



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's response to the Examining
Authority's commentary on or proposed schedule of
changes to the draft Development Consent Order

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1 The Applicant's response to the Examining Authority's commentary on or proposed schedule of changes to the draft Development Consent Order

1. Following the issue of the Proposed Changes to the DCO by the Examining Authority (ExA) to Equinor New Energy Limited (the Applicant), the Applicant has subsequently responded within the subsequent sections below.

2 DC1.1 General and cross-cutting

Table 1 Applicant's responses to DC1.1 General and cross-cutting

PINS Number	Question is addressed to	Question	Applicant Response
DC1.1.1 General and cross-cutting			
DC1.1.1.1	Applicant	<p>Format of Providing the Explanatory Memorandum with Track Changes</p> <p>Provide the track change version of the EM that shows all the changes made since the submissions of the application.</p>	Please see Explanatory memorandum (Revision A_G) (Tracked) [document number 3.2.2] submitted at Deadline 5.
DC1.1.2 Content			
DC1.1.2.1	Applicant	<p>Applicant's Confirmation of Final Review at the final Examination Deadline</p> <p>a) Check internal references, statutory citations and references and legal footnotes and update as required.</p> <p>b) Review additions to the dDCO ensuring that the titles and numbering of all provisions remains consistent throughout and with the Table of Contents.</p> <p>c) Confirm and demonstrate, that the proposed dDCO follows best practice in Planning Inspectorate Advice Notes 13 and 15 and (as relevant) guidance on statutory instrument drafting from the Office of the Parliamentary Counsel (June 2020). In addition to your previous response you may provide a table of compliance [REP1-036, Q1.11.1.1].</p>	The Applicant confirms it will undertake this review before submitting the final version of the draft DCO at Deadline 7.
DC1.1.2.2	Applicant	<p>Table of contents</p> <p>ExA proposes correcting the Schedule numbering for Documents to be certified. This should be Schedule 18 and is currently identified as Schedule 1.</p>	This has been corrected. Please see draft DCO (Revision H) [document number 3.1].
DC1.1.2.3	Applicant Discharging Authorities	<p>Discharging Requirements and Conditions</p> <p>At this stage, the ExA proposes no further amendments with the discharging authorities in the dDCO [REP1-036, Q1 1.11.1.3, Appendix B.8] [REP2-040], subject to further comments if any, from discharging authorities, in particular NCC.</p>	Noted. NCC has requested a change to Requirement 26 (Local skills and employment) which the Applicant is discussing with the Local Planning Authorities.

