-303] and as further clarified in its response to WQ1 [REP1-036, Q1.17.1.12] is a reasonable one at this stage of the Examination.</p> | The National Trust notes that further detail regarding tree and hedgerow replacement will be set out in the Biodiversity Net Gain Strategy and the Landscape Management Plan which will be secured by Requirement(s) if consent is granted. The Outline Landscape Management Plan (Rev.B) has been updated to include the National Trust as a named consultee for works effecting Trust owned land. The National Trust is satisfied with this approach. | Noted, no further comment required |

Table 12 The Applicant's comments to Natural England responses to the Examining Authority's Second Written Questions 2.3 [REP3-147]

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
|---|---|--|--|---|
| Q2.3 Benthic ecology, Intertidal, Subtidal and Coastal Effects | | | | |
| Q2.3.1 Effects on Marine Life and Benthic Habitats | | | | |
| Q2.3.1.4 | Marine Management Organisation Natural England | Electromagnetic Field impacts Even if cables were buried or covered with cable protection, would this be sufficient mitigation to prevent adverse impacts to benthic ecology by reason of electromagnetic fields or through sediment heating? | Based on current understanding, Natural England's standard advice is for cables to be sufficiently buried to reduce the impacts from electromagnetic fields or through sediment heating. However, Natural England advises further evidence is being gathered in relation to electromagnetic fields. However, this is unlikely to be available during this examination. | See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101] . |
| Q2.3.1.6 | Marine Management Organisation Natural England | UXO in Benthic Communities The Applicants' document 'Assessment of Sea Bed Disturbance Impacts from Unexploded Ordnance Clearance' [APP-080] states, regarding the recovery of benthic communities following a detonation, that <i>"Recovery of these communities will take place rapidly with full recovery expected within two years in many areas based on the resilience of most biotopes. Recovery may take longer in some coarse and mixed sediment areas but based on DOW post-construction</i> | a) As advised in our Relevant Representation [RR-063] limited evidence is presented in [APP-080] to demonstrate that the structure and function of benthic habitats will fully recover from the detonation from UXO clearance. Thereby, further information is required in relation to the depth of any crater and the impacts this may have on benthic communities and their recovery. b) If further evidence can't be provided by the Applicant to demonstrate the impacts from UXO detonation are not significant; then Natural England would advise that UXO detonation does not occur in the most sensitive habitats where recovery is less likely to occur, such as mixed sediment, outcropping and sub-cropping chalk, peat and clay exposures. We would welcome inclusion of this mitigation requirement as part of the consenting phase. | See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101] . |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | <p><i>monitoring of cable installation activities, full recovery is expected in less than four years”.</i></p> <p>a) Do you agree with the conclusions on this matter? Explain with reasons.</p> <p>b) Provide details if you consider further evidence or mitigation is necessary?</p> <p>See related questions in the sections on Habitats and Ecology Offshore and the section on Historic Environment and Cultural Heritage.</p> | | |
| Q2.3.1.7 | Applicant | <p>Response to Natural England Issue and Risk Log</p> <p>The NE issue and risk log [REP2-064] indicates that there are many points relating to the MCZ and Benthic Ecology that NE still has concerns about, identified as red and amber in the log. Applicant, respond specifically of each of the issues where disagreement remains in Tab E – Marine and Coastal Processes, Tab F – All Other Marine Matters (where it relates to Benthic Ecology) and</p> | <p>Natural England wishes to highlight that unless there are fundamental changes made within a document or plan, our risk and issues log is unlikely to change. This is for audit trail purposes post consent to ensure that our advice has been and will be taken into account and any commitments are secured for future reference.</p> | <p>The Applicant has provided a response to the requested tabs of the Natural England Risk and Issues Log within The Applicant's Comments on Natural England's Deadline 2 Submission [REP3-101].</p> <p>The Applicant understands the Natural England reasoning for not wanting to update the risk and issues log however considers that it would be prudent for Natural England to review the Applicant's responses to these and consider if the</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | Tab G – Cromer MCZ. The ExA is seeking a clear response to all points. | | response warrants a change in the position and if not and as appropriate what it considers would be required in order to reach agreement. Similarly, if Natural England do not agree with the Applicant's response, it would be useful if this could be set out as it would allow both parties to put forward their final positions upon which the Examining Authority can form their recommendations to the SoS. |
| Q2.3.2 Impact on subtidal chalk features | | | | |
| Q2.3.2.2 | Natural England | <p>Sub-cropping chalk</p> <p>a) Explain in detail the concerns regarding potential impact to sub-cropping chalk and what value it contributes towards the MCZ conservation objectives?</p> <p>b) Explain why you consider this to be a feature of the MCZ, and how it would be affected where it is below the surface?</p> <p>c) Is there any way impacts to sub-cropping chalk can be mitigated or avoided,</p> | <p>a, b, and c) Chalk is a <u>rare</u> habitat which once impacted is unable to be restored. As sub-cropping chalk has the potential to become outcropping, Natural England advises the conservation objectives of both out-cropping and sub-cropping chalk are of equal value. If the Applicant can install cabling within the sediment veneer without impacting the sub-cropping chalk and the use of cable protection, then Natural England's concerns in relation to impacts to chalk have been addressed. This commitment must be secured within the DCO. However, if cable protection is required this would remain a concern as the structure and function of any future chalk exposures are likely to be hindered.</p> <p>Further to the above, Natural England advises impacts to sub-cropping chalk can be further mitigated or avoided if the HDD exit pit is located within the deep infilled channel presented in [APP- 182] and it can be</p> | <p>Outcropping chalk is a rare habitat. Sub-cropping chalk with the potential for exposure due to thin veneers of mobile sediment have the potential to become outcropping chalk. But not all areas of sub-cropping chalk have potential to become exposed. Natural England's position appears to be that all areas of sub-cropping chalk have the potential to become outcropping and therefore are of equal value, regardless of depth or mobility of the overlying sediments. Natural England offer no evidence to support this position. In contrast, the Applicant has presented a</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | <p>especially if it is covered with a layer of sediment?</p> | <p>demonstrated that the HDD operations will not physically impact the layer of sub- cropping chalk.</p> | <p>substantial body of evidence, including that presented in ES Appendix 6.3 – Sedimentary Processes in the Cromer Shoal Chalk Beds MCZ [APP-182] that supports the case that the sub-cropping chalk is either covered by Holocene sands where it would only be possible for movement of the feather edges (where the sediment is thin and could all move) to generate new sea bed substrate, or is covered by a static lag deposit.</p> <p>Furthermore, as set out in the Outline CSCB MCZ CSIMP [APP-291] and Interim Cable Burial Study (ICBS) [APP-292] and as discussed at length in the hearings [e.g. EV-084] and previous written submissions [e.g. REP1-036] the Applicant has taken all possible steps to minimise the potential for interaction with the sub-cropping chalk through the cable burial process and, as a result, minimising the likelihood of needing to use external cable protection.</p> <p>With respect to the HDD exit pit, the Applicant has confirmed in</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | | | <p>The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101] that it will be located within the deep infilled channel.</p> |
| Q2.3.2.3 | Applicant | <p>Avoidance of sub-cropping chalk</p> <p>a) What would the contractor do if sub-cropping chalk is uncovered when ploughing/digging the trench for cable burial?</p> <p>b) What would be the consequence for the cable route?</p> <p>c) Could the impact to this uncovered sub- cropping chalk be avoided?</p> <p>d) Where in the application material is this set out?</p> | <p>Further to the ExA questions, Natural England would welcome a management plan for the scenario of the cable becoming exposed during the Operations and Maintenance phase.</p> | <p>For cable repairs and reburial during the operations and maintenance phase, as described in the Outline CSCB MCZ CSIMP [APP-291], a protocol for undertaking reburial would be agreed with the MMO in consultation with Natural England, prior to construction. Upon identifying a requirement to undertake cable repair / reburial in the MCZ, the MMO and Natural England would be notified. The protocol for any subsequent repair / reburial would then be discussed and agreed with the MMO and Natural England.</p> |
| Q2.3.2.4 | Natural England | <p>Cable protection or impacts to sub-cropping chalk</p> <p>Would it be preferable for the cable route to impact sub-cropping chalk with burial or alternatively to avoid such impact by use of cable protection in the MCZ?</p> | <p>Natural England advises that both impacting sub-cropping chalk and use of cable protection is likely to hinder the conservation objectives of the site and therefore MEEB would be required. However, as identified by the Applicant, there is a sediment veneer overlying the sub-cropping chalk. As advised in our response to Q2.3.2.2 above, if the cable is installed within the veneer above the sub-cropping chalk, without impacting the sub-cropping chalk and/or using</p> | <p>See response to Q2.3.2.2 above.</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | | cable protection then Natural England's concerns would be addressed. | |
| Q2.3.4 Effects on the Marine Conservation Zone | | | | |
| Q2.3.4.1 | Natural England | <p>Cable Protection Assessment</p> <p>The Applicant in ISH6 [EV-084] [EV-088] explained the analysis that underpinned the calculation of the amount of cable protection they could be required within the MCZ. To retain the necessary flexibility, the Applicant does not consider it necessary to provide more accurate cable protection details until pre-construction.</p> <p>a) Provide your comments to the Applicant's position and explain why you consider further detail is required at this stage.</p> <p>b) What would be the implications of not having further detail of cable protection requirements until post-consent/ pre-construction stage?</p> | <p>a) Natural England will review the Applicants ISH submission at Deadline 3 on this point. However, our position can be one of we agree to disagree on the basis of our advice to point b of this question.</p> <p>b) Natural England advises a more precautionary stance needs to be taken due to the uncertainties of the impact of cable installation and the quantity of cable protection required in any one sediment type. With a high likelihood that cable protection will be predominantly within mixed sediment areas. Thus, this places a greater emphasis on the requirement for MEEB to offset any potential impacts. A ratio of greater than 1:1 would allow for uncertainties of scale.</p> | <p>The Applicant does not understand the Natural England advice to take a more precautionary stance. The Applicant has sought to minimise the potential requirement for cable protection through the MCZ which has allowed refinement of the worst-case scenario. As set out by the Applicant in its previous submissions, further refinement of the worst-case scenario is not possible until detailed pre-construction surveys and design has been undertaken. The Applicant notes that the Stage 1 CSCB MCZ Assessment [APP-077] has already assumed that the cable protection could be entirely installed in any one of the sediment types present including mixed sediment and therefore is already appropriately precautionary. Furthermore, the Applicant notes that this does not have any further implications for what has already been agreed with respect to MEEB.</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | | | With regard to ratios of MEEB, as stated in the In-Principle CSCB MCZ MEEB Plan (Revision C) [REP2-020] the proposed MEEB, if required, would deliver a compensation ratio of 5:1. |
| Q2.3.4.2 | Applicant Natural England | <p>Impacts of Cable Protection NE's position [REP2-064] is that, even with cable protection removal at decommissioning stage, scientific doubt remains regarding the impact of the proposals (alone or in combination with other projects) on the conservation objectives of the MCZ and that site recovery would not be assured.</p> <p>a) NE, regarding the long-term habitat loss, does this point relate to the MCZ generally or can NE provide detail as to which specific features and/or conservation objectives of the MCZ would be most impacted by any cable protection?</p> <p>b) NE, given the cable corridor route is through the MCZ, is there any way to overcome your concerns or does this indicate the inevitable need</p> | <p>a) Natural England advises this relates to all features, as the restore, extent and distribution targets for the site's conservation objectives are unlikely to be achieved where there is cable protection.</p> <p>b) Unless it can be secured within the DCO that the cables can be installed without the requirement for physical external cable protection, Natural England advises significant impacts may occur and therefore there is a requirement for Measures of Equal Environmental Benefit.</p> <p>c) As per our advice in our Relevant Representation [RR-063], Natural England is content with the Applicant's proposal for oyster reef restoration as an equivalent measure of environmental benefit within the MCZ by providing the same reef-like ecological function as mixed sediment.</p> <p>d) N/A</p> | No further comments. |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | <p>for MEEB to offset potential adverse effects?</p> <p>c) If the MEEB was deemed to be required, what specific features and/ or conservation objectives would it specifically be compensating for?</p> <p>d) The Applicant can also respond to these questions.</p> | | |
| Q2.3.4.3 | Natural England | <p>Cromer Shoals MCZ Conservation Advice update</p> <p>Update the ExA on the Conservation Advice package for the Cromer Shoal Chalk Beds MCZ, and the current timescales for issue.</p> | Natural England advises the MCZ Conservation Advice update will be available no later than Deadline 5 and a link will be provided at this stage. | Noted. |
| Q2.3.4.5 | Applicant Marine Management Organisation Natural England Inshore Fishing Conservation Authority | <p>Historic oyster bed evidence</p> <p>The Applicant has stated [REP2-020] that there were oyster beds historically in this area, when providing support for their MEEB preference. Can you provide any evidence of historic oyster beds in this part of the southern North Sea?</p> | Natural England notes that the Applicant has provided supporting evidence in [REP2-020] which includes historic maps from 1883. Natural England is content with this supporting information provided and we have no further information to provide. | No further comments. |
| Q2.3.4.6 | Natural England | <p>Need for the MEEB</p> <p>Considering the extent and size of the oyster bed proposed by the Applicant, would this be</p> | Natural England is content that the size and extent of the native oyster bed proposed as MEEB is likely to be sufficient to have ecological functionality. | No further comments. |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | deemed necessary as compensation for impacts to the MCZ? | | |
| Q2.3.4.7 | Applicant Natural England | <p>Necessary level of success for the MEEB</p> <p>a) Provide a view on what level of oyster bed success or partial success would be considered a suitable level of compensation?</p> <p>b) Also, would any such success need to be achieved within a particular timeframe?</p> | <p>a) Natural England advises a fully functioning oyster bed would be required for compensation to be considered as delivering and monitoring would be required to demonstrate this. We advise this monitoring plan condition is secured with the DCO Whilst we recognise there is uncertainties around the timeframe for achieving this a higher ratio will offset any debt whilst the Oyster bed is establishing.</p> <p>b) Therefore, Natural England advises the first phase (partial success), in terms of seeding and introduction of cultch is started prior to construction.</p> | <p>a) The Applicant has agreed with Natural England that in order for MEEB to be successfully delivered, a self-sustaining reef would be required to be maintained.</p> <p>Monitoring of the effectiveness of the MEEB is secured in Part 4, paragraph 11(f) of the Without Prejudice DCO Drafting (Revision B) [REP2-011].</p> <p>b) The In-Principle CSCB MCZ MEEB Plan (Revision C) [REP2-020] sets out an indicative roadmap for delivery of MEEB. This currently assumes that Phase 1 would start in Q2 2026 which is prior to offshore construction.</p> |
| Q2.3.4.8 | Natural England Applicant | <p>Securing the MEEB if necessary</p> <p>a) If you consider the MEEB as necessary to offset adverse impacts to the MCZ how would this best be secured?</p> <p>b) Provide suitable wording for the dDCO.</p> | <p>a) Natural England notes that wording to secure MEEB was proposed within the In-Principle Cromer Shoal Chalk Bed Marine Conservation Zone Measures of Equivalent Environmental Benefit Plan [APP-083], our comments were provided on this wording within our relevant and written reps Annex A [RR-063]. We further note the wording has now been included in the Applicant's Proposed Without Prejudice DCO</p> | <p>The Without Prejudice DCO Drafting (Revision B) [REP2-011], provides the draft DCO wording for MEEB that would be included by the SoS within the made DCO if MEEB is deemed to be required.</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | c) Applicant may comment. | <p>Drafting (Revision B) [REP2-011]. While our comments on the drafting remain, we consider the inclusion of the provisions within a schedule of the DCO as an appropriate format to secure MEEB.</p> <p>b) Natural England advises the dDCO wording should be provided by the Applicant.</p> <p>c) N/A</p> | |
| Q2.3.4.9 | Natural England | <p>Priority of MCZ qualifying features Can you provide, a list of the qualifying features of the MCZ and how they may rank in terms of priority, and particularly where sub-cropping/ subtidal chalk features may fit within this.</p> | <p>Natural England advises that it is not appropriate to assign priority to the MCZ features in terms of assessing impact, particularly when differentiating between sub-cropping and sub-tidal chalk. All designated Cromer MCZ site features afford equal protection. However, in relation to development activities we advise that habitats that where recovery is likely to be limited should be avoided.</p> | <p>Condition 13(i) of Schedules 10 and 11 and Condition 12(j) of Schedules 12 and 13 of the Draft DCO (Revision G) [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 (Revision B) [document reference 9.5]. This is the appropriate approach to mitigating impacts on benthic habitats of conservation, ecological and/or economic importance.</p> |
| Q2.3.4.10 | Natural England | <p>Mixed sediment areas The Applicant at ISH6 [EV-084] [EV-088] stated that it is unlikely</p> | <p>Please see NE response to above question Q2.3.4.1 relating to mixed sediment.</p> | <p>No further comments.</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | that the cable route would avoid areas of mixed sediment. Is there any mitigation that could be suggested that would minimise any impact to these mixed sediment areas, both if there is to be any cable protection and also if the cable can be buried? | Unless it can be secured within the DCO that the cables can be installed without the requirement for physical external cable protection, Natural England advises significant impact may occur and therefore there is a requirement for Measures of Equal Environmental Benefit. | |

Table 13 The Applicant's comments to Natural England responses to the Examining Authority's Second Written Questions 2.5 [REP3-147]

