



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Responses to the Examining
Authority's Third Written Questions

Revision A
Deadline 5
June 2023
Document Reference: 19.2



Title:	
Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Examination submission The Applicant's response to the Examining Authority's Third Written Questions	
PINS document no.: 19.2	
Document no.: C282-RH-Z-GA-00289	
Date:	Classification
June 2023	Final
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1 Applicant's Comments on Responses to the Third Written Questions

1. Following the issue of the Third Written Questions by the Examining Authority (ExA) on 26th May 2023 to Equinor New Energy Limited (the Applicant) and other Interested Parties, the Applicant has subsequently responded to each of those relevant questions. Details of the Applicant's responses are set out within this document in the subsequent sections below.

Table 1 Applicant's responses to the Examining Authority Third Written Questions: Q3.1

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.1. General and Cross-topic Questions			
Q3.1.1 Planning Policy			
Q3.1.1.1	Applicant Marine Management Organisation	<p>Marine Plan Policy Review</p> <p>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.</p> <p>a) Provide further information on the review and anticipated timescales.</p> <p>b) What, if any, would be the implications for this application, and this Examination?</p>	<p>a)</p> <p>At a meeting between the MMO and the Applicant on 5 June 2023, the MMO advised that it was intending to submit minor comments on the Marine Plan Policy Review [REP1-060] at Deadline 5, which the Applicant is intending to address through submission of revision B of the Marine Plan Policy Review at Deadline 6 or 7.</p> <p>b)</p> <p>The Applicant assumes this question is directed primarily at the MMO; however, for clarity, the Marine Plan Policy Review identifies the policies that the Project complies with, and policies that are not applicable. The Applicant considers that the document demonstrates that the Project is compliant with all relevant policy.</p>
Q3.1.2 Planning Permissions			
		No further questions in this section at this stage.	Noted.
Q3.1.3 Legislative Framework			
		No further questions in this section at this stage.	Noted.
Q3.1.4 Miscellaneous			
		No further questions in this section at this stage.	Noted.

Table 2 Applicant's responses to the Examining Authority Third Written Questions: Q3.2

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.2. Alternatives and need			
Q3.2.1 Selection of Landfall Site			
		No further questions under this topic at this stage.	Noted.
Q3.2.2 Selection of Substation Site			
		No further questions under this topic at this stage.	Noted.
Q3.2.3 Viability of the grid connection and progress with other licences			
		No further questions under this topic at this stage.	Noted.
Q3.2.4 The Need for this type of Energy Infrastructure, and specifically for the Proposed Development			
		No further questions under this topic at this stage.	Noted.

Table 3 Applicant's responses to the Examining Authority Third Written Questions: Q3.3

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.3. Benthic ecology, Intertidal, Subtidal and Coastal effects			
Q3.3.1 Effects on Marine Life and Benthic Habitats			
Q3.3.1.1	Applicant	<p>Response to NE Issue and Risk Log</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>	The Applicant provided a response to Tab E, F and G of the Natural England Risk and Issues Log within The Applicant's comments on Natural England's Deadline 2 Submissions [REP3-107].
Q3.3.1.2	Marine Management Organisation	<p>Noise – Fish and Shellfish</p> <p>Is there any concern with regards fish and shellfish receptors.</p>	No response required by the Applicant.
Q3.3.1.3	Marine Management Organisation Natural England	<p>Electro-Magnetic Fields</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>	No response required by the Applicant.
Q3.3.1.4	Applicant	<p>Unexploded Ordnance</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>	<p>Ordtek (2018) is considered to represent the best publicly available evidence regarding the potential width and depth of seabed craters from UXO detonations.</p> <p>Estimating the width and depth of any underwater crater is complicated given the dynamic forces in the marine environment (Ordtek, 2018) and would be dependent upon many variables including water depth, UXO type, detonation</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>technique, and the underlying sediment and geology at the exact position on the sea bed at which a detonation takes place (which is currently not known).</p> <p>Table 9.1 of Ordtek (2018) provides theoretical crater sizes using two different calculation methods for various types of UXO which indicate average crater diameters of between 8.91 and 21.1m and average crater depths of between 1.3 and 5m. However, it should be noted that these calculations do not include consideration of low-order clearance methods which represent the Applicant's preferred method and which would reduce explosive energy (see Section 1.4.2.1 of Draft MMMP [REP1-013]) and would be anticipated to reduce the width and depth of any crater.</p> <p>As agreed with the MMO and Natural England through the evidence plan process, UXO works will be the subject of a separate Marine Licence post consent (see SoCGs: Draft SoCG with Natural England (Offshore) [REP2-044] and Draft SoCG with MMO (Revision B) [document reference 12.11]).</p> <p>During the Marine Licensing process, a more accurate assessment of the potential impact (including potential cumulative and in-combination impacts) on benthic communities taking account of the number of UXO to be detonated, their locations, and the method of UXO clearance, will be undertaken in consultation with the MMO and Natural England. If there are UXO identified for detonation within proximity of potentially sensitive benthic habitats then strategies for avoidance and mitigation will be discussed at that time.</p>
Q3.3.1.5	Natural England	Timing for required Benthic Mitigation Plan/Scheme	a)

PINS Question Number	Question is addressed to	Question	Applicant Response						
	Applicant	<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> <p>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?</p>	<p>The Applicant maintains its position that a benthic mitigation plan or scheme is not required to be provided pre-consent. Condition 13(1)(i) of Schedules 10 and 11 and Condition 12(1)(j) of Schedules 12 and 13 of the Draft DCO (Revision H) [document reference 3.1] include provision for a mitigation scheme for any benthic habitats of conservation, ecological and/or economic importance constituting Annex I reef habitats identified by pre-construction surveys, which will be undertaken in accordance with the Offshore In Principle Monitoring Plan (Revision B) [REP4-014]. With respect to the MCZ, the Outline CSCB MCZ CSIMP [APP-291] applies.</p> <p>This is the appropriate approach to mitigating impacts on benthic habitats of conservation, ecological and/or economic importance.</p> <p>Details of the benthic mitigation that applies are provided in Tables 8-3 and 8-4 of the ES [APP-094]. No other forms of mitigation are proposed by the Applicant.</p> <p>Further details and justification are provided in the response to Q3.3.1.6 below.</p>						
Q3.3.1.6	Applicant	<p>Securing mitigation</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>	<p>The following table indicates and explains how the embedded and additional mitigation is secured, where it is necessary to do so:</p> <table border="1" data-bbox="1323 1134 2074 1399"> <thead> <tr> <th data-bbox="1323 1134 1570 1182">Parameter</th> <th data-bbox="1570 1134 2074 1182">Secured by</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="1323 1182 2074 1230">Embedded</td> </tr> <tr> <td data-bbox="1323 1230 1570 1399">Site selection</td> <td data-bbox="1570 1230 2074 1399">N/A – this embedded mitigation describes site selection activities that have already been undertaken as reflected by the project envelope that is the subject of the DCO application.</td> </tr> </tbody> </table>	Parameter	Secured by	Embedded		Site selection	N/A – this embedded mitigation describes site selection activities that have already been undertaken as reflected by the project envelope that is the subject of the DCO application.
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Site selection	N/A – this embedded mitigation describes site selection activities that have already been undertaken as reflected by the project envelope that is the subject of the DCO application.								

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			Turbines	N/A – this embedded mitigation describes turbine selection that has already been undertaken and is reflected in the project envelope that is the subject of the DCO application.
			Landfall	N/A – this embedded mitigation describes the decision that has already been made to use HDD to install the cables at the landfall. No other installation methodology has been assessed or is permitted by the consent being sought, and the commitment is secured through the Outline CSCB MCZ CSIMP [APP-291].
			Foundations	N/A – this embedded mitigation describes the intention to install piled foundation types by pile-driving in preference to drilling where practicable to do so. This embedded mitigation does not need to be separately secured, as it is describing an inherent aspect of the project design and standard practice. Section 4.4.3.2.3 of the ES Chapter 4 Project Description (Revision C) [document reference 6.14] describes potential installation methods and sets out that drilling would only be used where the ground type was unsuitable for pile-driving. That recognises that pile-driving will always be the preferred option where ground conditions are suitable. As such, it is

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				appropriate to take account of it as embedded mitigation as the EIA practitioner can be confident that this action will take place. It would take place with or without the input from the EIA process feeding into the design and does not need to be separately secured.
			Cables	N/A – this embedded mitigation describes how reasonable endeavors will be made to bury the offshore cables (minimising the requirement for external cable protection) and to undertake the minimum amount of pre-sweeping/sand wave levelling required. The external cable protection parameters are set out in Schedule 2 Part 1 of the Draft DCO (Revision H) [document reference 3.1]. In the case of external cable protection works within the MCZ (pre-sweeping does not apply in the MCZ) the commitment is secured through the Outline CSCB MCZ CSIMP [APP-291].
			Cable protection within the MCZ	As above, secured through the Outline CSCB MCZ CSIMP [APP-291].
			Sediment disposal in the MCZ	As above, secured through the Outline CSCB MCZ CSIMP [APP-291].
			INNS	N/A – this embedded mitigation describes best practice.

PINS Question Number	Question is addressed to	Question	Applicant Response						
			<table border="1"> <thead> <tr> <th colspan="2" data-bbox="1323 389 2074 432">Additional</th> </tr> </thead> <tbody> <tr> <td data-bbox="1323 432 1570 603">Cable protection systems in the MCZ</td> <td data-bbox="1570 432 2074 603">Secured through the Outline CSCB MCZ CSIMP [APP-291] and Schedule 2, Requirement 8, part 1 of the Draft DCO (Revision H) (document reference 3.1).</td> </tr> <tr> <td data-bbox="1323 603 1570 1114">Pre-construction surveys and micro-siting</td> <td data-bbox="1570 603 2074 1114"> <p>Condition 13(1)(i) of Schedules 10 and 11 and Condition 12(1)(j) of Schedules 12 and 13 of the Draft DCO (Revision H) [document reference 3.1] include provision for a mitigation scheme for any benthic habitats of conservation, ecological and/or economic importance constituting Annex I reef habitats identified by pre-construction surveys.</p> <p>Pre-construction surveys are secured by Condition 18(4)(a) of Schedules 10 and 11 and Condition 18(4)(a) of Schedules 12 and 13.</p> <p>Within the MCZ the Outline CSCB MCZ CSIMP [APP-291] also applies.</p> </td> </tr> </tbody> </table>	Additional		Cable protection systems in the MCZ	Secured through the Outline CSCB MCZ CSIMP [APP-291] and Schedule 2, Requirement 8, part 1 of the Draft DCO (Revision H) (document reference 3.1).	Pre-construction surveys and micro-siting	<p>Condition 13(1)(i) of Schedules 10 and 11 and Condition 12(1)(j) of Schedules 12 and 13 of the Draft DCO (Revision H) [document reference 3.1] include provision for a mitigation scheme for any benthic habitats of conservation, ecological and/or economic importance constituting Annex I reef habitats identified by pre-construction surveys.</p> <p>Pre-construction surveys are secured by Condition 18(4)(a) of Schedules 10 and 11 and Condition 18(4)(a) of Schedules 12 and 13.</p> <p>Within the MCZ the Outline CSCB MCZ CSIMP [APP-291] also applies.</p>
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Cable protection systems in the MCZ	Secured through the Outline CSCB MCZ CSIMP [APP-291] and Schedule 2, Requirement 8, part 1 of the Draft DCO (Revision H) (document reference 3.1).								
Pre-construction surveys and micro-siting	<p>Condition 13(1)(i) of Schedules 10 and 11 and Condition 12(1)(j) of Schedules 12 and 13 of the Draft DCO (Revision H) [document reference 3.1] include provision for a mitigation scheme for any benthic habitats of conservation, ecological and/or economic importance constituting Annex I reef habitats identified by pre-construction surveys.</p> <p>Pre-construction surveys are secured by Condition 18(4)(a) of Schedules 10 and 11 and Condition 18(4)(a) of Schedules 12 and 13.</p> <p>Within the MCZ the Outline CSCB MCZ CSIMP [APP-291] also applies.</p>								
Q3.3.2 Impact on subtidal chalk features									
Q3.3.2.1	Applicant	<p>Cable installation in sediment veneer above chalk</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>For the avoidance of doubt the Applicant assumes that these questions only apply to where the export cables pass through the CSCB MCZ.</p> <p>a)</p>						

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>a) Could cables be installed within sediment veneer without impacting sub-cropping chalk?</p> <p>b) If so, would this mean a likely requirement for cable protection in such sections?</p>	<p>Cables could be installed within sediment veneer without impacting sub-cropping chalk. The intention is to do exactly that in order to maximise the chance of successful cable burial (and therefore minimising the likelihood of needing to use external cable protection). However, the Applicant is unable to confirm that the cable installation will not impact the sub-cropping chalk. This is because the precise depth at which the sub-cropping chalk exists is difficult to predict to the accuracy required along the entire length of the cable route. The difficulty of determining the thickness of the lag (sediment veneer) based on the geophysical data due to the 'ringing' effect at the sea bed is described in the Sedimentary Processes in the CSCB MCZ report [APP-182] – see for example Section 3.2 and figures 3.13 and 3.14. It is for this reason that the Applicant has set out a process within the Outline CSCB MCZ CSIMP [APP-291] and ICBS [APP-292] to avoid and/or minimise the potential for interaction with sub-cropping chalk. This includes a number of steps that have already been taken (such as use of the site specific geophysical and geotechnical data and lessons learnt from the cable installation at SOW and DOW) or commitment, secured via the Outline CSCB MCZ CSIMP, to undertake further steps prior to the start of construction (such as further interpretation of the geotechnical data and pre-construction route engineering, and reconsideration of the preferred cable burial tool based on the latest information at the time). For example Section 6 of the ICBS describes how a micro-siting exercise will be undertaken at the pre-construction stage to maximise the avoidance of areas challenging to cable burial. Preliminary assessment already undertaken clearly indicates the potential to select a route within the export cable corridor that minimises interaction with the areas considered to be most challenging to cable burial.</p>

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			<p>In this manner the Applicant has already gone as far as it is possible to in order to avoid and/or minimise the potential impacts.</p> <p>Regardless of this, the Applicant's position continues to be that, with respect to the MCZ, sub-cropping chalk cannot be considered to be of equal value with outcropping chalk in terms of the conservation objectives. As explained within the Applicant's comments on NE's responses to second written questions (Q2.3.2.2) [REP4-028]:</p> <p><i>"Outcropping chalk is a rare habitat. Sub-cropping chalk with the potential for exposure due to thin veneers of mobile sediment have the potential to become outcropping chalk. But not all areas of sub-cropping chalk have potential to become exposed. Natural England's position appears to be that all areas of sub-cropping chalk have the potential to become outcropping and therefore are of equal value, regardless of depth or mobility of the overlying sediments. Natural England offer no evidence to support this position. In contrast, the Applicant has presented a substantial body of evidence, including that presented in ES Appendix 6.3 – Sedimentary Processes in the Cromer Shoal Chalk Beds MCZ [APP182] that supports the case that the sub-cropping chalk is either covered by Holocene sands where it would only be possible for movement of the feather edges (where the sediment is thin and could all move) to generate new sea bed substrate, or is covered by a static lag deposit."</i></p> <p>b)</p> <p>The requirement for external cable protection will depend on the depth of burial achieved and consideration of the Cable Burial Risk Assessment [APP-293] outcomes for the location/s in question. As such, it is not possible to confirm at this stage whether cables installed within sediment veneer</p>

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			<p>without impacting sub-cropping chalk would require external cable protection or not. This will only be possible once the cable burial works have been undertaken. Neither would it be accurate to describe the requirement for external cable protection in sections where the cables were installed within sediment veneer as 'likely' (noting, as set out in the Outline CSCB MCZ CSIMP and ICBS that use of external cable protection was able to be avoided in the case of both SOW and DOW). As above, the process as set out in the Outline CSCB MCZ CSIMP and ICBS is to maximise the chance of success of cable burial and minimise the likelihood of needing to use external cable protection. A key means of achieving this is the ability to accept reduced burial depth as described in paragraph 42 of the Outline CSCB MCZ CSIMP: "<i>Further reduced burial depths may be considered acceptable following completion of the preconstruction surveys and assessments, taking into account the overall risk assessment concluded in the CBRA. Cable burial depth requirements will be included in the cable burial contractor's contract. The possibility of accepting reduced burial depths will therefore reduce the likelihood of remedial works being required, including external cable protection.</i>". The Outline CSCB MCZ CSIMP, and the actions and processes described within it and its appendices, are secured through the relevant marine licence conditions.</p>
Q3.3.2.2	Natural England	<p>HDD Exit Point – Chalk Impact</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>	No response required by the Applicant.

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Q3.3.2.3	Applicant	<p>Management Plan for addressing exposed chalk</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>	<p>a)</p> <p>The Outline CSCB MCZ CSIMP [APP-291] sets out the framework for the information that will be required in the final CSCB MCZ CSIMP in accordance with the DML conditions (Condition 12(1)(e) of Marine Licences 3 (Schedule 12) and 4 (Schedule 13)). It provides information on the proposed cable installation methodologies and mitigation that may be adopted to minimise the impact on the CSCB MCZ as far as practicable. The information will be reviewed and updated in the final CSCB MCZ CSIMP post consent once details from pre-construction surveys and detailed engineering studies are available.</p> <p>Section 1.6.5.2 of the Outline CSCB MCZ CSIMP includes details of the export cable remedial burial works that would be undertaken <u>in the event that a cable became exposed post-construction</u>. This includes the commitment to attempt to rebury any cables which do become exposed within the MCZ during operation prior to the installation of any external cable protection. As described at Section 1.6.5.3 of that document, in the event that external cable protection is required during the O&M phase, this would be the subject of a further marine licence application i.e. it is not included in the SEP and DEP DCO application or the scope of the CSIMP.</p> <p>The protocol for undertaking repairs would be agreed prior to construction with the MMO in consultation with Natural England through the final OOMP, which would be in accordance with the Outline OOMP (Revision C) [REP3-058].</p> <p>It may also be helpful to note that in its response to DC1.8.1.1 concerning post-construction monitoring of the MCZ (document reference 19.3), the Applicant has amended Condition 19(3) of Schedules 12 and 13 of the draft DCO to add 19(3)(f) as follows:</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<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> <p>b)</p> <p>Since the combination of the Outline CSCB MCZ CSIMP [APP-291] and the Outline OOMP (Revision C) control how these works would be undertaken, no further Management Plan is required.</p>
Q3.3.3 Physical Processes, Coastal erosion effects and coastal processes			
Q3.3.3.1	Natural England	<p>Sediments at HDD offshore exit points</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 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?</p>	No response required by the Applicant.
Q3.3.3.2	Natural England	<p>Secondary Scour</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>	No response required by the Applicant.