3 DC1.2. PART 1 Preliminary

Table 2 Applicant's responses to DC1.2. PART 1 Preliminary

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.2.1 Article 2 Interpretation			
DC1.2.1.1	Applicant National Highways	<p>Pre-commencement works</p> <p>ExA notes the proposed amendments to the definition of “commence”, the addition to the definition of “pre-commencement”, the corresponding amendments to R13, R18 and R20(4), the addition of new R33 Contaminated land and groundwater scheme, and corresponding explanation [REP1-102] [REP1-078] [REP1-036] [REP3-103, Q2.11.2.2, Appendix B.10] [REP4-045] [REP4-027].</p> <p>A) In this regard, the ExA proposes, the addition of an explanation of “pre-commencement” to the EM, Paragraph 36, including a summary of the explanation provided by the Applicant [REP3-103, Q2.11.2.2, Appendix B.10].</p> <p>B) The ExA is awaiting resolution of discussion with NH on any further amendments to R19, in addition to Protective Provision, if deemed necessary by NH and Applicant [REP3-138] [REP4-028].</p>	<p>a) The Applicant has updated the Explanatory Memorandum (Revision G) [document 3.1] at paragraphs 36, 155 ,169 and 175. The Applicant notes that paragraph 174 in relation to archaeological investigations and paragraph 187 in relation to remedial works and ground contamination were already updated at D3.</p> <p>b) The Applicant has discussed further with National Highways whether there is any need for them to be named as a consultee in R.19 at a meeting on 6.6.2023. At the meeting National Highways raised concerns in relation to ensuring the National Highways stage 1 audit process is followed in respect of the SRN and providing for a process to manage the risk of a potential bentonite breakout (also known as fracking out) arising where the Applicant will HDD under the SRN. The Applicant has subsequently confirmed to National Highways that it considers that their concerns are adequately covered by both the CTMP and the protective provisions which will be included for National Highways within Part 14 of the draft DCO. The Applicant therefore considers that inclusion of National Highways as a named consultee in relation to the CoCP requirement would add an unnecessary burden on the local authorities to consult an additional body which is not required. It has asked National Highways to provide confirmation as to whether it now agrees with this position.</p>
DC1.2.1.2	Applicant	HDD Works at Night and Emergency Works	<p>a) The Applicant has taken this question to refer to Requirement 20 (Construction Hours) rather than Requirement 21 (Control of noise</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>The Applicant has set out [REP3-101, Q2.20.4.2] that other than trenchless crossings under the A11 (RDX048), the Cambridge to Norwich Railway (RLX002) and the crossing of the North Norfolk Railway line (RLX001) HDD works would not be undertaken at night other than in an emergency. The Applicant has set out examples of emergencies for HDD works [REP3-101, Q2.20.4.2]. However, what constitutes an emergency in terms of HDD is not defined in the dDCO.</p> <p>A) The ExA is of the view that the three crossings identified above should be set out in R21 (2)(d) of the dDCO, so it is clear that such works are limited to these crossings. Applicant, provide suitable wording.</p> <p>B) The ExA considers a definition of emergency HDD works or emergency works is needed. Applicant, provide suitable wording.</p> <p>C) Consequently, the drafting in the dDCO should clarify the restrictions around emergency works in R21. Applicant, provide suitable drafting amendments.</p> <p>D) Justify why labour issues should be considered an emergency.</p> <p>E) Provide corresponding explanation in the EM. See related question in ExA's WQ3, Noise and Vibration.</p>	<p>during operation). In particular, the Applicant notes that there is no R21(2)(d) within the draft DCO. The Applicant does not consider that it is necessary to restrict the drafting further. In particular, the Applicant notes that the relevant LPA will (save for an emergency) have control over works (including HDD works) which are necessary to undertake outside of the construction hours set out within 20(1) because Requirement 20(4) requires works outside these hours to be agreed with the relevant LPA in advance, which includes provision of full details about the works.</p> <p>b) The Applicant has included the following definition within Requirement 20 of the draft DCO (Revision H) [document 3.1]:</p> <p><i>“emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.</i></p> <p>The Applicant notes that there are limited precedents for including a definition of ‘emergency’ within a DCO. The above definition has been taken from the construction hours requirement in The Southampton to London Pipeline Development Consent Order 2020.</p> <p>c) The Applicant has amended Requirement 20 of the draft DCO (Revision H) [document 3.1] to include a new sub-paragraph (5) relating to emergency works. The wording is as follows:</p> <p><i>(5) In the event of an emergency, notification of that emergency must be given to the relevant planning authority and the relevant highway authority as soon as reasonably practicable.</i></p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Whilst the above wording follows precedent in the construction hours requirement within The Southampton to London Pipeline Development Consent Order 2020, the Applicant again reiterates that there is very limited precedent for additional drafting relating to emergency works within a DCO. The ability to undertake emergency works should not be unduly restricted, but the Applicant considers that the proposed definition of 'emergency' and the inclusion of the new sub-paragraph (5) is a reasonable compromise between providing additional clarity and not unnecessarily restricting the ability of the undertaker to undertake emergency works outside construction hours where those are necessary.