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| Q2.5 Construction Effects Offshore | | | | |
| Q2.5.1 Development Scenarios and Rochdale Envelope | | | | |
| Q2.5.1.2 | Natural England Marine Management Organisation Wildlife Trust | Concurrent versus sequential scenarios Depending on the construction scenario, the offshore construction period may either be 2 years in the concurrent scenario or 4 years in the sequential scenario, with a potential maximum 2 years break in between [APP-314]. The concurrent scenario would result in a greater intensity of activity, but over a shorter time frame whereas the sequential scenario would seek a lesser | <p>a) Natural England advises this depends on the receptor. From an ornithology perspective, some receptors would be less impacted by sequential compared to concurrent, and vice versa. From a marine mammal perspective, concurrent piling would impact the greatest area and so number of individuals at any one time (which is the basis of the Applicant's assessment of impact significance). Generally, there is limited understanding on how the different construction scenarios would affect the long-term trajectory of the marine mammal populations.</p> <p>b) It is difficult to draw firm conclusions regarding the preferability of the different scenarios with respect to Greater Wash SPA; whilst sequential could</p> | <p>a) No further comments</p> <p>b) and c) In respect of red-throated diver, the Applicant considers that the sequential approach represents the worst-case scenario, as set out in Paragraphs 96-98 of the Apportioning and HRA Updates Technical Note (Revision B) [REP2-036]. This is because the total duration of work would be longer under the sequential scenario, and that the displacement effect at any one location would be short-term, i.e.</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | <p>intensity of activity but over a longer period of time. Whilst much of the focus for offshore ornithology, marine mammals and benthic ecology has been on the operational effects, comment on:</p> <ul style="list-style-type: none"> a) From EIA and HRA perspectives, which construction scenario is considered better and would be preferred by the Applicant and why? b) Would the concurrent scenario, by limiting the amount of construction time within the Greater Wash SPA, be more beneficial for red-throated divers than the sequential scenario? c) Is there any evidence to suggest that the on and off effect of construction in the sequential scenario would have a dissuading effect that birds may not return to the location? | <p>reduce the intensity of displacement in a given period, it would also prolong the time over which some displacement is manifested. Therefore, Natural England considers the most effective approach to mitigating for the impacts of construction on RTD SPA irrespective of the scenario being considered is to carry out construction works within or adjacent to the SPA outside the sensitive period of 1st November and 31st March inclusive.</p> <ul style="list-style-type: none"> c) There is no clear evidence to suggest that an 'on-off' effect would be worse (or indeed better) than a scenario of four concurrent years. We recommend avoidance and mitigation measures are more likely to deliver effective reductions in impact. | <p>birds would return to affected area soon (within a few hours) after vessel departure.</p> |
| <p>Q2.5 Construction Effects Offshore</p> | | | | |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
|----------|------------------------------|---|---|---|
| Q2.5.1.4 | Applicant Natural England | <p>Statistical Differences between DEP-N and DEP as a whole</p> <p>The intention of the Applicant to retain optionality for DEP-N to be developed fully as opposed to being in conjunction with DEP-S, and the statistical basis underpinning this is stated [REP2-040].</p> <p>a) Is NE satisfied and in agreement with the justification?</p> <p>a) If not, in light of the statistical position put forward by the Applicant, explain why a minimal number of turbines should be built in DEP-N.</p> <p>b) Applicant and NE, if a commitment to reducing turbine numbers in DEP-N was required, where would this best be secured?</p> | The issues raised by the ExA are complex and require further consideration. NE will respond to this question at Deadline 4. | The Applicant will review Natural England's response to this question at Deadline 4 and respond as appropriate. |

Table 14 The Applicant's comments to Natural England responses to the Examining Authority's Second Written Questions 2.11 [REP3-147]

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
|--|-----------------------|----------|---------------------------|---------------------|
| Q2.11 Draft Development Consent Order | | | | |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| Q2.11.5 Requirements | | | | |
| Q2.11.5.3 | Applicant MMO Natural England | Requirement 20 In the interests of protecting sensitive seabird or marine mammal species and any activities they may do in the hours of darkness, should construction hours be imposed in respect of offshore works? | Given the nature of the marine receptors, and the mitigation proposed and under discussion, Natural England does not propose a construction restriction during the hours of darkness. | See the Applicant's response to this question in The Applicant's Comments on Natural England's Deadline 2 Submission [REP3-107]. The Applicant is also not proposing any construction restrictions during the hours of darkness. |
| Q2.11.6 Draft Deemed Marine Licences | | | | |
| Q2.11.6.1 | Applicant Marine Management Organisation | Timeframes for determinations The MMO and Applicant, provide a joint statement setting out your positions and corresponding rationales for the appropriate lead-in period (4 months or 6 months) for review and decisions from the MMO on detailed submissions from the Applicant. | Natural England has also raised concerns regarding the timelines for post construction documentation and notes our support for the 6 month lead-in period for most pre-construction conditions. | Following agreement with the MMO, the Applicant has amended the deemed marine licences of the draft DCO (Revision G) [document reference 3.1]. See Schedules 10 to 13. |

Table 15 The Applicant's comments to Natural England responses to the Examining Authority's Second Written Questions 2.12 [REP3-147]

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
|--|-----------------------|----------|---------------------------|---------------------|
| Q2.12 Habitats and Ecology Offshore | | | | |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
|---------------------------------------|---------------------------|---|--|---|
| Q2.12.1 Effects on Ornithology | | | | |
| Q2.12.1.1 | Natural England | <p>Rates and Assumptions Within the Models</p> <p>Following the Applicant's submission [REP2-036] can NE confirm that there is no disagreement with the Applicant regarding:</p> <ul style="list-style-type: none"> • Application of the Population Viability Analysis • Use of the Biologically Defined Minimum Population Scale • Avoidance rates (including use of macro avoidance) • Mortality rates • Counterfactuals • Determination of the 95% CI • The use, or not, of ranges <p>If there is disagreement, NE identify and expand on the precise issues and specify what re-modelling or reassurances are required.</p> | <p>Natural England will respond to this question at Deadline 4, as some aspects relate to material anticipated to be submitted by the Applicant at Deadline 3.</p> | <p>The Applicant submitted a CRM Updates (EIA Context) Technical Note (Revision B) at Deadline 3.</p> <p>The Applicant will review Natural England's response to this question at Deadline 4 and respond as appropriate.</p> |
| Q2.12.1.2 | Natural England Applicant | <p>Highly Pathogenic Avian Influenza (HPAI)</p> <p>a) Applicant and NE, discuss and agree how the HPAI</p> | <p>Natural England has worked with the Applicant to set out an appropriate scope of works and have provided datasets to facilitate the submission of a report at Deadline 4. Please note though that we do not expect the Applicant to revise any quantification of impact</p> | <p>The Applicant has submitted a Review of 2022 Highly Pathogenic Avian Influenza (HPAI) Outbreak on Relevant</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | <p>should be accounted for in the assessments including the relevant species, colonies, methodologies and data required.</p> <p>b) Provide details of the agreed approach and what further information is required in relation to assessing HPAI effects on the ES data set.</p> <p>c) Provide timetable for any additional evidence gathering and the timetable for submission of material in relation to the Examination Timetable.</p> | <p>due to HPAI, instead we are asking that the HPAI impacts at a colony/species level are presented to contextualise the impact assessments.</p> | <p>UK Seabird Colonies [document reference 18.16].</p> |
| Q2.12.1.4 | Natural England Royal Society for the Protection of Birds | <p>Outline Project Environmental Management Plan The Applicant submits that mitigation for red-throated divers is contained in the OPEMP [REP1-017]. For this species, and in general, do you consider the OPEMP to be sufficiently detailed to give you assurances that appropriate mitigation will be implemented? Explain with reasons.</p> | <p>Natural England anticipates that the Applicant is submitting updated OPEMP wording at Deadline 3, which we will respond to at Deadline 4. We highlight our previous advice that the use of the best practice protocol, whilst welcome, may not remove the need for seasonal restrictions.</p> | <p>The Applicant confirms that an update to the best-practice protocol for red-throated divers is provided in the Outline PEMP (Revision C) [REP3-060]. The Applicant has agreed to use the best practice protocol wording proposed by Natural England for Hornsea Project Four which was similar but not identical to the wording already proposed by the Applicant.</p> |
| Q2.12.1.5 | Natural England | <p>Great Black-backed Gull</p> | <p>'NE highlights that SADEP is making a relatively small contribution to a cumulative impact on GBBG from North Sea windfarms. The proposed minimum air gap</p> | <p>No further comments.</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | <p>The Applicant states that embedded mitigation to minimise collision is a 30m air gap between the sea level and the blade sweep of each turbine. This is the only mitigation measure being proposed. NE, do you consider this mitigation would adequately minimise the adverse impacts on this species and any others where you perceive the air gap to be of a benefit</p> | <p>will have reduced the likely collision risk to GBBG compared to that of already- installed windfarms, though this is driven in part by the industry trend towards larger turbines which tend to have a greater air gap.'</p> | |
| Q2.12.1.8 | <p>Natural England Royal Society for the Protection of birds</p> | <p>Responses to matters raised at Issue Specific Hearing 5 Please review the recording for ISH5 [EV-076 to EV-083] and provide any written responses.</p> | <p>NE notes the assumption made by the Applicant that because a RTD best practice protocol for vessel movements has prevented the Hornsea 4 project from having a contribution to in-combination effects, the same can be concluded for the vessel movements associated with SADEP. NE highlights that the two cases are quite different, and our conclusions on Hornsea 4 should not be extrapolated to SADEP. The Hornsea 4 ECR corridor lies outside (though adjacent to) the GW SPA, whereas that of SADEP lies within the SPA. Construction and O&M movements associated with Hornsea 4 are likely to use the Humber shipping channel, where RTD densities are likely to already be low, whereas SADEP vessel movements are not likely to follow major shipping lanes whilst transiting through the SPA and so could impact less disturbed parts of the SPA. Each case needs to be considered on its merits.</p> | <p>Noted. The Applicant maintains its conclusions within the Apportioning and HRA Updates Technical Note (Revision B) [REP2-036] of no adverse effect on integrity of the red-throated diver feature of the Greater Wash SPA (project-alone and in-combination). Therefore, no additional mitigation is considered to be required.</p> <p>The Applicant has committed to implementing a best practice protocol for avoiding disturbance to red-throated divers as embedded mitigation (see the Outline PEMP (Revision C) [REP3-060]). The best practice protocol wording was further</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | | | updated at Deadline 3 to adopt wording provided by Natural England to Hornsea Project Four which was similar but not identical to the wording already proposed by the Applicant. The Applicant has updated this wording in dialogue with Natural England and therefore considers that no further mitigation regarding construction and O&M vessel movements is required. |
| Q2.12.2 Effects on Aquatic Wildlife including Mammals, Fish and Shellfish | | | | |
| Q2.12.2.1 | Marine Management Organisation Natural England Norfolk Wildlife Trust | <p>Confidence in the Southern North Sea Special Area of Conservation Site Integrity Plan [APP-290]</p> <p>Do you have confidence that site integrity plans for relevant projects in the Southern North Sea SAC would provide sufficient control over the timing and nature of noisy activities to ensure that the relevant in-combination disturbance impact thresholds for marine mammals would not be breached? Explain with reasons.</p> | <p>Whilst we recognise the potential utility of SIPs (site integrity plans) to manage in-combination noise impacts, Natural England is not confident that the current approach to SIP implementation will prevent in-combination disturbance impact thresholds from being exceeded in the Southern North Sea SAC. The reasons are as follows:</p> <ul style="list-style-type: none"> The final SIP may identify necessary mitigation measures at a time that final project design and financial investment decisions have already been made. As a result, mitigation options may no longer be achievable on financial or design grounds e.g. use of alternatives to impact piling; use of pin piles instead of monopiles; use of noise abatement systems; seasonal or other timing restrictions. | <p>The Applicant has submitted a Marine Mammals Technical Note and Addendum [REP3-115] which provides updated assessments for the harbour porpoise feature of the Southern North Sea SAC. This includes Interim Population Consequences of Disturbance (iPCoD) modelling which concludes that the number of harbour porpoise predicted to be disturbed in-combination with other projects, plans and activities would not be at a level that would cause an adverse effect on integrity. Therefore, the Applicant does not consider that further underwater noise mitigation outside of that</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | | <ul style="list-style-type: none"> SIPs are submitted at different times relative to the season of the SNS SAC that they will impact. SIPs for offshore wind piling are currently submitted 6-9 months in advance of piling operations, which may be more than 9 months in advance of the relevant (impacted) season of the SNS SAC. Other industries and activities typically have shorter lead-in times for their licences, meaning their applications are submitted closer to or during the SNS SAC season they will impact. Offshore wind piling SIPs may therefore be signed off in advance of up-to-date information on other projects that may act in-combination. An inaccurate in-combination impact assessment may lead to mitigation not being identified at the time of the offshore wind piling SIP and risk of AEol being identified too late. Furthermore, the number of offshore wind projects due to undertake piling in the SNS SAC from now to 2030 means that the in-combination disturbance impact thresholds are likely to be exceeded by offshore wind piling alone without further mitigation and management. Other industries or activities will only increase this risk, particularly given the aspirations for a range of developments in the southern North Sea (oil and gas, carbon capture and storage etc.). | <p>required through the MMMP and SIP is required.</p> <p>The Applicant notes that SIPs are the currently recognised framework for managing disturbance effects on the Southern North Sea SAC.</p> <p>Within the final SIP, the Applicant will provide an up to date in-combination assessment using the most recent information on other projects' planned programmes in order to inform the final assessment. This will include consideration of all data provided through both the SNS Activity Tracker and the Developers Activity Tracker shared between the key offshore wind farms within (or within 26km of) the Southern North Sea SAC. The Applicant is willing to liaise directly with other offshore wind farm projects to ensure the best information and most accurate detail is used to inform these assessments.</p> <p>The SIP will ensure that both the spatial (20%) threshold and seasonal (10%) threshold is not exceeded.</p> |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | | <ul style="list-style-type: none"> The management measures implemented through SIPs thus far have been limited to co-ordination measures to ensure that activities on a given day do not exceed the daily thresholds. This approach does not robustly reduce the risk of exceeding the seasonal thresholds and indeed the seasonal threshold was almost exceeded in summer 2022. Accordingly Natural England has low confidence in appropriate measures being secured to ensure the seasonal threshold is not exceeded. The SIP approach inevitably defers detailed Habitats Regulations Assessment questions to subsequent decisions. To function effectively, subsequent HRAs need to be conducted once the piling SIP is submitted. However, the MMO has recently signed off a SIP for OWF piling without carrying out an Appropriate Assessment, despite Natural England advising that one was required. as the application could have potential significant effects on the SNS SAC. <p>For these reasons, Natural England strongly advise that mitigation measures to reduce the risk of Adverse Effect on Integrity of the Southern North Sea SAC are committed to now in principle. The final SIP could then be used to identify mitigation measures that are no longer needed. Please see our Hornsea 4 relevant reps (https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010098/EN010098-000847- Natural%20England.pdf) for a fuller</p> | |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | | exploration of this potential approach, as well as a more detailed appraisal of our concerns regarding the implementation of SIPs. | |
| Q2.12.2.4 | Natural England Marine Management Organisation | Underwater Noise Modelling Are you content, at this stage, that sufficient underwater noise modelling has been satisfactorily undertaken? Explain with reasons. | Natural England is content that sufficient underwater noise modelling has been satisfactorily undertaken. We do not have any outstanding concerns on the underwater noise modelling specifically. | The Applicant welcomes this comment. |
| Q2.12.2.5 | Marine Management Organisation | PTS and TTS reasoning Review document APP-193 wherein the Applicant states to have provided justification for screening out PTS and TTS from the cumulative impact assessment. Provide comments if you believe the justification and reasoning to be robust or if there remains a disagreement and why. | Based on [APP-193], the Applicant has screened out PTS and screened in TTS to the Cumulative Impact Assessment. We consider that sufficient justification has been provided by the Applicant to screen out PTS. | The Applicant welcomes that Natural England consider sufficient justification has been provided for screening out PTS. The Applicant clarifies that disturbance has been fully assessed within the Cumulative Impact Assessment (see the Marine Mammals Technical Note and Addendum [REP3-115]), while the potential for TTS / fleeing response has only been assessed where there is limited information available in order to inform an assessment of disturbance for each activity. |
| Q2.12.2.6 | Natural England Marine Management Organisation | Barrier, Disturbance and Displacement Effects Has the Applicant adequately mitigated for potential barrier, disturbance and displacement effects to marine mammals | Natural England is awaiting an updated assessment of potential barrier, disturbance and displacement effects to marine mammals in the Marine Mammal Technical Note, due to be submitted at Deadline 3. Natural England defers responding to this question | Updated barrier, disturbance and displacement assessments have been provided in the Marine Mammals Technical Note and Addendum [REP3-115] . |

| ID | Question Addressed to | Question | Natural England Responses | Applicant's Comment |
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| | | [APP-096, REP1-014]? If not, what would you expect or require from the Applicant to give reassurances on this matter? | until after receipt of the Marine Mammal Technical Note. | |

Table 16 The Applicant's comments to Natural England responses to the Examining Authority's Second Written Questions 2.13 [REP3-147]

| ID | Question | NE Responses | Applicant's Comment |
|--|---|--|---------------------|
| Q2.13 Habitats and Ecology Onshore | | | |
| Q2.13.1 Effects on Protected and Priority Species | | | |
| Q2.13.1.1 | Construction Sites and Compounds a) Does the Applicant's comment on responses to the ExA's first written questions [REP2-040, Q1.13.2.2] adequately identify the need for mitigation of effects from lighting and noise on bat species and their prey resulting from construction works in the vicinity of watercourses? b) Would the mitigation proposed reduce the potential effects on bat species and their prey to an acceptable level? | Natural England agrees the Applicant's comment on responses to the ExA's first written questions [REP2-040, Q1.13.2.2] adequately identifies the need for mitigation of effects from lighting and noise on bat species and their prey resulting from construction works in the vicinity of watercourses. Natural England advises the mitigation proposed should, in theory, reduce the potential effects on bat species to an acceptable level. However, this remains dependent upon the pre-construction survey findings | Noted. |
| Q2.13.1.2 | Weybourne Cliffs Does the Applicant's response [REP1-036, Q1.13.2.4] provide sufficient information to demonstrate that there are no effects predicted on the living conditions for sand martins in this location as a result of vibration related HDD activity? If not, please expand with further reasoning. | Natural England is content with the information provided by the Applicant that there are no effects predicted for sand martins in this location as a result of vibration related HDD activity. | Noted. |

| ID | Question | NE Responses | Applicant's Comment |
|---|--|---|--|
| Q2.13.2 Effects on Ancient Woodland, Trees and Hedgerows | | | |
| Q2.13.2.1 | <p>Wensum Woods</p> <p>Provide a response to NE's suggestion [REP1-138] that Wensum Woodlands may become a SSSI due its Barbastelle bat colony and whether this impacts upon the Proposed Development in any way?</p> | <p>Natural England has advised that as protected species, bats, along with their breeding roosts and resting places, are afforded protection whether notified features of a designated site or not. It is acknowledged that a draft licensing decision has been issued for the projects in the form of a Letter of No Impediment. However, due to the 3 - 7 year gap between consent and construction of the DEP and SEP projects; we also suggest that the Applicant considers adopting appropriate mitigation measures at the consenting phase in recognition that the area to the west of Norwich known as Wensum Woodlands is being considered for SSSI notification for bats, including barbastelles. Whilst it is recognised under Natural England's designations programme that inclusion is not a commitment to designate, and therefore areas on this list are not afforded the same legal protection as those notified as a SSSI under the Wildlife and Countryside Act 1981 (as amended); we would encourage the adoption of further best practice due to the potential that this area could be a notified SSSI in the future. This is likely to future proof the project by avoiding any unnecessary disruption/delay to the projects in the event that the Wensum Woods area becomes notified.</p> | <p>The Applicant refers to its response to Q2.13.2.1 in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101]</p> |

