



## **Application by Equinor New Energy Limited for an Order Granting Development Consent for the Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project**

### **The Examining Authority's third written questions and requests for information (WQ3)**

**Published on Friday 26 May 2023**

This document sets out the Examining Authority's (ExA) Third Written Questions and requests for information (WQ3), in order to facilitate the conduct of the Examination. Responses are due by **Deadline 5, Tuesday 13 June 2023**.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues in the Rule 6 letter, Annex C [PD-006]. The questions relate to issues as they have arisen during the Examination through the review of application material, written submissions, site inspections and Hearings.

Column 1 sets out the unique reference number to each question which starts with 'Q3' (indicating that it is from WQ3), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. Please provide a substantive response to the questions directed at you, or indicate why the question is not relevant to you. You may also respond to questions that are not directed at you, should the question be relevant to your interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [sadep@planninginspectorate.gov.uk](mailto:sadep@planninginspectorate.gov.uk) and include 'Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project' in the subject line of your email.

**Responses are due by Deadline 5, Tuesday 13 June 2023.**



## List of abbreviations

<b>AEoI</b>	Adverse Effect in Integrity	<b>dDML</b>	Draft Deemed Marine License
<b>ALARP</b>	As Low As Reasonably Possible	<b>dDCO</b>	Draft Development Consent Order
<b>ALO</b>	Agricultural Liaison Officer	<b>DEP</b>	Dudgeon Offshore Wind Farm Extension Project
<b>AONB</b>	Area of Outstanding Natural Beauty	<b>DEL</b>	Dudgeon Extension Limited
<b>AP</b>	Affected Persons	<b>DEP-N</b>	Dudgeon Offshore Wind Farm Extension Project North
<b>ATCSMAC</b>	Air Traffic Control Surveillance Minimum Altitude Chart	<b>DEP-S</b>	Dudgeon Offshore Wind Farm Extension Project South
<b>BNG</b>	Biodiversity Net Gain	<b>DIO</b>	Defence Infrastructure Organisation
<b>BoR</b>	Book of Reference	<b>DOW</b>	Dudgeon Offshore Wind Farm
<b>BDC</b>	Broadland District Council	<b>EIFCA</b>	Eastern Inshore Fisheries and Conservation Authority
<b>CA</b>	Compulsory Acquisition	<b>EA</b>	Environment Agency
<b>CA Guidance</b>	Planning Act 2008: guidance related to procedures for the compulsory acquisition of land	<b>EIA</b>	Environmental Impact Assessment
<b>CA Regulations</b>	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010	<b>EM</b>	Explanatory Memorandum
<b>CAA</b>	Civil Aviation Authority	<b>ES</b>	Environmental Statement
<b>CCR2C</b>	Noise Receptor CCR2	<b>ExA</b>	Examining Authority
<b>CIL</b>	Community Infrastructure Levy	<b>FRA</b>	Flood Risk Assessment
<b>CNMP</b>	Construction Noise Management Plan	<b>HDD</b>	Horizontal Directional Drilling
<b>dB</b>	Decibel	<b>HE</b>	Historic England



<b>HRA</b>	Habitats Regulation Assessment	<b>NCC</b>	Norfolk County Council
<b>HPAI</b>	Highly Pathogenic Avian Influenza	<b>NE</b>	Natural England
<b>IP</b>	Interested Parties	<b>NFU</b>	National Farmers Union
<b>IMC</b>	Instrument Meteorological Conditions	<b>NG</b>	National Grid
<b>ISH</b>	Issue Specific Hearing	<b>NH</b>	National Highways
<b>km</b>	Kilometre	<b>NNDC</b>	North Norfolk District Council
<b>LA</b>	Local Authority	<b>NPPF</b>	National Planning Policy Framework
<b>LHA</b>	Local Highway Authority	<b>NPS</b>	National Policy Statement
<b>LIG</b>	Land Interest Group	<b>NPS EN</b>	National Policy Statement Energy Suite
<b>LIR</b>	Local Impact Report	<b>NRA</b>	Navigational Risk Assessment
<b>LLFA</b>	Lead Local Flood Authority	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>LSIP</b>	Local Skills Improvement Plan	<b>NT</b>	National Trust
<b>LVIA</b>	Landscape and Visual Impact Assessment	<b>OCIMP</b>	Outline Compensation and Implementation Monitoring Plan
<b>m</b>	Metre	<b>OCoCP</b>	Outline Code of Construction Practice
<b>MCA</b>	Maritime Coastguard Agency	<b>OCTMP</b>	Outline Construction Traffic Management Plan
<b>MCZ</b>	Marine Conservation Zone	<b>OFH</b>	Open Floor Hearing
<b>MEEB</b>	Measures of Equivalent Environmental Benefit	<b>OLMP</b>	Outline Landscape Management Plan
<b>MMMP</b>	Marine Mammal Mitigation Protocol	<b>OODS</b>	Outline Onshore Drainage Strategy
<b>MMO</b>	Marine Management Organisation	<b>OPEMP</b>	Outline Project Environmental Management Plan
<b>MoD</b>	Ministry of Defence	<b>OPIMP</b>	Offshore In-Principle Monitoring Plan



<b>OSEP</b>	Outline Skills and Employment Plan	<b>SIP</b>	Site Integrity Plan
<b>OWF</b>	Offshore Windfarm	<b>SLVIA</b>	Seascape and Landscape Visual Impact Assessment
<b>PA2008</b>	The Planning Act 2008	<b>SOCG</b>	Statement of Common Ground
<b>PC</b>	Parish Council	<b>SoS</b>	Secretary of State
<b>Project webpage</b>	Project webpage of the National Infrastructure Planning website	<b>SOW</b>	Sheringham Offshore Windfarm
<b>PTS</b>	Permanent Threshold Shift	<b>SNCB</b>	Statutory Nature Conservation Bodies
<b>R</b>	Requirement in the dDCO	<b>SNDC</b>	South Norfolk District Council
<b>RAF</b>	Royal Air Force	<b>SPA</b>	Special Protection Area
<b>RIAA</b>	Report to Inform Appropriate Assessment	<b>SSSI</b>	Site of Special Scientific Interest
<b>RR</b>	Relevant Representation	<b>TA</b>	Transport Assessment
<b>RSPB</b>	Royal Society for the Protection of Birds	<b>TP</b>	Temporary Possession
<b>RTD</b>	Red-Throated Diver	<b>TTS</b>	Temporary Threshold Shift
<b>s</b>	Section of Parliamentary Legislation	<b>USI</b>	Unaccompanied Site Inspection
<b>SAC</b>	Special Area of Conservation	<b>UXO</b>	Unexploded Ordnance
<b>SEP</b>	Sheringham Shoal Offshore Wind Farm Extension Project	<b>VMC</b>	Visual Meteorological Conditions

## Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#). The Examination Library will be updated regularly as the Examination progresses.



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<b>Q3.1. General and Cross-topic Questions</b>		
<b>Q3.1.1 Planning Policy</b>		
Q3.1.1.1	Applicant Marine Management Organisation	<b>Marine Plan Policy Review</b> In the SoCG with the MMO [EL ref], the ExA notes an entry stating that a more in-depth review of marine planning policy may be undertaken. a) Provide further information on the review and anticipated timescales. b) What, if any, would be the implications for this application, and this Examination?
<b>Q3.1.2 Planning Permissions</b>		
		No further questions in this section at this stage.
<b>Q3.1.3 Legislative Framework</b>		
		No further questions in this section at this stage.
<b>Q3.1.4 Miscellaneous</b>		
Q3.1.4.1		No further questions in this section at this stage.



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<b>Q3.2. Alternatives and need</b>		
<b>Q3.2.1 Selection of Landfall Site</b>		
		No further questions under this topic at this stage.
<b>Q3.2.2 Selection of Substation Site</b>		
		No further questions under this topic at this stage.
<b>Q3.2.3 Viability of the grid connection and progress with other licences</b>		
		No further questions under this topic at this stage.
<b>Q3.2.4 The Need for this type of Energy Infrastructure, and specifically for the Proposed Development</b>		
		No further questions under this topic at this stage.