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Q3.3.3.3	Marine Management Organisation Natural England	<p>Coastal Erosion Impacts</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>	No response required by the Applicant.
Q3.3.4 Effects on the Marine Conservation Zone			
Q3.3.4.1	Natural England	<p>When the MEEB is required</p> <p>NE has advised that the MEEB would be required if there was an adverse impact to subcropping 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>	<p>a) and b)</p> <p>The Secretary of State will need to determine whether or not the DCO should make provision for MEEB at the point that he determines the application. If the Secretary of State concludes that the development of SEP and DEP will not cause a significant risk of hindering the achievement of the conservation objectives of the MCZ, then no MEEB is required (s126(6) Marine and Coastal Access Act 2009). If the Secretary of State considered that a significant risk could not be ruled out, then MEEB would be required (s126(7)(c)).</p> <p>With respect to sub-cropping chalk, see the Applicant's response at Q3.3.2.1 above. Sub-cropping chalk cannot be considered to be of equal value with outcropping chalk in terms of the conservation objectives and therefore even if there were to be an interaction with sub-cropping chalk during export cable installation, it is the Applicant's position that this would not necessitate a requirement for MEEB.</p> <p>The Applicant presumes that the consideration of potential <u>cumulative</u> long term habitat loss impacts from the installation of external cable protection within the MCZ (i.e. as per the assessment provided in Section 8.4.4.3 of the Stage 1 CSCB MCZ Assessment [APP-077]) would be the determining factor in whether the conservation objectives would be hindered and therefore whether MEEB would be required although it should be noted that discussions with Natural England regarding the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>other assessment conclusions are ongoing, the outcomes of which will be reflected in the final SoCG. This is because Natural England consider (Natural England, 2023) that the existing gas pipelines going into Bacton and the relatively recently installed pipeline protection, alongside the potential installation of up to 2,900m² of external cable protection for Hornsea Project Three's export cables, will be likely to have resulted / result in lasting change / loss of the broadscale habitat features upon which SEP and DEP could provide an additional effect.</p> <p>The Applicant notes that APP-077 states that oil and gas pipeline infrastructure should be considered part of the baseline and is therefore screened out of the cumulative habitat loss assessment. However, it is noted that Natural England (2023) states that protection around gas pipelines installed between 2016 and 2021 has resulted in a cumulative loss of approximately 864m² of subtidal coarse sediments and 18,610m² of subtidal mixed sediments. Adding the 19,474m² of cable protection would increase the percentage of cumulative habitat loss impacts across the whole of the MCZ by 0.006% taking it from 0.0015% to 0.0075% and therefore there would be no change to the assessment conclusion provided in Section 8.4.4.3 of the Stage 1 CSCB MCZ Assessment [APP-077], i.e. that the conservation objectives of the MCZ would not be hindered.</p> <p>The Applicant recognises that a scenario whereby SEP and DEP are not required to install external cable protection could occur which would avoid SEP and DEP contributing to cumulative long term habitat loss impacts in the MCZ and thereby could represent a situation whereby MEEB would not be required. The drafting that would secure the MEEB within the Without Prejudice DCO Drafting (Revision C) [document</p>


PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>reference 3.1.3] sets out in conditions 35 and 36 of the relevant Part of the Schedule that the MEEB would not require to be undertaken if no external cable protection works were required within the MCZ. Therefore, if during the pre-construction phase it was determined that no external cable protection for SEP and DEP was required to be installed within the MCZ, then the requirement to deliver MEEB would fall away.</p> <p>It should be noted that whilst the SOW and DOW export cables did not require any external cable protection along their length, rock bag protection was installed at the DOW HDD exit pits. As described in Section 4.5.2 of ES Chapter 4 Project Description (Revision C) [document reference 6.14], the HDD installation method preferred by the Applicant for SEP and DEP is that used for Dudgeon and therefore SEP and DEP would also likely require removable external cable protection to be installed at the HDD exit pit. It should also be noted that the HDD exit will be installed in the deep infilled channel which will prevent any impacts on sub-cropping chalk. Thus, if the SoS deemed that the conservation objectives <u>would</u> be hindered by the installation of external cable protection in the MCZ by SEP and DEP, this would be anticipated to necessitate a MEEB requirement.</p>
Q3.3.4.2	Applicant Natural England	<p>Success thresholds for the MEEB</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)</p> <p>As noted in Section 8.1 of Appendix 1: In-Principle CSCB MCZ MEEB Plan (Revision C) [REP2-020], <i>“For the purposes of the In-Principle MEEB Plan, the aim would be to deploy and maintain an oyster bed of 10,000m² with an average density of 5 live oysters per m². This would provide a greater than 1:5 ratio of MEEB, offering long term enhanced ecological function to the habitat being lost and would partially restore a historic feature of the region. This scale of restoration effort has also been selected because once fully functioning, it is expected</i></p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>a) Applicant, provide some detailed information as to how a successful oyster bed as a MEEB would be determined, for instance.</p> <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>	<p><i>that the native oyster bed would become self-sustaining”</i> (emphasis added).</p> <p>The average density of live oysters within the 10,000m² initial oyster restoration site search area would provide a measure of the reproductive success of the restored reef. The OSPAR definition of an oyster reef is based on a density of 5 live oysters per m² which will be the target for the MEEB.</p> <p>The Applicant has agreed with Natural England that in order for the MEEB to be considered successful, the oyster bed would have to be fully functioning and self-sustaining. This was the primary factor in determining the size of the proposed reef which is agreed with Natural England (ID 6 of Table 2.10 of the Draft SoCG with Natural England (Offshore) [REP2-044]): <i>‘The scientific evidence used to inform a 10,000m² restoration area to enable a self-sustaining reef is agreed.’</i></p> <p>As noted in Section 8.3 of REP2-020, it is recommended that due to the reproductive strategy of native oysters, reef density is the primary focus (to avoid Allee effects)¹, rather than reef size and therefore a phased deployment would be undertaken to enable the production of seed oyster for deployment of a 10,000m² reef in appropriate increments.</p> <p>The Applicant therefore considers that achieving a density of 5 live oysters/m² would be used as the primary metric to determine if the MEEB is successful alongside achieving a 10,000m² reef following the phased deployment approach. However, given the complex nature of native oyster restoration, it is considered that there will be a need for some degree of flexibility and to prevent an over-reliance on the proposed metrics and whether these represent out-and-out success or</p>

¹ where individual oysters in a bed that is below a critical size and density are likely to experience reduced fitness (through inability to fertilise gametes)

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>failure. For example, it may be the case that the 10,000m² reef has patchy success long term which, through an adaptive management approach, could require redefining of the reef boundary to exclude areas that are unsuccessful and extend in the areas that are successful. Similarly, the addition of more oysters to the successful areas could be undertaken to further increase oyster density. It could also be the case that the reef is found to be self-sustaining when its extent is only, for example, 7,000m² which would still be considered to represent successful implementation of the MEEB.</p> <p>Overall, it is anticipated that a holistic approach, considering all of the criteria within Table 8.1 of Appendix 1: In-Principle CSCB MCZ MEEB Plan (Revision C) [REP2-020], but with a focus (particularly in the early stages) on oyster density and reef size, would be used to determine the success of the Applicant's MEEB proposals.</p> <p>b)</p> <p>The Applicant notes that the following success metrics are provided for oyster density in Table 8.1 of Appendix 1: In-Principle CSCB MCZ MEEB Plan (Revision C) [REP2-020] for restoration Phases 1 and 2:</p> <ul style="list-style-type: none"> • <i>“Success = greater than or equal to 5 live oysters/m²</i> • <i>Partial success = 2-4 live oyster/m²</i> • <i>Failure = 1 or fewer live oyster/m²”</i> <p>In the event that a 10,000m² oyster bed with oyster density <5 live oysters/m² is not retained, consideration would be given to whether remedial measures were required (noting the reference in response to a) above regarding the requirement for some degree of flexibility to be retained when determining whether the MEEB is successful) and / or could be effective to</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>maintain the oyster bed, or whether an alternative MEEB should be progressed (see Section 8.1 and Plate 8.1 of REP2-020)]. This would be determined in consultation with the MEEB steering group.</p> <p>It should be noted that Natural England and other stakeholders have recognised that it may take a number of years for the oyster bed to become fully functional / self-sustaining.</p>
Q3.3.4.3	Applicant Natural England	<p>When a decision on a MEEB is required</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>	<p>As set out in response to question Q3.3.4.1, at the point of determining the DCO application, the Secretary of State will need to determine whether or not the activities of SEP and DEP are likely to hinder the achievement of the conservation objectives stated for the MCZ. If they conclude that they will, they will need to make provision within the DCO that secures the delivery of MEEB to compensate for any damage that would be caused to the MCZ (in accordance with s126(c) of the Marine and Coastal Access Act 2009).</p> <p>The Applicant considers that the drafting within the Without Prejudice DCO Drafting (Revision C) [document reference 3.1.3] is suitable to secure delivery of the MEEB where it is required as a result of external cable protection being installed within the MCZ.</p>
Q3.3.4.4	Applicant	<p>Cable protection in mixed sediment areas</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>	<p>No – the Applicant disagrees that there is a high likelihood of cable protection being used within mixed sediment areas and is unsure what evidence NE has based this position on. The process, as set out in the Outline CSCB MCZ CSIMP and ICBS, is to maximise the chance of success of cable burial and minimise the likelihood of needing to use external cable protection. The ICBS describes the work that has been undertaken, and will be further developed post consent, to maximise the avoidance of areas challenging to cable burial. Notably, use of external cable protection was able to be</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>avoided in the case of SOW and DOW (except at HDD exit pits for DOW), both of which also route through mixed sediment areas, as evident on Figure 7.2 of the MCZA [APP-077]. For ease of reference an excerpt of that figure is shown below. The mixed sediment areas are shown in green (light green outside of the export cable corridor based on the NE data for the MCZ and dark green inside the corridor based on the Project's own and more refined surveys). The SOW and DOW export cables are shown in blue.</p>  <p>The map shows a coastal area with various sediment types. A central corridor is outlined in black, containing dark green areas representing mixed sediment. Light green areas are located outside this corridor. Two blue lines represent the SOW and DOW export cables, which cross through the green sediment areas. The map includes a coordinate grid at the top with values 375000 and 380000, and various bathymetric and sediment data points.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.3.4.5	Natural England Marine Management Organisation	<p>Jack-Up Vessel use in MCZ</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>	No response required by the Applicant.

Table 4 Applicant's responses to the Examining Authority Third Written Questions: Q3.4

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.4. Civil and Military Aviation			
Q3.4.1 Effects on Radar and Defence Interests and Proposed Mitigation			
Q3.4.1.1	Applicant Norwich Airport Civil Aviation Authority National Air Traffic Services	Altitude Minima 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?	Publication of this change would follow the process laid out in Civil Aviation Publications (CAP) 1616 <i>Airspace Change Process</i> and CAP785 <i>Approval Requirements for Instrument Flight Procedures for Use in UK Airspace</i> . The Norwich Instrument Flight Procedures (IFP) remain unchanged. An Instrument Flight Procedures Assessment for Norwich Airport [document reference 19.2] is being submitted into Examination. The realistic timeframe for completion of the process and operational introduction of the changes is 3-12 months.
Q3.4.1.2	Applicant National Air Traffic Services	Mitigation with National Air Traffic Services 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.	NATS have identified and defined a technical mitigation for this site and is currently engaged with the Applicant. The Applicant has received a second copy of the Mitigation and Services Contract for the Project, which is currently under review. The Applicant has no reason to believe that an agreement is not forthcoming. As soon as the agreement is entered in to, we understand NATS will be in a position to withdraw its objection. The Applicant will complete their review the second draft by Deadline 6 on the 20 th of June and provide comment to NATS.
Q3.4.1.3	Applicant Ministry of Defence/	Defence radar mitigation progress 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	The Applicant has been provided a copy of the MOD DIO's letter to Ms Sahai, dated 13 June 2023. This letter outlined two objections previously communicated by DIO in January 2023. The objection due to the impact on

PINS Question Number	Question is addressed to	Question	Applicant Response
	Defence Infrastructure Organisation	an agreement on a mitigation plan, with an update on progress provided to ExA.	<p>Technical Assets sited at RAF Weybourne was previously withdrawn by the MOD in a letter dated 20 February 2023.</p> <p>The DIO have updated their position so that the remaining objection related to unacceptable impact on air defence radar sited at RRH Trimingham or Neatishead can be removed following additional submissions by the Applicant and subject to the proposed wording (Appendix A of DIO letter) being included as a requirement of the DCO.</p> <p>The Applicant has already included a similar DCO Requirement (Schedule 2, Requirement 27) within the draft DCO (Revision H) [document reference 3.1] which ensures that the Applicant cannot operate SEP and DEP until mitigation for impacts on RRH Trimingham or RRH Neatishead have been approved by the Secretary of State in consultation with the MOD.</p> <p>The Applicant is reviewing the text proposed by the MOD and will look to align this requirement so that full agreement can be demonstrated in a final Statement of Common Ground between the parties.</p>

Table 5 Applicant's responses to the Examining Authority Third Written Questions Q3.5

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.5. Construction Effects Offshore			
Q3.5.1 Development Scenarios and Rochdale Envelope			
Q3.5.1.1	Applicant	<p>DEP-N alone</p> <p>In responding to NE [REP4-049, Annex 2, Q2.5.1.4], set out:</p> <ul style="list-style-type: none"> a) whether the Digital Area Survey undertaken was accurate and appropriate for the Proposed Development; b) whether the ES is adequate in assessing the worst-case scenario predicted by Natural England with regards collision risk mortality; and 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. 	<p>a)</p> <p>The Applicant refers to its detailed response to Q1.5.1.2 within The Applicant's Responses to The Examining Authority's First Written Questions [REP1-036] and reiterates that development consent is being sought for DEP as a whole and that whether to utilise both the DEP-N and DEP-S array areas, or just DEP-N is a detailed design decision that would be made post-consent. The Applicant highlights that (as acknowledged by Natural England) the aerial surveys were designed to provide data of the expected level of reliability and precision for the entire DEP site. Accordingly, the Applicant confirms that the surveys undertaken to inform the assessment are accurate and appropriate for the Proposed Development.</p> <p>b)</p> <p>The Applicant reiterates that the level of survey to inform the assessment is appropriate to support the application. Attempting to subset the DEP site into smaller sub-areas results in the data from such sub-areas deriving from small sample sizes, which provide little statistical power to test for differences with other sub-areas or with the entire DEP site. Consequently, it is highly unlikely that comparisons involving such sub-areas would show statistically significant differences in the densities of the key species. Therefore, the Applicant considers that the data do not support a conclusion that a DEP-N-only scenario would represent the WCS, and</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>accordingly that the assessment as presented adequately addresses the WCS.</p> <p>c)</p> <p>From a purely drafting perspective, it would be possible to add in restrictions to the draft DCO for SEP and DEP that are similar to those included within Schedule 1 of the draft DCO in Norfolk Vanguard. However, the Applicant considers that it would be inappropriate to include such a requirement in the draft DCO for SEP and DEP.</p> <p>As detailed in its responses to Q1.5.1.2 within The Applicant's Responses to The Examining Authority's First Written Questions [REP1-036] and Q2.5.1.4 within The Applicant's Responses to The Examining Authority's Second Written Questions [REP3-101], the Applicant maintains its position that limits on the proportions of turbines in the DEP-N and DEP-S array areas is not appropriate nor supported by sufficient evidence.</p> <p>The comparison made with Norfolk Vanguard is considered to be of little relevance given the very large difference in the size of the respective array areas and, hence, in the likely reliability of comparisons between sub-areas of Norfolk Vanguard and those for DEP. The two 'sub-areas' of Norfolk Vanguard (i.e., West and East) each comprise almost 300 km² in area, which is more than twice that of the entire DEP array area (i.e., 105 km²). Consequently, the comparisons of bird densities (and, subsequently, collision estimates) will be based on larger sample sizes in the Norfolk Vanguard situation and would be expected to be associated with a greater degree of statistical confidence.</p>

Table 6 Applicant's responses to the Examining Authority Third Written Questions: Q3.6

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.6. Construction Effects Onshore			
Q3.6.1 Development Scenarios			
Q3.6.1.1	Applicant	<p>Traffic and Transport Assumptions for Development Scenarios</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>	<p>The traffic numbers presented within ES Chapter 24 Traffic and Transport [APP-110] and Transport Assessment [APP-269] have been informed by early contractor input from J Murphy and Sons Ltd (JMS) who have extensive experience of delivering similar projects.</p> <p>The Applicant reiterates that the scenario where SEP and DEP are constructed concurrently has been assessed and is referred to throughout the ES Chapter 24 Traffic and Transport [APP-110] as the 'concurrent scenario'. The Applicant clarifies that in this scenario, opportunities to optimise resources and schedule activities to limit the traffic demand have been identified. For example, SEP and DEP would share accesses, compounds and a haul road. It is for these reasons that a concurrent scenario does not generate twice the traffic movements of an in-isolation scenario.</p> <p>The Applicant clarifies that mitigation measures to manage traffic movements are included within the Outline Construction Traffic Management Plan (OCTMP) [document reference 9.16] (updated version to be submitted at Deadline 5), to ensure that the assessed construction traffic parameters are not exceeded, utilising vehicle number controls rather than numbers of employees. This is an established practice that can be easily understood and monitored by contractors/stakeholders.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.6.2 Approach to Construction, Compounds, Programme, Timing and Methods			
Q3.6.2.1	National Farmers Union	Link Boxes 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?	No response required by the Applicant.
Q3.6.2.2	Applicant	Weybourne Woods Provide an update on discussions and whether any further information has now been received [REP3-101, Q2.6.2.6]?	The Applicant refers to the Compulsory Acquisition Schedule (Revision C) [document reference 12.5] which provides the latest information on progress of the voluntary agreement with this Land Interest. For ease of reference, the option agreement is currently in draft form and being negotiated by each party's legal representatives. In respect of the potential retirement home and extension to the existing Weybourne Forest Lodge holiday park, the position remains unchanged in that the Applicant has received no information from the Land Interest to enable further discussion.
Q3.6.3 Baseline survey and effects of Unexploded Ordnance			
Q3.6.3.1		No further questions in this section at this stage.	Noted.
Q3.6.4 Effects of construction works on human health			
Q3.6.4.1	Applicant	Government's Green Book 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.	The Green Book itself (paragraph 1.1) makes it clear that it applies to "all government departments, arm's length public bodies with responsibility derived from central government for public funds and regulatory authorities." The Green Book is issued by HM Treasury and (as per paragraph 1 of that document) "concerns the provision of objective advice by public servants to decision makers, which in central government means advice to ministers." It is not stated to be a tool to be used by developers in the undertaking of environmental impact assessment. As noted in earlier

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>submissions [REP4-040], the Applicant therefore does not consider the Green Book to be applicable to project level environmental impact assessment and it is not aware of it having been used on other comparable projects (further detail on this is set out below).</p> <p>The Applicant remains of the view that there is an appropriate tool for considering the likely significant effects of a Project on human health, within an EIA, and it maintains that this has been followed.</p> <p>As noted previously, this guidance is “Cave, B., et al. (2020). Human health: ensuring a high level of protection”. A reference paper on addressing Human Health in Environmental Impact Assessment as per EU Directive 2011/92/EU amended by 2014/52/EU. Fargo, International Association for Impact Assessment and European Public Health Association”.</p> <p>In addition, the Institute of Environmental Management and Assessment (IEMA) has recently issued guidance on this topic, which is the “Guide to Determining Significance For Human Health In Environmental Impact Assessment”, 2022. This is based upon the guidance used in ES Chapter 28 Health [AP-114].</p> <p>In response to the Examining Authority’s question, and to identify what tools are typically used to guide the assessment of potential impacts and effects on human health, the Applicant has looked at the Environmental Statements (ES) of other offshore windfarms listed on the website of the Planning Inspectorate. 19 examples were found at different stages of the consent process.</p> <ul style="list-style-type: none"> • Six are at pre-application and so provide no ES.

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> • Two do not have a chapter on human health. • Five have been archived and so the documentation is not available. Two of these are under the Marine Management Organisation. <p>The remaining six examples (listed below) use Cave, et al. (2017). Health and Environmental Impact Assessment: a briefing for public health teams in England. Public Health England.</p> <ol style="list-style-type: none"> 1. Awel y Môr Offshore Wind Farm. The public health chapter focusses on environmental outcomes and cites Cave et al (2017); 2. East Anglia ONE North Offshore Windfarm; 3. East Anglia TWO Offshore Windfarm; 4. Norfolk Boreas; 5. Norfolk Vanguard; 6. Orsted Hornsea Project Four Offshore Wind Farm.
Q3.6.4.2	Corpusty and Saxthorpe Parish Council	<p>Meeting Notes</p> <p>Provide a copy of the meetings referred to by Corpusty and Saxthorpe PC:</p> <ol style="list-style-type: none"> 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. 	No response required by the Applicant.

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.6.5 Effects from emissions on air quality			
		No further questions in this section at this stage.	Noted.
Q3.6.6 Adequacy of the Outline Code of Construction Practice			
		No further questions in this section at this stage.	Noted.
Q3.6.7 Waste Management			
		No further questions in this section at this stage.	Noted.