Table 17 The Applicant's comments to Natural England responses to the Examining Authority's Second Written Questions 2.14 [REP3-147]

| ID | Question | NE Responses | Applicant's Comment |
|---|----------|--------------|---------------------|
| Q2.14 Habitats Regulation Assessment | | | |

| ID | Question | NE Responses | Applicant's Comment |
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| Q2.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects | | | |
| Q2.14.1.1 | <p>AEol Conclusions</p> <p>The Applicant assessed a number of designated sites and features within their HRA screening and assessment processes [APP-059] on a project alone and in-combination basis. The Applicant concluded that the project, alone, would not have an AEol on any feature of any designated site. The Applicant concluded that for the project, in-combination with other plans and projects, an AEol could be ruled out on all features of all designated sites except for sandwich tern and kittiwake.</p> <p>The ExA require confirmation that this is a common and shared position with NE. Applicant and NE submit a jointly produced table (see Annex A), listing all relevant sites and all features from the HRA process [APP-059] and submit it to the Examination either as a standalone document or as an appendix to the SoCG. Refer to the extract from the East Anglia One North Recommendation Report and provide similar colour coding.</p> | <p>Natural England has worked with Equinor to produce a joint position table and is expected to be submitted by the Applicant. This summarises where we are able to reach a joint position at Deadline 3 and indicates where this is yet to be confirmed, with an outline of outstanding information required to achieve that. It is the intention this will continue to be updated at subsequent deadlines until our joint positions are completed.</p> | <p>No further comments</p> |
| Q2.14.1.2 | <p>Updated CRM Assessments</p> <p>Whilst a full review of the Applicant's CRM Updates [REP1-056] is to be provided at D3, for the purpose of this question, please provide a short response confirming whether or not NE still consider compensatory measures are required for guillemot and razorbill species</p> | <p>Guillemot and razorbill are not species thought to be sensitive to collision, given they generally fly close to the sea surface. Concerns regarding these species relate to displacement from the OWF array and adjacent waters due to the ongoing presence of the turbines and associated activities. NE considers that compensatory measures are required due to the SADEP contributing to in-combination adverse effects on the FFC SPA populations of both species</p> | <p>The Applicant disagrees with Natural England that there will be an in-combination adverse effect on the guillemot and razorbill features of the FFC SPA (see Appendix B.2 of REP3-103). The Applicant has therefore put forward without prejudice proposals to deliver guillemot and razorbill compensation through the implementation of bycatch reduction measures (see Appendix 4 Gannet Guillemot and Razorbill Compensation Document [REP3-022] and the Annex 4B Auk Bycatch Reduction Feasibility Statement [REP3-023]).</p> |

| ID | Question | NE Responses | Applicant's Comment |
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| Q2.14.1.3 | <p>Maximum Design Scenarios</p> <p>Are any further design, alternatives or mitigation options under consideration or not yet fully explored to reduce potential Adverse Effects on Integrity of European sites? Are there any instances where uncertainties (for example, the absence of completed ground conditions or other engineering assessment work) mean that the Maximum Design Scenario may change going forward, with subsequent implications for the information supporting the HRA?</p> | <p>Natural England highlight that a commitment to not installing turbines within 10km of the Greater Wash SPA would significantly reduce the impacts on RTD and the contribution of the project to in-combination effects. Furthermore, there are mitigation options relating to vessel movements that could also reduce the impacts of the project on SPA RTD. We would be pleased to discuss options with the Applicant.</p> | <p>See the Applicant's response at Q2.12.1.8 above.</p> |
| Q2.14.1.4 | <p>Project-led compensation</p> <p>The Applicant described at ISH1 [EV-011, EV-015] a process of retaining optionality with regards as to whether project-led compensation would be pursued in the future, or a contribution being made to the Marine Recovery Fund.</p> <p>a) Do you think this appropriate?</p> <p>b) What in your view are the implications for the HRA conclusions and derogations tests if the means of compensation remains undetermined at the close of the Examination?</p> | <p>a) Whilst there are many uncertainties regarding the MRF, Defra's ambition is to have a mechanism in place for developer contributions next year. This being the case, we do not consider it inappropriate for the developer to seek this optionality. However we do consider it necessary for any proposed 'switch' to the MRF or strategic compensation to be subject to appropriate control. We advise that this control should be in the form of seeking approval from SoS following consultation with Natural England and Defra.</p> <p>Nevertheless, the availability of this optionality should not be viewed as 'lowering the bar' in terms of the required level of detail and security for the project's proposed compensatory measures during the consenting phase.</p> <p>b) In the event of compensatory measures remaining 'undetermined' at the close of the Examination, it seems highly likely that the SoS would not find themselves able to conclude that compensatory measures could be secured.</p> <p>As regard specific implications for the HRA conclusions and derogations tests, we note that the requirement to secure compensatory measures is subsequent to these steps. Strictly speaking, the</p> | <p>a) See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101].</p> <p>The Applicant notes that if a contribution to a strategic compensation fund such as the MRF were to be made in place of project-led compensation measures then approval would be required from the SoS as secured through Schedule 17 of the Draft DCO (Revision G) [document reference 3.1]:</p> <p><i>"provision for the option to be exercised by the undertaker, following consent in writing of the Secretary of State, to pay a contribution to the Strategic Compensation Fund wholly or partly in substitution for..."</i></p> |

| ID | Question | NE Responses | Applicant's Comment |
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| | | <p>availability or otherwise of compensatory measures should not influence the competent authority's conclusions on adverse effects, or the extent to which the derogations regarding no alternative solutions or IROPI are satisfied. But in instances where there were elements of uncertainty regarding the effectiveness of a compensatory measure, or where elements of the scheme would only be determined post-consent, it would necessitate provision at a higher impact:benefit ratio to take the increased level of risk into account</p> | |
| Q2.14.1.5 | <p>Timetable for Delivery</p> <p>The Applicant's compensatory measures documents [APP-069, APP-072] set out the time periods (breeding seasons etc) for implementation of the compensatory measures before the Proposed Development becomes operational. Are these time periods sufficient in length and sufficiently secured in the dDCO?</p> | <p>Whilst the Applicant plans to install the kittiwake ANS four breeding seasons in advance of the turbines turning, in terms of a DCO commitment this is only for three years. Natural England highlights that other DCO schedules for kittiwake compensation have secured implementation four breeding seasons in advance. We see no reason why SADEP should be treated differently.</p> <p>With regards to sandwich tern, the Applicant aims to allow 2 full breeding seasons of operation prior to first power. Sandwich tern recruit into the breeding population in their third year, and therefore the measure could in theory be delivering adults into the wider breeding population at the point of impact. However, colonisation of habitat is highly uncertain in terms of time taken, and uptake/growth. With a 2-year lead in it is highly likely that the measure will accrue a mortality debt in the formative years. Calculations relating to the scale of the measure required to compensate a specified impact should be stress tested against mortality debt scenarios, especially when further adaptive management options are limited.</p> <p>With regards to guillemot/razorbill compensation, auks take longer to reach breeding age (typically guillemot breed at 6 years and razorbill at 5 years), which has significant implications for compensatory measures that function by producing additional recruits into the</p> | <p>The Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) [document reference 13.4] and Gateshead Kittiwake Tower Modification - Quantification of Productivity Benefits Technical Note (Revision B) [document reference 13.1] provide information on the anticipated productivity benefits to be afforded by the proposed measures and, as appropriate, consideration of implementation timelines. If a mortality debt were to arise then it is expected that the 'debt' would accrue for a small number of years only. Therefore, the Applicant has proposed that, if required, it could be accounted for by extending the duration over which active management was undertaken at the Loch Ryan and Gateshead sites (i.e. potentially beyond the Projects' operational period) to ensure that sufficient levels of breeding success are maintained over a sufficient number of years to balance the mortality predicted to have occurred during the Projects' operational periods. However, if throughout the operational phase of the Projects', the scale of compensation being provided increased to a level sufficient to offset any mortality debt accrued in the early years,</p> |

| ID | Question | NE Responses | Applicant's Comment |
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| | | <p>population. These would need to be carefully explored and mortality debt mitigated for. However, at this stage the Applicant's proposals are insufficiently developed for NE to place any weight on their effectiveness, irrespective of when they are implemented.</p> | <p>then extending the duration over which active management was undertaken would not be required.</p> |
| <p>Q2.14.1.11</p> | <p>Seabird Assemblage and Highly Pathogenic Avian Influenza</p> <p>With regards to HPAI, does this effect the robustness of the Applicant's assessment and conclusions, particularly with regard to whether the bird species can continue to be considered in favourable conservation status [REP2-036]?</p> | <p>Please see our response to Q2.12.1.2.</p> | <p>The Applicant has submitted a Review of 2022 Highly Pathogenic Avian Influenza (HPAI) Outbreak on Relevant UK Seabird Colonies [document reference 18.16].</p> |
| <p>Q2.14.1.12</p> | <p>Seabird Assemblage, HPAI and Applicant Assertions</p> <p>During ISH5 [EV-076] [EV-080], the Applicant stated that if HPAI had reduced the numbers of birds within the assemblage, there would logically be less birds to collide with the turbines and, as such, the collision risk would be lower, and the effects of any collision would be lesser upon the population. It was asserted NE agreed with that position. Do NE and the RSPB concur with the Applicant's view?</p> | <p>We highlight the following sections of our HPAI interim advice note [Appendix B2 – [RR-063]:</p> <p><i>'6. Broadly, we expect any changes in abundance at colonies to be reflected proportionately in the at sea data. That is, it is reasonable to assume distribution patterns will remain broadly similar, but densities to change accordingly.</i></p> <p><i>7. This assumption means that the scale of impact is likely to remain in proportion to the size of the colony. For instance, if a population were reduced by 10% then we would expect 10% fewer collisions. However, where a population has been significantly depleted, it should be considered whether an equivalent level of impact would have greater implications for the newly reduced population.'</i> [our emphasis].</p> <p>In other words, in some instances there may be a difference between a reduced number of collisions and a reduction in the significance of the impact at the colony. NE assesses the impact (of collision caused mortality) at the colony in terms of how vulnerable a population is to additional mortality. If a population has been made extremely vulnerable (due to extensive</p> | |

| ID | Question | NE Responses | Applicant's Comment |
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| | | HPAI mortality) then an AEOI conclusion would be reached with a much lower additional impact than compared to a healthy or increasing population. | |
| Q2.14.1.13 | <p>Seabird Assemblage Methodology</p> <p>Has the Applicant demonstrated, to your satisfaction, that the diversity and abundance elements of the FFC SPA seabird assemblage would remain intact? Explain with reasons.</p> | <p>Natural England's advice at the close of the Hornsea 4 Examination was that adverse effects on the seabird assemblage at FFC SPA could not be ruled out either alone or in-combination. This was driven by impacts on the abundance attribute, particularly with respect to impacts on guillemot and uncertainty regarding the consequences of Hornsea 4 for marine processes. For SADEP, we can rule out adverse effects alone on the seabird assemblage, however given the above advice it is difficult to discount the potential for AEOI in combination. However, should this be the case, it would not require additional compensation beyond that required for individual qualifying features.</p> | No further comments. |
| Q2.14.1.14 | <p>Loch Ryan and the Scottish Authorities</p> <p>Has any meaningful consultation with the Scottish Authorities and Nature Scot taken place with regards the compensation proposals for Loch Ryan [REP1-036]? Explain with reasons.</p> | <p>Natural England defer to the Applicant to update on this matter.</p> | <p>See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101].</p> |
| Q2.14.1.15 | <p>Need for compensation on Guillemot</p> <p>The Applicant states [REP1-057, Page 13,]: <i>"Natural England agrees with the conclusion that there is no connectivity between breeding adult guillemot population of the FFC SPA and the Projects. Therefore, no update to the assessment for the qualifying feature is required. Natural England apologises for this error."</i> Does this change NE's position on whether compensation is required for the guillemot species?</p> | <p>NE's position remains that an AEOI on FFC SPA guillemot cannot be ruled out in-combination with other OWF projects. There is predicted connectivity between FFC SPA and SADEP outside the breeding season, when guillemot disperse from their colonies into the wider North Sea and beyond. For SADEP, this results in predicted mortality levels of 2 – 47 guillemot per annum.</p> | No further comments. |
| Q2.14.1.19 | <p>Additionality and Differentiality</p> <p>It is reported that, despite current management and intervention measures, the sandwich tern population at the Farne Islands is in steep decline.</p> | <p>National Trust are best placed to advise on current management measures in place on the Farne Islands. Our understanding is that nest boxes/shelters have been used previously. Please see comment 15 on p60</p> | <p>See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101].</p> |

| ID | Question | NE Responses | Applicant's Comment |
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| | The Applicant's compensation proposals include the provision of nest boxes and shelters. Are these measures already being used on the Farne Islands and, if so, would the Applicant's proposal just be perpetuating an already failing measure? | of our Relevant Representations [RR-063] for more detail. | |
| Q2.14.1.20 | <p>Marine Mammals</p> <p>Confirm whether, in light of the MMMP and the SIP, an AEol can be ruled out for all marine mammal species assessed in the HRA [APP-059]</p> | <p>Natural England's position is that it cannot agree with the conclusion of no AEol for in-combination disturbance impacts to the SNS SAC due to lack of confidence in the SIP process. This was the position at the end of Examination for Hornsea 4 [REP8-030] Please see our response to Hornsea 4, and Q2.12.2.1, for further information on our concerns with the SIP process.</p> <p>For other marine mammal species assessed in the HRA, Natural England defer responding to this question until after the review of the Marine Mammal Technical Note anticipated to be submitted by the Applicant at Deadline 3.</p> | See the Applicant's response to Natural England's response to Q2.12.2.1 above. |
| Q2.14.1.21 | <p>Onshore Habitats Regulations Assessment</p> <p>With regards to the onshore elements of the Applicant's HRA:</p> <p>a) Are you content with the assessment, methodology and conclusions?</p> <p>b) Are you content that all relevant European sites and all relevant features of those sites have been screened and considered by the Applicant?</p> <p>c) Are you content with the conclusions that an AEol can be ruled out in respect of all affected onshore environmental assets?</p> <p>d) Are there any unresolved matters that require urgent attention during the Examination in order to secure or otherwise reassure that AEol would not occur?</p> | <p>a) Natural England advises that following the submission of the Applicant's Updated Onshore RIAA technical note submitted at Deadline 2 [REP2-050] we are content with the HRA assessment, methodology and conclusions.</p> <p>b) Natural England is content the Applicant's Updated Onshore RIAA technical note now screens all relevant features for the River Wensum SAC including White-clawed crayfish, Brook lamprey and Bullhead, which were previously omitted.</p> <p>c) Natural England advises the following in relation to terrestrial designated sites River Wensum SAC: provided mitigation is agreed and secured in the DCO and Outline Code of Construction Practice in the form of sediment management, pollution prevention and bentonite breakout plans. Then we are likely to reach agreement with the Applicant's conclusion that an</p> | <p>a) & b) The Applicant welcomes this position.</p> <p>c) The Applicant confirms that the Outline Code of Construction Practice (Revision D) [document reference 9.17] contains mitigation measures for sediment management (Section 7.1.1), pollution prevention (Section 7.1.2) and bentonite breakout (7.1.4). All of which are secured by Requirement 19 of the draft DCO (Revision G) [document reference 3.1].</p> <p>d) The Applicant confirms it is in dialogue with Natural England regarding pink-footed geese.</p> |

| ID | Question | NE Responses | Applicant's Comment |
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| | | <p>AEol can be ruled out in respect of all affected onshore environmental assets.</p> <p><u>North Norfolk Coast SPA</u>: - on the proviso that a pink-footed geese mitigation plan is agreed and secured in the DCO, then we are likely to reach agreement with the Applicant's conclusion that an AEol can be ruled out in respect of all affected onshore environmental assets. Please see Natural England's responses at Deadline 3 Appendix I4 in relation to these matters</p> <p>d) As above, please see Natural England's advice in Appendix I4 in relation to the requirements of the Bentonite Break out Management plan. Please see below in terms of our engagement with the Applicant in agreeing a Pink-Footed Geese Mitigation Management Plan.</p> <p>We are not aware of any impediment to resolving our outstanding onshore concerns during examination and once the above outline mitigation plans are provided and agreed we will update our risks and issues log accordingly.</p> | |
| Q2.14.1.22 | <p>Pink-footed Geese</p> <p>The ExA note the best practice note on PFG [REP1-137] and the Applicant's commitment to develop an approach to PFG with NE [REP2-017]. For the HRA, can an AEol be ruled out at this stage?</p> | <p>Please see Natural England's response to Question Q2.14.1.21 above. Natural England is currently working with the Applicant to agree appropriate mitigation for pink-footed geese.</p> | <p>The Applicant confirms it is in dialogue with Natural England regarding pink-footed geese.</p> |
| Q2.14.1.23 | <p>Pink-footed Geese mitigation</p> <p>You highlight [REP2-064, point A25] the need for a condition for strategic mitigation to be secured. Provide further details.</p> | <p>At Deadline 1 Natural England submitted best practice advice on North Norfolk Coast SPA Pink Footed Geese [REP1-137]. As noted above we are currently working with the Applicant to agree appropriate mitigation for pink-footed geese. However, for Natural England to agree with any proposed mitigation we will also need to have certainty that this mitigation will be put into effect. This will require a requirement within the DCO or a condition within the deemed marine licence schedules to ensure enforcement of the</p> | <p>The Applicant confirms it is in dialogue with Natural England regarding pink-footed geese.</p> |

| ID | Question | NE Responses | Applicant's Comment |
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| | | required mitigation. Natural England notes that under the Planning Act process it is for the Applicant to draft the DCO and the conditions within. However, we are willing to engage with the Applicant on a condition, which could be submitted on a without prejudice basis should we fail to reach agreement on the need for such mitigation. | |