</p> <p>d) Should a member of the drill team become unwell/injured or is unable to complete their shift due to personal issues this impact may lead to works outside of normal working hours to, for example complete operational requirements in a safe and secure manner and/or to implement any necessary emergency procedures to ensure the health and safety of construction crews and safety and security of the site.</p> <p>e) Please refer to paragraph 176 of the Explanatory Memorandum (Revision G) [document reference 3.2].</p>
DC1.2.1.3	Applicant	<p>Definition of scenario 1</p> <p>a) Given there could be an overlap between the onshore and offshore construction programme in scenario 1c and 1d, the ExA finds the word "separately" in the definition of scenario 1 to be mis-leading. In that regard, the ExA proposes</p>	<p>(a) The Applicant has amended the definition of scenario 1 in Article 2 and in Schedules 10 to 13 of the draft DCO (Revision H) [document number 3.1] to remove the word 'separately'.</p> <p>(b) The Applicant considers that this is already provided for under Article 3. This sets out that SEL and DEL are granted consent for the development of SEP and DEP subject to the provisions</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>deleting the word “separately” from the definition in Article 2, and all instances where scenario 1 has been defined.</p> <p>b) Additionally, the ExA finds that the definition of scenario 1 should clarify in Article 2 and other instances in the dDCO and the EM that the coordination (or lack thereof) between the construction of the two projects would be in accordance with relevant provisions, management plans and the Scenario Statement.</p> <p>c) The ExA also proposes that the Scenario Statement should be either a certified document or included in the ES. Applicant, provide suitable amendments to Schedule 18 and EM.</p> <p>d) Propose any further related drafting amendments.</p>	<p>of the Order which includes the requirements and conditions and therefore all the management plans secured through those. This is regardless of whether SEP and DEP are constructed under scenario 1, 2, 3 or 4. Paragraph 42 of the Explanatory Memorandum (Revision G) [document reference 3.2] has been updated to better reflect this position. With regards to the Scenarios Statement [APP-314] specifically, please refer to responses to (c) and (d) below where the Applicant has proposed some amendments to the draft DCO (Revision H) [document reference 3.1] and Chapter 4 Project Description (Revision C) [document reference 6.1.4] to provide additional comfort around project co-ordination in scenarios 1(c), 1(d) and 2.</p> <p>(c) The Scenarios Statement [APP-314] was produced to provide background to the need for including a range of project development scenarios within the Development Consent Order (DCO) application for SEP and DEP; and to explain how those scenarios are reflected in key application documents including the draft DCO (Revision H) [document reference 3.1] and the Environmental Statement (ES) [document reference 6.1]. Certification of the Scenarios Statement [APP-314] would, on this basis, be unnecessary duplication. The Scenarios Statement [APP-314] does not contain any additional assessment of effects or secure mitigation that is not already part of the Environmental Statement. It is not therefore environmental information within the meaning of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and should not be treated as forming part of the Environmental Statement.</p> <p>(d)</p> <p>The Applicant notes that with regards to collaboration between the two projects in either a concurrent or sequential build</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>scenario, this is most clearly set out section 8.3, in particular at paragraph 89 of the Scenarios Statement [APP-314]. To better reflect and secure the coordinated working referred to in section 8.3 of the Scenarios Statement [APP-314], the draft DCO has been amended to include an onshore collaboration requirement in the event of scenarios 1(c). 1(d) or 2. The Applicant has noted that there is a slight discrepancy between the wording in paragraph 14 of the Chapter 4 Project Description (Revision C) [document reference 6.1.4] and in paragraph 89 of the Scenarios Statement [APP-314]. The Applicant has therefore amended paragraph 14 to align with the wording in the Scenarios Statement [APP-314] and to refer to the collaboration requirement now included in the draft DCO (Revision H) [document 3.1].</p> <p>Further to (c) above, the draft DCO (Revision H) [document 3.1] has been amended to include a new requirement 33 as follows:</p> <p>33.— Onshore collaboration</p> <p>(1) In the event of scenario 1(c), 1(d) or 2 SEL and DEL must:</p> <p>(a) before submitting any plan or document required to be submitted for approval under the requirements, provide a copy of the plan or document to the other undertaker to enable the other undertaker to provide comments on the relevant plans and documentation; and</p> <p>(b) when submitting any plan or document referred to in sub-paragraph (1)(a) for approval, submit any comments duly received from the other undertaker or a statement confirming that no such comments were received.</p>