<b>Q3.3. Benthic ecology, Intertidal, Subtidal and Coastal effects</b>		
<b>Q3.3.1 Effects on Marine Life and Benthic Habitats</b>		
Q3.3.1.1	Applicant	<p><b>Response to NE Issue and Risk Log</b></p> <p>The NE issue and risk log [REP3-146] indicates that there are many points relating to coastal and physical processes, the MCZ and Benthic Ecology that Natural England still has concerns about, identified as red and amber in the log. Applicant, respond specifically to 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 Tab G – Cromer MCZ. The ExA is seeking a clear response to all points.</p>
Q3.3.1.2	Marine Management Organisation	<p><b>Noise – Fish and Shellfish</b></p> <p>Is there any concern with regards fish and shellfish receptors.</p>
Q3.3.1.3	Marine Management Organisation Natural England	<p><b>Electro-Magnetic Fields</b></p> <p>If cables were to be buried, but not at a depth of 1.5m and with no cable protection used, would there be an adverse impact from electro-magnetic fields on fish, shellfish or other forms of benthic ecology?</p>
Q3.3.1.4	Applicant	<p><b>Unexploded Ordnance</b></p> <p>Provide further information relating to the potential crater depth and width from detonated UXO on the seabed and whether it is possible to avoid detonation near to sensitive habitats.</p>
Q3.3.1.5	Natural England Applicant	<p><b>Timing for required Benthic Mitigation Plan/Scheme</b></p> <p>ExA is not convinced that the assessment of the ES on matters of benthic ecology and mitigation measures can be relied upon without an outline Benthic Mitigation Plan or Scheme.</p> <p>a) Applicant, provide an outline Benthic Mitigation Plan or Scheme setting out what the Applicant could commit to in relation to benthic mitigation and also what other forms of mitigation would likely be, or could be included, subject to pre-commencement surveys for example. If not, please provide further justification why this cannot be done at this Examination stage.</p>

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		b) What is NE's view of the Applicant's response [REP3-107] that there would not be any value to an outline Benthic Mitigation Plan/Scheme until post-consent pre-commencement surveys and detailed design has been undertaken?
Q3.3.1.6	Applicant	<p><b>Securing mitigation</b></p> <p>For clarity, indicate and explain how all the embedded and additional mitigation listed in Tables 8-3 and 8-4 in the ES [APP-094] would be secured through either Requirements or Conditions of the dDCO or dDML?</p>
<b>Q3.3.2 Impact on subtidal chalk features</b>		
Q3.3.2.1	Applicant	<p><b>Cable installation in sediment veneer above chalk</b></p> <p>With regard to the potential impact of cable installation to chalk and in response to NE comments [REP3-147, response to question Q2.3.2.2]:</p> <p>Could cables be installed within sediment veneer without impacting sub-cropping chalk? If so, would this mean a likely requirement for cable protection in such sections?</p>
Q3.3.2.2	Natural England	<p><b>HDD Exit Point – Chalk Impact</b></p> <p>The Applicant has stated [REP3-107] that the HDD exit point will be located in the deep infilled channel cut through the chalk to 17m below seabed level and filled with Weybourne Channel deposits. On this basis, is NE satisfied that the exit point would not adversely impact sub-cropping or out-cropping chalk?</p>
Q3.3.2.3	Applicant	<p><b>Management Plan for addressing exposed chalk</b></p> <p>a) Condition 13(c)(i) of the DMLs Revision G [REP4-003] includes a condition that there should be monitoring of cables. However, provide more information in the form of an outline Management Plan for the scenario where a cable has become exposed in the post-construction stage and how this would be addressed.</p> <p>b) Provide detail as to how such a Management Plan would be secured?</p>
<b>Q3.3.3 Physical Processes, Coastal erosion effects and coastal processes</b>		
Q3.3.3.1	Natural England	<p><b>Sediments at HDD offshore exit points</b></p> <p>The Applicant states that since the excavated sediments at the HDD exit points would be backfilled into the same location that they were removed from, the excavated sediments are likely to be relatively homogenous. Furthermore, the Applicant considers that the</p>

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		cohesive nature of the sediment at the exit point means that when it is sidecast it will be in the form of aggregated clasts that will remain on the seabed rather than being disaggregated into individual fine sediment components [REP3-107]. Does NE agree with this assessment, and expand on your answer?
Q3.3.3.2	Natural England	<p><b>Secondary Scour</b></p> <p>The Applicant [REP3-107] has considered that for secondary scour, the limited geographical extent means that the potential impact would be anticipated to be nugatory. Does NE agree with this, or would a full assessment of secondary scour be necessary for this Examination?</p>
Q3.3.3.3	Marine Management Organisation Natural England	<p><b>Coastal Erosion Impacts</b></p> <p>Is the point where the HDD exit is proposed at landside set sufficiently far back from the coast to ensure against impact from coastal erosion for the lifetime of the development?</p>
<b>Q3.3.4 Effects on the Marine Conservation Zone</b>		
Q3.3.4.1	Natural England	<p><b>When the MEEB is required</b></p> <p>NE has advised that the MEEB would be required if there was an adverse impact to sub-cropping chalk or in a circumstance where cable protection is used within the MCZ [REP3-147, Page 4].</p> <p>a) Applicant and NE, provide a threshold or a set of assessment criteria to determine when a MEEB is required that can be set out for Examination?</p> <p>b) For instance, would the criteria to determine if a MEEB required relate to a construction method, the use and extent of cable protection, what the effects would be on sub-cropping chalk, or a mix of these different aspects.</p>
Q3.3.4.2	Applicant Natural England	<p><b>Success thresholds for the MEEB</b></p> <p>The Applicant has stated that the success metrics of the MEEB would be developed post-consent [REP3-101]. NE has advised that a fully functioning oyster bed would be required for compensation as a MEEB [REP3-147]. This does not provide satisfactory clarity for the ExA in relation to this matter.</p> <p>a) Applicant, provide some detailed information as to how a successful oyster bed as a MEEB would be determined, for instance.</p>

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		<p>b) Applicant, does this mean that the oyster bed would have to be approximately 100% successful or could a partial success be also considered a sufficient MEEB?</p> <p>For NE only:</p> <p>a) When should such an assessment be made and who should need to agree the outcome of such an assessment?</p> <p>b) How should such circumstances be suitably considered and at what part of the process?</p> <p>c) Would the contents of Schedule 17, Part 4 of the Proposed Without Prejudice DCO Drafting (Revision B) [REP2-011] sufficiently and suitably secure the MEEB process in your view?</p>
Q3.3.4.3	Applicant Natural England	<p><b>When a decision on a MEEB is required</b></p> <p>At what point is there to be a decision on whether a MEEB is required – would this depend on the information provided by pre-commencement surveys, for example, which would be post-consent, or would the decision need to be pre-decision?</p>
Q3.3.4.4	Applicant	<p><b>Cable protection in mixed sediment areas</b></p> <p>NE states [REP3-147, Q2.3.4.1] that there is a high likelihood of cable protection within mixed sediment areas. If cables being run through mixed sediment areas cannot be avoided, does this also mean there is a high likelihood of cable protection being used through such areas?</p>
Q3.3.4.5	Natural England Marine Management Organisation	<p><b>Jack-Up Vessel use in MCZ</b></p> <p>The Applicant has explained [REP3-107] that the use of a jack-up vessel would only be required at the HDD exit pit for construction. The Applicant has also stated that due to the position of the exit-pits there would be no impact to sub-cropping chalk. NE, respond to these points with an assessment of the potential impacts from this jack-up vessel in this approximate location.</p>

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<b>Q3.4. Civil and Military Aviation</b>		
<b>Q3.4.1 Effects on Radar and Defence Interests and Proposed Mitigation</b>		
Q3.4.1.1	Applicant Norwich Airport Civil Aviation Authority National Air Traffic Services	<b>Altitude Minima</b> It is understood that the ATCSMAC minima could have to be raised due to the possible height of the proposed turbines, with possible further sectorisation of the ATCSMAC quadrants also [REP3-118]. What would be the process for these changes and also what are realistic timeframes for these actions?
Q3.4.1.2	Applicant National Air Traffic Services	<b>Mitigation with National Air Traffic Services</b> Provide an update with specific timetable, setting out next steps and dates towards agreement within this Examination on the necessary mitigation required relating to effects of the Proposed Development on radar and progress towards a mitigation plan.
Q3.4.1.3	Applicant Ministry of Defence/ Defence Infrastructure Organisation	<b>Defence radar mitigation progress</b> Provide an update with specific timetable, setting out next steps and dates towards agreement within this Examination of the continued work between the DIO and Applicant towards an agreement on a mitigation plan, with an update on progress provided to ExA.