Table 18 The Applicant's comments to Natural England responses to the Examining Authority's Second Written Questions 2.17 [REP3-147]

| ID | Question | NE Responses | Applicant's Comment |
|---|--|--|--|
| Q2.17 Landscape and Visual Effects | | | |
| Q2.17.2 Effects on designated and historic landscapes, including Areas of Outstanding Natural Beauty and Ancient Woodlands | | | |
| Q2.17.2.1 | <p>Areas of Outstanding Natural Beauty</p> <p>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?</p> | Natural England's advice provided within our RR/WR [RR-063] still stands | <p>Natural England's position is noted.</p> <p>The Applicant, in response, also re-confirms its position concerning the matters raised by Natural England in their Relevant Representation [RR-063]. The Examining Authority is referred to the Applicant's responses provided in Table 4.18.7 of The Applicant's Comments to Relevant Representations [REP1-033].</p> <p>The Applicant also notes that comments have been submitted at Deadline 3 by the Norfolk Coast Partnership (on behalf of the Norfolk Coast Area of Outstanding Natural Beauty) concerning Q2.17.2.1.</p> <p>The Applicant welcomes the Norfolk Coast Partnership's comments and refers the Examining Authority to the Applicant's response</p> |

| ID | Question | NE Responses | Applicant's Comment |
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| | | | in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101]. |
| Q2.17.3 Effectiveness of mitigation proposals | | | |
| Q2.17.3.1 | <p>Removal of Existing Trees and Hedgerows, Replanting and Management</p> <p>a) Are you satisfied that the Applicant's proposals for the removal, replanting and management of existing trees and hedgerows have been set out to a sufficient level of detail at this stage [REP1-036, Q1.17.1.11]?</p> <p>b) In particular, is the Applicant's approach to managing the likelihood of damage occurring to existing trees and hedgerows during the construction period sufficiently clear [REP1-036, Q1.17.1.11]?</p> | Natural England draws the ExA attention to our advice relating to the importance of maintaining supporting habitats such as trees and hedgerows for protected species we will therefore review any amendments made to named plans which relate to this, but have no further response to this question at this time. | The Applicant refers to the revisions made to the Outline Landscape Management Plan (Revision C) [REP03-066, para 33] with regard to provisions made by the Applicant to protected species in response to Natural England's comments. |
| Q2.17.3.4 | Set out whether the Applicant's approach [APP-303] and as further clarified in its response to WQ1 [REP1-036, Q1.17.1.12] is a reasonable one at this stage of the Examination | See response to the above question. | The Applicant refers to its comments above in response to Q2.17.3.1. |

Table 19 The Applicant's comments to Network Rail Infrastructure Limited responses to the Examining Authority's Second Written Questions [REP3-148]

| ID | Question | Network Rail Responses | Applicant's Comment |
|--|---|---|--|
| Q2.23. Traffic and Transport | | | |
| Q2.23.5 Suitability of Access Strategy | | | |
| Q2.23.5.2 | <p>Onshore Substation - Access Strategy</p> <p>The access arrangements for the onshore substation are somewhat uncertain.</p> <p>a) Applicant, is there any update on this matter?</p> <p>b) One of the potential options is to build a permanent access road at the Norwich Main National Grid substation to maintain operational works and to support the construction of the new substation. NR has set out it is reviewing the proposals for the Access Road to determine whether the offset distance is acceptable and if any other mitigation is required to protect its operational railway. Network Rail, please provide an update on this work?</p> | <p>Network Rail engineers have reviewed the WSP slope stability analysis relating to the proposed Access Road and have confirmed that the clearances look sufficient from the top of the railway cutting and are acceptable provided that the Applicant engages with Network Rail through an asset protection agreement, the necessary internal technical clearances are obtained and the details of the scheme are agreed between the parties through the submission and acceptance of detailed technical documents and in accordance with the relevant Network Rail standards.</p> <p>These matters are currently being negotiated between the parties by way of the protective provisions to be included in the Order and a private agreement.</p> | <p>The Applicant will continue engaging with Network Rail and will follow their engineering standards.</p> |
| Q2.23.6 Effectiveness of Proposed Mitigation Measures | | | |
| Q2.23.6.5 | <p>Network Rail</p> <p>Network Rail [REP1-140] raise concern that the Promoter intends to route construction traffic over the Hickling Lane Overline Bridge (Bridge), which is positioned above the Anglian Railway line and that the use of the Bridge does</p> | <p>The Applicant has confirmed that the use of Hickling Lane Overline Bridge for the routing of construction traffic was being considered in the development of the Project but it is no longer an option, hence why it is not appear in the OCTMP.</p> <p>The document that Network Rail reviewed which included his option was a historic document and</p> | <p>The Applicant has noted Network Rail's response.</p> |

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| | not appear in the OCTMP [REP1- 021]. Applicant, is such a provision necessary? | Network Rail's concerns in relation to this issue have been closed off. | |

Table 20 The Applicant's comments to Norfolk Coast Partnership on behalf of Norfolk Coast Area of Outstanding Natural Beauty responses to the Examining Authority's Second Written Questions [REP3-149]

| ID | Question | Norfolk Coast Partnership (on behalf of the Norfolk Coast Area of Outstanding Natural Beauty Responses | Applicant's Comment |
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| Q2.17.2 Effects on designated and historic landscapes, including Areas of Outstanding Natural Beauty and Ancient Woodlands | | | |
| Q2.17.2.1 | <p>Areas of Outstanding Natural Beauty</p> <p>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?</p> | <p>The proposed development will impact upon:</p> <ul style="list-style-type: none"> • Special Quality 2: Strong and distinctive links between land and sea • Special Quality 3: Diversity and integrity of landscape, seascape, and settlement character • Special Quality 6: Sense of remoteness, tranquillity, and wildness <p>The proposed offshore development is well outside of the AONB designation boundary and adds to an already significant offshore wind infrastructure in this area. We believe that an extension is far preferable to creation of another site along the coast. We understand the turbines will be larger, but that visual impact will be mitigated as far as possible through appropriate design and lighting schemes to industry standard. The effects of the onshore elements, so far as they affect the AONB, are minimal, given the routing, undergrounding and mitigation of the cable construction activities.</p> <p>On balance, we do not feel that the proposed development will have a significant impact on the Special Qualities, beyond what is already there. Norfolk is a low-lying county at significant risk of the impacts of climate change. The need for renewable sources of energy to safeguard the future of the landscapes and wildlife of the AONB is clear. We do</p> | <p>The Applicant welcomes and agrees with the comments by the Norfolk Coast Partnership (NCP). The views of the partnership are especially important in relation to the AONB as the body responsible for managing the NCAONB. Natural England in their responses also make this point.</p> <p>The Applicant agrees that SQs 2, 3 and 6 will be impacted as detailed in Impacts on the Qualities of Natural Beauty of Norfolk Coast Area of Outstanding Natural Beauty [APP 311].</p> |

| ID | Question | Norfolk Coast Partnership (on behalf of the Norfolk Coast Area of Outstanding Natural Beauty Responses | Applicant's Comment |
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| | | not feel the proposed development will significantly impact general public enjoyment and use of the AONB. | |
| Q2.18. Seascape and Visual Effects | | | |
| Q2.18.1 Effects on Designated and Historic Landscapes | | | |
| Q2.18.1.1 | <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>The Norfolk Coast AONB Management Plan (NCAONB-MP) 2019-2024 sets out the existing baseline. It provides information on what makes the AONB and defines Special Qualities. This includes the existing offshore wind infrastructure on site.</p> <p>The 2019-24 NCAONB-MP provides an update to the assessment of the Special Qualities since designation. This notes effects on Qualities 2, 3, and 6, but also states that the coastal views and seascapes of the AONB remain distinctive in character. For reference:</p> <ul style="list-style-type: none"> Quality 2: rated amber, due to existing and consented offshore wind (some grounds for concern) Quality 3: rated amber, due to development impacting the setting of the AONB. Quality 6: rated amber (unchanged since designation). <p>Whilst we agree that the proposed development will impact on these three Special Qualities, it will not undermine the overall integrity of the AONB and its statutory purpose. This is a living landscape, continually shaped by human activities. Arguably the impacts of climate change (species loss, sea level rise, storm frequency) will impact the statutory remit of the</p> | <p>The Applicant welcomes and agrees with the comments by the Norfolk Coast Partnership ('NCP') regarding the baseline situation, which includes existing OWFs.</p> <p>The application uses the current, adopted Management Plan covering the period 2014 - 2019. The Applicant was aware that an updated plan was in preparation (and indeed one briefly appeared on the NCP's website) during the period the application was being prepared, but it was agreed by all parties that the 2014-2019 was the appropriate plan to refer to in the application.</p> <p>This is still the case until all relevant parties have adopted the new plan, covering the period 2019-2024. Whilst it is agreed by all partner bodies, one local authority has yet to formally adopt it, and until that happens the existing Management Plan remains as the plan the Examination should consider.</p> <p>That said the Applicant welcomes the update provided by NCP as to the change in status of SQ3 in the new plan due to development types other than on and offshore wind, and notes NCP's judgment that the overall integrity and</p> |

| ID | Question | Norfolk Coast Partnership (on behalf of the Norfolk Coast Area of Outstanding Natural Beauty Responses | Applicant's Comment |
|-----------------------------------|--|---|--|
| | | AONB far more greatly than the proposed development. | statutory purpose of the AONB is not undermined. |
| Q2.18.1.2 | 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? | We are not a statutory planning consultee and are unable to comment beyond the information already provided above. We would defer to NNDC / NE on this matter. | The Applicant notes this response. |
| Q2.18.1.3 | 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? | We are not a statutory planning consultee and are unable to comment beyond the information already provided above. We would defer to NNDC / NE on this matter. | The Applicant notes this response. |
| Q2.18.1.4 | North Norfolk Heritage Coast Clarify your position 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 | This non-statutory designation and the defined purpose is encompassed within the remit of the Norfolk Coast AONB and its strategic objectives. The design of the offshore structures and type/extent of lighting should be limited to minimise nocturnal impact on the undeveloped coast, as far as is possible within industry regulations for safety. | The Applicant notes this response. |
| Q2.18.2 Cumulative Effects | | | |
| Q2.18.2.1 | Cumulative Effects Are you satisfied with the list of projects included in the assessment of potential cumulative landscape and visual | Yes, we are satisfied with the list of projects included in the assessment of cumulative landscape and visual effects. | The Applicant notes this response. |

| ID | Question | Norfolk Coast Partnership (on behalf of the Norfolk Coast Area of Outstanding Natural Beauty Responses | Applicant's Comment |
|----|---|--|---------------------|
| | effects? If not, identify those projects that you believe should be included and indicate why you believe that they should be included. | | |

Table 21 The Applicant's comments to Norfolk County Council responses to the Examining Authority's Second Written Questions [REP3-124]

| ID | Question | NCC Responses | Applicant's Comment |
|--|--|---|--|
| Q2.1. General and Cross-topic Questions | | | |
| Q2.1.4 Miscellaneous | | | |
| Q2.1.4.1 | <p>Availability of Resources for NSIP casework</p> <p>In relation to responses from LPAs, would the Applicant be willing to commit to entering into Planning Performance Agreements in order to provide the relevant LPAs with the resource needed to ensure smooth and timely handling of requirement discharge processes should consent be granted? Explain with reasons.</p> | <p>Norfolk County Council (NCC) would expect Equinor to enter into a Planning Performance Agreement (PPA) which would provide the necessary certainty around cost recovery for the Council. NCC has entered into similar PPAs with other offshore wind energy developers post DCO, which has enabled staff resources to be allocated, either directly (where we are discharging authority) or indirectly (where we are a consultee), towards the discharge of the respective Planning Requirements.</p> <p>Norfolk is currently hosting over 11 live NSIPs at various stages in the planning process. All stages can be very resource hungry in terms of officer time needed to assess the large volume of supporting material produced by the applicant (e.g. Preliminary Environmental Information Report (PEIR); Environmental Impact Assessment (EIA); Development Consent Order (DCO) and any supporting information associated with the discharge of a Planning Requirement.</p> <p>The County Council is developing a dedicated NSIP team to deal with all aspects of this workstream; and has been successful in securing Innovations and Capacity funding from the Department of Levelling Up, Housing and Communities (DLUHC) towards delivering a more efficient / effective response to NSIPs in Norfolk i.e. developing a workflow management system. This has involved working with NSIP promoters/developers allowing them to access</p> | <p>As set out within its response to Q2.1.4.1 [REP3-101] the Applicant confirms that it is in the interest of all parties for the local planning authorities (LPAs) to be suitably resourced to ensure an efficient discharge of requirements process. Discussions with Norfolk County Council have progressed and a draft PPA has been shared for initial comment. The Applicant anticipates that discussions on the detail of any PPAs will progress post-consent.</p> |

| ID | Question | NCC Responses | Applicant's Comment |
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| | | <p>and share information on a County Council SharePoint platform.</p> <p>As such any PPA will need to be negotiated to provide appropriate funding towards officer-time to cover off not just the discharge of any requirements, but also any other work such as: (a) potential to deal with Non-Material Change proposals; (b) attendance at any Planning Support Group / regular meetings with the developers on the progress of the scheme/project; and (c) the dissemination of any updates from the developer to local council members etc.</p> | |
| Q2.6. Construction Effects Onshore | | | |
| Q2.6.4 Effects of construction works on human health | | | |
| Q2.6.4.6 | <p>Mental Health Mitigation</p> <p>NCC [RR-064] has 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, and adverse effects with regard to EMF. The Applicant has responded [REP1-036, Q1.6.4.8] that there are provisions to ensure community liaison that will contribute to reducing stress and anxiety associated with the construction programme, these include:</p> <ul style="list-style-type: none"> • Liaison with NCC about proposed construction works on Public Rights of Way; and | <p>NCC Public Health notes that the applicant has undertaken to implement a complaints procedure for members of the public and appoint a dedicated Community Liaison Officer. There is a consultation and communications strategy in place and the applicant has published an independent report into the effects of EMF. There are substantial Dust Management Plans, Construction Noise Management Plans and plans for maintaining access to public rights of way in the schedule of mitigation. NCC Public health concludes that no extra mitigation is required. The developer Equinor and Public Health have agreed to meet to further discuss the community liaison aspects of the project outside of the NSIP process.</p> | <p>Noted. The Applicant confirms it met with Norfolk County Council Public Health on 26 April 2023 to discuss matters arising from the Issue Specific Hearing 3 - Item 3 [EV-035]. It was agreed that a section on health would be added to the draft Statement of Common Ground (SoCG) between the Applicant and NCC and will be submitted at Deadline 4.</p> |

| ID | Question | NCC Responses | Applicant's Comment |
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| | <ul style="list-style-type: none"> Community liaison, including the appointment of a liaison officer and setting out procedures for addressing community complaints through the OCoCP and the PEMP. <p>Does NCC agree with this and if not, what specific extra mitigation is being sought?</p> | | |
| Q2.6.4.7 | <p>Assessment Scope</p> <p>Does NCC agree with the Applicant's response [REP1-036, Q1.6.4.5 and Q1.6.4.6] that the inclusion of the additional vulnerable population groups and health outcomes sought by NCC would not change the overall findings of the ES [APP-114] with regards to air quality?</p> | <p>NCC Public health commented on the omission of certain vulnerable population groups and health outcomes in order to demonstrate that the impact on all vulnerable receptors had been duly considered. However NCC Public Health concurs with the applicant that the inclusion of said groups and outcomes would not materially change the overall findings of the ES [APP-114].</p> | Noted, no further comment required. |
| Q2.11. Draft Development Consent Order | | | |
| Q2.11.1 General | | | |
| Q2.11.2.2 | <p>Pre-commencement works</p> <p>Following the discussion at ISH3 [EV-035, EV-040], Applicant to provide a joint position statement with LPAs to cover the following:</p> <p>a) how each of the activities that are excluded from the definition of commencement in dDCO are controlled, and parties' position whether or not control is required through the dDCO;</p> | <p>The County Council should be a consultee in respect of Requirement 19 (Code of Construction Practice - CoCP). Previous drafts of the dDCO had the County Council as a consultee, but we note from the applicant's statement this was apparently amended at the request of South Norfolk Council, though the applicants now acknowledge it was deleted in error. The development covers more than one administrative area and there will inevitably be overlap between the CoCP and the CTMP for example the hours of operation which in turn impacts traffic volumes on local roads (for example tourist routes in North Norfolk). We wish to ensure there is</p> | <p>The Applicant has already updated the draft DCO (Revision G) [document reference 3.1] so that Norfolk County Council is a consultee in respect of Requirement 19.</p> |

| ID | Question | NCC Responses | Applicant's Comment |
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| | <p>b) whether there is the need for a definition for pre-commencement in the dDCO and provide wording for such a definition;</p> <p>c) including NCC as a consultee in R19; and</p> <p>d) other related changes to the wording of R19.</p> <p>e) NH and Applicant, confirm if the draft PPs for NH leaves a shortfall in terms of the protection required by NH, which would be covered by the outline CoCP.</p> <p>f) Does NH need to be listed in R19(1) as a consultee?</p> | <p>consistency across both documents and the mechanism to achieve that is via Requirement 19.</p> <p>Having discussed this with the applicant we understand they are in full agreement with NCC.</p> | |
| Q2.22. Socio-economics effects | | | |
| Q2.22.1 Effects on recreation, tourism and business | | | |
| Q2.22.1.2 | <p>Correlation with Local Planning Policies NPS EN1 at Paragraph 5.12.4 sets out that applicants should refer to how the development's socio-economic impacts correlate with local planning policies.</p> <p>a) Applicant, confirm where this has been undertaken.</p> <p>b) LAs, please set out whether you consider the Proposed Development correlate with your local planning policies that relate to socio-economic matters.</p> | <p>The County Council has been working constructively with Equinor in respect of developing an Outline Employment and Skills Plan (OESP)/ Strategy (see below response to the OSEP).</p> <p>This NSIP as with other offshore windfarm projects making landfall in Norfolk has the potential opportunity to make significant contribution to the local economy. The County Council's Local Impact Report (LIR) under Section 4.5 - Socio-Economic, sets out the potential number of jobs and gross value added to the local economy associated with this project.</p> <p>The project's socio-economic benefits are clearly a matter which the County Council has welcomed</p> | <p>The Applicant agrees with the potential benefits linked to skills and jobs and appreciates it has an important role in maximising skills, training and employment outcomes from the projects.</p> <p>The Applicant continues to actively consult with NCC and Norfolk Chambers (authors of the new Local Skills Improvement Plan) and has updated the Outline Skills and Employment Plan (Revision B) [REP3-072] to reflect discussions - submitted at Deadline 3.</p> |