4 DC1.3. PART 2 Principal powers

Table 3 Applicant's responses to DC1.3. PART 2 Principal powers

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.3.1 Article 5 Benefit of Order			
DC1.3.1.1	Applicant Marine Management Organisation	<p>The role of MMO</p> <p>The ExA notes the amendments proposed by the Applicant to Article 5, particularly subparagraphs 2, 6 and the addition of sub-paragraph 3, to ensure that MMO is consulted by the SoS should the SoS consider a transfer of benefit of a DML, and only the whole of the DML could be transferred, not allowing a transfer of part of a DML. The ExA finds it reasonable that where a transfer of a DML would be proposed, the SoS would be required to look at the proposed transfer in the context of all the provisions of the dDCO, including some Articles and Requirements relating to offshore matters which overlap with the DMLs. In that context, the ExA finds it is reasonable that the SoS would have the ability to approve the transfer of a dDML, in consultation with MMO [RR-053] [REP1-036, Q1.11.3.2] [REP3-112] [REP3-133] [REP4-028] [REP4-037] [REP4-048]. However, the ExA proposes the following edits:</p> <p>A) Applicant, provide edits to Article 5 (or signpost if already included) to ensure that the provision only provides for the transfer of the benefit of the dDML and not a lease.</p> <p>B) Applicant, provide corresponding justification and any other relevant updates in the EM.</p> <p>C) MMO, provide further justification if you find that the provision in Article 5(6) would not enable you to ensure compliance with the provisions of the MACAA2009, when responding to the SoS.</p>	<p>A) The Applicant amended the draft DCO at Deadline 3 to provide for the transfer only of the benefit of the DMLs and not a lease. Please refer to the draft DCO (Revision F) (Tracked E F) [REP3-009] which most clearly shows the changes.</p> <p>Sub-paragraph (2) of Article 5 was amended to specifically exclude deemed marine licences from the powers to transfer or lease any or all of the benefit of the provisions of the DCO. Sub-paragraph 5(3) was then added to specifically deal with the transfer of the DMLs. Sub-paragraph 5(3) only provides for the transfer of the whole of a DML and makes no provisions for either a partial transfer or a lease of the DMLs.</p> <p>B) Please refer to the corresponding updates made at Deadline 3 to paragraph 45 of the Explanatory Memorandum (Revision E) (Tracked) [REP3-014] which explains that Article 5 only provides for the DMLs to be transferred as a whole and not leased.</p> <p>C) For the MMO to respond, no response required.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.3.2 Article 6 Disapplication and modification of legislative provisions			
DC1.3.2.1	Applicant Environment Agency	<p>Update</p> <p>a) Is there an agreement regarding the disapplication of the relevant legislation or provide an update [REP1-111] [REP2-040, Q1.11.3.3]?</p> <p>b) In Paragraph 53 of the EM, is the reference to Articles 29 and 30 correct or should this refer to Articles 26 and 27?</p> <p>c) The ExA notes that the Applicant is proposing to disapply the provisions relating to TP in the NPA2017, as these were legislated in 2017 but are still not commenced. Can you confirm that the implications of a currently unforeseen commencement of those provisions has been considered and can be managed? What would be the effect on the Proposed Development?'</p>	<p>a) It is understood that the Environment Agency (EA) will provide formal confirmation of their consent to the disapplications included in 6(1)(a) and (c) once the protective provisions are finalized and agreed. The Applicant and the EA have made good progress as set out in The Applicant's Statutory Undertaker's Position Statement (Revision C) [document reference 12.46] and it is anticipated that the EA will be in a position to provide its confirmation at Deadline 7. Similarly, it is understood that the Water Management Alliance, on behalf of the Norfolk Rivers Drainage Board and the Lead Local Flood Authority (LLFA) will provide confirmation of their consent to the disapplications included in 6(1)(b) and (d) once their joint protective provisions are finalized and agreed. The Applicant and the LLFA and the Norfolk Rivers Drainage Board have made good progress as set out in The Applicant's Statutory Undertaker's Position Statement (Revision C) [document reference 12.46] and the Applicant anticipates that the the LLFA and the Norfolk Rivers Drainage Board will be able to provide their confirmation by the end of the examination.</p> <p>b) The Applicant has checked the cross-references in paragraph 53 of the EM and has corrected them to refer to Articles 26 and 27 instead of Articles 29 and 30.</p> <p>c) The disapplication of the temporary possession provisions is well precedented in DCOs which include temporary possession powers equivalent to Articles 26 and 27 of the draft DCO. The TP provisions within the Neighbourhood Planning Act 2017 require secondary legislation in order for them to be brought into force. There are currently no draft Regulations under consultation and no certainty as</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>to when the provisions may be implemented. The draft DCO disappplies the NPA 2017 so that there is no potential for conflict between the temporary possession powers contained within the DCO and the, as yet, untested provisions under the NPA 2017. To do otherwise, could give rise to confusion and uncertainty in the event the NPA 2017 temporary possession provisions are brought into force at a later date. The disapplication avoids any future uncertainty around the temporary possession powers relevant to SEP and DEP.</p>

5 DC1.4. PART 4 Principal powers

Table 4 Applicant's responses to DC1.4. PART 4 Principal powers

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.4.1 Article 16 Authority to survey and investigate land			
DC1.4.1.1	Applicant	<p>Article 16 Authority to survey and investigate land</p> <p>The ExA notes the Applicant's explanation [REP3-101] and welcomes the proposed addition of sub-paragraph 2 [REP1-036]. Additionally, the ExA proposes the following amendment to include the word "land" to notionally further limit the provision of this Article to "land" affected by the authorised project and not "any land":</p> <p><i>"16.—(1) The undertaker may for the purposes of this Order enter on any land within the Order limits or land which may be affected by the authorised project and—"</i></p>	<p>The Applicant has amended Article 16 of the draft DCO (Revision H) [document number 3.1].</p>