Table 7 Applicant's responses to the Examining Authority Third Written Questions: Q3.7

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.7. Commercial Fisheries and Fishing			
Q3.7.1 Effects on Fishing Stocks			
Q3.7.1.1	Eastern Inshore Fisheries Conservation Authority	<p>Benefits to fish stock</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>	No response required by the Applicant.
Q3.7.2 Effects on fishing enterprises as a result of navigational or special restrictions			
Q3.7.2.1	Jonas Seafoods	<p>Jonas Seafood compensation and impacts</p> <p>The Applicant has stated [REP3-101]: "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 & DEP and the cable routes are located within ICES Division IVc"</p> <p>Respond to this point and highlight any part of this which you would dispute or needs further clarification.</p>	No response required by the Applicant.
Q3.7.2.2	Applicant	<p>Weybourne consultation</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>	<p>Vessels deploying pots across offshore cable corridors will be required to temporarily relocate gear to other grounds during the construction process. However, it is important to note in terms of the area impacted by construction activities, there will be an advisory safety distance up to 500m radius around cable installation vessels active along the offshore cable corridors i.e. a roaming 0.79km² area along the offshore cable corridors.</p> <p>The construction period for the entire offshore export cable will be up to one hundred days. The assessment within the ES has been undertaken on this basis. In practice, the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>nearshore works will be undertaken in a shorter period than that.</p> <p>The impact of the proposed development on the UK potting fleet has been assessed within [APP-098]. This concluded that there would be a minor adverse effect on UK potters as a result of mobile gear being displaced. This effect is not significant in EIA terms.</p> <p>The Applicant received consultation from the North Norfolk Independent Fishermen's Association and also consulted with the following organisations who did not send feedback:</p> <ol style="list-style-type: none"> 1. North Norfolk Fishermen's Society 2. Wells and District Fishermen's Association 3. Greater Wash Fishing Industry Group 4. Independent fisherman 5. Eastern England Fish Producers Organisation Ltd. <p>Where justified, Fisheries Liaison with Offshore Wind and Wet Renewables Group (FLOWW) guidance will be followed with respect to the identification of appropriate mitigation / disturbance payments.</p>
Q3.7.2.3	Applicant	<p>Fishing related conditions and requirements</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>	<p>Justified disturbance payments are given as a tool within the Outline Fisheries Liaison and Co-existence Plan (FLCP). The document will continue to be updated and evolve in consultation with the fishing industry as the project(s) move through various stages of development.</p> <p>A common FLCP may be developed at the appropriate time during operations to cover SEP, DEP, SOW and DOW in consultation with the fishing industry.</p> <p>The FLCP is secured within Part 2, condition 13(1)(d)(v) of Schedules 10 and 12 and Part 2 condition 12(1)(d)(v) of</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			Schedules 11 and 13 of the draft DCO (Revision H) [document 3.1]. These conditions require a FLCP to be approved by the MMO prior to commencement of works. The FLCP submitted in terms of these conditions must accord with the Outline FLCP.

Table 8 Applicant's responses to the Examining Authority Third Written Questions: Q3.8

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.8. Compulsory Acquisition and Temporary Possession			
Q3.8.1 Updates on Negotiations and Funding Statement			
		No further questions in this section as this stage.	Noted.
Q3.8.2 Affected Persons' Site-specific Issues			
Q3.8.2.1	Applicant	<p>Relevance of the decision on Compulsory Purchase Order 2021</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>	<p>The Applicant notes that the decision on the London Borough of Barking and Dagenham Council (Vicarage Field and surrounding land) Compulsory Purchase Order 2021 ("the Vicarage Fields CPO") has been raised in representations by affected parties in the context of whether or not the Applicant has made reasonable efforts to acquire the land and rights required for SEP and DEP by agreement.</p> <p>The Vicarage Fields CPO was refused for a number of reasons, which included uncertainty over the scheme's viability and deliverability, as well as a lack of compliance by the acquiring authority with the DCLG "Guidance on Compulsory purchase process and The Crichel Down Rules" (2019) ("the CPO Guidance") with regards to reasonable attempts to acquire land and rights by agreement and the extent of engagement that had taken place with affected parties.</p> <p>The Inspector was concerned that an up to date viability appraisal had not been provided by the acquiring authority (the latest appraisal was dated 2016). She was also concerned that the developer of the scheme had not demonstrated a firm commitment to building out the scheme. The Applicant has not commented here on those aspects of the refusal as it is understood that they are not relevant to the point being raised in representations, which</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>is focussed on the Applicant's efforts to acquire land and rights by agreement.</p> <p>In addition to the above, the Inspector was concerned that negotiations had been inadequate, when considering the CPO Guidance.</p> <p>Claims had been made by objectors that financial offers were not market value and that there had been limited efforts by the AA to relocate those affected by the CPO. A "not before" date was not provided and this resulted in those subjected to the CPO being unable to fulfil business plans, living in limbo for a long period of time. Full information was also not provided to affected parties at the outset and there was no clearly specified case manager. By way of example, affected parties had only been informed of the CPO 10 days before it had been made.</p> <p>The Applicant is not aware that any land interests have raised concerns about any of the above points in the context of land negotiations for SEP and DEP.</p> <p>In terms of its relevance, it should be noted that the majority of reasons for refusal of the Vicarage Fields CPO were based upon a lack of compliance with the CPO Guidance. That Guidance is not directly applicable to NSIP projects – which instead draw guidance from the separate but similar DCLG "Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land" (2013) ("the Planning Act CPO Guidance"). The CPO Guidance states (on page 9) that <i>"This guidance relates to the use of compulsory purchase powers to make a compulsory purchase order that is provided by a specific act of Parliament and requires the approval of a confirming minister."</i> It directs those promoting NSIPs towards the Planning Act CPO Guidance. Therefore, whilst it does</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>provide useful guidance on the extent to which acquiring authorities are expected to negotiate, the concerns raised in the Vicarage Fields CPO decision are not directly relevant to SEP and DEP due to the reliance of that decision on a lack of compliance with the CPO Guidance, which is not intended to apply to NSIPs.</p> <p>With regards to engagement with affected parties, the Planning Act CPO Guidance states (at paragraph 21) that <i>“Before an application is made, applicants will need to comply with the pre-application requirements set out in Chapter 2 of Part 5 of the Planning Act. In particular, sections 42 and 44 require applicants to consult those with interests in relevant land.”</i> Paragraphs 24 – 30 then set out further guidance in relation to engaging with affected parties. A summary of this guidance and how the Applicant has complied with it is set out below:</p> <ul style="list-style-type: none"> • Para 24: requirement for a consultation report and early engagement with affected land interests: the Applicant has complied with this and submitted the Consultation Report [APP-029] with the DCO application. This, along with the Statement of Reasons [REP3-019] and its appendices demonstrates the engagement that the Applicant had with land interests at the pre-application stage.

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> • Para 25: Applicants should seek to acquire land by negotiation wherever possible, with an acknowledgement that for larger and particularly long, linear, schemes, it may not always be practicable to acquire each plot of land voluntarily: the Applicant has sought and continues to seek to acquire the land and rights required for SEP and DEP by agreement. Progress with negotiations has been good and the latest update can be found in the Compulsory Acquisition Schedule (Revision C) [document reference 12.5). • Para 26: Applicants should consider when they will need the land and should plan for compulsory acquisition at the same time as conducting negotiations: the Applicant has taken this twin-track approach to negotiations and the advancement of compulsory acquisition through the powers sought in the draft DCO, which are required to deliver SEP and DEP in the event that voluntary acquisition of all of the required land and rights is unsuccessful. • Paras 27 and 28: Applicants are encouraged to offer the use of alternative dispute resolution throughout the compulsory acquisition process: the Applicant has made it clear that it is willing to use ADR if requested by an affected party but to date has not received any such requests. The Applicant remains open to the use of such a process.

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> Para 29: Applicants should provide full information about what the compulsory acquisition process under the Planning Act involves, the rights and duties of those affected and an indicative timetable for the decision-making process. Applicants should also appoint a specified case manager. The Applicant refers to the Consultation Report [APP-029]. Specifically, the Applicant has complied by appointing Dalcour Maclaren as the case manager throughout the pre-application (and ongoing examination) process, including naming two surveyors in an introduction letter sent in January 2020, and the Lands lead from the Applicant. Further to this, an information document was issued alongside the introduction letter outlining the project details. During land interest consultation meetings, a timeline was provided including details on scoping, surveys, route selection, voluntary negotiation and submission of the DCO indicative dates. A letter was issued in April 2021 that outlined the statutory consultation that would be carried out and information on how to respond and outlined the affected parties' rights. Further correspondence, including the Section 56 letter issued in October 2022, has provided updates on stages of the project and reminded affected parties of their rights such as registering as an interested party.

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> Para 30: Applicants should consider entering into “minimum compensation” agreements with affected parties. To date, due to good progress made with negotiations for voluntary agreements minimum compensation offers have not been necessary at this stage. <p>Therefore, the Applicant is fully in compliance with the Planning Act CPO Guidance on land negotiations and engagement, which is the relevant guidance applicable to NSIP projects. Additionally, the Applicant is not aware that any land interests have raised concerns with regards to negotiations that are similar to those that were considered inadequate in the Vicarage Fields CPO decision.</p>
Q3.8.2.2	Applicant	<p>Blights for landowners affected by Temporary Possession</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> <ol style="list-style-type: none"> 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 How effect on business and the concern relating to blight would be considered and compensated for in the sequential construction scenario. 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. 	<p>The Applicant notes that REP4-056 raises concerns about the flexibility sought by the Applicant in the context of the Applicant’s response to Second Written Question 2.6.2.2. The Applicant would highlight that, as stated on numerous occasions, its preferred construction scenario is an integrated one where both projects are built concurrently. However, and as previously explained in both the Scenarios Statement [APP-314] and Supplementary Information to the Scenarios Statement [REP3-074], there are currently regulatory barriers which mean that the Applicant cannot guarantee that it has the ability to build out the projects as preferred. The Applicant therefore requires the flexibility that is being sought through the DCO application in order to ensure that the two projects can be delivered. In response to the specific points highlighted in the ExA’s question, the Applicant responds as follows:</p> <p>a)</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		See related question in the ExA's proposed changes to the dDCO.	<p>As stated in REP4-056, a notice to treat, once served, is valid for a period of three years. The notice to treat must (pursuant to section 5 of the Compulsory Purchase Act 1965) give particulars of the land to which the notice relates. This would provide landowners with certainty in terms of the land affected by the exercise of the compulsory acquisition powers. The right to claim compensation arises when the notice to treat is served. Therefore, a blight claim cannot be made once a notice to treat has been served. The notice to treat would need to be served within the seven year period authorised by the DCO. The maximum amount of time that blight could exist would therefore be unaffected by the fact that a notice to treat would be valid for three years. Additionally, affected parties would have certainty within the seven year period authorised by the DCO as to which land would be affected because a notice to treat must describe the land to which it relates.</p> <p>b)</p> <p>In a sequential construction scenario, the Applicant would communicate with landowners and affected parties through the Stakeholder Communications Plan, as described in the Outline Code of Construction Practice [document reference 9.17]. The Applicant would provide as much information as possible to affected parties in terms of the construction scenario that would be progressed, as well as likely timings for construction. The intention of this communication would be to reduce uncertainty for land interests as much as possible.</p> <p>As explained in ES Chapter 4 Project Description (Revision C) [document 6.1.4] and The Applicant's Responses to the Examining Authority's Second</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Written Questions [REP3-101] Q2.6.2.1, the maximum duration assessed for onshore construction works for the onshore cable ducting and installation in a sequential scenario is anticipated to be six years, which accounts for a gap of up to two years between the completion of the first project and the start of construction of the second project. If voluntary agreement had not been reached with land interests, compulsory acquisition powers for the first project would need to be exercised in advance of the start of construction of that project. At that point, the land interest would have certainty as to the land required for that project. If additional land was then needed for the construction of the second project, compulsory acquisition powers would need to be exercised prior to the start of construction of that project. The latest point at which the land interest would have certainty over the land required for the second project would therefore be prior to the start of construction of the second project. This is expected to be within six years from the start of construction of the first project (in respect of land required for onshore cable ducting and installation) but up to 7 years from the day the Order is made (as required under Article 19 of the draft DCO).</p> <p>As stated previously in the response to The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101] Q2.8.4.1(c), a blight claim could be made by an affected party at any point prior to the exercise of compulsory acquisition powers, provided the necessary legal tests were able to be demonstrated by a landowner. It would therefore be open to any landowner to make such a claim, regardless of the development scenario that was being progressed by the Applicant. The Applicant would consider any blight claim made by a landowner on its merits and, should there be disagreement between the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>parties as to the merits of any valid blight claim, either party would be able to refer the matter to the Upper Tribunal (Lands Chamber) for determination. The potential for blight claims has been considered and accounted for in the property cost estimate appended to the Funding Statement [APP-027] and a contingent liability for blight claims has been included in the estimate.</p> <p>c)</p> <p>The Applicant refers to its response to DC1.5.1.1 with regards to Article 27. Under Article 27(4) the wording is clear that the undertaker may only temporarily possess land for maintenance 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 the undertaker is only authorised to temporarily possess land for the particular maintenance activity 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, which is very different to seeking to compulsorily acquire land permanently. 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. It is not in the interests of the undertaker to temporarily possess land for longer than is necessary to undertake a maintenance activity. This would amount to wasted time and costs being incurred by the undertaker and in addition, compensation is payable to the landowner pursuant to Article 27(6). The Applicant also highlights that the undertaker is under an overall time restriction to exercise temporary possession</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>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 landscape management plan and the periods specified in Requirement 11(2).</p> <p>With regards to Article 26 (temporary use of land for carrying out the authorised project), Article 26(3) places a control mechanism on the length of time for which the undertaker can remain in temporary possession of the land which is very different to compulsory acquisition of land. Where the land is temporarily possessed in accordance with Article 26(3)(a) and Schedule 9 (Land of which only temporary possession may be taken), the time is restricted to the length of time required to undertake the works specified in Schedule 9 plus up to 1 year after those works are complete. Where any other part of the Order land is temporarily possessed, the period is again restricted to up to 1 year after the works for which temporary possession is taken are complete. The additional 1 year post-completion period is included in recognition of the fact that the undertaker is obligated to restore the land in accordance with Article 26(4). Similar to Article 27 it is simply not in the interests of the undertaker to temporarily possess land for longer than is necessary, not least because compensation is payable to the landowner pursuant to Article 26(5).</p> <p>The Applicant highlights that the drafting in both Articles 26(4) and 27(4) is well precedented as set out in the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Explanatory Memorandum (Revision G) [document 3.1. In response to DC1.5.1.1(c) the Applicant has also undertaken an extensive review of articles equivalent to Article 27(4) in 93 other DCOs (including East Anglian One North, East Anglian 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].</p>
Q3.8.3 Special Land			
Q3.8.3.1	Applicant	<p>Public Open Space</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>	<p>The Applicant refers to the latest negotiation position within Open Space Agreements Updates (Revision C).</p> <p>The Applicant has demonstrated why no open space replacement land is required as the statutory test is met in section 132(3) of the Planning Act 2008 on the basis that the interference is temporary and that therefore the open space land when burdened with the rights sought in the DCO will be no less advantageous to the public than it was before. Therefore, no negotiations are taking place for acquisition of replacement land, for which this document would typically be produced to show progress on. The Applicant confirms that it is not aware of any implications of not reaching agreement in relation to open space land by the end of examination, aside from where that is held by a Crown body.</p> <p>The updates in Open Space Agreements Updates (Revision C) will therefore in all cases replicate those set out within Compulsory Acquisition Schedule (Revision C).</p>
Q3.8.3.2	Applicant	NT Land	<p>The parties have exchanged correspondence in relation to the Applicant's justification for an easement in perpetuity</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
	National Trust	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.	being sought and the National Trust's position that this is not appropriate in the circumstances. These discussions remain ongoing in order to try and reach a resolution of this issue, together with confirmation that there are no additional outstanding points of disagreement on the proposed heads of terms. The Applicant's solicitors will also seek to progress discussions with National Trust's solicitors so that an option agreement can be progressed as quickly as possible. The Applicant remains hopeful that agreement can be reached before the close of examination.
Q3.8.3.3	Applicant	<p>Crown Land</p> <p>Update progress with negotiations, supported with evidence where possible.</p>	<p>Crown Land</p> <p>The Applicant's solicitors and The Crown Estate's solicitors are negotiating the content of a section 135 consent, together with a separate undertaking agreement. The Applicant's solicitors have provided comments on the draft documents, which (at the time of writing) are with The Crown Estate's solicitors for consideration. The Applicant is hopeful that section 135 consent will be forthcoming before the close of examination.</p> <p>Ministry of Defence</p> <p>The Applicant is currently in discussion with the MOD and refers to the Applicants response to Q3.4.1.3.</p> <p>The MOD has since withdrawn its objection to the project's potential impact on communications equipment at RAF Weybourne, and has removed it's objection in respect of the impact on air defence radar systems at RRH Trimmingham and RRH Neatishead subject to agreement on a suspensive condition (Requirement 27, draft DCO (Revision H) [document reference3.1]).</p> <p>The Applicant met with the MoD on the 7th June 2023 to discuss land access provisions and consent under Section</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>135. The Applicant continues to engage with the MOD to agree provisions related to the protection of MOD rights.</p> <p>Department for Transport</p> <p>The Department for Transport have delegated the section 135 consent to National Highways. National Highways have confirmed that the request for consent has now been picked up and the Applicant looks forward to hearing further from National Highways as to progress with the consent.</p>
Q3.8.3.4	Applicant	<p>Statutory Undertaker Land</p> <p>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.</p>	<p>The Applicant refers to the latest position with The Applicant's Statutory Undertakers Position Statement (Revision C) [document reference 12.46].</p>
Q3.8.4 Applicant's Strategic Case for CA and TP			
Q3.8.4.1	Applicant	<p>Purpose for which the land is required</p> <p>Awaiting the update referred to in your previous submission [REP3-101].</p>	<p>The Applicant updated the draft DCO (Revision G) [REP4-003] at Deadline 4, which included a change to Schedule 2, Part 1 (Requirements), paragraph 10(9). The effect of this change is to restrict the width of the onshore cable corridor to 45m in the event of scenario 1(a) or 1(b) (one project in isolation scenarios), except where the onshore cable corridor passes through the FEP phase 2 site and where HDD is used to install the cables (outside of the FEP phase 2 site. This change is intended to provide certainty that no more land than is necessary will be used by a project in the event of scenario 1(a) or 1(b).</p>
Q3.8.5 General			
Q3.8.5.1	Applicant	Book of Reference Schedule of Changes	a)

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>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.</p> <p>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.</p>	<p>The Applicant refers to Book of Reference – Schedule of Changes [document reference 4.1.2] submitted at Deadline 5. As requested, a tracked and clean version of this document will accompany all future submissions of the Book of Reference [document number 4.1].</p> <p>b)</p> <p>New Land Interests identified as part of the material change at Food Enterprise Park were notified of the process to register as an Interested Party.</p> <p>Six other new Land Interests identified since acceptance, whilst engaged with by the Applicant, were not advised of the process to become an Interested Party. The Applicant therefore wrote to all such new Land Interests to advise them of the process on 7th June 2023.</p>

Table 9 Applicant's responses to the Examining Authority Third Written Questions: Q3.9

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.9. Cumulative Effects			
Q3.9.1 Scope and Extent			
		No further questions in this section as this stage.	Noted.

Table 10 Applicant's responses to the Examining Authority Third Written Questions: Q3.10

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.10. Design			
Q3.10.1 Design Principles			
		See related question in ExA's proposed changes to dDCO.	Noted.
Q3.10.2 Design Development Process			
		See related question in ExA's proposed changes to dDCO.	Noted.

Table 11 Applicant's responses to the Examining Authority Third Written Questions: Q3.11

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.11. Draft Development Consent Order			
Q3.11.1 General			
		See questions in ExA's proposed changes to dDCO.	Noted.