| ID | Question | NCC Responses | Applicant's Comment |
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| | | <p>through the planning process and the LIR indicates, <i>inter alia</i>, that “<i>the economic benefits of the above projects are welcomed and officers are working with Equinor to develop an Employment and Skills Strategy. The County Council would wish to see the applicant develop through the development consent order (DCO) process a strategy to accompany the development and secure demonstrable benefits to both the local economy and workforce.</i>”</p> <p>The SEP and DEP projects will support more than 1800 full time equivalent (FTE) jobs per year across the UK and within East Anglia during the construction phase. The long-term operation of the two wind farms will also support additional direct employment, as well as through the supply chains which are developing to support the growth of the offshore wind sector in East Anglia. Additionally, SEP and DEP would create over £340 million in direct gross value added (GVA) over the construction period (Source Equinor).</p> <p>The Project is consistent with the County Council's emerging draft Climate Strategy (which is due to go to the Council's Cabinet for approval/adoption in May 2023) with regard to the following priority:</p> <ul style="list-style-type: none"> • Support national decarbonisation of the Grid by expanding appropriate renewable energy generation across the county. <p>The Climate Strategy also makes specific reference to the opportunity to work closely with developers to influence skills and employment provision “so Norfolk's residents benefit from skills development and new job opportunities, relating to the offshore wind sector”.</p> | |

| ID | Question | NCC Responses | Applicant's Comment |
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| | | <p>There are also potential opportunities arising from Great Yarmouth Operations and Maintenance Campus, which “looks to capitalise on the now well-established offshore renewables sector off the east coast and the Enterprise Zone that covers sites in Great Yarmouth.”</p> <p>However, as part of the emerging Climate Strategy it is important to note that the County Council is:</p> <ul style="list-style-type: none"> • Supporting an Offshore Transmission Network to minimise the need for any onshore infrastructure associated with offshore wind farms. • Supporting the upgrading of onshore transmission infrastructure where this provides appropriate benefits to Norfolk’s residents and businesses and helps in delivering clean energy for housing and employment growth in Norfolk. | |
| Q2.23. Traffic and Transport | | | |
| Q2.23.1 Effects from Construction Vehicles on the Highway Network and Living Conditions | | | |
| Q2.23.1.2 | <p>Matters of Dispute</p> <p>At ISH3 [EV-037] [EV-042], it was evident that there were still some matters being discussed between the Applicant and NCC. Provide an update on such discussions and if there remain any outstanding matters of dispute.</p> | <p>NCC and the applicant are in general agreement on all points. The outstanding issues relate to precise annotation/text in the OCTMP to capture the agreed points.</p> <p>The outstanding issues are: -</p> <p>Attlebridge – The visibility splays for the main compound were agreed some considerable time ago, but the drawings attached to the OCTMP are missing a height restriction in relation to one of the hedges. NCC understand the applicants have issued a change request which the ExA have recently accepted and that the applicants will submit an amendment to the drawings by deadline 3.</p> | <p>The Applicant notes and is aligned with NCC’s response as set out within the Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101]. The Applicant will submit an updated draft SoCG confirming agreement on further matters at Deadline 4. The Applicant anticipates closing out all outstanding matters in the SoCG at Deadline 5.</p> |

| ID | Question | NCC Responses | Applicant's Comment |
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| | | <p>Ability to review routes if they become unavailable for use – See Q2.23.2.1 below. Agreement has been reached; NCC are simply waiting for the applicants to formally submit an update to the text in the OCTMP.</p> <p>Oulton – NCC would not wish to see any works related traffic passing through Oulton. The outstanding issue relates to the mechanism for capturing this and defining what constitutes works related traffic. NCC are currently waiting for the applicants to provide appropriate text in the OCTMP.</p> <p>Cantley Road – NCC believe a drafting error may have occurred with the wrong road name used in the OCTMP and are awaiting clarification from the applicants, but at this stage do not foresee an issue.</p> <p>The Statement of Common Ground will be updated by Deadline 4.</p> | |
| Q2.23.2 Traffic Management Proposals and Impacts on the Highway Network | | | |
| Q2.23.2.1 | <p>Ability to Review CTMP</p> <p>At ISH3 [EV-037] [EV-042] NCC set out that there is a need for it to be able to require a review of the CTMP once construction starts. Applicant and NCC, consider an appropriate mechanism within the dDCO and/or CTMP for this to be achieved.</p> | <p>Given the considerable time span for the construction works, a situation may arise whereby a route becomes unavailable for reasons totally unforeseeable – for example emergency statutory undertakers works; emergency road repairs; to avoid a road traffic accident etc.</p> <p>NCC would be content for a paragraph to be added to the OCTMP allowing the applicants to use an alternative route provided (1) the route originally intended for use is unavailable and (2) a diversion route is agreed in advance with the relevant Local Highway Authority.</p> | <p>An update has been made to the OCTMP to address this issue, having been agreed in advance with NCC. The revised OCTMP has been submitted at Deadline 3 [REP3-062]. The Applicant will submit an updated draft SoCG confirming agreement on this matter at Deadline 4.</p> |

| ID | Question | NCC Responses | Applicant's Comment |
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| | | <p>NCC and the applicant are in full agreement, and we have seen and approved draft text to cover this eventuality. NCC are simply waiting for the OCTMP to be updated.</p> | |
| Q2.23.6 Effectiveness of Proposed Mitigation Measures | | | |
| Q2.23.6.2 | <p>Mitigation – Controls on HGV Routes</p> <p>The OCTMP [REP1-021] sets out that there will be no HGV traffic through: Attlebridge, Barford, Blind Lane, Cantley Road, Cawston, Horsford, Oulton, Plumstead and Weston Longville. Should restrictions on LVs also be required through these routes?</p> | <p>Having regard to the number of vehicles involved: -</p> <p>NCC have no issue with LV's through Attlebridge; Barford; Cawston and Horsford.</p> <p>NCC would prefer not to have LV's pass through Plumstead and Weston Longville but given the numbers we are not insisting on that.</p> <p>Oulton – NCC would not wish to see any works related traffic associated with the development pass through Oulton. The roads are narrow with a lack of footways leading to potential pedestrian conflict. NCC are working with the applicants to define what constitutes “works related traffic” for the purposes of enforceability.</p> <p>Blind Lane – This is an issue for National Highways to answer rather than NCC, however NCC understand that no LV's will use this route. The dangerous junction with the A47 Trunk Road will be closed under a TTRO which will prevent access anyway and accordingly, NCC do not foresee any issues.</p> <p>Cantley Road – NCC believe a drafting error may have occurred with the wrong road name used in the OCTMP and are awaiting clarification from the applicants.</p> | <p>Please refer to the Applicant's comments on the Council's response to Q2.23.1.2. The Applicant further clarifies that with regard to Cantley Road, the outline Construction Traffic Management Plan (OCTMP) submitted at Deadline 3 [REP3-062] has been amended with the correct street name 'Cantley Lane South'.</p> |
| Q2.24. Water quality and resources | | | |

| ID | Question | NCC Responses | Applicant's Comment |
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| Q2.24.3 Effects on Rivers, Streams, Canals and Ditches from Proposed Construction Methods and Crossing | | | |
| Q2.24.3.1 | <p>Drainage Strategies</p> <p>The Applicant's response [REP1-036, Q1.24.1.9] sets out that drainage strategies for the construction phase, including temporary compounds, will be agreed with the EA and NCC, in their role as the LLFA, as appropriate. Are the EA and LLFA content that this is appropriate post consent?</p> | The LLFA accepts this approach. | Noted, no further response required. |
| Q2.24.3.3 | <p>Ordinary Watercourses</p> <p>The Applicant has replied [REP2-040] to a number of concerns raised by the LLFA in their response to first written questions [REP1-079, Q1.24.3.1. Does the reply overcome the concerns of the LLFA?</p> | <p>The LLFA have reviewed the applicant's response in REP2-040 ID41. The LLFA acknowledges that at present the applicant has not yet walked over the full length of the cable route and is therefore not able to confirm the number or location of all watercourse crossings as yet.</p> <p>The LLFA requests that before the applicant seeks to secure LLFA approval for the crossing of ordinary watercourses and the watercourse crossing method statement, the applicant should undertake a walkover of the whole cable route. This is requested to ensure there is a good understanding of the number and type of crossings prior to the review of the approval submission documents.</p> | <p>In the Applicants Response to First Written Questions [REP1-036] and specifically Q1.24.4.1 it was noted that the Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site-specific details. This scheme will be submitted, as part of the final Code of Construction Practice, to the relevant planning authority under Requirement 19 of the draft DCO (Revision G) [document reference 3.]. This will inform the environmental permitting process.</p> <p>Whilst the Applicant is confident that it has 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 visible from aerial photography. As set out within ID41 of The Applicant's Comments on Responses to the Examining Authority's First Written Questions [REP2-040], the Applicant will</p> |

| ID | Question | NCC Responses | Applicant's Comment |
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| | | | <p>undertake a full walkover of the onshore cable corridor to identify all ordinary watercourses which will help to confirm the number, location and design of watercourse crossings. This will be undertaken during detailed design stage in support of the Watercourse Crossing Scheme, required within the Code of Construction Practice [REP3-066] and to inform any applications that seek LLFA approval for the crossing of ordinary watercourses.</p> |
| Q2.24.4 Effectiveness of Mitigation Measures | | | |
| Q2.24.4.3 | <p>Outstanding Concerns</p> <p>It was evident from discussions at ISH3 [EV-038] [EV-043] that there are still some outstanding matters being discussed between the Applicant, the EA and the LLFA. Provide an update on these discussions, setting out any areas that remain in dispute.</p> | <p>At present the applicant is preparing some further information to support their proposed surface water drainage design. The LLFA understand from the applicant they are aiming to provide an updated drainage strategy, hydraulic modelling report, flood risk assessment and the protective provisions by deadline 3</p> | <p>The Applicant can confirm that in line with the LLFA's understanding the following updated documents were submitted at Deadline 3:</p> <ul style="list-style-type: none"> • Outline Operational Drainage Strategy (Revision C) [REP3-070]. • Onshore Substation Hydraulic Modelling Report (Revision B) [REP3-099]. • Onshore Substation Drainage Study (Revision C) [REP3-036]. • Addendum to the Flood Risk Assessment (Revision B) [REP3-097]. |

Table 22 The Applicant's comments to North Norfolk District Council responses to the Examining Authority's Second Written Questions [REP3-125]

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
|---|--|---|--|
| Q2.13. Habitats and Ecology Onshore | | | |
| Q2.13.1 Effects on Protected and Priority Species | | | |
| Q2.13.1.4 | <p>Reptiles</p> <p>Provide your response, or provide signposting which directs to your response during the Examination, indicating whether the Applicant's response [REP1-036, Q1.13.2.5] sets out the level of detail requested by SNDC [AS-034].</p> | <p>The Applicant's response states the potential for translocation requirements only affects areas around the substation which lies within South Norfolk. Therefore, NNDC have no further comment regarding the requirement for reptile translocation details.</p> | <p>Noted, no further comment required.</p> |
| Q2.13.2 Effects on Ancient Woodland, Trees and Hedgerows | | | |
| Q2.13.2.2 | <p>Ancient Woodland</p> <p>a) Does the Applicant's response [REP1-036, Q1.13.3.1] provide sufficient clarity on their proposed approach to mitigation of possible impacts to Ancient Woodlands?</p> <p>b) Is the Applicant's proposed approach to mitigation of possible impacts on Ancient Woodlands satisfactory at this stage?</p> <p>c) If not, set out which adverse effects would require further mitigation.</p> | <p>NNDC are satisfied adequate buffer zones will be afforded and embedded mitigation utilised to avoid and minimise potential impacts upon Ancient Woodlands and ancient/veteran trees. The information provided is deemed sufficient to protect the interests of Ancient Woodland and ancient/veteran trees in North Norfolk at this stage of the process.</p> | <p>Noted, no further comment required.</p> |
| Q2.16. Land Use | | | |
| Q2.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals | | | |
| Q2.16.2.1 | Soil Degradation Mitigation | a) N/A | A) No comment required. |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| | <p>Further to discussions at ISH4 [EV-058] [EV-062] in relation to a mechanism for securing thermal resistance mitigation measures to prevent soil overheating where needed:</p> <p>a) Applicant to consider where the best place is to secure such measures (such as dDCO, OPEMP and/or OCoCP).</p> <p>b) Applicant and LAs is there a need for such matters to be considered and signed off by the relevant LA?</p> | <p>b) NNDC do not hold the requisite expertise inhouse on matters of soil quality linked to potential over-heating. There would therefore appear to be little benefit in requesting relevant authorities to sign-off on matters of detail. It would be more appropriate to ensure the key principles for preventing soil overheating or secured within key outline documents such as OCoCP.</p> | <p>B) The Applicant will update the Outline Code of Construction Practice to confirm that the cables will be designed to meet relevant industry standards.</p> |
| Q2.17. Landscape and Visual Effects | | | |
| Q2.17.1 Effect on Landscape Character and Views | | | |
| Q2.17.1.1 | <p>Scope of the ES and LVIA</p> <p>Is the Applicant's approach to the assessment of sequential views within its LVIA [APP- 112], as described in its response to ExQ1 [REP1-036, Q1.17.1.6] reasonable and sufficient to demonstrate that effects on receptors in this context have properly assessed?</p> | <p>NNDC is satisfied with the Applicant's approach to the assessment and conclusions of effects on sequential views within the LVIA (e.g. England Coast Path)</p> | <p>The Applicant notes and welcomes NNDC's response. No further response required.</p> |
| Q2.17.1.3 | <p>Residential Receptors</p> <p>Question repeated for response from Las 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, in your view what weight should be given to private views from residential</p> | <p>a) The applicant has followed guidance set out within the best practice standard GLVIA3 and Landscape Institute Technical Guidance Note 02/2019 and NNDC considers this to be a reasonable approach. The ExA refers to APP112, p. 117-120 which refers to the substation which is not in the jurisdiction of NNDC.</p> <p>b) This refers to weight to be given to private views from residential properties. This is not</p> | <p>The Applicant notes and welcomes NNDC's response. No further response required.</p> |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| | properties? Make reference to relevant national and local policies in your response. | relevant to the onshore cable route within the NNDC District. | |
| Q2.17.2 Effects on designated and historic landscapes, including Areas of Outstanding Natural Beauty and Ancient Woodlands | | | |
| Q2.17.2.1 | <p>Areas of Outstanding Natural Beauty</p> <p>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?</p> | <p>NNDC considers that the onshore cable route will incur minor temporary effects during construction, and that the residual effects will be minimal. It is the off-shore element of the development that will impact the following special qualities of the AONB:</p> <p>1. Sense of remoteness, tranquillity and wildness</p> <p>This quality arises from the low level of development and population density in the area, resulting in dark night skies and a sense of wildness within the undeveloped coastal regions and habitats.</p> <p>The existing off-shore wind infrastructure has already eroded this quality to a degree. The proposed development with significantly taller turbines extending from the existing arrays will make the structures more readily apparent from the land, especially so at night due to lighting. That said, this quality will still be experienced, albeit to a slightly lesser degree.</p> <p>2. Strong and distinctive links between land and sea</p> <p>It is recognised that the area's distinctive character is derived from not only visual links between land and sea, but also ecological, socio-economic and functional connections. Rather</p> | <p>The Applicant notes and welcomes NNDC response concerning onshore matters and agrees that minimal residual effect would occur as a result of the onshore cable route through North Norfolk's district.</p> <p>The Applicant welcomes NNDC's commentary concerning offshore matters, noting that NNDC do not disagree with the judgements presented in Section 25.6.2.4.1.4 Assessment of ES Chapter 25 Seascape and Visual Impact Assessment [APP-111].</p> |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| | | <p>than erode this quality, this development reinforces three of these links, as a means of adapting to climate change and current geo-political forces.</p> <p>3. Diversity and integrity of landscape, seascape, and settlement character</p> <p>The dynamic coastline of North Norfolk is integral to the ecology, land-use, economy and settlement of the area. Coastal adaptation in this low-lying area has long been an influencing factor and this development represents large scale adaptation in terms of renewable energy.</p> | |
| Q2.17.3 Effectiveness of mitigation proposals | | | |
| Q2.17.3.1 | <p>Removal of Existing Trees and Hedgerows, Replanting and Management</p> <p>a) Are you satisfied that the Applicant's proposals or the removal, replanting and management of existing trees and hedgerows have been set out to a sufficient level of detail at this stage [REP1-036, Q1.17.1.11]?</p> <p>b) In particular, is the Applicant's approach to managing the likelihood of damage occurring to existing trees and hedgerows during the construction period sufficiently clear [REP1-036, Q1.17.1.11]?</p> | <p>NNDC do not agree with the applicant's confirmation in response to REP-1, Q1.17.1.11 c) that the ratio of replacement tree and hedge planting will be 1:1, e.g. one new tree planted to replace a felled tree and 10m of hedgerow planted to replace 10m of hedgerow removed.</p> <p>The preference would be for replacement tree planting to be equal to the lost biomass of removed trees. However, NNDC consider that a 3:1 ratio would be proportionate and more feasible, whilst also contributing to the voluntary 10% BNG.</p> <p>With regard to hedgerows, NNDC considers that a 1.5 to 1 ratio (i.e. 15m of replacement hedgerow to replace 10m of removed hedgerow) would be proportionate, to account for establishment.</p> | <p>The Applicant would like to confirm that replacement hedgerow and tree planting on a minimum 1:1 basis and details of final mitigation will be set out in the Outline Landscape Management Plan once the pre-construction surveys have concluded. The 1:1 ratio ensures no loss specifically of the number of individual trees and hedgerows. It does not account for the Applicant's commitment to secure a net gain as detailed Outline Biodiversity Net Gain (BNG) Strategy [APP-306] and Initial BNG Assessment [APP-219] with the final details forming part of the Landscape Management Plan which is secured under Requirement 11. While BNG is the metric by which gains are measured, it does not necessarily require no net losses of individual habitat types, rather it assess gains across all habitats collectively. By committing to a parallel commitment for minimum 1:1 replanting of trees and hedgerows, it ensures no net losses of these</p> |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| | | | <p>specific habitat types, which BNG might not achieve by itself. Without this minimum 1:1 commitment, it would be feasible for SEP and DEP to achieve biodiversity net gains but still have a net loss in the number of trees and hedgerows, whereas both commitments together will ensure net gains and no net losses of the numbers of hedgerows and trees. The Ecological Management secures the biodiversity net gain measures included within the environmental statement and this is secured by Requirements 13 (Ecological Management Plan) of the draft DCO (Revision G) [document reference 3.1] respectively.</p> <p>The target for SEP and DEP is to achieve the maximum feasible biodiversity net gain. No specific target is set [APP-306, para. 15] because of the extensive uncertainties involved (e.g. with landowners). However, subject to landowner agreements, gains are considered feasible [APP-219, p7, para. 4].</p> <p>In terms of ensuring proportionate replacement of biomass, the Biodiversity Metric (version 3.0 was used for the initial assessment) factors in the areas of each habitat lost and created, so there is a consideration of the change in biomass included in the calculation set out in the Initial Biodiversity Net Gain Assessment [APP-219]. Changes in biomass are not directly quantified, as this would not be feasible given the volume of habitats (e.g. hedgerows, woodland etc.) is constantly changing due to management and natural processes. However, the metric does consider Time to Target Condition and there is a</p> |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| | | | <p>Difficulty Risk Multiplier for newly created/replaced habitats, which account for the delay between habitat creation/reinstatement and the point at which that new habitat begins ecologically functioning as desired - biomass is an intrinsic aspect of these parts of the metric. For example, for hedgerow creation, the metric assumes a Time to Target Condition of 5 years (for hedgerows without trees), which largely accounts for the fact that it would generally take this length of time for a replanted hedgerow to provide the same functionality as an equivalent existing hedgerow (i.e. it would take this amount of time for the hedgerow to grow to sufficient size/biomass to have the same function as an existing hedgerow). As outlined above, this means the metric requires more habitat creation to account for the time lag (plus the Difficulty in Habitat Creation issue), so overall there is a greater requirement for habitat creation proportionate to loss. Therefore, the proportionate replacement of biomass is and will continue to be intrinsically considered within the BNG assessment.</p> <p>It is the Applicant's position that this is an appropriate and effective tool to be used in calculating the quantum of habitats to be replaced, whilst delivering a positive biodiversity net gain alongside potential opportunities for carbon sequestration and ecological value.</p> |
| Q2.17.3.4 | <p>Tree and Hedgerow Replacement</p> <p>Set out whether the Applicant's approach [APP303] and as further clarified in its response to WQ1 [REP1-036, Q1.17.1.12]</p> | <p>NNDC do not agree with the applicant's confirmation in response to REP-1, Q1.17.1.11 c) that the ratio of replacement tree and hedge planting will be 1:1, e.g. one new tree planted to</p> | <p>The Applicant refers to the commentary they have provided in response to Q2.17.3.1; nothing that NNDC's response here is repeated from Q2.17.3.1.</p> |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| | <p>is a reasonable one at this stage of the Examination.</p> | <p>replace a felled tree and 10m of hedgerow planted to replace 10m of hedgerow removed.</p> <p>The preference would be for replacement tree planting to be equal to the lost biomass of removed trees. However, NNDC consider that a 3:1 ratio would be proportionate and more feasible, whilst also contributing to the voluntary 10% BNG.</p> <p>With regard to hedgerows, NNDC considers that a 1.5 to 1 ratio (i.e. 15m of replacement hedgerow to replace 10m of removed hedgerow) would be proportionate, to account for establishment.</p> | |
| Q2.20.2 Construction Effects on Sensitive Receptors | | | |
| <p>Q2.20.2.1</p> | <p>Vibration</p> <p>The Applicant notes [REP1-036, Q1.20.1.5] that the assessment for both building damage [APP-109, Table 23-14] and human disturbance [APP-109, Table 23-16] are based on exceedance of a fixed limit (specified in peak particle velocity (PPV)) by one event (in this case, one HGV passby). Further, that the number of HGVs passing a property would therefore not affect the PPV experienced at a receptor in the way that it does for noise and hence, annoyance impacts due to vibration associated with construction traffic will be no worse than those due to noise. LA's are you content with this reply?</p> | <p>NNDC have previously commented as follows in the Statement of Common Ground – at ID13</p> <p>“The impact of noise, road traffic noise and vibration have been assessed and receptors requiring further mitigation have been identified. Impacts during the construction phase are short term and potential suitable mitigation measures are highlighted.”</p> <p>NNDC consider that vibration impacts from traffic on resident's amenity are closely linked to those for noise and as such these have been adequately assessed.</p> <p>Vibration due to road traffic is linked to poor road surface quality and as such NNDC would support the proactive inspection of the road surface for repair/works, prior to the construction programme, at selected road links where potential noise and vibration impacts have been highlighted.</p> | <p>Noted, no further comment required.</p> |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| Q2.22. Socio-economics effects | | | |
| Q2.22.1 Effects on recreation, tourism and business | | | |
| Q2.22.1.1 | <p>Tourism Reports</p> <p>Following discussions at ISH4 [EV-058] [EV-062], in relation to effects of the Proposed Development on tourism:</p> <p>a) NNDC submit the evidence supplied to Norfolk Boreas Examination with regards to effects on tourism and disputing the findings of the BIGGAR report.</p> <p>b) The Applicant to consider whether a contribution could be made towards tourism studies to assess the impacts of Offshore Wind developments on tourism and businesses in Norfolk.</p> | <p>a) Evidence Provided – See Extract from NNDC Local Impact Report for Norfolk Boreas(dated 10 Dec 2019). The ExA are directed towards paragraphs 14.6 and 14.7 in relation to NNDC position on the BIGGAR report.</p> <p>b) NNDC would welcome the Applicant contributing to the development of evidence about the impact of NSIP offshore wind projects on tourism and businesses in Norfolk.</p> | Noted, no further comment required |
| Q2.22.1.2 | <p>Correlation with Local Planning Policies</p> <p>NPS EN1 at Paragraph 5.12.4 sets out that applicants should refer to how the development's socio-economic impacts correlate with local planning policies.</p> <p>a) Applicant, confirm where this has been undertaken.</p> <p>b) LAs, please set out whether you consider the Proposed Development correlate with your local planning policies that relate to socioeconomic matters</p> | <p>a) N/A</p> <p>b) NNDC consider that the Applicants has generally described the existing socio-economic conditions in the areas surrounding the proposed development and, in broad brush terms have referred to how the development's socio-economic impacts correlate with local planning policies. NNDC Core Strategy Policies do not specifically address the individual or cumulative socio-economic impacts of multiple development projects happening within a similar geographical area. Within the Spatial Strategy, Policies SS 5 considers the Economy with a focus on job creation in the tourism, retail and rural economy sectors.</p> | Noted, no further comment required |