6 DC1.5. PART 5 Powers of acquisition

Table 5 Applicant's responses to DC1.5. PART 5 Powers of acquisition

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.5.1 Article 26 Temporary use of land for maintaining the authorised project			
DC1.5.1.1	Applicant	<p>Time-limit</p> <p>a) The ExA is aware that the drafting to Article 26(3) and 27(4) follow precedented format. However, in line with the concerns raised relating to effects of TP on business, the ExA considers that a time limit in Article 27(4) should be included to protect the distinction between TP and CA, and reinforce the temporariness of TP provisions in the dDCO.</p> <p>b) Applicant, explain with reasons the implications of including such a time limit.</p> <p>c) Is there any precedence at all, of including a time limit on the temporary use of land for maintaining a Proposed Development in made DCOs?</p> <p>d) Provide suitable wording.</p> <p>See related question in ExA's WQ3, Compulsory Acquisition and Temporary Possession.</p>	<p>a) The Applicant's position is that imposing any further restrictions on the time the undertaker is allowed to temporarily remain in possession of land for the purposes of maintenance would be unreasonable and unnecessary. Under Article 27(4) the undertaker is already under an obligation to only temporarily possess land for a period which is "<i>reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken</i>". As such they are only authorised to temporarily possess land for the particular maintenance which is being undertaken and must not hold the land for longer than is reasonably necessary for the specific circumstances. This places a control mechanism on the length of time for which land can be possessed temporarily. The drafting is however deliberately flexible because the length of time required for a particular maintenance activity will vary depending on the scope and complexity of the activity undertaken. The Applicant notes that the undertaker is also under an overall time restriction to exercise temporary possession powers for maintenance. Under Article 27(1), the powers of temporary possession for maintenance can only be exercised during the 'maintenance period'. The relevant 'maintenance period' is defined in Article 27(11). This is restricted to a period of 5 years from the commercial operation of the relevant part of the authorised development save with regards to maintenance of any trees, hedges or shrubs in accordance with the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>landscape management plan and the periods specified in R11(2). Furthermore, it is not in the interests of the Applicant to temporarily possess land for maintenance for unnecessarily long periods of time, not least because Article 27(6) requires compensation to be paid for any losses or damage arising from the exercise of temporary possession powers for maintenance.</p> <p>b) As noted at (a) above, imposing any further restrictions on the time allowed for temporary possession for maintenance is unnecessary and unreasonable. Indeed, the Applicant considers that any stricter timescales for remaining in temporary possession for maintenance would be contrary to the purpose of including them, which is to provide sufficient flexibility for maintenance activities without the need to seek compulsorily acquisition powers over a wider area to ensure access for maintenance activities is preserved. This is particularly where for example areas are being used to establish mitigation works including landscape planting and renewal.</p> <p>c) The Applicant is not aware of any such precedent and has reviewed equivalent articles in 93 other DCOs (including East Anglia One North, East Anglia Two, Norfolk Vanguard, Norfolk Boreas, Hornsea Three, East Anglia Three and other offshore wind DCOs), all of which contain the drafting which has been included in A27(4) of the draft DCO (Revision H) [document 3.1]. Given that none of the issues raised in this Examination raise anything novel which will not have applied to the DCOs granted to date, the Applicant respectfully invites the ExA not to pursue the inclusion of such drafting.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			d) No drafting is proposed.