<b>Q3.5. Construction Effects Offshore</b>		
<b>Q3.5.1 Development Scenarios and Rochdale Envelope</b>		
Q3.5.1.1	Applicant	<p><b>DEP-N alone</b></p> <p>In responding to NE [REP4-049, Annex 2, Q2.5.1.4], set out:</p> <ul style="list-style-type: none"><li>a) whether the Digital Area Survey undertaken was accurate and appropriate for the Proposed Development;</li><li>b) whether the ES is adequate in assessing the worst-case scenario predicted by Natural England with regards collision risk mortality; and</li><li>c) having regard to the Norfolk Vanguard decision cited, whether a commitment to limit turbines in the discrete DEP-N area could be written into Schedule 1 of the dDCO.</li></ul>

<b>Q3.6. Construction Effects Onshore</b>		
<b>Q3.6.1 Development Scenarios</b>		
Q3.6.1.1	Applicant	<p><b>Traffic and Transport Assumptions for Development Scenarios</b></p> <p>The ExA remains unconvinced with the Applicant’s response [REP3-101, Q2.6.1.3] that the forecast trip generation figures assessed in the ES [APP-110] and as derived from Annex 9 and Annex 10 of the TA [APP-269] consider a scenario where there is an overlap of construction of SEP and DEP being built in isolation. Applicant, using the trip generation figures in the TA [APP-268] and its annexes fully explain how such a scenario has been taken into account in the figures and assessed in the ES.</p> <p>See related question in ExA’s proposed changes to dDCO.</p>
<b>Q3.6.2 Approach to Construction, Compounds, Programme, Timing and Methods</b>		
Q3.6.2.1	National Farmers Union	<p><b>Link Boxes</b></p> <p>The Applicant has provided additional link box design information [REP3-101, Q2.6.2.5] [REP3-102, Appendix A.5]. Does this information address the NFU’s concern?</p>
Q3.6.2.2	Applicant	<p><b>Weybourne Woods</b></p> <p>Provide an update on discussions and whether any further information has now been received [REP3-101, Q2.6.2.6]?</p>
<b>Q3.6.3 Baseline survey and effects of Unexploded Ordinance</b>		
		No further questions in this section at this stage.
<b>Q3.6.4 Effects of construction works on human health</b>		
Q3.6.4.1	Applicant	<p><b>Government’s Green Book</b></p> <p>Corpusty and Saxthorpe PC has raised further concerns [REP4-057] that the proposed development has not complied with the method of assessment for such studies required by the UK Government’s Green Book. Whilst noting the Applicant’s view on the Green Book [REP4-040], provide further evidence to support your view that an appropriate tool for use in EIA is not available/ suitable.</p>



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Q3.6.4.2	Corpusty and Saxthorpe Parish Council	<b>Meeting Notes</b> Provide a copy of the meetings referred to by Corpusty and Saxthorpe PC: a) NCC Public Health and SEP and DEP: Hearing 3 - Item 3 (iii) – Health, Date 26 April 2023, Time 1400-1500 attended by Jane Locke [JL] (NCC Public Health), Stephen Faulkner [SF] (NCC), Daniel Richards [DR] (Equinor), Ben Cave [BC] (Ben Cave Associates Ltd) b) NCC Planning and Highways Delegations Committee 22 October 2022.
<b>Q3.6.5 Effects from emissions on air quality</b>		
		No further questions in this section at this stage.
<b>Q3.6.6 Adequacy of the Outline Code of Construction Practice</b>		
		No further questions in this section at this stage.
<b>Q3.6.7 Waste Management</b>		
		No further questions in this section as this stage.

<b>Q3.7. Commercial Fisheries and Fishing</b>		
<b>Q3.7.1 Effects on Fishing Stocks</b>		
Q3.7.1.1	Eastern Inshore Fisheries Conservation Authority	<p><b>Benefits to fish stock</b></p> <p>Provide further information on whether the potential for fishing restrictions, due to construction of the Proposed Development, may result in any benefits to fish stock.</p>
<b>Q3.7.2 Effects on fishing enterprises as a result of navigational or special restrictions</b>		
Q3.7.2.1	Jonas Seafoods	<p><b>Jonas Seafood compensation and impacts</b></p> <p>The Applicant has stated [REP3-101]: <i>"Additional information from Jonas Seafood states the crab caught from ICES Division IVb where the minimum catch size is lower is important to Jonas seafood who have built their processing methods and market on the reliable supply of this crab. But it must be noted that SEP &amp; DEP and the cable routes are located within ICES Division IVc."</i></p> <p>Respond to this point and highlight any part of this which you would dispute or needs further clarification.</p>
Q3.7.2.2	Applicant	<p><b>Weybourne consultation</b></p> <p>As raised with the draft SoCG with the EIFCA [REP3-117], what impacts would the restrictions to fishing through the construction process have on fishing vessels based on Weybourne and has there been consultation with fishing associations or communities based in Weybourne?</p>
Q3.7.2.3	Applicant	<p><b>Fishing related conditions and requirements</b></p> <p>How would the potential justified disturbance payments to UK potters, as set out in the ES [APP-098] as a form of additional mitigation, be secured?</p>

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<b>Q3.8. Compulsory Acquisition and Temporary Possession</b>		
<b>Q3.8.1 Updates on Negotiations and Funding Statement</b>		
		No further questions in this section as this stage.
<b>Q3.8.2 Affected Persons' Site-specific Issues</b>		
Q3.8.2.1	Applicant	<p><b>Relevance of the decision on Compulsory Purchase Order 2021</b></p> <p>Discuss in detail the relevance of the decision on the London Borough of Barking and Dagenham Council (Vicarage Field and surrounding land) Compulsory Purchase Order 2021 (Case Ref: APP/PCU/CPOP/Z5060/3278231) [REP4-040].</p>
Q3.8.2.2	Applicant	<p><b>Blights for landowners affected by Temporary Possession</b></p> <p>In light of the submission from Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings [REP4-056], the ExA is seeking further justification. Provide detailed response to all points, especially covering the following:</p> <ul style="list-style-type: none"> <li>a) The applicability of the Notice to Treat for up to three years for the CA and TP of land under this Order (if the Order was made); and</li> <li>b) How effect on business and the concern relating to blight would be considered and compensated for in the sequential construction scenario.</li> <li>c) Explain with reference to relevant drafting in the dDCO, particularly Article 26(3) and Article 27(4), how have you provided that TP would be temporary.</li> </ul> <p>See related question in the ExA's proposed changes to the dDCO.</p>
<b>Q3.8.3 Special Land</b>		
Q3.8.3.1	Applicant	<p><b>Public Open Space</b></p> <p>Update the progress of negotiations with parties affected by the inclusion of public open space within the Order limits, and a timetable identifying key milestones towards reaching agreement in relation to the Examination timetable.</p>
Q3.8.3.2	Applicant National Trust	<b>NT Land</b>

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		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.
Q3.8.3.3	Applicant	<b>Crown Land</b> Update progress with negotiations, supported with evidence where possible.
Q3.8.3.4	Applicant	<b>Statutory Undertaker Land</b> The ExA has seen the Current Status of Statutory Undertaker Negotiations [REP3-083], and requests an update at Deadline 5, to include future timescales where necessary and any particular issues that may impede progress with a Statutory Undertaker.
<b>Q3.8.4 Applicant's Strategic Case for CA and TP</b>		
Q3.8.4.1	Applicant	<b>Purpose for which the land is required</b> Awaiting the update referred to in your previous submission [REP3-101].
<b>Q3.8.5 General</b>		
Q3.8.5.1	Applicant	<b>Book of Reference Schedule of Changes</b> a) Provide a Schedule of Changes to the BoR, detailing all changes to this document made since Acceptance. An updated version of this document should accompany all new versions of BoR submitted. b) Where a change of ownership or new interest in the relevant land is identified, have you made the relevant person or organisation aware that they can make a request to the ExA to become an IP under s102A of PA2008 and that this can be done by completing the relevant s102A form on the project webpage? Provide a list.

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<b>Q3.9. Cumulative Effects</b>		
<b>Q3.9.1 Scope and Extent</b>		
		No further questions in this section as this stage.

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<b>Q3.10. Design</b>		
<b>Q3.10.1 Design Principles</b>		
		See related question in ExA's proposed changes to dDCO.
<b>Q3.10.2 Design Development Process</b>		
		See related question in ExA's proposed changes to dDCO.

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<b>Q3.11. Draft Development Consent Order</b>		
<b>Q3.11.1 General</b>		
		See questions in ExA's proposed changes to dDCO.