| ID | Question | North Norfolk District Council Responses | Applicant's Comment |
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| | | <p>The Applicant's approach to assessing socio-economic impact is generally focussed more at the higher level through assessing the net increase in jobs from construction and the operational and maintenance elements.</p> <p>NNDC accept that, taken as a whole, the project will deliver economic benefits but these benefits will likely be derived for businesses away from the construction zones and come at some short-term costs to businesses affected by construction phases of individual and cumulative NSIP projects taking place in the area.</p> | |
| Q2.22.2 Effects on jobs and skills | | | |
| Q2.22.2.1 | <p>Outline Skills and Employment Plan</p> <p>Following discussions at ISH4 [EV-058] [EV-062], provide an amended OSEP to include the additional measures proposed by the Applicant [REP1-036, Q1.22.2.8].</p> | <p>NNDC will work with the Applicant, Norfolk County Council and other Relevant Authorities in producing an amended OSEP.</p> | <p>The Applicant submitted an updated OSEP (Revision B) [REP3-072] at deadline 3.</p> |

Table 23 The Applicant's comments to Perenco's responses to the Examining Authority's Second Written Questions [REP3-155]

| ID | Question | Perenco UK Ltd Responses | Applicant's Comment |
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| Q2.21.1 Helicopter Access | | | |
| Q2.21.1.1 | <p>Possible cooperation agreement For matters pending resolution, parties to consider if a cooperation agreement based on Perenco's involvement at detailed design stage could be a way of working. Provide an update and an outline of the matters that such a cooperation agreement may include.</p> | <p>Perenco UK Ltd is of the view that it would be much easier to reach agreement with the Applicant were there a final turbine layout available. We understand however that this is not possible at this stage. Perenco would be willing to be involved at the detailed design stage but can understand that this is unlikely to be acceptable to the Applicant. We believe it may be more appropriate to seek to agree limitations to the development that allow the Applicant some flexibility whilst protecting Perenco's operations.</p> <p>A cooperation agreement could formalise these limitations and provide a mechanism for agreeing any variations to them. Perenco and the Applicant have met since the publication of these Written Questions (WQ2) and a potential set of limitations with flexibility has been discussed. These are currently being reviewed by both parties. The scope and content of any cooperation agreement has however not yet been discussed.</p> | <p>As outlined in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101] a collaboration agreement would be more suitable to facilitate communication and help co-ordinate activities. Such agreement would not include Perenco's involvement in detailed design.</p> <p>Limitations have been discussed but, as yet, the Applicant has not seen calculation as to how these would help reduce impact.</p> |
| Q2.21.1.2 | <p>Comparative calculations The Applicant's submitted Helicopter Access Study [APP-205, Paragraph 54] states that - <i>"If an obstacle free circle of circa 1nm could be provided, then approaches and take-off under Day VMC conditions could be conducted safely. That would increase the daylight access from approximately 14.6% to 92.3% (2020) of day conditions"</i>.</p> | <p>Perenco and the Applicant have exchanged data, met and discussed assumptions. Work on a set of jointly agreed comparative calculations has commenced but is still in progress. It is hoped to be able to submit these at Deadline 4.</p> | <p>The Applicant has provided updated calculations based on a set of jointly agreed assumptions within the Waveney Helicopter Access Supplementary Analysis [document 18.13].</p> <p>These calculations update those presented within the Helicopter Access Study [APP-201]. Additional met data has been provided</p> |

| ID | Question | Perenco UK Ltd Responses | Applicant's Comment |
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| | <p>Given the disagreement between parties at ISH6 [EV-086] [EV-090], over the accuracy of these figures, provide a set of jointly produced comparative calculations based on current guidance and restrictions.</p> | | <p>for both the current day limitations and proposed new CAA limitations.</p> |
| <p>Q2.21.1.3</p> | <p>Economic effects to Perenco Provide information on the potential effects of the Proposed Development on your business and operations. Draw a distinction between the effects of the Proposed Development on the safety of your operations and the economic effects.</p> | <p>This work is on hold pending completion of the work described in Q2.21.1.2 above. It is expected to submit this at Deadline 4.</p> | <p>No response required.</p> |
| <p>Q2.21.1.4</p> | <p>Guidance for helicopter access Provide detail on any emerging guidance relating to helicopter access to installations such as that at Waveney from the CAA or that involved with Hornsea Project 4, as referred to in ISH6 [EV-086] [EV-090].</p> | <p>In response to a request for information from the Secretary of State in connection with the Hornsea Project 4 DCO application, the CAA made the following statement:</p> <p>The CAA is engaging with the aviation industry and its associations who are working on safety initiatives to consider potential improvements to regulatory requirements and guidance material for offshore operations. However we do not yet have a planned date for proposing changes to CAP764 policy and guidance in respect of Helicopter Main Routes; any such update is likely to be associated with changes to the Air Operations Regulation, UK Reg (EU) 965/2012 and as such will require legislative proposals through UK Parliament.”</p> <p>Both the Applicant and Perenco are aware that the working group referred to have agreed that, where there is a wind turbine within 3nm of an installation, flights to/from that installation will</p> | <p>The Applicant has incorporated these criteria into the calculations within section 3.1.2 of the Waveney Helicopter Access Supplementary Analysis [document 18.13].</p> |

| ID | Question | Perenco UK Ltd Responses | Applicant's Comment |
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| | | be restricted to daylight, visual and only when visibility is at least 5km and the cloudbase is greater than 700'. | |

Table 24 The Applicant's comments to Royal Society for the Protection of Birds responses to the Examining Authority's Second Written Questions [REP3-162]

| ID | Question | RSPB Responses | Applicant's Comment |
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| Q2.12. Habitats and Ecology Offshore | | | |
| Q2.12.1 Effects on Ornithology | | | |
| Q2.12.1.1 | <p>Outline Project Environmental Management Plan</p> <p>The Applicant submits that mitigation for red-throated divers is contained in the OPEMP [REP1-017]. For this species, and in general, do you consider the OPEMP to be sufficiently detailed to give you assurances that appropriate mitigation will be implemented? Explain with reasons.</p> | <p>We are not yet in a position to comment on the OPEMP. We are continuing to review this and other relevant Examination documents and will provide comments at future deadlines, as appropriate.</p> | <p>The Applicant notes that it has updated the Outline PEMP (Revision C) [REP3-060] to use red-throated diver best practice protocol wording recommended by Natural England to Hornsea Project Four. This wording was similar but not identical to the wording originally provided by the Applicant.</p> |
| Q2.12.1.8 | <p>Responses to matters raised at Issue Specific Hearing 5 Please review the recording for ISH5 [EV-076 to EV-083] and provide any written responses</p> | <p>Due to long term staff illness and current vacancies, the RSPB has been unable to review all the recordings associated with Issue Specific Hearing 5.</p> <p>We note the discussion about the Farne Islands and the Applicant's proposal to deploy nest boxes for Sandwich terns. We reiterate that there is no evidence to demonstrate that Sandwich terns use nest boxes. Roseate terns do use nest boxes and there appears to have been a misunderstanding in the Applicant's reading of a study from the Isle of Man. Any proposed measures must be appropriate to the ecological requirements of Sandwich terns. Consequently, the use of nest boxes is not an effective, targeted and justifiable compensation measure and, therefore, should be disregarded as such by the Examining Authority and the Secretary of State.</p> | <p>There is evidence from the deployment of tern nest boxes at the Isle of May that Sandwich terns benefit from the presence of nest boxes as well as from shelters. Sandwich terns do not nest inside tern nest boxes, but will nest against the outside of the box, giving them increased protection from direct sunshine, rain, and predation. This has been stated by the warden at the Isle of May in his response to Natural England [RR-063], and in his paper published in <i>Scottish Birds</i> (Steele and Outram, 2020). It is also highly likely that increasing numbers of common terns and Arctic terns (both species will nest inside nest boxes) as a consequence of providing nest boxes and shelters, will increase breeding success of Sandwich terns (as seen at the Isle of May) because larger numbers of terns will dilute predation pressure across a larger tern population so will also benefit Sandwich terns.</p> |

| ID | Question | RSPB Responses | Applicant's Comment |
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| | | <p>With respect to additionality, we have noted the National Trust's statement that they do not consider any of the measures proposed by the Applicant would be additional to those already planned as part of the Trust's draft site management plan.</p> <p>We can confirm the RSPB's view that the National Trust's site management plan should not be deemed a Government document, being prepared by a private landowner, here the National Trust.</p> | <p>Indeed, Steele and Outram (2010) note that, <i>"In summary, the construction of artificial tern terraces has helped increase tern numbers over the four-year period across the Isle of May. It was also a contributing factor to Sandwich terns returning as a breeding species"</i>. The Applicant considers that the RSPB are mistaken to suggest that the Applicant has misunderstood work on roseate terns at the Isle of Man. The Applicant is not basing the anticipation of gains for Sandwich terns on the roseate tern experience, but is basing it on the experience reported by NatureScot at the Isle of May, where Sandwich tern was restored as a breeding species to the Isle of May as a result of providing tern nest boxes and shelters (Steele and Outram 2020).</p> <p>An update on the Applicant's Farne Islands proposals is provided in Section 4.2.1 of the HRA Derogation and Compensatory Measures Update (Revision B) [REP3-096]. The Applicant would be willing, as part of its obligations to deliver compensation for Sandwich tern, to support future efforts for recolonisation by Sandwich tern of the other islands at the Farnes, further studies to investigate the reasons for the decline, and (as stated in paragraph 189 of Appendix 2 – Sandwich Tern Compensation Document [APP-069]) also to provide support to the ongoing monitoring of tern numbers and breeding success.</p> |
| Q2.13. Habitats and Ecology Onshore | | | |
| Q2.13.1 Effects on Protected and Priority Species | | | |

| ID | Question | RSPB Responses | Applicant's Comment |
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| Q2.13.1.2 | <p>Weybourne Cliffs</p> <p>Question repeated for RSPB</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>HDD has the potential to disturb sand martins and impact their burrows if activity takes place too close to nest sites. Experience from quarry sites and the Bacton sand engine has identified that sand martins do have a comparatively high tolerance to noise and visual disturbance. A buffer of 50m around active nest sites was found to be sufficient to ensure birds were able to successfully breed despite the presence of machinery. However, the distance over which vibrations could disturb and dislodge material will need to be carefully assessed to ensure that burrows do not collapse.</p> <p>Impacts on sand martins could be avoided entirely by construction taking place outside of the sand martin breeding season: April to September.</p> <p>Should activity be needed during the breeding season, all colonies should be mapped to determine risk and identify appropriate mitigating actions. This may require HDD activities to be paused until breeding has completed. If it is deemed safe for HDD to take place during the breeding season a suitable monitoring programme should be in place to assess the behaviour of birds and monitor the effectiveness of mitigation measures.</p> | <p>The Applicant highlights the Natural England response to WQ2.13.1.3:</p> <p><i>“Natural England is content with the information provided by the Applicant that there are no effects predicted for sand martins in this location as a result of vibration related HDD activity.”</i></p> <p>No sand martins have been recorded nesting within the Order Limits at the landfall, and the Order Limits do not overlap with Weybourne Cliffs SSSI. The location of Weybourne Cliffs SSSI in relation to the Order Limits is shown in ES Chapter 20 Figures - Onshore Ecology and Ornithology [APP-131, Figure 20.2, Sheet 1]. The closest known extent of the Weybourne Cliffs sand martin colony is >100m from the Order Limits. There are no known studies on vibration and noise thresholds which lead to disturbance of sand martins. However, sand martin colonies are well documented in heavily disturbed sites (subject to more extensive levels of noise and vibration than would be associated with the HDD works) such as active quarries. Sea cliffs, such as these at Weybourne, will also be subject to baseline levels of noise and vibration, such as from waves, wind and nearby recreational activity. As sand martins will be habituated to tolerate these impacts, the temporary occurrence of HDD at a distance from the cliffs is not expected to lead to disturbance or displacement. Details of pre-construction ecological surveys required are presented in the Outline Ecological Management Plan (Revision B) [document reference 9.19, Appendix 1] and secured via Requirement 13</p> |

| ID | Question | RSPB Responses | Applicant's Comment |
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| | | | (Ecological Management Plan) of the draft Development Consent Order (DCO) (Revision G) [document reference 3.1]. |
| Q2.14. Habitats Regulation Assessment | | | |
| Q2.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects | | | |
| Q2.14.1.5 | <p>Timetable for Delivery</p> <p>The Applicant's compensatory measures documents [APP-069, APP-072] set out the time periods (breeding seasons etc) for implementation of the compensatory measures before the Proposed Development becomes operational. Are these time periods sufficient in length and sufficiently secured in the dDCO?</p> | <p>The RSPB does not consider these time periods are sufficient in respect of the various SPA seabird species (and their individual breeding ecology requirements), and therefore not sufficiently secured.</p> <p>Please see the RSPB's Written Representation (REP1-161) on this issue, for example:</p> <ul style="list-style-type: none"> - paragraphs 5.27-5.28; - paragraph 6.43 and Table 6 (kittiwakes); - Annex A and Table A1 (bycatch reduction, long-term implementation); - Annex A and Table A2 (predator eradication, timing). | <p>See the Applicant's response to the RSPB's Written Representation in The Applicant's Comments on Written Representations [REP2-017].</p> <p>The Applicant notes that the Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) [document reference 13.4] and Gateshead Kittiwake Tower Modification - Quantification of Productivity Benefits Technical Note (Revision B) [document reference 13.1] provide information on the anticipated productivity benefits to be afforded by the proposed measures and, as appropriate, consideration of implementation timelines. If a mortality debt were to arise then it is expected that the 'debt' would accrue for a small number of years only. Therefore the Applicant has proposed that, if required, it could be accounted for by extending the duration over which active management was undertaken at the Loch Ryan and Gateshead sites (i.e. potentially beyond the Projects' operational period) to ensure that sufficient levels of breeding success are maintained over a sufficient number of years to balance the mortality predicted to have occurred during the Projects' operational periods. However, if throughout the operational phase of the Projects', the scale of compensation being</p> |