Table 12 Applicant's responses to the Examining Authority Third Written Questions: Q3.12

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.12. Habitats and Ecology Offshore			
Q3.12.1 Effects on Ornithology			
Q3.12.1.1	Applicant Natural England	<p>Requirements or Obligations</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> <ul style="list-style-type: none"> a) Applicant, justify why, in this instance, it is felt that the Requirements suffice and there is not any need for obligations. 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>a)</p> <p>The Applicant notes that this question is raised in the context of Habitats and Ecology Offshore and, specifically, in relation to effects on ornithology. As paragraph 5.3.17 of NPS EN-1 is not limited to offshore ecology, for completeness the Applicant's response below considers both offshore and onshore species and habitats.</p> <p>The Applicant considers that the mitigation measures proposed in relation to the protection of species and habitats from adverse effects of the development are adequately secured (i) through the requirements within schedule 2 of the draft Development Consent Order (Revision H) [document reference 3.1] (with respect to onshore species and habitats) and (ii) through conditions to the deemed marine licences (with respect to offshore species and habitats). As such, no planning obligations are proposed or required in addition.</p> <p>Footnote 73 in NPS EN-1 states:</p> <p><i>"Where the words "planning obligations" are used in this NPS they refer to "development consent obligations" under section 106 of the Town & Country Planning Act 1990 as amended by section 174 of the Planning Act 2008."</i></p> <p>Section 106 of the Town and Country Planning Act 1990 provides a mechanism for a developer to enter into a legally binding agreement with a local authority to secure planning</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>obligations. Such obligations can use used to (a) restrict the development or use of land in any specified way, (b) require specified operations or activities to be carried out in, on under or over land, (c) require land to be used in a specified way, or (d) require a sum to be paid to the local authority. Planning obligations are therefore a mechanism that can be used to secure mitigation or enhancement measures for a development.</p> <p>Planning obligations can only be used to control the use of land onshore. They could not be used in the offshore environment beyond the jurisdiction of the local planning authority. Mitigation or enhancement within the offshore environment should be secured through conditions in a marine licence.</p> <p>As noted in section 15 of Planning Inspectorate Advice Note 15 (Development Consent Orders) (July 2018), requirements within a development consent order broadly correspond with conditions that could have been imposed on grant of any permission, consent or authorisation under another regime, e.g. planning permission granted under the Town and Country Planning Act 1990. The law and policy relating to planning conditions will generally apply to requirements imposed in a DCO.</p> <p>Planning conditions should only be imposed where they meet the requirements of being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (see para.56 of the National Planning Policy Framework). The Applicant considers that the requirements within the DCO relating to the onshore elements of SEP and DEP meet these tests.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Planning Practice Guidance on the use of conditions makes clear that wherever possible conditions should be used rather than planning obligations. Paragraph: 011 Reference ID: 21a-011-20140306 notes:</p> <p><i>“It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990. <u>In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.</u>”</i> [emphasis added]</p> <p>The Applicant considers that there are no mitigation measures proposed that cannot suitably be secured by requirement and that would require to be secured by planning obligation. As such, the Applicant considers that there is no need to enter into planning obligations alongside the DCO.</p> <p>Specifically in relation to impacts to offshore habitats and ecology and the effects of the development on ornithology, where the mitigation relates to measures in the offshore environment these are appropriately secured as a condition within the marine licence. The Applicant does not consider that there are additional mitigation or enhancement measures (to be undertaken on land) that it would be appropriate to secure through a planning obligation.</p> <p>b) N/A</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.12.1.2	Natural England Applicant	<p>Enhancement of Habitats</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>	<p>The Applicant notes that the fourth bullet point in paragraph 5.3.18 of EN-1 states that opportunities to create new habitats of value should be taken “where practicable”.</p> <p>The Applicant confirms that the cable landfall location (or other areas along the onshore cable route within the DCO boundary) do not provide suitable conditions (i.e. through habitat enhancement or creation) for seabird species affected by SEP and DEP. For the majority of species (such as auks, kittiwake and gannet, for example), cliff ledge type habitats would be required, which do not occur within the DCO boundary.</p> <p>As the ExA implies in its question, it would be most likely that suitable areas for breeding large gull species (i.e. lesser black-backed gull, great black-backed gull or herring gull) could occur within terrestrial habitats along the onshore cable route. However, due to the proximity of this area to the Sandwich tern colonies that form part of the North Norfolk Coast SPA (i.e. Blakeney Point and Scolt Head, c.12km and c.32km from the cable landing site respectively), it would not be appropriate to seek to increase gull populations at this location. These sites would be well within the foraging range of each of the large gull species (herring gull c.59km, great black-backed gull c.73km, lesser black-backed gull c.127km; Woodward et al., 2019), and therefore this could result in increased predation risk to the Sandwich tern colonies.</p> <p>The wider context of the fourth bullet point in paragraph 5.3.18 is that it is for the Applicant to include appropriate mitigation measures as an integral part of the proposed development. The Applicant considers that it has done so and that SEP and DEP accord with paragraph 5.3.18 of EN-1.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>The Applicant has provided an Initial Biodiversity Net Gain Assessment (Revision B) [REP3-049] which describes potential opportunities for enhancement of terrestrial habitats.</p>
Q3.12.1.3	Applicant Natural England	<p>Future Monitoring</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> <p>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?</p>	<p>A13 within REP3-146 is in relation to monitoring of the Applicant's proposed compensatory measures which are secured by the wording in Schedule 17 of the draft DCO (Revision H) [document reference 3.1] for Sandwich tern and kittiwake and in the Without Prejudice DCO Drafting (Revision C) [document reference 3.1.3] for guillemot and razorbill and native oyster restoration. The Applicant has amended the drafting within Schedule 17 of the draft DCO (Revision H) [document reference 3.1] for Sandwich tern and kittiwake and in the Without Prejudice DCO Drafting (Revision C) [document reference 3.1.3] for guillemot and razorbill and native oyster restoration to make more explicit what its obligations will be in relation to monitoring, reporting and adaptive management. The following condition has been added to each Part of the schedule relating to the various compensation measures proposed:</p> <p><i>"Results from the monitoring scheme must be submitted at least annually to the Secretary of State and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the relevant statutory nature conservation body."</i></p> <p>A15 in REP3-146 relates to monitoring within the Offshore In-Principle Monitoring Plan (IPMP) (Revision B) [REP4-043]. As set out in Section 1.3 of the Offshore IPMP (Revision B) [REP4-043], one of the guiding principles of the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Offshore IPMP is that <i>"The scope and design of all monitoring work should be finalised and agreed following review of the results of any preceding survey and / or monitoring work (i.e. an adaptive approach), including those surveys conducted in support of the EIA. This includes the potential for survey requirements to be adapted based on the results of the monitoring outlined in this document including in the event that unforeseen impacts arise, which may in turn give rise to the need for adaptive management measures to be considered. Where it has been agreed that there are no significant impacts, monitoring need not be conditioned through the DMLs."</i> (emphasis added).</p> <p>The requirement to submit a monitoring plan in accordance with the Offshore IPMP (Revision B) [REP4-043] is secured through Condition 13(b) of Schedules 10 and 11 and Condition 12(b) of Schedules 12 and 13. Therefore, the Applicant considers that there is necessary provision for responsive or remedial action to be implemented as part of adaptive management through the monitoring plan which will be in accordance with the Offshore IPMP.</p>
Q3.12.1.4	Applicant	<p>Outstanding information</p> <p>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.</p>	<p>The Applicant considers that relevant updated material has been submitted as follows:</p> <p>Apportioning and HRA Updates Technical Note (Revision C) [document reference 13.3]:</p> <ul style="list-style-type: none"> Updated in-combination displacement values for FFC SPA guillemot (Section 7.1.1) and razorbill (Section 9.2.2) to include updated values for Hornsea Project 4 (NE standard and bespoke approaches), together with associated PVAs.

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> Updated red-throated diver operational displacement values, to account for buffer overlap areas where the effect of SEP would be greater than from existing OWFs (Section 12.2.2). <p>Collision Risk Modelling (CRM) Updates (EIA Context) Technical Note (Revision B) [REP3-089]:</p> <ul style="list-style-type: none"> Updated cumulative collision risk estimates have been presented for kittiwake, lesser black-backed gull, great black-backed gull, little gull and gannet, with clarification on the avoidance rates used for existing projects. Addition of a further scenario for Sandwich tern (Scenario F – as consented values but with Dudgeon offshore Wind Farm (DOW) as-built). <p>Auk Construction Phase Displacement Assessment (EIA Context) Technical Note [REP2-049]:</p> <ul style="list-style-type: none"> Updated construction-phase displacement values for guillemot and razorbill. <p>Habitats Regulations Assessment Screening Matrices (Revision B) [REP4-009]:</p> <ul style="list-style-type: none"> HRA Screening for Greater Wash SPA common scoter. <p>Additional information has been sought by Natural England regarding construction-phase displacement of red-throated divers from O&M vessels. Further clarification is being sought from Natural England on this matter, and a further update will be provided if the required information is available.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.12.2 Effects on Aquatic Wildlife including Mammals, Fish and Shellfish			
Q3.12.2.1	Marine Management Organisation	Scientific Advisors Are there any comments from your advisors, CEFAS, that remain outstanding and may be of a material consequence for the Examination?	No response required by the Applicant.
Q3.12.2.2	Marine Management Organisation	PTS and TTS 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.	No response required by the Applicant.
Q3.12.2.3	Natural England Marine Management Organisation	Outline Documents 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.	No response required by the Applicant.
Q3.12.2.4	Applicant Natural England Marine Management Organisation	Site Integrity Plans 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:	The Southern North Sea Special Area of Conservation (SAC) Site integrity Plan (SIP) must ensure that both the seasonal (10%) and spatial (20%) thresholds are not exceeded. Where the Final SIP, to be submitted post-consent, indicates that there is the potential for exceedance of the seasonal (10%) threshold, this would have to be managed or mitigated to ensure no breach in order for the Final SIP to be approved. Natural England will be a key consultee in the process of finalising the Final SIP post-consent, including determining the most appropriate in-combination scenario to be considered.

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>Applicant:</p> <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>	<p>a)</p> <p>A number of different options for the management and mitigation of underwater noise, in relation to the Southern North Sea SAC and SIP, have been included within the In Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation [APP-290]. The In Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation [APP-290] includes options that will be considered for managing and mitigating any potential breaches of both the spatial (20%) and seasonal (10%) thresholds. The options to be considered during finalisation of the SIP include:</p> <ul style="list-style-type: none"> • alternative foundation methods and installation techniques, • noise abatement systems, • scheduling of noisy activities, • any other options that may become available between now and finalisation of the SIP (such as new installation techniques or noise abatement technologies). <p>It is not possible at this stage to determine which options would be needed, or which would be the most appropriate to implement, as it depends on the final pile design, the piling programme, the other noisy activities that may be happening at the same time, and whether options for either mitigation or management, or alternative installation techniques, become available at the time of finalisation that are not available now. Therefore, the Applicant considers that whilst it is currently possible to state the options that would be considered, it would not be appropriate to finalise and commit to mitigation and management options at this time, as it would not allow for future methods and knowledge to be incorporated.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>When the Applicant is considering the detailed design for piling, potential mitigation and management measures will be a key consideration during that process. It is not in the Applicant's interest to choose a piling design that has only limited mitigation options that could be implemented through the SIP. Having only limited options available could adversely impact on the wider project programme. For the reasons set out above, the Applicant considers that retaining the flexibility that the SIP allows (compared to fixed mitigation now) is beneficial from both an ecological perspective and from a project delivery perspective.</p> <p>b)</p> <p>While it is the MMO's responsibility to ensure that SIPs are effective when implemented over a number of projects, the Applicant will ensure that the final SIP for the Projects is based on the best available information at the time, e.g. by consulting with other developers constructing at the same time as SEP and DEP, and provides an appropriate level of mitigation and management as required for the Projects. The final SIP will also be developed and finalised in consultation with Natural England.</p>
Q3.12.2.5	Applicant Natural England Marine Management Organisation	<p>Piling Controls</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>	<p>The Applicant does not consider that a DML condition to prevent simultaneous piling between SEP and DEP and other consented offshore wind farms is necessary or appropriate.</p> <p>As a preliminary point, the Applicant considers it may be helpful to provide a clarification of the distinction between simultaneous piling which is defined in the Marine Mammals Technical Note and Addendum [REP3-115] as '<i>a scenario where two piles are installed at the same time at different locations</i>' and concurrent piling, which has been used by the Applicant to refer to the construction scenarios i.e. concurrent</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>construction refers to overlapping construction of SEP and DEP and is also used to refer to an overlap in piling schedules of other offshore wind farm projects but not necessarily two piles being hammered at exactly the same time. It is unclear to the Applicant if the ExA is referring to the need for one or the other of these scenarios to be secured and how any form of condition could adequately distinguish between these two scenarios.</p> <p>The principal reason for controls on piling between the various wind farms being developed in the Southern North Sea is to prevent any adverse effect on the integrity of the Southern North Sea Special Area of Conservation. As set out in the Applicant's response to Q3.12.2.4 above, the SIP mechanism has been developed precisely to manage this and is the appropriate mechanism to implement this mitigation. The MMO confirmed in their response to Q2.12.2.1 within Responses to the Examining Authority's Second Written Questions [REP3-133] that they are satisfied that the SIP process is sufficient.</p> <p>Imposing a separate condition that seeks to control piling as between SEP, DEP and other consented offshore wind farms would therefore be a duplication of controls that are already in place, which could cause uncertainty. Managing the potential noise impacts as between offshore wind farms is a complex process, which is better suited to the SIP mechanism than the imposition of controls through condition within the DML. The Applicant considers that a condition preventing concurrent piling between SEP and DEP and other consented offshore wind farms would be a blunt tool to control a complex situation.</p> <p>Furthermore, the Applicant understands that there is no precedent for including a condition to prevent simultaneous /</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>concurrent piling between a proposed development and other consented offshore wind farm projects. As noted above, this is why the SIP mechanism exists. It is noted that both East Anglia ONE North and East Anglia TWO have restrictions on simultaneous piling within each project however the Applicant does not understand that simultaneous piling between these two projects is subject to restrictions within the DMLs. Additionally, these projects are sited within the SAC, the consent decisions for those projects were determined at the same time, the DMLs permitted both UXO detonation and piling (albeit not simultaneously) and therefore the DML conditions restricting simultaneous piling / UXO detonation, and the requirement for these two projects to implement a SIP, would ensure that a <u>project-alone</u> adverse effect on integrity of the SNS SAC would be avoided.</p> <p>Through the SIP mechanism, each project with potential to have an effect on the Southern North Sea SAC is required to develop a SIP to ensure that underwater noise impacts do not breach the threshold of effect. One method to achieve this is through scheduling of piling post-consent which would be managed by the MMO in consultation with Natural England and developers as part of the SIP process. The potential requirement for further noise mitigation systems would also be considered at this stage.</p> <p>With respect to seals, the Marine Mammals Technical Note and Addendum [REP3-115] concludes that there would be no significant project-alone, cumulative or in-combination effects on seals and therefore no at-source mitigation or mitigation in the form of restrictions in simultaneous piling is required.</p>
Q3.12.2.6	Natural England	Monitoring	No response required by the Applicant.

PINS Question Number	Question is addressed to	Question	Applicant Response
	Marine Management Organisation	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]?	
Q3.12.2.7	Applicant	<p>Noise Monitoring Report</p> <p>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.</p>	<p>The Applicant notes that the MMO has confirmed that no further underwater noise modelling is required [para 2.12 in REP3-133]. The Applicant is discussing with the MMO whether it considers there will be any potential need to submit an updated version of the Underwater Noise Modelling Report [APP-192] before the end of Examination to address minor comments, or whether it can be agreed by both parties that an update is not required.</p>

Table 13 Applicant's responses to the Examining Authority Third Written Questions: Q3.13

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.13. Habitats and Ecology Onshore			
Q3.13.1 Effects on Protected and Priority Species			
Q3.13.1.1	Applicant Royal Society for the Protection of Birds	Weybourne Cliffs 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.	a) Construction works in the vicinity of Weybourne Cliffs SSSI would be >100m at their closest point. The Applicant would like to signpost to Natural England's response on the matter, who have confirmed previously that "[Natural England] is content with the information provided by the Applicant that there are no effects predicted for sand martins in this location as a result of vibration related HDD activity." [REP3-14]. Given that no effects are predicted to the sand martin colony as a result of the HDD, the Applicant does not consider that a limit to construction activities would be proportionate or required. b) No response required by the Applicant.
Q3.13.1.2	Royal Society for the Protection of Birds Natural England	Weybourne Cliffs 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.	No response required by the Applicant.
Q3.13.2 Effects on Ancient Woodland, Trees and Hedgerows			
Q3.13.2.1	Natural England	Wensum Woods	No response required by the Applicant.

PINS Question Number	Question is addressed to	Question	Applicant Response
	Interested Parties	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?	
Q3.13.3 Effects on Rivers and River-Based Wildlife			
		No further questions in this section at this time.	Noted.

Table 14 Applicant's responses to the Examining Authority Third Written Questions: Q3.14

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.14. Habitats Regulation Assessment			
Q3.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects			
Q3.14.1.1	NatureScot Applicant	<p>HRA Screening and Conclusions</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"> • Report to Inform Appropriate Assessment (Doc ref 5.4) [APP-059] • Appendix 1 - Habitats Regulations Assessment Screening Report (Doc ref 5.4.1) [APP-060] • Appendix 2 - Habitats Regulations Assessment Screening Matrices (Doc ref 5.4.2) [REP4-009] • Appendix 3 - Habitats Regulations Assessment Integrity Matrices (Doc ref 5.4.3) [REP4- 010]. <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 (AEol) stage. The Applicant has concluded no AEol 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>c) Applicant, may wish to respond with regards to any consultation, feedback or endorsement from Nature Scot to verify the position for the Examination.</p>	<p>a) No response required by the Applicant.</p> <p>b) No response required by the Applicant.</p> <p>c) The Applicant confirms that the assessment of European sites has been applied consistently to both English and Scottish sites, as set out in the documents referenced in the Examining Authority's question (i.e. [APP-059], [APP-060], [REP4-009], [REP4-010]).</p> <p>The Applicant met with NatureScot on 12 October 2022 when they indicated that they do not intend to be involved in the DCO process and instead would favour ad-hoc input around the further development of the compensation measure/s.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.14.1.2	NatureScot Applicant	<p>Loch Ryan</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"> • Habitats Regulations Derogation – Provision Evidence [APP-063] • Appendix 1 – Compensatory Measures Overview [APP-064] • Annex 1A – Initial Review of Compensatory Measures for Sandwich Tern and Kittiwake [APP-065] • Appendix 2 – Sandwich Tern Compensation Document [APP-069] • Annex 2A – Outline Sandwich Tern Compensation Implementation and Monitoring Plan [APP-070] <p>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.</p> <p>b) Applicant may wish to respond with regards to any consultation, feedback or endorsement from Nature Scot to verify the position for the Examination.</p>	<p>a)</p> <p>No response required by the Applicant.</p> <p>b)</p> <p>The Applicant has had a positive engagement with NatureScot and continues to provide updates to NatureScot as appropriate (refer to the Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) [REP3-095] for details). The Applicant notes NatureScot has expressed support in principle for the proposed measures for Sandwich tern at Loch Ryan from an ecological perspective. The Applicant is committed to maintaining a positive relationship with NatureScot and will continue to consult with NatureScot as proposals for the proposed measures for Sandwich tern and Loch Ryan evolve.</p>
Q3.14.1.3	Applicant	<p>Loch Ryan and the Local Authority</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>	<p>The Applicant would like to refer the Examining Authority to Supporting Documents for the Applicant's Responses to the Examining Authority's Third Written Questions, Appendix A1 Dumfries & Galloway Letter of Support [document ref 19.2.1].</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.14.1.4	National Trust Natural England	<p>The Farne Islands Management Plan</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"> a) When will the draft Farne Islands Management Plan document be endorsed by ME? b) When adopted, will this constitute a Government document? 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]? 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. 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? 	No response required by the Applicant.
Q3.14.1.5	Applicant	Route to acquire Farne Islands	At this time the Applicant has no intention to and does not anticipate any circumstances in which it would be required to

PINS Question Number	Question is addressed to	Question	Applicant Response
	National Trust	<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>	<p>compulsorily acquire the Farne Islands (or part thereof) for the implementation of compensation measures.</p> <p>The Applicant clarifies that its proposals to implement compensation at the Farne Islands would primarily involve the installation of tern terraces and nest boxes at the existing Sandwich tern colony in order to improve breeding success. In addition, the Applicant would be willing, as part of its obligations to deliver compensation for Sandwich tern, to support: future efforts for recolonisation by Sandwich tern of the other islands; further studies to investigate the reasons for the decline; and (as stated in paragraph 189 of Appendix 2 – Sandwich Tern Compensation Document [APP-069]) also to provide support to the ongoing monitoring of tern numbers and breeding success.</p> <p>The implementation of these measures would not require any significant land use change and would be done on a collaborative basis, affording mutual benefits to each party. I.e. the Applicant would support the National Trust in efforts to restore Sandwich tern numbers at the Farnes which would be anticipated to provide an immediate improvement in Sandwich tern breeding success, offsetting any mortality debt which accrued whilst the Loch Ryan proposals were being developed and colonised.</p> <p>As noted at ID11 of The Applicant's Response to National Trust's Deadline 3 Submission [REP4-032], the Applicant has sought to re-open discussions with the National Trust to implement the measures on an agreed basis. The Applicant will remain open to discussions with National Trust and would hope that National Trust would be supportive in providing the necessary rights (e.g. access) and agreements to enable delivery of the measures. This is therefore an entirely</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>different situation to that in relation to the acquisition of National Trust's inalienable land for the onshore cable route.</p> <p>If the Secretary of State grants the development consent order and agrees with the Applicant that the proposed measures at the Farne Islands (i) are appropriate to be included within the package of measures for Sandwich tern and/or (ii) represent additionality, then the Applicant would hope that this would influence the National Trust's position. In those circumstances, the Applicant would be hopeful that the National Trust would re-engage on the delivery of measures and the Applicant would be highly optimistic that in such a scenario agreement could be reached on their delivery.</p>
Q3.14.1.6	Applicant	<p>The Farne Islands</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>	<p>a)</p> <p>The Applicant considers that the various measures that could be implemented at the Farne Islands are suitably secured through Schedule 17 of the draft DCO (Revision H) [document reference 3.1], together with the Outline Sandwich Tern Compensation Implementation and Monitoring Plan (CIMP) [APP-070]. Schedule 17 sets out a staged approach for the final detail of the compensation measures to be discussed, agreed by the Secretary of State and thereafter implemented by the relevant undertaker. Schedule 17 follows an approach that has been included by the Secretary of State in a number of DCOs for offshore wind farms:</p> <ul style="list-style-type: none"> • Stage 1 – a steering group is established to progress and finalise the scope and extent of the compensation measures to be delivered.