<b>Q3.12. Habitats and Ecology Offshore</b>		
<b>Q3.12.1 Effects on Ornithology</b>		
Q3.12.1.1	Applicant Natural England	<p><b>Requirements or Obligations</b></p> <p>Paragraph 5.3.17 of NPS EN-1 states that the ExA should ensure that species and habitats are protected from the adverse effects of development by using requirements or planning obligations.</p> <p>a) Applicant, justify why, in this instance, it is felt that the Requirements suffice and there is not any need for obligations.</p> <p>b) Natural England, do you consider there to be any reason or justification for obligations to be sought in this instance, given the Applicant’s approach to mitigation (EIA Scale) at this stage?</p>
Q3.12.1.2	Natural England Applicant	<p><b>Enhancement of Habitats</b></p> <p>The Applicant states that embedded mitigation seeks to reduce effects for certain ornithology species (great black-backed gulls for example) and that, no further mitigation is proposed in the ES [APP-097]. However, bullet 4 within Paragraph 5.3.18 of NPS EN-1 states that opportunities will be taken to enhance existing habitats or to create new habitats of value within the site landscaping proposals. Can the Applicant explain why, with reference to the landfall location in particular, opportunities to create new habitats supportive of offshore ornithology species have not/ cannot be taken?</p>
Q3.12.1.3	Applicant Natural England	<p><b>Future Monitoring</b></p> <p>It is noted from NE’s D3 response that there is concern the Requirements in the dDCO specify that monitoring should be undertaken, but that no subsequent remedial action is secured if the effects are worse than those originally predicted [REP3-146, points A13 and A19]. The ExA observes that paragraph 2.6.71 of NPS EN-3 states monitoring can identify the actual impact so that, where appropriate, adverse effects can then be mitigated.</p> <p>a) NE, expand on what is expected, in terms of wording, within a dDCO that would secure appropriate remedial actions should monitoring highlight a need for it. Also confirm if such wording has been applied in other DCOs (examples required).</p>



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		b) Applicant, explain if any triggers are being considered for responsive or remedial action as a result of the proposed monitoring, and where such information can be found/ secured? If it is not being considered, why not?
Q3.12.1.4	Applicant	<b>Outstanding information</b> NE [REP4-049, Q2.12.1.1, Annex 2] suggests that further information is awaited. If not already provided (signpost if so), provide this information with any explanation necessary.
<b>Q3.12.2 Effects on Aquatic Wildlife including Mammals, Fish and Shellfish</b>		
Q3.12.2.1	Marine Management Organisation	<b>Scientific Advisors</b> Are there any comments from your advisors, CEFAS, that remain outstanding and may be of a material consequence for the Examination?
Q3.12.2.2	Marine Management Organisation	<b>PTS and TTS</b> The Applicant has responded to your concerns regarding the screening out/ in of these effects [REP4-037, ID5] including citation of a number of recent DCOs that share a similar approach being used in the assessments for the Proposed Development. In light of this response, are you content with the approach to PTS and TTS? Explain with reasons.
Q3.12.2.3	Natural England Marine Management Organisation	<b>Outline Documents</b> In relation to the OPEMP [REP3-060], OPIMP [REP4-015] and Outline Offshore Operations and Maintenance Plan [APP-296], confirm whether each document is fit for purpose and, if amendments or additions need to be made, bullet-list these for clarity as to what you expect and why.
Q3.12.2.4	Applicant Natural England Marine Management Organisation	<b>Site Integrity Plans</b> At present, the MMO has expressed that the SIP is acceptable as drafted, would serve its purpose and could be enforced [REP3-133]. Meanwhile NE has said there is no confidence in the SIP process because SIP(s) have limited measures to mitigate the exceedance of seasonal threshold [REP3-146, point D18 and REP3-147 Q2.12.2.1]. The Applicant maintains that the SIP is the established mechanism to regulate and control underwater noise impacts. In this regard:  Applicant:

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		<p>a) NE has suggested [REP3-147, Q2.14.1.20] that all mitigation should be set out now, and the SIP is used to discount mitigation that no longer applies at the time the development is commenced. Do you think there is merit in this approach?</p> <p>b) Can you reassure the ExA that the SIP (either for this project or taken together with other SIPs) would be effective in its intended function?</p> <p>NE:</p> <p>c) Due to your reservations on the SIP, your response [REP3-146, point D18] suggests that an AEoI cannot be ruled out for the harbour seal and grey seal feature of the SNS SAC. If not the SIP process, what other forms of regulatory control are available to reassure you that AEoI would not occur?</p> <p>d) Are you content with the MMMP and the mitigation therein? If so, would this not be enough to reassure you that sufficient mitigation exists to avoid an AEoI? Explain with reasons.</p> <p>MMO:</p> <p>e) Do you have any further comments on the SIP that you wish to bring to the ExA's attention, taking into account all your own submissions and those of NE to date and all of the matters raised above in this question?</p>
Q3.12.2.5	Applicant Natural England Marine Management Organisation	<p><b>Piling Controls</b></p> <p>The Applicant has confirmed that simultaneous piling (or other form of foundation installation) could occur within the project itself, and this has been taken into account in the worst-case scenarios assessed in the ES [REP3-101]. In respect of cumulative noise impacts to marine mammals, would there be a need to include a condition within the Deemed Marine Licences to prevent concurrent piling between the Proposed Development and other consented offshore windfarms? Explain with reasons.</p>
Q3.12.2.6	Natural England Marine Management Organisation	<p><b>Monitoring</b></p> <p>NE [REP1-136] originally raised concern regarding the OPIMP, particular at points A8 and A19 [REP3-146]. Now that the Examination has moved on, do you agree that appropriate measures are secured, or could potentially be secured in the future, by way of the OPIMP [REP4-015]?</p>

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Q3.12.2.7	Applicant	<b>Noise Monitoring Report</b> The Applicant has offered to update the Underwater Noise Modelling Report [APP-192] in a response to the MMO [REP4-037]. Update this and submit to the Examination.
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<b>Q3.13. Habitats and Ecology Onshore</b>		
<b>Q3.13.1 Effects on Protected and Priority Species</b>		
Q3.13.1.1	Applicant Royal Society for the Protection of Birds	<b>Weybourne Cliffs</b> Set out whether it would be feasible to limit construction activities in the vicinity of Weybourne Cliffs SSSI to times outside of the sand martin breeding season, as suggested by RSPB [REP3-162, Q2.13.1.2]. a) If this would not be feasible, explain with reasons why this would be the case. b) If this would be feasible, set out how such controls over construction timings could be secured.
Q3.13.1.2	Royal Society for the Protection of Birds Natural England	<b>Weybourne Cliffs</b> Does the Applicant's further evidence [REP4-028, Q1.13.1.2] 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.
<b>Q3.13.2 Effects on Ancient Woodland, Trees and Hedgerows</b>		
Q3.13.2.1	Natural England Interested Parties	<b>Wensum Woods</b> Does the Applicant's further evidence [REP3-101, Q1.13.2.1] and [REP4-028, Q1.13.2.1] demonstrate that it would provide sufficient protection to protected species, including Barbastelle bats, and that it would adopt best practice measures of mitigation that would future proof the Proposed Development in the event that Wensum Woods was notified as a SSSI?
<b>Q3.13.3 Effects on Rivers and River-Based Wildlife</b>		
		No further questions in this section at this time.

<b>Q3.14. Habitats Regulation Assessment</b>		
<b>Q3.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects</b>		
Q3.14.1.1	NatureScot Applicant	<p><b>HRA Screening and Conclusions</b></p> <p>NatureScot is directed to the Applicant’s information to inform HRA within the following application documents.</p> <ul style="list-style-type: none"> <li>• Report to Inform Appropriate Assessment (Doc ref 5.4) [APP-059]</li> <li>• Appendix 1 - Habitats Regulations Assessment Screening Report (Doc ref 5.4.1) [APP-060]</li> <li>• Appendix 2 - Habitats Regulations Assessment Screening Matrices (Doc ref 5.4.2) [REP4-009]</li> <li>• Appendix 3 - Habitats Regulations Assessment Integrity Matrices (Doc ref 5.4.3) [REP4-010].</li> </ul> <p>The Applicant carried out an HRA screening assessment on 41 European sites in Scotland, and subsequently considered 19 of these at the adverse effects on integrity (AEoI) stage. The Applicant has concluded no AEoI on any European sites in Scotland.</p> <p>a) Confirm if you agree with the conclusions of the Applicant for the European sites in Scotland.</p> <p>b) Should NatureScot have any concerns or comments on the Applicant’s assessment and conclusions, please expand on these.</p> <p>a) Applicant, may wish to respond with regards to any consultation, feedback or endorsement from Nature Scot to verify the position for the Examination.</p>
Q3.14.1.2	NatureScot Applicant	<p><b>Loch Ryan</b></p> <p>NatureScot is directed to the Applicant’s information to inform the derogation case and compensatory measures for sandwich tern, which is set out in the following application documents.</p> <ul style="list-style-type: none"> <li>• Habitats Regulations Derogation – Provision Evidence [APP-063]</li> <li>• Appendix 1 – Compensatory Measures Overview [APP-064]</li> <li>• Annex 1A – Initial Review of Compensatory Measures for Sandwich Tern and Kittiwake [APP-065]</li> <li>• Appendix 2 – Sandwich Tern Compensation Document [APP-069]</li> </ul>