| ID | Question | RSPB Responses | Applicant's Comment |
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| | | | provided increased to a level sufficient to offset any mortality debt accrued in the early years, then extending the duration over which active management was undertaken would not be required. |
| Q2.14.1.12 | <p>Seabird Assemblage, HPAI and Applicant Assertions</p> <p>During ISH5 [EV-076] [EV-080], the Applicant stated that if HPAI had reduced the numbers of birds within the assemblage, there would logically be less birds to collide with the turbines and, as such, the collision risk would be lower, and the effects of any collision would be lesser upon the population. It was asserted NE agreed with that position. Do NE and the RSPB concur with the Applicant's view?</p> | <p>The RSPB accepts that reduction in bird numbers due to HPAI mortality may limit numbers of birds within a population. The degree to which this will reduce collision impact will depend on the ability for a colony to compensate for these losses. Whilst there may be fewer predicted collisions, it should also be noted that impacts of HPAI remain unknown and additional impacts during the 2023 season and beyond could occur. This would have the potential effect of depressing population numbers and limiting breeding success. If healthy birds continue to be killed this could exacerbate losses. Therefore, collision risk would continue to exert an impact on the populations and, if not alone, in combination this could still remain a significant impact. This is especially the case given offshore wind farms will be situated in or adjacent to optimum foraging areas and these will continue to attract birds and bring them into close proximity to the turbines. The Applicant's view is therefore simplistic. A precautionary approach must be taken regarding the effect of HPAI given the significant uncertainties that remain about the full impact it has had and continues to have on seabird populations and other marine wildlife.</p> | <p>The Applicant has submitted a Review of 2022 Highly Pathogenic Avian Influenza (HPAI) Outbreak on Relevant UK Seabird Colonies [document reference 18.16].</p> <p>The Applicant recognises that there remains uncertainty regarding the effects of HPAI on seabird populations. However, it remains the case that a reduction in population would be expected to result in a proportionate reduction in collision risk, as set out in Natural England's HPAI interim advice note [RR-063 (Appendix B2)]. Moreover, the Applicant notes that the assessments provided are precautionary in nature and that the EIA and HRA conclusions are considered to be robust.</p> |
| Q2.14.1.13 | <p>Seabird Assemblage Methodology</p> <p>Has the Applicant demonstrated, to your satisfaction, that the diversity and abundance elements of the FFC SPA</p> | <p>We do not agree that the Seabird Assemblage would remain intact given the impact on key features (kittiwake, gannet, guillemot and</p> | <p>The Applicant maintains that an adverse effect on integrity of the FFC SPA seabird assemblage can be ruled out. See the Apportioning and HRA</p> |

| ID | Question | RSPB Responses | Applicant's Comment |
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| | <p>seabird assemblage would remain intact? Explain with reasons.</p> | <p>razorbill) that contribute to the assemblage feature.</p> | <p>Updates Technical Note (Revision B) [REP2-037].</p> <p>It is assumed that the only point of disagreement would relate to the abundance target for the assemblage. The Applicant has estimated total most recent abundance estimate for the FFC SPA assemblage is 236,926, based on 2017/18 counts from the Seabird Monitoring Programme database.</p> <p>This is approximately 20,000 birds above the target for the FFC SPA conservation objectives. For a number of these species (kittiwake, gannet, guillemot, razorbill and puffin) counts between 2000 and 2017/18 indicate increasing populations.</p> <p>Therefore, even if small reductions in, for example, guillemot and razorbill populations were to occur (and the Applicant considers that there is no evidence that this is the case), it is very unlikely that this would result in any appreciable abundance change, and therefore would not prevent the abundance target for the assemblage being met. Indeed, if existing trends continue, it would be expected that the FFC assemblage abundance will continue to increase.</p> |
| <p>Q2.14.1.14</p> | <p>Loch Ryan and the Scottish Authorities Has any meaningful consultation with the Scottish Authorities and Nature Scot taken place with regards the compensation proposals for Loch Ryan [REP1-036]? Explain with reasons.</p> | <p>It is for the Applicant to have held the necessary discussions with Nature Scot. We will therefore leave the Applicant to address this question</p> | <p>See the Applicant's response to this question in The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101].</p> |

Table 25 The Applicant's comments to South Norfolk Council responses to the Examining Authority's Second Written Questions [REP3-127]

| ID | Question | South Norfolk Council Responses | Applicant's Comment |
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| Q2.1. General and Cross-topic Questions | | | |
| Q2.1.4 Miscellaneous | | | |
| Q2.1.4.1 | <p>Availability of Resources for NSIP casework</p> <p>In relation to responses from LPAs, would the Applicant be willing to commit to entering into Planning Performance Agreements in order to provide the relevant LPAs with the resource needed to ensure smooth and timely handling of requirement discharge processes should consent be granted? Explain with reasons.</p> | Leave for the applicant to respond. | The Applicant refers to its response to Q2.1.4.1 which confirms that it considers that it is in the interest of all parties for the local planning authorities to be suitably resourced to ensure an efficient discharge of the requirement process. The Applicant anticipates that discussions on the detail of any PPAs will progress post-consent. |
| Q2.10. Design | | | |
| Q2.10.1 Design Principles | | | |
| Q2.10.1.3 | <p>Consideration of the design of buildings and materials in the Design and Access Statement (onshore)</p> <p>With reference to the DAS (onshore) [APP-287], provide evidence to the Examination, or provide signposting to evidence already in Examination, to demonstrate that the Applicant has completed an initial phase of design that includes careful consideration of building design, massing and materials which might be appropriate for the context within which the substation buildings are proposed. Evidence should include, but may not be limited to:</p> <p>a) Preliminary designs for the form of buildings within the onshore substation complex which would be enclosed by a building envelope;</p> | <p>The Council has reviewed the DAS, which sets out preliminary design thinking for the OnSS, and provides Principles which would use as a basis for considering the more detailed designs which will come forward for approval. In line with the requirements,</p> <p>The proposals reflect the discussions The Council had at ETG, which take account of the views of the officers, including the landscape treatment and mitigation approach.</p> <p>The DAS sets out the thinking regarding building form (simple and cuboid), the height of which would be limited by the 15m parameter and the Council would encourage the use of low pitched roof. Materials are indicated to be insulated steel panels, painted and The Council</p> | Noted, no further comment required. |

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| | <p>b) Preliminary proposals for the material types and colour range which the Applicant believes would be appropriate for any building envelopes;</p> <p>c) Preliminary proposals which demonstrate the Applicant's design approach and commitment to the design quality of security fencing and other site screening proposals.</p> <p>d) Relevant LAs and Statutory Bodies may respond to the adequacy of the DAS (onshore) in relation to a-c.</p> | <p>understand the use of muted colours, matt finish would likely be put forward for approval. From previous projects, it is acknowledged that there are limitations due to operational matters which includes fencing types which have to be 3m high, with additional security, but mitigation planting will help soften this in views</p> <p>As confirmed previously at the hearings, The Council have no specific comment on the DAS, but can confirm it does set out what would be expected for a scheme of this nature and provides a good basis for reviewing designs submitted for approval under the requirements</p> | |
| Q2.10.2 Design Development Process | | | |
| Q2.10.2.2 | <p>Design Review</p> <p>a) Set out the role(s) that you would expect to undertake in the event that the Proposed Development were subject to an independent design review process.</p> <p>b) Is the local authority confident that it has the relevant expertise and experience in house to deliver post-consent approvals as defined in Requirement 10 (R10) within the dDCO, in the event that the SoS makes the Order?</p> | <p>a) The Council would be able to organise a review process and engaging an independent design review organisation such as Design South East with an adviser and panel member. The Council would host the meeting which would include a site visit and discussion to include advisers, the applicant's representatives, and the local authority specialist officers. Any design changes required, The Council would see its role as driving those forward.</p> <p>b) Yes, The Council has planners, a Senior Heritage and Design officer and Landscape Architect who have significant experience of advising on all aspects of design and driving forward high quality design, in South Norfolk.</p> | <p>The Applicant welcomes the opportunity to participate in an Independent Design Review hosted by SNC. This is now secured via by Requirement 10(5)(b) of the draft DCO (Revision G) [document reference 3.1].</p> |
| Q2.11. Draft Development Consent Order | | | |
| Q2.11.2 Definitions | | | |

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| Q2.11.2.2 | <p>Pre-commencement works</p> <p>Following the discussion at ISH3 [EV-035, EV-040], Applicant to provide a joint position statement with LPAs to cover the following:</p> <ul style="list-style-type: none"> g) how each of the activities that are excluded from the definition of commencement in dDCO are controlled, and parties' position whether or not control is required through the dDCO; h) whether there is the need for a definition for pre-commencement in the dDCO and provide wording for such a definition; i) including NCC as a consultee in R19; and j) other related changes to the wording of R19. k) NH and Applicant, confirm if the draft PPs for NH leaves a shortfall in terms of the protection required by NH, which would be covered by the outline CoCP. l) Does NH need to be listed in R19(1) as a consultee? | <p>The Council is in discussions with the applicant and is hopeful to be able to submit a joint position statement at Deadline 4.</p> | <p>The Applicant has shared a copy of Appendix B.10 Response to WQ2.11.2.2(a) – Pre-Commencement Works with South Norfolk Council [REP3-103] and is awaiting formal confirmation of the Councils position. The Applicant will continue to work with the Council should any outstanding query arise.</p> |
| Q2.13. Habitats and Ecology Onshore | | | |
| Q2.13.1 Effects on Protected and Priority Species | | | |
| Q2.13.1.4 | <p>Reptiles</p> <p>Provide your response, or provide signposting which directs to your response during the Examination, indicating whether the Applicant's response [REP1-036, Q1.13.2.5] sets out the level of detail requested by SNDC [AS-034].</p> | <p>At AS-034 SNDC requested details for the receptor site with how such site would be secured for the future [AS-034].</p> <ul style="list-style-type: none"> a. The applicant response notes that any slow worms found will be caught by hand and translocated to other suitable habitat bordering Hickling Lane (but outside the construction | <p>A plan showing the possible extents of construction incursion into the area of suitable reptile habitat around Hickling Lane is provided in The Applicant's comments on Natural England's Deadline 2 Submissions [REP3-107, Appendix A]. This illustrates the very small scale of habitat which could be impacted and</p> |

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| | | <p>footprint) within the same landholding. This gives some comfort, but a plan showing the location of the receptor site would be helpful so that the LPA can ensure suitable protection in the future. There are several planning applications proposed in the area now and in the future and it would be desirable to avoid (where possible) and minimise future impacts. Please note that a new application 2023/0617 has been submitted to South Norfolk Council on Land North of Hickling Lane, Swainsthorpe, Norfolk. This application may affect the location of the proposed translocation exercise.</p> <p>b. the applicant should demonstrate how the proposal adheres to standing advice for reptile translocations.</p> <p>Reptiles: advice for making planning decisions - GOV.UK (www.gov.uk)</p> <p>c. Given only 2 slow worms were found along Hickling Lane maybe introducing them to an existing population should be considered for viability reasons. E.g. to the population at the A140 Railway Line survey site (albeit this will be affected by 2023/0617).</p> | <p>from which slow worms could need to be moved (as a last resort in the event that habitat manipulation and management is not successful at discouraging slow worms from this area).</p> <p>Note that the maximum count of slow worms recorded during the surveys at Hickling Lane was one adult, so the maximum count is one not two.</p> <p>The area of suitable reptile habitat along Hickling Lane extends over an extensive linear corridor alongside this ancient green lane, which extends beyond the Order Limits, where there is an established mosaic of habitat features (grassy margins, scrub, ponds, hedgerows, trees, fallen wood etc.), so the very minor incursion/loss of habitat which may impact a small part of one component of this habitat (estimate c.35 square metres of tussocky grassland around base of an electricity pylon) would be expected to have a negligible and temporary impact on the viability of this much wider area of reptile habitat. The reptile surveys along Hickling Lane focused only on the areas which may have been impacted by construction works, based on an earlier and wider iteration of the Order Limits. As SEP and DEP has mitigated-by-design, and avoided valued habitats and features as much as possible, the vast majority of Hickling Lane was not surveyed because it was outside the Order Limits. Therefore, the results of the highly focused reptile survey which covered the small parts of habitat bordering Hickling Lane (which</p> |

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| | | | <p>have since largely been avoided through further route refinement) should not be interpreted as representing the entirety of the reptile population which could be present along the whole of Hickling Lane.</p> <p>The suggestion of moving slow worms (in the unlikely event any do need to be moved) to the area referred to as A140/Railway Line would not represent best-practice; it would constitute unnecessary depletion of what is thought to be a viable reptile population. Furthermore, it would introduce animals to an area which surveys found had a baseline higher density of slow worms, and less diversity of habitats. The A140/Railway Line site is a long-term set-aside margin, lacking in any notable sheltering features or any hibernacula. The council has also highlighted a planning application which could affect the suitability of this site for reptiles, adding further doubt over the suitability of using this as a receptor site. That planning application would not appear to have any direct land take impacts on the relevant section of Hickling Lane (west of the railway line), but it would directly impact the A140/Railway Line site. It should also be noted that the A140/Railway Line site is no longer inside the Order Limits.</p> <p>Overall, it is considered that the mitigation approach originally proposed for the small population of slow worm (maximum count of one animal) at Hickling Lane remains suitable. To reiterate, the proposed approach would involve managing the habitat to discourage slow worms from the periphery of an area of</p> |

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| | | | <p>tussocky grassland around the base of an electricity pylon, which is the only part of the reptile population's habitat that could be affected by construction works. The area would be checked for reptiles to confirm that slow worms (which can be less receptive to habitat manipulation than common lizard and grass snake) are definitely no longer present here. It should be noted that slow worms were only ever recorded further inside the area of tussocky grassland (further from the edge of this block of habitat), whereas the area which could be affected by construction is peripheral, closely bordering an arable field, where no slow worms were recorded. The contingency for actively moving slow worms is therefore one which is extremely unlikely to be necessary, but it has been included to address the conceivable possibility that a slow worm could be found within the narrow edge of this area of grassland despite the habitat manipulation. In considering the suitability of various mitigation options for the differing reptile situations across the Order Limits, the solution for Hickling Lane comprising habitat manipulation, followed, if necessary, by movement of slow worms to unaffected parts of the same slow worm population's habitat (which will remain in suitable and viable condition), was selected as the optimal solution.</p> |
| tQ2.13.2 Effects on Ancient Woodland, Trees and Hedgerows | | | |
| Q2.13.2.2 | <p>Ancient Woodland</p> <p>d) Does the Applicant's response [REP1-036, Q1.13.3.1] provide sufficient clarity on their</p> | <p>The proposed approach to mitigation is satisfactory. The Council's concern is that information on Ancient Woodland within/adjacent to the Order limits is based on</p> | <p>As set out within The Applicant's Comments on the Local Impact Reports [REP2-039] (ID13 and 26 of the response to Broadland District Council), the Applicant has carried out</p> |

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| | <p>proposed approach to mitigation of possible impacts to Ancient Woodlands?</p> <p>e) Is the Applicant's proposed approach to mitigation of possible impacts on Ancient Woodlands satisfactory at this stage?</p> <p>f) If not, set out which adverse effects would require further mitigation.</p> | <p>the Ancient Woodland Inventory. Ancient woodland smaller than 2 hectares may not be recorded on the inventory. Given this it maybe not be the case that there are no ancient woodlands within the Order Limits. In order to give a definitive response regarding impact on ancient woodland, further onsite investigation would be required to include all woodlands within the order limits. The Council is continuing discussions with the applicant.</p> | <p>an arboricultural desk-study which covered the onshore cable corridor with the objective to identifying known protected and high value trees, such as those with a TPO, those in a Conservation Area and/or veteran and ancient trees.</p> <ul style="list-style-type: none"> • Data on known ancient and veteran trees in Norfolk was obtained via a data request in July 2021 to the Ancient Tree Inventory (ATI)9. Use of this data source is advised in Natural England and Forestry Commission Standing Advice (see paragraph 3.3). • Data on ancient woodland locations was also provided by Royal HaskoningDHV. Ordnance Survey (OS) maps, satellite imagery and the Department of Environment, Food and Rural Affairs' (DEFRA) Multi-Agency Geographic Information for the Countryside (MAGIC) map were also reviewed to locate ancient woodlands. • Data on the locations of TPOs and Conservation Areas was provided in August 2021 through Royal HaskoningDHV, which in turn received the data from Broadland District Council, South Norfolk District Council and North Norfolk District Council. <p>This study was supplemented by ground level arboricultural surveys within the North Norfolk AONB and the area around Norwich Main</p> |

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| | | | <p>Substation owing to the sensitivity of the landscape.</p> <p>In addition, the Applicant has committed to undertaking a full Arboricultural Survey of the Order Limits prior to construction.</p> <p>The Arboricultural Method Statement and Tree Protection Plan will be produced, as detailed in the Arboricultural Survey Report [APP228, Section 6.5].</p> <p>The Arboricultural Method Statement and Tree Protection Plans will be submitted to the local planning authority for approval prior to construction commencement. This is secured under Requirements 11(e) and 13 of the draft DCO (Revision G) [document reference 3.1] which requires 'details of existing tress and hedges to be removed and details of existing trees and hedges to be retained with measures for their protection during the construction period where applicable...'</p> |
| Q2.16. Land Use | | | |
| Q2.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals | | | |
| Q2.16.2.1 | <p>Soil Degradation Mitigation</p> <p>Further to discussions at ISH4 [EV-058] [EV-062] in relation to a mechanism for securing thermal resistance mitigation measures to prevent soil overheating where needed:</p> <p>c) Applicant to consider where the best place is to secure such measures (such as dDCO, OPEMP and/or OCoCP).</p> | <p>The Council considers that such matters should be included within OCoCP as far as compliance with Industry Standards.</p> | <p>The Applicant discussed its response to Q2.16.2.1 b) with the Environmental Health Officer at South Norfolk District Council at a meeting on 11/05/2023 and will update the Outline Code of Construction Practice to confirm that the cables will be designed to meet relevant industry standards.</p> |