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> • Stage 2 – the undertaker consults the steering group and formulates a compensation, implementation and monitoring plan (CIMP) for the delivery of the compensation measures. The CIMP is submitted to the Secretary of State for approval. • Stage 3 – The undertaker implements the CIMP. <p>In respect of the proposed compensatory measures for Sandwich tern, Schedule 17, condition 4 sets out that the Sandwich tern CIMP must be based on the detail in the Outline Sandwich Tern Compensation Implementation and Monitoring Plan [APP-070]. Condition 4 also includes a non-exhaustive list of what the Sandwich tern CIMP must include.</p> <p>In particular, condition 4(2) sets out the requirements for the CIMP in relation to measures to improve breeding success at SPA sites other than the NNC. That section would apply to measures to be undertaken at the Farne Islands. Section 3 of the Outline Sandwich Tern Compensation Implementation and Monitoring Plan [APP-070] also includes provision for such proposals.</p> <p>The drafting deliberately allows some flexibility, to allow for discussion within the steering group on what the appropriate final detail should be, which would be subject to approval of the Secretary of State.</p> <p>In practice, the Applicant anticipates that the starting point for discussions within the steering group on the detailed measures would be Appendix 2 – Sandwich Tern Compensation Document [APP-069].</p> <p>In respect of the requirements for adaptive management, The Applicant has amended the drafting within Schedule 17 of the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>draft DCO (Revision H) [document reference 3.1] for Sandwich tern and kittiwake and in the Without Prejudice DCO Drafting (Revision C) [document reference 3.1.3] for guillemot and razorbill and native oyster restoration to make more explicit what its obligations will be in relation to monitoring, reporting and adaptive management. The following condition has been added to each Part of the schedule relating to the various compensation measures proposed:</p> <p><i>"Results from the monitoring scheme must be submitted at least annually to the Secretary of State and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the relevant statutory nature conservation body."</i></p> <p>b)</p> <p>The Applicant considers that sufficient evidence is outlined in Appendix 2 – Sandwich Tern Compensation Document [APP-069] and the Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-091], to demonstrate that, if delivered at an appropriate scale, the measures described in those documents could provide substantial benefits to breeding numbers of Sandwich tern at the Farnes.</p> <p>Accounting for the issues that have been raised by NT and others, alongside the ongoing severe decline in Sandwich tern breeding numbers, the Applicant has made additional suggestions to broaden and adapt its approach where possible, as reflected in [REP4-032, ID10]. Any measures at</p>

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			<p>the Farnes will need to be implemented on a highly adaptive basis – the exact approaches will need to be agreed and evolve to take account of a range of factors within and outside of both the Applicant’s and NT’s control. As such implementation can and will only be successful under an adaptive management approach, which is what is described and secured through the Outline Sandwich Tern Compensation, Implementation and Monitoring Plan [APP-070, Section 2.4].</p> <p><u>Notification of the Development of an Additional Sandwich Tern Compensation Proposal</u></p> <p>The Applicant was invited by the National Trust and Natural England to a meeting on 08 June 2023, to discuss an additional potential compensatory measure option involving rat eradication at Blakeney (i.e. within the North Norfolk Coast SPA), which has the support of both the National Trust and Natural England.</p> <p>In light of the apparent lack of support from stakeholders for the Applicant’s proposed measures at the Farne Islands SPA, the Applicant has indicated its intention to work with National Trust and Natural England to further develop potential measures at Blakeney. However, it highlights that this work is necessarily at an early stage of development and given the short amount of time remaining within the SEP and DEP Examination, the proposals that it will be able to submit into Examination will be subject to further development.</p> <p>The Applicant is currently agreeing a plan for further engagement with National Trust and Natural England to enable it, as far as possible, to provide a robust and agreed proposal before the end of Examination. It is likely that any compensation proposal at Blakeney will be to supplement the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Applicant's proposed measure at Loch Ryan rather than being what Natural England would term a 'primary measure'.</p> <p>A brief summary of the issue and the outline draft proposals for compensation are summarised as follows:</p> <ul style="list-style-type: none"> • The issue: <ul style="list-style-type: none"> • North Norfolk Coast SPA Sandwich terns are known to switch between a colony at Blakeney (managed by National Trust) and a colony at Scolt Head (managed by Natural England). • In recent years Sandwich terns have failed to breed at Blakeney. This is thought to be because of an increasing rat population spurred by an increase in the grey seal population and their carcasses which provides a food source for rats. Gull predation is also an ongoing issue. • There is a benefit in ensuring two colonies remain active within the SPA, particularly given the onset of Highly Pathogenic Avian Influenza. • National Trust has attempted to implement rat eradication measures and have been clearing seal carcasses as part of normal site management, however this has been unsuccessful. • In the context of rat eradication as compensation, Blakeney is relatively unique in that it is not an island and so re-incursion (by rats) will always be an issue requiring ongoing management.

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> • This creates opportunity for the Applicant to provide measures that would be outside of normal site management therefore allowing Natural England and National Trust to agree that the measures would be additional. • Outline Draft Proposal: <ul style="list-style-type: none"> • Convene an expert working group involving experts in rat eradication, National Trust, Natural England and the Applicant. • Undertake investigative surveys to properly understand the extent of the issue, e.g. this could involve undertaking night-time surveys to understand rat activity during those hours which is something National Trust do not have resource to undertake. • Develop methods that could successfully trap, exclude or deter rats. • Explore gull deterrence methods. • Test, implement and monitor devised methods. • Write up the study in a peer reviewed journal or as best-practice advice as it will be applicable to other sites with ground-nesting birds. <p>The Applicant will work with National Trust and Natural England to develop a proposal which will be submitted before the end of Examination (along with updated DCO drafting).</p> <p>It should be noted that Natural England has indicated that this measure could replace the Applicant's proposed measure at the Farne Islands SPA. However, at this stage, the Applicant is retaining both proposals whilst it waits for the</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			updated Defra guidance on compensation (which is expected to clarify the position on additionality), and to provide resilience in the event that the rat eradication measure at Blakeney was unfeasible or unsuccessful.
Q3.14.1.7	Applicant Natural England East Suffolk Council	<p>Kittiwake Tower</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> <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>	<p>a)</p> <p>The nests on a tower would be in an open-air nesting environment. On natural habitat kittiwakes often nest on ledges where nests are immediately adjacent – i.e, touching, and so susceptible to HPAI transmission. This is unlikely to be much different on a kittiwake tower. However, tower structure can be designed to try to reduce transmission risk – for example by placing barriers along ledges to reduce how many nests are in physical contact with each other. Details of transmission risk of HPAI are not well understood, but it seems likely that colonies will be more likely to be infected where the colony size is large. Kittiwake towers will likely hold about 100 to 300 nests, depending on design, whereas most natural colonies are much larger (such as tens of thousands of pairs at FFC SPA). The risk of infection being brought to a kittiwake tower is therefore likely to be much lower. Design options to avoid risk of faecal material falling from birds higher up on the tower onto nests below (which is a risk on natural cliff sites) are also being considered.</p> <p>b)</p> <p>N/A the answer to a) is no.</p> <p>c)</p> <p>As far as the Applicant is aware there has been no HPAI at any existing kittiwake tower. That is the case (up until 2023) at Saltmeadows Tower, Gateshead according to Gateshead Council and the Ringing Group who monitor that site.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>d)</p> <p>The Applicant notes that at Issue Specific Hearing 5 it stated that: <i>'The Applicant hopes to be in a position to provide a further update with respect to the concept designs, consultation undertaken, and feedback received from stakeholders at Deadline 5'</i> [REP3-111].</p> <p>Initial design options considered as part of the Phase 1 Inspection and Condition Assessment of the existing Saltmeadows tower are provided in Plate 1 of the Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) [REP3-096]. The Applicant is currently in the process of updating the initial concept design, taking on board Gateshead Council's feedback and anticipates being able to submit these updated concept designs before the end of Examination. Moreover, the Applicant is intending to initiate the planning permission pre-application consultation process in the week commencing 12 June, following which, wider stakeholder engagement on the proposal (including concept designs) will be undertaken.</p>
Q3.14.1.8	Applicant	<p>The potential for compensation through eradicating rats in the Channel Islands.</p> <p>NE highlight, in respect of auk compensatory measures, that "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]." Does the Applicant have any comments to justify the scope, scale and appropriateness of this element of the compensatory measures for auk species?</p>	<p>The Applicant is only proposing delivery of the rat eradication measure as part of a collaborative delivery model, whereby the Applicant would seek to deliver the measure as compensation or adaptive management through a partnership arrangement with one or more other OWF developers. This measure represents an alternative compensation option that would be delivered wholly or partly in place of the strategic prey enhancement or project-led bycatch reduction compensatory measures.</p> <p>The Applicant acknowledges that, based on Natural England's assumptions, the predicted FFC SPA guillemot and razorbill mortalities as a result of Hornsea 4 are large</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>and that project would therefore potentially be required to retain all of the intended benefits that a rat eradication scheme at the channel islands would afford. However, since no decision has yet been made about the level of compensation that Hornsea 4 will ultimately be required to deliver for guillemot and razorbill, and that the scale of compensation required by SEP and DEP is small (predicted to be between 4 and 16 guillemot and 1 and 7 razorbill (Table 6-1 in Appendix 4 - Gannet, Guillemot and Razorbill Compensation Document (Revision B) [REP3-021]), the Applicant considers that there could be opportunities for collaboration that would enable both projects to deliver on their compensation requirements.</p>
Q3.14.1.9	Applicant	<p>Channel Islands</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>	<p>There is a large body of evidence that demonstrates the effectiveness of this method for guillemot and razorbill. See:</p> <ul style="list-style-type: none"> • Section 5.2 of MacArthur Green (2021a), • Section 5.4 of MacArthur Green (2021b) and MacArthur Green (2021c), • Section 7.4.3.2.1 of MacArthur Green and Royal HaskoningDHV (2021a) and MacArthur Green and Royal HaskoningDHV (2021b), and • Section 3 of GoBe Consultants (2021a), along with supporting ecological evidence in GoBe Consultants (2021b) and a roadmap in GoBe Consultants (2021c).
Q3.14.1.10	Applicant	<p>Red-throated Diver</p> <p>Estimates 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</p>	<p>The Applicant has updated the displacement values which are presented in Table 12-4 of the Apportioning and HRA Updates Technical Note (Revision C) [document reference 13.3] to address Natural England's comment set out in</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		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.	[REP3-143, point 22]. The values presented in the update are slightly increased from the Apportioning and Habitats Regulations Assessment Updates Technical Note (Revision B) [REP2-036] but have not affected the conclusions presented by the Applicant. Mortality values for 1% and 10% are presented in Tables 12-2 and 12-5 of the Apportioning and HRA Updates Technical Note (Revision C) [document reference 13.3].
Q3.14.1.11	Applicant	RTD Mitigation 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.	The Applicant advises that this matter is subject to ongoing discussions with Natural England. A meeting between the Applicant and NE has been scheduled for 26 th June 2023. A further response will be provided to the ExA once these discussions have been concluded.
Q3.14.1.12	Applicant	RTD Monitoring 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)? 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.	a) The East Anglia One North (EA1N) and East Anglia TWO (EA2) projects propose bycatch reduction as part of their compensation measures (MacArthur Green/Royal Haskoning DHV, 2021a,b), which are secured in Schedule 18 of the EA1N and EA2 DCOs. The compensation proposals as set out are targeted primarily at guillemot, gannet, razorbill and lesser black-backed gull. However, red-throated diver is also identified as a species that <i>may</i> benefit from bycatch reduction. A proposal to undertake research into ornithological by-catch reduction and subsequently fund a voluntary fishing gear change scheme (if suitable gear types that reduce by-catch are identified) is to be included in the compensation plan for these two projects as a secondary compensatory measure for the Outer Thames Estuary SPA wintering red-throated diver population (BEIS 2022a,b). The

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			<p>without prejudice compensation documents (subsequently incorporated into the DCOs) (MacArthur Green/Royal Haskoning DHV, 2022a,b) state:</p> <p><i>“Entanglement in fishing gear is one of the main causes of red-throated diver mortality (Natural England, 2019) and although red throated diver by-catch was not recorded in recent UK-based studies (Northridge et al (2020), Miles et al (2020)) it has previously been widely recorded in other countries as Miles et al (2020) highlight.”</i></p> <p>The reduction in red-throated diver bycatch is therefore included within the measures proposed for EAN1 and EA2, but is identified as having ‘low’ ‘environmental value and function’ and ‘low’ confidence in the effectiveness of the compensatory measure.</p> <p>Therefore, the Applicant considers that while there is the potential that bycatch reduction could compensate for adverse effects on red-throated diver (and noting that the Applicant does not consider there would be an AEol in respect of this species), there is low confidence that, on its own, such a measure would be effective.</p> <p>b)</p> <p>The Offshore IPMP (Revision B) [REP4-014] was updated at Deadline 4 to respond to NE comments provided at Deadline 1. This has included the addition of RTD into the monitoring proposals (see Table 8). Monitoring to determine effects of SEP and DEP on site usage by, and displacement of, RTD could be undertaken through pre-and post-construction aerial surveys to determine changes in abundance and distribution of birds within areas of the Greater Wash SPA considered at risk of displacement effects.</p>

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			<p>However, the Applicant emphasises that there is a minimal project alone effect on RTD and its position is that there is no risk of AEol. Monitoring of RTD may therefore not be identified as an appropriate priority in the development of the final monitoring plans post consent. This is because the numbers of birds likely to occur within the area where potential effects could occur is very small and undertaking meaningful monitoring of these effects may therefore not be feasible (coupled to this there are very likely other OWFs that would be better suited to delivering this type of monitoring). To fully understand the effects of the project on RTD distribution within the GW SPA may require aerial surveys of a large part (or indeed all) of the SPA and the level of resource required to achieve this would not be warranted by the scale of the potential effect (if there is a potential effect at all).</p>
Q3.14.1.13	Natural England	<p>RTD Effects</p> <p>Can you confirm whether your conclusions on AEol for this species applies only to the Greater Wash SPA, or also to the Outer Thames Estuary Estuary SPA. Can an AEol be ruled out on the latter designated site or not? Explain with reasons.</p>	<p>The Applicant's position is that no AEol can be concluded both in respect of Greater Wash SPA and Outer Thames Estuary SPA (the former as set out in the Apportioning and Habitats Regulations Assessment Updates Technical Note (Revision C) (Clean) [document reference 13.3], the latter in the Report to Inform Appropriate Assessment (RIAA) [APP-059].</p>
Q3.14.1.14	Applicant Natural England	<p>Implementation or completion</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) and b)</p> <p>“Implement” and “implementation” are used in schedule 17, parts 6 and 15 with their plain English meaning (i.e. to put something into effect). When the approved Sandwich Tern CIMP or Kittiwake CIMP has been put into effect, it will have been implemented.</p> <p>When interpreting the conditions within schedule 17, it is appropriate to have regard to the whole of each part of a</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<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>	<p>schedule. Taking Part 2 (which relates to kittiwake) as an example, condition 13 sets out the requirements that the Kittiwake CIMP will require to include. Condition 13(d) requires an implementation timetable for the delivery of artificial nest site improvements to be included within the Kittiwake CIMP. Condition 15 requires the undertaker to implement the measures set out in the Kittiwake CIMP. Condition 16 requires the undertaker to notify the Secretary of State on completion of implementation of the artificial nest site improvement measures.</p> <p>In practice, the implementation of the measures will be the point that the undertaker has completed construction or delivery of the relevant compensatory measures set out in the CIMP. At that point, they will notify the Secretary of State that the CIMP has been implemented (as required by condition 16 in Part 1), which will trigger the start of the timing controls in condition 15 that require the measures to have been implemented a certain number of seasons prior to commencement.</p> <p>The Applicant considers that the use of the term "implement" and "implementation" is more appropriate than using a term such as "complete", which suggests a finality. The CIMPs will include detail of measures that apply for the entire operational period of SEP and DEP e.g. details of the maintenance schedule, details of monitoring requirements, etc.</p> <p>The use of the term "implement" in the context of requirements imposed on developers within DCOs or conditions within planning permissions is a common practice. Appendix A of Planning Circular 11/95: the use of conditions in planning permissions remains extant and sets out model conditions for use by planning authorities. The terms</p>

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			<p>“implement” and “implementation” are suggested in a similar context to require the developer to implement plans approved post-consent (see for example condition 32, 37, 55, 58, 59)</p> <p>This approach, and similar wording, is also well precedented in DCOs that consent offshore wind farms where compensatory measures are required. See for example:</p> <ul style="list-style-type: none"> • Conditions 4 and 5, Part 1, Schedule 14 The Hornsea Three Offshore Wind Farm Order 2020, • Conditions 5 and 6, Part 1, Schedule 19 The Norfolk Boreas Offshore Wind Farm Order 2021, • Conditions 5 and 6, Part 1, Schedule 18 The East Anglia ONE North Offshore Wind Farm Order 2022. <p>c)</p> <p>The Applicant does not consider that this would be a risk.</p> <p>As set out above, the Applicant considers that the existing wording is clear that the compensatory measures would need to be completed (save for any ongoing aspects such as maintenance/monitoring), as agreed in the CIMP, before the CIMP would be considered implemented for the purposes of conditions 6 and 15 of schedule 17.</p> <p>Part of the reason that the undertaker is required to notify the Secretary of State on implementation of the measures (conditions 7 and 16 of Schedule 17 of the draft Development Consent Order (Revision H) [document reference 3.1]) is that it will allow an opportunity for the Secretary of State to consider whether they agree that implementation is complete. If the Secretary of State disagreed, they could require the developer to take further</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>steps to do so, otherwise there would be a risk of the undertaker being in breach of the DCO.</p> <p>d)</p> <p>The Sandwich Tern Compensation Document [APP-069] provides the Outline Implementation and Delivery Roadmap (Section 6.4.8) which outlines the steps that will be taken to secure the nesting habitat improvements so that they are 'constructed and available for colonization by Sandwich terns prior to the operation of any turbine forming part of the authorised development'. This is secured through Schedule 17 Part 1 (4)(d) of the draft DCO (Revision H) [document reference 3.1]. As also noted in the Compensation Document, the Applicant will look to implement the compensation as soon as possible after the proposed measures have been agreed through the Outline Sandwich Tern Compensation Implementation and Monitoring Plan [APP-070]. The exact timescale will be agreed with relevant stakeholders post consent. A delivery update has since been provided at Deadline 3 in the Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) [REP3-095].</p> <p>These commitments reflect the fact that there is no certainty that Sandwich terns will nest on a newly created site immediately and it may take several years for nesting numbers to build up (Section 6.4.6 of the Compensation Document). These issues have been considered and consulted on with NE through the development of the Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-091], noting that:</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>1. A considerable benefit of the proposed measure is in restoring lost breeding range to make the population more robust to local impacts.</p> <p>2. It has been agreed that no alternative sites are known of that are considered to have the same chances of success as Loch Ryan.</p> <p>Both of these points are reflected in the Draft Statement of Common Ground with NE (HRA Derogation) [REP1-047] which includes that: <i>“Natural England consider the principal method of compensation for Sandwich tern at Loch Ryan to represent the best available option for project-level delivery. The provision of breeding habitat at a location that has a historical population (no longer present), but with apparently suitable conditions to support a colony once again with sufficient intervention represents a major potential conservation gain for the species.”</i></p> <p>The Applicant notes that whilst a breeding population of Sandwich terns is no longer present at Loch Ryan, they have been recorded feeding in the area, which is a key reason why a breeding colony can be re-established.</p>
Q3.14.1.15	Applicant Natural England	Gannet, Guillemot and Razorbill The Examination so far has suggested that an AEol 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 AEol can be ruled out for guillemot and razorbill. 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 effects, which NE confirmed would be a logical position [REP3-147, Q2.14.1.2]. However NE also	<p>a)</p> <p>Following its review of the Applicant’s Review of 2022 Highly Pathogenic Avian Influenza (HPAI) outbreak on relevant UK seabird colonies [REP4-042], Natural England has confirmed that AEol can be ruled out for gannet (meeting held between the Applicant and NE on 23rd May 2023).</p> <p>b)</p> <p>On that basis, the relevant sections and references to gannet have been removed from the compensation document and it has been re-titled the Guillemot and Razorbill</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>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 AEol 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 AEol be ruled out for Guillemot? Explain with reasons.</p> <p>e) NE - can an AEol be ruled out for Razorbill? Explain with reasons.</p>	<p>Compensation Document (Revision C) [document reference 5.5.4] and re-submitted at Deadline 5.</p> <p>c)</p> <p>On the basis that Natural England has agreed that AEol can be ruled out, a separate compensation document for gannet is considered not to be required. The Applicant no longer considers there is a need to present such measures on a ‘without prejudice’ basis.</p> <p>e) and f)</p> <p>The Apportioning and HRA Updates Technical Note (Revision C) [document reference 13.3] confirms the Applicant’s position that there would be no AEol in respect of razorbill and guillemot.</p>
Q3.14.1.16	Applicant	Third Party Implementation	The Applicant provided a response to NE on a number of matters, including the concern around delivery of strategic or collaborative compensatory measures, within the first