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		<ul style="list-style-type: none"> <li>• Annex 2A – Outline Sandwich Tern Compensation Implementation and Monitoring Plan [APP-070]</li> <li>a) Can NatureScot confirm they have been consulted upon the sandwich tern derogation documents and are content in-principle with the proposals for sandwich tern compensatory measures at Loch Ryan. If there are concerns or comments, please expand.</li> <li>b) Applicant may wish to respond with regards to any consultation, feedback or endorsement from Nature Scot to verify the position for the Examination.</li> </ul>
Q3.14.1.3	Applicant	<p><b>Loch Ryan and the Local Authority</b></p> <p>Provide written evidence and correspondence that demonstrates Dumfries and Galloway Council have been consulted upon the sandwich tern derogation documents and are content in-principle with the proposals for sandwich tern compensatory measures at Loch Ryan.</p>
Q3.14.1.4	National Trust Natural England	<p><b>The Farne Islands Management Plan</b></p> <p>NT submitted the draft Farne Islands Management Plan to the Examination, noting that it needs signoff from NE [AS-042]. NT expressed that the management plan may not become a Government document, as alleged by the Applicant, and look to NE to advise [REP3-140]. NT also consider the Applicant’s proposals do not represent additionality and the SoCG with the NT [REP2-046] suggests that there need not be any further discussion on the Farne Islands compensation measures with the most recent SoCG [REP4-024] stating resources should be deployed elsewhere.</p> <ul style="list-style-type: none"> <li>a) When will the draft Farne Islands Management Plan document be endorsed by ME?</li> <li>b) When adopted, will this constitute a Government document?</li> <li>c) If yes to b) above, is the Applicant justified in relying on that document and what is said in the Energy Security Bill with respect to the arguments of providing compensation on the Farne Islands (the ‘additionality’ point) [REP3-111]?</li> <li>d) Given the lack of certainty about the status and efficacy/ additionality of the management plan, should the proposals at the Farne Islands be discounted from the Applicant’s package of compensatory measures for sandwich terns? Explain with reasons.</li> <li>e) In light of the SoCG [REP2-046] is NT, as the owners and managers of the Farne Islands, stating that the Farne Islands are not available to the Applicant?</li> </ul>

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Q3.14.1.5	Applicant National Trust	<p><b>Route to acquire Farne Islands</b></p> <p>It has been previously mentioned that the Applicant would seek negotiated positions with landowners to implement compensatory measures, but there remains the ability under the Electricity Act 1989 to pursue compulsory acquisition if required [REP3-101, Q2.14.1.10]. The SoCG with the NT [REP2-046] states the NT does not wish to engage with the developers any further with regards to opportunities on the Farne Islands, although the Applicant maintains that the compensatory measures are viable and deliverable [REP3-101].</p> <p>If the Applicant wished to proceed, in light of the apparent objection from the NT with regards to land the Trust holds inalienably, where would that leave the Proposed Development with regards to special parliamentary procedure (either through this Examination or through any subsequent pursuance of compulsory acquisition powers under the Electricity Act 1989)?</p>
Q3.14.1.6	Applicant	<p><b>The Farne Islands</b></p> <p>a) In your response to the NT [REP4-032, ID10] it appears that different compensatory measures are being considered. Whilst this may come under the terms of 'adaptive management', how are these measures secure in the relevant suite of compensatory documents and within Schedule 17 of the dDCO?</p> <p>b) Are the proposals sufficiently developed, with enough research and evidence, to demonstrate these compensatory measures would be effective?</p>
Q3.14.1.7	Applicant Natural England East Suffolk Council	<p><b>Kittiwake Tower</b></p> <p>The HPAI is purported [REP4-042] to have resulted in the death of 965 kittiwakes. It is recognised that HPAI is difficult to contain and prevent transmission. Nonetheless, the ExA are concerned regarding the HPAI and the efficacy of the proposed kittiwake tower as a compensatory measure.</p> <p>a) Would the clustering of nests together, as would be the case in the provision of a kittiwake tower, potentially increase the risk of infection compared to an open-air nesting environment?</p>

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		<p>b) If the answer to a) is yes, are the predicted rates of breeding success likely to be overestimated, thus affecting the reliability of the measure delivering the necessary compensation?</p> <p>c) Is there any data regarding the artificial structures in Lowestoft to suggest whether or not the kittiwake accommodation there has been subject to higher, lower or similar levels of mortality?</p> <p>d) When the kittiwake tower designs get submitted at Deadline 5, set out how the design takes into account the health and well-being of the species.</p>
Q3.14.1.8	Applicant	<p><b>The potential for compensation through eradicating rats in the Channel Islands.</b></p> <p>NE highlight, in respect of auk compensatory measures, that <i>"it is hard to see how predator management in the Channel Islands could offer compensation opportunities to SEP and DEP given the likely requirements of Hornsea 4 [REP3-146, point C30]."</i> Does the Applicant have any comments to justify the scope, scale and appropriateness of this element of the compensatory measures for auk species?</p>
Q3.14.1.9	Applicant	<p><b>Channel Islands</b></p> <p>What evidence is there that the auk colonies associated with islands targeted for rat eradication have been reduced or lost as a result of predation by rats rather than other influences such as reduced prey availability?</p>
Q3.14.1.10	Applicant	<p><b>Red-throated Diver Estimates</b></p> <p>NE has suggested that SEP's impact on RTD is underestimated [REP3-143, point 22]. Provide a direct response either with updated data/ modelling results or through justification for the approach taken to date. The ExA notes that a 10% mortality rate would also be shown, for information purposes, in the apportioning technical note [REP4-031]. Provide explanatory notes.</p>
Q3.14.1.11	Applicant	<p><b>RTD Mitigation</b></p> <p>NE has suggested that an AEoI could be avoided if all turbines at SEP were located at least 10km from the SPA [REP3-143, point 24]. Explain, with the use of a diagram/ map as appropriate, whether this is practical, feasible, possible and reasonable.</p>
Q3.14.1.12	Applicant	<p><b>RTD Monitoring</b></p>



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		<p>a) Whilst undertaking studies in respect of the bycatch reduction compensatory measures for auks, has the Applicant been presented with any evidence that such a measure may also be of a benefit to RTD (i.e. are red-throated divers also susceptible to bycatch)?</p> <p>b) Notwithstanding the Applicant's position that an AEoI can be ruled out upon RTD, should the species be incorporated within the OPIMP as one for monitoring in respect of offshore ornithology? Explain with reasons.</p>
Q3.14.1.13	Natural England	<p><b>RTD Effects</b></p> <p>Can you confirm whether your conclusions on AEoI for this species applies only to the Greater Wash SPA, or also to the Outer Thames Estuary SPA. Can an AEoI be ruled out on the latter designated site or not? Explain with reasons.</p>
Q3.14.1.14	Applicant Natural England	<p><b>Implementation or completion</b></p> <p>The Sandwich Tern OCIMP [APP-070], section 3.6 relates to the implementation and delivery programme, to be forthcoming post-consent. Similarly, section 2.6 does the same in the Kittiwake OCIMP. Schedule 17, parts 6 and 15 both specify that the Applicant must implement the measures and, particularly for kittiwakes, this implementation must be done several breeding seasons in advance.</p> <p>a) Define what is meant by 'implement' or 'implementation' in these circumstances.</p> <p>b) Does 'implement' equate to completion?</p> <p>c) In respect of b) above, is there any risk that technical implementation (similar to technical commencement) could be instigated by the Applicant, but then the measures are not completed or in place prior to the operation of any turbine?</p> <p>d) What gives you confidence that the measures would be provided in time to ensure they are functioning before effects on sandwich terns occur?</p>
Q3.14.1.15	Applicant Natural England	<p><b>Gannet, Guillemot and Razorbill</b></p> <p>The Examination so far has suggested that an AEoI upon the Gannet feature of the FFC SPA potentially could be ruled out, whilst there remains a dispute between the parties as to whether an AEoI can be ruled out for guillemot and razorbill.</p> <p>The Applicant provided a contextual note for HPAI [REP4-042] within which are summaries of the effects of HPAI upon relevant seabird populations. In each case it is assumed that a reduction in the population of a species would result in less collisions and displacement</p>

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		<p>effects, which NE confirmed would be a logical position [REP3-147, Q2.14.1.2]. However NE also highlighted: <i>"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></p> <p>Taking all the above into account, as well as all other information before the Examination:</p> <p>a) Applicant and NE - Can an AEOI be ruled out for Gannet?</p> <p>b) Applicant - If the answer to a) is yes, does the Applicant propose keeping Gannet named within the relevant (without prejudice) compensatory documents [APP-075] in case the Secretary of State concludes otherwise or should this be removed in the final version prior to close of the Examination?</p> <p>c) Applicant - If the answer to a) is no, would the Applicant consider making the compensatory measures for Gannet official in a separate document (i.e. removing the 'without prejudice' status and committing to undertaking such measures) and providing relevant text for Schedule 17 of the dDCO?</p> <p>The following responses are required, but may be deferred until Deadline 6 following review of the Applicant-promised 'Apportioning and HRA Updates Technical Note' at Deadline 5.</p> <p>d) NE - can an AEOI be ruled out for Guillemot? Explain with reasons.</p> <p>e) NE - can an AEOI be ruled out for Razorbill? Explain with reasons.</p>
Q3.14.1.16	Applicant	<p><b>Third Party Implementation</b></p> <p>Respond to NE's question in the Issues and Risks Log [REP3-146, point A14] regarding third party delivery of compensatory measures.</p>
Q3.14.1.17	Applicant Natural England	<p><b>Pink-Footed Geese</b></p> <p>Provide an update on the ongoing dialogue between the Applicant and NE regarding pink-footed geese.</p>