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| | d) Applicant and LAs is there a need for such matters to be considered and signed off by the relevant LA? | | |
| Q2.17. Landscape and Visual Effects | | | |
| Q2.17.1 Effect on Landscape Character and Views | | | |
| Q2.17.1.1 | <p>Scope of the ES and LVIA</p> <p>Is the Applicant's approach to the assessment of sequential views within its LVIA [APP112], as described in its response to ExQ1 [REP1-036, Q1.17.1.6] reasonable and sufficient to demonstrate that effects on receptors in this context have properly assessed?</p> | <p>The Applicant's approach is considered reasonable as it would usually only be representative or specific views that would be used to illustrate effects. There is only viewpoint photography for the substation; this might not be an issue, but if – for example – there is significant vegetation removal along the cable route, it might be important to show the effects via the use of viewpoints too, especially if near to the recreational routes identified.</p> | <p>The Applicant welcomes SNC's response on the approach used in ES Chapter 26 LVIA [APP-112] concerning representative viewpoints to illustrate effects.</p> <p>The Applicant notes SNC's comment about the lack of viewpoint photography used for ES Chapter 26 LVIA [APP-112] in its assessment of potential effects on receptors affected by the cable route.</p> <p>The Applicant, in response, refers to discussions held at the Expert Topic Group ('ETG'), which SNC participated in before the DCO submission, where it was discussed and agreed that the visualisations (concerning the onshore components of the Project) would be produced for the onshore substation upon completion of construction and at year 15 after mitigation planting has had time to mature.</p> <p>SNC agreed at ETG 2 (held on 28 July 2022) that the Applicant's approach to the visualisations submitted in support of ES Chapter 26 LVIA [APP-112] would cover what is necessary to produce a robust assessment for this DCO application. The Draft Statement of Common Ground: South Norfolk District Council [document reference 12.6] records the</p> |

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| | | | <p>agreements on this matter between SNC and the Applicant.</p> <p>The Applicant does not intend to provide any additional visualisations in support of ES Chapter 26 LVIA [APP-112]; concluding that the contents of the LVIA sufficiently describe the potential effects that would occur as a result of the construction of the onshore cable.</p> <p>Any removal of vegetation along the cable route will be recorded and documented as detailed in the Outline Landscape Management Plan (Revision C) [REP3-066].</p> |
| Q2.17.1.3 | <p>Residential Receptors</p> <p>Question repeated for response from LAs</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> <p>c) LAs, is this a reasonable approach?</p> <p>d) LAs, in your view what weight should be given to private views from residential properties? Make reference to relevant national and local policies in your response.</p> | <p>The Council considers that this is a reasonable response and would refer back to its previous comments.</p> | <p>The Applicant notes and welcomes SNC's response. No further comment required.</p> |
| Q2.17.3 Effectiveness of mitigation proposals | | | |
| Q2.17.3.1 | <p>Removal of Existing Trees and Hedgerows, Replanting and Management</p> <p>c) Are you satisfied that the Applicant's proposals for the removal, replanting and management of existing trees and hedgerows have been set out to a sufficient</p> | <p>D) The Applicant has set out that that all proposed removals will be set out for the LAs to approve, as Requirement 11 requires. R11 also mentions surveys, which are obviously key to this whole process as the Applicant notes in answer</p> | <p>A) Noted and agreed.</p> <p>B) The Applicant has committed to undertaking a full Arboricultural Survey of the Order Limits pre-construction. Arboricultural Method Statement and Tree Protection Plan will be produced, as detailed in the Arboricultural</p> |

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| | <p>level of detail at this stage [REP1-036, Q1.17.1.11]?</p> <p>d) In particular, is the Applicant's approach to managing the likelihood of damage occurring to existing trees and hedgerows during the construction period sufficiently clear [REP1-036, Q1.17.1.11]?</p> | <p>E) b) within Q1.17.1.11. It would be preferable for a much stronger emphasis to be placed on establishing existing trees' constraints and for the onus to be on tree retention and that removal should be a last resort. We would usually refer to BS5837, and this has been explicitly cited in a DCO previously (The Hornsea Three Offshore Wind Farm Order 2020).</p> <p>The proposed management periods are sufficient.</p> <p>Replacing on a one for one basis is not considered sufficient. The loss of a mature tree cannot be mitigated by the planting of a single tree, both in terms of carbon sequestration and ecological value.</p> <p>F) To date The Council still do not have a full tree survey of the route. A full survey in accordance with BS583</p> <p>G)</p> <p>H) 7 will be required in order to establish the tree constraints, and adequate protection for retained trees. An impact assessment will be required to understand the extent of tree removal required and without this it is difficult to take a view of what would be adequate in terms of planting proposals. A full survey would also identify any ancient or veteran trees that maybe on site but not recorded on the inventory.</p> <p>The Council is continuing to discuss with the applicant.</p> | <p>Survey Report [APP228, Section 6.5]. These would be submitted to the local planning authority for approval prior to construction commencement.</p> <p>The aforementioned is secured under Requirement 11(e) of the draft DCO (Revision G) [document reference 3.1] which requires: "details of existing tress and hedges to be removed and details of existing trees and hedges to be retained with measures for their protection during the construction period where applicable and the details provided should be in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction and the Hedgerow Regulations 1997.</p> <p>The Applicant would like to confirm that replacement hedgerow and tree planting on a minimum 1:1 basis and details of final mitigation will be set out in the Outline Landscape Management Plan once the pre-construction surveys have concluded. The 1:1 ratio ensures no loss specifically of the number of individual trees and hedgerows. It does not account for the Applicant's commitment to secure a net gain as detailed Outline Biodiversity Net Gain (BNG) Strategy [APP-306] and Initial BNG Assessment [APP-219] with the final details forming part of the Landscape Management Plan which is secured under Requirement 11. While BNG is the metric by which gains are measured, it does not necessarily require no net losses of individual habitat types, rather it assess gains across all</p> |

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| | | | <p>habitats collectively. By committing to a parallel commitment for minimum 1:1 replanting of trees and hedgerows, it ensures no net losses of these specific habitat types, which BNG might not achieve by itself. Without this minimum 1:1 commitment, it would be feasible for SEP and DEP to achieve biodiversity net gains but still have a net loss in the number of trees and hedgerows, whereas both commitments together will ensure net gains and no net losses of the numbers of hedgerows and trees. The Ecological Management secures the biodiversity net gain measures included within the environmental statement and this is secured by Requirements 13 (Ecological Management Plan) of the draft DCO (Revision G) [document reference 3.1] respectively.</p> <p>The target for SEP and DEP is to achieve the biodiversity net gain. No specific target is set [APP-306, para. 15] because of the extensive uncertainties involved (e.g. with landowners). However, pending landowner agreements, gains are considered feasible [APP-219, p7, para. 4].</p> <p>It is the Applicant's position that this is an appropriate and effective tool to be used in calculating the quantum of habitats to be replaced, whilst delivering a positive biodiversity net gain alongside potential opportunities for carbon sequestration and ecological value.</p> <p>The Applicant has committed to a 10-year management period to ensure that any</p> |

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| | | | <p>replacement or new planting is able to fully establish.</p> <p>C) See above in relation to the full tree survey of the Order Limits. A full survey in accordance with BS5837 will be undertaken pre-construction.</p> |
| Q2.17.3.4 | <p>Tree and Hedgerow Replacement</p> <p>Set out whether the Applicant's approach [APP-303] and as further clarified in its response to WQ1 [REP1-036, Q1.17.1.12] is a reasonable one at this stage of the Examination.</p> | This is considered reasonable at this stage. | Noted, no further comment required. |
| Q2.20. Noise and Vibration | | | |
| Q2.20.1 Adequacy of the Assessments for Construction | | | |
| Q2.20.1.1 | <p>Main Construction Compound</p> <p>Further to discussions at ISH3 [EV-036] [EV-041], provide more evidence to support your views that operational noise guidelines (BS4142) should be used at the main compound rather than construction guidelines (BS5228-1) and that any potential noise complaints cannot be adequately dealt with by other means.</p> | Further discussion has been held with the consultant regarding this and it is proposed that the operation of the compounds could be assessed and controlled by utilising Section 61 agreements which are standalone legally binding documents which can be issued for the main compound and any satellite compounds. | Noted, no further comment required. |
| Q2.20.2 Construction Effects on Sensitive Receptors | | | |
| Q2.20.2.1 | <p>Vibration</p> <p>The Applicant notes [REP1-036, Q1.20.1.5] that the assessment for both building damage [APP-109, Table 23-14] and human disturbance [APP-109, Table 23-16] are based on exceedance of a fixed limit (specified in peak particle velocity (PPV)) by one event (in this</p> | The Council confirms it is content with the reply. | Noted, no further comment required. |

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| | <p>case, one HGV passby). Further, that the number of HGVs passing a property would therefore not affect the PPV experienced at a receptor in the way that it does for noise and hence, annoyance impacts due to vibration associated with construction traffic will be no worse than those due to noise. LA's are you content with this reply?</p> | | |
| Q2.22. Socio-economics effects | | | |
| Q2.22.1 Effects on recreation, tourism and business | | | |
| Q2.22.1.2 | <p>Correlation with Local Planning Policies NPS EN1 at Paragraph 5.12.4 sets out that applicants should refer to how the development's socio-economic impacts correlate with local planning policies.</p> <p>c) Applicant, confirm where this has been undertaken.</p> <p>d) LAs, please set out whether you consider the Proposed Development correlate with your local planning policies that relate to socio-economic matters.</p> | <p>It doesn't impact specifically on the Council's Local Plan Policies in respect of employment, economic uses and recreation which promote and retain those such uses. The Council is supportive of tourism and employment in the countryside, where it requires a rural location, however the Development is not known to affect any specific proposals. The applicant has seeking to address the potential impacts on the FEP phase 2, with the landowners.</p> | <p>Noted, no further comment required.</p> |

Table 26 The Applicant's comments to Woodland Trust responses to the Examining Authority's Second Written Questions [REP3-163]

| ID | Question | Woodland Trust Responses | Applicant's Comment |
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| Q2.13. Habitats and Ecology Onshore | | | |
| Q2.13.2 Effects on Ancient Woodland, Trees and Hedgerows | | | |
| Q2.13.2.2 | <p>Ancient Woodland</p> <p>a) Does the Applicant's response [REP1-036, Q1.13.3.1] provide sufficient clarity on their proposed approach to mitigation of possible impacts to Ancient Woodlands?</p> <p>b) Is the Applicant's proposed approach to mitigation of possible impacts on Ancient Woodlands satisfactory at this stage?</p> <p>c) If not, set out which adverse effects would require further mitigation.</p> | <p>The Trust notes the applicant states that no ancient woodland is located within the order limits, however the Environmental Statement - Chapter 20 - Onshore Ecology and Ornithology (Revision B) [REP2-024] is contradictory: "<i>Ancient woodland is present within the DCO order limits and information relating to this is presented in Section 20.5.2. The onshore cable corridor has avoided ancient woodland in the majority of cases; however two sections of ancient woodland are crossed and these are specifically Colton Wood and Smeeth Wood.</i>"(reference: Table 20-5: NPS Assessment Requirements). This should be clarified further.</p> <p>The Trust would primarily advocate for the redirection of any cabling through ancient woodland areas, however if such works are likely to occur should development consent be granted, then we would appreciate further clarification on the technique and any potential impacts posed. It is not clear what works will be proposed in terms of direct access to the cable, whether tree felling works for cable access within ancient woodland areas are proposed, or whether any maintenance works can be undertaken remotely from the surface as a result of this technique.</p> <p>The applicant's response outlines that the minimum drill depth under ancient woodlands will be two metres. Given that the irreplaceable nature of ancient woodland is bound to their soils, we</p> | <p>As detailed in The Applicant's Comments on Relevant Representations [REP1-033, REP1-034], The Applicant's Comments on Written Representations [REP2-017] and in The Applicants Responses to the Examining Authority's First Written Questions [REP1-036], the Applicant has clarified previously that the text in Table 20-5 of ES Chapter 20 Onshore Ecology and Ornithology [APP-106], regarding Smeeth Wood and Colton Wood ancient woodlands is misleading – neither is crossed directly by the project. The Applicant confirms both Smeeth Wood and Colton Wood would be avoided.</p> <p>Smeeth Wood is located approximately 170 metres from the edge of the Order Limit. The distance from Smeeth Wood confirms that a suitable ancient woodland buffer can be accommodated. Colton Wood is located approximately 10m from the Order Limit at its closest point. The Order Limit is 100m wide near this woodland therefore a buffer of at least 30 metres from the woodland should be achieved and is secured within paragraph 76 of the Outline Code of Construction Practice (Revision D) [REP3-064].</p> <p>The Order limits have been developed to avoid ancient woodland and therefore the redirection of the cabling is not required.</p> |

| ID | Question | Woodland Trust Responses | Applicant's Comment |
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| | | <p>hold concerns that even at this depth, detrimental impact is likely to occur. We would seek further evidence that this would not be the case. We'd also be concerned about the potential for hydrological changes as a result of the works.</p> <p>Our wider concerns for the scheme, and our route-wide buffer zone recommendations for ancient woods and trees, is outlined in further detail within our written representation [REP1-164] which may be of interest.</p> | <p>Ringland Covert is not identified as an ancient woodland on Natural England's dataset (Ancient Woodland (England) Ancient Woodland (England) Natural England Open Data Geoportal (arcgis.com)) and MAGIC maps which was last updated on 20th November 2022. This is the data source advised by The Woodland Trust's Planner's Manual for Ancient Woodland and Veteran Trees (July 2019). Regardless of Ringland Covert's status, negligible impacts are anticipated to this woodland as trenchless techniques, e.g. HDD, is planned in this area. The cables will pass underneath the woodland with no associated haul road. The feasibility of HDD in this area has been confirmed with bore hole ground investigations. HDD will be at a depth of at least 2m under the woodland. Given that the majority of tree roots (90%) are in the top 600mm of soil, tree roots are highly unlikely to be impacted. The HDD entry and exit points will be in the agricultural fields to the north-west and south-east of the woodland, these can be situated more than the precautionary 50 metres away from the edge of the woodland as advised by The Woodland Trust's Planner's Manual. No machinery will need to enter the woodland. HDD will involve the use bentonite which will be pumped into the hole to stabilise it. Bentonite is naturally biodegradable.</p> <p>As detailed in The Applicant's Comments on Written Representations [REP2-016], and in response to the Trust, adequate buffers would be secured in proximity to ancient woodland in line Natural England's standing advice for ancient woodland and the management of buffers. These</p> |

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| | | | <p>buffer zones would avoid root damage (known as the root protection area) and negate the need for any non-invasive root investigation. Details are presented in the Outline Ecological Management Plan (Revision C) [REP3-068] and secured via Requirement 13 (Ecological Management Plan) of the draft DCO (Revision G) [document reference 3.1].</p> <p>The Applicant has committed to undertaking a full Arboricultural Survey of the Order Limits pre-construction and this is secured under Requirement 11 of the draft DCO (Revision G) [document reference 3.1].</p> <p>Arboricultural Method Statement and Tree Protection Plan will be produced, as detailed in the Arboricultural Survey Report [APP228, Section 6.5].</p> <p>The Arboricultural Method Statement and Tree Protection Plans will be submitted to the local planning authority for approval prior to construction commencement. This is secured under Requirement 11(e) of the draft DCO (Revision G) [document reference 3.1] which requires 'details of existing trees and hedges to be removed and details of existing trees and hedges to be retained with measures for their protection during the construction period where applicable...'</p> |
| Q2.17. Landscape and Visual Effects | | | |
| Q2.17.3 Effectiveness of mitigation proposals | | | |

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| Q2.17.3.1 | <p>Removal of Existing Trees and Hedgerows, Replanting and Management</p> <p>Are you satisfied that the Applicant's proposals for the removal, replanting and management of existing trees and hedgerows have been set out to a sufficient level of detail at this stage [REP1-036, Q1.17.1.11]? In particular, is the Applicant's approach to managing the likelihood of damage occurring to existing trees and hedgerows during the construction period sufficiently clear [REP1-036, Q1.17.1.11]?</p> | <p>Our consultation response relates solely to the impact to ancient woodland and ancient/veteran trees; however, the Woodland Trust more broadly does advocate for the retention of all healthy, mature trees in line with the mitigation hierarchy. A full Arboricultural Impact Assessment should be provided, outlining where the proposed cabling works will affect tree roots of retained trees, alongside an Arboricultural Method Statement. Where ancient or veteran trees are affected, Natural England/Forestry Commission's Standing Advice should be heeded, especially regarding buffer zone recommendations.</p> <p>With respect to tree planting, tree stock should be UK and Ireland sourced and grown (UKISG), and any planting should be monitored for a minimum of 50 years to ensure survival and habitat viability. Natural regeneration opportunities should be considered, and the applicants should support the implementation of local strategies for nature recovery to improve connectivity with the wider landscape. The Woodland Trust has published a woodland creation guide which provides further information and advice.</p> | <p>Please refer to the Applicant's comment to Q2.13.2.2 above in respect to further Arboricultural surveys.</p> <p>The Arboricultural Survey Report [APP-228, Section 6.3] provides an overview of the tree protection measures that will likely be required during construction. Measures include tree protection fencing, ground protection, Arboriculturist on-site supervision, hand digging, facilitative pruning in accordance with British Standard 3998: 2010 Tree Work – Recommendations, no-dig hard surfacing and finally as compensation, replacement tree and hedgerow planting.</p> <p>The Applicant has committed to the use of native species of local prevalence. Monitoring requirements for planting are detailed in the Outline Landscape Management Plan (Revision C) [REP3-066] and secured via Requirement 12 (Implementation and maintenance of landscaping). The Applicant has committed to a 10 year' monitoring of planting within the cable corridor and for the operational lifetime at the onshore substation.</p> |
| Q2.17.3.4 | <p>Tree and Hedgerow Replacement</p> <p>Set out whether the Applicant's approach [APP-303] and as further clarified in its response to WQ1 [REP1-036, Q1.17.1.12] is a reasonable one at this stage of the Examination.</p> | Please see previous responses above. | Noted. See comments above. |

References

Natural England. 2023. EN010098-002246-Natural England SoS Consultation Response. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002246-Natural%20England%20SoS%20Consultation%20Response.pdf>

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