PINS Question Number	Question is addressed to	Question	Applicant Response
		Respond to NE's question in the Issues and Risks Log [REP3-146, point A14] regarding third party delivery of compensatory measures.	<p>response in Table 1 of The Applicant's comments on Natural England's Deadline 2 Submissions [REP3-107].</p> <p>The Applicant notes that the drafting within schedule 17 of the draft DCO (Revision H) [document reference 3.1] only allows strategic or collaborative measures to be substituted for project specific measures with the written consent of the Secretary of State. If the Secretary of State was concerned that collaborative measures would not be delivered in the necessary timescales to provide adequate compensation for SEP and DEP, then the Applicant considers it is highly unlikely he would agree to them. The Applicant considers that the requirement to obtain Secretary of State consent provides a sufficient mechanism to ensure that such measures would be deliverable.</p>
Q3.14.1.17	Applicant Natural England	<p>Pink-Footed Geese</p> <p>Provide an update on the ongoing dialogue between the Applicant and NE regarding pink-footed geese.</p>	The Applicant and Natural England are in the process of agreeing how potential impacts to pink footed geese will be mitigated from a practical perspective. The discussions are ongoing.

Table 15 Applicant's responses to the Examining Authority Third Written Questions: Q3.15

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.15. Historic Environment and Cultural Heritage			
Offshore Matters			
Q3.15.1 Adequacy of Baseline Surveys and Environmental Information			
Q3.15.1.1	Historic England	Geotechnical Work 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?	No response required by the Applicant.
Q3.15.1.2	Historic England	Statement of Common Ground 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.	No response required by the Applicant.
Onshore Matters			
Q3.15.2 Adequacy of baseline surveys and information			
		No further questions in this section at this time.	Noted.
Q3.15.3 Effects on Designated and Non-designated Heritage Assets			
		No further questions in this section at this time.	Noted.

Table 16 Applicant's responses to the Examining Authority Third Written Questions: Q3.16

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.16. Land Use			
Q3.16.1 Effect on Agricultural Land and Businesses and Recreational Assets			
Q3.16.1.1	Applicant National Farmers Union	<p>Outline Management Plan for Agricultural Matters</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> <ul style="list-style-type: none"> a) Provide an update on such discussions. 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? 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 	<ul style="list-style-type: none"> a) The Applicant is awaiting a response from the NFU and LIG on the Construction Practice Addendum sent on 15th May 2023. b) No response required by The Applicant. c) The Applicant regards the Construction Practice Addendum and its content as an appropriate means of including details on the management of soil handling, reinstatement and aftercare, land drainage and irrigation and water supply. This allows for discussion with the NFU and LIG to reach agreement on the wording. The Construction Practice Addendum will form part of the legally binding Option Agreements between the Applicant and landowners. The Applicant has committed in the Draft Statement of Common Ground with National Farmers Union [document reference 19.13] that the agreed wording in the Construction Practice Addendum will be included in the final CoCP post consent.
Q3.16.1.2	Applicant	<p>Effect on Individual Businesses</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</p>	<p>The Applicant has been in discussion with all Land Interests as set out in the Consultation Report [APP-029] and Statement of Reasons (Revision D) [REP3-019] and has built an understanding of the wider farming and business operations which may be indirectly impacted during the works. Where there has been concern about the works impacting wider areas, this has been discussed during</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		discussions taking place with each landowner. Please provide further justification for your position.	landowner meetings e.g. contracts for agricultural produce, pig rotations. Due to the changeable nature of agriculture, the Applicant wishes to highlight that it may not be possible to keep abreast of all business changes, especially those outside of the Order limits, on a more regular basis. However, a baseline understanding of the land and holdings has been achieved by the Applicant, which has been taken into account in the consideration of any necessary mitigation measures.
Q3.16.2 Soils and Soil handling, Ground Conditions, Contamination and Minerals			
		No further questions in this section as this stage.	Noted.

Table 17 Applicant's responses to the Examining Authority Third Written Questions: Q3.17

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.17. Landscape and Visual Effects			
Q3.17.1 Effect on Landscape Character and Views			
		No further questions in this section as this stage	Noted.
Q3.17.2 Effects on designated and historic landscapes, including Areas of Outstanding Natural Beauty and Ancient Woodlands			
		No further questions in this section as this stage.	Noted.
Q3.17.3 Effectiveness of mitigation proposals			
Q3.17.3.1	Applicant	<p>Removal of Existing Trees and Hedgerows, Replanting and Management</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>a)</p> <p>It is the Applicant's position that the framework by which ecological losses or gains should be quantified would be the DEFRA BNG Metric 4. The Applicant is therefore not proposing an in-principle ratio of tree and hedgerow replanting further to the minimum 1:1 ratio already outlined (see below for details on the rationale for this commitment).</p> <p>The DEFRA BNG Metric 4 provides a more robust and detailed method for measuring losses or gains than a rudimentary count of the number of trees or volume of hedgerow habitat. The metric takes account of the condition, distinctiveness and strategic significance of each feature, so that, for example, one ancient oak tree within a County Wildlife Site could not be sufficiently mitigated for by replanting three conifers, or a length of established, species-rich hedgerow with trees could not be mitigated for by replanting a greater length of a single-species hedgerow. The metric accounts for more detail than simply the number of trees or volume of hedgerow. The Applicant has committed to using this approach to evaluate the losses or gains of SEP and DEP, rather than a more basic count of the number of</p>

Q3.17. Landscape and Visual Effects		
		<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> <p>features, which may not capture the underlying ecological nuances of the changes. The Applicant's commitment to BNG is detailed in the Outline Ecological Management Plan (Revision C) [REP3-068] and secured by Requirement 13 (1) (Ecological management plan) of the draft DCO (Revision H) [document reference 3.1].</p> <p>Alongside the BNG commitment, the Applicant has also committed to ensuring that a minimum 1:1 ratio for tree and hedgerow replanting will be achieved. This will equate to replanting at least one tree for every individual tree removed, and replanting a length of hedgerow at least equivalent to any lengths of hedgerow removed. This commitment has been captured in Section 1.2.3 of the updated Outline Landscape Management Plan (Revision D) [document reference 9.18], which will be submitted at Deadline 5 and is secured by Requirement 11 (Landscape management plan) of the draft DCO (Revision H) [document reference 3.1].</p> <p>The rationale for this is that the BNG assessment by itself could conceivably see net losses in numbers of trees or lengths of hedgerows, yet still achieve mathematical gains through the DEFRA Metric. This is because tree and hedgerow value in the Metric is partly based on condition and other factors, not just on number of trees or length of hedgerow, so it would be a mathematical possibility for the number of trees or length of hedgerow to be reduced, yet achieve net gains via enhanced condition, for example.</p> <p>The 1:1 commitment is therefore an additional principle to ensure the number of trees and length of hedgerow does not decrease as a result of the onshore cable works. By combining the 1:1 commitment with the BNG enhancement package, the Applicant is aiming to deliver both improvements in condition/ecology of habitats such as trees and hedgerows, and at the same time, ensure no losses in the overall numbers/volume. The 1:1 commitment is not, therefore, an</p>

Q3.17. Landscape and Visual Effects			
			<p>isolated principle, but rather a back-up measure to be applied in tandem with the BNG assessment.</p> <p>b) Not applicable.</p> <p>c) Please refer to point (a) above. Having regard to Section 122 of the Planning Act, and specifically sub paragraph (2), the Order Limits have been designed to encompass the minimum area required to construct and operate the Project(s) and do not allow for compulsory acquisition of land for replacement planting and habitat creation which might be needed should a ratio of more than 1:1 be required of the Applicant.</p> <p>d) The Applicant's commitment to BNG is secured via Requirement 13 (1) (Ecological management plan) of the draft DCO (Revision H) [document reference 3.1]. The Applicant's commitment to ensuring that a minimum 1:1 ratio for tree and hedgerow replanting has been captured in Section 1.2.3 of the updated Outline Landscape Management Plan (Revision D) [document reference 9.18], which will be submitted at Deadline 5 and is secured by Requirement 11 (Landscape management plan) of the draft DCO (Revision H) [document reference 3.1].</p>
Q3.17.3.2	Local Authorities Natural England	<p>Removal of Existing Trees and Hedgerows, Replanting and Management</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>	<p>The Applicant has no legal powers to secure mitigation outside the Order Limits and as set out above in the response to Q3.17.3.1, adequate mitigation is already incorporated within the Order Limits. The Applicant is willing to explore, through landowner consultation whether there may be opportunity to secure individual agreements to undertake planting or other habitat enhancements outside the Order Limits which could form part of the evolving Biodiversity Net Gain Strategy. As set out within the Outline Biodiversity Net</p>

Q3.17. Landscape and Visual Effects			
			<p>Gain Strategy 'actual enhancement of habitats will need to be agreed in detail with landowners and other stakeholders in the future, and once construction details are more clearly defined' [REP3-048]. The Applicant is therefore unable to commit to any habitat enhancement outside the Order Limits at this stage.</p>

Table 18 Applicant's responses to the Examining Authority Third Written Questions: Q3.18

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.18. Seascape and Visual Effects			
Q3.18.1 Effects on Designated and Historic Landscapes			
		No further questions in this section as this stage.	Noted.
Q3.18.2 Cumulative Effects			
		No further questions in this section as this stage.	Noted.

Table 19 Applicant's responses to the Examining Authority Third Written Questions: Q3.19

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.19. Navigation and Shipping			
Q3.19.1 Navigational Risk and Effect on Navigational Safety			
Q3.19.1.1	Marine and Coastguard Agency	<p>Safety Zones</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>	<p>Safety zones will be applied for post consent in line with industry standard practice (temporary safety zones during the construction and maintenance phases). Section 95 and Schedule 16 of the Energy Act 2004 details the standard dimensions for safety zones which can be maximum of 500 metres measured from the foundation (not the blade tip). When considering this value alongside the minimum rotor diameter (235 metres (m)) and the Offshore Temporary Works Area (OTWA) (Work No 6A, 6B and 6C) [PDA-003] of approximately 200m (equalling approximately 317m i.e., half rotor diameter plus OTWA) there is anticipated to be minimal further reduction on available sea room. Further, it is noted that during the construction phase these safety zones are likely to be within the buoyed construction area that will be agreed with Trinity House.</p> <p>The Safety Zones figure (included in A.2 of Supporting Documents for the Applicant's Responses to the Examining Authority's Third Written Questions [document reference 19.2.1]) shows the safety zone extents relative to the modelled future case traffic.</p> <p>Therefore, the Applicant (as per the Navigation Risk Assessment [APP-198]) where the presence of safety zones are assessed) concludes there is no effect on navigational safety.</p>
Q3.19.1.2	Marine and Coastguard Agency	<p>Navigational Risk</p> <p>The Applicant, in the Navigational Safety Technical Note [REP3-031] has provided additional modelling of the</p>	<p>Whilst this question is addressed to the Maritime and Coastguard Agency (MCA) the Applicant highlights that the NRA and Environmental Impact Assessment Methodology</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>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 collision 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>	<p>are 'Agreed' within the Draft Statement of Common Ground Maritime and Coastguard Agency (Revision B) [REP3-079].</p>
Q3.19.1.3	Applicant	<p>Future increases of traffic</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>	<p>The Applicant notes an error in question the value of post windfarm collision risk should read 1 in 8.7 years.</p> <p>As requested, the Applicant has undertaken further modelling and can therefore provide collision risk figures for the DEP-North route with the addition of 10% and 20% increases of shipping traffic for the sensitivity analysis:</p>

PINS Question Number	Question is addressed to	Question	Applicant Response			
			Scenario	Without SEP&DEP	With SEP&DEP – NRA	With SEP&DEP – Sensitivity
			0% traffic increase	1 in 9.6 years	1 in 8.5 years	1 in 8.7 years
			10% traffic increase	1 in 7.9 years	1 in 7.0 years	1 in 7.2 years
			20% traffic increase	1 in 6.7 years	1 in 5.9 years	1 in 6.1 years
Q3.19.1.4	Marine and Coastguard Agency	<p>Mitigation against risk</p> <p>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?</p>	<p>Whilst this question is addressed to the Maritime and Coastguard Agency (MCA) the Applicant notes that the NRA [APP-198] states that risks are considered to As Low As Reasonably Practicable with mitigation (embedded and additional) in place. At the time of submission of the NRA in the DCO application no further mitigation than those listed and addressed within the NRA had been requested by other stakeholders, including the regular operators consulted during the pre-application phase.</p>			
Q3.19.1.5	UK Chamber of Shipping Trinity House	<p>Assessment of Navigational Risk and Safety</p> <p>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</p>	<p>As per Q3.19.1.4.</p> <p>The Applicant also notes the Trinity Houses submission of the Draft Statement of Common Ground with Trinity House at Deadline 1 [REP1-049], which states that in <i>'Trinity House's view the relevant mitigation proposed by the Applicant through the draft Development Consent Order (DCO), which has been the subject of long-standing discussion with Trinity House, was appropriate and consistent with other offshore wind farm development'</i>. The</p>			

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>have an acceptable and safe width of sea room? Explain with reasons and with reference to these submissions from MCA and the Applicant.</p>	<p>Statement of Common Ground between the Applicant and Trinity House has all matters agreed with regards to the methodology and assessment [REP1-049].</p> <p>The Draft Statement of Common Ground with UK Chamber of Shipping [REP2-047] also 'Agrees' the methodology used within the NRA and EIA and notes '<i>The Chamber has concerns around the western extent of the northern element of DEP and believes it unnecessarily protrudes into a busy shipping channel impacting navigational safety and is a sub-optimal use of seabed.</i></p> <p><i>This disagreement [impact significance – Not Agreed No Material Impact] however is not material to the in-isolation impact significance of the wind farm array areas but advocates for commitments not to build out into this section of the PDE' (PDE referring to Project Design Envelope, or Order Limits).</i></p>
Q3.19.1.6	<p>Marine and Coastguard Agency UK Chamber of Shipping</p>	<p>Disruption or Economic Loss</p> <p>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?</p>	<p>As per Environmental Statement Appendix 13.1 - Navigation Risk Assessment [APP-198] (Section 21.1.1) based upon the post wind farm routeing, it was predicted that six of the 14 main commercial routes identified would deviate as a result of the SEP and DEP, with a maximum proportional increase of 4% in journey distance. There are pre-established routeing options available within the area, and these are defined primarily by the shallow banks present within the vicinity.</p> <p>During consultation regular operators of the area also raised concern over long term impacts associated with deviations to avoid project vessels in the area. As discussed in Section 18.5, these concerns were not safety related and were instead related to impacts on transit times and distances. The operator feedback was that the implementation of</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>project vessel procedures (Navigation Management Plan) would mitigate this impact. Whilst deviations would be frequent (daily) based on the small increase (worst case) in route length and the feedback from operators in the area deviations / displacement are shown to be within ALARP parameters. For other users (small craft) as required under the Development Consent Order, promulgation via all the usual means (e.g., Notice to Mariners, Kingfisher Bulletin) will be undertaken to ensure third party vessels are aware of the SEP and DEP. This will facilitate advanced passing planning to ensure any deviations are minimised.</p> <p>SEP and DEP are not located in proximity to port approaches or lifeline ferry routes.</p>
Q3.19.1.7	Applicant	<p>Comparison Figures</p> <p>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?</p>	<p>Comparison figure included in A.2 of Supporting Documents for the Applicant's Responses to the Examining Authority's Third Written Questions [document reference 19.2.1].</p>
Q3.19.1.8	Marine and Coastguard Agency	<p>Sea room between SEP and DEP</p> <p>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</p>	<p>As per the Draft Statement of Common Ground Maritime and Coastguard Agency (Revision B) [REP3-079] with the MCA the Applicant can confirm there is agreement</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		is concerned with, with no objections to the width of sea room that would remain between SEP and DEP?	between them that the sea area between SEP and DEP (where bounded by turbines) is acceptable and compliant with Marine Guidance Note 654.
Q3.19.1.9	Marine and Coastguard Agency	<p>Safety Zone Widths</p> <p>Does the Navigational Safety Technical Note [REP3-031, Figure 6.2] demonstrate that vessels are content with passing approximately 1 nautical mile from windfarms?</p>	<p>As detailed in the accompanying submission at Deadline 5 (Vessel Passing Distances from UK Wind Farms Note within A.2 of Supporting Documents for the Applicant's Responses to the Examining Authority's Third Written Questions [document reference 19.2.1]), it is common for vessels to pass within 1nm of operational wind farms. As stated in the Navigational Safety Technical Note [REP3-031], there <i>"is no regulatory requirement that vessels pass a certain distance from wind turbine generators, and evidence shows that mariners will define their own passing distances based on various factors."</i></p>
Q3.19.1.10	Marine and Coastguard Agency	<p>Details of Obstacle/Turbine Free Areas</p> <p>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.</p>	As per Q3.19.1.4.
Q3.19.1.11	Applicant Marine and Coastguard Agency	<p>Implications of MCA position</p> <p>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?</p>	<p>NPS EN-3 policy at paragraph 2.6.165 is that: <i>The IPC should not consent applications which pose unacceptable risks to navigational safety after all possible mitigation measures have been considered.</i></p> <p>The Applicant fully recognises that the MCA has made a representation at Deadline 4: Submission - Comments on any other information and submissions received at D3 [REP4-047] that <i>"navigational risk will increase in this area due to the reduced safe sea room and that mariners' ability</i></p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p><i>to avoid a collision or allision as a result will be compromised” and the Applicant continues to meet with the MCA to seek to understand and resolve the objection.</i></p> <p>However, if agreement on the minimal route deviation and consequent navigational risk increase cannot be reached, it is important to note that the above MCA representation does not represent a conclusion that, in NPS EN-3 paragraph 2.6.165 terms, SEP and DEP is an application the SoS “should not consent ... which pose unacceptable risks to navigational safety after all possible mitigation measures have been considered”.</p> <p>In contrast the facts of the development of the NRA are that, as per the Draft Statement of Common Ground with the MCA there is agreement that the NRA has been undertaken in line with relevant shipping and navigation legislation and guidance, including being compliant with MGN 654 requirements [REP3-134]. The MCA received a copy of the NRA at PEIR in June 2021; then an updated NRA with full survey data in July 2022 and the final NRA (Environmental Statement Appendix 13.1 - Navigation Risk Assessment [APP-198]) was published at acceptance. The MCA have reviewed the ALARP statements each time, which have not changed, and did not make comment. Therefore, the MCA accepts the detailed methodology and has accepted each stage of the preparation of the NRA. Furthermore, it follows that the conclusion of said NRA that risks are ALARP must stand, except to the extent that an alternative assessment of navigational risk, meeting the same required standards of NRA preparation has been made and concluded to demonstrate otherwise.</p> <p>Since no such alternative NRA assessment has been provided by any party, the submitted NRA remains before</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>the ExA and the SoS as approved and continues to demonstrate that risks are ALARP despite an increase in collision risk which was deemed tolerable and of the kind that arise from all and any development in the offshore environment. TH, CoS and MCA have all agreed the methodology and consultation within the NRA process [REP1-049, REP2-047and REP3-079] as well as regular operators who participated in the hazard workshops and agreed hazard logs. The Applicant highlights that it reminded these operators of the Examination process once the DCO application has been accepted, and of how to make a representation, however none either registered as an interested party for the purpose of the Examination, nor made representations.</p> <p>While the Applicant remains in discussion with the MCA to understand and seek to resolve its objection, the ExA can confidently make a recommendation to the SoS that development consent should be granted for the proposed SEP and DEP application, even without agreement with the MCA on the minimal route deviation and increase in navigational safety risk, because:</p> <ul style="list-style-type: none"> the objection raised about increased navigational risk does not constitute an “unacceptable risk” to navigational safety of the kind set out in NPS EN-3 paragraph 2.6.165 that would justify not granting consent;