<b>Q3.15. Historic Environment and Cultural Heritage</b>		
<b>Offshore Matters</b>		
<b>Q3.15.1 Adequacy of Baseline Surveys and Environmental Information</b>		
Q3.15.1.1	Historic England	<b>Geotechnical Work</b> Is the extent of geotechnical material that the Applicant has obtained and is obtaining pre consent and proposes to obtain post consent, if consent is granted, sufficiently clear at this stage?
Q3.15.1.2	Historic England	<b>Statement of Common Ground</b> Explain what factors are preventing the progress of a SoCG with the Applicant? In addition, set out how these factors will be resolved and provide a timeframe for the submission of a SoCG to the Examination.
<b>Onshore Matters</b>		
<b>Q3.15.2 Adequacy of baseline surveys and information</b>		
		No further questions in this section at this time.
<b>Q3.15.3 Effects on Designated and Non-designated Heritage Assets</b>		
		No further questions in this section at this time.

<b>Q3.16. Land Use</b>		
<b>Q3.16.1 Effect on Agricultural Land and Businesses and Recreational Assets</b>		
Q3.16.1.1	Applicant National Farmers Union	<p><b>Outline Management Plan for Agricultural Matters</b></p> <p>The Applicant notes [REP3-101, Q2.16.1.1] [REP4-028] that discussions with the NFU and LIG is on-going in terms of the content of a Construction Practice Addendum and that a revised draft of this was provided to the NFU on 15 May 2023.</p> <p>a) Provide an update on such discussions.</p> <p>b) NFU, does the additional information in relation to role of the ALO, soil heating and soil management, provided by the Applicant in the revised drafts of the OCoCP [Rev C, REP3-064] [Rev D, REP4-016] address your concerns in relation to those matters?</p> <p>c) The Applicant’s reply also noted that information on soil handling, land/field drainage and irrigation and water supply will not form part of the OCoCP, but the detail of this will be provided in the final CoCP. Fully justify why this information or an outline of what the final CoCP will include cannot be provided now in the OCoCP.</p>
Q3.16.1.2	Applicant	<p><b>Effect on Individual Businesses</b></p> <p>The Applicant [REP1-036, Q1.16.1.8] sets out that it is not possible to meaningfully estimate the amount of land in each holding or therefore the amount of land affected. However, the NFU [REP3-136, Q2.16.1.4] noted that the Applicant should have an understanding of such matters from the discussions taking place with each landowner. Please provide further justification for your position.</p>
<b>Q3.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals</b>		
		No further questions in this section as this stage.

<b>Q3.17. Landscape and Visual Effects</b>		
<b>Q3.17.1 Effect on Landscape Character and Views</b>		
		No further questions in this section as this stage.
<b>Q3.17.2 Effects on designated and historic landscapes, including Areas of Outstanding Natural Beauty and Ancient Woodlands</b>		
		No further questions in this section as this stage.
<b>Q3.17.3 Effectiveness of mitigation proposals</b>		
Q3.17.3.1	Applicant	<p><b>Removal of Existing Trees and Hedgerows, Replanting and Management</b></p> <p>The ExA notes and welcomes the Applicant’s position in terms of BNG [REP4-028, Q17.3.1]. However, the ExA is not convinced with the reasoning offered to explain why the Applicant is unable to commit to a principle of replacing lost trees and hedgerows at a ratio which would be satisfactory to LAs.</p> <p>a) Set out what you believe to be an acceptable in-principle ratio of tree and hedgerow replacement that would adequately mitigate for the loss of existing planting in terms of carbon sequestration and ecological value.</p> <p>b) Given the premise in a) above, set out the areas where flexibility might be required for tree and hedgerow replacement ratios and propose how such flexibility could be factored in.</p> <p>c) If an in-principle commitment to tree and hedgerow replacement ratios cannot be established at this stage, provide detailed reasoning explaining why.</p> <p>d) In any event, set out how a tree and hedgerow replacement ratio as set out in a) above could be secured in the dDCO</p>
Q3.17.3.2	Local Authorities Natural England	<p><b>Removal of Existing Trees and Hedgerows, Replanting and Management</b></p> <p>Would it be acceptable for tree and hedgerow replacement, designed to mitigate for the loss of existing planting, to be carried out off site at a location outside of the Order limits?</p>

<b>Q3.18. Seascape and Visual Effects</b>		
<b>Q3.18.1 Effects on Designated and Historic Landscapes</b>		
		No further questions in this section as this stage.
<b>Q3.18.2 Cumulative Effects</b>		
		No further questions in this section as this stage.

<b>Q3.19. Navigation and Shipping</b>		
<b>Q3.19.1 Navigational Risk and Effect on Navigational Safety</b>		
Q3.19.1.1	Marine and Coastguard Agency	<p><b>Safety Zones</b></p> <p>The MCA has raised the issue of the temporary potential effect of safety zones of sea room for traffic [REP3-134]. How could safety zones on a temporary basis effect navigational safety, particularly west of DEP-North?</p>
Q3.19.1.2	Marine and Coastguard Agency	<p><b>Navigational Risk</b></p> <p>The Applicant, in the Navigational Safety Technical Note [REP3-031] has provided additional modelling of the northwest extent of DEP-North on collision risk for traffic within the Outer Dowsing Channel. This modelling showed a collision risk post windfarm development of 1 in 8.7 years.</p> <p>a) If you disagree with the Applicant’s calculations, provide MCA calculations to show what the current collision rate would be compared to if DEP-North was built out as proposed?</p> <p>b) Provide your version of the Applicant’s Figure 7.2 of the submitted Navigational Safety Technical Note [REP3-031], showing anticipated remaining sea room for ships, including safety buffers necessary.</p> <p>c) the Navigational Risk Assessment [APP-198] assumed potential increases of 10 and 20% within the commercial traffic allision and collision modelling. Provide calculations for scenarios with and without DEP-North for this Outer Dowsing Channel incorporating a 10% and 20% increase in shipping traffic</p> <p>d) With respect to NPS EN-3, Paragraph 2.6.165, please confirm whether you would consider any increased risk of vessel collision as an unacceptable risk, based on both the Applicants and the MCA figures.</p>
Q3.19.1.3	Applicant	<p><b>Future increases of traffic</b></p> <p>The Navigational Safety Technical Note [REP3-031] states that the post windfarm collision risk being 1 in 87 years. Provide collision risk figures for this route with the addition of 10% and 20% increases of shipping traffic.</p>
Q3.19.1.4	Marine and Coastguard Agency	<p><b>Mitigation against risk</b></p>

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		If the route past DEP-North would pose an unacceptable risk post windfarm development then is there other mitigation or measures available to address this, other than the omission of turbines close to this route to keep the sea room as existing? For example, could this route be avoided or recommended against for vessels traversing this area, using an alternative route instead?
Q3.19.1.5	UK Chamber of Shipping Trinity House	<b>Assessment of Navigational Risk and Safety</b> With regards to the concerns raised relating to navigational safety from the MCA [REP1-117] [REP1-118] [REP3-134] [REP4-047], together with the Applicant's submissions (including the NRA [APP-198] and the Navigational Safety Technical Note [REP3-031]) comment on whether you would consider the remaining sea room past the proposed windfarms, particularly west of the DEP north boundary, as representing an unacceptable risk to navigational safety or have an acceptable and safe width of sea room? Explain with reasons and with reference to these submissions from MCA and the Applicant.
Q3.19.1.6	Marine and Coastguard Agency UK Chamber of Shipping	<b>Disruption or Economic Loss</b> Would the Proposed Development location avoid or minimise disruption or adverse transit time changes, including 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, or recreational users of the sea?
Q3.19.1.7	Applicant	<b>Comparison Figures</b> Based on the Navigational Safety Technical Note [REP3-031, Figure 7.2], it appears that the 'current extent of traffic' would need to shift towards the west to avoid the DEP windfarm site, as is depicted by the purple arrows (the NRA Scenario). The MCA response to this is that if the DEP-N boundary is not reduced mariners will not transit further west, to provide more safe sea room due to the Triton Knoll shallow water and waypoint. On this matter, provide further version(s) of Figure 7.2 to illustrate how the modelling presumes the current extent of traffic to shift, including showing the width of sea route available with all safety buffers from Triton Knoll Bank, Triton Knoll Windfarm, DEP-N and any other obstacles of relevance, and to also include the future extent of traffic?
Q3.19.1.8	Marine and Coastguard Agency	<b>Sea room between SEP and DEP</b>