7 DC1.6. SCHEDULE 2 PART 1 – Requirements

Table 6 Applicant's responses to DC1.6. SCHEDULE 2 PART 1 – Requirements

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.6.1 Requirement 1 Time limits			
DC1.6.1.1	Applicant	<p>Assumptions on Working Crews</p> <p>The ExA is unconvinced with the Applicant's explanation [EV-057] [EV-061] [REP3-101, Q2.6.1.4] and remains concerned that the adverse effect of construction works that would be undertaken on the same section(s) of the cable corridor by separate crews, constructing SEP and DEP projects under scenarios 1c and 1d, has not been assessed in the ES. On this basis, the ExA proposes an additional paragraph to R1 that secures a restriction that working crews cannot work on the same or adjacent section(s) of onshore cable corridor when they are being constructed under scenarios 1c and 1d. Applicant, provide suitable wording, corresponding explanation in the EM, and any corresponding changes to the ES</p>	<p>The Applicant remains of the view that it has properly assessed the 'worst case' within the ES and that the draft DCO includes adequate controls to monitor and manage impacts as set out in its detailed explanation in response to Q2.6.1.4 of The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101] submitted at Deadline 3. The Applicant has also provided a further response in relation to traffic and transport assumptions in its response to Q3.6.1.1 in The Applicant's Response to the Examining Authority's Third Written Questions [document 19.2].</p> <p>ES Chapter 4 Project Description (Revision C) [document reference 6.1.4], paragraph 22, bullets 2 and 3 sets out the following (emphasis added):</p> <p><i>The impact assessments for onshore topics therefore consider the following development scenarios and sub-options in determining the worst-case scenario for each topic:</i></p> <ul style="list-style-type: none"> • <i>Build SEP or build DEP in isolation;</i> • <i>Build SEP and DEP sequentially with a gap of up to four years between the start of construction of each Project – reflecting the maximum duration of effects; and</i> • <i>Build SEP and DEP concurrently – reflecting the maximum peak effects.</i> <p>In addition, the Applicant highlights that it will operate an Environmental Management System (EMS) which includes the preparation and implementation of a programme of environmental monitoring and auditing to ensure that environmental standards and commitments are</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>being adhered to during construction. This would include any impacts arising from working crews operating simultaneously. This is secured through the CoCP under Requirement 19 of the draft DCO (Revision H) [document 3.1]. Please refer to paragraphs 20 and 21 of the oCoCP (Revision E) [document reference 9.17].</p> <p>The Applicant does not consider that it is necessary, appropriate or workable to include a restriction in the way proposed. Any such drafting could potentially have an unintended impact on the desired collaborative working between construction crews in scenarios 1(c), 1(d) and 2 where construction relies upon shared accesses, compounds and haul roads. The Applicant notes that it has included an onshore collaboration requirement in the draft DCO (Revision H) [document 3.1] as set out at ID DC1.2.1.3 above in order to ensure a coordinated approach is taken to development under scenario 1(c), 1(d) and 2. ES Chapter 4 Project Description (Revision C) [document reference 6.1.4], includes additional wording to the above effect in paragraph 14, submitted at Deadline 5.</p>
DC1.6.2 Requirements 2 – 7 Detailed offshore design parameters			
DC1.6.2.1	Applicant	<p>Check figures</p> <p>Check if the figures – 4045, 4054, 7297 – are correct in R6(3) to (6).</p>	<p>The Applicant has corrected 4045 to 4054 in requirement 6(5) to properly align with condition 1(4) in Schedule 13. The Applicant confirms that the figures are otherwise correct.</p>
DC1.6.3 Requirement 10 Detailed design parameters onshore			
DC1.6.3.1	Applicant	<p>Design Review</p> <p>a) In order to secure a rigorous design process which includes detailed consideration of the design of permanent fencing and screens, the ExA proposes the following amendments to R10(5): “(5) <i>The details submitted under subparagraphs (1), (2) or (3) and under Requirement 14 must:</i>”</p>	<p>The Applicant notes that it has discussed this question and the Applicant's proposed responses with SNC.</p> <p>a) The applicant has amended Requirement 10(5) of the draft DCO (Revision H) [document number 3.1] to cross refer to Requirement 14.</p> <p>b) The applicant has amended Requirement 10(5)(b) of the draft DCO (Revision H) [document number 3.1] as requested.</p> <p>c) The Applicant notes that Requirement 10 (and all other Requirements</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>b) ExA proposes the following amendments to R10(5)(b), in order to avoid potential confusion over the provision for independent design review in line with NPS-EN1, and to ensure that the relevant planning authority is fully engaged in the independent design review process: <i>“(b)-if requested by the relevant planning authority, have been subject to an early independent design review to a design review process carried out by an independent design review panel to the satisfaction of the relevant planning authority and which must consider whether sub-paragraph (a) has been satisfied and make recommendations for design improvements if not.”</i></p> <p>c) Consider if the drafting of R10 (1) to (3) and R10(5)(b) makes provision for iterative design improvements or changes, made during the entirety of the design process to be in accordance with those approved by the relevant planning authority and for the undertaker to take account of such design improvements or changes.</p> <p>d) Set out how the DAS would be updated following a design review process and how such updates would be secured. Explain with reasons or provide suitable alternative wording.</p> <p>e) Justify the need for R10(4), given R10(5) secures the DAS and explain if there is potential for duplication, potentially preventing the undertaker from considering the DAS as a whole</p> <p>f) Set out how R10(4) and (5) relate to each other when taking into account the design review</p>	<p>which are subject to approvals) should be read alongside Part 2 of Schedule 2 which sets out the process for approvals generally. Requirement 10(5) specifies that the details which the Applicant submits for approval must be in accordance with the DAS and have been subject to an independent design review process to the satisfaction of the LPA. The intention is therefore that the details the undertaker formally submits pursuant to 10(1), 10(2) or 10(3) will already have been subject to and therefore taken account of the output of the independent design review process. The LPA will then consider if this is the case before it signs off the detailed design of the substation pursuant to either 10(1), 10(2) or 10(3). In the usual way as part of an approvals process (as provided for in Part 2 of Schedule 2), if the LPA is not satisfied that the drawings and documents submitted to it have adequately taken into account any output from the independent design review process as required by 10(5), it can either (a) request further information (which includes being able to request amendments to drawings and documentation as appropriate) or (b) refuse to sign off the details setting out its reasons for doing so. In either case, the undertaker would have to update its drawings and documents and re-submit them for approval to achieve formal sign off and be able to commence the substation works. The ultimate power to approve the details rests with the LPA in the usual way where documents/drawings are subject to approval. The Applicant does not consider that any additional or alternative drafting is necessary.</p> <p>d) The DAS is a statement of intent to support the application and therefore the design review process as required by Requirement 10. The output of the independent design review, as part of the overall substation detailed design process with the LPA, will draw on the DAS but would not necessitate updates to the DAS itself. As set out above, the output of the independent detailed design review may necessitate updates or changes to the undertaker's detailed design drawings/documents for the substation. If the LPA does not consider that the drawings/documents it has been given to sign off adequately reflect any recommendations from the independent design review, it can request changes through the approvals process (as set out in Part 2 of Schedule 2) or refuse to approve the details and sign off the substation works pursuant to either</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>process secured through R10(5)(b) and the subsequent recommendations for design improvements.</p>	<p>10(1) and (2) or (3).</p> <p>e) The list set out in 10(4) is considered helpful to the LPA in terms of providing them with a list of matters that they will need to consider when signing off the detailed design of the substation. The details that the undertaker has to submit in relation to these details must correspond with the DAS as well as the outcomes of the independent design review process. The details listed in 10(4) are the details which the undertaker must submit under either 10(1), 10(2) or 10(3) and 10(5) further makes clear that those details must be in accordance with the DAS and the independent design review. On this basis, the Applicant does not consider that there is any unnecessary duplication or that the drafting would inadvertently hinder the undertaker (or the LPA) from considering the DAS as a whole or the outcomes of the independent design review.</p> <p>f) The Applicant considers this is fully covered in its responses above.</p>
<p>DC1.6.4 Requirement 11 Provision of landscaping</p>			
DC1.6.4.1	Applicant	<p>Details of Existing Trees and Hedges</p> <p>In order to ensure that 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 are fully in accordance with BS5837:2012, the ExA recommends the following amendments to R11(2)(e):</p> <p><i>“(e) 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 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; and”</i></p>	<p>The drafting of R11(2)(e) includes the full name of <i>British Standard 5837:2012</i>. The Applicant has amended the draft DCO (Revision H) [document number 3.1] to include parentheses to clarify that this is a document name.</p>
<p>DC1.6.5 Requirement 13 Ecological management plan</p>			