PINS Question Number	Question is addressed to	Question	Applicant Response
			<ul style="list-style-type: none"> the NRA [APP-198] was developed in consultation with the MCA which accepted every stage of its preparation, which concludes that accounting for the reduction in sea space at DEP North (the subject of the MCA's objection), the risks posed are ALARP; the NRA remains valid and appropriate as a basis for MCA and SoS decision making since no alternative assessment of navigational risk (meeting the same required standards of NRA preparation) has been made and demonstrated an alternative conclusion; and the Applicant has agreed to mitigation measures that are in proportion to the finding in the NRA [APP-198] and the ES [APP-099] that the extent and nature of impact, including in cumulative terms, has been reduced to be not significant. The Applicant remains in discussion with the MCA but to date has not been presented with a mitigation option which demonstrably reduce return periods for vessel-to-vessel collision over the project life span (as evaluated in the sensitivity analysis of the Navigational Safety Technical Note [REP3-031]). <p>Furthermore, NPS EN-3 policy is very clear that consent may be granted despite effects of navigation, where it states at paragraph 2.6.167 that:</p> <p><i>“Providing proposed schemes have been carefully designed by the applicants, and that the necessary consultation with the MCA and the other navigation stakeholders listed above has been undertaken at an early stage, mitigation measures may be possible to negate or reduce effects on navigation to a level sufficient to enable the IPC to grant consent. The</i></p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p><i>MCA will use the NRA as described in paragraph 2.6.156 above when advising the IPC on any mitigation measures proposed."</i></p> <p>The Applicant has in its application proposed proportionate and appropriate mitigation measures on which the SoS can rely, including: lighting and marking, safety zones, layout approval, application of MGN 654, promulgation of information, guard vessel where appropriate, display on navigation charts, cable burial risk assessments, marine co-ordination, ERCoP, and, at the request of regular operators, a Navigation Management Plan.</p> <p>Site selection was made to The Crown Estate site selection criteria which included avoiding existing shipping lanes and areas of high shipping density. Specifically, the western boundary of DEP-N is defined by a shipping lane between the existing SOW and DOW as indicated by Automatic Identification System (AIS) data from 2016 and 2017 [APP-089].</p> <p>Therefore to the extent that any adverse impacts arise on navigation, these are avoided or otherwise mitigated and need, moreover, be considered in the planning balance along with the benefits of the application.</p> <p>As detailed within section 4 of the Planning Statement (Revision B) [AS-031], benefits of the application include that SEP and DEP directly address the <i>"urgent need for new (and particularly low carbon), energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector"</i> (paragraph 3.3.15 NPS EN-1), meet the UK need for <i>"the types of energy infrastructure covered by ... NPS EN-1 in order to achieve energy security at the same time as dramatically reducing</i></p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p><i>greenhouse gas emissions</i>" (paragraph 3.1.1 NPS EN-1) and displace from fossil fuel generating stations and reduce greenhouse gas emissions by approximately 700,000 to 1,500,000 tonnes CO₂ per year, contributing to meeting national and international targets on carbon dioxide (CO₂) reduction in line with the requirements of the Climate Change Act 2008 (2050 Target Amendment) Order 2019.</p> <p>Important and relevant matters to weigh in the balance also include that SEP and DEP will provide approximately 2.5% of the UK's current shortfall in meeting the 50 GW target for offshore wind electricity generation by 2030, set out in the British Energy Security Strategy (HM Government 2022), equivalent to powering over 785,000 UK homes per annum (3% of UK homes); address the importance "<i>that our supply of energy remains secure, reliable and affordable</i>" set out in NPS EN-1, which considers that "<i>offshore wind is expected to provide the largest single contribution towards the 2020 renewable energy generation targets</i>" (paragraphs 2.1.2 and 3.4.3); contribute to the NPS EN-1 "<i>minimum need of 59 GW of new electricity capacity by 2025</i>", of which 33GW is needed from renewable energy, in the context of the overall dwindling of UK generation capacity and only 12 additional GW of renewable generation capacity added since 2011 (NPS EN-1 paragraph 3.3.22 and 3.3.23); and contribute to The Promotion of the Use of Energy from Renewable Sources Regulations 2011 and NPS EN-1 (paragraph 3.4.5) requirement for the UK to meet a target of 15% of total energy consumption being from renewables, in the context of only 12.3% of total energy consumption being from renewables in 2022 (BEIS 2022 Table 6.5b).</p> <p>Finally, balancing considerations include that SEP and DEP as an Offshore Transmission Network Review Pathfinder</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Project advances, as a coordinated application across two wind farms sites, policy in the Energy White Paper: Powering Our Net Zero and Offshore Transmission Network Review to “implement changes to the existing regime to facilitate coordination in the short-medium term” (BEIS 2020b); provide power for the equivalent of 85% of the number of homes in East Anglia; create up to 1,730 and 230 full-time equivalent jobs during the construction and operational phases respectively; yield an estimated overall construction value of £2.14 billion (in current pricing) and operational and maintenance value of around £32.1 million and £800 million Gross Value Added, including £450 million GVA to East Anglia; maximise local skills and employment opportunities through the Skills and Employment Plan being developed in consultation with local authorities secured by a Requirement in the draft DCO (Revision H) [document reference 3.1], and deliver Biodiversity Net Gain benefits including additional planting, native species and ecological enhancement as well as contributing to the mitigation of climate change and thus the effects it is having on future biodiversity in the UK.</p>
Q3.19.1.12	Applicant Marine and Coastguard Agency	<p>Joint Position Statement</p> <p>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.</p>	<p>The Applicant is in continued discussions with the MCA. If an agreement on risk or mitigation at DEP-N can be found a joint position statement can be issued.</p>
Q3.19.2 Impact on Radar, Search and Rescue			
		No further questions in this section at this time.	Noted.

Table 20 Applicant's responses to the Examining Authority Third Written Questions: Q3.20

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.20. Noise and Vibration			
Q3.20.1 Adequacy of the Assessments for Construction			
Q3.20.1.1	Applicant Broadland District Council South Norfolk District Council	<p>Main Construction Compound</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>	<p>A Section 61 consent is preferred because this provides the Local Authority with confidence that construction noise will be controlled outside the planning process, using their powers under the Control of Pollution Act 1974. At this stage in the design process, the Principal Contractor has not been appointed and final compound layouts are not determined, which is standard for projects going through the DCO process. Hence, final mitigation measures cannot be specified as part of the DCO application and will be incorporated into a Construction Noise Management Plan (CNMP) at the post-consent stage.</p> <p>The Outline Code of Construction Practice (Revision E) [document reference 9.17] requires that a CNMP is incorporated into the final COCP, which will be submitted and approved by the Local Authority once the design is finalised. This is secured by Requirement 19 (Code of construction practice) of the draft DCO (Revision H) [document reference 3.1]. Therefore, appropriate mitigation is secured as part of the DCO, as the Applicant will be required to comply with the mitigation measures set out in the final approved CNMP, albeit a section 61 consent is intended to be used as the primary mechanism for securing and enforcing this mitigation.</p> <p>The primary difference between an approved CNMP and a Section 61 consent is that the latter is a legal agreement with the Local Authority, and it is an offence for any person to knowingly carry out the works, or permit the works to be</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			carried out, in contravention of any conditions attached to a Section 61 consent.
Q3.20.2 Construction Effects on Sensitive Receptors			
Q3.20.2.1	Applicant	<p>HDD Works at Night and Emergency Works</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>	<p>a)</p> <p>The Applicant has submitted an updated Outline Code of Construction Practice (Revision E) [document reference 9.17] at Deadline 5 which includes additional detail in Section 10.1.3 (Night time working for the HDDs at the Solar Park).</p> <p>b)</p> <p>Other than the specific crossings of Stakeholders' apparatus, such as Network Rail who stipulate continuous HDD for safety reasons, the HDDs are not required to be continuous and will follow the agreed site working hours set out in Requirement 20 (Construction hours) of the draft DCO (Revision H) [document reference 3.1]. Mitigation measures to reduce the risk of night time working have been set out in previous responses [REP3-101]. Details relating to working hours and timings of work are outlined in the Outline Code of Construction Practice (Revision E) [document reference 9.17] Section 10.1.3.</p>
Q3.20.2.2	Applicant	<p>Main Compound</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>	<p>ES Chapter 23 Noise and Vibration [APP-109], paragraph 151 has taken a worst-case approach by assessing the possibility of the main compound being in use, to some extent, if there are any night time works taking place anywhere along the route. In reality, there is a low likelihood that this will be the case.</p> <p>The Applicant's Responses to the Examining Authority's Second Written Questions [REP3-101] Q2.20.4.2 refers specifically to HDD restrictions and emergency works, in particular drilling at night. Each HDD location has its own</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>dedicated HDD compound area and it is envisaged that it is these compounds that will be in use rather than the main compound.</p> <p>In any event, should the main compound be in use during night time works, agreement must be obtained from the relevant planning authority as set out in paragraphs 70 (Section 3.1 Working Hours and Timings) and 183 (Section 10.1 Control Measures) of the Outline Code of Construction Practice (Revision E) [document reference 9.17] which is secured via Requirement 19 of the draft DCO (Revision H) [document reference 3.1].</p>
Q3.20.3 Cumulative Effects Assessment			
		No further questions in this section as this stage.	Noted.
Q3.20.4 Adequacy and Design of Proposed Mitigation			
Q3.20.4.1	Applicant	<p>Adequacy of Proposed Noise Mitigation</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>	<p>a)</p> <p>The mitigation measures incorporated in the calculations provided in Appendix B - Supporting documents to the Applicant's Responses to the Examining Authority's Second Written Questions Appendix B.6 [REP3-103] are to maximise the distance from the trenchless crossing entry pit to sensitive receptors and incorporate screening where required. An additional mitigation measure has been added to Section 10.1.2 of the Outline Code of Construction Practice (Revision E) [document reference 9.17] in relation to trenchless crossing design (screening was already incorporated into these measures), which is secured via Requirement 19 of the draft DCO (Revision H) [document reference 3.1].</p> <p>b)</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>It is assumed that the question is requesting the distance from the works to the receptor at which the predicted construction noise level is 69 dB $L_{Aeq,12h}$ i.e. below the 70dB $L_{Aeq,12h}$ threshold for the onset of medium magnitude effects (potentially significant). The calculations provided in Appendix B.6 [REP3-103] are all on a worst-case basis, disregarding potential attenuation from local conditions such as screening, topography and absorptive ground; hence, this minimum distance is the same for all receptors – 39m (without screening). With 10 dB of attenuation from screening, this distance can be reduced to 21m. It should be noted that all construction noise level calculations are indicative, as the construction plant which will be used by the appointed Principal Contractor may differ from that which is currently assumed and assessed as a realistic worst-case scenario. Therefore, whilst this minimum distance would not be appropriate to include in the Outline Code of Construction Practice (Revision E) [document reference 9.17], the Outline Code of Construction Practice (Revision E) [document reference 9.17] requires that the CNMP will identify suitable mitigation to avoid significant effects.</p>

Table 21 Applicant's responses to the Examining Authority Third Written Questions: Q3.21

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.21. Oil, Gas and Other offshore infrastructure and activities			
Q3.21.1 Helicopter Access			
Q3.21.1.1	Perenco	<p>Impact of existing turbines</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>	No response required by the Applicant.
Q3.21.1.2	Perenco	<p>CAA dispensation</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>	No response required by the Applicant.
Q3.21.1.3	Perenco Applicant	<p>IMC Access</p> <p>For clarity, would there be any possible day IMC access to Waveney platform if DEP was constructed with the 1nm buffer?</p>	<p>No, as IMC requires an obstacle free buffer of 1nm beyond the aircraft flightpath.</p> <p>The Environmental Statement Volume 3 Appendix 16.2 – Helicopter Access Study [APP-205] paragraph 2.2.5.1 shows the profile for an Airborne Radar Approach (ARA). An ARA requires an approach distance of greater than 6.0nm.</p> <p>Loss of usable day IMC conditions would only reduce access by circa 4%. If the CAA implemented their proposed change to the regulations, only permitting day VMC operations within 3nm of windfarms, the impact of DEP would be negligible, as the Dudgeon windfarm is already within 3nm of Waveney.</p>
Q3.21.1.4	Perenco	One Engine Inoperative Take Off Condition	The Applicant's use of pressure and temperature data is based on the meteorological data supplied by Perenco.

PINS Question Number	Question is addressed to	Question	Applicant Response
	Applicant	<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>	<p>Within ES Chapter 4 Project Description (Revision C) [document reference 6.1.4] is indicative minimum and maximum separation between rows of 1.05-3.3 km. An absolute minimum of 1km is given in ES Chapter 16 Petroleum Industry and Other Marine Users [APP-102].</p> <p>Additionally, the Applicant is in the process of agreeing a 1km corridor around the Durango -Waveney Pipeline free of surface infrastructure as requested by Perenco and committed to in ES Chapter 16 Petroleum Industry and Other Marine Users [APP-102].</p> <p>Due to the turbine spacing and restrictions around the Durango – Waveney pipeline, sufficient distance will still be available to take-account of OEI considerations, as currently applied by other operators to flights near or within windfarms.</p>
Q3.21.1.5	Perenco	<p>Night flights from Norwich Airport</p> <p>How would Norwich Airport opening times effect future night flights to a supporting rig at Waveney?</p>	No response required by the Applicant.
Q3.21.1.6	Perenco Applicant	<p>Comparative tables of information regarding helicopter access</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>	<p>The tables below give the % of time, based on historical met data, when certain weather conditions (as defined by the limits) applied. They do not change whether DEP is present or not.</p> <p>With DEP in place, helicopter access would not be available under IMC (minus the no fly conditions). The difference with and without DEP is therefore given in the bottom row of each table.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response																																								
			<p>Table 3.1 Day VMC, IMC and No Fly Conditions. Applying present day limits.</p> <table border="1"> <thead> <tr> <th>Condition</th> <th>2020^{Note} Dataset 1</th> <th>2021 Dataset 2</th> <th>2022 Dataset 2</th> </tr> </thead> <tbody> <tr> <td>Day VMC</td> <td>92.3%</td> <td>94.5%</td> <td>95.4%</td> </tr> <tr> <td>Day IMC</td> <td>7.7%</td> <td>5.5%</td> <td>4.6%</td> </tr> <tr> <td>Day No-Fly Conditions</td> <td>4.6%</td> <td>1.9%</td> <td>3.1%</td> </tr> <tr> <td>Day Usable IMC (IMC minus No-Fly)</td> <td>3.1%</td> <td>3.6%</td> <td>1.5%</td> </tr> </tbody> </table> <p>Table 3.3 Day VMC, IMC and No Fly Conditions- Applying CAA Draft Limits</p> <table border="1"> <thead> <tr> <th>Condition</th> <th>2020 Dataset 1</th> <th>2021 Dataset 2</th> <th>2022 Dataset 2</th> </tr> </thead> <tbody> <tr> <td>Day VMC</td> <td>90.8%</td> <td>93.3%</td> <td>94.7%</td> </tr> <tr> <td>Day IMC</td> <td>9.2%</td> <td>6.7%</td> <td>5.3%</td> </tr> <tr> <td>Day No-Fly Conditions</td> <td>4.6%</td> <td>1.9%</td> <td>3.1%</td> </tr> <tr> <td>Day Usable IMC (IMC minus No-Fly)</td> <td>4.6%</td> <td>4.8%</td> <td>2.2%</td> </tr> </tbody> </table> <p>At the joint meeting between the Perenco and Applicant's aviation experts, held in Norwich on 26th April 2023, the approach distance was jointly calculated. Using the current</p>	Condition	2020 ^{Note} Dataset 1	2021 Dataset 2	2022 Dataset 2	Day VMC	92.3%	94.5%	95.4%	Day IMC	7.7%	5.5%	4.6%	Day No-Fly Conditions	4.6%	1.9%	3.1%	Day Usable IMC (IMC minus No-Fly)	3.1%	3.6%	1.5%	Condition	2020 Dataset 1	2021 Dataset 2	2022 Dataset 2	Day VMC	90.8%	93.3%	94.7%	Day IMC	9.2%	6.7%	5.3%	Day No-Fly Conditions	4.6%	1.9%	3.1%	Day Usable IMC (IMC minus No-Fly)	4.6%	4.8%	2.2%
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PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>Perenco operator's stabilisation point of 0.5nm, a distance of 1.01nm was jointly calculated. The figure of 0.5nm is consistent with the HeliOffshore Flightpath Guidance, which is the only published industry standard. Perenco's future operator, Bond Helicopters, intends to use a stabilisation distance of 0.75nm, resulting in an approach distance required of 1.26nm. It is understood that this distance is based on the minimum range of the radar selected for their version of the AW139 helicopter. As approaches will be conducted under day VMC the minimum range of the radar is not a significant factor.</p> <p>Fundamentally, the main disagreement between Perenco and the Applicant is the point at which stabilisation is reached.</p>
Q3.21.1.7	Applicant	<p>Access to Waveney</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>	<p>It was agreed between the experts at the Norwich meeting that all references should be to turbine tip clearance, as that is independent of the final turbine design selected for this project. Therefore, the Perenco reference to 1.34nm (turbine hub) should state 1.26nm to turbine tip.</p> <p>There is substantial evidence that safe operations can be flown to helidecks located closer than 1.01nm to turbine tips. These include: daily flights into the Hornsea One and Two windfarms where helidecks are located as close as 1,000m (0.54nm) to turbine tips; flights to the jack-up rig currently working over the Blythe Platform 1,200m (0.65nm) from turbine tips in the Dudgeon windfarm; Protected Provisions of an obstacle free radius of 1,600m (0.87nm) sought by Harbour Energy for operations to the Johnston Wellheads in the Hornsea Four windfarm.</p> <p>Using a stabilisation point of 0.5nm, access to Waveney, or any NPI at that location, will still be available for in excess of 90% of daytime conditions, i.e. when it is VMC. This day VMC figure is the maximum permitted under the CAA's</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			proposed rule change limiting flights within 3nm of a windfarm to day VMC.
Q3.21.1.8	Applicant	<p>Robustness of Assessment</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>	<p>The Environmental Statement Volume 3 Appendix 16.2 – Helicopter Access Study - Appendix A [APP-205] uses Perenco supplied flight data (from the Vantage POB system) to identify the number of historic flights that would have been lost if day VMC only access to Waveney was available. This is a robust approach that uses Perenco supplied meteorological and flight data to measure the true impact on historic flights. Perenco do not appear to have commented on Appendix A [APP-205] and only made comment on the main meteorological assessment.</p> <p>The assessment conducted by the Applicant, using actual Perenco flight and meteorological data, is more robust than the hypothetical approach taken by Perenco in paragraph 3 of their Deadline 4 submission Technical Note [REP4-050].</p>
Q3.21.1.9	Perenco Applicant	<p>Joint Statement</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>	The Applicant is in continued dialogue with Perenco and would be willing to enter a joint statement should agreement be found.
Q3.21.1.10	Independent Oil and Gas Limited	<p>Blythe and Elgood</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>	No response required by the Applicant.
Q3.21.2 Effectiveness of Proposed Mitigation			
		No further questions in this section as this stage.	Noted.