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		Please confirm that it is only the loss of sea room to the west of the northern section of the DEP array that the MCA is concerned with, with no objections to the width of sea room that would remain between SEP and DEP?
Q3.19.1.9	Marine and Coastguard Agency	<b>Safety Zone Widths</b> Does the Navigational Safety Technical Note [REP3-031, Figure 6.2] demonstrate that vessels are content with passing approximately 1 nautical mile from windfarms?
Q3.19.1.10	Marine and Coastguard Agency	<b>Details of Obstacle/Turbine Free Areas</b> If the MCA considers that the only solution to address the concern about navigational safety to the west of the proposed DEP-N windfarm site is to have a turbine/obstacle free area, can this be clearly shown on a map/chart of the area within the DEP-N boundary that this would need to relate to.
Q3.19.1.11	Applicant Marine and Coastguard Agency	<b>Implications of MCA position</b> In line with NPS EN-3, particularly Paragraph 2.6.165, what is the implication of the MCA current position for the recommendation that can be made to the SoS?
Q3.19.1.12	Applicant Marine and Coastguard Agency	<b>Joint Position Statement</b> ExA requires a joint position statement from both parties to set out what is a mutually agreeable position to alleviate any navigational risk to ALARP.
<b>Q3.19.2 Impact on Radar, Search and Rescue</b>		
		No further questions in this section at this time.

<b>Q3.20. Noise and Vibration</b>		
<b>Q3.20.1 Adequacy of the Assessments for Construction</b>		
Q3.20.1.1	Applicant Broadland District Council South Norfolk District Council	<p><b>Main Construction Compound</b></p> <p>BDC and SNDC have set out [REP3-127, Q2.20.1.1] [REP3-121, Q2.20.1.1] that their concerns in relation to the impacts of the main construction compound can be addressed through Section 61 agreements. The Applicant has provided a revised OCoCP [REP4-016] that includes this for the main and secondary compounds. Explain to the ExA why this is preferred, rather than securing appropriate mitigation as part of the DCO?</p>
<b>Q3.20.2 Construction Effects on Sensitive Receptors</b>		
Q3.20.2.1	Applicant	<p><b>HDD Works at Night and Emergency Works</b></p> <p>The Applicant sets out a list of mitigation to be used to try and avoid night time working [REP3-101, Q2.20.2.3].</p> <p>a) Provide a revised OCoCP to include this mitigation.</p> <p>The Applicant has noted that drilling would be at a rate of 80m per day and the longest proposed drill is approximately 600m.</p> <p>b) Set out how this would be completed with daytime only works and do the drilling works have to be continuous once started or can they be paused overnight? Include suitable revisions in the OCoCP.</p> <p>See related question in ExA's proposed changes to the dDCO.</p>
Q3.20.2.2	Applicant	<p><b>Main Compound</b></p> <p>The ES states [APP-109, Paragraph 151] that the main compound is likely to be used for the full duration of the onshore construction works and is expected to be in use, to some extent, if there are any nighttime works taking place anywhere along the route. Is the Applicant's assertion [REP3-101, Q2.20.4.2] that no essential activities for which out of hours (e.g. night-time) working may be required are likely to occur at the main construction compound justified?</p>

<b>Q3.20.3 Cumulative Effects Assessment</b>		
		No further questions in this section as this stage.
<b>Q3.20.4 Adequacy and Design of Proposed Mitigation</b>		
Q3.20.4.1	Applicant	<p><b>Adequacy of Proposed Noise Mitigation</b></p> <p>The Applicant's [REP3-101, Q2.20.4.2] [REP3-103, Appendix B.6] sets out potential mitigation for a number of sensitive receptors (CCR2, CCR2C, CCR8, CCR25, CCR26, CCR26A and CCR31).</p> <p>a) Provide an updated OCoCP or a draft of the CNMP that includes such mitigation.</p> <p>The calculations of noise effects on CCR2, CCR2C, CCR8, CCR25, CCR26, CCR26A and CCR31 (REP3-103, Appendix B.6] incorporate an assumption that the cable will be in the centre of the cable corridor.</p> <p>b) For each of these receptors calculate how close the cable could be to the receptor without resulting in significant effects.</p>

<b>Q3.21. Oil, Gas and Other offshore infrastructure and activities</b>		
<b>Q3.21.1 Helicopter Access</b>		
Q3.21.1.1	Perenco	<p><b>Impact of existing turbines</b></p> <p>The Applicant’s Waveney Helicopter Access Supplementary Analysis [REP4-039, Paragraph 31] states that the current Dudgeon wind farm is within 3nm of Waveney, with the closest turbine 2.7nm away. Do you agree that this means that the proposal of DEP would have no difference on night flights as the CAA restrictions would already be imposed?</p>
Q3.21.1.2	Perenco	<p><b>CAA dispensation</b></p> <p>The Applicant has suggested that there may be CAA dispensation to allow for night flights from certain directions, such as with decommissioning of the platform. Provide comment on this?</p>
Q3.21.1.3	Perenco Applicant	<p><b>IMC Access</b></p> <p>For clarity, would there be any possible day IMC access to Waveney platform if DEP was constructed with the 1nm buffer?</p>
Q3.21.1.4	Perenco Applicant	<p><b>One Engine Inoperative Take Off Condition</b></p> <p>The Applicant states that their temperature and pressure assumptions are sufficiently conservative, whilst Perenco’s are excessively conservative. Notwithstanding this difference, if the final wind turbine layout is similar to the indicative drawings provided, the One Engine Inoperative take-off distance required will not reduce helicopter access [REP4-039, Paragraph 15].</p> <p>a) Perenco, confirm whether you agree with Applicant that with the indicative layout there would be no required reduction in helicopter access?</p> <p>b) Perenco and Applicant, if based on the indicative drawings the One Engine Inoperative take-off distance required would not reduce helicopter access, what would be the consequence if there was a final change to the layout from these indicative drawings in the area of the Waveney Platform?</p>
Q3.21.1.5	Perenco	<p><b>Night flights from Norwich Airport</b></p> <p>How would Norwich Airport opening times effect future night flights to a supporting rig at Waveney?</p>

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Q3.21.1.6	Perenco Applicant	<p><b>Comparative tables of information regarding helicopter access</b></p> <p>To ensure a full understanding of the differences and agreements between the parties, please each provide a set of tables setting out Day VMC, IMC and No Fly Conditions, based on the agreed datasets for the last few years. This should be done with one set of tables applying the CAA Draft Limits, with and without DEP, and another based on current CAA limits and restrictions, with and without DEP. When setting out the figures based on DEP being in place, please use the 1nm buffer as proposed by the Applicant.</p>
Q3.21.1.7	Applicant	<p><b>Access to Waveney</b></p> <p>Perenco states that if there is a turbine within 1.34nm of Waveney platform then access would only be from the east or west and concludes that access flight times available to Waveney NUI as a proportion of the current status would be low [REP4-050, Figure 3]. Respond to this and explain whether this could be overcome with the final wind turbine layout?</p>
Q3.21.1.8	Applicant	<p><b>Robustness of Assessment</b></p> <p>Perenco has claimed that a simple count of all daylight times when visual flight rules apply does not represent the proportion of helicopter operations that will be unaffected. Has the Applicant undertaken a robust enough assessment taking into account all relevant factors as reasonably possible, such as those set out in Perenco's submission [REP4-050]?</p>
Q3.21.1.9	Applicant Perenco	<p><b>Joint Statement</b></p> <p>Provide a joint statement from both parties to set out what is a mutually agreeable position for helicopter access to Waveney, and how that can be secured in the dDCO.</p>
Q3.21.1.10	Independent Oil and Gas Limited	<p><b>Blythe and Elgood</b></p> <p>Is Independent Oil and Gas content that the Proposed Development at DEP would not significantly impinge on operations at its assets in this area, such as through restricting helicopter or sea vessel access?</p>
<b>Q3.21.2 Effectiveness of Proposed Mitigation</b>		
i.		No further questions in this section as this stage.

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<b>Q3.22. Socio-economics effects</b>		
<b>Q3.22.1 Effects on recreation, tourism and business</b>		
		No further questions in this section as this stage.
<b>Q3.22.2 Effects on jobs and skills</b>		
Q3.22.2.1	Applicant Norfolk County Council	<b>Outline Skills and Employment Plan</b> The draft SOCG provided between the Applicant and NCC [REP4-021] sets out that discussions on the OSEP are still being undertaken with regard to key NCC recommendations, including outcomes from the new LSIP process dialogue (Norfolk Chambers). Provide an update on such discussions and NCC confirm whether you are now content with the OSEP following its revision [REP3-072].
<b>Q3.22.3 Effects on Individuals and Communities</b>		
		No further questions in this section as this stage.
<b>Q3.22.4 Inter-related Effects on Human Health and Community Well-being</b>		
		No further questions in this section as this stage.