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.6.5.1	Applicant	<p>Numbering</p> <p>Check the Requirement numbering, and if sub-paragraphs (3) and (4) have been incorrectly numbered.</p>	<p>The Applicant has checked Requirement 13 and cannot identify any obvious issue with the numbering.</p>
DC1.6.6 Requirement 14 Fencing and other means of enclosure			
DC1.6.6.1	Applicant	<p>Means of Enclosure for the Lifetime of the Proposed Development</p> <p>a) In order to clarify the extent of information required for approval could include written information as well as plans and drawings, and in order to maintain consistency with other Requirements, the ExA proposes the removal of the word “written” in Requirement 14(1).</p> <p>b) In order to ensure that fencing, screening, walls and other means of enclosure are provided and maintained for the lifetime of the Proposed Development, the ExA proposes the following changes to R14(3):</p> <p><i>“(3) Permanent fencing, walls and other means of enclosure approved under sub-paragraph (1) and (2) must be provided and maintained in accordance with the details approved under this requirement until the onshore works to which they relate are decommissioned in accordance with the onshore decommissioning plan approved under requirement 29 (onshore decommissioning).”</i></p>	<p>(a) The Applicant has amended the draft DCO (Revision H) [document number 3.1] to remove ‘written’ from R.14(1).</p> <p>(b) The Applicant has amended R14(3) of the draft DCO (Revision H) [document number 3.1] as proposed.</p>

8 DC1.7. SCHEDULE 9 – Land of which temporary possession only may be taken

Table 7 Applicant's responses to DC1.7. SCHEDULE 9 – Land of which temporary possession only may be taken

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.7.1 SCHEDULE 9 – Land of which temporary possession only may be taken			
DC1.7.1.1	Applicant	Title Consider if the title should be: <i>"SCHEDULE 9 – Land of which only temporary possession only may be taken"</i>	The Applicant has amended the title of Schedule 9 in the draft DCO (Revision H) [document number 3.1] as proposed.