Table 22 Applicant's responses to the Examining Authority Third Written Questions: Q3.22

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.22. Socio-economics effects			
Q3.22.1 Effects on recreation, tourism and business			
		No further questions in this section as this stage	Noted.
Q3.22.2 Effects on jobs and skills			
Q3.22.2.1	Applicant Norfolk County Council	<p>Outline Skills and Employment Plan</p> <p>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].</p>	<p>The Applicant continues to engage with Norfolk County Council on the topic of skills and employment and owing to the nature of the document (it will continue to be a 'live' document) will continue engagement. Following Revision B of the Outline Skills and Employment Plan [REP3-072], the Applicant and Norfolk County Council (NCC) have agreed that the outline plan is appropriate and well aligned with Norfolk's emerging skills priorities. This has been reflected in the updated Draft Statement of Common Ground with Norfolk County Council (Revision D) [document reference 12.17].</p> <p>NCC has noted that the Outline Skills and Employment Plan (Revision B) [REP3-072] is well detailed, referencing a number of developments through consultation, reflecting many of the national and local developments within the skills arena and broader policy context and the Applicant's plans to continue to proactively engage throughout the county (NCC email 23rd May 2023).</p> <p>It is agreed that with the developing process for the devolution of the adult education budget to Norfolk (for academic year 25-26) and the ending of the Local Enterprise Partnerships nationally, that the Skills and Employment Plan will need to continue to evolve post-consent. NCC has detailed further reflections in its latest feedback (23rd May 2023) and these, along with active involvement in the Local</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			Skills Improvement Plan (LSIP) working groups, including updates to national and regional Labour Market Intelligence (which will include Offshore Wind Industry Council's (OWIC's) 2023 Skills Intelligence Report and a regional update linked to LSIP activity), will form the basis of the final Skills and Employment Plan, which will be finalised post-consent, under Requirement 26 of the DCO.
Q3.22.3 Effects on Individuals and Communities			
		No further questions in this section as this stage.	Noted.
Q3.22.4 Inter-related Effects on Human Health and Community Well-being			
		No further questions in this section as this stage.	Noted.

Table 23 Applicant's responses to the Examining Authority Third Written Questions: Q3.23

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.23. Traffic and Transport			
Q3.23.1 Effects from Construction Vehicles on the Highway Network and Living Conditions			
Q3.23.1.1	Applicant National Highways	Driver Delay, Capacity and Assessment Methodology 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.	The Applicant has submitted clarifications to National Highways in regard to junction modelling. National Highways have confirmed that they are in the process of reviewing these clarifications and will confirm if there are any remaining areas of concern.
Q3.23.2 Traffic Management Proposals and Impacts on the Highway Network			
Q3.23.2.1		No further questions in this section as this stage.	Noted.
Q3.23.3 Cumulative Traffic Effects with Other Local Projects			
Q3.23.3.1		No further questions in this section as this stage.	Noted.
Q3.23.4 Effects on Recreational Routes, such as Public Rights of Way			
Q3.23.4.1		No further questions in this section as this stage.	Noted.
Q3.23.5 Suitability of Access Strategy			
Q3.23.5.1	Applicant National Highways	Abnormal Indivisible Loads 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 [ESDAL] processes. Further, NH is of the view that	a) The Applicant awaits confirmation from National Highways with regard to Scarning Bridge. Notwithstanding, the Applicant reasserts that if Scarning Bridge is deemed unsuitable, alternative passage has been secured as set out within the Applicant's response to Q2.23.5.1 in The Applicant's Responses to the Examining Authority's Second Written Questions [REP2-101].

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>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.</p> <p>b) What changes are needed to the OCTMP to capture such matters?</p>	<p>b)</p> <p>The Applicant clarifies that the approval of abnormal load movements is administered by National Highways through the established ESDAL process. Furthermore, the Applicant is also in discussions with National Highways to develop a co-operation agreement that will include a requirement for regular meetings between the parties.</p>
Q3.23.5.2	Applicant Norfolk County Council	<p>Accesses ACC25 and ACC25b</p> <p>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.</p>	<p>Norfolk County Council (NCC) asked the Applicant if there was the potential that access ACC25 and ACC25b could be used at the same time. The Applicant met with NCC on the 24 May 2023 and confirmed that there may be a short period during which both accesses could be operational at the same time. Noting this clarification the parties discussed and agreed that measures would be required to ensure that the proposed traffic signals at ACC25 and ACC25b would not lead to blocking back between the two accesses. It was therefore agreed that the traffic signals at ACC25b would be manually controlled. Manual control would allow the timing of the signals to be adjusted on site to ensure traffic does not block back from ACC25b to ACC25.</p> <p>The parties have agreed the additional commitment (to manual control of the traffic signals) at ACC25b will be reflected in an update to the Outline Construction Traffic Management Plan (Revision D) [document reference 9.16] that will be submitted at Deadline 5. The parties have agreed that with the addition of this measure the matter can be resolved and an updated Statement of Common Ground with Norfolk County Council (Revision D) [document reference 12.17] will be submitted at Deadline 5 confirming agreement between the parties on all matters.</p>

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Q3.23.5.3	Applicant National Grid	<p>A47 Tuddenham Scheme</p> <p>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.</p> <p>a) Applicant, set out what implications the misalignment has for the Examination, including any CA issues and the delivery of the proposed development.</p> <p>b) What would be required post Examination for the SoS to consider in decision-making?</p> <p>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.</p> <p>c) Provide an update</p>	<p>a)</p> <p>The Applicant notes that any potential implications of the misalignment only arise in the event the judicial review of the A47 Tuddenham Scheme DCO is successfully defended and the construction of the re-aligned A47 pursuant to that DCO takes place before construction of SEP or DEP or there is a period of overlapping construction. Based on the existing A47 road alignment at the time of making the application, and which remains the position at the present time and for potentially the foreseeable future, there is no misalignment issue and the construction of SEP and DEP could proceed as shown on the works plans and land plans. Given the stage of the examination and the extent of the unknowns in relation to the delivery of the A47 Tuddenham Scheme DCO and how this will interface with the construction of SEP and DEP, the Applicant has already set out in The Applicant's Comments on Responses to the Examining Authority's Second Written Questions [REP4-029] what steps it intends to take to resolve the potential misalignment in the event the A47 Tuddenham Scheme comes forward and is constructed ahead of SEP and DEP. It is therefore reasonable for the Examining Authority when making its recommendations and for the Secretary of State when making its decision to reach the conclusion that (a) SEP and DEP are deliverable projects and (b) there is no reason to believe that the undertaker would not be able to secure either a separate consent or variation to the DCO to accommodate any modifications that may be required to access ACC46 as a result of the A47 Tuddenham Scheme being constructed. The Applicant is committed to working with National Highways with regards to interfaces between the two proposed developments and is currently negotiating detailed heads of terms to be secured in</p>

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		d) Has the Applicant engaged with NG on such matters?	<p>a co-operation agreement between National Highways and SEL and DEL to reflect this.</p> <p>b) See response to (a) above.</p> <p>c) The Applicant is engaging with both National Highways and Orsted in relation to protective provisions and co-operation agreements. The potential use of the access corridor secured for Orsted though the A47 Tuddenham Scheme DCO is one of the potential options to resolving the misalignment of ACC46 with the re-aligned A47, which is subject to ongoing discussions and negotiations between the parties. In the event the parties all agreed to proceed with this option, the Applicant would still have to secure consent and negotiate the relevant land rights as previously explained.</p> <p>d) Based on ongoing discussions with National Highways, the Applicant considers that the reference to National Grid requiring protective provisions is erroneous in relation to protecting Orsted's existing right to legal access along the corridor approved through the A47 DCO. The Applicant is not aware of any interest of National Grid in relation to that access corridor.</p>
Q3.23.5.4	National Highways	<p>Access to the North of the A47</p> <p>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</p>	<p>The Applicant has discussed this matter with National Highways at a meeting on the 6 June 2023. National Highways confirmed that if the Judicial Review for the A47 North Tuddenham to Easton Scheme upholds the A47 North Tuddenham to Easton DCO, the project would commence in 2024 and be open to traffic April 2026. It is therefore considered that as SEP and DEP would not commence until</p>

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		is of the view [REP4-028] that this can be suitably managed by the OCTMP. Is this accepted by NH?	<p>2026 (at the earliest) that access would likely be available at ACC46 (shown in the Access to Works Plans (Revision E) [document reference 2.9]), subject to resolution of the acknowledged misalignment at this location.</p> <p>Notwithstanding, the possibility of a delay to the completion of ACC46 was discussed between the parties on the 6 June 2023 and it was agreed to establish regular meetings to discuss how the respective projects co-operate on this matter. The Applicant is in discussions with National Highways to develop a co-operation agreement that will include a requirement for regular liaison meetings and to work together on access and other matters.</p> <p>Should work on the A47 Tuddenham Scheme for any reason not commence prior to commencement of SEP and DEP, access will be available from the existing A47 at access ACC47. Any overlap in construction should installation of SEP and DEP commence prior to the commencement of the A47 Tuddenham Scheme would be managed through the cooperation agreement.</p>
Q3.23.5.5	Applicant National Highways	<p>Honingham Lane Temporary Traffic Regulation Order</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>a)</p> <p>The Applicant's Comments on Responses to the Examining Authority's Second Written Questions [REP4-028], ID24/25 evidences that the alternative links have been assessed as follows:</p> <p><i>The Applicant would clarify that Annex 19 of the Transport Assessment [APP-269] identifies that link 149 provides a means of access to accesses ACC39, 40 and 41. This approach would allow HGV traffic to travel north on Honningham Lane before travelling west on Weston Road towards the accesses. The Applicant acknowledges however that depending upon the timing of the respective projects,</i></p>

PINS Question Number	Question is addressed to	Question	Applicant Response
		<p>b) Does this overcome NH's concern and is the Applicant's view supported by NCC?</p>	<p><i>National Highways may introduce a closure of Honingham Lane (south of Ringland) that would prevent access for SEP and DEP traffic via link 149. The Applicant however clarifies that it has also assessed an alternative of HGV traffic approaching accesses ACC30, 40 and 41 from the west via link 148 (thus avoiding the potential closure of Honingham Lane). Figure 1 of the Outline Construction Traffic Management Plan (OCTMP) (Revision C) [REP3-062] highlights that both link 148 and 149 as potential routes for HGVs and Annex A of the OCTMP outlines limits on vehicle movements along these links to ensure that the traffic numbers assessed within the ES are managed and not exceeded. The Applicant therefore asserts that in the event that link 149 is closed an alternative route via link 148 from the west would be available and the associated impacts of the use of this route have been assessed. The Applicant would further note that paragraph 35 of the latest revision of the OCTMP (Revision C) [REP3-062] also includes wording as agreed with Norfolk County Council (responsible for local road network) to agree alternative routes should links assessed within the ES become unavailable (e.g. due to road closures).</i></p> <p>b)</p> <p>The Applicant would clarify that Honingham Lane forms part of the local highway network and is therefore the responsibility of Norfolk County Council as the local highway authority. The Applicant directs the ExA to the latest version of the Statement of Common Ground with Norfolk County Council (Revision D) [document reference 12.17] that will be submitted at Deadline 5 which shows agreement between the parties on all matters in relation to traffic and transport.</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.23.6 Effectiveness of Proposed Mitigation Measures			
Q3.23.6.1	Applicant National Highways	<p>Mitigation – A47 Tuddenham Scheme</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>	<p>The Applicant is negotiating protective provisions with both National Highways and Orsted which will provide appropriate protections to National Highways and Orsted in relation to their assets and land in the context of the powers contained within the draft DCO in order to satisfy the relevant tests under s127 and s138 of the Planning Act 2008. The extent and complexity of the commercial provisions which are being negotiated within the co-operation agreements go beyond what is required within the protective provisions and the parties have agreed that those provisions are more suited to and appropriate to include in a separate commercial agreement. It is not necessary or appropriate for them to be set out as legislative provisions on the face of the DCO.</p>
Q3.23.6.2	Applicant	<p>Collaborative Meetings and Monitoring Group</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 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>	<p>a)</p> <p>The Applicant considers that the Outline Construction Traffic Management Plan (Revision D) [document reference 9.16] contains adequate commitments to the coordination of road works and traffic matters for other Wind Farm Schemes (section 4.11.1) and Highway Schemes (4.11.2).</p> <p>b)</p> <p>The Applicant has submitted an amendment to section 5.2.7 of the Outline Construction Traffic Management Plan (Revision D) [document reference 9.16] at Deadline 5 to include a commitment to the requested monitoring group. It was agreed with National Highways at a meeting on the 6 June 2023 that the purpose of the Monitoring Group would be to review the outputs of the monitoring report and discuss any remedial action that may be required.</p>

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Q3.23.6.3	Norfolk County Council	<p>OCTMP</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>	No response required by the Applicant.
Q3.23.6.4	Applicant	<p>OCTMP Annex A</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>	<p>The Applicant submitted an amended version of Annex A of the Outline Construction Traffic Management Plan [document reference 9.16] in support of Revision B of the Outline Construction Traffic Management Plan [document reference 9.16] to address comments from the Examining Authority. The Applicant clarifies that in compiling the tracked version of Revision C of the Outline Construction Traffic Management Plan [document reference 9.16] that the Revision B Annex A was used. The Applicant clarifies therefore that this is a presentation issue rather than a change to the numbers.</p>

Table 24 Applicant's responses to the Examining Authority Third Written Questions: Q3.24

PINS Question Number	Question is addressed to	Question	Applicant Response
Q3.24. Water quality and Resources			
Q3.24.1 Effects on Flood Risk and Drainage, including Adequacy of Sequential and Exception Tests			
Q3.24.1.1	Lead Local Flood Authority	<p>Flood Risk Assessment</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>	No response required by the Applicant.
Q3.24.1.2	Applicant	<p>Onshore Drainage</p> <p>The Applicant has provided revised versions of the:</p> <ul style="list-style-type: none"> • Onshore Substation Drainage Study [REP3-036] • Onshore Substation Hydraulic Modelling Report [REP3-099] • Outline Operational Drainage Strategy [REP3-070] • Addendum to the Flood Risk Assessment [REP3-097] <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>	<p>The Applicant will be submitting an updated Onshore Substation Hydraulic Modelling Report (Revision C) [document reference 14.34] at Deadline 5 to address the comment from the LLFA with regards to the presentation of results from the sensitivity testing of infiltration losses.</p> <p>The Applicant has advised the LLFA of the proposed approach to addressing their concerns and these were discussed in a meeting with the LLFA on 5th June 2023. In the meeting with the LLFA, the Applicant confirmed there remains no flood risk to the proposed Onshore Substation platform as a result of the above sensitivity testing. It is understood that the LLFA are in agreement with the adopted approach to the presentation of the results from the sensitivity testing of infiltration losses.</p>
Q3.24.1.3	Lead Local Flood Authority	<p>Onshore Substation Drainage Study</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>	<p>The Applicant received communication from the LLFA via letter dated 20th March 2023 which commented:</p> <p><i>"The LLFA notes that while the solution is an infiltration solution, the solution is not able to deliver on all four pillars of SuDS. Therefore, could not be considered as a SuDS system"</i>.</p> <p>The NCC Guidance Document refers to the four pillars of SuDS comprising Water Quantity (i.e. flooding), Water Quality</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>(i.e. pollution), Amenity and Biodiversity and the requirement to deliver all four pillars for a drainage design to be classed as a SuDS.</p> <p>The Applicant notes that the proposed approach to the discharge of surface water from the onshore substation platform would not be able to deliver on the four pillars of SuDS. Due to the sensitivities of the Project and the infrastructure located on the Onshore Substation platform there are overriding security concerns which mean it is not considered a viable option to provide Amenity or Biodiversity as part of the drainage design.</p> <p>Despite the above, the proposed use of infiltration to discharge surface water from the onshore substation adopts the most sustainable SuDS solution, i.e. the option as high up the SuDS Drainage Hierarchy as possible. It is therefore in accordance with the overarching principles for surface water drainage identified in the SuDS Drainage Hierarchy.</p> <p>The Applicant updated the Onshore Substation Drainage Study (Revision C) [REP3-036] to provide the above clarification.</p> <p>The LLFA confirmed in their letter dated 16th May 2023 [REP4-046] that, with regards to the Onshore Substation Drainage Study (Revision C) [REP3-036], all previous comments have been addressed and the updated version reflects the changes made in other reports.</p> <p>Furthermore, at the meeting on 5th June 2023 the LLFA confirmed that, due to other factors, they acknowledge the Project is not able to deliver on all four pillars of SuDS.</p>
Q3.24.1.4	Applicant	Revised Documents	The Applicant submitted the revised documents to reflect the changes made to the Order Limits following the change

PINS Question Number	Question is addressed to	Question	Applicant Response
		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.	requests submitted into Examination on 7 th March 2023 [REP2-001a] and 11th April 2023 [AS-045]. The Order Limit changes are reflected within the document's figures. To confirm, it is only the document version number and the figures within the document that have been updated.
Q3.24.2 Effects on Water Resources and Water Quality, including Measures to Prevent Pollution of Aquifers			
Q3.24.2.1		No further questions in this section as this stage.	Noted.
Q3.24.3 Effects on Rivers, Streams, Canals and Ditches from Proposed Construction Methods and Crossing			
Q3.24.3.1	Applicant	<p>Ordinary Watercourses</p> <p>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?</p>	A site walkover will be carried out prior to the commencement of any works within or under a proposed water crossing. The Outline Code of Construction Practice (Revision E) [document reference 9.17], secured by Requirement 19 of the draft DCO (Revision H) [document reference 3.1] includes reference in Section 7 to carrying out a walkover of the whole cable route during detailed design to inform the Watercourse Crossing Scheme.
Q3.24.4 Effectiveness of Mitigation Measures			
Q3.24.4.1	Applicant Environment Agency Lead Local Flood Authority Internal Drainage Board	<p>Protective Provisions</p> <p>Provide an update on discussions to finalise the protective provisions still under discussion [RE3-101, Q2.24.4.2].</p>	<p>The Applicant is now negotiating joint protective provisions with the LLFA and the Norfolk Rivers Internal Drainage Board (IDB). The LLFA and IDB have provided joint comments on the proposed joint protective provisions, which were provided shortly before Deadline 5. The Applicant remains confident that it will reach agreement with the LLFA and the IDB on the joint provisions before the end of the Examination.</p> <p>The Applicant has recently received the Environment Agency's updated preferred form of protective provisions and</p>

PINS Question Number	Question is addressed to	Question	Applicant Response
			<p>has provided comments on those. There are limited outstanding points remaining and as such, the Applicant has included an updated version of the Environment Agency's Protective Provisions in Part 4 of Schedule 14 of the draft DCO (Revision H) [document reference 3.1]. These remain subject to ongoing negotiations but the Applicant anticipates that it will reach agreement with the Environment Agency by Deadline 7.</p>

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<p>IEMA, Guide to Determining Significance For Human Health In Environmental Impact Assessment", 2022, [REDACTED]</p>
<p>Ordtek (2018). Technical Note 01 Strategic Unexploded Ordnance (UXO) Risk Management – Seabed Effects During Explosive Ordnance Disposal (EOD). Available at: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-001533-Appendix%2005.02%20Norfolk%20Vanguard%20Detonation%20Effects%20of%20UXO.pdf</p>
<p>Natural England (2023) Supplementary Advice on Conservation Objectives. Cromer Shoal Chalk Beds MCZ. Available at: [REDACTED]</p>
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<p>BEIS, 2022b. Planning Act 2008: Application For Development Consent For The East Anglia TWO Offshore Wind Farm (Decision Letter)</p>
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<p>MacArthur Green/Royal Haskoning DHV, 2022b. East Anglia TWO Offshore Windfarm - Applicants' Responses to the Secretary of State's Questions of 20th December 2021. Report on behalf of Scottish Power Renewables</p>
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<p>Miles, J., Parsons, M. and O'Brien, S. 2020. Preliminary assessment of seabird population response to potential bycatch mitigation in the UK registered fishing fleet. Report prepared for the Department for Environment Food and Rural Affairs (Project Code ME6024)</p>
<p>Northridge, S., Kingston, A. and Coram, A. 2020. Preliminary estimates of seabird bycatch by UK vessels in UK and adjacent waters. Report to JNCC. Defra report ME6024 October 2020.</p>
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