<b>Q3.23. Traffic and Transport</b>		
<b>Q3.23.1 Effects from Construction Vehicles on the Highway Network and Living Conditions</b>		
Q3.23.1.1	Applicant National Highways	<b>Driver Delay, Capacity and Assessment Methodology</b> The draft SOCG [REP3-080] sets out that the Applicant is providing further information to NH in relation to driver delay, capacity and assessment methodology. Set out what the further information is and what remains the concern of NH.
<b>Q3.23.2 Traffic Management Proposals and Impacts on the Highway Network</b>		
Q3.23.2.1		No further questions in this section as this stage.
<b>Q3.23.3 Cumulative Traffic Effects with Other Local Projects</b>		
Q3.23.3.1		No further questions in this section as this stage.
<b>Q3.23.4 Effects on Recreational Routes, such as Public Rights of Way</b>		
Q3.23.4.1		No further questions in this section as this stage.
<b>Q3.23.5 Suitability of Access Strategy</b>		
Q3.23.5.1	Applicant National Highways	<b>Abnormal Indivisible Loads</b> a) NH has set out [REP3-138, Q2.23.5.1] that it's consultants will be issuing their report soon for the Scarning Bridge assessment. Provide an update on the progress of the report.  NH note [REP3-138, Q2.23.5.1] that 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 Electronic Service Delivery for Abnormal Loads processes. Further, NH is of the view that 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 movements around the A47 works and other abnormal load movement needs, not solely rely on the processes.

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		b) What changes are needed to the OCTMP to capture such matters?
Q3.23.5.2	Applicant Norfolk County Council	<b>Accesses ACC25 and ACC25b</b> The most recent draft SOCG [REP4-021] with NCC notes that matters associated with access ACC25 and ACC25b and mitigation measures are still in discussion. Provide an update on these discussions.
Q3.23.5.3	Applicant National Grid	<b>A47 Tuddenham Scheme</b> The Applicant acknowledges [REP4-028] 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. 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. Further, the Applicant has set out that any application could also consider the wider realignment of the access road to avoid the associated landscaping scheme. The Applicant has also set out that the options to secure consent to alter the access will be consulted on with relevant stakeholders including the local planning authorities and that this could involve 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. a) Applicant, set out what implications the misalignment has for the Examination, including any CA issues and the delivery of the proposed development. b) What would be required post Examination for the SoS to consider in decision-making?  NH has also referred [REP3-138] to the Applicant needing engage with Orsted and the affected landowner(s) to maximise use of the same construction haul route to minimise environmental and land use impacts and that NG would also require protective provisions to reflect the need to maintain and protect Orsted's existing right to legal access along this corridor through the approved A47 DCO. The Applicant has confirmed [REP4-028] it is engaging with Orsted. c) Provide an update. d) Has the Applicant engaged with NG on such matters?
Q3.23.5.4	National Highways	<b>Access to the North of the A47</b>



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		NH has recommended [REP3-138] the Applicant considers the implications to their construction programme of a 2-year period of no access to the north of the A47 or if access from Church Lane in the east is required to mitigate the risk. The Applicant is of the view [REP4-028] that this can be suitably managed by the OCTMP. Is this accepted by NH?
Q3.23.5.5	Applicant National Highways	<p><b>Honingham Lane Temporary Traffic Regulation Order</b></p> <p>NH has raised concerns [REP3-138] about the effect of the Honingham Lane Temporary Traffic Regulation Order that forms part of the A47 Tuddenham Scheme on the proposed development. The Applicant asserts [REP4-028] 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>a) Has the ES considered and assessed such a circumstance in terms of vehicles numbers that the alternative would receive?</p> <p>b) Does this overcome NH’s concern and is the Applicant’s view supported by NCC?</p>
<b>Q3.23.6 Effectiveness of Proposed Mitigation Measures</b>		
Q3.23.6.1	Applicant National Highways	<p><b>Mitigation – A47 Tuddenham Scheme</b></p> <p>NH have set out [REP3-138] that the Applicant has acknowledged the need to enter into a Legal/ Co-operation agreement similar to that between NH and Orsted for the Hornsea Project Three DCO wind farm cable crossing of the A47 Tuddenham Scheme. Explain why this is necessary outside of the DCO and its protective provisions.</p>
Q3.23.6.2	Applicant	<p><b>Collaborative Meetings and Monitoring Group</b></p> <p>NH are of the view [REP3-138] that the Applicant should facilitate collaborative meetings with itself, NCC and other major wind farm developers when developing the CTMP and construction programme post DCO consent to accommodate existing commitments and maximise opportunities to align activities and programmes to minimise road network and local community disruption.</p> <p>a) Should such a commitment be secured in the OCTMP?</p> <p>In addition, the draft SOCG [REP3-080] notes that NH has requested further amendments to the OCTMP. The requested amendments would include a monitoring group that is set up</p>

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		<p>and chaired by the Applicant to consider whether the CTMP is being carried out and working.</p> <p>b) Applicant, confirm whether you consider this is necessary and if so, provide a revised OCTMP.</p>
Q3.23.6.3	Norfolk County Council	<p><b>OCTMP</b></p> <p>The Applicant has provided a revised OCTMP [REP3-062]. This includes: an amended access design for the main construction compound at Attlebridge; text in relation to the ability to review routes if they become unavailable for use; restrictions of LVs through Oulton village; and the addition of a crossing schedule. Does this overcome NCC's remaining concerns?</p>
Q3.23.6.4	Applicant	<p><b>OCTMP Annex A</b></p> <p>In the most recent version of the OCTMP [REP3-062] changes have been made to some of the figures in Annex A, Table A1.1: Peak Vehicle Trips Per Link.</p> <p>a) Applicant, explain why this has been done.</p> <p>b) Does NCC have any concerns with regard to the amended figures?</p>

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<b>Q3.24. Water quality and resources</b>		
<b>Q3.24.1 Effects on Flood Risk and Drainage, including Adequacy of Sequential and Exception Tests</b>		
Q3.24.1.1	Lead Local Flood Authority	<p><b>Flood Risk Assessment</b></p> <p>The revised FRA addendum [REP3-097] sets out that a number of clarifications have been requested by the LLFA, in a letter dated 20 March 2023. Provide a copy of that letter.</p>
Q3.24.1.2	Applicant	<p><b>Onshore Drainage</b></p> <p>The Applicant has provided revised versions of the:</p> <ul style="list-style-type: none"> <li>• Onshore Substation Drainage Study [REP3-036]</li> <li>• Onshore Substation Hydraulic Modelling Report [REP3-099]</li> <li>• Outline Operational Drainage Strategy [REP3-070]</li> <li>• Addendum to the Flood Risk Assessment [REP3-097]</li> </ul> <p>The LLFA set out [REP4-046] that all but one of its concerns had been addressed by this further work. How does the Applicant propose to address the remaining concern about sensitivity testing of infiltration losses and what are the consequences if agreement cannot be reached?</p>
Q3.24.1.3	Lead Local Flood Authority	<p><b>Onshore Substation Drainage Study</b></p> <p>The revised Onshore Substation Drainage Study [REP3-036] considers that the four sustainability pillars of SuDS and concludes that there are significant constraints to the delivery of the Amenity and Biodiversity pillars due to security. Is this accepted by the LLFA?</p>
Q3.24.1.4	Applicant	<p><b>Revised Documents</b></p> <p>A revised Geomorphological Baseline Survey Technical Report [REP3-038] and Water Framework Directive Compliance Assessment [REP3-034] have been provided by the Applicant. However, it is not clear from the tracked change versions [REP3-035] [REP3-039] what alterations have been made. Please Confirm.</p>
<b>Q3.24.2 Effects on Water Resources and Water Quality, including Measures to Prevent Pollution of Aquifers</b>		

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Q3.24.2.1		No further questions in this section as this stage.
<b>Q3.24.3 Effects on Rivers, Streams, Canals and Ditches from Proposed Construction Methods and Crossing</b>		
Q3.24.3.1	Applicant	<b>Ordinary Watercourses</b> The LLFA has requested [REP3-124, Q2.24.3.3] 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. In reply the Applicant set out [REP4-028] that this will be undertaken during detailed design stage in support of the Watercourse Crossing Scheme, required within the OCoCP. Applicant, should the OCoCP at Table 1-1 make clear that this will include a walkover of the whole cable route?
<b>Q3.24.4 Effectiveness of Mitigation Measures</b>		
Q3.24.4.1	Applicant Environment Agency Lead Local Flood Authority Internal Drainage Board	<b>Protective Provisions</b> Provide an update on discussions to finalise the protective provisions still under discussion [RE3-101, Q2.24.4.2].