9 DC1.8. SCHEDULES 10-13 Marine Licenses 1 to 4

Table 8 Applicant's responses to DC1.8. SCHEDULES 10-13 Marine Licenses 1 to 4

PINS Question Number	Question is addressed to	Question	Applicant Response
DC1.8.1 Condition 20			
DC1.8.1.1	Applicant	<p>Post-construction monitoring of the MCZ</p> <p>Condition 20 across all DMLs refers to the Offshore In-Principle Monitoring Plan. NE [REP3-146] highlight that the list under subsection (3) lists various post-construction monitoring elements, but this does not include the post-construction monitoring of the MCZ is not listed. While the ExA acknowledges that the post-construction monitoring MCZ is covered in the Offshore In-Principle Monitoring Plan [REP4-014], this should also be included in sub-section (3). Provide suitable wording.</p>	<p>The Applicant notes that post-construction monitoring is secured through condition 20 of the Generation Asset DMLs in Schedules 10 and 11 and through condition 19 of the Transmission Asset DMLs in Schedules 12 and 13 of the draft DCO (Revision H) [document reference 3.1]. The requirement to undertake monitoring in the MCZ is only relevant to the Transmission Asset DMLs in Schedules 12 and 13 where the licensed activities include the installation of the offshore export cables within the MCZ. The Applicant has amended Condition 19(3) of Schedules 12 and 13 to add 19(3)(f) as follows:</p> <p><i>“undertake monitoring of cables installed within the Cromer Shoal Chalk Beds MCZ in accordance with any monitoring required by the cable specification, installation and monitoring plan for the installation of cables within the Cromer Shoal Chalk Beds Marine Conservation Zone submitted in accordance with condition 12(1)(e).”</i></p>
DC1.8.2 Activities Authorised under the DMLs			
DC1.8.2.1	Applicant Marine Management Organisation	<p>Activities Authorised under the DMLs</p> <p>The Marine Management Organisation continue to raise objection to the use of the phrase “materially” within the context of the DMLs [REP2-059, Paragraph 8.9] [REP4-037]. While the ExA awaits further discussion on this matter and</p>	<p>A) The Applicant has made some minor amendments to tidy up the drafting in paragraphs 8 and 9 of the draft DCO (Revision H) [document 3.1] and the corresponding paragraphs of the Explanatory Memorandum (revision G) [document reference 3.2] for readability and clarity but maintains that it is entirely appropriate for this</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>resolution on this issue, the following alternative suggestions are proposed. Applicant and MMO to comment:</p> <p>A) Consider a fuller explanation in the EM which sets out that the undertaker would be restricted to carrying out works that do not give rise to any new or different environmental effects to those assessed in the EIA; or</p> <p>B) Consider and adding a provision in the dDML to restrict activities that do not give rise to any new or different environmental effects to those assessed in the EIA.</p>	<p>drafting to refer to 'materially' in the context of the MMO's approval of amendments. The Applicant has provided a full explanation as to why the use of 'materially' is appropriate in the Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 5 [REP3-111] and in the Applicant's Comments on the Marine Management Organisation's Deadline 2 Submission [REP3-105]. To exclude reference to 'materially' would be unprecedented and entirely inconsistent with previous offshore wind DCOs. The Applicant reiterates that it does not intend to make any further amendments to the drafting of the DMLs to remove reference to the word 'materially'.</p> <p>B) The Applicant does not consider that any further drafting changes are necessary.</p> <p>The Applicant considers that the drafting already included in the draft DCO (Revision H) [Document reference 3.1] at Part 1, Paragraph 8 of each DML (in Schedules 10-13) together with the conditions which include restrictions on the onshore and offshore parameters and require activities to be carried out in accordance with the various approved plans ensures that activities undertaken will accord with the environmental impact assessment undertaken by the Applicant in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. In particular, and as previously explained in the Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 5 [REP3-111] and in the Applicant's Comments on the Marine Management Organisation's Deadline 2 Submission [REP3-105]</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>the Applicant highlights that the DMLs each secure the offshore operations and maintenance plan (OOMP) which sets out those activities that require a new marine licence and that are therefore likely to be considered materially new or materially different environmental effects from those assessed in the environmental statement. The OOMP is subject to MMO approval and is a 'live' document which is subject to review every 3 years which provides for the ongoing monitoring and control of activities by the MMO.</p>
DC1.8.3 New Schedule for MEEB implementation			
DC1.8.3.1	Applicant Marine Management Organisation Natural England	<p>Potential Part 4 of Schedule 17 regarding MEEB implementation</p> <p>Part 4 of the without prejudice DCO wording [REP2-011] provided by the Applicant, sets out that there should be no external cable protection works within the MCZ until the MIMP has been agreed by the SoS.</p> <p>a) NE, do you consider that further works would need to be prevented within or adjacent to the MCZ until the MIMP has been agreed?</p> <p>b) NE, are you content with the timings stated within the draft wording of Part 4, or should additional clauses requiring an implementation timetable be considered, including reference to when the MIMP would be necessary?</p>	<p>The Applicant notes that it has amended the drafting within the Without Prejudice DCO Drafting (Revision C) [document reference 3.1.3] to make clear that the need to undertake MEEB would be required if external cable protection was to be installed within the MCZ.</p> <p>a) N/A</p> <p>b)</p> <p>The Applicant does not consider it necessary to add further drafting to the provisions in the Without Prejudice DCO Drafting (Revision C) [document reference 3.1.3] that set out a specific implementation timetable. Paragraph 32 in Part 4 contains a non-exhaustive list of matters that the MEEB implementation and monitoring plan (MIMP) must include. Sub-paragraph (e) requires an implementation timetable for delivery of the oyster bed restoration to be included within the MIMP.</p>